

# SCRUTINY OF POLICE POWERS PANEL

Covid-19 Regulation related cases. October 2020 Remote Panel reviews

This Review Report covers the 4<sup>th</sup> Panel member review and feedback on Covid-19 Regulation related cases, some resulting in Penalty Notices being served. The cases selected from 25 September to 14 October 2020, relating to the 'Rule of 6' regulations for no more than 6 people gathering together (14/9/2020 commencement). See Appendix A below. Also certain establishments closing at 10pm (24/9/2020 commencement), and self-isolation requirements (28/9/2020 commencement).

The guidance to Police Officers is to Engage, Explain and Encourage – the 3 'Es' – and Words of Advice (WOA) but more recently a more robust action to Enforce – the 4<sup>th</sup> 'E', serving a Fixed Penalty Notice (FPN) for the Covid-19 current Regulations breach.

## Summary of feedback:

- Members' Covid-19 positive feedback includes: Very good engagement, explaining and encouragement by Officers with people; proportionate responses and enforcement; calm, relaxed and empathetic engagement; courtesy and de-escalation examples.
- Covid-19 negative feedback and concerns includes: Officers being uncertain of the current regulations; Officer terse demeanour.

Note: The 7 questions within each Panel member feedback form are omitted in this Report if they are all answered positively. The questions are:

1. Did the Police Officer Engage, Explain, Encourage?
2. Was enforcement necessary and proportionate to ensure compliance?
3. Were the instructions and/or directions reasonable?
4. If force was used to remove a person to where they live, was it reasonable force?
5. If an individual contravenes a request, direction, instruction or prohibition notice, did he/she have a reasonable excuse?
6. If a Fixed Penalty Notice (FPN) is issued, did the officer reasonably believe a person committed an offence under the Regulations?
7. Was the police behaviour free from demonstrable discriminatory behaviour?

## Case reviews:

### 1. Covid-19 related cases (20 body worn videos were reviewed for 17 cases)

#### Case 1: 25/9/2020 at 11.30pm Clifton. FPN issued to one property and WOA to other property.

On the positive side: A very well handled, a degree of understanding for the situation we now find ourselves in, Officer discretion to the fore throughout. This is a proportionate response to a 35 person indoor gathering with 1 Fixed Penalty Notice (FPN) issued to 3 tenants hosting the gathering.

Some uncertainty surrounding the FPN being issued, a degree of uncertainty regarding the number and amount of the FPNs to be issued and to whom it would be issued.

A warning is given to the upstairs flat occupants with uncertainty regarding the size of the household.

*Constabulary response: Thank you for the panel comments. The panel reference some uncertainty – the "rule of six" guidance was recently brought in. This was relatively new guidance and a considered approach was needed to consider appropriate action – the panel have picked up on*

*some of the challenges around establishing numbers, circumstances and deciding the appropriate course of action. The officers do explain to the people present what is happening. Since this incident, there have been further changes to regulations and officers are kept up to date with the latest guidance through daily briefings. The general theme has been noted around the importance of officer awareness of the guidance – this will be reiterated through briefings.*

#### **Case 2: 29/9/2020 Yeovil. FPN and WOA.**

One Panel member is concerned about the Officer's uncertainty surrounding the FPN amount and current Covid-19 regulations. Also, another Panel member stated that it is unknown whether the group of people had had Officer Engagement, Explanation and Encouragement (3 Es) previously and it's unclear whether and how many FPNs were issued.

*Constabulary response: Panel comments are noted with thanks. The panel member refers to the officer uncertainty around the FPN amount – the officer responds “we do not issue fines, collecting fines – that is the court”. The officer should provide the amount for the FPN, although does explain the rule of 6 to residents at the location and the reason for the ticket issue. The officer had previously had interactions with this group in relation to 4 x E's – a previous warning had been issued. The panel comments will be fed back regarding the perceived uncertainty and communication. The general theme has been noted around the importance of officer awareness of the guidance – this will be reiterated through briefings.*

#### **Case 3: 26/9/2020 Bower Ashton. WOA.**

Exemplary, very courteous and well handled indeed, with excellent Engagement, Explanation and Encouragement by the Officer.

*Constabulary response: The panel comments are noted with thanks along with the positive feedback. This will be shared with the officer.*

#### **Case 4: 26/9/2020 10.19p.m. Bristol. WOA**

Good engagement. The Officer refers to a maximum of 6 but fails to clarify that if there are more than 6 living in the actual household then that higher number can meet indoors and outdoors without breaching the Regulations.

*Constabulary response: The panel feedback is noted with thanks. This is a brief interaction between officers and members of the public which lasts around 40 seconds. The officer reiterates that the group of 5 should bear the guidance in mind. I note this may have been an opportunity to provide additional in depth explanation to the group, however, this appeared to be a positive interaction and proportionate in the context of the interaction.*

#### **Case 5: 29/9/2020 St Werburghs, Bristol. WOA.**

All positive feedback: The Officer maintained a very nice and relaxed tone throughout, keeping the encounter amicable. A well-handled situation with very good Police Officer Engagement, Explanation and Encouragement about the Covid regulations. The Officer's instructions were very appropriated and reasonable, achieving ready compliance.

*Constabulary response: The panel comments are noted with thanks along with the positive feedback. This will be shared with the officer.*

#### **Case 6: 30/9/2020 Bridgwater (3 body worn videos). Caution and FPN.**

Police Officer Engagement, Explanation and Encouragement regarding the Covid regulations is not seen in the videos reviewed because it is acknowledged that this Police visit was the enforcement stage, serving the Fixed Penalty Notice (FPN). These people had previously been warned earlier in the day in Blake Gardens, Bridgwater.

A Panel member noted a degree of uncertainty between the two Police Officers as to which of the people had and hadn't been cautioned.

*Constabulary response: Thank you for the panel comments which have been noted.*

**Case 7: 7/10/2020 Pen Selwood, Somerset. WOA.**

All positive feedback: Very good Police Officer Engagement, Explanation and Encouragement regarding the Covid regulations. Excellent use of BWV with a comprehensive narrative at the start and end.

**An exemplary Officer**, setting the benchmark very high in community policing. A Panel member commented that the incident is very well handled in a lovely, polite and caring manner. The Officer has a thoughtful approach and was on top of the self-isolating Covid-19 regulations and carefully established a time line to clarify there was no breach. The Officer also checked on reducing risk of transmission of infection.

*Constabulary response: The panel comments are noted with thanks along with the positive feedback. This will be shared with the officer.*

**Case 8: 26/9/2020 Clifton, Bristol. WOA.**

One Panel member felt that the Officer's initial approach appeared rather more assertive than necessary. The '3 Es' came later when the Officer's manner improved after he re-entered the premises towards the end. There was then a clear explanation of why the Take Away was breaching the 10 p.m. closing time regulation. This incident is 2 days after the regulations came into effect.

*Constabulary response: Thank you for the panel comments. The feedback of one panel member about the initial officer response is noted – it is also taken into consideration that the officer was trying to reduce the risk by removing people from the location. The panel comments have been fed back for consideration.*

**Case 9: 25/9/2020 Near Bridgwater. WOA.**

The Officer allowed the Event Organiser to explain the gathering which was exempt from the Covid-19 Regulation of no more than 6 people to gather. This incident occurred the day after the new regulations came into effect. Although the Officers politely declined the offer to join in the group activities they did accept a tour of the castle. Excellent community engagement, very calmly and eloquently handled. The situation needed a calm and collected approach as the initial hostile reception could so easily have escalated. All in all a very well and respectfully handled incident, especially the response to visit the castle which was very good.

*Constabulary response: Thank you for the panel comments which have been noted.*

**Case 10: 10/10/2020 Taunton area Response Officer. WOA.**

Calmly and nicely handled. Good relaxed engagement, explanation and encouragement. Officers made their point that there were more than 6 people in the flat. The extra one or two people left the flat and the tenants clearly had learned their lesson.

*Constabulary response: Thank you for the panel comments which have been noted.*

**Case 11: 3/10/2020 Bridgwater. FPN.**

Panel members would need to see BWV of the previous engagement for which this FPN is now being issued. Without this video footage, one panel member was unsure about any Police Officer Engagement, Explanation and Encouragement; unsure if the enforcement was necessary and

proportionate to ensure compliance; and unsure if the member of the public had a reasonable excuse regarding any prohibition notice.

*Constabulary response: Thank you for the panel comments which have been noted. As mentioned, this related to a previous incident and therefore the footage does not show the full incident.*

#### **Case 12: 14/10/2020 Wellington. FPN.**

Police Officer Engagement, Explanation and Encouragement regarding the Covid regulations is not seen in the videos reviewed, but it is noted that the people had previously been warned at an earlier encounter.

The situation is de-escalated well at the scene considering the initial aggression levels from those spoken to by Police Officers. Calm and straight forward interaction in achieving dispersal of the group. A positive outcome.

*Constabulary response: Thank you for the panel comments which have been noted.*

#### **Case 13: 14/10/2020 Wellington. WOA.**

Police Officer Engagement, Explanation and Encouragement regarding the Covid regulations is not really all seen because it is only a short video, but certainly there is engagement and encouragement.

*Constabulary response: Thank you for the panel comments which have been noted.*

#### **Case 14: 12/10/2020 UWE Frenchay Student accommodation. WOA.**

One Panel member's feedback is: Empathetic to students' situation and after a slow start the Officer explained the Covid-19 regulations. The Officer started by asking for a date of birth and when the person doesn't comply the Officer say the person could be arrested. Is this correct? Anyway, would it have been better to discuss the regulations first as part of the Engagement, Explanation and Encouragement (3 Es)?

Another Panel member agrees that there is Police Officer Engagement, Explanation and Encouragement regarding the Covid-19 regulations and Officer instructions and directions are reasonable, but the Panel member felt the Officer initially was somewhat condescending in the way he dealt with the students. The initial engage, encourage and explain phase was not the best example the Panel member has observed. The Panel member also felt that the officer's demeanour throughout when interacting and communicating with the students was a little terse and as is often the way the students communication methods mirrored that of the officer. Very much a case of you reap what you sow.

*Constabulary response: Thank you for the panel comments. The feedback of the panel member about the officer approach is noted. The panel comments have therefore been fed back to the line manager as this is relevant to the style of communication and may have had an impact on how this approach was received.*

#### **Case 15: 12/10/2020 UWE Frenchay Student accommodation. WOA.**

A clear explanation by the Officer to the students. However, of concern from a Panel member is that these are students and the Officer failed to explanation that a "household" of more than 6 can gather outside without breaching the regulations as long as they don't "mingle".

**Question:** At the end of the video the Officer says if he finds the student outside with 5 others he will be fined (9.41). Is that correct? More generally can a FPN be issued for breach of university policy/rules?

Another Panel member is unsure if there is Police Officer Engagement, Explanation and Encouragement about the Covid-19 regulations and feels that the Officer was somewhat heavy handed in the way he handled the episode. The Officer's voice, tone and demeanour earned him the same attitude in return from the students. This is similar to case 14 above. Also the Panel member is unsure if the Police Officer's instructions and directions are reasonable – see the question above. It is felt that the Officer's comments could have been delivered in a more level tone. Attitudes escalated from the students in direct response to the way the officer's comments were delivered. The students' attitude mirrored that of the Officer.

*Constabulary response: Thank you for the panel comments. As per the previous case the feedback of the panel member about the officer approach is noted. The panel comments have therefore been fed back to the line manager as this is relevant to the style of communication and may have had an impact on how this approach was received. In answer the question raised, the comment related to being in a group – the officer did state 5 x others, however, this should have reflected rule of 6 guidance. Breach of university policy will be a matter for the relevant university to address.*

### **Case 16: 9/10/2020 Bristol East (2 videos). FPN.**

**Note:** This case has been reviewed at the full Panel meeting on 10/12/2020, as well individually by Panel members.

One Panel member comments that there seems to be a lot of uncertainty regarding procedures and protocols surrounding the regulations regarding Covid-19. The Panel member has observed a lot of uncertainty in many of the videos, not just this one and perhaps Line Managers briefings to Officers, including video best practice examples could be created when Regulations change, to keep Officers fully updated on the current legislation and guidance.

Another Panel member notes that this case is started as a **Stop and Search** of a white BMW car with a BME driver and 3 passengers. It is unclear what justified the stop. There is some reference to manner of driving. One search refers to section 23 Misuse of Drugs Act. There must be other BWV footage as 2 cars and several Officers are involved and a Police dog. The driver had previous for cannabis but presumably this is not known until after the stop. There is no obvious Stop and Search information (the 'GOWISELY' acronym items).

The background is relevant to the Covid regulations question as the Officer's approach to the male passenger who is a citizen of Iraq might have been different if they had met in different circumstances. When asking for his details he says he arrived at Heathrow Airport 3 days ago and denies knowing he had to self-isolate. There is no Officer Engagement, Explanation or Encouragement. The Officers appear not to know what to do but say the driver might have to go to court (there is no reference to the Section 5 enforcement options and the officer asks for the man's address and he gives his home address in Iraq). All people in the car have to self-isolate because the driver is not self-isolating (there is no regulation to that effect as there has been no positive test so 28<sup>th</sup> September self-isolation regulations don't apply). The Officers also appear to ignore the College of Policing Guidance on quarantine regulations which say that information is sent to the Home Office to decide what to do and if they ask the Police to act the Police should follow the 3 Es before moving to enforcement. The BWV footage stops before it is clear what action is taken. There were discussions about issuing a £1000 FPN and where to send it.

### **QUESTIONS**

**1(a):** Was an FPN issued? (If yes, to what address is it sent and may the Panel see a copy?)

Constabulary answers: In preparing these answers a Police Sergeant has consulted NICHE, Government Covid-19 online guidance, the Police National Legal Database, Avon and Somerset Constabulary's Central Ticket Office and UK Immigration Service.

Answer 1(a): Yes. One FPN was issued (details sent by email to you). The offence for which the FPN was issued was: Person arrives in England - fails to self-isolate

**1(b):** *If the person's temporary (Bristol) address is used, what happens if the FPN is posted after the person has moved on or left the country?*

Constabulary answer: The Fixed Penalty Notice (FPN) scheme is a mechanism for dealing with minor 'summary' offences in an expedited fashion. Where FPNs are paid, the offence is dealt with without the recipient being required to attend Court. However, where the FPN is not paid, investigation will usually occur to locate the recipient followed by service of a Summons to require them to attend a Magistrates Court to be dealt with for the offence. Where the recipient of a summons fails to respond to a Summons, they may become liable for arrest by a Constable in order to compel them to attend Court.

In relation to the subject residing outside the UK, the officer's only alternative here would have been to arrest the person s24 PACE to prevent the investigation being hindered by the subject's disappearance then seek their overnight remand in police custody to enable him to be presented to a Magistrates Court in the morning. The service of an FPN was undoubtedly a lower-level resolution and appropriate in these circumstances. Had the subject then left the country, the circumstances of the FPN issue would be examined as in any issue of an FPN for any matter – Disorder/Traffic or COVID – and the Court would decide whether or not to vacate (cease proceedings) or issue a warrant for the subject's arrest if and when they re-entered the United Kingdom.

**2:** *Would an unpaid FPN lead to Magistrates Court enforcement proceedings and what affect would that have, if at all, on this person's immigration status?*

Constabulary answer:

It is likely that an unpaid FPN could result in enforcement proceedings as referred to above.

I have enquired with UK Immigration Services and I understand that the recipient of the FPN would need to receive a sentence of 12 or more months in prison or be categorised by the Immigration Service as responsible for a range of lesser offences in order for their conduct to affect their 'leave to remain' in the UK.

A Summons for the offence in question is **summary non-imprisonable**.

This means that a breach of this legislation on its own would appear to be incapable of affecting the FPN recipient's immigration status.

**3:** *Would the Police approach have been different if they had been asked to visit someone living in Brislington alleged to have left their house when they should have been self-isolating after a week in Spain?*

Constabulary answer: I can find no reference on the HM Government website to Iraq ever having been a country from which persons arriving in the UK are exempt from the need to quarantine since the creation of this legislation.

I am similarly unable to locate a reference at the same source for persons arriving from Spain being exempt from the need to quarantine.

Therefore, I infer that the answer to this question is 'no', the approach would be the same for arrivals from both countries.

**Note:** This case will be reviewed for both Stop and Search and Covid by the full Scrutiny of Police Powers Panel at the next full Panel meeting (December 2020).

*Constabulary response: The panel comments and queries are noted in relation to this incident. The panel have raised some important queries and this incident is therefore currently under review by*

our COVID team for a full response. It is noted that the panel also intend to review this incident at the full panel meeting and we will look to prepare a response in advance of this.

*Additional Constabulary response:*

*The first point I think was addressed by the team as below. The panel have picked up on some uncertainty from officers with a number of the cases. It may be of interest to note that the emergency Regulations introduced to address the pandemic have been reviewed / superseded four times since March 2020. The Coronavirus Act has also been enacted and as things stand, officers must also know and understand approximately eleven separate pieces of current legislation directly relevant to England.*

*Our traditional methods of training staff in new legislation have not been able to keep pace with these changes, not least where we receive notification of the precise legislation wording from the Government hours before enactment (or in some cases actually after enactment).*

*In order to address this challenge, we have designed a COVID app which officers can use to access the latest legislation via their Force mobile devices and which takes them through the correct mechanism for completing FPNs. The app was employed in this case. We have also communicated as regularly as possible with officers through corporate news pieces, emailed information and slides on relevant officers' briefings. - I cannot emphasise enough what a challenge this has been with the frequently changing regulations.*

*Case 16 is an unusual set of circumstances in particular, and one that officers would not routinely come across - As such I would expect reference by officers to COVID regulation guidance to clarify an appropriate course of action. Regarding the stop search in Case 16, this was based on current intelligence that the vehicle and occupants were involved in drug dealing - as such there were clear grounds to complete the stop initially. Therefore to pick up on David's specific additional points below:*

#### **1) There was no effective EEE**

*Officers have been the subject of much challenge since the enactment of legislation much earlier this year regarding their perceived inaction in circumstances where an informant has contacted the Police about COVID issues. In such cases, I understand that the Constabulary have been contacted on a wide range of matters, including matters beyond the scope of the Police to address. Officers have also been compelled (until recently) to Engage / Explain / Encourage and the Constabulary has not had a ready means of recording people with whom this informal '3Es' work had been done. The national policing desire not to overly prosecute people in a manner which could be considered heavy-handed led to many people exploiting the UK Policing approach to break rules serially. This necessitated the change in stance to place a greater degree of emphasis on enforcement.*

*In relation to this case, I think the officer would have been liable to criticism for neglecting their duties **had they not sought to enforce this breach**. Our objective will continue to be to support the UK Government's management of this public health issue so our concern is likely to be less about the Court process and more about attempting to limit the spread of infection. After all, the person in question may choose to extend their stay or may be compelled by further emergency legislation not to return to Iraq.*

*Officers will also work their way through the 3 E's differently depending on the circumstances. For example the organiser of a house party who had deliberately flouted the rules to invite a number of people to their address would be likely to result in enforcement at an early stage, if not at a first interaction depending on the circumstances. In Case 16 the male initially stated he did not know he needed to self-isolate, however, upon further conversation with officers clearly stated he was aware he should be self-isolating - he then went on to suggest that COVID-19 was not real. The officers deemed that enforcement was the appropriate action.*

#### **2) Erroneous references to going to court and everyone in car having to self-isolate.**

*The conversation did cover the potential of going to court - this was at the time where it was believed the male did not have an address to stay at. This limits the options available to the Officers as there is no means of either issuing a ticket, reporting for summons, or indeed for the male to*

actually self-isolate. The officers did listen when the male suggested he could stay with his friend and proceeded on this basis with the address provided.

In relation to the other occupants of the car having to self-isolate, the officer was incorrect to suggest this. The officer states to the males that he believed this meant they would need to self-isolate but that he would check - he is then seen to check this on his mobile device, however, it is not clear whether he clarifies this with the group and the footage doesn't appear to show this.

### **3) Ignoring the College of Policing guidance including following the 3 Es**

3 E's referenced in question 1. As stated, this was an unusual set of circumstances in that Police would normally receive requests around quarantine. In Case 16 officers found themselves in a position where this process had effectively been circumvented in that the male was found to be in breach of quarantine rules, despite not having received a specific request around this. Officers are then duty bound to deal with the circumstances in front of them.

### **4) Apparently treating this individual differently to other breach of quarantine cases where EEE has not resulted in a FPN on the first contact with the police (the Brislington question)**

Again reference to question 1. The circumstances of each case will dictate a different approach and as mentioned, there are times where officers have deemed it appropriate to enforce upon first contact. It is really difficult to comment regarding the hypothetical scenario posed, however, there should be no difference in approach based on where a person is from, or where they have visited if it is a location that requires self-isolation.

### **Case 17: 4/10/2020 Taunton (2 videos). FPN.**

**Video 1:** The 3 Es were not seen on video 1, perhaps due to the video footage only covering the issue of the FPN to the people present at the party. It is presumed that as it was a clear contravention of the rule of 6 the Officers in question went straight to the enforcement stage.

On the positive side, it is a very methodical, precise and courteous encounter, despite some language barriers. However, it would have been much quicker if the other Officer had also helped issue the FPNs. It almost seemed as if the Officer had been left to do all the paperwork while the other Officer just chatted to the people waiting.

**Video 2:** Again, there is no Police Officer Engagement, Explanation and Encouragement (3 Es) regarding the Covid-19 regulations but the video starts late, at the FPN issue stage. The Panel members are unsure if a FPN (enforcement) was necessary and proportionate to ensure compliance in this case because no background details are available from Niche and it is a short video. However it seemed to be valid as over 6 people are mentioned as the reason for the FPN.

1. Did the Police Officer Engage, Explain, Encourage? Unsure
2. Was enforcement necessary and proportionate to ensure compliance? Unsure.

<i>Constabulary response: Thank you for the panel comments which have been noted.</i>
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## **SCRUTINY OF POLICE POWERS PANEL GUIDE**

### **THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No 2) (ENGLAND) REGULATIONS 2020** **In force 30/07/2020**

### **As amended by** **THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No2) (ENGLAND ) (AMENDMENT) (NO4) REGULATIONS 2020** **In force 14/09/2020**

### **'THE RULE OF 6'**

#### **A: THE STARTING POINT**

No person may participate in a **gathering** indoors or outdoors which consists of more than 6 people.  
A '**gathering**' R5 (6) is:

'When 2 or more people are present together in the same place in order to engage in any form of social interaction with each other or to undertake any other activity with each other'.

An example.

*Jordon and Joe live together with 15 year old stepson Adam, 12 year old stepdaughter Roxanne and their newly born twins, Daisy and Skye. As this household totals 6 persons, they cannot invite anyone to visit them, if all of their household is at home.*

#### **B: EXCEPTIONS**

##### **1 Household exception**

If you live in a household with more than 6 people, you can all still gather together, whether you are indoors or outdoors. Reg 5(1) (a).

##### **2 Linked household exception**

If you are a linked household, you may gather in numbers greater than 6.

A 'linked household' (sometimes called a support bubble) is defined in Reg 5ZA, as follows:

Where the first household comprises one adult (with or without children), the adult may link with a second household. The two households may gather together indoors or outdoors, even if they total more than 6.

An example:

*The first household comprises Jane, an adult, Natasha (17), Jason (15) and Abbie (2), a total of 4 persons. They link with a second household, comprising George (37), Kylie (36), their children, Raquel (14), Shawn (12), Jayne (10), together with Grandma Joan and lodger Mark, a total of 7 persons.*

For these 2 households, the rule of 6 becomes a rule of 11.

Note that the regulation refers to 'persons', not adults, so a baby is one of the maximum of 6 persons.

##### **3 Work, education and activity exceptions**

These exceptions are set out at Reg 5(3)

- For work
- For provision of voluntary and charitable services
- For education, training, registered childcare and activities for children
- To provide emergency assistance
- To provide care or assistance to a vulnerable person
- To enable child contact, where parents live apart
- To fulfil a legal obligation
- For 'elite sports' Reg 1(5) and 1(6)
- To enable formally organised 'support groups' (Reg 5 (5A))

##### **4 Weddings, births, protests exceptions**

These exceptions are set out at Reg 5(3)

In some cases, the organiser has to carry out a formal risk assessment (Reg 5 (5G) (a))

Included are:

- Weddings/civil partnerships to a maximum of 30 persons
- Weddings/civil partnerships receptions, not in a private dwelling, to a maximum of 30 persons
- Attending a birth
- Organised protests
- In criminal justice accommodation, eg bail hostels.

### **5 Significant event exceptions Reg 5 B&C**

Gatherings of up to 30 persons are permitted for significant events, namely

- To mark a milestone in accordance with religion or belief, other than a birthday
- To mark a death, e.g. funeral.

The event must take place run by a business, institution or public body OR be in a public outdoor place.

The guidance suggests that wakes are not included.

### **6 Business, charitable and public body premises and gatherings in public outdoor places, exceptions.**

A person may participate in a gathering in excess of 6 people, where

- It is operated by a business etc and is somewhere other than a private dwelling
- The person is alone or a member of a 'qualifying group' and does not, become a member of another group, or 'mingle'.

NB: A member of a qualifying group Reg5(2B) is a member of a group of not more than 6 people OR members of the same household OR 2 linked households.

NB: these provisions appear to permit groups of 6 people to join larger gatherings, as long as there is no 'mingling' with other groups.

NB: This is the first time the word 'mingle' has ever been used in UK legislation.

### **7 Gatherings in public outdoor spaces Exceptions Reg 5 (1)(b), Reg 5 (2A) & Reg 5 (2B)**

Gatherings may take place in excess of 6 people, where:

- It is in a public outdoor space and
- The gathering has been organised by a business, public body etc and
- The organiser takes Reg 5G measures

As in 6 above, no 'mingling'.

### **8 Sports gatherings and fitness activities exceptions Reg 5(5)(D)**

- May exceed 6 persons, if the gathering is organised for non elite people to take part in sport or fitness and
- Must be organised by a business, public body etc. and
- Take place in relevant premises or outdoors and
- The organiser takes Reg 5G measures

N:B Informal sport or fitness activities with friends or family is not within this exception.

### **9 Licensed outdoor physical activity gatherings exceptions Reg 5(5)(F)**

These are official licensed 5G compliant activities

#### **C: INDOOR RAVES**

- No person may participate in a gathering of more than 6 persons at an indoor rave Reg 5(4).
- No person may hold or be involved in the holding of an indoor rave consisting of more than 30 person, Reg 5A.

NB: The fixed penalty for a breach of Reg 5A is £10,000.

#### **D: PRIVATE DWELLING GATHERINGS REG5B**

No person may hold or be involved in holding a gathering which:

- Consists of more than 30 persons and
- Takes place in a private dwelling or a public outdoor space and
- Is not an indoor rave and

- Is not an excepted gathering Reg 5(B)(3A)

NB: The fixed penalty for breach of Reg 5B is £10,000.

#### **E: POWER TO RESTRICT ACCESS TO PUBLIC PLACES REG6**

- The Secretary of State may restrict access to a specified public outdoor place for specified dates and times. A review must take place every 7 days.
- No-one may enter a restricted area without a reasonable excuse.

#### **F: ENFORCEMENT REG7**

Enforcement is by giving directions and removing people. Reasonable force may be used.

#### **G: OFFENCES AND PENALTIES REG8**

Anyone, who without reasonable excuse contravenes a requirement in the regulations commits an offence, which is punishable by a fine.

#### **H: FIXED PENALTY NOTICES REG9**

These can be issued at £100, reduced to £50, if paid within 14 days. A second FPN is £200, rising to £3,200 for the 6<sup>th</sup> notice.

NB: The fine for indoor raves Reg5A and private dwelling gatherings of more than 30 persons, Reg5B is £10,000.

David Woodward – Panel Chair - 19/09/2020