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

Date: 26th June 2019

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

Title: ENFORCEMENT ACTIVITY UPDATE

Contact Officer: Hedley Pugh, Head of Service: Public Protection
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

- 1.1 To advise Members on the enforcement activity under delegated powers undertaken by the Public Protection Division, Planning Enforcement, Neighbourhood Management (Environmental Enforcement) and Parking Enforcement during the period 1 April 2018 to 31 March 2019.

2. **RECOMMENDATION(S)**

Members are asked to:

- 2.1 **Note the contents of this report;**
- 2.2 **Agree to receive an annual report on the service areas identified within the report.**

Impact on Vulnerable Adults and Children

1. 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. The enforcement work of teams within Public Protection seeks to safeguard the health, safety and wellbeing of vulnerable groups. In addition, the work undertaken by Parking Services on Blue Badge enforcement seeks to ensure that vulnerable road users have the access they require to appropriate parking spaces and that the scheme is not abused.
- 1.2 The service activities within Planning Enforcement and Neighbourhood Management Enforcement are used by all residents, including vulnerable adults and children. They are generally universal in nature. Adjustments are made as required, to ensure services are as accessible as possible and all users are safe. Where vulnerable adults or children may potentially be affected by a proposal or contract, the issues would be covered in that particular report, plan or contract, rather than in this report.

Corporate Policy

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

Financial

Public Protection & Enforcement

1. Cost of proposal: Not Applicable:
2. Ongoing costs: Not Applicable:
3. Budget head/performance centre: Environment & Community Services Department Budget
4. Total current budget for this head: £46.7m
5. Source of funding: Existing controllable revenue budget for 2019/20

Personnel

Public Protection and Enforcement

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

Legal

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

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.

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 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.

3.2 Previously this report highlighted the enforcement activities of teams within Public Protection. However, in 2018 Members requested that all enforcement related services within the Environment and Community Services (ECS) Directorate be included into the Public Protection and Enforcement Portfolio. The rationale being that it gave a more pronounced regulatory focus.

3.3 As the enforcement activity for the additional service areas is data intensive, a summary of the key issues for each area is highlighted below, and the detail for each service area is included in the following appendices:.

3.4 Key issues to note:

3.5 Public Protection

In the period April 2018 to March 2019 the teams within Public Protection saw an overall 12 percent decrease in service requests received but an increase in the enforcement and regulatory activities carried out, this was as a result of changes to legislation, a proactive focus on controlling noise from construction sites, and the increased number of inspections carried out by the Food Safety Team.

3.6 Planning

In the period April 2018 to March 2019, the Council received 863 new complaints concerning alleged breaches of planning control. This compares with approximately 768 complaints registered in the previous year (an increase of 12%). The type of complaint which saw the highest % increase was Untidy Sites under Section 215 (28%).

3.7 Neighbourhood Management

Compared to 2017/18, the number of reported fly tips in 2018 /19 increased slightly by 3.1%, and the enforcement action taken in response to this activity also fell. This reduction in enforcement was not only as a result of a decrease in reports received, but staff vacancies / absences during the year had an additional impact. Management action has been taken to cover the vacancies / absences as far as reasonably possible with temporary measures / staffing to ensure enforcement action is commensurate to the number of actionable incidents reported.

3.8 Parking

3.9 Parking Services closely monitor the parking contractor 'APCOA Parking' and there are 10 enforcement KPIs that are applied. KPIs and enforcement performance are discussed monthly in the contract meetings. The number of PCNs issued in 18/19 was 73,348 which has decreased by 9% when compared to 17/18 figures of 80,495, however further work is on-going with the Contractor to ensure the Borough is being enforced efficiently as possible.

- 3.10 Full details of the enforcement activities of the above services for 2018/19 have been provided in the following appendices:
- Appendix 1 Enforcement Outputs for Public Protection
 - Appendix 2 Enforcement Outputs for Neighbourhood Management Enforcement
 - Appendix 3 Enforcement Outputs for Parking Enforcement
 - The enforcement activities for Planning can be seen in the Planning Enforcement Progress and Monitoring Report 2018-2019 DRR19/033

4. POLICY IMPLICATIONS

Public Protection

- 4.1 Enforcement activity is undertaken in accordance with the Enforcement Policy adopted by the Council 2 February 2012. The enforcement policy provides guidance to Councillors, Officers, businesses and individuals on the range of options that are available to achieve compliance with legislation enforced by the Public Protection Division
- 4.2 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, pose an increased threat to vulnerable groups, pose a risk to safety, or have a potential economic loss to the customer.
- 4.3 The primary objective is to achieve regulatory compliance, recognising that prevention through education and advice is preferable. However, there will be instances where it becomes necessary to take formal action against a business or individual. In these cases, the Enforcement Policy applies the Regulators' Compliance Code, to ensure our regulatory enforcement functions are carried out in a way that are: proportionate, consistent, and transparent.
- 4.5 The current Corporate Enforcement Policy is being updated to take into account the introduction of the Regulator's Code (2014) by the Department for Business, Innovation and Skills. This guidance code emphasises the role of regulators in actively assisting and communicating with businesses and individuals who are affected by the regulations, before resorting to more formal enforcement measures (prosecutions, cautions etc.). Notwithstanding the need for the update, the Officers within the Division already apply this approach.

Planning Enforcement

- 4.7 Planning enforcement activities are undertaken in accordance with The Planning Enforcement Policy.

Neighbourhood Management Enforcement

- 4.8 Neighbourhood Management enforcement activities are undertaken in accordance with the policies set out in the Environment and Community Services Portfolio Plan 2018/21 and any other associated plans and strategies as detailed in the ECS 'Policy Register: Strategies and Service Plans 2018-19'.
- 4.9 The 2018/21 Environment Portfolio Plan supports the Council's 'Building a Better Bromley' objectives, principally in respect of delivering a Quality Environment and an Excellent Council, and effectively defines the Council's environmental service policy.

4.10 The Portfolio Plan's aims are delivered through the ECS service contracts but delivery is also within the context of the Council's formally adopted environmental policies.

Parking

4.11 Parking enforcement activities are undertaken in accordance with the policies set out in the Environment and Community Services Portfolio Plan 2018/21 and the Bromley Parking Strategy (Adopted: January 2012) which sets out parking policy and provides local solutions for parking problems including identifying priorities for enforcement and future investment.

5. FINANCIAL IMPLICATIONS

5.1 The enforcement activity detailed in this report has been undertaken within the existing revenue budget of the ECS Department and any external funding secured.

6. LEGAL IMPLICATIONS

6.1 Legal Requirement: Statutory Requirement. The Council carries out enforcement activity under statutory powers. There are no direct legal implications arising from this update report

7. IMPACT ON VULNERABLE ADULTS AND CHILDREN

7.1 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. The enforcement work of all teams within the Public Protection plays a vital part in safeguarding the health, safety and wellbeing of vulnerable groups. In addition, the work undertaken by Parking on Blue Badge enforcement seeks to ensure that vulnerable road users have the access they require to appropriate parking spaces and that the scheme is not abused.

7.2 The service activities within Planning enforcement and Neighbourhood Management Enforcement are used by all residents, including vulnerable adults and children. They are generally universal in nature - rather than being directed at particular community groups. Adjustments are made, as required, to ensure services are as accessible as possible and all users are safe. Where vulnerable adults or children may potentially be affected by a proposal or contract, the issues would be covered in that particular report, plan or contract rather than this strategic document.

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| Non-Applicable Sections: | Personnel Procurement |
| Background Documents | Public Protection Enforcement Policy 2012 |