

Report No.
ES17040

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT
AND SCRUTINY COMMITTEE

Date: Thursday 29 June 2017

Decision Type: Non-Urgent Non-Executive Non-Key

Title: ENFORCEMENT ACTIVITY REPORT APRIL 2016 - MARCH
2017

Contact Officer: Jim McGowan, Head of Environmental Protection
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To advise Members of the activity undertaken by the Public Protection Division during the period 1 April 2016 to 31 March 2017 relating to the enforcement under delegated powers.

2. **RECOMMENDATION(S)**

Members are asked to:

2.1 Comment on the contents of this report;

2.2 Agree to receive further reports, every six months, on the Division's activity and enforcement under delegated powers.

Impact on Vulnerable Adults and Children

1. **Summary of Impact:**

The Officers regularly meet residents who are vulnerable and unable to properly look after themselves, resulting in their premises falling into disrepair and poor hygiene. The officers will work with them and their Landlords or Carers but on occasions the only resolution is through enforcement actions, as reported here.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment Safer Bromley
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Public Protection and Safety Portfolio Budget
 4. Total current budget for this head: £1.911m
 5. Source of funding: Existing controllable revenue budget 2016/17
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Personnel

1. Number of staff (current and additional): 44.4 FTEs
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Statutory Requirement:
Numerous statutes covering Public Health and Safety, Environmental Protection, Licensing, Consumer Protection, Trading Standards, Anti-Social Behaviour, Food Safety, and Control of Communicable Disease, etc.
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All of the Council's customers (including Council tax payers) and users of the service.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 At the meeting of the Public Protection and Safety, Policy Development and Scrutiny Committee on 15 November 2007, Members agreed they should receive reports of the enforcement activity undertaken by the Public Protection division on a six-monthly basis. However, the six monthly report was not produced in 2016 and therefore this Report is for the twelve month period from April 2016 to March 2017.
- 3.2 The enforcement activity for the period 1 April 2016 to 31 March 2017 is set out in Appendix A to this report. This covers all aspects of Public Protection enforcement (i.e. Environmental Protection, Food Safety, Public Health and Safety, Licensing, Trading Standards, and Anti-Social Behaviour).
- 3.3 It can be noted from the Report that some areas have increased significantly during the last twelve months when compared to the previous twelve.
- 3.4 Houses in Multiple Occupation (HMO) licences in particular have shown an increase from 5 to 16; but it should be noted that the licences are for a period of five years and the sixteen licences are renewals on existing premises as opposed to new HMO premises being licensed and as such is not expected to remain at this level into the future.
- 3.5 Food hygiene Notices have also increased significantly from 31 in 2015/16 to 55 in the year 2016/17. This is primarily due to the Agency EHO who has been employed to address some of the outstanding backlog of planned food hygiene inspections.
- 3.6 Where Prosecutions are taken, the Legal costs and Public Protection costs are applied for and recovered from the perpetrator if the prosecution has been successful.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The Officers regularly meet residents who are vulnerable and unable to properly look after themselves, resulting in their premises falling into disrepair and poor hygiene. The officers will work with them and their Landlords or Carers but on occasions the only resolution is through enforcement actions.

5. POLICY IMPLICATIONS

- 5.1 Enforcement activity is undertaken in accordance with the agreed Enforcement Policy:
 - a. The Public Protection Division undertakes its regulatory function in accordance with risk assessment criteria, ensuring the service resources are focused upon those activities or practices that present the greatest risk to public health, safety or potential economic loss to the customer.
 - b. Consistency of approach aims to ensure that officers are consistent in the exercise of the discretion to achieve similar ends in similar circumstances, irrespective of which officer deals with the matter.
 - c. It is important to the service that people understand what is expected of them and what they should expect from the Council. This includes making it clear between statutory requirements (what they have to do), and, where relevant, what they do not have to do (advice or guidance on good practice).
 - d. Where enforcement action is necessary, officers will take appropriate action dependent upon the seriousness of any breach of the law. The action that they take will be

proportionate to the seriousness of any breach of the law relating to the health, safety, quality of life or economic position of the local and business community.

6. FINANCIAL IMPLICATIONS

6.1 All enforcement activity is undertaken within existing resources and agreed grant allocation.

7. PERSONNEL IMPLICATIONS

7.1 All enforcement activity is undertaken within existing staff resources and agreed grant allocation.

Non-Applicable Sections:	Legal Implications
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