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**FROM:** NR

**DATE:** 3 DECEMBER 2020

**TO:** PS/MINISTER LYONS  
PS/MINISTER KEARNEY

**SUBJECT:** Strategic Compliance Group Meeting 2 December – Officials  
note

**Issue:** This is an official's note of the meeting  
between Junior Ministers and the Strategic  
Compliance Group.

**Timescale:** Routine – a further meeting is scheduled for 9  
December.

**Press Office Advice:** N/A

**FOI Implications:** This submission is likely to be disclosed if  
requested.

**Financial Implications:** None

**Legislative Implications:** N/A

**Executive Referral:** N/A

**Recommendation:**

- That the Junior Ministers agree the  
Minutes at Annex A.

Drafted by: NR

Ext: I&S

Cleared by: Jane Holmes

Ext

## **Copy Distribution List**

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## JUNIOR MINISTER'S OFFICE MEETING NOTE

Date 2 DECEMBER 2020

TITLE/ORGANISATION:		TEO	
PURPOSE:		STRATEGIC /COMPLIANCE GROUP	
DATE:	02/12/20	NOTE WRITTEN BY:	NR
Venue – Online - Zoom		Chaired by Minister Lyons and Minister Kearney	
<b>LIST OF ATTENDEES:</b> Junior Ministers, Dara O'Hagan (SPAD), Alan Todd, PSNI, Wendy Middleton, PSNI, Mark Goodfellow, DoJ, NR, NR, NR, DfC, SOLACE, Anthony Carleton, DfC, NR (DfE), TEO, NR, Jane Holmes, NR, NR (note taker)			
<b>Key Points</b>  An overview of the actions from the previous meeting was provided and members were invited to provide updates.			
<b>Updates</b>  NR confirmed that she meet with Alan Todd and has engaged with NR and Karen Pearson.  NR mentioned the support they want to put in place - COVID aware support and the measures the councils can put in place until March 2021. These should be kept under review at a local level on a weekly basis with PSNI Commanders and Chief Executives.  There is a need for ambassadors/advocates to be deployed in town centres. This will not be an enforcement role but will be engaging with retailers and the public, giving out face masks and hand sanitiser and only monitor non-compliance. There is a need to put local protocols in place to identify hot spots.  Councils can provide hand sanitising stations but as these can be vandalised there is a need to work with local retailers to bring these indoors at night to avoid this.  NR has a paper on the local retail COVID aware scheme that can be shared.  NR mentioned extended Sunday opening for supermarkets and large retailers and this will be down to each local council. It is not intended to enforce legislation nor will it be changed.			

Some councils have excluded under 16s from larger retailers unless accompanied by an adult, e.g. Abbey Centre and Bloomfields. Feedback has been received from Abbey Centre and they do not want COVID ambassadors but they do need additional security staff because of the number of entrances.

**NR** said that a paper has been prepared to allow councils to put in place a light touch voluntary scheme for the hospitality sector. This would be self-assessment and they can display a sticker or a certificate. Councils have also engaged with local taxi companies in advance of the hospitality sector re-opening to remind them of their obligations.

An issue that is often raised by the PSNI is anti-social behaviour, particularly on council owned properties such as parks etc. Interventions can be put in place including security when required.

Going forward it is proposed that there will be ongoing engagement between the local PSNI Commander and the Chief Executives; this needs to be constant and kept under review. There is a desire for a consistent, standardised approach across all 11 councils but this may not be possible as some councils already have measures in place that are working well and we may not want to depart from that. Any measures being proposed should be aimed at councils who do not have measures in place. A paper will be shared with councils on this.

**NR** has spoken with DfC and the direction to councils should come from DfC who will be providing the resources for these proposals to support them. Jacqui offered to engage with DfC on this and will meet with Anthony Carleton.

**Action Point:** **NR** to meet with Anthony Carleton.

Minister Kearney thanked **NR** for the update and confirmed that DfC are the fulcrum for this and councils will take direction from them as this will achieve greater standardisation.

**NR** confirmed that this reflect their Minister's views and if the discussion between Jacqui and Anthony takes place this afternoon they should be able to report back next week.

Minister Kearney confirmed that as the restrictions are lifted on 11 December there is a need to turn things round quickly. There is then the operational perspective from 11 December to Christmas and this will be needed by next week's meeting.

Alan Todd said he had to leave the meeting and that Wendy Middleton would provide an update.

Mark Goodfellow raised the designation of council officer's issue. The regulations designated council officers to enforce Premises Improvement Notices but they do not provide for a right of appeal.

Jane Holmes confirmed that the designation issue has been resolved but the right to appeal is missing. A meeting has been held with Departmental solicitors to resolve this as it is causing operational issues for PSNI and will provide an update

in advance of next week's meeting. Minister Kearney asked if this could be circulated in the next 24 hours.

**Action Point:** Jane Holmes to provide update on the designation issue and right of appeal in advance of next week's meeting.

Minister Kearney asked **NR** if all councils have possession of hand sanitiser stations and are there standardised installations? Is this an issue for DfC? Jacqui commented that it was patch across the councils but this will be included in the engagement with DfC. Need to engage with retailers to remove them in the evenings. Need to move swiftly in advance of next Friday.

Minister Kearney said that this can be left with **NR** and **NR** to work on and there may be a role for DfE who are also on the call. Minister Kearney asked about the safe keeping of the sanitising stations overnight. Jacqui confirmed that this would be dealt with at a local level.

Wendy Middleton provided an update from PSNI saying there is still a big problem with house parties and students. Wendy confirmed that some students may be suspended from their classes. The messaging is really important on this that the penalties go beyond the fines. Wendy mentioned other enforcement issues, e.g. car washes and what is essential.

Wendy confirmed that the messaging from this group is taken back to the NIEPG meeting to operationalised and that there is communication at a local level between the PSNI and the councils. Work is continuing on the MOU but the issues around the designation is a problem that needs to be solved quickly.

Minister Kearney thanked Wendy for the update.

**NR** mentioned the designation regulation issue and when this is resolved it needs to be emphasised in the DfC communication to councils. If 48 hours improvement notice it would have to be done by a trained environmental health officer. Support from the PSNI may also be needed and this will be done at a local level. Wendy is keen for this to happen and that it should happen at a local level.

Minister Kearney said that this is an unnecessary frustration that needs to be resolved as quickly as possible. Jane Holmes confirmed that TEO are meeting with solicitors today. TEO are aware of the PSNI problems and are seeking to get it sorted in advance of the weekend.

**Action Point:** Designation issue to be resolved by the weekend.

Minister Kearney mentioned compliance concerns around the messaging raised by Alan at the last meeting, e.g. the issue around car washes was a failure to cascade the messaging. Need to get the communications right to get the messaging out. It is unfair on both the businesses and the PSNI. Need to look at a broader regional message around this issue, addressed in a local way too. This starts with the right kind of message being delivered from the press conference, advertising etc.

NR has spoken to NR and the PSNI since last week's meeting. There are two issues: the COVID aware, what are we looking around, needs to be something common across all council areas. Need a standardised approach to set a baseline.

NR mentioned that something may be done on 11 December involving Ministers around the country, different councils and different sectors. NR can come back with a proposal on this.

Retail NI have put a proposal to Ministers around the idea of local heroes and this could be a campaign to include in common communications.

NR confirmed that at the last press conference the First Minister built in the compliance messages into her message. NR suggested that at next week's press conference it might be useful to have SOLACE and the PSNI represented on the platform.

NR also confirmed that they are continuing to work with Cool FM who have a number of videos and other promotional material.

Minister Kearney thanked NR. There are two substantive points; the 11 councils and the larger weekly press conference. The two First Ministers are receptive to a high impact press conference idea. Work with Cool FM should continue and EIS should look at the Retail NI proposal.

Minister Kearney said that both of these points would overlap with working with local council chief executive and local police commanders, with a designated Minister per council. Minister Lyons agreed with the approach and asked NR to work on it.

NR confirmed that the 11 councils approach would work and could involve the Mayors too. Cautioned on SOLACE representation at the press conference as there might be some protocols and political sensitivities. NR said she would deal with this offline.

Wendy confirmed she would take the views of the group to ACC Todd. If PSNI take part they want people to take personal responsibility for compliance and not PSNI to enforce.

Minister Kearney said that was a valid point. NR is to revert to communications people in the PSNI, SOLACE and the local councils and bottom out what is appropriate and balanced. Not an enforcement type message, but have a safe message.

NR confirmed that this was part of a conversation she had with NR about the positioning and the tone of the message around compliance. NR offered will work up a proposal and bring it to Ministers.

Both Ministers agreed this should happen and there should be a quick turn around on this. NR commented that there was a good deal of work to do at local council level and would appreciate any help from SOLACE and local councils.

Mark Goodfellow commented that the DoJ position that enforcement where necessary but this is a tool of last resort.

**Action Point:** EIS to develop proposals and revert to Ministers.

## **Regulations**

Mark Goodfellow confirmed that the Justice Minister will lead the confirmatory debate on the amendments to the Regulations on 8 December and that two hours have been allowed for this. There are five sets of amendments; review of penalties and fines; new effects around face coverings and associated penalties; the designation issue/Premises Improvement Notices; some minor adjustments e.g. restrictions on coffee shops; final set to tidy up not allowing more than six people from two household around a table in a hospitality setting. Mark confirmed that the amendments are retrospective.

Minister Kearney thanked Mark.

Wendy mentioned the issue around essential v non-essential, car washes and what is a substantial business.

Mark Goodfellow said he was not aware of any specific issues but that the issue of car washes had been raised at a cross departmental meeting with TEO taking the issue of car washes as an action point. Car washes may be seen as non-essential but MOT services are permitted which may include under body car washing. Jane Holmes confirmed that this is being looked at by TEO. There are two issues; car washing for an MOT and some car washes have contracts with government departments. There has also been some confusion on the wholly/mainly definition and how this is applied in retail settings in terms of essential and non-essential businesses.

Minister Lyons said that a list of essential businesses is defined in the regulations and the essential retail part must constitute 50% or more of the floor space. Minister Lyons commented that the car wash issue has been a farce and that there is so much confusion around this and different enforcements have been applied in different areas. Work is needed to get the message out on this.

Jane Holmes confirmed that getting the message out is the position. Car washes have been raised in a number of quarters and is being looked at pro-actively. There is still some confusion about enforcement in the retail sector. Minister Lyons mentioned two instances that had been mentioned to him around car washes. Minister Lyons asked about MOT car washes and can they open for other people to come in and can petrol station car washes open.

**NR** confirmed car washes can open as they are not retail and are covered in another piece of the legislation that refers to motor mechanics. On the issue of wholly or mainly DfE have been communicating with both the retail and close contact sector to articulate the position. Getting feedback from Retail NI that smaller shops have closed but the larger chain stores have remained open and that this is impacting on members. Minister Lyons asked if all car washes can open. **NR** said that was his understanding. Jane confirmed that TEO will check this and provide clarification on the issue.

**Action Point:** **NR** and Jane to take this away to check if all car washes can open and come back as soon as possible.

Minister Kearney mentioned the designation issue, the co-ordination between the police and council officials; wholly or mainly and car washes. Could all these issues be sorted out by Friday so that the information can be circulated before next Wednesday? Jane said that some should be sorted by then and any that are not they can come back with as soon as possible.

Minister Kearny then mentioned the communication issue and that we need to find a way of communicating these to avoid confusion. Need to focus on communication up to 11 December. **NR** agreed with this.

Minister Lyons provided an update on the engagement since the last meeting. A meeting with Faith Leaders took place on 1 December and the tone was very good. Minister Lyons mentioned that the PSNI had turned up at a few churches following complaints. Wendy advised she was not aware of this but will make enquiries.

Minister Lyons confirmed that meetings will be taking place with the retail and hospitality sectors who are willing to engage.

**NR** confirmed that he and TEO will confirm car washes and that cleaning the underside of a car for MOT purposes is allowed under the Regulations. **NR** asked if the meeting with the retail and hospitality sectors would be together or individually. Minister Kearney commented that they would be meeting separately.

### **Proposed way forward**

Minister Kearney said there are a number of take aways from this meeting. Issues for **NR** and Jane to work on and that this should overlap with **NR**. Anyone can come back to **NR** with ideas.

### **Next Meeting**

Next meeting Wednesday 2 December.

Minister Lyons and Minister Kearney thanked attendees for their participation.

### **ACTION POINTS:**

**AP1:** Jacqui to meet with Anthony Carleton.

**AP2:** Jane Holmes to provide update on the designation issue and right of appeal in advance of next week's meeting.

**AP3:** Designation issue to be resolved by the weekend.

**AP4:** EIS to develop proposals and revert to Ministers.



	<b>AP5:</b> <b>NR</b> and Jane to take this away to check if all car washes can open and come back as soon as possible.
<b>NR</b>	