

Preventing crime, protecting the public
and helping those in need



Enforcement of Coronavirus

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Enforcement Fundamentals

- As Regulators we need
- The right tools
- We are Focused, Proportionate, Consistent and Reasonable (and regulate with community consent)
- We use a mix of education and enforcement
 - One warning
 - Obvious offences are not warned (e.g. 37 people found in a bar at 01.30am Police: 36 FPNs issued. L/A 1xFPN for L/L and Direction to Close issued)



Proportionality

- As part of the proportionality assessment BCC has defined its purpose
 - To reduce the spread of Covid
 - To protect residents
 - To protect businesses from further lockdown
 - To reassure the public

Stone Road

- Asylum Centre operated by
 - Serco, on behalf of Home Office
- Shared rooms/dormitories and facilities
- 240 residents 1st symptomatic case confirmed 19/8/20 IMT started with PHE chairing
- 23/8/20 10 positive cases – no social distancing indoors people known to be leaving site

Stone Road

- 25/8 Now 26 confirmed cases
- PHE conducting on site testing
- SERCO/HO started dispersing residents to HMOs in other LA areas – BCC not satisfied with this
- 28/8 1st Reports of residents using cafes within 1 mile of Stone Road and positive cases at Cafes (cases on the rise most asymptomatic)

Stone Road

- EH proposed Direction
 - PHE in support
 - CX supportive
 - Serco supportive
 - Home Office neutral
- 31/8 Direction to close residents moved to hotels in Birmingham & London individual rooms/bathrooms
- 2 positives went to London, 55 cases now in Birmingham hotel intermixing and residents leaving site.

Stone Road

- 4/9 Part 2A order obtained
- Enabling legislation
 - Required to isolate
 - Remain on site
 - Undergo testing
 - Serco would not secure site
- 6/9 Photographing people leaving and EH taking evidence for breaches
- Serco Locked doors for 1st time

Stone Road

- Approx 70 positive cases
- Late September EH agreed
 - Recovered cases to be dispersed
 - Infection rate down to 2 positives
 - 80 persons negative following tests
- 6 October 1 positive case agreed with PHE outbreak over. Everyone to be dispersed and any future positive dealt with in HMO of 8 to 12 people rather than in hotel setting.

Wedding Venue

- During the “eat out to help out”
- Very popular restaurant and wedding venue
- Risk assessments prepared
 - Complied with social distancing
 - Complied with wedding parties “should” be no more than 30
 - Operations did not reflect risk assessments
- Weddings in excess of 100 people, queues outside of >50 people no social distancing
- Advice given

Wedding Venue

- Visits by EH and WM Police
 - Compliance advice ignored
 - Owners claimed people attending wedding were in restaurant separately
- Direction served
 - Weddings separate sanitation
 - Restricted numbers to areas of premises
 - Queue must be managed and socially distanced
 - Premises advised non-compliance would lead to closure Direction

Wedding Venue

- Numbers at weddings reduced
- Mobile numbers taken by management and people queued in own cars
- Complied with numbers in specified areas
- WMP conducted out of hours checks
- Complaints fell to zero

Summary Reviews

- Since the lockdown restrictions were introduced in March, administered a number of summary licence reviews

Pub 1

- Circumstances:
 - Tenant landlord
 - Open in direct contravention of closure regs
 - Licence holder very co-operative.
- Decision
 - Licence suspended for 3 months
 - DPS removed
- Notes:
 - The licence holder was cooperative from the outset and indicated to the Committee their intention to evict the tenant landlord and seek a new tenant.

Bar

- Circumstances:
 - Contravention of covid guidance –
 - No social distancing
 - unsatisfactory risk assessment
 - Breaches of licence conditions
 - MULTIPLE advice visits - ignored
 - Licence holder un-cooperative.
- Decision
 - Licence revoked
 - DPS removed

Two bars

- Circumstances:
 - Trading beyond 10pm curfew
 - Contravention of covid regulations etc
- Interim steps decision
 - Licences both suspended
 - DPS removed from both premises
- Notes:
 - Both still pending full licence review.
 - Both made representations unsuccessfully against interim steps

Summary Review – Serious crime

- WMP case
- The offence of public nuisance per
- *R v Rimmington & Goldstein* [2005] UKHL 63 :
 “A person is guilty of a public nuisance who
 (a) does an act not warranted by law, or
 (b) omits to discharge a legal duty, if the effect of the act or
 *omission is to **endanger the life, health, property... or***
 comfort of the public...”
- A certificate, once issued by Police, cannot be challenged
 – ***Lalli v Metropolitan Police Commissioner [2015] EWHC***
 14 (Admin)