

Final Business and Regulatory Impact Assessment

Title of Legislation: The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021

Purpose and intended effect:

CAPACITY LIMITS FOR STADIA AND EVENTS

Background

The Scottish Government has been following a strategic approach to managing the spread of Coronavirus in Scotland, as outlined in the Strategic Framework.¹ Scotland has moved beyond the protection levels system and the majority of legal restrictions to help manage the COVID-19 pandemic have been removed. From 9 August, the legal requirement for physical distancing and limits on gatherings will be removed and all venues across Scotland are able to re-open.

Exceptions to capacity limits

Guidance has been published which outlines how the events sector will be supported to reopen further from 9 August. It provides updated guidance on the existing process for local authorities and event planners who wish to stage live events above capacity limits outlined in these regulations. Event organisers or venue operators may be able to organise an event which exceeds standard capacity limits if their event will be ticketed (whether free or paid for), or where an appropriate crowd and capacity management system is in place to manage numbers and collect details for Test and Protect.

Events are defined as an event or activity which brings individuals together for the purpose of community, culture, sport, recreation, entertainment, art or business. Event organisers or venue operators may be able to organise an event which exceeds standard capacity limits if their event will be ticketed (whether free or paid for), or where an appropriate crowd management system is in place; take place at premises whose entrances and exits are controlled for the purpose of crowd and capacity management and they have had the appropriate approval, having made an application to the relevant local authority seeking permission to do so.

This does not include life events, mass participation sports, drive-through events or visitor attractions. Flagship events, designated as such by the Scottish Ministers, are also exempt from the process. Further guidance on the categorisation of events is available in the sector-specific guidance for events.²

The aim remains to ensure the spread of the virus is reduced, acknowledging the additional risks that can be associated with live events, particularly around points of constriction like entrances/exits and communal facilities such as toilets. With larger events there are also additional considerations around the risks of crowding and capacity, for example on public transport.

	INDOOR standard limit	OUTDOOR standard limit
From 9 August	2,000 attendees	5,000 attendees

Background:

¹ [Coronavirus \(COVID-19\): Strategic Framework update - February 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/strategic-framework/updates/2021-02-01/pages/11-12.aspx)

² [Coronavirus \(COVID-19\): events sector guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-events-sector-guidance/pages/1-2.aspx)

This BRIA is focused on the changing of standard capacity limits for stadia and live events, with the option to exceed those capacity limits if granted approval by a local authority (or in exceptional cases, the Scottish Government).

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 first regulations”), to implement physical distancing requirements 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) (Scotland) Amendment (No. 12) Regulations 2020, which came into force on 14 August 2020, permitted outdoor theatres to open. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 came into force on 14 September 2020 and revoked and replaced the first regulations. They made provision which is substantially similar to the first regulations, including permitting outdoor theatres to be open (while requiring that indoor theatres and concert halls remained closed). On 9 October 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Restrictions) Regulations 2020 (“the additional temporary restrictions”) set out additional restrictions, both nationally and specific to the central belt.

Those regulations suspended the effect of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 while the additional temporary restriction regulations were in force. The additional temporary restriction regulations were due to expire on 26 October but were extended by amendment until 6.00 am on 2 November to allow for consultation on the levels-based approach.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 implemented the new Strategic Framework came into effect on 2 November. On 26th December all local authority areas in mainland Scotland were moved into Level 4 under that Framework, and any live events venues which had been able to open to the public were once again required to close.

As of 9 August 2021 we will move beyond level 0. This signifies an important step in our progress out of the pandemic and will allow individuals and businesses to get back to something much more like normality. Physical distancing will no longer be required in law both outdoors and indoors and all venues will legally be allowed to open, including nightclubs. Large-scale events can also return, however, under the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021, there will be a gateway process applicable to events with attendances of up to 2,000 indoors and 5,000 outdoors. The Scottish Government will keep this under review and, if appropriate, will update this on week commencing 30 August.

Title of proposal: Live events – higher capacity limits application process

Purpose and intended effect:

Introduction

Scotland’s events and entertainment industries are diverse consisting of a range of small medium and large businesses many of which can also provide services for other sectors such as cultural, community, sporting and business activities. The sector plays an important role in Scotland’s culture covering a multitude of areas of interest from live sport and music to theatre and local festivals.

This BRIA should be read in conjunction with associated documents for the Stadia and Live Events sector and the Performing Arts Sector.

Live events can create particular issues in terms of meeting public health concerns given the increased risks associated with people gathering in larger numbers, and the pressures placed on associated infrastructure such as transport or local hospitality.

In order to facilitate the restarting of live events, it was considered appropriate to provide a framework for local authorities to allow, in a limited way, events to take place where the numbers would exceed the maximum capacities.

Objective:

In common with the wide range of other countries who have implemented similar measures, the changing of capacity limits - set out within the Strategic Framework is to ensure that the operation of stadia and live events is appropriate to the level of COVID-19 risk within the Local Authority area, also taking into account the other restrictions in place. Restrictions on gatherings of people in large numbers are intended to help control and suppress the spread of the virus, ultimately minimising transmission rates, hospital admissions, deaths and the potential overwhelming of the NHS.

The Scottish Government recognises the negative impact that COVID-19 restrictions have had on the stadia and events sector in Scotland. The events sector was one of the first to go into lockdown on 15 March 2020 and will be one of the last to fully resume – this updated exception process is designed to support the ongoing reopening of the live events industry.

Significant international events were postponed, such as EURO 2020 which was due to be co-hosted in Glasgow in June/July 2020 and which took place in June/July 2021. The bulk of Scotland's 2020 events programme was cancelled or rescheduled. While some of this activity has been rescheduled during 2021, annual events lost their revenue for 2020 and some will again do so in 2021. Some events have not been or will not be able to reschedule as there are only a certain number of dates available at venues to host events and there were already events scheduled for 2021. Some activity has moved to broadcast only or online, however, thus far online activity has proved difficult to monetise.

The 2020 UK Events Report reported direct spend of £70 billion in the events sector in the UK in 2019. VisitScotland has estimated 9% of the UK total can be attributed to Scotland, representing £6 billion of direct spend to the Scottish economy and also accounting for approximately half of the country's total visitor spend. Given the severe limitations on the sector, there have significant losses to the sector and the Scottish economy across 2020 and 2021 so far.

While top-flight football and rugby has generally been able to continue behind closed doors, spectators have not been admitted in any significant numbers, apart from three pilot events and limited numbers (300 spectators per match) from 2 November 2020 for local authority areas with Level 0 and Level 1 restrictions. Football and rugby in Scotland is particularly dependent on spectators – for example, 43 per cent of revenue in the SPFL comes from gate receipts compared to the European average of 15 per cent. Therefore, a lack of supporters has a particularly negative impact. At the end of 2020, the Scottish FA and SPFL estimated a loss of around £70 million which was predicted to rise to £100 million by the end of the 2020-21 football season. While there is not a comprehensive picture of redundancies across clubs, many clubs have made announcements publicly regarding staff redundancies and in November 2020 the Scottish FA made 18 staff redundant. Scottish Rugby has estimated losses of £18 million up to March 2021.

A wide range of activity has been affected by COVID-19 including business events, sporting events and cultural events. The industry has had almost no income apart from that provided through UK Government and Scottish Government support schemes, and if this continues more businesses will cease to exist. Although figures are not available separately for the events sector, provisional figures from a snapshot as at 28th February 2021 show that Arts, entertainment and recreation is the sector with the third highest number of employments furloughed across Scotland with 29,130, or 8.0% of all

employments furloughed in Scotland, behind the Accommodation and food services and Wholesale and retail sectors. This reflects the higher share of businesses in those sectors that are not currently trading or operating below full capacity (Source ONS BICS data).

With physical distancing and additional capacity restrictions in place, performing arts venues have been able to reopen through protection levels 0 - 2, although it has not been economically viable for all venues to do so.

From 9 August, physical distancing will no longer be required by law. This approvals process provides a framework for local authorities to allow, in a limited way, events to take at higher numbers (in excess of the standard capacity limits) with some additional scrutiny and consideration of the risks of coronavirus transmission at larger events.

We know from contact tracing, international evidence and scientific research, that a wide range of social, residential and workplace settings have been associated with transmission. The highest risks of transmission, including those from super-spreading events, are associated with poorly ventilated and crowded indoor settings with increased likelihood of aerosol emission and where no face coverings are worn such as bars, nightclubs, parties/family gatherings, indoor dining, gyms and exercise classes. Poor ventilation and crowding have been suggested to be factors in numerous transmission clusters^{3,4}.

High-risk factors associated with transmission of the virus⁵ include indoor spaces, where ventilation and physical distancing may be less easy to maintain, and are places where people come together to spend prolonged periods of time (more than 15 minutes) in close proximity, enabling the virus to spread easily from person to person. Risks are further compounded by speaking loudly and the effects of alcohol consumption⁶. Another risk factor is when a 2m distance cannot be maintained, as evidence suggests that 1m distancing carries between 2 and 10 times the risk of 2m distancing⁷. Risks outdoors are lower, with the risk of aerosol transmission considered to be very low outdoors due to high dilution of virus carrying aerosols and UV inactivation of the virus⁸. For this reason, the capacity limits have been set at higher levels for outdoor events than for those taking place indoors. The differentiation between seated and standing is designed to take in account the fundamental difference in passive vs active movement. It is easier to maintain physical distancing, and take into account the requirement to stay 2m apart, when someone is sitting rather than standing in an undefined space.

Depending on the venue, issues of ventilation (with recirculation of air being particularly problematic), crowding (where it is hard to regulate the distance between people), and pinch points (at areas such as toilets) all contribute to risk. Keeping surfaces clean and regulating movement throughout the setting is a further challenge. Fundamentally, venues which are attended by many people, typically from different households, specifically to meet for long periods of time, all amplify the risk of transmission. The risks in some venues may be exacerbated by some behaviours –

³ Leclerc QJ FN, Knight LE. What settings have been linked to SARS-CoV-2 transmission clusters? [version 1; peer review: 1 approved with reservations]. Wellcome Open Res **2020**; 5:83

⁴ Dillon Adam PW, Jessica Wong et al. Clustering and superspreading potential of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) infections in Hong Kong

⁵ [COVID-19: NOTE BY THE CHIEF MEDICAL OFFICER, CHIEF NURSING OFFICER AND NATIONAL CLINICAL DIRECTOR 7th October 2020](#)

⁶ [Collins A and Fitzgerald N \(2020\)](#)

⁷ [Transmission of SARS-CoV-2 and Mitigating Measures, SAGE EMG June 2020](#)

⁸ [Transmission of SARS-CoV-2 and Mitigating Measures, SAGE EMG June 2020](#)

whether this be drinking alcohol (e.g. in nightclubs), which can cause people to lose their inhibitions, increase risk-taking and to make decisions they would usually not⁶⁵ or breathing heavily (e.g. due to exercising in gyms)⁶⁶. Many of the sectors covered in this document rely on people from many households coming together for prolonged periods (e.g. in events spaces, conference centres or stadia) and it is important to understand that the number of potential transmission events increase much more quickly than the number of people gathering⁶⁷.

Each place an individual visits brings different risks depending on a range of factors, such as⁶⁸:

- the mix and number of people present,
- the amount of time individuals are likely to spend there,
- the ability to maintain 2m distancing,
- the likelihood of pinch points where people might gather (e.g. toilets, entrances and exits),
- the standard and type of ventilation,
- the likelihood of people touching surfaces and goods, and
- the potential for significant aerosol projection activity.

Risk factors for different businesses in different sectors vary hugely and most will have a number of risk factors to consider. Some places are riskier due to touch points, some due to limited ventilation, some due to the mix and number of people coming and going, some due to pinch points at which people may gather. Others may cause people to speak more loudly, breathe heavily or cheer, potentially projecting aerosol particles further. Businesses which rely on close contact or on people from different households visiting or coming together are inherently at a high risk of spreading the virus^{69 70}.

The Scottish Government has produced ventilation [guidance](#) to support businesses to identify how they can reduce the risk of transmission in indoor environments. Ventilation will form a part of building managers or employers' risk assessment when considering the occupation of premises. This is particularly important when considering the increased transmissibility of new variants. Premises will have a variety of ventilation systems and it is imperative that employers identify the system that is in use and how this should function, including seeking expert input where appropriate. Such systems should be regularly cleaned and tested and be maintained in accordance with instruction manuals. Employers should seek to monitor the air quality of premises, through the use of Carbon Dioxide monitors, taking into account the occupancy, equipment and activities taking place within enclosed spaces. Risk Assessments should be revisited in light of new variants and public health guidance.

Events, stadia and performance spaces bring people together, sometimes from across a wide geographical area, in close proximity, often for an extended time period. These provide opportunities for transmission of COVID-19 as we know that high risk factors associated with transmission of the virus include indoor spaces, where ventilation and physical distancing may be less easy to maintain, and places where people come together to spend prolonged periods of time (more than 15 minutes) in close proximity, enabling the virus to spread from person to person.

As regards outdoor transmission risks, evidence shows that the risks are low but are not non-existent. In recognition of the lower risk associated with outdoor settings, greater numbers of attendees are initially to be permitted for outdoor events than for indoor events, with this kept under close review.

The Scottish Government has drawn from a range of sources that provide evidence on outdoor transmission, both in general activity and in relation to gatherings and stadia events. Below is a summary of some of the key sources we have drawn from.

This rapid scoping review of evidence of outdoor transmission of COVID-19 shows that [there is little but some evidence of increased transmission risk from general outdoor activity](#). To June 2020, 6% of cases on the London School of Hygiene and Tropical Medicine (LSHTM) database were associated with environments outdoors or with an outdoor element. Several papers point to increased risk from outdoor activities where every-day social distancing breaks down. For example, the LSHTM database shows that outdoor settings linked to crowding are linked to relatively large clusters.

A review by Canterbury Christ Church University in September 2020 -

<https://www.canterbury.ac.uk/science-engineering-and-social-sciences/spear/docs/EXECUTIVE-SUMMARY-Outdoor-Transmission-of-COVID-19.pdf> - found very few examples of outdoor

transmission in everyday life. However, of relevance to the stadia and events sector, the review found:

- Risk increases when natural social distancing is breached, gathering density, circulation and size increases, particularly for extended duration.
- Mass gatherings may also generate transmission from activities they prompt e.g. communal travel, congregation in bars.
- Outdoor transmission at mass gatherings had not been robustly tested.
- Science concludes risk of infection is low outdoors if normal personal space and natural social distancing are not breached.
- Outdoor activities and events vary in size, density and circulation; and will not generate equal risks of transmission or need equal or same mitigations.

Some studies have examined the impact of stadia events and outdoor gatherings, including:

- [English football matches](#) in February and April 2020 were associated with around six additional COVID-19 cases per 100,000 people, two additional COVID-19 deaths per 100,000 people, and three additional excess deaths per 100,000 people into April 2020.
- [In Bergamo, Italy](#), cases went from zero before a Champions League match that fans travelled to in Spain, to 1,815 cases three weeks after the game, and 8,803 cases six weeks after the game. During March 2020, daily deaths in Bergamo were 568% higher than the average for the four years previous, compared to 187% higher in the wider Lombardy region.
- [In Germany](#), COVID-19 protests were linked to increased case rates in the regions that protestors travelled from.

The Scottish Government is considering what happens after Level 0 and is undertaking a review of physical distancing. It should also be noted that the guidance around the exceptions process is designed to allow for the results of a major events research programming being conducted by UK government and this will assist with informing next steps for the events and live entertainment sectors.

There are a number of sectoral exemptions to the capacity limits exception process due to the significantly different footprint and the need for a proportionate response to the risk identified with gatherings of people.

- *Showings in Cinemas: which are not considered to be events, and for which separate sector guidance is available.*

Cinemas are to be considered exempt from the exception capacities guidance as it would not be considered appropriate to include the sector. There are no cinemas with capacity in Scotland to go over and above the capacity limits included in regulation.

Crucially, and a defining difference from theatres, is that cinemas have the ability to show the same 'performance', which is not live, on multiple screens either at the same time or over a staggered period allowing for a far greater degree of control over, for example, pinch points and crowd flow. The activity is passive and one way, with the audience facing the same direction towards a screen at all times as oppose to other events where the performance or performers may move around and interact with the attendees. Additionally, the UK Cinema Association guidance has adopted measures akin to hospitality

to mitigate risk. [Coronavirus/COVID-19 | Guidance for audiences | UK Cinema Association \(cinemauk.org.uk\)](https://www.cinemauk.org.uk)

Theatres are included, however, as part of the exception process. While it is accepted that there are a number of similarities between theatres and cinemas there are some fundamental differences particularly in scale when looking at venues

The exceptions process for capacity limits affects a number of larger venues and focus primarily on those in the central belt. It is estimated that 80% of Scotland's theatre spaces would not reach the maximum capacities and therefore would not require or seek an exception to the capacity limits.. However, the Edinburgh Playhouse, for example has a pre-Covid capacity in excess of 3000 attendees. It is possible for several theatres to hold audiences greater than the capacity limits it is, however, likely that the guidance would affect only a small number of larger venues and focus primarily on those in the central belt.

Similar issues affect the live music industry however we would anticipate the guidance capturing a larger number of venues given the relatively larger scales can accommodate in excess of 5000 + and this would also cover the wider array of spaces used for musical performances eg theatre spaces, conference halls or stadia.

- *Bingo Halls are not included in this guidance*

Bingo Halls can accommodate considerable numbers pre-Covid though each capacity will be reduced by PDBC. Bingo Halls operate throughout the day so there are no start or end times to the activity beyond opening and closing hours and can be considered separately to the guidance associated with the exceptions process.

- *Life events (weddings, civil partnerships, funerals as they are covered by [separate guidance](#))*

The issues around life events have received scrutiny through policy leads and through discussions and decisions concerning the recent Judicial Review on places of worship. There are fundamental human rights involved which are not captured within the stadia/live event space and are not appropriate to consider as part of the events sector.

- *Mass participation sports (marathons, triathlons etc) There is separate sector guidance available*

Mass participation sporting events cover a number of different settings and, pragmatically, could not be covered by one particular piece of guidance which centres on limiting numbers in order to understand and mitigate risk. For example, while a marathon is a sporting event, the event would normally take place in a public space, either as a complete or rolling closure of public roads, or in some cases on public highways and byways. Crowds may gather on public streets with no recourse to event planning or ticketing requirements and there could be no limit placed on the number of people along a particular route of a mass sporting event. Subsequently, mass participation sports events should be considered through separate guidance.

- *Drive-in and drive-thru events*

Drive-in and drive-thru events are not subject to the considerations (as a result of people being confined with a car) and are therefore not considered as part of the events guidance

- *Static demonstrations which are covered by separate guidance Coronavirus (COVID-19): protests and demonstrations - gov.scot (www.gov.scot)*

- Marches and parades which will be covered by separate guidance at the point they are allowed to resume.
- Picketing
-
- Flagship events which are identified through the Scottish Government Events Gateway Process

The “Gateway Process” are significant (or Flagship) events which have a defined, and separate, criteria from other events considered as part of the events capacity guidance. Any events being considered under this process are required to provide extensive documentation, including risk assessments and event plans and all planning undertaken takes into consideration public health advice and the current rates of infection/risks of transmission.

This process has specific criteria and has been designed outwith the guidance on Stadia and Live Events. The criteria includes:

“.....internationally significant and aligns with ‘Scotland The Perfect Stage’ (our national events strategy), or supports our broader policy priorities. This would focus on audience reach (including broadcast) and GVA impact for the pre-covid event (including key local economic impact) with consideration also given to the positive impact on the wider supply chain and likelihood of the event (or its content) moving to another country. Fundamentally, the successful delivery of selected events would demonstrate that Scotland is still functioning as a host for world-class events, aiming to maintain our reputation for future bids.”

Consultation

We have engaged with stadia and events stakeholders throughout the pandemic, including their input on the exceptions to capacities process.

Engagement has principally been through the independent Events Industry Advisory Group (EIAG) and Local Authorities including representatives of Environmental Health Officers and Local Authority event planners.

EIAG comprises representatives from 20 organisations⁹ from a range of organisations across the sector, including those involved with sporting, business and cultural events. Its membership covers supply chain businesses as well as event organisers, local authority event officials and venues. There are members representing rural and island event interests. Officials meet with EIAG every three weeks and Covid Co-Ordination leads have met with this group on three occasions to discuss and provide context to the exceptions process.

Engagement has been ongoing with COLSA, SOLACE, EHOs and Local Authorities who have helped shape the guidance associated with the regulations as they will be responsible for assessing applications.

Event organisers understand the need to take decisions using current information but have stressed that events require a lengthy planning period and significant investment. Throughout the pandemic

⁹ Members of Events Industry Advisory Group are: Glasgow Life, DF Concerts, National Outdoor Events Association, Specialized Security, Festivals Edinburgh, Edinburgh International Festival, Royal Highland Show, Rare Management, R&A, Scottish Rugby, Dundee City Council, SEC, Black Light Ltd, Heb Celt Festival, Scottish Football Association, P&J Live, VisitScotland, Glasgow City Council, 21cc Group Ltd, Experience Scotland.

they have sought as much certainty as possible in order to undertake planning. Unlike other sectors, postponement of an event may mean losing that organiser's entire income stream for the year. Events organisers have stated that it is essential that events can proceed at as close to full capacity as possible. This is because events typically need to be able to run at or near full capacity in order to be commercially viable, and also require long lead-in times to plan for and deliver events. This is true of both outdoor and indoor events.

Separately, the Scottish Government has been working with event organisers to progress a small number of internationally significant flagship events which fall outwith the scope of this process.

Options:

A range of options were considered in how to allow the original exceptions process implemented in June 2021 to work while maintaining confidence in managing risk around events with potential high risk of becoming a 'super-spreader' event:

Consideration was given to:

- 1) A staged approach to holding larger events with input and guidance provided by Environmental Health Officers on appropriate capacity decisions.

- 2) A flat capacity limit of 75% for all live events and stadia

- 3) A capacity limit approach but using existing expertise from Local Authorities and EHOs to inform decision making over and above the capacity limits based on what had already been learned from earlier iterations of the process.

Decision

Option 3 satisfies the requirements of all parties. The events and stadia industry can plan for events up to the 2000/5000 limits while using already established processes to apply for events above the limits. Local authorities are delegated decision making by the exemption process and the Scottish Government can have confidence in the expertise to make decisions based on risk and event planning with a level of comfort about consideration being given to Covid mitigation. This measure also retains flexibility within the capacity limits themselves should the prevalence or situation regarding the pandemic materially change. Crucially, this allowed for the limits to be scaled up or down allowing the exceptions process to continue within the relevant limits if necessary.

This update represents an extension of the existing exceptions process in place, reflecting the changes to physical distancing requirements and increase to capacity limits of 2,000 indoors and 5,000 outdoors.

Competition Assessment:

"Competition" with other businesses in this sector is not only related to audiences, but also to the attraction of high quality performing artists and technicians, as well as non-public financial support.

Across the rest of the UK restrictions have been in place for the events sector for most of 2020 and in to 2021. However, there is a now a perception that England in particular is ahead of Scotland in terms of timing of and information about the resumption of events and performances.

Likewise if restrictions in Scotland are tighter than in Europe or the rest of the world, then this could impact competitiveness as artists and those working in all other areas of the performing arts sector will be compelled to seek work elsewhere.

Consumer Assessment:

The capacity exceptions process is designed to enable events to go ahead, over and above those which may be able to operate within the capacities identified in guidance. Given the particular challenges faced by the sector over the previous year, however, it is likely some costs may be passed on to the consumer, for example, through raised ticket prices.

Does the policy increase opportunities for unscrupulous suppliers?

There is some anecdotal discussion from local authorities that the vacuum in the live event space has created opportunities for either illegal, or poorly planned, events. The numbers permitted for stadia and events in the protection levels table, and a more general move towards the economy reopening should mitigate any concerns. The guidance in place gives confidence to local authorities to address any issues with regard to their own local circumstance.

There is no expected impact on essential services.

Test run of business forms:

The capacity exceptions process does provide a new form of approval for Local Authorities however it is built on top of existing practices and procedures and is a matter for the Local Authorities to make operational.

Digital Impact Test:

No expected impact on digital platforms

Legal Aid Impact Test:

N/A

Enforcement, sanctions and monitoring:

Regulations have been put in place to support the implementation of the measures. Further details are contained in guidance, including events sector guidance and performing arts guidance. Monitoring and enforcement will be undertaken by Local Authority Environmental Health Officers .

Implementation and delivery plan and post-implementation review:

Guidance has been drafted in consultation with local authorities and key event planners. This work has gone through several iterations and reviews involving affected parties including event planners and local authority representatives.

The exceptions process will remain under review to take account of developments in the pandemic and other domestic factors which may affect the sectors.

Summary and recommendations:

This BRIA is concerned with a process which is designed to assist with the further reopening of the live events industry. We are committed to keeping this process under review and will continue to engage with stakeholders as more information becomes available.

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: John Swinney

Date: 31 August 2021

Minister's name: John Swinney MSP

Minister's title: Deputy First Minister and Cabinet Secretary for Covid Recovery