

	<u>Agenda Item: #</u>
Report to:	Local COVID Outbreak Engagement Board
Date:	1st October 2020
TITLE:	ENFORCEMENT AND ASSOCIATED ACTIVITIES AROUND CORONAVIRUS
Organisation	Environmental Health, Neighbourhoods
Presenting Officer	Mark Croxford

Report Type:	Information report
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1. Purpose:
1.1 The report details the work of Environmental Health to try and control the spread of coronavirus and to encourage others to comply with national advice.

2. Recommendation
2.1 That the report be noted.

3. Report Body
<p>3.1 The appendix to this report is a Licensing and Public Protection Committee report on the enforcement activity of the team. This report advises on the work being undertaken as well as some statistics from the whistleblowing telephone line.</p> <p>3.2 In addition to this the Service is working in partnership with WM Police to increase the effectiveness of its work. Although a trial was initiated with some joint inspections by and large there is a greater enforcement reach working in tandem. The Police are making visits to licensed premises and other venues where gatherings are reported. This tends to be through Operation Reliant where there are one or two police transit vans attending calls across the city. Where they can, crowds or parties are dispersed, or CCTV imagery is taken for action the next working day.</p> <p>3.3 Where the premises have been found to be in breach of licensed activities (as detailed on their alcohol licence) expedited reviews have been undertaken by the Police. These reviews can and have led to suspension of alcohol licences and removal of the licence holder.</p> <p>3.4 WM Police have just commissioned two dedicated patrols on the east and west of the city to tackle reported breaches and gatherings and it is hoped this will have a significant impact too.</p>

3.5 In addition to the more traditional enforcement activity the Environmental Health team also has powers under the Public Health (Control of Disease) Act 1994. Many of the emergency regulations issued this year have been made under this Act. These regulations have ranged from;

- the power to close businesses during the initial lock down
- The power to issue directions to control numbers or close the premises
- The requirements to record “trace” details.

3.6 These powers also enable officers to obtain a court order to restrict people who are infected or likely to be infected by a communicable disease to a place where they can isolate. This could be in a hospital for very serious infections to home for coronavirus. This would be the power exercised by the authority if people refused to isolate in accordance with national guidelines.

3.7 Environmental Health is a key player in the National Test, Trace, Isolate and Secure system in investigating a portion of the COVID outbreaks (often referred to as a ‘situation’) associated with settings including workplaces, faith settings, hospitality and transport. Environmental Health are not receiving all the COVID outbreaks that the city receives only those, at present, that are deemed to need further interventions (determined by Public Health England (PHE) or BCC Public Health (PH)). Such situations are where the information provided to PHE is incomplete or PHE/PH determine more investigation is required.

3.8 An outbreak is defined as two or more cases linked by the situation, however, EH are also receiving cases where there is one positive case in a setting where the information provided to PHE indicates that COVID mitigations may have been breached or negligible or the information from a business does not provide assurance to PHE that the premises are able to prevent further transmission.

Environmental Health’s role in investigating COVID outbreaks is to :

- Investigate in a setting, reasons why positive cases have occurred and assist in determining mitigations to prevent further spread of the infection
- Ensure that a workplace is complying with its H&S duties surrounding COVID mitigations to its staff and others
- Determine if any enforcement action is required as appropriate
- Report findings back to PH/PHE as requested
- Attend (when requested)– an IMT (Incident Management Team) –to present findings and offer any further assistance to the case. IMT’s are usually chaired by PHE.

3.9 On a number of occasions EH, through investigation, have determined further positive cases and contacts in a setting in addition to those found by PHE. These cases are referred back to PHE to enter the national CETAS system. Information and advice are provided to the setting with regard to isolations and any actions that can be taken to minimise the risk of spread of infection.

3.10 Lapses in use of PPE, inappropriate PPE, lapses or poor social distancing mitigations amongst staff and incorrect cleaning products are issues regularly found by officers.

3.11 On many occasions investigations into positive cases associated with settings cannot determine the setting itself as a vector for the initial case. Upon investigation social contact amongst staff outside of the setting such as car sharing; cigarette breaks; sharing accommodation; socialising outside of work; other travel needs to be taken into consideration as to the reason for the initial case and any spread.

4. Risk Analysis

Further delay in publication. Changes suggested at presentations.

Identified Risk	Likelihood	Impact	Actions to Manage Risk
None identified			

Appendices

Licensing and Public Protection Report 30/9/20

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

Mark Croxford Head of Environmental Health
 Janet Bradley Operations Manager Environmental Health
 24 September 2020

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 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 are 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 resourced 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

Appendix

Dashboard of Complaints from the whistleblowing Line 17/9/20

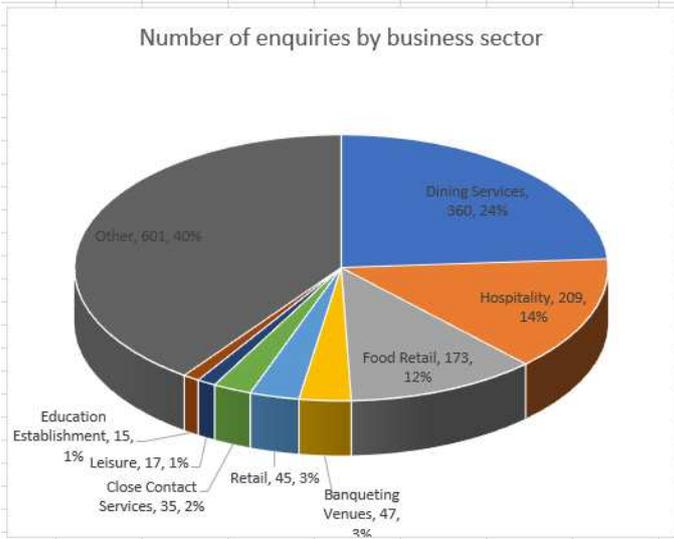
Number of complaints

The following table is the number of Requests for Assistance (RFAs) also called job sheets that have come into Environmental Health since February 2020.

Count of WORKID	Year ▼	Quarter ▼			
	2020			2020 Total	Grand Total
Premises Type ▼	Q4	Q1	Q2		
(blank)	12	94	448	554	554
Dining Services	1	10	349	360	360
Hospitality	3	4	202	209	209
Food Retail	5	15	153	173	173
Banqueting Venues			47	47	47
Retail		10	35	45	45
Close Contact Services		9	26	35	35
Leisure	1	2	14	17	17
Education Establishment	1		14	15	15
Other	1	1	10	12	12
Accommodation Services		1	7	8	8
Building Supplies/Services		2	4	6	6
Manufacturing			5	5	5
Infrastructure Workers		1	3	4	4
Place of Worship		1	3	4	4
Offices			3	3	3
Money Services		1	1	2	2
Vehicle Repair/Services		1	1	2	2
Government Buildings/Services			1	1	1
Grand Total	24	152	1326	1502	1502
	Q4 = 2019/20				

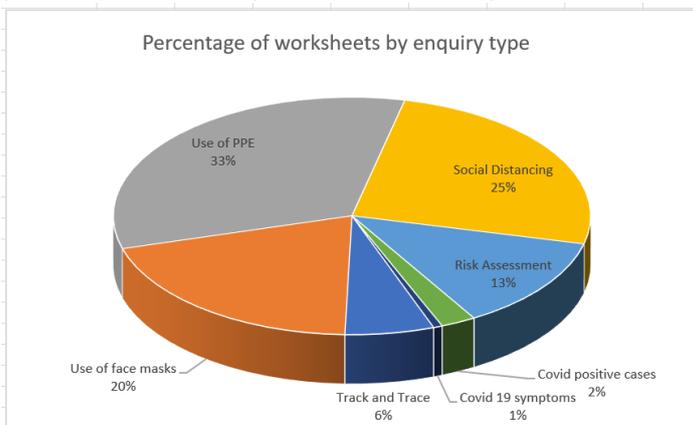
The blank premises will be businesses that Regulatory Services do not normally have an interaction with. (Non-food; non licenced activities... these could be small offices, haberdasheries, solicitors, iron mongers etc).

Count of WORKID	
	2020 Total
Premises Type	
Dining Services	360
Hospitality	209
Food Retail	173
Banqueting Venues	47
Retail	45
Close Contact Services	35
Leisure	17
Education Establishment	15
Other	601

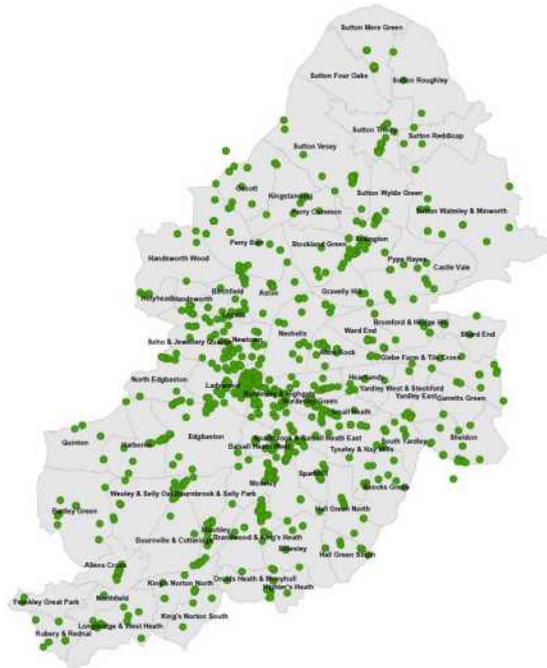
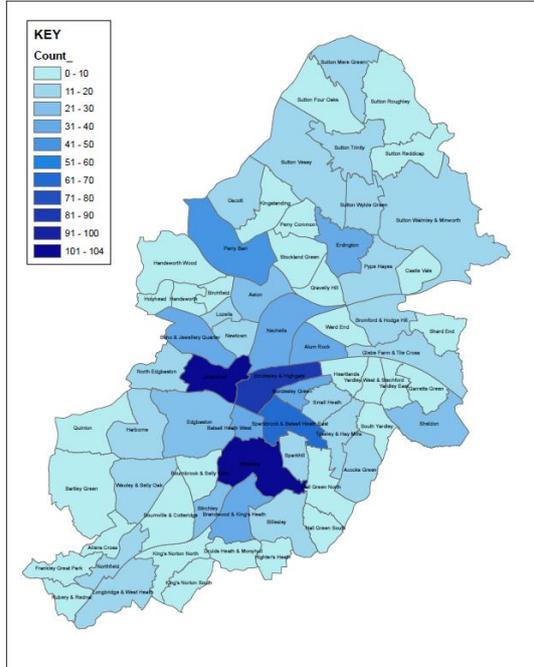


Type of Issue Mentioned

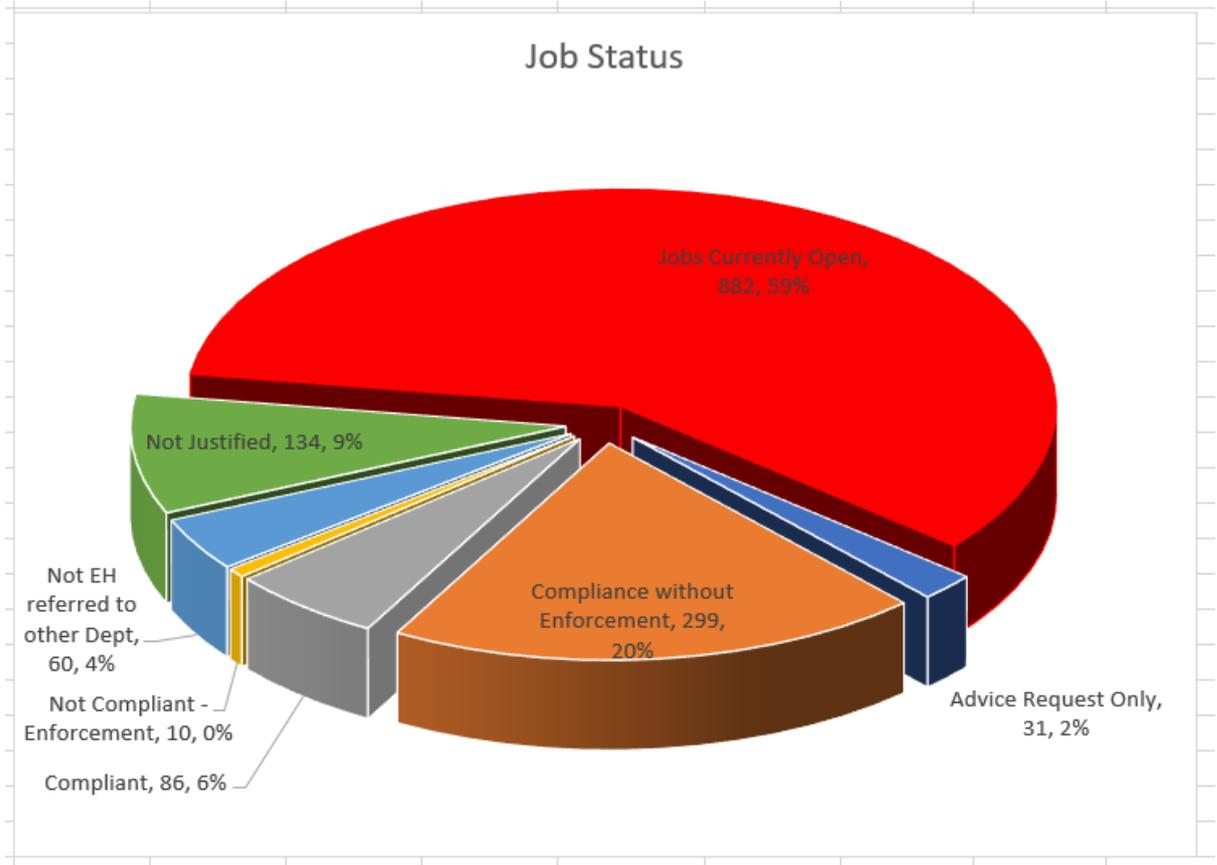
Enquiry type	Number of complaints
Track and Trace	79
Use of face masks	263
Use of PPE	433
Social Distancing	331
Risk Assessment	166
Covid positive cases	31
Covid 19 symptoms	8
Not defined	563



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.