

# **PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 28 March 2019

## **Present:**

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

Dr Robert Hadley, Fen Johnson and Cameron Ward

## **Also Present:**

Joanne Stowell, Rob Vale, Toby Smith, Councillor Kate Lymer, Sarah Foster and Chief Inspector Craig Knight

## **STANDARD ITEMS**

### **1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillor Mike Botting, Sharon Baldwin and Nigel Davies.

Apologies had also been received from Alf Kennedy.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC TO THE COMMITTEE OR CHAIRMAN**

There were no questions from Councillors or members of the public to the Committee or Chairman.

### **4 MINUTES OF THE PREVIOUS MEETING HELD ON 30th JANUARY 2019**

The Committee considered the minutes of the meeting of the Public Protection and Enforcement PDS Committee held on 30<sup>th</sup> January 2019.

**RESOLVED that the minutes of the meeting held on 30<sup>th</sup> January 2019 be agreed and signed as a correct record.**

## 5 MATTERS ARISING

### CSD19060

Members noted the matter that had arisen out of the previous review of the Parking Services contract with APCOA. It had been requested that an update be provided to the Committee concerning why the number of PCNs issued had decreased. An update had subsequently been received from the Head of Parking Services and was disseminated to Committee members. The update noted that the following matters were still being investigated:

- *Parking Services Officers were seeking legal advice and would be formally writing to APCOA about how many and the type of vehicles they are using to transport and deploy the CEOs around the borough. APCOA did not have the same transportation that was detailed in their method statement and therefore they were breaching their contract terms.*
- *Parking Services were still awaiting the full trial data on the ANPR vehicle to conclude if this is a better way of deploying the CEOs.*
- *The policy around enforcement requests that were made by the public was being reviewed to ensure it was having an effective impact on the contract.*

The Chairman stated that the issues which were still being investigated were important matters. In view of this he requested that further updates be provided to the Committee when they were available.

**RESOLVED that the Matters Arising report is noted and that updates on the remaining matters being investigated by Parking Services be provided to the Committee in due course.**

## 6 POLICE UPDATE

The police update was provided by Chief Inspector Craig Knight.

The Chairman advised that he had met with the police recently to discuss the format of police updates to the Committee. It had been decided that going forward, the police updates (provided to the Committee in advance of the meeting) would focus on the MOPAC (Mayor's Office for Policing and Crime) crime priorities and on local priorities. At the meeting itself there would be a briefing provided each month on a different area of policing. So one month there could be an update concerning neighbourhood policing, and another month it could be safeguarding etc. Local ward issues should be confined as much as possible to ward panel meetings and SNB (Safer Neighbourhood Board) meetings. This would mean that the PDS Committee could devote itself to focusing on strategic issues.

Mr Knight addressed the matter that had been raised previously concerning the number of detectives in the south area BCU. It was clarified that the south area BCU (Basic Command Unit) was currently at full strength with respect to detectives.

Mr Knight mentioned that the police would be addressing licensing issues concerning the BP garage in Mottingham over the next 10 days.

The Committee heard that the total number of burglary offences committed over the rolling 12 months was 2,600, which was an increase of 7.5%. On the positive side, the number of offences relating to non-domestic violence with injury was down by 21%. At the time of the meeting, the highest rate of ASB offences had been reported in Orpington, followed by Penge and Cator.

Mr Knight said that there had been a small rise in the number of sexual offences reported.

The Committee noted that there had been a 15% increase in the use of stop and search. Mr Knight expressed the view that the increased use of stop and search had resulted in less individuals carrying knives. Mr Knight said that over the last 12 months, the police in Bromley had carried out 5174 stop and searches. Forty five percent of the stop and searches were drug related.

Mr Knight informed Members that MOPAC was seeking to adopt vehicle related offences as a priority. The police were not keen on this idea as they felt it would detract from dealing with more serious offences. Mr Knight stated that roughly 50% of vehicle associated offences related to car drivers not taking basic precautions like locking doors and windows, and leaving valuables in open sight.

Members were briefed around police response times. Mr Knight stated that '1 calls' (the most urgent) were being responded to within 15 minutes in 82% of cases—so there had not been a drop in performance. A pot of money had been released to acquire some new police fleet vehicles. The police had to decide how best to use the new money. Mr Knight anticipated that the money would be primarily used to acquire more 'Q' cars. These were unmarked vehicles that would be used for covert operations and to gather intelligence.

The Committee heard that the first meeting of the Bromley Community Monitoring Group had recently taken place. The Group was responsible for checking stop and search reports. Reported 'victim satisfaction' was above average at 70%; the MET average was 66%.

A Member was concerned that burglary rates were starting to rise again, and she was sceptical that the rate of knife crime was decreasing. She also referred to a TV report that stated that Bromley had the highest rate of drug abuse in London. Mr Knight responded that this was not related to cannabis usage in its various forms. He was aware of the TV report and said that it was related to the reported usage of drugs like cocaine--which was primarily used by middle aged white collar workers in Bromley.

A Co-opted Member asked if he could be provided with details concerning the ages of those individuals that had been subject to the stop and search operations. Mr Knight agreed that he would access the data and send it to the Co-opted Member.

A Member enquired what the consequences were for those found in possession of drugs as a result of stop and search operations, and a discussion took place around this. A Co-opted Member felt that it was important that regarding stop and search, young people should be aware of their rights and how they should respond. He asked if the police were making young people aware of these things. Mr Knight answered that in addition to online workshops, the police were delivering stop and search training in schools and stop and search workshops had been held in Bromley and Sutton.

The Committee was briefed concerning the theft of higher specification 'keyless' cars and how they were working with manufactures to try and resolve the issue. Potential car thieves would attempt to use a device outside of a person's property that would be able to pick up the signal from the car keys. It was recommended that the owners of such cars should put their car keys in a biscuit tin to prevent the key's signal being picked up by potential car thieves.

A Member made the interesting point that stop and search should start at home with parents ensuring that their children did not leave the home with either drugs or knives. It was confirmed that 'county lining' was taking place and a special team had been set up to deal with it. It was also noted that the Council and the police were undertaking joint visits to tackle the issue of drug use in pubs.

A Co-opted Member raised the issue of 'chicken shop' grooming. This would typically commence with young people being provided with 'free' food. Later they would be asked to deliver a package to 'pay' for the food. In some cases it would then be arranged for the young person to be 'robbed'. The young person would then be informed that because they had lost the package, they now owed a debt. They would then find themselves involved in criminal activities in an effort to repay the 'debt'. Mr Knight responded that the police were aware of this activity, and it was being dealt with by the police gangs unit. He stressed the importance of passing information concerning these activities to the police, and this could be done anonymously.

**RESOLVED that the police update is noted, and that Chief Inspector Knight provide the BYC Co-opted Member with the details of the ages of the individuals that had been subject to stop and search operations.**

## **HOLDING THE PORTFOLIO HOLDER TO ACCOUNT**

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

There were no questions received from Councillors or members of the public for the Portfolio Holder.

#### **a PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO - CAPITAL PROGRAMME MONITORING 2018/19- QTR 3**

##### **FSD19028**

The Committee noted the Capital Programme Monitoring and Capital Strategy report.

**RESOLVED that the Portfolio Holder confirms the changes to the Capital Programme agreed by the Executive on 13<sup>th</sup> February 2019.**

#### **b BUDGET MONITORING-2018--2019**

##### **FSD19036**

The Budget Monitoring report was written by Claire Martin (Head of Finance). The report was drafted to show the latest budget monitoring position for 2018/19 for the Public Protection and Enforcement Portfolio. This was based on expenditure and activity levels up to 31<sup>st</sup> December 2018. At that point the budget was showing an underspend of £219k.

A Member drew attention to section 6.2 of the report which related to delays in recruiting to posts in the Food Safety Service. It was noted that the recruitment process for Food Safety Officers was proving difficult and was ongoing. There was a recruitment advert going out imminently. Consideration was also being given to 'linked training' whereby a person could receive work related training while in post. The Committee expressed thanks for the excellent work that had been undertaken with respect to food inspections.

**RESOLVED that the Portfolio Holder endorse the latest 2018/19 budget projection for the Public Protection and Enforcement Portfolio.**

### **8 PP&E PORTFOLIO PLAN PERFORMANCE OVERVIEW**

Members considered the PP&E Portfolio Plan Performance Overview document.

A Member raised a query regarding item 7 on the Plan which related to the number of food premises closed by the Food Safety Team. The commentary on the Plan stated:

*'As of the 08.02.19 there were 66 inspections overdue. All have been allocated for inspection prior to year-end. LBB Food Safety Team have also closed 443 premises this year (80 since the start of February) many of which were overdue and have now stopped trading'*

It was felt that the closure figures quoted were rather high and so the Assistant Director for Public Protection agreed to check the figures and report back to the Committee via the Committee Clerk.

Members noted the data regarding fly-tipping and were informed that a fly-tipping report would be presented to the Environment PDS Committee on 9<sup>th</sup> April.

A Member expressed his thanks to Toby Smith and Andrew Rogers for the excellent fly-tipping campaign on Social Media.

**RESOLVED that the Assistant Director for Public Protection and Enforcement check the figures relating to food premises closures and report back to the Committee via the Committee Clerk**

## **9 NEIGHBOURHOOD MANAGEMENT ENFORCEMENT UPDATE SCRUTINY REPORT**

### **ES19030**

This report was written and presented by Toby Smith (Head of Enforcement and Neighbourhood Management). The purpose of the report was to compare the current performance of services with previously agreed performance indicators. Members were being asked to note and comment on the report.

Members studied Table 1 of the report which highlighted performance against agreed indicators. KPI 'NM1' was the performance indicator for the successful payment and recovery rate for FPNs (fixed penalty notices) that related to dropped litter. The Committee noted the aggregate performance for this which was 63% against a target of 70%. The Committee noted the RAG status which was 'amber.' It was suggested that one of the reasons that the performance against target was down was that in some cases individuals did not always provide the correct information to civil enforcement officers (CEOs). Another reason suggested was that the CEOs were easily identifiable.

The Committee noted KPI 'NM2' which was the KPI relating to the removal of abandoned vehicles. Members were pleased to note that the aggregate performance was 99% which compared to a target of 95%. It was explained that not all vehicles reported as 'abandoned' were in fact abandoned. If a vehicle was taxed--as far as the Council was concerned it was not an abandoned vehicle. One hundred and seventy six vehicles had been removed over the last quarter. It was clarified that if a vehicle was causing a significant

nuisance (even if it was taxed), then alternative enforcement measures could be employed.

The Committee saw that the number of fly tipping enforcement actions was down against target (8.6% achieved against a target of 10%). Mr Smith pointed out that LBB only employed 1 fly tipping officer for public areas.

A Member drew attention to Table 2 under section 5.5 of the report. A list of offences had been identified, with additional information such as the Case ID number, and the fines and surcharges imposed. The Member commented that as the offences were listed merely as offences committed under the relevant section of the Environmental Protection Act, it did not explain what the actual offence was. Mr Smith explained the various offences that were listed under the various sections of the Act.

Mr Smith appraised the Committee that the fines and surcharges listed in the table went to the Court, and that the legal costs went to the Legal Section of the Council. It was currently the case that no charges could be recuperated by the Public Protection Division against the cost of cleaning up after fly tipping, and also officer time. It was hoped that in the future, magistrates could be persuaded to award the Council costs in this regard. The Chairman asked to be kept updated concerning this.

A Member stated that there was no evidence in Penge that Civil Enforcement Officers were enforcing in the area, and she queried if they were doing their job properly. Mr Smith responded that he would relocate CEOs back to Penge. Mention was made of untidy gardens, and it was explained that this would be a matter for the Planning Section.

Mr Smith concluded his update by highlighting the closure of Star Lane. Star Lane had been a problem for many years regarding fly-tipping and subsequently when the rubbish was set on fire. It had been decided to close the lane for 18 months, starting from 1<sup>st</sup> March. This had proved very effective and the expected upsurge in the dumping of rubbish in other areas had not manifested. This was a success story and the LFB had expressed their thanks to the Council for closing the lane.

**RESOLVED that:**

- 1) The Committee is kept informed of any developments concerning magistrates awarding new costs to the Council to cover the expense of cleaning up after a fly tipping incident.**
- 2) Mr Smith would relocate CEOs to undertake enforcement work in Penge to counter an apparent lack of enforcement in the area.**

## **ES19028**

The Assistant Director presented her report which updated on the Public Protection Division's performance against its agreed performance indicators. She asked Members to note that this was not the Annual Enforcement report; this would be presented to the Committee at the June meeting. Members were pleased to note that all of the RAG ratings were green.

The Assistant Director explained that the report as it stood did not present all of the targets as being hit. This was because the report was a snapshot of performance as at 31<sup>st</sup> January 2019. It was expected that all targets would be hit or at least all would be hit within the agreed tolerance levels.

The Assistant Director advised that targets would be originally set after a process of 'Trends Analysis'.

**RESOLVED that the Performance Report is noted.**

## **11 EXPENDITURE ON CONSULTANTS 2017/18 & 2018/19**

### **CSD19038**

Members noted the report and agreed that no further scrutiny was required.

It was acknowledged that there would be some cases when professional outside help from consultants would be required.

**RESOLVED that the report is noted and that no further scrutiny is required.**

## **12 WORK PROGRAMME**

### **CSD19061**

Members considered the Work Programme for the Public Protection and Enforcement Portfolio. It was noted that the current draft Work Programme for 2019/2020 was an initial draft based on historic standard items. The programme would develop and evolve.

It was agreed that for the June meeting there would be an annual report relating to PP&E performance for 2018/2019.

It was agreed that there would be a Mortuary Update report going to the June meeting.

The police update in June would focus on an update regarding Dedicated Ward Officers.



Consideration could be given to inviting SLAM to a meeting at some point in the summer and also to a visit by Members to the Bethlem Hospital.

Some discussion took place concerning a possible visit to the Coroner's Court, or a presentation by the Coroner at a Committee meeting. The Assistant Director stated that she would look into this.

Another Member suggested that a report could be drafted that investigated issues around the association between mental health issues and links to crime.

**RESOLVED that the Work Programme is noted and that the above suggestions be added to the Programme.**

**13 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 moved that the Press and Public be excluded during consideration of the item listed below as it was 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.

**14 PART 2 MINUTES OF THE MEETING OF THE PP&E PDS COMMITTEE THAT MET ON 30th JANUARY 2019**

The Part 2 minutes of the meeting that took place on 30<sup>th</sup> January 2019, were agreed and signed as a correct record.

The meeting ended at 8.30 pm

Chairman