

**The Welsh Government
Minutes of a meeting of the Cabinet
1st October 2020
(via Teams)**

Present: Rt. Hon. Mark Drakeford MS (Chair)
Rebecca Evans MS
Vaughan Gething MS
Lesley Griffiths MS
Julie James MS
Eluned Morgan MS
Ken Skates MS
Kirsty Williams MS
Jeremy Miles MS

Hannah Blythyn MS
Jane Hutt MS
Julie Morgan MS
Dafydd Elis Thomas MS
Lee Waters MS

Officials: Shan Morgan, Permanent Secretary
Des Clifford, Director General Office of the First Minister
Will Whiteley, Head of Cabinet Division
Toby Mason, Head of Strategic Communications
Jane Runeckles, Special Adviser
Madeleine Brindley, Special Adviser
Alex Bevan, Special Adviser
Ian Butler, Special Adviser
Kate Edmunds, Special Adviser
Sarah Faye, Special Adviser
Paul Griffiths, Special Adviser
Clare Jenkins, Special Adviser
Andrew Johnson, Special Adviser
Gareth Williams, Special Adviser
Mitch Theaker, Special Adviser
Tom Woodward, Special Adviser
Christopher W Morgan, Cabinet Secretariat (minutes)
Damian Roche, Cabinet Secretariat
Jonathan Scourfield, Specialist Policy Adviser
Dewi Knight, Specialist Adviser for Education Reform
Tracey Burke, Director General, Education and Public Services
Andrew Goodall, Director General, Health
Andrew Slade, Director General ESNR
Frank Atherton, CMO
Simon Brindle, Director Recovery and Restart
Reg Kilpatrick, Director Local Government
Tom Smithson, Restart Coordination

Helen Lentle, Director Legal Services
Dylan Hughes, First Legislative Counsel
Terry Kowal, Senior Legislative Counsel
Neil Buffin, Senior Lawyer
Chrishan Kamalan COVID-19 response team

Item 1: Three week review of Health Protection (Coronavirus Restrictions) Regulations – Update from the CMO

- 1.1 The focus of the Cabinet meeting was the latest 21 day review of the Health Protection (Coronavirus Restrictions) Regulations and other lockdown measures. In accordance with the Regulations, the imposition or continuation of a requirement or restriction had to satisfy three conditions.
- 1.2 The Regulations were for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence, spread of infection or contamination. There must be a threat to public health and the restrictions had to be proportionate in what they were intending to achieve.
- 1.3 The First Minister invited the Chief Medical Officer (CMO) to provide an update on virus transmission rates.
- 1.4 There had been a significant increase in new cases since the last review of the Regulations, with 398 being reported the previous day. There were now four to five contacts per case, which was a significant increase from one to two three weeks ago, demonstrating that people were mixing more.
- 1.5 University towns, such as Aberystwyth and Swansea, appeared to be hotspots. However, there had been behavioural change amongst the general public, particularly in relation to people returning from abroad and households mixing. Infections within hospitals were also increasing. The virus was now present in all parts of Wales and the spread across the North East was similar to that in the South.
- 1.6 More people over the age of 60 were contracting the virus leading to an increase in the number of cases in hospital intensive care beds. The number of people in hospital beds with or suspected to have the virus had increased from 168 at the previous review to 366. It was inevitable that the number of Covid-19 deaths would rise.
- 1.7 *The process of dealing with the local lockdowns appeared to be working well, with positive data emerging from Caerphilly County and infection rates in Newport stabilising. There may be a need for a discussion about the suitability of local circuit breaker lockdowns similar to those being considered by Scotland and Northern Ireland.*

- 1.8 One positive note was that even with the significant increase in contacts being traced through TTP, the success rate remained high at 86%. It also appeared that Lighthouse Labs testing had improved slightly since the previous week.
- 1.9 Nevertheless, particularly with the introduction of Local Health Protection Areas (LHPAs), there was very little scope to relax any further measures.
- 1.10 *Ministers briefly discussed the recent study by Imperial College, which suggested that the R value had fallen from 1.7 to 1.1 in England. It was suggested that this should be treated with caution as it was only one data point. There was still a high prevalence of infection, which would take some time to recover.*

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Item 2: Three week review of Health Protection (Coronavirus Restrictions) Regulations – review of lockdown restrictions

- 2.1 Cabinet agreed that, given the deteriorating public health situation and the numerous local restrictions in place in Wales, the Government should not be lifting restrictions at a national level, such as concert halls, theatres, nightclubs and sexual entertainment venues.
- 2.2 It was recommended that organised indoor activities for up to fifteen adults within open premises should be allowed. This would be subject to the relevant risk assessments, with the onus on the organiser to take all reasonable precautions.
- 2.3 *There was a concern that, without some form of definition of what was meant by 'indoor activities', group activities within public houses could take place. One suggestion was limiting the activities to buildings where alcohol was not sold or consumed. There was also a need for clarity on whether such indoor activity would be permissible within the LHPAs.*
- 2.4 The public health advice was that it was a lot safer to undertake group activities within well ventilated and controlled areas, but clearly house parties and similar forms of entertainment did not fall into this category.
- 2.5 It was agreed that there would be a need to give further consideration to the *comments made by Cabinet and legal issues surrounding the proposals. The outcome of these discussions would be shared with Ministers. In any event there would be a need to produce comprehensive Q&A briefing to help the public understand what was meant by indoor activities.*

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- 2.6 *In line with the discussion at the previous review, the restrictions on permanent Ice Rinks would be lifted. In reality this only applied to the venue in Cardiff and this would not be reopening in the foreseeable future due to the local restrictions. However, it would allow Ice Arena Wales time to prepare the rink for re-opening once the constraints had been lifted and it was economically viable. As this had already been announced, it would not be repeated at the press conference.*
- 2.7 Ministers accepted that the imposition of earlier closing time on licensed premises could lead to an increasing number of house parties, which would be in breach of the Regulations due to the increased risk of spreading the virus. Organisers and participants could be issued with Fixed Penalty Notices (FPN) of £60, but there was a concern that such a low fine and no criminal record would not be enough of a deterrent.
- 2.8 *It was recognised that there had been a need earlier in the year for the Government to act swiftly to put in place stronger measures to deter large illegal gatherings, such as raves. However, ethical questions remained as to whether a FPN as high as £10,000 should be applied to illegal house parties or other circumstances. Although, it was recognised that people could refuse the on-the-spot fine and choose to have the case heard in Court.*
- 2.9 *FPNs should be used as a proportionate deterrent and their use would minimise costs for the justice system. Prior to the pandemic the maximum FPN was around £500, however the UK Government was now applying a FPN of up to £10,000 in England to a number of breaches of the Regulations, including organisers of illegal house parties. It was suggested that such measures in Wales should be modest at the outset but double, and continue to double, for repeat offenders. It would be important to undertake an equality impact assessment on any proposals before introducing them in Wales.*
- 2.10 *Officials were exploring the evidence and taking the views of the police and Local Authorities on the extent of the problem, the definition of a house party and the appropriate level of fine. This would also be informed by a review being conducted by the Cabinet Sub-Committee on Justice on FPN levels.*
- 2.11 *In the meantime, the First Minister would set out clearly at the press conference the following day that house parties were illegal and the Government was working on penalties for people who arranged and attended such gatherings. The First Minister would be avoiding any suggestion that the Government was targeting the student population, particularly as house parties were taking place long before students returned to Universities and across all sections of society.*
- 2.12 *It was reported that there were plans to introduce national powers to enable Local Government to restrict the consumption of alcohol in public places, as consultation requirements prevented individual Authorities from acting quickly to deal with such incidents.*

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- 2.13 *In addition, some thought was being given as to whether to introduce Regulations that would place requirements on people to self-isolate. This was being taken forward with the work on FPNs. It was noted that officials would be providing the First Minister with further advice that afternoon on the progress to introduce financial support for people who were required to self-isolate.*
- 2.14 Ministers discussed proposals to mitigate loneliness and isolation for those living alone in Local Health Protection Areas, and agreed to allow single adult households, including single parents, within these areas to form a ‘bubble’ with another household. *As all previous bubbling arrangements had been dissolved, due to the LHPA restrictions, single people would be able to form an ‘exclusive’ ‘bubble’ with another household. This would be restricted to within the specific lockdown area. It would be important to clarify within the messaging that the second household could not enter into any other ‘bubbles’ with single households. These changes would be set out in the Regulations.*
- 2.15 *Cabinet agreed that officials would need to take into account comments made by Ministers.*

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**Action points and outcomes from a meeting of Cabinet on
1st October 2020**

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<i>Item</i>	<i>Action / Outcome</i>	<i>Outcome/ Deadline</i>	<i>Officials</i>
<i>Item 2: Three week review of Health Protection (Coronavirus Restrictions) Regulations – review of lockdown restrictions</i>	<i>Officials to take into account comments made by Ministers</i>	<i>Asap</i>	<i>Legal teams / Recovery officials</i>