

Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

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

Date: 23rd March 2021

Decision Type: Non-Urgent Non-Executive Key

Title: Public Protection and Enforcement Draft Portfolio Plan 2022/23

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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 2022/23 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:**

Consider the draft Portfolio Plan (Appendix 1) and provide comments to the Portfolio Holder, and

2.2 **That the Public Protection and Enforcement Portfolio Holder:**

- **Endorse the outcomes, aims and performance measures set out in the draft 2022/23 Public Protection and Enforcement Portfolio Plan, taking into account the budget and views of the Committee.**

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.

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: £2.54m
 5. Source of funding: Existing controllable revenue budget for 2021/22
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Personnel

1. Number of staff (current and additional): 47.3 FTEs
 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 be a safe and healthy place for those who live, visit and 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 and covers many statutory duties. 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 this 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 2021/22 Portfolio Plan

- 3.3 Since 1st April 2021/22 Public Protection (Commercial Regulation) Officers have enforced the changing Coronavirus regulations as the Government set out a road-map to ease restrictions in England. In November 2021 some COVID-19 restrictions were re-introduced including the mandatory requirement to wear a face covering in shops, but this has now been stepped down, although some retailers continue to ask customers to do so, unless exempt. Most of the emergency legislation has now been removed, except for the powers of a local authority to consider a Direction Order under the Health Protection (Coronavirus Restrictions) (England) (No.3) Regulations 2020, in order to respond to a serious and imminent threat to public health and to prevent COVID-19 transmission in a local authority's area.

Performance and enforcement actions undertaken against the previous Portfolio Plan have been previously presented to the PP&E PDS Committee for scrutiny. Below are examples from each service area that demonstrate the support LBB services provide to each other, and the diversity of work undertaken within the Portfolio area.

3.4 Trading Standards

The investigation of doorstep crime is considered a priority in Bromley, with many of the victims being either elderly or vulnerable. The investigation process often uncovers additional victims that were not always apparent in the first instance, and rogue traders regularly operate, physically and electronically, beyond local authority borders. Two current Trading Standards investigations, that are proceeding to prosecution, required cross boundary authorisations from other local authorities, and Trading Standards secured the correct delegated authority to effectively investigate these cases.

3.5 Domestic Regulation

A private Rented Sector Housing Enforcement Policy was introduced that included the ability to apply civil penalties for legislative breaches, and further provided a transparent rationale as to how the Private Rented Sector Housing Team (PRSH Team) will provide services to different tenures. It also covered the circumstances

taken into account should a service be withdrawn, and the discretion that will be used when considering formal enforcement action against Category 2 Hazards pertaining to (amongst other issues) uncontrolled fire and smoke. The team also reviewed and improved the amenity standards for houses in multiple occupation, and has introduced registration for the owners and managers of mobile home parks.

3.6 Community Safety

Bromley's Violence Reduction Action Plan (VRAP) is considered as an exemplar, and according to the GLAs Violence Reduction Unit (VRU) ranks within the top 3 plans produced in London. Accordingly, the VRU requested that Joanne Stowell (Assistant Director of Public Protection) present the VRAP to the Partnership Reference Group which is chaired by the Mayor of London and has key senior leads from across the statutory and voluntary sectors. Moving forward the VRAP has been re-named as the Violence & Victims Action Plan (VVAP).

Community Impact Days (CIDs) remain very successful and effective. Their aim is to reduce crime and the negative impact it has on the community in areas of the borough where the highest levels of ASB and arson are recorded. These areas currently are Cray Valley East, Cray Valley West, Mottingham and Penge. This initiative is funded by the Mayor's Office for Policing and Crime (MOPAC). The Safer Bromley Partnership, including LBB's Community Safety team, the Metropolitan Police, the London Fire Brigade and Clarion Housing, work with other national agencies (including DVLA and Border Force) and organisations (including voluntary groups), in a co-ordinated manner, with agreed taskings, with the express aims to a) improve the visual environment and b) reduce recorded ASB and arson within the target areas. According to London Fire Brigade and the Police, incidents of arson within the above areas have decreased by:

- 4.2% Cray Valley East
- 18.5% Cray Valley West
- 20% Mottingham
- 75% Penge

The overall reduction in arson was 20%, this is a significant improvement on the 4% reduction the previous year. The LFB and CID coordinators are looking to improve on these, reductions and will give specific consideration to further fire prevention activity in Cray Valley East moving forwards.

We will continue to work with partners within the council, with external agencies, and with the 3rd sector, to keep Bromley Safe.

3.7 Neighbourhood Management

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 and removal of unauthorised traveller encampments on LBB land, fly tipping, abandoned vehicles,

illegal encroachment onto Highway land, overhanging vegetation onto footways, and the removal of illegal skips, cones, hoarding and other obstructions on the highway.

Street Enforcement Officers assisted with the opening of a COVID-19 Test Site at Norman Park. During the Winter lockdown the site was open 7 days a week including Christmas Day

In addition, the Council's 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 undertaking regular weapon sweeps of Bromley's green spaces.

In November 2021, a target hardening scheme was completed at Mottingham Recreational Ground at a cost of £85,000. The scheme originated at the Fly Tipping Action Working Group and resulted in the installation of permanent post and rail fencing within the grounds of the Rec to prevent vehicles illegally accessing the grounds. Previously, vehicular access had resulted in waste being deposited.

3.8 Parking Enforcement

Managing parking across the Borough was challenging in the last year due to the pandemic. The behaviour of motorists changed and trends are still being established. Penalty Charge Notices (PCNs) have been steadily issued over the year with normal Civil Enforcement Officers (CEOs) patrol levels mostly being achieved, to help keep traffic flowing and parking space available. CEOs were actively patrolling to identify Disabled Badges being misused, with several successful cases being prosecuted at court and the badges removed from circulation.

Bromley Council adopted the powers to enforce Moving Traffic Contraventions (MTCs) at box junctions and banned turns, with 13 cameras installed in September and October 2021 to enforce such offences. Enforcement of these restrictions will help to reduce congestion on the roads and, in turn, help to reduce pollution levels; a 14-day warning period was given to motorist for all new cameras across the Borough before any PCNs were issued.

The Council currently has a success rate of 84% for all appeals heard at Adjudication Services and a current payment collection rate of 25% of all cases that have been registered with the Enforcement Agents (Bailiffs) within this financial year. This figure will increase as these cases continue to be paid over the coming year.

Draft Portfolio Plan 2022/23

- 3.9 **Appendix 1** sets out the draft Public Protection and Enforcement Portfolio Plan for the 2022/23 financial year. There are 5 priority areas identified within the draft plan.

3.10 The Plan is aligned to the ambitions of the updated, high level and over-arching Corporate Strategy “Making Bromley Even Better 2021 to 2031”.

Priorities

3.11 Priority 1: We will keep Bromley safe.

- We will manage high volume and problematic areas of enviro-crime related ASB;
- We will develop and deliver the Safer Bromley Partnership Board Strategy 2020-2023;
- We will continue to provide a strategic lead to tackle gangs and serious youth violence;
- We will fulfil our duties under the Civil Contingencies Act 2004;
- We will continue to fulfil our statutory duties pertaining to the COVID-19 pandemic.

3.12 Priority 2: We will protect consumers.

- We will protect the borough’s most vulnerable residents from rogue traders;
- We will recognise that financial abuse of the elderly (or other vulnerable residents) is akin to a hate crime;
- We will keep our young people safe and contribute to public health and wellbeing;
- We will ensure a safe and competitive trading environment.

3.13 Priority 3: We will support and regulate businesses.

- We will ensure a minimum standard of hygiene in food business to reduce the occurrence of ill health through food borne disease;
- We will investigate outbreaks and food related infectious disease;
- We will regulate food businesses and licensed premises, ensuring the licensing objectives are adhered to;
- We will assist businesses with continued compliance with COVID -19 regulations and recommendations.

3.14 Priority 4: We will protect and improve the environment through custodianship and effective and responsible enforcement.

- We will monitor the CCTV system for the purposes of public safety, crime prevention, and crime detection. (It may also be used for the purpose of detecting other street-based offences);
- We will produce an Air Quality Annual Status Report;
- We will investigate complaints of nuisance and enforce in accordance with the regulatory framework;
- We will monitor the effectiveness of the Biggin Hill Noise Action Plan;
- We will monitor development and investigate potential breaches of planning control;
- We will regulate and improve residential conditions in HMOs;
- We will investigate and enforce complaints of enviro-crime in accordance with the regulatory framework;
- We will control parking in the borough for the benefit of all residents;
- We will enforce COVID-19 Regulations where necessary and advise local businesses on government guidance.
- We will refresh the Contaminated Land Strategy.

3.15 Priority 5: We will provide value for money

- We will ensure fees and charges are fair and representative of their cost;
- We will maximise external funding into the division;
- We will maximise service value.

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 have meant that unscrupulous individuals have been either fined or faced 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 flout 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:
- [Making Bromley Even Better \(corporate strategy\) | London Borough of Bromley](#)
 - 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 2022-23 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.

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 Public Protection and Enforcement 2021/22 Portfolio Plan Making Bromley Even Better (corporate strategy) London Borough of Bromley Planning Enforcement - Report Number ES 20065 Enforcement Activity Update - Report Number ES18046