

	<u>Agenda Item: 8</u>
Report to:	Local COVID Outbreak Engagement Board
Date:	21st July 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 the 3 weeks period in Step 3, with indoor hospitality open.</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> <p><u>Level 1:</u> Simple request made, and compliance gained resulting in a voluntary dispersal- these were not recorded on the app.</p>

- 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 During this review period, the two Birmingham NPUs supplied additional capacity on overtime to support enforcement activity by deploying 4 double crewed cars on the early and late shift (8 per day therefore) to carry out targeted enforcement. This is being resourced through officers working on overtime and as such has no detrimental effect of everyday policing in the city. In addition to these "Covid Cars" (as they are known), West Midlands Police continues to run Operation Reliant which is a weekend deployment across the whole force to tackle Covid breaches mostly linked to unlicensed events and other large scale gatherings.
- 3.7 Over recent reports I have mentioned the relatively busy periods of protest activity. Protests remain 'Business as usual' activity for the city centre but have been of a relatively modest scale. There have been no concerns related to enforcement from any local protests. The absence of any large public TV screens has also meant that the Euro 2020 football tournament posed few Covid- enforcement issues. Most pubs and bars were well regulated and the rules around indoor hospitality enforced. There were a couple of spontaneous incidents of fans spilling onto the streets after a win but at those times, the maintenance of public order took precedence over any Covid enforcement.

Results

- 3.8 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.
- 3.9 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	24/5/21- 20/6/21	21/6/21- 11/7/21
Total DTL	1655	4641	4150	5170	3718	2355	1002	669	126	102
People			10774	12725	7704	8127	4606	3752	2165	517
Level 1	N/A	4290	3740	4364	2536	1733	862	540	3	0
Level 2	1196	138	78	380	321	136	24	14	86	82
Level 3	229	198	331	407	854	484	116	115	37	20
Level 4	5	15	1	5	0	1	0	0	0	0

- 3.10 As one would expect with the country in Step 3, the total DTL number remains low. Last month I highlighted that each DTL involved 17 people on average, strongly suggesting that most enforcement activity targeted the larger events (such as the Reliant type operations referred to in earlier reports). This has now dropped with each DTL affecting around 5 people. It is also worth noting that the percentage of FPNs being issued dropped from nearly in the previous report of 30% to around 20%.
- 3.11 We continue to measure the proportion of ethnic minority DTLs compared to white DTLs. As described above WMP has made a 4-week added investment into enforcement with a focus on the 10-15 wards with the highest infection rate. Many of these wards had fairly high Asian community representation. As such, I wrote last month that I expected to see an increase in the Asian ratio of DTLs. Over this review period, the Asian DTL ratio did indeed increase to 1.5 (was 0.2 on the last report) and the Black DTL ratio is at 1.8 (7.6 at last report). These figures continue to be lower than the West Midlands as a whole, which are 2.2 (0.6) and 3.1 (14.3) respectively. It does seem that there has been a drop off in the organised, unlicensed social gatherings where multiple people are dispersed (evidenced from the DTL: people ratio dropping from 1:17 to 1:5). We know that those events had been disproportionately attended by people from the black communities in Birmingham (and the region as a whole), so with the drop off in those events we have seen a corresponding fall in this ratio of enforcement.

Summary

- 3.12 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). With the lifting of all regulations from 19 July there will obviously be no further enforcement unless regulations are changed again to deal with any potential rising threat.

Appendices

N/A

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

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