

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Date: Thursday 28 March 2019

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

Title: PUBLIC PROTECTION PERFORMANCE AGAINST AGREED ENFORCEMENT INDICATORS SCRUTINY REPORT

Contact Officer: Joanne Stowell, Assistant Director: Public Protection
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

This report highlights the performance of services within Public Protection against the performance indicators as agreed in report ES18069 Enforcement Activity- Future Scrutiny dated 27th September 2018

2. RECOMMENDATION(S)

That Members note the contents.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Summary of Impact: Vulnerable adults and children are at increased risk from the adverse impacts of issues such as: unfit food, poor housing conditions and being targeted by rogue traders, and the enforcement work of teams within Public Protection seeks to safeguard the health, safety and wellbeing of vulnerable groups.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection & Enforcement Portfolio Budget
 4. Total current budget for this head: £2.917m
 5. Source of funding: Existing revenue budget 2018/19
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Personnel

1. Number of staff (current and additional): 49.7 FTEs
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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Ward Councillor Views

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

3. COMMENTARY

- 3.1 The work of the services within Public Protection seek to ensure that Bromley continues to be a safe and healthy place for those who live, visit or work in the borough, now, and in the future. The scope of services is wide and cut across many of the key areas of work within the authority. Essentially if an enforcement issue affects the health, wellbeing or safety of the public, or the stewardship of our natural or built environment, it is likely that services within the Portfolio will have an active role to play.
- 3.2 Much of the work is carried out within a regulatory framework, and can be statutory, with standards being set by national regulators like the Food Standards Agency, the Health & Safety Executive, Environment Agency and the Health Protection Agency. However, there is a balance to be struck, between actively providing support, advice and information as well as targeting enforcement activity against those that put public health, the local economy, the environment or community at risk.
- 3.3 This regulation fulfils a number of policy objectives, and assists the Council to deliver against many themes within the 'Building a Better Bromley' vision, and achieves this through various means including:
- **Safe:** tackling antisocial behaviour and criminal activity such as doorstop crime, securing health & safety in the workplace, and coordinating the Council's response to the Prevent Strategy.
 - **Quality Environment:** through tackling nuisance behaviour and by protection the environment from polluting processes,
 - **Children & Young People:** Tackling the sale of age-restricted products, particularly alcohol, tobacco and knives, through test purchase operations
 - **Housing:** assisting in the provision of safe and secure housing in the private rented sector.
 - **Involved:** Working closely with our partners and the community to develop and deliver our services.
 - **Prosperous & Thriving:** through responsible regulation and enforcement to ensure a fair and safe trading environment for residents, businesses and visitors,
 - **Quality Public Services:** delivering quality Public Protection and Enforcements services with significantly less funding, with a focus on budgetary control, contract performance monitoring and management, and commissioning opportunities.
- 3.4 The primary function of Public Protection regulatory and enforcement work is to protect the public, public funds, the environment and groups such as consumers, residents and tenants, workers and businesses. At the same time, carrying out such activity in an equitable, practical and consistent manner helps to maintain a level playing field for local businesses, individuals and our other service users.

4. Main Service Responsibilities of Public Protection

- 4.1 The enforcement remit of Public Protection is varied; it includes (amongst other things): protecting people from excessive noise or nuisance, advising businesses on food safety, reacting to outbreaks of food poisoning, acting as an environmental custodian, protecting vulnerable groups from doorstop crime, issuing licences for the selling of alcohol, and improving housing standards through inspecting houses in multiple occupation (HMOs).
- 4.2 The Teams that sit within Public Protection that have an enforcement function are:
- Food Safety;
 - Health & Safety;
 - Environmental Protection & Nuisance;

- Housing Enforcement (e.g. Private rented sector and HMOs);
- Licencing;
- Anti-social Behaviour;
- Trading Standards; and
- Community Safety.

5. Performance Against the Agreed Indicators

- 5.1 In line with the recommendations within the Enforcement Activity – Future Scrutiny Report dated 27th September 2018, performance against the suite of agreed performance indicators between 1st April 2018 to 31st January 2019 are presented in Table 1 below.
- 5.2 Performance Indicators (PIs) are the tools of performance measurement used to measure and monitor how well services (and teams within them) are progressing towards achieving our goals, and each month a performance monitor is produced. To ensure sufficient scrutiny is given to each of the indicators, they are risk classified as Green, Amber or Red. This classification is made using outturn data, information on past performance and factors affecting the service in the current year, however, targets may be changed to reflect the availability of resources and/or service priorities.

Table 1 Performance against the agreed Indicators

KPI no	Description	Target	Frequency	Aggregate Performance from 1 st April 18 to 31 st January 2019	RAG Status of aggregate performance
Food Safety & Health & safety Team					
PP1	To respond to service requests within 5 days (%)	80%	monthly	92.5%	GREEN
PP2	To ensure food premises are broadly compliant after a second visit (%)	70%	monthly	73%	GREEN
PP3	To carry out food hygiene inspections in accordance with FSA targets (No.)	1193	annual	1124	GREEN
PP4	To carry out food standards inspections in accordance with FSA targets (No.)	336	annual	897	GREEN
PP5	Number of overdue Food Hygiene inspections completed (No.)	648	monthly	558	GREEN
PP6	Number of overdue Food Standards inspections completed (No.)	129	monthly	486	GREEN
PP7	Number & % of inspections of high-risk business undertaken (Risk A and B food premises) (No. & %)	100%	annual	100%	GREEN
Health and Safety Team					
PP8	To respond to service requests within 5 days (%)	80%	monthly	87.5%	GREEN
PP9	To ensure premises are broadly compliant after a second visit (%)	100%	monthly	96%	GREEN
Environmental Protection and Nuisance					
PP10	Respond to service requests within 3 days (%)	80%	monthly	84%	GREEN
Housing Enforcement (e.g. Private rented sector and HMOs)					
PP11	Respond to service requests within 5 days (%)	80%	monthly	87%	GREEN
PP12	Total number of New HMO Fire Safety Improvement Schedules issued (where fire protection is inadequate) (No. & %)	100%	monthly	3 (100%) *new October	GREEN
PP13	Improvement Notice served for all cases where an FSIS has been issued (%)	100%	monthly	100% *new October	GREEN
Trading Standards					
PP14	To respond to referrals of doorstep crime & scams incidents from banks, police and adult safeguarding partners (No.)	50 pa	annual	65	GREEN
PP15	% of Level 1 calls responded to within 2 hours (%)	100%	monthly	100%	GREEN
PP16	To provide advice to businesses (No.)	120 pa	annual	91	GREEN
PP17	Number of test purchase operations to detect the sale of age-restricted products (No.)	100 pa	annual	107	GREEN
PP18	Number of awareness raising events & training to	80 pa	annual	64	GREEN

	groups & partners (No.)				
Community Safety & Anti-Social Behaviour					
PP19	Number of Community Impact Days (No.)	12	annual	10	GREEN
PP20	Complete 90% of ABC applications within 8 weeks of referral (%)	90%	annual	100%	GREEN

- 5.3 It is not possible to set PIs that require a certain type of enforcement action be achieved each month (e.g. serve 5 abatement Notices), as enforcement of this type must be in accordance with legislation, guidance and policy, moreover, enforcement of this type can only take place if the issue is witnessed, and meets a certain criteria. However, enforcement outputs such as these taken by each team within Public Protection are reported to the PP&E PDS every 12 months in the Enforcement Update Report (last report dated 3rd July 2018).
- 5.4 Performance across all teams has steadily increased throughout the year and all teams are showing 'green' in terms of performance against the agreed indicators, of particular note is the performance of the Food Safety Team whose are set to deliver against the action plan approved by the Food Standards Agency (FSA) to clear a backlog of inspections. As a result of the ongoing issues with recruitment to permanent vacant posts, the FSA acknowledged the impact of recruitment and advised the Team to focus on completing the A -D inspections that were due and the overdue C-D inspections; and further agreed to shift focus away from inspecting low risk unrated premises. As a result of the refocus, and by employing a pay per inspection regime (for a limited period), significant progress has been made against the action plan, and it is anticipated that the FSA audit will be signed off in April 2019.

6. Forward Plan for next report

- 6.1 The next Public Protection Performance against Enforcement Indicators Report is due to be presented to Public Protection and Enforcement Policy Development and Scrutiny Committee on the 10th September 2019.

Non-Applicable Sections:	Financial Implications, Personnel Implications, Legal Implications, Procurement Implications Policy Implications, Impact on vulnerable adults and children
Background Documents: (Access via Contact Officer)	ES18069 Enforcement Activity- Future Scrutiny dated 27th September 2018