



Northern Ireland  
Assembly

Committee for Health

# OFFICIAL REPORT (Hansard)

Health Protection Regulations

11 November 2021

# NORTHERN IRELAND ASSEMBLY

## Committee for Health

### Health Protection Regulations

11 November 2021

**Members present for all or part of the proceedings:**

Mr Colm Gildernew (Chairperson)  
Mrs Pam Cameron (Deputy Chairperson)  
Ms Paula Bradshaw  
Mrs Deborah Erskine  
Ms Órlaithí Flynn  
Ms Carál Ní Chuilín

**Witnesses:**

Ms Elaine Colgan	Department of Health
Ms Marian McKeever	Department of Health
Mr Peter Luney	The Executive Office

**The Chairperson (Mr Gildernew):** I welcome, via StarLeaf, Ms Elaine Colgan, who is head of health protection branch 2; Marian McKeever, who works in health protection branch 2; and Peter Luney, who is deputy director of COVID recovery and strategy in the Executive Office. I invite officials to brief the Committee. Elaine, you are welcome to the Committee this afternoon. Thank you for briefing the Committee on the statutory rules (SRs). Which of you is giving the principal briefing?

**Ms Elaine Colgan (Department of Health):** Marian will give the briefing, and Peter, Marian and I will then take questions together.

**Ms Marian McKeever (Department of Health):** Thank you very much for the invitation to attend today's meeting. The Committee is considering two statutory rules today. If you are content, Chair, I will summarise both, and then we will be happy to take any questions that members may have.

**The Chairperson (Mr Gildernew):** Yes. Thank you.

**Ms McKeever:** I will start with the restrictions regulations. Following Executive agreement on 7 October, statutory rule 292, the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 18) Regulations (Northern Ireland) 2021, was made on 28 October. The regulation made the following changes. People are now permitted to move around hospitality premises, including theatres, concert halls and other indoor venues, which enables people to stand while eating, drinking or watching a performance. Indoor dancing is also permitted. The requirement to maintain social distancing in hospitality settings, such as pubs and restaurants, has been removed and moved into guidance. Nightclubs have reopened. The amendment also removed the requirement for a ticket to be purchased in advance of an outdoor event, which aligned to the position already in place for indoor events. The regulations commenced on 31 October.

As a result of the changes to the restrictions regulations, for practicality reasons, an amendment was made to the face covering regulations, which also commenced on 31 October. Statutory rule 291, the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 7) Regulations (Northern Ireland) 2021, was made following Executive agreement on 21 October. It removed the requirement to wear a face covering when eating or drinking in an indoor setting when not seated or when dancing in an indoor venue.

We plan to repeal these regulations in the coming weeks and replace them with a consolidation. Now that all venues are able to remain open, the Executive have agreed that the current measures in place will remain over the winter period. That provides us with an opportunity to make new regulations that combine the remaining restrictions regulations in place with the face coverings requirements. It is an opportunity to simplify the regulations for readability purposes and to improve understanding. Although some minor policy changes may occur in policy, no significant policy changes are anticipated.

I trust that this has been helpful to members. We are happy to take questions.

**The Chairperson (Mr Gildernew):** Thank you, Marian. I look forward to seeing any simplification. There is merit in simplifying the message and the regulations to increase their usability and enforceability. You said that no major policy changes are being looked at for over the winter. How can that be when we are seeing significant increases in case numbers and, once again, hearing of trusts looking at cancelling operations as a result of widespread transmission?

**Ms Colgan:** Thank you, Chair. I will take that question, and, if Peter wants to add anything on the policy, he will be welcome to do so.

At the minute, it is the case that the consolidation will not introduce policy changes. We are, however, still looking at options for implementation over the winter, should it be required. At the moment, yes, cases are high. They have not been going up considerably over the last number of weeks. Our paper of this week did not show any significant increase, apart from in the younger age groups.

We are making plans for the winter and looking at what might need to be put in place. At the moment, the regulation consolidation is very much about consolidating the current position. We are looking at options such as vaccine certification. Peter, do you want to say more?

**Mr Peter Luney (The Executive Office):** As we spoke about before, Chair, the autumn/winter COVID-19 contingency plan sets out measures that could be called upon in response to unsustainable hospital pressures. When we talk about a consolidation, or putting in place the baseline measures, we are not ruling out the need to introduce more measures further down the track. If that is what came across, that is certainly not what we intended.

**The Chairperson (Mr Gildernew):** OK. Leading on from the current situation and the enforcement of and adherence to regulations, I have seen for myself that far fewer face coverings are being worn and that there may be a general relaxation. That reduction in adherence may be to do with the success of the vaccine campaign. What work are you doing with others, such as councils, on enforcement of the rules?

**Mr Luney:** I agree that, over recent months, there has been a definite falling off in the rate of compliance with face coverings. We have seen that. We track areas such as public transport, where the latest figures show an overall drop in compliance of about 13%, from 87% to 74%, between August and October.

Similarly, the polling that we have been doing through Ipsos MORI has shown a slight reduction in face-covering compliance in retail. In the most recent survey, for the first time, the figure fell to about 80%. I know from personal experience and anecdotal evidence that the percentage is even lower in some settings.

We are working with the sectors to make sure that the messaging is clear. We were aware that, in some places, signage had been taken down and that routine audio messages in retail settings were no longer being broadcast. We have been working with bodies across a range of sectors to make sure that those measures are put back in place.

The autumn/winter campaign, in accordance with the autumn/winter plan, has a communications strand. The autumn/winter communications programme has three focuses, and one of those will be on

face coverings. The challenge is that there are different approaches in different jurisdictions. Many people get their news from UK national news. When people see the wearing of face coverings falling off there, where it is entirely in guidance rather than in legislation, that has a tendency to seep through to the devolved Administrations. From speaking to colleagues in other jurisdictions, I know that poor compliance rates with face coverings are not unique to Northern Ireland. In fact, we are probably faring reasonably well compared with some of the other jurisdictions, particularly England, but there is clearly more to be done.

On Friday, we have an adherence group meeting, which the PSNI and councils attend, and we want to look again at face coverings to see whether there is more that can be done to try to promote compliance, particularly as we move into what will be a more challenging time.

**The Chairperson (Mr Gildernew):** OK. Thank you, Peter.

**Ms Bradshaw:** I had a question about working with the councils, but you asked it, Chair. Thank you.

**Mrs Erskine:** I thank those who have come to the Committee and given that explanation. I have two very quick questions. One might seem a little silly.

What are the remaining legal requirements applicable to hospitality settings? From speaking to those in local businesses and the hospitality sector in my area, I know that they feel that they have been disproportionately hit by the pandemic, so the removal of the legal requirement to socially distance while sitting to consume food provides some relief to those establishments.

My second question relates to my first question. Is there any evidence to indicate whether restaurants or bars have chosen to retain certain requirements or mitigation measures that were in place?

**Ms Colgan:** Thanks, Deborah. I will start on that one. I will then hand over to Peter for the second question.

The remaining requirements on hospitality are on gathering visitor and attendee information for contact-tracing purposes. The details of every person who visits a restaurant, bar or cafe should be taken by that hospitality venue. It is important to make that distinction. Previously, in the regulations that were in force around this time last year, hospitality venues needed to collect information from the lead booker only. They now need to do that for every person there. The only exceptions are large ticketed events with a fixed start time. Obviously, if tickets were bought in bulk, it would be a bit more difficult to get every person's information. That is the first requirement.

Hospitality venues still have a requirement to carry out risk assessments. I am looking at Marian to confirm that. She is nodding, so that is right. They still have a requirement to carry out those assessments and work out the appropriate mitigations that they should have in place to keep visitors to that venue and their employees safe.

That is largely it. I will look at Marian in case I forgot anything.

**Ms McKeever:** There are also the face covering requirements.

**Ms Colgan:** Yes, and the face covering requirements apply to the staff as well as customers.

Peter, do you want to talk a little about the evidence of any retention of social distancing etc?

**Mr Luney:** Yes. Absolutely. Again, it is a bit of a mixed bag. We meet regularly with the likes of Hospitality Ulster and the Hotels Federation to look at how the restrictions and the relaxation of restrictions are impacting on them. We heard from both of those bodies that some of their members are retaining different approaches to the mitigations. We have been told that, in some settings, there is a retention of the requirement to be seated while eating or drinking and that customers do not move around and go up to the bar to get their drinks. That appears to be being driven by customer choice.

We have also heard from some venues that they are retaining social distancing at either a metre or 2 metres, rather than adopting the COVID status certification on a voluntary basis. Again, their customers feel more comfortable with social distancing.

The third major mitigation is the voluntary scheme of COVID status certification. We have talked about that before at the Committee in the context of large events. We met representatives of Hospitality Ulster and the Hotels Federation shortly after the relaxations came in to understand how well that was working in their sector. To be fair, we do not expect compliance rates in hospitality to be anywhere near as high as they are for events. Events are much more structured and organised, and a small body of organisers is responsible for the critical mass of an event. That is just not how hospitality is set up. However, we are working with the industry bodies to try to promote the uptake of the voluntary scheme.

The digital solution for domestic COVID passes was launched by the Department of Health earlier this month. The Department has been engaging with the sector and will continue that engagement to demonstrate how that digital solution works. It is a streamlined and simple solution, and it is much easier to operate than requiring a variety of hard-copy proofs on the door. We have been working with hotels and hospitality to try to promote the uptake of that scheme.

**Ms McKeever:** I will just clarify that visitor information is required only for persons aged 16 and above. The details of children under the age of 16 do not need to be collected.

**The Chairperson (Mr Gildernew):** Thank you. There is a welcome message in that. As I have said before, I urge individuals and businesses to take the regulations not as a maximum but as a minimum and to do everything that they can practically and sensibly to protect themselves individually or, where it is a business, their customers. It is appropriate that people vote with their feet, and I think that they will to an extent. They will not go to businesses or venues that they feel are unsafe in the current climate, and we should all consider that.

I do not see any other indications from members, so I thank Elaine, Marian and Peter for coming to the Committee and giving their presentation on the SRs. We can go ahead with our formal consideration of each SR in turn, as we normally do.

### **Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 7) Regulations (Northern Ireland) 2021**

**The Chairperson (Mr Gildernew):** I advise members that the Examiner of Statutory Rules has no issues to raise in relation to the SR, which is subject to confirmatory resolution. Have members any further issues that they wish to raise in connection with the rule? No.

I ask members to agree formally that the Committee for Health has considered SR 2021/291, the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 7) Regulations (NI) 2021, and recommends that it be approved by the Assembly?

*Question put and agreed to.*

### **Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 18) Regulations (Northern Ireland) 2021**

**The Chairperson (Mr Gildernew):** I advise members that the Examiner of Statutory Rules has no issues to raise in relation to the SR, which is subject to confirmatory resolution. Have members any further issues that they wish to raise in connection with the statutory rule? No.

I ask members to agree formally that the Committee for Health has considered SR 2021/292, the Health Protection (Coronavirus Restrictions) Regulations (NI) 2021 (Amendment No. 18) Regulations (NI) 2021, and recommends that it be approved by the Assembly?

*Question put and agreed to.*