

PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 4 February 2020

Present:

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

Sharon Baldwin, Dr Robert Hadley and Alf Kennedy

STANDARD ITEMS

53 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Kathy Bance; Councillor Angela Wilkins attended as substitute.

Apologies were also received from Emily Warnham and Cameron Ward.

54 DECLARATIONS OF INTEREST

No declarations of interest were received.

55 QUESTIONS TO THE CHAIRMAN AND THE PORTFOLIO HOLDER

Two questions were received for the Portfolio Holder. The questions and responses are attached as an appendix to the minutes.

56 QUESTIONS TO THE CHAIRMAN

No questions were received for the Chairman.

57 QUESTIONS TO THE PORTFOLIO HOLDER

Two questions were received for the Portfolio Holder.

A written response was disseminated in response to a question from Councillor Julian Benington. This is attached as Appendix A.

A question was received from Councillor Ian Dunn for oral response. Councillor Dunn was not present at the meeting and so a written response would be provided. This is attached as Appendix B.

58 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 14th NOVEMBER 2019 (EXCLUDING EXEMPT INFORMATION)

The Committee considered the minutes of the meeting of the Public Protection and Enforcement PDS Committee held on 14th November 2019.

It was noted that no matters were outstanding and the Chairman thanked the Committee Clerk for an excellent set of minutes.

RESOLVED that the minutes of the meeting held on 14th November are agreed and signed as a correct record.

59 POLICE UPDATE

Superintendent Colin Carswell attended to provide the Police Update. Also in attendance were Inspector Gary Byfield, Superintendent Andy Brittain and DCI Lewis Collins.

The Chairman welcomed the officers and reminded the Committee that a set of questions had already been sent to the police for response, and the said questions with responses had been disseminated to Members beforehand. The rationale was to make the police update more efficient and streamlined, as well as limited to 30 minutes.

Superintendent Carswell stated that the primary objective of the police was to protect the residents that lay under the covering of the BCU (Basic Command Unit). The police were aware of the different demographics that existed, and they were also aware of the various hotspots for violence and crime in the area, especially north of the borough. Resultantly, Chief Inspector Craig Knight had been tasked solely with leading a team to reduce violence in the area covered by the BCU. Mr Knight would be supported by an Acting Chief Inspector. The police were aware that there was a fear that assets would be sucked into Croydon.

Mr Carswell stated that there had been success over the Christmas period in reducing crime in Bromley Town Centre. The police had worked collaboratively with LBB and the use of Dispersal Orders had been successful. He felt that it was helpful if the public understood the nature and purpose of Dispersal Orders, as transparency was important. A Section 60 Order had not been used, but Section 35 Dispersal Orders had been implemented. This was basically a warning to certain individuals to leave the area or get arrested. This had been used on six occasions over the Christmas period.

The use of the Dispersal Orders seemed to have had a calming effect and so no arrests were required, and the number of robberies decreased. The use of the Dispersal Orders had been advertised on Twitter.

The Chairman asked where Chief Inspector Craig Knight would be based. Mr Carswell responded that Mr Knight would still be working as part of the BCU, and would come under the authority of Superintendent Andy Brittain. Mr Knight would be responsible for reducing violence across the BCU. A rumour had been circulating that he would be moving to the Violence Reduction Unit at City Hall, but this was not correct.

The Chairman referred to the minutes of the previous meeting of the SBP (Safer Bromley Partnership) where Mr Carswell had mentioned his concerns regarding robbery and burglary, and the fact that the police 'were having to go back to the drawing board'. The Chairman expressed concern that if this was the case then something else would 'fall off the end'.

DCI Collins came to the table to respond to this concern. He said that a dedicated response was required and so burglaries would now be dealt with by a 'dedicated investigative strand' with more proactive elements involved in the investigation. There would be an uplift in staffing to facilitate this. The Chairman hoped that it was not a case of 'robbing Peter to pay Paul'.

DCI Collins explained that burglaries would now be dealt with by a 'Serious Inquisitive Crime Team'. It was envisaged that the Team would be 60% reactive and 40% proactive. The immediate focus would be on dealing with the current outstanding burglary cases and making arrests.

The Chairman commented that he had received information from the public complaining that they had been burgled, but had not been visited by the police. DCI Collins responded that the police were looking at ways to resolve this, and were seeking to hold more public meetings with Safer Neighbourhood Teams.

Mr Carswell requested that in these circumstances, it would be helpful if this information was fed back to the police. The situation could have changed, or the ball could have been dropped by the police. Either way, he requested that the information be fed back to Inspector Gary Byfield as the lead local Inspector. It was Mr Byfield's responsibility to deal with after care.

A Member asked DCI Collins if the culprits who had been carrying out burglaries in Orpington had now been caught. Mr Collins responded that there had been some success across the BCU in this regard, but not all of the offenders had been caught; operations were ongoing.

A Member raised the issue of Dedicated Ward Officers, and especially in the Bromley and Keston Ward, where there was currently only one officer allocated instead of the usual two. She said that she had been in contact with Mr Knight, but no guarantees had been forthcoming. She highlighted the need for visible local policing and felt that the situation was worrying.

Mr Carswell responded that it had been the case for some time that the police had been under resourced and had to prioritise blue light responses. He said that new recruitment had been undertaken and that currently there was in the region of 300-400 officers being trained. The new recruits would be split across the BCU, but in the meantime they had to be trained and everyone had to hold their nerve. He expected that by March 16th there would be a significant amount of new recruits allocated to active duty. He was anticipating that by then, 15/17 DWO posts would be filled. He was not able to make any guarantees regarding this, but he was able to say that the position by then in terms of resource would be significantly different. Any decisions made in the way that officers would be allocated would be made on risk.

The Member suggested that blue light responses could be reduced by the use of a visible local police presence. Mr Carswell responded that he agreed that prevention was better than cure, but it was the case that the police had difficult decisions to make.

A Member stated that a pan London issue existed concerning how confidence could be built with local communities. She also expressed the need for effective communication with Ward Panels.

A Member asked why the figures for reported domestic abuse had gone up. Mr Carswell stated that he was glad to see this, as it meant that confidence and trust in the police's ability to deal with this issue had increased, so that people now felt more confident to report these crimes. It did not mean that there was now a big increase in society's problems. The important issue was concerning what help victims received, and what the final outcome was. He said that he had seen a similar trend regarding hate crimes--it meant that more people now felt confident to come forward and report the crime.

The Member asked if there was enough non-police provision available (e.g. Refuges) and Mr Carswell answered that this was a question for the local authority. It was also noted that the problem of domestic abuse was not limited to one particular strata of society. It was often the case that domestic abuse took place in families that were generally regarded as being 'better off'.

A Member asked how the 20,000 new police officers that had been promised by central government would be allocated across the Met and the BCU. Mr Carswell responded that 1300 had been allocated to the Met to date, and these were being split across the 12 BCUs.

A Member asked if officers attended every burglary, and asked for comments on what he perceived to be a fall out from the Direct Entry Scheme. DCI Collins answered that not every burglary was attend by police officers and there was a heavy reliance on Forensic Teams. He disagreed with criticisms of the Direct Entry Scheme and expressed the view that in the main the scheme had been a success. There had been high drop out rates in the past, but now retention rates were 95% and officers were better coached and supported.

The Vice Chairman asked if Members could be informed if a DWO was lost for whatever reason, and this was agreed. The Chairman initiated a discussion regarding the shift pattern for DWOs. The rationale behind the shift pattern was explained by Inspector Gary Byfield.

The Chairman and the Committee expressed their thanks and appreciation to Mr Carswell for his long and dedicated service as he was now retiring from the police force. His role would now be taken up by Superintendent Andy Brittain.

RESOLVED that the police update is noted.

60 MINUTES OF THE MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP HELD ON 5th DECEMBER 2019

The Committee noted the minutes of the meeting of the Safer Bromley Partnership that had met on 5th December 2019. The Portfolio Holder for Public Protection and Safety was also the Chairman of the Safer Bromley Partnership.

The Chairman referenced minute 40 which was the Chairman's Update. He concurred with the sentiment that out of the £14m allocation from the MOPAC Violence Reduction Unit, LBB was being granted only a very small (0.3%) allocation of the funding.

Minute 41 was an update from the Housing Division and a reference was made to 'Inherent Jurisdiction'. The Assistant Director for Public Protection and Enforcement explained what this was. She expanded that the problem of begging was going to be explored at the next JAG (Joint Action Group) meeting. The JAG would look at what powers could be used under the Crime and Policing Act, together with the possible use of Dispersal Orders. These powers would not be used against those deemed as 'vulnerable'.

RESOLVED that the minutes of the meeting of the Safer Bromley Partnership from the meeting of 5th December 2019 are noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

61 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Public Protection and Safety (Councillor Kate Lymer) provided the following update:

In December 2019, the Portfolio Holder had attended the Bromley Youth Council Executive meeting which focussed on BYC's Anti Knife Crime Campaign. The Portfolio Holder had also attended a meeting at the Warren for BYC's Knife Prevention Youth Conference; representatives from most of the senior schools in the borough were in attendance.

The Crime Survey was distributed on 13th December 2019. The results of the survey would be used to influence the Safer Bromley Strategy which would be presented to the Safer Bromley Partnership at its March meeting.

The Portfolio Holder had recently attended a meeting with the Chairman regarding the Bromley Youth Mentoring Initiative. It had been decided that a new mentoring initiative would be started which would be aimed at the siblings of young people involved in gang and knife crime.

The day following the meeting (5th February), the Portfolio Holder would be attending a meeting at City Hall. This was for the launch of the mayor of London's City Resilience Strategy.

The Portfolio Holder would be attending a SNB meeting at the Warren on 12th March regarding Cyber Security.

Two further bids to MOPAC had been accepted, one of which was a theatre workshop/performance concerning 'County Lines'. This would be a new project managed by public health. The other project was a BMX bike track at Cray Valley West.

The Crime Summit for 2020 would be held on 19th September.

The Committee was informed that the High Court appeal which sought to reinforce an injunction against Travellers had been lost because there was a lack of space in Bromley to move them elsewhere.

RESOLVED that the update from the Portfolio Holder is noted.

62 PP&E PERFORMANCE OVERVIEW

The Head of Performance Management and Business Support attended to present the update regarding the PP&E Performance Overview. Most of the outcomes on the report were either rag rated as purple or green. She mentioned that although LBB had lost the High Court injunction case with respect to the Travellers, an injunction was still in place to prevent 'persons unknown' from fly tipping in Bromley's parks.

The data with respect to fly tipping enforcement actions had been rag rated as 'amber'. This was because the year-end projections for enforcement actions were short of the target figure. It was explained that the implementation of the Fly Tipping Action Plan was expected to result in an improvement in performance. A co-ordinated approach was being achieved through the Fly-Tipping and Enforcement Working Group.

Plans were underway to purchase 2 covert cameras and 1 CCTV camera in the fight against fly tipping. There had recently been three prosecutions for fly tipping and it was confirmed that these successes were publicised via press releases on the Council website.

Meetings with the Environment Agency were planned to discuss illegal waste disposal.

The Council had requested information from other local authorities with respect to fly tipping FPNs. The matter of Fly Tipping on private land was discussed. It was noted that LBB would only get involved in this type of situation if there was a statutory nuisance that required enforcing.

It was noted that LBB would be using CAA (Civil Aviation Authority) certified drone operators to seek out possible fly tipping sites that were not easily visible from ground level.

A Member asked if LBB made use of the Proceeds of Crime Act and it was confirmed that when the occasion warranted, appropriate legal action based on the Act would be undertaken.

RESOLVED that the update regarding the Public Protection and Performance Overview is noted.

63 ENFORCEMENT POLICY FOR PUBLIC PROTECTION

Report ES20007

The Committee was briefed that the Enforcement Policy for Public Protection had been reviewed and revised to allow for legislative changes and also other changes that had been brought about by modifications to the 2014 Regulator's Code. The report being presented outlined the results of the consultation of the draft Policy. The issues raised had been responded to and now the final Policy was being presented to the Portfolio Holder for approval.

The Committee noted the three responses that had been received from the consultation, together with the actions that had been taken as a result.

RESOLVED that the Portfolio Holder for Public Protection and Enforcement adopt the 2020 Public Protection Enforcement Policy.

64 PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO DRAFT BUDGET 2020/21

The Committee was presented with a report concerning the Public Protection and Enforcement Portfolio Draft Budget for 2020/2021. The report considered future cost pressures and possible budget savings for the next financial year. The budget had previously been considered by the Executive on 15th January 2020, and the Committee was being asked to consider the proposal and provide any relevant comments back to the Executive for consideration.

The Chairman and the Committee concluded that the report was straight forward, and that the recommendations of the report should be noted and agreed.

RESOLVED that

1) The update on the Public Protection financial forecast for 2020/21 to 2023/24 is noted.

2) The initial draft budget is agreed as the basis for setting the 2020/21 budget.

65 MOPAC UPDATE/PRESENTATION

The Head of Trading Standards and Community Safety used a PowerPoint to update the Committee.

It was noted that the MOPAC (Mayor's Office for Policing and Crime) funding for LBB was drawn down from the London Crime Policing Fund. It was confirmed that VAWG (violence against women and girls) now sat under an alternative Directorate. Reference was made to the VAWG related work that was being undertaken by Croydon and Bromley Women's Aid. Youth mentoring was overseen by the Youth Offending Service.

The Head of Trading Standards and Community Safety briefed the Committee that LBB received monies from MOPAC that covered areas like ASB, Noise, IOM, Youth Mentoring, and VAWG.

Funding to the value of £7k (one fifth of total salary) was provided so that an officer could undertake IOM related work once a week. This work involved attending IOM Panel Meetings and providing data that would be fed back in to the Safer Bromley Partnership.

Members heard that with respect to nuisance from excess noise, this was normally related either to parties or to construction sites. Real time evidence was required for follow up and enforcement action. There was a Noise App and it was being used.

The Committee was advised that in terms of noise, contrary to popular opinion there was not a cut off time of 11.00pm. Construction sites would normally operate according to a code of practice. The Assistant Director for Public Protection and Enforcement clarified that for LBB to undertake enforcement action there must be a statutory nuisance which materially affected the use of a room.

The Head of Trading Standards and Community Safety explained what happened on 'Community Impact Days' (formerly known as 'Operation Crystal'). He outlined the various partners that were involved and mentioned that Peter Sibley had been replaced by Sandra Campbell as the new ASB

officer. It was MOPAC funding that covered the ASB officer post. Community Impact Days were:

- Led by ASB Project Officer (MOPAC Funded)
- Multi Agency
- Intelligence led – with a monthly planning meeting
- Deployments were made monthly
- Targets Environmental, ASB and Criminal issues

The aims of Community Impact Days were:

- To clear the area of long-term rubbish in and around targeted areas
- To raise awareness amongst the community about these matters.
- To reassure residents regarding Crime and other issues.
- To deal with Crime and ASB related matters in the area.
- To carry out Operations as defined by the intelligence and statistics provided by the Operations Intelligence Hub.

An update on the newly formed 'JAG' (Joint Action Group) was provided. The JAG had met in December, and a decision had been made to undertake high visibility joint patrols along with the use of Dispersal Orders. Local traders and CCTV managers had also been invited to the meeting. Since then, 21 young people had been given ABC (Acceptable Behaviour Contract) notices and some of these had escalated to Criminal Behaviour Order Notices. The next JAG meeting would be focusing on Homelessness and Street Begging. It was noted that BTP (British Transport Police) had been involved in operations from time to time along with BIA (Border and Immigration Agency) and HMRC.

A Member made a plea for the better sharing of information, she said that she was not aware of the Noise App and was not aware of Community Impact Days. She said that she was also not aware of the consultation process that had taken place with respect to the enforcement policy and that Councillors should be better informed so that they could help to promote consultation. The Assistant Director for Public Protection and Enforcement responded that details of the consultation regarding the Enforcement Policy had been disseminated in the same way as the Crime Survey, but that it was the Crime Survey that had received the much better response.

A discussion took place regarding the possible link between ASB and burglaries. The Head of Trading Standards and Community Safety stated that he was not aware that such a link had been proven.

It was noted that the LBB ASB officer and her counterpart in the police worked closely together.

The Assistant Director for Public Protection and Enforcement pointed out that a significant amount of burglary was linked to organised crime.

It was agreed that contact would be renewed with Community Payback.

RESOLVED that the MOPAC update is noted and that the Head of Trading Standards and Community Safety re-open links with Community Payback.

66 CONTRACTS REGISTER UPDATE REPORT

ES20005

The Chairman and the Committee were pleased to note that no contracts were flagged as 'Red'.

There would be an update regarding the Dogs and Pest Control Contract at the next meeting.

RESOLVED that the appended contract register is noted, and that this formed part of the Council's commitment to data transparency.

67 ENVIRONMENT AND PUBLIC PROTECTION RISK REGISTER

ES 20003

The Committee noted the report which highlighted the risks associated with the Public Protection Portfolio.

It was commented at the meeting that David Tait (Emergency Planning and Corporate Resilience Lead) had (assisted by Sarah Baker), revolutionised LBB's Resilience capabilities. Member training in this regard was going to be rolled out soon.

The Chairman noted that there were three areas of risk that had a net risk rating of 12. These were the Out of Hours Noise Service, Integrated Offender Management and the Anti-Social Behaviour Co-ordinator Post. However, the reason for this was that each area was reliant on MOPAC funding to fill key posts.

RESOLVED that the Risk Register report is noted.

68 WORK PROGRAMME

CSD 20015

Members noted the Work Programme for the Public Protection and Enforcement Committee.

The Chairman highlighted that at the meeting on 31st March there would be a presentation from Bromley Youth Council. He asked committee members to attend at 6.30 to facilitate this.

It was agreed that the item related to the licensing hours for the White Hart Pub in Orpington should be removed from the Work Programme.

The Assistant Director pointed out that LBB did not have a 'contract' with the Coroner; rather it was a memorandum of understanding.

It was agreed that a date should be formalised for Members to visit the Coroner's Court.

RESOLVED that the Work Programme is noted and amended as per the above recommendations.

The meeting ended at 9.00 pm

Chairman

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Question from Cllr Benington for Written Response

As a result of the recent Animal Protection Legislation, an inspection has been carried out at Boarding Catteries and I assume Boarding Kennels for Dogs, by a Veterinary Surgeon or similarly qualified Person from the City Of London Veterinary Service. I have received complaints that some very long established and very efficient Boarding Cattery owners are so concerned at this inspection and the unnecessary rules, conditions and reductions in the number of boarding cats permitted by the Inspector, that they intend to close their business, or will have to pay substantial sums to change their premises. These businesses are long established, mainly run by a husband and wife, which have no history of welfare problems.

Can the Portfolio Holder answer the following questions:

- a. How many Catteries have raised objections to their inspections, either formally or informally?
- b. The total reduction in numbers of cats allowed to be boarded by the Inspector for the Borough?
- c. The justification for these decisions in detail, please do not answer it is a matter of "Animal Welfare".
- d. Is this just another example of "one size fits all" by the Inspector?
- e. The qualifications of the Inspector from the City of London.

Answers to the Questions:

Answer to Question A:

The number of catteries that have raised objections to their inspections is three.

Answer to Question B:

Prior to this legislation the last licensing year had 575 cats within the Borough. Under the new legislation this number is now 409 cats equating to a reduction of approx. 29%

Answer to Question C:

The justification for a decision is clearly laid down by the standards required by the statutory DEFRA Guidance. This guidance outlines the conditions that must be complied with in order to receive an animal activities licence for the activity of providing boarding for cats. Having said that, the basis for the primary legislation does fall back to welfare of animals.

Answer to Question D:

No, it is not just another example of ‘one size fits all’ by the Inspector. Decision making is based on the guidance, and subsequent engagement between the Council Officer and authorised vet.

Answer to Question E:

The inspectors must be “suitably qualified” as such they must either:

- **Hold a Level 3 certificate or equivalent granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity.**

Or:

- **Hold a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record; and**
- **Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.”**

Minute Annex

QUESTION TO THE PORTFOLIO HOLDER FOR PUBLIC PROTECTION AND SAFETY FROM COUNCILLOR IAN DUNN—FOR ORAL REPLY.

I have recently obtained the following information on Fixed Penalty Notices issued by London Councils for enviro-crime in 2018/19.

Year	ONS Code	LA Name	Region	Total Fixed Penalty Notice Actions
2018-19	*Total	*Total	London	42813
2018-19	E09000031	Waltham Forest	London	9977
2018-19	E09000024	Merton	London	8560
2018-19	E09000033	Westminster	London	4158
2018-19	E09000009	Ealing	London	4055
2018-19	E09000017	Hillingdon	London	3343
2018-19	E09000019	Islington	London	2831
2018-19	E09000005	Brent	London	1679
2018-19	E09000003	Barnet	London	1016
2018-19	E09000022	Lambeth	London	730
2018-19	E09000025	Newham	London	722
2018-19	E09000032	Wandsworth	London	652
2018-19	E09000008	Croydon	London	518
2018-19	E09000028	Southwark	London	507
2018-19	E09000007	Camden	London	489
2018-19	E09000010	Enfield	London	457
2018-19	E09000002	Barking and Dagenham	London	411
2018-19	E09000018	Hounslow	London	408
2018-19	E09000027	Richmond upon Thames	London	364
2018-19	E09000029	Sutton	London	338
2018-19	E09000023	Lewisham	London	331
2018-19	E09000012	Hackney	London	210

2018-19	E09000013	Hammersmith and Fulham	London	195
2018-19	E09000001	City of London	London	189
2018-19	E09000014	Haringey	London	165
2018-19	E09000016	Havering	London	160
2018-19	E09000011	Greenwich	London	132
2018-19	E09000004	Bexley	London	86
2018-19	E09000020	Kensington and Chelsea	London	85
2018-19	E09000021	Kingston upon Thames	London	21
2018-19	E09000015	Harrow	London	15
2018-19	E09000006	Bromley	London	9
2018-19	E09000030	Tower Hamlets	London	0

Can the Portfolio Holder please explain why Bromley has issued such a small number?

ANSWER:

The figures quoted are taken from the Defra Fly-Tipping statistics for 2018/19, which were published on 7th November 2019 (with a link to the data table from page 13 of the report): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/845171/FlyTipping_201819_Statistical_Release_FINAL_Accessible.pdf

Defra have advised on p2 of the report to use caution when comparing authorities:

'In assessing the figures, local authorities should not be ranked or classified as 'good' or 'poor' performers based purely on numbers of fly-tips. Direct comparison between local authorities is not appropriate.Trends over time for a particular local authority may be a fairer comparison..'

Bromley has recently issued a benchmarking survey to all London Environment Directors requesting their borough's definition of fly-tipping, along with the FTEs and budgets assigned to enforcement in their authority. This should assist LBB officers in undertaking a more robust comparison exercise.