



THE LONDON BOROUGH
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DATE: 4 November 2019

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, Kim Botting FRSA, Mike Botting,
Alexa Michael, Suraj Sharma and Harry Stranger

Non-Voting Co-opted Members –

Sharon Baldwin, Chairman - Safer Neighbourhood Board
Dr Robert Hadley, Bromley Federation of Residents Associations
Alf Kennedy, Bromley Neighbourhood Watch
Cameron Ward, Bromley Youth Council
Emily Warnham, Bromley Youth Council

A meeting of the Public Protection and Enforcement Policy Development & Scrutiny
Committee will be held at Committee Room 1 - Bromley Civic Centre on **THURSDAY
14 NOVEMBER 2019 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
ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of

the meeting. Any questions for the Chairman or the Portfolio Holder that are not specific to the agenda should have been received by the Democratic Services Team no later than **5.00pm on October 31st**.

Questions specifically concerning reports on the agenda should be received within two working days of the publication date of the agenda. Please ensure that questions specifically regarding reports on the agenda are received by the Democratic Services Team **by 5 pm on Friday, 8th November**.

a QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

b QUESTIONS TO THE CHAIRMAN OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

4 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE MEETING HELD ON 10TH SEPTEMBER 2019 (EXCLUDING EXEMPT INFORMATION) (Pages 1 - 10)

5 MATTERS OUTSTANDING (Pages 11 - 14)

6 POLICE UPDATE

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

7 PORTFOLIO HOLDER UPDATE

8 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

Portfolio Holder decisions for pre-decision scrutiny.

a BUDGET MONITORING REPORT (Pages 15 - 20)

b DRAFT ENFORCEMENT POLICY FOR PUBLIC PROTECTION (Pages 21 - 42)

c POST COMPLETION REVIEW REPORT – CCTV CONTROL ROOM REFURBISHMENT (Pages 43 - 50)

POLICY DEVELOPMENT AND OTHER ITEMS

9 MINUTES OF THE PREVIOUS MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP HELD ON 12TH SEPTEMBER 2019 (Pages 51 - 62)

The minutes of the meeting of the Safer Bromley Partnership have been included for Members' information. This is because the PDS Committee has a scrutiny responsibility for the Partnership.

- 10 **ENVIRONMENT AND PUBLIC PROTECTION RISK REGISTER** (Pages 63 - 78)
- 11 **FLY TIPPING ACTION PLAN UPDATE REPORT** (Pages 79 - 92)
- 12 **PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT** (Pages 93 - 102)
- 13 **CONTRACT REGISTER** (Pages 103 - 112)
- 14 **PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW** (Pages 113 - 114)
- 15 **WORK PROGRAMME** (Pages 115 - 120)

PART 2 AGENDA

- 16 **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.

- 17 **EXEMPT MINUTES OF THE MEETING HELD ON 10TH SEPTEMBER 2019** (Pages 121 - 122) 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 10 September 2019

Present:

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

Sharon Baldwin, Dr Robert Hadley and Cameron Ward

Also Present:

Councillor Kate Lymer, Portfolio Holder for Public
Protection & Enforcement

STANDARD ITEMS

18 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Emily Warnham (Bromley Youth Council).
Apologies were also received from the Executive Director of Environmental
and Community Services.

The Chairman and the Committee extended their congratulations Bromley
Youth Council who had recently won the Mayor of London's 2019 Volunteer
Award for its work on the Anti-Gang Campaign.

Post meeting apologies were received from Mr Alf Kennedy.

19 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

No questions were received.

21 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE--26th JUNE 2019

The minutes of the meeting held on 26th June 2019, we agreed and signed as
a correct record.

22 MATTERS OUTSTANDING

Report CSD19122

The Committee considered a report providing an update on matters outstanding from previous meetings.

Regarding Minute 8a (Public Protection and Enforcement Portfolio Plan), Members noted that the Community Safety Co-ordinator had been appointed as Strategic Lead for Gangs and Youth Violence and would be leading on reviewing the findings of the Home Office Locality Review into Gang Violence in Bromley.

In relation to parking enforcement activity and developing a 'FAQ' section on the parking website, the Assistant Director of Public Protection and Enforcement confirmed that work on this was ongoing, and a further update would be provided to the Committee at a future meeting. The Chairman also asked for details concerning the number of out of hours calls for parking to be provided to the Committee following the meeting.

In response to question from the Chairman concerning complaints about general noise nuisance being directed to the Council in the first instance and not the police, the Assistant Director of Public Protection and Enforcement confirmed that the issue had been raised with the Council's Customer Services Call Centre.

Knife and Serious Violence Action Plan Update

The Head of Trading Standards and Community Safety reported that whilst the Mayor's Office for Policing And Crime (MOPAC) was not yet ready to share best practice from the London-wide submissions, Bromley's Action Plan had been 'RAG Rated' 'Green' by MOPAC. Staff were being appointed to the Mayor of London's Violent Crime Reduction Unit (VCR) and feedback was expected in the near future on the Action Plans across London. The Chairman expressed disappointment and concern at the length of time it was taking for the VCR unit to commence actual work on reducing violent crime. The Head of Trading Standards and Community Safety confirmed that the Council continued to make progress on its own Action Plan, and Officers were sustaining pressure on MOPAC for updates.

A Member noted with concern, the escalation of gun as well as knife crime in Bromley. The Head of Trading Standards and Community Safety confirmed that the Action Plan covered early interventions across a range of issues and services, and would be able to address any form of serious violence.

The Chairman reported that feedback he had received from young people, highlighted the importance of expediting the implementation of the Action Plan.

RESOLVED: That the report is noted.

23 POLICE UPDATE

Superintendent Carswell attended to provide the police update and to address issues arising from the 'Bromley ASB and Crime Performance & Analysis' document that had been circulated prior to the meeting. The Superintendent gave an introduction highlighting the following issues:-

- The BCU had been involved with the response to the recent fire at a block of flats in LB Sutton which had resulted in the need to rehouse 23 families. The Local Authority Emergency Plan had appeared to work well and in addition there had been offers of help from neighbouring boroughs.
- The BCU had now been in place for 6 months and overall its implementation was going well.
- Serious Youth Violence generally referred to young people carrying knives as weapons. Young people carrying knives was not new, but the propensity of much younger children to carry knives, was concerning.
- Offences involving firearms were immediately actioned as nothing was considered more serious.
- For the past 4 months there had not been a known habitual knife or firearms carrier at liberty in the borough.
- When the BCU was launched earlier in the year, there had been an apparent rise in levels of crime. This trend had now been reversed although there was more work to do to drive it down still further.
- Motor Vehicle Theft was of particular concern to residents across the borough and as a result, this was a focus for the police. Motor Vehicle Theft was a targeted crime which was actively investigated.
- Burglary was understandably the biggest public concern. The Borough of Bromley had the highest levels of burglary across the three boroughs within the BCU. As a result, Dedicated Ward Officers across the borough had been focusing on burglary and this had led to an 11% reduction in burglaries across the Borough. In addition, property marking kits and 'Ring' video door bells were being made available to vulnerable victims of burglary.
- Across the BCU there had been 92 arrests related to burglary (including 42 known perpetrators). MOPAC had granted each BCU 5 additional PCSOs to focus on burglary.

Superintendent Carswell then responded to questions making the following comments:-

- CID was split between serious and complex crime and safeguarding. Responsibility for investigating the majority of burglaries now stayed with the reporting officer until the completion of the investigation. There was a national shortage of detectives and across the BCU there were 300 detectives within CID (it was not possible to provide a specific number for Bromley). The Gangs Unit was fully staffed,

however safeguarding carried the majority of vacancies and this was the case across the Metropolitan Police Service. There were also vacancies at PC level in proactive units.

- Chilean gangs, which flew into the UK specifically to engage in burglary, were a real concern in Bromley and work to address this was ongoing.
- The aim of Dedicated Ward Officers was threefold: 1. Reduce Risk; 2. Reduce Demand; and 3. Increase Confidence. In terms of filling vacancies when Ward Officers moved elsewhere, it was only possible to fill a vacancy when a vacancy existed. Wards across the London Borough of Bromley had the full complement of 2 Dedicated Ward Officers, the exception being when staff were on maternity leave or sick leave.
- There were no issues concerning GDPR and where doorbell cameras were pointed. Doorbell cameras had proved invaluable in the prevention and prosecution of burglaries.
- Training for stop and search was undertaken on a number of levels. Officers were respectful and should be able to adapt their approach to the individual who was the subject of the stop and search. The law was clear about the information that had to be relayed to the subject of a stop and search. The information had to be relayed in a way that could be understood by the specific individual.
- In terms of the policing priorities for the Mayor of London which were: Burglary, Violent Crime, and Anti-Social Behaviour, the Superintendent confirmed that he was happy with the direction of travel across the borough and the focus of Dedicated Ward Officers on problem solving. There needed to be more work to reduce levels of Anti-Social Behaviour as this issue, by its very nature, affected large numbers of people and public confidence.
- Statistics relating to “Public Fear, Alarm or Distress” concerned Public Order Offences. The Chairman asked that more information be provided on these particular statistics following the meeting.
- There had been a specific focus around hotspots in Penge, Bromley Town Centre and the Crays. A problem solving plan had been developed to target the top 10 offenders and support repeat victims. The intention was to deliver long-term change. The Chairman requested that the Police Update at the next meeting on 14th November 2019, concentrate on this work. It was also agreed that Councillor Bance would circulate a short briefing on the positive work being undertaken in Penge.
- It was clear that town centres had suffered as a result of the reduction in police numbers. It was important for the police and the local authority to work with shop keepers to ensure that shops were less attractive to shoplifters.
- It was noted that in recent years, business communities had taken responsibility and had been doing more to actively prevent crime.

The Chairman thanked Superintendent Carswell for his presentation to the Committee.

RESOLVED that the police update is noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

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

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

25 MOPAC UPDATE

The Head of Trading Standards and Community Safety reported that 3 community impact days had been held in Mottingham, Cray Valley West and Penge. Over the three community impact days there had been 7 arrests, 10 weapon sweeps, and 35 visits to high profile addresses. Positive results were continuing to be seen from this work and the PDS Committee would receive a presentation in the New Year.

In response to a question from the Chairman, the Head of Trading Standards and Community Safety confirmed that funding was in place until 2021.

Finally, the Committee extended its thanks and best wishes to Peter Sibley, ASB Co-ordinator, who would be retiring at the end of October.

RESOLVED that the MOPAC update is noted.

26 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Public Protection and Enforcement, Cllr Kate Lymer, attended the meeting to respond to questions from the Committee. The Portfolio Holder gave a brief introduction highlighting the following issues:-

- Since the last meeting, a visit to Orpington Fire Station had taken place. During the visit the Portfolio Holder had met the Fire Cadets.
- With support from other London boroughs, LB Bromley would be appealing the decision that had been made in relation to the Traveler injunction.
- Over the coming weeks, the Portfolio Holder would be attending the following events:
 - A meeting at London Councils,
 - A London Trading Standards Week event at Guildhall;
 - Safer Bromley Partnership meeting
 - Crime Summit; and
 - Bromley Safeguarding Adult Board Annual Conference

- The Portfolio Holder extended her congratulations to Bromley Youth Council who had won the Mayor of London's 2019 Volunteer Award for its work on the Anti-Gang Campaign.

27 CAPITAL PROGRAMME MONITORING--2018/2019 OUTTURN

Report FSD19076

On 21st May 2019, the Executive received a report summarising the outturn position on the capital programme. The report considered by the Public Protection and Enforcement PDS Committee detailed the changes agreed by the Executive.

RESOLVED: That the Portfolio Holder be recommended to note and confirm the changes to the Capital Programme agreed by the Executive on 21 May 2019.

28 DRAFT FOOD SAFETY PLAN--2019-2020

Report ES19061

The Committee considered a report setting out the Council's annual plan for effective enforcement of food safety legislation. The objective of the plan was to satisfy the Food Standards Agency (FSA) that the intended enforcement and inspection regime ensured that food in the Borough was produced and sold under hygienic conditions, was without risk to health and was of the quality expected by consumers. The plan had been developed to reflect progress made against the Action Plan submitted to the FSA in September 2017 and to show the total resource available to the Council to deliver the service demands and review the outcomes of the service in the previous year.

In response to a question, the Lead Practitioner Food Safety Team, explained that following inspections, non-compliant businesses would be re-visited. At this point improvement would usually be made. However, where sufficient improvement was not made, an enforcement notice may be issued, or in the case of a new business, training provided. Any action that was taken would depend on the history of the premises. In extreme cases, where there was an imminent threat to health, the premises could be shut down. Members noted that a progressive approach was taken to premises that repeatedly failed to meet the required standards, involving non-court cautions, seizure of unsafe food, and closure of the premises.

The Lead Practitioner food Safety Team confirmed that premises were encouraged to display their rating but display of the rating was not a mandatory legal requirement. Members noted that the FSA website displayed ratings for all premises.

The Committee noted that there was a requirement to visit new premises within 21 days, although these visits had to be prioritised by the Food Safety Team due to volumes.

RESOLVED: That the Portfolio Holder is recommended to:

- 1. Approve the Service Plan for the Food Safety Team;**
- 2. Note the progress made against the resubmitted Action Plan - September 2017, agreed with the Food Standards Agency; and**
- 3. Note that the ability to achieve targets is reliant on maintaining the staffing levels and the ability to recruit to the vacant food safety posts and that an early indication of any problems in this regard is provided to the Portfolio Holder and the PP&E PDS.**

29 RISK REGISTER UPDATE REPORT

Report ES19050

The Committee considered the revised Environment and Community Services Risk Register which formed part of the Annual Governance Statement evidence-base.

In relation to the Food Standards Agency Audit (Reference 12), the Head of Performance Management and Business Support reported that the outcome of the Food Standards Agency Audit remained outstanding but it was hoped that once the outcome was received the risk would reduce.

(NB: Following the meeting the Assistant Director for Public Protection confirmed that Food Standards Agency had considered the evidence provided and confirmed that they would close the existing open published FSA audit. The Lead Practitioner and the Food Safety Team had worked extraordinarily hard, and the progress they had made over the past year had been exceptional. Notwithstanding this, the FSA would still monitor progress in tackling the overdue unrated establishments for 6-12 months, (outside of the audit), however, the Assistant Director was confident that the action plan would tackle the issue and that there would be no matters arising out of it.)

In respect of Income Reconciliation (Public Protection Licensing) (Reference 19) the Committee noted that there had been a positive outcome from the Internal Audit and some recommendations had been made. Further work was being done around reconciliation and it was expected that this would further reduce the risk.

Members noted that the Risk Register would be considered by the Corporate Risk Management Group following the meeting.

RESOLVED: That the Environment and Community Safety Risk Register is noted.

30 CONTRACTS REGISTER REPORT AND PART 1 DATABASE EXTRACT

Report ED19052

The Committee considered an extract from the July 2019 Contracts Register for detailed scrutiny. It was noted that there would be further updates in the report considered at the next meeting.

RESOLVED: That the Contracts Register report is noted

31 PP&E PERFORMANCE OVERVIEW

The Committee considered the Performance Indicators currently rated 'Amber':

Indicator 15 – Number of fly tipping enforcement actions – Members noted that a Fly Tipping Working Group had been established and a Fly Tipping Action Plan developed. It was hoped that this would have a positive improvement on performance in the next quarter.

Indicator 18 - Parking ETA cases won by LBB – Members noted that Officers were now reviewing each decision to identify areas of learning. Where necessary, processes were being changed to reflect this learning and it was hoped this would improve performance.

Resolved that the PP&E Performance Overview is noted.

32 WORK PROGRAMME

Report CSD19121

The Committee considered its Work Programme for 2019/20.

The Chairman highlighted the need to progress arrangements for visits to SLAM and the Coroners Court.

It was agreed that Bromley Youth Council should be invited to give a presentation to a future meeting. Bromley Youth Council would be asked to confirm whether the February or March meeting would be more convenient. The Chairman also suggested that consideration needed to be given to the timing of the presentation.

It was agreed that the Chairman would discuss with Superintendent Carswell whether a Member visit to Bromley Police Station would be of value.

RESOLVED that

1- The Work Programme for 2019 to 2020 is noted

2- Bromley Youth Council is invited to present at either the February or March 2020 meeting.

3- The Chairman would discuss with Superintended Carswell whether a Member visit to Bromley Police Station would be of value.

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

RESOLVED that the Press and public be excluded during consideration of the items of business referred to 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 and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

34 PART 2 MINUTES--26th JUNE 2019

The Part 2 (exempt) minutes of the meeting held on 26th June 2019 were agreed, and signed as a correct record.

35 PART 2 REPORTS FOR COMMITTEE SCRUTINY BEFORE GOING TO THE EXECUTIVE FOR DECISION

a AWARD OF CONTRACT FOR THE MORTUARY SERVICE

The Committee considered the report and supported the recommendations.

The meeting ended at 9.20 pm

Chairman

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Report No.
CSD19159

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Enforcement PDS Committee

Date: 14th November 2019

Decision Type: Non Urgent Non Executive Non Key

Title: MATTERS OUTSTANDING

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 outstanding from previous meetings.

2. RECOMMENDATION

2.1 The Committee is asked to review progress on matters outstanding 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: £358,740
 5. Source of funding: 2019/20 revenue budget
-

Staff

1. Number of staff (current and additional): 8 posts (6.79fte)
 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> |
|---|---|--|
| <p>Minute 22 10th September 2019</p> <p>Matters Outstanding.</p> | <p>In relation to parking enforcement activity, and developing an 'FAQ' section on the parking website, the Assistant Director (PP&E) confirmed that the work on this was ongoing, and a further update would be provided to the Committee at a future meeting.</p> | <p>Three FAQ's were on the parking website:</p> <p>Questions about a PCN issued in person</p> <p>Questions about a PCN issued for a bus lane contravention</p> <p>Questions about a PCN issued by post (excluding bus lanes)</p> |
| <p>Minute 22 10th September 2019</p> <p>Matters Outstanding</p> | <p>The Chairman asked for details concerning the number of out of hours calls for parking to be provided to the Committee following the meeting.</p> | <p>APCOA do not keep records of these phone calls, therefore this information is not able to be provided. It was confirmed that APCOA was unable to provide metrics on dropped calls, as the line used for reporting issues was a straight line in to operatives, and was not via any type of call handling system.</p> <p>APCOA's telephone number has been removed from the website, as LBB would prefer all enforcement requests to be sent via the on line system. For those customers who are unable to use the internet, they are able to phone the Councils Contact Centre who will complete the on line request on behalf of the customer.</p> |
| <p>Minute 23 10th September 2019</p> <p>Police Update</p> | <p>There had been a focus on hotspots in Penge, Bromley Town Centre and the Crays. A problem solving plan had been developed to target the top 10 offenders and support repeat victims. The intention was to deliver long term change.</p> <p>The Chairman requested that the Police Update at the next meeting on 14th November 2019, concentrate on this work.</p> <p>It was also agreed the Councillor Bance would circulate a short briefing on the positive work being undertaken in Penge.</p> | <p>The Committee Clerk has written to the police to remind them of the Chairman's request.</p> <p>The following update from Cllr Bance was disseminated on 25/10/2019.</p> <p><i>'Penge and Cator Cllrs are working with various third parties to address the serious crime levels in Penge. We have several projects ongoing which have been put forward by the police, one being 'Adopt a Block' where we are working with residents, police, housing associations and third parties to set up a Residents' Association to address many</i></p> |

| | | |
|--|--|--|
| | | <p><i>of the issues on the estates. We are also working with third parties on local initiatives with our Police Youth Officer and various local volunteers to ensure we have more youth engagement activities'</i></p> |
| <p>Minute 32 10th September 2019</p> <p>Work Programme</p> | <p>It was resolved that BYC be invited to present to the PDS Committee during 2020, either at the February meeting, or alternatively at the March meeting.</p> | <p>The Committee Clerk has been in contact with BYC, and the presentation has been agreed for the March meeting.</p> |

Report No:
FSD19100.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Enforcement Portfolio Holder

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

Date: 14th November 2019

Decision Type: Non-Urgent Executive Non-Key

Title: BUDGET MONITORING 2019/20

Contact Officer: Keith Lazarus, Head of Finance
Tel: TBA E-mail: Keith.Lazarus@bromley.gov.uk

Chief Officer: Colin Brand, Executive Director of Environmental and Community Services

Ward: Boroughwide

1. Reason for report

This report provides an update of the latest budget monitoring position for 2019/20 for the Public Protection and Enforcement Portfolio based on expenditure and activity levels up to 30 September 2019. This shows a £9k overspend.

2. **RECOMMENDATION**

The Portfolio Holder is requested to:

- 2.1 Approve the latest 2019/20 budget projection for the Public Protection and Enforcement Portfolio.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report.
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Public Protection & Enforcement Portfolio Budget
 4. Total current budget for this head: £3.514m
 5. Source of funding: Existing revenue budgets 2019/20
-

Staff

1. Number of staff (current and additional): 50.1 ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

Procurement

1. Summary of Procurement Implications: None directly from this report.
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The 2019/20 projected outturn is detailed in Appendix 1, with a forecast of projected spend for each division compared to the latest approved budget and identifies in full the reason for any variances.
- 3.2 Costs attributable to individual services have been classified as “controllable” and “non-controllable” in Appendix 1. Budget holders have full responsibility for those budgets classified as “controllable” as any variations relate to those factors over which the budget holder has, in general, direct control. “Non-controllable” budgets are those which are managed outside of individual budget holder’s service and, as such, cannot be directly influenced by the budget holder in the shorter term. These include, for example, building maintenance costs and property rents which are managed by the Property Division but are allocated within individual departmental/portfolio budgets to reflect the full cost of the service. As such, any variations arising are shown as “non-controllable” within services but “controllable” within the Resources Portfolio. Other examples include cross departmental recharges and capital financing costs. This approach, which is reflected in financial monitoring reports to budget holders, should ensure clearer accountability by identifying variations within the service that controls financial performance. Members should specifically refer to the “controllable” budget variations relating to portfolios in considering financial performance. These variations will include the costs related to the recession.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The 2019/20 budget reflects the financial impact of the Council’s strategies and service plans which impact on all of the Council’s customers and users of our services.

5. POLICY IMPLICATIONS

- 5.1 The “Building a Better Bromley” objective of being an Excellent Council refers to the Council’s intention to provide efficient services and to have a financial strategy that focuses on stewardship and sustainability. Delivering Value for Money is one of the Corporate Operating Principles supporting Building a Better Bromley.
- 5.2 The “2019/20 Council Tax” report highlighted the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2019/20 to minimise the risk of compounding financial pressures in future years.
- 5.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council’s budgetary control and monitoring arrangements.

6. FINANCIAL IMPLICATIONS

- 6.1 The latest projections from managers show that there is a small overspend of £9k expected for the Public Protection and Enforcement Portfolio for 2019/20, based on financial information available as at 30 September 2019.
- 6.2 The major variations are detailed below, with more detail included in Appendix 1
- 6.3 There is a projected overspend of £133k to implement a number of one off projects and reviews this financial year and £41k to fund 3 homicide reviews.
- 6.4 This is offset by projected underspends of £125k within staffing. The service is currently undergoing a staffing restructure and posts have been kept vacant to facilitate this process.

- 6.5 Additional income relating to Houses in Multiple Occupation (HMO) licenses of £40k is also forecast.
- 6.6 At this moment in time, no variation is projected for the Coroners Service. Based on the latest information from LB Croydon, no other large inquests are expected to take place in 2019/20. It should be noted that LB Croydon are investigating whether the inquest for the tram crash can be funded from Central Government. This could potentially free up the provision made for the inquest costs.
- 6.7 The existing Mortuary contract was extended for a further six months, until the end of September 2019, this has enabled officers to conclude negotiations with the Kings Trust and the new contract was awarded on 18 September

| | |
|---|--|
| Non-Applicable Sections: | Legal, Procurement and Personnel Implications |
| Background Documents: (Access via Contact Officer) | 2019/20 budget monitoring files within ECS finance section |

Public Protection & Enforcement Budget Monitoring Summary

| 2018/19 Actuals £'000 | Service Areas | 2019/20 Original Budget £'000 | 2019/20 Latest Approved £'000 | 2019/20 Projected Outturn £'000 | Variation £'000 | Notes | Variation Last Reported £'000 | Full Year Effect £'000 |
|-----------------------------|---------------------------------|--|--|--|--------------------|-------|--|------------------------------|
| | Public Protection | | | | | | | |
| 128 | Community Safety | 155 | 155 | 196 | 41 | 1 | 0 | 0 |
| 95 | Emergency Planning | 154 | 154 | 128 | Cr 26 | 2 | 0 | 0 |
| 534 | Mortuary & Coroners Service | 566 | 526 | 526 | 0 | | 0 | 0 |
| 1,480 | Public Protection | 1,572 | 1,752 | 1,746 | Cr 6 | 3 | 0 | 0 |
| 2,237 | TOTAL CONTROLLABLE | 2,447 | 2,587 | 2,596 | 9 | | 0 | 0 |
| 281 | TOTAL NON CONTROLLABLE | 13 | 13 | 13 | 0 | | 0 | 0 |
| 492 | TOTAL EXCLUDED RECHARGES | 871 | 871 | 871 | 0 | | 0 | 0 |
| 3,010 | PORTFOLIO TOTAL | 3,331 | 3,471 | 3,480 | 9 | | 0 | 0 |

Reconciliation of Latest Approved Budget £'000

Original Budget 2019/20 3,331

Carry Forward Requests approved from 2018/19

| | | |
|---|----|-----|
| Asset Recovery Incentivisation Scheme - Income | Cr | 48 |
| Asset Recovery Incentivisation Scheme - Expenditure | | 48 |
| Additional ECS resources - delay in recruitment | | 163 |

Other

| | | |
|---|----|----|
| Transfer of post from Chief Executive | | 20 |
| Cross portfolio movement relating to Review of Staffing | Cr | 3 |
| Mortuary Contract element returned to Contingency | Cr | 40 |

Latest Approved Budget for 2019/20 3,471

REASONS FOR VARIATIONS

1. Community Safety Dr £41k

Expenses are anticipated to overspend by £41k this Financial Year as there is currently a requirement to fund 3 homicide reviews.

2. Emergency Planning Cr £26k

There is a projected £26k underspend relating to staffing due to a 'one off' budget allocation not being utilised this Financial Year.

3. Public Protection Cr £6k

There is a £99k underspend relating to staffing. The Service is currently undergoing a staffing restructure and posts have been kept vacant to facilitate this process. The restructure is anticipated to take effect from September. At which point posts will be recruited to and the budget fully utilised.

A number of bespoke, one off, projects and reviews will be purchased this Financial Year in order to maximise service delivery and to ensure statutory requirements are fully met. The estimated cost of these totals £133k. These include:

Review outstanding needs of Community safety including relevant software for analytics £20k

Temp to establish risk rating scheme of all licensed premises and carry out inspection of all risk rated Licensed premises A-C approx. £30k

Project to identify unlicensed premises (special treatments etc) borough wide (approx.) £18k

Temp to fix historical issues with Part B process register and permits approx. £20k

Carry out CCTV asset review approx. £5k

Carry CCTV Service review approx. £10k

Housing enforcement project (risk in this area) including metastreet to identify all unlicensed HMOs across the borough, record visits in real time etc £30k

Houses in Multiple Occupation (HMO) License income is forecast to overachieve budget by £40k and it is anticipated that project work to be undertaken will increase achievable income.

Waiver of Financial Regulations:

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning and (where over £100,000) approval of the Portfolio Holder and report use of this exemption to Audit Sub committee bi-annually. Since the last report to the Executive the following waiver has been actioned:

1) £45k for a 6 months extension of the Coroners Post Mortem & Mortuary Services contract (April to September 2019), cumulative value £542k.

Virements Approved to date under Director's Delegated Powers

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder. Since the last report to Executive, no virements have been actioned.

Report No.
ES19082.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

FOR PRE-DECISION SCRUTINY BY THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

Date: Thursday 14 November 2019

Decision Type: Non-Urgent Executive Key

Title: DRAFT ENFORCEMENT POLICY FOR PUBLIC PROTECTION

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

Chief Officer: Colin Brand Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for report

This report seeks agreement to undertake public consultation on the draft Enforcement Policy for Public Protection, which has been reviewed to take account of changes in legislation, including changes brought about by the Regulators Code.

2. RECOMMENDATION(S)

The Portfolio holder is asked to:

1. Agree that draft Public Protection Enforcement Policy, attached to this report, be subject to public consultation until 24th January 2020.
2. Receive feedback from the consultation at the next meeting on 4th February 2020
3. Agree that delegated authority be given to the Director of Environment and Public Protection, in consultation with the Portfolio Holder for Public Health and Enforcement to make minor amendments to the Policy.
4. Recommend the adoption of the finalised enforcement policy by the Executive on 1st April 2020.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The Policy makes specific reference to a proportionate approach to enforcement activities and indicates objective criteria for decision making in line with statutory guidance, there is no anticipated adverse impact on vulnerable adults or children.
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Public Protection and Enforcement Portfolio Budget
 4. Total current budget for this head: £2,586,740
 5. Source of funding: From the existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 50.1 FTE
 2. If from existing staff resources, number of staff hours: Not Applicable
-

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): 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 The work of the services within Public Protection seek 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 services 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.

3.2 Much of the work is carried out within a regulatory framework and can be statutory, with standards being set by national regulators including: the Food Standards Agency, the Health & Safety Executive, Environment Agency and the Health Protection Agency. The services within Public Protection are responsible for the enforcement of a wide range of legislation, including laws designed to protect the environment, public health, safety, welfare, mitigate nuisance and anti-social behaviour and maintain fair and safe trading practices.

These laws are applied in the following areas:

- food safety and standards;
- workplace health & safety;
- private sector housing enforcement;
- environmental protection;
- public health & nuisance;
- community safety
- animal health & welfare;
- licensing; and
- trading standards;

3.3 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; this is recognised within legislation and guidance which states that regulators should publish a policy that details their approach to enforcement.

3.4 The current Enforcement Policy for Public Protection was adopted by the Council on 2nd February 2012 (report ENV PDS 180112); and was written with regard to the Regulatory Reform Act 2006 and the Regulators' Compliance Code: Statutory Code of Practice for Regulators 2008. Since then, there have been changes in national guidance on the enforcement approach, namely the Regulators' Code (the 2014 Code), which came into statutory effect on 6 April 2014.

3.5 As previously mentioned, each area of work within Public Protection uses different legislation to secure its aims and each has its own extensive body of guidance, which has been developed from experience and case law. The draft Public Protection Enforcement Policy does not try to capture all of this detailed, complex and often changing background, but reiterates the basic principles of enforcement activity, and formally recognises the 2014 Code.

3.6 The 2014 Code sets out Government expectations that regulators will design their compliance and enforcement policies in a manner that best suits the needs of businesses and others that they regulate. The previous Regulators' Compliance Code 2008 sought to promote appropriate enforcement activity through the development of effective dialogue and understanding between regulators and those they regulate, and through the application of the following enforcement principles:

- Proportionality
- Transparency
- Consistency

- Targeted, and
- Accountability.

3.6 The 2014 Code continues to seek to promote these enforcement principles, and introduces 2 additional enforcement principles, these being:

- Raising awareness of the law and its requirements, and
- Basing regulatory activity on risk.

3.7 These additional requirements were already applied by the Officers within Public Protection whilst carrying out their enforcement functions; however, the draft policy attached at Appendix A of this report formally reflects the requirements of the 2014 Code which includes the 2 new principles.

3.5 Consultation

3.6 As required by the Regulators' Code, Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce, as such; it is proposed that a public consultation exercise be undertaken through publishing draft Public Protection Enforcement Policy (Appendix A) on the Council's website and inviting comments.

3.7 Details of any representations and the result of the consultation will be reported to PP&E PDS on 4th February 2020.

3.8 The timetable for consultation is below:

| | |
|---|---|
| Draft Policy to PP&E PDS | 14 th November 2019 |
| Public Consultation | 16 th December 2019 to 24 th January 2020 |
| Consideration of Policy in response to consultation | 4 th February 2020 |
| Adoption of Policy by Executive | 1 st April 2020 |

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

The Policy makes specific reference to a proportionate approach to enforcement activities and indicates objective criteria for decision making in line with statutory guidance, there is no anticipated adverse impact on vulnerable adults or children.

5. POLICY IMPLICATIONS

One of the requirements of the 2014 Code is that Regulators should provide a clear Enforcement Policy that sets out our approach to enforcement and outline that the council will take a consistent, fair, transparent and proportionate approach so as not to place too onerous a burden on local businesses, organisations, customers and the public. The Policy should be available to businesses & members of the public, kept under review, and revised when appropriate. This draft policy is a revision of the previous London Borough of Bromley Environmental services Enforcement Policy adopted in 2012, and it is considered best practice to consult affected stakeholders on policy revisions. It also reflects the overarching aims of the Public Protection and Enforcement Portfolio Plan, these being to provide a protective role in keeping people safe, protecting consumers, supporting and regulating businesses, and protecting the environment.

6. LEGAL IMPLICATIONS

- 6.1 The Draft Policy seeks to update the 2012 Policy adopted by the Council, to comply with and reflect the changes made by the Regulators Code 2014 (the Code). The Code is in accordance with the provisions of the Legislative and Regulatory Reform Act 2006, as amended, and came into effect on 6th April 2014.
- 6.2 The Draft Policy affirms the principles of the existing policy and proposes to extend it in regard to the raising awareness of legal requirements and the adoption of a risk based approach to regulatory activity. Regulatory activity is governed by statute and must at all times be in compliance with it.
- 6.3 Particular attention should be paid to the requirement to raise awareness of the legal requirements to ensure that the necessity for enforcement action is minimalised and targeted appropriately. For this reason, Paragraph 2.2 of the Code prescribes the entering into of dialogue and the giving of advice and recommendations, except where the regulator can demonstrate that immediate action is required. To this end, it recommends consultation with those who may be affected, which in such cases would include not only public and private sector landlords and property owners, but also tenants.
- 6.4 Accordingly, in order to satisfy the requirements of the 2014 Code, publication of the draft policy is recommended along with a period of public consultation prior to the finalisation of the Policy.

| | |
|---|--|
| Non-Applicable Sections: | FINANCIAL IMPLICATIONS, PERSONNEL IMPLICATIONS, PROCUREMENT IMPLICATIONS |
| Background Documents: (Access via Contact Officer) | London Borough of Bromley Environmental services Enforcement Policy 2012 |



THE LONDON BOROUGH
www.bromley.gov.uk

Bromley Council Enforcement Policy

2019

PREFACE

Regulatory compliance and enforcement are common operational activities carried out by the services within Public Protection, as part of the broader regulatory process, and it involves actions that encourage and compel compliance with a regulatory framework that covers numerous pieces of legislation.

The services within Public Protection covered by this policy include:

- Environmental Health (including Food Safety, Public Health & Nuisance Team, Scientific Services, Licensing, Private Sector Housing Enforcement);
- Trading standards;
- Community Safety and
- ASB.

Each area of work uses different legislative action to ensure compliance and each has its own extensive body of regulations, codes of practice and guidance.

The primary aim of the Services within Public Protection is to protect the health, safety and economic interests of people, businesses and the environment. This is done by ensuring compliance with the legislative framework so that consumers, businesses, employees, individuals and the environment are protected. The process of regulation involves the ongoing processes of monitoring and enforcing various pieces of legislation, and there are a range of tools available to the Services to achieve this; this policy details our approach to regulation and subsequently the use of our enforcement powers, and demonstrates our commitment to fair, proportionate, targeted and effective enforcement.

The Council is committed to on-going consultation with businesses and residents in setting its policy priorities and these will be reflected in its overall enforcement approach.

The policy cannot be absolutely prescriptive because the circumstances of each individual case and the evidence available must be taken into account. However, this policy should leave most readers in little doubt as to what they can expect by way of enforcement.

This revised policy document supersedes any previous versions of our enforcement policy. In revising this policy, we have considered how best we can:

- Encourage and promote compliance;
- Improve confidence in compliance for those we regulate;
- Focus on high risk issues;
- Provide encouragement for compliant businesses;
- Understand and minimise the negative economic impacts of our activities; and
- Minimise the costs of compliance for those we regulate.

1. INTRODUCTION

1.1 This policy sets out the principles that officers of the services within Public Protection will apply when undertaking regulation enforcement activities. We consider that fair and effective enforcement is essential to protect the health, safety and economic interests of all residents and businesses in the Borough of Bromley and those of our visitors.

1.2 In determining this policy all relevant stakeholders have been consulted and current government guidance and relevant codes of practices have also been considered. In particular the requirements of the Legislative and Regulatory Reform Act 2006 (the "2006 Act"), the Enforcement Sanctions Act 2008 and the Regulators' Code (2014) made under that Act have been taken into account. In doing so, this policy seeks to ensure that the application of any enforcement is founded around the principles of:

- Providing Advice and Guidance;
- Proportionality and Accountability;
- Consistency of Approach;
- Transparency;
- Targeting and
- Basing Regulatory Activity on Risk.

1.3 The policy will assist Council officers to carry out their duties consistent with the principles of enforcement set out in section 6. It also helps to promote efficient and effective approaches to regulation, inspection and enforcement, with the aim of complying with regulator's requirements without imposing unnecessary burdens. It will assist the community and other members of the public to understand why the Council approaches enforcement in a particular way in individual cases.

1.4 Some regulatory activities involve consultation with other agencies before deciding on the most appropriate course of action. Sometimes there will be more than one agency that can take action to resolve an issue. If there is a shared role with other agencies, wherever possible, our enforcement activity will be co-ordinated to minimise duplication, delays or to increase effectiveness.

1.5 Whilst the general principles outlined below will apply in all cases it must be recognised that each individual case will vary and each must be considered on its own merits before a decision is reached. In certain instances for example, we may conclude that a provision in the Regulators' code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code or any other of the general principles will be properly reasoned, based on material evidence and documented.

2.0 APPROVAL

2.1 This policy was approved by the Cabinet of Bromley Council on (date to be inserted).

3.0 **SCOPE**

3.1 This policy applies to enforcement activities undertaken by the services within Public Protection which includes:

- Environmental Health;
- Trading Standards;
- Community Safety;
- Antisocial Behaviour and
- Health & Safety.

3.2 The works of the above service areas includes:

- Pollution including Statutory Nuisance;
- Environmental Crime on Private Land;
- Food Safety and Standards;
- Licensing – premises, gambling and ancillary functions;
- Health and Safety;
- Private Sector Housing;
- Community Safety;
- Underage Sales;
- Product Safety and
- Rogue Traders.

3.3 Enforcement, in the context of this policy, includes action carried out in the exercise of, or against the background of, statutory enforcement. This is not limited to formal enforcement action such as prosecution, and includes, for example, the inspection of premises for the purpose of checking compliance with legislation and the provision of advice to aid compliance.

4.0 **COMMENTING ON THIS POLICY, APPEALING AGAINST AN ENFORCEMENT DECISION OR MAKING A COMPLAINT**

4.1 This policy is available on the Council's website at: (link to be inserted)

You can make comments on this policy, appeal against an enforcement decision by (link to be inserted)

We want to provide good quality, value for money services, in a helpful and efficient way, but sometimes things can go wrong. If they do, we need to know so we can put mistakes right quickly and learn from them. The formal complaints procedure is on the Council's website: <https://www.bromley.gov.uk/info/200025/complaints>

5.0 **GENERAL PRINCIPLES OF REGULATION, ENFORCEMENT AND STATEMENT OF INTENT**

5.1 Prevention is better than cure, and the Services within Public Protection seek to ensure that all businesses and people whose activities we

regulate, comply with the legislation that we enforce, for the good of all people resident or trading within, or visiting the Borough. In undertaking our activities, we generally provide advice and support to those seeking to comply and, at the same time, deal with those who choose not to comply by taking a proportionate risk based approach to enforcement. Where we discover non-compliance, we will consider each situation on its own merits. There are, however, general principles that will guide our activity, and the detail on how and when action may be taken is outlined in the content of this policy, and officers authorised to act under relevant legislation will do so in accordance with this policy.

General principles

We will always seek to act a way which supports those persons whose activities we regulate to comply and, in the case of businesses, grow.

5.2 We will seek to impose requirements upon businesses and other people only where necessary for the public good. We will choose proportionate approaches to those persons whose activities we regulate and will seek to encourage compliance through consensual means wherever possible.

5.3 Officers will enforce against or prosecute those who through suspected neglect, or a deliberate failure to take action, to comply with their legal obligations, where that failure results in actual harm or constitutes a risk to the public or employees, or where action is required to minimise the risk.

We will seek to enable those persons whose activities we regulate to engage with us and provide their views

5.4 In responding to non-compliance we will clearly explain its nature, our advice, what actions are necessary, what we have done, and why. Any persons affected may speak to us about our advice, requirements or decisions. However, we may not be able to provide an opportunity for dialogue where we need to act immediately to prevent or respond to a serious breach of the law or where providing such an opportunity would be likely to defeat the purpose of our planned action.

We will seek to base our regulatory and enforcement activities on risk.

5.5 We will target our resources where they will have the greatest effect. We will carry out inspections only where there is a reason for doing so, for example, when investigating a complaint, in response to intelligence about a particular premises or a particular issue/problem or as part of a risk assessment process. The greatest effort will be focussed where failure to comply would pose a serious risk of harm or injury and there is a high likelihood of non-compliance.

5.6 We will apply a light touch approach to those businesses who comply with regulatory requirements and those who work with us to achieve compliance. However we will not hesitate to use the full range of

enforcement tools at our disposal against those businesses or individuals whose activities are likely to cause material loss or harm to others, or endanger the health, safety and wellbeing of people or our neighbourhood.

- 5.7 Enforcement decisions will be made in a fair, independent and objective way and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, disability, sexual orientation or the political views of the suspect, victim, witness, offender or council officer.
- 5.8 A person affected by a regulatory or enforcement decision that we have taken or our alleged failure to comply with the Regulators' Code may make an appeal or complaint to us using the contact details set out at Paragraph 4.1 of this policy.

6. COMPLIANCE WITH THE PRINCIPLES OF GOOD ENFORCEMENT

- 6.1 This policy has been written with regard to the Regulators' Code which came into force on 6th April 2014 (The 2014 Code). The 2014 Code is a central part of the Government's better regulation agenda, and its aim is to embed a risk-based, proportionate, consistent and targeted approach to regulatory activity and enforcement among the regulators it applies to. The 2014 Code also aims to develop transparent and effective dialogue and understanding between regulators and those they regulate.
- 6.2 The Council fully acknowledges and endorses the rights of individuals who may be subject to enforcement. It will ensure that enforcement action will be taken with due regard to:
- Police and Criminal Evidence Act 1984;
 - Criminal Procedures and Investigation Act 1996;
 - Human Rights Act 1998;
 - Regulation of Investigatory Powers Act 2000;
 - Legislative and Regulatory Reform Act 2006 ("LRRRA" and The Regulators Code made under section 22 of the LRRRA 2006;
 - The Ministry of Justice Simple caution for Adult Offenders Guidance, as amended;
 - The Code for Crown Prosecutors;
 - Primary Authority Partnership Scheme;
 - Equal rights and anti-discrimination legislation and
 - Other relevant legislation and guidance.
- 6.3 Where specific advice or direction on enforcement action exists, this will be taken into account as appropriate.
- 6.4 The Council's approach is founded around the principles within the 2014 Code of:
- **Advice and Guidance;**
 - **Proportionality and Accountability;**
 - **Consistency of Approach;**

- **Transparency;**
- **Targeting and**
- **Basing Regulatory Activity on Risk.**

6.5 Advice and Guidance

6.6 The first step in enforcement is to prevent contraventions of the law by raising awareness and promoting good practice, by providing advice, information, guidance and support. The aim is to assist those regulated to understand and meet their responsibilities to comply. In this way the Council Officers will engage with those they regulate and support them to comply and grow by sharing information about compliance and risk, however, the Services within Public Protection will not act as quasi consultants for businesses.

6.7 The Council recognises that should a business enter into partnership with a Primary Authority, the Primary Authority will provide compliance advice and support. This advice will be taken into account when considering whether to take enforcement action, and/or the most appropriate enforcement action to take.

6.8 Proportionality and Accountability

6.9 Proportionality is about balancing the crime or the wrong being investigated together with the risk, nuisance or disadvantage being caused. Our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.

6.10 Where the law requires that risks should be controlled “as far as reasonably practicable”, officers will take into account the cost and the ease of any suggested action as well as the degree of risk. However, some irreducible risks may be so serious that they cannot be permitted irrespective of the economic consequences e.g. industry/safety standards and public safety.

6.11 Visits and inspections are usually made unannounced but, if appropriate and where necessary, appointments will be made or advance notice will be given. Where access cannot be obtained during the day, or in other appropriate circumstances, visits will be made outside normal working hours. Unless carrying out authorised covert surveillance work, test purchasing or unless health and safety reasons at the time dictate otherwise, enforcement officers will identify themselves by name and their role within the Council and will produce their Authorisation Warrant, when required by law or when requested.

6.12 Consistency in Approach

6.13 Consistent in approach means taking a similar approach in similar circumstances to achieve similar ends. The Council aims to achieve consistency when: responding to requests for service; offering advice; and deciding upon enforcement action.

- 6.14 Consistency does not mean uniformity. Officers will need to take account of many variables when making decisions, including: the seriousness of the breach; any history of previous breaches; the attitude of the offender; and the capacity of the offender.
- 6.15 Whilst the appropriate officer will be expected to exercise judgement in individual cases, the Council will continue to strive to promote consistency, including: advice, guidance and training for its officers; and arrangements for effective liaison with other enforcing bodies.
- 6.16 **Transparency**
- 6.17 Transparent means helping those who are regulated and other individuals to understand: what is expected of them; and what they should expect from the Council as an enforcing authority.
- 6.18 Transparency involves distinguishing between statutory requirements and other advice and guidance, explaining why an officer will or has taken enforcement action; explaining how to comment or complain about the service provided and routes to appeal.
- 6.19 **Targeted**
- 6.20 The decision to inspect specific premises may be taken due to complaints, or problems that have been reported, e.g. general complaint about a noise issue, which needs investigating, or, the premises need to be inspected due to its risk rating (which determines the frequency of enforcement inspections for high and medium risk premises).
- 6.21 Enforcement will be targeted to those persons, premises and/or companies whose activities give rise to the risks that are the most serious or least well controlled. Officers therefore target their enforcement action in three ways:
1. Firstly, officers carry out programmes of inspections on a risk rating basis. Premises or activities with the highest hazards, greatest risks, poorest compliance and worst management will be inspected more frequently than those premises with low risk activities. It follows that most of the enforcement activity arising from pro-active programmes will be targeted on the cases most requiring it.
 2. The second targeting mechanism is the investigation of complaints where evidence, experience, receipt of intelligence and this policy are used to determine enforcement action.
 3. The third targeting mechanism is planned, special surveys, multi-agency initiatives and other enforcement initiatives carried out in response to national concerns or as voiced by the government or its agencies, identified by council officers or local concerns as voiced by Members of the Council, or residents.

6.22 Basing Regulatory Activity on Risk

6.23 See 5.5

7.0 INVESTIGATIONS

7.1 The Council will determine the appropriate approach to investigation having regard to the content of this policy, including the principles of enforcement, (set out in section 6 of this policy document).

8. INFORMATION REQUIREMENTS

8.1 We do not routinely require information from businesses, and when determining what data we may require, we will consider the costs and benefits of data requests to businesses and:

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc.;
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

9. ENFORCEMENT OPTIONS

9.1 Our experience shows that most businesses and people that we encounter will aim to comply with the laws that we enforce. We wish to assist this majority to comply and will seek to help them to do so wherever possible. However, in the interests of justice, it will be necessary for us to take legal action in response to in some cases of non-compliance. There are a number of options available to us in response to past non-compliance or in anticipation of potential future non-compliance.

9.2 The level of enforcement action taken varies from no action through to formal proceedings in court. The main types of action are listed below, but the list is not exhaustive:

- No action;
- Informal Action and Advice;
- Warning Letters;
- Information Notices;
- Fixed penalty or similar notices;
- Variable Monetary Penalty (penalty charges);
- Statutory notices and Orders;
- Powers of Entry, Seizure/Confiscation;
- Forfeiture proceedings;
- Injunctive actions and other civil procedures;
- Refusal, revocation, suspension or variation of licence or permit;
- Simple caution;
- Works in default and
- Prosecution.

9.3 In deciding what action to take in response to non-compliance or in anticipation of potential future non-compliance, consideration will be given to, among other criteria:

- The seriousness and effect of the offence;
- The previous history of the party concerned;
- Whether the offence was intentional, accidental or otherwise;
- The offender's attitude to the offence and whether he or she has shown remorse;
- The willingness of the alleged offender to prevent a recurrence;
- The consequences or potential consequences of non-compliance;
- The deterrent effect of a prosecution on offenders and others;
- Whether there is sufficient evidence to prove the offence,
- Whether it is in public interest, and
- The age, capacity or vulnerability of the offender.

9.4 In the main, a process of escalation will be used until compliance is reached. Exceptions may occur where there is a serious risk to public safety or the environment or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment.

9.5 **NO ACTION**

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/or assistance.

9.6 **INFORMAL ACTION AND ADVICE**

For certain minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in an escalation of enforcement action.

Wherever possible we will advise the person or business about 'good practice', but we will clearly distinguish between what they must do to comply with the law and what is recommended best practice.

9.7 **WARNING LETTERS**

This sort of action will be appropriate where the degree of risk (or in some cases environmental impact) from any given situation is minor, but cannot be rectified immediately. The breach of legislation is often technical but significant enough to warrant a written letter of warning. Formal action may be taken if similar infringements are found in the future. The person

responsible would have no recent history of non-compliance and the officer would have good reason to expect them to put right the matters in question without the need for further intervention.

Informal action will be recorded on departmental files and will be used as a basis for judgements on future enforcement action if there are recurrent problems with an offender or premises.

9.8 INFORMATION NOTICES

Many pieces of legislation that we enforce enable officers to demand information which is essential in order to serve notices or summons correctly. When the officer is uncertain about the information we hold, or where certain details are unknown, the officer will serve an information notice on those that have an obvious connection to the case, requiring for instance ownership confirmation, or perhaps company or premises details. Failure to comply with an information notice may hinder the Council in discharging its duties and is regarded as a serious offence, which will be pursued.

9.9 FIXED PENALTY NOTICES

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.

They will be used in appropriate circumstances to give a fast and measured response to the situation.

Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches. If a fixed penalty is not paid the Council may commence criminal proceedings or take other enforcement action in respect of the breach. Fixed penalty notices will not be issued to persons under the age of 16 years.

9.10 VARIABLE MONETARY PENALTY (penalty charges)

With regard to determining breaches of housing legislation, for example The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, and The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, is the ability to issue Variable Monetary Penalties (penalty charges) for regulatory non-compliance.

Bromley Council as the enforcement authority can impose a penalty charge of up to £5000 where it is satisfied that there is an offence against this legislation.

The expectation contained in Government guidance is that a £5000 fine should be considered the norm, and that a lower fine should only be charged if the enforcement authority is satisfied that there are extenuating circumstances. It will be up to the enforcement authority to decide what the extenuating circumstances might be, taking into account any representations made.

9.11 STATUTORY NOTICES AND ORDERS

We may serve statutory notices and orders under various Acts that:

- Prohibit the sale or distribution of food or use of property for letting where relevant provisions may have been breached;
- Prohibit the use of equipment, carrying out activities, entry to certain areas of a site etc. where there may be a risk of personal injury;
- Require a business or person to take specific actions to remedy an identified problem;
- Require a business or person to desist from particular activities that may not comply with legal requirements;
- Require any business or person to take action to ameliorate or stop nuisances being caused by their actions.

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Details of the method of appealing against the requirements of a notice will be given with the notice. Failure to comply with a notice or an order may lead to further enforcement action.

9.12 POWERS OF ENTRY SEIZURE/CONFISCATION

Some legislation enables our officers to seize goods, equipment or documents, however, powers of entry, search and seizure will be fully and clearly justified before use, and Officers will consider if the necessary objectives can be met by less intrusive means.

In all cases authorised officers will:

- exercise their powers courteously and with respect for persons and property; and
- in circumstances where a warrant has been obtained and is appropriate, only use reasonable force when this is considered necessary and proportionate to the circumstances.

9.13 FORFEITURE PROCEEDINGS

This procedure may be used where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to commit offences in the future. An application for forfeiture may be made to a Court following a prosecution or separately, as appropriate.

9.14 INJUNCTIVE ACTIONS AND OTHER CIVIL PROCEDURES

We may use civil procedures in order to encourage persons whose activities frequently appear to breach legal requirements to improve their conduct. We will initially contact the person concerned, in order to seek to bring about compliance quickly. If the non-compliance continues we may then consider the commencement of injunctive proceedings without further delay.

9.15 REFUSAL, REVOCATION, SUSPENSION OR VARIATION OF A LICENCE OR PERMIT

We may refuse, revoke, vary or suspend a licence or permit where we consider it necessary, in the public interest, to do so. The term "licence or permit" refers in this policy to all permissions or authorisations granted or potentially granted by the Council and administered by teams within Public Protection.

9.16 WORKS IN DEFAULT

Where a person upon whom we have served a statutory notice fails to undertake works required by the notice, we may act to complete the works ourselves. In determining whether carrying out works in default is the most appropriate course of action we will consider:

- The effects of not carrying out the work on the health, safety and welfare of relevant persons;
- The reason for the work not being carried out previously by the person responsible; and
- Whether the benefits justify the costs and the action poses the minimum burden necessary to achieve the objective.

Where we undertake works in default we will seek to recover all reasonable costs that we have incurred by any means legally available to us; which may include placing a charge on a property.

9.17 SIMPLE CAUTION

Generally, a Simple Caution (or Reprimand/ Final Written Warning if the offender is under 18), may be used where a person has admitted a criminal offence but we consider that it is not in the public interest that a prosecution should follow. In offering a Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders and the Code for Crown Prosecutors.

Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted. A Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of two years and may be cited in Court should a further offence be committed and prosecuted during that time, and this may influence the severity of the

sentence that the Court imposes. Where a simple caution is offered and declined the Council will consider prosecution.

9.18 PROSECUTION

The commencement of a prosecution is the most serious response to an apparent incidence of non-compliance with the law.

Once an officer has completed his/her enquiries, a case report will be submitted to a Manager authorised to institute legal proceedings, who is independent of the investigation, and who will decide, using the criteria below, the most appropriate course of action.

The officer authorised to institute legal proceedings will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to authorise the institution of legal proceedings. This officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the officer authorised to institute legal proceedings will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. They must consider what the defence case may be and how it is likely to affect the prospects of conviction [Code for Crown Prosecutors].

Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether to commence a prosecution we will have regard to the Code for Crown Prosecutors. In general terms, this means that we may bring a prosecution when consideration of the evidence suggests that there is a realistic prospect of conviction and that it is in the public interest to do so. The Manager involved in making the more serious decisions will also have regard to advice from the Council's Legal Services.

The final decision to prosecute rests with the Council's senior legal officer following a recommendation by the Head of Service who will consider the policies and procedures before giving his/her authorisation to proceed with formal action.

In the event that a prosecution secures a conviction the Council will seek to recover our costs associated with the prosecution.

10.0 LIAISON WITH OTHER REGULATORS

- 10.1 Where appropriate, enforcement activities within the Environmental Health or Licensing activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement. The Council will respect advice that has been provided by other regulators and enforcement agencies. Where an enforcement matter affects a wide

geographical area beyond the Council's boundaries, or involves enforcement by one or more other local authorities or organisations, where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible, and all enforcement activity coordinated with them.

11.0 PROCEEDS OF CRIME ACT

- 11.1 Applications may be made under the Proceeds of Crime Act for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from any criminal conduct. Applications are made after a conviction has been secured.

12.0 ENFORCEMENT ON COUNCIL PREMISES, OR AT EVENTS ORGANISED BY THE COUNCIL

- 12.1 In principle the Council cannot legally enforce against itself. Where infringements on Council premises, or at events organised by the Council are identified, the matter will be formally notified to the appropriate Director.

If the potential breaches of the law are the responsibility of contractors employed by the Council, enforcement action will be taken against the contractor in the same way as in other cases not involving the Council.

13.0 REVIEW

- 13.1 This policy and any appendices will be reviewed as and when events and circumstances lead us to consider it appropriate to do so. Any amendments required will be made by means of the Council's usual arrangements for making decisions.

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Report No.
ES19074

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Portfolio Holder for Public Protection & Enforcement

For pre-decision scrutiny by the Public Protection and Enforcement PDS Committee

Date: 14th November 2019

Decision Type: Non-Urgent Executive Key

Title: POST COMPLETION REVIEW REPORT – CCTV CONTROL ROOM REFURBISHMENT

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

Chief Officer: Colin Brand Director of Environment and Public Protection

Ward: All

1. Reason for report

1.1 This is a post completion review report of the refurbishment of the CCTV Control Room.

2. **RECOMMENDATION(S)**

2.1 That the Portfolio Holder notes and endorses the findings of the Post Completion Reviews that have been carried out in respect of the CCTV Control Room.

Corporate Policy

1. Policy Status: Existing Policy: Capital Programme monitoring and review is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. 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 Safety
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: None
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £340,000 (939446- CCTV Control room refurbishment)
 5. Source of funding: Capital Receipts
-

Staff

1. There are no LBB staff implications for the project. The CCTV Control room is operated by Enigma CCTV Ltd with a staff of 10.4 FTE.
 2. If from existing staff resources, number of staff hours: NA
-

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 309,392

The CCTV service is responsible for the management and operation of cameras installed in crime hotspots and town centres throughout the borough and the cameras are shared by the Parking Service for the management and enforcement of highways and parking regulations. The control room also operates the Safer Bromley Partnership Shop Safe town centre radio scheme that connects businesses with each other and the CCTV control room and the Police. All residents of and visitors to Bromley are beneficiaries of the service and will benefit from its upgrade and increased capacity. The residential population is 309,392 (ONS Census 2011) Approximately 121,000 people work in the borough and about 6,000 people visit and a further 36,000 people make day-trips to Bromley every day (2011 GLA Daytime population estimates).

Ward Councillor Views

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

3. COMMENTARY

3.1 The Capital Programme Procedures require that a post completion review be carried out of schemes that are included within the programme. This process is designed to determine the Authority's performance in the following key area;

- Were the original scheme objectives achieved?
- Were the scheme costs contained within the original budget?
- Did the scheme complete on time?
- What was the level of customer satisfaction from the end user with the overall process?

3.2 The information set out in the appendices shows the above information for the CCTV Control Room refurbishment.

3.3 The scheme completed within budget and the original contract programme was met. A full analysis of the project is contained within the appendix.

4. POLICY IMPLICATIONS

4.1 One of the main aims of the Council's Asset Management Plan is to ensure that all the partners in the asset management planning processes are fully consulted on the process and its outcomes. Progression of the CCTV Control Room refurbishment will assist in meeting one of the key outcomes of helping to keep Bromley safe.

5. FINANCIAL IMPLICATIONS

5.1 This report provides information on a Post Completion Review that has been carried out in respect of CCTV Control Room refurbishment. There are no financial implications arising from the matters addressed in this report. The cost centre for this funding was 939446.

5.2 The table below summarises the financial outturn position of the scheme.

| | Amount £ |
|-------------------------|----------|
| Total Approved Estimate | £340,000 |
| Actual Costs | £307,613 |
| Underspend | £32,387 |

5.3 The benefits of the refurbishment include:

- Financial savings on the replacement of the video recording system from both the cost of its maintenance and lower energy consumption
- Lower maintenance charges, replacing the video recorder will save around £10,000 per year in maintenance, will reduce the energy used for its operation and cooling by nearly 90%, equal to around £5,000 per year.

Refurbishment of the CCTV Control Room

Scheme Details

1. The refurbishment of the CCTV Control Room was undertaken to update and modernise the equipment in order to improve the quality and reliability of the CCTV Control System. The recording system and associated wall monitor had significant faults and were no longer supported by the manufacturer and the software support was limited. The servers used to manage recordings were old and no longer supported and therefore needed replacing. Replacing individual components rather than the whole system would have been very expensive in the long term as there was less room to negotiate on price with existing suppliers compared to a competitive tender to replace all the equipment at one time. It was agreed therefore to replace the video recording and monitor wall control systems with a more energy efficient system, which will be cheaper to maintain and supported by their manufacturer for at least ten years.

Scheme History

2. In January 2014 a report was presented to the Public Protection and Safety Portfolio Holder (report ES14011) setting out the business case to refurbish the CCTV Control room. The Portfolio Holder endorsed the bid for capital expenditure for the project.
 - 2.1 The control room was installed in 1997 and had been regularly upgraded to keep it operating without failure. However, the equipment was nearly ten years old and no longer supported by its manufacturers and as such substantial faults could no longer be repaired.
 - 2.2 As a consequence there was a significant risk of failure and the systems were in need of refurbishment. The report outlined the risks with the current situation, the benefits of the refurbishment and the estimated costs for doing so.

3. Running Costs

4. The refurbishment has been designed to ensure the control room is as energy efficient as possible.

5. Scheme Objectives

- 5.1 The benefits of the refurbishment works include:-
 - It secures the operation of the community safety and traffic enforcement control rooms into the future;
 - Replacement of the video recorder system will improve the quality or resolution of the video wall by 100%;
 - Operators will be able to review recorded images at their workstations, greatly improving their response to incidents;
 - The replacement recorder is modular where in the, unlikely, event of the complete failure of one unit will result in the loss of the recording of no more than eight cameras.

Assessment of Scheme Success

6. Prior to upgrading to an open command and control platform, the control room had two separate surveillance systems in place - one used for recording video footage from public-space cameras and the other for controlling the cameras throughout the borough. In an effort to reduce crime in 'hot spot' areas and tackle the growing problem of fly-tipping – which was costing the Council hundreds of thousands of pounds each year – a number of mobile cameras are routinely deployed. These cameras are a much needed addition to the borough's public safety and crime prevention toolkit; however are also an additional resource to manage.
- 6.1 The CCTV room needed a solution that would bring these separate, individually managed systems into a single, unified environment. An open, integrated command and control solution has enabled operators to immediately react to incidents with responsive camera control, thereby improving detection and response time and maximizing operational efficiency.

Assessment of Contract Efficiency

7. Contract period: 30th July 2015 (contract award) to 19th February 2016
Start Date: 30th July 2015
Practical Completion: 26th August 2016

There were some delays at the start of the project as technical files needed to be completed before the work could commence, in particular there were delays in the Technical Construction File being approved by the Vehicle Certification Agency which led to a delay in the actual commencement of the work. Closing the project was also delayed by the late production of the Operation and Maintenance manual. This did not cause additional impact on the operational capability of the control room.

The scheme underspent by £32,387.

8. Outstanding Issues and Their Proposed Resolution

- . There are no outstanding issues.

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SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP

Minutes of the meeting held at 10.00 am on 12 September 2019

Present:

Councillor Kate Lymer ((Portfolio Holder for Public Protection and Enforcement)) (Chairman)

Anne Ball, (LBB Gangs and Serious Youth Violence Officer)

Elaine Beadle, (LBB Road Safety Manager)

Rachel Dunley, (LBB Head of Service for Early Intervention, and Family Support)

Samantha Evans, Mayor's Office for Policing and Crime

Terry Gooding, (Bromley Fire Commander)

Betty McDonald, (LBB Head of Youth Offending Service)

Katie Nash, (Acting Head of Service-London Probation Service)

Philip Powell, (LAS Stakeholder Engagement Manager)

Lynn Sellwood, (Bromley Safeguarding Adults Board and Voluntary Sector Strategic Network)

Peter Sibley, (LBB ASB & Envirocrime Co-ordinator)

Toby Smith, (LBB Head of Street Enforcement)

Joanne Stowell, (LBB Assistant Director: Public Protection)

David Tait, (LBB Emergency Planning and Corporate Resilience Lead)

Rob Vale, (LBB Trading Standards and Community Safety Manager)

Also Present:

Councillor Kathy Bance MBE

Colin Brand, Environment & Community Services

David Dare, Education, Care & Health Services

Paul Sibun, Bromley CCG

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| 17 | APOLOGIES FOR ABSENCE | Action |
| | Apologies for absence were received from Janet Bailey and Claire Lewin, and David Dare and Paul Sibun attended as their respective substitutes. Apologies for absence were also received from Sharon Baldwin, Lydia Bennett, Susan Clinton, Amanda Mumford, David J Stringer, Chloe Todd and David Dunkley. | |
| 18 | MINUTES OF THE PREVIOUS MEETING HELD ON 20th JUNE 2019 | Action |
| | RESOLVED that the minutes of the Safer Bromley Partnership meeting held on 20 th June 2019 be agreed, and signed as a correct record. | |
| 19 | MATTERS OUTSTANDING | Action |

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| | <p>Report CSD19123</p> <p>The Partnership considered the matters outstanding from the previous meeting of the Partnership, together with the associated updates.</p> <p>The LBB Head of Service for Early Intervention and Family Support confirmed that the new DVA VAWG Coordinator was now in post, and introductory meetings were taking place. The work plan for the role included reinvigorating the DV Forum, and the Chairman requested that invites be extended to Councillor Peter Fortune, Councillor Diane Smith and herself to attend these meetings.</p> <p>RESOLVED that the Matters Outstanding report is noted.</p> | |
| 20 | <p>QUESTIONS RECEIVED FROM COUNCILLORS OR MEMBERS OF THE PUBLIC</p> | Action |
| | <p>No questions had been received.</p> | |
| 21 | <p>CHAIRMAN'S UPDATE</p> | Action |
| | <p>The Chairman informed the Partnership that since the last meeting, she had attended a passing out ceremony for the Fire Cadets which had taken place at Orpington Fire Station.</p> <p>Over the summer it had been much quieter in relation to Traveller incursions. The London Borough of Bromley would be appealing the decision that had been made regarding permanent injunctions, with the support of other London boroughs, on the 3rd and 4th December 2019.</p> <p>Along with the LBB Head of the Youth Offending Service, the Chairman had attended the London Councils' County Lines Summit. The event had been well attended and had included speakers presenting on topics such as Contextual Safeguarding and the Rescue and Response Project, funded by MOPAC and the Home Office.</p> <p>The LBB Head of the Youth Offending Service advised the Partnership that the Rescue and Response Project was a pan-London initiative, led by the London Boroughs of Brent and Lewisham. It focussed on young people who were affected by county lines activity, rescuing them and offering support. Organisations involved in the project were: Abianda, providing one to one support to young women referred to the programme; Safer London, providing support to those who moved or were relocated to different areas; and St Giles Trust, providing one to one support to individuals exiting gangs.</p> <p>Rescue and Response was a three year project, and over 600 referrals had been made in the last year.</p> | |

This was a significant number, as only 200 referrals had been expected during the first year of the project. The second year of the project would look at sustainability, and it was noted that there was much quality intelligence being received.

The LBB Trading Standards and Community Safety Manager highlighted that there had been a rescue involving a young person from the London Borough of Bromley, who had been found in Great Yarmouth. Superintendent Carswell enquired if a National Referral Mechanism (NRM) referral was made following a rescue, as the young people were potential victims of modern slavery. The LBB Head of the Youth Offending Service confirmed that the referrals were made, and agreed to provide information to the Partnership relating to the number of referrals made. Superintendent Carswell advised that a Child Criminal Exploitation Team was being set up to tackle modern slavery. It was noted that for every rescue, an NRM referral and referral to the police should be made. The LBB Head of the Youth Offending Service confirmed that the project took referrals for young people up to the age of 25 years.

The Chairman informed the Partnership that she had attended a London Trading Standards Week event at Guildhall for the launch of an initiative in partnership with MOPAC and the Metropolitan Police, for retailers selling knives. The LBB Trading Standards and Community Safety Manager advised that this included a London-wide approved traders' scheme to which retailers would sign up and agree to certain steps, such as ensuring that knives were stored safely. Locally, test purchasing work was undertaken with the Police Cadets and this scheme would further enhance the safety of the trading environment. The Chairman noted that the scheme also included online retailers, but that this could only currently be undertaken with UK based companies.

The MET Tri-Borough Police Commander had carried out walkabouts around hotspots in Bromley Town Centre, Penge and the Crays, and further rounds of visits were scheduled. Councillor Kathy Bance MBE, informed the Partnership that she had been involved in the walkabouts in Penge, and there were a number of positive initiatives being undertaken. This included an 'adopt a block' initiative, and a number of residents were keen to help take this forward. Superintendent Carswell noted that as these three areas were affected by similar issues, local Inspectors were working on a problem solving plan. Work would be ongoing to deliver long-term change.

Future events that the Chairman would be attending were the Crime Summit, taking place on Saturday 14th September 2019 and the Bromley Safeguarding Adult Board Annual Conference on the 8th October 2019.

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| | <p>The Chairman extended her congratulations to Bromley Youth Council, who had won the Mayor of London's 2019 Volunteer Award for their work on the Anti-Gang Campaign.</p> <p>RESOLVED that:</p> <p>1) The Chairman's update is noted;</p> <p>2) Information is provided to the Partnership relating to the number of NRM referrals made as a result of the Rescue and Response Project.</p> | BM |
| 22 | <p>UPDATE FROM THE HOUSING DIVISION REGARDING HOMELESSNESS AND BEGGING IN BROMLEY</p> <p>Mr Glyn Gunning from the Housing Division was not present to provide the update regarding homelessness and begging in Bromley.</p> <p>It was agreed that the update on homelessness and begging in Bromley would be provided to the next meeting of the Safer Bromley Partnership.</p> <p>RESOLVED that an update on homelessness and begging in Bromley be presented to the December meeting of the Safer Bromley Partnership.</p> <p><i>Post meeting note—the request for an update has been referred to Calvin Pearson in the Housing Division</i></p> | Action CP |
| 23 | <p>POLICE UPDATE</p> <p>Superintendent Carswell informed the Partnership that every London Borough had independent Police Cadet units. Each year they took part in a three day challenge, at which they participated in a number of competitive activities. This year, he was pleased to announce that the Bromley Police Cadet unit had won the London-wide competition, and extended his congratulations to its members.</p> <p>An area of enhanced focus, which was a major public concern in the borough, was burglary. Of the three boroughs within the BCU, Bromley had the highest levels of burglary. Significant effort was being directed into 'man-hunting' and seeking wanted offenders, as well as closer working with Kent Police (as perpetrators often operated across borders). Effort was also being made to ensure that PCSO visits to victims and surrounding properties were taking place.</p> <p>A number of leads had been generated as a result of the use of residents CCTV and 'Ring' video door bells. Over the last six months there had been an 11% reduction in the number of burglaries across</p> | Action |

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| | <p>The LBB Trading Standards and Community Safety Manager informed the Partnership that four priorities had been identified for the Safer Bromley Strategy: burglary, domestic violence, non-domestic violence with injury and anti-social behaviour (including fly tipping and arson). The LBB Community Safety Co-ordinator would be leading on the strategy, and a comprehensive update would be provided at the next meeting of the Safer Bromley Partnership.</p> <p>RESOLVED that the update on the Safer Bromley Strategy is noted.</p> | |
| 26 | <p>RESILIENCE AND BUSINESS CONTINUITY UPDATE</p> <p>The LBB Emergency Planning and Corporate Resilience Lead advised the Partnership that work was being undertaken across the borough in relation to the eleven standards for resilience. This would be completed by December 2019, following which, boroughs would review each other's plans and put forward possible improvements and suggestions.</p> <p>The Borough's Resilience Forum in August 2019, which had focussed on the theme of 'Brexit', had been well attended. Other work undertaken had included emergency planning for the Biggin Hill Festival of Flight and a review of 'Rest Centre' plans, revisiting those already signed up to help and expanding the list of venues.</p> <p>In relation to business continuity, an external company would be undertaking an internal audit of the local authority on the 7th October 2019, which would provide an opportunity to see where LBB stood. The LBB Emergency Planning and Corporate Resilience Lead felt that the local authority was well positioned, but there was always room for improvement.</p> <p>Following the burst water main on the A21 during the summer, where around 3,000 homes had been affected, the local authority had worked closely with Thames Water, and a number of learning outcomes had arisen from the incident. A meeting with the Environment Agency would also be taking place in relation to the flooding in Petts Wood. Around 40 homes that were affected by the flooding, and surrounding properties, would be offered advice and guidance.</p> <p>The Bromley Fire Commander extended his thanks to the LBB Emergency Planning and Corporate Resilience Lead for providing an input around emergency planning at the London Fire Brigade training days.</p> <p>RESOLVED that the Resilience and Business Continuity update is noted.</p> | Action |

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| 27 | VERBAL UPDATE ON INFORMATION SHARING AGREEMENTS | Action |
| | <p>The LBB Trading Standards and Community Safety Manager advised partners that work was being undertaken to review a number of information sharing agreements. This was as a result of the implementation of the General Data Protection Regulations (GDPR), and would set out how information could be shared with partners and how they were able to use it.</p> <p>The Chairman requested that an update be provided to the next meeting of the Safer Bromley Partnership, advising what stage the project had reached.</p> <p>RESOLVED that:</p> <p>1) The update is noted;</p> <p>2) An update advising what stage the project had reached is provided to the next meeting of the Safer Bromley Partnership.</p> | RV/AM |
| 28 | UPDATE FROM THE GANGS AND SERIOUS YOUTH VIOLENCE OFFICER | Action |
| | <p>The LBB Gangs and Serious Youth Violence Officer informed the Partnership that she had been in post since June 2019, and was based within the LBB Community Safety Team. Part of the role was to identify what local provision was missing for young people on their journey away from serious youth violence; to consider what provision was current, and identify gaps, particularly around the transition age.</p> <p>Work would be undertaken with the police to identify and understand the Serious Youth Violence and Gangs picture across Bromley, including the crime hotspots and offenders.</p> <p>The LBB Gangs and Serious Youth Violence Officer (GSYVO) would have ownership of the Knife Crime and Serious Violence Action Plan, which would be presented to the Safer Bromley Partnership on a quarterly basis. The GSYVO would also horizon scan to identify any funding opportunities. The outcome of the Young Londoners Fund bid by the Crystal Palace Community Trust was due at the end of September or the beginning of October 2019. It was hoped that there would also be an opportunity to bid for funding from the Home Office Youth Endowment Fund.</p> <p>The Bromley Fire Commander enquired if signposting to employment would take place. The LBB Gangs and Serious Youth Violence Officer responded that signposting had been made to some schemes, but the majority tended to be based in North London and little response had been received. The Bromley Fire Commander said that he was keen</p> | |

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| | <p>to offer support, and he would be happy to receive referrals of local young people. It was noted that the young people would need to be over 17.5 years old, and any convictions needed to be spent. He would like to target young women, black and ethnic minorities and any other young people needing general support.</p> <p>The Chairman asked if there were plans to look at grooming hotspots. The LBB Gangs and Serious Youth Violence Officer responded that this was an area that could be looked at with the police, any intelligence around hotspots, timings and locations would enable targeted Youth Workers to initiate interventions.</p> <p>RESOLVED that the update from the Gangs and Serious Youth Violence Officer is noted.</p> | |
| 29 | UPDATE FROM LONDON AMBULANCE SERVICE | Action |
| | <p>The LAS Group Manager advised partners that the service had been recruiting heavily over the last few months, and as a result there were now only a small number of vacancies. This allowed the service to be maintained, and the sickest patients were being reached in less than seven minutes.</p> <p>The Bromley LAS site had been significantly impacted by the water outage on the A21 during the summer. Usually, when an incident like this occurred, the operation would be moved to another site, but as this was a main site it had not been a viable option. All non-essential staff had been sent home, portaloos and bottled water had been shipped in, and there had been no operational impact.</p> <p>There had been a 20% increase in the use of the extra LAS vehicle, targeted at vulnerable patients of low acuity. Bromley had the best rates within the LAS, with only 52% of patients being taken to the Emergency Department, and the scheme had been extended until February 2020. The Chairman suggested that in the future, it could be argued that another of these vehicles was required. The Adult Safeguarding Manager, Bromley CCG said that they would be willing to support an application for a dedicated vehicle for the Bromley Borough. It was suggested that the LAS Group Manager and Adult Safeguarding Manager, Bromley CCG could discuss ways to advertise the service outside of the meeting.</p> <p>The Chairman enquired if the LAS had been impacted by the hot weather. The LAS Stakeholder Engagement Manager responded that both hot and cold weather were planned for, and the plans were implemented as needed. The hot weather had only been for short periods at a time, and it tended to be the hospitals that were impacted upon the most.</p> | |

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| | RESOLVED that the London Ambulance Service update is noted. | |
| 30 | MOPAC UPDATE | Action |
| | <p>Samantha Evans, (Mayor's Office for Policing and Crime), extended her thanks to LBB officers for their assistance in providing and uploading information for returns, which were now being completed by an APS computerised system.</p> <p>It had been confirmed that the Violence Reduction Unit had been allocated a further £7m by the Mayor of London, in addition to the £7m already committed. A letter had been sent to the Leader and the Chief Executive of the Council, advising that the borough would be receiving £50k in year one and £50k in year two from this funding. It was noted that there was only a seven-month delivery period remaining in year one, and the funds could not be carried into the twelve-month delivery period of year two. Current London Crime Prevention Fund (LCPF) projects could be added to, as well as new ones established, and suggestions from partners were welcomed.</p> <p>It was noted that the MOPAC newsletter would be passed to the Clerk for circulation to Members of the Safer Bromley Partnership.</p> <p>RESOLVED that the MOPAC update is noted.</p> | |
| 31 | SAFER NEIGHBOURHOOD BOARD UPDATE | Action |
| | <p>The Chairman informed the Partnership that the Crime Summit would be taking place from 9.30am on Saturday 14th September 2019 at Bromley Civic Centre. Speakers would include the Bromley Youth Council and the MET Tri-Borough Commander and MET Assistant Commissioner for Frontline Policing, Mark Simmons.</p> <p>The Chairman extended her thanks to those attending and hosting a stand at the event.</p> <p>RESOLVED that the update is noted.</p> | |
| 32 | REPORTS FROM SUB-GROUPS | Action |
| | 32a DOMESTIC ABUSE SUB GROUP UPDATE | Action |
| | <p>In addition to the written update provided to the Partnership, the LBB Head of Service for Early Intervention and Family Support stated that the DVA VAWG contract procedures were ongoing. She said that Rachel Pankhurst, LBB DVA VAWG Coordinator, would be attending future meetings of the Safer Bromley Partnership.</p> <p>RESOLVED that the update and the report are noted.</p> | |

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| | <p>32b OFFENDER MANAGEMENT SUB GROUP UPDATE</p> | <p>Action</p> |
| | <p>The LBB Trading Standards and Community Safety Manager informed the Partnership that the development of the IOM (Integrated Offender Management) Board was being taken forward. Due to internal reviews, this had not progressed as far as they had wanted, but the LBB Assistant Director for Public Protection and Enforcement would take on the role of Chairman. Plans to formulate the Terms of Reference and to identify partners were being developed.</p> <p>The operational side of IOM was working well, and Oxleas were now attending the meetings. It was very much “business as usual”, despite the lack of strategic steer, and this was expected to improve going forward.</p> <p>The LBB Trading Standards and Community Safety Manager advised that there were new IOM figures that would be provided to the Clerk for circulation to the Partnership following the meeting.</p> <p>RESOLVED that:</p> <ol style="list-style-type: none"> 1) The IOM Sub-Group is noted. 2) The new IOM figures are provided to the Clerk for circulation to partners. <p><i>Post Meeting Note—this information has been disseminated</i></p> | |
| | <p>32c YOUTH OFFENDING SERVICE SUB GROUP UPDATE</p> | <p>Action</p> |
| | <p>The LBB Head of Youth Support and Youth Offending Services informed the Partnership that a primary focus of the Youth Offending Service (YOS) was on prevention. Support was provided to deter young people from entering the system, and in Bromley there were only a small number of prolific reoffenders. With reoffending rates of 38%, the London Borough of Bromley was ranked 9th lowest out of the 32 London Boroughs. It was noted that this data was for offences committed during 2016-17, as the cohort was tracked for a whole year from their first offence, and the data published in 2019. The numbers of reoffenders continued to decrease; however the frequency of offences by some had increased.</p> <p>The number of children and young people in custody ten years ago was around 3,000, which as of August 2019 had greatly reduced to a figure of 814 for England and Wales. In Bromley, there were three young people sentenced to custody and three on remand, and the YOS was providing regular support to the young people and their families.</p> | |

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| | <p>In partnership with the LBB Early Intervention Team, work had been carried out over the summer to raise awareness of county lines. A Facebook page had been created, and messages posted containing the contact details for referrals to MASH (Multi Agency Safeguarding Hub) if there were concerns about a young person.</p> <p>RESOLVED that the Youth Offending Service Sub Group update is noted.</p> | |
| | <p>32d GANGS SUB GROUP UPDATE</p> | <p>Action</p> |
| | <p>A copy of the Strategic Group Gangs Report, provided by the LBB Group Manager – MASH Team, was tabled at the meeting.</p> <p>RESOLVED that the update report is noted.</p> | |
| | <p>32e ASB and ENVIROCRIME SUB GROUP UPDATE</p> | <p>Action</p> |
| | <p>The LBB Anti-Social Behaviour Co-ordinator informed the Partnership that three further MOPAC operations had taken place in Cray Valley West, Mottingham and Penge. In these areas, fly tipping was down by 2.5 tons compared to the previous operations, and arson was down by 38% compared to the same period in 2018. Work was being undertaken with partners to look at other causes of arson and to examine how they could assist to reduce these figures further. Anti-social behaviour was down by 26%.</p> <p>There had been seven arrests during MOPAC operations, including three youths found to be in possession of a knife in Penge. Ten weapon sweeps had taken place, five illegal vehicles seized and 32 joint visits with the police had been undertaken targeting high profile addresses. The LBB Head of Street Enforcement noted that Education Welfare Officers were back patrolling these areas and focusing on specific addresses, and local churches were assisting the team by offering the use of their facilities. In response to a question, the LBB Anti-Social Behaviour Co-ordinator confirmed that during the visits, no further incidents of ‘cuckooing’ had been identified.</p> <p>The Partnership extended its thanks to Peter Sibley, the LBB Anti-Social Behaviour Co-ordinator, who would be retiring at the end of October 2019.</p> <p>RESOLVED that the ASB and Envirocrime Sub Group update is noted.</p> | |
| <p>33</p> | <p>COMMUNICATIONS UPDATE</p> | <p>Action</p> |
| | <p>The Chairman requested that suggested items or good news stories for inclusion in the Safer Bromley Newsletter be passed on to Andrew Rogers, LBB Communications Executive.</p> | |

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| <p>34</p> | <p>ANY OTHER BUSINESS</p> <p>The LBB Trading Standards and Community Safety Manager advised Members that discussions would be taking place in relation to rolling out 'Operation Divert', an early knife and weapon intervention scheme, in Bromley.</p> <p>A meeting would be taking place with the new lead, DCI Neil Matthews, to take forward the Drug Related Violence Police Strategy, and feedback would be provided to the Safer Bromley Partnership.</p> <p>Councillor Kathy Bance MBE enquired if a knife amnesty could be initiated. The LBB Trading Standards and Community Safety Manager responded that these had taken place in the past, but tended to be led by the police on a pan-London or national level. Superintendent Carswell noted that work needed to be done to deter people from carrying knives, and he was not aware that an amnesty would be taking place imminently.</p> | <p>Action</p> |
| <p>35</p> | <p>DATE AND TIME OF NEXT MEETING</p> <p>All meetings start at 10.00am and are held at Bromley Civic Centre unless otherwise notified.</p> <p>The next meeting was scheduled for Thursday 5th December 2019.</p> | <p>Action</p> |

The meeting ended at 11.33 am

Chairman

Report No.
ES19068

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: ENVIRONMENT & COMMUNITY SERVICES PDS COMMITTEE

PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

Date: 13th November 2019 and 14th November 2019

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

Title: RISK REGISTER

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

Chief Officer: Colin Brand, Director of Environment & Public Protection

Ward: All Wards

1. Reason for report

- 1.1 This report presents the revised Environment and Public Protection Risk Register for detailed scrutiny by both PDS Committees.
- 1.2 This appended Risk Register also forms part of the Annual Governance Statement evidence-base and has been reviewed by: EPP DMT, Corporate Risk Management Group; and Audit Sub-Committee.

2. **RECOMMENDATIONS**

That the Environment and Community Services PDS Committee and Public Protection and Enforcement PDS Committee reviews and comments on the appended EPP Risk Register, which has been updated in light of progress made since the previous meeting.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Risk Register covers services provided by EPP Department and some borough-wide risks. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts and service delivery rather than this high-level Risk Register 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: E&CS and PP&E Portfolios
 4. Total current budget for this head: £31.3m and £2.6m controllable Budgets
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): - 145.7FTEs and 50.1 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: Risk management contributes to contract management and good governance.
-

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

Risk Register Background

- 3.1 The Council's aims are set out in [Building a Better Bromley](#) and the Portfolio Plans, and a risk can be defined as anything which could negatively affect the associated outcomes. Some level of risk will be associated with any service provision: the question is how best to manage that risk down to an acceptable level? (this is known as our 'risk appetite')
- 3.2 It follows that the Council should be able to clearly and regularly detail the main departmental risks and related mitigation measures to ensure a) that desired outcomes are achieved and b) to allow for Member scrutiny – the purpose of this report.
- 3.3 Although the appended EPP Risk Register is comprehensive, departmental risk management activity is certainly not exclusive to this report. For instance:
- major programmes and services (e.g. Tree Management Strategy) will have associated Risk Registers (such registers are reviewed by the relevant Programme / Service Boards);
 - financial risk is addressed in each Portfolio's Budget Monitoring Reports and, more generally, in the Council's Annual Financial Strategy Report;
 - audit risk is captured through the Audit Programme's planned and investigative activity and associated reports and management action requirements;
 - contract risk forms part of the Contracts Database (all contracts are now quantified and ranked according to the risk presented to the Council). The new Environmental Services Contract, therefore, appears both in this Risk Register and the Corporate Contracts Register, due to its size and complexity. The Contracts Register for the relevant portfolios are detailed on the November 2019 meeting agendas.
- 3.4 In 2016/17 Zurich Municipal (the Council's insurer) undertook a 'check and challenge' review (involving all management teams) of the Council's general approach and the individual risks. This resulted a new-style of register and a greater consistency of approach across the Council. Zurich attended during 2018/19 to repeat this exercise with all EPP risk owners.
- 3.5 It was agreed that Risk Registers should be presented to each Departmental Management Team, the relevant PDS committee, and Audit Sub-Committee twice a year (minimum) to allow activity to be scrutinised in a regular and systematic manner. Individual risks should naturally be reviewed (by Risk Owners) at a frequency proportionate to the risk presented (see appendix).
- 3.6 In addition to its use for management and reporting purposes, the Risk Register also forms part of EPP's evidence-base for contributing to the Council's Annual Governance Statement (which, itself, forms part of the Council's end-of-year management procedures).
- 3.7 Risks from all three departments are considered at the (officer) Corporate Risk Management Group (CRMG), which reviewed all the Risk Registers when it last met on 11th September 2019.
- 3.8 The Risk Registers were reviewed by Audit Sub-Committee (17 October 2019), but detailed scrutiny of individual registers is the responsibility of each PDS committee (hence this report).
- 3.9 At the time of writing, the Council has 103 individual risks plus 10, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).
- 3.10 EPP Department currently has 25 risks (~24% of the Council's total).

3.11 The appended EPP Risk Register is summarised below. Each risk is scored using a combination of the 'likelihood' (definite to remote) and 'impact' (insignificant to catastrophic) to produce a 'gross rating' (prior to controls) and 'net rating' (post management controls) – see Appendix. No EPP risks are currently ragged 'red' following implementation of management control measures.

| Ref | Risk & Description | Gross Risk Rating | Net Risk Rating |
|-----|---|-------------------|-----------------|
| 1 | Emergency Response: Failure to respond effectively to a major emergency / incident internally or externally | 8 | 6 |
| 2 | Central Depot Access: Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot) | 12 | 9 |
| 3 | Fuel Availability: Fuel shortage impacting on transport fleet / service delivery | 5 | 4 |
| 4 | Business Continuity Arrangements: Lack of up-to-date, tried and tested, BCP for all Council services | 8 | 8 |
| 5 | Industrial Action: Contractors' staff work-to-rule / take strike action impacting on service delivery | 12 | 8 |
| 6 | Health & Safety (EPP): Ineffective management, processes and systems within EPP departmentally | 12 | 8 |
| 7 | Environmental Services Contract (Mobilisation): Failure to effectively mobilise new Environmental Services contracts | 8 | 4 |
| 8 | Highways Management: Deterioration of the Highway Network due to under-investment | 8 | 6 |
| 9 | Arboricultural Management: Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc | 12 | 12 |
| 10 | Income Variation: Loss of income at a time when the Council is looking to grow income to off-set reduced funding | 9 | 6 |
| 11 | Waste Budget: Increasing waste tonnages resulting in increased waste management costs | 12 | 6 |
| 12 | Food Standards Agency Audit: Failure to meet required service standards as required by Food Standards Agency Audit (April 2017) | 3 | 3 |
| 13 | Town Centre Businesses: Loss of town centre businesses to competition | 12 | 6 |
| 14 | New Parking Schemes: Failure to deliver new parking schemes resulting in income loss and congestion | 12 | 4 |
| 15 | Staff Resourcing and Capability: Loss of corporate memory and ability to deliver as key staff leave (good new staff are at a premium) | 12 | 12 |
| 16 | Climate Change: Failure to adapt the borough and Council services to our changing climate | 12 | 8 |
| 17 | Mortuary Contract Failure to procure tendered services to budget | 3 | 3 |
| 18 | CCTV Contract (Mobilisation) Failure to effectively mobilise the new CCTV contracts | 6 | 3 |
| 19 | Income Reconciliation (Public Protection Licensing) Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding | 6 | 6 |
| 20 | Income Reconciliation (Waste Management) Uncertainty around income reconciliation linked to the mobilisation of new waste contracts | 6 | 2 |
| 21 | Bromley Town Centre Market Reorganisation Failure to deliver a successful market reorganisation which meets the needs of traders, businesses and customers | 9 | 6 |

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| 22 | Dogs and Pests Contract Failure to deliver the contract to the required service levels | 6 | 4 |
| 23 | Out of Hours Noise Service Failure to deliver statutory services | 12 | 12 |
| 24 | Integrated Offender Management Failure to contribute to IOM in Bromley | 12 | 12 |
| 25 | Anti-Social Behavior Co-Ordinator post: Failure to deliver ASB problem solving and partnership activity | 12 | 12 |

- 3.12 The risks (including causes and effects) are described in more detail in the appended Risk Register. Each risk is assigned a category (Compliance & Regulation, Finance, Service Delivery, Reputation and Health & Safety) and scored – using a combination of the ‘likelihood’ and ‘impact’ both being assessed on a scale of 1-5 – to produce a gross risk score.
- 3.13 Current controls designed to mitigate the risk are also listed and these, in turn, generally result in a (lower) net risk score. Finally, additional actions are listed for the Risk Owner to consider to further reduce the level of risk (commensurate with their risk appetite). Risk Ownership will be adjusted at the next review of the register, in light of changes to the LBB Corporate Leadership Team structure.

4. IMPACT ON VULNERABLE ADULTS & CHILDREN

- 4.1 The appended Risk Register covers environmental services, which tend to be universal in nature, rather than being specifically directed towards vulnerable adults and children.

5. POLICY IMPLICATIONS

- 5.1 The Council’s renewed policy ambition for the borough is set out in [Building a Better Bromley](#) and the various Portfolio Plans. Risk Registers help to deliver these policy aims by identifying issues which could impact on ‘ensuring good contract management to ensure value-for-money and quality services’ and putting in place mitigation measures to reduce risk and help deliver the policy aims and objectives.

6. PROCUREMENT IMPLICATIONS

- 6.1 Contract and hence procurement risk is mainly captured in the Contracts Database and Contracts Register Report rather than this Risk Register Report. That said, progress with mobilising the new Environmental Services Contract is captured in the appended register due to the contract’s strategic importance.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications arising from this report, however the Risk Register does identify areas that could have financial risks.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no direct personnel implications but the Risk Register does identify service areas where recruitment and capacity present challenges (e.g. 15: Staff Resourcing & Capability).

9. LEGAL IMPLICATIONS

- 9.1 There are no direct legal implications but the Risk Register does identify some regulatory and legal issues: e.g. the Food Standards Agency Audit, compliance with Health & Safety law, and Industrial Action.

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

RISK REGISTER REPORT (ES18037): RISK ASSESSMENT GUIDANCE SUMMARY

| | | | | | | | | |
|-------------------|--------------------|-----------|--------------|-----------|------------------|----|---------|---|
| LIKELIHOOD | Almost Certain (5) | 5 | 10 | 15 | 20 | 25 | 15+ | High Risk: review controls/actions every month |
| | Highly Likely (4) | 4 | 8 | 12 | 16 | 20 | 10 - 12 | Significant Risk: review controls/actions every 3 mths |
| | Likely (3) | 3 | 6 | 9 | 12 | 15 | 5 - 9 | Medium Risk: review controls/actions every 6 months |
| | Unlikely (2) | 2 | 4 | 6 | 8 | 10 | 1 - 4 | Low Risk: review controls/actions at least annually |
| | Remote (1) | 1 | 2 | 3 | 4 | 5 | | |
| | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) | | | |
| | IMPACT | | | | | | | |

| LIKELIHOOD KEY | | | | | |
|---------------------------|------------|--------------|--------------|------------|--------------|
| | Remote (1) | Unlikely (2) | Possible (3) | Likely (4) | Definite (5) |
| Expected frequency | 10-yearly | 3-yearly | Annually | Quarterly | Monthly |

| IMPACT KEY | | | | | |
|------------------------------------|---|--|---|---|---|
| Risk Impact | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Compliance & Regulation | • Minor breach of internal regulations (not reportable) | • Minor breach of external regulation (not reportable) | • Breach of internal regulations leading to disciplinary action • Breach of external regulations, reportable | • Significant breach of external regulations leading to intervention or sanctions | • Major breach leading to suspension or discontinuation of business and services |
| Financial | • <£50,000 | • > £50,000 <£100,000 | • >£100,000 <£1,000,000 | • >£1,000,000 <£5,000,000 | • >£5,000,000 |
| Service Delivery | • Disruption to one service for a period <1 week | • Disruption to one service for a period of 2 weeks | • Loss of one service for between 2-4 weeks | • Loss of one or more services for a period of 1 month or more | • Permanent cessation of service(s) |
| Reputation | • Complaints from individuals / small groups of residents • Low local coverage | • Complaints from local stakeholders • Adverse local media coverage | • Broader based general dissatisfaction with the running of the Council • Adverse national media coverage | • Significant adverse national media coverage • Resignation of Director(s) | • Persistent adverse national media coverage • Resignation / removal of CEX / elected Member |
| Health & Safety | • Minor incident resulting in little harm | • Minor injury to Council employee or someone in the Council's care | • Serious injury to Council employee or someone in the Council's care | • Fatality to Council employee or someone in the Council's care | • Multiple fatalities to Council employees or individuals in the Council's care |

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Environment & Public Protection (E&PP) Risk Register

| | | | | | | | | | | | | | DATE LAST REVIEWED: | 07/10/2019 |
|-----|---------------|----------|--|---|------------------|-------------------|--------|-------------|---|--------------|--------|-------------|--|----------------|
| No. | E&PP RISK REF | DIVISION | RISK TITLE & DESCRIPTION | RISK CAUSE & EFFECT | RISK CATEGORY | GROSS RISK RATING | | | EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK | CURRENT RISK | | | FURTHER ACTION REQUIRED | RISK OWNER |
| | | | | | | LIKELIHOOD | IMPACT | RISK RATING | | LIKELIHOOD | IMPACT | RISK RATING | | |
| 1 | 1 | All E&PP | Emergency Response Failure to respond effectively to a major emergency / incident internally or externally | <p>Cause(s):</p> <ul style="list-style-type: none"> -Emergency may be triggered by storms, floods, snow, extreme heat or other emergency. Ineffective response could be caused by capacity and/or organisational issues <p>Effect(s):</p> <ul style="list-style-type: none"> - Failure to fulfil statutory duties in timely manner - Disruption to infrastructure and service provision in general | Service Delivery | 2 | 4 | 8 | <ol style="list-style-type: none"> 1. Corporate Major Emergency Response Plan 2. E&CS Incident Plan (held by Emergency Planning) 3. Service Business Continuity Plans 4. Out-of-Hours Emergency Service 5. Winter Service Policy and Plan (reviewed annually) 6. Training, Testing and Exercising (includes training provided as part of Corporate Business Continuity Group formed in June 2018), to include Safer Cities Exercise (May 2019) 7. Multi-agency assessment of emergency risks 8. 2019 Training Programme in place for volunteers to be trained to run the Borough Emergency Control Centre (BECC) | 2 | 3 | 6 | <ol style="list-style-type: none"> 1. Continuation of the Corporate Business Continuity Group 2. Development of risk-specific arrangements in accordance with Minimum Standards for London and informed by the Borough Risk Assessment 3. Implement 'on-call rota' for Emergency Response Manager 4. Recruit and train more Emergency Response Volunteers (to include Silver training for CLT) | David Tait |
| 2 | 2 | All E&PP | Central Depot Access Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot) | <p>Cause(s):</p> <ul style="list-style-type: none"> -Fire, explosion, train derailment, strike etc. <p>Effect (s):</p> <ul style="list-style-type: none"> -Significant service disruption (Waste, Street Cleaning, Gritting, Fleet Management, Streetscene & Greenspace service management etc.) | Service Delivery | 4 | 3 | 12 | <ol style="list-style-type: none"> 1. Contingency plans for: <ul style="list-style-type: none"> - Alternative vehicle parking - Temporary relocation of staff - Storage of bulky materials 2. Implement Business Continuity Plans 3. Close liaison with other Depot users (e.g. Waste Contract, Street Cleansing) and Highways Winter Service Team 4. 'Central Depot Users Group' (Health & Safety forum for all site users) 5. Work Place Risk Assessments in place 6. Depot Insurance reviewed September 2019 to ensure full reinstatement cover is in place 7. Consideration of issue as part of the mobilisation of Environmental Services Contracts, through involvement of new Service Providers in the Central Depot User Group and liaison with colleagues in Property regarding future development of the site. | 3 | 3 | 9 | <ol style="list-style-type: none"> 1. Site re-development plans to include recommendations from fire safety audit. To include consideration of fire suppression systems 2. Waste Service Change to incorporate separate battery collection which will reduce likelihood of fires from batteries in residual waste | Paul Chilton |
| 3 | 3 | All E&PP | Fuel Availability Fuel shortage impacting on both LBB and service provider transport fleet | <p>Cause(s):</p> <ul style="list-style-type: none"> -National or local fuel shortage caused by picketing or other external factors <p>Effect (s):</p> <ul style="list-style-type: none"> -Failure to provide services impacting on residents and other customers | Service Delivery | 1 | 5 | 5 | <ol style="list-style-type: none"> 1. Identified alternative fuel supplies at contractors and neighbouring boroughs (corporate Fuel Disruption Plans based on National Plan are held by the Emergency Planning Team) 2. Designated Filling Station identified under National Emergency Plan by London Resilience Team as designated fuel supply for LBB logoed vehicles 3. Fuel store at Central Depot 4. Ongoing liaison with other London Boroughs concerning collaboration and assistance | 1 | 4 | 4 | <ol style="list-style-type: none"> 1. Continue to monitor service provider arrangements for ensuring adequate fuel supply | Peter McCready |
| 4 | 4 | All E&PP | Business Continuity Arrangements Lack of up-to-date, tried and tested, BCP for all Council services | <p>Cause(s):</p> <ul style="list-style-type: none"> -Failure to implement and keep up-to-date effective service and corporate Business Continuity Plans <p>Effect(s):</p> <ul style="list-style-type: none"> -Non-provision of critical services following an incident (internal or external) | Service Delivery | 2 | 4 | 8 | <ol style="list-style-type: none"> 1. Corporate Risk Management Group now encompasses Business Continuity 2. Corporate Business Continuity Group established in June 2018 with representation from EPP 3. Undertaking Business Impact Analyses of all services to identify priorities 4. Developing a Corporate Business Continuity Plan and updating service BCPs 5. Emergency Planning Training Exercises (March 2018 and May 2019) with involvement across all of EPP | 2 | 4 | 8 | <ol style="list-style-type: none"> 1. Continue to conduct training exercises to ensure that BCPs for each service area work in real life. ICT system failure has been identified as the largest risk and is outside the control of EPP | David Tait |
| 5 | 6 | All E&PP | Industrial Action Contractors' staff work-to-rule / take strike action impacting on service delivery | <p>Cause(s):</p> <ul style="list-style-type: none"> -Union dissatisfaction over pay and conditions (particularly in Waste, Libraries) <p>Effect (s):</p> <ul style="list-style-type: none"> -Temporary disruption to service / reduced customer satisfaction | Service Delivery | 3 | 4 | 12 | <ol style="list-style-type: none"> 1. Ongoing monitoring / meetings regarding workforce issues 2. Joint development of Business Contingency Plans with Service Providers 3. Staff training and engagement built into the mobilisation strategy for the new Environmental Services contracts | 2 | 4 | 8 | <ol style="list-style-type: none"> 1. Review public communications to be used in the event of a strike 2. Staff training and engagement incorporated into communications with Library staff | Colin Brand |

Environment & Public Protection (E&PP) Risk Register

| | | | | | | | | | | | | | DATE LAST REVIEWED: | 07/10/2019 |
|-----|---------------|----------|---|--|--|-------------------|--------|-------------|---|--------------|--------|-------------|--|----------------|
| No. | E&PP RISK REF | DIVISION | RISK TITLE & DESCRIPTION | RISK CAUSE & EFFECT | RISK CATEGORY | GROSS RISK RATING | | | EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK | CURRENT RISK | | | FURTHER ACTION REQUIRED | RISK OWNER |
| | | | | | | LIKELIHOOD | IMPACT | RISK RATING | | LIKELIHOOD | IMPACT | RISK RATING | | |
| 6 | 8 | All E&PP | Health & Safety (E&CS) Ineffective management, processes and systems within E&CS departmentally | <p>Cause(s):</p> <ul style="list-style-type: none"> - Failure to take departmental action to reduce likelihood of accidents, incidents and other H&S issues <p>Effect (s):</p> <ul style="list-style-type: none"> - HSE investigation / prosecution leading to fines, increased insurance claims, and reputational damage | Health & Safety | 3 | 4 | 12 | <ol style="list-style-type: none"> 1. Workplace Risk Assessments (including lone and home working) 2. Accident & Incident Reporting system (AR3 & Riddor) 3. Contractor Inspection electronic Reporting system 4. Interface with Corporate Risk Management Group 5. Annual audits and annual paths surveys (Parks) 6. Cyclical 5-year survey of park trees and highway trees 7. Regular Footway inspections 8. Fire responsible persons list in place for all sites under the control of E&PP 8. EPP Health and Safety Committee meets regularly to review departmental Health and Safety arrangements | 2 | 4 | 8 | <ol style="list-style-type: none"> 1. Ensure Workplace Risk Assessments (inc. Homeworking) updated annually and biennial reviews conducted 2. Encourage reporting of all significant accidents and incidents using AR3 form (and reporting of RIDDOR incidents) 3. and ensure the necessary communication and training is provided. 4. Ensure resource exists to discharge statutory functions | Sarah Foster |
| 7 | 11 | SSGS | Environmental Services Contract (Mobilisation) Failure to effectively mobilise the new Environmental Services Contracts | <p>Cause(s):</p> <ul style="list-style-type: none"> - Unfamiliarity with new contract model (client & contractors) - Lack of client capacity to progress mobilisation - Lack of supplier capacity to progress mobilisation - Significant service change requiring service-user consultation - Lack of preparation of contract transition (exit and mobilisation) plans <p>Effect(s):</p> <ul style="list-style-type: none"> - Reputational damage - Costs incurred as a result of additional last minute resources required to deliver services - Failure to deliver service to requirements / KPIs / expectations | Service Delivery, Financial & Reputational | 2 | 4 | 8 | <ol style="list-style-type: none"> 1. Regular Project Planning meetings are held to discuss contract transition 2. Transition Plans developed and continually reviewed through regular contract meetings 3. Formal meetings with agreed Terms of Reference according to contract schedules have been established with service providers to mobilise contracts. Following contract commencement in April 2019, progress with mobilisation is being monitored closely by Contract Managers and any issues for resolution are being captured by the Mobilisation Team | 1 | 4 | 4 | <ol style="list-style-type: none"> 1. Lessons learned documentation to be reviewed during internal audit in Q3 | Peter McCready |
| 8 | 12 | Highways | Highways Management Deterioration of the Highway Network due to under-investment | <p>Cause(s):</p> <ul style="list-style-type: none"> - Failure to manage Highways in respect of traffic volumes, winter weather, financial resources leading to deteriorating condition <p>Effect (s):</p> <ul style="list-style-type: none"> - Leading to increased maintenance costs, insurance claims (trips, falls and RTAs) and reputational damage | Financial | 2 | 4 | 8 | <ol style="list-style-type: none"> 1. Strategy to mitigate insurance claims 2. Inspection regime and defined intervention levels for maintenance repairs and monitoring 10% of works for compliance 3. Winter Maintenance procedures (gritting / salting) 4. Increased salt storage capacity 5. Improved customer expectation management 6. Asset management technique (e.g. Highway Asset Management Plan) 7. New capital programme to reduce reactive works 8. Performance Management measures incorporated into Highways contract 9. Modernisation of contractor's programming and completion of maintenance repairs involving remote working ICT technology | 3 | 2 | 6 | <ol style="list-style-type: none"> 1. Review frequency of Highways Inspections and adjust as deemed appropriate to effectively manage the risk in line with revised Code of Practice (published 2016) 2. Additional inspections carried out and repairs undertaken as necessary | Garry Warner |
| 9 | 13 | SSGS | Arboricultural Management Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc. | <p>Cause(s):</p> <ul style="list-style-type: none"> - Failure to ensure that trees are managed as safely as reasonably practicable <p>Effect (s):</p> <ul style="list-style-type: none"> - Leading to blocked highways, reputational damage and financial liabilities | Financial | 4 | 3 | 12 | <ol style="list-style-type: none"> 1. Tree care and safety contract in place (new contract commenced April 2019) 2. Full asset Survey of ~30% of street and park trees (and 50% of school trees) 3. Risk trees identified and registered increased inspection frequency using asset management database (Confirm) 4. Implement remedial works to address risk associated defects 5. Review Tree Risk Management Strategy (annually) 6. Review the 'Storm Strategy' annually-to be able to respond quickly and call in additional staff, equipment and contractors 7. Provide a cyclical safety survey and remedial works schedule commensurate to budget availability and potential prioritisation | 4 | 3 | 12 | <ol style="list-style-type: none"> 1. Staffing levels are not satisfactory within the Arboriculture team, therefore existing risk controls alone are not sufficient. Suitable staff to fill the 2 vacancies could not be identified through the standard recruitment process to fill vacant tree officer posts. An apprenticeship opportunity is being investigated with HR for one of these posts. As at 30.09.19 the advert for the remaining tree officer post is open and 4 applicants had applied, with a closing date of mid October in industry journals | Peter McCready |

Environment & Public Protection (E&PP) Risk Register

| | | | | | | | | | | | | | DATE LAST REVIEWED: | 07/10/2019 |
|-----|---------------|----------|---|--|---------------|-------------------|--------|-------------|---|--------------|--------|-------------|---|----------------|
| No. | E&PP RISK REF | DIVISION | RISK TITLE & DESCRIPTION | RISK CAUSE & EFFECT | RISK CATEGORY | GROSS RISK RATING | | | EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK | CURRENT RISK | | | FURTHER ACTION REQUIRED | RISK OWNER |
| | | | | | | LIKELIHOOD | IMPACT | RISK RATING | | LIKELIHOOD | IMPACT | RISK RATING | | |
| 10 | 14 | All E&PP | <p>Income Variation (Highways and Parking) Loss of income when the Council is looking to grow income to offset reduced funding</p> | <p>Cause(s):</p> <ul style="list-style-type: none"> - Improved Street Works performance by utility companies (reduced fines) - Under-achievement of expected car parking income and parking enforcement, due to resistance to price increases and reduced incidents - Loss of income from Penalty Charge Notices for Bus Lane Enforcement activity - Reduction in Street Enforcement activity (Fixed Penalty Notices) - Failure of APCOA (new Parking contractor) to provide contracted services (e.g. strikes) <p>Effect (s):</p> <ul style="list-style-type: none"> - Loss of income with potential to reduce service delivery funds | Financial | 3 | 3 | 9 | <ol style="list-style-type: none"> 1. Regular income monitoring and review of parking tariff structures, including benchmarking Parking charges against other authorities and local private sector competitors 2. Monitoring contractor performance (e.g. only issue good quality PCNs) 3. Good debt recovery systems 4. Monitoring parking use and avoid excessive charge increases 5. Provide attractive, safe clean car parks 6. Regular contractor meetings 7. Monitoring of parking enforcement activity through Performance Indicators reported to PDS Committees (E&CS, PP&E) 8. Scrutiny of APCOA at PDS meetings | 3 | 2 | 6 | <ol style="list-style-type: none"> 1. Refine procedure for resolving disputes with utilities 2. Review of parking tariff structures 2. Monitor income trends 3. Continue to monitor success in achieving enforcement objectives 4. Intelligence-led targeting of hotspot sites for enforcement 5. Review of further income opportunities as part of Council's Transformation agenda | Colin Brand |
| 11 | 15 | SSGS | <p>Waste Budget Increasing waste tonnages resulting in increased waste management costs</p> | <p>Cause(s):</p> <ul style="list-style-type: none"> - Failure to anticipate/manage waste management financial / cost pressures due to increasing landfill tax, increasing property numbers, declining recycling income (lower paper tonnages) and limited incineration capacity - Waste tonnage growing faster than budgeted or operational factors (i.e. adverse weather conditions, etc.) <p>Effect (s):</p> <ul style="list-style-type: none"> - Budgets being exceeded and potential knock-on impact on other Council services | Financial | 3 | 4 | 12 | <ol style="list-style-type: none"> 1. Cost pressures recognised in Council's Financial Strategy 2. Landfill tonnages falling - offsets any tax increase 3. Continued focus on promoting waste minimisation and recycling (e.g. in Environment Matters and through targeted campaigns such as Food Waste doorstepping) - Monthly monitoring of recycled tonnages and projection to yearly figures - Regular and sustained recycling awareness campaign - Consolidation of Compositing for All campaign - Continuing investigation of waste minimisation and recycling initiatives - Monthly monitoring of all waste tonnages and projection to yearly figures - Monthly monitoring of all collection costs and figures - Ongoing analysis of collection and disposal methodology 4. Consideration of alternative disposal routes e.g. increased use of Veolia's Mechanical Biological Treatment (MBT) plant 5. Reviewing and benchmarking operational costs to identify options 6. Achieving best value tenders under new contract - contract commencement April 2019 | 2 | 3 | 6 | <ol style="list-style-type: none"> 1. The new waste contract commenced in April 2019. This risk will continue to be reviewed during the first contract year to determine whether any additional action is required | Peter McCready |

Environment & Public Protection (E&PP) Risk Register

| | | | | | | | | | | | | | DATE LAST REVIEWED: | 07/10/2019 |
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| | | | | | | LIKELIHOOD | IMPACT | RISK RATING | | LIKELIHOOD | IMPACT | RISK RATING | | |
| 12 | 17 | Public Protection | Food Standards Agency Audit Failure to meet required service standards as required by Food Standards Agency Audit (April 2017) | <p>Cause(s): -Lack of resource to meet Code of Practice service standards. Staff are not staying with Bromley due to other authorities providing more attractive employment opportunities.</p> <p>Effect(s): -Leading to reputational damage and possible use of Power of Direction</p> | Health & Safety | 1 | 3 | 3 | <p>Following a meeting with the FSA (September 2018), they accepted the issues the Team has in recruiting Officers with the prerequisite qualifications necessary to carry out the spectrum of work. In response, they advised the Team to:</p> <p>a. Focus on completing due A -D inspections b. Focus on completing overdue C-D inspections c. This authorisation to shift focus has necessitated a new work programme designed to achieve the desired outcome which has now been developed by the Lead Practitioner.</p> <p>1. The new work programme has been implemented, and focus was given to completing due A -D inspections and overdue C-D inspections. 2. There are still issues with recruitment, as a FTE officer has resigned, and an agency officer left with no notice. Still a need to recruit to 1.4 X FTE food safety officers to address the vacancies. FSA confirmed September 2019 that they will now sign off the audit. Officers in this team have worked incredibly hard to achieve this and are now delivering a new Food Safety Service Plan.</p> | 1 | 3 | 3 | <p>1. Establish a process whereby recruitment of Environmental Health Officers to Bromley is encouraged and staff are provided with an incentive to remain. 2. Build resilience into food safety team.</p> | Joanne Stowell |
| 13 | 18 | All E&PP | Town Centre Businesses Loss of town centre businesses to competition | <p>Cause(s): -Failure to redevelop high streets coupled with competition from out-of-town developments and online shopping</p> <p>Effect(s): -Reduction in high street business and market stall occupancy Loss of income (Business rates and market stalls) Poor public perception and negative publicity</p> | Financial | 3 | 4 | 12 | <p>1. BID Teams organise town centres events 2. Investment in Orpington High Street and Bromley North (done) 3. Regular advertising / promotion of markets and availability of stalls 4. Review of Market operational costs to reduce costs where possible (a review of the markets service is being undertaken as part of the Transforming Bromley agenda) 5. Regular maintenance and renewal of market infrastructure - recent market relocation project has been completed and feedback from traders is positive</p> | 2 | 3 | 6 | <p>1. Ongoing review of market provision linked to outsourcing service provision to Bromley Business Improvement District 2. Detailed annual action plan to be drawn up for each town centre 3. Market Manager is to attend regular strategy meetings with BIDs</p> | Colin Brand |
| 14 | 19 | Traffic and Parking | New Parking Schemes Failure to deliver new Parking schemes resulting income loss and congestion | <p>Cause(s): Increasing demand from residents for parking schemes coupled with decreasing grant funding from TfL</p> <p>Effect (s): Increased congestion and reduced income</p> | Service Delivery | 3 | 4 | 12 | <p>1. Set up register of agreed schemes with designated officers and timescales 2. Develop and agree financial appraisal framework with finance department 3. Software procured (2013/14) to help improve project and programme management</p> | 2 | 2 | 4 | <p>1. Consideration to be given to better balancing the cost of scheme design against parking charges</p> | Angus Culverwell |

Environment & Public Protection (E&PP) Risk Register

| | | | | | | | | | | | | | DATE LAST REVIEWED: | 07/10/2019 |
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| | | | | | | LIKELIHOOD | IMPACT | RISK RATING | | LIKELIHOOD | IMPACT | RISK RATING | | |
| 15 | 20 | All E&PP | Staff Resourcing and Capability Loss of corporate memory and ability to deliver as key staff leave (good new staff are at a premium) | <p>Cause(s):</p> <ul style="list-style-type: none"> -Availability of suitably qualified / experienced staff to replace retirees and leavers. Particular problem within Planning, Environmental Health and Traffic professionals (TfL offers better remuneration and career progression). Lack of incentive for good staff to remain at LBB. <p>Effect (s):</p> <ul style="list-style-type: none"> -Loss of organisational memory, greater reliance on contracted staff, delays in delivering services / plans (e.g. Transport Local Implementation Plan). Inability to effectively manage contracts as Contract Managers may have started out in a different role (i.e. as Service Managers) and do not have the necessary expertise to do so (i.e. auditing). | Service Delivery | 3 | 4 | 12 | 1. Ongoing programme to find and retain quality staff through internal schemes such as career grades and ongoing CPD | 4 | 3 | 12 | <ul style="list-style-type: none"> 1. Consider potential for contractors to supply necessary skills 2. Review options with HR for incentivisation schemes to ensure staff recruitment and retention is high 3. Existing controls are not currently sufficient to maintain the staff quota within the Arboriculture team. Explore apprenticeship scheme as a possibility to ensure this team can maintain deliverables of the service in terms of client inspections and reporting. Enlist contractor to assist with tree survey backlog. | Colin Brand |
| 16 | 22 | All E&PP | Climate Change Failure to adapt the borough and Council services to our changing climate | <p>Cause(s):</p> <ul style="list-style-type: none"> -Severe weather events including extreme heat, storms, floods etc. <p>Effect (s):</p> <ul style="list-style-type: none"> -Resulting in threats to service provision, environmental quality and residents' health in addition to reputational damage caused by perceived lack of action to tackle climate change | Service Delivery | 3 | 4 | 12 | <ul style="list-style-type: none"> 1. Adopt best adaptation practice as identified through London Climate Change Partnership, UK Climate Impacts Programme, and the Local Adaptation Advisory Panel 2. Implementation of LBB's Carbon Management Programme 3. LBB Surface Water Management Plan and Draft Local Flood Risk Strategy 4. Establish net zero (direct) carbon emissions target for 2029 as part of 10 year climate plan | 2 | 4 | 8 | <ul style="list-style-type: none"> 1. Emergency Planning to liaise with Public Health on cross-cutting issues e.g. excess summer deaths and vector-borne disease etc. 2. Detailed climate action plan to be developed as part of ongoing Carbon Management Programme, in order to achieve net zero carbon emissions by 2029 | Sarah Foster |
| 17 | 23 | Public Protection | Mortuary Contract Failure to procure tendered services to budget | <p>Cause(s):</p> <ul style="list-style-type: none"> - Lack of interest from potential bidders - Tendered costs being higher than budget / forecast <p>Effect(s):</p> <ul style="list-style-type: none"> - Risk of challenge - Reputational damage - Failure to achieve best value - Lack of competition / bids - Failure to deliver service to requirements / KPIs / expectations | Financial & Service Delivery | 1 | 3 | 3 | 1. Negotiations for the new contract are now complete and a report recommending contract award was presented to Executive in September 2019. This was fully supported and the contract documentation has been signed. | 1 | 3 | 3 | No action required at this time. | Joanne Stowell |

Environment & Public Protection (E&PP) Risk Register

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| | | | | | | LIKELIHOOD | IMPACT | RISK RATING | | LIKELIHOOD | IMPACT | RISK RATING | | |
| 18 | 24 | Public Protection | CCTV Contract (Mobilisation) Failure to effectively mobilise the new CCTV contracts | Cause(s): - Unfamiliarity with new contract model (client & contractors) - Lack of client capacity to progress mobilisation - Lack of supplier capacity to progress mobilisation - Significant service change requiring service-user consultation - Lack of preparation of contract transition (exit and mobilisation) plans Effect(s): - Reputational damage - Costs incurred as a result of additional last minute resources required to deliver services - Failure to deliver service to requirements / KPIs / expectations | Service Delivery, Financial & Reputational | 2 | 3 | 6 | 1. Regular Contract meetings are held to discuss and monitor contract mobilisation | 1 | 3 | 3 | 1. Continued review of contract as mobilisation is completed, as part of client project meetings | Joanne Stowell |
| 19 | 25 | Public Protection | Income Reconciliation (Public Protection Licensing) Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding | Cause(s): - Lack of processes to reconcile actual licence fee income against expected income held on service specific IT systems. Effect (s): - Loss of income with potential to reduce service delivery funds - Reputational damage | Financial | 3 | 2 | 6 | 1. Regular income monitoring 2. Good debt recovery systems 3. Monitoring of activity through Performance Indicators 4. Continual Benchmarking of licensing charges against other authorities | 3 | 2 | 6 | 1. Refine procedure for reconciliation of expected income against actual and provide suitable training for staff to deliver this | Joanne Stowell |
| 20 | 26 | SSGS | Income Reconciliation (Waste Management) Uncertainty around income reconciliation linked to the mobilisation of new waste contracts | Cause(s): -Lack of integration between client and service provider IT systems so that data is not linked Effect (s): - Loss of income from Commercial Waste and Green Garden Waste services with potential to reduce service delivery funds - Costs incurred as a result of additional last minute resources required to deliver services - Reputational damage | Financial | 3 | 2 | 6 | 1. Regular income monitoring 2. Good debt recovery systems 3. Monitoring of activity through Performance Indicators | 1 | 2 | 2 | 1. Refine procedure for reconciliation of expected income against actual and provide suitable training for staff to deliver this 2. Governance of mobilisation to be reviewed by internal audit in Q3 | Peter McCready |
| 21 | 27 | SSGS | Bromley Town Centre Market Reorganisation Failure to deliver a successful market reorganisation which meets the needs of traders, businesses and customers | Cause(s): -Insufficient engagement to identify the needs of all stakeholders throughout the project Effect (s): -Inability to deliver a thriving town centre market -Loss of income from reduced market stall hire -Reputational damage caused by dissatisfied businesses | Reputational/ Financial | 3 | 3 | 9 | 1. Project Manager identified to lead on market reorganisation 2. Regular stakeholder meetings to review the progress of the market reorganisation (Markets Manager, Markets Supervisor, enforcement team, Highways team, Planning team and BID) 3. Public consultation on the design and layout of the new market position 4. Live RAID log maintained by Markets Manager and Business Support Team detailing any concerns raised by stakeholders and actions to address them 5. Regular dialogue with traders and businesses (in person meet and greet with Markets Manager and Markets Supervisor) 6. Successful launch event with the Mayor for new market location/to officially open Christmas trading | 2 | 3 | 6 | 1. Lessons learned documentation to be completed 2. Meetings with Highways team to be continued in order to complete outstanding Highways snagging list in the High Street 3. Impact of potential High Street retail units/kiosks on existing market stalls to be reviewed | Sarah Foster |



Environment & Public Protection (E&PP) Risk Register

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| | | | | | | LIKELIHOOD | IMPACT | RISK RATING | | LIKELIHOOD | IMPACT | RISK RATING | | |
| 22 | 28 | Public Protection | Dogs and Pests Contract Failure to deliver the contract to the required service levels | Cause(s): -Lack of robustness within contract specification in terms of contract deliverables and Key Performance measures Effect (s): -Inability to deliver statutory functions -Reputational damage | Service Delivery | 3 | 2 | 6 | 1. Identification of named Contract Manager 2. Regular contract management meetings with service provider 3. Review of contract specification to identify change control requirements (a contract change notice regarding a change to invoicing was signed in August 19). | 2 | 2 | 4 | No action required at this time. | Joanne Stowell |
| 23 | 29 | Public Protection | Out of Hours Noise Service Failure to deliver statutory services | Cause(s): The out of hours noise service is dependant on grant funding from the Mayors Office for Policing & Crime (MOPAC) by way of the Local Crime Prevention Fund. This grant is released on a 2 year cycle, current cycle ends March 2021. The grant was reduced in 2017 and there is no guarantee it will be sustained post April 2021. The service is staffed on a voluntary basis. Effect: Inability to deliver Out of Hours Noise Service. | Service Delivery | 3 | 4 | 12 | 1. Annual review with MOPAC on service outcomes | 3 | 4 | 12 | 1. Meetings with MOPAC to ensure early warnings of any change to funding levels. MOPAC funding is outside of the control of LBB. 2. Review the Service offer | Hedley Pugh |
| 24 | 30 | Public Protection | Integrated Offender Management Failure to contribute to IOM in Bromley | Causes: -IOM functions are reliant on grant funding from MOPAC via the LCPF, equates to one day per week. Reduction or cessation of grant after April 2020. Effect: -Inability to contribute to IOM in Bromley. | Service Delivery | 3 | 4 | 12 | 1. Annual review with MOPAC on service outcomes | 3 | 4 | 12 | 1. Meetings with MOPAC to ensure early warnings of any change to funding levels. MOPAC funding is outside of the control of LBB. | Rob Vale |
| 25 | 31 | Public Protection | Anti-Social Behaviour Co-Ordinator post: Failure to deliver ASB problem solving and partnership activity | Cause(s): -Grant from MOPAC via the LCPF is used to fund the ASB Co-ordinator post which is responsible for delivering targeted ASB project work across the borough with partner agencies. Reduction or cessation of grant after April 2021. Effect: -Inability to fund this post would result in the cessation of targeted ASB work with partners across the borough. Funding for this post was reduced in 2018 and the shortfall was met by LBB. LBB continue to meet the slight shortfall in 2019. | Service Delivery | 3 | 4 | 12 | 1. Review of project outcomes to determine whether they can be delivered on a reduced budget with LBB contributions in kind | 3 | 4 | 12 | 1. Review of Community Safety functions to allow for MOPAC project delivery on reduced days per week. MOPAC funding is outside of the control of LBB. | Rob Vale |

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Report No.
ES19078

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: ENVIRONMENT & COMMUNITY SERVICES PDS COMMITTEE
PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

Date: 13th November 2019 and 14th November 2019

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

Title: FLY-TIPPING ACTION PLAN UPDATE

Contact Officers: Toby Smith, Enforcement Manager
E-mail: Toby.Smith@bromley.gov.uk
Sarah Foster, Head of Performance Management and Business Support
E-mail: Sarah.Foster@bromley.gov.uk

Chief Officer: Colin Brand, Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for report

- 1.1 This report outlines the actions that have been identified for delivery during 2019/20 in order to support the outcomes of the Council's Fly-Tipping and Enforcement Working Group.
- 1.2 This report is being presented to both the ECS PDS Committee (to specifically review the educational, prevention and operational activities) and the PPE PDS Committee Meeting (to review the enforcement activities), though both Committees have the opportunity to comment on the action plan in its entirety.

2. **RECOMMENDATION**

- 2.1 **That Members note and comment on the content of the Fly-Tipping Action Plan, suggesting future activities for consideration by the Fly-Tipping and Enforcement Working Group where applicable.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: The reduction of fly-tipping and other Envirocrime will lead to a positive impact for all service users and has no specific impact on vulnerable adults and children.
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Safe Bromley
-

Financial

1. Cost of proposal: Estimated Cost Further Details
 2. Ongoing costs: Recurring Cost Non-Recurring Cost Not Applicable: Further Details
 3. Budget head/performance centre: Members' Initiatives
 4. Total current budget for this head: Total current uncommitted balance of £120,824
 5. Source of funding: Members' Initiative Scheme (fly tipping scheme)
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Procurement of prevention measures and environmental campaign activity will be in line with Contract Procedure Rules and Financial Regulations. Where highway related works cannot be procured through the existing Highways Maintenance contract, these projects will be procured through a mini-competitive tender exercise.
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors' comments: Ward Councillors are supportive of the targeted local prevention measures included within the action plan.

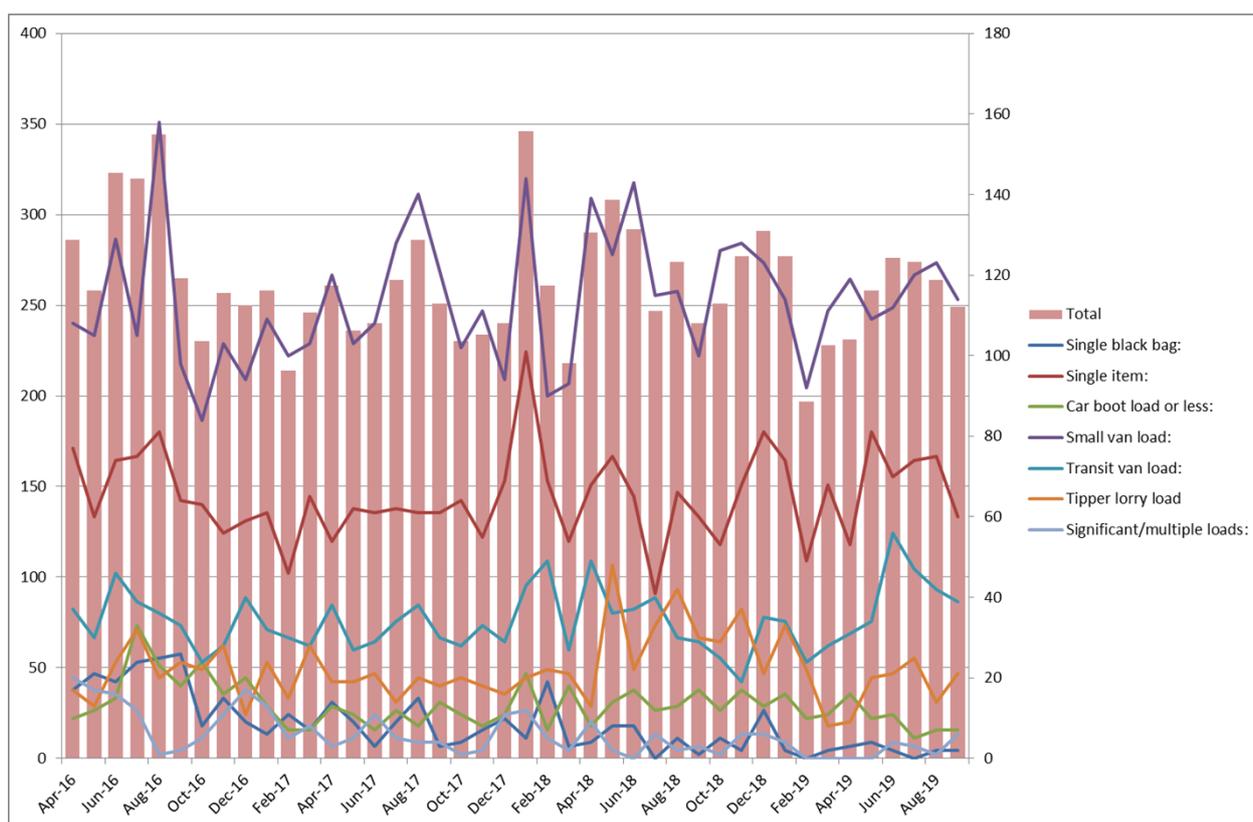
3. COMMENTARY

3.1 As part of the Council's Public Protection and Enforcement Portfolio Plan 2019/20, there is a commitment to keeping the borough's streets clean and green and to reduce litter, dog fouling and fly-tipping through a programme of contracted works, education and enforcement activity. Targets have been set to reduce the number of fly-tipping incidents in the borough to less than 3000 per annum and to take enforcement action against 10% of fly-tips.

3.2 During the first six months of 2019/20, there have been 1,552 fly-tipping incidents, amounting to an estimated 966.22 tonnes of waste, which compares to 1,651 during the same period in 2018/19. Of those incidents during 19/20, 111 (7.2%) have been subject to enforcement activity (investigations as reported to Defra, including fines and prosecutions). Whilst a higher volume of enforcement activity would be desirable, this is limited by the quantity and quality of evidence available at the time of each incident.

3.3 Figure 1 indicates the fly-tips by type and volume of material from 2016 onwards, showing that the largest numbers are from small van loads, followed by single items.

Figure 1: Fly-tips by type 2016-2019



3.4 A Fly-Tipping and Enforcement Working Group has been established and is comprised of senior officers within the Council. The Fly-Tipping Action Plan is an output of the Group and is included at Appendix A for Members to review and comment on its current content. Terms of Reference, including membership of the group and key outcomes are included at Appendix B.

3.5 Activities undertaken as part of the 2019/20 Plan include targeted awareness campaigns (such as letters to residents in the immediate vicinity of a fly-tipping hotspot), physical prevention measures such as barriers and road closures and a benchmarking exercise to establish best practice that can be applied within the borough.

- 3.6 The public can assist officers to manage fly-tips by reporting issues via Fix-My-Street (FMS), an on-line reporting facility which now handles almost 70% of residents' reports regarding the Streetscene. FMS provides the public with an opportunity to upload photographic evidence of fly-tips and to see an update on the system when the rubbish has been removed. During the first six months of 2019/20, 1856 reports on FMS have been related to fly-tipping (1746 excluding reports within parks). This number of reports is higher than the actual number of incidents as it includes duplicate reports on the FMS system where different members of the public may have reported the same issue.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The reduction of fly-tipping and other Envirocrime will lead to a positive impact for all service users and has no specific impact on vulnerable adults and children.

5. POLICY IMPLICATIONS

- 5.1 Work undertaken as part of the Fly-Tipping Action Plan supports existing Council Policy.

6. FINANCIAL IMPLICATIONS

- 6.1 The annual cost of fly-tip removal is a fixed price sum which is included as part of the Street Environment Contract (Lot 3 of the Environmental Services Contracts, which commenced in April 2019). The set fee is regardless of quantities and, based on fly-tips cleared to date, is in line with Defra benchmarked costs for other local authorities.
- 6.2 The disposal of the fly-tipped waste is undertaken through the Waste Disposal Contract (Lot 1) via the Council's Central Waste Depot at Waldo Road. Costs of disposal have been benchmarked and are also in line with the Defra figures.
- 6.3 Activities set out within the Fly-Tipping Action Plan (unless otherwise stated) are funded through the Members Fly-Tipping Initiative Fund. The fund initially totalled £250k and at the time of writing this report, £15,696 has been spent, with a further £113,480 committed.
- 6.4 There is a remainder of £120,824 within the Fund. The sum of the identified potential activities within the action plan (Appendix A) for 2019/20 totals £273,360. Activities will therefore be prioritised by the Working Group in consultation with the Environment Portfolio Holder and Members and according to the impact they are likely to have on preventing and reducing fly-tipping in the borough. Alternative funding will need to be identified for any schemes that cannot be funded through the fly tipping initiative fund. The financial impact of this cannot be determined at this time.

7. LEGAL IMPLICATIONS

- 7.1 The council obtained an interim injunction last year to prevent unauthorised camping and dumping of waste on a number of named sites throughout the Borough. When the matter went to a contested hearing earlier this year, this was only upheld in relation to the prohibition of dumping of substantial waste on those areas. Bromley Council have lodged an appeal against the refusal to grant the injunction in respect of camping on those sites, and this is due to be heard at the Court of Appeal on the 3rd and 4th December, where the council will be represented by Junior and Senior Counsel. Given the considerable uncertainty as to outcome, parties have agreed that they should each bear their own costs in the matter, so in the event of losing this appeal, Bromley will not incur 3rd party costs.

8. PROCUREMENT IMPLICATIONS

8.1 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

| | |
|---|-----------|
| Non-Applicable Sections: | Personnel |
| Background Documents: (Access via Contact Officer) | |

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London Borough of Bromley Fly-Tipping Action Plan 2019/20 - Q2 Update

| Activity No. | Portfolio Plan | Fly-Tipping and Enforcement Working Group Theme | Activity Description | Outputs | Target Completion Date | Q2 19/20 Progress Update | Lead Officer | Action Required | RAG Status of Activity (Green = On Track, Amber = Slightly Off Track, Red = Off Track, Blue = Complete) |
|--------------|----------------|---|---|--|------------------------|---|---------------------|--|---|
| 1 | PP&E | Enforcement | Obtain High Court Injunction against traveller incursions (in order to reduce the resulting fly-tipping of waste) | Injunction Obtained | Dec-19 | Appeal court hearing is scheduled for December 4th 2019 | Enforcement Manager | Enforcement Manager to attend court and following this, provide an update to Members. | AMBER |
| 2 | PP&E | Enforcement | Targeted Enforcement Officer Patrols in identified littering hot spots | 6 hours of patrols completed per week | Apr-20 | 144 hours of patrolling undertaken during 2019/20 by the Parks Security Contractor. | Enforcement Manager | Enforcement Manager to undertake refresher training on the littering hotspots and the methodology for undertaking effective patrols. To liaise with the Parks Security Contractor to ensure that sufficient officer coverage is in place to enable a suitable issuing of FPNs. | GREEN |
| 3 | PP&E | Enforcement | MOPAC Operations | 1 per month | ongoing | Mobile stop and search patrols of vehicles suspected of being involved in fly-tipping. 1 per month completed. | Enforcement Manager | Continued effective partnership working with colleagues in the Police and Fire Brigade. | GREEN |
| 4 | PP&E | Enforcement | Cul-de-Sac in Wagtail Way, Orpington blocked off due to becoming a fly-tipping hotspot | Road Blocked | Jul-20 | 100% success rate with no fly-tipping in this location since the closure was put in place. | Enforcement Manager | No further action required at this time. Residents and Ward Councillors are very pleased with the success in terms of fly-tipping. The Council will now investigate alternatives for blocking the road as the existing concrete blocks are unsightly. | GREEN |
| 5 | ECS | Prevention Infrastructure | Installation of wooden stud posts around the perimeter of Okemore Gardens to prevent the incursion of vehicles that may be involved in fly-tipping. | Installation Complete | Mar-20 | A quotation for the works has been obtained through the LBB Highways contractor. | Enforcement Manager | Enforcement Manager will be presenting the scheme to the Portfolio Holder for approval during November. | GREEN |
| 6 | ECS | Prevention Infrastructure | Leaves Green Bunding Project | Bunding Project Complete | Mar-20 | A planning application has been submitted through the Enforcement Manager. | Enforcement Manager | A decision will be reached on 7th November 2019 at the Planning and Appeals sub-committee. Recommendation in the published agenda item is that, based on information available, the scheme should proceed. | GREEN |
| 7 | ECS | Prevention Infrastructure | Green Street Green | Installation Complete | Mar-20 | A quotation for the works has been obtained through the LBB Highways contractor. | AD Highways | AD Highways is taking this project forward. | GREEN |
| 8 | ECS | Prevention Infrastructure | Installation of high Security drop bollards at the end of Star Lane | Installation Complete | Mar-20 | A quotation for the works has been obtained through the LBB Highways contractor | AD Highways | Enforcement Manager will be presenting the scheme to the Portfolio Holder for approval during November. | GREEN |
| 9 | ECS | Prevention Infrastructure | Installation of 434 linear metres of metal knee high post and rail fencing at Mottingham Recreation Ground | Installation Complete | Mar-20 | A quotation for the works has been obtained through the LBB Highways contractor | Enforcement Manager | Enforcement Manager will be presenting the scheme to the Portfolio Holder for approval during November. | GREEN |
| 10 | ECS | Prevention Infrastructure | Temporary closure of Star lane to prevent fly-tipping | Closure in place from March and is ongoing | Mar-19 | The closure of Star Lane resulted in a reduction of fly-tipping in the local area | Enforcement Manager | A proposal to implement a permanent closure will be prepared by the Enforcement Manager for discussion with the Working Group and Board during November. | COMPLETE |

| Activity No. | Portfolio Plan | Fly-Tipping and Enforcement Working Group Theme | Activity Description | Outputs | Target Completion Date | Q2 19/20 Progress Update | Lead Officer | Action Required | RAG Status of Activity (Green = On Track, Amber = Slightly Off Track, Red = Off Track, Blue = Complete) |
|--------------|----------------|---|--|--|--------------------------------------|---|--------------------------------------|---|---|
| 11 | ECS | Education | Deliver a Magistrate Training Session on the enforcement issues affecting the Council and how these can be better supported by Magistrates (for example costs incurred by the Local Authority vs penalties imposed by the Magistrate, speed of the courts in terms of responding to hearing requests relating to RIPA and incursions). | Training Delivered | Dec-19 | Training for magistrates was completed In September in partnership with LBB Trading Standards and Community Safety and was well received. | Enforcement Manager | No further action required at this time. | COMPLETE |
| 12 | ECS | Education | Environmental Campaigns Working Group to be established | Group Established | Sep-19 | Terms of Reference established. Inaugural meeting held. Meetings scheduled quarterly for 19/20. Criteria established for environmental campaign eligibility and monitoring. | Environmental Campaigns Co-ordinator | Environmental Campaigns plan to be updated with activities to be delivered during the remainder of 2019/20. | COMPLETE |
| 13 | ECS | Education | Environmental Campaigns Working Group meetings to be scheduled for every 3 months (with a new campaign highlighted for development at each meeting) | Campaign identified every three months | On-going | Inaugural meeting with Neighbourhood Managers held on 06/11/19. | Environmental Campaigns Co-ordinator | Follow up meeting scheduled for 27/11/19 and then last Wednesday of every month thereafter. | GREEN |
| 14 | ECS | Education | Country Lanes Anti-Littering Campaign Trial | 5 signs installed down Old Hill | 4 months after installation of signs | Visuals for signs produced and quotation obtained | Environmental Campaigns Co-ordinator | Approval has been obtained by the Portfolio Holder to proceed. Ward Member consultation in progress. | GREEN |
| 15 | ECS | Education | Country Lanes Anti-Littering Campaign | Signs installed down country lanes in priority order | On-going | N/A | Environmental Campaigns Co-ordinator | Awaiting evaluation of trial. | GREEN |
| 16 | ECS | Education | Environment Matters Newsletters- November 2019 which will cover fly-tipping waste carrier legislation and enviro-crime | Newsletter delivered to 140K households | Nov-19 | Newsletter distributed during November 2019 | Communications Executive | No further action required at this time. | GREEN |
| 17 | ECS | Education | Safer Bromley Newsletter -November 2019 which will cover fly-tipping waste carrier legislation and enviro-crime | Newsletter delivered to 140K households | Nov-19 | Newsletter distributed during November 2019 | Communications Executive | No further action required at this time. | GREEN |
| 18 | ECS | Education | Environment Matters Newsletters- Spring 2020 which covered fly-tipping waste carrier legislation and enviro-crime | Newsletter delivered to 140K households | Mar-20 | N/A | Communications Executive | No further action required at this time. | COMPLETE |
| 19 | ECS | Education | Safer Bromley Newsletter - Spring 2020 which will cover fly-tipping waste carrier legislation and enviro-crime | Newsletter delivered to 140K households | Mar-20 | N/A | Communications Executive | No further action required at this time. | GREEN |

| Activity No. | Portfolio Plan | Fly-Tipping and Enforcement Working Group Theme | Activity Description | Outputs | Target Completion Date | Q2 19/20 Progress Update | Lead Officer | Action Required | RAG Status of Activity (Green = On Track, Amber = Slightly Off Track, Red = Off Track, Blue = Complete) |
|--------------|----------------|---|--|---------------------------------------|------------------------|---|---|--|---|
| 20 | ECS | Education | Ad Hoc News releases and online content including social media publicising related prosecutions and enforcement activity | Media releases following prosecutions | ongoing | There have been 3 news releases this year relating to fly-tipping and other envirocrime prosecutions and enforcement activity | Communications Executive | Information will continue to be published as and when activities occur. | GREEN |
| 21 | ECS | Education | Fly-Tipping feature in the trader publication to Gas Safe professionals giving these traders advice about waste disposal. | Article Published | Jun-19 | Complete | Communications Executive and Senior Performance Officer | No further action required at this time. | COMPLETE |
| 22 | ECS | Education | Published anti fly-tipping messaging in Orpington and Bromley town centres on Digital Information displays. | Messages Published | Jun-19 | Complete | Communications Executive | Digital Information content to be reviewed during Q3 to plan future advertisements as part of Environmental Campaigns Working Group. | COMPLETE |
| 23 | ECS | Education | Targeted local newspaper advertising raising awareness of fly-tipping as well as promoting correct waste disposal options | Article Published | Mar-20 | Advertising messaging is currently being developed. | Communications Executive | Draft adverts are to be developed during Q3. | GREEN |
| 24 | ECS | Operational Activity | ECHO System to be implemented by the Waste Collection and Disposal Service Provider (and integrated with LBB IT systems), in order to raise awareness of waste collection days and provide a reporting system linked directly to the Service Provider (reduction in fly-tipping of household black bagged waste) | System implemented | Sep-19 | The ECHO system has been implemented in time for the waste service change and is working well. | Neighbourhood Manager (Waste) | No further action required at this time. | GREEN |
| 25 | ECS | Operational Activity | ECHO System to be implemented by the Street Environment Service Provider (and integrated with LBB IT systems). | System implemented | Mar-20 | Regular meetings as part of ICT Integration Project Board | Neighbourhood Manager (Street Environment) | Full integration will be developed with the Service Provider within Q4. | GREEN |
| 26 | ECS | Operational Activity | Targeted letters to residents in fly-tipping hotspot areas advising them of local incidents and asking for information. | Letters sent | Mar-20 | Hot-Spot research in progress | Technical Support Team Manager | Letter to be drafted (linked to Street Environment Contract data and FMS reports) | GREEN |
| 27 | ECS | Data and Analytics | Fully mobilise the Performance Management Framework (PMF) to monitor and manage the performance of the Street Environment Service Provider (fly-tip clearances). | Report Produced | Dec-19 | PMF has been tested for 6 months and is fully applied to the contract from October 2019. | Neighbourhood Manager (Street Environment) | PMF to be monitored monthly to identify any performance trends or issues. | GREEN |
| 28 | ECS | Data and Analytics | Analysis of 'optimum' fly-tipping removal times | Data Produced | Dec-19 | Research in progress | Technical Support Team Manager | Further discussion required with Keep Britain Tidy around Local Authority factors which can inadvertently influence fly-tipping. | GREEN |
| 29 | ECS | Data and Analytics | Establish Benchmarking activity against other local authorities in terms of no. of fly-tipping incidents (on a population basis). | Data Produced | Mar-20 | In progress | Senior Performance Officer | Survey to be distributed via London Environment Directors Network. | GREEN |

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Fly-Tipping and Enforcement Working Group
Terms of Reference (Updated October 2019)

1.0 Background

- 1.1 The Fly-Tipping and Enforcement Working Group was created in July 2018 to identify issues relating to fly-tipping and other enforcement activities in Bromley, to implement solutions to address and reduce issues such as fly-tipping, littering and graffiti, and to enforce against highways licensing breaches.
- 1.2 During 2016/17 a Fly-Tipping initiatives project was undertaken with the aim of reducing the levels of fly-tipping in the borough in the short, medium and long term through undertaking a number of operations and campaigns and to catch and prosecute fly-tipping offenders. Activity of that group did not continue in a formal way due to the lead officer leaving the department, however, the aims of that project will be continued through this working group.

2.0 Purpose of the Fly-Tipping and Enforcement Working Group

- 2.1 The proposed outcomes from the working group are:
- Less fly-tipping incidents in the borough / key hotspots;
 - Less graffiti, litter and abandoned vehicles;
 - Less highways offences/breaches of licences;
 - Increased enforcement activity (investigations, prosecution and fines);
 - Improved communication through a targeted Communications Plan;
 - Increased resident satisfaction.
- 2.2 The Group will maintain responsibility for examining, advising and co-ordinating Environment and Public Protection's approach to the following:
- a) Fly-tipping prevention activities
- Identification and delivery of projects to install street infrastructure in known hotspot areas
 1. overhead barriers;
 2. width restrictors;
 3. target hardening;
 - Communications Campaigns
 1. targeted education activities (waste producers and waste carriers);
 2. posters/signage in hotspot areas;
 3. events in hotspot areas;
 4. Website and social media communication (including promotion of Fix My Street as a reporting tool).
- b) Stop and Search Vehicle Seizure operations
- Deliver operations to stop and investigate suspect waste carrying vehicles in partnership with the Police to verify if they have the correct waste carrier licenses / paperwork.

c) Targeted enforcement activities

- Co-ordination of enforcement activities in fly-tipping hot spot areas;
- Targeted enforcement of business activity requiring highways licenses;
- Review of current enforcement policy to ensure it is fit for purpose;
- Determination of the criteria for prosecution (with advice from Legal Services).

d) Performance Monitoring and Management

- Undertake GIS data analysis for fly-tips to map hot-spot areas which will help determine where enforcement projects will be focused going forwards;
- Service review of licensing of highways through benchmarking activities and customer feedback;
- Review of Key Performance Indicators used by the department to measure enforcement activities;
- Reporting of performance to the relevant stakeholders (to include Portfolio Holders and associated PDS committees for Environment & Community Services and Public Protection & Enforcement, LEDNET and other Local Authorities);
- Benchmarking of enforcement activities against other, similar sized local authorities.

Each project delivered to support the outcomes of the group will require a business case and will be assessed for suitability for delivery by members of the Fly-tipping and Enforcement Board (membership details below).

3.0 Financial Resourcing

3.1 Project funding to support the deliverables of the Group will be available from two sources:

1) Current revenue budget (for the delivery of the Environmental Services contracts that currently tackle Street Environment and Enforcement activities); and

2) Members' Initiative Fund for Fly-Tipping prevention - a fund established specifically to tackle fly-tipping, with budget allocation requiring sign off by the Portfolio Holder for Environment and Community Services.

4.0 Membership

4.1 The membership of the **Working Group** must reflect the remit of the group.

4.2 Membership of the group will be reviewed annually (April). Representatives will be asked to accept membership or nominate a replacement.

4.3 Membership of the Board includes:

- o Chairman – Head of Enforcement (Toby Smith);

- Neighbourhood Manager and Street Environment Contract Manager (David Hall);
- Technical Support Team Manager (Jonathan Richards);
- Environmental Campaigns Officer (Jackie Baxter);
- Communications Executive (Andrew Rogers);
- Clerk – A representative of the Performance Management and Business Support Team.

4.4 Associate members of the Working Group will include the Head of Legal Services, Parks Management and Grounds Maintenance Contract Manager, the Head of Performance Management and Business Support and the Assistant Director for Public Protection.

4.5 Membership of the **Fly-tipping and Enforcement Board** (includes:

- Chairman – Assistant Director of Environment (Peter McCready);
- Director of Environment and Public Protection (Colin Brand);
- Portfolio Holder for Environment and Community Services.

The Board will meet as and when required to review and discuss the progress and report on the outcomes of all proposed and ongoing projects. Individual project proposals will be submitted to the Chairman of the Board on an ongoing basis via the Council's approved Business Case template.

4.6 Representation from project partners will be arranged as required.

5.0 Reporting and Enabling Mechanisms

5.1 The Working Group will meet every month for no longer than 1.5 hours.

5.2 Notes and actions from each meeting will be recorded and circulated to the group within 10 days of each meeting. All related documentation will be saved on the Fly-Tipping and Enforcement Sharepoint site.

5.3 The Working Group will submit an annual work programme (Fly-Tipping Action Plan) to DMT for approval.

5.4 The Working Group will provide a quarterly update to DMT, and report by exception.

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Report No.
ES19080
DRR

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT PDS
COMMITTEE/DEVELOPMENT CONTROL COMMITTEE

Date: 14th November 2019/26th NOVEMBER 2019

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

Title: PLANNING ENFORCEMENT PROGRESS AND MONITORING
REPORT

Contact Officer: John Stephenson, Head of Planning and Development Support Team
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director Planning

Ward: (All Wards);

1. Reason for report

This report provides an update on the progress of the current cases under investigation / pending consideration, cases which are currently at appeal, cases which are also waiting compliance period, cases where enforcement action has been instigated, cases awaiting prosecution action. Enforcement action authorised, cases that are currently with our legal department awaiting further action, cases where direct action has been authorised, cases which have now been closed together with a full breakdown on the range of current complaints between April 2019 and October 2019.

2. **RECOMMENDATION(S)**

Members to consider the report

Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding: 2018/2019
-

Personnel

1. Number of staff (current and additional): 50.4ftes
 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: None directly from this report
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Planning Enforcement team investigates allegations of breaches of planning control across the whole of the Borough, as set out in the Council's Planning Enforcement Policy. This policy was approved by Members in order to provide some guidance on any actions the Council may wish to consider when enforcement action could be taken.
- 3.2 Based on the information provided above I can confirm that further progress has been achieved in reaching our projected target as set out in our portfolio Plan 2019/2020
- 3.3 The Planning investigations team is currently made up of five investigating officers, 3 fte's permanent planning investigating officers and in November 2017 the team had been given two additional temporary full time investigating officers in order to be able to meet the demands on our current service delivery.
- 3.4 As a result from the much needed additional resources in staffing albeit temporary the current levels of enquiries although it has exceeded the projected figures, we were able to keep our current outstanding cases to within targets. As we are being more proactive in our approach to investigating breaches of planning control.
- 3.5 However it should be noted that due to a member of the team who retired in June 2019 and a member currently on maternity leave the team has been reduced to 3 fte's and this has had an impact on the rise in reported enquires. The time taken to deal with outstanding cases has also increased. It should be noted that it has been difficult to recruit any experienced planning enforcement or investigation officer's as the type of temporary contract on offer would not tempt anyone to leave a permanent role to work for a temporary period of time.
- 3.6 The Council has a statutory duty to investigate planning enforcement enquires/complaints, but they are given discretionary powers as to whether/ when to instigate formal enforcement action in each individual case. In each and every individual case expediency test/assessment is carried out before considering instigating any formal enforcement action.
- 3.7 We liaise very closely with our legal department to get clear advice as part of the expediency test in order that we can be satisfied that we are taking the appropriate actions on all enforcement matters at any given time as we may leave the Council open to an award of costs if at appeal the Planning Inspectorate allows an appeal and if the Council may have been unreasonable. We have introduced a new procedure where Planning officers within the appeals team draft the notices before with the instructions when they are sent to our legal department to streamline the process further.
- 3.8 We have had seen a steady increase over the last couple of years in the amount of enquires received. The main difference since our previous report shows that the highest increase in enquiries received are in connection with Operational Development which has seen a 10% increase up from 25% to 35% in the last 5 months.
- 3.9 Direct action will always involve a cost, and as a result quotes will be obtained in order for the Council to carry out the works in default of the notice. These cases will be presented to a Committee with a recommendation for Members to consider. It is for Members to make a decision to agree to authorise direct action, as this type of action may involve some considerable financial cost to the Council. A charge on the property/land can be considered by the Council in order to recover the Council's initial cost together with the appropriate interest rate charged until the bill is paid.

- 3.10 In June 2019 a report was presented to committee concerning the **450** open enforcement cases which were currently under investigation or pending consideration. Between April and October 2019 we have received an additional **516** new cases. As it currently stands a total of **580** open enforcement cases are currently under investigation or pending consideration. This is a reported rise of 28%
- 3.11 The total number of cases received in the last financial year was reported in June 2019. As an update to the previous report, below is the analysis of the new cases received since 1st April 2019.

| Range of enquiries April to October 2019 | No. of enquiries | % of enquiries |
|--|------------------|----------------|
| Operational Development | 179 | 34.6% |
| Plans - not built according to | 62 | 12.1% |
| Untidy Sites (S215) | 48 | 9.3% |
| Change of Use | 47 | 9.1% |
| Breach of condition | 57 | 11% |
| Trees | 24 | 4.6% |
| General | 41 | 7.9% |
| Commercial Activity | 13 | 2.5% |
| Boundary treatment | 18 | 3.4% |
| Adverts | 23 | 4.4% |
| Access | 3 | 0.5% |
| Shop shutters | 0 | 0% |
| Commercial vehicle - parking of | 0 | 0% |
| Satellite Dishes | 1 | 0.1% |
| Total | 516 | 100% |

- 3.12 **55 (9%)** enforcement cases are currently held in abeyance pending the outcome of an appeal with the Planning Inspectorate against the enforcement notices served or are the subject of an appeal against a S78 refused planning decisions. This number may also include cases where a compliance date is pending or currently awaiting prosecution through court proceedings.
- 3.13 **25 (4%)** of these cases has as a result of the planning investigation/enforcement action have now submitted a planning application for material consideration in an attempt to remedy the breach of planning control, any further enforcement action is currently on hold pending the outcome/decision of these planning applications.
- 3.14 As an update on enforcement activity since the last report in June 2019, **39 (7%)** Enforcement Notices have been served in connection with breaches of planning control in the period April 2019 to October 2019, in other cases, successful negotiation led to matters being resolved before formal enforcement notices were issued. The updated enforcement activity is summarised in the table below.

| Type of Notice | Number of Notices issued between April 2019 and October 2019 |
|-----------------------------------|--|
| Operational Development | 14 |
| Change of Use | 15 |
| S215 | 3 |
| Breach of Condition Notice | 4 |
| Planning Contravention Notice | 2 |
| Stop Notice | 0 |
| Failure to comply with Conditions | 1 |
| TOTAL | 39 |

- 3.15 A total of **352 Cases** which have been closed between April 2019 and October 2019.
- 3.16 In **12** cases where an enforcement notice has been effective and has not been complied with, the Council may exercise its powers by taking prosecution action. The council is currently in the process of prosecuting on the following cases:
- A property in Babbacombe Road – located in the Plaistow and Sundridge Ward.
 - A property in Market Meadow – located in the Cray Valley East Ward.
 - A premises in Croydon Road – located in the Kelsey and Eden Park Ward.
 - A site in Beaverwood Road – located in Chislehurst Ward.
 - A premises in High Street - located in Chislehurst Ward.
 - A property in Camden Way - located in Chislehurst Ward.
 - A property in Midfield Way- located in the Cray Valley West Ward.
 - A property in Queens Road- located in the Clock House Ward.
 - A property in Tudor Way - located in Petts Wood and Knoll Ward.
 - Land at Sunningvale Avenue - located in Biggin Hill Ward.
 - A site in Sevenoaks Road - located in Chelsfield and Pratts Bottom Ward.
 - A site in Green Street Green – located in the Chelsfield and Pratts Bottom Ward.
- 3.17 A list of all cases where delegated authority action has been approved is attached as Appendix 2.
- 3.18 As a result of working closely with the Chairman and Vice Chairman of the Development Control Committee further improvements are being proposed in how officer's report back to all Ward members. This will commence from January 2020 with the first report due at the end of February or March 2020. The will take the form of either a bi-monthly or quarterly list of current cases broken down by Ward. This is to enable Ward members to have a complete understanding of what is happening within their own wards.
- 3.19 Ward members are also being encouraged to contact the planning enforcement team to spend a day in the life of a planning investigation officer. This will give a brief insight in to how enquiries are being handled and to assist in fully understanding what the role entails.
- 3.20 Our next Planning Enforcement Progress and Monitoring Report are due to be presented to Public Protection and Enforcement Policy Development and Scrutiny Committee and Development Control Committee in 2020.

| | |
|--|--|
| Non-Applicable Sections: | Policy, Legal and Personnel Implications |
| Background Documents: (Access via Contact Officer) | Planning enforcement progress and monitoring report – RR&HSG PDS committee 26 June 2019 |

Appendix 2 - List of delegated enforcement action approved April to October 2019

| ENF Ref | Complaint | Site | Ward | Recommendation | Decision date |
|-----------------|--|--|----------------------------------|---|---------------|
| 18/00662/OPDEV | Brick walls and fencing erected adjacent to entrance to site | Land adjacent to Knockholt Railway Station South Side, Sevenoaks Road, Halstead | Chelsfield And Pratts Bottom | OPDEV Enforcement Notice | 10.04.19 |
| 18/00485/UNTIDY | Material change of use for the above premises being used as a Waste Transfer site (waste materials being bought from other sites) and storage of building materials/equipment in the rear garden of the premises | Cambridge Road, Penge, SE20 7XL | Clock House | MCU Enforcement Notice | 23.04.19 |
| 18/00662/OPDEV | Without planning permission on the land edged in red: shown in detail on the attached Plan B. A) the widening of the accessway and installation of hardstanding between points marked 'A' to 'B' on the attached plan b. B) installation of gates exceeding 2m in height between points marked 'C' to 'D' on the attached plan B. C) brick piers exceeding 1m in height at pooints marked 'A' and 'b' on the attached plan B. D) erection of boundary fence exceeding 2m in height between points marked 'A' to 'B'. E) Paving, raised brick built flowerbed, block built utility box in area marked by green hatching on the attached plan B. G) stationing of a mobile home for residential and office purposed located at point marked with an 'X' within the area marked by green hatching on the attached plan B. | Land adjacent to Knockholt Railway Station, South Side, Sevenoaks Road, Halstead | Chelsfield And Pratts Bottom | Operational development enforcement notice | 23.04.19 |
| 16/00548/OPDEV | Unauthorised overheight patio and fencing | Tudor Way, Petts Wood | Petts Wood and Knoll | Prosecution | 24.04.19 |
| 17/00647/OPDEV | Unauthorised erection of an outbuilding and failure to comply with condition 2 of a planning permission | Beckenham Lane, Shortlands, BR2 0DQ | Bromley Town | 1 Operational development Enforcement Notice 2. Breach of Condition Notice | 08.05.19 |
| 18/00432/CHANGE | Unauthorised change of use from 1. a car park to a gymnasium, 2. The second floor from residential to use for staff, 3. The use of the ground floor to a creche. | Chatsworth Parade, Petts Wood, Orpington, BR5 1DF | Petts Wood and Knoll | planning contravention notice | 08.05.19 |
| 18/00737/UNTIDY | Untidy Site | Dunkery Road, Mottingham | Mottingham and Chislehurst North | S215 Untidy Site Notice | 09.05.19 |
| 18/00202/CHANGE | Sub-division into separate residential units | Birkbeck Road, Beckenham, BR3 4SP | Clock House | planning contravention notice | 13.05.19 |
| 18/00012/CHANGE | Outbuilding used as a gym | Blandford Road, Beckenham, BR3 4NN | Clock House | Enforcement notice | 16.05.19 |
| | | | | | |
| 19/00243/UNTIDY | Untidy site including waste disposal on site | Jail Lane, Biggin Hill, TN16 3AX | Darwin | S215 Untidy Site Notice | 21.05.19 |
| 18/00264/UNTIDY | Untidy land | Rodway Road, Bromley, BR1 3JL | Plaistow and Sundridge | Untidy Site Notice | 24.05.19 |
| 17/00282/COMMER | Unauthorised change of use from residential to music school | Clareville Road, Orpington | Farnborough and Crofton | planning contravention notice | 24.05.19 |
| 19/00043/OPDEV | Change of use of MOL to use for motor vehicles storage | Plaistow Lane, Bromley, Kent BR1 3JF | Plaistow and Sundridge | MCU Enforcement Notice | 24.05.19 |
| 18/00485 | Unauthorised storage of waste materials on land south side of Cambridge Road and at the rear of the property at 86 Cambridge Road | Cambridge Road, Penge, SE20 7XL | Clock House | MCU Enforcement Notice | 21.05.19 |
| 19/00143/CHANGE | Unauthorised material change of use of land for stationing of mobile home and caravans | Nursery Maidstone Road, Sidcup, DA14 5AU | Cray Valley East | Enforcement notice - material change of use | 30.05.19 |
| 19/00143/CHANGE | Unauthorised construction of a hardstanding | Nursery Maidstone Road, Sidcup, DA14 5AU | Cray Valley East | Enforcement notice - operational development | 30.05.19 |

Appendix 2 - List of delegated enforcement action approved April to October 2019

| | | | | | |
|------------------|--|--|------------------------------|--|----------|
| 19/00289/UNAUTH | Unauthorised construction of a gravel hardstanding and stable block | Hockenden Lane, Swanley | Cray Valley East | Enforcement notice - operational development | 30.05.19 |
| 19/00289/UNAUTH | Unauthorised material change of use for stationing of a mobile home and touring caravan and associated paraphernalia | Hockenden Lane, Swanley | Cray Valley East | Enforcement notice - material change of use | 30.05.19 |
| 19/00312/BRCOND | Breach of condition 4 of permission 17/00918 | Oakhill Road, Orpington, BR6 0AE | Petts Wood And Knoll | Breach of Condition Notice | 04.06.19 |
| 16/00028/CHANGE | Material change of use Flats A C D E from office to residential | Tylney Road, Bromley, BR1 2RL | Bickley | MCU Enforcement Notice | 04.06.19 |
| 19/00017/BRCOND | Breach of condition 19 of permission 17/02081/FULL1, regarding tree protection fencing. | Sunningvale Close, Biggin Hill | Biggin HILL | Breach of Condition Notice | 04.06.19 |
| 18/00700/MCU | Material change of use of ground floor office (class B1)(a) to Class c3 dwelling-houses | Tylney Road, Bromley, BR1 2RL | Bickley | MC Enforcement Notice | 06.06.19 |
| 19/00121/CHANGE | Unauthorised change of use from a laundrette to a church | High Street, St Mary Cray, Orpington, BR5 3NJ | Cray Valley East | MCU Enforcement Notice | 06.06.19 |
| 18/00843/UNTIDY | Untidy site | Whitmore Road, Beckenham, BR3 3NU | Kelsey and Eden Park | Untidday Site Notice | 17.06.19 |
| 19/00322/UNTIDY | Untidy Site | Southborough Lane Bromley, BR2 8AS | Bromley Common and Keston | Untidy Site Notice | 21.06.19 |
| 19/00154/UNAUTH | unauthorised stationing of a caravan on green belt land | North End Lane, Downe | Darwin | Enforcement Notice | 21.06.19 |
| 18/00223/COMMER | Unauthorised car repair business | Bromley Common, Bromley BR2 9PD | Bromley Common and Keston | Enforcement Notice | 21.06.19 |
| 17/000508/BRCOND | Breach of condition 7 of permission DC/17/01072 | Westbury Road, Beckenham, Kent, BR3 4DD | Clock House | Breach Of Condition Notice | 02.07.19 |
| 19/00335/UNADV | Unauthorised advertising sign in situ | High Street, Chislehurst BR7 5AE | Chislehurst | Prosecution | 02.07.19 |
| 18/00738/OPDEV | Unauthorised development | Longlands Farm Jubilee Road, Chelsfield, BR6 7QZ | Chelsfield and Pratts Bottom | MCU Enforcment Notice | 02.07.19 |
| 18/00738/OPDEV | Unauthorised Development | Jubilee Road, Chelsfield, BR6 7QZ | Chelsfield and Pratts Bottom | operational development Enforcement Notice | 02.07.19 |
| 18/00889/CHANGE | Continuation of unauthorised residential use | Copers Cope Road, Beckenham | Copers Cope | Breach Of Condition Notice | 08.07.19 |
| 19/00357/UNTIDY | Untidy site | Beddington Road, Orpington | Cray Valley West | Untidy Site | 11.07.19 |
| 18/00544/SHOPSH | Unauthorised removal of a shopfront | Crays Parade, Main Road, St Pauls Cray Orpington | Cray Valley East | Operational Development Enforcement Notice | 16.07.19 |
| 19/00419/UNTIDY | Untidy site | Southover, Bromley, BR1 4RU | Plaistow and Sundridge | s215 Untidy Site Notice | 24.07.19 |
| 19/00466/CHANGE | Unauthorised haulage business | Hayes Lane, Bromley, BR2 7LB | Hayes and Coney Hall | MCU Enforcement Notice | 22.08.19 |
| 19/0466/CHANGE | Unauthorised haulage business | Hayes Lane, Bromley, BR2 7LB | Hayes and Coney Hall | OPDEV Enforcement Notice | 22.08.19 |
| 19/00093/COMMER | Parking of commercial vehicles | Hayes Street Farm, Hayes Lane, Bromley, BR2 7LB | Hayes and Coney Hall | OPDEV Enforecment Notice | 22.08.19 |
| 19/00093/COMMER | Parking of commercial vehicles | Hayes Street Farm, Hayes Lane, Bromley, BR2 7LB | Hayes and Coney Hall | MCU Enforecment Notice | 22.08.19 |
| 18/00713/BRCOND | Building not in accordance with plans | Allenby Road, Biggin Hill, Kent, TN16 3LH | Biggin Hill | Breach of Condition Notice | 08.08.19 |
| 16/00164/CHANGE | Unauthorised change of use garage to office | Widmore Road, Bromley, Kent | Plaistow and Sundridge | Prosecution | 08.08.19 |
| 18/00675/OPDEV | Unauthorised development on land | Star Lane Caravan Site, Star Lane, Orpington | Cray Valley East | Prosecution | 08.08.19 |

Appendix 2 - List of delegated enforcement action approved April to October 2019

| | | | | | |
|-----------------|--|---------------------------------------|------------------------------|--------------------------|----------|
| 19/00017/BRCOND | Breach of condition 19 of 17/02081 regarding tree protection | Sunningvale Avenue | Biggin Hill | Prosecution | 30.08.19 |
| 19/00550/OPDEV | Unauthorised erection of a barn | Kemnal Road, Chislehurst BR7 6LY | Chislehurst | OPDEV Enforcement Notice | 03.09.19 |
| 17/00122/CHANGE | Unauthorised change of use of MOL for parking and storage containers | Station Approach, lower Sydenham | Copers Cope | MCU Enforcement Notice | 19.09.19 |
| 18/00135/CHANGE | Change of use from office to non- residential institution (known as Beauty Click) | Pembroke Road, Bromley | Bickley | PCN | 17.09.19 |
| 18/00135/CHANGE | Change of use from office to non -residential institution (known as Bromley massage therapy) | Pembroke Road, Bromley | Bickley | PCN | 17.09.19 |
| 18/00135/CHANGE | Change of use from office to non- residential institution (known as Bromley massage therapy) | Pembroke Road, Bromley | Bickley | MCU Enforcement Notice | 17.09.19 |
| 18/00135/CHANGE | Change of use from office to non- residential institution (known as Bromley click) | Pembroke Road, Bromley | Bickley | MCU Enforcement Notice | 17.09.19 |
| 18/00278/PLANS | Breach of condition, not in accordance with plans | Grove Vale, Chislehurst | Chislehurst | Enforcement Notice BCN | 20.09.19 |
| 19/00637/CHANGE | Property has been converted into flats | North Drive, Orpington | Chelsfield and Pratts Bottom | PCN | 02.10.19 |
| 19/00596/BRCOND | Work started without compliance with conditions | Hilda Vale Road, Vale Road, Orpington | Farnborough and Crofton | BCN | 13.10.19 |

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London Borough of Bromley

Report No.
ES19076

PART ONE - PUBLIC

Decision Maker: **Public Protection and Enforcement Policy Development and Scrutiny Committee**

Date: **14 November 2019**

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: Colin Brand, Director of Environment & Public Protection

Ward: All Wards

1. Reason for report

1.1 This report presents an extract from the October 2019 Contracts Register for detailed scrutiny by PDS Committee – all PDS committees will receive a similar report each contract reporting cycle, based on data as at 27th September 2019 and presented to E&RC PDS on 9th October 2019.

1.2 There is no accompanying 'Part 2' of this agenda, as any relevant commentary is included in the Part 1 report.

2. **RECOMMENDATIONS**

That PDS Committee:

2.1 **Reviews the appended £50k Contracts Register (which also forms part of the Council's commitment to data transparency).**

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 and Enforcement Portfolio
 4. Total current budget for this head: - £2.43m
 5. Source of funding: - Existing controllable revenue budget for 2019/20
-

Personnel

1. Number of staff (current and additional): - N/A
 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 Contracts Database is fully utilised by all Contract Managers across the Council as part of their Contract Management responsibilities, which includes the updating the information recorded on the database. The Register is generated from the Contracts Database which is administered by Commissioning & Procurement Directorate and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.2 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and the Contracts Registers is a key tool used by Contract Managers as part of their daily contract responsibilities. The Contract Registers are reviewed by the Commissioning Board, Chief Officers, Corporate Leadership Team, and Contracts Sub-Committee as appropriate
- 3.3 The Contracts Register is produced four times a year for members– though the CDB itself is always 'live'.
- 3.4 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

- 3.5 The Council has 207 active contracts covering all portfolios as of 27th September 2019 for the October reporting cycle as set out in Appendix 1.

| Public Protection and Enforcement Portfolio | | | | |
|---|--------------|------------|-----------|--------------|
| Item | Category | April 2019 | July 2019 | October 2019 |
| Total Contracts | £50k+ | 7 | 5 | 5 |
| Concern Flag | Concern Flag | 1 | 1 | 0 |
| Risk Index | Red | 0 | 0 | 0 |
| | Amber | 1 | 1 | 1 |
| | Yellow | 5 | 3 | 3 |
| | Green | 1 | 1 | 1 |
| Total | | 7 | 5 | 5 |
| Procurement Status | Red | 3 | 1 | 1 |
| | Amber | 0 | 0 | 1 |
| | Yellow | 1 | 1 | 0 |
| | Green | 1 | 3 | 3 |
| Total | | 5 | 5 | 5 |

- 3.6 Contracts may be flagged for attention due to the tight timescales for tender (rather than any performance issues associated with the delivery of the contract). During this contract cycle, there are no PP&E portfolio contracts flagged for attention.

3.7 Executive approval was gained for the award of the Mortuary contract on 18th September and this contract commenced on 1st October 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 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: (Access via Contact Officer) | <ul style="list-style-type: none">• Appendix 1 – Key Data (All Portfolios)• Appendix 2 - Contracts Database Background information• Appendix 3 – Contracts Database Extract PART 1 |

Appendix 1: Key Data (All Portfolios)

| Item | Category | April 2019 | July 2019 | October 2019 |
|---|---|------------|-----------|--------------|
| Contracts (>£50k TCV) | All Portfolios | 214 | 205 | 207 |
| Flagged as a concern  | All Portfolios | 8 | 4 | 2 |
| Capital Contracts | All Portfolios | 9 | 9 | 5 |
| Portfolio | | | | |
| | Children, Education and Families | 0 | 0 | 35 |
| | Adult Care and Health | 82 | 82 | 72 |
| | Public Protection and Enforcement | 0* | 0* | 5 |
| | Executive, Resources and Contracts | 0 | 0 | 55 |
| | Environment and Community Services | 21 | 14 | 15 |
| | Education, Children and Families | 36 | 36 | 0 |
| | Resources Commissioning and Contract Management | 58 | 56 | 0 |
| | Renewal and Recreation and Housing | 10 | 12 | 25 |
| | Public Protection and Safety | 7 | 5 | 0 |
| Total | | 214 | 205 | 207 |
| Risk Index | | | | |
| | Red | 11 | 10 | 12 |
| | Amber | 83 | 74 | 72 |
| | Yellow | 83 | 82 | 83 |
| | Green | 37 | 39 | 40 |
| Total | | 214 | 205 | 207 |
| Procurement Status | | | | |
| | Red | 72 | 55 | 50 |
| | Amber | 24 | 23 | 48 |
| | Yellow | 49 | 45 | 24 |
| | Green | 69 | 82 | 85 |
| Total | | 214 | 205 | 207 |
| Procurement Status | Imminent | 3 | 0 | 5 |
| Total | | 3 | 0 | 5 |

*Due to departmental restructures resulting in directorate name changes, some PP&E contracts are not shown on the CDB extract for April and July, but these are included in table 1 on p3 of this report.

Appendix 2 - 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.

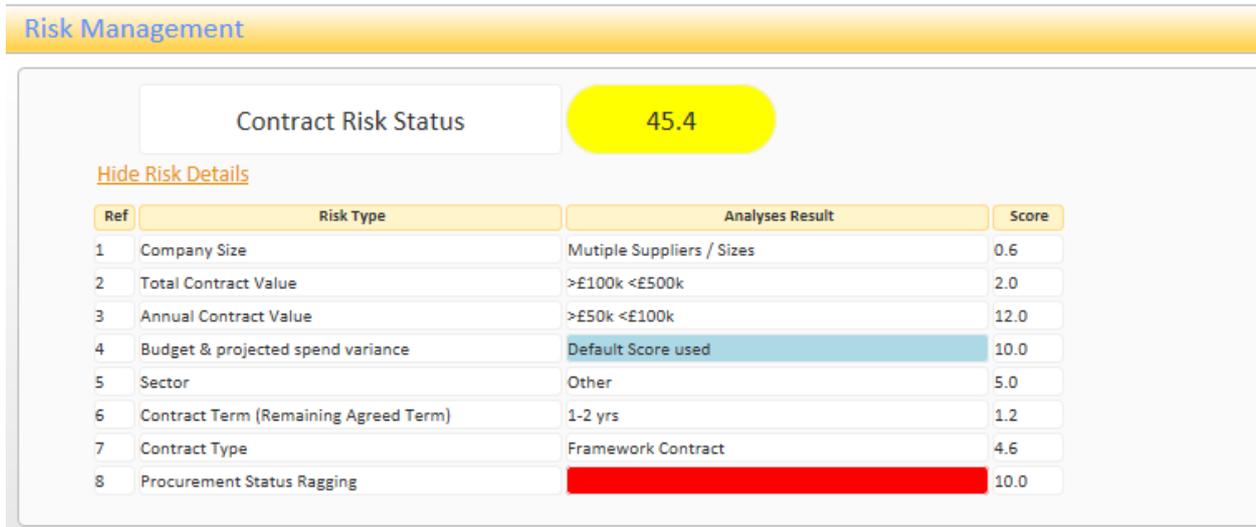
| Register Category | Explanation |
|--|---|
| Risk Index | Colour-ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) / colour reflecting the contract's intrinsic risk |
| Contract ID | Unique reference used in contract authorisations |
| Owner | 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 indicates that there are potential issues, or that the timescales are tight and it requires close monitoring. (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 Enforcement

| 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 |
| ● | R | 47 | Joanne Stowell | Nigel Davies | Mortuary Contract | Princess Royal University Hospital Mortuary via Kings College Hospital NHS Foundation Trust (with LB Bexley) | Public Protection and Enforcement | 474,000 | 96,000 | | | ■ | 01/10/2014 | 30/09/2019 | 60 | | |
| ● | A | 3763 | Mark Atkinson | Joanne Stowell | Dogs & Pest Control Services | SDK Environmental Ltd | Public Protection and Enforcement | 234,915 | 78,305 | | | ■ | 01/02/2018 | 31/01/2021 | 36 | | |
| ● | G | 4858 | Robert Vale | Joanne Stowell | CCTV Repair and Maintenance Contract | Tyco Fire & Integrated Solution (UK) Ltd | Public Protection and Enforcement | 691,081 | 135,573 | | | ■ | 01/04/2019 | 31/03/2024 | 60 | | |
| ● | G | 3799 | Joanne Stowell | Nigel Davies | Coroners Service | London Borough of Croydon | Public Protection and Enforcement | 448,640 | 224,320 | | | ■ | 01/04/1966 | 31/08/2029 | 762 | | |
| ● | G | 4859 | Robert Vale | Joanne Stowell | CCTV Monitoring | Enigma CCTV Ltd | Public Protection and Enforcement | 1,441,000 | 288,200 | | | ■ | 01/04/2019 | 31/03/2024 | 60 | | |

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| ES19063 | | PP&E PORTFOLIO PLAN - PERFORMANCE OVERVIEW (2019/20) | | | | | | | | | | | | | | | | | | | | |
|--|-----|--|--|----------------|----------------|----------------|------------------|------------------|-------------------|------------------|-------------------|------------------|------------------|-------------------|------------------|------------------|------------------|---------------------|---------------------------------------|-------------------|--------------------|--|
| Outcome | No. | PORTFOLIO PLAN INDICATOR | DESCRIPTION | 2014-15 ACTUAL | 2015-16 ACTUAL | 2016-17 TARGET | 2016-17 ACTUAL | 2017-18 TARGET | 2017-18 ACTUAL | 2018/19 TARGET | 2018/19 ACTUAL | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Year End Projection | WHAT DOES GOOD PERFORMANCE LOOK LIKE? | 2019-20 TARGET | 2019-20 RAG STATUS | COMMENTARY (BY EXCEPTION) |
| 1: We will keep Bromley safe | 1 | 1A | Number of Community Impact Days | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 1 | 1 | 1 | 1 | 1 | 1 | 12 | HIGH | 12 | GREEN | |
| 2: We will protect consumers | 2 | 2A | Awareness raising events & training to groups & partners (No.) | 45 | 80 | N/A | 115 | 70 | 129 | 70 | 90 | 8 | 3 | 11 | 10 | 3 | 10 | 70 | HIGH | 70 | GREEN | |
| | 3 | 2B | Rapid Response interventions responded to within 2 hours (%) | N/A | N/A | N/A | N/A | N/A | New KPI for 18/19 | N/A | 100.00% | 0% (1) | 100% (3) | 100% (3) | 100% (3) | 100% (4) | 100% (5) | 100% | OUTCOME | 100% | OUTCOME | |
| | 4 | 2C | Test purchase operations to detect the sale of age-restricted products (No.) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | 13 | 20 | 0 | 0 | 0 | 25 | 100 | HIGH | 100 | GREEN | |
| 3: We will support and regulate businesses | 5 | 3A | Inspections of high-risk food hygiene business undertaken (%) (Risk A and B food premises) | N/A | 100 | 100 | 100% (A) 96% (B) | 100% (A) 97% (B) | 100% (A) 97% (B) | 100% (A) 97% (B) | 100% (A) 100% (B) | Annual | Annual | Annual | Annual | Annual | Annual | Annual | HIGH | 100% (A) 100% (B) | GREEN | |
| | 6 | 3B | Inspections of high-risk food standards businesses undertaken (%) (Risk A) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | Annual | Annual | Annual | Annual | Annual | Annual | Annual | HIGH | 100% | GREEN | |
| | 7 | 3C | Zero rated food premises demonstrating improvement on their second inspection (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/21 | Annual | Annual | Annual | Annual | Annual | Annual | Annual | HIGH | 100% | GREEN | |
| | 8 | 3D | Respond to 80% of complaints/enquiries about food and food premises within 5 working days (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | 97% | 90% | 100% | 85% | 93% | 96% | 94% | HIGH | 80% | GREEN | |
| | 9 | 3E | Complete targeted operations to ensure businesses abide by licence conditions (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | Delivery in Q4 | Delivery in Q4 | Delivery in Q4 | Delivery in Q4 | Delivery in Q4 | Delivery in Q4 | Delivery in Q4 | OUTCOME | 100% | OUTCOME | |
| 4: We will protect and improve the environment | 10 | 4A | Comply with 100% of CCTV Evidence Requests (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | 100% | 100% | 100% | 100% | 100% | 100% | 100% | HIGH | 100% | GREEN | |
| | 11 | 4B | Comply with 100% of Contaminated Land report requests (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | 100% (1) | 100% (1) | N/A (0) | N/A (0) | N/A (0) | N/A (0) | 100% | OUTCOME | 100% | OUTCOME | |
| | 12 | 4C | Serve statutory notices where appropriate (Nuisance and pollution) (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | 100% (13) | 100% (20) | 100% (7) | 100% (9) | 100% (8) | 100% (12) | 100% | OUTCOME | 100% | OUTCOME | |
| | 13 | 4D | Cases where investigations of breaches of planning control are completed (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | 100% | 100% | 100% | 100% | 100% | 99% | 100% | OUTCOME | 100% | OUTCOME | |
| | 14 | 4E | Issue validated licences for Houses in Multiple Occupation within 12 weeks (%) | N/A | N/A | N/A | N/A | N/A | N/A | N/A | New KPI for 19/20 | (3 out of 4) 75% | (5 out of 8) 63% | (9 out of 13) 69% | (1 out of 4) 25% | (2 out of 5) 40% | (3 out of 7) 43% | 53% | OUTCOME | 75% | OUTCOME | Since 2013 the number of licensed HMOs in Bromley has risen from 33 to the current total of 133. The number of HMO Officers available to do the work has decreased by 50% from 4 to 2. Since January 2019 we have licensed 39 HMOs. |
| | 15 | 4F | Number of Fly-tipping enforcement actions (No.) | 375 | 330 | 325 | 328 | 325 | 258 | 300 | 254 | 31 | 8 | 24 | 0 | 0 | 33 | 192 | HIGH | 300 | AMBER | Implementation of the enforcement objectives of the Fly-Tipping Action Plan (FTAP) should see an improvement in performance. These activities will be supported by an increase in educational and prevention activities. A co-ordinated approach is being developed through the Fly-Tipping and Enforcement Working Group. |
| | 16 | 4G | Number of Fly-tipping incidents (No.) | 3373 | 3343 | 3250 | 3246 | 3250 | 3067 | 3069 | 3172 | 281 | 258 | 276 | 274 | 264 | 249 | 3000 | LOW | 3000 | GREEN | |
| | 17 | 4H | Parking appeals heard by the Environment and Traffic Adjudicators (ETA) against PCNs issued by LBB (No.) | 459 | 331 | N/A | 274 | 300 | 213 | 300 | 185 | 17 | 4 | 9 | 9 | 9 | 8 | 112 | LOW | 300 | GREEN | |
| 18 | 4I | Parking ETA cases won by LBB (% of cases heard) | 74.0% | 75.0% | N/A | 81.0% | 80.0% | 80.0% | 80.0% | 81.6% | 64.7% | 50.0% | 77.8% | 77.8% | 77.8% | 87.5% | 80% | HIGH | 80% | GREEN | | |

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Report No:
CSD19161

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT PDS
COMMITTEE

Date: 14th November 2019

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, and also to make suggestions for any modifications/additions to the Work Programme as considered appropriate

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) Comments on any matters that it thinks should be incorporated into the Work Programme going forward.

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: £358,740
 5. Source of funding: 2019/2020 revenue budget
-

Staff

1. Number of staff (current and additional): 8 posts (6.79fte)
 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.
- 3.3 Consideration may need to be applied to the convening of a meeting to discuss the future development of the work programme for the rest of 2019-2020.

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 previous meetings where additions to the Work Programme may have been agreed. The Public Protection and Enforcement Portfolio Plan. |
|---|---|

PP&E PDS COMMITTEE - FORWARD WORK PROGRAMME**PUBLIC PROTECTION AND ENFORCEMENT PDS—14th November 2019**

Matters Outstanding

Police Update

Portfolio Holder Update

Draft Enforcement Policy for Public Protection

Post Completion Review Report—CCTV Control Room Refurbishment

Portfolio Plan—Six Month Performance Overview

Budget Monitoring Report

Environment and Public Protection Risk Register

Contract Register Report

PPE Performance Overview

Fly Tipping Action Plan Update

Planning Enforcement Scrutiny Report

Work Programme

PUBLIC PROTECTION AND ENFORCEMENT PDS—4th February 2020

Matters Outstanding

Police Update

Portfolio Holder Update

Public Protection Enforcement Policy Report—**Final.**

Draft Budget Report—2019-2020

Capital Programme Monitoring Report

Update on an area of the Enforcement Portfolio Plan (TBC)

DRAFT Community Safety Strategy Report

Update for Emergency Planning and Business Continuity

Blue Badge Misuse Policy Report.

Public Protection and Enforcement Performance Overview

Contracts Register Report and CDB extract

Environmental and Community Services Risk Register Update

Work Programme

PUBLIC PROTECTION AND ENFORCEMENT PDS—31st March 2020

Presentation from Bromley Youth Council

Matters Arising

Police Update

Portfolio Holder Update

PP&E Capital Programme Monitoring—Quarter 3

Budget Monitoring report

Neighbourhood Management Enforcement Update Scrutiny report

Public Protection Performance against agreed Enforcement Indicators report

Prevent Update

MOPAC Update Report

PP&E Portfolio Plan Performance Overview

Work Programme

| |
|---|
| POSSIBLE FUTURE PRESENTATIONS and AGENDA ITEMS |
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|--|
| Knife and Serious Violence Action Plan |
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| Report on LBB's contract with the Coroner. |
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|---|
| Update on the outcomes pertaining to the Bromley Locality Review. |
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|---|
| Report on the link between crime and mental health issues |
|---|

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|-------------------------------|
| POSSIBLE FUTURE VISITS |
|-------------------------------|

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|------------------|
| Coroners' Court. |
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| Bethlem Hospital |
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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