

PUBLIC PROTECTION ENFORCEMENT ACTIVITY - STATUTORY NOTICES**Table 1**

	Legislation	Description	Notices 1/4/16– 31/3/17	Notices 1/4/2017- 31/3/2018	Notices 1/4/2018- 31/3/2019	Notices 1/4/2019- 31/3/2020	Notices 1/4/2020- 31/03/2021
Environmental Protection & Nuisance							
1	Environmental Protection Act 1990 S.80	Noise from amplified music (domestic premises) EP90QS	7	8	20	14	10
2	Environmental Protection Act 1990 S.80	Noise from amplified music (commercial premises) EP90RS	3	3	6	4	3
3	Environmental Protection Act 1990 S.80	Noise from intruder/vehicle alarms EP90LS/EP90VS	5	4	10	1	8
4	Environmental Protection Act 1990 S.80	Other noise EP90JS	11	10	14	4	3
5	Environmental Protection Act 1990 S.80	Bonfires EP90ES	4	1	0	4	0
6	Environmental Protection Act 1990 S.80	Other nuisance EP90KS	2	4	0	1	2
7	Environmental Protection Act 1990 S.80	Nuisance from premises EP90CS	1	1	9	3	4
8	Environmental Protection Act 1990 S.80	Nuisance from light EP90NS	0	1	3	0	0

9	Environmental Protection Act S.80	Nuisance from accumulations EP90HS	3	4	0	1	0
10	Environmental Protection Act 1990 S.80	Nuisance from dog barking EP90MS	0	2	1	0	2
11	Prevention of Damage by Pests Act 1949 S.04	Removal of rubbish and treatment for pests PDP49B	37	13	8	26	4
12	Public Health Act 1936 S.287	Notice of intention to enter premises PHA36F	0	2	0	0	0
13	Public Health Act 1936 S.83	Filthy and verminous premises PHA36L	0	0	2	2	0
14	Public Health Act 1936 S.78	Cleansing alleyways PHA36K	0	0	23	0	0
15	Control of Pollution Act 1960 S.60	Pollution from construction sites (noise/dust, etc.) COPA60	23	16	64	58	49
16	Local Government (Misc. Provisions) Act 1976 S.16	Requisition for information LGM76A	16	8	27	9	11
17	Building Act 1984 S.59	Provision to repair drainage no limitation on cost BA84A	2	1	2	0	1
18	Local Government (Misc. Provisions) Act 1976 S.29	Securing empty premises LGM76C	2	1	1	1	1

Housing Enforcement

19	Housing Act 2004 Part 1	Improvement Notice HA0411	0	4	6	4	7
20	Housing Act 2004 Part 1	Prohibition Order HA0420	1	0	3	1	0
21	Housing Act 2004 Part 1	s23 Suspension of Prohibition Notice HA0423	1	2	2	0	1
22	Housing Act 2004 Part 1	Hazard Awareness Notice HA0428	0	1	0	1	2
23	Housing Act 2004 Part 2	Decision to grant a (HMO) Licence HANDGL	16	27	58	58	16
24	Housing Act 2004 Part 2	Proposal to grant a (HMO) Licence HAPGL	16	29	67	53	23
25	Housing Act 2004 Part 2	Temporary Exemption Notice HATEN	1	5	0	3	1
26	Housing Act 2004 Part 2	Proposal to Revoke a (HMO) Licence HAPRL	1	0	0	0	0
27	Housing Act 2004 Part 2	Decision to Revoke a (HMO) Licence HADRL	1	1	0	0	0
28	Housing Act 2004 Part 2	Proposal to Refuse a (HMO) Licence Application HAPRGL	0	0	0	0	0
	Housing Act 2004 Part 2	Decision to Refuse a (HMO) Licence Application HADRGL	0	0	0	0	0
29	Housing Act 2004 Part 2	Decision to Vary a (HMO) Licence HANDVL	1	4	3	4	1

30	Housing Act 2004 Part 2	Proposal to Vary a (HMO) Licence HAPVL	1	4	3	4	2
31	Housing Act 2004 Part 2	number of New HMOs with inadequate fire precautions subject to an Improvement Notice/Fire Safety Improvement Schedule/Licence Condition	N/A	N/A	12	6	29
Health & Safety							
32	Health & Safety at Work etc. Act 1974	Prohibition Notices HSW74B	12	7	10	7	0
33	Health & Safety at Work etc. Act 1974	Improvement Notices HSW74A	15	3	16	30	1
Food Safety							
34	Food Safety – Food Hygiene Regulations	Food Hygiene Improvement Notices FSA90C FSHR6	55	38	43	20	0
35	Food Safety	Emergency Hygiene Prohibition Notices and Orders FSA90D FSA90E	0	0	0	0	0
36	Food Safety	Seizure and destruction of food FSA90A FSA90B FSAVOL FSHR8	1	0	0	0	0
37	Food Safety	Voluntary Closure of Food Businesses	N/A	N/A	4	1	1
38	Food Safety	Voluntary Surrender of Unfit Food	N/A	N/A	2	0	0
39	Food Safety	Voluntary Prohibitions of Unsafe Food Processes	N/A	N/A	2	0	0

Table 2 Anti-Social Behaviour

40	Anti-Social Behaviour Act 2003	Acceptable Behaviour Commitments (ABCs) served	25	30	11	38	4
41	Anti-Social Behaviour Act 2003	Early intervention warning Notices ABCWAR?	1	6	1	23	8
42	Anti-Social Behaviour and Policing and Crime Act 2014	CBO Notices	NA	5	0	3	3
43	Anti-Social Behaviour and Policing and Crime Act 2014	Final warning under Community Protection Remedy	0	0	0	0	0
44	Community Trigger	Number of complaints received under Community Trigger legislation	0	0	6	5	0
45	Community Trigger	Number of Community Trigger complaints upheld	0	0	0	0	0
46	Anti-Social Behaviour Act 2003 & Crime and Disorder Act 1998	ASB & Arson Reduction – Community Impact Days	NA	12	12	12	12

Table 3 REGULATION OF INVESTIGATORY POWERS ACT 2000

Applications for Directed Surveillance 2019/20			
	Team	Operational objective	Number
47	Trading Standards	Test purchasing of age restricted products	0
48	Street Scene and Green Spaces	Fly-tipping investigation	2
49	Street Scene and Green Spaces	Criminal damage	1

Table 4 PROSECUTIONS & WRITTEN WARNINGS

Legislation	Description	Penalty
CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008	Misuse of a trade association logo (building)	Warning x 2
CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008	Misuse of a trade association logo (gas)	Warning x 1
PRICE MARKING ORDER	Price gouging during the pandemic	Warning x 3
Business protection From Misleading Marketing Regulations 2008	Use of unproven information that could deceive a reader to affect their economic behaviour in relation to the nature of the service described, relating to pandemic.	Warning x 1
Price Marking Order 2004 Consumer Protection from Unfair Trading Regulations 2008 EU-Reg 2016/425 Personal Protective Equipment (Enforcement) Regulation 2018 General Product Safety Regulations 2005	Price gouging during the pandemic, misleading description of face masks	Warning x 2
Consumer Rights (Payment surcharges) Regulations 2021 as amended	Offering a cash discount over another form of payment such as a credit card	Warning x 1
CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008	Misleading price pf petrol	Warning x 1

Table 5 LICENSING HEARINGS

Premises	Date	Applications heard by the Licensing Sub Committee / Appeals at Magistrates Court	Type of application and outcome
Shampan 4 Biggin Hill Review	24th June 20	Licensing Sub Committee	Suspended with conditions
Secret Garden Crystal Palace Park Police objections to TENS	7th Aug 20	Licensing Sub Committee	Granted with Conditions
Chislehurst Sport and Country Club Variation	29th Sept 20	Licensing Sub Committee	Granted with Conditions
Slammin Events Crystal Palace Park New application	10th Nov 20	Licensing Sub Committee	Granted with Conditions

Table 6 Permitted Processes

Installation type	Number of permits 2017/18	Number of permits 2018/19	Number of permits 2019/20	Number of permits 2020/21
Dry cleaners	48	47	47	42
Crematorium	1	1	1	1
Cement batching plant	1	1	1	1
Vehicle refinisher	1	1	1	1
Mobile crusher	5	5	5	4
Vapour recovery (petrol stations)	32	32	32	32
Aircraft Recoating	NA	NA	NA	1
Total	88	87	87	82

Table 7 ENFORCEMENT OF COVID REGULATIONS (27th March 2020 to 28th March 2021)

49	Anti-Social Behaviour Act 2003 & Crime and Disorder Act 1998	No. of Community Protection Warnings relating to a failure to keep a business premises covid secure	NA	NA	NA	NA	111
50	Anti-Social Behaviour Act 2003 & Crime and Disorder Act 1998	No. of Community Protection Notices issued in relation to a failure to keep a business covid secure (eg lack of face coverings, statutory notices, social distancing)	NA	NA	NA	NA	15

51	Health Protection (Coronavirus, restrictions) (Steps) Regulations	No. of warnings/prohibition notices (eg lack of face coverings, statutory notices, social distancing)	NA	NA	NA	NA	31
52	Health Protection (Coronavirus, restrictions) (Steps) Regulations	No. Fixed Penalty Notices (eg lack of face coverings, statutory notices, social distancing)	NA	NA	NA	NA	3

Commentary on Enforcement Outputs 2020/21

1. The enforcement remit of Public Protection remains diverse; it includes (amongst other things): protecting people from excessive noise or nuisance, advising businesses on food safety, reacting to outbreaks of food poisoning, acting as an environmental custodian, protecting vulnerable groups from doorstep crime, issuing licences for the selling of alcohol, and improving housing standards through inspecting houses in multiple occupation.
2. The Teams that sit within Public Protection that have an enforcement function are:
 - Nuisance & Anti-social Behaviour
 - Private Rented Sector Housing Enforcement
 - Health & Safety
 - Food Safety
 - Pollution Control
 - Trading Standards
 - Licencing

3. The work of the above teams is set within a regulatory framework, and is statutory, with requirements imposed through various pieces of legislation, and with standards being set by national regulators such as the Food Standards Agency, Department of Food and Rural Affairs (DEFRA), the Health & Safety Executive and the Health Protection Agency.
4. Table 1 rows 1- 10 highlight statutory nuisance Notices served by the Nuisance and Anti-social behaviour Team. This Team provides a statutory service as the Environmental Protection Act 1990 places a duty of Local Authorities to investigate complaints of a statutory nuisance and serve abatement Notices when an Officer is satisfied a nuisance exists (or is likely to recur etc.). The nuisances that can be dealt with are listed within the Act, and include noise, light, smoke and smell from commercial premises. As a result of lockdowns, more people worked from home and felt that they had cause to complain about their neighbours, and an increase in complaints was noted. Despite this, there was not a positive correlation between increased demand and nuisances witnessed, as there was an unrealistic expectation from some residents, whereby, they equated audibility with nuisance, and expected not to hear neighbours activities. In addition, there were periods where the investigation process was hampered by the inability to enter premises to witness noise, notwithstanding these points, the number of Notices served for statutory nuisances remained the same as the previous year at 32.
5. The Council has specific duties under the Prevention of Damage by Pests Act 1949, and is required to take steps to ensure that the Borough is (as far as is reasonably practicable) free from rats and mice. Again, for a Notice to be served, the Officer must witness physical evidence demonstrating an infestation to support this action. The figures in Table 1 row 11 shows an 85% decrease in the service of Notices (26/4). This decrease is due to a 73% decrease in service requests for this issue.
6. No Notices were served under the Public Health Act 1936 S.78 for issues pertaining to accumulations in alleyways, compared to 23 being served in 2018/19 (Table 1 Row 14). As explained in last year's report, ordinarily this type of enforcement falls to the Neighbourhood Management Team, however, as a result of resourcing issues Public Protection assisted that team, and the higher figures for that year were as a result of that additional support. As the resourcing issues have now been resolved, this enforcement element has been passed back to Neighbourhood Management, and will be removed from this report moving forwards.
7. Noise from construction sites is enforced under the Control of Pollution Act 1974 (Table 1 Row 15). This type of Notice does not require a nuisance to be witnessed and may be served proactively to ensure that work times and methods are formalised. The 2017 -18 enforcement report contained a commitment to proactively serve Notices on all construction sites (where appropriate) to ensure that developers were aware of the approved hours of working, and that best practicable means must be employed. Service requests increased against this category by 173% (110/255), yet Table 1 row 15 shows a -15.5 % decrease of Notices being served (58/49), this was because the majority of requests made pertained to DIY rather than construction.
8. Housing is accepted as wider determinant of health, and improving housing conditions can tackle health inequalities and deliver to the previous corporate priority of 'Healthy Bromley' within Building a Better Bromley. Enforcement of housing standards is an integral part of

meeting the Council's statutory duties in relation to private rented sector housing. Table 1, Rows 19 to 22, highlight the enforcement work carried out under Part 1 of the Housing Act 2004. It can be seen that enforcement increased by 67% (6/10), and Officers believe that this increase is related to the pandemic, whereby tenants who previously left their accommodation to work, were required to spend more times within their homes, and that the inadequacies of their accommodation became more apparent to them.

9. The Housing Act 2004 currently requires local housing authorities to license houses in multiple occupation (HMOs) if they accommodate more than five tenants; this is called mandatory licensing, and is already in place. In October 2018 the government removed the 'three or more' storeys' criteria throughout England. In doing so they extended the mandatory scheme to include most houses and flats occupied by five or more people, in two or more households, who share a kitchen, bathroom and/or toilet facilities (regardless of the number of storeys). The impact from this extension to the licensing scheme was of particular note in 2019 and again in 2020, where the figures compared to 2018 were significantly higher. Within this reporting period, Table 1 Row 23 shows a -72% decrease on the number of licences issued (58/16). Table 1 Row 24 shows the same downward trend for licence proposals. This was an expected outcome, as the vast majority of properties within the mandatory scheme should now have come forwards. Additionally, it is thought that Covid-19 was also a factor, as residents did not move on due to lockdowns, and the pandemic impacted on the ability to buy and sell properties. Notwithstanding this, work will be undertaken to identify all HMOs that now require licensing under the new regime, and it is anticipated reports moving forwards will show a return to a slight upward trend in these areas.
10. Post Grenfell, a new KPI was suggested for new HMOs, that sought to ensure that those identified as having inadequate fire precautions, be appropriately conditioned, served with an improvement Notice and/or a Fire Safety Improvement Schedule. This KPI was agreed by the PP&E PDS on 27th September 2018 (report ES18069) and introduced in October 2018. The outturn is provided in Table 1 row 31, and it can be seen that 29 such HMOs were identified, and of these all were conditioned or served with an Improvement Notice or Fire Safety Improvement Schedule, so meeting the 100% KPI.
11. The Health & Safety Team supports businesses to achieve compliance, so as to ensure the health, safety and welfare of workplaces and employees is protected. Table 1 row 32 shows a 30% (10 to 7) decrease on the number of prohibition Notices served, however, row 33 shows an 87.5% increase (16 to 30) in the number of improvement Notices served). This increase is as a result of business closing and new ones opening, and the change in ownership results in new proprietors requiring formal action to secure compliance.
12. The Council is the Food Safety Authority under the Food Safety Act 1990 and has a duty to enforce food safety, food standards and feed requirements, and performance is monitored by the Food Standards Agency (FSA) against the Food Law Code of Practice. Table 1, rows 34 to 39 highlight a -95% decrease in food safety enforcement. The reasons for this were as a result of COVID, whereby the FSA called a moratorium on inspections. The full reasons were fully explained in the report to the PP&E PDS committee on the 7th September 2021 (ES19061), together with the roadmap for recovery.

13. The Antisocial Behaviour Team enforces the Anti-social Behaviour Act 2003 and the Anti-Social Behaviour and Crime and Policing Act 2014. Enforcement in this area is referral led, and the data shows an overall decrease of -78% in enforcement. Table 2 row 40 shows an 89% decrease (38/4) in the number of Acceptable Behaviour Contracts (ABC), and a - 65% decrease (23 to 8) in the number of early intervention warnings served on the previous year. The exponential decrease is as a result of the drop in referrals made to the team by partner agencies, including the Police and schools during lockdown.
14. Community Impact days (CID Table 1 row 46) aim to reduce or stop crime and the negative impact it has on the community in areas where the highest levels of ASB and arson are recorded, such as Cray Valley East and West, Mottingham and Penge. This CID initiative is funded by the Mayor's Office for Policing and Crime (MOPAC). The Safer Bromley Partnership, including Community Safety, the Metropolitan Police, the London Fire Brigade and Clarion Housing, work with other organisations (including voluntary groups), in a co-ordinated manner with agreed taskings, with the aim to reduce recorded ASB and Arson within the targeted areas. According to London Fire Brigade and the Police, incidents of arson within the areas has decreased by:
- -4.2% Cray Valley East
 - -18.5% Cray Valley West
 - -20% Mottingham
 - -75% Penge & Cator
- The overall reduction on arson was -20% (122/98), which was a significant improvement on the -4% reduction for the previous year. The LFB and CID coordinator are looking to improve on the reductions and will give specific consideration to Cray Valley East moving forwards.
15. Table 3 provides details of the number of RIPA applications across the division. No under-age sales campaigns were carried out during this time due to business restrictions and social distancing rules.
16. Table 4 highlights the prosecutions and written warnings given by Trading Standards, and Table 5 presents the outcomes from Licensing Hearings.

Covid Enforcement

17. Public Protection have played a vital role throughout the pandemic in explaining rules to local businesses, encouraging them to comply with regulations, and enforcing where necessary. Table 7, Rows 49 to 52 lists the formal enforcement that Public Protection have taken within between 27th March 2020 to 28th March 2021 as a result of COVID enforcement. When it came to boroughs submitting their enforcement actions, benchmarking demonstrated that the criteria as stipulated by the relevant body requesting the data (e.g. Office for Product and

Safety Standards (OPSS)) was not always followed or interpreted correctly by all boroughs. For example, the OPSS made it clear that survey visits should not be counted under covid secure visits, and Bromley Public Protection Officers followed this advice, whereas enquiries showed that others did not. As a result, some figures were inflated, and when Bromley numbers were compared with other boroughs, the numbers (at face value) appeared low. However, when monthly submissions were compared and contrasted with the resources available, it could be seen that Bromley had the equivalent of 3 FTEs dedicated to visits, whereas some boroughs had up to 49 FTEs. Notwithstanding whether the submissions made by boroughs were done so correctly, when the number of Bromley visits were multiplied out, it was clear that outputs of Public Protection Officers outperformed other boroughs. For example, on one submission, a particular borough reported 2123 visits undertaken within a 30-day period, with 49 FTEs assigned to the task. This equated to 1.4 visits a day per Officer ($2143/49 = 43.3$ visits a day & $43.3/30\text{days} = 1.4$ visits a day). For the same time period, using the same multipliers (and using figures submitted in strict accordance with the guidelines), Public protection Officers undertook 3.8 visits a day, which equates to a 164% higher output.

Conversely, there were boroughs which did not inflate figures, and which still had high numbers of FTEs assigned, but were outperformed by Bromley. As an example, a particular borough with 30 FTEs reported 77 visits in a month; using the multipliers above, this equated to 2.5 visits per Officer a month and 0.08 visits per day. Again, when you compare the equivalent monthly Officer performance between Bromley and this borough, the Public Protection output activity was 4649% higher.

The above demonstrates that regardless of whether a borough correctly interpreted the data requirements, or the number of FTEs assigned to the task, Bromley outperformed many other boroughs, which is something Officers were rightly proud of.