

Home Affairs Committee

Oral evidence: [Home Office preparedness for Covid-19 \(Coronavirus\)](#), HC 232

Wednesday 21 October 2020

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Members present: Yvette Cooper (Chair); Diane Abbott; Andrew Gwynne; Adam Holloway; Dame Diana Johnson; Tim Loughton.

Questions 774 - 820

Witnesses

I: Chief Constable Pam Kelly, Gwent Police, Chief Constable Andy Rhodes, Lancashire Constabulary, Assistant Commissioner Louisa Rolfe, Lead on Domestic Abuse Portfolio, National Police Chiefs' Council, and Assistant Chief Constable Owen Weatherill, Operation Talla, National Police Chiefs' Council.



Examination of witnesses

Witnesses: Chief Constable Pam Kelly, Chief Constable Andy Rhodes, Assistant Commissioner Louisa Rolfe and Assistant Chief Constable Owen Weatherill.

Q774 **Chair:** Welcome to this evidence session for the Home Affairs Select Committee looking into the Home Office response to Covid-19. Today we are looking particularly at the ongoing policing of the coronavirus regulations and legislation as part of the response to the pandemic.

We are very pleased to have with us today ACC Owen Weatherill, commander of Operation Talla, from the National Police Chiefs' Council, who leads on the response to coronavirus; Chief Constable Pam Kelly from Gwent Police; Chief Constable Andy Rhodes from the Lancashire Constabulary; and Assistant Commissioner Louisa Rolfe, who is the NPCC lead on domestic abuse as well. Welcome to all of you this morning. We are grateful for your time.

Can I start, ACC Weatherill, with you and with your assessment of how things are going at the moment in terms of policing coronavirus?

Assistant Chief Constable Weatherill: Good morning, Chair. The situation continues to unfold, obviously, from a viral perspective. That continues to present new challenges. As we can all see at the moment, the viral infection is spreading and that is particularly acute in some areas in the north and spreading to other areas of the country. What that means in a policing context, of course, is that what we have is a differentiated response in different areas at the moment. In some areas, that has been ongoing for some period of time. For examples, the north-west—Greater Manchester and areas around it, and Lancashire, which Mr Rhodes will cover as well—has been subject to much tighter restrictions for much longer. That has required a much greater policing focus than some other areas of the country, so quite naturally you are into a much more sustained policing response in some areas than others.

The other practical issue that comes with that, of course, is the nature of the regulations themselves, which are different in different areas of the country. There is a continuous evolution of those regulations and with each of those comes a requirement for new guidance for staff on the ground and for us to make sure that they are properly briefed and understand what those regulations are, so that we can effectively engage with the public.

The largest challenge for us at a national level is that differentiated piece across the country and enabling our staff across the country to understand what that means, because it is not just about the regulations in their own area. They may be dealing with a situation that involves somebody from a different area where there might be tighter restrictions that apply to them in a slightly different way. The best example of that in the current context—which I am sure Pam will talk about in a moment—is the difference now between Wales and England, and the ability to travel



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across borders or not. That is something we saw earlier in the pandemic as well where there were differing regulations, so that means that officers on both sides of the border need to understand how that applies. It is not just about their own areas.

The complexity of the regulations and enabling officers to do their job effectively is a real issue for us. With every evolution, that needs to be reset, revised and new guidance issued. We find we are frequently doing that in a very time-sensitive environment, and on numerous occasions we have struggled to get that guidance out to officers on time when those new regulations take effect.

Q775 **Chair:** What does that mean in practice when officers do not have the guidance in time?

Assistant Chief Constable Weatherill: We cannot expect our officers on the ground to operate within those regulations without proper guidance. Clearly, those regulations are law. They are enacted at pace and we need to be able to understand exactly what that means and what guidance is appropriate for our staff before we can ask them to go and execute those powers. Invariably, that means a delay in us being able to exercise those powers where that is appropriate.

Of course, that does not stop us from engaging with the public and encouraging compliance, and that is our default position. We want to encourage greater compliance because we know that is what will ultimately assist in stemming the flow of the virus. Where we need to enforce, we need to understand what that means in a practical context for each officer in each given location.

Q776 **Chair:** As a "for example", when you had the new tier 2 and tier 3 regulations come in, how fast were you able to get the guidance and the briefings in place?

Assistant Chief Constable Weatherill: The tier 2 and tier 3 regulations were a better experience for us. We did get sight of early drafts before it became law. We were able to influence that and start to draw together what our guidance looked like. That was issued within 24 hours or so of the regulations coming into place. By contrast, if you look at the self-isolation regulations, that was a very different experience. It was quite a complex area and that needed quite a lot of work to be done with colleagues in Government to get to a position where we could translate that into something that officers could operate with. It took us nearly three weeks to get there, so those are two very different experiences driven from very different circumstances.

I would say that our experience of working with colleagues in the Home Office has been absolutely excellent. They have been with us every step of the way here, helping us to work through this. The challenge comes from the source of the regulations themselves and the ability to be involved in that early discussion around what they might look like, what would work well, how we could influence that to make it better and, also,



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how it translates to the public because, let's not forget, this is about the public understanding it as well.

One of the constant bits of feedback I get from forces is that there is confusion for the public because there are so many different variations of this. If you take Greater Manchester as an example, they have had up to five different sets of regulations, which are slightly nuanced in different areas of the force area, so the complexity of this cannot be understated.

Q777 Chair: When you say "the source of the regulations", by that do you mean the Department of Health or No. 10?

Assistant Chief Constable Weatherill: Ultimately, it would be the Department of Health that would draw the regulations together because they are enacted under health legislation. What we find is that the Department will draft the regulations, which will then come through to ourselves via the Home Office for us to consult on. On a number of occasions now, we have not seen the final draft at all until it is pretty much enacted. Where we do see it, we do have the ability to influence that. That is really welcome and I would encourage greater access to that at an early stage because we want to help colleagues in Government to get it—*[Inaudible]*.

Q778 Chair: Chief Constable Kelly, how have you found things going?

Chief Constable Kelly: Good morning. First of all, from a Welsh perspective I have to say that consultation by the Welsh Government with Welsh forces and local authorities has been first class in terms of that early consultation, dialogue, and seeking views as to how we can manage pandemics in local areas. That has been very much appreciated.

Just to share Owen's point, the regulations have been late landing and that has caused us problems in terms of getting messages out to our communities and, of course, the officers who apply those regulations. The consultation and the dialogue have been first class, but again it is being responsive to those regulations that has been difficult for policing.

I would like to say that I think we should be very proud of the policing response because, although at the very early stages of the pandemic crime did take a downward trend, which was good in many ways, now our crime levels are the same as they were before the pandemic. We now have police officers dealing with high demand in terms of crime, going into the winter and trying, of course, to police these regulations as well. Policing in Wales wants to be a part of that and absolutely wants to step back into that space, but an understanding of the demand that this places on policing is hugely important at this time.

Q779 Chair: Thank you. In terms of being able to police the new firebreak that Wales has in place, do you anticipate that being different in any significant way to the policing challenges you faced during the first national lockdown?



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Chief Constable Kelly: As it stands, it will be very similar to the initial lockdown that was undertaken nationally. We are still working with the Welsh Government in terms of what any changes to enforcement would look like but, again, those conversations are taken two or three times a week, so we are very much in dialogue. It is very much a partnership approach, albeit we need those regulations to land sooner rather than later.

It is difficult to police but it is also difficult because, of course, the situation has been fast changing and policing appreciates that. The concern we have is that those regulations have to be in place in order for us to help in terms of policing. Of course, at this time public expectation is high as well. Every time the regulations change, there is increased demand in our control rooms because people are ringing policing often to find out what those changes mean for them, so every time there is a change there is an increase in demand.

As Owen has suggested, we need to refine decision making versus the application and it needs to be done sooner so that we are in a position to police in line with public expectation and, of course, in line with what the public thinks is available in terms of regulations at that time. Often we are playing catch-up rather than implementing and policing at the same time that the regulations are enforceable.

Q780 **Chair:** Thank you. Chief Constable Rhodes, can I ask you about how things are going in Lancashire?

Chief Constable Rhodes: Thank you, Chair. From day one, like the vast majority of forces, the police chaired the resilience forum initial response phase. In full lockdown, notwithstanding what Owen and Pam have said about our having to deal with things very late and it being very ambiguous early on in the pandemic, it was in some senses far simpler to police the full lockdown. The demand went down, as Pam said, for policing acquisitive crime, with less burglary and this type of stuff. I think from the public's perspective, it was far easier to understand what you were allowed to do and what you weren't supposed to be doing.

When I look at the four Es and the type of enforcement we have done, if you take fixed penalty notices as an indication of how much enforcement was done, of Lancashire's almost 900 tickets now, 600 were done in April and May. In that period when it was very clear that you were not supposed to leave your local area to travel somewhere else, for Covid it was quite straightforward.

We then saw that lift off and we know the complications there of having either a full lockdown or a partial lockdown. We saw in some of the demand levels it was almost like people were just so glad to get out, quite frankly—new year's eve demand levels, particularly around alcohol-related issues, large gatherings and so on. That sort of tailed off. The infection rate dropped down as we know, although not as low in the north-west. It did not plateau down as low as in other areas. In the LRF—which is now chaired by the chief executive of Lancashire County Council,



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Angie Ridgwell, who is doing an amazing job—in the recovery phase we could see the numbers starting to come back up again, so we changed our operational standards accordingly.

As we enter into tier 3, that again is far simpler for us, because we are a pan-Lancashire service, than having different district councils having different regulations. I can understand why those local areas would want differences but, for us, for our staff who are moving across different areas of the county and for the public, it is far easier to have one set of guidelines and regulations for the whole force area.

What we are seeing now is that the inevitable lag time is hitting acute care beds. This week, for the first time, we have more people Covid positive in acute care beds than not, so we know that the infection rate creates this rising tide and knock-on effects in hospitals. That is where the LRF response is at the moment with our partners.

Q781 Chair: How many times have the regulations changed in Lancashire over the last two months?

Chief Constable Rhodes: The fact that I find that difficult to answer would answer your question somewhat, Chair. Initially, we had the whole lockdown and then I would say three to four times altogether we have had significant changes. The people who hold the pressure on this are the central team at Operation Talla and NPoCC.

What we learnt very early on was that we would delay our operational response and our briefing to staff until that guidance had been cleared up because we got very good, straightforward, operationally usable guidance from Talla sent out to us, particularly around the tier 2 to tier 3 move. I think we learned not to jump the gun and wait for that to come.

What we have done tactically here—and every force will have done this—is dedicate resource to the Covid response, so you have less staff to very quickly update in terms of any changes to legislation. Rather than the whole of my 6,000 workforce needing to know everything within the first 24 hours, I can make sure that I have people with quite a bit of specialist knowledge now about what is and isn't okay and the same in the contact centre. Over the period of the last seven months, I would say up to five times there have been significant changes.

Q782 Chair: Part of the reason I asked is because I could not work it out when I tried to look up how many changes. It looked like it changed on 1 August. You had some local lockdowns. Then on 8 August in Preston, on 26 August there were some other variations—some areas strengthening, some areas easing. On 2 September, the same thing happened again—some areas in further lockdowns, others eased. The same again on 22 September, with further local lockdown measures, then on 26 September all of Lancashire went under local lockdown restrictions, then there was tier 2 on 14 October, and then tier 3 on 21 October. If you were a neighbourhood police officer in the middle of Burnley, for example, how would you keep track of any of that and know how to respond if someone



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asks you what they are allowed to do or not?

Chief Constable Rhodes: Yes, that has been one of the huge challenges for our staff on the front-line. The thing that we focused on is that, albeit these changes do create a degree of confusion for a period of time for the public and our staff, what we have been very clear on is that our strategy, and this is set by Gold, is to use the enforcement element of what we do very carefully and proportionately.

If you look at the total number of calls I have had for Covid over the period of the pandemic, at some points it has hit nearly 20% of my demand and then it has settled to about 4%. Within that, what you will see is a very clear profile of people, places and premises that are blatantly ignoring the rules that were set from day one. Where we are doing our enforcement isn't in areas where there is confusion created by differences. For our staff we have been very clear, "Focus your efforts on the stuff that is clearly illegal," because that is important to maintaining public confidence for us.

The people who are all doing their best, which is the vast majority, just try to unconfuse themselves and learn the rules. They expect us to do something about the people who are blatantly ignoring them, so that is for our staff. I think we have this balance right, which is something to be proud of. The feedback and the sentiment analysis from the public that we pick up is that they understand we are in a very difficult area here. It is a wicked problem and we would not normally do a huge amount of enforcement in wicked problem areas. We do a partnership problem-solving response.

I do think that that has made it clearer for our staff. For example, with the £10,000 fines we do not authorise those. We have an authorisation level with a senior officer before one of those is issued. On occasion, we will take a day to have a look at the evidence of one of those cases before making a decision to go back and issue a fine to an organiser of a large event. We have tried to support our staff in that way and tried to tell them they do not have to be an expert on all this sort of stuff within the first 24 hours. They are living in Lancashire. They can be as confused as other people.

Q783 **Chair:** Does that mean you have had a reduction in the fixed penalty notice approach to people meeting indoors or outdoors who might be struggling to keep up with the regulations?

Chief Constable Rhodes: Yes. Lancashire has done what I think is a proportionate amount and a fair share of fixed penalty notices. We are up to around 900 at the moment since the start. As I said, 600 of those were done in April and May right at the outset in full lockdown. They were for things like travelling out of your area—really clear and obvious breaches. Since then, obviously out of our 900 it has settled down, but we have deliberately started to change our operational posture regarding enforcement as we have seen infection rates rising, because we have data now coming from the health protection teams and the directors of



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public health. We know the places in Lancashire where we are seeing infection rates rising, so it is appropriate for us to start doing more. On average, we will be doing about four or five tickets a day in Lancashire.

An example of why it is important to have an enforcement element to this I think—and it is legitimate—is that over the weekend, because we are into tier 3, it was almost like some people thought, “We will have a last blast.” Our Covid incidents went up 25%, so we issued significantly more tickets over the weekend. We have 150 people hiring a marquee to have a wake. That has never from day one been an area of confusion. That will attract a £10,000 fine if we can find the organiser. I do not set the level of that fine. What I say is that there need to be deterrents for people who are clearly and blatantly putting other people’s lives at risk in our view.

It is not back to the levels of the first two months, because it is more complicated now in terms of what you can and cannot issue tickets for. It is not all just about not moving: “You have come from Manchester for a day out in Blackpool, you should not have done, you have a ticket.” It is not as simple as that now. More of the enforcement responsibilities fall into the local authority.

Q784 Chair: This might be a question for Owen Weatherill. I am again still trying to be clear what is guidance and what is part of the law for a tier 2 area. Our area, Wakefield district, is a tier 2 area at the moment. Can two individuals from different households meet indoors?

Assistant Chief Constable Weatherill: I do not have the regulations in front of me at the moment, Chair, so I cannot give you a definitive answer on that. I will quite openly state there are so many different variations I am not conversant with every set of regulations and I am not going to try to be, certainly not in this session. I can give you a definitive answer on that afterwards, but I do not have it in front of me at the moment.

Q785 Chair: Yes, but then that partly reflects, I think, the difficulties that everybody is under when there are so many difficult ones that you cannot respond. Chief Constable Rhodes, did you want to respond to that?

Chief Constable Rhodes: I will have a bash with that because I was discussing this with my daughter as we moved from tier 2 to tier 3. She has twins and she was very interested to know how many of her friends could still come round to her house or not to mix as we move from tier 2 to 3. The big one for me, moving from tier 2 to 3, is your household not mixing with others inside your household and not mixing in going out for a meal with people from another household. That is the difference from tier 2 to tier 3. In Lancashire, we still have the rule of six outside, so you could meet people not from your household outside, in a park or whatever. That is different in some areas of Liverpool. It will be potentially different in some areas of Manchester, and we see South Yorkshire now coming into tier 3, don’t we, so—

Q786 Chair: This may capture part of our problem here, because I am now



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even more confused. For a tier 2 area, I had understood that we could not meet with other households indoors, that we could outdoors as part of the rule of six, but even in a tier 2 we were not allowed to meet indoors with other households unless it is part of the exemptions: work, childcare and so on.

The Government website is clear. It says, "You must not meet socially with friends and family indoors in any setting unless you live with them or have formed a support bubble with them. This includes private homes and any other indoor venues such as pubs and restaurants." That is in tier 2.

That is different from what you just said, Chief Constable Rhodes, and it is also different from what the NPCC guidance says for tier 2. The guidance for tier 2—alert level high—says, under "Restrictions on gatherings", "a. participation in gatherings, prohibiting gatherings of two or more people anywhere indoors and no more than six outdoors—either within the area or outside of it". The police guidance says two people from different households can meet in a private house or in a pub and the Government's guidance says you must not. It does not even say, "You should not". It says, "You must not". How do I reconcile those things if I am in tier 2?

Assistant Chief Constable Weatherill: If I can perhaps come in there, Chair, one of the challenges throughout these last few months has been the difference between what is regulatory and you cannot do versus Government guidance. There have been many occasions where that line has been somewhat blurred by some of the public narrative that has been put out in the media or sometimes from the Government themselves, which has caused confusion.

We had got to a position where the regulations were fairly clinically clear and it was really clear what you could not do, and that is what the regulations confined themselves to. What we have seen with the tiering is a reintroduction of a mixture of both things that you cannot do under regulation and guidance, and the tiering relates to both. Unfortunately, what that has done is confused the messaging again, which is exactly the point that you are making there.

While I understand why there was a desire to do that, to put a strong encouragement to people not to do things that were felt to be likely to increase viral spread, I think introducing them in the way that we have done has introduced greater confusion. That is exactly the crux of the issue here for me. You have picked up on it and we are all struggling with that.

Q787 Chair: If you are a police officer in Castleford and you are asked whether or not two people can meet in a pub, if you have been following the Government's website or watching "Look North" you would think you cannot, but if you have been following the NPCC guidance you would think that you can. That is pretty hard on police officers who have to deal with this every single day.



Assistant Chief Constable Weatherill: Absolutely. That is the reason why the guidance we push out goes through a very stringent process before it goes out. It will go through our lawyers, who will cross check against the regulations. It will go through Home Office lawyers. We will then get a second check on it again, and only when we are entirely comfortable that our guidance aligns with the legislation—and that is the important thing that we are most focused on—will it go out. We make it very clear in each of those briefings that we do not enforce guidance. That is not our role. We need to be aware of it but we do not enforce guidance.

Q788 **Chair:** Other members will want to come in on this and other issues. Before I hand over to Andrew Gwynne, can I ask Assistant Commissioner Louisa Rolfe to give us her assessment of how it has been for the police responding to domestic abuse, which is obviously something that this Committee has been concerned about throughout the pandemic?

Assistant Commissioner Rolfe: Thank you, Chair. The NPC, with me, have been collecting domestic abuse police incident data since March, and domestic abuse reported to the police since the start of lockdown in March has increased overall by 2%. We do know that that is very different to the data collected by the numerous helplines and charities. We have been working very closely with those charities, with a number of smaller charities across the UK, and also partners and stakeholders in the Home Office, the Crown Prosecution Service and so on.

We have commissioned some work to understand why there is that disparity but, also, we have been working very hard to promote reporting of domestic abuse to police. We have been very clear with local and national campaigns that the police service will respond to incidents of domestic abuse, and we did through lockdown. Those campaigns have been quite successful in that we have noted that there has been a slight increase in reporting every time the national and local campaigns are run. We have been clear that we will respond. We have promoted the 999 Silent Solution for victims who may not be able to speak on a call. We have also noted that victims have preferred some online methods of reporting.

Most forces have been exploring how they use online ways of communicating with victims and many forces have proactively contacted victims who they know are living in higher-risk relationships, and we found some success from that.

Many forces have run proactive campaigns to drive up arrest rates for domestic abuse during lockdown. There was some quite high-profile work by West Midlands police and the Met at an early stage of lockdown, and with the CPS and the Courts Service we have prioritised those cases. We have had lots of assurance about the prioritisation of those cases. We are continuing to work with the Courts Service about the current delays due to the backlog of prosecutions.



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In terms of that disparity in data, with the support of the Home Office we have commissioned some independent academic research. At least three academics, Dr Katrin Hohl, Professor Sandra Walklate and Professor Graham Farrell, are undertaking some independent studies into why there is the disparity in calls to police and calls to helplines. Some of the initial findings from that suggest that around 30% of those helpline calls at the beginning related to other professionals or third parties seeking advice and support about how to respond to domestic abuse during the pandemic.

We have also had some very interesting findings about the impact of lockdown and Covid. One of the positive aspects is that there was a reduction in abuse by ex-partners no longer living with victims, but we have seen, as expected, an increase in some abuse with perpetrators living with victims. We have done an awful lot. Forces have used some innovation. They have run webinars with victims. Some have been quite creative in distracting perpetrators with bail and curfew checks while we then contact victims to see how things are going.

I know that there was quite a lot of alarm at one of your briefings regarding the Femicide Census. We have particularly looked at the rates of domestic homicide and we have carried out a detailed study, which is now being further evaluated by the Open University, to reassure you—and every domestic homicide is clearly an awful event—that there has been no increase statistically in the period this year in comparison with the same period last year in domestic homicide. What we are finding is that that work is providing us with a rich source of learning in terms of how we improve our response and how we work with others to reduce the risk of domestic homicide.

Chair: Thank you. That gap between the calls to helplines and some of the responses that we are hearing from other organisations and the responses to the police is a matter of serious concern to us. We may want to pursue it further in a separate follow-up inquiry as well.

I will turn now to Andrew Gwynne, but before I do may I also say, in response to all of your responses, thank you to all of your officers for what I know has been a very difficult period and continues to be so, not just as the regulations continue to change but also as you face these very different and unique challenges.

Q789 Andrew Gwynne: Can I add my voice to the thanks for what the police are doing in these very difficult times? Policing the lockdown has not been easy for any of you.

I want to follow up on the Chair's questioning because I am a little bit concerned that the national police guidance seems to fall outside of the law. I have the legislation in front of me off the Government's legislation website for tier 3 measures that were passed by Parliament two weeks ago. It does say under, "Participation in gatherings indoors and in private dwellings", that, "No person may participate in a gathering in the Tier 3 area which— (a)consists of two or more people". Then there is a list of



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exemptions. The exemptions include, obviously, if you are in the same family or support bubble.

Two people from different families cannot meet up in pubs in tier 3 or in tier 2, and I am concerned if the police guidance actually falls outside of the law. I do not know who would be responsible for checking up on that, but the Committee could do with a note to make sure that the police guidance actually does reflect the tier system that Parliament has voted on, because it sounds like it doesn't.

Assistant Chief Constable Weatherill: I am happy to take that away and I will give you a very definitive answer on that fairly quickly. Can I just ask which document you are referring to as the comparison there, please?

Andrew Gwynne: Yes. This is Statutory Instrument No. 1105 on "Public Health, England": the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020.

Assistant Chief Constable Weatherill: Okay. I will take that back and ask our lawyers and the Home Office lawyers to look again at that but, as I said earlier, that will have been through both sets of lawyers before we put that guidance out, so I am surprised if there is a difference but I will get to the bottom of that for you.

Q790 **Andrew Gwynne:** It is hugely confusing, and coming from an area that has been in local lockdown for 12 weeks, is in tier 2 currently and is about to tip into tier 3, I do share your pain because the amount of correspondence that my office is dealing with, with people asking some pretty basic questions that do not have very basic or easy answers, has not been easy for any of us.

That brings me on to the next point and perhaps, ACC Weatherill, you can answer this. The Association of Police and Crime Commissioners has expressed to us concern about the growing level of Covid fatigue—and I speak as somebody who shares that Covid fatigue—in areas that have been under restrictions for a long time. Do you recognise that as being a problem, not just for those areas but in terms of compliance and policing?

Assistant Chief Constable Weatherill: It is quite a complicated one to answer. It would be inevitable—we are all humans at the end of the day—for there to be some level of fatigue, whether that is the public or the staff that are trying to engage with the public, which could be us, the local authority or anybody else. I think that is natural and we can expect that.

Interestingly, though, when we look at the degrees of compliance, last week I was talking to DfT and BEIS and various stakeholders around both the travel networks and the retail networks in particular to understand what levels of compliance they were seeing and what more we could do to try to drive that compliance higher. In both environments, those sectors are reporting something like 90% compliance with regulations in a retail environment and a travel environment. If I take travel as an



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example, we are seeing an increasing trend in compliance. I would put that down to a range of different things.

There has been some really strong, consistent messaging across the travel networks. Transport for London in particular put an awful lot of effort into this. Transport police as well are supporting that. Where you can put a focused campaign in place with clear messaging, we are seeing greater understanding and greater compliance. Where there is the challenge is where that cannot be done or is not being done. Where there is confusion there is a natural opportunity for people to become worn down, confused and less likely to comply, not always because they do not want to comply but because they do not know what to comply with. There is a clear message there for me, which is that where it is clear and can be reinforced through clear messaging, we see much greater compliance. Where we cannot do that or it isn't happening, that is where we have the challenge and that is the area we need to focus on.

Q791 Andrew Gwynne: On that challenge, what are you doing to ensure that you do not compromise the very important relationship of trust between the police and the public? What challenges does this pose to the need to be able to police with consent?

Assistant Chief Constable Weatherill: There are two parts to that. If I take a very strategic point first of all, what I am doing at the centre is trying to engage the Government to encourage them to simplify the messaging. Myself and Martin Hewitt went to visit the Prime Minister some weeks back and that was one of our key messages: to seek an undertaking to make some of the messaging much simpler so that the public could understand it and would find it easier to engage with and to comply.

That is a message I continue to push and certainly, as far as the recent tiering regulations are concerned, I made strong representations that we should look for simplified, consistent tiers that would be the same wherever they were applied. That is what I thought was going to happen 10 days ago. The reality now is that it is already starting to drift and, as we are seeing with tier 3, there are nuances creeping in.

At a national level, that is what we are trying to do and we are engaging to push that but, of course, those policy decisions are not ours to make. We seek to influence and to inform to help decision making, but we do not control the actual decision making, unfortunately.

Chief Constable Kelly: If I could come in there, I think it is important to say for the record that the tier system does not apply in Wales. It is important for the record that where there have been local lockdown issues in Wales, we have tried to have a consistent approach in terms of what the public can and cannot do within those local lockdown areas. It is important that "national" in this context does not mean Wales.

Then, just picking up on the fatigue issue: absolutely, our communities are struggling. Therefore, the clarity of message nationally and then with



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devolved Governments needs to be clearer going into the winter more than ever. People are worried about their jobs and they are worried about mental health and wellbeing and the like. The call for action has to be around clarity of message going into a tough winter.

When we talk about fatigue, let's make it clear that we are also talking about police officers who are out there at 3 o'clock and late nights in the winter applying these regulations, so clarity in terms of regulations going forward is a must for our public servants and, of course, for our communities. I just wanted to make the point that the tier system does not apply in Wales. There is clearly confusion but not in the same way and certainly now, moving into an all-Wales lockdown, it is very clear in terms of what our communities can and cannot do.

We are still working on what the regulations are and there will obviously be elements of confusion, but it is not within that tiered system. It is important that that is recognised by the Home Affairs Select Committee.

Q792 Andrew Gwynne: If I can turn to Chief Constable Rhodes, areas of Lancashire have been under specific local lockdown regulations, as the Chair has mentioned, and, very similar to my own part of Greater Manchester, these were translated across into tier 2. Do you think, though, that the introduction of local measures, when they were subsequently amended, and then tier 2 to tier 3, has ensured that your officers are confident that they know the rules? What we have heard already today is that there is a lot of complexity and misunderstanding, not just with the public but also perhaps with the law enforcers.

Chief Constable Rhodes: The way I look at this is that when you start to see the figures, the data rising in terms of infection rates in different areas of Lancashire, which is picked up through the weekly bulletin with the LRF analyst, you can start to see differences in the acceleration rate of areas and you can see what is coming, effectively. We saw Preston coming—do you know what I mean? That was obviously going to go earlier into a more severe version of the lockdown.

That period that the Chair cited, where over the period of five or six weeks there were four or five different changes, was a very confusing period because what has happened is that—and it is understandable—with the sort of structure that we have around local government in Lancashire, 12 districts, two unitaries and a county council, there are many different opinions about what is appropriate, what is needed, and the impact on their communities.

That structure is not cut out for a crisis situation that endures as long as this. I am not sure what the structure is, actually, but there is a great deal of consensus in that system. That does not lead to decisions being made quickly, so before some of those changes in guidance were put in place a new version came out or a new district area, a new area of Lancashire, started to move into a different level of restriction. That period in time I think has been the peak of the confusion, I have to say. I understand that. The tier 3 move for us is far clearer.



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Just going back to what Owen said, the less that we are asked to consider guidance around doing the right thing—we should not really be policing that. We are not policing that. We are not fining people for being confused around whether they can have two people in their house or not. We are really focused on the clear breaches, as I said before. A tier 3 is better for us, but I understand the tension in the system with people not all wanting to go in together, if you see what I mean, because they have their own local context in terms of some of the huge impacts on the economy and communities in those areas.

Q793 Andrew Gwynne: Absolutely, and I share your pain. I have a cross-borough constituency and for a period of time one borough was under local restrictions and the other borough wasn't. Then they were both put under local restrictions, so it has been incredibly confusing.

What are your relationships like with neighbouring forces? Obviously, the Merseyside force and now the Greater Manchester force will be at least on a consistent tier 3 with Lancashire, but there is this mix now of the law, the regulations and Government advice, and not travelling outside of local areas is Government advice. How are you going to approach that, given that there is a lot of flow across the boundaries between Merseyside, Greater Manchester and Lancashire?

Chief Constable Rhodes: Yes. That is one of the key things. I think the vast majority of people will abide by that guidance: "Do not travel out of your county area." We will get people who decide to not do that. If you look at Liverpool, they have closed the gyms and leisure centres, for example. We fully expect that some people may travel into Lancashire, Cheshire and other areas, in order to access those facilities if they are upset that they cannot get them locally, which people will be, won't they?

In the early days, we got a lot of people coming to Blackpool for a drink because that area wasn't in as severe a lockdown as the rest of Lancashire. We will see people moving, so we focus less on whether they are not doing the right thing in travelling but rather what they do when they get there. We are interested in whether they are going to a large gathering. Are they having an unlicensed music event? Are they going to a pub or a hotel that has deliberately advertised to have an indoor rave or something, which we had at the weekend despite numerous visits by us and the local authorities? We talk to our neighbouring forces, but we are acutely aware of the fact that there will be the law of unintended consequences if some things are slightly different between areas in the region.

We talk every week, chief constables in the north-west; we have a dial-in. You saw Cumbria, very much like Devon and Cornwall, and North Yorkshire, really getting hit hard in the early days of Covid-19 by huge numbers of people who could not go to Magaluf for their holidays deciding to go and do that in Ambleside. The whole nature of the policing of that area had to change for a period of time, so we do talk to each other to try to get ahead of the curve.



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Q794 **Andrew Gwynne:** Can I ask Chief Constable Pam Kelly to come in on that as well, because obviously the travel restrictions into and out of Wales from England are enforceable by law, are they not?

Chief Constable Kelly: Yes, from hot spot areas in England into Wales and, of course, hot spot areas in Wales into other hot spot areas in Wales, so that is very clear. Obviously, Wales is made up of four forces. We have an awful lot of people coming in for their holidays in north Wales and the Dyfed-Powys area, and during the early stages of the pandemic that was a real issue. When you look at the fixed penalty notices provided by those two forces, about 60% and 70% of those fixed penalties were issued to people residing outside of the force because of the concerns of the transmission of the virus, especially because those were communities that at that time were very low in terms of positive results for Covid.

It is a little bit different in south Wales and with Gwent police, because it is much more urban and there are higher numbers of population, and not so many people travelling into those areas, but the virus was being spread very much inter-household. You definitely see a difference in terms of enforcement and how we in Wales are enforcing where the virus is being spread at that moment and now, of course, in this moment.

I think it is worth raising because obviously enforcement is absolutely being discussed and how we enforce as we go into tougher times. It is worth mentioning that only 50% of the fixed penalty notices during the initial lockdown have been paid, and during the more recent local lockdowns only 35% of them have been paid. When we talk about backlogs for the criminal justice system, yes, they are improving in terms of Magistrates' Courts, but there is still a lot to do in terms of Crown Courts. Albeit there has been improvement, there is a heck of a lot more to do, especially in multi-handed cases with more than one offender.

I think we need to watch this because in terms of enforcement, it is not just about fixed penalty notices. There are other ways we can work jointly with local authorities and the like to prevent these people from needing to be fined. The prevention work is really important as well as that element of enforcement that quite rightly we need to look at. We do need to keep an eye on the payment of these fines and the backlog that it is creating in Magistrates' Courts and the Crown Prosecution Service.

Andrew Gwynne: Thank you. Before I finish, can I also confirm that the wording on gatherings is identical in Statutory Instrument No. 1104, which is the Covid-19 alert level high regulations?

Q795 **Chair:** I think you are right, Andrew, and not only that: I think my description of the guidance was inaccurate earlier on, which just shows quite how easy it is to be completely confused on what all these mean. ACC Weatherill, it may be that the restrictions in the policing guidance do reflect the legislation as well, but it would be helpful to have clarity on that as our previous discussion suggests how hard it is for all of us to follow.

Assistant Chief Constable Weatherill: Yes, we will confirm.



Q796 Dame Diana Johnson: I would like to move on now to look at some of the wider issues we have been touching on already around enforcement. It has been very interesting to hear what everybody has been saying about the need for clarity so the public and the police understand exactly what individuals and businesses should and should not be doing. All iterations of Covid-19 policing guidance have continued to emphasise the four Es: engage, explain, encourage and enforce. What evidence do you have that this approach has been the correct one to stick with through the pandemic?

As we move now into the winter and I think certainly the public are confused, as we have heard this morning, do you think we will have to move the emphasis on to enforcement? Could you also say a bit more about what that will mean in terms of the fines that are not being paid for the fixed penalty notices? Is enforcement going to mean anything to individuals who receive those notices? My question really is: are we going to move on from the strategy we have had so far? Perhaps Owen would like to start on that.

Assistant Chief Constable Weatherill: If I perhaps contextualise the payment of tickets for a start, Pam mentioned there that of the tickets that were issued in the early stages we have seen 50% payment rates. I cross-checked this yesterday to understand how that differs or not from the normal issue of fixed penalties for other types of offences outside Covid; 50% is about the norm in my understanding, so that is broadly comparable. Where it is different is where you get a differentiation possibly between those who contest the case, which is very small as a percentage, versus those who simply do nothing and do not pay it and we then go down the court route. That is probably the area where there is a bit of a difference.

It is an early finding. It is something we are looking very closely at because we want to understand if this is driving different behaviours. There is some suggestion it may be and that would be some indication straight away that enforcement alone does not get you the compliance that you want.

What we are seeing in the reverse—as I talked about earlier with that reference data we have from the retail sector and the transport sector in particular—is where there is clear messaging and engagement, where we are encouraging people to do the right thing, essentially we are getting the right response and people are then becoming more compliant and they are engaging with us.

I could give you a quick reference point here. The British Transport Police has done some good analysis for us. I know it has engaged with at least 56,000 people around the wearing of face masks on public transport, yet the number of tickets issued is only about 92. There is a significant indication there that what you are getting when you engage is a degree of compliance and understanding. If you are asking for evidence that the four Es approach works, I would suggest that is a very strong indication that it does because it is not needing to resort to enforcement on a



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significant basis. It is getting the degree of compliance that we want and we are now seeing that as well through the analysis it has done of how many people are wearing face masks on a routine basis going through the travel network.

There are some clear indications there. Similar things have happened in the retail network on the basis of earlier changes and more emphasis on the retailers themselves to do more to encourage people to wear face coverings. Greater compliance has been driven largely through greater interaction, messaging and tannoy messages in stores. That nudge principle to encourage people to do the right thing is what is driving the compliance. It is not enforcement.

I think you have two very good but quite different indications there that that approach of encouraging people while you engage with them is the right approach that gets you the outcome you want, because issuing a ticket does not guarantee someone is going to comply.

Q797 Dame Diana Johnson: Would anyone else like to say anything on that?

Chief Constable Rhodes: I think it is really interesting because, to put some extra context into it, Lancashire Constabulary takes 1.2 million phone calls a year, so we take about 3,000 calls a day for service. Even at the peak in April and May of calls specific to Covid, we were hitting about 6,000 to 7,000 a month in those two months, so a couple of hundred a day, and that dropped right down throughout the summer period. The calls will generate our activity, our deployment. The vast majority of those calls we deal with on the telephone because they are people who are saying, "Is it okay to do this?", or, "I have seen my neighbours doing something, having a barbeque in the garden, and I do not think they should be." Business as usual is a far bigger proportion of what we are doing than Covid.

I think that is one of the things we should put into the mix in this conversation around enforcement, to put it into context. We are still doing the things that policing does, dealing with protests, dealing with murders, dealing with domestic abuse, as Louisa said. That is 96% of my demand at the moment and 4% of it is Covid calls. Out of that 4%, I am not deploying to a huge amount of them. I am only deploying to the ones where I have 150 people in a marquee, or a licensed premises with 80 people in. We are generally not knocking on people's doors and saying, "How many people do you have round for supper tonight?" That is not the policing style of British policing.

To echo what Owen said, and I know Pam will back me up on this, one of the things we have to our benefit and has probably helped us through this is neighbourhood policing. The engagement levels we have in community have been built up over decades and they are from time to time put under pressure, but we have a million people signed up to our social media channels in Lancashire. That level of engagement is going on in the background all the time about normal policing issues. Covid has



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become like another version of anti-social behaviour for us. That is what people are ringing us about.

Some of the Covid calls we are getting are normal anti-social behaviour calls: there are 20 kids in a park and they should not be there because of the Covid regulations. Do you see what I mean? We are putting the same policing response into those things that we have always done to some degree. I think we are up to 20,000 fixed penalty notices nationally now that we have done in total for seven months. For a country as big as this, it is 5% of the Covid calls I have that attract a ticket. I do think on the four Es, 95% are on the first three and one is on the fourth E, and we will continue to closely monitor that because it is a very difficult area for us to police, as you were saying on the Committee.

Chief Constable Kelly: If I could come in there to support Andy, but also in terms of your question around the four Es and whether that remains relevant, the legitimacy of policing and public confidence is really important for us. We need to keep our communities working with us. Going back to clarity of message, it is people's behaviour that needs to change. We need to educate people constantly throughout this crisis in terms of the need for behavioural change.

It concerns me that as we go into the next phase of Covid, there is this obsession with fixed penalty tickets. It has its place, but during the height of the summer when we were stopping vehicles, Gwent police alone took 280 vehicles off the road. We could have easily given them fixed penalties for Covid, but while we were explaining and engaging with people we saw there were people driving without insurance and involved in other criminality. I wanted to go to the stronger message rather than giving them a fixed penalty notice.

We need to think much more broadly around what enforcement looks like. It is not all about fixed penalty notices. At the moment your question is relevant in terms of the four Es. Now that we have had Covid with us for over six months, clearly on the educating side of things people should know that there is guidance and law they should be sticking to. When people are blatantly flouting the law we do move to enforcement that little bit quicker, but because of some of the confusion it is very difficult to deviate away from those four Es and go straight to enforcement because people are confused in communities.

The four Es does stand firm for us because our legitimacy, our public confidence and trust in policing is more important now than ever before, and the four Es helps us hold on to that with our engagement with our communities.

Q798 **Dame Diana Johnson:** Thank you very much. I want to ask one further question, which is about the human resources you have. Right at the beginning of the pandemic I know there was concern that you might lose lots of your officers and backroom staff to Covid. I know in Humberside police force that was not the case. The numbers were low and I think that has generally been the case. As we move into the winter, we know all the



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other pressures on the winter when people get flu and all the other problems associated with the cold and dark winter months. What thought has been given to whether mutual aid might be required in certain areas?

Could you also say something about the role of special constables? I went out in the centre of Hull on 4 July when the hospitality sector reopened and the special constables were providing the backbone of the night-time economy policing and it was really important. I wondered whether you saw the development of the role of special constables. Those are my two bits to the question.

Assistant Chief Constable Weatherill: I will take the first question and then I will perhaps let Andy and Pam talk about specials because that is more their bailiwick.

In terms of the resourcing levels, you are right, we did have a concern about that from the outset. We deliberately put in place some very clear national monitoring around absence levels. That is not just at the top level. We drill down into resource type as well, so we can have confidence around whether we can keep our armed capability afloat, our level 2 public order capability, our general patrol capability, call handlers and custody staff. We understand it in quite granular detail at a national level and a force level.

We tracked that in the early stages daily because we were concerned. It did not get to the stages of absence we thought it might, which was really positive, and we saw some really strong indications that staff were doing all they could to stay at work because they recognised the part they needed to play in the national response. There was a real sense of collective pride in making sure we stayed afloat there.

As things have moved into the summer we saw the absence levels that did creep up drop away notably, and they have largely remained there since. We have seen a small increase recently but nothing that is a concern at this stage. We continue to monitor it regularly. That is an embedded process now that works really well, and all forces are joined up so we can understand that picture in very good detail.

Mutual aid is a core part of what my department does in normal daytime business anyway, so we are very well versed around how we need to look long term as well as short term to understand what the demands might be. You are quite right to identify that winter presents some unique challenges. It does every year for concurrency, this year more so than most because of the still remaining Covid challenges. We have the EU exit coming, too, as well as some of the preplanned dynamic events that we need to respond to. That is a core part of day-to-day thinking for me and my team at a national level.

At this stage, I am entirely comfortable that we have good, robust processes in place. Our workforce is in a good place in terms of absence levels and we can respond where we need to, but we are not complacent. One of the things I have started turning my mind to more recently is how



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we make sure that against the rising tide of Covid infections that remains the case, and how we can, where appropriate and if possible, access greater testing if that becomes necessary. At the moment that is not a great concern, but Andy can talk about testing for us if you want. He leads on that nationally. If and when a vaccine becomes available, is there a point at which it becomes right and appropriate that we have some access to that for specialist functions to make sure that the mutual aid you are describing there can be facilitated and can be delivered? We are not at that point but we are having the right conversations to make sure we are across all those issues.

Chair: I want to bring Adam Holloway in so I will come back to you, Chief Constable Rhodes, shortly on that if you want to add anything further. Adam, do you think you have your mic working yet? People in the room are shaking their heads at me so apologies to Adam Holloway. We are having technical difficulties. I will go to Diane Abbott.

Dame Diana Johnson: Yvette, could I just hear what Andy was going to say?

Q799 **Chair:** Sorry, yes. Andy, do you want to give us a brief follow-up on testing and then I will go to Diane Abbott?

Chief Constable Rhodes: On testing, as Owen said, part of the overall plan for us to maintain business continuity is having access to good testing. Most forces have done okay with that at pillar 1 and pillar 2 sites around the country without too much trouble, but we do have contingency plans if that comes under pressure because in lockdown areas it has come under pressure and we need to get access to that testing.

In my force of 6,000 people, we are testing about 350 people a month and at any one time we have about 150 to 200 isolated. They are not all symptomatic so they do still contribute if they are asymptomatic and they are well. They can work from home and still contribute and that has been remarkably consistent. We have data dashboards that show us which roles and age profiles they are in. We have done extra work on black and ethnic minority officers because we know there is a higher risk that has come out of some of the work from Public Health England. We have put extra risk assessments in those areas as well and I think we have kept the confidence of the staff up because the PPE supply has been very good from day one because of the work that Talla has done. The Police Federation survey has backed that up.

Quickly on specials, as you say, for people who have a day job on top of coming in and doing a really difficult policing job, they have provided the backbone of the work for us around licensing visits, for example. Over 200 licensing visits in one of my divisions were done by the special constabulary a couple of weekends ago—preventative visits to explain to people what they should and should not be doing in licensed premises. They have really stood up, as have our volunteers. We have seen a massive increase in people volunteering through the volunteer



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partnership in Lancashire. People who are furloughed maybe, who have not been able to work or who have issues with work, have really stepped up and that has been one of the positives of an otherwise really difficult period.

Q800 Ms Diane Abbott: I wanted to ask about the possible role for the Army. In September, the Prime Minister said that the Army could provide support for the police. What sort of support would that be? How would it work, Owen Weatherill?

Assistant Chief Constable Weatherill: This is a question the Chair raised the last time we met back in March. We have been clear from the outset that we do not see a need for military to support us in a law enforcement role. That remains the case. We are more than comfortable that we have the capability to do that ourselves.

Where we would look to them, and I can give you an example around this, is for very niche capability or specialist knowledge that they have. When we set up the national PPE hub we called on the military, the Royal Logistics Corp, to help us with the setting up of that process and they lent some staff to us for about a month to help us get that process up and running. That was a very deliberate niche use of their skills to give us the knowledge we need to get that up and running. That was a fundamental part of making sure that process worked really well, and it does work exceptionally well for us, partly because of their work and partly because of the decisions we made around that.

That is the sort of use we would look to use them for. I know there have been more recent discussions and reference from the PM around how the military might be employed, and certainly from a law enforcement perspective that is not something we need or are seeking. Where I think they can provide some value, and I know some forces would be familiar with this, is perhaps in a support role to local authorities. Perhaps Andy can make a comment here because I think he has had some conversations in the north-west around this.

Chief Constable Rhodes: As Owen says, clearly not on the enforcement and the visible side of the collective effort, but from day one—and this is the same for other crises we have had such as flooding—I always welcome seeing military staff landing at headquarters into our co-ordination centre because they are professional. Their expertise around logistics and planning particularly, as Owen said, is second to none. My deputy chief constable who initially chaired the initial response phase had a lot of military support in there.

The humanitarian side of it was a logistical issue that they again contributed to. That is the role moving forward for us and I do not think there is any contention around their role from their perspective or ours. It is very much with us behind the scenes supporting the logistical effort.

Q801 Ms Diane Abbott: You do not see a role for the Army in enforcement?



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Chief Constable Rhodes: Most definitely not, no. I do not think they would be seeking that or want that either. That is not what they are best suited and tasked to do, in our view and theirs.

Q802 **Ms Diane Abbott:** Have policing bodies had any conversations with the Home Office about the nature of the support they could provide?

Assistant Chief Constable Weatherill: We have had a number of conversations at different points around whether or not there is a particular use for the military. We have explored one or two niche capabilities and there are another couple that are being discussed at the moment, but as I say they are niche capabilities; they are not law enforcement roles. As Andy says, that is very much the military's view, too. That is where they see themselves.

Q803 **Ms Diane Abbott:** Thank you for that. At the weekend it was reported that the police could receive data from NHS Track and Trace in order to follow up people who were not complying with self-isolation. Is there a problem with that if people think that if they get tested and are asked to self-isolate, the police may come knocking? Is there not a danger that they just will not get tested?

Assistant Chief Constable Weatherill: I will perhaps unpack some of this because there has been some mixed messaging around this and I am not sure it has helped the conversation at times.

This came about through the decision to make the requirement to self-isolate a requirement that could be enforced. That was something that then came to us as a question of how we would do that. Clearly, if we are going to follow up with any of these, we need to have access to some information to enable us to understand whether or not somebody should or should not be self-isolating. That took us into conversations with the Department of Health, which is one of the reasons why, as I mentioned earlier, it took us nearly three weeks to get to a point where we could give guidance, because we needed to have clarity on what information might be made available to us and how that would work so that we could come up with an agreement with the Department of Health around how that would work.

I stress this is not access to the Track and Trace app data at all. The information would only be on a specific case-by-case basis. We are not talking about bulk data here. The sort of scenarios you could envisage are one of two things. Either something is reported to policing where there is a concern about an individual who that person reporting it believes should be self-isolating. Clearly, for us to make a decision about whether or not we should take any action we need to understand whether that is the case or not. We would make a specific inquiry about that individual to the Department of Health to verify whether or not they should or should not be self-isolating, and they would provide only that information around that individual. Similarly, as part of the assurance phone calls that the Department of Health will undertake around this again, if they raise a concern potentially they might want to do that.



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The existing MOU that has been put into place only concerns the first of those instances where something is reported directly to police. We have not yet reached the point where we have addressed the issues around referrals from the Department of Health to us directly, so this is purely about calls to the police where we need to verify if somebody is or is not required to self-isolate.

Q804 Ms Diane Abbott: I have seen guidance that suggests that once the police are informed by Test and Trace that someone of interest should be self-isolating, the police should risk assess whether or not to visit the individual. What would the risk assessment involve?

Assistant Chief Constable Weatherill: That would depend on the information that has been made available to us, ultimately. Like any inquiry to do with Covid enforcement, we will look at each case on its own individual merits. As part of any deployment of an officer, we would always do a risk assessment anyway just to understand what we know about the individual and what we know about the environment where they are. That helps us make decisions about something as simple as whether we send a single officer on their own, a PCSO or a double crewed car. It is a practical assessment we go through all the time when we send an officer to a particular incident.

Q805 Ms Diane Abbott: Some data experts have said that Test and Trace sharing data with the police could reduce trust between the police and the public, and the public and the Government. Have you assessed this?

Assistant Chief Constable Weatherill: That is one of the key things we talked about with the Department of Health. That is one of the reasons why we took very deliberate steps, again taking legal advice, to make sure we did it properly if we were going to do it and to make sure that only the most appropriate data to that particular case is shared. It is something we are acutely aware of whenever we get into data sharing arrangements.

Clearly, if there is a requirement, which there is in this case, for us to have a role in this process now and to do it with a view that some of this may result in enforcement at the hard end and issuing of a ticket, we can only do that if we have access to the information. It is one of those situations that are driven by the regulations. There is a requirement on us to do this. If we are going to do it, we need to make sure we can do it on an evidenced basis where that is appropriate and we have the information that we need.

Chair: Thank you. I will see if we have yet resolved the mic issues for Adam Holloway. I am really sorry, Adam, for this. We will go to Tim Loughton.

Adam Holloway: Can you hear me now?

Chair: Yes, we can hear you.

Q806 Adam Holloway: A miracle, thank you very much. I have a couple of questions. I can see there is a lot of scope for confusion with rules



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changing and everything, but do the panel think that is preferable to the one-size-fits-all irrespective of local circumstances that we had at the very beginning? That is the first question.

Secondly, you have alluded to 150 people at a sort of wake. Can you give a description for the Committee of the sorts of things that you have come across that have startled or surprised you?

Chief Constable Rhodes: On the one-size-fits-all point, my professional view is that in the early days of Covid we did not have the benefit of the data that you need. You will not do, because if you are not doing enough testing you are not going to get enough data. The data should drive the different levels of interventions that are put in place. That is all I will say. If the data is telling you that there is a serious problem in one place more than another, then I think it is an intelligence-led approach to try to deal with what is an incredibly challenging crisis.

I always try to go back to the data, if I am making sense, because you have some evidence there rather than opinion around what is happening on the ground. It is not for us to say whether or not a one-size-fits-all is better. Policing is always easier the simpler it is presented to us, but we appreciate that there are competing issues and agendas around trying to deal with this pandemic.

On the sorts of things that surprise us, I think that is a good question because one of the things that I think—leading back to Owen's point about how involved policing has been in this pandemic from day one—we can bring to the table is that very little surprises us, quite frankly. I look at the logs every day. I have spent 30 years policing, and not much surprises me anymore. We can anticipate the sort of behaviours that are going to happen as a result of different things being done, particularly around restrictions and so on.

We have had 150 people in a marquee for a wake. When our officers get to that at 11 o'clock at night and there are literally four or five officers, the safest thing to do is to allow that to continue and deal with it in the morning, because if it is an infection risk, which it is, what we do not want to do is distribute those people around licensed premises in the town nearby or have our officers having to make significant numbers of arrests. We deal with it very proportionately.

I have seen another job from the log from a premises that is persistently ignoring the rules and continuing to try to hold unlicensed events of large numbers of people in its premises. For the good pubs and restaurants that are doing their best, spending lots of money on infection control and making sure contact tracing is done properly, they need to see those premises being addressed. It is no surprise to us some of the things that have happened. It is the usual suspects that on a normal quiet day do not do the right things for the rest of the people in their communities. That has not come as huge shock to us.



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Chief Constable Kelly: On the one-size-fits-all issue, yes, it is very much about discussions from local government and the Welsh Government in terms of the data. Of course, proportionality was always the word that was used until the virus increased significantly.

In relation to being surprised, I would say people constantly meeting in each other's homes—people who are generally law abiding, all of a sudden considering it is okay for 10 or 12 people to meet on a weekend in their homes. The public understanding and people actually thinking that they are immune to this virus has been quite shocking in terms of the demand that has placed on policing and, of course, the extent of the spread of the virus. Clarity of message is important.

Around surprise, I am not surprised because, like Andy, I have been in policing a long time, but I do think we need to consider the way we talk about policing as key leaders and as key politicians. We are not talking about great numbers of people who are dealing with domestic abuse, road traffic incidents or violence on our streets. Obviously, during this time we have seen a significant number of protests, and some of our policing numbers have been significantly reduced over recent years. We have Operation Uplift at the moment, but I think we need to understand that it is the same police officers out there dealing with Covid as are dealing with all of those other incidents that are happening at the same time.

We really need to, in our language and in the way we talk about policing, value that local bobby who is out there dealing with all of these things, including Covid, during this difficult time where police officers dealing with domestic abuse, dealing with assaults are. That needs to be valued at this time.

Q807 Tim Loughton: I want to come back to the subject of fixed penalty notices. Chief Constable Kelly, you described them just now and said it is not all about fixed penalty notices, and we have had the figure of about 20,000 issued so far, which as Chief Constable Rhodes has said represents about only 5% of the calls that he has dealt with.

The trouble is that the public perception is that abuses are not necessarily being taken seriously. You have a group of people who do not believe in Covid or do not agree with the restrictions and will actively go out and abuse the regulations. Then you have a set of people who may abuse the regulations by mistake, not least through some of the confusion. Then in between, you have a group of people who say, "Well, they seem to be letting loads of people into Lidl without wearing masks," or, "They are always having parties around at that house so why should I comply as well?"

Given that there have been no successful prosecutions under the provisions of the Coronavirus Act, and we have had a few prospective £10,000 fines—which I think are much more easy to apply and to recognise—what real sanction is there for people to see that if they consistently do not abide by the regulations there is a sanction and a



penalty? Most people think, "Oh, well, we are going to get away with it because everybody else is." Isn't that the problem, Chief Constable Kelly?

Chief Constable Kelly: You are absolutely right around what levels of enforcement are available. You have mentioned the £10,000 fine, which was used for raids and the like during the summer season and large gatherings. Other than that, it is the joint enforcement approach with local authorities. In terms of visits to licensed premises, supermarkets and the like, many, many improvement notices, as in hundreds, have been served on premises in order for them to improve on some of the Covid issues. Many licensed premises across the UK have been closed at this time because they have been breaching the regulations and the law in how they have managed their business.

That is what I am trying to say: one size does not fit all in terms of fixed penalty notices because there is an array of other legislative matters available to us with our partners. Enforcement for me needs to be a joint enforcement approach.

As you have explained, and I think this is a conversation that we now need to have, once hopefully there are clearer messages and our communities are very clear moving into the winter in terms of what the law is, we do need to consider what our fixed penalty fines ought to be. If they are not deterring people, then potentially we do need to look at increasing those fines.

Going back to one of my earlier points, for me this is about making sure that people's behaviour is recognised as the issue and not just putting tickets everywhere and thus becoming the Covid police. With those people who clearly flout the law at this moment in time, we should move into enforcement quicker. We are seeing that forces across the country are doing that.

Q808 **Tim Loughton:** Perhaps to come on to ACC Weatherill here, Chief Constable Kelly just mentioned a number of premises closed down—licensed premises. Do we have a figure for the number of licensed premises? Again, a complaint that comes to me—and I am sure other constituency MPs—is that there are pubs that are still packing them in, there is no sign of social distance, they are still going to the bar if there is supposed to be table service, these sorts of things. That is presumably happening because the publicans think they can get away with it because it is not being enforced. If, however, we have clear figures that many hundreds of establishments have been closed down in particular areas or whatever, then they might take more steps to comply with the regulations. Why do we not have more information about that? ACC Weatherill, where do you think most abuse is happening? Is it in households, is it in hospitality, is it in organised events—where?

Assistant Chief Constable Weatherill: If I deal with the first question around licensed premises, part of the reason we do not have that clear picture is because a lot of this does not rest with us; it sits with local authorities in their licensing departments. What you are seeing up and



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down the country is a mixture of approaches, so clearly those cases that get reported to us or we come across in the course of our normal duties, we will commence some activity around that. We are doing a lot of joint licensing visits with local authorities up and down the country. If I take Manchester as an example, I know we have done over 500 joint licensing visits through the course of one or two weekends just to try to make sure that there is a very visible presence, to try to encourage compliance and to deal with those where that is not the case.

That is a similar approach that takes place across the country, but the reason we do not have clear data is because it does not rest just with policing; there is a local authority element to this, and obviously collecting data across different agencies, different entities and lots of different boundaries is not always the easiest challenge to address.

What I can say with absolute confidence is there is a very concerted effort to focus on licensing across the country; there is a lot of effort going into it. What we do see from that is largely compliance. We have all seen the headlines of where that is not the case and some of the graphic images, but the reality seems to be that that is the exception. The vast majority do comply and where they don't we work through that step-by-step approach with them, or the local authority does. It may be something one of the chiefs wants to comment on in their own area.

I know Andy has had some challenges with licensing in Lancashire. In terms of the wider question of where I think the vast majority of the breaches are, I would say that in the early stages, at least through the summer, we saw an awful lot in the emergence of large events, gatherings, music events, and that was becoming a problem across the country, across all forces to varying degrees, some quite notable in their size. That is one area where that much increased fine size had a dramatic impact, and through the public use of those where that was appropriate and some tactical use of that for those who are the worst offenders, what we got was a very good public narrative around cause and effect there. We have seen a significant reduction in those types of events because there is a deterrent there. That fine was set by Government but the principle of it, a significant fine level, has clearly been a deterrent for those types of events and we have seen them drop away in numbers massively.

They still exist to some extent but not to the degree that they did. On a day-to-day basis I think the reality is the breaches are mixed, they are across a wide range of different things, which is why we need to have an open mind and our activity needs to reflect that across the country.

Q809 Tim Loughton: Perhaps I can go to Chief Constable Rhodes. The complaints I am getting most is shops who appear to be making no effort to challenge people going in without masks and it is unlikely that so many are exempt from them; also about people who have been on holiday and should be quarantining who are going back to work and keeping quiet about the fact that they should be quarantining. I presume that is



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primarily an immigration enforcement but what role do the police have to play in that as well, particularly if somebody has rung up the police to say, "I know that my neighbour is working and has just come back from two weeks in Spain," or whatever.

Chief Constable Rhodes: Back to your original point about three categories of people, I think we are seeing this polarisation of views around whether we should be doing the things that people are advised to do.

Just last night we got an alert from the Border Force around someone who was not isolating after a travel restriction, 14-day isolation. We deployed to that. We attempted to give that person the opportunity to do the right thing and explain what they had done and where they had come from. Because they weren't honest with us, they received a ticket. They still are quite rare occasions, granted, but this is not new territory to find ourselves in the middle of one part of the community saying, "We want more done," and the other part saying we are doing too much.

That is my original point. What we would normally do in those circumstances is try to work with the community to problem solve it, part of which may be enforcement but it would mainly be around working with that community to problem solve it and win hearts and minds. Where we are at the moment, and it is not just in Lancashire but everywhere, is that there are a lot of people questioning—they will do this if they think it is going to make difference. In the early stages of lockdown, everybody was all hands to deck, we were all in this together, and there has obviously been a movement away from that and the police are in the middle of it. We will do our best. I get lots of letters from MPs, again letters like you are getting, saying, "What is being done about this?" We will attempt to do a proportionate response to those calls and explain to people as best we can that we are trying to get the message across.

Q810 Tim Loughton: I completely understand that and I absolutely appreciate, as we all do, what a really difficult job you now have, which has not been made any easier by these apparently conflicting regulations and guidance, now applying to different parts of the country. If you are visiting one part of the country from another part of the country in a different tier, then goodness only knows what happens. As for people having sex indoors or outdoors if they are in an established or non-established relationship, do not even go there.

Dame Diana Johnson: No, do not go there, Tim.

Tim Loughton: How do you scale the penalties of this? I absolutely buy it if there is somebody who is clearly having loads of people to their house and they get reported, a knock on the door and saying, "Look, we have had reports that you really should not be doing this," but if it becomes a serial case that they are clearly flouting the rules, how do you then scale it up? Do they effectively get a warning, even if it is not a formal improvement notice equivalent, or whatever you do? Is it two strikes and you get a ticket? How are you dealing with those sorts of



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serial breaches, particularly in domestic circumstances?

Chief Constable Rhodes: As you say, with the vast majority of calls we get when we turn up at somebody's house, for example, and they are having a barbecue with too many people, if they have a reasonable explanation and they have been caught out they are unlikely to attract a fine. They are going to get a warning. The vast majority of those that I see coming through here, people basically say, "I am really sorry, I won't do it again. I tried to get away with it, I shouldn't have done it," and that does not happen again.

I have numerous people in Lancashire who are on their sixth fixed penalty ticket. I have numerous premises, I have criminals, organised crime groups, who are deliberately arranging unlicensed music events in fields so they can sell drugs to people because they cannot sell them in night clubs and bars. We have different tiers here, but for the general members of the public who, on occasion, might be trying their hand to get away with a few more people in the house for a barbecue than they should, they are probably going to get a lot of discretion on the first time that we are called, but if it continues and it persists they will get a fine.

Q811 **Chair:** Chief Constable Rhodes, can I just interrupt you for a second? I am conscious that ACC Weatherill needs to go to another important meeting. If our other witnesses have a few more minutes and can bear with us so that we can complete the final questions, we would be very grateful.

Just before you go, ACC Weatherill, can I quickly ask is the NPCC continuing to collect information on the ethnicity of people who have been given FPNs?

Tim Loughton: I was about to ask him that—that was my question next.

Chair: Apologies.

Assistant Chief Constable Weatherill: Yes, we have always collected it and will continue to collect it. I think you are probably referring to the analysis work. That needs to be done on a bespoke basis. We haven't refreshed it recently because through the summer we saw very few tickets issued, but now we are starting to see more tickets issued again, particularly in those areas subject to tier 3 regulations, we are going through another piece of work to refresh that data to see what the picture looks like.

One thing I would stress is that one of the challenges is going to be that we will not be comparing like with like. Going forward, the context for enforcement now looks very different to the period we analysed earlier in the year when the entire country was subject to lockdown. We will need to be able to differentiate that in some shape or form. It will add some extra complexity but absolutely, yes, we will be doing a further piece of work to look at the ethnicity and what that means in terms of the issue of tickets.

Q812 **Chair:** Thank you. Just relating to some of our other work, it would also



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be helpful to know if the NPCC is collecting data on the ethnicity of new recruits to the police force while we are having this uplift in policing, given the importance of increasing diversity in policing. It may be that either you or one of your colleagues could respond to us in writing on that. Then on the guidance and how you are keeping that updated, it would be helpful to have further information, although I suspect some of that earlier confusion about the information was actually mine, thankfully corrected by Andrew Gwynne who has made clear to all of us that in both tier 2 and tier 3 areas we are not allowed to go and meet our friends at the pub. Thank you to Andrew for that.

ACC Weatherill, we are very grateful for your time this morning, thank you. I will hand back to Tim Loughton for any further questions.

Assistant Chief Constable Weatherill: If I might just respond to the question you asked around the recruitment, it is not my area of speciality. However, what I can tell you is that there will be a public release of information next week on data, which goes to the heart of some of those questions. That will be coming out from the programme board next week, I understand.

Chair: Thank you, we welcome that.

Q813 **Tim Loughton:** Going back to Chief Constable Rhodes, you just said you have had people you have issued six fixed penalty notices to for barbecues or holding events or whatever. Is that common? Surely if they were doing things commercially as well, but it is not a big event that is a £10,000 fine, then it is an occupational hazard, isn't it? Getting a £100 fixed penalty notice—they will take it in their bottom line.

Chief Constable Rhodes: Sorry, no, six fines, did you say?

Tim Loughton: I thought you just said before we got interrupted that you had had cases of people to whom you had issued, or your force had issued, six fixed penalty notices for presumably six subsequent events.

Chief Constable Rhodes: No, I am sorry, I think it is because I got cut off slightly there. Lancashire has issued approaching 900 tickets overall. I said the first 600 of those were in the first couple of months of Covid, but we are regularly issuing fines to people who have large gatherings either in their private dwellings or in public spaces. We have, I think, issued so far nine £10,000 fines. As I say, a senior officer has to be consulted to authorise those because it is obviously a significant step to take but we have looked at those. Those are the ones where it is either a family have decided to just be cavalier about it and have 70 people and an Elvis impersonator around for a birthday party, or it is people who are trying to make money out of it, as you say.

We have gone back to the old rave legislation. We have not used Covid legislation for the unlicensed music events because we do not need to. We have legislation under the Criminal Justice and Public Order Act about raves and we have had to just blow the dust off those. Some of us can still remember policing raves in the 1990s, so we have had a lot of cat and mouse with those groups.



Tim Loughton: Yes, some of the Committee were probably at them.

Chief Constable Rhodes: That is right.

Q814 **Tim Loughton:** Just to go back to this serial breach, what happens after somebody has been issued with a fixed penalty notice for a household breach—it might be the barbecue or whatever—and they are doing it again? Do they just get another fixed penalty notice? How do you scale it up so it becomes more serious, in the same way as if you had issued them with the anti-social behaviour various scales before it then becomes a criminal offence?

Chief Constable Rhodes: Yes, sorry, I did say we have had individuals who have had up to six persistent breaches, repeat offenders, you are correct.

Tim Loughton: That is what I was picking up, yes.

Chief Constable Rhodes: Yes. Every time you have a fine the fine increases. After you have done it one time you will get an enhanced and increased fine, and I think that individual is up to £1,000 of fines. Those will be pursued in court. So far we have 42% of people pay fines here and none of the £10,000 fines have so far landed in the court process, but we will be making sure that people are held to account for it.

We are mapping those people, we know who they are and some of them are no surprise to us. We have found quite a few people like county lines drugs teams who are obviously going to ignore the rules around this if they come into Lancashire from other areas, and they stick out a little bit more because of the reduced travel that we have had. There have been some opportunities to target those people as well and sometimes if we have had no other more serious evidence, as Pam describes, we have given the Covid tickets.

Q815 **Tim Loughton:** There are opportunities to be able to pick up some more serious conventional criminals because of the attention you are getting with the fine.

I am just interested in the sixth time offender who has six tickets. Is that the Elvis impersonator?

Chief Constable Rhodes: No, the Elvis impersonator was at a family party. The family that organised it got a £10,000 fine for that one. The individual repeat offenders tend to be people who continue to have large gatherings outside. They are over 18, they tend to be young adults, male, in certain areas of Lancashire, who continue to arrange large meetings and gatherings outside and they are the ones who are attracting the repeat fines on occasions.

Q816 **Tim Loughton:** That is going to be harder, isn't it, because the barbecues are now going to become the indoors things and that is harder to notice? Obviously, neighbours can see smoke coming out of somebody's garden and lots of noise—



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Chief Constable Rhodes: That is correct, yes. We do get a lot of neighbour reporting at the moment. I have seen quite an upturn in that since we went to tier 3.

Q817 **Chair:** Can I ask you all a final question about the implications on policing and justice more widely that you are seeing as a result of Covid? We have had concerns raised with us about other crimes facing delays in the criminal justice system, with delays going to court, and therefore people ending up being given community sentences or community penalties as an alternative. It is not because that is the ideal sentence but because it is taking too long to get any response through the CPS and the court processes because of Covid and other delays, and also the pressure on police because of having to deal with the Covid regulations as well. How much of that are you seeing?

Chief Constable Kelly: Thank you for asking that question because it is a very important one. We are seeing some of our more serious cases being delayed. In fairness, in terms of our Magistrates' Court cases, people have worked really hard to speed up the process in the Magistrates' Court. Obviously, there have been Nightingale courts in some areas of the country, but we are seeing some significant delays in our more serious cases, especially where there is more than one offender.

Our murder trials are being pushed forward six months and beyond. My concern about this is not just about the criminal justice process but about victims who are the heart of these trials. As you know, sometimes it is very difficult for people to report crimes and for me justice delayed is sometimes justice denied. What we do not know yet is how many victims are withdrawing complaints as a result of that delay in justice. That is not to take away from the great work that has been done to try to speed some of the cases, but I am concerned about some of our more serious cases.

I spoke recently to our head of CPS, Crown Prosecution Service, for Wales and he is really concerned about custody time limits, especially when people are awaiting trial in custody at the moment and, of course, some of those custody time limits would mean that somebody might be released. That means that the risk is then transferred to our community and ordinarily to policing to actually manage. That is something that is of real concern for us.

Certainly, from a policing perspective, we are constantly in dialogue with the courts, with the Crown Prosecution Service, trying to prioritise cases such as domestic abuse, cases of sexual assault against children and rape. I am concerned that perhaps the speed is not as fast as it ought to be. It is fair to say that many chief officers are raising this as an issue that, if we do not deal with it quickly, might become an ongoing problem for us. As we go into another six months potentially of Covid increasing, the criminal justice issues are significant for us.

Q818 **Chair:** Louisa Rolfe, do you want to follow up on that?



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Chief Constable Rhodes: I agree with that, Chair—

Chair: Sorry, Andy, can I just bring Louisa in first and then I will come back to you?

Assistant Commissioner Rolfe: Yes, I chair the London Criminal Justice Board and this is a huge area of focus for us. The Courts Service has recently published its recovery plan. I have lots of assurance from partners in London—the Crown Prosecution Service, Her Majesty’s Courts Service, the MoJ, the victim and witness service and victims’ commissioners—that we are working together. But, as Pam has said, we know that there is a connection between delayed justice and attrition. We know that there is an impact on victims. I know that along with all the other things that my colleagues have described that officers are grappling with at the moment, officers are working incredibly hard to support victims while we deal with delays.

As Pam described, certainly in the Magistrates’ Court process there has been significant progress in recent months to ensure that we are working through backlogs. I am aware that we have increased listings, that we have increased the throughput, and we are seeing some progress in reducing those backlogs, but our biggest concern remains those more complex Crown Court trials—those multi-handed one with numerous perpetrators that are incredibly difficult. I have a lot of sympathy with the Courts Service in terms of ensuring the Covid security of their premises and how to manage those environments and deal with this appropriately, but it remains a concern and a significant focus for us in our justice board.

Q819 **Chair:** Are you seeing pressure to move to alternative non-court disposals as a result of that, just simply to get some kind of outcome?

Assistant Commissioner Rolfe: I am not seeing pressure. We are working really closely with our victim and witness services. I think there is some appropriate consideration of whether we should take a fresh look at things, but certainly not at the higher end of risk and certainly not for cases where absolutely that would not be the right thing to do in the interests of justice or for victims. There is an appropriate fresh look at whether we are looking at how we might use those really effective measures of restorative justice that we know will reduce offending, and we should always be considering those things, but this might be a reminder of how we do that and how we ensure that we use those appropriately at this time. But there is certainly no pressure to do something that is inappropriate.

Q820 **Chair:** We have just picked up the alarm around some individual cases, which have seemed to be being put through to out-of-court disposals, slightly surprisingly, including violence cases. Andy Rhodes, apologies for interrupting you earlier.

Chief Constable Rhodes: The only thing I was going to mention was about the complex cases, which Louisa has covered. We obviously do not just finish at the point of charge; we are supporting witnesses and



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victims through the process. Those delays are a serious issue that we spent a lot of time on recently when all the chief constables came together. We have serious concerns in that area because there is massive pressure in the system. Getting that delayed chunk from the early part of Covid dealt with while we are still pushing more cases into the system, quite rightly, is not going to be easy. It is going to need a real collective effort from across the criminal justice partners.

Chair: Thank you very much. I thank you all for your evidence this morning. We really appreciate your time. Please thank as well all the officers and staff you work with for the work that they are doing at this difficult time. Thank you.