

Report No.
ES19030

London Borough of Bromley

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: NEIGHBOURHOOD MANAGEMENT PERFORMANCE AGAINST
AGREED ENFORCEMENT INDICATORS SCRUTINY REPORT

Contact Officer: Toby Smith, Head of Enforcement, Neighbourhood Management,
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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 Neighbourhood Management against the performance indicators as agreed in report ES18069 Enforcement Activity- Future Scrutiny dated 27th September 2018

2. **RECOMMENDATION(S)**

2.1 That Members note and provide commentary on the contents of the report.

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 contraventions to the Highway, the presence of uncontrolled waste in the environment and anti-social behaviour in our parks and open spaces The enforcement work of the Neighbourhood Management Enforcement Team seeks to safeguard our local environment so that our public spaces can be enjoyed by all .
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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: £943k:
 3. Budget head/performance centre: Environment & Community Services Portfolio Budget
 4. Total current budget for this head: £943k
 5. Source of funding: Existing revenue budget 2018/19
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Personnel

1. Number of staff (current and additional): 9.1 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 Neighbourhood Management enforcement delivers a safe and clean environment for those who live, visit or work in the borough. We all have a responsibility to keep our neighbourhood clean, with the council, residents and visitors all having a part to play. From ensuring that our streets and green spaces remain clear of fly-tipping, the parks are a safe place to visit and enjoy, our Highway network is clear and free of encumbrances and offenders are prosecuted, our Neighbourhood Management Enforcement Team are responsible for delivering many of these services, working with contractors and a network of Friends groups and individuals too.
- 3.2 Much of the work is carried out within a regulatory framework, and can be statutory, with standards being set by primary legislation and national regulators, including the Environment Agency, the Fire Brigade and Police.
- 3.3 This service area 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
 - **Quality Environment:** through tackling nuisance behaviour and by protecting the environment from issues such as Highway Act contraventions, littering and dog fouling,
 - **Involved:** Working closely with our partners and the community to develop and deliver our services.
 - **Prosperous & Thriving:** through responsible enforcement to ensure a fair and safe trading environment for residents, businesses and visitors,
 - **Quality Public Services:** delivering quality Enforcement 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 Neighbourhood Management enforcement work is to protect the public, public funds, and the environment. 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 Neighbourhood Management Enforcement

- 4.1 The enforcement remit of the Neighbourhood Management Enforcement Team is varied; it includes (amongst other things): protecting people from the illegal and anti-social behaviour of a minority of residents, visitors and service users.
- 4.2 The enforcement activities undertaken are:
- Abandoned/nuisance vehicles;
 - fly tipping on public and private land;
 - overhanging vegetation onto the Highway from private properties;
 - illegal Highway crossovers, and illegal obstructions and trading on the Highway;
 - illegal use of the Highway such as for storing builder's materials;
 - unauthorised use of skips, scaffolding and hoarding;
 - illegal traveller incursions from any LBB public land; and
 - The issuing of fines for street litter and dog fouling.

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
NM1	The successful payment and recovery rate of Fixed Penalty Notices for street litter (Payment rate %)	70%	Monthly	63%	AMBER
NM2	The removal of abandoned nuisance vehicles within specified timescales (%)	95%	Quarterly	99%	GREEN
NM3	Provide security and enforcement cover to meet service objectives (% of hours provided)	100%	Monthly	100%	GREEN
NM4	Improve the number of Enforcement actions taking against fly tipping (Best value performance indicator 199d) (scale of 1-4 where 1 is good performance) <i>*From November 2018 onwards the methodology of this indicator has been amended to a % in order to provide a more accurate representation of this indicator.</i>	10%	Monthly	8.6%	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 Fixed Penalty 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 are reported to the PP&E PDS every 12 months in the Enforcement Update Report (last report dated 3rd July 2018) and in the regular Portfolio Plan performance update reports at each PDS committee meeting.

5.4 Performance across most areas has steadily increased throughout the year and all but one (1) indicator in table 1 are showing 'green' in terms of performance against the agreed indicators, of particular note is the performance of the removal of abandoned / nuisance vehicles.

5.5 One service priority item that does not have a KPI due to the complexity of the issue is Formal Enforcement Prosecutions as this is dependent on too many variables, including successful participation from witnesses, evidence availability and the inherent unpredictability of the Courts process. Table 2 (below) outlines the successful prosecutions that have taken place over the last 12 months with the offences being a contravention of the *Environmental Protection Act (1990)*. The non-payment of Fixed Penalty Notes (FPNs), as monitored in KPI – NM1 above, are prosecuted under s.87 and non-payment leads to significantly higher fines imposed by the Court.

Table 2. Formal Enforcement Prosecutions – Period: last 12 months

<i>Offence</i>	<i>Case ID</i>	<i>Fine Imposed (£)</i>	<i>Surcharge (£)</i>	<i>Costs Levied (£)</i>	<i>Conditional Discharge</i>
s.33	1/11.18	666	66	250	
s.33	2/8.18	346	34	458	
s.33	3/4.18	207	30	200	
s.33	4/4.18			458	12 months
s.34	1/11.18	307	30	458	
s.34	2/9.18	733	73	458	
s.34	3/9.18	160	30	458	
s.34	4/7.18	930	46.50	458	
s.87	1F189	440	44	150	
s.87	2F189	440	44	150	
s.87	3F189	50	30	0	
s.87	4F189	220	30	250	
s.87	5F189	220	30	250	
s.87	6F189	220	30	250	
s.87	7F189	123	30	250	
s.87	8F189	40	30	100	

5.6 The fines and surcharges detailed above are received by the Court and any costs levied go to the Legal division of the Council.

6. Forward Plan for next report

6.1 The next Neighbourhood Management 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