



THE LONDON BOROUGH
www.bromley.gov.uk

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Steve Wood
stephen.wood@bromley.gov.uk

DIRECT LINE: 020 8313 4316

FAX: 020 8290 0608

DATE: 22 February 2016

To: Members of the
PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Councillor Alexa Michael (Chairman)
Councillor Chris Pierce (Vice-Chairman)
Councillors Julian Benington, David Cartwright, Will Harmer, Samaris Huntington-Thresher, Tom Philpott, Michael Tickner and Richard Williams

Non-Voting Co-opted Members –

Precious Adewunmi, Bromley Youth Council
Terry Belcher, Safer Neighbourhood Board
Dr Robert Hadley, Bromley Federation of Residents Associations
Alf Kennedy, Bromley Neighbourhood Watch

A meeting of the Public Protection and Safety Policy Development and Scrutiny Committee will be held at Committee Room 1 - Bromley Civic Centre on
WEDNESDAY 2 MARCH 2016 AT 7.00 PM

MARK BOWEN
Director of Corporate Services

Copies of the documents referred to below can be obtained from
<http://cde.bromley.gov.uk/>

PART 1 AGENDA

Note for Members: Members are reminded that Officer contact details are shown on each report and Members are welcome to raise questions in advance of the meeting.

STANDARD ITEMS

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 QUESTIONS TO THE CHAIRMAN FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on 25th February 2016.

- 4 **MINUTES OF THE PUBLIC PROTECTION AND SAFETY PDS COMMITTEE MEETING HELD ON 20TH JANUARY 2016** (Pages 1 - 16)
- 5 **MATTERS ARISING** (Pages 17 - 20)
- 6 **POLICE UPDATE**
- 7 **PRESENTATION FROM BROMLEY YOUTH COUNCIL**
- 8 **CHAIRMAN'S UPDATE**
- 9 **UPDATE FROM SLAM**

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

- 10 **QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on 25th February 2016.

- 11 **PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS**

The Public Protection and Safety Portfolio Holder to present scheduled reports for pre-decision scrutiny on matters where he is minded to make decisions.

- a **BUDGET MONITORING 2015/16** (Pages 21 - 26)
- b **CAPITAL PROGRAMME MONITORING Q3 2015/16 & ANNUAL CAPITAL REVIEW 2016 TO 2020** (Pages 27 - 32)

POLICY DEVELOPMENT AND OTHER ITEMS

- 12 **VERBAL UPDATE ON THE PREVENT STRATEGY**
- 13 **UPDATE REPORT FROM TRADING STANDARDS** (Pages 33 - 46)
- 14 **WORK PROGRAMME AND CONTRACTS REGISTER** (Pages 47 - 52)
Members are invited to suggest items for inclusion in the Work Programme.
- 15 **CONSIDERATION OF ITEMS FOR THE NEXT AGENDA**
Members are asked to consider what items should be added to the next agenda.
- 16 **ACTION POINTS SUMMARY**
To note a summary of any action points arising from the meeting.

17 ANY OTHER BUSINESS

18 DATE OF THE NEXT MEETING

The date of the next meeting has been provisionally set for June 28th 2016.
This will be subject to ratification by the GP&L Committee and Full Council.

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PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 20 January 2016

Present:

Councillor Alexa Michael (Chairman)
Councillor Chris Pierce (Vice-Chairman)
Councillors David Cartwright, Will Harmer,
Samaris Huntington-Thresher, Tom Philpott,
Michael Tickner and Richard Williams

Terry Belcher, Dr Robert Hadley and Alf Kennedy

Also Present:

Councillor Kate Lymer, Jim McGowan, Paul Lehane, Nigel
Davies and Chris Hafford, Karen Ryan and Kate Frail

STANDARD ITEMS

37 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Cllr Julian Benington.

Apologies were received from Joanna Davidson from Victim Support, and
Kate Frail attended as substitute.

38 DECLARATIONS OF INTEREST

Cllr David Cartwright declared an interest as a member of the London Fire
and Emergency Planning Authority.

39 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

40 MINUTES OF THE PUBLIC PROTECTION AND SAFETY PDS COMMITTEE MEETING HELD ON 3rd NOVEMBER 2015

The Committee considered the minutes of the meeting held on the 3rd
November 2015.

**RESOLVED that the minutes of the meeting held on the 3rd November
2015 be agreed as a correct record.**

41 MATTERS ARISING

Report CSD16015

Members considered matters arising from previous meetings.

The Committee noted that an update on the Counter Terrorism and Security Act 2015 would be brought to Members at the March meeting.

The Chairman updated the Committee on numbers involved with Community Payback to date. The Community Rehabilitation Company had reported that a "Payback" group ran one day per week and allocated 8 places per team. On average, they expected 32 service users on a 4 week month and 40 on a five week month.

The Head of Environmental Protection updated the Committee with details of arrangements made by other boroughs concerning charges levied for CCTV evidential packages.

It was noted that most boroughs levied a £10.00 basic fee under the Data Protection Act. There were a few boroughs that charged a supplementary fee for further information. LBB were charging a supplementary fee of £50.00 in addition to the initial £10.00 fee. There was a borough that charged £100.00. for supplementary evidential packages. The opinion was that the charges were legal, but this would be confirmed by obtaining formal legal advice.

Mr McGowan updated the Committee concerning CCTV problems that had arisen over the previous week. It was clarified that an engineer had accidentally blown a CCTV server. The part was immediately returned to the manufacturer for urgent repair. The part was swiftly repaired and re-fitted, with the intention that it be back up and running for the Friday evening. Cllr Cartwright asked what the cost for this was. No cost fell to LBB, the engineering company responsible for the error would be covering any costs.

Cllr Cartwright requested that the information concerning food allergens be re-sent.

RESOLVED that the Matters Arising report be noted.

42 CHAIRMAN'S UPDATE

The Chairman updated the Committee as follows:

The Chairman attended the Bromley Youth Council Executive on Thursday 17th December where the members of Bromley Youth Council gave an update on their Young People and Public Transport project. They will be making a verbal report on the project at the March meeting of the Public Protection & Safety PDS.

The Re-Opening Ceremony of Orpington Fire Station will take place on Wednesday 17th February 2016.

The Chairman was greatly relieved to hear the news that Metropolitan Police budgets were not being cut back in this year's Budget as public safety was paramount, especially at present where extra resources were needed in the fight against terrorism.

RESOLVED that the Chairman's update be noted.

43 POLICE UPDATE

The Police update was provided by the Borough Commander.

The Committee were updated on how MOPAC 7 offences were performing against the financial year baseline of 2011/12. At the previous meeting it was reported that the overall crime figures had decreased by 16.5%. It was reported at this meeting that the overall crime figures had decreased by 17.2%.

The Borough Commander expected that Bromley Police would end the five year period with a final overall reduction in crime of between 18 and 18.3%. Currently the MET was sitting at 18.4%.

It was noted that there had been a substantial decrease in the number of burglaries. There had been an overall reduction to date in these offences of 25.8%. This had resulted in a net decrease in burglaries of 900 per annum.

Violence with Injury offences had increased; and the current statistics showed that over the five year period to date, the figures had increased by 8.2%. Robbery offences had decreased, with an overall reduction for the period of 48.2%.

Theft from persons had increased by 5.6% over the five year period. Bromley had experienced an increase in the rate of offences involving the theft of motor vehicles. Over the five year period, this had increased by 3.8%. Bromley had the highest rate of TOMV in London in the last twelve months. There was a particular problem with the theft of mopeds. Similarly, during October and November, Bromley had the highest number of vans stolen in London. The Crays was a hotspot for this type of crime. The Borough Commander was of the opinion that vans were being taken to be used in other crimes, and to be taken to "chopping shops". A "chopping shop" was a location where vehicles were taken to be dismantled for parts. Kate Frail commented that many of the clients that she had dealt with had their vehicles stolen

Theft from motor vehicles was decreasing, and decoy operations were being used. This offence had decreased by 31.1% over the five year period.

Bromley Police were waiting for new targets that would be made known after the Mayoral Elections in May.

The response times to emergency calls were still good. "1" calls were responded to within 15 minutes on 90% of occasions. Calls that required a response within 60 minutes were 91.5% on target. The Police were also measured with respect to how much confidence was placed in them by the public; this had increased by 72%.

There had been an incident in the INTU Shopping Centre on Boxing Day. There were initial fears that this was a terrorist related incident, but this was not the case. It was in fact a gang related incident. One offender had been detained at the scene, and had been charged with violent disorder and the possession of an offensive weapon. A second offender was similarly charged after being treated in hospital for a stab wound. A third suspect had been detained and bailed. The investigation was ongoing. The Borough Commander praised Intu Staff.

Over the Christmas period there were also incidents where pigs were loose on the A21 and there had been a major gas leak in Crystal Palace which had resulted in people being evacuated from the area.

Work was progressing in Bromley schools to educate children concerning the dangers of associating with gangs, and to deter them from getting involved. There were currently three officers in the Gangs Team, dealing with various matters, including cross border issues and enforcement. The Committee heard that Gang activity included the "running" of drugs to different geographical areas, including Portsmouth and Norwich. It was noted that at the next meeting of the Safer Neighbourhood Board in Chislehurst, there would be a Gang presentation.

The Borough Commander updated Members concerning the rollout of "Met Trace", and stated that Bromley Police had a target rollout of 3822 by the end of March. The Police had rolled out 2546 to date, with 460 refusals. The product was being rolled out in St Mary Cray, Anerley and Crystal Palace.

The Committee were informed that it was likely that the local policing structure would change, that it would not be borough based, but would be part of a BCU (Basic Command Unit) structure. A Basic Command Unit was the largest unit into which territorial British Police forces could be divided. Most forces were divided into at least three BCUs and some had many more. Most BCUs were further subdivided into smaller units. The BCU was usually commanded by a Chief Superintendent.

Neighbourhood policing was still in place, as well as youth policing and Town Centre Teams. It was the case that some elements of the new policing model had been implemented, and this would be expanded upon in March.

Cllr David Cartwright asked how the MET's aim of increasing the number of armed response officers would affect Bromley police. The Borough

Commander answered that this was unclear at the present time. It was possible that the number of Armed Response Units may double, and that there would be an increase in the number of officers that could be routinely armed.

The Portfolio Holder raised the matter of Voluntary Appropriate Adults (VAA's). These were being used in Hounslow, and she asked if they were being used in Bromley. The Borough Commander responded that they were provided to the Police by a third party organisation. The Portfolio Holder suggested that information concerning VAA's be disseminated in the next edition of the Safer Bromley News to encourage further volunteers.

The Chairman thanked the Borough Commander for his comprehensive update.

RESOLVED that the Police update be noted.

44 VICTIM SUPPORT PRESENTATION

The Victim Support update was given by Kate Frail—Service Delivery Manager for Bromley and Lewisham.

Ms Frail managed a total of 15 volunteers and caseworkers. Currently there was a concerted recruitment drive for volunteers. She informed the Committee that VS dealt with all victims of crime, this ranged from theft to murder. VS had a dedicated Homicide Team. VS did not provide counselling, but did provide emotional support, and all of their staff were trained.

Meetings with victims took place in a variety of locations, which included the victim's home, VS offices, or rooms in other locations in the community. Victim Support was working in partnership with Safer Neighbourhood Boards, ASB Panels, the Gangs Unit and Community Links. VS wanted to set up Victim Impact Training Days, and outreach sites that would provide ease of access for victims. She was hoping to establish outreach sites at Bromley Civic Centre, Bromley Library, Bromley Police Station, Bromley Fire Station, Citizen's Advice Bureau and Children's Centres.

The Borough Commander offered a room at Bromley Police Station, and it was heard that a room had also been offered by the Borough Fire Commander. Cllr Richard Williams also offered help in locating a room if required.

Ms Frail referred to the Safer Bromley Van (SBV) scheme. Victims of burglary who had been visited by the Safer Bromley Van normally avoided a repeat attack. The service was sponsored by the Safer Bromley Partnership, and was run by VS. The SBV Service provided a home survey to give crime prevention advice, with specific focus on windows and doors.

Victim Support representatives went to court with victims if requested, and provided advocacy services. The contact numbers for Ms Frail were:

0208 776 7071--Penge

0208 698 4583--Lewisham

kate.frail@victimsupport.org.uk

Members were keen to visit the VS offices and the Chairman asked Ms Frail to provide some suitable dates to the Committee Clerk.

RESOLVED that the Victim Support update be noted.

45 REVIEW OF SBP STRATEGIC GROUP MINUTES

The Committee considered the minutes of the meeting of the Safer Bromley Partnership Strategic Group that had met on 3rd December 2015.

Cllr Chris Pierce referred the Committee to Section 59 of the minutes relating to ASB (page 29). The ASB update stated that it had been resolved that action be taken to resolve the problem of fly tipping at Star Lane urgently. No "Actioner" had been designated for this. Cllr Pierce asked for an update.

The Executive Director for Environment and Community Services stated that this was a multi council action that was being delivered in conjunction with the Police. It was something that would require monitoring, and that Dan Jones and Environmental Services were leading. An action plan was being pulled together with Police support.

Cllr Michael Tickner asked if CCTV could be used to monitor fly tipping. This was unclear and required clarification. Cllr Pierce stated that he was not a supporter of attempting to monitor fly tipping via CCTV. He cited the example of long country lanes where there would be numerous places to fly tip; he expressed the view that in such locations attempting to monitor fly tipping via CCTV would be ineffective.

The Chairman questioned the Chairman's Update (minute 45) which seemed to suggest that the Police were "allowed" six burglaries a day. The Chief Superintendent reassured her that no burglaries were "allowed" – six burglaries was the number of burglaries that would occur before the target 20% reduction in burglary crime was taken into account.

RESOLVED that the minutes of the meeting of the Safer Bromley Partnership Strategic Group be noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

46 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

There were no questions from Councillors or Members of the Public.

A) STRAY AND ABANDONED DOG SERVICE

Report ES16001

The report on the Stray and Abandoned Dog Service was presented by the Head of Environmental Protection.

A number of recommendations to the service had been made following a recent Audit report that had been presented to the Audit Sub Committee. This report summarised two of these recommendations relating to kennelling/ re-homing arrangements and the management action being taken. It also made recommendations to Members regarding policies for dealing with dogs confirmed as being a 'banned breed' or deemed unsuitable for re-homing and those that were fit for re-homing but had exceeded the statutory timescale for Local Authority care.

The Committee heard that the Council had statutory obligations to provide a stray and abandoned dog service to comply with the duties prescribed under the Environmental Protection Act 1990, and the Clean Neighbourhoods and Environment Act–Section 68. LBB used SDK Environmental Ltd to collect stray dogs, and the dogs would then be kennelled with Lodge Kennels.

It was previously the case that advance block bookings were made with the kennel to ensure vacant kennel space. This practice would now cease, and kennels would be booked on a pay as you go basis as required.

The previous Audit report had also recommended that the arrangements for re-homing stray dogs be reviewed and formalised. There were two re-homing scenarios to be considered:

- a) A banned breed or a dog unsuitable for re-homing
- b) A healthy dog that could be re-homed, but that had exceeded the statutory timescale for local authority care

The current practice was that dogs that were either a banned breed or unsuitable for re-homing were humanely destroyed. The cost of euthanasia, transportation and disposal was currently £100 per dog. The report recommended that LBB continue with this practice, and that it be formally adopted as a policy.

The Committee considered the current LBB practice concerning healthy dogs (suitable for re-homing) that had exceeded the statutory timescale for Local Authority Care. The current practice was to continue to kennel and re-home these dogs even though LBB had no statutory obligation to do so. The alternate option was to euthanize the dogs at day eight, after the seven day statutory duty had expired. The Committee were pleased to hear that a new

arrangement was being negotiated with Battersea Dogs and Cats Home (BDCH) whereby healthy dogs that could be re-homed could be placed with them for a cost of £40.00 per dog. Contingency plans were in place to cover any instances when Battersea Dogs and Cats Home would not be able to take a dog.

The Chairman asked why LBB had to kennel a banned breed for 7 days if it was as going to be destroyed anyway. Mr McGowan answered that “banned breeds” could still be owned. If a member of the public produced the appropriate documentation, they could still claim the dog. Cllr Richard Williams asked if LBB had made contact with the Dog’s Trust, as the Trust had a policy not to euthanize healthy dogs. Mr McGowan pointed out that LBB would not enter into such an agreement, as LBB would be responsible for ongoing and possibly long term kennelling costs. He noted that in future it would be a legal requirement for all dogs to be chipped, and this should make it easier to return dogs to their owners.

Cllr Chris Pierce asked how the distinction would be made between banned breeds and cross breeds. Mr McGowan responded that this could be done by the Police, BDCH, or a Government recognised vet. The Kennels would be asked on day 4 to establish if the dog was a banned breed, or a cross breed.

The Chairman asked if LBB encouraged responsible dog ownership. Mr McGowan stated that this was indeed the case, and that LBB had in the past undertaken promotions with the Dogs’ Trust, BDCH and with LBB’s contractor. More such initiatives were planned for the summer.

Cllr Samaris Huntington Thresher asked about the SDK website. She asked if this was a website that the public were aware of, and if they could register their dog’s details on the site. She felt that it would be a good idea if the public could register with either the SDK or LBB website, input details of their dog, and get an automatic check for a match. Mr McGowan informed that the public were not able to do this at present, but this was a matter that he would discuss with the contractor.

Mr McGowan explained that the extra cost of re-homing dogs at current rates instead of destroying them was minimal. He also explained to the Committee that destroying healthy dogs may cause reputational damage, and damage relationships with contractors.

He recommended that the Portfolio Holder formally adopt the existing euthanasia and re-homing practices at an estimated cost of £8,400 based on the previous year’s figures. These costs would be contained within the existing £169,140 budget for dog contracts.

RESOLVED

(1) that the PDS Committee note the recommendations of the audit report, and the management action being taken to implement the recommendations

(2) that the existing practice of euthanasia for dogs that were either a banned breed or unsuitable for re-homing, be adopted as a formal policy

(3) that the existing practice of kennelling dogs deemed fit to be rehomed that have not been claimed after the statutory period be adopted as a formal policy

**B) CAPITAL PROGRAMME MONITORING - 2ND QUARTER
2015/16**

Report FSD1608

The Committee considered the Capital Programme Monitoring—2nd Quarter report for 2015/16.

The Committee noted that on the 15th July 2015, the Executive had agreed a revised CCTV capital programme valued at £340k. This was reviewed again by the Executive on 2nd December 2015, and the costs remained unchanged.

No further capital programme schemes were currently planned for the Public Protection and Safety Portfolio. It was noted that under approved Capital Programme procedures, the CCTV capital programme scheme would be subject to a post completion review within one year of completion, and a report concerning this would be presented to the PDS Committee at that time.

RESOLVED that the Portfolio Holder note and endorse the CCTV Capital Programme agreed by the Executive in December 2015.

47 DRAFT 2016/17 BUDGET

FSD 16009

The Committee considered the Draft 2016/17 Budget report written by the Head of Finance.

The aim of the report was to consider the Portfolio Holder's Draft 2016/17 Budget which anticipated future cost pressures and initial draft budget saving options. Members were requested to consider the initial draft budget savings proposed and to identify any further action that might be taken to reduce cost pressures facing the Council over the next four years.

The Executive were requesting that each PDS Committee consider the proposed initial draft budget savings and cost pressures for their Portfolio, and the views of each PDS Committee be reported back to the next meeting of the Executive. The Executive would subsequently make recommendations to Council on 2016/17 Council Tax levels.

The Committee noted from the report that additional details concerning funding was anticipated, and so caution was to be exercised in considering

future projections. The Committee identified that a significant issue that would impact on local government funding from central government was the planned reductions to the DCLG Resource Departmental Expenditure Limits.

To compensate for significant funding cuts to local government, the Government had introduced new flexibilities such as increased revenue from business rates, the adult social care council tax precept, and the ongoing ability to raise council tax.

The Committee were directed to the table on page 51 of the agenda, dealing with "Variations Compared with the 2015/16 Budget". The table outlined various sources of cost pressure, as well as projected income and savings. The Committee were concerned that despite concerted efforts to generate income and make savings, there was a projected budget gap in 2019/20 of £26.7m.

The Committee noted Appendix 1A which was the draft revenue budget 2016/17 for the Public Protection & Safety Portfolio. It was noted that the 2016/17 draft budget for the Portfolio was £2,016,420.

RESOLVED that the initial draft 2016/17 budget be agreed as the basis for setting the 2016/17 budget.

48 REVIEW OF FOOD SAFETY SERVICE

ES 16008

The Review of the Food Safety Service report was written and presented by Dr Paul Lehane, Head of Food Safety, Occupational Safety and Licensing. Karen Ryan (Food Lead Practitioner) also attended to answer questions. Mr Lehane commenced by stating that we took food for granted. He also referred to Maslow's "Hierarchy of Needs", where food was classified as one of the basic biological and physiological needs for humans.

The report reviewed the role and performance of the Food Safety Service, and set out the Council's legal (statutory) roles and responsibilities under both domestic and European law--in the context of the local, national and international regulatory regimes. Mr Lehane stated that it was a frank and honest report. The Food Safety Team were managing and doing a good job but were struggling with a backlog of work due to a lack of resource. The Service was not broken, but it would not take much to break it.

The Committee were informed that the primary objective of the Food Standards Agency (FSA) was to protect public health from risks which may arise from the consumption of food. This included risks caused by the way in which food was produced and supplied. It also had a generic remit to protect the interests of consumers in relation to food. The FSA was the lead body set up in 2000, and LBB were a statutory food authority. The FSA aimed to ensure that:

- Food was safe, and is what it was supposed to be
- The public had access to an affordable diet
- The public would be able to make informed choices about what to eat

The Committee were concerned at the statistics concerning the number of people in the UK that were hospitalised each year by food poisoning, and that in many cases these incidences resulted in fatalities. It was also the case that much food was mislabelled.

The Committee were troubled to hear that evidence suggested that increasing pressures on the food supply system meant that food security and sustainability for the future would be more volatile.

Mr Lehane explained to the Committee that the main role of LBB's Food Safety Team was to enforce food safety law. The food laws that required enforcing were:

- Food Safety Act 1990
- Food Hygiene & Safety (England) Regulations 2013
- Official Feed and Food Controls (England) Regulations 2009
- Plus 50 additional statutes.

The Committee heard that the key responsibilities of the Food Safety Team were:

- To register food businesses
- To approve certain types of business
- To maintain accurate records
- To appoint competent staff
- To prepare an annual Food Safety Plan
- To make inspections and take enforcement action if required
- To investigate complaints
- To sample food for analysis
- To provide advice and guidance for businesses
- To Promote food safety

Mr Lehane informed the Committee of activities that were no longer undertaken as a result of savings made during 2015.

Five Key facts were drawn from the report which were:

- There were approximately 2300 food businesses in Bromley
- This figure was growing at the rate of 190 per annum
- The Food Safety Team had a target of 720 inspections
- The Team was staffed by 4.5fte Inspecting Officers
- Last year, the Food Safety Team achieved 69% of inspections due.

The Committee were informed that in Bromley, Food Safety Inspectors were tasked with inspecting 535 premises each; this compared adversely with LB Greenwich, where the figure was just 294 per inspector. However, it was probable that in the future the statistics would lean more favourably towards LBB as cuts in other boroughs took effect.

Mr Lehane referred the Committee to a table detailing current statistics concerning risk based inspections. The Committee noted that 716 inspections were due, 606 inspections were overdue, and 399 inspections had been undertaken. There were no overdue inspections for those premises that had the most serious risk rating of "A".

Mr Lehane explained the Food Hygiene Rating Scoring System. The conclusions drawn from this was that in Bromley 11.4% of food businesses were classed as "non-compliant" and 88.6% were designated as "compliant". These figures were better than comparable figures for LB Lewisham, but not as good as LB Bexley or Greenwich.

Mr Lehane outlined some of the highlights for 2015 in terms of Prohibition Notices, Seizure of Food, Voluntary Surrender, Prosecutions and Closure Notices. Mr Lehane informed the Committee that prosecutions were labour intensive.

Mr Lehane explained that due to cutbacks and lack of resources the Food Safety Team would struggle to address the backlog of inspections, and complete the target for new inspections this year. It was the case that without additional resourcing, the Food Safety Team would continue to fail the FSA inspection requirements. If the FSA were concerned about the performance of the LBB Food Safety Team, they could decide to make a formal audit of the food safety service. If there were significant failings the FSA could formally intervene. Mr Lehane posed the rhetorical question as to whether or not the requirements of the FSA were still reasonable in the current climate.

As well as not meeting the FSA inspection targets, other consequences arising from a lack of resources were:

- Some low risk businesses were not being inspected
- Advice and guidance was no longer being provided other than via the website
- Not all complaints were investigated
- Decisions about formal action were based on higher risk and on the impact on the service

The Chairman commented that she appreciated that the Food Safety Team was doing as well as they could in difficult circumstances, and noted that adjoining boroughs would also face cuts. She expressed concern around the risks posed with food inspections not being undertaken. Cllr Richard Williams asked why "Mr Meat" had not been closed down as the breaches in food safety appeared to be serious. Karen Ryan answered that breaches had to be very serious to cause a premises to close. In the case of Mr Meat, the

business was prosecuted but the breaches were not serious enough to force closure. A Code of Practice had to be followed by the Food Safety Team. Mr Lehane elaborated that for a premises to close, there would need to be a serious and imminent threat to public health. It was also the case that a magistrate had to confirm the closure, and that this was subject to challenge.

Cllr Richard Williams noted previous food safety issues concerning Crystal Palace Market, and also the fact that they were going to apply for an alcohol license. He asked if LBB were going to object. Mr Lehane stated that LBB could not object to an alcohol license based on previous food safety issues. There would need to be objections in the usual manner from the normal statutory authorities.

Cllr Michael Tickner congratulated the Food Safety Team on all of their hard work. He asked if LBB were notified about mobile food vendors and if they were inspected. The response was that if the mobile vendor was trading in Bromley, then LBB should be notified, and they would be inspected.

Cllr William Harmer asked about premises selling kebabs. He asked if the way that meat was reheated, was a food safety issue. He also felt that there was a cross over between food safety issues and obesity. Kate Ryan stated that meat on the top of the kebab joint was cut away as it was being heated, so the only meat that was being heated at any given moment was new meat that had not been reheated previously. Mr Lehane stated that the Food Safety Team did not have the resources to work with Public Health on health eating campaigns. The Chairman asked if the Food Safety Team could work with schools to promote healthy eating; Mr Lehane responded that Public Health would have strategies for this.

Cllr Samaris Huntington Thresher asked how long it would take for businesses with a low safety rating to be re-inspected. Karen Ryan stated that it would depend on the specific rating, but they would be flagged for a revisit proactively. Cllr Thresher expressed the view that businesses that had been classed as non-compliant should be reinspected for compliance as soon as possible.

Cllr Thresher raised the issue of questionnaires and wondered if there was a way to speed up the processing of such by using a web based system, and by encouraging businesses to be proactive in the process. Karen Ryan stated that a web based process existed.

Cllr Williams asked if the Food Safety Team had the right to act against mobile food vendors in markets. Karen Ryan answered that the Food Safety Team could act against them on the day if they were on LBB land.

The Chairman noted that one of the Food Safety Team Inspectors was pregnant and asked if cover was being arranged. Mr Lehane stated that he was looking for a replacement, and that the Department aimed to maintain flexibility. He could be required to do some juggling to support the team—as

well as the staff member that was pregnant, he had another member of staff that was very ill.

The Chairman asked what the effect would be on food safety law if there was an exit from the EU. It was explained that British Laws were similar to EU Laws and so it would be anticipated that if there was an exit from the EU, this would not make much difference to the way the service operated.

The Chairman enquired if the FSA could force the Council to put more money into the Food Safety Team if there was an unsuccessful audit. Mr Lehane responded that the FSA would probably make directives and suggest an action plan. They could take over the service, but this was unlikely.

The Chairman recommended that:

- If extra funding became available, it should be directed to the Food Safety Team
- Enquiries be made to see if any resources from Public Health could be used to assist the Food Safety Team
- A policy of healthy eating in schools should be promoted
- The Council should work with the Health Authority in the fight against obesity

Cllr Cartwright referred to the possible consequences arising from the difficulties being faced by the Food Safety Team. He expressed the view that these consequences could be stark and were worrying. He asked the Portfolio Holder to consider if the Executive had been made aware of the risks. The Portfolio Holder noted Cllr Cartwright's concerns, but added that there had been cuts in most areas of the Public Protection budget, and they all posed potential risks. She agreed to bring the matter to the attention of the Executive as requested, and to feed back to the Committee at the next meeting.

Cllr Samaris Huntington Thresher advocated the use of an invest to save approach where possible. She felt that resources should be directed to where savings could be made, and encouraged the use of automation and web based technology where possible.

RESOLVED

(1) that the report outlining the Review of the Food Safety Service be noted

(2) that the Portfolio Holder report back to the Committee with proposed actions at the next meeting

49 WORK PROGRAMME AND CONTRACTS REGISTER

CSD 16016

The Committee noted and reviewed the current Work Programme.

The Committee noted the Public Protection and Safety Contracts Register Summary.

RESOLVED that the Work Programme and Contracts Register report be noted.

50 PPS/PDS VISITS

The Committee noted that they had been invited to the formal opening of the refurbished fire station in Orpington on 17th February 2016.

51 DATE OF THE NEXT MEETING

The Committee noted that the next meeting was scheduled for March 2nd 2016.

The Meeting ended at 9.15 pm

Chairman

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Agenda Item 5

Report No.
CSD16038

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Safety PDS Committee

Date: 2nd March 2016

Decision Type: Non Urgent Non Executive Non Key

Title: **MATTERS ARISING**

Contact Officer: Steve Wood, Democratic Services Officer
Tel: 020 8313 4316 E-mail: stephen.wood@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

1.1 **Appendix A** updates Members on matters arising from previous meetings.

2. RECOMMENDATION

2.1 The Committee is asked to review progress on matters arising from previous meetings.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous Matters Arising reports and Minutes of meetings. Previous Agenda Document.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: **£326,980.**
 5. Source of funding: 2015/16 revenue budget
-

Staff

1. Number of staff (current and additional): 10 posts (8.75fte)
 2. If from existing staff resources, number of staff hours: Completion of "Matters Arising" Reports for PP&S PDS meetings can take up to a few hours per meeting.
-

Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for Members of the Public Protection and Safety PDS Committee.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

<u>Minute Number/Title</u>	<u>Matters Arising</u>	<u>Update</u>
15th September 2015 Minute 19 Counter Terrorism and Security Act 2015.	It was noted that LBB had statutory responsibilities concerning this Act, and that the Safer Bromley Partnership would be the strategic lead.	An update will be provided to the Committee at the meeting on March 2 nd 2016.
20th January 2016 Minute 48 Update on Food Safety Service	Cllr Cartwright expressed concern over the possible consequences to cuts in the Food Safety Team and asked that the Portfolio Holder express his concerns to the Executive.	The Portfolio Holder will update the Committee at the meeting on March 2 nd 2016.

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Report No.
FSD16020

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Safety Portfolio Holder

For Pre-decision scrutiny by the Public Protection & Safety PDS Committee on

Date: 2nd March 2016

Decision Type: Non-Urgent Non-Key

Title: **BUDGET MONITORING 2015/16**

Contact Officer: Claire Martin, Head of Finance
Tel: 020 8313 4286 E-mail: claire.martin@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environmental and Community Services

Ward: Boroughwide

1. Reason for report

This report provides an update of the latest budget monitoring position for 2015/16 for the Public Protection and Safety Portfolio based on expenditure and activity levels up to 31st August 2015. This shows a projected underspend of £20k.

2. **RECOMMENDATION(S)**

2.1 The Portfolio Holder is requested to:

2.1.1 Endorse the latest 2015/16 budget projection for the Public Protection and Safety Portfolio.

Corporate Policy

1. Policy Status: Existing Policy: Sound financial management
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Public Protection & Safety Portfolio Budget
 4. Total current budget for this head: £2.277m
 5. Source of funding: Existing revenue budgets 2015/16
-

Staff

1. Number of staff (current and additional): 51 ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement: The statutory duties relating to financial reporting are covered within the Local Government Act 1972; the Local Government Finance Act 1998; the Accounts and Audit Regulations 1996; the Local Government Act 2000 and the Local Government Act 2002
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The services covered in this report affect all Council Taxpayers, Business Ratepayers, those who owe general income to the Council, all staff, Members and Pensioners.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The 2015/16 projected outturn is detailed in Appendix 1, with a forecast of projected spend for each division compared to the latest approved budget and identifies in full the reason for any variances.
- 3.2 Costs attributable to individual services have been classified as “controllable” and “non-controllable” in Appendix 1. Budget holders have full responsibility for those budgets classified as “controllable” as any variations relate to those factors over which the budget holder has, in general, direct control. “Non-controllable” budgets are those which are managed outside of individual budget holder’s service and, as such, cannot be directly influenced by the budget holder in the shorter term. These include, for example, building maintenance costs and property rents which are managed by the Property Division but are allocated within individual departmental/portfolio budgets to reflect the full cost of the service. As such, any variations arising are shown as “non-controllable” within services but “controllable” within the Resources Portfolio. Other examples include cross departmental recharges and capital financing costs. This approach, which is reflected in financial monitoring reports to budget holders, should ensure clearer accountability by identifying variations within the service that controls financial performance. Members should specifically refer to the “controllable” budget variations relating to portfolios in considering financial performance. These variations will include the costs related to the recession.

4. POLICY IMPLICATIONS

- 4.1 “Building a Better Bromley” refers to the Council’s intention to remain amongst the lowest Council Tax levels in Outer London and the importance of greater focus on priorities.
- 4.2 The “2015/16 Council Tax” report highlighted the financial pressures facing the Council. It remains imperative that budgetary control continues to be exercised in 2015/16 to minimise the risk of compounding financial pressures in future years.
- 4.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council’s budgetary control and monitoring arrangements.

5. FINANCIAL IMPLICATIONS

- 5.1 The latest projections from managers show that there is a projected underspend of £20k expected for the Public Protection and Safety Portfolio for 2015/16. This is due to a combination of maternity leave and staff leaving earlier than budgeted for, as part of the savings options.

Non-Applicable Sections:	Legal, Personnel
Background Documents: (Access via Contact Officer)	2015/16 budget monitoring files within ECS finance section

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Public Protection & Safety Portfolio Budget Monitoring Summary as at 31st December 2015

2014/15 Outturn £'000	Division Service Areas	2015/16 Original Budget £'000	2015/16 Latest Approved £'000	2015/16 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
311	Public Protection Community Safety	256	245	215	Cr 30	1	Cr 30	0
341	Mortuary & Coroners Service	353	353	353	0		0	0
1,607	Public Protection	1,511	1,522	1,447	Cr 5	2	0	0
2,259	TOTAL CONTROLLABLE FOR PPS	2,120	2,120	2,015	Cr 35		Cr 30	0
92	TOTAL NON CONTROLLABLE	6	6	6	0		0	0
9	TOTAL EXCLUDED RECHARGES	151	151	151	0		0	0
2,360	PORTFOLIO TOTAL	2,277	2,277	2,172	Cr 35		Cr 30	0

Reconciliation of Latest Approved Budget

£'000

Original Budget 2015/16

2,277

Domestic Abuse - Grant Related Expenditure

26

Domestic Abuse - Grant Related Income

Cr 26

Latest Approved Budget for 2015/16

2,277

REASONS FOR VARIATIONS**1. Community Safety Cr £30k**

There is a projected underspend on salaries of £22k due to a combination of maternity leave and staff leaving earlier than budgeted as part of the savings options.

In addition there is a projected underspend on running expenses of Cr £8k.

2. Public Protection Cr £5k

An underspend of £19k is projected for employee costs, due to vacancies and some staff leaving earlier than budgeted as part of the savings options.

Premises costs are projected to be underspent by £10k due to a reduction in Laser electricity bills. There is a net Dr £7k on Transport costs mainly due to the purchase of ex-hire CCTV vehicles.

The number of dogs being kept in kennels and associated medical costs have been lower than previous years, partly helped by the mild winter to date. As a result of this and also due to changes to the kennelling charges there is a projected underspend of Cr £50k for 2015/16.

One-off costs of £60k have been incurred for concreting works undertaken at Wagtail Way to deter flytipping.

There is a projected Dr £7k net deficit of income within Housing Enforcement.

Summary of variations within Public Protection:

	£'000
Variations within employee costs	Cr 19
Electricity costs	Cr 10
Net variations on Transport Related Costs	7
Stray dogs kennelling contract	Cr 50
Concreting works at Wagtail Way	60
Net deficit on income	7
Total variation for Public Protection	Cr 5

Waiver of Financial Regulations:

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempted from the normal requirement to obtain competitive quotations, the Chief Officer has to obtain the agreement of the Director of Resources and Finance Director and (where over £100,000) approval of the Portfolio Holder, and report use of this exemption to Audit Sub committee bi-annually. Since the last report to the Executive, no waivers have been actioned:

Virements Approved to date under Director's Delegated Powers

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder. Since the last report to Executive, the following virements have been actioned:

Report No.
FSD16023

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & SAFETY PORTFOLIO HOLDER

Date: For pre-decision scrutiny by the Public Protection & Safety PDS Committee on 2nd March 2016

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

Title: CAPITAL PROGRAMME MONITORING - 3ND QUARTER 2015/16 & ANNUAL CAPITAL REVIEW 2016 TO 2020

Contact Officer: Martin Reeves, Principal Accountant (Technical & Control)
Tel: 020 8313 4291 E-mail: martin.reeves@bromley.gov.uk

Chief Officer: Director of Finance

Ward: All

1. Reason for report

On 10th February 2016, the Executive received a report summarising the current position on capital expenditure and receipts following the 3rd quarter of 2015/16 and presenting for approval the new capital schemes in the annual capital review process. The Executive agreed a revised Capital Programme for the five year period 2015/16 to 2019/20. No changes were made to the Capital Programme for the Public Protection and Safety (PP&S) Portfolio. The programme for this portfolio is set out in Appendix A and detailed comments on individual schemes are included at Appendix B.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to note the Capital Programme agreed by the Executive in February.

Corporate Policy

1. Policy Status: Existing Policy: Capital Programme monitoring and review is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. The Council continuously reviews its property assets and service users are regularly asked to justify their continued use of the property. For each of our portfolios and service priorities, we review our main aims and outcomes through the AMP process and identify those that require the use of capital assets. Our primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Building a Better Bromley".
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: No overall change over the 5 years 2015/16 to 2019/20.
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £340k for the PP&S Portfolio over five years 2015/16 to 2019/20
 5. Source of funding: Capital grants, capital receipts and earmarked revenue contributions
-

Staff

1. Number of staff (current and additional): 1 fte
 2. If from existing staff resources, number of staff hours: 36 hours per week
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Capital Monitoring - agreed by the Executive on 10th February 2016

3.1 A revised Capital Programme was approved by the Executive on 10th February, following a detailed monitoring exercise carried out after the 3rd quarter of 2015/16. The Executive also considered and approved new capital schemes in the annual capital review process. There are no changes to schemes in the PP&S Programme and no new schemes were put forward. The Programme for the PP&S Portfolio is attached as Appendix A and detailed comment on the scheme is included at Appendix B.

	2015/16	2016/17	2017/18	2018/19	2019/20	TOTAL 2015/16 to 2019/20
	£000	£000	£000	£000	£000	£000
Programme approved by Executive 02/12/15	340	0	0	0	0	340
Total PP&S Programme approved by Executive 10/02/16	340	0	0	0	0	340

Annual Capital Review – new scheme proposals

3.2 In recent years, we have steadily scaled down new capital expenditure plans and have transferred all of the rolling maintenance programmes to the revenue budget. Our general (un-earmarked) reserves, established from the disposal of our housing stock and the Glades Site, have been gradually spent and have fallen from £131m in 1997 to £48.9m (including unapplied capital receipts) as at 31st March 2015. Our asset disposal programme has diminished and any new capital spending will effectively have to be met from our remaining revenue reserves.

3.3 As part of the normal annual review of the Capital Programme, Chief Officers were invited to come forward with bids for new capital investment. Invest to Save bids were particularly encouraged, but none were received, and it is assumed that any such bids will be submitted in due course through the earmarked reserve that was created in 2011. Apart from the regular annual capital bids (Devolved Formula Capital grant to schools, DSG-funded schools access initiative, TfL-funded Highway and Traffic schemes and feasibility studies), no additional bids were submitted.

Post-Completion Reports

3.4 Under approved Capital Programme procedures, capital schemes should be subject to a post-completion review within one year of completion. After major slippage of expenditure in recent years, Members confirmed the importance of these as part of the overall capital monitoring framework. These reviews should compare actual expenditure against budget and evaluate the achievement of the scheme's non-financial objectives. A post-completion report on the CCTV control room scheme will be reported to this PDS Committee during the 2016/17 committee reporting cycle.

4. POLICY IMPLICATIONS

4.1 Capital Programme monitoring and review is part of the planning and review process for all services. The capital review process requires Chief Officers to ensure that bids for capital investment provide value for money and match Council plans and priorities.

5. FINANCIAL IMPLICATIONS

- 5.1 These were reported in full to the Executive on 10th February 2016. There were no changes to the PP&S Portfolio Capital Programme as set out in the table in paragraph 3.1 and in Appendix A.

Non-Applicable Sections:	Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Approved Capital Programme (Executive 02/12/15). Capital Q3 monitoring report (Executive 10/02/16).

Appendix A

PUBLIC PROTECTION & SAFETY PORTFOLIO - APPROVED CAPITAL PROGRAMME 10th FEBRUARY 2016									
Code	Capital Scheme/Project	Total Approved Estimate	Actual to 31.03.15	Estimate 2015/16	Estimate 2016/17	Estimate 2017/18	Estimate 2018/19	Estimate 2019/20	Responsible Officer
		£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	
939446	CCTV Control room - refurbishment	340	0	340	0	0	0	0	Jim McGowan
TOTAL PUBLIC PROTECTION & SAFETY PORTFOLIO		340	0	340	0	0	0	0	

Appendix B

PUBLIC PROTECTION & SAFETY PORTFOLIO - QUARTER 3 2015/16					
Code	Capital Scheme/Project	Approved Estimate Dec 2015	Revised Estimate Feb 2016	Actual to 09.02.16	Responsible Officer Comments
		£'000's	£'000's	£'000's	
939446	CCTV Control room - refurbishment	340	340	72	Tender process delayed due to formal appeal. Contractor in the process of design and build; equipment purchased; completion expected in March 2016 .
TOTAL PUBLIC PROTECTION & SAFETY PORTFOLIO		340	340	72	

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Report No.
ES16012

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Wednesday 2 March 2016

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

Title: TRADING STANDARDS

Contact Officer: Rob Vale, Trading Standards Manager
Tel: 020 8313 4785 E-mail: Rob.Vale@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: All Wards

1. Reason for report

The Chairman has asked for an update for members of the PPS PDS Committee on the work of the Trading Standards Service. The report will be accompanied by a presentation on some of the key work areas carried out by the service.

2. **RECOMMENDATION(S)**

Members are asked to consider the report and confirm they are satisfied with the current services provided.

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection and Safety Portfolio budget
 4. Total current budget for this head: £460k
 5. Source of funding: Existing Revenue Budget 2015/16
-

Staff

1. Number of staff (current and additional): 9.0 fte plus 0.6mgt
 2. If from existing staff resources, number of staff hours: NA
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents, businesses and visitors to the borough.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: NA

3. COMMENTARY

The Bromley Trading Standards Team

- 3.1 The Trading Standards Team is responsible for enforcing a wide range of legislation and sits within the Public Protection Division, within the Environment and Community Services Department.
- 3.2 During 2015 three full time enforcement officer posts were deleted as part of savings for the Division, reducing the service to a statutory minimum. The team now consists of the Head of Service with responsibilities for Trading Standards and Community Safety, one Lead Practitioner, 5.5 Enforcement Officers and a 0.67fte Accredited Financial Investigator. An administrative assistant to the team consists of a 0.5fte.
- 3.3 The deletions to the service mean a significant reduction in the number of cases which are investigated and the complete cessation of other discretionary functions including business advice, second tier advice, facilitating No Cold Calling Zones and routine inspections.

Allocation of resources

- 3.4 The Citizens Advice Consumer Service (CACS) provides first tier advice to consumers in England and Wales. Any residents who contact Bromley Trading Standards are initially directed to CACS.
- 3.5 CACS send referrals and notifications to the Trading Standards team on a daily basis. Referrals are reviewed and assessed against a risk matrix and may be allocated for investigation or noted for intelligence purposes. Notifications are checked daily and are generally for information only.

Table 1: Number of referrals and notifications per annum 2013-15

(Calendar year)	2013	2014	2015
Notifications	3996	3771	3261
Referrals	1152	1206	1056
Other referrals e.g. Letter, Rapid Response phone	1099	1381	785
Cases/enquiries actioned	2251	2587	1841*

*The last 6 months of 2015 were with the 3fte reduction

- 3.6 All notifications and referrals are recorded on a central database which provides a valuable intelligence resource for the team when reviewing activity of problem traders in the borough.
- 3.7 Monthly tasking meetings review current work areas, case progress and identify any local problem traders or consumer detriment which can then be considered for further action. Officers on average deal with around 250 cases per year each.

Priorities for 2015-17

- 3.8 A strategic assessment was carried out at the end of 2014 which helped prepare a two year control strategy which outlines the priorities for the service. See Appendix.

3.9 The main priorities for the service are:

- **Doorstep Crime (DC) and Mass Marketing Fraud (MMF) Scams** – protect older or otherwise vulnerable residents by intervening and disrupting the activities of rogue traders, raising awareness and engaging with partners via the **SAFEGUARDING ADULTS PROJECT** to help identify victims
- **Under Age Sales** – restrict the supply of age restricted products to under age children through advice and enforcement
- **Product Safety** – ensure goods sold in the borough are safe, including tackling the sale of illicit tobacco and alcohol
- **Unfair Trading** – protect residents from unfair trading practices

Key Activities in 2015

3.10 **Safeguarding Adults Project** - In November 2014 a new trading standards campaign was launched called “Safeguarding is Everybody’s business”. The aim of the project was to further raise awareness of doorstep crime and scams and encourage the community to look out for vulnerable neighbours, family and friends.

3.11 Incidents of doorstep crime and scams are significantly under reported, and one of the targets of the campaign was to increase reporting. A key objective was to increase the number of talks to high risk groups in the borough to raise awareness of DC, MMF and Courier Fraud. As Table 2 shows the number of awareness events increased during 2015.

Table 2: Number of awareness events and attendees re: Adult Safeguarding delivered annually 2012-15

Talk/training type	2012	2013	2014	2015
Talk to community group	41	48	38	64
Training to partner	31	20	23	48
Number of attendees	2,150	2,328	1,937	2,896

3.12 The campaign has included partnership work with London Fire Brigade and the Royal Mail, as well as local police teams. Training has also been given to bank staff, adult safeguarding professionals, the voluntary sector and housing associations.

3.13 Table 3 shows the significant increases in referrals of doorstep crime and scams to the service:

Table 3: Number of calls and referrals per annum 2012-15

Performance Indicators	2012	2013	2014	2015	% change since 2012
Calls to rapid response number	206	234	201	246	+19%

Performance Indicators	2012	2013	2014	2015	% change since 2012
Referrals of DC and Scam alerts from banks	24	15	22	42	+75%
Referrals of DC and Scam alerts from safeguarding partners	17	17	19	27	+58%
Total mass market Fraud Scams reports	18	140	410	227	*See below

*In 2013, 2014 and 2015 we received referrals of MMF victims from the National Trading Standards Scams Team

The following is a selection of activity over the past 12 months against the priorities set out above:

- 3.14 **Doorstep Crime** - A tip off from a neighbour led officers to an elderly male who had paid a rogue trader £25,000 for work valued at less than £500. As a result, a prolific offender was prosecuted by the service and jailed for three years and given a five year CRASBO banning him from cold calling in the UK.
- 3.15 A Lincolnshire man was found guilty of fraud following a call to the service by a concerned neighbour who had noticed extensive repairs being carried out on the home of an elderly male. Investigations revealed the victim had been tricked into signing his house over to the trader who had cold called and persuaded him to have repairs to his property.
- 3.16 The long term aim is to achieve a reduction in Doorstep Crime incidents and an increase in the number of preventions and disruption. However, because the offence is so poorly reported (national research suggests between 5% and 10% of cases are reported) the first priority is to increase the awareness of the offence so it is reported to Trading Standards and Police.

Table 4: Number of reported DC incidents, prevention visits and financial impact per annum 2012-15

	2012	2013	2014	2015
Doorstep Crime incidents	105	99	128	155
Disruption and prevention visits	145*	115	133	141
Money saved	£254,448.93	£555,238.86	£174,307.70	£233,016.85
Money lost	£221,904.99	£704,043.42	£320, 354.80	£430,913.78

*Spike caused by Kent based trader who targeted Bromley residents between 2011 and 2012.

- 3.17 **Scams** – a local housing officer who had attended trading standards training on doorstep crime and scams called the service when she was approached by a desperate resident who had no money to pay his rent or buy food. Officers attended and found the elderly male was a chronic mass market fraud victim and had sent thousands of pounds to a

bogus lottery scam. Officer stayed with the resident for several hours and negotiated a refund of several thousand pounds by his bank.

- 3.18 Further partnership work with Age UK, Care Plus and other voluntary sector agencies is under way to ensure an effective referral mechanism is established in order that trading standards officers can confidently ensure victims of MMF receive long term support where safeguarding thresholds are not met.
- 3.19 **Under Age Sales** – officers have visited 90 small business premises selling age restricted products offering advice and auditing due diligence systems. These have been followed up by test purchase operations using young people resulting in a number of illegal sales of alcohol, tobacco and fireworks. These cases are currently being investigated. Continued targeted activity in this area of work has seen a drop in illegal sales over the past three years.

Table 5: % of test purchases where no sale occurred

% compliance	2012/13	2013/14	2014/15
Alcohol	77%	77%	95%
Tobacco	85%	84%	90%
Fireworks	95%	84%	97%

- 3.20 **Product Safety** – like many authorities across the country, Bromley responded to the emergence of the Hover Board craze, as cheap, dangerous imports flooded the UK market. Several importers in the borough have removed their products from sale.
- 3.21 Intelligence received in October 2015 concerning a dangerous i-phone charger from a Bromley based eBay seller resulted in a raid at an address in Orpington where over 2500 potentially dangerous electrical items including i-phone chargers were seized and removed from the market. The seller is under investigation for alleged offences under the Consumer Protection Act 1987.
- 3.22 A small sample of premises was visited with a tobacco detection dog and handler resulting in Illegal tobacco being found at two shops. Investigations are in progress.
- 3.23 **Unfair Trading** – persistent complaints about a Bromley based hotel triggered an investigation which remains on-going. Officers have been working with the management to make improvements to the rooms and customer care, as well as removing misleading claims on the website. An investigation into the qualifications of a local performing arts trainer has resulted in a number of charges being laid against the owner, with the case going to trial in May 2016.
- 3.24 **Accredited Financial Investigator** – the work of the AFI is predominantly linked to proceeds of crime and doorstep crime investigations, assisting investigators through forensic analysis of bank accounts held by suspects. This has led to a number of prosecutions over the past few years for offences of money laundering. In 2015 the AFI also assisted planning colleagues in a case which is still subject to judicial process.

New burdens on trading standards

- 3.25 **The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2015** have placed a further statutory responsibility on trading standards with

regards to the enforcement of energy performance requirements for buildings. There will be a requirement to report to the secretary of state annually on our performance. A report will be prepared for the Portfolio Holder in due course.

3.26 S.42 of the **Care Act 2014** requires local authorities to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed. Scams and doorstep crime constitute financial abuse.

3.27 Protecting vulnerable adults is a key priority for the authority and as such appropriate resources are dedicated to a wide range of activities which aim to prevent residents from becoming victims of scams and doorstep crime.

4. POLICY IMPLICATIONS

4.1 See the body of the report

5. FINANCIAL IMPLICATIONS

5.1 The table below provides the budget and fte's for the Trading Standards team for the period 2014/15 to 2016/17:

	2014/15	2015/16	2016/17
	11.09 ftes	9.60 ftes	8.33 ftes
	£'000	£'000	£'000
Staffing	465	417	377
Car allowances	16	14	12
Running expenses	30	29	24
Grant income	-4	0	0
	507	460	413

6. LEGAL IMPLICATIONS

All legislation enforced by trading standards includes a “duty to enforce” provision.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	None

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Bromley Trading Standards

Control Strategy for priority work areas 2015-17

Bromley Trading Standards is located within the Public Protection Division of Environmental Services. It has adopted the National Trading Standards Intelligence Operating Model as a means to allocate resources and identify priorities for the service.

This Control Strategy has been prepared with regard to the Strategic Assessment which was carried out in 2015 and which provides an overview of the work of Bromley Trading Standards over the previous two years.

The Control Strategy seeks to direct the enforcement work of the service and sets out prevention, intelligence and enforcement work across the priority areas identified as being of greatest local importance. It aims to identify the significant issues causing detriment to consumers in Bromley. It will identify key issues from intelligence available, highlighting emerging trends and opportunities and will make recommendations for consideration.

The document focusses on the following:

- Analysis of 5x5x5 (intelligence reports) entries to MEMEX (a national intelligence database)
- Analysis of Cita data (held by Citizens Advice)
- Analysis of CAPS Uniform (the local case management database)
- Local knowledge and open source data
- Making recommendations for a control strategy

Summary

The data is based on data extracted from CitA between Jan 2013 and February 2015, and local databases in the past 12 months.

- Doorstep Crime and cold calling, Scams and intellectual property crime are the most common primary categories of intelligence submissions across the South East region.
- The most common complaint type within the region and locally is about property maintenance.
- Bromley receives the largest volume of complaints from CiTA within the South East region with the highest consumer detriment of £3.5million pounds for the previous 12 months.
- A total of 11,209 complaints were made to CitA in the previous two year period which involved a Bromley resident or business.
- A significant reduction in non-compliance of age restricted product sales has been recorded following a more overt enforcement programme with high risk premises.
- There have been increases in the detection of illicit tobacco products.

- The demographics of the Borough suggest that the numbers of older people in Bromley are rising and health and social care provision needs will increase.

Conclusions and recommendations

The priorities set out in the Control Strategy reflect those issues identified as key issues through local knowledge and demand established through analysis of complaints made by consumers who either live or shop in Bromley. Additional data from CitA has enabled a broader picture to be established based on the demographic spread of the population and the analysis of notifications of enquiries relating to Bromley businesses. Clear themes have been identified in tackling doorstep crime and rogue traders, scams, illicit tobacco, product safety, under age sales and fair trading.

Budget:

The current timetable of budget reductions will see the council seek to make a total of circa £50 million of savings by 2018/19. The impact on trading standards for the year 2015/16 is the reduction of 3 fte posts from a current capacity of 9.7 fte posts.

The proposed staff reduction will impact on the ability to respond to all complaints and enquiries from Bromley residents concerning unfair trading issues. Using the figures from 2013-14, it is anticipated this will equate to:

Fewer cases dealt with;

Fewer enforcement visits to traders;

Fewer visits to consumers to provide support and assistance;

A reduction in expected enforcement actions, such as prosecutions and formal cautions.

A reduction in policing of boot sales and markets

Removal of business advice

Removal of 2nd tier advice

Cessation in the facilitation of No Cold calling Zones

The following have been identified as priority areas over the next 2 years:

	Doorstep Crime & SCAMS	Actions to be taken
Preventative	Raise awareness of doorstep crime (DC) & Mass Marketing Fraud (MMF) (scams) and provide support to vulnerable consumers through advice & education e.g. talks and events	Maintain a programme of education and advice talks to groups across the borough.
	Engage all partners through training and partnership working to ensure information is shared and good support networks exist for victims of DC and scams	Develop a training package for adult safeguarding professionals to assist in developing their capacity to safeguard victims and promote partnership working. Continue to work with the police (to improve joint working) and the financial sector to build relationships and improve their response to safeguarding vulnerable customers. Increasing enforcement opportunities in relation to doorstep crime offenders and to providing intelligence in relation to offenders and victims.
	Engage with the media to publicise successful outcomes and raise profile of doorstep crime and scams by reporting incidents	On-going reporting of incidents and successful prosecutions
	Seek partnership working with an approved trader scheme	Work with local authorities across the south east of England to form alliance with national approved trader scheme
	Continue to engage with the national Scams Hub	Respond to all referrals of potential Mass Marketing Fraud (MMF) victims and visit to advise and support
	Ensure appropriate and timely referrals of all vulnerable adults at risk	Safeguarding champion to arrange further training for all Trading Standards staff on adult safeguarding issues; ensure written procedures are introduced for effective risk rating and audit
Preventative	Deliver locally the Trading Standards Intelligence Operating Model	Analyse trends, and prioritise resources at monthly tasking meetings

	Share information with partner agencies to ensure victims and potential victims receive support	Sign up to LBB and police information sharing agreement
	Raise awareness of DC and scams in the community to encourage reporting	Continue with the “Safeguarding is everyone’s responsibility” campaign to deliver key messages via local businesses, Neighbourhood Watch, Residents Associations and Safer Neighbourhood Panels to encourage reporting of suspicious activity relating to DC and scams.
	Sign up to regional and national intelligence database MEMEX	Continue to submit intelligence reports via Memex; ensure staff are trained to input data
	Ensure quality intelligence submissions are made to regional intelligence hub	Review quality reports Memex as they apply to LBB
	Produce analytical products through analysis of all available intelligence in order to identify potential areas or groups for disruption activities or to create hostile environments through publicity and awareness raising	Undertake local and regional analysis for the tasking meeting
Enforcement	Provide a rapid response service to all level 1 complaints	Ensure all calls to service are responded to, engaging police support where necessary
	Undertake robust enforcement of all DC incidents where there is a good investigative opportunity	<p>Ensure the enforcement strategy is followed in all cases, namely:</p> <ul style="list-style-type: none"> • Investigate the criminal not the crime • Work with partners • Consider all legal avenues <p>Engage the financial investigator at every opportunity</p>
	Carry out pro-active operations which are intelligence led	Participate in Operation Liberal day and Borough days as directed by intelligence products and combine with awareness raising events
	Take proportionate action against locally based scams	Respond to complaints/enquiries from older/vulnerable consumers concerning mass marketing and other scams and ensure appropriate action is taken where victim is an adult at risk

Fair trading, product safety & counterfeiting		Actions to be taken
Preventative	Provide advice and support to vulnerable consumers who are in dispute with businesses, including mediation where cases are complex	Respond to complaints/enquiries from older/vulnerable consumers concerning and ensure appropriate action is taken where victim is an adult at risk
	Provide advice to local businesses	Maintain access of the consumer and business advice portal on the Bromley website and provide follow up advice as appropriate

	Prepare service for impact of the expected Consumer rights bill, through media and other business partnerships	Ensure staff receive appropriate training on new legislation
Intelligence	Submit intelligence reports on all local safety issues	On going
	Identify complaint trends to target problem areas	On going via tasking meetings
	Continue to maintain a regular overview of intelligence on safety matters	Continue timely interrogation of intelligence via the TS Link information sharing, national Intelligence Hub and RAPEX and the South East London Intelligence Tobacco Network
Enforcement	Target traders who consistently cause consumer detriment	Undertake effective and proportionate interventions in accordance with the Intelligence Operating Model. Conduct compliance visits to business within chosen trade sectors with the aim of minimising consumer detriment and promoting a fair trading environment
	Target traders who are suspected of trading within the informal economy	Undertake visits to high risk premises suspected of trading within the informal economy (including multi agency where appropriate) Undertake effective policing of occasional sales and markets to deter traders selling counterfeit goods and illicit tobacco
	Respond to complaints of a safety matter in order that consumers are not put at risk	Consider the appropriate response by risking the nature and extent of the non-compliances and assess the level of risk posed by the product
	Maintain statutory registers for explosives and animal feed hygiene premises	Undertake inspections to all high risk businesses who register to stock and sell explosives. \Participate in regional animal feed inspection programme to support businesses to improve awareness and compliance with feed hygiene legislation.

	Under age sales	Actions to be taken
Preventative	Provide advice and guidance to local businesses	Provide Fair Trader Award training sessions for independent traders identified as high risk through local knowledge or audit visits. Provide Challenge 25 advice packs to new businesses and traders identified as lacking in due diligence systems. Carry out audit visits to all high risk and new premises improve.

		awareness and compliance with related legislation and help ensure effective diligence exists. Provide information and guidance on new legislation by way of mail outs and media releases.
	Prepare press releases at key periods of the year to raise the profile of under age sales and information items on new legislation	Prepare and distribute timely releases highlighting activity or legislative changes as they arise.
Intelligence	Share intelligence with partners, especially police and licensing and community safety to identify problem traders	On going
	Share intelligence with Regional Intelligence Analyst	Submission of 5x5x5 (intelligence reports)
	Gather intelligence of premises most likely to sell age restricted products	Undertake Challenge 25 visits to measure compliance with due diligence systems and use intelligence to target follow up visits
Enforcement	Undertake enforcement activities to test compliance	Respond to all allegations of under age sales Undertake under age test purchasing campaigns using Challenge 25 visit intelligence and other intelligence and take appropriate action where non-compliance is recorded

Report No:
CSD16039

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Safety PDS Committee

Date: 2nd March 2016

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

Title: WORK PROGRAMME AND CONTRACTS REGISTER

Contact Officer: Stephen Wood, Democratic Services Officer
Tel: 020 8313 4316 E-mail: stephen.wood@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 Members are asked to review the Committee's Work Programme and to consider the contracts summary for the Public Protection and Safety Portfolio.
- 1.2 Members should note that the Work Programme is fluid and subject to as change as required.
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2. **RECOMMENDATION**

2.1 **That the Committee:**

- (i) reviews its Work Programme (Appendix 1); and
- (ii) Notes the Public Protection and Safety Portfolio Contracts (Appendix 2).

Corporate Policy

1. Policy Status: Existing Policy: Committees normally receive a report on The Work Programme and Contracts Register at each meeting.
 2. BBB Priority: Excellent Council Safer Bromley
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £326,980.
 5. Source of funding: 2015/16 revenue budget
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Staff

1. Number of staff (current and additional): 10 posts (8.75fte)
 2. If from existing staff resources, number of staff hours: Maintaining the Committee's work programme normally takes less than an hour per meeting.
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Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: This report does not involve an executive decision.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is primarily for the benefit of Committee Members.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Forward Programme

- 3.1 The table at **Appendix 1** sets out the Public Protection and Safety PDS Forward Work Programme. The Committee is invited to comment on the schedule and to propose any changes it considers appropriate.
- 3.2 Other reports may come into the programme - schemes may be brought forward or there may be references from other Committees, the Portfolio Holder or the Executive.

Contracts Register

- 3.3 A Public Protection and Safety Contracts Register Summary is at **Appendix 2**.

4. POLICY IMPLICATIONS

- 4.1 Each PDS Committee is responsible for setting its own work programme.

Non-Applicable Sections:	Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous Work Programme Reports and Minutes of the previous meeting.

PP&S PDS COMMITTEE - FORWARD WORK PROGRAMME

PUBLIC PROTECTION AND SAFETY PDS—2nd March 2016
Matters Arising
Chairman's Update
Police Update
Presentation from Bromley Youth Council
Update from SLAM
Trading Standards Update Report
Budget Monitoring Report
Capital Programme Monitoring Report
Update Report on the PREVENT Strategy
Work Programme and Contracts Register
Future items for possible allocation to the Work Programme:
Update Report on Drug Misuse in Bromley
Update on Resilience

Appendix 2

Public Protection and Safety Contracts Register Summary

Contract	Start	Complete	Extension granted to	Contractor	Total Value £	Annual Value £	Public Protection & Safety PDS
CCTV Maintenance	1.4.2012	31.03.17	N/A	Eurovia	Fixed 3 years, then increased by CPI £214,256	£42,851	
CCTV Control Room Monitoring	1.4.2012	31.03.17	N/A	OCS	Fixed 3 years, then increased by CPI £1,263,258	£252,652	
Dog Collection – Stray and Abandoned Dogs	1.12.2012	31.03.14	30.04.17	SDK Environmental Ltd	£280,810	£63,566	PP&S PDS 08/04/2017 Extended to 30.04.2017
Kennels – Stray and Abandoned Dogs	1.12.2012	30.03.14	30.04.17	Woodland Annual Care Ltd	£360,950	£96,000 (Average variable cost)	PP&S PDS 08/04/15. Extended to 30.04.2017.
Vets Animal Welfare Enforcements	1.4.2014	31.3.15	31.03.17	Corporation of London Veterinary Service	£42,000	£14,000	Waiver agreed by Executive Director of Environmental and Community Services.
Bromley Domestic Abuse Support Groups	1.9.2013	31.3.17	N/A	Bromley Women's Aid	£92,212	£25,760 (Average per annum)	Funded by MOPAC
Safer Bromley Van	1.4.2013	31.3.2017	N/A	Victim Support	£105,751	£26,440 Average per annum)	Funded by MOPAC

Contract	Start	Complete	Extension granted to	Contractor	Total Value £	Annual Value £	Public Protection & Safety PDS
Domestic Abuse Advocacy Project	1.4.2014	31.3.2017	N/A	Victim Support	£349,285	£116,385	MOPAC funded.
Domestic Abuse Perpetrator Programme	1.5.2015	31.3.2017	N/A	DVIP	£54,627	£28,452	Funded by MOPAC
Schools Programme, Volunteer Manager, and Resettlement Officer	1.10.2015	31.3.2017	N/A	Bromley Women's Aid	£86,570 Average	£57,713 per annum)	Funded by DCLG
Mortuary Contract	1.10.14	30.09.18	n/a	Princess Royal Hospital mortuary via Kings College Hospital NHS Foundation Trust	£384,000	£96,000 pa	<i>Contract in conjunction with LB Bexley</i>