

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (BIRMINGHAM, SANDWELL AND
SOLIHULL) REGULATIONS 2020

Monday 5 October 2020

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Friday 9 October 2020

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The Committee consisted of the following Members:

Chair: JAMES GRAY

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| † Blake, Olivia (<i>Sheffield, Hallam</i>) (Lab) | † Morrissey, Joy (<i>Beaconsfield</i>) (Con) |
| † Carter, Andy (<i>Warrington South</i>) (Con) | † Richardson, Angela (<i>Guildford</i>) (Con) |
| † Churchill, Jo (<i>Parliamentary Under-Secretary of State for Health and Social Care</i>) | Stringer, Graham (<i>Blackley and Broughton</i>) (Lab) |
| † Crosbie, Virginia (<i>Ŷnys Môn</i>) (Con) | † Sultana, Zarah (<i>Coventry South</i>) (Lab) |
| Davies, Dr James (<i>Vale of Clwyd</i>) (Con) | † Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| Duffield, Rosie (<i>Canterbury</i>) (Lab) | Trott, Laura (<i>Sevenoaks</i>) (Con) |
| Hopkins, Rachel (<i>Luton South</i>) (Lab) | † Western, Matt (<i>Warwick and Leamington</i>) (Lab) |
| † Hunt, Jane (<i>Loughborough</i>) (Con) | Dominic Stockbridge, <i>Committee Clerk</i> |
| † Jupp, Simon (<i>East Devon</i>) (Con) | |
| † Kendall, Liz (<i>Leicester West</i>) (Lab) | † attended the Committee |

First Delegated Legislation Committee

Monday 5 October 2020

[JAMES GRAY *in the Chair*]

The Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020

4.30 pm

The Chair: Before we start, may I remind the Committee of two things? First, you are well separated by social distance, so please do not change that during the course of the debate. Secondly, if you say anything, will you kindly send your remarks by email to *Hansard*? *Hansard* would take your papers, but I think it would be more courteous by email. Thirdly, those sitting in Strangers' Gallery may do so, and may vote from there, were we to vote, but if they wish to speak, they need to come within the main area. With that, I call the Minister to move the motion.

The Parliamentary Under-Secretary of State for Health and Social Care (Jo Churchill): I beg to move,

That the Committee has considered the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020 (S.I. 2020, No. 988).

It is a pleasure to serve under your chairmanship, Mr Gray.

The regulations came into force on 15 September, following an announcement by my right hon. Friend the Secretary of State for Health and Social Care that the latest epidemiological data and local insights supported the action being taken. The data showed that for Birmingham, Sandwell and Solihull, targeted measures needed to be taken to tackle the outbreak of coronavirus. The incident rate in Birmingham had increased to 139.1 per 100,000 people over a seven-day period from 23 to 29 September, in Sandwell to 108.1 per 100,000 and in Solihull to 98.2 per 100,000.

The director of public health considered household transmission to be the primary driver of spread. Therefore, the regulations' aim was to mitigate the risk of household transmission. The regulations prevent gatherings involving more than one household in private dwellings. That includes outside spaces that are part of those dwellings. The regulations mirror the provisions already in place in parts of the north of England, namely Greater Manchester and Leicester. Since the measures were introduced, the number of positive cases in Birmingham, Sandwell and Solihull has unfortunately increased, although not at the exponential rate seen in other parts of the country.

The co-ordinated local and national effort, in particular by the people living in those local authority areas, is having an impact on reducing the rate of growth. Household transmission is understood still to be the main driver of the current case levels, so it is crucial that the regulations remain in force and for the people in Birmingham, Sandwell and Solihull to continue observing hands, face and space practices.

I hope that the summary just provided will provide the context for the regulations that we are debating. Given the urgency of the situation in Birmingham, Sandwell and Solihull, we used the emergency procedure to make the present set of regulations as soon as we could. They gave effect to the decisions set out by my right hon. Friend in response to that latest epidemiological evidence and local insight. Before the implementation of the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020, the area was not subjected to or under any other restriction.

The measures prevent gatherings involving more than one household in private dwellings and their gardens in the protected area. There are some exemptions from the restrictions, including where all the people in the gathering are members of the same household or part of a support bubble, birth partners for mothers, end-of-life visits, education and training purposes, professional and informal childcare, emergency assistance, to facilitate house moves, to provide care to those who are vulnerable and to enable shared custody arrangements for children.

The definition of a private dwelling does not include specific businesses such as B&Bs, which should follow the covid-secure guidance. Not only do the regulations prevent people who live in a protected area from gathering in a private dwelling or garden with any other household in any location, they also prevent people living outside the protected area from gathering with another household in a private dwelling or garden within the protected area.

We revised the guidance for owners and operators of other settings, including places of worship, in the protected area. It states that they should not intentionally facilitate indoor gatherings between households, or they may be fined or closed by local authorities using new powers. Care homes have also been advised to allow visits only in exceptional circumstances to protect their vulnerable residents. No restrictions have been placed on travel, but people have been advised not to travel with people from other households.

The regulations include provisions making it a criminal offence to breach any of the restrictions or requirements, and as with the national regulations, those who breach the provisions may be issued a fixed penalty notice to fine them the amended rate of £200—or £100 if paid within 14 days—which increases for repeated breaches, up to a sum of £6,400. Offenders can also be fined following conviction.

The concern about the outbreak in Birmingham, Sandwell and Solihull has been significant, and engagement with local leaders has been extensive and productive throughout this period. I thank the local authority and resilience forum, Public Health England, the Joint Biosecurity Centre, local council leaders and, specifically, the local director of public health, Justin Varney, for all their action and hard work.

The decision to take action was not driven by one number; it was a judgment about the overall situation. The local councils have taken political, strategic and operational decisions in their response to the rising number of cases. They have all engaged extensively, from chief executive level to resilience partners, to increase testing in both targeted and generalised ways. They have focused on increasing compliance with social distancing measures to prevent the spread of covid-19. They are prioritising the protection of the most vulnerable in

their communities. Guidance has been published for people living in Birmingham, Sandwell and Solihull to help them to understand what they can and cannot do under the restrictions.

We always knew that the path out of lockdown would not be entirely smooth; it was always likely that infections would rise in particular areas or workplaces, and that we would need to be able to respond quickly and flexibly to those outbreaks. As with other local regulations that we have already debated, the regulations demonstrate our willingness and ability to take action where needed and to assist the local community in so doing. By mirroring restrictions that have been successfully used in other parts of the country, we have shown that we are learning from experience. We will, of course, use the experience of the measures in Birmingham, Sandwell and Solihull to inform and help us to develop our responses to any future outbreaks. As I said earlier, there has been a review of the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020. The next review is due on or before 9 October. We will, of course, make public the outcome of that review.

I am grateful to all hon. Members for their continued engagement in this challenging process and in the scrutiny of regulations. I particularly thank the people in the protected area in Birmingham, Sandwell and Solihull, who have responded so well to the measures that have been put in place. Thanks to their continued effort, we can see the rate of infection coming under control, and we hope to ease the measures as soon as we are assured that the high transmission rates have been suppressed. I commend the regulations to the Committee.

4.38 pm

Liz Kendall (Leicester West) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray.

The Labour party will not oppose the regulations, but I want to set out concerns and questions that have been raised with me by some of the local Members of Parliament and, in particular, by Birmingham City Council, about how the announcement was made and the confusion it caused; about the need for a clearer, more comprehensive plan for local testing; and about the urgent requirement for more support for local businesses and local authorities, so that we protect jobs and the economy, and help to bring the virus under control. I say all of that in a spirit of constructiveness, because we have to get this right and learn lessons from mistakes made in the past.

I will start with concerns about how the restrictions were announced. I am afraid that when I looked into that, it was almost a mirror image of the problems that we have had in Leicester, with delays and real confusion when important announcements were made, which made people very anxious. I understand that Birmingham City Council and the Government had agreed that the restrictions would ban household mixing in homes and gardens, but household mixing would still be allowed in pubs and restaurants up to the limit of six and that the announcement would be made on Friday 11 September, which is what the Minister has just been through.

I understand that Friday morning came and went and there was still no statement from the Government. At 2 o'clock, the Conservative mayor went ahead with his normal Friday press briefing and read out a statement

which said the new restrictions would mean no household mixing, but he did not make the caveat that this would still be allowed in pubs and restaurants. Members can imagine the confusion that followed. It was not until 4 o'clock that the council finally received a draft press release from the Government saying the new restrictions would prevent household mixing in homes and gardens—as was agreed—but also pubs and restaurants, which was completely not what had been agreed.

I understand that the leader of Birmingham City Council, Councillor Ian Ward, then spent the next three hours talking to the Government to try to sort out the mess. Finally, at 7 o'clock the Government clarified the restrictions would not apply to pubs and restaurants. That may not sound a great deal to Members in this room, but for people who own a pub or restaurant and are desperately worried about their future, waiting hours and hours with all that confusion really is not good enough. We also need clarity for members of the public so that they stick by the rules. Keeping people waiting for hours when their lives and livelihoods are on the line is no way to treat them.

I have been through this before with the Minister's colleagues. How will the Government handle better the announcements on local lockdowns? They will inevitably be difficult, but we need to find a better way, so that we do not make a bad situation even worse.

Alongside any new regulations, local areas need a clear plan for testing to help to bring the virus under control. I am told that there are still real problems with getting access to tests in these areas. For example, my hon. Friend the Member for Birmingham, Edgbaston (Preet Kaur Gill) tells me she has been contacted by NHS workers in her constituency who have to isolate for days at a time until they can get a test. That is not just desperately worrying for them and their families, it has major impact on patients too.

I am told that Birmingham has asked for an extra testing site for key workers across the public sector, so the city can guarantee they will get the tests they need; extra walk-in sites, across the city, because so many people cannot drive and we do not want people who have symptoms using public transport or taxis; extra walk-in sites for students at university campuses; and priority testing for children in social care settings alongside adults who receive social care.

Will the Minister update me on whether she has received those requests and if and when they will be granted? Will she also look into what is an absolutely terrible case raised with me by the city council and my hon. Friend the Member for Birmingham, Edgbaston into unacceptable failures by the Serco-run accommodation for asylum seekers in the city? I am told that 26 people tested positive with corona virus in the Serco-run accommodation in Stone Road. Public health officials went in and found the accommodation was way too over-crowded to be covid-secure, and the city council took enforcement action ordering everybody in the accommodation to self-isolate. Then, unbelievably, the Home Office moved dozens of people out of that accommodation, some to other parts of the city and around 40 people over 120 miles away to Hammersmith and Fulham. I am sure the Minister agrees that it is totally unacceptable for the Government to break their own rules on self-isolation. What will she do to make sure that that terrible mistake does not happen again?

The Chair: Order. It is right to give the hon. Lady a good degree of latitude in this matter, as she is raising important matters, but she must address herself to the instrument under consideration and not discuss matters beyond its remit. The Minister does not have personal responsibility for some of the matters and therefore will not be able to answer. I do not want to cut the hon. Lady short, but maybe she could address herself particularly to the SI.

Liz Kendall: Of course, I hear and understand what you say, Mr Gray, so I will now move on to a point that I believe is related to this SI: if we are putting extra restrictions on to an area, the local council will need extra help to do the testing required to bring infection rates down and local businesses will require extra support. We need a strategy. If we want to see our schools go back, our businesses open up and our universities return and to keep in control of the virus, we must ensure that people get the extra support they need, so that we have a proper system of testing, people properly self-isolate, which did not happen in the case of the accommodation of the asylum seekers, and we bring the infection rates down.

I know and understand that the Minister is not responsible for support for businesses in the area. However, I know as a local MP—and as the Minister will understand—that with the extra restrictions that are being put in place, people are very worried, especially in sectors such as the events industry. I am sure everyone in this Committee knows about, and has probably been to, Birmingham’s National Exhibition Centre—I certainly have, many times in the past—and the Minister will know that the NEC Group turned the NEC in Birmingham into a Nightingale hospital. That was absolutely brilliant work, which we all needed in the city, but the NEC Group says:

“As an organisation who played such a pivotal role in the national effort to combat this virus, transforming our venue into the NHS Nightingale Birmingham, we now need UK Government to show the same commitment to our cause and offer tailored support to the UK #liveeventssector.”

I wonder whether the Minister might raise that issue with her Treasury colleagues.

I have also been asked to raise concerns from the hospitality sector, which, prior to the pandemic, supported more than 135,000 jobs in the west midlands, contributing about £12.6 billion to the regional economy. Companies in the hospitality sector are worried about the speculation that the Government may bring in the restrictions on mixing of households in the hospitality sector that have been put in place in the north-east. Concern has been raised about whether the Government have any plans to do that in Birmingham, Solihull and Sandwell, and I hope she will be able to clarify that point today.

Birmingham City Council tells me that its latest contact tracing data shows that only 2% of the positive contacts it is picking up are in the hospitality sector; 83% are still in households. The council is concerned to avoid any further restrictions, and the leaders of the city council in Birmingham and councils in Solihull, Dudley, Wolverhampton, Coventry, Sandwell and Walsall have written a joint letter to the Chancellor about support for the hospitality sector. They are really worried about it, because it is already struggling with the restrictions that have been placed on it nationally.

Finally, I turn to the issue of support for the local authorities that, because of these local restrictions, are having to do a huge amount more work. They are already stretched to the limit after 10 years of budget cuts and they really need extra support. I understand that in July the Government allocated funding of around £8.4 million to deal with coronavirus, but the city council is not clear whether that funding is supposed to cover the financial year or the year to July 2021. I hope the Minister will be able to clarify that for me.

Matt Western (Warwick and Leamington) (Lab): Perhaps my hon. Friend can explain, or the Minister can when she comes to sum up, but I am not clear about what role Mayors play in this particular situation. Perhaps that is something we could elicit in the response from the Minister.

The Chair: I think I would rather the hon. Lady did not do so.

Liz Kendall: It is difficult; when we are trying to put forward practical solutions for how additional extra local lockdowns work, it needs to be a package including the local extra testing capacity that the city council, hospitals and local universities provide. However, if there are going to be extra restrictions through local lockdowns, support for local businesses and public services also has to be considered. That is the way that we do our business, but it is not how people live their lives. The economy and getting on top of the virus go hand in hand, because if we do not have the support to get on top of the virus, we cannot get the economy open, which we all want.

The Chair: Order. The hon. Lady is making an extremely good point, which she should perhaps make on Second Reading in the main Chamber; in Committee, our job is to consider the details of the statutory instrument in front of us, not the wider implications. I have given a fair degree of latitude, but we should now return to the SI.

Liz Kendall: Message received and understood, Mr Gray. I hope the Minister will respond to the point about support for the city council in doing extra testing. The council tells me that it initially expected to get around 20 to 30 contact cases to follow up per day, but it is now getting 300, 400 or 500 a day, so there is a significant gap that needs to be addressed.

People in Birmingham, Sandwell, Solihull, and the people of Leicester, who now cannot see their families in their homes or gardens, want to hear from the Minister how restrictions will be lifted, even if she cannot say when. People doing the right thing and not meeting up with family or the people they love most in their houses and gardens, as these restrictions say, need some light at the end of the tunnel. What are the criteria by which the Government will consider releasing these restrictions, and how will that be fair across the country? We need clarity on those points.

In conclusion, we all want our children back at school, students back at university and businesses back and opening their doors. In order to do that without losing control of the virus, we need three things: an effectively functioning test and trace system, support so that people can properly isolate, and simple, clear messages

that everyone knows and can follow. The Government have major problems in all three areas, as the latest loss of 16,000 coronavirus tests, revealed today, clearly shows. The Government must get to grips with these problems, and fast.

4.52 pm

Jo Churchill: I thank hon. Members for contributing to this important debate. The restrictions that we have debated in part today are necessary and important for three reasons.

First, it is important to protect the people of Birmingham, Sandwell, Solihull and the surrounding area from this terrible virus. The restrictions we have had to impose have been difficult, but I think that people in protected areas across the country recognise that these measures have been vital to stopping the spread of the virus, and those in Birmingham, Sandwell and Solihull are no different.

Secondly, the restrictions in those places protect those of us who do not live in that area, and as a result of the ongoing restrictions, there is less risk of the high infection rates in the city and surrounding areas spreading elsewhere. We should appreciate that the restrictions and difficulties faced by those in Birmingham, Sandwell and Solihull will benefit the country as a whole, and I offer everyone who is under these restrictions my thanks.

Thirdly, the restrictions show our absolute determination to respond to outbreaks of the virus in a focused and effective way. We are learning from what has happened in Birmingham, Sandwell and Solihull as we work with local authorities and others, including local Mayors, to respond to future localised outbreaks. We have seen that recently in parts of the north-west and north-east, as well as the west midlands. While the impact of the regulations has not been as significant as we would have hoped, together with the national measures now in force, infection rates in areas of Birmingham, Sandwell and Solihull have not risen, as I said, as fast as in other countries. We hope to be able to ease the measures as soon as we are assured that the high transmission rates have been suppressed, to realign Birmingham, Sandwell and Solihull with the rest of England's measures. The next review will take place on 9 October.

I gently say to the hon. Member for Leicester West that it would be wonderful to have a crystal ball, but we do not, so we have to take a measured approach. We know that as the cases rise, the next 10 days are important in understanding how those rises transmute through to people getting infected. Then it will be a further 10 days before we look at hospitalisation. The overarching aim is still to protect the NHS, and that must be our aim. As the hon. Lady said, so much hard work went into the first phase, and so many people helped to set up Nightingale hospitals and so on. That is the same aim that we are carrying on with. After the review on 9 October, when the figures will be understood, more information will come forward.

The hon. Lady mentioned a few things. As the Chair said, some were out of scope, but I will cover one or two of the areas. We consult local authorities, mayors and local directors of public health, and we will continue to do so. It is not purely about the rates: it is about the overall picture in the area, as the hon. Lady understands from her experience. As she said, there is not a constituency MP in this place who does not feel for business owners and constituents who might be subject to these events. We want our schools and businesses open, which is why we have made sure that we have ramped up testing.

The hon. Lady mentioned the pleas from the conference and hospitality sector. I understand that representatives have written to the Chancellor, who I am sure will respond. She would not expect me to comment on many of the specifics, but I would like to pick her up on the fact that the numbers of people who are being contact-traced are exponential by comparison with what was expected. That obviously means that contact tracing—test and trace is up and active—is working. As of 4 October, testing capacity was at 310,288 per day, whereas it was 2,000 in March. On that day, 264,979 tests were processed. If there are specific challenges with testing in specific areas, I would be happy to take those up.

Liz Kendall: The point was more that the local authority was getting a lot more contacts that it had to follow up. It is asking whether it will get the financial support to do that properly. That was my question to the Minister.

Jo Churchill: To move on to the finances, all councils, in producing their local outbreak plans, are being supported by £300 million of funding from the national Government. In particular, we have provided £84,278,494 to Birmingham City Council, over £25 million to Sandwell and over £13 million to Solihull. In addition, each council has received additional funding to provide small business grant funds and retail, hospitality and leisure funds. In Birmingham, that has equated to over £214 million, in Sandwell, it is over £56 million, and in Solihull, it is over £26 million.

The Government are supporting businesses and the population. The hon. Lady mentioned that people perhaps feel compelled to go out to work. The Government have provided further support in recent weeks, ensuring that people on low or restricted incomes can access funds to enable them to self-isolate as they are being asked to do.

I conclude by recording on behalf of the Government our thanks to the people of Birmingham, Sandwell and Solihull, particularly NHS and care workers—indeed, all key workers in the city—for their ongoing hard work to keep our vital services running and save lives. I commend the regulations to the Committee.

Question put and agreed to.

4.58 pm

Committee rose.

