

**WRS Board: 18<sup>th</sup> November 2021**

**Information Report – COVID related activity**

**Recommendation** | **That the Board notes the Report and that members use the contents of the information provided in their own reporting back to fellow members of the partner authorities.**

**Background** | WRS has been at the heart of the response to the Covid 19 pandemic. Initially, back in March 2020, the then Minister, Matt Hancock designated both Environmental Health Officers and Trading Standards Officers automatically as those responsible for enforcing business restrictions. This continued until July 2021 while controls remained in place under various iterations of regulations made under the Public Health (Control of Disease) Act 1984, which has been a mainstay of district council measures for many years. A dedicated team was carved out of the Community Environmental Health division, supplemented with others from around the service to deliver controls on the ground, whilst the Trading Standards team focused its very small resource on scams, which grew massively and the issues around fake and non-compliant PPE entering the market.

As well as this, we embedded a group of Environmental Health Officers in the Local Outbreak Response team, where the skills they have for dealing with outbreaks like TB, Legionella and Food Poisoning, could be put to good use addressing issues that arose on business premises and generally providing support to what was bound to be a relatively inexperienced team built from scratch.

WRS also picked up responsibility for delivering a coordinated Covid Marshal scheme across the County, although given marshal sounds like someone with an enforcement role, we designated them Covid Advisors, to better fit their role. This led onto the service picking up responsibility for delivering “Lost to Follow-up” activity, attempting to contact those infected people who the national NHS Test and Trace service had failed to contact, and this of itself led to the service being asked to run the local contact tracing telephone system when Government decided it wanted to start handing responsibility down to local areas and allowing “lost to follow-up to become directly integrated into this operation.

**Report** | Finally, we have been able to appoint a part-time communications officer to help report on all of these activities and also to keep our day to day activities in the public eye. This report will highlight where we are now with these different work-streams.

## **COVID Advisors**

Members will recall an Information report presented in February 2021 on COVID Advisors activity, and weekly updates provided to Board Members up until the end of the restrictions in late Spring this year. Since that time COVID Advisors have continued to be heavily involved with supporting the public, businesses and organisations with COVID related matters.

Deployment has included door knocking in support of the contact tracing work (explained below) and undertaking risk assessment checks for all businesses following relaxation of the restrictions to ensure businesses were still undertaking action required to keep staff and the public safe from COVID-19 infection.

During July, assistance was also provided to support the Guildhall Vaccination Centre Pop-up to encourage the public to attend, as well as providing support promoting good practice and COVID safe behaviour during events at Worcester Racecourse, the County Cricket Club, Redditch Vintage Fair, Headless Cross and Sanders Park.

Most of the risk assessment checks for businesses were concluded during August, but support was also provided to the vaccination clinics at Brickfields, Worcester, Kidderminster Medical Centre and How College, Worcester.

With schools starting back COVID Advisors assisted Public Health with rolling out mass Lateral Flow Testing at schools between 2<sup>nd</sup> and 10<sup>th</sup> September. Support was also provided with vaccination centres at Redditch, Kidderminster and Evesham. Advisors were also trained in basic food hygiene to assist and support newly registered food premises. This allowed new businesses to be contacted or visited to provide COVID risk assessment advice and also provide information to enable prioritisation of risk in relation to food hygiene. This has enriched the work of the COVID Advisor but also allowed resource to be effectively prioritised with Food Hygiene specialists inspecting those premises representing greatest risk first.

During October, engagement with newly registered food premises continued, but support was also given to vaccination clinics at Ronkswood, Warndon and the Horizon Outreach Hub vaccination clinics.

## **Contact Tracing and Lost to Follow Up**

Since November 2020, WRS staff have been involved with assisting the NHS in contacting individuals who have tested positive for COVID-19. Once someone receives a positive test result they are asked to complete an online form to confirm where they had been and who they have been in contact with and confirm that they are self-isolating (some exemptions now apply). Where someone fails to complete this within 24 hours, they are sent reminders and a National NHS team would call the individual to encourage completion of the online form or complete the form with them over the phone.

Early on it was recognised that using a local number increased likelihood of engagement with the contact tracer and local knowledge about venues and events improved efficiency of getting necessary information accurately. Working with the County Council's Public

Health team, WRS and the District Councils agreed to provide the contact tracing for those cases where National NHS contact tracers had failed to complete the contact tracing within 24 hours.

The service provider varied across Worcestershire depending on the District and between week and weekend days. The provider has also changed over time for some activities; however, the process has generally included three locally made calls attempted within 24 hours as well as emails and text messages. Then local databases are checked for alternative numbers, with follow up calls made on alternative numbers found. Any cases still not engaging were then door knocked by COVID Advisors who attempted to encourage completion of the contact tracing online or by accepting the phone calls. Following this, a final two calls would be attempted in the next 48 hours.

WRS have developed and recruited to a team of contact tracers to provide this service, supported by the COVID advisors who undertake the door knocking for all Districts, which now is for every day of the week.

In August, WRS took on the role of National NHS in relation to contact tracing for Worcester and Redditch (known as Local 4,) so that from the outset residents who tested positive would be contacted by WRS contact tracers rather than the National team. The contact tracing team increased in number to support this work and in September Malvern Hills was included in the Local 4 process. Contact tracing is completed more quickly where Local 4 is in place and it is hoped to have sufficient resource to extend that to Bromsgrove, Wychavon and Wyre Forest Districts in the next few months.

Recruitment has been an ongoing task because of the team expansion. And whilst it has been relatively successful possibly because of the ability to work remotely in the contact tracer role, we have lost some staff and we are not yet up to the full cohort of 42 FTE contact tracers.

There have been a few instances each month where we have identified someone is likely to be breaching the requirement to isolate, either through information provided by the case on the telephone or by others when knocking their door. Such cases are referred to the police.

#### **Covid Business Enforcement (including Events and Large Capacity spaces)**

Throughout the pandemic WRS has been a central player in joint intelligence, coordinating, tasking and economic recovery groups comprising the Police, local authority representatives and others. WRS also chaired the Trading Liaison Partnership, the purpose of which was to share intelligence and co-ordinate the work of WRS, Police and relevant partner Departments in ensuring that appropriate Covid controls were being implemented on the ground whilst supporting economic activity to the maximum extent allowed by regulation. We also added value in helping businesses to fully comply so as to protect public safety. This included horizon scanning to ensure that businesses, local authority managers and promoters/organisers were supported and advised in respect of Covid safety surrounding proposed events and the use of large capacity spaces.

Seven officers led by a Principal took on the role of Business Compliance during the period to provide advice and enforce the various legislative requirements including the service of Prohibition Notices on businesses that failed to comply with the restrictions. The constant changes to legislation as the pandemic progressed presented challenges both to officers and business, moving from enforcement to advice as Step 4 approached, but compliance in Worcestershire remained high throughout.

In August, your Officers went to trial on one of the few cases for business non-compliance of the Covid regulations that ended up before a Court. The trial took place before District Judge Strongman and involved a card and bookshop in Droitwich that had continued to trade during the lockdowns by allowing the public to enter the premises despite multiple verbal and written warnings, prohibition notices and the issue of fixed penalty fines. Businesses of this type were only supposed to trade by orders that could be delivered or collected at the premises' door.

In summing up, the Judge confirmed for the court that there were seven offences falling under different regulations. He summarised briefly the events, namely that the local authority (WRS) were notified by Police that the shop was open and trading during lockdown despite being advised to close, and that subsequently the owner was served with two prohibition notices across different regulations, directing him to close. The owner paid little notice to the prohibition notices beyond marginal changes to their offer and continued to be physically open to the public throughout the lockdowns.

Considering the law, the Judge referred to the regulations as "relatively simple". Businesses must close unless they fall into the list of businesses that could remain open. He confirmed that the only way to make sense of the legislation is to apply the "principle purpose" test to the exempted categories. The predominant offering of the business was celebrations and birthday items. Selling newspapers and food items was not the principle purpose of this business, he stated.

In conclusion the Judge commented that the Council was entirely right to issue the prohibition notices and that no reasonable excuse could exist, regardless of the beliefs of the defendant at the time. He continued, stating in relation to changes in the goods offered that "this was a fig leaf. The proprietor was trying to pitch his shop as a newsagents or food retailer and it clearly was not that. He brought the prosecution on himself by trying to shoehorn his business into a different category".

The Judge noted that other people risked going out of business because of the regulations, but they had complied with the law as required. The sentence was a fine of £35,000 (£5,000 for each offence), costs of £8986 and a victim surcharge of £190. The proprietor has subsequently appealed.

Funding received by WRS has helped to deliver a supporting function to businesses post Covid Regulations. Previously, WRS's role was to ensure compliance with the Covid legislation. However, the lifting of restrictions has required a channel shift and the team has been supporting businesses allowing them to trade fairly and thrive within the night time economy.

Although COVID restrictions were lifted in July, there remain requirements under Health and Safety and Public Health legislation to provide a safe environment for employees by managing the risk associated with COVID in the workplace. The Night-time Economy (NTE) team have been supporting businesses in the following key areas:

- Areas of the district that have been identified by Public Health England to have the highest COVID infection rates in the County will form the weekly focus.
- Through a proactive intelligence lead approach, the team have focused on district's priorities in the night time economy to aid economic COVID recovery and offer business support. This has been achieved through active engagement with businesses and partnership organisations to deliver measured outcomes.
- Through looking at a broader picture of non-compliance in a range of compliance areas that WRS cover. WRS have targeted areas of the County steered by high COVID infection rates and / or previous non-compliance issues.
- Project work has been implemented to cover sector specific activities where COVID infection has been of concern.
- Once information is collated this has been fed back into WRS for further action or an improvement action plan will be discussed with partner organisations or the districts themselves.
- It is recognised that whilst investigating the wider issues faced by WRS and the NTE, inadequate risk assessments in workplaces have surfaced which has generated actions for both the NTE team and CEH colleagues.
- The team have been actively supporting the Licensing and CEH functions across the NTE including undertaking observations, providing advice, and warnings where offences are committed.

*Follow up work*

- The information gathered by the team has been recorded and fed back to partner organisations such as the district councils to assist in achieving their objectives in relation to the NTE.
- Through attending town centre management meetings, pub watch groups, the BID, joint licensing and policing meetings, public health infection meetings feeding information that has been gathered back to parties to ensure a joined-up approach.
- Relevant information has been recorded and forwarded to the correct teams within WRS to ensure that compliance work that requires attention is followed up. All relevant information will also be fed back into our intelligence database to create informed decision

The Night-time Economy team were predominantly set up to look at enforcement and compliance on weekend evenings between 6pm - 12am/1am across the County. The districts they visit are determined by several factors and information including:

- Intelligence from both the WRS intelligence team and Public Health
- Complaints
- Police Briefing issues highlighted
- Proactive licensing enforcement (suspended licences/taxi related work)
- Covid infection rates
- Information from Covid Advisors evidencing that no risk assessment is in place at

- a particular premise,
- Business Visitor infections from the LORT team
- Tactical Assessments

Since Mid-July, the team have undertaken

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|---|-----|
| Total visits                            | 277 |
| Covid risk assessment template sent out | 138 |
| Noise visits                            | 10  |
| Food issues identified                  | 23  |
| Licensing issues identified             | 16  |
| Successful suspended license payments   | 13  |
| TEN's attendance and advice given       | 4   |
| Taxi enforcement patrols                | 14  |

### **Local Outbreak Response Team**

As part of the fight against the Covid-19 pandemic, a dedicated team of four Environmental Health Practitioners and a Manager was created to support the County Public Health LORT (Local Outbreak Response Team) from Spring 2020. This team was strengthened to six in July to provide the required resilience and capacity.

WRS Environmental Health expertise and resources have been focussed on outbreak investigation, proactive advice and enforcement to supplement the National contact tracing programme and this role continues until end of March 2022.

The main purpose of the team is providing advice to businesses about Covid legislation and infection control, the latter always having been a key element of environmental health work. The peak of our activity was during the first and third lockdowns when factories, food premises and transport providers continued to be at work alongside emergency services and other health professionals. Many of them were hit with large Covid outbreaks. Officers intervened in outbreaks at several major premises, often working on behalf of HSE, with whom we have a continuing arrangement to carry out a health check where Covid cases reported and then refer back if further action required.

During 2021 the picture has gradually changed. The economy has been allowed to fully re-open and the majority of the population has been vaccinated, although the vaccination of the younger age groups has only just been introduced (please note that WRS team does not have a role in school outbreak management).

From July all legislative controls were dropped by the government, other than the requirement of businesses to have suitable and sufficient risk assessments. This has severely limited the interventions we can make. In recent months it has been noticeable that the public are taking less and less precautions and as we move into the high risk winter period, many businesses also seem to be dropping precautions they had continued to have in place. Yet Covid numbers continue to be high, primarily in the younger, unvaccinated age groups.

At WRS, as the year has progressed, we learned about the new high-risk areas and were able to revise our role to support the County Public Health team. The success of WRS in

supporting businesses is perhaps shown in the reduced reports of infection in this sector. Cases are now reported across all sectors and almost entirely random in nature reflecting the presence of Covid in the community rather than poor controls leading to workplace transmission and a potential intervention under health and safety law. In more recent months we have also started to receive

- Venue Alerts generated by the national contact tracing system, following up as necessary.
- New Variant listings of people affected by emerging variants, although we have not yet been required to carry out further detailed investigations related to sources

The team have dealt with 356 enquiries in the period. Some highlights:

- Supporting a vaccination initiative directly delivered to some businesses where outbreaks had occurred. The focus of this programme was on the sectors with incoming overseas worker communities.
- Encouraging businesses to adopt appropriate testing regimes
- Dealing with an outbreak in an Indian film crew filming at Severn Manor who were forced to isolate at Stourport Manor Hotel. This included several site visits to try and improve compliance.
- An outbreak affecting all staff at a badly ventilated Sports Direct store
- Supporting a school in Bewdley hit by both Covid and a norovirus outbreak
- Working with PH team on setting up a Red List hotel at Holiday Inn, Bromsgrove.
- Investigating outbreak at Worcester night club
- Investigating Covid related death linked to a public house in Kidderminster
- Taking part in weekend programme of advisory visits to licensed premises to check risk assessments
- Participating in District IMTs
- Sending letter to Licensed sector re lifting of controls
- Dealing with flurry of cases in catering in midsummer as the return to work started and the 'pingdemic' hit.
- Chasing businesses who had not responded to Public Health request for information

The dedicated Local Outbreak Response Team remains in place to assist Public Health with Covid advice and outbreak investigations. Our relationship has matured over the period and as the year progressed, cases have become more random in nature and we continue to find that businesses have adapted well to the new Covid risk assessment requirement with low risk of workplace transmission. In recent weeks, we have seen increased numbers of workplaces mentioned in relation to outbreaks, however often numbers involved are small and there is little evidence of transmission occurring on business premises. Rather it is the high levels within local communities that have been driving the spread, which is eventually seen as cases appearing in ones and twos at business premises

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