




COVID-19 – Policing brief in response to Coronavirus Government Legislation

31.03.2020



The response to Coronavirus is evolving. We are learning more as the situation develops and we will brief you again in due course. This briefing is to get the most up to date information out to you as quickly as we can, but it is subject to change.

- **This pack covers The Health Protection (Coronavirus, Restrictions) (England) Regulations (reconciling powers in relation to business closures with powers to disperse gatherings and restrictions on movement).**
- **We are producing another briefing on The Coronavirus Act (providing powers relating to potentially infectious persons and powers to the Secretary of State to issue directions relating to events, gatherings and premises). This will be published by the 3 April 2020.**

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 ('the Regulations') came into force on 26 March 2020 and apply to **England only**. Wales, Scotland and Northern Ireland have equivalent legislation.

The purpose of these new powers is to **save lives** by **protecting the public and the NHS**.

The Regulations provide powers to a relevant person to:

- **require the closure of premises and businesses (Reg.4 and 5)**
- **restrict movement and gatherings (Reg.6 and 7)**

A '**relevant person**' is defined in Regulation 8 as a **constable**, a **PCSO** or a **person designated by the Secretary of State** for the purposes of the regulation.

Regulation 12 states that the Regulations will expire at the end of a period of six months, beginning with the day they come into force.

The need for the restrictions or requirements imposed by these Regulations will be reviewed by the Secretary of State at least once every 21 days, with the first review carried out by 16 April 2020.

This will be an ever-changing picture and everyone in policing is encouraged to follow developments closely.

Government guidance sets out these social distancing measures and includes the following



Stay at home, unless:

- shopping for basic necessities, for example food and medicine
- taking exercise – alone or with members of a household
- for any medical need, or to provide care to a vulnerable person
- travelling for work purposes, but only where they cannot work from home



Stop all **public gatherings** of more than two people, unless:

- those people live together
- the gatherings are essential for a work purpose
- they are providing assistance to a vulnerable person, providing emergency assistance, participating in legal proceedings or moving house (where this could not be rearranged)



Stop all **social events**, including weddings, baptisms and other religious ceremonies.

Funerals attended by immediate family, or where there are none, close friends, are still permitted.

A **vulnerable person** is defined as any person who is:

- aged 70 years or older
- under 70 years old who has an underlying health condition
- pregnant

The police response will be to follow the **four-step escalation principles**:

- 1 **Engage**
- 2 **Explain**
- 3 **Encourage**
- 4 **Enforce**

We **police by consent**. The initial police response should be to encourage voluntary compliance.

This could be through asking **individuals, groups or businesses** whether they have heard about the new guidance, and how quickly they can comply with it. This should be done by stressing the risks to public health and the NHS.

There is no power to '**stop and account**'.

The police will apply the law in a system that is **flexible, discretionary and pragmatic**. This will enable officers to make sensible decisions and employ their judgement. **Enforcement should be a last resort**.

There are two main parts to these regulations:

1. Regulations affecting permitted retail premises and businesses, and
2. Those relating to individuals, affecting movement and gatherings.

Local Authorities, mainly through their Environmental Health and Trading Standards officers, will lead on enforcing and monitoring the closure of business premises and will be able to issue prohibition notices.

You should support them with this where required and senior officers will need to liaise with your local authorities to agree the ways in which this will be implemented locally.

The police's main focus is the regulations relating to individuals and therefore we have structured this briefing to make regulations relating to individuals the most prominent.

Powers relating to closure of retail businesses and premises

Enforcement of these closures or restrictions will be through service of a prohibition notice to the relevant person who, it is reasonably believed, is contravening the restriction and, where it is necessary and proportionate, to prevent the continued contravention (Reg.8(2)).

What is allowed

- The sale of food and drink for consumption off premises.
- Workplace canteens where there is no practical alternative.
- Room service.
- Using premises for broadcast to people outside.
- Using premises for blood donation.
- Providing accommodation for the homeless.
- Using a place of worship for funerals (attended by immediate family, or where there are none, close friends), to broadcast an act of worship to people outside, or to provide essential voluntary services.
- Crematoriums for small gatherings.
- Food retailers, including food markets, supermarkets, convenience stores, off-licences and corner shops.
- Pharmacies and drugstores.
- Newsagents.
- Homeware, building supplies and hardware stores.
- Petrol stations.
- Car repair and MOT services.
- Taxi or vehicle hire businesses.
- Banks and building societies.
- Post offices.
- Funeral directors.
- Laundrettes and dry cleaners.
- Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.
- Veterinary surgeons and pet shops.
- Storage and distribution facilities, including delivery drop-off points.
- Car parks in towns or cities.
- Public toilets.
- Bicycle shops.
- Agricultural supply shops.

Powers relating to closure of retail businesses and premises – these are exceptions to the previous slide unless specifically identified in the list of businesses and premises that must close, they may remain open

Certain businesses can continue to offer goods for sale or hire from a shop, including library services, provided these are; through a website (or otherwise by online communication); by telephone (including orders by text message); or by post. However these businesses must stop admitting people to their premises who are not involved in the business.

What is not allowed

- Serving food or drink to be consumed on premises.
- Cinemas.
- Theatres.
- Nightclubs, bars, licensed premises.
- Bingo halls.
- Concert halls.
- Museums and galleries.
- Casinos.
- Betting shops.
- Spas.
- Barbers and nail, beauty and hair salons.
- Massage parlours.
- Indoor skating rinks.
- Tattoo parlours.
- Car showrooms.
- Auction houses.
- Indoor fitness studios, gyms, swimming pools, bowling alleys, amusement arcades, soft-play areas and other indoor leisure centres or facilities.
- Funfairs (whether outdoors or indoors).
- Playgrounds, sports courts and outdoor gyms.
- Outdoor markets (except for stalls selling food).
- The provision of holiday accommodation, unless the accommodation is being used:
 - by someone who was resident before the regulations came into force and they are unable to go home
 - as someone's main residence
 - to support services to the homeless
 - to host blood donation sessions
 - for any other purpose requested by the Secretary of State or local authority

Powers in relation to restrictions on movement and gatherings

If you believe someone is outside of the place where they are living **without reasonable excuse**, you can:

- **direct that person to return to the place where they are living**
- **give the person concerned any reasonable instructions you consider to be necessary**
- **use reasonable force in the exercise of the power to remove the person to the place where they are living**

You may instruct gatherings of three or more people to disperse or direct or remove any person from that gathering to their home, where they are not members of the same household.

Anyone contravening these requirements commits an offence, punishable on summary conviction by a fine.

Where someone is believed to have **committed an offence** under these regulations and is 18 or over, you may issue them with a fine for **£60 payable within 28 days, but this is reduced to £30 if paid within 14 days. Court proceedings may be brought in cases of non-payment. If a person commits an offence for the second occasion the penalty increases to £120. The penalty will double for each subsequent issue (this is capped at £960).**

Action: the forms you hold have not been designed for this process. The new process is shown on slide 16.

Restrictions on movement

During the pandemic, nobody should leave their home unless they have a reasonable excuse.

Reasonable excuses include:

- obtaining basic necessities and supplies for the essential upkeep, maintenance and functioning of the household, or for the household of a vulnerable person
- obtaining money from any businesses permitted to remain open (see slide 8)
- to take exercise alone or with other members of their household
- seeking medical assistance
- providing emergency assistance
- providing care or assistance to a vulnerable person
- travelling for the purpose of work or to provide voluntary or charitable services, where it is not reasonably possible to work from, or provide those services from home
- attending a funeral of a close family member (or a friend, where there are no close family)
- donating blood
- meeting a legal obligation, incl. court or bail conditions (answering bail and complying with offender management)
- accessing critical public services
- continuing existing arrangements relating to shared parental access to children
- going to a place of worship (minister of religion or worship leader only)
- moving house
- avoiding injury or escaping a risk of harm

Restrictions on gatherings

No gatherings in a public place of more than two people are permitted, unless:

- those people live together
- the gathering is essential for a work purpose
- the gathering is a funeral
- those people are, where necessary:
 - moving house
 - helping a vulnerable person
 - participating legal proceedings
 - helping in an emergency

Children and young persons

If you believe anyone is outside of their premises without reasonable excuse, including a child (someone under 18 years of age), you can:

- **direct that person to return to the place where they are living**
- **remove that person to the place where they are living**
- **give the person concerned any reasonable instructions you consider to be necessary**
- **use reasonable force in the exercise of the power**

The powers also apply to an individual over 18 accompanying the child, if applicable.

Your powers extend to direct anyone who has responsibility for the child, even if temporary, to secure compliance with the regulations.

If you are dealing with a parent or guardian who is not preventing their child going outdoors and all other avenues to Engage, Explain and Encourage have been exhausted, you should Enforce by issuing them with a fine.

Recording

These are non recordable offences, they can't be punished by imprisonment.

- **A record is not required on force record management system**
- **Biometrics are not required to be taken**

Powers of arrest

A power of arrest may be utilised in line with **Section 24 PACE**, officers' attention is specifically drawn to the **necessity to arrest in relation to ascertaining name and address, and to protect a child or other vulnerable person from the person in question**, in this context this aspect is linked to the spread of infection. Officers may also wish to determine if they feel Breach of the Peace powers apply.

Officers' attention is drawn to the expanded grounds of necessity for arrest which for these purposes include maintenance of public health or public order. See Reg.9(7).

Powers of entry and to stop vehicles

The Coronavirus Act and Coronavirus Regulations do not explicitly confer any powers on police officers to stop vehicles or enter premises.

Powers to stop vehicles

- Police have powers to stop any vehicle for any reason under the Road Traffic Act 1988, s.163.
- The Coronavirus Act 2020 has created certain offences that may be discovered upon officers stopping any vehicle.
- **Example:** a constable can stop a vehicle to ascertain the reasons for being out and if they don't fall into any of the 'reasonable excuse' categories then they can be cited for committing an offence under the coronavirus legislation.

Use your judgement and common sense; for example, people will want to exercise locally and may need to travel to do so, we don't want the public sanctioned for travelling a reasonable distance to exercise. Road checks on every vehicle is equally disproportionate. We should reserve enforcement only for individuals who have not responded to Engage, Explain, and Encourage, where public health is at risk.

Entry into property

- Police need a warrant before they can enter and search premises.
- However, the Coronavirus Act 2020 has provisions within it to cover the power of entry in certain exceptional circumstances.
- Schedule 21 of the Coronavirus Act allows an officer to enter a property where they have **reasonable grounds** to suspect that a person within is potentially infectious, and they need to direct or remove the person for screening and assessment.
- Officers must be sure it is both **necessary** and **proportionate** to enter a property on these grounds. They must confer with a public health officer unless it is not practicable to do so due to exceptional circumstances.

Penalty Notice for COVID-19

PART 1 - PROFORMA FOR OFFICER

Force Code

PNC checked? Yes No

Offender Details Title _____ Date of Birth _____

Surname _____

Forename _____

Address _____

Postcode _____ Telephone _____

Email _____

PNC ID CODE _____ Self-Defined Ethnicity _____ Gender (select M / F / U) _____

On _____ 2, 0 _____ at _____ hours

At _____

(Details as appropriate)
 Contravene requirement to not participate in a gathering in public of more than two people - Coronavirus
 Contravene requirement as to restriction of movement during emergency period - Coronavirus
 Obstruct person carrying out a function under the regulations - Coronavirus
 Contravene requirement from relevant person - Coronavirus
 Contravene a direction or fail to comply with instruction - Coronavirus

Contrary to the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

Issuing Officer (PRINT NAME) _____

Signed _____ No. _____

Station _____ Station Code _____

Force _____ Date _____

ID CHECKS MUST BE COMPLETED
 ID CHECKS MADE (details section must be filled in)
 Driver's Licence Passport Bank / Credit Card Mobile Data
 Travel / Photo Card National Insurance
 Other (specify) _____

ID Document No. _____

Incident No. _____

BWV Ref No. _____ (if applicable)

Please forward the information via photograph or electronic format to: cv19.fpn@acro.pnn.police.uk

What does the officer/PCSO need to do on the street

1. Police officer/PCSO takes the decision **that an offence has been committed** under these regulations and a fine needs to be issued
2. The officer/PCSO takes the details required for the fine on a standard form and reports the person for summons and gives them the 'now caution'
3. The encounter should be recorded on Body Worn Video (where available), and sufficient information obtained to provide a statement if the person fails to make payment
4. The officer/PCSO emails a copy of the standard form to a dedicated mailbox in ACRO cv19.fpn@acro.pnn.police.uk
5. Everything else will be dealt with centrally and will only come back to the force if the person fails to make payment

Safeguarding: we need you to be the professional decision makers on the street

Keep an **inquisitive, questioning** mind-set.

It may not be safe for everyone to be at home. Consider whether there are any **safeguarding issues** at play.

For example, are you dealing with aspects of **domestic abuse, child abuse or mental health?**

Be **professionally curious**, do the checks and ask the questions. Find out what's really going on and enquire about the environment the person is living in.

If home is **not a safe place** for the person to return to, we need to solve the problem in partnership. In these cases, do not utilise this legislation. Instead, revert to normal process and legislation dealing with vulnerable people.

If you have issues with partnership working, escalate through the usual channels in your force.

Personal safety



Wash your hands frequently

Regularly and thoroughly clean your hands with an alcohol-based hand rub or wash them with soap and water. Wash hands or use sanitiser before going into any address and after exiting.



Maintain social distancing

Maintain a distance of at least two metres (six feet) between yourself and anyone.



Avoid touching your eyes, nose and mouth

Practice respiratory hygiene



Make sure that you, and the people around you, follow good respiratory hygiene. This means covering your mouth and nose with your bent elbow or a tissue when you cough or sneeze. Dispose of the used tissue immediately.



Use the PPE equipment that your force has provided

We are making sure that stocks of PPE equipment are replenished and available for use.