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

Date: 10th November 2021

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

Title: ENFORCEMENT ACTIVITY UPDATE 2020-2021

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 2020 to 31 March 2021,

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 education and 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: £
5. Source of funding: Existing controllable revenue budget for 2020/21

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.

3.1 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 3.13.

3.4 Key points to note:

Public Protection

3.5 In the period April 2020 - March 2021 the teams within Public Protection saw a relative percentage decrease of -50% in the enforcement and regulatory activities as highlighted within Appendix 1 Table 1. Having said that, within the category of statutory nuisance where most enforcement activity takes place, the number of Notices remained static between years (32). However, as a result of the pandemic, food safety enforcement decreased exponentially by 95%. The reasons for this decline are directly attributable to Covid-19, whereby the Food Standards Agency called a moratorium on inspections during the pandemic. This issue, together with the roadmap for recovery, has been considered in full by this Committee on the 7th September 2021 (The Food Safety Plan ES19061). Enforcement within ASB is referral led, and Appendix 1 Table 1 shows that enforcement here fell by 78%. This decrease is as a result of the drop in referrals made to the team by partner agencies, including the police and schools during lockdown. The ASB and Nuisance Team Officers now have combined roles, and post lockdown are working to develop new and improved ways of working with the police and partners.

3.6 Notwithstanding the decreases, there were notable increases in enforcement in the areas of private rented sector housing and health & safety. Housing is accepted as a wider determinant of health and wellbeing, and enforcement of housing standards is an integral part of improving housing conditions and in meeting the Council's statutory duties in relation to private rented sector housing. Appendix 1 Table 1 shows that enforcement in this area increased by 67% (6/10). Officers believe that this increase can be attributed to lockdown, whereby tenants had extended periods of being home, and this highlighted the inadequacies of some accommodation.

3.7 The Health & Safety Team supports businesses to achieve compliance, so as to ensure the health, safety and welfare of workplaces and employees is protected. Appendix 1 shows that an 87.5% increase in the number of improvement Notices served (16/30). Officers believe that this increase is as a result of certain businesses closing and new ones opening, as the change in ownership results in new proprietors requiring formal action to secure compliance.

Covid Activity

- 3.8 Whilst this report is primarily to report on the enforcement activities of the fiscal year 2020-21, 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 and residents from pandemic related scams and fraud. Full details are provided within Appendix 1. Enforcement Outputs for Public Protection section 17, whereby it can be seen that the Covid activity from Bromley's Public Protection Officers outperformed many other boroughs, who had a far higher capacity in terms of resources.

Neighbourhood Management

- 3.9 In the period April 2020 to March 2021 the number of reported fly-tips saw a relative percentage increase of 14.5% (3123-3575), however the associated enforcement action taken in response to this activity decreased by 23% when compared to the previous year.
- 3.10 The increase in incidents, whilst considerable, was 25.5% lower than the 40% increase experienced across London as a whole. The regional London increase has also been replicated nationally, and it is thought that the rise can be attributed to the National Covid lockdowns, whereby residents carried out works to their homes which generated waste, coupled with the temporary closures of the Reuse and Recycling Centres, which led to some residents illegally depositing items. With regards to the decrease in investigations, this is directly related to Officers being reassigned to Covid-19 duties, specifically the corporate tasking around shielding and assisting test centres, all of which sought to protect the borough from increasing rates of infection.
- 3.11 As the borough moves forward beyond the pandemic, it will refresh its Fly Tipping Action Plan, and will seek to take advantage of anticipated legislative reforms to tackle waste crime, which include the potential of mandatory electronic waste tracking, as well as additional measures in the Environment Bill 2019-20, that will afford a closer working relationship between agencies and local authorities, together with an ability to combat waste crime through better access to evidence and improved powers of entry. These new powers will help ensure waste criminals, such as illegitimate waste operators reliant on fly-tipping for income, are held accountable for their actions.

Parking

- 3.12 Parking Services worked with APCOA through a difficult year, having to frequently review both the Enforcement and back-office appeals policy due to the Covid-19 pandemic and the restrictions that were in place at the time. Unsurprisingly, PCNs issued were reduced in 2020/21 by 27% in comparison to the previous year and it was agreed that during the peak of the pandemic that some of the 10 enforcement KPIs would not be monitored.
- 3.13 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, and the Private Rented Sector Housing Enforcement Policy agreed in June 2021.
- 4.2 The Enforcement Policies provide guidance to Councillors, Officers, businesses and individuals on the range of options that are available to achieve compliance with the legislation enforced by the Public Protection Division
- 4.3 The Public Protection Division undertakes its regulatory functions 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 is 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 other associated plans and strategies as detailed in the ECS 'Policy Register: Strategies and Service Plans 2020-21.

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 Public Protection play 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 to appropriate parking spaces that they require 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.

Non-Applicable Sections:	Personnel Procurement
Background Documents	Public Protection Enforcement Policy ES20007 Private Rented Sector Enforcement Policy ES20095 The Food Safety Plan ES19061