

	<b><u>Agenda Item: 8</u></b>
<b>Report to:</b>	<b>Local COVID Outbreak Engagement Board</b>
<b>Date:</b>	<b>24<sup>th</sup> February 2021</b>
<b>TITLE:</b>	<b>ENFORCEMENT UPDATE</b>
<b>Organisation</b>	<b>West Midlands Police</b>
<b>Presenting Officer</b>	<b>Chief Superintendent Steven Graham</b>

<b>Report Type:</b>	<b>Information</b>
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<b>1. Purpose:</b>	
1.1	To receive an enforcement update from West Midlands Police relating to Covid-19.

<b>2. Recommendation</b>	
2.1	The Board is asked to note the contents of this report

<b>3. Report Body</b>	
	<p><b><u>Introduction</u></b></p> <p>3.1 This report on WMP's enforcement covers a period when the country was in what is commonly known as Lockdown 2. Even though the general messaging has remained stable, there have still been process changes such as hiding a return from a so-called red list country to avoid the mandatory quarantine period. It is worth commenting that the 4 recent £10,000 fines for this were administered by Border Force, not West Midlands Police.</p> <p>3.2 Throughout the various iterations of legislation, the policing approach has been based around what are known as the 4Es</p> <ul style="list-style-type: none"> <li>- Engage,</li> <li>- Explain,</li> <li>- Encourage and</li> <li>- Enforce.</li> </ul> <p>The fourth 'E' of Enforcement was seen as the last resort if members of the public did not respond well to the first three Es. That said, given the rise of the second wave, the policing response nationally has moved quicker to Enforcement and this has included the issuing of a number of the so-called super fines of £10,000 for organisers of illegal gatherings.</p>

3.3 As has been discussed in previous reports, WMP produced an app for the mobile devices of all our front-line staff. This app allowed them to record what we called, "Directions to Leave" (DTL), and when people are spoken to who were breaching the regulations, they were assessed as falling into one of four tiers:

Level 1: Simple request is made, and compliance gained resulting in a voluntary dispersal- these were not recorded on the app

Level 2: Mild disagreement (argumentative, delaying etc.) resulting in a formal instruction to disperse. Recorded on app

Level 3: Individual is obstructive, abusive, severely delaying, has been previously dispersed or has come back after already being dispersed, aggravating factor present (e.g. distance travelled). Record as Fixed Penalty Notice (FPN) on the app

Level 4: As above, but threshold of arrest is met under Code G PACE. Arrest, then deal with person in custody through the app.

3.4 Level 1 interventions from 18<sup>th</sup> September 2020 were also recorded on the app as a result of a local policy change.

3.5 It is this enforcement that I will refer to in the below section. This is not to underplay other important aspects of enforcement that have taken place in conjunction with the BCC Environmental Health Team when it has come to licensing issues related to premises. However; if it was linked to people (usually unlawful gatherings) then WMP would lead.

3.6 It is worthy of comment that since the protests just before Christmas linked to the Indian farmers' dispute there have been no large protests in the city

### **Results**

3.7 The results referred to below focus on individual interactions as an agreement was arrived out with BCC colleagues that, as a rule if breaches related to a premises (usually related to a licensing issue) then BCC would lead on enforcement.

3.8 The results are as follows:

	<b>Up to 16/9/20</b>	<b>19/9/20- 19/11/20</b>	<b>20/11/20- 10/12/20</b>	<b>11/12/20- 14/1/21</b>	<b>15/1/21- 17/2/21</b>
<b>Total DTL</b>	1655	4641	4150	5170	3718
<b>People</b>			10774	12725	7704
<b>Level 1</b>	N/A	4290	3740	4364	2536
<b>Level 2</b>	1196	138	78	380	321
<b>Level 3</b>	229	198	331	407	854
<b>Level 4</b>	5	15	1	5	0

3.9 During the last two weeks under review, we have noticed a decrease in footfall and DTLs being issued. This may be a combination of several factors (including the freezing temperatures), but one thing that I would draw attention to is that even though the DTLs are lower than they have been over the previous two 4-week periods, the FPNs are significantly up. This coincided with a conscious policy shift both locally and nationally to move to enforcement more rapidly and saw the rate of FPN issue rise from around 8% to 22%. These results continue to reflect a range of operational deployments including everyday patrols, combined enforcement days with BCC and Operation RELIANT. Op RELIANT is the name given by West Midlands Police to a series of specific deployments to tackle incidents over weekend nights and evenings. Even though we have seen a decrease in what I will call “casual breaches”, we still encounter organised, parties, events and even an unofficial nightclub. Footage of that can be seen here:

<https://www.youtube.com/watch?v=cq0FGT1YICU&feature=youtu.be>

3.10 Work has taken place to measure the proportion of ethnic minority DTLs compared to white DTLs. Across Birmingham the Asian DTL ratio is 1.4 (was 1.7 on the last report) and the Black DTL ratio is at 3.1 (2.5 at last report). These figures are lower than the West Midlands as a whole, which are 1.7 (2) and 4.4 (4.5) respectively.

#### **Summary**

3.11 As in previous reporting periods, even with the swifter move to enforcement, the 4Es remains our overall strategy. There are no targets for enforcement across the city and this will remain our policy. We continue to balance the enforcement of the new regulations in a way that does not compromise the legitimacy of WMP in our communities but are confident in our decision to move more rapidly to FPN issue in line with the national direction.

#### **Appendices**

N/A

The following people have been involved in the preparation of this board paper:

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