Police Use of Covid-19 Fixed Penalty Notices in Scotland
Trends in enforcement from March 2020 to May 2021

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Executive Summary

In March 2020, Police Scotland was given temporary powers to enforce non-compliance with the new Public Health Regulations introduced to deal with the Covid-19 pandemic. This data report examines police use of these temporary powers, with a specific focus on trends and patterns in the use of Fixed Penalty Notices (FPNs).

Data for the report was drawn from two sources. Firstly, a dataset provided by Police Scotland of all Covid-19 FPNs issued in Scotland between 27 March 2020 and 31 May 2021. Secondly, data from Police Scotland’s Coronavirus Intervention (CVI) system, which gathered information throughout the pandemic on police encounters with the public in relation to the Covid-19 Regulations.

Key findings from the data

- Between March 2020 and May 2021, Police Scotland issued 20,410 Covid-19 FPNs. This is three times higher than the annual number of FPNs issued for anti-social behaviour prior to the pandemic. However, it is relatively small when compared with other types of policing activity; for example, the police recorded just under 150,000 Covid-related interventions, and around 570,000 crimes and offences, over the same time period. Moreover, less than 0.5% of Scotland’s adult population was fined.

- The use of enforcement (FPNs and arrest) accounted for one in eight interventions recorded on the CVI system. The bulk of enforcement involved the use of a fixed penalty notice, or on the spot fine, which does not count as a criminal conviction.

- Police use of enforcement in Scotland varied over the course of the pandemic, increasing most during periods of tight restrictions. Looking at four broad phases of enforcement, the largest proportion of FPNs were issued during the fourth phase, which spanned from January to May 2021 and included the second UK-wide lockdown.

- Under Scotland’s Covid-19 Regulations, a maximum of five FPNs could be issued to the same individual, with the value of the fine doubling each time; however, the Lord Advocate reduced this to four. In practice, the vast majority of Covid FPNs issued in Scotland were for the lowest amount of £60, which was discounted to £30 if paid within 28 days.

- During the first lockdown, FPNs were mainly issued for incidents occurring during daytime hours in outdoor spaces (such as parks, beaches, or gardens). During later phases, however, enforcement reflected a ‘night time economy’ pattern of policing with FPNs mainly issued in relation to gatherings or parties in indoor places (such as people’s homes, hotels, or student accommodation).

- Younger people were significantly over-represented amongst those who were fined under the Covid-19 Regulations. Around three quarters of all FPNs were issued to people aged 30 or under, who make up just under one fifth of the population. Most fines were issued to men, though the proportion issued to women increased over time.
The vast majority of FPNs were issued to people from White ethnic groups (including White minority groups) and to people who were born in the UK. Taking population size into account, estimated rates per capita were higher for Ethnic minority groups (excluding White minority groups) and those born in the EU or other parts of the world. However, the analysis was based on ‘tickets’ not ‘individuals’ so it was not possible to test whether rates were significantly higher for people in any particular group.

Overall, FPNs were 2.6 times more likely to be issued to people living in the most deprived areas of Scotland than those in the least deprived areas. This disparity was highest (12.6) during the first lockdown; however, it reduced substantially over time and suggests that the police were dealing with breaches by people from a wider range of social backgrounds as the pandemic progressed. FPN recipients living in the least deprived areas tended to be younger, on average, than those living in other areas; but there was little difference in terms of sex, ethnicity, or country of birth.

Looking at trends across Scotland’s thirteen police divisions, there was wide variation in the number and rate of FPNs issued. Estimated rates per capita were highest in the West of Scotland and lowest in the North. Divisions covering more rural areas issued a higher estimated rate of FPNs during the first lockdown than they did during the second lockdown, whilst more urban divisions issued a higher estimated rate during the second lockdown than they did during the first lockdown.

The proportion of FPNs issued to non-residents (those not living in the division where the FPN was issued) was greater in rural police divisions. Non-resident fines issued during the first lockdown mainly involved localised travel across neighbouring police divisions; whereas, more distant travel to non-neighbouring divisions increased during the second lockdown.

Conclusions

From the start of the pandemic, police officers were encouraged to follow the Four E’s strategy (engagement, explanation, encouragement, and, only when necessary, enforcement). The data presented in this report provide strong evidence that Police Scotland’s approach to policing throughout the pandemic was consistent with the Four E’s strategy.

Trends in enforcement during the pandemic demonstrate surges during periods when death rates were particularly high or increasing. Nevertheless, it would be very difficult to tease out the effect, if any, that enforcement had on preventing the spread of the disease or saving lives. As a principal reason for introducing new policing powers during the pandemic, this does raise questions about testing the efficacy of an enforcement-based model to reduce the spread and impact of contagion.

From a demographic point of view, it is clear that younger people (especially those aged up to 30 years) and those living in more deprived areas were primarily impacted by the use of enforcement in Scotland. While estimated rates suggested there may have been some over-representation by ethnicity and country of birth, this could not be tested due to data

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1 According to the Home Office and The Rt Hon Priti Patel MP (26 March 2020), police enforcement powers were strengthened by the government in order to ‘reduce the spread of coronavirus, protect the NHS and save lives’: https://www.gov.uk/government/news/police-given-new-powers-and-support-to-respond-to-coronavirus.
limitations. The possibility of inequalities experienced by those from different demographic groups as a result of the temporary policing powers should be considered in any public inquiries into the pandemic.

The changing profile of FPN recipients during different phases of the pandemic highlights the complexity of the policing challenge. The fact that people from across the social spectrum increasingly chose to breach the Regulations calls into question the universal legitimacy of the Regulations and, by extension, the notion of ‘policing by consent’ in these circumstances. Nevertheless, given that a very small proportion of the Scottish population was subject to enforcement, it seems reasonable to conclude that the temporary policing powers in Scotland had no impact on the majority of people, and a modest impact on the rest. Nevertheless, it is right that the police use of these enforcement powers has been subject to scrutiny.

Changes over time in the Regulations impacted on the timing and locus of incidents involving enforcement. The shift from a pattern of daytime policing in a variety of outdoor locations to night time policing in private (often domestic) places represented a very different dynamic in terms of engagement between the public. The complexity of these changes presented significant challenges for Police Scotland and required constant monitoring of the Regulations, as well as adaptations to officer training, staff shift patterns, and operational planning at both a local and a national level.

Despite efforts to minimise travel during the pandemic, there was a distinct increase over time in both the degree of movement and the distance travelled. The increasing extent of the distance travelled may suggest that people were willing to take greater risks in travelling across multiple boundaries, especially during the second lockdown period.

While the data used in this report have some limitations, they provide a valuable insight into the changing nature of policing in Scotland during a period of unprecedented public turmoil. Building on the wider work of the IAG in Scotland, the findings from this report represent an important source of evidence by which to inform the Scottish and UK public inquiries into the pandemic, and could be useful in considering regulatory or policy development in respect of any future public health emergencies.
1 Introduction

1.1 Content of the report
The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the Regulations”) brought in a vast number of extraordinary restrictions and requirements that were considered necessary to ‘prevent, protect against, control [and] provide a public health response to the incident or spread of infection in Scotland with coronavirus’. As part of this public health response, police officers were given new temporary powers, including powers of enforcement, in an effort to ensure that people complied with the Regulations. In the event that individuals were considered to have committed an offence, Police Scotland was granted the authority to issue a Fixed Penalty Notice (FPN) to anyone age 16 or over or, in extreme circumstances, arrest them.

This report provides a detailed analysis of trends and estimated rates of use of FPNs by Police Scotland. The report is structured in four parts:

- An introduction to Covid FPNs, including a summary of how the value of fines and payment structures varied across the UK.
- A high-level summary of the overall use of FPNs in Scotland, examining the number, monetary value, timing of issue, and trends in FPN use throughout the pandemic.
- A description of the socio-demographic profile of those who were issued with FPNs in Scotland, including analysis by age, sex, ethnicity and deprivation profile.
- Analysis of the geographical profile of FPNs issued in Scotland, including patterns of movement by non-resident FPN recipients and how this changed during the pandemic.

This is the last in a series of data reports produced to support the work of the Independent Advisory Group (IAG) on Police Use of Temporary Powers during the Coronavirus Crisis in Scotland. The IAG was established by Police Scotland and the Scottish Police Authority (SPA) in April 2020 to provide additional scrutiny around policing during the pandemic and formally ended in May 2022. However, all reports produced by, and on behalf of, the IAG can be found on the Scottish Police Authority website. In addition, this and all previous data reports can be found on the Policing the Pandemic in Scotland Project website.

1.2 Data used in the report
The primary data source for this report is a dataset of all FPNs issued in Scotland between 27 March 2020 and 31 May 2021. This dataset was compiled by Police Scotland to support the work of the IAG, and provides a detailed picture of how, when, where, and for whom police officers used enforcement during the different phases of lockdown and restriction. These data were provided under a data sharing agreement between the University of Edinburgh and Police Scotland, and the research was undertaken following ethical review and a Data Privacy Impact Assessment by the University of Edinburgh.

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2 The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (legislation.gov.uk)
3 Under Regulation 9 of the Health Protection Regulations, FPNs could be issued to those aged 16 or over; however, following pressure from the Children & Young People’s Commissioner Scotland, the Coronavirus (No. 2) (Scotland) Act amended Regulation 9 to raise the minimum age to 18, coming into effect on 27th May 2020. This was intended to bring it in line with the UN Convention on the Rights of the Child, Police Scotland’s ‘Policing Approach to Children and Young People 2016–2020’ and respond to calls by the UN to ensure children’s rights were safeguarded during the pandemic.
6 https://www.law.ed.ac.uk/research/research-projects/policing-the-pandemic
The report also draws on data from Police Scotland’s Coronavirus Intervention (CVI) system, which was established at the start of the pandemic as a means of gathering information on police officer encounters with the public in relation to the Regulations. The CVI dataset is published openly on Police Scotland’s website and does not require a data sharing agreement. It is useful for contextualising use of enforcement within the wider operational approach adopted by police forces across the UK. This operational approach, known as the ‘Four Es strategy’, emphasised that officers should use engagement, explanation and encouragement as much as possible in the application of the Coronavirus Regulations, and advocated resorting to enforcement only in situations where people demonstrated a blatant or flagrant disregard for the legislation. To our knowledge, the CVI system is the only database in the UK which records the broad extent and nature of police officer activity throughout the pandemic. This makes it ideal to assess the use of the Four E’s strategy.

1.3 Limitations of the data
The data sources featured in this report have certain limitations which may impact on the validity of the findings. These are summarised below, but more detailed information about the datasets, statistical methods, data limitations and issues of validity are provided in Appendix 1 and Appendix 2.

First, the CVI data provide an under-estimate of all policing activity as it was not possible or compulsory for officers to record all interactions with the public. Nevertheless, analysis suggests that the overall trend over time (in enforcement, at least) is accurate.

Second, both the FPN and CVI data sets relate to individual ‘tickets’ or ‘interventions’ and not to individual people (as some people were issued with more than one FPN or had more than one interaction with the police). This means that we cannot say how many individual people were subject to enforcement or had police contact. It also means that we cannot be certain how accurate rates based on population size are likely to be, or calculate statistical significance in differences between groups.

Third, both data sources provide a measure of policing activity but do not necessarily provide an accurate representation of public non-compliance. It is not possible, therefore, to be certain that any differences we find between groups (e.g., between men and women or between different age groups) were due to real underlying differences in compliance with the Regulations.

Fourth, it is important to stress that where differences between groups are discussed, this does not necessarily mean they are substantively important or that police activity was disproportionate or targeted at certain groups. Observed differences may be due to a range of underlying factors, such as patterns of public reporting to the police, ability of the police to respond to incidents, and underlying differences in compliance.

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7 Data from the CVI system and other information about Police Scotland’s enforcement and response data can be accessed here: https://www.scotland.police.uk/about-us/covid-19-police-scotland-response/enforcement-and-response-data/

8 See Police Federation announcement (2020) and HMICFRS report (2021).
2 Enforcement and the pandemic

2.1 Coronavirus Regulations
In March 2020, the UK and devolved Governments introduced emergency Health Protection Regulations which imposed a number of public health measures intended to reduce the public health risks arising from the spread of the Coronavirus. In order to ensure public compliance with the Regulations, police forces across the UK were given temporary new powers of enforcement. In the event that individuals did not comply with, or adhere to, the Regulations and were considered to have committed an offence, the Regulations granted police officers the authority to issue a Fixed Penalty Notice (FPN) or, in extreme circumstances, arrest them.

2.2 What is a ‘Fixed Penalty Notice’?
A police Fixed Penalty Notice (FPN) is a financial penalty, or ‘on the spot fine’, typically issued by officers in respect of minor breaches of the law or driving infringements at the time of the offence. They do not count as a criminal conviction; however, they are recorded on police systems and may be disclosed via an enhanced disclosure application within a certain period of time.

2.3 Fixed Penalty Notices and the pandemic
During the pandemic, the standard list of restrictions for which individuals could be issued with an FPN under the Regulations related mainly to restrictions on movement (e.g., leaving home or travelling illegally across boundaries) and gatherings (including hosting and attending small parties or events). The value of FPNs that could be issued for a first offence was initially set at £60 (but discounted by 50% if paid within a set period of time) for all UK nations; with the value of fines doubling for subsequent offences. However, the nature, structure and value of FPNs varied substantially over the course of the pandemic and across UK jurisdictions. Moreover, changes in restrictions over time expanded the list of offences for which FPNs could be issued (e.g., relating to businesses and hospitality venues, large gatherings and protests, and international travel restrictions), some of which incurred much larger fines than £60.

Table 1 provides a summary of the fine value and structure for offences committed against the standard restrictions by individuals in different parts of the UK. It shows that, from a point of relative convergence in March 2020, by January 2021 the economic cost to individuals of committing a similar breach of the Regulations varied considerably depending on where in the UK they happened to be at the time. The value of the FPN for a first offence remained lowest (at £60) in Scotland and Wales, but rose to £200 in England and Northern Ireland. A 50% payment discount was applied to FPNs in all nations, although this required quicker payment in England, Wales and, latterly, Northern Ireland than in Scotland.

In a significant departure from the legislation surrounding other financial penalties in the UK, the Regulations allowed that subsequent offences would result in the fine doubling each time. Initially, this was set at a maximum of five offences (incurring £960) in Scotland, England and Northern Ireland, and a maximum of six offences (incurring £1,920) in Wales. England later increased to a maximum of six offences, in line with Wales; however, the maximum of five offences in Scotland was reduced to four (incurring £480) after guidance was issued by the Lord Advocate. Generally speaking, therefore, breaches of the Regulations in Scotland incurred fewer fines, smaller penalties and allowed offenders longer to pay while benefiting from the discount, compared to other parts of the UK.

One other difference between jurisdictions that is worth noting is that Regulation 9 of the Health Protection Regulations in Scotland allowed FPNs to be issued to people aged 16 or
over, compared to a lower age limit of 18 in the other UK nations. Following pressure from the Children & Young People’s Commissioner Scotland, the Coronavirus (No. 2) (Scotland) Act amended Regulation 9 to raise the minimum age to 18, which came into effect on 27 May 2020. This was intended to bring it in line with the UN Convention on the Rights of the Child, Police Scotland’s ‘Policing Approach to Children and Young People 2016-2020’, and respond to calls by the UN to ensure children’s rights were safeguarded during the pandemic. Nevertheless, for much of the first lockdown in Scotland, it was legal for 16- and 17-year-olds to be fined by the police, which did impact on the demographic profile of those who were in receipt of FPNs.

Table 1: Value and payment structure of FPNs\(^\text{§}\) across the UK at the start of each UK-wide lockdown period.

<table>
<thead>
<tr>
<th></th>
<th>Scotland</th>
<th>England</th>
<th>Northern Ireland</th>
<th>Wales</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Snapshot at March 2020</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of first FPN</td>
<td>£60</td>
<td>£60</td>
<td>£60</td>
<td>£60</td>
</tr>
<tr>
<td>Value of subsequent FPNs</td>
<td>Doubled each time, from £120 to a maximum of £960 (\text{I})</td>
<td>Doubled each time, from £120 to a maximum of £960</td>
<td>Doubled each time, from £120 to a maximum of £960</td>
<td>£120 for subsequent offences*</td>
</tr>
<tr>
<td>Payment discount for all FPNs</td>
<td>Reduced by 50% if paid within 28 days</td>
<td>Reduced by 50% if paid within 14 days</td>
<td>Reduced by 50% if paid within 28 days</td>
<td>Reduced by 50% if paid within 14 days</td>
</tr>
<tr>
<td><strong>Snapshot at January 2021</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of first FPN</td>
<td>£60</td>
<td>£200(^\text{9})</td>
<td>£200(^\text{10})</td>
<td>£60</td>
</tr>
<tr>
<td>Value of subsequent FPNs</td>
<td>Doubled each time, from £120 to a maximum of £960 (\text{I})</td>
<td>Doubled each time to maximum of £6,400</td>
<td>NA (single tariff structure)</td>
<td>Doubled each time to maximum of £1,920</td>
</tr>
<tr>
<td>Payment discount for all FPNs</td>
<td>Reduced by 50% if paid within 28 days</td>
<td>Reduced by 50% if paid within 14 days</td>
<td>Reduced by 50% if paid within 14 days</td>
<td>Reduced by 50% if paid within 14 days</td>
</tr>
</tbody>
</table>

\(^\text{§}\) FPNs could be issued for a number of different offences, which changed during the pandemic. The value and payment structures described in the table are the minimum for breaches committed by individuals. It does not include minimum fines for those offences that applied to businesses or travel regulations, which were typically higher.

\(^{\text{I}}\) Note that, in accordance with Lord Advocate guidelines, no fines larger than £480 were issued in Scotland.

\(^*\) This was amended in May 2020\(^{\text{11}}\) to doubling each time to a maximum of £1,920 for sixth offence

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\(^9\) FPNs in England and Northern Ireland could be issued for a number of different offences, which each had different starting costs and pay structures. For more information, see: The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (legislation.gov.uk); The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (health-ni.gov.uk)

\(^{10}\) The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 13) Regulations (Northern Ireland) 2020 (health-ni.gov.uk)

\(^{11}\) The Health Protection (Coronavirus Restrictions) (Wales) [Amendment] (No. 4) Regulations 2020 (legislation.gov.uk)
2.4  Fixed Penalty Notices and Covid deaths
According to the UK Government (2020), the main purpose of providing new powers of enforcement to police forces across the UK was “to reduce the spread of the coronavirus, protect the NHS and save lives”. During the pandemic, there were several large surges in hospital admissions and deaths, which sparked multiple revisions and amendments to the Regulations, placing tight restrictions on behaviour during periods of particular concern. Figure 1 shows that trends in the police use of enforcement in Scotland mapped closely onto surges in the death rate, at least until the roll out of the vaccination programme which resulted in a marked drop in deaths in March 2021. After this point, there was a time lag before enforcement fell in a similar manner, which is most likely explained by ongoing public and political concern about the number of Covid cases and some degree of frustration at waning levels of compliance as a result of ‘lockdown fatigue’. Overall, the data presented in Figure 1 suggests that policing activity was prompted by the spread of the disease, but it would be very difficult to tease out the impact (if any) that enforcement had on preventing its spread or saving lives.

![Figure 1: Seven day rolling average number of Covid deaths and police enforcement (27 March 2020 to 27 July 2021)](image)

2.5  Phases of enforcement in Scotland
Patterns of FPN use point to four distinct phases of enforcement in Scotland, as illustrated in Figure 2. These phases broadly correspond to different periods of the Regulations, which correspond to particular periods of concern about the health and social impacts of the virus.

It is important to keep this wider context in mind as many of the trends and patterns in FPN use reflect a complex mix of factors that changed (sometimes rapidly) throughout the
pandemic. These factors include: people’s understanding of the Regulations; peoples’ ability and willingness to comply with the Regulations; varying restrictions across geographical areas; different emphases on the measures needed to curb the spread of the virus over time; differential test and death rates; and changes over time in the scale and nature of policing and health demands and availability of resources. While there is not space to cover all of these changes in detail here, a summary of the key legislative changes and health and social developments for Scotland is included in Figure 2 and discussed below.

Figure 2: Timeline of key regulatory changes in Scotland (27 March 2020 to 31 May 2021)

12 The Covid-19 Social Study found that only 18% of adults in Scotland fully understood the rules, although this was slightly higher than for England (13%) and Wales (15%) (see Fancourt et al, 2020). More recently, a House of Commons Committee concluded that frequent changes to cross-border travel rules made it difficult for many people to understand or follow them (House of Commons, 2022).

13 Early evidence reported some struggled to comply with regulations, for more information see Scottish Police Authority (2020).

14 Reports describe how public tolerance for the restrictions waned over time with people modifying the rules to suit their own purposes. For more information, see Office for National Statistics (2021).

15 Self-reported compliance was high during this period - at least 90% reported majority compliance with restrictions throughout the pandemic, although this did vary by, and decline over time amongst, certain groups (see Fancourt et al. 2021).
Phase one - March to June 2020
The first phase covers the first UK-wide national lockdown, where ‘stay at home’ restrictions were first introduced. In the first three weeks of these new restrictions there was a sharp rise in the number of FPNs issued, peaking around mid-April 2020. Thereafter, the use of enforcement gradually declined to the end of June. Spikes in enforcement activity during this phase mainly coincided with bank holidays and exceptionally good weather in Scotland, as well as some changes in messaging around restrictions of movement. As restrictions started to ease, use of enforcement became far less prevalent. Just over a fifth (22.3%, \(n=4,546\)) of all FPNs were issued during phase one.

Phase two - July to October 2020
The second phase covers the lifting of the restrictions during the summer period followed by the introduction of new restrictions across Scottish local authorities in August 2020 and the tightening of rules around the size of gatherings (including the ‘rule of six’) in September 2020. Use of enforcement remained low during July and August, but started to increase in September with the re-opening of Scottish colleges and universities, reflecting an increase in police activity around managing indoor gatherings and parties, especially around student accommodation. While the number of FPNs issued during this second phase did reflect an increase in enforcement, the numbers remained low compared with the first phase, which was in line with the use of the Four Es policy. Less than one in twenty (4.1%, \(n=844\)) of all FPNs were issued during this phase.

Phase three - November to December 2020
The third phase coincides with the introduction of the new local authority protection measures (including the Tier system) and reflects a renewed tightening of restrictions on people and businesses prior to the Christmas period. The number of FPNs rose sharply in early November (which includes a significant number of parties and gatherings reported by Police Scotland around Halloween and Bonfire Night), and then declined gradually over November and December, but remained high in comparison to phase two. Just over an eighth (14.6%, \(n=2,978\)) of FPNs were issued during this third phase.

Phase four – January to May 2021
The final phase covers the second UK-wide lockdown and the subsequent easing of restrictions from April onwards in Scotland. The number of FPNs rose throughout January with the introduction of the second UK-wide lockdown and peaked in mid- to late February 2021. The number of FPNs issued during this peak was the highest recorded since the pandemic began in March 2020. There was a relatively steady decline in FPN use from March 2021 onwards as restrictions started to ease. More than half (59.0%, \(n=12,042\)) of FPNs were issued during this phase.

Trends in the use of FPNs over these four phases were very different and reflect changes in the underlying Regulations, concern about the spread of the disease, and public compliance with the Regulations. The data also reflect underlying changes in the nature and locus of the incidents that were being dealt with by officers (e.g., a shift away from the breaches that were occurring in outdoor locations towards indoor gatherings and house parties). Further analysis of these four phases is provided throughout this report to show changes in the underlying profile and characteristics of those individuals who were receiving FPNs at different points in time.

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16 The number of FPNs recorded may vary from previous reports due to data updates by Police Scotland.
# 3 Profile of FPNs issued in Scotland

## 3.1 Overall use of enforcement

The number of FPNs issued under the Regulations in Scotland was relatively small in comparison to other types of policing activity.

Between March 2020 and May 2021, Police Scotland data show that 20,410 FPNs were issued under the Regulations. This is around three times higher than the number of police FPNs issued for anti-social behaviour during the year prior to the pandemic (see McVie 2022). However, it is relatively small when compared to other types of policing activity. For example, the police recorded just under 150,000 Covid-related interventions on the CVI system, and around 570,000 crimes and offences, over the same time period. Moreover, it means that less than 0.5% of the adult population in Scotland was issued with an FPN, which reflects a high level of public compliance with the public health Regulations.

Looking in more detail at the data recorded on the CVI system, Figure 3, shows the majority (84.6%) of interventions involved use of dispersal powers, with members of the public either being ‘informed’ of the public health risks by police officers (64.4%) or being ‘instructed’ to comply with the rules (20.2%). A further 3.2% of interventions involved the ‘removal’ of a person from a place or premises (e.g., being escorted from a location or taken home).

These three types of intervention broadly conform to the first three of the ‘Four Es’ Strategy (i.e., engagement, explanation and encouragement), which was widely adopted by UK police forces during the pandemic. Only one in eight (12.3%) interventions recorded on the CVI involved use of the Fourth E (i.e., enforcement). Use of an FPN represented 11.6% of all recorded interventions, while less than 1% involved use of arrest. This indicates that, even when enforcement was used, the vast majority of incidents (94.6%) involved use of a financial penalty that does not count as a criminal conviction.

![Figure 3: Interventions recorded on the CVI system in Scotland and the Four Es categories, 27 May 2020 to 31 May 2021 (n=145,544)](image)

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18 The 4Es Strategy was based on guidance issued by the NPCC and College of Policing during the first UK lockdown.
3.2 Relative use of enforcement

The use of enforcement (FPNs and arrest) relative to other forms of police interaction under the Regulations was highest during the second lockdown period.

Figure 4 shows how police use of enforcement changed over time as a percentage of all interventions recorded on the CVI system. It illustrates the ‘relative’ daily use of enforcement activities (the fourth E) in comparison to other types of policing activity under the new temporary powers (the first three Es). Figures are presented as a 7-day rolling average, which smooths out fluctuations in the relative use of enforcement in periods with very low numbers of total interventions.

At the start of the first lockdown, use of enforcement made up around 20% of all interventions. However, this reduced quickly as restrictions were eased through the summer period and the total number of police interventions also declined. From September 2020 onwards, as restrictions were tightened again, there was a gradual increase in the relative use of enforcement, rising to around 30% of all interventions on some days during November and December. This coincides with the introduction of the rule of six, regional restrictions and the subsequent ‘Level 4’ restrictions imposed across mainland Scotland. As the UK entered the second national lockdown in January 2021, the relative use of enforcement continued to rise, peaking at the start of February at around 40% of interventions, before falling as restrictions eased during March and April 2021.

It is clear from Figure 4 that there was a greater use of enforcement, relative to other types of more engagement-based intervention, during the second lockdown period than at any other time during the pandemic. This provides strong evidence to suggest that public compliance with the restrictions, and/or police tolerance of non-compliance, was waning as the pandemic wore on. Nonetheless, the data from the CVI system indicate that enforcement represented a relatively small proportion of all policing activity during most periods of the pandemic.

![Figure 4: Change over time in the use of ‘enforcement’ as a percentage of all interventions recorded on the CVI system in Scotland, 27 March 2020 to 31 May 2021 (n=145,544).](image)

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As in Figure 4, percentages discussed here are 7-day rolling averages.

For methodological notes on this figure, see Appendix 2 – Table 7.
3.3 Monetary value of FPNs issued

While fines of up to £480 could be issued in Scotland, the vast majority of FPNs issued under the Regulations were for the lowest amount of £60.

As outlined in Section 2, the Regulations set out an incremental penalty structure for those who were in breach of the rules, with FPN costs and pay structures varying across the UK and throughout the pandemic.

In Scotland, fines of £60 were issued for a first offence, although this was reduced to £30 if paid within 28 days. In the case of repeated offences, the Regulations provided that five FPNs could be issued to the same individual, with the amount of the fine doubling each time up to a maximum of £960. However, guidelines issued by Scotland’s Lord Advocate instructed that it would not be appropriate for police officers to issue more than four FPNs under the Regulations (mainly because this would exceed the maximum fine that could be issued by Procurators Fiscal, which is set at £500) (McVie & Matthews, 2021). Therefore, in practice, up to four FPNs, incurring a maximum fine of £480, could be issued in Scotland.

Figure 5 shows that, between March 2020 and May 2021, the vast majority (91.2%) of fines issued were for the lowest amount of £60, with the remaining 8.8% involving fines of £120 or more. Less than one in ten (6.9%) FPNs issued during this period were for the value of £120 and only 1.4% had a value of £240. As shown in Figure 5, an extremely small proportion (0.5%) of all tickets were issued for the maximum amount of £480.

Figure 5: Distribution of FPNs issued in Scotland by value, 27 March 2020 to 31 May 2021 (n=20,231).

The use of repeat FPNs (those with values of £120 or more) remained low across each of the phases. Repeat FPNs were highest during the first and second UK-wide lockdowns (phase one and phase two), but still only made up around one in ten of all FPNs issued – a full breakdown is shown in Appendix 3.

Trends in the use of repeat FPNs broadly followed that of £60 FPNs, as shown in Figure 6, with increasing use in both fine amounts during phases one and phase four when restrictions were at their tightest. The only exception to this was during November 2020, when there

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21 For further details on payment of fines, see McVie (2022).
22 For methodological notes on this figure, see Appendix 2 – Table 7.
was a sharp increase in the number of £60 fines issued that was not matched by an increase in repeat FPNs (£120+). This period coincides with an increase in FPNs being issued to students and young people, as restrictions changed to include student accommodation under powers of entry for house parties. Figure 6 suggests that there was not a surge in repeat offending at this time (i.e., most students in receipt of an FPN were one-off offenders).

**Figure 6:** Number of FPNs issued by value in Scotland, by month of issue, 27 March 2020 to 31 May 2021 (n=20,231)

### 3.4 Where were FPNs issued?

Most FPNs were issued for breaches that occurred indoors or in private places, although this varied over the course of the pandemic to reflect the Regulations in place at the time.

Between March 2020 and May 2021, the majority (81.8%) of FPNs (where the location was recorded) involved incidents that occurred in an indoors venue or a private location (e.g., someone’s home, a pub or a restaurant). The remaining 18.2% of FPNs were issued as a result of a regulatory breach in an outdoor location or open space (e.g., a park, beach or someone’s garden). Note that for just under a fifth of all FPNs issued (n=3,562) the locus of the incident was not recorded – a full breakdown of these figures is provided in Appendix 3.

Figure 7 shows where FPNs were issued during each of the four phases of the pandemic, taking account of the percentage of cases where information was missing. It shows a distinct shift in policing activity between the first and subsequent phases of the pandemic, which is a direct consequence of the changing Regulations.

During the first lockdown, people were instructed to 'stay at home', so the focus of policing was on those who were out and about in public places and ensuring that people stayed...
within their local areas. Not surprisingly, therefore, the majority of FPNs issued during phase one (where locus was known) were for breaches that occurred in public places (e.g., beauty spots, beaches or parks).

During subsequent phases of the pandemic, the Regulations changed and far greater emphasis was placed on restricting ‘social gatherings’ which were felt to be responsible for the spread of the disease. Therefore, during phases two, three and four, the vast majority of FPNs (where locus was known) were issued for indoor events (e.g., house parties and domestic gatherings, including everything from baby showers to funeral wakes).

It is important to note that much of the enforcement during phase one was driven by policing activity (e.g., routine patrols) in public areas; whereas, during the latter phases, police activity was largely driven by public reporting and involved entering private premises (under new powers of entry). This shift towards the policing of indoor (often domestic) spaces represented a very different dynamic in terms of engagement between the public in the police and often led to friction and, in some cases, violence targeted towards police officers.

Figure 7: Percentage of FPNs issued by locus and phase of the pandemic, 27 March 2020 to 31 May 2021 (n=20,410)

3.5 When were FPNs issued?

The temporal pattern of enforcement changed from a daytime pattern of policing open spaces during the first lockdown to a ‘night time economy’ pattern of policing private places during the second lockdown.

Policing activity tends to have very distinct temporal patterns which reflect changes in the nature of demand for police resources over the course of the day. When Scotland went into lockdown in March 2020, and the public were told to stay at home, this had a dramatic effect on patterns of policing activity.

Figure 8 examines the timing of FPNs issued during phase one (March – June 2020) and phase four (January – May 2021). During phase one, enforcement activity was highest in the late afternoon (5pm – 6pm) or around midnight. Most incidents during this time involved outdoor encounters. In phase four, there is a noticeable rise in the proportion of FPNs issued during the late evening and early morning hours (10pm – 3am), accompanied by a relative
drop in the amount issued during afternoon hours. This may reflect the higher proportion of FPNs issued involving indoor gatherings during this phase of the pandemic.

This changing temporal pattern of enforcement indicates a shift away from daytime policing of open spaces towards a 'night time economy' pattern of policing focused on private places, which would have impacted significantly on shift patterns and operational planning.

**Figure 8:** Number of FPNs issued by phase of lockdown and time of day, 27 March to 31 June 2020 and 1 January to 31 May 2021 (n=10,618).\(^{23}\)

\(^{23}\) For methodological notes on this figure, see Appendix 2 – Table 7.
4 Demographic Characteristics of FPNs

4.1 Age and sex of FPN recipients

Most FPNs were issued to younger people, especially men, although the proportion issued to women increased over time.

The demographic profile of those who were issued with FPNs under the Regulations between March 2020 and May 2021 is not representative of the Scottish population. Just under three quarters (72.4%) were issued to people aged 30 or under, compared to 18.9% of the population, with recipients having a median age of 23 years. In addition, around two thirds of all FPNs were issued to men (67.4%), compared to 48.7% of the population. A full breakdown of the number and proportion of tickets issued by age and sex is provided in Appendix 3.

Although the number of FPNs issued to women was around half of that issued to men, Figure 9 shows that the age profile for men and women was almost identical. Compared to the overall Scottish population profile, there is a clear skew in the age distribution of those who received FPNs. This highlights that enforcement for regulatory breaches in Scotland overwhelmingly involved men and women at the youngest end of the age spectrum. These findings fit with wider evidence that younger people – and especially young men - were more likely to breach the Regulations than older people (Ipsos MORI, 2020; Levita, 2020). In particular, research has shown that levels of compliance were lowest amongst people under the age of 30, and this increased as the lockdown progressed (Fancourt et al., 2021).

Figure 9: Number of FPNs issued by age and sex in Scotland, 27 March 2020 to 31 May 2021 (n=18,658) compared to the Scottish population aged 16+ (n=4,414,816).

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24 Mid-year population estimates for 2019, from the National Records of Scotland (2022a).
25 For methodological notes on this figure, see Appendix 2 – Table 7.
Other factors could also explain the demographic profile of FPN recipients. For example, social gatherings amongst younger people may have involved a larger number of people than those amongst older people and, therefore, were more likely to come to the attention of the police. The activities of younger people may also have been more visible or disruptive to others (e.g., loud parties during the early morning) and, therefore, were more likely to be reported to the police than those of older people. It is also possible that younger people may have been less likely than older people to respond to police use of the first three Es, therefore resulting in more rapid or frequent use of enforcement. In addition, large gatherings of younger people may have been more likely to result in FPNs being issued to multiple people, which would also contribute to this overall age pattern.

Age and sex: Trends over time
A larger proportion of FPNs were issued to men than women during all four phases of the pandemic, as shown in Table 2. However, there was a relative increase in enforcement involving women between phases two and three, where the percentage of FPNs issued to women increased from 18.6% to 31.8%, and then again to 37.9% during phase four.

To take account of differences in population size, Table 2 also shows the estimated rate of FPNs issued per 10,000 men and women in the Scottish population, and the disparity in estimated rates between men and women. Again, while the estimated rate of enforcement for men was consistently higher across the four phases than that for women, the disparity between the estimated rates shows that the gap narrowed over time. Indeed, the difference in estimated rates for men and women more than halved between the first lockdown (phase one) and the second (phase four).

Table 2: Proportion and estimated rate of FPNs issued by sex across the four phases of the pandemic, 27 March 2020 to 31 May 2021 (n=20,283).26

<table>
<thead>
<tr>
<th></th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Phase 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>21.7%</td>
<td>18.6%</td>
<td>31.8%</td>
<td>37.9%</td>
</tr>
<tr>
<td>Male</td>
<td>78.3%</td>
<td>81.4%</td>
<td>68.2%</td>
<td>62.1%</td>
</tr>
<tr>
<td>Median age</td>
<td>29</td>
<td>21</td>
<td>21</td>
<td>23</td>
</tr>
<tr>
<td>Total N (all FPNs)</td>
<td>4,532</td>
<td>844</td>
<td>2,973</td>
<td>11,934</td>
</tr>
<tr>
<td>Rate per 10,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>4.1</td>
<td>0.6</td>
<td>3.5</td>
<td>18.2</td>
</tr>
<tr>
<td>Male</td>
<td>15.4</td>
<td>2.9</td>
<td>8.5</td>
<td>31.5</td>
</tr>
<tr>
<td>M:F Disparity Rate</td>
<td>3.8</td>
<td>4.8</td>
<td>2.4</td>
<td>1.7</td>
</tr>
<tr>
<td>Total N (resident)</td>
<td>4,234</td>
<td>771</td>
<td>2,634</td>
<td>10,900</td>
</tr>
</tbody>
</table>

26 For methodological notes on this table, see Appendix 2 – Table 7.
Note: Proportions and median ages are calculated for all FPNs, while estimated rates per 10,000 are calculated only for those resident in Scotland.

There were also substantial changes in the age profile of those who were issued FPNs during the pandemic. Table 2 shows that the median age was considerably higher during the first lockdown (phase one) compared to later phases. Further evidence of the changing age profile of FPN recipients is provided in Figure 10. It shows that, during phase one, around half (53.6%) of FPNs were issued to people up to age 30; however, during phase two this increased to over eight in ten FPNs (82.1%) and remained at around the same level (81.5%) during phase three, before reducing slightly in phase four (76.5%). Change over time in the proportion of FPNs issued to people in the youngest age group (16-20) is particularly noteworthy, as this more than doubled between phases one and two.

![Figure 10](image.png)

**Figure 10**: Percentage of FPNs issued by age band across the four phases of lockdown, 27 March 2020 to 31 May 2021 (n=20,357).27

It is important to remember that the overall number of FPNs issued during phase two was much smaller than during the other three phases. However, the increase in enforcement amongst young people during this period was largely due to concerns about the spread of the Coronavirus caused by the return of students to colleges and universities in September and October 2020. New Regulations introduced on the 14 September 2020, which placed tight restrictions on the size of gatherings (referred to as the ‘rule of six’), had a particular impact on younger people, especially students living in halls of residence and other student accommodation. During this time, the police in Scotland were reported to be breaking up ‘hundreds of house parties every week despite the ongoing ban on home visits because of Covid-19’.28

The number of FPNs issued during phase three was more than three times larger than during phase two; however, the age profile continued to reflect higher levels of enforcement amongst those at the younger end of the age spectrum. This undoubtedly reflects some continuing issues with the student population. However, reports of growing unrest at the

27 For methodological notes on this table, see Appendix 2 – Table 7.
28 Marc Ellison, BBC Scotland (28th October 2020) [Covid in Scotland: Police break up hundreds of parties every week](https://www.bbc.com/).
nature and length of the restrictions being placed on the population and the further tightening of restrictions across some council areas in November, makes it probable that the age profile of FPNs during phase three was representative of a much wider problem of growing non-compliance within the population, especially amongst younger people.

As noted earlier, the re-introduction of lockdown measures across Scotland in January 2021 was accompanied by a sharp increase in the use of enforcement. There was a slight shift in the age profile at this time; for example, the proportion of FPNs issued to people 16-20 fell from 39.0% in phase three to 32.2% in phase four, while those in the 31-40 age group saw a five-fold increase in fines compared to phase three. Reports suggest that police officers were finding that breaches of the Regulations were more common amongst the population during this phase of the pandemic (HMICS 2021); however, the overall age profile remained fairly stable, with younger people continuing to be most likely to receive an FPN.

4.2 Ethnicity of FPN recipients

The vast majority of FPNs were issued to people from White ethnic groups, although estimated rates per capita were marginally higher for Ethnic minority groups.

In the majority of cases, Police Scotland data contains information about the self-reported ethnic group of individuals issued with an FPN. Figure 11 shows that the vast majority (92.3%) of FPNs were issued to people from White (including White minorities) ethnic groups. This is slightly lower than the most recent population estimates, which show that 94.3% of the Scottish population is White (including White minorities). The remaining 7.7% of FPNs were issued to people from an Ethnic minority group (excluding White minorities), although this reflects only around 0.01% of the Scottish population aged 18 and over.

![Number and estimated rate of FPNs by ethnic group in Scotland, 27 March 2020 to 31 May 2021](https://style.ons.gov.uk/house-style/race-and-ethnicity/)

**Figure 11:** Number and estimated rate of FPNs by ethnic group in Scotland, 27 March 2020 to 31 May 2021.


30 Population comparisons and rates by ethnicity were based on estimates from the 2020 Annual Population Survey, provided on request by the National Records of Scotland. Note that it was not possible to conduct analysis for any specific ethnic groups within these four broad categories. Please note that we use ONS guidance on language for describing ethnic groups: see https://style.ons.gov.uk/house-style/race-and-ethnicity/.

31 For methodological notes on this figure, see Appendix 2 – Table 7.
To compare the likelihood of receiving an FPN for people from different ethnic groups, Figure 11 also shows the estimated rate of FPNs issued per 10,000 people within the four main ethnic groups in Scotland (based on population data). Note that these rates are described as estimates because the data represent ‘tickets’ and not ‘people’, which means that rates could be artificially inflated if people from one demographic group were more likely to receive multiple tickets than those from another group. For this reason, we do not provide any test of whether these differences are in line with the size of difference we would expect to see by chance (i.e., we do not perform statistical significance testing - see Appendix 2 for further discussion).

Overall, the disparity in the estimated rate of FPNs issued to people from Ethnic minority backgrounds (excluding White minority groups), compared to those from White groups (including White minorities), was 1.4; however, Figure 11 shows that this varied across ethnic groups. People from African, Black or Caribbean ethnic groups had the highest estimated rate per capita of 59.3 FPNs issued per 10,000 people, which represents an estimated disparity in rates of 1.8. The estimated disparity in rates was also higher for those from Asian (1.3) and Other/Mixed/Multiple (1.2) ethnic groups compared to those from White (including White minorities) groups.

Published data for the UK as a whole shows that reported levels of ‘majority compliance’ and, especially, ‘complete compliance’ were consistently lower amongst people from minority ethnic backgrounds during the course of the pandemic. Nonetheless, this does not mean that people’s non-compliance was directly related to their ethnicity (Meghji & Niang, 2022); it may have been variously related to their age, employment status, or other behavioural or circumstantial factors.

The pandemic is known to have had a particularly severe impact on people from Ethnic minority (excluding White minorities) groups within the UK (House of Commons, 2020). In Scotland, it has been reported that people from these groups experienced the economic effects of the crisis more severely than White (including White minorities) ethnic groups (Scottish Government, 2020a). Particular stressors impacting on people from Ethnic minority groups included: the closure of particular sectors (such as hospitality); unequal access to employment; increases in living costs; lower wages and savings; and increased instances of hate crime. In addition, deaths from Covid-19 amongst those from the South Asian community in Scotland were found to be twice as high as deaths amongst White (including White minorities) groups (National Records of Scotland, 2020b).

There is evidence from other parts of the UK that people from Ethnic minority groups (excluding White minorities) were more likely to be subject to enforcement. A report on FPNs issued by police forces in England and Wales during the first lockdown period found an estimated disparity rate of 1.8 in the use of enforcement against those from Ethnic minority (excluding White minorities) backgrounds compared to White groups (Currenti & Flatley, 2020). Nevertheless, qualitative work with English police officers (Turner et al., 2022) has highlighted that those from Ethnic minority (excluding White minorities) groups may not necessarily have been more likely to break the rules, but they may have been more likely to come to the attention of police if they did break the rules. For example, through living in areas with less outdoor space or being more likely to be reported to the police by others.

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32 Figure 2j and 2v in Fancourt, D. et al. (2021).
Ethnic Groups: Trends over time
Table 3 shows how the estimated rates per capita changed over time by ethnic group. Due to very small numbers in each of the Ethnic minority (excluding White minority) groups when broken down by phase of the pandemic, these groups have been combined into one. As discussed in the previous section, all rates are estimates because the data represent ‘tickets’ and not ‘people’, which means that rates could be artificially inflated if people from one demographic group were more likely to receive multiple tickets than those from another group.

Across all phases of the pandemic the vast majority of FPNs (more than 91% in each phase) were issued to those from White (including White minority) groups. The disparity rate between those from White (including White minority) groups and Ethnic minority (excluding White minorities) groups changed slightly throughout the pandemic. The disparity between groups was lowest during phase three (November to December 2020), and highest during phases two (July to August 2020) and phase four (January to May 2021).

As noted in the previous section it is not possible to say that the differences in estimated rates per capita reflect any difference in policing, as the patterns could equally reflect other aspects of people’s characteristics, circumstances or behaviours. For example, individuals from Ethnic minorities (excluding White minorities) who received an FPN were more likely to be male than those from White (including White minority) groups (76.4% compared to 66.5%). Published population data does not enable us to explore rates based on the overall age and sex profile of those from different ethnic backgrounds; however, the much bigger influence of sex, and especially age, on likelihood of receiving an FPN suggest that demography, rather than ethnicity, may explain some of the differences between ethnic groups (see McVie, 2021).

Table 3: Estimated rates per 10,000 of FPNs by ethnic group across the four phases of the pandemic, 27 March 2020 to 31 May 2021.33

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Phase 4</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>White (including White minorities)</td>
<td>7.7</td>
<td>1.4</td>
<td>4.8</td>
<td>19.3</td>
<td>33.2</td>
</tr>
<tr>
<td>Ethnic minorities (excluding White minorities)</td>
<td>9.6</td>
<td>2.1</td>
<td>5.5</td>
<td>28.0</td>
<td>45.3</td>
</tr>
<tr>
<td>W:EM Disparity Rate</td>
<td>1.3</td>
<td>1.5</td>
<td>1.1</td>
<td>1.5</td>
<td>1.4</td>
</tr>
<tr>
<td>Total</td>
<td>4,188</td>
<td>769</td>
<td>2,613</td>
<td>10,679</td>
<td>18,249</td>
</tr>
</tbody>
</table>

4.3 Country of birth of FPN recipients
The majority of FPNs were issued to those born in the UK, although estimated rates per capita were slightly higher for EU born recipients, and higher again for those born in other parts of the world.

33 For methodological notes on this table, see Appendix 2 – Table 7.
Figure 12 shows that nine out of ten (89.1%) FPNs were issued to individuals born in the UK. This is slightly lower than the population figure published by National Records of Scotland (2020c) which shows that 92.8% of the Scottish population were UK born. Of the remaining FPNs, 5.9% were issued to those born in other EU countries (compared to 4.3% of the population) and 5.0% were issued to people born elsewhere in the world (compared to 2.9% of the population). This suggests a slightly higher likelihood of receiving an FPN amongst those born in countries outside of the UK.

Using population data to estimate rates per capita, Figure 12 confirms that those born outside the UK or EU had the highest estimated rates per capita of FPNs issued (59.7 per 10,000 people). Compared to those born in the UK, the estimated disparity in the rate of FPNs issued to EU born people was 1.4, while for those born outside the EU it was 1.9. As noted previously, these rates are only estimates since the data represent ‘tickets’ and not ‘people’, which means they could be artificially inflated if people from any one group were more likely than the others to receive multiple tickets.

![Chart showing FPNs issued by country of birth](image)

**Figure 12**: Profile of FPNs in Scotland by country of birth, 27 March 2020 to 31 May 2021 (n=19,681 for left hand graph; n=18,003 for right hand graph).34

**Country of birth: Trends through time**

While the majority of FPN recipients in all four phases of the pandemic were born in the UK (more than 85% for each phase), there were some changes over time in the estimated rate of FPNs issued according to country of birth.

Table 4 shows that the estimated rate of FPNs issued per 10,000 people born in the EU was between 1.1 and 1.7 times higher than that for people born in the UK across the four phases of the pandemic. Whereas, the estimated rates for those born outside the EU were even higher, ranging between 1.4 and 2.9 times. The disparity rates for both groups peaked in phase two (July to October 2020), which coincides with the return of students to Scottish universities. It is highly likely that these larger disparity rates are due to students from abroad.

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34 For methodological notes on this figure, see Appendix 2 – Table 7.
(who may not have been aware of the Scottish Regulations) being involved in illegal gatherings.

It is not possible to say whether differences in estimated rates per capita of FPNs issued to people from different countries of birth reflect any particular policing practices, as the patterns could equally reflect other aspects of people’s characteristics and circumstances. For example, a cross-comparative study of Organisation for Economic Co-operation and Development (OECD, 2020) countries found that immigrants were affected more severely by Covid-19 than native-born people in terms of infection risks, mortality rates, labour market instability, educational disadvantage, negative communication campaigns and hate crime. These forms of disadvantage may have impacted on the ability or willingness of individuals to comply with the Coronavirus Regulations.

Table 4: Estimated rate per 10,000 FPNs by country of birth across the four phases of the pandemic, 27 March 2020 to 31 May 2021.\(^{35}\)

<table>
<thead>
<tr>
<th>Country of Birth</th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Phase 4</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK born</td>
<td>7.0</td>
<td>1.3</td>
<td>4.6</td>
<td>19.2</td>
<td>32.1</td>
</tr>
<tr>
<td>EU born</td>
<td>7.9</td>
<td>2.2</td>
<td>7.2</td>
<td>27.0</td>
<td>44.3</td>
</tr>
<tr>
<td>Born outside EU</td>
<td>9.9</td>
<td>3.8</td>
<td>9.0</td>
<td>37.0</td>
<td>59.7</td>
</tr>
<tr>
<td>Total</td>
<td>3,826</td>
<td>763</td>
<td>2,621</td>
<td>10,793</td>
<td>18,003</td>
</tr>
</tbody>
</table>

\(^{35}\) For methodological notes on this table, see Appendix 2 – Table 7.
5 FPNs and Deprivation

5.1 Measuring the relationship between deprivation and enforcement

Research has shown that those living in areas of social deprivation across the UK have disproportionately experienced negative impacts of the pandemic on the health, mortality, economic and employment outcomes (Public Health England, 2020; Local Government Association, n.d.).

In Scotland, it has been reported that those from more socio-economically disadvantaged backgrounds were likely to be more severely impacted across a range of outcomes, especially in terms of health (e.g. poorer mental health and physical wellbeing, lower life satisfaction and feelings of loneliness) and financial stability (due to the financial downturn, increasing unemployment and associated poverty) (Scottish Government, 2020a).

To examine the relationship between deprivation and enforcement, FPNs were analysed according to the home datazone of the recipients, which were ranked according to the 2020 Scottish Index of Multiple Deprivation (SIMD).\(^{36}\) It is important to note that the SIMD is a measure of where somebody lives and does not necessarily reflect where the FPN was issued to the recipient; therefore, it is not an indicator of targeted policing practice within deprived communities. In addition, SIMD is a measure of *neighbourhood* deprivation, and not every person facing disadvantage lives in an area with high neighbourhood deprivation. It should also be remembered that the analysis presented in this report is based on tickets and not people (as some people may have received more than one ticket); so any differences between SIMD categories could be influenced by larger numbers of people in any one category being more likely to receive multiple tickets.

5.2 Variation in estimated FPN rates by deprivation

FPNs were far more likely to be issued to those living in the most deprived areas of Scotland than those in the least deprived areas, although this difference reduced as the pandemic progressed.

Between March 2020 and May 2021, more than one in four (22.2%) FPNs were issued to people living in one of the 10% most deprived areas of Scotland while less than one in ten (8.6%) were issued to people living in one of the 10% least deprived areas.\(^ {37}\) This represents an enforcement disparity rate of 2.6 between those living in the most and least deprived communities.

The relationship between SIMD and enforcement under the Regulations is very skewed. Figure 13 shows a steep gradient in the likelihood of receiving an FPN between deciles 1-5 (at the more deprived end of the spectrum) and a much more similar likelihood of receiving an FPN between deciles 6-10 (at the less deprived end). In other words, while there was inequality in the likelihood of being fined at the top and bottom of the SIMD scale, there was also a greater degree of inequality between people living in communities with a higher

\(^{36}\) The SIMD is tool for identifying concentrations of deprivation across Scotland. Each of Scotland’s 6,976 datazones (small areas of geography) are ranked from first (most deprived) to last (least deprived) based on 32 separate indicators that measure different aspects of deprivation (e.g., economic, health, education, employment, crime, etc). It is used for a wide range of purposes including as a statistical classification and as an indicator to target resources and policies. See www.simd.scot.

\(^{37}\) Data for 1,870 FPNs were missing information on datazone. For methodological notes on analysis by SIMD, see Appendix 2 – Table 7.
concentration of deprivation than those living in communities with a lower concentration of deprivation.

**Figure 13**: Profile of FPNs issued in Scotland by SIMD decile in which recipients were living, 27 March 2020 to 31 May 2021 (n=18,540).

SIMD: Trends through time

The overall deprivation profile for FPNs conceals distinct shifts over time. Looking across the four phases of the pandemic, Figure 14 shows how the proportion of FPNs issued to people living in the different SIMD deciles changed.

During phase one, when the Scottish population was subject to a strict lockdown, there was a very steep social gradient in the profile of FPN recipients. Around a third (32.8%) of FPNs issued during this phase went to people living in one of Scotland’s 10% most deprived areas, whereas only 2.6% went to people living in the 10% least deprived areas. This represents a disparity rate of 12.6, and demonstrates a high degree of inequality in the likelihood of receiving an FPN based on area of residence during the initial lockdown.

During the subsequent three phases of the pandemic, the difference in the proportion of FPNs issued to people living in the most and least deprived areas of Scotland was far narrower. In the second phase, when restrictions were much lower and related mainly to social gatherings, the disparity between the 10% most deprived and 10% least deprived areas reduced to 1.3, representing much greater equality in the likelihood of receiving an FPN across SIMD groups. However, it is important to note that the relationship between SIMD and deprivation was close to being U-shaped during this phase due to the substantial increase in FPNs issued to people living in neighbourhoods at the least deprived end of the spectrum.

During phase three, when restrictions tightened again but did not go quite as far as lockdown, the pattern became slightly more skewed again as the proportion of FPNs issued to those living in the least deprived areas reduced and the proportion issued to those living in the most deprived areas increased again. The disparity between those living in the 10% most...
and 10% least deprived areas increased to 2.5, reflecting a slight increase in inequality. However, this disparity rate remained substantially lower than the first phase.

In phase four, when Scotland was placed into lockdown for a second time, the disparity rate between the 10% most and 10% least deprived areas reduced again to 1.8, similar to that seen in phase two. During this phase there was a slight rise in the proportion of FPNs issued to those living in the 10% least deprived areas (from 7.8% in phase three to 10.7% in phase four); but no drop in the proportion of FPNs being issued to those in the 10% most deprived areas.

The relative increase in the issue of FPNs to those living in Scotland’s most affluent communities during phase two is highly likely to be related to tickets issued as a result of parties organised and attended by younger people, and particularly students. This relative increase coincides with the shift in more FPNs being issued for incidents taking place indoors as, described in Section 3.4. More detailed analysis at datazone level shows that the four most common home datazones amongst those receiving FPNs during phase two, three, and four, were affluent areas containing university halls of residence and other student accommodation in the cities of Edinburgh and Glasgow.

Overall, these data suggest there was a distinct change over time in the socio-economic profile of those who were subject to enforcement for non-compliance during the pandemic. To a large extent, this reflects an increase in the policing of individuals who do not commonly come to the attention of officers in their routine operational duties. This was highlighted in interviews with police officers carried out by the HMICS (2021), who noted that “public compliance has waned over time, particularly in the latter part of 2020 and post-Christmas. Individuals, including those who are normally law abiding, had started to conduct their own risk assessments and interpret the rules to suit their behaviour rather than strictly adhere”.

Greater levels of non-compliance across different parts of society created a significant challenge for officers in Scotland as the pandemic wore on. It was particularly difficult to manage public expectations around the use of the 4Es when compliance was so low amongst some social groups (but especially amongst younger people), while other sectors of society were demanding more enforcement.
Figure 14: Profile of FPNs issued in Scotland by SIMD decile in which recipients were living by lockdown phase, 27 March 2020 to 31 May 2021 (n=18,540)
5.3 Characteristics of FPN recipients by SIMD quintile

FPN recipients living in the least deprived areas were younger, on average, than others, but there was less difference in terms of sex, ethnicity and country of birth.

Across all age groups, FPNs were more likely to be issued to people living in the most deprived Scottish SIMD quintile than any other quintile. However, the proportion of FPN recipients living in the most deprived quintile varied by age. Figure 15 shows that those aged between 16 and 20 who received an FPN were least likely (30.6%) to be living in one of Scotland’s 20% most deprived communities, whilst those aged between 41 and 50 years were most likely (50.2%). Conversely, FPN recipients aged between 16 and 20 were more likely (20.3%) to be living in one of Scotland’s 20% least deprived communities than people of any other age, especially aged over 30 for whom 10% or less in each age band were resident in the least deprived quintile.

**Figure 15:** SIMD distribution of FPNs issued by age (1=most deprived, 5=least deprived), 27 March 2020 to 31 May 2021 (n=18,488).\(^{38}\)

There were far fewer differences in the SIMD profile of FPN recipients by ethnicity, sex, or country of birth.

A higher proportion of FPNs were issued to people living in the most deprived SIMD quintile for both those from White (including White minorities) groups and Ethnic minority (excluding White minorities) groups (37.2% and 33.7%, respectively).\(^{39}\) Correspondingly, FPNs were far less likely to be issued to those living in one of Scotland’s most affluent SIMD quintiles (15.2% for those from White (including White minorities) groups, 17.3% for those from ethnic minorities (excluding White minorities)).

The SIMD profile of male and female FPN recipients was also very similar. Just over a third of male and female FPN recipients were living in the most deprived areas of Scotland (37.2%...
and 36.6% respectively), while just over one in seven were issued to those living in an area in the least deprived quintile (15.5% and 15.4% respectively).^{40}

Regardless of where they were born, FPN recipients were also more likely to be resident in the most deprived quintile than any of the other quintiles. Although those born in the UK were slightly more likely to be living in one of Scotland’s 20% most deprived communities (37.3%), compared to those born in the EU (35.4%) or outside the EU (31.6%). Whereas those born outside the EU were more likely (19.2%) to be living in one of the most affluent communities in the top quintile compared to those who were born in the UK (15.4%) or wider EU (15.2%).

As before, we cannot say whether any of these differences are larger than we might have expected to see by chance given that the analysis is based on tickets issued, and not individuals.

^{40} Excludes 1,989 FPNs where no sex or SIMD datazone were recorded.
6 Spatial Patterns of FPNs

6.1 FPNs by police division

The use of FPNs by police divisions varied widely across Scotland, with estimated rates per capita being highest in the West and lowest in the North.

Scotland has three Command Areas (West, East and North) and thirteen divisions which vary greatly in terms of characteristics such as population size, geographical spread and deprivation profile.\footnote{Around 35\% of the datazones in Greater Glasgow division are in the 20\% most deprived datazones in Scotland, but only 6\% of the datazones in North East division are similarly deprived. Figures calculated from Local Authority data (Scottish Government, 2020b).}

Figure 16 shows the number of FPNs issued between March 2020 and May 2021 for each division, and the estimated rate per 10,000 people based on population size.\footnote{For methodological notes on calculation of population rates, see Appendix 2 – Table 7.}

Collectively, divisions in the North Command Area (North East, Highlands & Islands and Tayside) issued the fewest FPNs (10.0\% of the total) and had lower estimated rates per capita; whereas, divisions in the West Command Area (Greater Glasgow, Lanarkshire, Renfrewshire & Inverclyde, Argyll & West Dunbartonshire, Ayrshire, and Dumfries & Galloway) issued the most FPNs (69.4\% of the total) and had the highest estimated rates per capita (with the exception of Dumfries and Galloway which had one of the lowest estimated rates per capita). The remaining divisions in the East Command Area (Edinburgh, Tayside, Fife, and the Lothians and Scottish Borders) issued around a fifth (20.6\%) of all FPNs, but varied considerably in terms of estimated rates of FPNs issued.

Greater Glasgow division issued by far the largest number of FPNs. There were around three times more FPNs issued in Greater Glasgow than in the next nearest division, Lanarkshire. Even taking account of population size (which is larger in the Greater Glasgow area than any other Scottish division), Greater Glasgow had the highest estimated rate of FPNs per 10,000 people aged 18 or over.

Relatively speaking, there were also higher than expected estimated rates of FPNs issued in Argyll & Dunbartonshire, Renfrewshire & Inverclyde, Edinburgh, and Lanarkshire divisions. If the level of enforcement was directly proportionate to population size, the per capita rate would be the same across all divisions. The estimated rates for these four divisions are much higher than for most other divisions, which suggests that factors other than population size were impacting on policing practice. However, it is important to look at how this changed over time to get an idea of the possible explanations.
Figure 16: Number of FPNs issued and estimated rate per 10,000 population aged 18+ by division, 27 March 2020 to 31 May 2021 (n=18,081).

Proportion of FPNs across police divisions: Trends over time

Divisions covering more rural areas issued a higher estimated rate of FPNs during the first lockdown, while more urban divisions issued a higher estimated rate during the second lockdown.

Figure 17 compares the relative use of FPNs across all thirteen divisions by the four phases of the pandemic. The dominance of the light blue bars on the right side of the graph shows that, across all divisions, the largest proportion of FPNs was issued during phase four.

There is a distinct urban/rural pattern to the data presented in Figure 17. The divisions that issued the highest relative proportion of FPNs during phase one tend to cover more rural parts of Scotland and/or include beauty spots and tourist destinations (which were the focus of the bulk of enforcement activities during the initial lockdown when people’s ability to travel outside of their local area was severely restricted by the Regulations). For example, between 30% and 40% of all FPNs were issued during the first lockdown by Highlands and Islands (covering the rural north of Scotland), Forth Valley (covering many rural beauty spots in the heart of Scotland’s central belt), Argyll and West Dunbartonshire (covering large parts of the southern Highlands, including the Trossachs National Park and Loch Lomond) and Dumfries and Galloway (covering the rural south west corner of Scotland and bordering Cumbria in England) divisions.

By contrast, divisions with more urban conurbations and concentrated populations issued a far larger relative proportion of FPNs during phases three and four. For example, between 70% and 80% of all FPNs were issued during these two phases by Edinburgh (Scotland’s
capital city), Tayside (including the city of Dundee), and Greater Glasgow (including Scotland’s largest population centre).

![Diagram showing the proportion of FPNs issued during the four phases of the pandemic by division, 27 March 2020 to 31 May 2021 (n=20,267).](image)

**Figure 17:** Proportion of FPNs issued during the four phases of the pandemic by division, 27 March 2020 to 31 May 2021 (n=20,267)

**Estimated rate of FPNs across police divisions: Trends over time**

Given the relatively small number of FPNs issued during phases two and three, we focus here on comparing the estimated rate of FPNs issued during the first and fourth phases only (broadly covering the two periods of lockdown in Scotland). These estimated rates are adjusted by the length of each phase and for the different numbers of people resident in each division. The result is an estimated rate per 10,000 ‘person-days’, to allow for direct comparison across divisions (with different population sizes) and between the two time periods (of different lengths). This comparison tells an important story about how policing changed under different periods of restriction.

During phase one there was considerable variation in the estimated rate of FPNs issued per 10,000 person-days across divisions, with estimated rates varying from 0.02 in the Lothians and Scottish Borders and the North East, to 0.27 in Argyll and West Dunbartonshire. This represents an estimated disparity rate of 13.5 in the use of enforcement between the highest and lowest issuing divisions. As discussed earlier, the three divisions with the highest estimated rates per 10,000 person-days were all found in the West of Scotland.

In comparison to phase one, Figure 18 shows that the estimated rate of FPNs was higher during phase four for most divisions, with estimated rates varying from 0.04 in the Lothians and Scottish Borders and Dumfries and Galloway to 0.4 in Greater Glasgow.

There were particularly noticeable increases during phase four in Greater Glasgow, Edinburgh, Lanarkshire and Tayside. It was noted earlier that indoor parties and gatherings
became an increasing issue of concern in terms of the spread of the disease during the later phases of the pandemic, and thus became a primary focus of police enforcement. Figure 17 and Figure 18 indicate that this was particularly the case in the divisions including some of Scotland’s largest cities, namely Greater Glasgow, Edinburgh, and Tayside (incorporating Dundee city).

**Figure 18:** Estimated rate of FPNs issued by division across phase one and phase four, 27 March 2020 to 31 May 2021 (n=14,693).
6.2 Non-resident FPNs by police divisions

The proportion of FPNs issued to non-residents was greater in rural divisions, but this did not fully explain the geographical differences in policing activity across Scotland.

Just over one in five (22.7%) FPNs were issued to people who were not resident in the police division in which the regulatory breach occurred. The prevalence of ‘non-resident FPNs’ varied substantially across divisions.

Figure 19 shows the percentage of non-resident FPNs (left hand panel) and the adjusted estimated rate of FPNs taking account only of those issued to people who were resident in the division (right hand panel). Police divisions are ordered by the number of tickets issued overall, as shown in Figure 16. The purpose of this analysis was to determine whether divisions had similar estimated rates of enforcement when taking into consideration only the resident population.

Half (50.1%) of all FPNs issued in Argyll & West Dunbartonshire were issued to non-residents, making it highest across all divisions. When these tickets were excluded from the analysis, the estimated rate of FPNs issued in Argyll and West Dunbartonshire reduced from 86.7 per 10,000 people (as shown in Figure 16) to 43.6 per 10,000 residents. This is a substantial reduction (around half of the original estimated rate); however, non-resident FPNs did not fully explain the higher overall estimated rate per capita in Argyll & West Dunbartonshire, which (as the right panel in Figure 19 shows) remained high compared to most other divisions.

A similar pattern emerged for Renfrewshire & Inverclyde where around a third (33.5%) of FPNs were issued to people living outside the divisional boundary. Once these were excluded, the estimated rate of FPNs reduced from 68.4 per 10,000 people to 45.6 per 10,000 residents. Again, this is a substantial reduction, but Figure 19 shows that – excluding non-resident FPNs – the estimated rate of FPNs issued in Renfrewshire & Inverclyde continued to be ranked second highest across the divisions.

The proportion of FPNs issued to non-residents in Greater Glasgow was 23.3%, which was lower than for many other divisions. While excluding the non-resident FPNs did reduce the estimated rate of FPNs in Greater Glasgow, it still had the highest estimated rate per 10,000 residents.

Overall, therefore, an increase in policing activity focused on those who were not resident within the divisional area does help to explain some of the difference in the estimated rate of enforcement across divisions, but it does not fully explain it.
Spatial Patterns of FPNs

Figure 19: Percentage of FPNs issued to non-residents (left panel), and estimated rate of FPNs issued to residents only per 10,000 (right panel) aged 18+, by division, 27 March 2020 to 31 May 2021 (n=17,964).43

Estimated rates of non-resident FPNs across police divisions: Trends over time

Given the relatively small number of FPNs issued during phases two and three, we again compare estimated rates of non-resident FPNs issued during the first and fourth phases only (broadly covering the two lockdown phases). These estimated rates are adjusted by the length of the phase, to allow for direct comparison. Note this analysis focuses on where people were travelling to, and not where they had travelled from, which is explored in the following section.

During phase one, 18.3% of FPNs were issued to those not resident in the division of issue. By far the highest estimated rate of non-resident FPNs per 10,000 person-days was in Argyll & West Dunbartonshire, which was around two and a half times higher than the estimated rate seen in Renfrewshire and Inverclyde (the division with the next highest estimated rate). Most divisions had a very low estimated rate of non-Resident FPNs during phase one. However, by phase four, the proportion of non-resident FPNs issued across all divisions rose to 25.7%.

There were increased estimated rates in all thirteen divisions, as shown in Figure 20, with Greater Glasgow, and Argyll & West Dunbartonshire having the largest increase between phases one and four in non-resident tickets. The widespread increase in non-resident FPNs most likely reflects growing unrest about the re-introduction of lockdown measures, as well

43 For methodological notes, see Appendix 2 – Table 7.
as waning compliance with travel rules during the second lockdown which only allowed people to travel up to 5 miles outside of their local government area.  

**Figure 20:** Estimated rate of FPNs issued by division to non-residents across phase one and phase four, 27 March 2020 to 31 May 2021 (n=2,552).

### 6.3 Travel patterns of non-resident FPNs

Breaches of the travel Regulations during phase one mainly involved travel across neighbouring divisions, whereas travelling greater distances to non-neighbouring divisions was more common during phases three and four.

Table 5 shows the proportion of FPNs issued for travel to a neighbouring police division and contrasts that with the proportion that were issued for travel to a division that was further away (i.e., a non-neighbouring division) during different phases of the pandemic. For this analysis, slightly different time periods have been used to ensure that they align with specific legislation changes, particularly those that involved changes around permitted travel. As before, FPNs covering the period of phase two (mid-July to the start of November 2020) have been excluded from this analysis due to very small numbers of non-resident FPNs being issued.

Most FPNs were issued to people who were resident in the divisional area in which they received the fine during the first and second periods. However, Table 5 shows a dramatic

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44 The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (legislation.gov.uk)

45 For methodological notes, see Appendix 2 – Table 7.
rise in the proportion of FPNs issued for travel to a non-neighbouring division, from 3.6% in the period from March to early July 2020 (covering the first lockdown and subsequent easing) to 22.1% in the period from November 2020 to early January 2021 (coinciding with the introduction of the regional restrictions), then back to 7.8% in the period from early January to mid March (during which Scotland was back in lockdown).

Table 5: Proportion of FPN by travel type, 27 March 2020 to 12 March 2021.

<table>
<thead>
<tr>
<th>Travel patterns</th>
<th>27 March to 10 July 2020</th>
<th>3 November 2020 to 4 January 2021</th>
<th>5 January to 12 March 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>No travel outside of resident division</td>
<td>81.7%</td>
<td>50.0%</td>
<td>77.1%</td>
</tr>
<tr>
<td>Travel to a neighbouring division</td>
<td>14.7%</td>
<td>27.9%</td>
<td>15.1%</td>
</tr>
<tr>
<td>Travel to a non-neighbour division</td>
<td>3.6%</td>
<td>22.1%</td>
<td>7.8%</td>
</tr>
<tr>
<td>Total</td>
<td>4,252</td>
<td>2,584</td>
<td>5,715</td>
</tr>
</tbody>
</table>

Figure 21 provides an illustration of the changing patterns of movement for non-resident FPNs issued during these three periods of the pandemic. It is important to note that these patterns only show movement across divisions, with points on Figure 21 representing the centre of the division. These points do not correspond to exact locations of incidents or residences, as more precise location data was not provided. Similarly, although flows of movement are illustrated with arrows, these do not correspond to the distance travelled, particularly where travel was to a neighbouring division, which may have involved quite small distances across division boundaries.

During the first lockdown period (March to early July 2020), non-resident FPNs were predominantly issued to recipients who resided in a neighbouring police division. The largest numbers of non-resident tickets during this period were issued for travel from Greater Glasgow to Argyll and West Dunbartonshire (L division) (190 tickets), and from Lanarkshire (Q division) to Greater Glasgow (G division) (130 tickets).

Following the introduction of the regional restrictions in Scotland (November 2020 to early January 2021), spatial patterns of travel that resulted in non-resident tickets became more complex. Unlike in the first lockdown, when non-resident tickets were concentrated in specific directional travel patterns, this period saw more two-way flows, representing travel into and out of divisions. Much of this travel was concentrated into and out of Greater Glasgow division, with a noticeable increase in non-resident tickets issued for travel between Greater Glasgow and Edinburgh and Tayside divisions. During this time, much of the central belt, including Glasgow City, City of Edinburgh, Dundee City were under Level 3 restrictions, which limited travel into and out of the local authority. Patterns observed

46 For methodological notes, see Appendix 2 – Table 7.
47 Note that points on the map represent the centroids of police divisions (calculated in QGIS) not the location of the home datazone of recipients. Movements that involved less than 10 FPNs issued in total have been excluded.
48 The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (legislation.gov.uk)
49 The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020 (legislation.gov.uk)
during this period of the pandemic most likely reflect the impact of the different level restrictions that were in place across much of these areas.

In the second UK-wide lockdown (January to March 2021), the spatial patterns changed again. Instead of a return to trends seen in the first lockdown, where movements were across neighbouring divisions and relatively simple. In this period, many of the flows into and out of Greater Glasgow seen during the regional restrictions in November remained, albeit at a lower level for travel from divisions in the East. However, unlike in earlier periods there was evidence of travel involving much further distances than seen in earlier phases, in particular, travel into the Highlands and Islands division (N division). The diversity and extent of the non-resident FPN flows during this period, may be related to the greater number of exemptions to travel that were included in the restrictions, and also the fact that islands in the Highlands area (except the Isle of Skye) were subject to Level 3 restrictions instead of level 4 lockdown restrictions (though this still did not permit travel into or out of either area unless under certain exemptions).\footnote{The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 8) Regulations 2020 (legislation.gov.uk)}

Analysis of these spatial patterns of movement illustrate how police enforcement involving non-resident travel changed during the pandemic, although we cannot be certain about the exact reasons that FPNs were issued as that information was not provided. Equally, we cannot say anything about underlying patterns of behaviour and the extent to which people were actually breaching the travel Regulations. Nevertheless, it is not unreasonable to infer that the increasing extent of movement over time reflects some degree of confusion about, and/or disregard for, the Regulations and guidance, which became increasingly complex and changed frequently during periods of concern about the spread of the Coronavirus. In addition, the increasing extent of the distance travelled may suggest that people were willing to take greater ‘risks’ in travelling across multiple boundaries as time went on. Though these theories would need to be tested by speaking to individuals who were subject to enforcement during the pandemic.
Number of non-resident FPNs issued

- 10-29
- 30-99
- 100-200

First UK wide lockdown (27 March – 10 July 2020) n=4,555
Regional restrictions (3 Nov 2020 – 4 Jan 2021) n=2,971
Second UK-wide lockdown (5 Jan – 12 March 2021) n=6,383

Figure 21: Flow maps of non-resident FPNs, depicting the movements from the police division the recipient was resident in to the division the FPN was issued in.
7 Conclusions

This data report provides a detailed analysis of police use of FPNs in Scotland between 27 March 2020 and 31 May 2021, which covers the main period during which the temporary policing powers issued under the Coronavirus Regulations were being applied. The analysis is based on data from two sources compiled by Police Scotland: 1) a database of all the FPN tickets issued in Scotland and 2) information from the Coronavirus Intervention (CVI) system. This represents the most detailed account to date of police use of enforcement in relation to Covid-19 in the UK.

The report includes detailed information on the general characteristics of Covid-19 FPNs issued, including the value of fines issued in Scotland, and the timing and locus of incidents resulting in enforcement. It examines the personal characteristics of those who received fines, looking specifically at their sex, age, ethnicity, country of birth, and home neighbourhood deprivation level. In addition, it looks at spatial patterns of FPN use across police divisions in Scotland, and movement patterns of non-residents who received FPNs as a result of illegal travel. Most importantly, it considers how the profile of FPNs issued in Scotland changed over different phases of the pandemic.

From the start of the pandemic, police officers were encouraged by the College of Policing and the National Police Chiefs’ Council to follow the Four E’s strategy (engagement, explanation, encouragement, and, only when necessary, enforcement). During the period covered by this report, there were many amendments to the Regulations and guidance which had considerable impacts for both the public – whose freedoms were substantially constrained – and for policing – with officers balancing the need to enforce the changing Regulations whilst also applying appropriate levels of discretion. The data show that the vast majority of recorded encounters relating to breaches of the Regulations in Scotland did involve engagement, explanation and encouragement, with a minority involving enforcement. Moreover, where enforcement was used, it predominantly involved use of a financial penalty, thus avoiding arrest or a criminal conviction for the person involved. This provides strong evidence that Police Scotland’s approach to policing throughout the pandemic was consistent with the Four E’s strategy.

Trends in enforcement across the four phases of the pandemic broadly correspond to periods of changing regulations and restrictions, with surges in enforcement occurring during periods when death rates were particularly high or increasing. While FPNs were most commonly used during periods when restrictions were at their tightest, the bulk of fines were issued during the second lockdown period (between January and May 2021), and remained high even after the roll out of the vaccination programme which resulted in a marked drop in deaths in March 2021. This most likely reflects ongoing public and political concern about the number of Covid cases, and a degree of frustration at waning levels of compliance as a result of ‘lockdown fatigue’. Nevertheless, it would be very difficult to tease out the effect (if any) that enforcement had on preventing the spread of the disease or saving lives. As a principal reason for introducing new policing powers during the pandemic, this does raise questions

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51 According to the Home Office and The Rt Hon Priti Patel MP (26 March 2020), police enforcement powers were strengthened by the government in order to ‘reduce the spread of coronavirus, protect the NHS and save lives’:

about testing the efficacy of an enforcement-based model to reduce the spread and impact of contagion.

FPNs were most commonly issued to men, younger people (especially those aged up to 30 years), those from White ethnic groups (including White minorities), and people who were born in the UK. Estimated rates of FPN issue, based on Scottish population data, suggest there may have been some over-representation amongst those from Ethnic minority groups (excluding White minorities) and amongst those who were born in the EU or another part of the world; however, data limitations make it impossible to test whether these differences were statistically significant. Ethnic disparities have been found in policing data for England and Wales (Currenti and Flatley, 2020), although there is no similar analysis by country of birth. The possibility of ethnic disproportionality in the rate of FPNs would not necessarily mean that policing practices were unfair or unjust; however, it would broaden the scope of inequalities experienced by those from Ethnic minority groups as a result of the impact of the public health regulations, which would be deserving of further consideration in any public inquiries into the pandemic.

Our analysis provides a detailed perspective on change in the profile of FPN recipients during different phases of the pandemic, and highlights the complexity of the policing challenge. The largest and most interesting shift was observed in terms of area deprivation profile. During the first lockdown, people living in Scotland’s 10% most deprived neighbourhoods were over 12 times more likely to receive an FPN than those living in the 10% least deprived neighbourhoods. However, as the pandemic progressed, this stark social gradient shifted towards a pattern of greater equality, with those living in the least deprived Scottish neighbourhoods being almost as likely to receive an FPN as those in the most deprived areas. Evidence from the HMICS (2021) confirms that police officers were increasingly dealing with non-compliance amongst a wider swathe of the Scottish population, including those they described as ‘normally law abiding’. The fact that many people from across the social spectrum were choosing to interpret the rules to meet their own needs calls into question the universal legitimacy of the Regulations and, by extension, the notion of ‘policing by consent’ in these circumstances.

Change over time in the regulations impacted on the timing and locus of incidents involving enforcement, and the data tell an interesting story about the adaptive nature of Scottish policing. During the initial lockdown, when the rules were to stay at home, enforcement was predominantly driven by proactive policing and took place during daytime hours in public places and open spaces. Rural police divisions were particularly impacted during this period, with travel to beauty spots, parks, beaches and places of scenic interest creating higher rates of enforcement in divisions such as Argyll and West Dunbartonshire, and Renfrewshire and Inverclyde. During later phases of the pandemic, when the restrictions were tighter around social gatherings, officers were primarily responding to public calls and the timing of enforcement was more reflective of a night-time economy pattern of policing. FPNs issued during these latter phases were more concentrated in police divisions covering highly populated urban areas, especially Glasgow and Edinburgh; and typically involved indoor incidents occurring in private (often domestic) spaces. This represented a very different dynamic in terms of engagement between the public and the police and often led to friction and, in some cases, violence targeted towards police officers. The complexity of these changes presented significant challenges for Police Scotland and required constant monitoring of the Regulations, as well as adaptations to officer training, staff shift patterns, and operational planning at both a local and a national level.
Despite efforts to try and minimise travel during the pandemic, the analysis of FPN data shows that enforcement involving non-residents was also a problem for Police Scotland. There was a distinct increase over time in both the degree of movement and the distance travelled. Unfortunately, we do not know the reasons for FPNs being issued, and we cannot say anything about underlying patterns of behaviour or the extent to which people were actually breaching the travel Regulations. Nevertheless, it is not unreasonable to infer that the increasing extent of movement over time reflects some combination of confusion about and/or disregard for the Regulations and guidance, which became increasingly complex and changed frequently during periods of concern about the spread of the Coronavirus. Nevertheless, the increasing extent of the distance travelled may suggest that people were willing to take greater ‘risks’ in travelling across multiple boundaries, especially during the second lockdown period. Though these theories would need to be tested by speaking to individuals who were subject to enforcement during the pandemic.

Overall, a very small proportion of the Scottish population was subject to enforcement under the Covid-19 Regulations, which reflects both high levels of public compliance and a commitment to using the Four Es strategy in the policing approach. In addition, compared to other UK nations, breaches of the Regulations in Scotland incurred fewer fines, smaller penalties, and allowed offenders longer to pay while benefiting from an early payment discount. Moreover, despite the fact that multiple fines could be issued, the data suggest that the vast majority of people only received one. Therefore, it seems reasonable to conclude that the temporary policing powers in Scotland had no impact on the majority of people, and a modest impact on the rest, during the course of the pandemic. Nevertheless, given that the number of Covid-19 FPNs issued far surpassed that of fines issued for anti-social behaviour prior to the pandemic, it is only right that the police use of these enforcement powers has been subject to scrutiny.

While the data used in this report have some limitations, they provide a valuable insight into the changing nature of policing in Scotland during a period of unprecedented public turmoil. Building on the wider work of the IAG in Scotland, the findings from this report represent an important source of evidence by which to inform the Scottish and UK public inquiries into the pandemic, and could be useful in considering regulatory or policy development in respect of any future public health emergencies.
Appendices

Appendix 1: Data used for this report
This report presents analysis of two different Police Scotland data sources, a summary of the strength and limitations of these data sources is shown in Table 6.

Table 6: Strengths and limitations of the data sources

<table>
<thead>
<tr>
<th></th>
<th>Strengths</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CVI Dataset</strong></td>
<td>• Provides a measure of overall use of police powers during the pandemic, which is unique to Scotland</td>
<td>• It was not compulsory for police officers to record interactions on the system; therefore, it provides an underestimate of the true number of interactions (especially during busy periods and as restrictions eased).</td>
</tr>
<tr>
<td></td>
<td>• Helps to put FPN use in context of other parts of the 4Es system</td>
<td>• Subject to changes in reporting practices</td>
</tr>
<tr>
<td><strong>FPN Dataset</strong></td>
<td>• Good measure of breaches of the regulations that resulted in the issue of a FPN</td>
<td>• Does not include information on lower level police interactions, nor information on breaches that did not come to the attention of police or result in the issue of a FPN.</td>
</tr>
<tr>
<td></td>
<td>• Includes information on the characteristics of the individual and the incident, (such as age, sex, ethnicity, country of birth, division of residence, division of fine issue, amount of fine, date and time of issue).</td>
<td>• Dataset is focused on ‘tickets’ issued and not ‘people’. This means that individuals who received multiple tickets will be included in the dataset several times. This limits the scope for statistical analysis as described in more detail below.</td>
</tr>
</tbody>
</table>

Notes on the FPN Dataset
The main source was a database of all FPN tickets issued in Scotland, which was collated by the Operation Talla Information Collation, Assurance and Liaison (OpTICAL) Group, led by Assistant Chief Constable Gary Ritchie. These data included information on the characteristics of ticket recipients, including sex, age, ethnicity, country of birth and home datazone. Information was also provided on the amount of the fine issued, the date and time it was issued, the police division in which it was issued and a broad indication of the locus (indoors or outdoors).

In earlier reports prepared for the IAG, centrally held data was supplemented by data supplied by individual divisions manually, in particular data on criminal history. For this report, this manual data extract was not available due to resourcing issues within Police Scotland. As a result, no analysis on criminal history has been presented here. For earlier analysis on criminal history, see McVie (2021) and McVie and Matthews (2021).
In addition to this, in previous reports prepared for the IAG, FPN data from Police Scotland was updated by adding in the latest data to the dataset, i.e. if the previous dataset ended on 31 December, then the new data extract would begin from 1 January. However, for this report Police Scotland provided an updated dataset that covered FPNs issued in earlier time periods. As a result, some of the figures presented in this report are different to those contained in earlier published reports. These differences are extremely small, and represent changes to a very small number of tickets issued during this period (e.g. a reduction by 19 tickets in phase one and an addition of 107 tickets in phase three).

Additionally, in the most recent phase of FPN data (January to May 2021), it has been observed that there is an under count in some Police Divisions in the number of FPNs issued during January 2021. This is shown as a drop on Figure 22. This was identified after the dataset was provided to researchers and could not be rectified due to resource constraints at Police Scotland after the winding up of the OpTICAL Group.

Notes on the CVI System

The second data source was the Coronavirus Intervention (CVI) system, introduced by Police Scotland on 6 April 2020 in response to the introduction of the Coronavirus Act 2020 and associated Health Protection Regulations in Scotland. Data from the CVI were published throughout the pandemic on a weekly basis by Police Scotland until 17 November 2021. The main purpose of this system was to gather data on levels of public co-operation with the new Regulations, based on police officer interventions. The CVI system relies on manual updates from police officers about any interventions they have had with members of the public in respect of the legislation. It is not compulsory and, as a result, does not provide a comprehensive estimate of the total number of policing encounters. Nevertheless, it measures all policing-related activity (not just use of enforcement) and so provides a useful indicator of the relative use of different types of police activity in the context of the ‘Four Es strategy’, which was widely adopted by police forces across the UK in the context of the pandemic. To our knowledge, the CVI System is the only database of its kind to be used to measure the overall use of extended policing powers across the UK police forces from the start of the pandemic. Therefore, it provides an extremely useful source of complementary information to the FPN data.

Comparison between FPN tickets and the CVI system

Figure 22 shows a comparison of the number of tickets issued and the number recorded on the CVI as a seven-day rolling average between 27 March 2020 and 31 May 2021. The dark line shows the average number of FPNs issued, and the light line shows the average number recorded on Police Scotland’s CVI system. Both trend lines show four ‘phases’ of policing activity in relation to FPNs which are broadly reflective of the tightening and easing of restrictions in Scotland.

The total number of FPN tickets actually issued (n = 20,410) was 20.9% higher than the number recorded on Police Scotland’s Coronavirus Intervention (CVI) system over the same period (n = 16,876).

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Overall, the numbers of FPNs recorded on the CVI system broadly follow the number of FPNs that were actually issued. However, as noted in previous reports prepared for the IAG, during the first lockdown and second lockdown, where larger numbers of FPNs were issued, the CVI underestimates the number of FPNs. This is particularly noticeable during the February peak in activity. Nonetheless, the overall trends in both the CVI system and the number of tickets issued continue to show a strong similarity.

As highlighted previously, there is a large gap between the CVI system and tickets issued in January. This is likely due to missing data in the FPN dataset.

Figure 22: Comparison of the number of Fixed Penalty Notices recorded by Police Scotland tickets and by the CVI system (seven day rolling average)

Appendix 2: Notes on statistical validity
The data analysis in this report has been conducted to the highest ethical standards and efforts have been made to explain any data limitations throughout the report. It should be borne in mind that the data relates to individual ‘tickets’ and not ‘individuals’ (who may have been issued more than one FPN). This has a consequence for the creation of estimated rates per capita (based on population size) and for the possibility to statistically test whether the proportion of people receiving FPNs differs between groups, as explained below.

It is standard practice to compare data about sub-populations with population level data to establish whether there are differences between groups or with the wider population. Where possible, the analysis contained in this report provides comparison with Scottish population data to identify any differences to what might have been expected if FPNs were issued proportionately across all social and demographic groups. Calculation of estimated population rates for different groups was conducted using the most recently available population estimates. Specific sources of population estimates are provided in Table 7.
Any error in the underlying population figures (especially for minority groups such as the number of people from certain ethnic backgrounds or born in countries outside the UK) could affect the estimated rates substantially. In addition, because the analysis is based on tickets and not people, the calculation of rates of FPNs issued to people in different groups may over-inflate rates for some groups. This would occur if, for example, those groups had a higher number of people receiving multiple tickets. Therefore, rates per capita are presented as estimates and caution should be exercised before drawing definitive conclusions based on population rates for any group (especially for those with smaller numbers, such as ethnicity and country of birth). As a result of this no statistical significance testing has been applied to the analysis in this report.

Any differences between groups identified in this report (such as between men and women or different age groups) do not necessarily mean that policing activity was disproportionate or targeted. Moreover, differences in levels of enforcement between groups may not reflect demographic characteristics at all and may be explained by other underlying factors, including differences in likelihood of non-compliance or in likelihood of being reported to, or otherwise coming to the attention of, the police.
Table 7: Population data source and methodological notes for figures and tables

<table>
<thead>
<tr>
<th>Figure / Table / Section</th>
<th>Population data source</th>
<th>Notes on calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 4</td>
<td></td>
<td>Any days with less than 10 interventions in total have been excluded from this analysis, as small numbers can distort patterns in the data and give a misleading picture of activity.</td>
</tr>
<tr>
<td>Figure 5</td>
<td></td>
<td>There were 179 FPN cases with missing information on the amount of the ticket issued.</td>
</tr>
<tr>
<td>Figure 8</td>
<td></td>
<td>This analysis excludes 1,662 FPNs issued during Phase 1 and 4, and all tickets from Phases 2 and 3 (844 and 2,978 tickets respectively) as no information on time of issue was available for these tickets for this report.</td>
</tr>
<tr>
<td>Figure 9</td>
<td>Mid-year population estimates for 2019, from the National Records of Scotland (2022a).</td>
<td>This excludes individuals issued FPNs who were not resident in Scotland (n=731) and those where this information was unknown (n=1,021) to allow for comparison with the population data.</td>
</tr>
<tr>
<td>Table 2 – estimated rate per 10,000</td>
<td>Mid-year population estimates for 2019, from the National Records of Scotland (2022a).</td>
<td>Calculated population total for men aged 16 to 84, and women aged 16 to 84. This excludes 127 tickets where sex was not recorded.</td>
</tr>
<tr>
<td>Figure 10</td>
<td></td>
<td>Excludes 53 tickets where age details were unknown.</td>
</tr>
</tbody>
</table>
| Figure 11 – estimated rate per 10,000 | Population comparisons and estimated rates by ethnicity were based on estimates from the 2020 Annual Population Survey, provided on request by the National Records of Scotland. | Population totals for each group are:  
African/Black/Caribbean = 59,400  
Asian = 160,000  
Other/Mixed/Multiple = 88,400  
White (incl. White minorities) = 5,080,200  

There were 439 FPNs with missing information on ethnicity (n=19,971 for left hand graph). Excludes FPNs where ethnicity was not recorded and those issued to people who were not resident in Scotland (n=18,249) (right-hand graph). |
| Table 3                  | Population comparisons and estimated rates by ethnicity were based on estimates from the 2020 Annual Population Survey, provided on request by the National Records of Scotland. | Population totals for each group are:  
White (incl. White minorities) = 5,080,200  
Ethnic minorities (excl. White minorities) = 307,800  

Excludes FPNs where ethnicity was not recorded and those issued to people who were not resident in Scotland (n=18,249). |
<table>
<thead>
<tr>
<th>Figure 12</th>
<th>Population figures based on estimates from the National Records of Scotland 2019 Annual Population Survey (2020c)</th>
<th>Population totals for each group are:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UK born = 4,995,000</td>
<td>EU born = 233,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Born outside EU = 154,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Left-hand graph: There were 729 FPNs with missing information on country of birth.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right-hand graph: Excludes FPNs where country of birth was not recorded and those issued to people who were not resident in Scotland.</td>
</tr>
<tr>
<td>Table 4</td>
<td>Population figures based on estimates from the National Records of Scotland 2019 Annual Population Survey (2020c)</td>
<td>Population totals for each group are:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>UK born = 4,995,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EU born = 233,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Born outside EU = 154,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Excludes FPNs where country of birth was not recorded and those issued to people who were not resident in Scotland.</td>
</tr>
<tr>
<td>Figure 13</td>
<td></td>
<td>Figure excludes FPNs where home datazone was not known or was outside of Scotland.</td>
</tr>
<tr>
<td>Figure 15</td>
<td></td>
<td>Excludes 1,922 FPNs where no age or SIMD datazone were recorded.</td>
</tr>
<tr>
<td>Figure 16</td>
<td>Mid-year population estimates for 2019, from the National Records of Scotland (2022a).</td>
<td>Calculated population total for each division from local authority estimates for persons 18 or over.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Excludes 1,922 FPNs where no age or SIMD datazone were recorded.</td>
</tr>
<tr>
<td>Section 5.3</td>
<td></td>
<td>In-text comparison of FPNs issued to people living in the most deprived SIMD quintile by ethnicity excludes 2,276 FPNs where no ethnicity or SIMD datazone were recorded.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In-text comparison of FPNs issued to people living in the most deprived SIMD quintile by sex excludes 1,989 FPNs where no sex or SIMD datazone were recorded.</td>
</tr>
<tr>
<td>Figure 18</td>
<td>Mid-year population estimates for 2019, from the National Records of Scotland (2022a).</td>
<td>Calculated population total for each division from local authority estimates for persons 18 or over.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Person-days calculated by:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Count of FPNs / calculated population total *10,000) / length of phase</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Length of Phase 1 = 111 days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Length of Phase 4 = 150 days</td>
</tr>
<tr>
<td>Figure 19</td>
<td>Mid-year population estimates for 2019, from the National Records of Scotland (2022a).</td>
<td>Calculated population total for each division from local authority estimates for persons 18 or over. Estimated rates for this figure are calculated for tickets recorded as resident in Scotland but who were not resident in the division where the FPN had been issued.</td>
</tr>
<tr>
<td>Figure 20</td>
<td>Mid-year population estimates for 2019, from the National Records of Scotland (2022a).</td>
<td>Calculated population total for each division from local authority estimates for persons 18 or over. Person-days calculated by: (Count of non-resident FPNs / calculated population total * 10,000) / length of phase Length of Phase 1 = 111 days Length of Phase 4 = 150 days Count of non-resident FPNs is the count of tickets issued to those aged 18 or over, who were resident in Scotland, but who were not living in the division where the FPN was issued in.</td>
</tr>
<tr>
<td>Table 5</td>
<td>Excludes 6,860 FPNs where home division was not recorded or those issued after 12th March 2021.</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 3: Supplementary data tables

Number of FPNs issued by value in Scotland across the four phases of the pandemic

<table>
<thead>
<tr>
<th>FPN Amount</th>
<th>Phase 1 (March to June 2020)</th>
<th>Phase 2 (July to October 2020)</th>
<th>Phase 3 (November to December 2020)</th>
<th>Phase 4 (January to May 2021)</th>
</tr>
</thead>
<tbody>
<tr>
<td>£60</td>
<td>89.2%</td>
<td>94.9%</td>
<td>96.6%</td>
<td>90.4%</td>
</tr>
<tr>
<td>£120</td>
<td>8.3%</td>
<td>3.0%</td>
<td>2.7%</td>
<td>7.7%</td>
</tr>
<tr>
<td>£240</td>
<td>1.9%</td>
<td>0.7%</td>
<td>0.6%</td>
<td>1.4%</td>
</tr>
<tr>
<td>£480</td>
<td>0.7%</td>
<td>1.4%</td>
<td>0.2%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Total</td>
<td>4,536</td>
<td>844</td>
<td>2,861</td>
<td>11,990</td>
</tr>
</tbody>
</table>

Number of FPNs by locus type, 27 March 2020 to 31 May 2021

<table>
<thead>
<tr>
<th>Locus type</th>
<th>Number of FPNs</th>
<th>% of all FPNs</th>
<th>% FPNs where locus recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoors/private place</td>
<td>13,780</td>
<td>67.5%</td>
<td>81.8%</td>
</tr>
<tr>
<td>Outdoors/public space</td>
<td>3,068</td>
<td>15.0%</td>
<td>18.2%</td>
</tr>
<tr>
<td>Not recorded</td>
<td>3,562</td>
<td>17.5%</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>20,410</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Note: Percentages may not sum to 100 due to rounding

Age and sex profile

A very small proportion of all tickets (2.3%) was issued to people aged 16 or 17 years; however, this reflects a quirk of the Scottish legislation. Regulation 9 of the original Health Protection Restrictions in Scotland stipulated that anyone aged 16 or over could be issued an FPN. The Children and Young People’s Commissioner Scotland (CYPCS) raised an objection on the grounds that this age limit was incompatible with the definition of a child under the UN Convention on the Rights of the Child and in areas of Scots law. As a result, the lower age limit was increased to 18 by the Coronavirus (No. 2) (Scotland) Act and came into effect on 27th May 2020. This means that FPNs should only have been issued to individuals of age 16 or 17 for two months at the start of the pandemic. Analysis of the FPN data shows that a small number (n=220) of FPNs (206 for a value of £60, 14 for a value of £120) were issued to individuals aged 16 or 17 after the legislation was amended. However, it is most likely that

this occurred in circumstances where the age of the individual could not be verified by officers at the time of issue, and the tickets would have been subsequently withdrawn.

### Sex and age profile of people issued FPNs in Scotland, 27 March 2020 to 31 May 2021

<table>
<thead>
<tr>
<th></th>
<th>Number of FPNs issued</th>
<th>Percent of all FPNs issued</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>13,672</td>
<td>67.4</td>
</tr>
<tr>
<td>Female</td>
<td>6,611</td>
<td>32.6</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-17</td>
<td>476</td>
<td>2.3</td>
</tr>
<tr>
<td>18-20</td>
<td>5,838</td>
<td>28.7</td>
</tr>
<tr>
<td>21-25</td>
<td>5,772</td>
<td>28.4</td>
</tr>
<tr>
<td>26-30</td>
<td>2,641</td>
<td>13.0</td>
</tr>
<tr>
<td>31-35</td>
<td>1,740</td>
<td>8.5</td>
</tr>
<tr>
<td>36-40</td>
<td>1,292</td>
<td>6.3</td>
</tr>
<tr>
<td>41-45</td>
<td>925</td>
<td>4.5</td>
</tr>
<tr>
<td>46-50</td>
<td>670</td>
<td>3.3</td>
</tr>
<tr>
<td>51-55</td>
<td>486</td>
<td>2.4</td>
</tr>
<tr>
<td>56-60</td>
<td>297</td>
<td>1.5</td>
</tr>
<tr>
<td>Over 60</td>
<td>220</td>
<td>1.1</td>
</tr>
</tbody>
</table>

Note: Some individuals will be represented more than once as multiple tickets could be issued.

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55 There were 127 FPNs with no information on the sex of the recipient.
56 There were 53 FPNs with no information on the age of the recipient.
References


McVie, S. (2022) Payment Outcomes of Police Fixed Penalty Notices Registered by the Scottish Courts and Tribunal Service During the Coronavirus Pandemic.


