

BLACKBURN WITH DARWEN COUNCIL: **COVID-19 ENFORCEMENT STRATEGY**

ABOUT OUR STRATEGY

In July 2020, the Government passed legislation to grant local authorities with new powers to respond to any serious and imminent threat to public health and to prevent covid-19 transmission. Councils are the enforcing authority for a number of workplaces, including hospitality and retail venues, and the regulations include powers for the Council to restrict access to or close individual premises; prohibit certain events or types of events; restrict access or close public outdoor places where they pose a risk of the spread of the virus.

However, we recognise that regulations are often introduced very quickly and can be confusing. Before escalating to enforcement action we will satisfy ourselves that businesses and communities have been provided with sufficient advice and guidance to enable them to abide by the regulations, become Covid-secure and be able to follow the Government guidance.

Our Covid-19 Enforcement Strategy sets out how we will implement the Government guidance and regulations to maintain public safety and reduce the spread of Coronavirus in Blackburn with Darwen. It should be read in conjunction with the Council's Enforcement and Prosecution Policy.

Our strategy is one of intelligence-led enforcement. This is an ideal model for tasking limited resources in the most flexible and effective way possible. The frequently changing legislation and frequency of newly emerging analysis relating to risks associated with business venues means that no meaningful medium term inspection plan can be established; rather, staff must be able to be deployed quickly to deal with emerging risks.

With this in mind, a control strategy was developed which set the tone of the enforcement response for the coming months. Broadly speaking, it has been divided up into 3 elements:

- **Prevention and engagement**
- **Use of intelligence**
- **Enforcement action**

The Public Protection Service's approach to business compliance has been to undertake informative and advisory work in bulk on the introduction of new legislation, and then move to enforcement. The frequently changing legislation has meant that this cycle has taken place several times over the preceding months, but levels of compliance are high so it does seem to be an effective approach. The presence of officers on the street has also proved invaluable in providing intelligence on compliance issues.

Business advice work has been backed up by forthright use of enforcement powers such as closure directions, prohibition notices and fixed penalty notices where necessary, underpinned by legal advice.

EARLY RESTRICTIONS

As lock-down restrictions were eased across the Country, measures remained in place in Blackburn with Darwen to control the spread of the virus. This included some businesses remaining closed and social contact between households restricted.

On 8th September 2020, our restrictions on business closures in all parts of the Borough were lifted and aligned to the national guidance and the three-tier restrictions framework introduced on 14th October 2020.

On 5th November 2020 a second national lockdown commenced.

Throughout this period the Council, partners, businesses and residents have demonstrated flexibility and resilience to adapt to local changes and interventions. The Council recognise that this approach will continue over the coming years.

OUR PRIORITIES

PRIORITY ONE: ENGAGEMENT AND PREVENTION

WHY? Engaging with our communities and businesses to prevent a breach of restrictions will ensure Covid-secure spaces. Businesses can remain open as much as possible and provide a Covid-secure environment for employees, residents and customers.

HOW? The regulations in response to Covid-19 can be confusing for our residents and businesses. The Council provides advice and guidance to all our businesses through information and updates on our website, social media channels and importantly direct contact.

Where individual premises are identified as being of concern, we will carry out individual support and advice visits to support them in being Covid-secure. The Government and Health and Safety Executive (HSE) have published comprehensive guidance on their website on being Covid-secure in a wide range of workplaces such as offices, factories, schools, childcare providers, vehicles, hospitality and leisure venues and close contact services. All our businesses are actively encouraged to access this information. Guidance is also available on the government website for sports events and venues, places of worship and our offices work closely to provide support.

Our advice and guidance is aligned to the regulations and national messages including cleaning and hygiene; opening hours; social distancing; face masks.

The Covid Marshals are intended to have a high visibility presence in high-risk areas. They do not have enforcement powers, instead their role is to engage, explain and encourage best practice and national Covid-19 secure guidance amongst our businesses and residents. The marshals will work with businesses to encourage social distancing, remind members of the public to wear face coverings where required and helping to prevent the mixing between groups. In general, most businesses and residents welcome the support; however, the Covid-Marshals do have the full support of the Council to challenge non-compliance.

We will use a broad range of communications tools to engage with communities and businesses, including through social media, Ad-Vans, information leaflets, posters in all of our premises.

The Council has made covid-secure signage available for small businesses on its website.

PRIORITY TWO: USE OF INTELLIGENCE

WHY? Intelligence will inform where we target our interventions to make the most effective use of limited enforcement resources.

HOW? We will maintain close links with the Local Resilience Forum, police, public health, partners and professional groups to exchange intelligence and tackle issues head-on.

We will use information from the Test and Trace framework to analyse patterns of positive case outbreaks in community and business settings. This will enable us to provide targeted advice or enforcement when needed.

We work closely with HSE who are undertaking their own assessments and spot checks and refer any concerns to the Council's public protection team.

Our field officers will provide on-street intelligence to identify any high frequency areas of concern so that we can take strong action and intervention as needed. We also rely on elected members, partners and the wider public to inform us of concerns where businesses are not following regulations and guidance. Details of how to do this are on our website.

Tactical tasking meetings take place on a weekly basis with representation from the police, LRF Business Compliance Group and officers linked in with Public Health. These meetings are an opportunity to reflect, review and plan for the following week. Resources from across the Public Protection Service are allocated to the Covid-19 enforcement effort, taking into account pressures from normal workstreams.

Where necessary, changes can and have been made to plans in between tactical tasking meetings to react to developments such as changes to legislation and newly emerging risks.

PRIORITY THREE: ENFORCEMENT AND PROSECUTION

WHY? Formal sanctions will be used when there are serious or persistent breaches of covid-19 legislation.

HOW? We have a broad offer of advice and guidance via our website and contact with the public protection team by phone or email. However, Councils are designated to enforce the regulations which apply to businesses, including hospitality and retail venues and we will make use of the various sanctions available to us to secure compliance. Sanctions include fixed penalty notices, reporting for prosecution or issuing directions to close or restrict access to a premises. Directions are published on the Council website.

The Council has focussed heavily on issuing advice and guidance to businesses, and now will take forthright action where wilful non-compliance is found.

Where closure directions are issued we will continue to support businesses to re-open if appropriate to do so.

The Council is working closely with schools to ensure they have the correct advice, guidance and procedures in place to manage outbreaks and keep schools open. However, we may seek support from ministers to use powers under the Coronavirus Act 2020, to close schools or limit schools to set year group attendance. This will only be requested if specific health evidence suggests that doing so is a necessary measure to help control a specific outbreak or transmission risk.

In all settings, our aim is to prevent enforcement action through engagement, advice and guidance.

MEASURING SUCCESS AND MANAGING RISK

The Council reports on its performance twice per year – July and December. Our existing performance framework is flexible to enable new KPIs to be included as needed. Performance measures for engagement and enforcement will continually develop as we adapt our systems to match local need.

Whilst the Council is managing the business compliance response to Covid-19, the control of the virus spread in the Borough will depend on many external factors other than covid-security in business settings, such as public compliance with social distancing guidance and legislation and effective track and tracing systems.

In particular the enforcement responses from the Council and police are very closely inter-related, and strong partnership working mechanisms have been established between the two.

There are several associated risks that may affect our performance, which we will continue to monitor. These include:

- Staff resilience
- Long-term funding
- Other public protection regulatory pressures.

COMMUNICATION AND OUTREACH

We have several communications channels that are open to the public including social media, website, and dedicated covid-19 managed mailbox.

Public: We are keeping the public informed of the latest guidance, advice and regulations through our website, social media channels, ad-vans, targeted mail, digital advertising and through our local media. We have posters in all of Council premises advising on restrictions at indoor public areas. Our Covid Marshals are visible in public areas to provide advice and support to the public and we encourage all our residents to contact the Council or their elected member if they have further concerns or queries.

Business: Our businesses can access support information on our website as well as speaking with our public protection and environmental health teams for support on making their premises Covid-secure.

Elected Members: Our elected members receive regular updates from the senior management team.

Partners: We are in regular dialogue with our partners and the Government.

OUR PARTNERS

For our Enforcement Strategy to be effective we will work closely with all our key stakeholders.

These are:

- Residents
- Businesses
- Elected members
- Police
- Courts service
- Voluntary, community and faith organisations
- Public Health England
- Local Resilience Forum
- Government
- Environmental Health Lancashire
- Trading Standards North West

EVOLVING AND RESPONDING TO CHANGE

Our Covid-19 Enforcement Strategy is in place for the foreseeable future. We recognise that our strategy must remain flexible and adaptable to change as we learn more about Covid-19 areas of transmission and public health dangers.

The Council is well placed to respond to the demands of the Government or the LRF, including changes to legislation and guidance and any new powers.

GOVERNANCE

We will ensure Covid-19 Enforcement Strategy receives effective oversight and scrutiny via the Council's outbreak management system, including local Incident Management Hub and Health Protection Board, and in collaboration with relevant LRF Cells.

FURTHER RESOURCES

For more information about how the council is responding to Covid-19, please check our website – www.blackburn.gov.uk/coronavirus

Read our Outbreak Management Plan – <https://www.blackburn.gov.uk/coronavirus/local-outbreak-management-plan>

Read the Councils general Enforcement and Prosecution policy <https://blackburn.gov.uk/sites/default/files/media/pdfs/Enforcement-and-prosecution-policy.pdf>

Read about Local Authority powers to impose restrictions under coronavirus regulations <https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations>