

Committee(s): Policy and Resources Committee – For decision	Date: 14 October 2021
Subject: COVID 19 and usage of the London Underground	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1, 2
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£NA
What is the source of Funding?	NA
Has this Funding Source been agreed with the Chamberlain’s Department?	NA
Report of: Andrew Carter, Chief Officer/Executive Director, Community & Children’s Services	For Decision
Report author: Chris Lovitt, Deputy Director of Public Health, City and Hackney Public Health Service	

Summary

The Policy and Resources committee is requested to consider writing a letter to the Mayor of London in support of his proposals for a bye law to make face covering wearing, with appropriate exemptions, a legal requirement in addition to a condition of carriage.

Recommendation(s)

Members are asked to:

1. Note:-
 - a) the evidence in support of face covering wearing as a COVID control measure;
 - b) the recommendation that face coverings should be used in enclosed spaces forms part of the recommendations in the Government’s COVID 19 Response: Autumn and Winter Plan 2021;
 - c) the welcome increase in use of the London transport network;
 - d) The reported decrease in the number of people using face coverings;
 - e) the continued sustained community transmission of COVID; and
 - f) the lower uptake of COVID vaccination in some disadvantaged communities.
2. Consider delegating authority to the Town Clerk in consultation with the Chairs’ of Policy and Resources and Communities & Children’s Services, to write a letter to the Mayor of London supporting his proposals to introduce a bye law to make face coverings, with appropriate exemptions, a legal requirement in addition to a condition of carriage.

Main Report

Background

1. The legal requirement, with exemptions, to wearing a face covering along with social distancing ended on the 19th July as part of reaching Step 4 of the Government's "Roadmap out of Lockdown". This was replaced with national recommendations on when and where to wear face coverings. Transport for London (TFL) has now made it a condition of carriage for non- exempt passengers to wear face coverings at all times when using TFL's stations and platforms throughout their network.

Current Position

2. The use of face coverings in enclosed spaces to control the spread of COVID-19 is supported by national government, ongoing trials and emerging research evidence¹.
3. The main benefit of face coverings is to reduce aerosols from entering the air from an infected person who may have asymptomatic infection or who is not complying with the legal requirement to self-isolate.
4. The use of public transport throughout London has increased since Stage 4 of the Government's Roadmap on the 19th July.
5. There continues to be sustained community transmission of COVID-19. Being doubly vaccinated provides safe and effective protection against the most serious effects of COVID infections. However, there remain large numbers of people, especially from disadvantaged communities, who have still not been vaccinated. No vaccine is 100% effective and although the risk of infection is substantially reduced, vaccinated people can still become infected and infect others.
6. Although TFL made face coverings a condition of carriage for non-exempt passengers, there are widespread reports that compliance has, and continues, to fall since the 19th July.
7. Prior to the 19th July, The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 mandated the wearing of face coverings in specific circumstances including public transport. Fixed penalty notices could be issued by relevant authorised persons including TFL enforcement officers.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1008199/S102_9-EMG-face-coverings-distancing-13-jan.pdf

<https://pubmed.ncbi.nlm.nih.gov/34407516/>

<https://eurjmedres.biomedcentral.com/track/pdf/10.1186/s40001-020-00475-6.pdf>

8. Transport for London has made wearing a face covering a condition of carriage² for non-exempt passengers
9. The Mayor of London has sought permission from national government to introduce a specific bye law that would require mandatory face covering for non-exempt passengers. A specific bye law would enable fixed penalty notices to be issued for non-compliance, this is an option that is not currently possible.

Options

10. To send a letter expressing the support from the City of London Corporation to Mayor Khan for the introduction of a bye law to make face coverings mandatory for non-exempt passengers who use the Transport for London network, see appendix 1 for a draft of this letter.
11. Not to send the proposed letter or request amendments to the proposed letter.

Proposals

12. The advice of national public health bodies including Public Health England and its successor, the United Kingdom Health Security Agency is for face coverings to be worn in enclosed spaces where you come into contact with people who you do not normally live or work with.
13. The City and Hackney Health Protection has endorsed the Government's COVID 19 Response: Autumn and Winter Plan 2021. The wearing of face masks for non-exempt passengers on public transport is in keeping with both local and national recommendations.

Key Data

14. Data on weekly or monthly public transport usage is not routinely published. However, information from third party reports and personal observations of members does highlight a welcome increase in passenger numbers.
15. Data on compliance with the condition of carriage requirement for face cover usage is not publicly available. However, widespread observations of members and press reports highlight ongoing reductions in the use of face coverings.

Corporate & Strategic Implications

16. City businesses are regularly and consistently expressing concerns to us that the low level of use of face masks on public transport is a significant deterrent to workers returning to the office.
17. Corporate plan implications: encouraging the use of face coverings when using the public transport is in keeping with the City of London's Corporate plan objectives to keep people safe and enjoy good health and wellbeing.

² [TfL Conditions of Carriage](#)

18. Financial implications: there are no direct financial implications for the Corporation of London. However, if COVID secure measures are not implemented then there is an associated risk of increased COVID infections. Increased COVID infections may then necessitate the introduction of measures outlined in the Government's strategy as "Plan B2" which would be expected to have a detrimental impact on economic activity.
19. Resource implications: there are no direct resource implications.
20. Legal implications: to introduce a bye law specifically in relation to mandatory face coverings on public transport save people who are exempt, would require Transport for London to seek national government approval.
21. Risk implications: There is an increased risk of higher COVID transmissions if the recommendations to wear face coverings is not adhered to.
22. Equalities implications: Transport for London already operate a face covering exemption scheme that ensures any person who has a disability, medical condition or other relevant protected characteristic is already exempt from the requirement to wear a face covering. Ensuring face coverings are used appropriately as a control measure would also offer some protection from increased COVID infections in people with underlying health conditions.
23. Climate implications: encouraging the use of reusable face coverings would help reduce the environmental impact of single use plastic-based face coverings.
24. Security implications: there are not thought to be any direct security implications from encouraging the use of face coverings.

Conclusion

25. Encouraging the use of face coverings on the public transport system as a COVID control measure is in keeping with national government policy, ongoing trials and emerging research findings.

Report Author:

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Appendices

- Appendix 1: Proposed text of letter to Mayor Khan

Proposed letter

Sadiq Khan
Mayor of London

Dear Mayor Khan,

Re: Introduction of bye-laws to enforce the wearing of face masks on the London Underground

The Policy and Resources Committee and Community and Children's Services Committee of the City of London Corporation received an update from the City and Hackney, Director of Public Health on the current COVID infection levels amongst residents of the City and across London more generally.

We discussed in detail the current recommendations from the Government as outlined in the COVID Autumn and Winter Plan 2021 which includes the recommendation to "wear a face covering in crowded and enclosed settings where you come into contact with people you do not normally meet."

We welcome the increased use of public transport and recognise the vital role public transportation plays in supporting London's economy and diverse communities.

We are concerned by reports regarding the visible decrease in the wearing of face coverings on tubes despite this being made a condition of carriage by Transport for London.

City businesses and trade associations are regularly and consistently expressing concerns that the low level use of face masks on public transport is a significant deterrent to workers returning to the office.

After careful consideration, on behalf of the City of London Corporation, we write to you to support the introduction of a bye-law to enable TfL to enforce the wearing of face coverings where appropriate by the issuing of fixed penalty notices.

It is our hope that such a bye-law will reduce the risks of infection, promote confidence amongst tube users and support London's recovery and growth.

Yours Sincerely

Catherine McGuinness
Chair of Policy & Resources

Ruby Sayed
Chair of Communities & Children's Services