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**Decision Maker:** PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT  
AND SCRUTINY COMMITTEE

**Date:** 16<sup>th</sup> March 2021

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

**Title:** COVID 19 PUBLIC PROTECTION ENFORCEMENT UPDATE

**Contact Officer:** Rob Vale, Head of Trading Standards & Commercial Regulation  
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**Chief Officer:** Colin Brand, Director of Environment & Public Protection

**Ward:** All Wards

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1. Reason for report

- 1.1 This report sets out the enforcement action taken by the services within Public Protection in response to the COVID19 pandemic and associated Health Protection (Coronavirus, Business Closure) Regulations 2020 (**The Closure Regulations**), and subsequent legislation.
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2. **RECOMMENDATION(S)**

- 2.1 Members of the Public Protection and Safety Policy Development and Scrutiny Committee are asked to note the content of the report.

## Impact on Vulnerable Adults and Children

- 1.1 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 teams within Public Protection seeks to safeguard the health, safety and wellbeing of vulnerable groups.
- 1.2 The work of the Council seeks to keep vulnerable adults and children safe from harm during the COVID-19 crisis and will continue to support these residents through the roll-out of the Council's overarching recovery plan.

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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

1. Cost of proposal: Not Applicable:
2. Ongoing costs: Not Applicable:
3. Budget head/performance centre: Assistant Director of Public Protection
4. Total current budget for this head: £2.6M
5. Source of funding: Existing budget

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## Personnel

1. Number of staff (current and additional): Enforcement activities are undertaken by Officers within Public Protection.
2. If from existing staff resources, number of staff hours: The resources are equivalent to 3FTEs

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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): All residents and visitors to the borough
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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 Introduction**

- 3.2 This report provides an overview of the response provided by services within Public Protection , beginning with the Council's Operation.
- 3.3 The local response in Bromley to COVID-19 has been mobilised through the hard work and commitment of Officers, elected members, residents, local businesses, partner organisations, and local voluntary and community groups, who have come together to support the most vulnerable and at risk people in our communities during these unprecedented times.
- 3.4 The Government recognised that Environmental Health and Trading Standards teams (that sit within Public Protection) already had strong relationships with local business and business representatives, and that the Officers understood how to work with this sector to ensure that they operated responsibly to protect the public and the NHS. As a result, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Closure Regulations and subsequent legislation) formally placed Public Protection Officers as the lead enforcers in supporting efforts to fight COVID19 through enforcing business closures.
- 3.5 Following the introduction of social distancing in March 2020, all services and business continuity plans within Public Protection were reviewed and delivery plans were agreed whereby all services would remain operational, albeit on an amended basis. Service offers were reconfigured in real time depending on the restriction in place. For example, following early guidance issued by the Food Standards Agency, a moratorium on physical premises inspections was imposed (other than for life and limb matters), however, where possible virtual inspections took place. Similarly, with regards to progression of other service requests (e.g. for nuisance), where face-to-face visits were not possible, arms-length investigations were carried out. For those services that have an administration element (e.g. premises licensing), it was business as usual, and all licenses were issued.

#### **Enforcement Remit and Enforcement Protocol**

- 3.6 Public Protection, like all services within the local authority, have played a vital role throughout the pandemic in explaining rules to local businesses, encouraging them to comply, and enforcing where necessary.
- 3.7 While the police have responsibility for enforcing and overseeing regulations as they apply to individuals, local authorities have been responsible for enforcing regulations applying to businesses.
- 3.8 Public Protection adopted the 4 E's enforcement tactic to ensure consistency of enforcement across the borough and formed the basis of joint enforcement plans within the BCU. The approach was:
- Engage – Be visible in public spaces and talk to people
  - Explain – Discuss behaviour and reasons why the legislation is in place
  - Encourage – Request and negotiate a change in behaviour to ensure compliance with the law
  - Enforce – If these measures fail then officers would consider enforcement measures
- 3.9 This approach is in accordance with the Council's Enforcement Policy 2020 and supports the belief that encouraging compliance is more effective than enforcement alone and is the most effective way of supporting businesses to make their customers feel safe or to re-open.

- 3.10 When it comes to tasking, an intelligence-led approach is taken, whether that be responding to service requests made by the public, issues raised by the Police, or matters noted by our Officers. As the legislation and regulations have changed frequently throughout the pandemic, it is not possible to establish meaningful medium term planning, and model is therefore ideal for tasking limited resources in the most flexible and effective way possible. This model allows for the consideration of newly emerging analysis relating to risks associated with business venues and affords management the ability to deploy Officers quickly to deal with emerging risks.
- 3.11 In accordance with the overarching Enforcement Policy and the Covid Enforcement 4 E protocol, the Public Protection approach to business compliance has been to undertake a staged approach, with enforcement as the last measure. Although the legislation changes have been frequent, the overall levels of compliance noted has been high; as such, it appears that the approach taken is appropriate and effective.

### **Timeline of Lockdown and Tiers**

3.12 Since March 20 there have been 3 lockdowns:

- Lockdown 1 - 24<sup>th</sup> March 20 -June-July 20 (easing of restrictions)
- Lockdown 2 – 31<sup>st</sup> October 20
- Tier 2 Restrictions – 2<sup>nd</sup> December 20
- Tier 3 Restrictions 14<sup>th</sup> December 20
- Tier 4 Restrictions 19<sup>th</sup> December 20
- Lockdown 3 - 4<sup>th</sup> January 21

### **Enforcement Activity**

3.13 The table below presents the enforcement activity carried out by Public Protection:

Table 1 - Activity 27<sup>th</sup> March 2020 to 28<sup>th</sup> February 2021 (based on information submitted to OPSS)

Interaction required with business to check compliance/respond to non-compliance closure requirements	Businesses checked by drive by surveys to monitor closures	No. of CPNWs & CPNS	Notices
3,240	26,404	111	15

- 3.14 Public Protection continued to work with partners and engage businesses in order to help them navigate a series of government announcements setting out rules for their staff and customers:
- Working with the LBB Communications team to develop support materials for business premises compliance
  - Supporting Public Health with scenario planning
  - Developing and sharing protocols on risk e.g. food inspections, PACE interviews on site
  - Extending Public Health England (PHE) messaging via business links e.g. food inspection
  - Conducting “COVID patrols” through utilising the party patrol service
  - Partnership working with the Licensing Police to target non-compliance of social distancing in licensed premises
  - Implementing the new Pavement Licence registration framework, working with colleagues from street services
  - COVID scenario planning also featuring in weekly BCU Community Safety Meetings
  - Development of an Metropolitan Police Service Unlicensed Music Events Protocol, in response to COVID tensions in parks

Working with Public Health to interpret changing government advice and legislation, in order to manage applications for events over the coming weeks and months

- Providing advice to landlords on their responsibilities and requirements to undertake necessary repairs. Provision of information relating to how risk can be managed and contact details for contractors operating within the area at this time
- Virtual housing inspections where possible, as well as liaison with tenants and landlords to remedy housing defects at arm's length
- Referral of cases relating to harassment or illegal eviction in relation to tenancy matters
- Working with Planning in relation to applications for the extension of construction hours and adjusting enforcement approach as necessary
- Supporting the National Trading Standards (NTS) Scams Team (Businesses Against Scams), which included free online training on a variety of common business related frauds. In total around 2300 businesses were contacted in partnership with the Business Improvement Districts (BIDs)
- Contacted 500+ vulnerable residents with advice on how to avoid scams, and assisted Police with Operation Nogi (who were able to conduct face to face visits and deliver food parcels in the early stages of lockdown)
- Picked up referrals from the shielding team, whereby Trading Standards Officers carried out home visits to check the wellbeing of high risk residents
- Contacted 650 food businesses to provide advice on how to operate as a takeaway
- Assigned a dedicated Officer to conduct joint COVID-19 Patrols with Police every weekend
- Attended weekly multi agency meetings, which included COVID 19 Tactical Group; BCU Leadership and Heads of Community Safety Partnerships and the South London Coronal Area, and Excess Deaths Steering Group.
- Emergency Planning Team performed the role of Resilience Advisers and supported the Chief Executive, Strategic Co-ordination Group and COVID-19 Tactical group in relation to the Council's collective response. The team have managed the Borough Emergency Control Centre, maintaining the link between the Council and London Resilience.

### **Roadmap out of LOCKDOWN 3**

3.14 On 22<sup>nd</sup> February 2021, the Prime Minister made a statement in the House of Commons on the roadmap to lift the national lockdown in England. The plan is set out in four parts, detailed in the '*COVID-19 Response - Spring 2021*', *setting out the roadmap out of the current lockdown for England*. This announcement will have a limited immediate impact on business restrictions with many businesses required to remain closed for the time being.

3.15 We anticipate new regulations will be laid to amend the existing The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 in the next two weeks.

## **4.0 FINANCIAL IMPLICATIONS**

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

## **5.0 LEGAL IMPLICATIONS**

5.1 The Closure Regulations were enacted at 2pm on 21 March 2020 by the Secretary of State for Health and Social Care, Matt Hancock, in response to the COVID-19 pandemic and required the closure of businesses selling food or drink for consumption on the premises and a wide range of other businesses, to protect against the risks to public health arising from coronavirus.

- 5.2. Local authorities were granted powers of enforcement via the Secretary of State. All enforcement officers in Public Protection have been designated under the closure regulations and subsequent amendments.

<b>Non-Applicable Sections:</b>	PERSONNEL POLICY PROCUREMENT
Background Documents: (Access via Contact Officer)	

