

**Stakeholder Meeting 6 Sept – Email Teams meeting request - issued 4 Sept**

All

With apologies for the late notice. Please find attached attendee list for the meeting (this will be subject to last minute amendment) and a list of the key issues from businesses around the possible introduction of a mandatory domestic certification scheme in some settings.

Subject to approval by the Parliamentary Bureau the debate on Domestic Certification will be Thursday 6 September at 1450.

There are a wide range of stakeholders on the meeting this afternoon so we will be focusing on

Agenda

- Assuming the vote is in favour of introducing domestic certification to a limited number of areas we need to know:
- What needs to happen before mandatory certification is introduced
- What are the absolute barriers to successful introduction of a mandatory scheme
- What communications need to be issued so that the general public/customers know what they need to do?
- How soon can the proposed sectors be in a place to introduce a workable scheme?

**Stakeholder Meeting 28 Sept – Email Teams meeting request- issued 14 Sept**

All – A further roundtable meeting on domestic certification.

We are keen to hear your views on the draft guidance with a view to answering as many questions as possible in advance of 1 October.

We are not in a position, at this time, to send the draft Regulations or the BRIA.

**Stakeholder Meeting 12 October – Email Teams meeting request- issued 5 October 2021**

Good afternoon,

We would like to invite you to the next roundtable on COVID Domestic Vaccine Certification. Please note that the Minister for Business, Trade, Tourism and Enterprise Ivan McKee MSP will be joining us.

We are keen to hear your views on the scheme, with a view to resolving any issues in advance of 18 October.

**Stakeholder Meeting 22 November – Email Teams meeting request- issued 19 Sept**

Good afternoon,

We would like to invite you to the next roundtable on the COVID Domestic Vaccine Certification scheme. Apologies for the short notice.

As part of our continuing dialogue, we are keen to hear your further views on both the implementation of the scheme so far and the potential for extending the scheme, with a view to discussing issues around the implementation of any potential changes in advance of Cabinet meeting on Tuesday 23 November.

Agenda to follow.

**MiCase correspondence received from hospitality industry operator**

**From:** Redacted

**Sent:** 01 October 2021 08:50

**To:** Safer Workplaces Covid Guidance Queries

<SaferWorkplaces.CovidGuidanceQueries@gov.scot>

**Subject:** Coronavirus (COVID-19): vaccine certification scheme

Good Morning

I was hoping you can direct me to the right information point to get information around the unseated part of the legislation.

More specifically the point “An event is “unseated” when not all of its attendees are seated.”

So to clarify the below points.

- As part of a fundraiser, charity ball or Christmas party, All the attendees are seated for the formal part and have seat allocated for the duration of the evening. But will have opportunity to dance after the formal part is finished.
  - Is this classed as Seated or unseated event.

Any help on the matter will be very appreciated.

Regards

**Redacted**

## Scottish Government reply of 27 October 2021

T : 0300 244 4000

E : SaferWorkplaces.CovidGuidanceQueries@gov.scot

Redacted

Redacted@Hilton.com

Our Reference: Redacted

27 October 2021

Dear Redacted,

Thank you for your email of 1 October seeking clarification on the definition of seated events, in relation to the requirements of *The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2) Regulations 2021*.

While the Scottish Government is unable to provide specific advice about how individual businesses or event organisers should implement the requirements of the legislation, it is stated in our guidance that events where there will be a mixture of unseated and seated attendees, are classed as "unseated events". In your example, you mention that attendees would "have opportunity to dance after the formal part has finished" and that would mean that they are unseated. If service and dancing continues after midnight then this may also fall within the night time definition, and require vaccine certification on that basis.

Within the legislation document, the following amendment is outlined:

### ***Requirement to ensure that persons are fully vaccinated, or exempt, when in certain places***

**7A—(1)** The person responsible for premises to which paragraph (2) applies must ensure that there is in operation a reasonable system for—

(a) checking that persons on, or seeking to enter, the premises to which paragraph (2) applies are permitted to be on the premises by paragraph (3), and

(b) removing from, or refusing access to, those premises anyone found by those checks not to be permitted to be on the premises by paragraph (3).

**(2)** This paragraph applies to—

(a) late night premises between 0000 hours and 0500 hours each day, unless they are being used for a funeral, marriage ceremony, civil partnership registration, or a reception or gathering which relates to a marriage ceremony, civil partnership registration or funeral, and

(b) any premises while a relevant event is taking place at them.

Further to this, a relevant event is defined:

For the purposes of these Regulations, “a relevant event” is an event planned on the basis that:

- (i) it will be attended by more than 10,000 people; or
- (ii) it will take place wholly or mainly outdoors and will be attended by 4,000 or more people simultaneously (excluding children under 5 years of age and people working at the event), and not all of those attendees will be seated; or
- (iii) it will take place wholly or mainly indoors and will be attended by 500 or more people simultaneously (excluding children under 5 years of age and people working at the event), and not all of those attendees will be seated.

These Regulations provide that certain events are exempt, including those relating to a funeral,

marriage ceremony or civil partnership registration.

If you remain uncertain as to whether certification would be required at your specific event, we would ask that you liaise with relevant Local Authority Officers to determine the likelihood of certification being required. I hope this is helpful.

Yours sincerely

Redacted

## **CBRS: COVID Safer Workplaces**

Relevant extracts from official engagement with hospitality industry and Scottish Government where vaccine certification was mentioned.

### **Regular calls with the hospitality sector routinely include:**

- Scottish Licensed Trade Association
- Scottish Beer & Pub Association
- UK Hospitality
- Night Time Industries Association
- Scottish Hospitality Group

---

### **Extract from meeting: COVID-19 – DFM meeting with senior stakeholders(including hospitality industry) – 1 September 2021**

- SG is stepping up its role by intensifying public messaging; taking forward proposals on certification in certain settings; is ready to vaccinate 12 – 15 year olds once a JCVI decision made; and is accelerating vaccination of 16 years plus.

- International vaccination certificates going digital was welcomed and assurances were sought that SG is working with Airline, tourism and business travellers to design/develop practicalities of implementation/monitoring/enforcing.
- Events and live music industries provided assurance on their support, including offering to host pop up vaccination centres at events (e.g. TRNSMT). Also keen to engage with SG in further dialogue on finalising proposals around certification. Important to ensure clarity of messaging around certification – some see announcement as a ‘green light’ for large events but needs to align with strong messaging on intensified action on other measures. The Open Championship tested certification and R&A can share learnings via the EIAG.

Points to take forward:

- Additional engagement with events sector on Certification – support on lessons learned and issues around practical use

### **Extract from Covid Status Certification Roundtable Meeting - 6 September 2021 (chaired by SG officials)**

#### **Attendees from hospitality industry (also other interested sectors)**

- What is the public policy on Certification, what evidence.
- Certification is no guarantee that you don't have the virus or can spread it
- What is the identified risk that puts pressure on emergency services that certification will mitigate.
- What would be proportion of checking certificates at entry- spot check basis- Could ground access have sample check of evidence attendees not carrying virus.
- Make it a vaccine passport and combo of 2 jabs + 2 weeks , a negative LFD test before, or elapsed time past a positive PCR test - this would get round those who can't get a vaccine
- Also real shortage of qualified security staff to not only cover existing events so extra to cover certification may be a huge issue. Global issue.
- Market distortion - Small club venues have more transient clients ie they don't book tickets in advance like a large concert/event, so if there is issue with certification and gaining access they could lose clients to other venues not requiring certification. This could be catastrophic and some clubs could close permanently as a result.
- What is the Scope of what is included in the scheme and what is not.
- Large international events have many rUK and international visitors and so any system needs to be able to accept other certification.
- Issues with entry with a certification check. Stewards already have a great deal to check prior to allowing entry and this would create a bigger ask on them and likely cause greater delays in attendees gaining entry. Possible public order issues as a result of delays.
- Scotland looks like it will go down a different route to RUK, keen to see a 4 Nation approach to Certification.

**Extract from Covid Status Certification Roundtable Meeting with attendees from hospitality industry (also other interested sectors) on 14th September 2021.**

- Possibility could take away 25-50% of their customers. Customers will go next door to venue that does not need Certification. They will go out of business.
- Potential impacts on the local areas around football grounds if certification is introduced.
- Has use of LFDs with or without certification been considered?

**Extract from Covid Status Certification Roundtable Meeting with attendees from hospitality industry (also other interested sectors) on 21 September 2021.**

- Business events – do they have to certificate? The event itself, no. But drinks receptions etc. linked to them, would be. The working part, no. The other related parts, yes.
- What will happen with tourists? 50-60% of trade for some premises. There will be tourists with no vaccine passports.
- The scanning app will work with international vaccine passports, not just Scottish ones.
- People coming here will have to have vaccine passport
- Re: the BRIA – does evidence show that imposing certification on these businesses and no others will have a positive health outcome?
- What time should we be certificating customers if they arrive early in the day?
- Tourism – e.g. Hogmanay – putting off visitors from England as can't engage in nightlife and can't see why need to bring up vax certificate.
- Events without fixed entry/exit points are exempted. 4000 figure where certification comes in – should be 5000, as would line up better with other guidelines.
- Where any conference of more than 500 people is happening, will the lunch break or coffee break need certification?
- Wales using LFTs as part of their certification scheme, which would solve a lot of the issues. England decided certification would affect business too much. Italy making their scheme apply to workplaces too as wasn't having desired effect.
- What's the current take-up on certification? About 10% pre-QR code got vax certification. Now about 600k PDFs downloaded, and about 200k letters posted out. Unsure how many of those overlap.

**Extract from Covid Status Certification Roundtable Meeting with attendees from hospitality industry (also other interested sectors) on 12 October 2021.**

- There was concern about the apparent ease of getting round the checks by using screen shots of other people's vaccine certificate. The updated form of the app, which uses a domestic QR code, will be more secure. Once the app is updated, this will no longer be possible.
- Concerns were raised that not enough customers had downloaded the app for certain businesses to stay a going concern, if they refused entry to those without certification. Currently there are 1 million printed certificates and approximately 700,000 PDF versions (though there will be overlap within these figures, and also with these figures and those who have downloaded the app).
- It was raised that there were a lack of legal consequences on the customer for attempting to enter premises without having a COVID certificate, unlike when e.g. purchasing alcohol underage, and that this might exacerbate the public order issue.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 20 October 2021.**

- In past week only small notable increase in preparedness of customers attending late night settings with vaccine certification – around 50% for night clubs, in the region of a third in hybrid venues – points to concerning lack of awareness amongst the general public
- Businesses seeing anywhere between 30-60% reduction in revenue from before vaccine certification introduced – concern that if this trend is sustained then will lead to business failure very quickly
- Ongoing issues with abuse and animosity towards staff by some customers – pushing back on need to produce certification and turning away from businesses as a consequence
- Slight increase in people showing up prepared with vaccine certificates, but fewer numbers overall due to reduced footfall
- Less than 1 in 3 customers presenting with vaccine certificates i.e. one venue from weekend, of 283 attending, 222 had no vax-certs, 61 did (51 with paper/pdf version, only 9 with app)
- Awareness amongst traditional nightclub go-ers appears to be increasing slightly with premises advertising on social media channels that certification is needed, however this is being met with abuse online already highlighted. Real test will be this weekend as venues haven't been denying entry during grace period.
- Concerns about the time it is taking to check certification. Visual checks are a lot quicker but comes with the trade-off of being less secure. Many premises opting to do only visual checks after issues with both customer app and Covid check app.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 27 October 2021.**

- First weekend of enforcement phase of vaccine certification reported as problematic by all trade bodies present

- Reports of challenging situations on doors where staff having to turn people away – reports of refusals vary, some reporting 20% of footfall not having necessary certification, others that 550 refused but not verified against number of venues in sample
- Availability of door staff still a major issue – some reports of Security Industry Authority inspectors visiting premises over weekend informing them that those checking vaccine certification should be SIA licensed/badged
- A 46% decline in trade for nightclubs would represent lost income of £506,000 per year per venue on average if this scheme continues compared to pre-vaccine passport levels of trade
- A 24% decline in trade for pubs and bars would represent lost income of £180,000 on average if this scheme continues compared to pre-vaccine passport levels of trade
- We also note there were SIA inspectors out this weekend reminding premises that anyone checking covid passports and/or refusing entry to a premises must be SIA badged.
- The negative impact on Scotland's cultural scene is also escalating rapidly, with numerous performances and booked shows now being cancelled due to the severe impact of reduced attendance following the introduction of vaccine passports.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 3 November 2021.**

- Covid certification is having a major economic impact – between 20 – 40% down and still seeing the adverse effects around racial discrimination, abuse of staff and some real damage to business and damage to long term position within communities.
- Fair to say that everybody at this table is in agreement that the covid certification passport is a complete waste of time.
- Question on if testing can be taken alongside certification passports for those who will maybe miss out on festive period due to time. I.e cannot get second vax until next year due to time. Can SG amend policy to bring in that if you have your first vax and show a negative lateral flow test then that can grant people access to hospitality venues for 24 hrs?
- Question on if the covid certification is going to be expanded out to wider hospitality.
- If certification is rolled out further in hospitality – the industry feels this should be rolled about the whole of society, not just hospitality.
- Would like to see evidence to show how certification is improving infection rates.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 10 November 2021.**

- Troubling to hear what DFM said yesterday – if government decides to extend the certification into wider hospitality venues then this will be



disastrous for the industry. There will be a number of practical and operational difficulties if being operated how it is in other venues.

- Already seeing enquiries from group bookings for festive period – a lot of cancellations due to some people in group not being vaxxed. Significant increase in anti vax sentiment on social media – definitely noticeable online. Significant increase in house parties. People no longer going to venues – going to house parties instead. Much worse ventilation or no hygiene standards so this is a concerning trend. This is now a real trend since the implementation of covid vaccination passports.
- Loosing too much business because of the certification.
- Amazed that there are reports that exist saying the certification policy has been a success.
- Night time businesses – impact of certification has hit footfall in city centres, businesses saying they are much lighter in numbers.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 17 November 2021.**

- Meeting with KPMG this morning and one discussion was around covid passports. One individual actually had experience of going to a pool hall and told eventually you will need a covid passport to get in pretty soon. 8 from group decided to download the app and only 5 could get the certification passport. Problem being that the app could not find the details of the 3 individuals – not the best.
- Can see how many people have downloaded app and certification downloaded. Mainly looking at the age group demographics.
- Encouraging to hear that the certification scheme was finally addressed in parliament yesterday and also the point about lateral flow tests being used instead of vaccinations to have access to premises.
- Surveyed all of the publican and licensed trade bodies across Scotland and put survey results to officials beginning of this week. The results are frankly pretty grim around financial impact for premises that have currently been affected by the certification scheme.
- Downturn in general trade since introduction of covid passports across whole sector not just those premises in scope.
- 3 big problems with the scheme. If we look at passport uptake – nights out in hospitality tend not to be planned. With only a quarter of population having a vaccine passport, 75% of customers would not be able to enter our premises. Ask what have the government done to increase the comms on vaccine passports to drive the uptake in vaccinations/people downloading the app??
- Announcement yesterday about covid vaccine passports being decided and could be implemented on 6<sup>th</sup> December.
- Difficulty in coming up with least worst scenario – when certification was brought in it was targeting certain parts of hospitality and we are already talking about extending it.
- How long before its extended again? Point is, if SG thinks certification is the way to keep people safe etc.. why not roll it out so you need to show a certification passport by having it everywhere (i.e supermarkets, buses

etc..). I don't think extending further out to hospitality that this is going to really change anything.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 24 November 2021.**

- All members were very pleased about the announcement that certification would not be extended at this time, which they felt was the right decision given the evidence available
- They also noted that they were keen to see more comms from SG on the importance of being ready for a night out by having your certificate or testing before going out.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 1st December 2021.**

- On trading – not getting worse but not getting better – especially for those affected by vaccine certification and those who have taken themselves out of scope

**Extract from Scottish Government/Hospitality Sector regular engagement call on 8th December 2021.**

Omicron update and daily reviews re appropriate interventions

- Talked about the uncertainty re the new variant, it may be more transmissible but much is unknown about its severity. However if hospital admissions increase due to the increased infection rate this will put pressure on the health service. Talked about how we are in a much more positive situation than last year with vaccinations, boosters, certification and testing but that scenario planning continues and work is ongoing to look at proportionate measures (including negative LFTS + certification).
- Suggested that Scotland has faced tougher and stricter restrictions and measures than England (such as vaccine passports and messaging on working from home), but that financial support has not been higher. The group cited data on the scale of the impact that Scottish business had been more adversely affected.
- Closure is not the only option, that certification or LFT (or both) for venues could be used to keep people safe and would be a better option than closing.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 12th January 2021.**

- Officials raised the issue of vaccine certification and stressed that no decisions had been made on this. Gave assurance that will ensure views are accurately reflected.
- Question of whether certification could be a way of helping with reducing restrictions? And if so whether a lead in time would be required?

- If a week on Monday the sector were hypothetically presented with the choice of restrictions or certification, which would be preferable? Or are both perceived as being as bad as each other?
- Also seek views on the longer-term and certification in the context of the strategic framework.
- NTIA strongly against vax cert expansion, all the issues they set out in their evidence paper are still the same.
- Need evidence of how Covid certification has been successful.
- UK Hospitality would not support an expansion of the certification scheme.
- Fully support colleagues' views. If continue with restrictions, will run out of funding support quickly. Concerns regarding longer-term restrictions. Covid passport scheme would be disastrous to the sector.
- question of the booster being adopted into the package for covid certification and difficulties for businesses to check
- Completely against certification. Need to have a clear rationale and evidence presented of the benefits. There is no evidence that it's achieving anything and it is adversely affecting the industry.
- Covid Certification will cripple the sector if continued
- Key questions are: could this mean that living with covid will involve covid certification from now on if the decision is taken?
- Officials commented that expanding certification would involve all stadia and events, all hospitality, all leisure settings. Anywhere that people socialise and have non-essential contacts.
- back to covid certification – people feel that if there's a restriction then there is a risk and they may decide not to visit. If everyone does it and it's normal, we can then create normalisation and change behaviours rather than focusing on hospitality where people say 'there's a problem'.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 19th January 2021.**

Dancing technical changes:

- Officials commented that they cannot share draft regs with the group on this. What we can share though is the draft guidance. As long as businesses are covering the dance floor area with tables/chairs and actively discouraging dancing within the premises then they will not be in scope for vaccine certification.
- If a premises has put tables on dance floors and signs up saying there is no dancing allowed – if customers continue to dance in that area and in other areas within that premise then this is still going to bring in large amounts of premises into scope for certification checking. Describing more than half of the pubs across Scotland.
- Officials commented saying that businesses who are taking the necessary steps to take themselves out with scope for certification and challenging people who dance within premise then confident that these businesses are doing all they can to discourage dancing then these would not be in scope. EHO's are looking for businesses to do everything they

can to discourage customers dancing and wont punish businesses who do this – only the businesses that are not doing this will be in scope for certification.

- If businesses have made the effort to stop people dancing then this is something that local authorities take into account. This is to close the loophole that currently exists with vaccine certification.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 26th January 2021.**

- We've had tangible restrictions lifted there from Monday (still some restrictions such as vaccine certification etc). Where we go in terms of next review and strategic framework going to be important moving forward.
- Feedback on where we are at. Still remains financially challenging for businesses that are implementing the regulations. It is more about the lack of uptake of vaccine passports rather than the lack of uptake of vaccinations.
- The recovery won't begin until we have managed to end all the current restrictions (baseline measures, vaccine certification).
- Phased withdrawal - has to start with covid certification policy - hard to see any evidence that this is in anyway effective. This effects businesses in so many ways having to implement. We feel that the vaccine passport scheme was targeted to only our sector. I can't see how this can be justified to continue to do this.
- If Covid certification continues indefinitely then loads of businesses will close.

**Extract from Scottish Government/Hospitality Sector regular engagement call on 2nd February 2022**

- Is there a goal within the strategic framework to have a return to normality? i.e removing all baseline measures/certification.
- Reiterate what [redacted] was saying about baseline measures/certification... just to say this is frustrating especially the response in parliament yesterday.