

	<b><u>Agenda Item: 7</u></b>
<b>Report to:</b>	<b>Local COVID Outbreak Engagement Board</b>
<b>Date:</b>	<b>26<sup>th</sup> November 2020</b>
<b>TITLE:</b>	<b>ENFORCEMENT UPDATE</b>
<b>Organisation</b>	<b>West Midlands Police</b>
<b>Presenting Officer</b>	<b>Chief Superintendent Stephen 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 The previous report on WMP's enforcement covered the period up until 23<sup>rd</sup> September. Since then, with Birmingham moving through Tier 2 status into national lockdown, the Health Protection Regulations have moved into their 4<sup>th</sup> formal edition. This doesn't fully reflect that since the pandemic started there have been 198 (one hundred and ninety-eight) variations to the various rules and regulations.</p> <p>3.2 Throughout these evolutions, 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.</p>

3.3 As was discussed in the last report, 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. Therefore, to avoid duplication, I will only report on the results generated by the WMP DTL App and will break down the data up until 17 September.

### **Results**

3.6 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.

3.7 Within the West Midlands we have avoided any instances (seen elsewhere in the country) of allegations of over-zealous policing of the regulations with what we believe has been a sensitive and proportionate application on the 4Es approach. One of the significant changes brought in by the No.4 regulations is that while protest has not specifically been banned, there is no exemption within the "Gatherings" regulations that permitted protests (which was the case for those areas in Tier 2). This came to a head on 14<sup>th</sup> November when a protest was held in the City Centre. In non Covid times this would have passed off without incident, but the implementation of the Regs meant that 12 people were arrested as they refused to give their details when they were going to be issued with a FPN. Ultimately, those subjects were dealt with by FPN but this policing of protest represents a significant change of approach.

3.8 The results below therefore cover 17<sup>th</sup> September to 19<sup>th</sup> November with the previous report's figures, which covered up to 16<sup>th</sup> September in brackets:

Total number of DTL: 4641 (1655) affecting 14,861 people

Level 1: 4290 (N/A)  
Level 2: 138 (1196)  
Level 3: 198 (229)  
Level 4: 15 (5)

3.9 Work has taken place to measure the proportion of ethnic minority DTLs compared to white DTLs. Across Birmingham the Asian DTL ratio is 1.8 and the Black DTL ratio is 3.3. These figures are lower than the West Midlands as a whole, which are 2.1 and 5.9 respectively.

3.10 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 including unlicensed music events, unlawful house parties and so-called block parties.

**Summary**

3.11 Even with the swifter move to enforcement, the 4Es remains our overall strategy. There are still no targets for enforcement across the city. 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 use of the new powers, which is reflected in the massive step up of Tier 1 interactions.

**Appendices**

N/A

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

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