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MEMORANDUM E (20) 246 (C)

**FROM: Robin Swann
Minister of Health**

DATE: 15 October 2020

TO: Executive

**FINAL EXECUTIVE PAPER: HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (No. 2) REGULATIONS (NORTHERN IRELAND) 2020: THIRD
REVIEW OF THE NEED FOR THE RESTRICTIONS AND REQUIREMENTS**

Introduction

1. This paper reports on the third review of the need for the restrictions and requirements in the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 ("the No. 2 Regulations"). The review has concluded that restrictions and requirements imposed by these regulations, as amended, are a necessary and proportionate response to the epidemic at this time.

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3. This review has been carried out in the context of the steep rise in cases in recent weeks and reflects the information and advice that I set out in my paper of 11 October.

Background

4. The No. 2 Regulations require the Department of Health to review the need for the restrictions and requirements in the Regulations at least every 28 days. The current restrictions and requirements are summarised in Annex A.
5. At the conclusion of the second review, on 17 September, we agreed that the existing restrictions remained necessary and proportionate, having taken into account:
 - a. current COVID-19 restrictions, including requirements in relation to face coverings and international travel;
 - b. the progress of the epidemic;
 - c. the current level of demand on health and social care services and their capacity to respond to a significant increase in cases;
 - d. the capacity of the health protection services to respond to cases and outbreaks, in particular the Test, Trace and Protect strategy;

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- e. the adverse impacts of the restrictions on the economy and on people's health and well-being and
 - f. significant increases in transmission in other jurisdictions and regions in the UK and other parts of Europe.
6. This review has been informed by the four guiding principles that we agreed in May: focus on purpose; necessity; proportionality; reliance on evidence. The purposes of the Regulations are (i) to protect the health of the population by limiting the spread of COVID-19 infection in order to minimise the numbers of cases and deaths, and (ii) to ensure as far as possible that the health care system has the capacity to care for COVID-19 patients and care for all patients, present and future.

Course of the epidemic

7. At our meeting of 13 October we discussed the current course of the epidemic and the current and projected pressures on the health service and agreed that the gravity of the situation warranted the urgent introduction of significant new restrictions.
8. The table below illustrates the steep rise in 7-day incidence across Northern Ireland since the second review of the restrictions and requirements in the No. 2 Regulations.

7-day incidence of COVID-19 (cases per 100K population) – change since the second review of the No. 2 Regulations

14 Sept		5 Oct	12 Oct	LCG
49.1		142.3	254.4	Antrim and Newtownabbey
20.5		78.9	134.9	Ards and North Down
41.6		131.5	155.4	Armagh City, Banbridge and Craigavon
43.6		303.3	462.4	Belfast
4.2		109.5	205.2	Causeway Coast and Glens
27.9		619.9	969.7	Derry City and Strabane
13.7		141.2	226.0	Fermanagh and Omagh
38.8		144.0	263.1	Lisburn and Castlereagh
25.9		60.6	94.5	Mid and East Antrim
6.8		223.7	401.3	Mid Ulster
20.6		340.2	314.7	Newry, Mourne and Down

Other factors

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Capacity of the Health and Social Care system

9. In my paper of 11 October I described the current pressures on the health service and advised that without significant NI-wide interventions in the form of restrictions to reduce R_t to below 0.7 these increased pressures on hospitals services would become unsustainable and impact adversely on our capacity to treat both COVID and nonCOVID patients.

Health protection services: Test, Trace and Protect etc.

10. There continues to be a substantial increase in the number of positive test results notified to the Contact Tracing Service (CTS) system. The staffing resource requirements are continually under review with recruitment actively ongoing to appoint staff to work as contact tracers from a variety of professional backgrounds including Locum GPs and dentists. The service operates 12 hours per day, 7 days per week with plans to deploy staff to match peak demand. In addition the Public Health Agency's CTS 'digital first' model was launched on Friday 09 October 2020. The new service provides online self-service contact tracing for the majority of people who test positive. This follows on from the introduction of other digital components to augment the manual contact tracing service including the StopCOVID NI app and the move to text alerts for close contacts of positive cases introduced week commencing 5 October 2020.

Wider health, societal and economic impacts of the regulations *Economic impacts*

11. I refer colleagues to Minister Dodds' Executive paper of 13 October – MEMORANDUM E (20) 240 (C) on the economic impacts of non-pharmaceutical interventions, and the accompanying economic analysis paper.

Wider Impacts on health

12. Indications from sources available to us show that, overall, population health is highly likely to be negatively affected by the wider impacts of the COVID-19 restrictions. Population health – including life expectancy growth – and inequalities are being significantly affected, with the greatest effects felt by the most disadvantaged, as longstanding inequalities have been adversely impacted by the pandemic including inequalities in education and employment. Many key behavioural risk factors are likely to be worsening, including in particular alcohol consumption, overweight and obesity, and increased sedentary behaviour. In the midst of the first wave, public health resources had been re-prioritised to support management of the direct impacts of COVID-19, and this has limited the system's capacity to address the wider impacts, however work is now underway to restart a range of services though some may still operate at reduced capacity, especially if this second wave continues unchecked. Emerging evidence suggests that the disease burden from conditions such as mental health is rising. It is likely to take time for the full effect to be known.

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Amendments to the Regulations

13. This review is an opportunity to propose a series of changes to the Regulations.

Bubbling

14. When local restrictions are in place it is important that households are not wholly isolated and without support, which carries serious risks of its own. The practice of 'bubbling' is now common across the world, to help combat the social isolation that can arise from coronavirus restrictions. The restrictions allow the joining of two households in an exclusive bubble, designed to make the effective operation of these restrictions a little less onerous.

15. As the Regulations are currently drafted, a household that forms a bubble may not thereafter end that link and form a different bubble. The freedom to form new bubbles would potentially be open to abuse by those who would wish to meet and mingle with a number of different households. The drafting of the Regulations was aimed at preventing this limited exemption from undermining attempts to limit transmission of the virus in domestic settings.

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Gatherings in private gardens

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Guidance and consolidated version of the regulations

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Technical amendments

19. A small number of other, technical amendments are needed to clarify the Regulations or to correct drafting errors.

Related developments

Extension of requirements in respect of face coverings

20. Colleagues will wish to note that amendments to the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 were made on 13 October. The Regulations required the wearing of face coverings on public transport, in shops, shopping centres and similar high street retail businesses. With effect from 14 October the wearing of face coverings is also mandatory in other settings including private buses and coaches, taxis and aeroplanes, and airports; when not seated in restaurants, cafés, bars and public houses; in banks and similar businesses, and in public areas of government offices e.g. jobs and benefits offices. Face coverings must be worn during driving lessons, by both instructor and learner, and during a driving test by both examiner and candidate. Staff in retail and hospitality settings must also wear a face covering, unless they are behind a partition or screen.

Executive agreement to further increase restrictions across Northern Ireland

21. At a special meeting convened on 13 October to consider the escalating situation regarding positive cases, hospital admissions and deaths, the Executive agreed to introduce a series of tighter restrictions. These will apply across the whole of Northern Ireland, commencing on 16 October in the evening. A summary of these changes and the rationale for these changes is presented in the Executive papers discussed at that meeting. The amendment regulations required to give effect to these tighter restrictions will be an opportunity to reflect the clarifications on bubbling, outdoor gatherings and various small technical amendments outlined above.

Conclusion

22. On the basis of this review I have concluded that the current restrictions and requirements are a necessary and proportionate response to the epidemic at this time.

This conclusion is supported by the Chief Scientific Advisor and the Chief Medical Officer.

Recommendation / Decision sought

23. I recommend 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, continue to be 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 in the context of a now rising rate of infection in Northern Ireland;
- iv. the Regulations should be amended to clarify the restrictions and requirements in respect of bubbling and household sizes, as per paragraphs 14 – 17 above;
- v. a small number of technical amendments should be made to clarify the Regulations or to correct drafting errors;
- vi. the Executive Office should work with Departments to consider the legislative references to Departmental guidance, and

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ROBIN SWANN MLA
MINISTER OF HEALTH

Annex 1

Coronavirus restrictions, status at 14 October 2020

Health Protection (Coronavirus, Restrictions) (No 2) Regulations (Northern Ireland) 2020

Private dwellings

- Indoor gatherings in private dwellings restricted to members of one household.
- Outdoor gatherings at private dwellings restricted to 6 people from no more than 2 households.
- Exemptions apply, including—
 - visits to or from one other household who you have formed a “bubble”. A maximum of 6 people (not counting children aged 12 or under) from the 2 households can gather indoors and up to 15 people (not counting children aged 12 or under) from the 2 households can gather outdoors at a private dwelling at any one time;
 - for caring responsibilities including childcare;
 - building or maintenance work, the services of any trade or profession or a business operating from home;
 - visits required for legal or medical purposes;
 - a funeral – everyone must comply with the guidance on funerals issued by DoH;
 - a house move;
 - a marriage or civil partnerships where one partner is terminally ill. A maximum of 10 people (not counting children aged 12 or under) may attend.

Gatherings indoors & outdoors excluding private dwellings and funerals – excludes Derry City & Strabane District Council (see below)

- Indoors or outdoors gatherings (excluding in private dwellings and funerals) are permitted up to a maximum of 15 people (not counting children aged 12 or under).
- The 15 person limit does not apply where that gathering has a recognised person responsible for organising or operating the gathering and it is organised or operated for cultural, entertainment, recreational, outdoor sports, social, community, educational, work, legal, religious or political purposes, or in an indoor sporting event or activity provided the arena in which it occurs is not capable of accommodating more than 5,000 spectators.
- The organiser must have carried out a risk assessment, taken all reasonable measures to limit the risk of transmission of the coronavirus and if requested to do so by a relevant person, provide a copy of the risk assessment and an account of the reasonable measures taken.

Funerals

A person attending a funeral or wake or a person responsible for organising or operating a funeral or associated event in a Church, funeral directors or elsewhere must comply with the guidance on funerals issued by the Department of Health.

Businesses that must stay closed

- Nightclubs;

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- Conference halls and conference facilities, including those in hotels
- Theatres and Concert Halls except for the purposes of rehearsals

Venues at which intoxicating liquor may be consumed

All premises at which alcohol may be consumed are permitted to open including “wet bars”. The following requirements only apply to venues where alcohol may be consumed:

- Alcohol and food at such venues will be not be permitted to be purchased or obtained after 22.30. Alcohol must not be consumed after 23.00 and all customers must leave by 23.00.
- Such venues cannot permit food to be purchased, obtained or consumed prior to 05.00am and alcohol cannot be purchased, obtained or consumed prior to 11.30am.
- Live music, dancing or the provision of music for dancing is not permitted except for professional dancers providing entertainment or a first dance by a party of a marriage or civil partnership.
- The organiser/operator of the venue must carry out a risk assessment and determine and display at each part of the venue where alcohol may be consumed, the maximum number of persons who may be seated there and determine the volume at which any background music will be played so as to enable visitors to conduct conversation at normal loudness of speech.
- The organiser/operator must obtain and record visitor information including name, number and date and time of their visit. This information must be retained for at least 21 days and provided to a relevant person if requested to do so within 24 hours of the request.
- Hand sanitising facilities must be provided on or before entering the venue.
- Visitors must be seated immediately with no more than 6 persons (not counting children aged 12 or under) from a maximum of 2 households seated at any one table.
- Food and drinks orders are table service only except for buffets where 2m social distancing must be maintained and food and drinks may only be consumed at the table at which they are seated.
- Visitors movement within the premises only to enter the premises, reach the table at which they are to be seated, access toilet facilities, access smoking areas, leave the premises or to select food from a buffet. Residents of hotels and guesthouses are permitted access any services of the hotel or guesthouse.

Schedule 3 – Restrictions in the Designated District – Derry City and Strabane District Council.

The following restrictions or requirements are applicable to Derry City and Strabane District Council area only.

Gatherings indoors & outdoors excluding private dwellings and funerals in Derry City & Strabane District Council

- Indoor gatherings which consists of persons from more than one household are not permitted. Exemptions include for the purposes of a wedding ceremony or an event to celebrate a wedding; a funeral or an event associated with a funeral; a gathering

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in a place of worship when used as such; a gathering in a workplace; education or training; childcare; a youth service provided by a statutory body or a voluntary organisation; provision of care or assistance, including social services, to a vulnerable person; to move house and to undertake associated activities; building or maintenance works; enabling any person to avoid injury or illness or to escape a risk of harm, or to provide emergency or medical assistance to any person.

- Outdoor gatherings (excluding in private dwellings) are permitted up to a maximum of 15 people (not counting children aged 12 or under). A risk assessment cannot be used to overcome this limit as is permitted under the normal restrictions regulations for other areas except for sporting events (without spectators) where normal restrictions apply.

Business closures and restrictions

In addition to the closures under the normal restrictions, the following business must cease to operate in Derry City and Strabane District Council area:

- Cinemas, museums and galleries.
- Trampoline parks, inflatable parks, escape rooms, bowling alleys and ice rinks.
- Libraries are permitted to continuing operating however requests/orders must be made through a website or other on-line communication, or by telephone including by text message. Visitors can only enter the premises to collect their request/order.

The Hospitality Sector

Hospitality businesses (excludes Hotels and Guesthouses) only permitted to operate outdoor dining, deliveries, drive-ins or in a harbour terminal, airport or motorway service area.

Hotels and guesthouses only permitted to sell or provide food or drink to residents or visitors attending the hotel or guesthouse for the purpose of a wedding ceremony, an event to celebrate a wedding, or an event associated with a funeral.

Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020

- Require the wearing of face coverings on public transport (10th July)
- Require members of the public, subject to limited exceptions, to wear a face covering whilst inside a relevant place (including in a shop or a shopping centre) (10th August)

Annex 2

Aide-Mémoire: timeline and purposes of the current restrictions regulations, position at 14 October 2020

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The Health Protection (Coronavirus, Restrictions) (No 2) Regulations (Northern Ireland) 2020 and amendment regulations

This list summarises the substantive requirements and restrictions introduced by the above Regulations and substantive amendments made thereafter. Some consequential amendments and technical amendments are not included.

Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 – SR No. 150

Regulations made 5.45pm on 23rd July 2020

Commencement at 11.00pm on 23rd July 2020 Purposes:

- revoke and replace the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020;
- require a person responsible for carrying on a business or providing a service or operating any premises listed in Schedule 2 to cease to do so;
- limit the number of persons taking part in a gathering, whether indoors or outdoors to 30;
- exempt gatherings organised or operated for cultural, entertainment, recreational, outdoor sports, social, community, educational, work, legal, religious or political purposes from the requirement for no more than 30 persons, subject to a risk assessment and reasonable steps being taken to reduce the risks;
- limit the size of gatherings indoors in private dwellings to no more than 10 people from up to 4 different households;
- remove the restriction on people staying overnight in a dwelling other than their own, and
- require the need for the restrictions and requirements to be reviewed every 28 days, with the first review taking place by 21 August 2020.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2020 – SR No. 170

Regulations made 5.00pm on 7th August 2020

Commencement at 5.00pm on 7th August, 11.00pm on 7th August and 11.00pm on 9th August 2020.

Purposes:

- allow a theatre or concert hall to be used but solely for a rehearsal or a live recording, in both cases without an audience, from 8th August, and
- permit sports in indoor arenas not capable of seating 5,000 or more spectators, from 10th August.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 2) Regulations (Northern Ireland) 2020 – SR No. 187

Regulations made 5.45pm on 25th August 2020

Commencement at 5.45pm on 25th August 2020 Purposes:

- reduce the maximum number who can participate in an indoor or outdoor gathering, not at a private dwelling, from thirty people to fifteen people, with some exemptions;

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- reduce the maximum number who can participate in an outdoor gathering at a private dwelling from thirty people to fifteen people;
- reduce the maximum number who can participate in an indoor gathering in a private dwelling from ten people from up to four households, to six people from no more than two households;
- permit up to ten people to attend a wedding or civil partnership ceremony indoors at a private dwelling where one of the participants is terminally ill;
- exempt funerals from restrictions on gatherings and the restrictions in relation to private dwellings and require those involved in a funeral to comply with Department of Health guidance.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 3) Regulations (Northern Ireland) 2020 – SR No. 195

Regulations made 2.30pm on 11th September 2020

Commencement at 11.00pm on 13th September 2020 Purpose:

- allow soft play areas to re-open from, 13 September.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 4) Regulations (Northern Ireland) 2020 - SR No. 198

Regulations made 12.30pm on 16th September 2020

Commencement at 12.30pm on 16th September 2020 Purposes:

- applying local restrictions in 'protected areas' defined by postcodes, from 16 September, i.e.
 - o indoor gatherings in private dwellings restricted to members of one household, and
 - o outdoor gatherings in private dwellings restricted to 6 people from no more than 2 households;

Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) Protected Area Direction No. 2 2020

Direction sealed 5.15pm on 21st September 2020

Commencement at 6.00pm on 22nd September 2020 Purpose:

- extend local restrictions to postcodes comprising the protected area for the purposes of Schedule 2 of the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 to all Northern Ireland postcodes, that is all postcodes commencing "BT".

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 5) Regulations (Northern Ireland) 2020 – SR No. 202

Regulations made 7.40pm on 22nd September 2020

Commencement on 23rd September 2020 Purposes:

- permit the re-opening of bars, public houses and members clubs without the requirement for food to be served with intoxicating liquor;

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- restrict dancing and music in indoor venues at which intoxicating liquor may be consumed;
- insert requirements regarding seating and consumption of food and drink at such indoor venues;
- require the organiser/operator of such indoor venues to obtain, record and retain visitor information for at least 21 days, and require this information to be shared as requested by a relevant person;
- make it an offence for a person to organise or operate a gathering not complying with the conditions in regulation 5;
- require a person who organises or operates a gathering to provide a risk assessment and an account of measures taken to a relevant person;
- amend regulations on gatherings so that the numbers permitted to participate do not include children aged 12 or under.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 6) Regulations (Northern Ireland) 2020 – SR No. 204

Regulations made 7.00pm on 25th September 2020

Commencement at 7.00pm on 25th September 2020 Purposes:

- remove “indoor” references to venues at which intoxicating liquor may be consumed so that outdoor venues at which intoxicating liquor may be consumed are also subject to the requirements under regulation 4A, 4B and 4C which were inserted under Amendment No. 5;
- exclude places of worship from the requirements under Regulation 4A, 4B and 4C.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 7) Regulations (Northern Ireland) 2020 – SR No. 210

Regulations made 8.00pm on 30th September 2020

Commencement on 1st October 2020 Purposes:

- places restrictions on the opening hours of certain venues at which intoxicating liquor and food and drink may be obtained or consumed
- prohibits the supply or purchase of intoxicating liquor between 22:30 and 11:30. It cannot be consumed after 23:00.
- prohibits the supply or purchase of food and drink in venues at which intoxicating liquor can be consumed, between the hours of 22:30 and 05:00. Food and drink cannot be consumed after 23:00.
- requires all visitors of venues at which intoxicating liquor may be consumed to leave the venue by 11:00pm.
- amends the restrictions on movement within a venue at which intoxicating liquor may be consumed.
- inserts a definition of “intoxicating liquor”.

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 8) Regulations (Northern Ireland) 2020 – SR No. 213

Regulations made 10.00pm on 5th October 2020

Commencement at midnight on 5th October 2020

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Purposes:

- introduce restrictions in a designated district, here defined as the Derry and Strabane district area;
- prohibit indoor gatherings of more than 1 household;
- restrict hospitality businesses to only operate outdoor dining, deliveries, drive-ins or in a harbour terminal, airport or motorway service area;
- restrict guesthouses and hotels to only serve food and drink to residents or visitors attending the hotel or guesthouse for the purpose of a wedding ceremony, an event to celebrate a wedding, or an event associated with a funeral;
- closure of indoor facilities i.e. cinemas, museums and galleries, trampoline parks, inflatable parks, escape rooms, bowling alleys and ice rinks;
- restrict libraries' opening, with restrictions on how orders are placed and access for collection of orders only;
- limit the number who can participate in an outdoor gathering to 15 people, and remove the risk assessment exemption previously permitted for gathering over the 15-person limit.

The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 Purpose:

- require members of the public, subject to limited exceptions, to wear a face covering on public transport.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) Regulations (Northern Ireland) 2020 Purpose:

- require members of the public, subject to limited exceptions, to wear a face covering whilst inside a relevant place (including in a shop or a shopping centre).

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) Regulations (Northern Ireland) 2020 (Commencement) Order (Northern Ireland) 2020 Purpose:

- commence the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) Regulations (Northern Ireland) 2020 from 10th August 2020.

The Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment No.2) Regulations (Northern Ireland) 2020

Purpose:

- extend the mandatory wearing of face coverings to: ○ private buses and coaches, taxis and aeroplanes, and airports; ○ when not seated in restaurants, cafés, bars and public houses; ○ banks and similar businesses;

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- public areas of government offices e.g. jobs and benefits offices; ○ driving lessons and driving tests;
- staff in retail and hospitality settings unless separated from public by a partition or screen.

AMENDMENTS TO THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL) REGULATIONS (NORTHERN IRELAND) 2020

Robin Swann MLA Minister for Health

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