

**Title: Scotland's Strategic Framework: Retail Sector – 5 April easing of restrictions**

**Purpose and intended effect:**

In response to the current state of the Coronavirus pandemic and extent of vaccinations given, the Scottish Government is introducing various steps to ease the current restrictions. As part of this package all retailers will be permitted to operate click and collect services via a permitted collection service and the list of retailers who are exempt from closure will be expanded through an amendment to the Level 4 restrictions on retail premises. These steps are set out to remove the restrictions which came into force on 26 December 2020 and 16 January 2021 which were dealt with in both the earlier addendums.

Non-essential retail has been closed across all of mainland Scotland (and some of our islands) since 26 December 2020. On 5 January 2021 'stay at home' requirements came into effect. Following this, click and collect services were restricted to a list of permitted retailers on 16 January 2021 along with further restrictions on outdoor car lots.

On 2 April 2021 the 'stay at home' requirement will be replaced by a 'stay local' requirement, allowing travel within a local authority area. It is still unlawful for a person to leave their local authority area in order to undertake shopping or collect an ordered item without a reasonable excuse. The resumption of a fully available click and collect service from all (in line with restrictions laid out below), otherwise closed, non-essential retailers poses no issues in accordance with the 'stay local' requirement.

Ahead of the 16 January regulations on click and collect, feedback from Environmental Health and Trading Standards officers, as well as correspondence received into Scottish Government, indicated that click and collect services were not always being conducted in either the letter or spirit of the applicable regulations. This included, in some circumstances, facilitating customer access into the wider store. Therefore as we look to ease restrictions in a phased approach, we consider it necessary to ensure there are proportionate operational restrictions.

For those operating a click and collect service they must do so by staggered appointment, with where reasonably practicable, a gap between each appointment, and with access to the premises only where absolutely necessary to provide the service and complete the collection. These measures were introduced in order to limit or remove any interaction between customers, remove where possible customers accessing the wider premises and reduce the risk of transmission and will remain to ensure we continue to work towards virus suppression. Customers should not be entering stores in order to pick up click and collect items unless the retailer can demonstrate that there is no practical alternative. Where they do have to enter the store they should not be permitted access to any more of the store than is necessary to collect their item.

Click and collect also remains allowed for retailers who are currently permitted to open in Level 4 where we expect them to operate via a permitted collection service.

As part of the easing, in addition to the re-opening of click and collect services we intend to expand the types of retailers permitted to open more widely. In considering which further retailers should be exempt from the requirement to close we reviewed those retailer categories most likely to provide access to products which could reasonably be considered essential and where access to them may be required urgently or in person for health and wellbeing reasons. To aid clarity around retail premises the following have now been listed as businesses with are permitted to open–

- Garden centres and plant nurseries
- Homeware shops
- Premises laid out as a showroom to demonstrate products for installation in a residential property, such as a kitchen, bathroom, furniture or glazing showroom
- Key cutting services
- Baby equipment shops
- Shops selling mobility and independent living aids

- Electrical goods shops, for the purpose of repairs
- Motor vehicle traders - (indoor showrooms by appointment only and outdoor lots).

The objective of these changes are to begin a phased re-opening of the economy as per above.

In light of the preventative and precautionary approach taken previously, it was necessary to consider again whether any of the sub categories of essential retail could be eased to align with previous level 4 restrictions. The safety of people – customers, employees and business owners – is the number one priority and we are working with retailers to ensure that people can still undertake essential shopping as safely as possible. Whilst the increased risk of the new, more transmissible variant was the driver for finding further mechanisms to minimise the movement and mingling of people, particularly indoors, to key, essential purposes, the success to date of the vaccination programme has allowed us to ease restrictions via a phased approach. The updates to the retail section reflect that overriding objective.

## **Conclusion**

Limiting social mixing as much of possible in all settings is the most effective measure against transmission of the virus until a vaccine becomes available more widely.

In common with the wide range of other countries who have implemented similar measures, the Strategic Framework seeks to limit business operation as part of an overall system to balance suppression of the virus whilst minimising wider harm to our health and wellbeing as well as minimising the wider social and economic harms associated with the measures. The levels approach sets out proportionate action to address the harm from the virus whilst acknowledging the wider health, social and economic harms. When the risk of COVID-19 rises, so too will the restrictions on these sectors. Similarly as the risk falls, restrictions will ease.

Across all of the five levels we seek to balance:

- The positive impact on the transmission rate of the virus through restricting the opportunity for mixing
- Enabling as many businesses as possible to remain open as safely as possible, in ways that enable firms to remain viable and reduce the likelihood of redundancies
- The important role that these businesses and venues play in maintaining our wellbeing
- The risk of people gathering elsewhere in less safe environments
- The economic costs, including wider costs and the impact on the supply chain.

## **Consultation**

Throughout the process, engagement has been continued with sector representative bodies, alongside a body of correspondence from individual businesses, customers and retail staff. We will continue to engage with the sectors as we bring forward guidance and keep decisions under review.

## **Options:**

### **This section sets out the range of options that have been considered in respect of the specific changes made on 5 April 2021.**

There was no assessment nor was there any change to how the Strategic Framework would deal with essential and non-essential retail in levels 0-3. This is because these considerations were focussed on the phased easing of restrictions and as such took into account Level 4 only. As such a review and consideration of retail in levels 0-3 was not warranted at this time.

## **Additional Options considered for Level 4**

**Option 1 – fully re-open click and collect without further operational restrictions – Option rejected**

Due to new variants of COVID-19 there is still a necessity to reduce the possibility of contact between customers where possible. Whilst click and collect services cannot be confirmed as being a driver of increased transmissions it is evident that coming into contact with others is something we want to reduce. We needed to consider all steps available to reduce interaction. Therefore there is a weakened argument for fully re-opening click and collect services with no operational restrictions, such as staggered appointment times being required. As explained above, Trading Standards colleagues and incoming correspondence have shown us that compliance with guidance and regulations is a concern when customers were able to collect a parcel inside the premises of a retail outlet.

### **Option 2 – re-open click and collect for all retailers and retain further operational restrictions – Option adopted**

From a socio-economic perspective, retaining click and collect allows people to access products for an essential purpose that are available locally, quickly, without waiting time for delivery or having to travel greater distances to buy them in-store. For many retailers click and collect is also free rather than incurring delivery costs.

Based on the above consideration of the first option a decision was made to allow click and collect to re-open for all retailers.

We considered carefully the need to retain access to items locally for rural communities since there were risks identified in limiting availability of goods and potentially making communities more vulnerable by increasing reliance on online deliveries. There is also immediacy and cost implications for more remote consumers who may require items quickly and out of necessity and for whom on-line order and delivery will add both time and delivery charges to the purchase.

Concurrently, in concluding that option 2 – re-opening of click and collect - was the preferred outcome we recognised that there were remaining potential risks around the operation of click and collect where customers are entering the premises of otherwise closed retailers. We examined the previous, unrestricted, permission for click and collect to continue operating and concluded that further operational restrictions should be introduced in regulation to reduce the interaction between retail staff and customers and between customers. In particular the desired outcome was to ensure, wherever practicable, that all click and collect would take place in a contactless and 'off premises' way, such as an outdoor collection area or boot drop – something several retailers had already adopted. In order to minimise the likelihood of either queuing outside a closed retailer to collect a purchase or for customers to be interacting with each other, it was concluded that staggered appointments systems should be required in regulation to ensure that there was an 'air gap' between customers arriving and departing. Including in legislation was deemed necessary because of the compliance concerns from Environmental Health and Trading Standards officers as highlighted above.

### **Option 3 – extend the list of retailers who are exempt from closure with garden centres allowed to open outside only– Option rejected**

The list of retailers exempt from closure was reduced on 26 December 2020, with the 'Stay at home' requirement coming into effect on 5 January 2021. In response to the current state of the virus and extent of vaccination, we believe there is capacity to extend the list of retailers permitted to open in line with the 'Stay local' requirement.

Whilst on-line delivery and click and collect could fulfil these needs in a number of areas there was recognition that the continued success in suppressing the virus allows for us to begin a phased re-opening of the economy, in this instance particularly the retail sector. We are approaching the easing of restrictions with caution and plan to allow the following businesses to remain open under Level 4:

- Garden centres and plant nurseries
- Homeware shops
- Premises laid out as a showroom to demonstrate products for installation in a residential property, such as a kitchen, bathroom, furniture or glazing showroom
- Key cutting services

- Baby equipment shops
- Shops selling mobility and independent living aids
- Electrical goods shops, for the purpose of repairs
- Motor vehicle traders- indoor showrooms by appointment only and outdoor lots

We have looked at the possibility of garden centres opening outdoors only and not permitting access inside the premises unless absolutely necessary, however this option was rejected given the wellbeing benefits of gardening and the economic harm to the horticulture sector for which spring is a prime trading season.

#### **Option 4 – extend the list of retailers who are exempt from closure with garden centres allowed to open fully – Option adopted**

The list of retailers exempt from closure was reduced on 26 December 2020, with the ‘stay at home’ requirement coming into effect on 5 January 2021. In response to the current state of the virus and extent of vaccination, we believe there is capacity to extend the list of retailers permitted to open in line with the ‘Stay local’ requirement.

Whilst on-line delivery and click and collect could fulfil these needs in a number of areas there was recognition that the continued success in suppressing the virus allows for us to begin a phased re-opening of the economy, in this instance particularly the retail sector. We are approaching the easing of restrictions with caution and plan to allow the following businesses to remain open under Level 4:

- Garden centres and plant nurseries
- Homeware shops
- Premises laid out as a showroom to demonstrate products for installation in a residential property, such as a kitchen, bathroom, furniture or glazing showroom
- Key cutting services
- Baby equipment shops
- Shops selling mobility and independent living aids
- Electrical goods shops, for the purpose of repairs
- Motor vehicle traders – indoor showrooms by appointment only and outdoor lots

We have looked at the possibility of garden centres opening outdoors only and not permitting access inside the premises unless absolutely necessary. This option was rejected given the wellbeing benefits of gardening and the economic harm to the horticulture sector for which spring is a prime trading season. Further consideration was given to the viability for centres to facilitate the complexities involved in opening outside only.

#### **Business support**

We are replacing the pattern of recurring payments made through the Strategic Framework Business Fund (SFBF) with a one-off Restart Grant for business in the retail, hospitality and leisure sector specifically to support them in meeting the costs associated with the costs of re-opening

In April 2021, SFBF recipients will automatically receive a combined final two-week payment from the Fund and a one-off restart grant to help them reopen:

Retailers in receipt of SFBF will be eligible for grants up to £7,500 based on rateable value:

- For properties with a rateable value below £51,000: £7,000 (£6,000+£1,000)
- For properties with a rateable value above £51,001: £7,500 (£6,000+£1,500)

#### **Conclusion**

For the reasons outlined above and to achieve the objective and imperative to gradually ease, where possible, restrictions currently in place, we have therefore: permitted all retail businesses to offer click and collect and

continued with the tightened operational restrictions around its usage. Additionally, to further begin the re-opening of the retail sector, we have expanded the 'list of retailers who are exempt from closure.

## **Title: Scotland's Strategic Framework: Close Contact Services – 5 April easing of restrictions**

### **Purpose and intended effect:**

In response to the current state of the Coronavirus pandemic and extent of the vaccination programme, the Scottish Government is introducing various steps to ease the current restrictions. As part of this package hairdressing salons and barber shops who operate from a fixed premises will be permitted to re-open, by appointment only, through an amendment to the Level 4 restrictions on close contact premises.

Close contact services have been closed across all of mainland Scotland (and some of our islands) since 26 December 2020. On 05 January 2021 'stay at home' requirements came into effect.

On 2 April 2021 the 'stay at home' requirement will be replaced by a 'stay local' requirement, allowing travel within a local authority area. Whilst it is still unlawful for a person to leave their local authority area without a reasonable excuse, the removal of "stay at home" allows individuals to travel within their local area to attend a hairdressing or barbering premises. The resumption of premise based hairdressing and barbering services poses no issues in accordance with the 'stay local' requirement.

For those re-opening they must do so by operating an appointment only service for a specified time. We also expect them to follow close contact guidance and should ensure enhanced hygiene and physical distancing measures are place alongside following requirements on face coverings. These measures are being introduced in order to limit or remove any interaction between clients, and reduce the risk of transmission, and will remain in place to ensure we continue to work towards virus suppression.

The objective of these changes are to begin a phased re-opening of the economy as per above.

The safety of people – clients, employees and business owners – is the number one priority and we are working with stakeholders to ensure that people can attend these premises as safely as possible. Whilst the increased risk around the new variants was the driver for finding further mechanisms to minimise the movement and mingling of people, particularly indoors for limited purposes, the success to date of the vaccination programme has allowed us to ease restrictions via a phased approach.

### **Conclusion**

Limiting social mixing as much as possible in all settings is the most effective measure against transmission of the virus until the vaccine is rolled out more widely.

In common with the wide range of other countries who have implemented similar measures, the Strategic Framework seeks to limit business operation as part of an overall system to balance suppression of the virus whilst minimising wider harm to our health and wellbeing as well as minimising the wider social and economic harms associated with the measures. The levels approach sets out proportionate action to address the harm from the virus whilst acknowledging the wider health, social and economic harms. When the risk of COVID-19 rises, so too will the restrictions on these sectors. Similarly as the risk falls, restrictions will ease.

Across all of the five levels we seek to balance:

- The positive impact on the transmission rate of the virus through restricting the opportunity for mixing

- Enabling as many businesses as possible to remain open safely, in ways that enable firms to remain viable and reduce the likelihood of redundancies
- The important role that these businesses and venues play in maintaining our wellbeing
- The risk of people gathering elsewhere in less safe environments
- The economic costs, including wider costs and the impact on the supply chain.

### **Consultation**

Throughout the process, engagement has been continued with stakeholders, alongside a body of correspondence from individual businesses, clients and close contact staff. We will continue to engage with the sectors as we bring forward guidance and keep decisions under review.

### **Options:**

This section sets out the range of options that have been considered in respect of the specific changes made on 5 April 2021.

There was no assessment nor was there any change to how the Strategic Framework would deal with wider close contact services in levels 0-3. This is because these considerations were focussed on the phased easing of restrictions for 2 April and 5 April and Level 4 only. As such a review and consideration of retail in levels 0-3 was not warranted at this time.

### **Additional Options considered for Level 4**

#### **Option 1 – prohibit all close contact services, both static and mobile from re-opening – Option rejected**

Due to new variants of COVID-19 there is still a necessity to reduce the possibility of contact between customers where possible. We considered making no amendments and prohibiting all close contact services, both static and mobile from operating. However, as a result of the success in previous regulations in suppressing the spread of the virus and coupled with the rollout of vaccination, we believe there is scope for the gradual reopening of services whilst remaining cautious and allowing only a fraction of the sector to re-open.

#### **Option 2 – re-open hairdressing/barbering service, both static and mobile – Option rejected**

From a socio-economic perspective, re-opening both static and mobile hairdressing/barbering services could allow for socialisation, reduce isolation and improve wellbeing. As the majority of close contact service businesses are micro and small businesses, it would allow for a great deal of business owners and employees to generate revenue.

Whilst permitting these services to re-open could improve our way of living and benefit the economy, as set out above, there is an increased risk of transmission in an environment where the practitioner has little control, such as a client's own home or a hotel room. Close contact services require close proximity or physical contact between a client and practitioner, in an enclosed space which in turn means clients will often spend prolonged periods in these spaces.

As we won't have vaccinated all priority groups until around mid-April, a decision was reached to not allowing mobile hairdressing/barbering to resume as part of this easing.

#### **Option 3 – re-open fixed premise hairdressing/barbering services only – Option adopted**

As above, from a socio-economic perspective, re-opening premise-based hairdressing/barbering services could allow for socialisation, reduce isolation and improve wellbeing. As the majority of close contact service businesses are micro and small businesses, it would allow for a great deal of business owners and employees to generate revenue.

Whilst permitting these services to re-open could improve our way of living and benefit the economy, as set out above, this option allows for greater control over the environment, allowing practitioners to follow published guidance and checklists. Close contact services require close proximity or physical contact between a client and practitioner, in an enclosed space which in turn means clients will often spend prolonged periods in these spaces.

Given the current state of the virus and extent of the vaccination programme, re-opening fixed premise hairdressing/barbering services is as much as we can currently allow. There is already robust sector guidance in place for the operation of these services, including advice on ventilation, hand hygiene and physical distancing.

Concurrently, in concluding that option 3 – re-opening fixed premise hairdressing/barbering services only - was the preferred outcome we recognised that there were remaining potential risks around the operation of these services where customers are queuing both inside and outside the premises. We examined the previous, unrestricted, permission for hairdressing/barbering to continue operating and concluded that further operational restrictions should be introduced in regulation to reduce the interaction between staff and clients and between clients. In order to minimise the likelihood of either queuing outside a salon or queuing indoors at a waiting area, where clients are likely to be interacting with each other, it was concluded that an appointments system should be required in regulation to ensure that there was a gap between clients arriving and departing.

### **Business support**

We are replacing the pattern of recurring payments made through the Strategic Framework Business Fund (SFBF) with a one-off Restart Grant for business in the retail, hospitality and leisure sector specifically to support them in meeting the costs associated with the costs of re-opening

In April 2021, SFBF recipients will automatically receive a combined final two-week payment from the Fund and a one-off restart grant to help them reopen:

Retailers in receipt of SFBF will be eligible for grants up to £7,500 based on rateable value:

- For properties with a rateable value below £51,000: £7,000 (£6,000+£1,000)
- For properties with a rateable value above £51,001: £7,500 (£6,000+£1,500)

### **Conclusion**

For the reasons outlined above and to achieve the objective and imperative to gradually ease, where possible, restrictions currently in place, we have therefore: permitted hairdressing and barbering services who operate from a fixed premises to re-open with the tightened operational restrictions around its usage.

### **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: 1<sup>st</sup> April 2021**

**Minister's name: Michael Russell**

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