

Enforcement issues

1. The Health Protection Regulations came into force at 1pm on the 26th March 2020 and remain in force until 25th September, 2020 (unless revoked by the Secretary of State sooner) although the continuing need for the restrictions imposed must be reviewed by the Secretary of State every 21 days.
2. During the emergency period, the Regulations introduce a number of specific requirements designed to support social distancing measures. In brief these are as follows;
 - (i) **Regulation 4**–the requirement to close premises selling food and drink for consumption on the premises (such as cafés, restaurants and public houses).
 - (ii) **Regulation 5**–the requirement to close other businesses to all but online / telephone / postal trading that are not exempted by the Regulations (exemptions are food retailers, pharmacies, veterinary practices amongst others)
 - (iii) **Regulation 6** –the prohibition of unnecessary (i.e. movement other than that necessary to obtain food/medical supplies, undertake essential exercise etc.)
 - (iv) **Regulation 7**–the restrictions on public gatherings of 2 or more people
3. The Regulations introduce a Fixed Penalty Notice fine of £60 (the first of which may be reduced to £30 for prompt payment) issued by an authorised person. Any subsequent FPNs are issued at double the amount of the previous FPN fine up to a maximum of £960. The authorised person for all offences means a Police Constable or a Police Community Support Officer though for contraventions of Regulations 4 and 5 (closure of food & drink premises; and closure of shops etc. respectively), a person so delegated by the Local Authority.
4. There have been some preliminary discussions with Nottinghamshire Police regarding their wish to utilise these powers and to be able (if required) to issue FPNs. The Regulations link to primary Public Health legislation which means the first tier (District/Borough) Authority has the power of prosecution. Consequently if the Police are to provide a countywide enforcement service issuing FPNs (in particular for Regulations 6 and 7) they would need FPN booklets for each first tier authority with each District/Borough providing the processing support. Officers would have to be aware of the District/Borough they are within when issuing any and liaise independently with each District/Borough.
5. An alternative would be to utilise the single back office used by all LA's in Nottinghamshire for Penalty Charge Notice processing. NCC's Central Processing Unit based in Sutton-in-Ashfield has experienced staff available and can configure the existing enforcement software and provide a single payment portal for any FPNs issued. As with PCN's each FPN would be issued in the name of the District/Borough Council and full access can be made to the software by all participating authorities. This would enable the design of a single FPN for the Police to be used everywhere in the County with one contact address, phone number and payment portal. The design, printing and distribution of this FPN would also be issued centrally as controlled stationery with issuing details emailed securely to the CPU daily for progression.