

Annex A

Coronavirus restrictions: amendment proposals, w/c 17 August 2020: Department of Health assessment of risk

- 1 This paper sets out the case for 6 proposals to amend the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020; offers an assessment of the level of risk associated with each proposal, along with the potential benefits of each; and offers an holistic view of the level of risk if these are implemented as a package of changes at this stage of the epidemic.
- 2 The following 6 proposals have been submitted to DoH:
 - 1) Permit re-opening of pubs and bars serving alcohol only, on a table service basis – From 1 September 2020.
 - 2) Permit the re-opening of bars in private members' clubs serving alcohol only – From 1 September 2020.
 - 3) Permit re-opening of conference venues – From 14th September 2020
 - 4) Permit re-opening of soft play areas – From 14 September 2020
 - 5) Re-open theatres and concert halls for live performances with audience - from 1 September.
 - 6) Permit spectators to be present at indoor sporting venues where the operator can control access and ensure adherence to social distancing – From 1 September 2020.

Current state of the epidemic in Northern Ireland

- 5 As of 18 August the key indicators of the epidemic are as follows. Changes shown in brackets are from one week ago.

Current estimate of R (hospital inpatients): 1.0 – 1.4 (definitely above 1)

Current estimate of R (new positive tests): 1.2 - 1.6 (definitely above 1)

Average number of new positive tests per day, last 7 days: 42.6

(increased from 27.7)

7-day incidence based on new positive tests: 15.7 / 100k population (up from 10.2)

14-day incidence based on new positive tests: 26.1 / 100k population (up from 15.5)

7-day average of total tests (pillar 1 and 2) which are positive – 1.12%

(down from 1.18)

First COVID +ve hospital admission in last week: 9 (down from 11)

6. At present R is likely to be around 1.3, and is definitely above 1. The above indicators generally show a further increase in transmission in the last week. The 7-day rolling average for new cases has increased, while test positivity has

remained static. 14-day cases per 100k are now a little higher than UK and ROI. This is likely to be partly explainable by increased testing in the context of the Test / Trace / Protect service. However, there is also likely to be a more widespread increase in community transmission which is a matter of significant concern. Hospital admissions have remained stable and are still at a low level. However, the view from both the Modelling Group and the Strategic Intelligence Group is that they will inevitably rise if cases continue to do so.

7. At present the situation is in rapid flux and it is difficult to assess the extent of community transmission vs. the impact of clusters. This will be kept under close review. However, the significant increase in all indicators in the last week is of considerable concern.
8. As of 10 a.m. on 19 August there have been 559 COVID-related deaths in NI. There have been 3 deaths since 12 July.

Summary assessment of amendment proposals

9. The Chief Scientific Adviser and the Chief Medical Officer have considered the risks associated with each proposal. The risk ratings in the risk-benefit assessment table reflect their views of the level of risk associated with each relaxation to the regulations at this stage in the epidemic.
10. The CSA has also considered the totality of the risk associated with the implementation of the proposals as a package at this stage in the epidemic. In the context of evidence of increasing community transmission of the virus, he advises against increased relaxations (with the exception of those noted in comments on templates) at this time until the level of transmission stabilises and the impact of recently implemented relaxations can be assessed. It would be possible to give indicative dates for relaxations but it should be clear that these would be conditional on the state of transmission of the epidemic at that time.
14. CMO has commented as follows: **“In general terms my view is that there should be no further relaxations and the Executive will wish now to consider the reestablishment of some previous restrictions local and/or regional in order to reduce community transmission given the potential adverse health, social and economic consequences.”**

DoH RISK AND BENEFIT ASSESSMENT MATRIX

Overall rating of risk or potential benefits: key

- 3: highest risk
- 2: significant risk

- 1: moderate risk
- 0: negligible risk or benefit, or neutral
- +1: moderate benefit
- +2: significant benefit
- +3: greatest benefit

Notes

- 1 The ratings for each proposal are intended to reflect a qualitative assessment of the risks and potential benefits. They are not scores that can be summed.
- 2 The risk is rated with full account taken of the current rate of virus transmission.

1. Permit reopening of pubs and bars serving alcohol only – From 1 September 2020

Possible change to restrictions / requirements	Impact on transmission <i>leading to serious disease</i> as at 19 August	Health impacts medium to long term	Society	Economy
	RISK	POTENTIAL BENEFIT		
Schedule - businesses, service providers and premises subject to restrictions or closure				
Enable pubs and bars to reopen on an alcohol-only, table-service basis from 1 September.	- 3	-1	+2	+2

Proposed by DfE

Commentary by DfE

1. The proposal is to provide pubs and restaurants with the option to serve alcohol only indoors. This would not be an unconditional relaxation. The existing guidance would continue to apply, including the key requirement that service would be on a table-service basis.

2. While steps can be made by proprietors to protect both customers and staff, customers will need to comply with steps in place to mitigate transmission and keep social distancing.

3. Opening key parts of the tourism and hospitality industry (hotels, restaurants, cafes, and pubs and bars for food indoors and alcohol outdoors) on 3rd July 2020 has gone well. The vast majority of businesses have adhered to the guidance as have customers.

4. An important factor in this success will have been the requirement for the provision of food on a table-service basis. Table service is also required in 'beer gardens'.
5. All the current guidance, including the requirement for table-service requirements, would continue to apply in respect of the proposal to permit pubs and bars to open on an alcohol-only basis. Consideration is also being given to introducing entertainment restrictions via guidance.
6. Of the 1,222 pubs and bars in NI it is estimated that 50% to 60% are not permitted to open as they are unable to avail of the option to serve food (defined in the COVID regulations as a 'main table meal'). While these premises will have been able to avail of business rates relief, grants etc., they will have ongoing overheads (loans, insurance etc.) and have been without essential customer revenue since March 2020.
7. This sector has been vocal that if these currently closed pubs and bars do not have the option to re-open and generate revenue, many will face the prospect of permanent closure.
8. There is anecdotal evidence that a number of pubs and bars have already re-opened on an alcohol-only basis. Without the clarity of a re-opening date it is likely over time that the number of pubs and bars selling alcohol only will increase, despite the restrictions set out in the COVID regulations. This would present 1. an enforcement issue re those pubs and bars which open indoor spaces without providing food; and 2. the distinct possibility that establishments which risk opening might do so with no recourse or application of social distancing procedures.
9. Further relaxing the restrictions for pubs and bars to provide the option to serve alcohol only will allow people to leave their homes, improving wellbeing and increasing the sense of normality.
10. Our tourism and hospitality businesses, including pubs and bars, are operating in a new, and challenging world as they begin to emerge from COVID-19. Central to this is the application of social distancing and hygiene practices to help ensure the transmission of the virus is minimised. These practices are also essential to reassure customers and employees that establishments are as COVID-19 safe as possible. Guidance is playing a key role in this regard.
11. The UK Government has developed umbrella guidance covering the tourism and hospitality industry, including pubs and restaurants. DfE and Tourism NI have tailored this guidance for the NI Visitor Economy.
12. Extensive engagement with tourism and hospitality businesses across NI took place on the development of the guidance, through the Tourism Recovery Working Group. Advice was also being taken from PHA, HSENI, SOLACE & DoH on key issues within the Guidance for NI. The Guidance was shared with DoJ, DfC, DAERA, DfI, TEO to ensure any interdependencies are considered.

13. Current restrictions in place due to potential for increased infections - however, actions/protocols/guidance can be put in place to mitigate this (indeed the hospitality sector has been pro-active developing potential social distancing measures).
14. Higher risk of person-to-person transmission but this will be minimised through implementation of social distancing and hygiene measures, especially in respect of public areas.
15. Potential issue is a relaxed approach regarding adherence to rules and guidance by individuals under the influence of alcohol. This could lead to breaches in social distancing.
16. Service would be on a table service basis to help restrict movement and informal 'gathering' in pubs and bars.

Risk assessment by the Chief Scientific Adviser

I note the assessment above and welcome the proposed mitigations. However, I share the concern in 15) above and note recent outbreaks centred around pubs in other jurisdictions (Aberdeen etc). Given state of current transmission and limited time elapsed since previous relaxations, I believe that opening at present would be very high risk.

Comment by CMO

Agree with **NR** - too high risk from a public health perspective at this time and as CMO **I do not support.**

I strongly recommend that the Executive's decision on pubs/private bars serving alcohol only should be paused for 3 weeks.

Link to Executive Approach to Decision-Making

- Step 5 - Indoor gatherings of large numbers of people where social distancing cannot be easily maintained and multiple contacts of more than 10 minutes are likely.
- Step 5 - Can meet in extended groups subject to social distancing or other suitable mitigations

2. Permit the re-opening of Bars in private members' clubs serving alcohol only – From 1 September 2020

Possible change to restrictions / requirements	Impact on transmission <i>leading to serious disease</i> as at 19 August	Health impacts medium to long term	Society	Economy
	RISK	POTENTIAL BENEFIT		
Schedule - businesses, service providers and premises subject to restrictions or closure				
Permit the opening of bars in private members' clubs with effect from 1 September 2020, for the supply of alcoholic drinks (without the need to provide food) on a table service basis, i.e. members not permitted to order drink from the bar area of a clubhouse.	-3	0	+1	-1

Proposed by DfC

Commentary by DfC

1. The proposal is to provide bars in private members' clubs with the option to serve alcohol only indoors. This would not be an unconditional relaxation. The existing guidance would continue to apply, including the key requirement that supply of alcoholic drinks would be on a table service basis.

2. While steps can be made by the management of a club to protect members, guests and staff, individuals will need to comply with steps in place to mitigate transmission and keep social distancing.

3. Opening bars and restaurants in private members' clubs along with key parts of the tourism and hospitality industry (hotels, restaurants, cafes, and pubs and bars for food indoors and alcohol outdoors) on 3rd July 2020 has gone well. The vast majority of businesses have adhered to the guidance as have customers.

4. An important factor in this success will have been the requirement for the provision of food on a table-service basis. Table service is also required in 'beer gardens'.
5. A point to note is that without clarity regarding an opening date, some private members' clubs with a bar and no food service 'might' seek to re-open anyway and seek to find ways around the current 'main table meal' requirement.
6. Private members' clubs, along with other tourism and hospitality businesses, including pubs and bars, are operating in a new and challenging world as they begin to emerge from COVID-19. Central to this is the application of social distancing and hygiene practices to help ensure the transmission of the virus is minimised. These practices are also essential to reassure members, guests and employees that club premises are as COVID-19 safe as possible. Guidance is playing a key role in this regard.
7. The UK Government has developed umbrella guidance covering the tourism and hospitality industry, including pubs and restaurants. DfE and Tourism NI have tailored this guidance for the NI Visitor Economy.
8. Extensive engagement with tourism and hospitality businesses across NI took place on the development of the guidance, through the Tourism Recovery Working Group. Advice was also being taken from PHA, HSENI, SOLACE & DoH on key issues within the Guidance for NI. The Guidance was shared with DoJ, DfC, DAERA, DfI, TEO to ensure any interdependencies are considered.
9. DfC actively engaged with private members' clubs and their umbrella body, and encouraged all private members' clubs with restaurants and bars to follow the guidance produced for pubs and restaurants.
10. Current restrictions in place due to potential for increased infections - however, actions/protocols/guidance can be put in place to mitigate this. The Department will engage with the representative body for private members' clubs to ensure that clubs are aware of and are encouraged to follow guidance.
11. Higher risk of person-to person-transmission but this will be minimised through implementation of social distancing and hygiene measures, especially in respect of public areas. It should also be noted that private members' clubs are open to members and guests only, so footfall would be less than that in other bars.
12. Potential issue is a relaxed approach regarding adherence to rules and guidance by individuals under the influence of alcohol. This could lead to breaches in social distancing.
13. Service would be on a table service basis to help restrict movement and informal 'gathering' in bars.

Risk assessment by the Chief Scientific Adviser

I note the assessment above and welcome the proposed mitigations. However, I share the concern in 12) above and note recent outbreaks centred around pubs in other jurisdictions (Aberdeen etc). Given state of current transmission and limited time elapsed since previous relaxations I believe that opening at present would be very high risk.

Comment by CMO

Agree with **NR** too high risk from a public health perspective at this time and as CMO **I do not support.**

I strongly recommend that the Executive's decision on pubs/private bars serving alcohol only should be paused for 3 weeks.

Link to Executive Approach to Decision-Making

- Step 5 Indoor gatherings of large numbers of people where social distancing cannot be easily maintained and multiple contacts of more than 10 minutes are likely.
- Step 5 Can meet in extended groups subject to social distancing or other suitable mitigations

3. Re-opening Conference Venues – From 14th September 2020

Possible change to restrictions / requirements	Impact on transmission <i>leading to serious disease</i> as at 19 August	Health impacts medium to long term	Society	Economy
	RISK	POTENTIAL BENEFIT		
Schedule 2, Part 3 – types of businesses that may operate				
The proposal is to permit conference venues and facilities to re-open with the number of attendees to be determined by the size of venue and appropriate risk assessment and application of guidance. The proposed re-opening date is Monday 14 th September 2020.	- 3	-1	+2	+3

Proposed by DfE

Commentary by DfE

4. While steps can be made by organisers to protect both customers and staff, customers will need to comply with steps in place to mitigate transmission and keep social distancing.

5. Opening key parts of the tourism and hospitality industry (hotels, restaurants, cafes, and pubs and bars for food indoors and alcohol outdoors) on 3rd July 2020 has gone well. The vast majority of businesses have adhered to the guidance as have customers.

6. It should be noted that there is nothing in the COVID regulations to prevent a conference taking place in venues other than those listed in the regulations.

7. Further relaxing the restrictions for conferences to take place will allow people to leave their homes, improving wellbeing and increasing the sense of normality.
8. Current restrictions in place due to potential for increased infections - however, actions/protocols/guidance can be put in place to mitigate this (indeed the tourism and hospitality in general has been pro-active developing potential social distancing measures).
9. The NI Engagement Forum was asked to review the 8 UKG Guides on Safe Working. The Forum discussed in detail how they would approach the request from the Department to review the 8 UK Guides. The Forum agreed to consider the 8 GB Safety Guides in line with the Forum's own published safety guidance; and updated their published guidance to reflect recent changes to PHA guidance and any new, relevant approaches in the GB guides.
10. As the 8 Guides considered by the Forum did not cover the tourism and hospitality sectors, apart from takeaway services, guidance specific to the this sector was developed through the Tourism Recovery Steering Group (chaired by the Economy Minister) and its supporting Working Group.
11. This guidance drew on the relevant UK guidance and made it specific to NI as overarching tourism sector guidance. An industry standard ('We're Good to Go') has been developed and is being adopted extensively by businesses across the sector. The Business Conference and Events sector have already developed their own sector specific standard called 'All Secure Standard'.
12. Meetings, Incentive, Conference and Exhibitions industry representatives were engaged in the development of the overarching Visitor Economy Guidance. Industry members also endorse the sector specific guidance produced by the Association of Event Organisers, in partnership with the Association of Event Venues and Event Suppliers and Services Association; and further guidance by the Meetings Industry Association.

Guiding Principles

13. The approach to re-opening conference venues and facilities will be grounded in starting assumptions and guiding principles which will focus on customer and employee safety:
14. Higher risk of person to person transmission but this will be minimised through implementation of social distancing and hygiene measures, especially in respect of public areas.
15. It also likely that visitors will travel from out of state to attend conferences in NI. Although the numbers are likely to be low over the next few months, if not longer.

Risk assessment by the Chief Scientific Adviser

Conferences have been associated with significant outbreaks elsewhere. Networking is one of the main purposes of conferences, and inevitably involves close interaction of delegates outside formal conference settings. I do not think this is adequately addressed above. I note the indicative date of mid-September. This could be indicated but would be highly dependent on status of transmission at that time and at present I think this would be very high risk.

Comment by CMO

As indicated the whole purpose of a conference is to facilitate networking in an enclosed environment. Do not support at this time.

Link to Executive Approach to Decision-Making

- Step 5 Indoor gatherings of large numbers of people where social distancing cannot be easily maintained and multiple contacts of more than 10 minutes are likely.
- Step 5 Can meet in extended groups subject to social distancing or other suitable mitigations

4. Permit the re-opening soft play areas – From 14 September 2020

Possible change to restrictions / requirements	Impact on transmission leading to serious disease as at 19 August	Health impacts medium to long term	Society	Economy
	RISK	POTENTIAL BENEFIT		
Amendment to permit the reopening of Soft Play Areas	- 3	+1	+2	+1

Proposed by TEO

Commentary by TEO

1. Soft play areas had an indicative date of 7 August but this was deferred given the need for more work and engagement with the sector representatives. Other jurisdictions have either re-opened or have given an indicative date.
2. Given the rise in the number of cases here over recent weeks, it is proposed to give an indicative date rather than recommend to the Executive that this sector can open.
3. An indicative date of 14 September is proposed.
4. Guidance has been prepared and this is being reviewed by the sector representative bodies. If an indicative date is approved, subject to ratification nearer the time, we would propose that the guidance is published to allow the sector time to prepare. This would be on the clear understanding that the Executive may not be able to ratify the indicative opening date.

Risk assessment by the Chief Scientific Adviser

Likely to be relatively high risk. Indoor areas, social distancing difficult, shared contact surfaces. I do not support opening at present until present trends settle.

Comment by CMO

Given the volatility of R and the current significant increase in community transmission as CMO I recommend that the opening of soft play areas is delayed and reviewed in a further 2 weeks.

Link to Executive Approach to Decision-Making

- Step 4 Leisure centres and other indoor leisure facilities open.

- Step 5 Indoor gatherings of large numbers of people where social distancing cannot be easily maintained and multiple contacts of more than 10 minutes are likely.

5. Re-opening of theatres & concert halls for live performances with audience - from 1 September

Possible change to restrictions / requirements	Impact on transmission <i>leading to serious disease</i> as at 19 August	Health impacts medium to long term	Society	Economy
	RISK	POTENTIAL BENEFIT		
Schedule – businesses, service providers and premises subject to restrictions or closure				
To permit re-opening of Theatres and Concert halls, for live performances with audience - from 1 September.	-2 / -3	+2	+2	+2

Proposed by DfC

Commentary by DfC

1.

The reopening of theatres and concert halls will signal a welcome emergence from the Covid crisis.

2.

Allowing theatres and concert halls to open for rehearsals, recording of performances without audiences and to enable employees to return to work where possible will help the cultural sector to start to recover while ensuring that requirements for social distancing and other health measures can be maintained.

3.

It is accepted that each organisation will require a tailored approach and differing support in order to open in a timely and safe way. This is likely to mean a temporary reduction in service or partial/limited opening. It is important to begin the process given the risks are identifiable and can be countered.

4. Opening of theatres and concert halls, even on a reduced basis, will have a positive impact on mental health, particularly for individuals who have felt isolated during this time. The potential to attend theatre, initially for employees working and performers rehearsing, is likely to have a positive impact on mental health and encourages a return to social interaction. When it is safe for audiences to return, it will have the same impacts for audiences and the wider arts sector workforce.
5. The reopening of concert halls and theatres will signal the approaching return of business as usual (the new usual), the return of commonly accepted working models and the opportunity to re-engage with peers in a planned and safe way.
6. Open 8 August, initially for rehearsals, recording of performances without audiences and to enable employees to return to work where possible, with an indicative date for live performances in front of an audience from 1 September, dependent on the scientific advice and infection rate at that time.
7. Officials have been liaising with officials in other jurisdictions to establish how cultural organisations can safely reopen. Guidance has been issued and is being regularly updated to reflect current requirements.
8. Guidance is in place and any phased or staged reopening of venues will be assessed by the individual businesses/venues to ensure compliance.

Risk assessment by the Chief Scientific Adviser

Reasonable to open now for rehearsals and recording of performances without audiences.

Next step could be opening of seated only venues for socially distanced audiences with other mitigations in place, but not recommended yet given the recent recorded rise in community transmission.

Definition of Concert Hall is unclear – at this time I would not support live music in venues with standing audiences.

Comment by CMO

Given the volatility of R and the current significant increase in community transmission in respect of the opening of theatres and concert halls and the indicative date of the 1st September for audiences my advice as CMO is that this indicative date is postponed and reviewed in a further 2 weeks.

Link to Executive Approach to Decision-Making

- Step 5 - Indoor gatherings of large numbers of people where social distancing cannot be easily maintained and multiple contacts of more than 10 minutes are likely.
- Step 5 - Can meet in extended groups subject to social distancing or other suitable mitigations

6. Permit spectators to be present at indoor sporting venues where the operator can control access and ensure adherence to social distancing - From 1 September 2020

Possible change to restrictions / requirements	Impact on transmission <i>leading to serious disease</i> as at 5 August	Health impacts medium to long term	Society	Economy
	RISK	POTENTIAL BENEFIT		
Regulation 5 (3) – restrictions on gatherings				
Permit spectators to attend indoor competitive games and events from 1 September where operators can ensure a safe environment and where social distancing, hygiene and control regimes can be put in place and adhered to.	-2	+3	+2	+2
Proposed by DfC				
<u>Commentary by DfC</u>				
1. Government guidance has been developed to cover a safe Return to Sport and principles are in place for governing bodies to follow. Lessons/feedback from the pilots in England that covered major sporting fixtures and events will help to inform the smaller local events here. 2. Governing bodies have very well structured protocols in place for participants, club administrators, coaches, team management and safety officials at all levels and age groups. These must be adhered to and will help limit the risk to those gathering to take part or to watch. 3. A safe and gradual return to unlimited spectating at competitive indoor sports events can be permitted where governing bodies/clubs/venue operators can ensure a safe environment where social distancing measures can be adhered to. 4. The easements in other sectors are permitting larger gatherings in social venues with appropriate controls put in place by venue operators including other indoor venues. The risks associated with controlled gatherings for sporting purposes in indoor venues				

would be equivalent or less than those associated with many of the indoor easements currently permitted or under consideration.

5. Attendance records, wearing of face coverings and contact tracing requirements could be accommodated or mandated and other arrangements for managing flows of spectators both to and from venues could be put in place.
6. The framework and guidance from Government, SGSA, SportNI and the various protocols that have been developed by sports Governing Bodies will provide clubs and those using indoor facilities with significant guidance including assessing the risks and putting measures in place to protect athletes, coaches, support staff and the wider public.
7. At this stage larger indoor arena venues are not considered to be included given the scale of the gatherings that they would generate.

Risk assessment by the Chief Scientific Adviser

Could be permitted subject to venue specific risk assessment and mitigations. Particular attention should be paid to movement in and out of venues, shared walkways, lavatories etc. Face coverings strongly recommended. I am unclear about 7) above and how this would be implemented. Risk will be dependent on numbers allowed to gather, and will be greater in emotionally charged circumstances. However, given recent rise in cases would be better to defer for two weeks until community trends are clearer.

Comment by CMO

Agree with **NR** higher risk from a public health perspective will require appropriate mitigation.

Link to Executive Approach to Decision-Making

- Step 4 - Outdoor gatherings involving larger numbers of individuals where social distancing cannot be easily maintained and multiple contacts of less than 10 minutes are likely.
- Step 5 - Spectators to attend live events on restricted basis
- Step 5 - Can meet in extended groups subject to social distancing or other suitable mitigations