

	<u>Agenda Item: 9</u>
Report to:	Local COVID Outbreak Engagement Board
Date:	26th May 2021
TITLE:	ENFORCEMENT UPDATE
Organisation	West Midlands Police
Presenting Officer	Chief Superintendent Steven Graham

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

2. Recommendation	
2.1	The Board is asked to note the contents of this report

3. Report Body	
	<p><u>Introduction</u></p> <p>3.1 This report on WMP's enforcement covers a period which bridges a number of steps on the roadmap out of lockdown. It also covers a 6-week period, so this should be borne in mind when looking at the table below as it is a longer reporting period over a time when both the outdoor and indoor hospitality sectors opened.</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"> - Engage, - Explain, - Encourage and - Enforce. <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> <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:</p>

- Level 1: Simple request 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 September 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 Over recent reports I have mentioned the relatively quiet and busy periods of protest activity. In my last report I discussed how the 'Kill the Bill' activity had started, but over the past few weeks we have seen a number of protests across the city, mostly centred on Victoria Square. These have often then led to processions through the streets of the city centre and on one occasion a group of protestors entering the Bull Ring Shopping Centre. On Saturday 22 May alone, we had 4 protests in the city centre around Animal Rights, Anti-Racism and Pro-Palestinian.

3.7 One of the challenges we have with some of these protests is that they have no formal event organiser (not the case with the Animal Rights groups). The details of the protest are announced and shared on social media so with the large Pro-Palestinian protests we have not been able to negotiate with anyone or ask for their risk assessment (which is required to show how they are going to mitigate risks). It also means that protestors are not formally booking public spaces such as Victoria Square and just announce that they will turn up there, increasing the risk of breaches of social distancing.

3.8 While we recognise the right to protest which is formally protected in law through the ECHR, the absence of anyone acting as an event organiser does make the policing of protest in the context of the pandemic challenging.

Results

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

3.10 The results are as follows:

	Up to 16/9/20	19/9/20- 19/11/20	20/11/20- 10/12/20	11/12/20- 14/1/21	15/1/21- 17/2/21	18/2/21- 17/3/21	18/3/21- 11/4/21	12/4/21- 23/5/21
Total DTL	1655	4641	4150	5170	3718	2355	1002	669
People			10774	12725	7704	8127	4606	3752
Level 1	N/A	4290	3740	4364	2536	1733	862	540
Level 2	1196	138	78	380	321	136	24	14
Level 3	229	198	331	407	854	484	116	115
Level 4	5	15	1	5	0	1	0	0

3.11 This reporting period is nearly twice as long as the last report yet the DTLs are at round two thirds of the previous levels. The 669 DTLs saw 115 FPNs issued (17.1% FPN:DTL) which is up from the last reporting period. The number of people subject to DTLs is over 5.6:1 which suggests that relatively large gatherings of multiple people are still being dealt with.

3.12 We continue to measure the proportion of ethnic minority DTLs compared to white DTLs. Across Birmingham the Asian DTL ratio is 0.6 (was 1.3 on the last report) and the Black DTL ratio is at 6.8 (4.4 at last report). These figures are lower than the West Midlands as a whole, which are 1.4 (1.7) and 10.9 (6.2) respectively. It does seem that a lot of the organised gatherings where multiple people are dispersed from are still disproportionately attended by people from the black communities in Birmingham and the region as a whole, which explains the 6.8 number in the city.

Summary

3.13 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 has been our policy throughout the pandemic. We continue to balance the enforcement of the new regulations in a way that does not compromise the legitimacy of WMP in our communities and will remain watchful on any issues that could affect that (such as the disproportionality data discussed briefly above).

3.14 It is likely that enforcement numbers will continue to reduce as we approach the planned lifting of restrictions in June. That said, enforcement will continue until all the restrictions are lifted.

Appendices

N/A

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

Chief Superintendent Steve Graham
Commander, Birmingham West NPU | West Midlands Police

Mark Croxford
Head of Environmental Health
Birmingham City Council