

Departmental Comments provided by: June Ingram

- The Minister of Health's paper on "Seventh review of Health Protection (Coronavirus, Restrictions) (No. 2) Regulations" fulfils the requirement for the Department of Health to review the need for the restrictions and requirements in the Regulations on or before 18th February 2021.
- The paper updates the Executive on amendments to the Regulations since the last review on 21st January 2021 whereby there have been three sets of amending regulations to:
 - o change the dates of review and expiry of the regulations;
 - o permit collection of motability vehicles at motability dealerships; and
 - o permit driving instruction by emergency services.
- The course of the epidemic is charted noting that B.1.1.7 viral lineage prevalence in the UK and Ireland is now common in Northern Ireland with this variant estimated to be up to 70% more transmissible than those previously experienced and it makes control of community transmission more challenging.
- The paper notes the presence of the new B.1.351 variant (aka "South African" variant), concerns regarding other mutations of the B.1.1.7 variant in Great Britain and around discovery of a further mutation in Brazil.
- It reports the number of daily positive tests has reduced significantly, with the 7 day rolling average at 304 positive tests per day as of 15th February 2021. While the current restrictions have had a positive effect in decreasing case numbers, cases in the Mid Ulster and Armagh, Banbridge and Craigavon district council areas remain at concerning levels.
- The Minister reports that in the current wave between 7th and 29th January 2021 there were 11 individual days with over 20 recorded deaths. In contrast, throughout both previous surges, wave 1 in spring 2020 and wave 2 in autumn 2020, there were no days during which 20 deaths or more were reported.
- ANNEX D illustrates a summary of cluster settings, as of 14 February. 1903 clusters have been recorded by the Contract Tracing Service as of Sunday 14 February at 12pm, since data collection began on 4 June 2020. Workplace settings are by far the largest clusters (64.1%) with retail (20%) responsible for a sizeable amount. The other primary area for transmission is nursery settings at 10.9%.

- **Capacity of the Health Care System** – the paper notes that many patients admitted recently will remain in hospital for some time to come, meaning occupancy will continue to be high for weeks ahead and;
 - (i) position of ICU remains a serious concern, with high numbers of inpatients continuing;
 - (ii) staff have been under sustained and continuous pressure, resulting in psychological and mental impacts. A recent study indicates almost half of NHS critical care staff show symptoms of PTSD, depression or anxiety; and
 - (iii) learning from the Christmas relaxations that a material risk of significant adverse implications if there is even a minor misjudgement in the scale and speed of any relaxation of the restrictions.
- **Test, Trace, Protect-** The system continues to perform to a high standard with 91% of the near 3,000 cases contacted within 24 hours and 94% within 48 hours of notification to the service and enhanced contact tracing continues to add value to the contact tracing service by adding significantly to the intelligence now available on individual clusters and outbreaks of COVID-19.
- The work on asymptomatic testing is briefly mentioned and the vaccination programme is noted to be progressing well in line with the prioritisation as recommended by JCVI. The roll out of the programme remains critically dependent on vaccine production, supply and distribution.
- Caution is requested in respect of the evidence that the first dose reduces the risk of clinical disease by 70-90% within 14-21 days however do not have evidence on whether or not vaccination reduces the risk of asymptomatic carriage and transmission. It is therefore not possible to estimate the impact on wider community transmission even when more of the population are vaccinated.
- There is a necessary time lag between a person being immunised and them becoming protected against disease.
- **Wider health, societal and economic impacts of the regulations -**
The restrictions on specific sectors of the economy have tended to hit some groups in society disproportionately. Younger workers, females, and those on low paid have been notably affected thus far.
- The impact (in immediate output terms) is likely to be not as severe as occurred in the springtime, but any further restrictions would now occur at a time of heightened business vulnerability / stress and diminished cash flows and the cumulative impact, with potential output foregone each month that restrictions continue are noted.
- Life expectancy growth and inequalities are likely to be affected, with the greatest effects felt by the most disadvantaged, as long-standing inequalities

have been exacerbated by the pandemic, particularly in relation to inequalities in education and employment.

- Mental ill-health is rising, as well as there being a measurable increase in cases of domestic violence. Levels of loneliness and social isolation are also a concern.
- Hospitalisations have until now been a key measuring tool, but as they decrease there is a risk of becoming blind to realities. Younger people are generally more asymptomatic and reluctant to get tested, giving rise to the risk of passing it on to older relatives/contacts who are not yet vaccinated. This may increase if schools are to reopen.
- While there is frustration and fatigue within the population, *the Health Minister* believes that the current restrictions should remain in place to avoid gatherings over Mother's Day, St. Patrick's Day & Easter.
- The Minister concludes that the current restrictions and requirements are a necessary and proportionate response to the epidemic at this point in time. This conclusion is supported by the Chief Medical Officer and the Deputy Chief Scientific Advisor.
- The Minister identifies the Executive has previously determined that the education and mental health and wellbeing of children is a priority and undoubtedly there has been detrimental impact on children. If the reopening of Education is to remain a priority, then easing of restrictions in other areas must be at later dates and incremental stages.
- The Minister of Health recommends that the Executive agree to extend the current restrictions for a further 4 weeks, until 1 April, with the next formal review on or before 18 March. The timing of the next formal review will allow the Executive to make decisions regarding the Easter weekend.
- Proposals for amendment

There are three amendments to the regulations subject to Executive agreement and these are summarised below:

'Click and Collect' for nonessential retail - introduce limited 'Click and Collect' services for baby equipment shops, clothing and footwear shops, and electrical good shops, recognising that over the course of these protracted restrictions these items have effectively become essential. I proposes:

- o Phase 1 starts Monday 8 March;

- o Phase 2 timing dependent on impact of phase 1 on Rt, any impact on Rt as a consequence of decisions on the reopening of schools, monitoring of compliance and consideration of these should be included in next formal review of the restrictions regulations on 18 March ;
- o This would include a number of mitigations, relating to ordering and payment in advance and measures to control numbers around premises.

Public inquiries - The objective of the proposed amendment is to allow the Department for Infrastructure (or any other government department) to recommence face-to-face hearings using Nightingale Court facilities, ensuring that the objectives of the Department's regulatory regime can be restored. The Minister supports this proposal; and

Outdoor gatherings (not in private dwellings) - the need to provide some additional flexibility to the population in respect of outdoor gatherings excluding private dwellings, places of worship and sporting events. I therefore recommend that the limit of people (including children under 12 years) is increased from 6 to 10, from no more than 2 households. The restrictions on all other outdoor gatherings including sporting events would remain unchanged.

Recommendation / Decision sought:

The Minister of Health recommendations are that the Executive agree that:

- i. the requirement in regulation 3 for a review of the need for the restrictions and requirements in the No. 2 Regulations has been duly met;
- ii. the current restrictions and requirements in the No. 2 Regulations, as amended, are at this point in time an appropriate and necessary response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Northern Ireland;
- iii. overall the restrictions and requirements imposed by these Regulations continue to be proportionate to what the Regulations seek to achieve, which is a public health response to that infectious disease threat;
- iv. the current restrictions remain in place until 1 April 2021, subject to review;
- v. the restrictions are formally reviewed on or before 18 March 2021;
- vi. Phase 1 of contactless 'Click and Collect' for non-essential retail businesses to begin on 8 March, without garden centres, and Phase 2 to be

considered again at the time of the eight review of these restrictions, by 18 March;

vii. An amendment to the regulations is made to allow government Departments to hold public inquiry hearings using Nightingale Court facilities; and

viii. An amendment to the regulations is made to allow gatherings outdoors of up to 10 people (including children under 12) from no more than 2 households, excluding private dwellings.

Lines to take:

- Businesses will need sufficient notice in order to re-open. The review on 18th March needs to result in clear decisions about 1st April.
- Re-opening of any sector, and tourism and hospitality in particular, must be on a sustainable basis and not based on uncertainty and the potential for additional short notice lockdowns.
- The recommendations in the paper will disappoint many in Northern Ireland and in particular in the small business sectors whose efforts in investing in PPE and introducing public health measures in their businesses still face a further prolonged period of non-trading.
- The recent NI Chamber of Commerce report on the impact of Covid indicates many businesses have taken on more debt in 2020 through the COVID loan schemes but for the most part that debt appears manageable at present although most haven't started paying it back as yet. There are underlying cash flow issues for some businesses and one third have less than 6 months before their business runs out of cash.
- **Financial Implications** - Extending the current restrictions would result in an additional £12million expenditure for CBRSS and LTHBSS payments up to 31 March 2021. However given the flexibility agreed by the Executive this should be containable from within the existing DfE allocation.
- However the situation is fluid and DfE will continue to work closely with DoF officials should this position change, there is headroom within the DfE estimate to increase the budget if required. Any increased requirement would be brought before the Executive for approval.
- **DfE reserve our position to go back and ask for further funding if required and we will use the flexibility granted to manage the position.**

- The extension to the restrictions and associated impact on business trade will result in local businesses expecting a continuation of the support they are currently receiving.
- However, it should be pointed out that this level of support cannot continue indefinitely.
- The policy response was initially designed as a result of local lockdown, and there is clearly a need to review our approach to this. It was never intended that there would be a long term package of financial assistance.
- Discussions at Executive level will need to determine if the status quo is to be retained or how funding is repurposed/reprioritised to support Executive's drive to recovery going forward.

Contactless click & collect

- Contactless click & collect offers an opportunity to protect smaller independent businesses who are a vital component of our economy and high street experience while easing footfall within larger retail outlets.
- Important to note that of three primary areas for continued transmission as per Annex D namely workplace (64%), retail (20%) and nurseries (11%) contactless click & collect is only proposal in paper that offers opportunity to reduce the transmission rate.
- Appreciate recognition of the suggestion to adopt a two phase approach to the cautious limited reopening of contactless click and collect for; baby equipment shops; clothing shops & footwear shops and electrical goods shops.
- The rationale for the timing of re-opening of first phase on 8th March is challenging and should be brought forward to 22nd or at latest 25th February. This will allow full impact on transmission and evidence of enhanced compliance to be considered ahead of review on 18th March.
- Re-opening on 8th March with expectation of a comprehensive review of impact ten days later would be challenging.
- The input and commitment of the retail bodies and environmental health teams to the measures promised are welcomed.

- The retail bodies have emphasised:
 - o that it is not what is being sold but rather how it is sold;
 - o identified with the view that the longer the restrictions persists, the more things that might have been deemed “non-essential” will become “essential”; and
 - o recognise that the proposals are a cautious approach and one from which to build upon.
- The retail trade bodies will be continuing to encourage a strong enforcement of the revised contactless click & collect guidance.
- The Environmental Health teams have been constructive in their inputs to the guidance and have supported the phased approach.
- The Environmental Health teams welcome the clarity which the approach proposed can bring.
- I am grateful for the Ministers of Health & Justice endorsements of the consideration of limiting the numbers permitted within take away establishments and we will need to ensure this is addressed immediately.

Garden Centres

- With regard to garden centres and plant nurseries the Minister of Health has indicated that the reopening of these before the reopening of schools would not be in keeping with relative prioritisation the Executive has determined and that they are not as necessary.
- The importance of garden centres in providing a positive mental health boost, encouraging citizens of all ages into the open air and witnessing the rewards of their labour were significant benchmarks for many during the first lock down.
- The garden has become a source of pleasure and distraction in the current context and it is estimated 83% of the UK population has some form of access to a space in which to grow plants.
- Furthermore, plants have been grown for specific seasons and the investment means if the opportunity to sell these is lost therefore the business is at risk.

- Additionally the domestic garden retail start date is traditionally 17 March and I would ask the Executive to consider allowing limited contactless click and collect provision in time for this date.

- In a recent survey by Retail Economics, just under a third (32%) of consumers believed that their shopping habits will change on a permanent basis as a direct impact of Covid-19, with a higher proportion (40%) of 45-54 year olds believing this to be the case.

- The effect of this shift in consumer preference to online retail seems to be a lasting one. Contactless click & collect offers our small independent traders the opportunity to actively compete in this market shift, generate finances to underpin their viability and to do so in full compliance with public health measures.

- The issue of gatherings in fast food outlets is not referenced in the paper. It appears the DoH understood DfE were to take this away and bring specific instructions back.
- DfE raised the matter as one of public health concern. However we have no vires over fast food outlets as their conduct is managed under the provisions of environmental health legislation and any Covid related legislative requirements would be within the ambit of DoH.