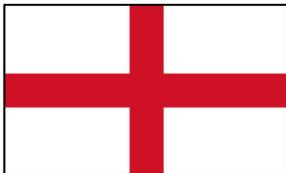


COVID-19 Policing brief in response to the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

18.07.2020



The No. 3 Regulations provide powers to a Local Authority to issue a direction (whether of their own accord or as directed by the Secretary of State) regarding:

- **Individual premises**
- **Events**
- **Outdoor public places**

Separate briefing products cover:

- **The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020** – referred to as the **Restrictions Regulations**
- **The Coronavirus Act 2020**
- **The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020**
- **The Health Protection (Coronavirus, International Travel) (England) Regulations 2020**

Remember



The Health Protection Regulations (secondary legislation)

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



The Coronavirus Act 2020 (primary legislation)

Yes, enforceable. There are five main summary offences created by the legislation. These offences are punishable on summary conviction by a fine



Government guidance – is not enforceable. Do not issue fines to people for not adhering to government guidance.

Issuing a direction

These Regulations come into force at 00.01 a.m. on 18 July 2020. They apply in relation to England only.

Police will have a role in encouraging and, where necessary, enforcing the requirements of any direction issued by a local authority.

A local authority may issue a direction if it considers that:

1. giving a direction responds to a serious and imminent threat to public health
2. the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response in the local authority's area
3. the requirements of the direction are a proportionate way of achieving this purpose

Where a direction is issued the local authority must review the decision every seven days.

The Secretary of State also has powers to require a local authority to issue a direction and/or to revoke any direction.

Directions relating to individual premises

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, specified premises in the local authority's area.

The direction will only have the effect of imposing a prohibition, requirement or restriction on:

- the owner or any occupier of the premises
- any other person involved in managing entry into, or departure from, such premises or the location of persons in them

A direction relating to individual premises may only be given for the purposes of:

- a. closing the premises,
- b. restricting entry to the premises
- c. securing restrictions in relation to the location of persons in the premises.

The local authority is required to take reasonable steps to give advance notice to the persons involved in running the premises and owners/occupiers.

Directions relating to events

A local authority may give a direction in relation to the holding of an event in its area.

The direction may be issued in relation to:

- a. a specified event
- b. events of a specified description

The direction may only have the effect of imposing prohibitions, requirements or restrictions in relation to the holding of an event on:

- a. the owner or any occupier of premises for an event
- b. the organiser of such an event
- c. any other person involved in holding such an event

For enforcement purposes it should be noted that a direction does not have the effect of imposing prohibitions, requirements or restrictions on any person whose only involvement in the event is, or would be, by attendance at the event.

The local authority is required to take reasonable steps to give advance notice to the organiser of the event and the owner/occupier of the premises.

Directions relating to public outdoor places

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to access to:

- a. a specified public outdoor place in its area
- b. public outdoor places in its area of a specified description

The direction may in particular prohibit access at specified times.

A local authority, or any other person who owns, occupies or is responsible for land in a public outdoor place to which a direction relates, must take reasonable steps to prevent or restrict public access to the public outdoor place or places, or the land, to which the direction relates.

No person may without **reasonable excuse** enter or remain in a public outdoor place to which a direction relates in contravention of a prohibition, requirement or restriction imposed by the direction. A limited list of reasonable excuses is provided in the Regulations but is not exhaustive and officer discretion is key.

Enforcement

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| General (premises, events and places) | <p>A local authority designated officer or a constable/PCSO (an officer) may take such action as is necessary to enforce a direction</p> <p>A person(s) attending a premises or event in breach of a direction is not in itself an offence. However, such person(s) can be directed to leave or be removed (using force if necessary). Failing to comply with a direction or obstructing removal is an offence</p> <p>As per Regulation 12 failure to comply with a reasonable instruction is an offence</p> |
| Directions relating to individual premises | <p>A local authority designated officer may give a prohibition notice; the police may be requested to support this</p> |
| Directions relating to events | <p>Where an officer considers an event is being held in contravention of a direction, they can:</p> <ul style="list-style-type: none">a. direct the event to stopb. direct a person to leave the eventc. remove a person from the event (using force if necessary) |
| Directions relating to public outdoor places | <p>Where an officer considers a person is in a public outdoor place, without reasonable excuse, in contravention of a direction they can:</p> <ul style="list-style-type: none">a. direct that person to leave the placeb. remove that person from the place (using force if necessary) |

The police response will continue to be in line with the 4Es – officers will **Engage** with people in the first instance, **Explain** that a direction is in place, **Encourage** compliance to prevent the spread of infection and only **Enforce** as a last resort.

Children

Where the person in contravention of the Regulations is a child and they are accompanied by an individual who has responsibility for them: a constable or PCSO may direct that individual to remove the child from the event or place; and if a constable or PCSO gives the child a direction or instruction, the responsible individual must, so far as reasonably practicable, ensure that the child complies.

A breach of this direction can result in an FPN issued to the responsible individual.

Fixed penalty notices (FPNs)

Anyone contravening these requirements commits an offence, punishable on summary conviction by a fixed penalty notice. Where someone is believed to have committed an offence under these regulations and is 18 or over, you may issue them with an FPN for £100 payable within 28 days, but this is reduced to £50 if paid within 14 days. Court proceedings may be brought in cases of non-payment. The FPN amounts double for each subsequent offence, up to £3,200 for the sixth and subsequent offences. This will take into account previous FPNs issued under No 3. Regulations, the No 2. Regulations – the Restrictions Regulations or the Leicester Regulations. The usual FPN process via ACRO applies.