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

Date: 8th December 2020

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

Title: ENFORCEMENT ACTIVITY UPDATE 2019-2020

Contact Officer: Joanne Stowell Assistant Director of Public Protection
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Chief Officer: Colin Brand, Director of Environment and Public Protection

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, Neighbourhood Management (Environmental Enforcement) and Parking Enforcement during the period 1 April 2019 to 31 March 2020,

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.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Quality Environment:
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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: £
 5. Source of funding: Existing controllable revenue budget for 2020/21
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Personnel

Public Protection and Enforcement

1. Number of staff (current and additional):
 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:

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.

3.1 As the enforcement activity for the additional service areas is data intensive, a brief summary of the key points for each area is highlighted below, and the detail for each service area is included in the appendices detailed in paragraph 3.9.

3.4 Key points to note:

Public Protection

3.5 In the period April 2019 to March 2020 the teams within Public Protection saw a relative percentage decrease of -3.34% (13580- 13140) in overall service requests received when compared to the previous year; and an associated -11 % decrease in the enforcement and regulatory activities. Within the category of statutory nuisance, where most enforcement activity takes place, the number of Notices decreased by 49% (63 to 32). Having said that, the numbers for the previous year were high as a result of an unusual number of in-year car alarm nuisances, and the introduction of the Noise App. The Noise App is a phone-based App, used by customers to report noise nuisance directly to the Council. It is designed to be a triage tool to make it easier for the Officer to manage reports of noise nuisance and to monitor noise remotely. It captures audio, GPS data, timestamps, and source information about each report, allowing Officers to focus cases that need enforcement actions. The App also assists with case management, and allows Officers to prioritise, set report statuses such as 'under investigation', 'notice served' and 'closed'. As expected, when the App was first launched the number of Notices increased as Officers could assess the severity of a case from the recording submitted. However, as the use of the App became more widely known, Officers have been told anecdotally that its use has acted as a deterrent. Perpetrators of noise are now aware that witnessing their activities is no longer dependant on an Officer being present within a premises, and that their behaviour can be recorded, submitted and assessed remotely. Following the FSA audit and the subsequent action plan being delivered in 2019, the backlog of unrated and overdue food premises was addressed; as a result, compliance increased in this sector, and the number of Food Hygiene Improvement Notices also fell by 53% when compared to the previous year. Enforcement activity in the Community Safety arena rose, with exponential increases noted in the service of Acceptable Behaviour Contracts (ABCs 11 to 38) and Early Intervention Warnings (1 to 23). These increases cannot be viewed in isolation, as the previous year's figures were very low due to a drop in referrals following the removal of the dedicated police officers at Bromley Police Station. Fortunately, an ASB Police Officer was reinstated and posted to Bromley. Additionally, the ASB and Nuisance Team Officers have combined roles, and have developed new and improved ways of working with the police; as a result, the enforcement in this area has increased.

Covid Activity

3.6 Whilst this report is primarily to report on the enforcement activities of the fiscal year 2019-20, COVID enforcement activity has also been requested. The services within Public

Protection have played a vital role throughout the COVID-19 pandemic, from business closure enforcement during the first stage of lockdown, supporting contact tracing efforts, assisting the shielding team, and with helping to safeguard local businesses from scams and fraud. Full details are provided within Appendix 1. Enforcement Outputs for Public Protection

Neighbourhood Management

- 3.7 In the period April 2019 to March 2020 the number of reported fly-tips saw a relative percentage decrease of 1.5% (3172-3123), however the associated enforcement action taken in response to this activity decreased by 9% when compared to the previous year. The reduction in enforcement action was due to a number of complex cases taking lengthy periods of investigation. This was compounded by delays due to non-production of evidence or explanations from uncooperative suspects, together with cases where warning letters were viewed as being more appropriate.

Parking

- 3.8 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. In the period April 2019 to March 2020 the number of PCNs issued increased by 7% (73,348 – 78,433), when compared to the previous year.
- 3.9 Full details of the enforcement activities of the above services for 2019/20 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

4. POLICY IMPLICATIONS

Public Protection

- 4.1 Enforcement activity is undertaken in accordance with the Enforcement Policy adopted by the Council in March 2020, which was updated to incorporate the principles within 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 applied this approach.
- 4.2 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
- 4.3 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.
- 4.4 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.

Neighbourhood Management Enforcement

- 4.5 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 2019-20'.

Parking

- 4.6 Parking enforcement activities are undertaken in accordance with 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 2020 |