

	Agenda item: 9
Report to:	Local COVID Outbreak Engagement Board
Date:	24 March 2021
TITLE:	ENFORCEMENT AND ASSOCIATED ACTIVITIES AROUND CORONAVIRUS
Organisation:	West Midlands Police
Presenting Officer:	Steven Graham

Report Type	Information Report
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1. Purpose:
1.1 The report updates the board on the work of West Midlands Police to enforce the coronavirus restrictions and encourage compliance with national advice.

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 when the country was in what is commonly known as Lockdown 2. While the legislation has remained consistent, it feels as if the announcement of the roadmap out of lockdown allied with the improving infection rates, NHS data and Covid related deaths has led to a change in people's behaviour. At the same time, when schools fully reopened on 8 March it added another variable to the system, and as such it is not necessarily a strong statistical comparison to compare one month with another.</p> <p>3.2 Throughout the various iterations of legislation, the policing approach has been based around what are known as the 4Es- Engage, Explain, Encourage and Enforce. 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 superfinances of £10,000 for organisers of illegal gatherings. However, given the context described in the opening paragraph, that move through the Es is not as rapid as it was in the previous reporting period but is still quicker than at the end of 2020.</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 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 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, albeit we did see a gathering at The Vale within the University of Birmingham's grounds this week where the attendees were demonstrating about women's safety.

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 16/9/20	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
Total DTL	1655	4641	4150	5170	3718	2355
People			10774	12725	7704	8127
Level 1	N/A	4290	3740	4364	2536	1733
Level 2	1196	138	78	380	321	136
Level 3	229	198	331	407	854	484
Level 4	5	15	1	5	0	1

3.9 While I made the comment that binary comparisons are not overly helpful, there has been a steady decline in DTLs since the December/ January period. It is noticeable that the lower number of DTLs has still led to an increased number of people being spoken to. This is a clear indication that there are still group breaches, and it is these flagrant and obvious breaches that we have tried to focus on. The 2355 DTLs saw 484 FPNs issued (20.5% FPN:DTL) which is slightly down on last month (23%) but still significantly more than December/ January (7.8%). These ratios suggest that officers are still going to Enforcement fairly rapidly, and the number of people subject to DTLs (more this month than the previous over fewer DTLs) suggests a sense of proportionality in that blatant and deliberate gatherings of multiple people are 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 1.4 on the last report) and the Black DTL ratio is at 3.2 (3.1 at last report). These figures are lower than the West Midlands as a whole, which are 1.5 (1.7) and 4.2 (4.4) 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. With the current national focus around protests related to women's safety, placed in the context of reducing infection rates and a more encouraging direction of travel in many metrics, the Chief Constable has called for clarity and potential amendments to the regulations that will allow for legal- but safe- gatherings for the

purpose of protest. I have commented in earlier reports that the restrictions (effectively banning protests) are unprecedented and not conducive to long term policing legitimacy or healthy for society, but were necessary to combat the spread of the virus. Therefore, as soon as it is safe to do so, we would welcome a relaxation of the Regs that would avoid repeats of the scenes seen in Clapham Common last weekend. Until it is safe to do so however, we will continue to enforce the regulations of the day as proportionally and sensitively as we can.

4. Risk Analysis:

Further delay in publication. Changes suggested at presentations.

Risk

Identified	Likelihood	Impact	Actions taken
None identified			

Appendices:

None

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

Steven Graham
19th March 2021.

West Midlands police