

	<u>Agenda Item: 9</u>
Report to:	Local COVID Outbreak Engagement Board
Date:	28th April 2021
TITLE:	ENFORCEMENT UPDATE
Organisation	West Midlands Police
Presenting Officer	Chief Superintendent Steven Graham

Report Type:	Information
---------------------	--------------------

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 up to when the country was still in Lockdown 2. I have brought forward the reporting period to 11th April 2021 so that it takes the report up to the day before the retail sector and outdoor hospitality reopened. This should be borne in mind when looking at the table below, as it is a shorter reporting period, but it will cover a time when the legislation has remained consistent.</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>

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 18th 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 Over recent reports I have commented on the relative drop off of protests in the city. However, in recent weeks we have seen more protests gathering in Victoria Square, with groups intent on protesting about the legislation that seeks to bring in new conditions on protests using the "Kill the Bill" heading repeat visitors. These have often spontaneously generated processions through the streets of town that when the retail sector was closed caused minimal disruption, although a common tactic has developed where protestors seek to disrupt the transport infrastructure (sitting down on the tram tracks, trying to get towards the Aston Expressway or Inner Ring Road with a view to obstructing them).

Results

3.7 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.

3.8 The results are as follows:

	Up to 16/09/20	19/09/20 - 19/11/20	20/11/20 - 10/12/20	11/12/20- 14/01/21	15/01/21- 17/02/21	18/02/21- 17/03/21	18/03/21- 11/04/21
Total DTL	1655	4641	4150	5170	3718	2355	1002
People			10774	12725	7704	8127	4606
Level 1	N/A	4290	3740	4364	2536	1733	862

Level 2	1196	138	78	380	321	136	24
Level 3	229	198	331	407	854	484	116
Level 4	5	15	1	5	0	1	0

3.9 While this report covers a slightly shorter time, the numbers of DTLs and people affected are significantly down. The 1002 DTLs saw 116 FPNs issued (11.6% FPN:DTL) which is significantly down on last month (20.5%). The number of people subject to DTLs is over 4.5:1 which suggests that deliberate gatherings of multiple people are still being dealt with.

3.10 We continue to measure the proportion of ethnic minority DTLs compared to white DTLs. Across Birmingham the Asian DTL ratio is 1.3 (was 1.3 on the last report) and the Black DTL ratio is at 4.4, with it reaching over 5 in the west of the city (3.2 at last report). These figures are lower than the West Midlands as a whole, which are 1.7 (1.5) and 6.2 (4.2) respectively. It does seem that a lot of the organised gatherings where multiple people are dispersed from are disproportionately attended by people from the black communities in Birmingham and the region as a whole

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 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).

3.12 It is likely that enforcement numbers will continue to reduce as we enter this latest round of regulations with the easing of the restrictions related to outdoor hospitality. 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