
Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO
HOLDER AND PDS COMMITTEE

**For Pre-Decision Scrutiny by the Public Protection &
Enforcement PDS Committee on**

Date: 16th March 2021

Decision Type: Non-Urgent Non-Executive Key

Title: Public Protection and Enforcement Draft Portfolio Plan
2021/22

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Chief Officer: Colin Brand, Director of Environment & Public Protection

Ward: (All Wards)

1. Reason for report

This report presents a draft Public Protection and Enforcement Portfolio Plan for 2021/22 for scrutiny by PDS Members and subsequent endorsement by the Public Protection and Enforcement Portfolio Holder.

2. **RECOMMENDATION(S)**

2.1 That the Public Protection and Enforcement PDS Committee :

- Considers the draft Portfolio Plan (Appendix 1) and provides comments to the Portfolio Holder.

That the Public Protection and Enforcement Portfolio Holder:

- Endorses the outcomes, aims and performance measures set out in the draft 2021-22 Public Protection and Enforcement Portfolio Plan, taking into account the 2021 budget and the views of this Committee.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Public Protection and Enforcement services are used by all residents, including vulnerable adults and children. 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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Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council Quality Environment Safe Bromley Supporting Independence Healthy Bromley
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Public Protection & Enforcement Portfolio
 4. Total current budget for this head: £2.48m
 5. Source of funding: Existing controllable revenue budget for 2020/21
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Personnel

1. Number of staff (current and additional): 46.3FTEs
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: Detail of the service contracts to which this portfolio plan relates are maintained on the Council's Contracts Database, summaries of which are reported to this Committee as part of the Contract Register on a bi-annual cycle. Contractor Performance is scrutinised on a regular basis and contracts are procured in line with all applicable legislation and the Council's Contract Procedure Rules.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents and visitors
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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 The Public Protection and Enforcement Portfolio leads the delivery of the Council's individual and coordinated activity to ensure that Bromley continues to being a safe and healthy place for those who live, visit or work in the borough, now, and for future generations. The scope of the Portfolio is wide and cuts 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 In addition to Public Protection, this portfolio plan encompasses Planning Enforcement, Neighbourhood Management Environmental Enforcement, and Parking Enforcement.

Updates from 2020/21 Portfolio Plan

- 3.3 Throughout 2020/21 Public Protection (Commercial Regulation) Officers have enforced the Coronavirus regulations, which have placed changing restrictions and obligations on businesses, and provided local authorities with a range of enforcement tools to secure compliance. The purpose of the regulations is to control the spread of the virus, and this was kept in mind when determining enforcement decisions where the law and guidance could be open to interpretation.
- 3.2 In addition to the established Enforcement Policy, a Covid enforcement protocol was agreed with the Metropolitan Police; this incorporated the 4 E's: i.e. to Engage, Explain, Encourage, Enforce. With regards to enforcement, Officers have flexed between face to face interactions where the businesses are permitted to be open (depending on the tier status), and surveillance visits, which is where officers have been checking town centres and business areas to ensure non-essential businesses are closed.
- 3.3 Performance and enforcement actions undertaken against the previous Portfolio Plan has been presented to the PP&E PDS committee for scrutiny (see insert numbers); below are examples from each service area that demonstrate the support services provide to each other and the diversity of work undertaken within the Portfolio area:

Trading Standards

- 3.4 Officers from Trading Standards have also conducted follow up visits to vulnerable residents who had not responded to contact by the track and trace teams, as well as providing regular updates to warn against several Conflict of Interest Disclosure (COID) related scams and frauds.

Commercial and Domestic Regulation

- 3.5 Officers from across the Commercial and Domestic regulation teams supported colleagues in Environment with the implementation and enforcement of new regulations which introduced the temporary Pavement Licensing regime. This allowed licenced premises and some food outlets in certain circumstances to apply for a licence to have tables and chairs on the public highway.

- 3.6 The Nuisance and Anti-Social Behaviour Team have added to the Council's investigative capabilities through deploying body worn video cameras during 2020. This addition to the teams processes will enable better evidence gathering and also ensure both officers and the public are dealt with in a fully professional manner at all times.
- 3.7 The Air Quality Action Plan was reviewed, consulted upon and agreed by the Greater London Authority (GLA). The plan collates the actions that will be taken by all partners to maintain and improve the air quality within the Borough. The GLA who formally approved the plan noted that the plan was well written and comprehensive. It was subsequently adopted by the Executive on the 16th September 2020.

Community Safety

- 3.8 The Community Safety Team produced the Safer Bromley Partnership Board Strategy for 2020-2023. This incorporated the Community Plan and the Crime Reduction Strategy into a single document, and sets the direction as to how partners will work together to reduce crime and ASB in the Borough.
- 3.9 The Community Safety Team undertook a review of the Public Space Protection Orders within the borough which cover parks in Bromley, Beckenham and Penge in 2020 in accordance with the need to review the orders tri-annually. The review included a public consultation, and respondents were asked if they wished to see the orders cover the borough in its entirety, and further, whether psycho active substances should be added to the controls. There was overwhelming support for both suggested amendments and an amended PSPO now applies to all land within the Council's borough where the public have access to.

Highways and Network Management and Neighbourhood Management

- 3.10 Throughout the start of the Covid Pandemic as of March 2020 the Street Enforcement team has been working "business as usual " responding to customer complaints, undertaking site and residential visits concerning all matters of highway enforcement. This ranges from the investigation into, the removal of unauthorised traveller encampments onto LBB land, fly tipping, abandoned vehicles, illegal encroachment of Highway land, overhanging vegetation onto the footway, removal of illegal skips, cones hoarding and other obstructions on the highway.
- 3.11 In addition the Councils Park Security contractor (Ward Security) has continued to fulfil its contractual obligations and operate 7 days a week, 365 days a year enforcing parks Byelaws and most importantly working in Co-operation with the Police in helping to enforce Covid Regulations.

Planning Enforcement

- 3.12 In the period April 2019 to March 2020, the Council received 768 new complaints concerning alleged breaches of planning control. This compares with approximately 863 complaints registered in the previous year (- 12%).

In terms of enforcement activity 55 enforcement notices were issued in respect of breach of planning control in the period April 2019 to March 2020, in other cases, negotiation led to matters being resolved before notices were issued.

Draft Portfolio Plan 2021/22

- 3.13 **Appendix 1** sets out the draft Public Protection and Enforcement Portfolio Plan for the 2021/22 financial year. As with previous years, there are 4 priority areas identified within the draft plan.
- 3.14 The Plan uses the recently developed Corporate Template which is aligned to the ambitions of the updated Building a Better Bromley (BBB) document which is yet to be signed off by Executive. BBB is therefore subject to change. Should the overarching BBB document be updated, the Portfolio Plan will be amended accordingly. In addition to Public Protection, this portfolio plan encompasses Planning Enforcement, Neighbourhood Management Environmental Enforcement, and Parking Enforcement.

Priorities

- 3.15 **Priority 1: We will keep Bromley safe.** We will take an intelligence led and partnership approach; working together with public sector agencies, businesses, and local communities to reduce: envirocrime, crime and to improve safety.
- 3.16 **Priority 2: We will protect consumers.** We will maintain our community safety and trading standards and public protection services, to protect elderly and otherwise vulnerable residents in Bromley, and to ensure there is a fair, safe, and genuine trading environment, through encouraging compliance and responsible enforcement.
- 3.19 **Priority 3: We will support and regulate businesses.** We will abide by the approach within our enforcement policy, and embed a risk-based, proportionate, targeted, and flexible approach to regulatory inspection and enforcement among the regulators to which it applies. This approach will ensure that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate.
- 3.18 **Priority 4: We will protect and improve the environment through custodianship and effective and responsible enforcement.** We will make a difference to people's lives by promoting a healthier, fairer, and safer environment in local homes and within our communities, through appropriate policies and by providing compliance advice, education and through proportionate regulatory enforcement. We will focus on promoting behaviour change, and supporting compliance, working with businesses, the community and volunteer groups, and taking appropriate action to ensure the street environment meets local needs. We will undertake enforcement activity around issues relating to anti-social behaviour, illegal incursion, dog attacks and drug abuse in our parks and open spaces; and we will manage parking issues through effective enforcement to balance the needs of motorists, residents and businesses.
- 3.19 As a result of the pandemic and its ongoing impact, the plan highlights those areas where performance may be affected, and also includes new actions and performance indicators that demonstrate Bromley's commitment to fulfilling new regulatory

statutory duties arising from Covid legislation. (see Appendix 1 pages 6, 10, 13 and 14). The plan also notes those areas of performance and enforcement that may be affected by the pandemic moving forwards, this includes the ability to meet previous inspection targets set by the Food Standards Agency (FSA), and the ability to carry out test purchasing. (see pages 7, 8, 10, 13 and 14).

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 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 the teams within the Public Protection Division play a vital part in safeguarding the health, safety and wellbeing of vulnerable groups; specific examples from the Food Safety, Housing Enforcement and Trading Standards Teams are given below.
- 4.2 The Food Safety Team plays a vital part in safeguarding the vulnerable particularly in relation to educational and care homes settings. Good nutrition and safe food are essential to everyone's health and wellbeing which is further enhanced in terms of vulnerable adults and children. The enforcement of food regulations ensures that food provided in these settings is safe, therefore protecting our vulnerable residents.
- 4.3 The impact of poor housing is exacerbated for vulnerable adults and children, and the Housing Enforcement team works to ensure acceptable standards are maintained and enforcement action is taken if these standards are not met. In addition, the work of the Trading Standards team to tackle rogue traders and doorstep crime directly affects some of our most vulnerable members of the community. Positive results in 2018/19 and have meant that unscrupulous individuals have been either fined or face custodial sentences for attempting to defraud individuals out of money and possessions. The work to prevent underage sales of tobacco and alcohol protects vulnerable children from the harmful effects of these products and seeks to educate and enforce against those who flaunt the law.
- 4.4 Officers continue to work in partnership with colleagues from other LBB business units and external agencies as part of the Adult Safeguarding Board.

5. POLICY IMPLICATIONS

- 5.1 The activities in this report reflect the Council's priorities and aims as set out in:
- [Building a Better Bromley 2016-18](#) ('Quality Environment' & 'Excellent Council'). Note that this document is being updated and will be published shortly.
 - Plans and Policies as specifically referenced within each Priority area of the Portfolio Plan.
- 5.2 The attached Portfolio Plan is recommended as a summary of activity and accountability in relation to the Council's role in making the borough a safer and healthier place. Reducing crime and anti-social behaviour continue to be significant priorities for the Council, both in the activities delivered across a wide range of services, and in the Council's leadership of key multi-agency partners.

6. FINANCIAL IMPLICATIONS

- 6.1 The Public Protection and Enforcement Portfolio's priorities will be delivered within the resources identified in the 2021-22 budget, including any further external funding that can be secured.

7. PROCUREMENT IMPLICATIONS

- 7.1 Most of the Portfolio Plan's priorities are underpinned by contracts and where these have a Total Contract Value (TCV) greater than £200k, they are reported in the Corporate Contract Register. The procurement status of contracts with a TCV >£50k is also reported to the PDS Committee for detailed scrutiny.
- 7.2 PDS Committee also scrutinises 'Procurement Strategy' and 'Award of Contract' reports, and monitors individual contracts and scrutinises the contractors themselves as appropriate.

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| Non-Applicable Sections: | Personnel implications, legal implications |
| Background Documents: (Access via Contact Officer) | PDS Committee agendas and minutes Public Protection and Enforcement 2020/21 Portfolio Plan Building a Better Bromley Planning Enforcement - Report Number ES 20065 Enforcement Activity Update - Report Number ES18046 |