

BIRMINGHAM CITY COUNCIL

**REPORT OF THE INTERIM ASSISTANT DIRECTOR OF
REGULATION AND ENFORCEMENT TO THE
LICENSING AND PUBLIC PROTECTION COMMITTEE**

30 SEPTEMBER 2020

ALL WARDS AFFECTED

Coronavirus and Enforcement

1. Summary

- 1.1 This report provides an update on the work of the Environmental Health Team in tackling Coronavirus in Birmingham.

2. Recommendation

- 2.1 That the report be noted.

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3. Background

- 3.1 On 31 December 2019, the World Health Organization (WHO) was informed of a cluster of cases of pneumonia of unknown cause detected in Wuhan City, Hubei Province, China.
- 3.2 On 12 January 2020, it was announced that a novel coronavirus had been identified in samples obtained from cases and that initial analysis of virus genetic sequences suggested that this was the cause of the outbreak. This virus is referred to as SARS-CoV-2, and the associated disease as COVID-19.
- 3.3 The European Centre for Disease Prevention and Control reports that as of 14 September 2020,
 - over 29 million cases have been diagnosed globally with more than 924,000 fatalities.
 - In the period 1st to 14th September, more than 3.8 million cases were reported.
- 3.4 Coronaviruses are a large family of viruses with some causing less severe disease, such as the common cold, and others causing more severe disease, such as Middle East respiratory syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS) coronaviruses.
- 3.5 Current evidence indicates the coronavirus is primarily transmitted between people through respiratory droplets and contact routes. It is also more likely to be spread indoors than outdoors however the risk is still present in both settings.

4. Response

- 4.1 The Government introduced a number of pieces of emergency legislation to reduce the transmission of Coronavirus. One of the critical decisions was that the new legislation would by and large direct the use of Health and Safety at Work powers and the use of Risk Assessments as a primary route of control. This has necessitated businesses undertaking these assessments based on the layout of their premises.
- 4.2 Nine officers were deployed to train a mix of just under 100 small residential and nursing homes in the proper use of personal protective equipment and improving risk assessments to include infection disease controls. This was undertaken through virtual 1 to1 training on behalf of the Director of Public Health.
- 4.3 Government has released a number of guidance documents through the .GOV web pages which by and large has worked really well. Your officers gave evidence to officials from government on the 22nd of August 2020 that guidance needs to be unequivocal and that the more exemptions brought into the guidance means that it is harder to enforce.

- 4.4 The Health Protection (Coronavirus, Restriction) (England) (No.3) Regulations 2020 have proven to be the most effective control. Under these regulations if 3 Conditions are met namely:
- (a) *that giving such a direction responds to a serious and imminent threat to public health,*
 - (b) *that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and*
 - (c) *that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.*

The the Local Authority can serve a direction

- 1 For premises to:
 - (a) close the premises,
 - (b) restrict entry to the premises, or
 - (c) secure restrictions in relation to the location of persons in the premises.
- 2 To impose prohibitions, requirements or restrictions in relation to the holding of an event in its area.
- 3 To impose prohibitions, requirements or restrictions in relation to access to—
 - (a) a specified public outdoor place in its area, or
 - (b) public outdoor places in its area of a specified description.

The Police can enforce offences for breaches of the directions in 1,2 and 3, the council can enforce breaches for premises (1) only.

- 4.5 Proactive visits have been made following complaints to the Council's whistleblowing line. The Appendix to this report has a dashboard of complaints. In total there have been over 1,500 complaints to this line. A number of these complaints have related to matters where there is no legal requirements, such as social distancing not being observed. Others have related to matters enforced by the Police including gatherings in domestic premises and the lack of face coverings. A partnership has been set up with the Police to coordinate enforcement with your officers responding to complaints. The Police have set up Operation Reliant which consists of a number of Police officers attending large gatherings and dispersing them. This has also lead to a number of premises reviews.
- 4.6 Non-compliance has been resource intensive in that those that have been tackled have all the correct risk assessments however have then gone on to operate outside of the operational model. For example a licensed venue with supposedly table service was found to be full with standing room only. A beauty industry premises was found to be cutting hair with no masks or face coverings on the employees. At present we are giving one warning such as a letter, improvement notice or a direction. If repeated offences are noted then a direction to close will be considered. to close if the business operates outside of its risk assessments.

5. Implications for Resources

- 5.1 The Director of Public Health has provided resources for an additional 8 officers to carry out proactive inspections.
- 5.2 Following the national decision by the Food Standards Agency (FSA) to reduce the number of food inspections to a minimum in response to significant health risks a large proportion of that time has been redeployed into pandemic work as well as the increased Requests for Assistance during the lock down period. We will work with the FSA on a recovery plan once the impact is quantified.
- 5.3 A spending freeze has been in place since the beginning of the year as the pandemic is likely to affect the income to the Environmental Health budget.

6. Implications for Policy Priorities

- 6.1 Tackling the pandemic and keeping the levels of infection to a manageable number for the NHS and to secure jobs and the economy of Birmingham is a priority for the council.

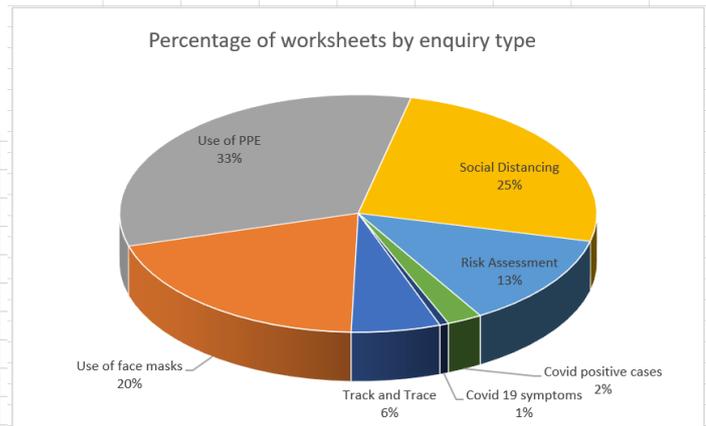
7. Public Sector Equality Duty

- 7.1 The work of the team is primarily to protect health and those who are most vulnerable. In addition it is to reduce the most likely vectors for the spread of the infection.

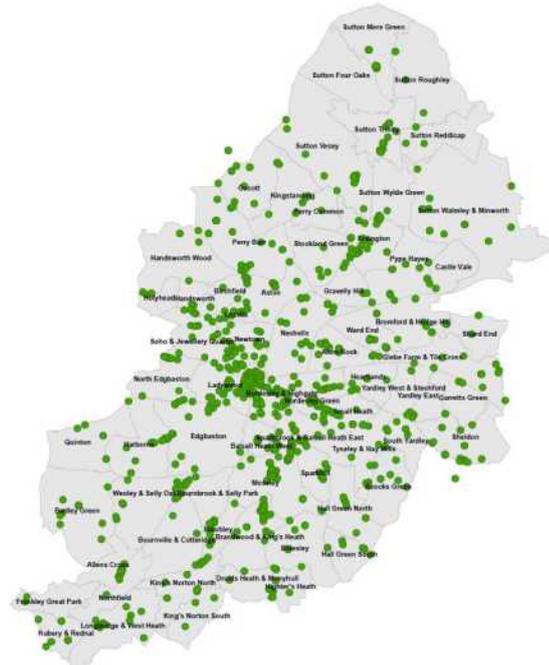
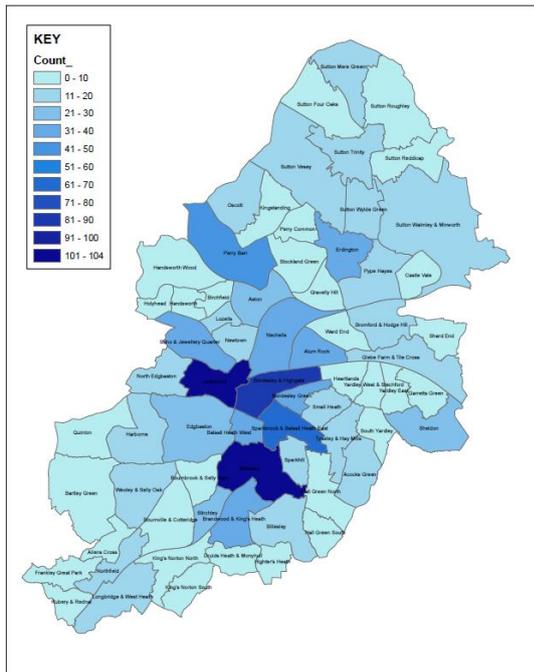
INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Type of Issue Mentioned

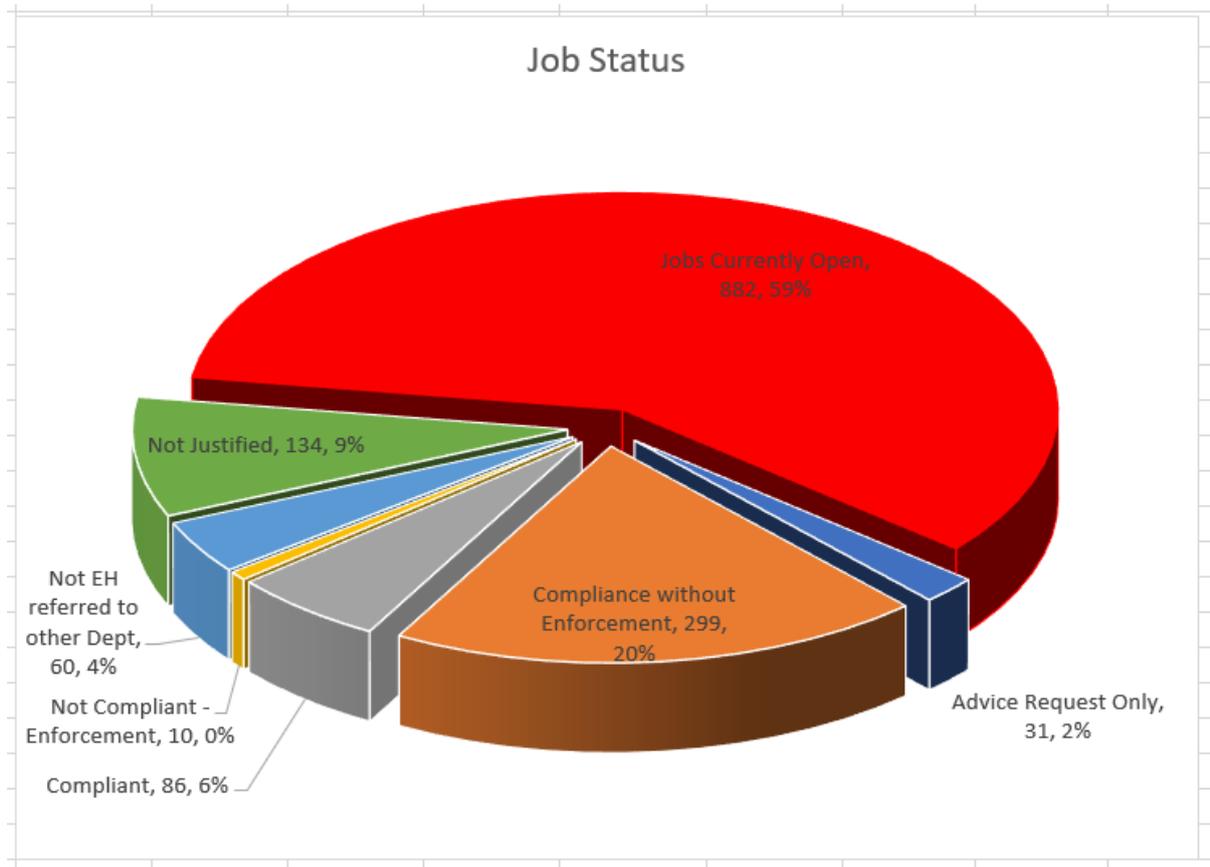
Enquiry type	Number of complaints
Track and Trace	79
Use of face masks	263
Use of PPE	433
Social Distancing	331
Risk Assessment	166
Covid positive cases	31
Covid 19 symptoms	8
Not defined	563



Distribution of complaints



Job Status



Time estimate

Over 50% of the jobs undertaken required a verbal warning or enforcement (this could be a direction or the Part 2A order)

40% were unjustified another section (inc WMP) or compliant)

Currently we are looking at time and outcomes but do not have the detail as the computer system was not set up for this type of rolling outbreak.