

Final Business and Regulatory Impact Assessment

Title of Legislation: The Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Amendment (No. 2) Regulations 2020

Purpose and intended effect:

The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the previous regulations”), to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. They came into force on Thursday 26 March 2020.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 revoked and replaced the previous regulations; the content of the Regulations remains primarily the same as the original regulations, as amended.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) Regulations 2020 (“the current regulations”) set out additional restrictions, both nationally and specific to the central belt. These regulations suspend the effect of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 while the current regulations are in force and are due to expire on 26 October 2020.

Nationally, the current regulations require indoor hospitality venues to close between 6 pm and 6 am. Licensed premises are not permitted to sell alcohol for consumption inside the premises but premises can provide food and drink for consumption outdoors. The regulations require retail premises to return to 2 metre physical distancing, having previously been provided with an exemption that allowed 1 metre distancing to be applied.

In the central belt, licensed hospitality venues, other than cafes, must remain closed for the duration that the regulations are in force. Other hospitality venues are subject to the national restrictions. The current regulations also prohibit indoor group exercise classes, for those aged 18 and over, from taking place and also prohibit contact sport for this age group, unless it is for the purpose of professional sport. The current regulations restrict outdoor live events from taking place in this geographical area and require the closure of snooker/pool halls, indoor bowling, casinos and bingo halls.

The current regulations came into force on 9 October 2020. The current regulations state that the provisions expire at 6am on 26 October 2020. This means that they would automatically expire on 26 October if action was not taken to amend them.

These new Regulations extend the expiry date of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) Regulations 2020 (“the current regulations”) to ensure that the restrictions and requirements do not expire before it is appropriate for them to be lifted.

It is recognised that this extension will further affect businesses. However, it has been deemed necessary to extend these restrictions for an additional week as the full impact these measures are having on reducing transmission cannot yet be seen, although initial signs are positive. The intention is to continue with these current regulations until a levels-based approach can be implemented across Scotland on Monday, 2 November 2020.

As soon as the Scottish Ministers consider that any restriction or requirement is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must revoke that restriction or requirement.

Policy Objectives:

As we are beginning to see an increase in transmission across Scotland, additional mitigating measures have been introduced in order to prevent the spread of the virus. An evidence paper was published on 7 October 2020 to sum up evidence on infection trends, confirmed cases, hospital admissions and deaths, and how these vary across Scotland. This paper is available at <https://www.gov.scot/publications/coronavirus-covid-19-evidence-paper-october-2020/>.

The Scottish Government's guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the route map. The revised guidance is available at www.gov.scot/collections/coronavirus-covid-19-guidance.

Title of proposal: Changes to Hospitality Operations.

Purpose and intended effect:

Background: The reopening of the hospitality sector following earlier lockdown has seen an increased transmission of Covid-19. This has meant that additional changes to hospitality operations must be introduced to prevent a loss of control of virus transmission. Evidence suggests that this will best be achieved by means of a range of changes to be implemented between 10th and 25th October (inc), including reduced opening hours and serving of alcohol. Some of these changes will be Scotland-wide, others restricted to those areas where infection rates are highest: 5 local authorities in the Central Belt. These changes have now been extended to 2nd November.

Objective: To put a brake on transmission in hospitality settings, in particular those where alcohol is served to avoid an increase in transmission rates, hospital admissions, deaths and the potential overwhelming of the NHS.

Rationale for Government intervention: Around 20% of cases have identified as involving those who have indicated they have recently been in a hospitality setting. It is not possible, however, to identify direct causality from this. The Government recognises that household transmission is higher, which is gatherings in private dwellings was targeted first and is now illegal. The policy intention behind changes to hospitality operations is not specifically to target alcohol, but is simply about reducing the opportunity for people to interact. To fail to implement significant changes to the hospitality sector at this time will mean a significant increase in transmission rates, hospital admissions, deaths and the potential overwhelming of the NHS. However, the rationale for keeping non-licensed premises open is to deal with the social harm of isolation.

Consultation:

Public Consultation: No (precluded by urgent implementation timescales).

Business: Yes. Business consultation has been ongoing at all stages on changes to hospitality guidance and regulations. Officials have also had weekly meetings with the hospitality industry and business organisations, including Scotland Food and Drink.

Options: The policy options to be implemented were agreed by Cabinet, based on evidence provided by the Chief Medical Officer and other senior health professionals. This has now been published on the Scottish Government website.

Scottish Firms Impact Test: The health imperatives and the timing of the introduction of the measures precluded this test.

<u>Competition Assessment:</u> N/A
<u>Consumer Assessment:</u> As above re health imperatives and timing.
<u>Test run of business forms:</u> N/A
<u>Digital Impact Test:</u> N/A
<u>Legal Aid Impact Test:</u> N/A
<u>Enforcement, sanctions and monitoring:</u> Regulations have been put in place to support the implementation of the measures. Monitoring and enforcement will be undertaken by Local Authority Environmental Health Officers and, in some cases, Police Scotland.
<u>Implementation and delivery plan and post-implementation review:</u> No, due to timescales involved.
<u>Summary and recommendations:</u> The changes were agreed by Cabinet, on best health evidence, and will be implemented from 10 th October. They will be kept under review, as part of ongoing Covid monitoring.
<u>Title of proposal:</u> Closure of Casinos and Bingo Halls.
<p><u>Purpose and intended effect:</u></p> <p>Objective</p> <p>Closure of bingo halls and casinos for [a further] week in 5 Health Board areas in Central Scotland to slow the spread of Covid-19</p> <p>Rationale for Government intervention</p> <p>The rate of growth in the epidemic is increasing, with R now significantly above one (range 1.3 to 1.7).</p>
<p><u>Consultation:</u></p> <p>Public Consultation N/A</p> <p>Business N/A</p>
<p><u>Options:</u></p> <ul style="list-style-type: none"> • Allow casinos and bingo halls to continue to operate, risking further spread of Covid-19 • Closure of casinos and bingo halls for a further week
<p><u>Scottish Firms Impact Test:</u></p> <p>We believe that there will be impact on casino and bingo hall businesses as a result of a further week closure. We do not have sufficient data to quantify this.</p>
<p><u>Competition Assessment:</u></p> <p>This will affect all bingo halls and casinos in the 5 Health Board Areas</p>

<p><u>Consumer Assessment:</u></p> <p>Participation at bingo halls tends to be higher in more deprived areas. This group will be affected by the restrictions.</p>
<p><u>Test run of business forms:</u></p> <p>N/A</p>
<p><u>Digital Impact Test:</u></p> <p>N/A</p>
<p><u>Legal Aid Impact Test:</u></p> <p>N/A</p>
<p><u>Enforcement, sanctions and monitoring:</u></p> <p>N/A</p>
<p><u>Implementation and delivery plan and post-implementation review:</u></p> <p>N/A</p>
<p><u>Summary and recommendations:</u></p> <p>We recommend that measures be adopted for a further week in 5 Health Board areas in Central Scotland to slow the spread of Covid-19</p>
<p><u>Title of proposal:</u> Restriction of outdoor adult contact sports.</p>
<p><u>Purpose and intended effect:</u></p> <p>Objective</p> <p>Suspension of outdoor contact sport for a further week in 5 Health Board areas in Central Scotland to slow the spread of Covid-19.</p>
<p><u>Consultation:</u></p> <p>Public Consultation N/A</p> <p>Business N/A</p>
<p><u>Options:</u></p> <ul style="list-style-type: none"> • Allow outdoor contact sport to continue risking further spread of Covid-19 • Suspension of outdoor contact sport for a further week
<p><u>Scottish Firms Impact Test:</u></p> <p>We believe that there may be some impact on organisations which provide outdoor contact sport facilities and services as a result of a further week closure but we do not have sufficient data to quantify this.</p>

<p><u>Competition Assessment:</u></p> <p>This will affect all outdoor contact sport in the 5 Health Board Areas</p>
<p><u>Consumer Assessment:</u></p> <p>Participation in outdoor contact sport is higher in more deprived areas than other forms of physical activity. This group will be affected by the restrictions.</p>
<p><u>Test run of business forms:</u></p> <p>N/A</p>
<p><u>Digital Impact Test:</u></p> <p>N/A</p>
<p><u>Legal Aid Impact Test:</u></p> <p>N/A</p>
<p><u>Enforcement, sanctions and monitoring:</u></p> <p>N/A</p>
<p><u>Implementation and delivery plan and post-implementation review:</u></p> <p>N/A</p>
<p><u>Summary and recommendations:</u></p> <p>We recommend that measures be adopted to restrict outdoor contact sport for a further week in 5 Health Board areas in Central Scotland to slow the spread of Covid-19</p>
<p><u>Title of proposal:</u> Restriction of indoor group exercises.</p>
<p><u>Purpose and intended effect:</u></p> <p>Objective</p> <p>Suspension of indoor exercise classes for a further week in 5 Health Board areas in Central Scotland to slow the spread of Covid-19</p>
<p><u>Consultation:</u></p> <p>Public Consultation N/A</p> <p>Business N/A</p>
<p><u>Options:</u></p> <ul style="list-style-type: none"> • Allow indoor exercise classes to continue risking further spread of Covid-19 • Suspension of indoor exercise classes for a further week

<p><u>Scottish Firms Impact Test:</u></p> <p>We believe that there may be some impact on organisations which provide indoor exercise classes if memberships are cancelled as a result of the restrictions but we do not have sufficient data to quantify this.</p>
<p><u>Competition Assessment:</u></p> <p>This will affect all indoor exercise classes in the 5 Health Board Areas.</p>
<p><u>Consumer Assessment:</u></p> <p>Closure will have an impact on groups who use these classes – particularly women.</p>
<p><u>Test run of business forms:</u></p> <p>No forms will be created</p>
<p><u>Digital Impact Test:</u></p> <p>N/A</p>
<p><u>Legal Aid Impact Test:</u></p> <p>N/A</p>
<p><u>Enforcement, sanctions and monitoring:</u></p> <p>N/A</p>
<p><u>Implementation and delivery plan and post-implementation review:</u></p> <p>N/A</p>
<p><u>Summary and recommendations:</u></p> <p>We recommend that measures be adopted to restrict indoor exercise classes for a further week in 5 Health Board areas in Central Scotland to slow the spread of Covid-19</p>
<p><u>Title of proposal:</u> Closure of bowling alleys and pool halls.</p>
<p><u>Purpose and intended effect:</u></p> <p>Background</p> <p>Closure of indoor bowling facilities, snooker and pool halls for two weeks in 5 Health Board areas in Central Scotland to slow the spread of Covid-19</p>
<p><u>Consultation:</u></p> <p>Public Consultation: N/A</p>

<p>Business: N/A</p>
<p><u>Options:</u></p> <ul style="list-style-type: none"> • Allow these facilities to continue to open risking further spread of Covid-19 • Suspension of these facilities for a further week
<p><u>Scottish Firms Impact Test:</u></p> <p>We believe that there may be some impact on businesses which provide these facilities but we do not have sufficient data to quantify this.</p>
<p><u>Competition Assessment:</u></p> <p>The measures will apply to all facilities in the 5 health board areas.</p>
<p><u>Consumer Assessment:</u></p> <p>N/A</p>
<p><u>Test run of business forms:</u></p> <p>N/A</p>
<p><u>Digital Impact Test:</u></p> <p>N/A</p>
<p><u>Legal Aid Impact Test:</u></p> <p>N/A</p>
<p><u>Enforcement, sanctions and monitoring:</u></p> <p>N/A</p>
<p><u>Implementation and delivery plan and post-implementation review:</u></p> <p>N/A</p>
<p><u>Summary and recommendations:</u></p> <p>We recommend that indoor bowling, snooker and pool facilities be closed for a further week in 5 Health Board areas in Central Scotland to slow the spread of Covid-19</p>
<p><u>Title of proposal:</u> Restriction of outdoor live events.</p>
<p><u>Purpose and intended effect:</u></p> <p>Background</p> <p>Events make a key contribution to Scotland's economy, boost Scotland's profile internationally and also boost community engagement, empowerment and inclusion.</p>

As announced by the First Minister on 7 October 2020, there will be additional national and local measures put in place to reduce opportunities for the virus to spread.

There are no new national restrictions for live events. It remains the case that no indoor live events are permitted anywhere in Scotland.

Following an extension of temporary measures announced on 21 October 2020 for an additional week, at a local level, no outdoor live events will be permitted in the central belt¹ from 10 October to 2 November 2020 inclusive as part of these local measures. This means that outdoor seated live events and outdoor open space events, as defined in the Events Sector Guidance², that had been permitted to take place will now not be able to proceed during this period. Outdoor seated and outdoor open space events may continue to take place outwith the central belt. Drive-in events will be able to continue throughout Scotland, subject to guidance which will allow a limited part of the sector to operate.

Objective

Live events outdoors bring together up to 200 people in one place. The objective of the new local measures which restrict outdoor live events in the central belt is to reduce opportunities for the virus to spread.

Rationale for Government intervention

In putting in place new measures for outdoor live events in the central belt the Scottish Government is balancing placing restrictions on businesses with the need reduce transmission of the virus to protect public health. The transmission rate in the central belt is higher than in other areas of Scotland and so it is considered that additional measures are required in this location.

In considering what to do, the Scottish Government is mindful of the impact of the virus and of measures to restrict its spread on people's wider health, the economy, and wider society. These temporary measures will have a negative impact for the events sector across the central belt, the majority of whom were either unable to operate or were already operating on a severely reduced scale. However this short, targeted action is considered necessary to reduce prevalence of the virus and protect public health.

Consultation:

Public Consultation

Given the need to respond quickly to protect public health as virus rates increase, there has not been time to undertake a public consultation on these local measures for outdoor live events.

Business

¹ The central belt is defined as the areas covered by:

- Ayrshire & Arran Health Board, comprising East, North, and South Ayrshire
- Forth Valley Health Board, comprising Clackmannanshire, Falkirk, and Stirling
- Greater Glasgow & Clyde Health Board, comprising Glasgow City, East Dunbartonshire, East Renfrewshire, Inverclyde, Renfrewshire, and West Dunbartonshire
- Lanarkshire Health Board, comprising North and South Lanarkshire
- Lothian Health Board, comprising the City of Edinburgh, East Lothian, Midlothian, and West Lothian

² <https://www.gov.scot/publications/coronavirus-covid-19-events-sector-guidance/pages/overview/#definitions>

Given the need to respond quickly to protect public health as virus rates increase, there has not been time to undertake engagement with events businesses on these local measures for outdoor live events. The Scottish Government will continue to discuss the impact of these new measures with the independent Events Industry Advisory Group (EIAG)³. The group comprises 17 representatives from a range of organisations across the sector, including sporting, business and cultural events. Its membership includes supply chain business as well as event organisers. There are members representing rural and island event interests. The group has been established to represent the events and festivals sector amid the devastating impact of the Covid-19 pandemic. We also expect to receive feedback on these new measures from individual events businesses through correspondence. The Scottish Government will continue to consider other ways to engage with the events sector.

Options:

1) Do nothing

This would allow outdoor seated and outdoor open space events to continue to take place across Scotland. Drive-in events could also continue as previously. We do not have information about how many of these types of events are currently planned across Scotland from 10 October to 2 November 2020.

This option would benefit event organisers and the supply chain for these events, allowing them to continue to generate revenue (although this would be limited due to the maximum cap on number of attendees at an event at 200 at any one time). There may be associated economic benefits for other sectors such as transport or accommodation depending on the event. There are expected to be social and mental health benefits for people who are able to attend the events.

This option would result in the least costs for the events sector and other related sectors (such as accommodation and transport) of the three options. All previously permitted events would be able to proceed as planned. There would be some costs for local authorities in terms of ensuring compliance with the mitigations that are required for the events to take place safely. These would be mainly staff costs for environmental health officers. A higher rate of transmission would lead to increased public health costs compared to the other options.

Outdoor live events are considered to provide an opportunity for transmission of the virus due to a large number of people coming together at one time (with risk further increased if there is common use of public transport to the event). Given the rising prevalence of coronavirus in Scotland and need to protect public health it is not considered to be justified to take no action as set out in this option.

2) No outdoor live events in the central belt (preferred option)

This would mean no outdoor seated and outdoor open space events could take place in the central belt. They would continue to be permitted in other areas of Scotland. We do not have information about how many of these types of events are currently planned in the central belt or outwith the central belt from 10 October to 2 November 2020. Drive-in events could continue.

This option would benefit event organisers and the supply chain for outdoor events outwith the central belt, allowing them to continue to generate revenue (although this would be limited due to the maximum cap on number of attendees at an event at 200 at any one time). There may be associated economic benefits for other sectors such as transport or accommodation depending on the event. Event organisers and supply chain businesses within the central belt will benefit from being able to continue to hold drive-in events, although this is a relatively small part of the sector. There are expected to be social and mental health benefits for people who are able to attend the events that are permitted

³ Further information about EIAG is available here: <https://www.visitscotland.org/news/2020/group-leads-events-industry-recovery-plans>

This option would result in costs for the events sector and other related sectors (such as accommodation and transport) in the central belt. Overall these would be expected to be less than option 3 but more than option 1. Where an event was planned in the central belt and has to be cancelled the organiser and supply chain would lose the ticket sales (unless they can postpone the event) and revenue that could be expected to be generated at the event (for example for refreshments). In addition given the short time period for the restrictions to come into force, events that are planned from 10 October to 2 November 2020 are already likely to have incurred costs preparing for the event and beginning the event build. It is unlikely that event organisers will be insured for these losses. There would be some costs for local authorities in terms of ensuring compliance with the mitigations that are required for the events that are permitted to take place to ensure this happens safely. These would be mainly staff costs for environmental health officers.

Outdoor live events are considered to provide an opportunity for transmission of the virus due to a large number of people coming together at one time (with risk further increased if there is common use of public transport to the event). This option balances protecting the public health with taking a proportionate approach to restrictions. It is targeted at the central belt, which currently has higher prevalence of the virus than other areas of Scotland. It is also limited to a short time period of two weeks which should reduce long term impact on the events sector but still have an impact on transmission rates in areas where these are higher.

3) No outdoor live events throughout Scotland

This would mean no outdoor seated and outdoor open space events could take place anywhere in Scotland. Drive-in would also not be permitted. We do not have information about how many of these types of events are currently planned across Scotland from 10 October to 2 November 2020.

This option would result in the greatest costs for the events sector and other related sectors such as accommodation and transport. More event organisers would be negatively affected than for the other options. Where an event was planned and has to be cancelled the organiser and supply chain would lose the ticket sales (unless they can postpone the event) and revenue that could be expected to be generated at the event (for example for refreshments). In addition given the short time period for the restrictions to come into force, events that are planned from 10 October to 2 November 2020 are already likely to have incurred costs preparing for the event and beginning the event build. It is unlikely that event organisers will be insured for these losses. There would be some costs for local authorities in terms of responding to queries from event organisers and ensuring that no restricted events take place. If this blanket approach results in activity being displaced to illegal events then there might be some costs to the police of disbursing these. A lower rate of transmission as a result of the restrictions would lead to lower public health costs compared to the other options.

Outdoor live events are considered to provide an opportunity for transmission of the virus due to a large number of people coming together at one time (with risk further increased if there is common use of public transport to the event). However, given that prevalence levels are lower outwith the central belt it is not considered proportionate to the aim of protecting public health to stop outdoor events throughout Scotland, even for only a short time period of three weeks. It is not considered proportionate to stop drive-in events as the risks of transmission at these are considered to be lower as people arrive at the event in their vehicles and remain in them for most of the event (apart from visits to the toilet and for refreshments).

Scottish Firms Impact Test:

N/A

Competition Assessment:

The events sector is already operating on a very limited basis as all indoor live events and some outdoor live events are already not permitted to take place due to the coronavirus restrictions.

These changes do not affect an essential service or market. They will not result in a monopoly or reduce competition in the long term.

Event organisers and businesses outwith the central belt will be in a relatively better position than those in the central belt. Drive-in event organisers and supply chain businesses will benefit compared to other events businesses that cannot operate in this way. Organisers of paid for online events will be in a relatively better position to other event organisers.

Overall these measures are not considered to create competition concerns due to their targeted a short term nature.

Consumer Assessment:

These changes will limit consumer choice in terms of social and entertainment activity but this is considered proportionate given the short duration of these new measures and the need to balance restrictions with protecting public health.

Test run of business forms:

No new forms are required as a result of this policy.

Digital Impact Test:

These restrictions will not affect online events. These have been increased as a result of the coronavirus pandemic but it is not necessarily easy for event organisers to monetise them to replace income generated from in person events.

Legal Aid Impact Test:

N/A

Enforcement, sanctions and monitoring:

Compliance with the measures is a matter for local authorities.

Implementation and delivery plan and post-implementation review:

The new measures for outdoor live events will be in place from 10 October 2020 and expire when the Regulations expire although this will be subject to further consideration and transmission of the virus.

As indicated previously, we will continue to discuss the impact of these new measures with the independent Events Industry Advisory Group (EIAG) and expect to receive feedback on these new measures from individual events businesses through correspondence.

Summary and recommendations:

Overall option 2 is considered to be the preferred option. This option balances protecting the public health with taking a proportionate approach to restrictions. It is targeted at the central belt, which currently has higher prevalence of the virus than other areas of Scotland. While initially limited to a period of two weeks – which will be extended to three weeks - – these temporary measures should reduce long term impact on the events sector but still have an impact on transmission rates in areas where these are higher. Lower risk drive-in events are permitted to continue, which although a very small part of the sector will allow some events to continue.

Title of proposal: Retail premises to return to 2 metre physical distancing,

Purpose and intended effect:

Background

Following the introduction of compulsory wearing of face coverings in retail environments on 10 July 2020, the relaxation of the 2m rule in retail premises on 10 July and the wider reopening of non-essential retail services on 15 July 2020, there may be for some the perception that these mitigations would be sufficient to suppress the spread of coronavirus in that that it was no longer the imminent threat that it had been at the start of the pandemic. However, the recent rise in the infection rate, alongside a general relaxation to rigorous application of infection control measures by some retailers and customers requires addressing in order to positively impact on rising infection numbers.

Objective

To reintroduce more stringent measures within retail environments through increasing the distance between shoppers from 1 metre to 2 metres and exercising greater control on both the numbers and movement of customers within stores.

Rationale for Government intervention

Although many retailers have from the onset of the pandemic have continued to implement and maintain infection control measures, without making them compulsory through legislation, it is unlikely that all retailers would re-impose the measures voluntarily needed to maintain 2m distancing between customers. Reintroducing control measures set out above should be relatively easy to bring into effect and be familiar to many customers and staff in stores.

Options:

Option 1 – Implement as stated

Proceed to introduce the 2 metre limit within retail units and shopping malls, which will result in limiting the numbers of customers in stores at any one time and better manage the flow of customers within the unit.

Option 2 – do nothing

Keep the current 1 metre limit in place which will maintain higher numbers of customers in stores.

Benefits – option 1

Retail outlets can remain open and implement measures which have been previously been developed and agreed by trade unions and industry. Retailers can continue to trade, maintaining jobs and revenue to the economy.

Benefits – option 2

Retailers can maintain current staffing numbers, footfall and sales.

Costs – option 1

There will be costs to retailers in implementing the 2m rule and the associated measures that come with it. The numbers of customers in a store at any given time could potentially half with a resultant loss of revenue. Additional costs may be incurred in reintroducing signage and spacing notifications, staff training and people to count customers in and out of stores. It is not possible at this time to quantify costs.

Costs – option 2

No additional costs to retailers anticipated, other than those associated with possible increase in sick absence due to staff contracting coronavirus or potential loss of customers should the infection rate in the wider population continue to increase, particularly if this leads to more severe restrictions being imposed.

Scottish Firms Impact Test:

The Retail Guidance Sub-group comprises representatives from a diverse range of Scottish retail trade unions and leadership bodies, ensuring that differing views and issues were addressed during the development of the retail sector guidance.

The guidance provides a consistent approach in taking steps for a safe workplace, regardless of type of retail, whilst allowing employers to assess their own risk and put in place the safety measures appropriate for their specific needs.

Competition Assessment:

There are no perceived competition impacts as the new measure will impact on all retailers in Scotland regardless of size, geography or types of sales (food, clothing, cars etc)

Consumer Assessment:

No foreseeable additional costs to consumers, although as a consequence of queueing and limitation of numbers of customers in a store at any given time., consumers may experience an increase in the time taken to complete shopping and possible physical impacts if standing for long periods before entering stores.

Test run of business forms:

No new statutory forms will be created. All forms that have been created are word based forms created by retail policy officials and incorporated into the retail guidance.

The recommended actions should be fully considered and implemented where possible as part of procedures and should be considered by store managers, health and safety officers, small business owners and sole traders.

Digital Impact Test:

All documents created are word based and are available for free to download from to the SG website.

Legal Aid Impact Test:

The introduction of this legislation is enforceable on retailers and therefore should to inform firms' decision-making process on adherence to the new 2m regulation. Any fines associated with this would be against the person who is responsible for complying and fails to do so (the duty lies with the person who is responsible for carrying on a business). There will be no impact on legal aid as businesses are not eligible.

The 2m restrictions should provide some comfort to employees who have been concerned about their own heightened risk of exposure to the coronavirus. There is the potential for employees to raise this as supporting evidence to uphold employment rights, human rights, equality or health and safety laws in the

workplace. Should an employee decide to exercise any of these legal rights in the workplace, legal aid in the form of Advice and Assistance may be available to those who qualify.

The retail guidance may however reduce the potential for such legal challenges by employees as it encourages a collaborative approach by employers, employees and trade unions to ensure a safe working environment supported through a fair work approach.

Enforcement, sanctions and monitoring:

The same enforcement, sanctions and monitoring regime will apply in this measure as per the wider route map BRIA.

Implementation and delivery plan and post-implementation review:

The Retail Guidance sub-group will continue to engage with Scottish Government to review this situation and any subsequent reviews to the retail guidance and checklists.

Summary and recommendations:

The SG COVID-19 Retail Working Group has met regularly throughout the pandemic, will review the introduction and implementation of the current restrictions and any influence and inform necessary changes to the current retail guidance and associated checklists.

Declaration and publication

Sign-off for BRIA:

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the measures set out in the regulations and guidance. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: Michael Russell

Date: 22/10/2020

Minister's name: Michael Russell

Minister's title: Cabinet Secretary for Constitution, Europe and External Affairs.