



THE LONDON BOROUGH
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DATE: 17 September 2018

To: Members of the
**PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT &
SCRUTINY COMMITTEE**

Councillor David Cartwright QFSM (Chairman)
Councillor Chris Pierce (Vice-Chairman)
Councillors Kathy Bance MBE, Julian Benington, Mike Botting, Hannah Gray,
Samaris Huntington-Thresher, Alexa Michael and Harry Stranger

Non-Voting Co-opted Members –

Sharon Baldwin, Chairman - Safer Neighbourhood Board
Julie Clark, Victim Support
Dr Robert Hadley, Bromley Federation of Residents Associations
Fen Johnson, Bromley Youth Council
Alf Kennedy, Bromley Neighbourhood Watch
Cameron Ward, Bromley Youth Council

A meeting of the Public Protection and Enforcement Policy Development & Scrutiny
Committee will be held at Bromley Civic Centre on **THURSDAY 27 SEPTEMBER
2018 AT 7.00 PM**

MARK BOWEN
Director of Corporate Services

*Copies of the documents referred to below can be obtained from
<http://cds.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 FROM COUNCILLORS AND MEMBERS OF THE PUBLIC TO THE CHAIRMAN OR COMMITTEE**

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 Friday 21st September.

4 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE MEETING HELD ON 3RD JULY 2018 (Pages 1 - 14)

5 MATTERS ARISING (Pages 15 - 18)

6 POLICE UPDATE

7 PORTFOLIO HOLDER UPDATE

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

8 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS

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 21st September 2018.

9 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

Portfolio Holder decisions for pre-decision scrutiny.

a CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2018/19 (Pages 19 - 24)

10 PRE-DECISION SCRUTINY OF REPORTS TO THE EXECUTIVE

a PLANNED ENFORCEMENT OF LEGISLATION WHICH REGULATES THE LETTING AGENTS AND PROPERTY MANAGEMENT SECTOR (Pages 25 - 30)

POLICY DEVELOPMENT AND OTHER ITEMS

11 REGULON OF INVESTIGATORY POWERS ACT AUTHORISATIONS REPORT (Pages 31 - 34)

12 ENFORCEMENT ACTIVITY--FUTURE SCRUTINY (Pages 35 - 50)

13 FLY TIPPING ACTION INITIATIVE REPORT (Pages 51 - 68)

14 RISK REGISTER EXEMPTION ORAL UPDATE

15 PUBLIC PROTECTION AND ENFORCEMENT CONTRACTS REGISTER REPORT AND DATABASE EXTRACT--PART 1 (Pages 69 - 78)

16 WORK PROGRAMME (Pages 79 - 84)

17 DATE OF THE NEXT MEETING

The date of the next meeting is 4th December 2018.

PART 2 AGENDA

18 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION)(VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

The Chairman to move that the Press and Public be excluded during consideration of the items listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the press or public were present there would be disclosure to them of exempt information.

Items of Business

Schedule 12A Description

19 CONTRACTS REGISTER DATABASE EXTRACT--PART 2 (Pages 85 - 86)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

20 PPE/PDS ENFORCEMENT ACTIVITY PERFORMANCE INDICATORS (Pages 87 - 88)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 3 July 2018

Present:

Councillor David Cartwright QFSM (Chairman)
Councillor Chris Pierce (Vice-Chairman)
Councillors Kathy Bance MBE, Julian Benington,
Mike Botting, Hannah Gray, Alexa Michael and
Harry Stranger

Julie Clark, Dr Robert Hadley, Fen Johnson and Cameron
Ward

Also Present:

Nigel Davies, Sarah Foster, Dan Jones, Beverley Pharo,
Toby Smith, John Stephenson, Joanne Stowell and Rob
Vale, David House and Councillor Kate Lymer

STANDARD ITEMS

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Ben Stephens and Beverley Pharo attended as alternate.

Apologies were also received from Paul Warnett and Jeff Boothe; Inspector Gary Byfield attended as alternate.

Apologies were also received from Councillor Samaris Huntington Thresher and Sharon Baldwin.

Alfred Kennedy also sent apologies and David House attended as alternate.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 QUESTIONS TO THE CHAIRMAN FROM COUNCILLORS AND MEMBERS OF THE PUBLIC

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

4 MINUTES OF THE PUBLIC PROTECTION AND SAFETY PDS COMMITTEE MEETING HELD ON 6th MARCH 2018

The Committee considered the minutes of the meeting of Public Protection and Safety PDS Committee held on 6th March 2018.

RESOLVED that the minutes of the meeting held on 6th March 2018 be agreed and signed as a correct record.

5 APPOINTMENT OF CO-OPTED MEMBERS

CSD 18084

The Committee noted the report that recommended the re-appointment of two existing co-opted members, and the appointment of four new members.

The Committee agreed with the recommended appointments.

The Chairman thanked Councillor Alexa Michael for her hard and detailed work on behalf of the PDS Committee over the previous three years. He wished her all the best in her new role as Chairman of the Development Control Committee, and welcomed new members.

The Chairman also expressed his appreciation for the hard work undertaken by Mr Terry Belcher (Vice Chairman of the Safer Neighbourhood Board).

RESOLVED that

1) Mr Alfred Kennedy (Neighbourhood Watch) and Dr Robert Hadley (Bromley Residents' Association) be re-appointed as co-opted members

2) Cameron Ward (BYC), Fen Johnson (BYC) Julie Clark (Victim Support) and Sharon Baldwin (Safer Neighbourhood Board) be appointed as new co-opted members.

6 POLICE UPDATE

The police update was provided by Inspector Gary Byfield.

The Chairman asked Mr Byfield to convey the Committee's disappointment to Chief Superintendent Jeff Boothe regarding his non-attendance at the meeting.

The Committee learnt that the senior leadership team for the BCU (Basic Command Unit) was now in place and that the full transfer to the tri-borough BCU would take place during February 2019.

The Chairman informed Mr Byfield that going forward he would be requesting that statistical data be sent to the Committee Clerk in advance of the meeting.

This would allow members of the Committee time to assess the data prior to the meeting.

The Committee was informed that the percentage of 'I' calls reached within the target time was 87%, and the percentage of 'S' calls reached within the target time was 85%. 'I' calls were calls that required the fastest response time of being answered within 15 minutes, and 'S' calls within 1 hour. The target time for responses was 90%, so in both cases the targets were not being hit. A Member enquired what the geographical demographic was in terms of the area that had to be covered by police response vehicles. Mr Byfield responded that the police had to deal with calls over an area of 52 square miles, and there were occasions when multiple calls would come in simultaneously—then the police would have the difficult decision of deciding which call to prioritise. In some instances, the response time could fail to hit the target by just a few seconds.

Knife crime was down by 7% and the number of seizures of weapons had increased. This was due to an increase in the use of stop and search and an increase in the number of weapons sweeps. These were both aspects of the Met Commissioner's more proactive Knife Crime Strategy. A young person had been stopped in Penge and found to be in possession of a samurai sword. It was asked if all cases of knife crime were prosecuted. Mr Byfield answered that the CPS (Crown Prosecution Service) was now taking a positive attitude towards prosecution.

Burglary had increased by 5%, which was partly due to the targeting of certain areas and properties in the borough by gangs coming in from outside of Bromley. A burglary gang from north London had recently been arrested. Bromley had a dedicated burglary squad, but could call on external resources if required. ASB had reduced by 17%, which equated to 6,000 calls.

Problems with the 101 call handling service were discussed. The Chairman stated that he had made a call to 101 recently and was kept waiting for a response for 40 minutes. The Committee was of the view that there were serious problems with the operation and efficiency of the 101 service. Members expressed the view that in many wards, ASB was not falling, but that rather the full extent of ASB was not being reported due to failures in the 101 service where callers were taking too long to get a response and were therefore abandoning the calls. The Chairman asked Mr Byfield if some data could be provided concerning the number of calls that went unanswered. Another Member asked if information was available relating to ASB per ward.

Cameron Ward (Bromley Youth Council--Chairman) stated that young people had concerns over using the 101 service to report drug and knife crime, and asked what the police could do to promote youth engagement. Mr Byfield responded that if the matter was related to drugs or knife crime, young people should consider if a 999 call may be more appropriate—especially if the crime was taking place there and then. For less urgent matters, young people could consider a variety of other contact methods which included emailing the local Safer Neighbourhood Team, using Twitter, or they could make an anonymous

call to Crime Stoppers. The Chairman reminded Mr Byfield that the police had a responsibility to the public to provide clarification and advice concerning how the public could contact the police.

A Member raised a question based on the previous minutes which noted that a positive outcome in stop and search incidents had been achieved in 24.2% of cases. The target for stop and searches achieving a positive outcome was 22%. A Member queried if stop and search was still subject to serious scrutiny from external panels. This had previously discouraged officers from using stop and search. Mr Byfield informed the Committee that things had now changed. More support was now forthcoming from the Senior Leadership Team. Additionally, the use of body worn cameras had reduced complaints by 35%. The Portfolio Holder (Councillor Kate Lymer) mentioned that she was now a member of the Stop and Search Monitoring Group and BYC (Bromley Youth Council) was represented on the Group. If anyone wanted more information concerning this Group, the Portfolio Holder would be happy to take queries directly outside of the meeting.

The Member (again noting the previous minutes) asked if Bromley police were still short of 17 detectives; Mr Byfield said that he would find out and provide an update.

The Vice Chairman congratulated the police on their use of social media. He then asked for clarification concerning when the local police bases would be closing. The Committee was pleased to hear that as a consequence of a judicial review, no bases were now going to be closed. Mr Byfield was asked if LBB could therefore publicise this fact, and the response was affirmative.

A Member asked if the police now had a full quota of officers. Mr Byfield answered that this was not the case, but that the previous vacancy at Shortlands had now been filled. There was a constant churn of officers for a variety of reasons, and the police always endeavoured to fill any vacancies as soon as possible.

A Member informed the Committee that he had a daughter who worked in the 101 call centre, and he stated that 101 call centre staff were also frustrated. He asked Mr Byfield how many duty officers there now were, and the response was that there was one in each borough which was the same as before.

A Member asked what could be done about 'joy riders' in car parks. Mr Byfield responded that it would be useful if the car registration numbers could be forwarded to the police. In many of these incidences, young people were driving cars that were connected to their parents' car insurance. Very often, if the police wrote a letter to the parent, threatening to seize the car, then that resolved the issue. Mr Byfield stated that what should be happening is that the police and LBB should work together to 'design out crime'. The problem could perhaps be solved by preventing joy riders from getting into the car parks in the first place. This could be done by using spikes or chains—money would

need to be spent. The Chairman commented that the matter was an issue of priorities and resources.

The Chairman asked if there was still a problem anywhere in Bromley with Travellers. Mr Toby Smith (LBB Head of Street Enforcement) responded that there were two small incursions that were being dealt with. Mr Byfield commented that consideration in these matters had to be given to what was legal and proportionate. Members stated that this was a matter of great concern to local residents and the clearing up operations required afterwards were costly. It was noted that this was also an issue that many thought could be 'designed out'. Mr Nigel Davies (Executive Director of Environmental and Community Services) stated that money had been spent in trying to deter Traveller incursions, and money would continue to be spent. However, what was also required was clarity and the correct interpretation of when the police could and could not take action.

The Chairman referenced an address that had been visited 84 times in the past three months in connection with ASB. The Chairman asked why this matter had been allowed to continue for such a protracted period without firmer action being taken. Mr Byfield promised to look into the matter and report back.

The Chairman informed Mr Byfield that going forward he would be asking for various statistics and information from the police. He would also be writing to Chief Superintendent Boothe to request information and would be carefully monitoring the implementation of the new tri-borough BCU approach.

The Chairman thanked Inspector Byfield for attending the meeting at short notice.

RESOLVED that:

- 1) The police update be noted**
- 2) The police provide data concerning the number of 101 calls that go unanswered**
- 3) Inspector Byfield to report back concerning whether or not Bromley police were still short of detectives**
- 4) Inspector Byfield to report back concerning the address that had been visited 84 times in three months, and why this matter had been allowed to continue for so long.**

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

7 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS

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

8 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

a PROVISIONAL OUTTURN 2017/18

FSD 18044

The Provisional Outturn report was drafted by Claire Martin, Head of Finance.

The report had been drafted to inform the Portfolio Holder of the final outturn position for 2017/18 for the Public Protection and Enforcement Portfolio. The report detailed an underspend of £157k.

RESOLVED that

1- The Portfolio Holder endorse the 2017/18 provisional outturn position for the Public Protection and Enforcement Portfolio

2- The Portfolio Holder approves the drawdown of the carry forward sums from 2017/18 in the Central Contingency, totalling £67K.

b BUDGET MONITORING 2018/19

FSD 18048

The Budget Monitoring report was written by Claire Martin—Head of Finance.

The report provided an update of the latest budget monitoring position for 2018/19 for the Public Protection and Enforcement Portfolio based on expenditure and activity levels up to 31st May 2018. It was noted that there was an underspend of £85K.

Members were informed that nationally there was a problem in recruiting food safety officers, and that LBB still had a vacancy for a food safety officer that had not been filled.

RESOLVED that the Portfolio Holder endorse the latest budget projection for the Public Protection and Enforcement Portfolio.

c SETTING OF STATUTORY FEES FOR LICENSING HOUSES IN MULTIPLE OCCUPATION

ES18052

The report had been written by Joanne Stowell, Assistant Director for Public Protection. The report was required as the House in Multiple Occupation (HMO) mandatory licence fee had not been reviewed since 2009. The report recommended a fee increase which required Portfolio Holder approval.

A Member referred to section 3.16 of the report which was an analysis of comparable fees charged by LBB's nearest neighbouring boroughs. She asked why the proposed fee for LBB was 9.84% lower than the average figure for other boroughs. Ms Stowell responded that the figures had been calculated using current officer time, and that local authorities were restricted in what they could charge as they were not allowed to make a profit. The plan (as outlined in the report) was to undertake a further review in October 2019 to ensure that the fee remained commensurate with administration costs.

RESOLVED that:

- 1) The Committee note and endorse the report**
- 2) The Portfolio Holder approve the revised schedule of fees as outlined in the report.**

d PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO PLAN

ES 18048

The Committee received the Draft Public Protection and Enforcement Portfolio Plan for 2018/19.

The Chairman expressed his thanks for a very comprehensive report. He proposed that an additional recommendation be added which was to acknowledge the previous achievements of the 2017/18 plan. This was agreed by the Committee.

A Member referenced section 5.6 of the report which mentioned the deployment of the CCTV service. The Member asked the Portfolio Holder if the number of CCTV cameras had increased, or if there was any plan to do so. The Portfolio Holder responded that such matters were considered on a case by case basis. Mr Vale (Head of Trading Standards and Community Safety) confirmed that LBB had invested in additional cameras, and that LBB always tried to ensure that sufficient cameras were deployed. It had to be borne in mind that the budget for this was limited. The matter was reviewed regularly, and focus would be on known ASB hotspots.

A Member asked if more cameras could be provided in the Biggin Hill area to catch people dropping litter from cars. He felt that more prosecutions were required. The Portfolio Holder replied that it was something that could be looked into, but she felt that CCTV would not be effective in this case. This was because fixed CCTV was limited in what could be picked up. People would just commit littering offences off camera if they wanted to.

A Member stated that graffiti on bus stops seemed to be on the rise. She had reported several incidents to TfL, but they had been slow to respond. She wondered if anything could be done to nudge them along. Mr Davies stated that this was a matter that he would look into.

The Chair of BYC referred to the mentoring programme for young people that was noted in section 5.3 of the report. He informed the Committee that support for more educational programmes for young people was the focus of a current BYC campaign. He stated that BYC was not aware of the mentoring programme, and asked if the profile of the programme could be raised. The Portfolio Holder clarified that this was not a programme that was open to all. It was for young people that had been identified as requiring support, and young people had to be referred onto the programme either by teachers or by the YOS (Youth Offending Service).

The Portfolio Holder informed the Committee that Mr Davies was now a new mentor, and that the Bromley Mentoring Team had recently won a Bromley Star award. Referrals to the mentoring service could come from Children's Services.

The Vice Chairman referred to outcome 4, (Aim 3.7) of the report, which was the continued delivery of parking enforcement services. He asked if it could be made simpler for local residents to report parking enforcement infringements as this was not clear to local residents currently.

The Chair of BYC referred to the section of the report dealing with the sale of age restricted products and stated that BYC had been undertaking the same kind of mystery shopping recently. He was informed that he could go out with the LBB Trading Standards Team to support investigations if he wished.

RESOLVED that

- 1) The Portfolio Plan for 2018/19 be noted**
- 2) The Executive Director for Environmental and Community Services investigate why TfL were taking so long to remove graffiti from bus stops.**
- 3) The Committee acknowledge the previous achievements of the 2017/18 Portfolio Plan.**

9 POLICY DEVELOPMENT AND OTHER ITEMS

a ENFORCEMENT ACTIVITY REPORT

ES 18046

The Enforcement Activity Update report was written by Joanne Stowell (Assistant Director for Public Protection).

The report had been drafted to advise Members of the enforcement activity under delegated powers that had been undertaken by the following divisions:

- Public Protection Division

- Planning Enforcement
- Neighbourhood Management
- Parking Enforcement

Members were being requested to note the report and to agree to receive reports every six months that would provide updates on the service areas identified in the report.

Mr Davies explained that the written report, backed by verbal updates from relevant officers was designed to pull together the various enforcement strands. Portfolios would need to be untangled and an overview provided to Members. Clarity was required concerning how the various strands should be scrutinised in the future.

Mr Toby Smith (Head of Street Enforcement) attended to provide a brief overview of his area of enforcement responsibilities—these included:

- Abandoned vehicle removal
- Investigation, enforcement and prosecution of all fly tipping incidents on public and private land
- Issuing of FPN's for Dog Fouling, littering and fly tipping on the Borough's streets
- Enforcement and removal of illegal Traveller incursions from all Bromley owned land and all 160 parks.

Mr Smith's division did not deal with parking enforcement, but did manage the Ward Security contract.

Beverley Pharo (Customer and Communications Officer—Shared Parking Services) attended the meeting to brief the Committee with respect to parking enforcement. The Committee was informed that a shared parking service had existed with LB Bexley since 2014. There were three primary areas of enforcement that the division focused on:

- PCNs enforced under the Traffic Management Act 2004
- Blue Badge Enforcement
- Debt recovery enforcement using enforcement agents

The Chairman stated that it was his intention to scrutinise parking enforcement and wondered if there was a FPN (Fixed Penalty Notice) Strategy, especially with respect to parking near schools. The Vice-Chairman highlighted the problem of huge lorries waiting to unload outside of builders' merchants, and asked if concerns around this could be passed on.

Mr David House (Neighbourhood Watch) queried if parking was being enforced after 6.30pm in Orpington High Street. He stated that after 6.30pm

there seemed to be a lack of enforcement that was causing a problem for buses trying to drive through the High Street.

Mr John Stephenson (Planning Enforcement Manager) explained that his section dealt with breaches of planning control. The section dealt with around 750 to 800 enquiries per year. They issued planning enforcement notices, and some of these would be appealed. Many issues could be resolved via negotiation and so it was just in approximately 10% of cases that full legal action may be required.

A Member expressed the view that in terms of enforcement, Planning was a complaints led service where people were not adhering to planning permission. She asked if the Planning Department could take a more proactive stance. Mr Stephenson responded that Planning Enforcement was a small team that did not have the requisite resources to adopt a more proactive approach.

At this point the Chairman expressed some concerns that he had in terms of possible overlaps in scrutiny with other committees such as Development Control and Environment PDS. Because of this, it was the Chairman's intention to set up a Task and Finish Group to specifically identify the enforcement role of the PP&E PDS Committee. To this end he suggested adding a new recommendation to the report which was to set up a Task and Finish Group. This suggestion was endorsed by the Committee.

The Chairman asked if any of the Members present would like to sit on the Task and Finish Group. Councillors Alexa Michael and Kathy Bance expressed an interest in doing so.

RESOLVED that:

- 1) The report is noted**
- 2) The Committee receive updates every six months on the service areas identified in the report**
- 3) A Task and Finish Group be set up to identify the particular areas of enforcement responsibility that the Public Protection and Enforcement PDS Committee should focus on.**
- 4) The problem of huge lorries waiting to unload outside of builders' merchants be highlighted to parking enforcement**

b MOPAC UPDATE REPORT

ES 18044

The report was written by Mr Vale to update the Committee concerning MOPAC funding for Bromley from the London Crime Prevention Fund.

The Committee was appraised that the total funding received by Bromley for the two years 2017/18 and 2018/19 was £643,430. A breakdown was provided concerning how the money had been allocated. The funding allocation for the two years 2019/20 and 2020/21 had been reduced to £483,398. This was a reduction of £160,032 or 25%.

The report briefed the Committee on the nature of the projects that had received funding, and the possible impact on services if funding was not found to replace the current projected deficit.

However, there was some light at the end of the tunnel. The Portfolio Holder informed the Committee that she had attended a meeting at City Hall two weeks previously. MOPAC had indicated that as a result of a revised allocation formula it may be the case that Bromley could receive an extra funding of 0.6% above the current allocation; this would equate to £356K over the two year period.

The problem facing Bromley and other boroughs was that the final funding allocations were unlikely to be agreed until September, and this made it difficult for boroughs to make decisions about contract extensions and re-procurement as the final budget was not clarified.

Mr Vale stated that an updated report would be brought to the Committee in December. The report would make known the final funding allocations, and would make recommendations to the Committee as to where the funding should be allocated.

A Member asked what was meant by 'gang flagged offences' and the Portfolio Holder said that she would find out and provide an explanation. A post meeting explanation was provided by MOPAC to the Portfolio Holder which explained that 'gang flagged offences' were crime incidences 'flagged' on the police computer as having possible links to gangs. The indicator was no longer going to be used by MOPAC as it was not considered reliable and two other indicators would be relied upon instead. These were flags for gun crime and non-domestic abuse relating to people under the age of 25.

A Member raised an issue concerning who could be accepted for help by Bromley Womens' Aid. She stated that she had been informed of a case where a female in need of housing relating to domestic abuse had been refused help from BWA because she was not in receipt of housing benefit. Because of this she had instead been referred to the Bromley Homeless Shelter. Mr Vale said that this was a matter that he would look into, and would provide a subsequent update to the Member and to the Chairman.

RESOLVED that:

- 1) The Committee note the MOPAC Update report**

2) A report should be brought back to the December Committee with confirmation of the funding awarded for 2019/20 and 2020/21. The report should set out options to deal with any funding deficits.

3) Mr Vale should investigate the matter of BWA being unable to help women who were not in receipt of housing benefit, and to provide an update on this to the Member who raised the issue and to the Chairman.

**c TRADING STANDARDS UPDATE REPORT ON UNDER AGE
SALES**

ES 18043

Mr Vale presented a report that provided an update on the work of Trading Standards and under age sales enforcement. Members were asked to note the report.

Mr Vale referred to the 'Offensive Weapons Bill' and stated that this was a bill that LBB would need to keep an eye on as they would need to enforce it. Amongst other things the bill would ban the sale of the most dangerous corrosive products to under-18s and tough restrictions on online sales of knives would be introduced.

It was also noted that the Trading Standards Team had won the award for 'Team of the Year' at the recent Bromley Stars event.

RESOLVED that the report is noted.

**10 CONTRACTS REGISTER REPORT AND PART 1 CONTRACT
DATABASE UPDATE**

ES 18045

The Contracts Register report was written by Joanne Stowell (Assistant Director for Public Protection). The report presented an extract from the March 2018 Contracts Register for detailed scrutiny by the PDS Committee.

The Committee heard that as there had been no initial bids for the Mortuary Contract tender, the closing date for the receipt of bids had been extended. The CCTV Monitoring and CCTV Maintenance Service contracts were both due to expire in March 2019. Both contracts were on target to go out to the market on July 16th.

RESOLVED that

1) The Contracts Register report is noted

2) The Committee notes that the Contracts Register in Part 2 contains additional, potentially commercially sensitive information in its commentary.

11 WORK PROGRAMME

CSD 18066

The Committee noted the Work Programme report.

It was agreed that the 'Portfolio Holder Update' be removed from the Work Programme going forward.

The following changes were agreed:

September 27th

It was decided that the September meeting would focus on outcome 3 of the Portfolio Plan—Supporting and Regulating Business. Because of this, the current items listed in the September Work Programme relating to the Food Safety Service Plan and the Trading Standards Service Plan would remain. An item would be added for a CCTV contract award report.

December 4th

The focus for this meeting would be on outcome 4 of the Portfolio Plan, which was to protect and improve the environment through effective and responsible enforcement. To this end the meeting would incorporate an Enforcement Activity report. If the CCTV Contract report had not been ready in time for the September meeting, then it would go to the December meeting instead. As noted in the minutes relating to the MOPAC report, there would be a MOPAC update report going to the December meeting with a briefing on the final grant allocation.

January 30th 2019

The focus for this meeting would be around outcome 1 of the Portfolio Plan which was to keep Bromley safe. It was anticipated that at this meeting, Members would receive a Portfolio Plan update report.

Finally, the Chairman informed Members that he would be open-minded with respect to any requests for presentations to be made to the Committee. However he made it clear that his aim for the Committee was to focus on its core scrutiny function.

RESOLVED that the Work Programme report be noted and that the reports outlined above be added to the respective months of the Work Programme.

12 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE

**LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006 AND THE FREEDOM OF
INFORMATION ACT 2000**

13 PART 2 CONTRACTS REGISTER EXTRACT

The Committee moved into the Part 2 part of the meeting where a discussion was held concerning aspects of the contracts database where issues may be deemed to be commercially sensitive.

The full minutes for this are detailed in the part 2 section of the minutes.

RESOLVED that the part 2 Contracts Database details with associated comments are noted.

14 DATE OF THE NEXT MEETING

The date of the next meeting was confirmed as Thursday, September 27th at 7.00pm

The Meeting ended at 9.00 pm

Chairman

Report No.
CSD18131

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Enforcement PDS Committee

Date: 27th September 2018

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: Safe Bromley
-

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: £350,650
 5. Source of funding: 2018/19 revenue budget
-

Staff

1. Number of staff (current and additional): 8 posts (6.87fte)
 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>
Minute 6 03/07/18 Police Update	It was agreed that the police would provide data concerning the number of 101 calls that went unanswered.	Superintendent Craig Knight will provide a response at the meeting.
Minute 6 03/07/18 Police Update	It was agreed that Inspector Byfield would report back concerning whether or not Bromley police were still short of detectives.	Superintendent Craig Knight will provide a response at the meeting.
Minute 6 03/07/18 Police Update	It was agreed that Inspector Byfield would report back concerning the address that had been visited 84 times in three months, and why this matter had been allowed to continue for so long	The Chairman has been provided with a response and copied in to all emails relating to this address. Mr Byfield will be providing a briefing report detailing police involvement to Mr Warnett by Friday 31st August 2018.
Minute 8d 03/07/18 Public Protection Portfolio Plan	It was agreed that the Executive Director for Environmental and Community Services investigate why TfL were taking so long to remove graffiti from bus stops.	An update will be provided at the meeting.
Minute 9a 03/07/18 Enforcement Activity report	A Task and Finish Group be set up to identify the particular areas of enforcement responsibility that the Public Protection and Enforcement PDS Committee should focus on.	The Task and Finish Group has been set up and started work. An update report has been incorporated into the agenda.
Minute 9a 03/07/18 Enforcement Activity report	The problem of huge lorries waiting to unload outside of builders' merchants should be highlighted to parking enforcement.	An update from the Contracts & Operations Manager has been disseminated.

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Report No.
FSD18074

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO
HOLDER

Date: For pre-decision scrutiny by the Public Protection & Enforcement PDS
Committee on 27th September 2018

Decision Type: Non-Urgent Executive Non-Key

Title: CAPITAL PROGRAMME MONITORING - 1ST QUARTER 2018/19

Contact Officer: James Mullender, Principal Accountant
Tel: 020 8313 4292 E-mail: james.mullender@bromley.gov.uk

Chief Officer: Director of Finance

Ward: All Wards

1. Reason for report

On 11th July 2018, the Executive received a report summarising the current position on capital expenditure and receipts following the 1st quarter of 2018/19 and agreed a revised Capital Programme for the four year period 2018/19 to 2021/22. This report highlights changes agreed by the Executive in respect of the Capital Programme for the Public Protection & Enforcement Portfolio. The revised programme for this portfolio is set out in Appendix A, and detailed comments on individual schemes are shown in Appendix B, and details of the 2017/18 outturn position are included in Appendix C.

2. **RECOMMENDATION**

The Portfolio Holder is asked to note and confirm the changes agreed by the Executive on 11th July 2018.

Corporate Policy

1. Policy Status: Existing Policy: Capital Programme monitoring 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. 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: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £32k for the PP&E Portfolio over the four years 2018/19 to 2021/22
 5. Source of funding: Capital receipts
-

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: 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 – variations agreed by the Executive on 11th July 2018

- 3.1 A revised Capital Programme was approved by the Executive on 11th July 2018, following a detailed monitoring exercise carried out after the 1st quarter of 2018/19. The base position is the programme approved by the Executive on 7th February 2018, as amended by variations approved at subsequent Executive meetings. All changes to schemes in the Public Protection & Enforcement Portfolio Programme are itemised in the table below and further details are included in paragraph 3.2. The revised Programme for the Public Protection & Enforcement Portfolio is attached as Appendix A whilst Appendix B shows actual spend against budget in the first quarter of 2018/19, together with detailed comments on individual scheme progress. Appendix C included details of the final outturn in 2017/18.

	2018/19	2019/20	2020/21	2021/22	TOTAL 2018/19 to 2021/22
	£000	£000	£000	£000	£000
Programme approved by Executive 07/02/18	0	0	0	0	0
Rephasing from 2017/18 to 2018/19 (Para 3.2)	32	0	0	0	32
Total Revised PP&E Programme	32	0	0	0	32

3.2 Schemes re-phased from 2017/18 into future years

The 2017/18 Capital Outturn was reported to the Executive on 11th July 2018. The final capital outturn for the year for Public Protection & Enforcement Portfolio schemes was Cr £19k compared to a revised budget of £13k approved by the Executive in February; resulting in an underspend of £32k. This was mainly due to the retention for the CCTV being held and carried over until the defect period has completed. Details of the 2017/18 outturn for this Portfolio are set out in Appendix C.

Post-Completion Reports

- 3.5 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 prior 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. No post-completion reports are currently due for the PP&E Portfolio, but this quarterly report will monitor the future position and will highlight any further reports required.

4. POLICY IMPLICATIONS

- 4.1 Capital Programme monitoring and review is part of the planning and review process for all services.

5. FINANCIAL IMPLICATIONS

- 5.1 These were reported in full to the Executive on 11th July 2018. Changes agreed by the Executive for the Public Protection & Enforcement Portfolio Capital Programme are set out in the table in paragraph 3.1.

Non-Applicable Sections:	Legal, Personnel & Procurement Implications, Impact on Vulnerable Adults and Children
Background Documents: (Access via Contact Officer)	Capital Programme Monitoring Qtr 3 2017/18 & Annual Capital Review 2018-2022 (Executive 07/02/18) Capital Programme Monitoring Qtr 1 2018/19 (Executive 11/07/18) Capital Programme Outturn 2017/18 report (Executive 21/05/18)

Appendix A

PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO - APPROVED CAPITAL PROGRAMME 11TH JULY 2018									
Code	Capital Scheme/Project	Total Approved Estimate	Actual to 31.03.18	Estimate 2018/19	Estimate 2019/20	Estimate 2020/21	Estimate 2021/22	Responsible Officer	Remarks
		£'000	£'000	£'000	£'000	£'000	£'000		
939446	CCTV Control room - refurbishment	340	308	32	0	0	0	Jim McGowan	
TOTAL PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO		340	308	32	0	0	0		

Appendix B

PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO - APPROVED CAPITAL PROGRAMME 2018/19 - 1ST QUARTER MONITORING						
Code	Capital Scheme/Project	Actual 31.03.18	Revised Estimate Feb 2018	Actual to 01.09.18	Revised Estimate July 2018	Responsible Officer Comments
		£'000	£'000	£'000	£'000	
939446	CCTV Control room - refurbishment	308	0	0	32	The scheme has completed and in defect period. A sum of retention has been applied, the system will need to run successfully for a period of 12 months before final payment is made. This scheme will be reviewed, and any residual balance will be removed from the capital programme in due course.
TOTAL PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO		308	0	0	32	

Appendix C

PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO - CAPITAL PROGRAMME OUTTURN 2017/18						
Code	Capital Scheme/Project	Actual 31.03.18	Approved Estimate Feb 2018	Final Outturn	Variation	Responsible Officer Comments
939446	CCTV Control room - refurbishment	308	13	-19	-32	The scheme has completed and in defect period. A sum of retention has been applied, the system will need to run successfully for a period of 12 months before final payment is made
TOTAL PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO		308	13	-19	-32	

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Report No.
ES18068

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

**FOR PRE DECISION SCRUTINY BY PUBLIC PROTECTION
AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY
COMMITTEE**

Date: Thursday 27 September 2018

Decision Type: Non-Urgent Executive Non-Key

Title: **PLANNED ENFORCEMENT OF LEGISLATION WHICH
REGULATES THE LETTING AGENTS AND PROPERTY
MANAGEMENT SECTOR**

Contact Officer: Rob Vale, Head of Trading Standards & Community Safety
Tel: 020 8313 4785 E-mail: Rob.Vale@bromley.gov.uk

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

1. Reason for report

- 1.1 This report is presented to seek the approval to use the planned enforcement of legislation which regulates the letting agent and property management sector in the Borough.
-

2. **RECOMMENDATIONS**

- 2.1 **Members of the Scrutiny Committee are asked to note and comment on the content of this report.**

The Executive is asked to: -

- 2.2 **Delegate authority to enforce the Enterprise and Regulatory Reform Act 2013 to the Executive Director of Environment and Community Services.**
- 2.3 **To agree that the monetary penalty for non-compliance with the legislation be set at the maximum sum of £5,000 per failure in line with many local authorities across London.**
- 2.4 **To authorise the Head of Trading Standards and Community Safety to make amendments to the amount of the monetary penalty, where the enforcement authority is satisfied that there are extenuating circumstances taking into account any representations made by**

the lettings agent or property manager during the 28 day period, following the authority's notice of intention to issue a fine.

- 2.5 To agree to the uploading of compliance failures by letting agents and property managers to the Rogue Landlord and Agent Checker administrated by the Mayor of London and London Assembly (<https://www.london.gov.uk/rogue-landlord-checker>).

Impact on Vulnerable Adults and Children

1. Summary of Impact: See section 4
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Safe Bromley :
-

Financial

1. Cost of proposal: Estimated Cost: £18k
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Trading Standards
 4. Total current budget for this head: £48,125.
 5. Source of funding: Asset Recovery Incentivisation Scheme (ARIS)
-

Personnel

1. Number of staff (current and additional): One
 2. If from existing staff resources, number of staff hours: NA
-

Legal

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

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Compulsory Membership of a Government Approved Redress Scheme

- 3.1 All letting agents and property management operators in England are required to join a Government approved redress scheme under The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, made under the Enterprise and Regulatory Reform Act 2013.
- 3.2 In August 2018 the number approved schemes reduced down from three to two. They are the Property Redress Scheme (www.theprs.co.uk) and The Property Ombudsman (www.tpos.co.uk)
- 3.3 The effect of the Order is that tenants and landlords dealing with letting agents and property management operators in the residential sector can complain to an independent body about the service they have received.

Compulsory Display of Prescribed Information

- 3.4 One of the first new provisions brought into force by the passing of the Consumer Rights Act 2015 relate to requirements for accommodation letting agents and property management businesses to display their fees and charges to clients.
- 3.5 Information prescribed by sections 83-88 and Schedule 9 of Consumer Rights Act 2015 must be displayed by letting agents and property managers' at their premises where it can be seen without asking. The information must also be shown on their websites
- 3.6 The prescribed information includes the fees charged and a statement saying with which redress scheme they have membership. If the agent holds clients' money, they must also display a statement saying whether or not they belong to a client money protection scheme.
- 3.7 Failure to satisfy any of these statutory requirements can lead to a maximum penalty of £5,000 per failure. These penalties are imposed using a Penalty Charge Notice. They are issued by the enforcement authority where it is satisfied, on the balance of probabilities that someone is engaged in letting or property management work and has failed to comply in one or more of their duties.
- 3.8 The level of penalty is to be determined by the enforcement authority. Other London Authorities which are already enforcing this legislation usually levy the maximum penalty of £5,000 per failure.
- 3.9 There are strict procedures and a series of mandatory stages to follow before a penalty may be imposed. At any time, the authority may give notice to reduce or revoke a fine.

LBB enforcement

- 3.10 This is a new area of enforcement for the Trading Standards team in Bromley. The intention is to create a new temporary post for up to 3 months to establish the level of compliance in the Borough and when necessary follow up any failures with appropriate enforcement action, which may include the use of Penalty Charge Notices. It is estimated that the temporary post will cost £18k and will be funded from the £48,125 carried forward from the Asset Incentivisation Scheme.
- 3.11 LBB Public Protection has agreed, along with every other London Borough, to participate in the online Rogue Landlord and Agent Checker administered by the Mayor of London and London

Assembly (<https://www.london.gov.uk/rogue-landlord-checker>). The website publicly displays information about private landlords and letting agents who have been prosecuted or fined for housing related matters. It also includes a secure area for the enforcement community's reference. It is anticipated that compliance failures identified in LBB will be held on this database.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Children living in bad housing are more likely to suffer from poorer general health, respiratory health problems and asthma – with children living in private rented housing more likely to have poorer general health and wheezing problems. Working-age adults living in bad housing are disproportionately at greater risk of poorer general health, low mental wellbeing and respiratory problems including asthma and breathlessness.

5. POLICY IMPLICATIONS

- 5.1 The outcomes contribute to the guiding principles of Building a Better Bromley, notably Supporting Independence and a Safe Bromley. Protecting consumers through regulating the letting agent and property management sector by enhancing the clarity of their experience when using these businesses will assist Bromley residents who are searching for solutions to housing needs. The work may also assist the Authority in discerning whether or not to engage the services of letting agents/property managers when assisting people who are experiencing housing difficulties.

6. FINANCIAL IMPLICATIONS

- 6.1 This report is proposing to employ a temporary member of staff for 3 months at an estimated cost of £18k, to undertake compliance checks and enforcement actions. Recent confiscations of monies obtained through the Asset Recovery Incentivisation Scheme (ARIS) will fund this project. A sum of £48,125 was carried forward to 2018/19.
- 6.2 Officers expect to spend a further £10k on financial abuse/scams work. It is therefore likely that Officers will request that the remaining unspent balance of £20k is carried forward to 2019/20.
- 6.3 At this stage it is not known how many, if any, non-compliant letting agents there are in the borough, and therefore any potential income that may be generated from issuing the FPNs cannot be quantified.

7. LEGAL IMPLICATIONS

- 7.1 Section 83 of the Consumer Rights Act 2015 requires letting and management agents to display a list of all fees, charges or penalties (however expressed) payable by landlords and tenants for any letting agency or property management service. This includes any additional fees, charges or penalties which may be incurred during a tenancy as well as fees, charges and penalties which are referenced in Tenancy Agreements and in Terms of Business. The local authority has a duty to enforce the provisions of the Consumer Rights Act 2015.
- 7.2 There is a duty under section 7 of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, made under the Enterprise and Regulatory Reform Act 2013.

8. PROCUREMENT IMPLICATIONS

Not applicable

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	

Report No.
ES18071

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

Date: 27th September 2018

Decision Type: Non-Urgent Non-Executive Key

Title: REGULATON OF INVESTIGATORY POWERS ACT
AUTHORISATIONS

Contact Officer: Rob Vale, Trading Standards & Community Safety 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

This report is to ensure the Committee is kept up to date on RIPA applications being undertaken on behalf of the Council. It is a requirement that the Council regularly review and update their RIPA Policy and Processes in line with Home Office Codes of Practice, legislation and guidance.

2. **RECOMMENDATION(S)**

The committee is asked to note this report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: see section 4
-

Corporate Policy

1. Policy Status. Existing
 2. BBB Priority: Children and Young People Safe Bromley Supporting Independence:
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs:N/A
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £2.424m
 5. Source of funding: Existing revenue budget 2018/19
-

Personnel

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

Legal

1. Legal Requirement: The Protection of Freedoms Act 2012 requires local authorities to obtain the approval of a magistrate for the use of covert surveillance. Definitions of covert surveillance and the use of a covert human intelligence source (CHIS) are set out in the Regulation of Investigatory Powers Act 2000.
 2. Call-in:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Regulation of Investigatory Powers Act 2000 (“RIPA”), and its associated enactment orders regulate the way investigations are carried out for the prevention and detection of crime. The main aim of RIPA is to ensure that covert investigations are conducted in such a way as to protect individuals’ rights and act as a safeguard to protect council officers and the Council against any legal challenge.
- 3.2 The council has a number of statutory functions for the purpose of preventing or detecting crime and whilst most of these functions are carried out overtly, there are occasionally circumstances which may require consideration for a covert operation which may require an application for the use of directed surveillance. These functions include investigating anti-social behaviour, fly tipping, noise nuisance control, under age sales of tobacco and alcohol and licensing and food safety legislation. A serious crime threshold (offences which attract a maximum custodial sentence of 6 months or more or relate to underage sales of alcohol and tobacco) will need to be applied to any Directed Surveillance application. Any criminal activity being investigated that falls below this threshold cannot be authorised under RIPA procedures. This is designed to limit the scope of RIPA powers so that it is not used for more trivial offences.
- 3.3 Enforcement powers must be used in accordance with the Human Rights Act 1998 and, in particular Article 8 - (the right to respect for private and family life, home and correspondence). Authorisation under RIPA will only ensure that there is a justifiable interference with an individual’s Article 8 right if it is necessary and proportionate for these activities to take place.
- 3.4 Since 2012, the Protection of Freedoms Act 2012 requires local authorities to obtain the approval of a magistrate for the use of covert surveillance.
- 3.5 All applications for RIPA authorisations have to be considered and approved by specified authorising officers within the Council. The Council has a RIPA Policy and Procedure and produced a range of forms which are available to all officers on the intranet. Training has been undertaken by relevant officers who may either require a RIPA authorisation in connection with the carrying out of their roles or who have been designated as authorising officers.
- 3.6 In investigating criminal offences, the Council also has powers to gain access to communications data (that is information held by telecommunication or postal service providers about the use of their services by persons who are the subject of criminal investigations). This does not allow access to the content of telephone calls. The Council uses the National Anti-Fraud Network (NAFN) to make all its applications for access to communications data.
- 3.7 The Council’s use of its powers under RIPA and the Communications Order are subject to external scrutiny in the form of inspections by the Office of Surveillance Commissioner’s Office (OSC) and the Interception of Communications Commissioner’s Office (IOCCO) respectively.

Code of Practice

- 3.8 A revised Code of Practice on Covert Surveillance and Property Inference was released by the Home Office on 15th August 2018. The Council’s “Policy & Procedure on covert surveillance and the use of covert intelligence sources under the Regulation of Investigatory Powers Act 2000” is currently under review in order that it can be aligned with the latest code of practice.
- 3.9 Elected members of a local authority should review the authority’s use of authorised directed surveillance and set the policy to ensure that it is being used consistently with the local authority’s policy and that the policy remains fit for purpose.

3.10 The following tables detail the number of RIPA applications for the periods 1st April 2016 to 31st March 2017 and 1st April 2017 to 31st March 2018:

REFERENCE NUMBER	OFFICER AUTHORITY	MAGISTRATES' COURT AUTHORITY	Enforcement Team	OPERATION INFORMATION
16-001	19.07.16	22.07.16	Street Scene & Greenspace	Illegal Waste
16-002	20.07.16	22.07.16	Trading Standards	Underage Sales
16-003	22.09.16	29.09.16	Trading Standards	Underage Sales
16-004	19.10.16	27.10.16	Trading Standards	Underage Sales
16-005	08.11.16	11.11.16	Street Scene & Greenspace	Fly Tipping
16-006	29.11.16	30.11.16	Trading Standards	Underage Sales
16-007	09.02.17	20.02.17	Trading Standards	Underage Sales
16-008	16.02.17	28.02.17	Street Scene & Greenspace	Illegal waste

REFERENCE NUMBER	OFFICER AUTHORITY	MAGISTRATES' COURT AUTHORITY	Enforcement Team	OPERATION INFORMATION
17-001	23.03.17	04.04.17	Street Scene & Greenspace	Fly-Tipping
17-002	28.04.17	03.05.17	Street Scene & Greenspace	Fly-tipping
17-003	12.09.17	14.09.17	Trading Standards	Underage Sales
17-004	08.09.17	14.09.17	Street Scene & Greenspace	Fly Tipping
17-005	16.10.17	20.10.17	Street Scene & Greenspace	Fly Tipping
17-006	25.01.18	31.01.18	Trading Standards	Underage Sales
17-007	05.03.18	05.03.18	Trading Standards	Underage Sales

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 Most crimes will have a negative impact on all members of the local community, whether it involves crimes against the person or in relation to property. Research about older people in the UK shows that fear of crime is often significantly associated with low quality of life, limited mobility and poor health status. Older people may go out of the home less frequently to visit friends and relatives because of the fear of neighbourhood crime. Fear of crime can be increased by anti-social behaviour which has gone unchecked, such as graffiti, fly tipping and underage drinking.

5. LEGAL IMPLICATIONS

5.1 All investigation using covert surveillance techniques or involving the acquisition of communications data is in line with the Regulation of Investigatory Powers Act 2000. The Protection of Freedoms Act 2012 requires local authorities to obtain the approval of a magistrate for the use of covert surveillance. Definitions of covert surveillance and the use of a covert human intelligence source (CHIS) are set out in the Regulation of Investigatory Powers Act 2000.

Non-Applicable Sections:	Procurement, Policy and Financial Implications
Background Documents: (Access via Contact Officer)	[Title of document and date]

Report No.
ES18069

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Thursday 27 September 2018

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

Title: ENFORCEMENT ACTIVITY - FUTURE SCRUTINY

Contact Officer: Joanne Stowell, Assistant Director: Public Protection
Tel: 020 8313 4332 E-mail: Joanne.Stowell@bromley.gov.uk

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

Ward: (All Wards);

1. Reason for report

In line with the task and finish group's terms of reference, this report identifies the different Enforcement areas which are now the responsibility of the Public Protection and Enforcement Portfolio, and highlights strategic key performance indicators that pertain to enforcement within the areas of Public Protection, Planning Enforcement, Neighbourhood Management (Street Enforcement) and Parking Enforcement.

2. **RECOMMENDATION(S)**

That the Committee:

(a) Note the contents of the report;

(b) Agree the suite of Enforcement Performance Indicators submitted for scrutiny; and

(c) Agree to further reports being produced for each enforcement area in line with the proposed work plan.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: £Not Applicable
 5. Source of funding: Not Applicable
-

Personnel

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

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

Procurement

1. Summary of Procurement Implications: None
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Bromley is considered to be one of the safest boroughs to live in in London, and this year saw the enforcement function within the Environmental Services Directorate move to the Public Protection & Safety Portfolio (Now Public Protection & Enforcement Portfolio), as such, Neighbourhood Management (Environmental Enforcement), Parking enforcement, and Planning enforcement are incorporated within the same Portfolio Plan.
- 3.2 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 or work in the borough, now, and in the future. The scope of the Portfolio is wide and cuts across many of the key areas of work within the authority. 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 the Portfolio will have an active role to play.
- 3.3 Much of the work is carried out within a regulatory framework, and can be statutory, with standards being set by national regulators like the Food Standards Agency, the Health & Safety Executive, Environment Agency, HM Planning Inspectorate and the Health Protection Agency. However, there is a balance to be struck, between actively providing support, advice and information as well as targeting enforcement activity against those that put public health, the local economy, the environment or community at risk.
- 3.4 This regulation fulfils a number of policy objectives, and assists the Council to deliver against many themes within the 'Building a Better Bromley' vision, and achieves this through various means including:
- **Safe:** tackling antisocial behaviour and criminal activity such as doorstep crime, securing health & safety in the workplace, and coordinating the Council's response to the Prevent Strategy.
 - **Quality Environment:** through tackling nuisance behaviour, by implementing fly-tipping and littering controls, as well as taking intelligence led environmental, parking and planning enforcement,
 - **Children & Young People:** Tackling the sale of age-restricted products, particularly alcohol, tobacco and knives, through test purchase operations
 - **Housing:** assisting in the provision of safe and secure housing in the private rented sector.
 - **Involved:** Working closely with our partners and the community to develop and deliver our services.
 - **Prosperous & Thriving:** through responsible regulation and enforcement to ensure a fair and safe trading environment for residents, businesses and visitors,
 - **Quality Public Services:** delivering quality Public Protection and Enforcements services with significantly less funding, with a focus on budgetary control, contract performance monitoring and management, and commissioning opportunities.
- 3.5 The primary function of Public Protection regulatory and enforcement work is to protect the public, public funds, the environment and groups such as consumers, residents and tenants, workers and businesses. At the same time, carrying out such activity in an equitable, practical and consistent manner helps to maintain a level playing field for local businesses, individuals and our other service users.

4. Main Service Responsibilities

4.1 Neighbourhood Management (Street Enforcement)

4.2 The remit of the Street Enforcement team within Neighbourhood Management is to achieve regulatory compliance recognising that prevention through education and advice is preferable. However there will be instances where it will become necessary to take formal action against a business or individual, and the main areas of enforcement covered by this service are:

- Abandoned/nuisance vehicles;
- fly tipping on public and private land;
- overhanging vegetation onto the highway from private properties;
- illegal highway crossovers, and illegal obstructions and trading on the highway;
- illegal use of the highway such as for storing builder's materials;
- unauthorised use of skips, scaffolding and hoarding;
- illegal traveller incursions from any LBB public land; and
- the issuing of fines for street litter and dog fouling.

4.3 Parking Enforcement

4.4 The principle aim of parking enforcement is to continue to improve compliance through a firm, fair and transparent form of traffic enforcement. As such, the ethos is to be as informative as possible for the public to understand restrictions for their chosen place to park.

4.5 On street officers are trained in all aspects of traffic restrictions and customer service and the issue of a PCN is only part of their function. Direction to the public, or moving vehicles on, is a preferred method of enforcement with prevention through education and advice being preferable.

4.6 Since 1998 Parking within Bromley has been decriminalised from the Police whereby civil action can be enforced. The Teams that sit within the Client unit within Shared Parking Services that have an enforcement function are:

- On & Off Street Parking Enforcement (APCOA Services);
- CCTV Traffic Enforcement;
- Contract Monitoring;
- Asset Management (signs & lines);
- Disable Badge Enforcement; and
- Parking Appeals Service.

4.7 Planning Enforcement

4.8 Planning enforcement deals with all allegations of breaches of planning controls, as set out in the Council's Planning Enforcement Policy to guide any actions to be taken including where building work requiring planning permission is undertaken without such permission, where conditions attached to a planning condition are not complied with, the team also looks at the condition of land/property or where the use of a building or site is changed without planning permission.

4.9 The Council has a statutory duty to investigate planning enforcement enquiries/complaints, but has discretionary powers as to whether to instigate formal enforcement action in each individual case. In each individual case an expediency test is considered before instigating any formal enforcement action. This can be:

- unauthorised built development (new buildings, extensions and alterations to existing buildings, etc.);
- unauthorised land uses (unacceptable uses in the Green Belt, businesses running from homes, etc.);
- building works not in accordance with approved plans;

- breaches of planning conditions;
- illegal works to protected trees and listed buildings;
- illegal advertisements;
- illegal gypsy/traveller incursions;
- neglected land and property that is an eyesore; and
- proceeds of crime act.

4.10 Public Protection

4.11 The enforcement remit of Public Protection is varied; it includes (amongst other things): protecting people from excessive noise or nuisance, advising businesses on food safety, reacting to outbreaks of food poisoning, acting as an environmental custodian, protecting vulnerable groups from doorstep crime, issuing licences for the selling of alcohol, and improving housing standards through inspecting houses in multiple occupation (HMOs).

4.12 The Teams that sit within Public Protection that have an enforcement function are:

- Food Safety;
- Health & Safety;
- Environmental Protection & Nuisance;
- Housing Enforcement (e.g. Private rented sector and HMOs);
- Licencing;
- Anti-social Behaviour;
- Trading Standards; and
- Community Safety.

4.13 There are a variety of enforcement actions available to the Public Protection, these are:

- Education, compliance advice and support;
- Review, revocation, suspension of any licence and/or licence conditions;
- written warning;
- legal enforcement notice;
- fixed penalty notice;
- work in default/cost recovery action/direct works for planning enforcement;
- seizure/application for forfeiture;
- the issue of a caution;
- administrative penalty;
- prosecution or other legal proceedings including injunctive action;
- Proceeds of Crime Act confiscation proceedings;
- Voluntary undertaking; and
- Community resolution.

5. Legislation

5.1 In delivering these roles, each service area is governed and guided by legislation, policy and guidance. The main legislation used by the services within PP&E are presented in Appendix 1.

6. Enforcement Performance Indicators

6.1 Of the four enforcement services within the PP&E Portfolio, Neighbourhood Management (Street Enforcement) and Parking and Public Protection sit within Environment & Community Services Department, whereas Planning Enforcement sits within Renewal & Recreation.

6.2 Performance Indicators for Environment & Community Services

6.3 Performance Indicators (PIs) are the tools of performance measurement used to measure and monitor how well services (and teams within them) are progressing towards achieving our goals, and each month a performance monitor is produced. To ensure sufficient scrutiny is given to each of the indicators, they are risk classified as Green, Amber or Red. This classification is made using outturn data, information on past performance and factors affecting the service in the current year, and is explained below:

Performance Indicators are classified according to:-

Direction of travel i.e. is performance improving, stable or worsening compared to the previous year?

Performance relative to the target i.e. is it on track to achieve target or at risk of not achieving target?

Green = If an indicator is improving and has achieved target for the past year, or is on track to achieve the current year's target.

Amber = If an indicator is (i) stable or improving but it has not achieved target or is not on track to achieve target or (ii) worsening but has met or is on track to meet the target (i.e. does not meet the criteria for Green or Red).

Red = If an indicator is worsening and has not achieved target for the past year, or is at risk of not achieving the current year's target.

6.4 The PIs developed for each team are designed either to demonstrate that the statutory minimum in terms of service provided are met, or to demonstrate progress against the aims in the Portfolio Plan. They may be set within a regulatory or statutory framework, with requirements imposed through various pieces of legislation, or with standards being set by national regulators.

6.5 It is not possible to set PIs that require a certain type of enforcement action be achieved each month (e.g. serve 5 abatement Notices, issue 50 PCNs for Parking infractions), as enforcement of this type must be in accordance with legislation, guidance and policy, moreover, enforcement of this type can only take place if the issue is witnessed, and meets a certain criteria. However, enforcement outputs taken by each team is reported to the PP&E PDS every 6 months in the Enforcement Update Report (last report dated 3rd July 2018).

6.6 Team Specific PIs

6.7 The PI for all service areas are presented in Appendix 2 (part 2 report)

7. Proposed New PI's

7.1 Post Grenfell, it is important that LB Bromley can demonstrate that fire safety improvement schedules have been created and sent to the managing agent/owner, and, that an Improvement Notice is served simultaneously, as such a new KPI is being suggested for new HMOs (see Appendix 2 PP13) that provides a record of:

1.All new HMOs that have inadequate fire precautions

2. That LBB has consulted the Lacors guide and by doing so the LFB and drawn up a FSIS
3. That the responsible parties are in receipt of a FSIS
4. LBB's intention to formally enforce fire safety improvements by serving an improvement Notice alongside a FSIS

8. Forward Plan for Individual Reports

- 8.1 It is proposed that the individual services within PP&E each provide a report updating Members demonstrating progress against the KPI's presented in this report as detailed in the table below:

PP&E PDS – 4 December 2018 Draft ready for Nigel: 13 Nov 2018 Draft Agenda: 15 Nov @ 3pm Final reports to Steve Woods: 22 Nov 2018 Publication: 26 Nov 2018	Officer	Committee
Enforcement Activity Progress– Planning	John Stephenson	PDS
PP&S PDS – 30 January 2019 Draft ready for Nigel: 8 January 2019 Draft Agenda: 10 Jan @ 3pm Final reports to Steve Woods: 18 January 2019 Publication: 22 January 2019		
Enforcement Activity Progress – Parking	Allen Herve	PDS
PP&S PDS – 21 March 2019 Draft ready for Nigel: 28 February 2019 Draft Agenda: 4 March @ 3pm Final reports to Steve Woods: 11 March 2019 Publication: 12 March 2019		PDS
Enforcement Activity Progress – Neighbourhood Management Street Enforcement	Toby Smith	PDS
Enforcement Activity Progress – Public Protection	Joanne Stowell	PDS

9. POLICY IMPLICATIONS

- 9.1 Existing policy

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN Financial Implications, Personnel Implications, Legal Implications, Procurement Implications
Background Documents: (Access via Contact Officer)	Report to Task and Finish Group

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Appendix 1

Main Legislation Enforced By Public Protection

Legislation	Team	Example Use
Age-Related Sales Legislation	Trading Standards	Test purchasing attempts
Alternate Dispute resolution for Consumer Disputes Regulations 2015	Trading Standards	Disputes
Anti -Social Behaviour Act 2003	ASB Team	Acceptable Behaviour Commitments (ABCs) Early intervention warning notices
Anti Social Behaviour Crime and Policing Act 2015	ASB Team Environmental Protection & Nuisance Team	Anti-social behaviour and other nuisance issues CBO Notices Final warning under Community Protection Remedy Community Protection Warnings Community Protection Notices Public Space Protection Orders
Consumer Protection from Unfair Trading Regulations 2008	Trading Standards	
Consumer Transaction (Information, Cancellation & Additional Charges) regulations 2013	Trading Standards	
Control of Pollution Act 1960	Environmental Protection & Nuisance Team	Formal Notice (sec 60) noise pollution from construction sites and controlling hours of working
Electrical Safety Regulations	Trading Standards	Electric Blankets
Environmental Protection Act 1990 S.	Out of Hours Noise Team Environmental Protection & Nuisance Team	Abatement Notices (sec 80) Nuisances listed in the statute e.g from noise, smell, dust, and light,
Environmental Protection Act 1990 Part 2	Environmental Protection & Nuisance Team	

Food Safety – Food Hygiene Regulations	Food Safety Team	Food Hygiene Improvement Notices Emergency Hygiene Prohibition Notices and Orders Seizure and destruction of food
Fraud Act 2006	Trading Standards	
Gambling Act 2005	Licensing Team	Review, variation
Health & Safety at Work etc. Act 1974	Health & Safety Team	Prohibition notices Improvement notices
Housing Act 2004 Part 1	Housing Enforcement Team	Improvement Notice Prohibition Order s23 Suspension of Prohibition Notice Hazard Awareness Notice
Housing Act 2004 Part 2	Housing Enforcement Team	Decision to grant a Licence Proposal to grant a Licence Temporary Exemption Notice Proposal to Revoke a Licence Decision to Revoke a Licence Proposal to Refuse a Licence Application Decision to Refuse a Licence Application Decision to Vary a Licence Proposal to Vary a Licence All For Houses in Multiple Occupation to control and maintain acceptable standards of accommodation
Licensing Act 2003	Licensing Team	
Local Government (Misc. Provisions) Act 1976 S.16	All Teams	Requisition for information When specific information is required from an individual, who has thus far failed to supply
Local Government (Misc. Provisions) Act 1976 S.20	Nuisance Team	Sanitary accommodation
Local Government (Misc. Provisions) Act 1976 S.35		Clearing obstructions in drains
Local Government (Misc. Provisions) Act 1976 S.29		Securing empty premises
Prevention of Damage by Pests Act 1949 S.04	Environmental Protection & Nuisance Team Housing Enforcement Team	Removal of rubbish and treatment for pests Filthy & Verminous premises
Proceeds of Crime Act	Trading Standards Team	Where financial gain from criminal activity is garnered
Public Health Act 1936 S.287	Environmental Protection & Nuisance Team	Notice of intention to enter premises

Pyrotechnic articles (safety) regulations 2010	Trading Standards Team	Sale of fireworks
Regulation of Investigatory Powers Act 2000	Licensing Team Trading Standards Team	Undercover/covert operations
Textile Products (Labelling and Fibre Composition) Regulations 2012	Trading Standards Team	

Parking Enforcement

Legislation	Team	Example Use
TMA 2004 as amended. London Local Authorities and Transport for London Act 2003	On & Off Street Enforcement	From issue of a Penalty Charge Notice (PCN) to the provision of the collection of such debt.
Road Traffic Regulation Act 1984 (as amended) London Local Authorities Act 1996 (as amended)	CCTV Enforcement	To issue Bus lane PCNs
Chronically Sick & Disabled Persons Act 1970	Disabled Badge Team	To confiscate a badge and to prosecute

Planning Enforcement

Town and Country Planning Act 1990 (as amended) Sections 88, 88a, and 88b	Planning Enforcement and Appeals	Rights of entry to land for enforcement purposes	
T&C Planning Act 1990 (as amended) Section 215	Planning Enforcement	Untidy Site Notices	Land that adversely affected by the condition of their land when it affects the amenity of the area. Direct Action
T & C Planning Act 1990 Control of Advertisements regulations 2007 S220, 224, 225	Planning Enforcement	Unauthorised advertisements	Enforcement Control as to advertisements
London Local Authorities	Planning	Advertisements, Displays	

Act 1995	Enforcement		
T&C Planning and compensations Act 1991 S171C	Planning Enforcement	Planning Contravention Notices,	When specific information is required from an individual, who has thus far failed to supply
T&C Planning and compensations Act 1991 S187A	Planning Enforcement	Breaches of Conditions, Injunctions	Failing to comply with Planning Conditions
Town and Country Planning Act 1990 (as amended) S172	Planning Enforcement	Enforcement Notices	There has been a breach of planning control and that it is expedient to issue the notice having regard to the provisions of the UDP
Town and Country Planning Act 1990 (as amended) S171E, 171F, 171G, 171H, S183, S184,S186, S187	Planning Enforcement	Temporary Stop Notice and Stop Notice	That there has been a breach of planning control in relation to any land and that it is expedient that the activity (or any part of the activity) which amounts to the breach is stopped immediately.
Town and Country Planning Act 1990(as amended) Proceeds of Crime Act 2002 S179, S194, S210, S224	Planning Enforcement	POCA	Planning Offences, confiscation orders for breaches of planning regulations

Neighbourhood Management Enforcement

Parks Management		
National Parks and Access to Countryside Act 1949	Making and enforcing byelaws re parks etc	
Countryside Act 1968 ss 6 to 10	Making and enforcing byelaws re parks etc	
Wildlife and Countryside Act 1981 s25	To institute proceedings for any offence under the Act in its area	
Environment Act 1995 s108	To enter property re pollution control	
Abandoned Vehicles and other items		
Refuse Disposal Amenity Act 1978 s 3	To remove from land Abandoned Vehicles from the Highway and land in the open air	
Refuse Disposal Amenity Act 1978 s6	To remove from land anything which has been Abandoned	
Stopping up a private access to the Highway		
HA 1980 ss 124 &125	Close existing vehicular access	
Highways Act 1980 (HA 1980) Part 9 interference with highways and streets sections 130 to 185. Part 9 of the Highways Act essentially deals with duties and powers for the Council to ensure highways etc are kept clear of obstructions and in a state where they can be used safely by the public. The duties and powers include (this is not an exhaustive list) the following:		
HA 1980 s 130(1)	To assert and protect the right of the public to use the Highway	
HA 1980 s 130(3)	To prevent the Highway being stopped up or obstructed	
HA 1980 s 130(4)	To prevent unlawful encroachment on roadside waste	
HA 1980 s 131A(2)	To bring proceedings against a person who destroys the surface of the certain highways	
HA 1980 s 134	To bring proceedings against a person who ploughs over or destroys a footpath or bridleway in a field and fails to reinstate it	
HA 1980 s 137A(5)	to prevent encroachment into a highway by crops	
HA 1980 s 150	To remove accumulated snow or other obstructions	
HA1980 sections 132 to 185	To deal with issues such as: <ul style="list-style-type: none"> • unlawful advertising boards and hoardings • Fly-posting • vegetation • the removal of obstructions at the perpetrator's expense • builders materials, skips and scaffolding • maintain footpaths stiles etc. • place bins in the street 	
London Local Authorities and Transport for London Act 2013	Building Skips etc.	
Criminal Damage Act 1971 s1(1)	Offence to damage property belonging to another. Note: this may apply where cars crossover the footpath or grass verge.	
Street Trading		
London Local Authorities Act 1990 as	The 1990 details the offence to carry on street	

amended by: <ul style="list-style-type: none"> London Local Authorities Act 2004 ss 15,16, 26 and 28 London Local Authorities Act 2007 London Local Authorities Act 2013 	trading in a licence street without a street trading licence or temporary licence and has been amended by subsequent Acts. The 2004 Act sets out offences for which a fine and/or a Fixed Penalty Notice may be issued together with requirements and restrictions.	
Environmental Protection Act 1990 (EPA 1990) Part II waste on land sections Part III Statutory Nuisances sections 79 to 82 Part IV litter etc sections 86 to 99 Part VIII Stray Dogs sections 149 to 151		
EPA1990 section 59	Notice to remove waste and reduce the consequences of the waste deposit	
EPA1990 s 79	to inspect and investigate complaints relating to statutory nuisances.	
EPA1990 ss 80, 80A, 81, 81A and 81B	to serve abatement notices for statutory nuisances including noise in the street and deal with appeals and recover costs	
EPA1990 s 89	to keep land and highways clear of litter.	
Travellers		
Criminal Justice and Public Order Act 1994 s77	To direct unauthorised campers with their Vehicles to leave land	
Criminal Justice and Public Order Act 1994 s78	To make an application to a magistrates court for an order to remove persons/Vehicles and to comply with the terms of the Order	
Human Rights Act 1998	Particularly Article 8 right to respect for private and family life	
Criminal Justice and Public Order Act 1994 section 163	Power for CCTV	
Clean Neighbourhood and Environment Act 2005 contains relevant provisions including provisions relating to nuisance and nuisance parking, litter and refuse on highways and open places, graffiti, waste, dogs, noise and shopping trolleys.		
Planning - Town and Country Planning Act 1990 (TCPA 1990) ENFORCEMENT ss 171 – 196 Trees ss 197 -214 Adverts 215 to 225E Graffiti ss225F-J		
TCPA 1990 s215	If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.	
Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)	Details of the offence to be provided to the Authorised Officer	
Surveillance (Fly-tipping and other Enviro-crime offences)		
Regulation of Investigatory Powers Act 2000	Authorises surveillance	
Protection of Freedoms Act 2012	Restrictions on surveillance	
Intelligent Services Act 1994	Authorises surveillance	
Police Act 1997	Authorises surveillance	

Misc.		
The London Local Authority Acts 1990 to 2012 (in so far as they apply)	Relates to Abandoned Vehicles, Builders Skips, Street Trading amongst other things	
Police and Criminal Evidence Act 1984	Relates to taking statements	

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London Borough of Bromley

PART ONE - PUBLIC

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

ENVIRONMENT AND COMMUNITY POLICY DEVELOPMENT &
SCRUTINY COMMITTEE

Date: Thursday 27 September 2018

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

Title: FLY TIPPING ACTION INITIATIVE

Contact Officer: John Bosley, Assistant Director: Environment, Neighbourhood Management.
Tel: 020 8313 4852 E-mail: John.Bosley@bromley.gov.uk

Chief Officer: Executive Director of Environment & Community Services

Ward: All Wards

1. Reason for report

- 1.1 This report outlines the Fly-tipping Action Plan (FTAP) that underpins the approach to enforcement and the work undertaken out using both the one-off Members Initiative funding of £250k and the service's revenue budget.
-

2. RECOMMENDATION(S)

Members are asked to:

- 2.1 Provide comment on the contents of the provided action plan.
- 2.2 Agree to receive a 6 monthly update report on the progress of the action plan.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The enforcement outcomes of this service area, supported by the FTAP have a direct or indirect impact on all residents, including vulnerable adults and children with adjustments made, as required, to ensure services are as accessible as possible and all users are safe.
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Safe Bromley Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: Estimated Cost: Up to £187k
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Members Initiative funding for Fly-Tipping and adhoc budgets within Street Scene and Green Space
 4. Total current budget for this head: £187k (unallocated balance) and £22.8m
 5. Source of funding: Earmarked Reserve for Fly-Tipping & existing controllable revenue budget 2018/19
-

Personnel

1. Number of staff (current and additional): 27 FTEs
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

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

Procurement

1. Summary of Procurement Implications: Procurement for items of service or goods as identified within the action plan are procured in compliance with Financial Regulations and as required by the Contract Procedure Rules.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The outcomes of the action plan affect all residents and service users.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

3.1 It was agreed at Council on 22 February 2016 to approve £250k to be set aside as a one-off initiative to combat environmental crime, with special reference and focus to fly tipping. The subsequent report ([ES16017](#)) to the Environment & Community Services Portfolio Holder provided delegated authority for the Executive Director for Environment & Community Services to draw down funding from the earmarked reserve as required to support the delivery of identified actions in discussion with the Portfolio Holder.

3.2 It was proposed to take a three pronged approach to tackle fly-tipping across the borough, supported by an operationally focused Fly-tipping Working Group. The three areas of focus are:-

- Target Hardening: Installation of structures and / or street furniture such as height barriers and width restrictors at known hotspots.
- Proactive Enforcement: Enforcement activities such as joint Police operations and greater use of CCTV, while investigating the potential use of other technologies.
- Environmental Enforcement Communications: A new campaign to raise the profile of this environmental scourge with the outcome of reducing the number of incidents and providing further information for residents and businesses to make better decisions when handling waste.

3.3 The success of the above actions is measured against the number of incidents that have been reported. As outlined on the 3rd July 2018 in the report Enforcement Activity Update ([ES18046](#)) for the 2017/18 year, the total incidents reported for fly-tipping had reduced by 5.5%. However, the total number of enforcement actions also declined.

3.4 To date, the Fly-tipping Action Plan (FTAP) has delivered a targeted communication campaign with appearances in local periodicals and a range of semi-permanent signs and information leaflets that have a consistent 'branding' to raise awareness of this issue.

3.5 Example of the 'branding' used:-



YOU can help prevent fly-tipping

YOUR waste is YOUR responsibility. Please don't give it to someone who can't prove they are a legitimate waste carrier – they are likely to dump your rubbish to avoid paying waste disposal costs.

Keep this postcard and challenge uninvited calls from people offering to dispose of your household waste for a seemingly 'good price'.

Only use registered waste carriers – you could be prosecuted and fined up to £5000 if you don't. Find and check registered waste carriers online at www.bromley.gov.uk/wastecarriers or call the Environment Agency hotline **03708 506 506**.

Follow the SCRAP code

Suspect: Be suspicious of cold callers / rogue traders
Check: Ask for their waste carrier registration details
Refuse: Always refuse cold callers offering to take your rubbish
Ask questions: Ask what is going to happen to your waste
Paperwork: Ask for a waste transfer note

Bromley
THE LONDON BOROUGH

www.bromley.gov.uk/envirocrime

3.6 The FTAP has also delivered multi-agency 'stop & search' operations that have raised awareness across targeted groups of the intention of the Council in the enforcement of waste regulatory requirements. As well as training to LBB Officers to widen the capability and capacity of Officers to tackle enforcement issues and reports.

- 3.7 The enforcement group have also investigated the use of new technology focused on the improved use of potential CCTV devices to both provide potential evidence to support prosecutions as well as acting as a deterrent at potential fly-tipping hotspots. Officers have committed to the purchase of ten (10) mobile covert ‘trail’ cameras that can be discreetly situated at know fly-tipping hotspots. This is also in conjunction with the potential option of using overt CCTV units at more public sites such as the n-street recycling banks.
- 3.8 Target hardening and the deterring of potential fly-tipping incidents through illegal encampments has been an area of primary focus. The success of the interim High Court Injunction ([Link to website](#)) in providing a borough-wide deterrent to illegal encampments at parks, open spaces and Council car parks has been a recent success. Further areas where target hardening has been designed and a plan for implementation has been undertaken is within the detail of the FTAP.
- 3.9 While considering that there has been a postive direction of travel since the Fly-tipping Officer Working Group was established in November 2015, Officers have recently relaunched this stream of work with a revised terms of refrence to enable the delivery of the following outcomes:-
- Less fly-tipping incidents in the borough / key hotspots
 - Less graffiti, litter and abandoned vehicles
 - Less breaches of highways licences
 - Increased enforcement activity (prosecution / fines)
 - Improved communication through a targeted Communications Plan
 - Increased resident satisfaction
- 3.10 The revised working group will be focusing on the following areas to deliver on the above outcomes:-

Primary Tranche	Secondary Areas of Focus		
Enforcement Strategy	Legislative review	Enforcement Sanctions	Policy & Procedures
Education & Campaigns	Campaign Publicity	Service User Information	Internal Partner support
Operational Service	Incident reporting & response	Evidence gathering	Equipment / tools utilised
Reporting & Analytics	Portfolio KPIs	Service KPIs	Mapping of data
Prevention	Target Hardening	Stop & Searches	Waste regulation compliance

- 3.11 The FTAP is attached as an Appendix 1. to this report and details the actions being delivered, planned and proposed and is utilised by the Fly-Tipping Enforcement Group to deliver the objectives of this service area.

4. POLICY IMPLICATIONS

- 4.1 The Enforcement activity associated with this work stream is undertaken in accordance with the Enforcement Policy adopted by the Council 2 February 2012. The enforcement policy

provides guidance to Councillors, Officers, businesses and individuals on the range of options that are available to achieve compliance with legislation enforced.

- 4.2 The enforcement team deliverables within Neighbourhood Management are undertaken in accordance with the policies set out in the Environment and Community Services Portfolio Plan 2018/21 and the associated plans and strategies as detailed in the ECS 'Policy Register: Strategies and Service Plans 2018-19' covered in the report [\(ES18035\)](#) .

5. FINANCIAL IMPLICATIONS

- 5.1 The latest position of the Members Initiative Funding for Fly-tipping is detailed below: -

Original Allocation	2018/19 spend to date (30.08.18)	Commitments	Uncommitted balance 18/19
£	£	£	£
250,000	49,493	13,709	186,798

- 5.2 The FTAP will be delivered using the remaining unallocated balance from the Earmarked Reserve as well as funding from within the Street Scene and Green Space budgets of £22.8m.

6. PERSONNEL IMPLICATIONS

- 6.1 Not applicable.

7. LEGAL IMPLICATIONS

- 7.1 The Council carries out enforcement activity under statutory powers, utilising various legislative instruments. There are no direct legal implications arising from this report.

8. PROCUREMENT IMPLICATIONS

- 8.1 Not applicable.

Non-Applicable Sections:	Personnel and Procurement
Background Documents: (Access via Contact Officer)	Listed within the body of the report as links.

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ID	Tranche	Title	Description	Key Legislation	Status (RAG)	Dates / deadlines 2018/19	Location	Projected Spend	LBB Officer Responsible:	Authorisation approved by
FT01	Prevention	Waste Carrier License Stop and Search Operations , Police	Police Stop and Search in hotspot areas; half-day, monthly operations in partnership with MET police and DWP, checking that vehicles carry valid Waste Carriers Licenses and correct Waste documentation e.g. transfer notes. If not FPNs will be issued, as well as information regarding how to register with Environemnt Agency etc.	FPN of up to £400 for flytipping offences committed under Section 33 of the Environmental Protection Act 1990 Under section 88 of the EPA 1990 Local authorities can issue a FPN for very small scale fly tipping	Ongoing	Monthly: 2nd Wednesday every month	Various locations /hotspots across Borough. <i>Data sensitive</i>	£3,500.00	Enforcement Manager	Yes
FT02	Prevention	Joint Police / LBB Enforcement Operation targeting untaxed or unroadworthy cars	Joint operation between LBB and Police toknown hotspots , particularly the area of road outside any garage / car repair work shops that are parking their untaxed / uninsured / unfit cars on the Highway.	Highways Act 1980 / Clean Neighbourhood Act 2005	Ongoing	New dates to be confirmed	TBC	£0.00	Enforcement Manager / Key Partner (Police)	Officer
FT03	Operational	Vehicle Intelligence database and Star Lane Incident Log	Database to note evidence and intelligence on suspect vehicles maintained on internal site	Data Protection Act 2000 GDPR - <i>data sensitive</i>	Ongoing	N/A	Fly-tipping sharepoint site	£0.00	Enforcement Manager	Officer
FT04	Prevention	'Overt' Surveillance and Presence at old GGW satellite sites	Initial trial at GGW Sites in April 2018 – completed 'Overt' Surveillance (CCTV camera) at recycling banks and satellite sites - deemed <u>successful</u> . Signage up, cameras in place, Ward Security completed patrols. Noted success of weekend due to forward planning and efficient communications. UPDATE: consider Chistmas Tree sites	• Under the Clean Neighbourhoods and Environment Act 2005 punishment comprises fines up to £50,000 or 12 months in prison if convicted in a Magistrates court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court - RIPA: Regulation of Investigatory Powers Act 2000	On-going	Commence again in 2019/20	Green Waste Satellite Sites across borough	£1,200.00	Enforcement Manager / Waste Service lead	Officer

ID	Tranche	Title	Description	Key Legislation	Status (RAG)	Dates / deadlines 2018/19	Location	Projected Spend	LBB Officer Responsible:	Authorisation approved by
FT05	Prevention	Police / LA Vehicle seizure operations	<p>Vehicle seizure operation –to be more focused / intelligence led than stop and search. Operations will be intelligence led, early morning vehicle seizure operations - Police need to be present.</p> <p>AV Contractor will be required</p> <p>Operation ready to go in principle – but requires reliable evidence before vehicle seizure can commence</p>	<p>Under Control of Waste Regulation 2015 a waste collection authority may seize a vehicle due to suspected involvement in fly tipping</p> <p>• Under the Proceeds of Crime Act 2002 offenders can have assets frozen and confiscated</p>	Ongoing	18/19	Various locations /hotspots across borough.	TBD	Enforcement Manager	TBD
FT06	Operational	Surveillance Case work	<p>Surveillance contractor utilised to undertake groundwork / evidence gathering on suspected fly-tipping operators.</p>	<p>• RIPA: Regulation of Investigatory Powers Act 2000</p> <p>• Under the Clean Neighbourhoods and Environment Act 2005 punishment comprises fines up to £50,000 or 12 months in prison if convicted in a Magistrates court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court</p>	On-hold	Ongoing, ad-hoc	NA	£12,600.00	Enforcement Manager	TBD

ID	Tranche	Title	Description	Key Legislation	Status (RAG)	Dates / deadlines 2018/19	Location	Projected Spend	LBB Officer Responsible:	Authorisation approved by
FT07	Operational	Trail Cameras	<p>'Trail' CCTV cameras purchased to use for surveillance in known hotspot areas. Requires authorisation under RIPA</p> <p>Fly tip officer has drawn up list of potential sites for cameras. Risk identified of cameras being lost or stolen. Mitigated by the purchasing of camouflaged cameras, without Infra-red glow. If this trial successful, potential to be more broadly rolled out.</p> <p>Note: to be successful, RIPA applications need to be judged 'proportionate, necessary, reasonable, justified' by a magistrate. Therefore a singular occurrence does not satisfy evidence test.</p>	<ul style="list-style-type: none"> RIPA: Regulation of Investigatory Powers Act 2000 Under the Clean Neighbourhoods and Environment Act 2005 punishment comprises fines up to £50,000 or 12 months in prison if convicted in a Magistrates court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court 	Ongoing	Q3-4	Known hotspots (aided by GIS report, LBB officers)	£2,000.00	Enforcement Manager	Yes
FT08	Enf Strategy	New FPN Legislation into force	<p>LAs to have the power to serve an FPN of up to £400 for flytipping offences committed under Section 33 of the Environmental Protection Act 1990. The new fines, of between £150 and £400, will allow local authorities to deal with small-scale fly-tipping quickly and efficiently, without the need to take offenders to court.</p> <p>New FPN commenced</p>	Section 33 of the Environmental Protection Act 1990	Completed	--	All Wards	£7,400.00	Enforcement Manager	PDS Committee and ECS PH approval
FT09	Prevention	Webbased Waste removal services - investigation into legal compliance	Topics considered: Sting Investigations Targeted Intelligence	Section 34 of the Environmental Protection Act 1990	On hold	TBD	All Wards	TBD	Enforcement Manager	--

ID	Tranche	Title	Description	Key Legislation	Status (RAG)	Dates / deadlines 2018/19	Location	Projected Spend	LBB Officer Responsible:	Authorisation approved by
FT10	Operational	Training of Street Cleansing Contractor Staff in gathering evidence from fly-tips	Idea to educate street cleansing operators to report fly-tips and gather evidence from tips. To extent this happens currently anyway and evidence passed to fly tip officer. Techology: review LOT3 specification - use of mobile devices	Data Protection Act 2000 GDPR - data sensitive EPA 1990	On hold	Q1 19/20	All Wards	£0.00	Street Environment lead / Enforcement Manager	--
FT11	Prevention	Waldens Farm - Gate Locking	Investigate using Ward Security to lock the Walden's Farm access barrier and to carry out a dog patrol of the main track. TF has spare keys. Update: review current outcomes and reduction of fly-tip incidents	FPN of up to £400 for flytipping offences committed under Section 33 of the Environmental Protection Act 1990 Under section 88 of the EPA 1990 Local authorities can issue a FPN for very small scale fly tipping	On-going	Q3 update	Waldens Farm, Crockenhill Road	£500.00	Enforcement Manager	--
FT12	Operational	Purchase of Deicated Enforcement Vehicle	Used Toyota Hi-Lux Double Cab 2.5D-4D Active - Manual Registered: 30/09/15 To support illegal encampments and removal of evidnec / waste - all terrain required	--	Completed	16/17		£16,450.00	Enforcement Manager	Yes - via LBB officer
FT13	Operational	Body Worn Cameras	Body-worn cameras for 2 LBB officers to be purchased. Process of compliant operation to be informed by current security Service Provider	RIPA: Regulation of Investigatory Powers Act 2000		18/19 - Q4	All Wards	£3,200.00	Enforcement Manager	TBC

ID	Tranche	Title	Description	Key Legislation	Status (RAG)	Dates / deadlines 2018/19	Location	Projected Spend	LBB Officer Responsible:	Authorisation approved by
FT14	Prevention	Dummy Cameras	At sites (Public land) with on-street recycling banks	<ul style="list-style-type: none"> • RIPA: Regulation of Investigatory Powers Act 2000 • Under the Clean Neighbourhoods and Environment Act 2005 punishment comprises fines up to £50,000 or 12 months in prison if convicted in a Magistrates court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court 	To be completed	18/19 Q3-4	All Wards	£5,000.00	Enforcement Manager	TBC
FT15	Prevention	Commercial Waste Audit review	Commercial waste document audit - contact businesses regarding compliance by having the correct waste disposal paperwork / arrangements.	Section 34 of the Environmental Protection Act 1990	Under investigation feasibility	18/19 - Q4	All Wards	£750.00	Waste Service lead / Enforcement Manager	TBC
FT16	Operational	2x CCTV Cameras on both ends of Star Lane	To install 2 heavy duty CCTV cameras at either end of Star Lane and Shepcote Lane. Quote obtained c.£50,000. To be consulted/approved.			18/19	Cray Valley East	£43,000.00	Enforcement Manager	TBC
FT17	Prevention	High Court injunction / Order	Application for High Court Order in Aug 2018. RE Parks, Open Spaces and Public Car Parks.	(Link to injunction)	Completed	18/19	All Wards	£6,500.00	Enforcement Manager	
FT18	Prevention	Notice to be served on all Parks by County Court bailiffs	All 160 park sites and car parks to be served notice as part of the court order.		Completed	18/19	All Wards	£11,500.00	Enforcement Manager	

ID	Tranche	Title	Description	Key Legislation	Status (RAG)	Dates / deadlines 2018/19	Location	Projected Spend	LBB Officer Responsible:	Authorisation approved by
FT19	Operational	Covert surveillance operation Star Lane	Work undertaken to be taken in July/Aug 2018.	<ul style="list-style-type: none"> • RIPA: Regulation of Investigatory Powers Act 2000 • Under the Clean Neighbourhoods and Environment Act 2005 punishment comprises fines up to £50,000 or 12 months in prison if convicted in a Magistrates court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court 	Completed	18/19	Cray Valley East	£3,000.00	Enforcement Manager	Officer
FT21	Enf Strategy	Fly tip seminar attendace for 2 x officers	Seminar in Sept 2018.	--	Completed	18/19	N/A	£500.00	Enforcement Manager	Officer
FT22	Education & Campaigns	LBB Educational Communications Pack to businesses	Investigate idea of writing educational letters to builders / merchants yards covering duty of care, role under EPA etc. Idea of adapting fly tip offier's post-card idea proposed i.e. we are watching you on one side, education / how to follow the law checklist on the other.		Progressing	Mid-September onwards	All Wards	£500.00	Communications /Enforcement Manager	No
Page 62 T23	Education & Campaigns	Naming and Shaming on social media	This is undertaken in other boroughs e.g. after CCTV footage captures offenders faces. Has lead to no identification of suspects, but raised profile of clampdown and a potential deterrent measure - On LBB website for 6 months. UPDATE: recent succesful prosecution named in press release	--	Progressing	18/19	All Wards	£0.00	Enforcement Manager	Officer
FT24	Education & Campaigns	Partnership with LFB: Education / printing off road Motorbike leaflets	London Fire Brigade to cover fly-tipping in their arson talks given to schools. Dan Cartwright to add information about fly-tippingto LFB arson presentations given out to schools.		Completed	17/18	All Wards	£0.00	Enforcement Manager	Officer

<i>ID</i>	<i>Tranche</i>	<i>Title</i>	<i>Description</i>	<i>Key Legislation</i>	<i>Status (RAG)</i>	<i>Dates / deadlines 2018/19</i>	<i>Location</i>	<i>Projected Spend</i>	<i>LBB Officer Responsible:</i>	<i>Authorisation approved by</i>
FT25	Education & Campaigns	Promotional Items e.g. Pens/pads	Fly-tipping Officer Working Group thought we could purchase promotional items e.g. Pens, pads, ice scrapers etc to distribute to people for free to advertise things such as the Envirocrime reward scheme website or fly-tipping reporting number / link		Completed	16/17	All Wards	£3,010.92	Enforcement Manager	Yes
FT26	Education & Campaigns	Fly-tipping / Legitimate waste disposal leaflet in Planning permission pack	ECO investigated with Planning with Idea to target businesses and residents who have planning permission approved. Option to target residents or businesses who have applied for planning permission, informing them that they should check that all waste is disposed of correctly by ensuring the contractor has a waste carrier licence and checking where they propose to dispose of the waste. UPDATE: process has ceased due to change in process. To be reviewed if this can be accommodated		On hold	As of September 2018	All Wards	£0.00	Env Campaigns Officer/ Enforcement Manager	Officer
FT27	Education & Campaigns	Planned Communications	<ul style="list-style-type: none"> • Campaign Concept and Design • Printing of 5,000 'Householder' Postcards • 'Local Directory' advert • 'Classified ads' Advertising Space in local newspapers <p>LBB paid for advertising every other week, Bromley Borough News publishing for free on the alternative 'off' week for free.</p>	Housholder Duty of Care (England & Wales) Regs	On hold	18/19	18/19	£1,770.00	Enforcement Manager	Yes

<i>ID</i>	<i>Tranche</i>	<i>Title</i>	<i>Description</i>	<i>Key Legislation</i>	<i>Status (RAG)</i>	<i>Dates / deadlines 2018/19</i>	<i>Location</i>	<i>Projected Spend</i>	<i>LBB Officer Responsible:</i>	<i>Authorisation approved by</i>
FT28	Education & Campaigns	Fly-tipping Reduction: External Training Courses	Officers to investigate specific training opportunities (using new budget to cover costs) for NOs and Environmental enforcement officers LBB officer contacted Keep Britain Tidy Environmental Legislation - Cradle to Grave & Beyond Training	All	Completed	EPA traing course for Enformcent officers and Neighbourhood Managers delivered	16/17	£2,479.00	Enforcement Manager	Officer
FT29	Education & Campaigns	Education of NOs	LBB officers to put together presentation around fly-tipping and how maximise chances of prosecutions by end of July.		Completed	18/19	Depot	£0.00	Neighbourhood Managers/ Enforcement Manager	Officer
FT30	Education & Campaigns	Re-print of "We are watching you" post cards, large boards.	"We are watching you" post cards to be printed. Large billboards to be stuck in key areas.		Completed	18/19	18/19	£226.00	Enforcement Manager	Officer
FT31	Education & Campaigns	Anti-Flytipping Campaign: Media	Publications in Bromley Borough News, Bromley Times, SE20 magazine, TN16 Magazine, Carousel, Twitter and Facebook		Ongoing	18/19	All Wards	TBD	Enforcement Manager	Officer
FT32	Education & Campaigns	Anti-Flytipping Campaign: Ads and promos	Anti-flytipping advertisement and promotional projects. - 'late space' adverts in targeted publications. Creation of banners (eg waste vehicles). Creation of promo videos for website/social media, printed materials including postcards.	• Under the Clean Neighbourhoods and Environment Act 2005 punishment comprises fines up to £50,000 or 12 months in prison if convicted in a Magistrates court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court	Ongoing	18/19	All Wards	TBD	Enforcement Manager	TBC
FT33	Prevention	Urgent repair works to preventative infrastructure at Green Street Green and Okemore Gardens	Okemore Gardens: To supply and install new posts to fill in gaps of missing posts as a temporary measure ahead of improvement works. Green Street Green: To supply and install second hand vehicle barrier to newly formed access on Common to prevent Travellers		Completed	16/17	Chelsfield & Pratts Bottom	£438.53	Enforcement Manager	Officer

<i>ID</i>	<i>Tranche</i>	<i>Title</i>	<i>Description</i>	<i>Key Legislation</i>	<i>Status (RAG)</i>	<i>Dates / deadlines 2018/19</i>	<i>Location</i>	<i>Projected Spend</i>	<i>LBB Officer Responsible:</i>	<i>Authorisation approved by</i>
FT34	Prevention	Urgent Repair Works - Petts Wood Recreation Ground	To carry out repairs to closing post after vehicle damage.		Completed	16/17	Petts Wood & Crofton	£190.07	Enforcement Manager	Officer
FT35	Prevention	Crystal Palace Park - Metal Works	To supply and install 2 metal posts painted in yellow to prevent vehicles passing round the new over height barrier.		Completed	16/17	Crystal Palace	£1,000.00	Enforcement Manager	Officer
FT36	Prevention	Riverside Gardens barriers e.g. Stud Posting	Prevent site from incursion leading to waste accumulation and clean up costs etc.		Awaiting an approval decision	18/19	Cray Valley East	£10,000.00	Enforcement Manager	TBC
FT37	Prevention	Okemore Gardens barriers e.g Stud Posting	Prevent site from incursion leading to waste accumulation and clean up costs etc.		Awaiting an approval decision	18/19	Cray Valley East	£12,000.00	Enforcement Manager	TBC
FT38	Prevention	Green Street Green barriers e.g Stud Posting or earth bund.	Potential site for incursion leading to waste accumulation and clean up costs etc. Quotes received for Green Street Green 480 lm of black metal posts and rails. Other options include installation of wooden stud posts or earth bund.		Awaiting an approval decision	18/19	Chelsfield & Pratts Bottom	£35,000.00	Enforcement Manager	TBC
FT39	Prevention	Coney Hall / Layhams Road Improvements	Various improvements along Layhams road in Coney Hall to prevent site from incursion leading to waste accumulation and clean up costs etc.		Awaiting an approval decision	18/19	Hayes & Coney Hall	£8,100.00	Enforcement Manager	TBC
Page 65 FT41	Prevention	Leaves Green perimeter Earth Bund (Ha Ha)	Due to regular illegal traveller incursions, the perimeter of this site needs to be protected. Consultation has taken place with residents, Councillors, PH, and the favoured option is the installation of an earth mound around the perimeter of the site. This requires Commons planning consent.		Awaiting an approval decision	18/19	18/19	£50,000.00	Enforcement Manager	TBC

<i>ID</i>	<i>Tranche</i>	<i>Title</i>	<i>Description</i>	<i>Key Legislation</i>	<i>Status (RAG)</i>	<i>Dates / deadlines 2018/19</i>	<i>Location</i>	<i>Projected Spend</i>	<i>LBB Officer Responsible:</i>	<i>Authorisation approved by</i>
FT42	Prevention	Mottingham Recreation ground / Overheight barrier / Waiver	Obtained waiver To install overheight barrier at entrance to Mottingham Recreation ground vehicle access point as this has been identified as a high risk vulnerable site to illegal traveller incursions..		Completed	16/17	Mottingham & Chis North	£3,000.00	Enforcement Manager	Officer
FT43	Operational	Public Communal Waste Containers in areas of significant private refuse (black bag) dumping.	Raised at LEDNET meeting. Mentioned Brighton, possibly to be trialled in RBKC. Risks commercial waste exploitation and magnet for fly-tipping		Awaiting an approval decision	18/19	Penge & Cator. Orpington, Crystal Palace	£15,000.00	Enforcement Manager	TBC
FT44	Operational	Site Priority Document	Document listing sites most prone to traveller incursions and fly-tipping and given a priority on team site. Site maps, listing of sites have the High Court Order attached to them - the priority sites.		Completed	N/A	18/19	£0.00	Enforcement Manager	Officer
FT45	Prevention	Star Lane Width Restrictors	Proposed Star Lane Width Restrictions to stop potential offending vehicles tipping waste down Star Lane. LBB enforcement officer and Highways in process of identifying possible sites for installation of width restrictions.		On Hold	N/A	Cray Valley East	TBD	Enforcement Manager	TBC
FT46	Prevention	Havelock rec/metal posts	Site vulnerable to illegal traveller vehicle incursion.		Completed	18/19	Kelsey & Eden Park	£2,850.00	Enforcement Manager	Officer
FT47	Operational	Removal and disposal of 4 x Articulated trucks and Waste	4 x large articulated 40ft trailers full of rubbish dumped in the borough.		Completed	18/19	Copers Cope	£78,000.00	Enforcement Manager	Officer
FT48	Prevention	Harvington rec heavy duty wooden rail and posts	To replace old, defective knee rail as site is vulnerable to illegal traveller incursion.		Completed	18/19	Kelsey & Eden Park	£4,800.00	Enforcement Manager	Officer
FT49	Prevention	Green Street Green heavy duty wooden stud posts	Site vulnerable to illegal traveller vehicle incursion.		Completed	18/19	Chelsfield & Pratts Bottom	£6,462.00	Enforcement Manager	Officer
FT50	Operational	Burnt out vehicles in Paul's Cray Hill Park	To remove burnt out vehicles from Paul's Cray Hill Park.		Completed	18/19	Cray Valley East	£1,148.00	Enforcement Manager	Officer
FT51	Prevention	Keston Common Stud posts	Site is vulnerable to and has been illegally occupied by travellers.		Awaiting an approval decision	18/19	Bromley Common & Keston	£1,500.00	Enforcement Manager	TBC

<i>ID</i>	<i>Tranche</i>	<i>Title</i>	<i>Description</i>	<i>Key Legislation</i>	<i>Status (RAG)</i>	<i>Dates / deadlines 2018/19</i>	<i>Location</i>	<i>Projected Spend</i>	<i>LBB Officer Responsible:</i>	<i>Authorisation approved by</i>
FT52	All	Fly-tipping Officer Working Group Meetings	Fortnightly meetings to discuss ideas, identify opportunities and update on progress. Minutes typed up - see OneBromley site (key links tab)		Ongoing, monthly meetings	Ongoing, monthly	All Wards	£0.00	Enforcement Manager	Officer
FT54	Operational	GIS Map of fly-tipping hotspots	GIS analysis of fly-tipping over 2015 calendar year to establish evidence base for enforcement operations.		Completed 27.04.16	16/17	All Wards	£0.00	Enforcement Manager	Officer
FT55	Enf Strategy	Safer Bromley Partnership work	Enviro-crime added as a SBP priority for next 3 years. Director (LBB) and (LFB) to lead on issue. Draft approved.		Ongoing	ongoing	All Wards	£0.00	Enforcement Manager	Officer
FT59	Enf Strategy	Committee Report - Requesting £400 FPNs be issued for Fly-tipping in Bromley	In line with legislation which came in in May 2016 - proposed bringing in £400 FPNs for fly-tipping		Completed	16/17 PDS 29 September	All Wards	£0.00	Enforcement Manager	Officer
FT61	Prevention	Changing Bulky Waste Collection Frequency / Pricing	Redesign of Bulky Waste service to improve accessibility by service user. Update: Through research, this has not shown a correlation with the decrease in Fly-tip incidents e.g. Waltham Forest		On hold	18/19	All Wards	£2,400.00	Waste Service lead / Enforcement Manager	TBC
FT62	Education & Campaigns	Engage with Keep Britain Tidy for Campaign	At LEDNET meeting, raised that Keep Britain Tidy are keen to get in touch with London Boroughs for innovative project work		Completed	18/19	All Wards	£0.00	Enforcement Manager	Officer

£356,974.52

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Report No.
ES18066

London Borough of Bromley

PART ONE - PUBLIC

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

Date: 27 September 2018

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

Title: Contract Register

Contact Officer: Sarah Foster, Head of Performance Management and Business Support
Tel: 020 8313 4023 Email: sarah.foster@Bromley.gov.uk

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

Ward: All Wards

1. Reason for report

- 1.1 This report presents an extract from September 2018's Contracts Register for detailed scrutiny by PDS Committee – all PDS committees will receive a similar report each contract reporting cycle.
- 1.2 This report is based on information covering all Portfolios, which was produced on 24th August 2018 and presented to Contracts Sub-Committee on 19 September 2018.
- 1.3 The Contracts Register contained in 'Part 2' of this agenda includes a commentary on each contract to inform Members of any issues or developments (there is no covering report).

2. **RECOMMENDATIONS**

That the Public Protection and Enforcement PDS Committee:

- 2.1 Reviews the appended £50k Contracts Register (which also forms part of the Council's commitment to data transparency); and
- 2.2 Note that the Contracts Register in Part 2 contains additional, potentially commercially sensitive, information in its commentary.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Contracts Register covers services which may be universal or targeted. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts award and monitoring reports, and service delivery rather than this report.
-

Corporate Policy

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

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: - £2.424m
 5. Source of funding: - Existing revenue budget for 2017/18
-

Personnel

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:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Improves the Council's approach to contract management
-

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

Contracts Register Background

- 3.1 The Council has 224 active contracts with a Total Contract Value (TCV) greater than £50k and the appended Contracts Register provides summary information about the Portfolio's contracts (as of 24 August 2018 when the Contracts Database snap shot was taken).
- 3.2 The Register is generated from the Council's Contracts Database (CDB) which is administered by Commissioning & Procurement Directorate and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.3 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and registers are reviewed by the Commissioning Board, the Corporate Leadership Team, and Contracts Sub-Committee as appropriate.
- 3.4 New registers are produced four times a year – though the CDB itself is always 'live'.
- 3.5 Each PDS committee is expected to undertake detailed scrutiny of its contracts – including scrutinising suppliers – and hold the Portfolio Holder to account on service quality and procurement arrangements.

Contract Register Summary

- 3.6 The table below summarises key data from the 224 contracts contained in September 2018's £50k+ Contracts Register Report (covering all six Portfolios).

Key Data (All Portfolios)

Item	Category	March 2018	July 2018	September 2018
Contracts (>£50k TCV)	All Portfolios	238	216	224
Flagged as a concern	All Portfolios	12	4	9
Capital Contracts	All Portfolios	23	17	17
Portfolio	Care Services	95	0	0
	Adult Care and Health	0	86	91
	Public Protection and Safety	5	5	5
	Environment and Community Services	0	20	21
	Environment	23	0	0
	Education, Children and Families	44	39	36
	Resources Commissioning and Contract Management	0	58	58
	Resources	61	0	0
	Renewal and Recreation and Housing	0	8	13
	Renewal and Recreation	10	0	0
Total		238	216	224
Risk Index	Red	16	18	14
	Amber	81	80	89
	Yellow	104	82	83
	Green	36	36	38
Total		237*	216	224
Procurement Status	Red	114	98	85
	Amber	30	24	17
	Yellow	19	32	31
	Green	75	62	91
Total		238	216	224

* The March Risk Index figures do not add up to the total number of contracts because there was an income contract that was not flagged correctly and therefore not picked up on the snap shot. This has now been rectified.

3.7 Key information, for this Portfolio, extracted from September's £50k+ Contracts Register.

Public Protection and Safety				
Item	Category	March 2018	July 2018	September 2018
Total Contracts	£50k+	5	5	5
Concern Flag	Concern Flag 	4	0	1
Risk Index	Red	0	0	0
	Amber	1	1	1
	Yellow	4	3	3
	Green	0	1	1
Total		5	5	5
Procurement Status	Red	3	3	3
	Amber	1	0	0
	Yellow	0	0	0
	Green	1	2	2
Total		5	5	5

3.8 The following contract has been flagged as a concern due to the tight timescales for tender (rather than any performance issues associated with the delivery of the contract):

Contract ID	Contract Name	Total Contract Value (£)	Contract End Date
47	Mortuary Contract	384,000	30/09/2018

3.9 Since the snapshot of the contracts database was taken, a Gateway 1 Members report (no ES18056) was scrutinised by the Public Protection and Enforcement PDS Committee on 22nd August 2018, and it was decided that LB Bromley should enter into a single negotiated contract with the incumbent provider for a 3+3 contract (option three). Negotiations are now underway, however, as the negotiations have yet to conclude, approval is being sought to extend the current contract by four months to 31st January 2019.

4. IMPACT ON VULNERABLE ADULTS & CHILDREN

4.1 The Corporate Contracts Register covers all Council services: both those used universally by residents and those specifically directed towards vulnerable adults and children. Addressing the impact of service provision on the vulnerable is a matter for the relevant procurement strategies, contracts, and delivery of specific services rather than this summary register.

5. POLICY IMPLICATIONS

5.1 The Council's renewed ambition is set out in the 2016-18 update to [Building a Better Bromley](#) and the Contracts Database (and Contract Registers) help in delivering the aims (especially in delivering the 'Excellent Council' aim). For an 'Excellent Council', this activity specifically helps by 'ensuring good contract management to ensure value-for-money and quality services'.

6. PROCUREMENT IMPLICATIONS

- 6.1 Most of the Council's (£50k plus) procurement spend is now captured by the Contracts Database. The database will help in ensuring that procurement activity is undertaken in a timely manner, that Contract Procedure Rules are followed, and that Members are able to scrutinise procurement activity in a regular and systematic manner.

7. FINANCIAL IMPLICATIONS

- 7.1 The Contracts Database and Contract Registers are not primarily financial tools – the Council has other systems and reports for this purpose such as FBM and the Budget Monitoring reports. However, the CDB and registers do contain financial information both in terms of contract dates and values and also budgets and spend for the current year.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no direct personnel implications but the Contracts Database is useful in identifying those officers directly involved in managing the Council's contracts.

9. LEGAL IMPLICATIONS

- 9.1 There are no direct legal implications but the Contracts Database does identify those contracts which have a statutory basis and also those laws which should be complied with in delivering the contracted services.
- 9.2 A list of the Council's active contracts may be found on Bromley.gov.uk to aid transparency (this data is updated after each Contracts Sub-Committee meeting).

Non-Applicable Sections:	None
Background Documents:	<ul style="list-style-type: none">• Contracts Register Reports to Contracts Sub-Committee• Appendix 1 – Contracts Database Background information• Appendix 2 – Contracts Database Extract PART 1 (September 2018)

Appendix 1 Contracts Register Key and Background Information

Contract Register Key

1.1 A key to understanding the Corporate Contracts Register is set out in the table below.

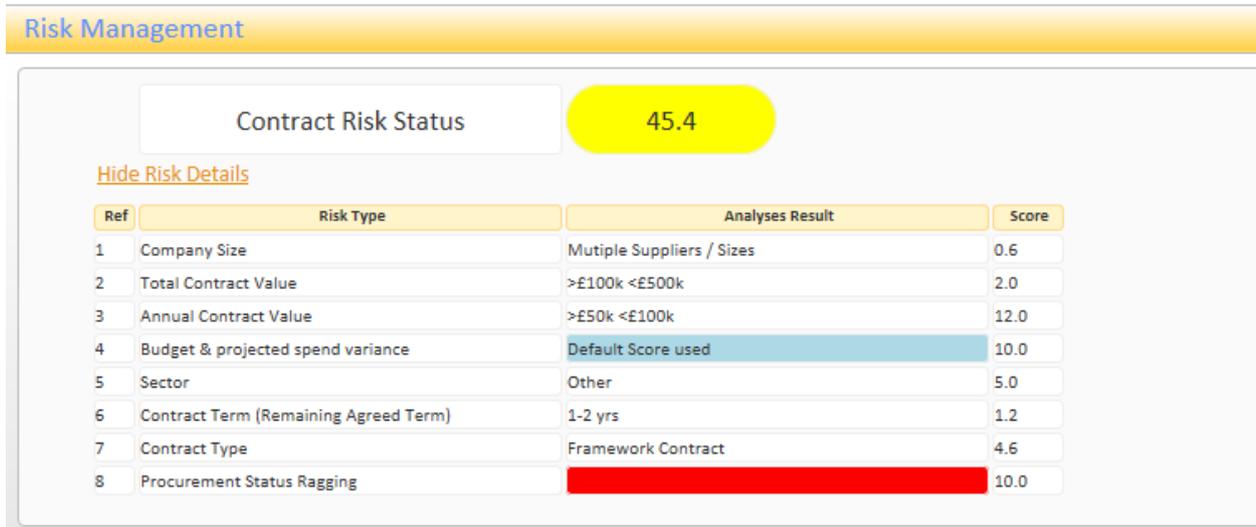
Register Category	Explanation
Risk Index	Colour-ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) / colour reflecting the contract's intrinsic risk
Contract ID	Unique reference used in contract authorisations
Owner	Manager/commissioner with day-to-day budgetary / service provision responsibility
Approver	Contract Owner's manager, responsible for approving data quality
Contract Title	Commonly used or formal title of service / contract
Supplier	Main contractor or supplier responsible for service provision
Portfolio	Relevant Portfolio for receiving procurement strategy, contract award, contract monitoring and budget monitoring reports
Total Contract Value	The contract's value from commencement to expiry of formally approved period (excludes any extensions yet to be formally approved)
Original Annual Value	Value of the contract its first year (which may be difference from the annual value in subsequent years, due to start-up costs etc.)
Budget	Approved budget for the current financial year. May be blank due to: finances being reported against another contract; costs being grant-funded, complexity in the finance records e.g. capital (also applies to Projection)
Projection	Expected contract spend by the end of the current financial year
Procurement Status	Automatic ranking system based on contract value and proximity to expiry. This is designed to alert Contract Owners to take procurement action in a timely manner. Red ragging simply means the contract is nearing expiry and is not an implied criticism (indeed, all contracts will ultimately be ragged 'red').
Start & End Dates	Approved contract start date and end date (excluding any extension which has yet to be authorised)
Months duration	Contract term in months
Attention 	Red flag denotes Commissioning & Procurement Directorate's concern regarding procurement arrangements (also see C&P Commentary in Part 2)
Commentary	Contract Owners provide a comment – especially where the Risk Index or Procurement Status is ragged red or amber. Commissioning & Procurement Directorate may add an additional comment for Members' consideration <i>The Commentary only appears in the 'Part 2' Contracts Register</i>
Capital	Most of the Council's contracts are revenue-funded. Capital-funded contracts are separately identified (and listed at the foot of the Contracts Register) because different reporting / accounting rules apply

Contract Register Order

1.2 The Contracts Register is output in Risk Index order. It is then ordered by Procurement Status, Portfolio, and finally Contract Value. Capital contracts appear at the foot of the Register and 'contracts of concern' (to Commissioning & Procurement Directorate) are flagged at the top.

Risk Index

- 1.3 The Risk Index is designed to focus attention on contracts presenting the most significant risks to the Council. Risk needs to be controlled to an acceptable level (our risk appetite) rather than entirely eliminated and so the issue is how best to assess and mitigate contract risk. Contract risk is assessed (in the CDB) according to eight separate factors and scored and weighted to produce a Risk Index figure (out of 100). These scores are ragged to provide a visual reference.



Procurement Status

- 1.4 A contract's Procurement Status is a combination of the Total Contract Value (X axis) and number of months to expiry (Y axis). The table below is used to assign a ragging colour. Contracts ragged red, amber or yellow require action – which should be set out in the Commentary. Red ragging simply means the contract is nearing expiry and it is not an implied criticism (indeed, all contracts will ultimately be ragged 'red').

		Procurement / Commissioning Status					
Period	3 months						<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: red; margin-right: 5px;"></div> Requires an agreed plan <div style="width: 20px; height: 20px; background-color: yellow; margin-right: 5px;"></div> Develop / test options <div style="width: 20px; height: 20px; background-color: orange; margin-right: 5px;"></div> Consider options <div style="width: 20px; height: 20px; background-color: green; margin-right: 5px;"></div> No action required </div>
	6 months						
	9 months						
	12 months						
	18 months						
		£5k - £50k	£50k - £100k	£100k - £173k	£173k - £500k	>£500k	
		Total Contract Value					

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Contract Register Report - £50k Portfolio Filtered - Public Protection and Safety - September 2018

Risk Index	Main Contract Data						Finance Data				Contract Terms			Attention	Capital	
	Contract ID	Owner	Approver	Contract Title	Supplier Name	Portfolio	Total Value	Original Annual Value	Budget	Projection	Proc. Status	Start Date	End Date			Months Duration
●	47	JIM MCGOWAN	DAN JONES	Mortuary Contract	Princess Royal University Hospital Mortuary via Kings College Hospital NHS Foundation Trust (with LB Bexley)	Public Protection and Safety	384,000	96,000			■	01/10/2014	30/09/2018	48	⚠	
●	43	JIM MCGOWAN	DAN JONES	CCTV Monitoring	OCS Ltd	Public Protection and Safety	1,515,258	252,652	271,840	261,410	■	01/04/2012	31/03/2019	84		
●	42	JIM MCGOWAN	DAN JONES	CCTV Repair and Maintenance	Eurovia Infrastructure Ltd	Public Protection and Safety	257,108	42,852			■	01/04/2012	31/03/2019	84		
●	3763	JIM MCGOWAN	DAN JONES	Dogs & Pest Control Services	SDK Environmental Ltd	Public Protection and Safety	234,915	78,305			■	01/02/2018	31/01/2021	36		
●	3799	JIM MCGOWAN	DAN JONES	Coroners Service	London Borough of Croydon	Public Protection and Safety	448,640	224,320			■	01/04/1966	31/08/2029	762		

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Report No:
CSD18130

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE**

Date: 27th September 2018

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

Title: **WORK PROGRAMME**

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. Members are free to contribute suggestions for future items for the Work Programme.

1.2 Members should note that the Work Programme is fluid and subject to change as required.

2. RECOMMENDATIONS

2.1 That the Committee:

(1) **Notes the current Work Programme.**

(2) **The Committee comments on any matters that it thinks should be incorporated into the Work Programme going forward.**

(4) **The Committee puts forward suggestions for Member visits.**

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
-

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: £350,650
 5. Source of funding: 2018/2019 revenue budget
-

Staff

1. Number of staff (current and additional): 8 posts (6.87fte)
 2. If from existing staff resources, number of staff hours: Maintaining the Committee's Work Programme normally takes approximately an hour per meeting, but is fluid and may need to be modified as required.
-

Legal

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

Customer Impact

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

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 Enforcement PDS Forward Work Programme. The Committee is invited to comment on the schedule and to propose any changes it considers appropriate. The Committee is also invited to make suggestions with regard to Member visits.
- 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.

4. POLICY IMPLICATIONS

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

Background Documents: (Access via Contact Officer)	Previous Work Programme Reports and Minutes of the previous meeting.
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PP&E PDS COMMITTEE - FORWARD WORK PROGRAMME**PUBLIC PROTECTION AND ENFORCEMENT PDS—3rd July 2018**

Appointment of Co-opted Members

Police Update

Enforcement Activity Report

Budget Monitoring 2018/19

Provisional Outturn 2017/18

Public Protection and Enforcement Portfolio Plan

MOPAC Update Report

Trading Standards update report on Under Age Sales

Setting of Statutory Fees for Licensing Houses in Multiple Occupation

Contracts Register Report

Work Programme

PUBLIC PROTECTION AND ENFORCEMENT PDS—27th September 2018

Matters Arising

Police Update

RIPA update report

Enforcement Activity Future Scrutiny report

Capital Programme Monitoring report

Mortuary Contract Update report.

Contracts Register Report and Database Extracts

Planned enforcement of legislation which regulates the Letting Agents and Property Management Sector

Work Programme

PUBLIC PROTECTION AND ENFORCEMENT PDS—4th December 2018

Matters Arising

Police Update

Portfolio Holder Update

Budget Monitoring 2018/19

MOPAC Funding update report

Food Safety Service Plan Report

Six Monthly Performance Reports

Animal Welfare Licensing (To be confirmed)

Work Programme

PUBLIC PROTECTION AND ENFORCEMENT PDS—30th January 2019

Matters Arising

Police Update

Portfolio Holder Update

Draft Budget for 2019/2020

Work Programme

Emergency Planning and Business Continuity Update Report--TBC

MOPAC Update Report—TBC

Risk Register Update for the Public Protection Portfolio

PUBLIC PROTECTION AND ENFORCEMENT PDS—21st March 2019

Matters Arising
Police Update
Portfolio Holder Update
Prevent Update Report--TBC
Budget Monitoring
Work Programme
POSSIBLE FUTURE PRESENTATIONS and AGENDA ITEMS
Trading Standards Update
Mortuary Contract Update
POSSIBLE FUTURE VISITS
None decided yet

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of the Local Government Act 1972.

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