



THE LONDON BOROUGH
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DATE: 27 January 2020

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 **TUESDAY 4
FEBRUARY 2020 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 TO THE CHAIRMAN AND THE PORTFOLIO HOLDER**

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.

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 **5pm on 29th January 2020**

a QUESTIONS TO THE CHAIRMAN

b QUESTIONS TO THE PORTFOLIO HOLDER

4 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 14TH NOVEMBER 2019 (EXCLUDING EXEMPT INFORMATION) (Pages 1 - 14)

5 POLICE UPDATE

The Police update will be provided by Superintendent Colin Carswell.

6 MINUTES OF THE MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP HELD ON 5TH DECEMBER 2019 (Pages 15 - 30)

The Public Protection and Enforcement PDS Committee is responsible for scrutiny of the Safer Bromley Partnership.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

7 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Public Protection and Enforcement will provide an update to the Committee.

8 PP&E PERFORMANCE OVERVIEW (Pages 31 - 32)

9 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

Portfolio Holder decisions for pre-decision scrutiny.

a ENFORCEMENT POLICY FOR PUBLIC PROTECTION (Pages 33 - 54)

POLICY DEVELOPMENT AND OTHER ITEMS

10 PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO DRAFT BUDGET 2020/21 (Pages 55 - 66)

The prime purpose of this report is to consider the Portfolio Holder's Draft 2020/21 Budget which incorporates future cost pressures and initial draft budget saving options which was reported to Executive on 15th January 2020.

- 11 MOPAC UPDATE/PRESENTATION**
 - 12 CONTRACTS REGISTER UPDATE REPORT (Pages 67 - 76)**
 - 13 ENVIRONMENT AND PUBLIC PROTECTION RISK REGISTER (Pages 77 - 84)**
 - 14 WORK PROGRAMME (Pages 85 - 88)**
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PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 14 November 2019

Present:

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

STANDARD ITEMS

36 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Kim Botting, Sharon Baldwin, Alf Kennedy, Dr Robert Hadley and Emily Warnham.

37 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

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

a QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

No questions were received for the attention of the Portfolio Holder for Public Protection and Enforcement.

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

No questions were received for the Chairman from Councillors or from Members of the public.

39 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE MEETING HELD ON 10th SEPTEMBER 2019 (EXCLUDING EXEMPT INFORMATION)

The Committee considered the minutes of the meeting of the Public Protection and Enforcement PDS Committee held on 10th September 2019.

The Portfolio Holder referenced section 26 of the minutes relating to the Portfolio Holder update. The text referred to 'A meeting at London Councils'. It was agreed that text should be added so that the sentence read, '*A meeting at London Councils regarding County Lines*'.

The Chairman drew the Committee's attention to section 29 of the minutes relating to the Risk Register Update, and specifically the post-meeting note concerning the FSA (Food Standards Agency) Audit.

A Member referenced the High Court Appeal Hearing which sought an injunction to prevent Traveller incursions. He asked what the likely outcome of the Hearing would be, and the response was that it was not clear at this time.

RESOLVED that the minutes of the meeting held on 10th September are agreed and signed as a correct record.

40 MATTERS OUTSTANDING

The Committee noted the updates that had been recorded on the Matters Outstanding report.

The Chairman mentioned the note on the report relating to APCOA and the fact that APCOA did not keep a record of out of hours calls. Monitoring took place on responses only.

RESOLVED that the updates on the Matters Outstanding report are noted.

41 POLICE UPDATE

Superintendent Colin Carswell and Chief Inspector Craig Knight attended to provide the police update.

The police had provided a document entitled 'Bromley ASB and Crime Performance & Analysis' prior the meeting. This had been disseminated to Members previously. The data provided in the document was correct as at 10th October 2019.

The briefing provided analysis in the following areas:

- Stop and Search
- Personal Robbery
- Theft from Motor Vehicle
- Residential Burglary
- Violence with Injury
- Criminal Damage

- Public Order
- Shoplifting
- Theft from the Person
- Crimes v Sanctioned Detections
- Domestic Abuse Incidents
- Hate Crime
- Response Times
- Victim Satisfaction

The Chairman had decided before the meeting that the format for dealing with the police update would change, and that Members should proceed straight to questions on the briefing with a cut off time of 30 minutes. Any questions that had not been asked after the cut off period would be emailed to the police for written response.

A Member asked why LBB had a greater number of stop and searches undertaken when compared to those boroughs that ranked below LBB in the data that detailed the proportion of stop and searches by Borough. Superintendent Carswell answered that as far as the Bromley of Borough was concerned, nothing had changed with respect to the methodology and thinking around stop and search operations. It was still a matter of undertaking stop and search when it was proportionate and necessary. The Police Commissioner had expressed the view that stop and search was a very valuable and necessary tactic.

Superintendent Carswell stated that he was not able to answer for other boroughs, but he expected officers in the south area BCU to undertake stop and search confidently, politely and professionally. In some situations, stop and search could be carried out for drugs or weapons, in other situations it could be in response to suspected burglary offences.

A Member noted that stop and search with respect to searches for drugs was the most prominent reason for stop and search being implemented. She further noted that the second highest number of arrests was in respect of theft, fraud and other counterfeit activities. She asked why this was not reflected in the stop and search data. Superintendent Carswell explained that this was because not all suspected offences were legal grounds to allow stop and search to be actualized.

It was pointed out that a person could be stopped and searched for suspected possession of drugs, but then during the course of the search there may be reason to believe that some other offence had been committed. If, for example a person was found to be in possession of stolen goods, then it was likely that the individual concerned would be arrested for suspected burglary.

A Member endeavoured to suggest recommendations to the police regarding the format of the police data report, and its content. The Chairman said that any such recommendations should be directed to the Assistant Director for Public Protection and Enforcement outside of the meeting. She would then

liaise with the police to see if any of the proposed recommendations could be accommodated.

A Member thanked the police for the stop and search activities that had been undertaken in the Penge area. She hoped that the police would continue to carry out these activities, and the police assured that they had every intention of doing so.

A Member asked why stop and search had decreased over the last two periods. The police responded that this was because resources had to be diverted to deal with the Extinction Rebellion demonstrations.

The Vice Chairman expressed concern regarding the response to 'Immediate Response' calls. These were the most urgent calls with a target response time of 15 minutes. The target for this was to attend these calls within the designated response time in 90% of cases; with the south area BCU, the response time was achieved in 84% of cases. The police said that this response time had seen a drop that was pan-London. Central Command was aware of this and was assessing and dealing with the situation. The South London BCU had a Superintendent who had been tasked with improving the response times.

A Member raised the matter of 'sanctions detections' which stood at just 7%. This was a matter that was of generic concern amongst Members. The Deputy Police Commissioner had been designated to deal with this, and to drive the number upwards. It was acknowledged that the figure was related in part to the drop in CID numbers. Another factor affecting the number of sanctioned detections was the high number of cases being allocated to each detective. The police were seeking to recruit more detectives but this was challenging.

The Chairman asked if there was a KPI for 'sanctioned detections' and the police replied that there was not. Neither was there a KPI for positive outcomes per officer as the MET wanted to discourage perverse behaviour.

The Chairman asked if there was a strategy being developed to deal with ASB. Superintendent Carswell was pleased to inform Members that after discussions with the Assistant Director for Public Protection, a Joint Action Group (JAG) had now been formed to form a strategy to deal with ASB. The JAG would be a working group sitting under the Safer Bromley Partnership, and would therefore report to the SBP.

Mention was made of the police's determination to improve detection rates for burglary. The police had taken delivery of 10,000 new 'Met-Trace' kits for distribution to local residents. It was hoped to achieve a saturation rate of 50% to 80%. The police would still be undertaking covert and overt anti-burglary operations, and in the latest edition of the Safer Bromley News, the top 10 things that the public could do to prevent being victims of burglary were outlined.

The Chairman asked if a joint night time operation could be undertaken to stop and search vehicles suspected of fly-tipping. The police agreed in principle to this and stressed the importance of involving the Environment Agency in any such operations. The Environment Agency would be a helpful partner to be involved due to the expertise that they could bring with respect to checking materials and licences.

The Committee was informed that Inspector Gary Byfield had now recovered and had returned to duty. The Chairman asked that the Committee's best wishes be conveyed to Inspector Byfield.

The Chairman thanked Mr Knight and Mr Carswell for attending and updating the Committee.

RESOLVED that the police update is noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

42 PORTFOLIO HOLDER UPDATE

The Portfolio Holder updated the Committee as follows:

Since the last meeting, LBB had hosted the Crime Summit which was a great success. The Portfolio Holder thanked those who had attended.

On September 12th the Portfolio Holder chaired the meeting of the Safer Bromley Partnership; the minutes of the SBP meeting had been incorporated into the PP&E PDS agenda pack. At the SBP meeting, LBB's MOPAC (Mayor's Office for Policing and Crime) specific point of contact (SPOC) advised that out of £14m from MOPAC's 'Violence Reduction Unit', LBB would receive £50k for this financial year and another £50k for 2020/21. The Portfolio Holder expressed the view that this was a rather small allocation from a fund of £14m.

The Portfolio Holder stated that MOPAC had spent over a year debating who would be leading the VRU, and in working out the Unit's terms of reference, but had only given Bromley Council two week's notice to submit proposals for what the money should be spent on. Resultantly, the Assistant Director for Public Protection and Enforcement and others had to work right up until the last moment to finalise the proposals.

In brief, the proposals were:

- £21k to be spent on the targeted mentoring of the younger siblings of young people who had been involved in serious youth violence, or who had been referred to the MEGA Panel.
- £6k for the development of a peer mentoring offer to local schools

- £13k to be spent on focused themed and diversionary activities to engage young people who it was felt may be at risk, or who may be heading towards serious youth violence. This could include activities during the school holidays, external tutors, sports or music activities; it could also include building relationships with youth workers who may be able to help the young people to develop their employability skills
- £10k would be allocated to school work in Penge, Anerley and the Crystal Palace areas. The work would centre on building relationships and signposting young people to various local youth provisions

The Portfolio Holder stated that if the Chairman desired that the success or otherwise of these initiatives be scrutinised going forward, then she would be happy to provide future updates to the Committee.

As part of Children's Social Care Practice week in September, all the Portfolio Holders and PDS Chairmen were asked to observe Children's Social Care Practitioners in action. There were forty different opportunities that could be observed. The Portfolio Holder felt it would be best if she observed the activity most closely linked to the work of the PP&E PDS Committee, and so she attended a MEGA Panel meeting.

She explained that 'MEGA' stood for 'Multi Agency Exploitation and Gangs Affiliation' and was made up of various agencies, including representatives from the Police, Social Workers, Youth Workers, Oxleas and LBB's Gangs and Serious Youth Violence Officer. Due to the large number of attendees, the meeting had to be held in the Council Chamber.

The Portfolio Holder explained that the meetings were held monthly; the various agencies gathered together to discuss the young people who were on the list and who were being monitored. The panel would assess each case, and also assess how each individual could be supported, and if any interventions were required. There were nine young people on the list who were being monitored for potential gang activity, and six young people that were on the list as they were in danger of potential Child Sexual Exploitation. Eleven young people were at risk of going missing which meant that there could be a link to 'County Lines'.

The Portfolio Holder was saddened by some of the cases that she was made aware of, but took heart that in Bromley there were agencies that were reaching out to help and protect vulnerable young people. The Portfolio Holder had attended a workshop at the Bromley Adult Safeguarding Board Conference at the Warren about the difference between modern day slavery and people trafficking and what the signs were to look out for that may indicate that one of these situations may be occurring.

The Portfolio Holder informed the Committee that she had recently attended a meeting with relevant parties to discuss the possibility of the Chislehurst Society funding and managing their own CCTV in Chislehurst High Street.

The Committee heard that the Portfolio Holder had recently attended a meeting with the Palace Estate Residents' Association to discuss crime in the local area. Also attending the meeting was LBB's Community Safety Manager, Councillors and the local Safer Neighbourhood Team.

The Portfolio Holder was present at the commencement of the Bromley Town Walkabout with BCU Commander David Stringer. It was noted that the newly reinstated Bromley Town Centre Police Team had started back to work the previous week.

BYC (Bromley Youth Council) had undertaken a sponsored walk from London City Hall to Bromley Civic Centre to raise money for the Jimmy Mizen Foundation. The Portfolio Holder and the Deputy Leader had met up with BYC at the Old Palace Function Room. Jimmy's parents were there, and the Portfolio Holder said that it was very humbling to meet them and chat with them. Also, it was noted that the Bromley SNB (Safer Neighbourhood Board) had successfully bid for some money for the BYC to arrange some Jimmy Mizen workshops in Bromley.

The Portfolio Holder was in Devon when the tragic bus crash occurred in Orpington. The Assistant Director for Public Protection and the Emergency Planning Lead attended the resultant Gold Group meeting. Since then, LBB's Road Traffic Officers had been out with the police to assess the road layout and condition; in the meantime the Coroner's report and recommendations were awaited.

The Portfolio Holder missed the last Star Lane Working Group meeting because it was her mother's 70th birthday, but essentially the trial closure had been a great success and LBB would be looking at ways to make this road closure permanent.

The Portfolio Holder mentioned the public discussions that were going to be held in the near future with residents to discuss the Council's budget for the next financial year and what their key concerns were.

The Portfolio Holder stated that BYC had invited her to answer questions at their Knife Prevention Youth Conference which would be held at the Warren later in November.

The Chairman thanked the Portfolio Holder for her update.

RESOLVED that the update from the Portfolio Holder is noted.

43 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

a BUDGET MONITORING REPORT

Members were briefed concerning the latest budget monitoring position for 2019/20 for the Public Protection and Enforcement Portfolio based on

expenditure and activity levels to the end of September 2019. It was noted that there had been an underspend of £9k, but there would be no underspend by the end of the financial year.

Members noted that the previous ASB Co-ordinator had now been replaced and a new incumbent was now in place. Issues relating to MOPAC funding were discussed as was the funding allocated for three Domestic Homicide Reviews. It was also noted that LBB had to pick up some of the cost of the Coroner's investigation into the Croydon tram accident as LBB was part of the same shared coronial district.

Members noted the contents of the report and supported the recommendations as outlined in the report.

RESOLVED that the Portfolio Holder approves the latest 2019/2020 budget projection for the Public Protection and Enforcement Portfolio.

b DRAFT ENFORCEMENT POLICY FOR PUBLIC PROTECTION

Members were briefed concerning the Draft Enforcement Policy for Public Protection. They noted that the report sought agreement to undertake public consultation on the draft Enforcement Policy for Public Protection, which had been reviewed to take account of changes in legislation, including changes brought about by the Regulator's Code.

The Committee supported the report's recommendations as outlined in the report.

RESOLVED that

- 1. The draft Public Protection Enforcement Policy, is subject to public consultation until 24th January 2020.**
- 2. The Committee receives feedback from the consultation at the next meeting on 4th February 2020.**
- 3. Delegated authority is given to the Director of Environment and Public Protection, in consultation with the Portfolio Holder to make minor amendments to the Policy if required.**
- 4. The finalised enforcement policy is recommended to be agreed by the Executive on 1st April 2020.**

c POST COMPLETION REVIEW REPORT – CCTV CONTROL ROOM REFURBISHMENT

The Committee received an update regarding the findings of the post completion reviews that had been undertaken with respect to the refurbishment of the CCTV Control Room.

It was reported that it was standard protocol for post completion reviews of capital projects to be carried out. The CCTV Control Room refurbishment was completed within budget. The initial budget allocation for the project was £340,000. The actual cost was £307,613 which had resulted in an underspend of £32,387. There were no outstanding issues.

A Member queried if LBB still had the same number of cameras, the answer was affirmative and the number was 191. It was believed that all of the cameras were in order and working. A Member asked what happened to the revenue generated from the fixed penalties resulting from CCTV enforcement. It was noted that the income generated was directed back into the Capital Programme Budget.

A Member enquired how the CCTV images were stored. It was explained that the images would usually be stored on a hard drive for 31 days. If, however the CCTV footage was required in a case involving criminal proceedings, then the images would be stored for 6 years.

A Member referenced section 5.1 of the report and the fact that the replacement recorder had been defined as 'modular'. It was suggested that it would have been helpful if an explanation of the term 'modular' had been provided in the report.

Members heard that a meeting had been held to discuss the possibility of an independent privately funded CCTV system in Chislehurst.

Members noted the update and accepted the recommendations as outlined in the report.

RESOLVED that the Portfolio Holder notes and endorses the findings of the Post Completion Reviews that had been carried out with respect of the CCTV Control Room.

44 MINUTES OF THE PREVIOUS MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP HELD ON 12th SEPTEMBER 2019

The Committee noted the minutes of the Safer Bromley Partnership that had met on 12th September 2019.

Members were reminded that the PDS Committee was responsible for scrutinising the Partnership and this was the reason why the Committee would be looking at the SBP minutes going forward.

Members were advised that once a year a new plan for the Community Safety Strategy would be disseminated. Updates would be provided on the Strategy and on progress made. The SBP had the responsibility of drafting and implementing the Strategy.

The Chairman asked who was looking into the incident where a young person had been stabbed at a Youth Services event. The Chairman was informed that the person that had committed the crime had been arrested and was being questioned by the police. A Major Incident Plan was being drawn up and an investigation of the incident would hopefully show what lessons could be learned.

RESOLVED that the minutes of the Safer Bromley Partnership are noted.

45 ENVIRONMENT AND PUBLIC PROTECTION RISK REGISTER

The Head of Performance Management and Business Support attended to answer questions arising from the presentation of the Environment and Public Protection Risk Register.

It was noted that the Risk Register formed part of the evidence base for the Annual Governance Statement and had therefore been reviewed by the EPP (Environment and Public Protection) DMT, the Corporate Risk Management Group and the Audit Sub Committee.

The Head of Performance Management and Business Support explained the differences between gross and net risk ratings, and the Committee was pleased to learn that no risk was currently flagged as 'red' following the implementation of management controls.

The Chairman asked for an update concerning Arboricultural Services, and was informed that good progress was being made in implementing the recommendations suggested by the Audit Sub-Committee. The Service had been short of two officers, but one officer had now been recruited. The remaining role would be a development role that would most likely be filled by an Apprentice. The gross risk rating for Arboricultural Services would remain as 12 until all of the recommendations were in place.

The FSA (Food Standards Agency) risk would be removed going forward as all of the high risk premises had now been audited and licensed.

A Member asked if trees were being inspected and it was confirmed that contractors had been appointed to do this, as well as inspections being undertaken by the Planning Department.

It was noted that more volunteers were required to provide help as emergency responders. The Assistant Director for Public Protection and the Head of Performance Management and Business Support had been trained so that they could function as 'Silver' emergency response officers if required. All LBB Directors had been trained to 'Gold' Level.

The Chairman expressed his congratulations to David Tait and the Emergency Planning Team for all of their hard work. He asked if training would be provided for Members, and it was agreed that this would be referred back to Mr Tait to comment.

The Chairman asked if there were concerns around the disposal of waste post Brexit. He was informed that talks had taken place with Veolia regarding this and that they were not concerned. Some European countries were still glad to receive waste from the UK as they needed it to keep their incinerators burning.

It was mentioned that plastics that could not be recycled would be burned instead. It was noted that black plastic could not be recycled as the lasers used in the recycling process could not identify black plastic; because of this, black plastic was being phased out.

RESOLVED that the Public Protection and Enforcement PDS Committee notes the Risk Register Report and the appended Risk Registers, together with progress made since the previous meeting.

46 FLY TIPPING ACTION PLAN UPDATE REPORT

The Committee received a report that outlined the delivery actions identified as a result of recommendations from the Council's Fly-Tipping and Enforcement Working Group. Members were briefed that targets had been set to reduce the number of fly-tipping incidents in the Borough to less than 3000 per annum. Similarly, a target had been set to undertake enforcement activity in 10% of fly-tipping cases.

The Committee was briefed concerning the number of fly-tipping incidents and tonnage of waste that had been dumped during the first six months of 2019/2020. It was noted that 7.2% of these cases had been subject to enforcement activity.

An awareness campaign would be undertaken and it was planned to name and shame individuals that had been caught fly-tipping. This would commence in Penge, and then move to Mottingham.

Mobile patrols were planned to undertake stop and search activities on vehicles that were suspected of being involved with fly-tipping. Some of these operations would take place at night, with assistance from the police. This type of operation had previously worked well in the Crays.

Members noted that a Fly-Tipping and Enforcement Working Group had been established, and that the Group had developed a Fly-Tipping Action Plan (FTAP) which had been included as an appendix to the main report. The Neighbourhood Enforcement Manager highlighted how the public could report incidents of fly-tipping via 'Fix My Street' (FMS).

The Vice Chairman pointed out that there appeared to be inconsistencies in the way that fly-tipping figures were reported across England. Because of this he suggested that 'trends' should be treated with caution. It was agreed that some research be undertaken to examine what other boroughs regarded as 'fly-tipping'.

It was noted that the annual removal cost for fly-tipping was a fixed price sum, as it had been included in the price of the Street Environment Contract. The disposal of the waste was carried out at the Council's Central Waste Depot at Waldo Road.

A Member asked that if a person dumped rubbish at a recycling area without sorting it out and recycling the waste properly, would this still be regarded as fly-tipping. The answer to this was affirmative and that the matter could be reported.

The actions proposed in the FTAP were funded from the Members Fly-Tipping Initiative Fund. The following financials were noted:

- Total current value of the fund was £250k
- £15,696 had been spent
- £113,480 had been committed
- £120,824 remained in the fund
- The sum of identified proposed activities was £273,360

It was possible therefore that some alternative funding may need to be sourced if all of the proposed activities were undertaken.

Members noted and commented on the Fly-Tipping Action Plan document, and the Terms of Reference for the Working Group.

RESOLVED that the Fly-Tipping Action Plan is noted.

47 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT

Members noted the report which briefed them regarding a wide range of planning cases.

The Head of Planning and the Development Support Team attended to present the report and answer questions. He explained that the Planning Enforcement Team was responsible for investigating different types of breaches of planning control across the Borough. He expressed the view that progress had been made in reaching the projected enforcement targets as detailed in the Portfolio Plan.

Members heard that there had been a steady increase in the amount of enquiries received over the last couple of years—this was mainly in the area of 'Operational Development'. Members were interested to note that between April and October 2019, the Planning Department had received an additional 516 new cases to deal with. At the time of the meeting, there were 580 cases either under investigation or pending consideration.

The Head of Planning and the Development Support Team highlighted that administrative procedures had been strengthened and now all cases were recorded.

The Committee was pleased to note section 3.18 of the report which highlighted intended improvements in the process by which officers would report back to Members. A new bi-monthly or quarterly report was intended which would detail all enforcement cases by Ward. This would mean that going forward, Ward Members would be able to completely understand what was occurring in their respective wards.

Members were concerned to note that a member of the Planning team had retired and another was on maternity leave. This meant that the number of full time staff dealing with cases had reduced to three. It had been difficult to recruit temporary agency staff and so two members of staff had been seconded to help out. Members agreed that it was important that the team should be working with a compliment of 5 full time staff.

RESOLVED that the Planning Enforcement Progress and Monitoring Report is noted.

48 CONTRACT REGISTER

Members noted the Contracts Register report, and the fact that on this occasion there was no part 2 contracts register extract.

The Mortuary Contract had been left as 'red' on the report as this represented a snapshot from the Contracts Database from a point before the Mortuary Contract was awarded. However, it was highlighted that matters relating to the contract had now been resolved, and a new contract was now operational. The contract would not appear as a red procurement risk in the next report. The Chairman asked if an annual report could be produced for this contract.

The contract for Dogs and Pest Control Services had been marked as 'amber' because the next procurement stage was due for consideration.

RESOLVED that

- 1) The appended £50k Contracts Register is noted**
- 2) It is noted that the appended Contracts Register formed part of the Council's commitment to data transparency**
- 3) An annual update report be provided to the Committee regarding the Mortuary Contract**

49 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW

The Committee noted the update concerning the percentage of validated licences for Houses in Multiple Occupation. Members queried why the percentage of licences achieved had been falling. The projected outcome was now 53% whereas the target was 75%. It was explained that due to a change in the law, the number houses classified as HMOs had increased which had resulted in an increased workload for officers. It was also the case that the number of HMO officers had decreased from 4 to 2. The resourcing of the HMO Team would be looked at.

The Chairman was pleased to note that the inspection of high risk food premises had now been completed and signed off by the FSA.

RESOLVED that the Public Protection and Enforcement Performance Overview is noted.

50 WORK PROGRAMME

Members noted the current Work Programme.

It was agreed that the Committee should return to receiving annual presentation updates from SLAM, and that they be invited to present to a future meeting.

It was also noted that the Draft Community Safety Strategy Report would be presented to the PP&E PDS meeting in February 2020.

A Member asked if the Committee should consider the future of the widespread sale of fireworks. The Chairman was of the view that the problems associated with the sale and safe use of fireworks and the antisocial effects created was a national issue. It would therefore be difficult to enforce any local action/ prohibition. It was agreed that the matter did not currently fall within the purview of the Committee. Underage sales would however remain a PP&E PDS responsibility.

RESOLVED that the current Work Programme is noted and that SLAM be invited to present to the Committee at a future meeting.

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

52 EXEMPT MINUTES OF THE MEETING HELD ON 10th SEPTEMBER 2019

RESOLVED that the exempt minutes of the meeting held on 10th September 2019 are agreed and signed as a correct record.

The meeting ended at 9.02 pm

Agenda Item 6

SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP

Minutes of the meeting held at 10.00 am on 5 December 2019

Present:

Councillor Kate Lymer ((Portfolio Holder for Public Protection and Enforcement)) (Chairman)
Joanne Stowell ((LBB Assistant Director: Public Protection)) (Vice-Chairman)

Sharon Baldwin, (Safer Neighbourhood Board Chairman)
Anne Ball, (LBB Gangs and Serious Youth Violence Officer)
Elaine Beadle, (LBB Road Safety Manager)
AJ Brooks, (CRC Contracts Manager)
Superintendent Colin Carswell, (Metropolitan Police)
David Dare, (LBB Assistant Director for Children's Services)
Rachel Dunley, (LBB Head of Service for Early Intervention, and Family Support)
Bill Kelly, (LAS-Bromley Group Manager)
Katie Nash, (Acting Head of Service-London Probation Service)
Rachel Pankhurst, (Domestic Abuse Strategy Co-ordinator)
Lynn Sellwood, (Bromley Safeguarding Adults Board and Voluntary Sector Strategic Network)
Paul Sibun, (Adult Safeguarding Manager--Bromley CCG)
Toby Smith, (LBB Head of Street Enforcement)
David Tait, (LBB Emergency Planning and Corporate Resilience Lead)
Chloe Todd, (LBB Public Health)
Rob Vale, (LBB Trading Standards and Community Safety Manager)

Also Present:

Cheryl Baker, Clarion Housing
Dawn Helps, Clarion Housing Group
Calvin Pearson-LBB Head of Options and Support
Toks Adesuyan (LBB Housing Division)
Judie Obeya (Neighbourhood Investment Manager—Clarion Housing)

36	APOLOGIES FOR ABSENCE	Action
	<p>Apologies were received from Claire Lewin (Bromley CCG), and Paul Sibun attended as substitute.</p> <p>Apologies were received from Janet Bailey and David Dare attended as alternate.</p> <p>Apologies were also received from Samantha Evans from MOPAC, Ade Adetosoye, Colin Brand, Terry Gooding, John Owen and Lydia Bennett.</p>	

37	MINUTES OF THE PREVIOUS MEETING HELD ON 12th SEPTEMBER 2019	Action
	The minutes of the meeting held on 12 th September 2019 were signed and agreed as a correct record.	
38	MATTERS OUTSTANDING	Action
	<p>The Partnership noted the matters that had arisen from the previous meeting.</p> <p>Regarding the matter of the Housing Division updating the Partnership around street begging and homelessness in Bromley, it was noted that Calvin Pearson was in attendance to represent the Housing Division and he would be updating the Partnership at the meeting.</p> <p>It was further noted that the Head of Trading Standards and Community Safety had been allocated a slot on the agenda to provide an update on Information Sharing Agreements.</p> <p>RESOLVED that the Matters Outstanding report and the associated updates are noted.</p>	
39	QUESTIONS RECEIVED FROM COUNCILLORS OR MEMBERS OF THE PUBLIC	Action
	No questions had been received.	
40	CHAIRMAN'S UPDATE	Action
	<p>The Chairman referred to her attendance at the September Crime Summit and that the event had been a great success and was well attended.</p> <p>The Chairman advised the Partnership that out of £14m from MOPAC's (Mayor's Office for Policing and Crime) 'Violence Reduction Unit', LBB would receive just £50k for this financial year and another £50k for 2020/21. The Chairman expressed the view that this was a rather small allocation from a fund of £14m.</p> <p>The Chairman stated that MOPAC had spent over a year debating who would be leading the VRU, and in working out the Unit's terms of reference, but had only given Bromley Council two weeks notice to submit proposals for what the money should be spent on. Resultantly, the Assistant Director for Public Protection and Enforcement and others had to work right up until the last moment to finalise the proposals.</p> <p>As part of Children's Social Care Practice week in September, all the Portfolio Holders and PDS (Policy Development and Scrutiny)</p>	

Chairmen were asked to observe Children's Social Care Practitioners in action. There were forty different opportunities to observe. The Chairman (acting in her capacity as the Portfolio Holder for Public Protection and Enforcement) felt it would be appropriate if she observed the activity most closely linked to the work of the Public Protection & Enforcement PDS Committee, and so she attended a MEGA Panel meeting.

She explained that 'MEGA' stood for 'Multi Agency Exploitation and Gangs Affiliation' and was made up of various agencies, including representatives from the Police, Social Workers, Youth Workers, Oxleas and LBB's Gangs and Serious Youth Violence Officer. Due to the large number of attendees, the meeting had to be held in the Council Chamber.

The Chairman explained that the MEGA meetings were held monthly; the various agencies gathered together to discuss the young people who were on the list and who were being monitored. The panel would assess each case, and also assess how each individual could be supported, and if any interventions were required. There were nine young people on the list who were being monitored for potential gang related activity, and six young people that were on the list as they were in danger of potential Child Sexual Exploitation. Eleven young people were at risk of going 'missing' which meant that there could be a link to 'County Lines'. The Chairman asked LBB's Gangs and Serious Youth Violence Officer if she could check if such a visit would be open to other members of the Partnership.

The Chairman informed the Committee that she had recently attended a meeting with relevant parties to discuss the possibility of the Chislehurst Society funding and managing their own private CCTV in Chislehurst High Street. The Chairman had also attended a conference at the Warren run by the BSAB (Bromley Safeguarding Adults Board) which looked at the issues of modern slavery and human trafficking.

The Chairman said that she had recently attended a meeting with the Palace Estate Residents' Association to discuss crime in the local area. Also attending the meeting were LBB's Community Safety Manager, Councillors and the local Safer Neighbourhood Team. Residents had expressed concern about the old Conservative Club building in Elmfield Road which had been used by squatters and had become a hotspot for crime. The police were increasing patrols in the area; other issues that were being looked at included better use of lighting and CCTV.

BYC (Bromley Youth Council) had undertaken a sponsored walk from London City Hall to Bromley Civic Centre to raise money for the Jimmy Mizen Foundation. The Chairman and the Deputy Leader had met up with BYC at the Old Palace Function Room. Jimmy's parents

	<p>were there, and the Chairman said that it was very humbling to meet them and chat with them</p> <p>The Chairman was in Devon when the tragic bus crash occurred in Orpington. The Assistant Director for Public Protection and the Emergency Planning Lead attended the resultant Gold Group meeting. Since then, LBB's Road Traffic Officers had been out with the police to assess the road layout and condition; in the meantime the Coroner's report and recommendations were awaited.</p> <p>The Chairman mentioned the public discussions that had been held recently with residents to discuss the Council's budget for the next financial year and what their key concerns were. It was noted that it was a statutory duty for the Council to balance its budget.</p> <p>RESOLVED that the Chairman's update is noted, and that the Gangs and Serious Youth Violence Officer find out if other Partnership members would be allowed to attend a meeting of the children's MEGA panel.</p>	<p>AB</p>
<p>41</p>	<p>UPDATE FROM THE HOUSING DIVISION REGARDING HOMELESSNESS AND BEGGING IN BROMLEY-</p> <p>The Head of Housing Options Assessment and Support attended the meeting to provide an update from the Housing Division regarding homelessness and street begging in Bromley.</p> <p>Among the initiatives introduced by the Council to tackle these issues, 'More Homes Bromley' had seen Bromley Council enter into a partnership with the Mears Group whereby Mears purchased properties, refurbished them to the 'decent homes' standard and managed them to house Bromley residents in need of temporary accommodation. More than 400 homes had been purchased so far. Of these, 280 had been brought up to standard and were being used.</p> <p>The Partnership heard that the Bromley Winter Shelter had opened on 13th November, and would remain open until 31st March 2020. The sum of £20k had been allocated to provide funding for a designated rough sleeper worker until March 31st, and the worker would be starting the week following the meeting. At the time of the meeting, the number of beds in the shelter was 20. It was anticipated that by 20th December, another 23 beds would be provided at a winter shelter in Penge. New legislation imposed a duty on local authorities to not just provide temporary winter accommodation, but to subsequently find a permanent place for them to live.</p> <p>The Head of Housing Options, Assessment and Support highlighted that an application for a grant of £90k had been submitted.</p>	<p>Action</p>

This would be used to help to alleviate homelessness in a number of ways, including providing the funds to employ a full time Homeless Pathway Worker.

The Partnership was informed that currently there were 1600 people in temporary accommodation in Bromley, which included 900 families. Some of these families had unfortunately needed to be placed out of the borough. With the introduction of the new modular housing (Z Pods) it was hoped to bring many of these families back into the borough. Work was underway to identify suitable sites to locate the Z Pods in.

The Homeless Division was considering the option of joint working with a developer to provide more housing. It was hoped that the joint work would commence at some point in 2021. There was much Greenbelt Land in Bromley and this limited where a housing development could be situated.

The Partnership was appraised that currently there were 3000 people on the Housing Register; the Council had limited control over the Housing Register as the Council did not own any housing stock.

A member asked if any data was available regarding the current number of rough sleepers. The Head of Housing Options Assessment and Support answered that when this was checked in November, the number of street homeless was 8; this compared with 6 and 5 for the respective previous two years. From the figure of 8, 4 were found in Bromley, 2 in Orpington, 1 in Penge and 1 in Crystal Palace.

A member stated that Clare Lewin from the CCG would like the opportunity to make contact with the Head of Housing Options Assessment and Support.

Post Meeting Note:

(The Committee Clerk disseminated the contact details for the Head of Housing Options Assessment and Support to Mr Paul Sibun from the CCG as agreed on December 5th)

The Head of Housing Options, Assessment and Support advised that officers from the Housing Division would offer advice and support to rough sleepers, but at the end of the day the onus lay with the homeless person to engage and to accept assistance. This is where the appointment of the dedicated full time Homeless Pathway Worker would be key in managing the engagement process.

Superintendent Carswell felt that at some point action would be required against those individuals who were causing a public nuisance but were refusing to engage with services.

The police expressed the view that the Partnership had a social responsibility to the community in these matters. Mr Carswell said that it may be necessary for action to be taken either in the form of injunctions, or by using Community Protection Notices. This would then force the issue into the legal process and also force the individual to get help. The Chairman suggested that this idea should be considered, and a discussion took place concerning the merits and demerits of this course of action.

The Chairman of the BSAB (Bromley Safeguarding Adults Board) was concerned that vulnerable people should be properly safeguarded and expressed the view that there was a lack of services that provided drug and alcohol support. She felt that means should be used to help vulnerable adults before criminalising them. To this end she suggested the use of '*inherent jurisdiction*'

Note on Inherent Jurisdiction:

Before the implementation of the Mental Capacity Act (MCA), the means for the High Court to intervene in the life of a mentally incapacitated adult was founded upon the Court's inherent jurisdiction. The inherent jurisdiction is a doctrine of the English common law that a superior court has the jurisdiction to hear any matter that comes before it, unless a statute or rule limits that authority or grants exclusive jurisdiction to some other court or tribunal.

*The regulations of the MCA have replaced the inherent jurisdiction of the High Court in the case of mentally incapacitated people. However, the High Court has gradually extended the use of the inherent jurisdiction to the group of **vulnerable adults – adults who possess capacity but still require protection for certain reasons.***

The aim of the High Court in these cases is (most often) pre-emptive intervention; to prevent the circumstances within which an adult might not be able to exercise a free choice at some point in the future.

A typical example here is the case of G. Although G was judged to have capacity to decide about having contact with her father, prior experience demonstrated that the contact led to significant deterioration in G's mental state, including G's mental capacity. Thus, pre-emptive intervention was justified to maintain her mental state.

The Partnership was encouraged to note the Street Link App and to use this as much as possible. It was suggested that wider dissemination of information regarding the Street Link App should be provided to the public. Referral of an individual via the Street Link App would enable the individual to be supported by a wide range of services.

	<p>Partners discussed possible links to modern slavery and organised crime, particularly with respect to Bulgarian and Romanian nationals.</p> <p>The Chairman of the SNB stated that a campaign was underway to educate the public into not giving cash to individuals begging on the streets. Collection boxes for Shelter were going to be used instead, and this message would be reinforced using electronic display boards.</p> <p>It was agreed that the LBB Head of Trading Standards and Community Safety would have a discussion outside of the meeting with the Head of Housing Options and Assessment to discuss the possible use of Community Protection Notices, injunctions and inherent jurisdiction.</p> <p>RESOLVED that the update from the Housing Division is noted and that the LBB Head of Trading Standards and Community Safety should have a discussion outside of the meeting with the Head of Housing Options and Assessment, to discuss the possible use of Community Protection Notices, Injunctions and Inherent Jurisdiction in cases where homeless individuals and street beggars were refusing to engage with services.</p>	RV/CP
42	REPORTS FROM SUB-GROUPS	Action
	The Sub-Group updates are noted in the individual Sub-Group items.	
43	<p>VAWG SUB-GROUP UPDATE</p> <p>The Head of Service for Early Intervention and Family Support and LBB's new Domestic Abuse Strategy Coordinator attended to update the Partnership concerning developments relating to VAWG (Violence against Women and Girls).</p> <p>The Partnership was briefed that the new DVA VAWG contract had now been completed and had been awarded to Bromley and Croydon Women's Aid. This was a one year contract but could be extended for a further two years depending on MOPAC funding. The KPI's for the contract were being reviewed.</p> <p>The Partnership was informed that an event was planned for 16th December at the Central Library to enable partners to feed into the revised DVA/VAWG Strategy. This would be a morning event, and would be located on the 6th Floor. It was not a public event, it would be a Partnership event, designed to provide input into developing the VAWG Strategy.</p> <p><u>Post Meeting Note:</u></p> <p><i>The information regarding the VAWG Strategy Event was disseminated to Partners by LBB's Domestic Abuse Strategy</i></p>	Action

	<p><i>Coordinator on December 6th.</i></p> <p>RESOLVED that the DV/VAWG update is noted.</p>	
	<p>43a OFFENDER MANAGEMENT SUB GROUP UPDATE</p> <p>The Head of Trading Standards and Community Safety provided the IOM (Integrated Offender Management) update and reported that the Operational Panel had been working well and that good progress was being made. There had been improved engagement from both the DWP and Bromley Drug Advisory Service.</p> <p>RESOLVED that the IOM update is noted.</p>	Action
	<p>43b YOUTH OFFENDING SERVICE SUB GROUP UPDATE</p> <p>The Head of the Bromley Youth Offending Service was not present at the meeting and so the Chairman asked if the Head of YOS could provide the Partnership with a post meeting update.</p> <p>RESOLVED that the LBB Head of YOS provide a post meeting update that could be circulated to the Partnership.</p>	Action BM
44	<p>GANGS SUB GROUP UPDATE</p> <p>The Gangs Sub-Group update by Lydia Bennett, (LBB-Group Manager-MASH Team) had not been submitted in time for the agenda pack, and so was tabled at the meeting.</p> <p>The Chairman asked the Partners to note the report, and suggested that if they had any questions, then they should contact Lydia directly.</p> <p>RESOLVED that the Strategic Group Gangs Report is noted.</p>	Action
45	<p>ASB AND ENVIROCRIME UPDATE</p> <p>It was noted that Peter Sibley had now retired and had been replaced by Sandra Campbell as the new LBB ASB Project Officer. She had been involved in a Community Impact Day already, and another was planned for the week following the meeting. She would also be participating in future JAG (Joint Action Group) meetings.</p> <p>Mention was made of ASB that had taken place recently in Bromley Town Centre, where Dispersal Orders had been used. Thanks was expressed to Inspector Gary Byfield. A number of Acceptable Behaviour Contracts had been issued, and two of these had been escalated to Criminal Behaviour Orders. Assurances were provided that CCTV operatives had sufficient intelligence to support the police.</p>	Action

	Standards and Community Safety.	
47	VERBAL UPDATE ON INFORMATION SHARING AGREEMENTS	Action
	<p>A verbal update concerning Information Sharing Agreements (ISAs) was given by the Head of Trading Standards and Community Safety. The Partnership was informed that this was a matter that the London Borough of Croydon was previously leading on for all local authorities in the region. A problem had arisen as the person leading on this in Croydon had left the authority and LB Croydon had suggested that all local authorities draft their own agreements. The view of Bromley Council was that this course of action would be problematic as it would result in the existence of 32 different agreements across London. The Head of Trading Standards and Community Safety said that this was a matter that was being chased with London Councils. He would brief the Partnership in due course when a response from London Councils was received.</p> <p>RESOLVED that the update regarding Information Sharing Agreements is noted and that the Head of Trading Standards and Community Safety report back to the Partnership when a response from London Councils had been received.</p>	RV
48	UPDATE FROM THE GANGS AND SERIOUS YOUTH VIOLENCE OFFICER	Action
	<p>It was noted that over 90% of gang nominals in Bromley were aged 25 or younger. The majority of offences which gang members were suspects for were personal robbery and possession of an offensive weapon. Between September 2016 and August 2018, 411 crimes in the borough had been flagged by the police as 'serious youth violence', but it had to be borne in mind that this was less than 1% of all the number of total notifiable offences. It was reported that 20% of serious youth violence resulted in victims sustaining a knife injury.</p> <p>The Partnership discussed 'County Lines' and the 'Rescue and Response' pan London response programme. The data from April to October 2019 indicated that 28 young people were believed to be involved in County Lines; 15 of these were 18 plus and 13 were 17 or under.</p> <p>In terms of response, note was made of the work of the Children's MEGA Panel and the work of the local police gang tasking group which had been working to disrupt gang activities.</p> <p>The Partnership was briefed that 'Operation Divan' was underway. The aim of this early knife and weapons intervention programme was to identify young people at risk of becoming involved in knife crime and provided awareness arising around the risk and consequences of carrying weapons.</p>	

	<p>Some young people had been identified. The project was being evaluated by the Police College with a further programme being run simultaneously by the North Yorkshire Constabulary.</p> <p>It was asked if 'Operation Divan' would involve working with parents and it was reported that a home or school visit would be undertaken. It was also asked if parenting courses could be offered to the parents of young people that had been identified in the trial of the Operation, and the answer to this was no, as the trial was operating to strict academic rigour between two police authorities and the elements of the trial had to be the same for both police forces.</p> <p>Mention was made of providing youth worker support in local hospitals. It was felt that in many cases, young people injured in gang related activity may be more likely to speak to a youth worker rather than a police officer. Mention was made of the hospital-based Youth Violence Intervention Programme run by the charity 'Red Thread'. It was noted that this service operated at the Kings Hospital at Denmark Hill as this was the local major trauma centre. The Chairman pondered if a similar service should operate from the PRUH.</p> <p>It was reported that good progress had been made with the development of the Knife Crime and Serious Violence Action Plan, and the LBB Gangs and Serious Youth Violence Officer expressed her thanks to all of the partners that had engaged in the continued development of the Plan. MOPAC would be arranging visits to assess how the Action Plans would be developed.</p> <p>The Partnership was informed that 22 projects were being funded by a 'Youth Endowment Fund' and that two of these would see some aspect of delivery in Bromley.</p> <p>RESOLVED that the update from the LBB Gangs and Youth Violence Officer is noted and that MOPAC be contacted regarding the 'Red Thread' project in Kings at Denmark Road, to see if additional funding for similar work could be undertaken at the PRUH.</p>	AB
49	<p>DEVELOPING THE SAFER BROMLEY STRATEGY</p> <p>The Safer Bromley Strategy update was provided by the Assistant Director for Public Protection and Enforcement.</p> <p>The Safer Bromley Strategy had been refreshed in consultation with partners, and it was noted that the Crime Survey would be going for public consultation on 13th December.</p> <p>The results of the Crime Survey would be reviewed and then used to shape the Strategy.</p>	Action

	<p>The revised Strategy would be presented to the Partnership in March 2020, to seek approval and sign off. Going forward, the Safer Bromley Strategy would be scrutinised by the Public Protection and Enforcement, Policy Development and Scrutiny Committee annually.</p> <p>RESOLVED that the Safer Bromley Strategy update is noted.</p>	
50	RESILIENCE UPDATE	Action
	<p>The Resilience and Business Continuity Update was given by the LBB Emergency Planning and Corporate Resilience Lead.</p> <p>It was reported that an external audit had taken place, this seemed to go well and the relevant feedback report was awaited. It was noted that all plans pertaining to Business Continuity would be in place by close of play on the day of the meeting, much of this related to the effective dissemination of information.</p> <p>It was noted that 'Operation Bridges' was being developed and plans were up to date. These were the contingency plans that would be actioned upon the death of either the Queen or the Duke of Edinburgh.</p> <p>Plans were well developed regarding the provision of rest centres to provide humanitarian assistance if required. Sixty sites could now be used, and it was hoped to be able to use another 30 soon after contacting the individual responsible for running them. Additionally, another potential 50 sites had been identified for consideration.</p> <p>Discussions had been taking place with Housing Associations to nail down plans for dealing with any mass displacement of the local population.</p> <p>The Bromley Resilience Forum (BRF) met on 18th November and the meeting was productive. A table top exercise with respect to flooding was undertaken.</p> <p>There was fortunately few serious incidents to report aside from the fatal bus collision that had taken place on 1st November on Sevenoaks Road.</p> <p>RESOLVED that the Business Continuity and Resilience Update is Noted.</p>	
51	UPDATE FROM LONDON AMBULANCE SERVICE	Action
	<p>The Partnership was pleased to note that the LAS (London Ambulance Service) recruitment campaign was now bearing fruit, and many trainees had been recruited. It had been helpful that the LAS</p>	

	<p>Training Centre for the south east was based in Bromley, as was the Placement Centre. Resultantly, there had been uplift in the number of ambulances going out. From January 1st 2020, the Bromley Group would be fully staffed.</p> <p>An update was provided concerning the Vulnerable People’s Vehicle (VPV) The vehicle was continuing to operate successfully and had reduced the number of vulnerable people going to the ED significantly. In fact only 52% of LAS call outs in Bromley resulted in the patient being conveyed to the ED. This was the lowest rate in the London Ambulance Service.</p> <p>An example case study was mentioned of an end of life patient suffering with breathing difficulties, but who wanted to remain at home. The VPV was able to provide treatment at home, and was also able to Facetime the patient’s family in Australia.</p> <p>The Bromley Group Manager said that he was working on a paper that would be presented at Director level to expand the usage of the VPV concept. It was hoped that this would result in a Trust Wide adoption of the proposals. An update on the VPV had also been provided to a Care Home Forum so that Care Homes were aware that their residents may not always be conveyed to the ED.</p> <p>RESOLVED that the LAS update is noted.</p>	
52	<p>SAFER NEIGHBOURHOOD BOARD UPDATE</p> <p>The Chairman of the Safer Neighbourhood Board (SNB) stated that the SNB had held four public meetings including the Crime Summit. The Crime Summit had been held in September and had been a great success and had included:</p> <ul style="list-style-type: none"> • A presentation from Bromley Youth Council regarding knife crime • A presentation from acting Inspector Kathy Thomas regarding ‘Operation Starfish’ • An update from Chief Superintendent Dave Stringer around the new Tri-borough Basic Command Unit • A talk given by the Assistant Police Commissioner (Mark Simmons) • A question and answer session which had included the SBP Chairman (Cllr Kate Lymer) • A breakout room was available where various exhibits were on display, including Met Trace which was proving to be very popular. <p>The Chairman of the SNB summarised the 4 public meetings that had been convened:</p>	Action

	<ul style="list-style-type: none"> • A meeting in Penge in collaboration with the Penge Forum • A meeting in Biggin Hill in April • The September Crime Summit • A meeting held in Cray Valley West <p>SNB Board meetings had been held in between the public events.</p> <p>As there had been excellent community engagement in Bromley with the crime summit and SNB meetings, it was planned that future conference type activities would be held to nurture and maintain this. To this end, notice was given of a cyber-crime conference that was planned to be held in February at the Warren. This would be a conference about technology, and looking at new ways to use technology to communicate, especially with younger people.</p> <p>The Partnership was reminded that the Dementia Awareness week would be taking place in May 2020 and so it was planned to do something that week to highlight the fact that dementia sufferers were vulnerable to being scammed. This was likely to be a collaborative event between the SNB, Bromley Adults Safeguarding Board and LBB Trading Standards.</p> <p>The SNB Chairman said that she had met with the Chief Executive of MOPAC where issues such as the lack of co-ordination in the funding stream had been discussed and the complex nature of the applications for funding that needed to be submitted to MOPAC, bearing in mind the fact that SNBs were voluntary organisations.</p> <p>The Chairman of the SNB had attended a recent conference run by the Police Federation and the Chairman felt that it was a very valuable day. The Chairman had written a book full of notes. She hoped to be able to type up her notes and then disseminate these to the Partnership in due course.</p> <p>The Partnership heard that representatives from West Wickham and Mottingham had requested meetings in these areas.</p> <p>The SNB’s funding from MOPAC had been agreed and some money was now available to spend, some of which would be spent on supporting trial bike schemes in parks. This would leave £5k available as seed funding and it was hoped to use this for projects targeting individuals that were normally hard to engage.</p> <p>RESOLVED that the SNB update is noted</p>	
53	COMMUNICATIONS UPDATE	Action
	The Partnership was reminded that the Safer Bromley Newsletter had been distributed to everyone in Bromley—another would be sent out in six months’ time.	

	Partners were invited to submit suggestions for articles that could be included in the newsletter.	
54	ANY OTHER BUSINESS	Action
	<p>The Bromley CCG (Clinical Commissioning Group) Adult Safeguarding Manager stated that a 'Crisis Assessment Team' was operational, whereby a mental health worker could attend an incident with the police. In these cases it was possible to divert the patient to a '136 suite' as an alternative to the individual being sectioned. He asked if the LAS was aware of this. The LAS responded in the affirmative and said that they also had access to mental health professionals.</p> <p>The Partnership noted that three Domestic Homicide Reviews were currently taking place, with a view to lessons being learnt. Action plans would be developed as appropriate, based on any lessons that had been derived from the reviews. Once the reviews were complete they would be sent to the Home Office for their attention before being published.</p>	
55	DATE AND TIME OF NEXT MEETING	Action
	<p>All meetings start at 10.00am unless otherwise notified, and are held at Bromley Civic Centre.</p> <p>The next meeting is scheduled for 19th March 2020.</p>	

The meeting ended at 11.57 am

Chairman

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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	Oct-19	Nov-19	Dec-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	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	7	7	2	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% (3)	100% (3)	100% (3)	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	9	15	0	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	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	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	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%	92% (44 out of 48)	93% (28 out of 30)	89% (25 out of 28)	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	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%	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)	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% (4)	100% (9)	N/A (0)	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%	100%	100%	100%	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%	(0 out of 2) N/A	(1 out of 4) 25%	(0 out of 5) 0%	49%	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	29	31	21	236	HIGH	300	AMBER	Implementation of the enforcement objectives of the Fly-Tipping Action Plan (FTAP) should see an improvement in performance. This will include target hardening measures to prevent fly-tipping in known hotspots. These activities will be supported by an increase in educational and prevention activities, including a new fly-tipping campaign. A co-ordinated approach is being progressed through the Fly-Tipping and Enforcement Working Group, with additional project support assigned during December 2019.	
	16	4G	Number of Fly-tipping incidents (No.)	3373	3343	3250	3246	3250	3067	3069	3172	281	258	276	274	264	249	254	292	287	3200	LOW	3000	AMBER		
	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	10	9	4	105	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%	70.0%	77.8%	75.0%	80%	HIGH	80%	GREEN			

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Report No.
ES20007

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PORTFOLIO HOLDER FOR PUBLIC PROTECTION AND ENFORCEMENT

Date: Tuesday 4 February 2020

Decision Type: Non-Urgent Executive Key

Title: 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

The Enforcement Policy for Public Protection was reviewed and revised to take account of changes in legislation, including changes brought about by the Regulators Code. This report sets out the results of the consultation of the draft Enforcement Policy, responds to the issues raised, presents the final Policy for approval

2. **RECOMMENDATION(S)**

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

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 Safe Bromley Vibrant, Thriving Town Centres Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Assistant Director of Public Protection
 4. Total current budget for this head: £2.6M
 5. Source of funding: Existing revenue budgeted 19/20
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: 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 the Public Protection and Enforcement Portfolio 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 This policy applies to enforcement activities undertaken by the following services within the Public Protection and Enforcement Portfolio which includes:
- Environmental Health;
 - Trading Standards;
 - Community Safety;
 - Antisocial Behaviour;
 - Health & Safety;
 - Parking (specifically blue badge misuse) and
 - Neighbourhood Management.
- 3.3 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 covered 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, tackle fraud 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;
 - environmental enforcement
 - licensing;
 - trading standards and;
 - blue badge misuse.
- 3.4 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.
- 3.5 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.
- 3.6 As previously mentioned, each area of work within Public Protection and Enforcement Portfolio 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.

3.7 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.

3.8 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.

3.9 These additional requirements were already applied by the Officers within Public Protection and Neighbourhood Management whilst carrying out their enforcement functions; however, the proposed draft policy formally reflected the requirements of the 2014 Code which includes the 2 new principles.

3.10 Results of Consultation

3.11 As required by the Regulators' Code, Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce; on the 14th November 2019 the Public Protection and Enforcement PDS approved the draft policy to go out for public consultation on the Council's website for a 6 week period.

3.12 3 responses were received with 3 issues raised; the comments and actions taken are set out in the table below.

Section of Draft Policy	Comment	Response	Action Taken
All	Include the enforcement of fly-tipping undertaken by Neighbourhood Management Enforcement within the policy	Agreed and Included.	Consultee Responded to, reference included and document updated
All	Include the enforcement of Blue Badge Misuse by Parking within the policy	Agreed and Included.	Consultee Responded to, reference included and document updated

All	<p>The principle of effectively maintaining the environment and the health and safety of individuals is not listed as a principle of the policy! This is the fundamental objective of the policy and therefore should be formally listed as a principle. Its absence does rather reinforce the general tone of the policy that the Council isn't going to be that robust in maintaining public protection.</p>	<p>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. These pieces of legislation will deal with protecting the health and safety of individuals as well as protecting the environment. With that in mind, the Policy is not designed to comment on individual laws (and the aims associated with them), instead its purpose is to ensure that the principles of the Code are applied when we (as regulators) enforce the legislation.</p> <p>Notwithstanding the above, the relevance of Health and Safety was mentioned 8 times within the policy, and these references were provided to the consultee.</p> <p>Taking this into account, as the principles of enforcement are determined by the Code, and as the importance of Health and safety is clearly referenced within the Policy, the Principles as stated will not be changed.</p>	<p>Consultee responded to- No further action taken</p>
All	<p>There are a few places where the environment is mentioned, but protection of the environment (climate change) must surely be a key aspect of this policy.</p>	<p>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.</p> <p>These pieces of legislation will deal with protecting the health and safety of individuals as well as protecting the environment. With that in mind, the Policy is not designed to comment on individual laws (and the aims associated with them), instead its purpose is to ensure that the principles of the Code are applied when we (as regulators) enforce the legislation.</p>	<p>Consultee responded to- No further action taken</p>

		Taking this into account, the key aspect of the Policy will not be changed; this was explained to the consultee.	
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3.13 The responses did not materially affect the substance of the draft policy consulted on, and the final Enforcement policy is attached as Appendix A

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.

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



Bromley Council Public Protection Enforcement Policy

2020

PREFACE

Regulatory compliance and enforcement are common operational activities carried out by the services within the Public Protection Enforcement Portfolio 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 and Enforcement Portfolio 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 ;
- ASB
- Neighbourhood Management (fly tipping etc.) and
- Parking (specifically blue badge misuse.)

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 to guide their approach.

The primary aim of the Services within the Public Protection and Enforcement Portfolio 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 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:

- raising awareness;
- proportionality and accountability;
- consistency in approach;
- transparency and
- targeted.

1.3 The Policy will assist Council officers to carry out their duties consistent with the principles of enforcement set out in section 5. The Enforcement Policy 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 Public Protection and Enforcement PDS Committee of Bromley Council on 4th February 2020.

3.0 **SCOPE**

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

- Environmental Health;
- Trading Standards;
- Community Safety;
- Antisocial Behaviour
- Health & Safety
- Parking (specifically blue badge misuse) and
- Neighbourhood Management.

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;
- Rogue Traders and underage sales
- Blue Badge Misuse and
- Fly-tipping.

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 once published will be available on the Council's website at: (https://www.bromley.gov.uk/downloads/download/516/environmental_services_-_enforcement_policy).

You will be able to make comments on this policy, appeal against an enforcement decision by contacting the relevant team via an email address that will be provided.

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 it is the goal of the Services within Public Protection that we 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 in pursuit of this goal we generally provide advice and support to those seeking to comply and, at the same time, deal with those who choose not to comply, taking a proportionate risk based approach. 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.

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 Regulators Code is a central part of the Government's better regulation agenda. 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 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 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 and 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 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.
FSD20018

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Tuesday 4th February 2020

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

Title: PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO
DRAFT BUDGET 2020/21

Contact Officer: Keith Lazarus, Head of Finance, Environment, Community & Corporate
Tel: 020 8313 4312
E-mail: Keith.Lazarus@bromley.gov.uk

Chief Officer: Director of Finance

Ward: All

1. Reason for report

- 1.1. The prime purpose of this report is to consider the Portfolio Holder's Draft 2020/21 Budget which incorporates future cost pressures and initial draft budget saving options which was reported to Executive on 15th January 2020. Members are requested to consider the initial draft budget being proposed and also identify any further action that might be taken to reduce cost pressures facing the Council over the next four years.
 - 1.2. Executive are requesting that each PDS Committee consider the proposed initial draft budget savings and cost pressures for their Portfolio and the views of each PDS Committee be reported back to the next meeting of the Executive, prior to the Executive making recommendations to Council on 2020/21 Council Tax levels.
 - 1.3. There are still outstanding issues and areas of uncertainty remaining. Any further updates will be included in the 2020/21 Council Tax report to the next meeting of the Executive.
-

2. **RECOMMENDATIONS**

2.1 **The Public Protection and Enforcement PDS Committee is requested to:**

- i) **Consider the update on the financial forecast for 2020/21 to 2023/24;**
- ii) **Consider the initial draft 2020/21 budget as a basis for setting the 2020/21 budget; and**
- iii) **Provide comments on the initial draft 2020/21 budget for the February meeting of the Council's Executive.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Adult Care and Health Portfolio budget setting supports the provision of services to vulnerable adults
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Public Protection and Enforcement portfolio budgets
 4. Total current budget for this head: £3.278m (draft 2020/21 budget)
 5. Source of funding: Draft revenue budget for 2020/21
-

Personnel

1. Number of staff (current and additional): Full details will be available with the Council's 2020/21 Financial Control Budget to be published in March 2020
 2. If from existing staff resources, number of staff hours: Not Applicable
-

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 Local Government Act 2000; the Local Government Act 2002 and the Accounts and Audit Regulations 2015.
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The 2020/21 budget reflects the financial impact of the Council's strategies, service plans etc. which impact on all of the Council's customers (including council tax payers) and users of the services.
-

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. APPROACH TO BUDGETING, FINANCIAL CONTEXT AND ECONOMIC SITUATION WHICH CAN IMPACT ON PUBLIC FINANCES

3.1.1. In considering this report, further background information was available through the Members' seminars as follows:

(a) Members' Welfare Reform Seminar on 14th January 2019;

(b) Members' Finance Seminar on 24th June 2019.

3.1.2. Details of the Provisional Local Government Finance Settlement 2020/21, Council-wide Draft 2020/21 Budget and Financial Forecast 2021/22 to 2023/24, and an update on the Council's financial strategy were reported to Executive on 15th January 2020. Members should consider that report in conjunction with this report for the Environment and Community Services portfolio.

3.1.3. Forward financial planning and financial management is a key strength at Bromley and this has been recognised previously by our external auditors. This report continues to forecast the financial prospects for the next 4 years and includes the outcome of the Provisional Local Government Finance Settlement 2020/21. It is important to note that some caution is required in considering any projections for 2021/22 to 2023/24 as this depends on the outcome of the Government's next awaited Spending Review period as well as the awaited impact of the Fair Funding Review and Devolution of Business Rates.

3.1.4. A strong economy with growth increases revenues which supports the Government's ability to reduce public sector debt as the gap between finances raised and spend on public services is reduced. An "Update on Economic Situation which can impact on Public Finances" is provided in Appendix 1 of the report to the Executive.

3.1.5. Local Government has borne the brunt of austerity and savings compared with other areas of Government expenditure. Despite the announcements by the Government that "austerity is over", local government funding remains 'unprotected' and the impact of additional funding for NHS and other 'protected' services results in likely real term funding reductions remaining for local government or even if funding levels are maintained the ongoing demographic and other costs pressures are unlikely to be matched by corresponding increases in government funding.

3.1.6. The financial forecast assumes ongoing funding reductions from 2021/22, at a significantly lower rate, compared with previous years. The Spending Round 2019 provided funding proposals for one year only and the financial forecast assumes that various elements of the additional funding will continue in future years which may be optimistic. For local government the fiscal squeeze is likely to continue, whilst cost pressures remain and to reflect the ongoing prioritisation of funding for health, education, police and other security services.

3.1.7. The Budget Strategy has to be set within the context of a reducing resource base or at the very least cost and demographic pressures not being matched by Government or other external funding with potential ongoing Government funding reductions in real terms, although at a lower level compared with previous years – the on-going need to reduce the size and shape of the organisation to secure priority outcomes within the resources available. There is also a need to build in flexibility in identifying options to bridge the budget gap as the gap could increase further.

3.1.8. Bromley has the second lowest settlement funding per head of population in 2019/20 for the whole of London, giving us £112 per head of population compared with the average in

London of £297 – the highest is £503. Despite this, Bromley has retained the third lowest council tax in outer London (other low grant funded authorities tend to have higher council tax levels). If the council tax was the average of the five other low grant funded Boroughs, our income would increase by £25m. The lower council tax level has been achieved by having one of the lowest costs per head of population in outer London. The Council has expressed and continues to express serious concerns with the current and previous governments about the fairness of the funding system and to lobby for a fairer deal for our residents. Despite being a low cost authority, Bromley has achieved general savings of around £100m since 2011/12 but it becomes more challenging to achieve further savings with a low cost base.

3.2. SUMMARY OF FINANCIAL FORECAST

- 3.2.1. Details of the financial forecast are provided in the Draft 2020/21 Budget and Update on the Council's Financial Strategy 2021/22 to 2023/24 report to the Executive on 15th January 2020. This shows that even though the draft budget would be broadly balanced next year, the future year's budget gap is projected to increase to £16.9m per annum by 2023/24.
- 3.2.2. Even using a 'best case scenario' that there are no government grant reductions over the four year period, the final budget gap in future years will remain (£7.9m).
- 3.2.3. In the financial forecast, after allowing for inflation, council tax income and other changes we have an unfunded budget gap due to reductions in government funding and net service growth/cost pressures. Therefore significant elements of service growth/cost pressures are effectively unfunded. This highlights the importance of scrutinising growth and recognition that corresponding savings will need to be found to achieve a statutory balanced budget. It is timely as we all have to consider what level of growth the Council can afford and the need for significant mitigation or alternative transformation options.
- 3.2.4. In considering action required to address the medium term "budget gap", the Council has taken significant action to reduce the cost base while protecting priority front line services and providing sustainable longer term solutions. Significant savings of around £100m have been realised since 2011/12. Our Council has to balance between the needs of service users and the burden of council tax on council tax payers. With the Government placing severe reductions in the level of grant support, the burden of financing increasing service demand falls primarily upon the level of council tax and business rate income.

3.3. CHANGES SINCE THE 2019/20 BUDGET THAT IMPACT ON THE DRAFT 2020/21 BUDGET AND FINANCIAL FORECAST

- 3.3.1. The 2019/20 Council Tax report to Executive in February 2019 identified a significant "budget gap" over the four year financial planning period. Some key changes are summarised below.
- 3.3.2. The Provisional Local Government Finance Settlement 2020/21, which covers 2020/21 only, provides a significant improvement in funding for local government and represents the most positive funding proposal for local government since austerity began 10 years ago. Some of the proposals may ultimately be for one year only which results in uncertainty for future years.
- 3.3.3. The main measure of inflation for annual price increases for the Council's contracted out services is Retail Price Index (excluding mortgage interest rates) i.e. RPIX. This measure is normally up to 1% above the Consumer Price Index (CPI) level. The Draft 2020/21 Budget assumes contract price increases of 2.3% per annum from 2020/21, which compares with the existing RPIX of 2.3%. Increases of 2.5% per annum have been assumed, at this stage,

from 2021/22. Action will need to be taken by Chief Officers to fund increasing costs through alternative savings in the event that inflation exceeds the budget assumptions.

- 3.3.4. Given the scale of savings identified and any inherent risks, the need for longer term financial planning, the uncertainty on future year cost pressures, significant changes that may follow relating to future new burdens, effect of ongoing population increases and the potential impact of other public agencies identifying savings which impact on the Council's costs, a prudent approach has been adopted in considering the Central Contingency Sum required to mitigate against these risks. If the monies remaining are not required during the year the policy of using these resources, in general, for investment, generate income/savings and provide a more sustainable financial position should continue.
- 3.3.5. The 2019 Spending Round included an announcement of additional funding (£1bn nationally) that can be used towards children's social care and adult social care. This equates to £4.2m for Bromley. The additional funding should be considered to partly offset the growth/cost pressures identified in the report to the Executive.
- 3.3.6. With a remaining uncertainty on Government funding available in the future and the ongoing requirement for local authorities to be more self-sufficient, there is a need to consider what significant changes are required to manage within this new environment. The required changes relate to opportunities for partnership working, collaboration, reviewing the approach to managing risks, using technology to enable transformation of our services, helping people help themselves (friends groups) and exploring opportunities around community based place shaping led by the Council as a community leader. The Council will need to plan for significant changes including the risk of a future recession. As pressures in statutory services such as adult social care, children's social care and high needs as well as homelessness are growing, the scope to invest in local priorities and services that benefit the widest range of people is reducing. The Council has delivered savings of around £100m per annum over the last 9 years and as the ability to make savings in lower priority areas becomes more problematic. The need for savings in areas that support the Council's key priorities becomes more critical to meet the legal requirements for a balanced budget. The Council will continue to look for ways to operate more efficiently and generate more income but this alone will not be enough to meet the future years' budget gap. The key consideration is how the Council can balance the budget over the next four years. Apart from the core statutory minimum review, Chief Officers are undertaking a transformational review across all services, focussing on higher spend services first with options being presented to future meetings. The outcome of the transformation review will be a key consideration in addressing the budget gap over the next four years.
- 3.3.7. The Draft 2020/21 Budget includes the first phase of savings identified through the Transformation Programme. For this Portfolio, this equates to annual savings of £48k from 2020/21 onwards, which relates to staffing savings as set out below with further details within Appendix 1:

Transformation Savings – Phase 1

	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000
Staffing Vacancy Factor	48	48	48	48

- 3.3.8. This key work continues and further proposals will be reported to Members as part of addressing the four year financial forecast and meeting the 'budget gap' whilst ensuring key priorities are met.

3.4. DETAILED DRAFT 2020/21 BUDGET

3.4.1. Detailed Draft 2020/21 Budgets are attached in Appendix 1 and will form the basis for the overall final Portfolio/Departmental budgets after any further adjustments to deal with service pressures and any other additional spending. Under the budget process previously agreed, these initial detailed budgets are forwarded to PDS committees for scrutiny and comment prior to the next Executive meeting in February.

3.4.2. Appendix 1 sets out:

- A summary of the Draft 2020/21 Revenue Budget for the Portfolio showing actual 2018/19 expenditure, 2019/20 budget, 2020/21 budget and overall variations in planned spending between 2019/20 and 2020/21;
- A summary of the main reasons for variations for the Portfolio in planned spending between 2019/20 and 2020/21 together with supporting notes;
- A high level subjective summary for the Portfolio showing expenditure on employees, premises etc.

3.5. REVIEW OF FEES AND CHARGES

3.5.1. There will need to be an ongoing review identifying opportunities as the medium term 'budget gap' remains significant. Chief Officers will continue to review fees and charges during 2020/21 to identify opportunities to reduce the future years 'budget gap'

3.6. IDENTIFYING FURTHER SAVINGS/MITIGATION

3.6.1. The scale of savings required in future years cannot be met by efficiency alone – there will be a need for a reduction in the scope and level of services. The Council will need to continue to review its core priorities and how it works with partners and key stakeholders and the overall provision of services. A significant challenge is to consider discretionary services which, if reduced, could result in higher cost statutory obligations. Therefore, it is important to consider the risk of 'unintended consequence' of reducing discretionary services adversely impacting on the cost of statutory services. The Draft 2020/21 Budget includes the first phase of transformation savings identified which are summarised in paragraph 3.3.7. This key work continues and further proposals will be reported to Members as part of addressing the four year financial forecast and meeting the 'budget gap' whilst ensuring key priorities are met.

3.6.2. Local Authorities undertake numerous functions and provide a wide range of services. Some are mandatory and some are discretionary. We cannot stop carrying out functions where we are under a duty to deliver that function or service.

3.6.3. In 2011 Central Government compiled a list of 1,335 statutory duties which local authorities need to comply with. There followed a consultation on a possible reduction in the number of statutory duties. However this was not taken forward at government level, despite local government facing significant grant reductions. The consensus is that rather than decreasing, the number of statutory duties has increased since. For example work recently undertaken on behalf of the Directors of Children's Services indicates that children's services duties have increased by 50% since 2011. Therefore the number of statutory duties Local Authorities need to comply with is now far closer to 2,000 than the 1,335 identified in 2011.

3.6.4. Bromley has undertaken several pieces of work to align its services closely with its statutory duties. As part of the most recent work service leads have completed a template which identifies statutory and non-statutory services within their area to inform and support key

Transformation work and each individual work stream is addressing the extent of the statutory service and savings proposed.

- 3.6.5. As part of the core statutory minimum requirements review, the Council will need to consider an element of early intervention and prevention to avoid the escalation of costs arising from more expensive statutory interventions.

3.7. POSITION BY DEPARTMENT – KEY ISSUES/RISKS

Food Safety Team

- 3.7.1. Following the outcome of the Food Standards Agency (FSA) Audit of the Food Safety Service in April 2017, an action plan was agreed by the Portfolio Holder. Executive on 9 August 2017 agreed to the additional resources for two extra full time permanent and three full time temporary food safety officers for up to 18 months, to implement the action plan and clear the backlog of inspections.
- 3.7.2. Despite the additional funding, recruitment issues still remain mainly due to the national shortage of qualified food safety officers. Following the meeting on 11 September 2018, the FSA noted the efforts that had been made and acknowledged the impact that the recruitment issues had on the progress to date. They accepted that the focus would be shifted away from inspecting unrated premises.
- 3.7.3. Since April 2018 the level of enforcement/complex work carried out by the food safety team has been at an unprecedented level. Much of this marked increase in enforcement activity is directly related to the increased number of inspections made this year to premises which were previously overdue. However, should it continue, it may be that additional resources are needed to ensure food businesses are kept compliant and safe.

Coroners Service

- 3.7.4. Any high profile inquests or significant increase in volume of cases could further increase the cost of the Coroners service.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The Draft 2020/21 Budget reflects the Council's key priorities which includes, for example, supporting vulnerable adults with children and being ambitious for all our children and young people.

5. POLICY IMPLICATIONS

- 5.1 The Draft 2020/21 Budget enables the Council to continue to deliver on its key priorities and the financial forecast enables medium term financial planning allowing for early decisions to be made which impact on the medium term financial plan. The Council continues to deliver key services and lives within its means.

6. FINANCIAL IMPLICATIONS

- 6.1 Financial implications are contained within the overall body of the report.

7. PERSONNEL IMPLICATIONS

- 7.1 Staff, departmental and trade union representatives will be consulted individually and collectively on any adverse staffing implications arising from the Draft 2020/21 Budget.

Managers have also been asked to encourage and facilitate staff involvement in budget and service planning.

8. LEGAL IMPLICATIONS

- 8.1 The adoption of the budget and the setting of the council tax are matters reserved for the Council upon recommendation from the Executive. The Local Government Finance Act 1992 (as amended) requires the Council to set an amount of Council Tax for each financial year and provides that it must be set before 11th March in the financial year preceding that for which it is set. Sections 73-79 of the Localism Act 2011 amended the calculations billing and precepting authorities need to make in determining the basic amount of Council Tax. The changes included new sections 31 A and 31 B to the Local Government Finance Act 1992 which has modified the way in which a billing authority calculates its budget requirement and basic amount of Council Tax.
- 8.2 Schedule 5 to the Localism Act 2011 inserted a new section 52ZB in the 1992 Act which sets out the duty on billing authorities, and precepting authorities to each determine whether their relevant basic amount of council tax for a financial year is excessive. If an authority's relevant basic amount of council tax is excessive, the provisions in relation to the duty to hold a referendum will apply.
- 8.3 The making of these budget decisions at full Council is a statutory responsibility for all Members. Members should also have regard to the changes from the Localism Act relating to council tax increases and the recent introduction of the Adult Social Care precept. The Council has a number of statutory duties which it must fulfil by law – although there can be an element of discretion on level of service provision. The Council also discharges a range of discretionary services. The Council is not bound to carry out such activities in the same way as it is for statutory duties – although it may be bound contractually to do so. A decision to cease or reduce provision of a discretionary service must be taken in accordance with sound public /administrative law decision making principles. The Council must also comply with the Public Sector Equality Duties in section 149 of the Equality Act 2010. In doing so, the Council must have due regard to elimination of discrimination, harassment and victimization, advance equality of opportunity and foster good relations with persons who share a protected characteristic.
- 8.4 The Local Government Act 2003 included new requirements to be followed by local authorities, which includes the CIPFA Prudential Code. This includes obligations, which includes ensuring adequacy of future years reserves in making budget decisions and section 25 of that Act requires the Director of Finance to report on the robustness of the estimates made for the purposes of calculating the Council Tax and the adequacy of the reserves. Further details to support these obligations will be reflected in the 2020/21 Council Tax report to be reported to the February meeting of the Executive.

Non-Applicable Sections:	Procurement Implications
Background Documents: (Access via Contact Officer)	Draft 2020/21 Budget and Update on the Council's Financial Strategy 2021/22 to 2023/24, Executive 15 th January 2020. Finance monitoring, Estimate Documents, etc all held in Finance Section

Public Protection and Enforcement Portfolio**DRAFT REVENUE BUDGET 2020/21 - SUMMARY**

2018/19 Actual	Service Area	2019/20 Budget	Increased costs	Other Changes	2020/21 Draft Budget
£		£	£	£	£
	Emergency Planning				
94,835	Emergency Planning	153,920	2,550	Cr 24,000	132,470
94,835		153,920	2,550	Cr 24,000	132,470
	Public Protection				
1,480,071	Public Protection	1,572,530	45,100	Cr 89,470	1,528,160
534,265	Mortuary & Coroners	565,810	8,480		574,290
127,540	Community Safety	154,650	3,180	10,490	168,320
2,141,876		2,292,990	56,760	Cr 78,980	2,270,770
2,236,711	TOTAL CONTROLLABLE	2,446,910	59,310	Cr 102,980	2,403,240
280,434	TOTAL NON CONTROLLABLE	13,130	930	Cr 6,670	7,390
492,117	TOTAL EXCLUDED RECHARGES	870,960		Cr 3,400	867,560
3,009,262	PORTFOLIO TOTAL	3,331,000	60,240	Cr 113,050	3,278,190

PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO**SUMMARY OF BUDGET VARIATIONS 2020/21**

Ref		VARIATION IN 2020/21	ORIGINAL BUDGET
		£'000	2019/20 £'000
1	2019/20 BUDGET	3,331	
2	Increased Costs	60	
	Movements Between Portfolios/Departments		
3	Realignment of lease car budget to Home Improvement	Cr 3	3
4	Transfer of resources from Chief Executive to PPE	20	334
5	Transfer of an Environmental Enforcement Officer post to PPE	<u>39</u>	229
	Real Changes		
	<i>Savings identified for 2020/21 as part of the 2019/20 Budget Process</i>		
6	Review of Staffing	<u>Cr 23</u> Cr 23	2,533
	<i>Other Real Changes</i>		
7	Fall out of short-term additional resources	<u>Cr 89</u> Cr 89	471
	<i>Transformation Programme Savings</i>		
8	Staffing Vacancy Factor	<u>Cr 48</u> Cr 48	2,533
9	Variations in Capital Charges	Cr 6	
10	Variations in Recharges	Cr 3	
11	2020/21 DRAFT BUDGET	<u><u>3,278</u></u>	

PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO

Notes on Budget Variations in 2020/21

Ref Comments

Movements Between Portfolios/Departments

- 3 Realignment of lease car budget to Home Improvement (Cr £3k)
There was a small adjustment to realign lease car budgets across the PPE and RR&H portfolios.
- 4 Transfer of resources from Chief Executive to PPE (Dr £20k)
This reflects the transfer of resources from the Chief Executive's department to the PPE portfolio.
- 5 Transfer of an Environmental Enforcement Officer post to PPE (Dr £39k)
This budget adjustment relates to the transfer of an Environmental Enforcement Officer post from Environment and Community Services to Public Protection and Enforcement to reflect the current team structure.

Real Changes

- 6 Review of Staffing (Cr £23k)
This represents the full year effect of the leadership staff savings drawn up during the course of 2019/20.
- 7 Fall out of short term additional resources (Cr £89k)
Removal of additional temporary resources agreed by the Executive in August 2017 for a period of 2.5 years to provide additional support for performance and business management, commissioning and business continuity.
- 8 Salary vacancy saving (Cr £48k)
A budget reduction to salary budgets has been applied for 2020/21 on the assumption that savings can be achieved through staff turnover.
- 9 Variations in Capital Charges (Cr £6k)
The variation in capital charges is due to a combination of the following:
(i) Depreciation – the impact of revaluations or asset disposals in 2018/19 (after the 2019/20 budget was agreed) and in the first half of 2019/20;
(ii) Revenue Expenditure Funded by Capital Under Statute (REFCUS) – mainly due to variations in the value of schemes in the 2020/21 Capital Programme that do not add value to the Council's fixed asset base.
(iii) Government Grants – mainly due to variations in credits for capital grants receivable in respect of 2020/21 Capital Programme schemes, which are used to finance expenditure that is treated as REFCUS.
These charges are required to be made to service revenue accounts, but an adjustment is made below the line to avoid a charge on Council Tax.
- 10 Variations in Recharges (Cr £3k)
Variations in cross-departmental recharges are offset by corresponding variations elsewhere and therefore have no impact on the overall position.

Public Protection and Enforcement Portfolio
DRAFT REVENUE BUDGET 2020/21 - SUBJECTIVE SUMMARY

Service area	Employees	Premises	Transport	Supplies and Services	Third Party Payments	Income	Controllable Recharges	Total Controllable
	£	£	£	£	£	£	£	£
Emergency Planning								
Emergency Planning	115,200	0	4,400	12,870	0	0	0	132,470
	115,200	0	4,400	12,870	0	0	0	132,470
Public Protection								
Public Protection	2,061,460	44,070	35,000	181,220	546,580	Cr 397,650	Cr 942,520	1,528,160
Mortuary & Coroners Service	0	0	0	0	574,290	0	0	574,290
Community Safety	246,600	0	4,070	19,490		Cr 348,280	246,440	168,320
	2,308,060	44,070	39,070	200,710	1,120,870	Cr 745,930	Cr 696,080	2,270,770
	2,423,260	44,070	43,470	213,580	1,120,870	Cr 745,930	Cr 696,080	2,403,240

Service area	Capital Charges/ Financing	Repairs, Maintenance & Insurance	Not Directly Controllable	Recharges In	Total Cost of Service	Recharges Out	Total Net Budget
	£	£	£	£	£	£	£
Emergency Planning							
Emergency Planning	2,000	280	2,280	75,090	209,840	0	209,840
	2,000	280	2,280	75,090	209,840	0	209,840
Public Protection							
Public Protection	0	4,620	4,620	1,342,270	2,875,050	Cr 1,217,900	1,657,150
Mortuary & Coroners Service	0	0	0	69,990	644,280	0	644,280
Community Safety	0	490	490	635,890	804,700	Cr 37,780	766,920
	0	5,110	5,110	2,048,150	4,324,030	Cr 1,255,680	3,068,350
	2,000	5,390	7,390	2,123,240	4,533,870	Cr 1,255,680	3,278,190

London Borough of Bromley

Report No.
ES20005

PART ONE - PUBLIC

Decision Maker: Public Protection Policy Development and Scrutiny Committee

Date: 4 February 2020

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 December 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 13th December 2019 and presented to E&RC PDS on 8th January 2020.
- 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 & Enforcement Portfolio
 4. Total current budget for this head: £2.6m
 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 (CDB) 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 Register is a key tool used by Contract Managers as part of their daily contract responsibilities. The Contract Registers are reviewed by the Procurement 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 214 active contracts covering all portfolios as of 13th December 2019 for the January reporting cycle as set out in Appendix 1.

3.6

Public Protection and Enforcement Portfolio				
Item	Category	Jul-19	Oct-19	Jan-20
Total Contracts	£50k+	5	5	5
Concern Flag	Concern Flag	1	0	0
Risk Index	Red	0	0	0
	Amber	1	1	1
	Yellow	3	3	3
	Green	1	1	1
Total		5	5	5
Procurement Status	Red	1	1	0
	Amber	0	1	1
	Yellow	1	0	1
	Green	3	3	3
Total		5	5	5

- 3.7 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 contracts flagged for attention.

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 [Building a Better Bromley](#) document 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	July 2019	October 2019	January 2020
Contracts (>£50k TCV)	All Portfolios	205	207	214
Flagged as a concern 	All Portfolios	4	2	1
Capital Contracts	All Portfolios	9	5	3
Portfolio				
	Children, Education and Families	36	35	37
	Adult Care and Health	82	72	73
	Public Protection and Enforcement	5	5	5
	Executive, Resources and Contracts	56	55	55
	Environment and Community Services	14	15	17
	Renewal and Recreation and Housing	12	25	27
Total		205	207	214
Risk Index				
	Red	10	12	13
	Amber	74	72	74
	Yellow	82	83	84
	Green	39	40	43
Total		205	207	214
Procurement Status				
	Red	55	50	64
	Amber	23	48	40
	Yellow	45	24	19
	Green	82	85	91
Total		205	207	214
Procurement Status	Imminent	0	5	5
Total		0	5	5

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.

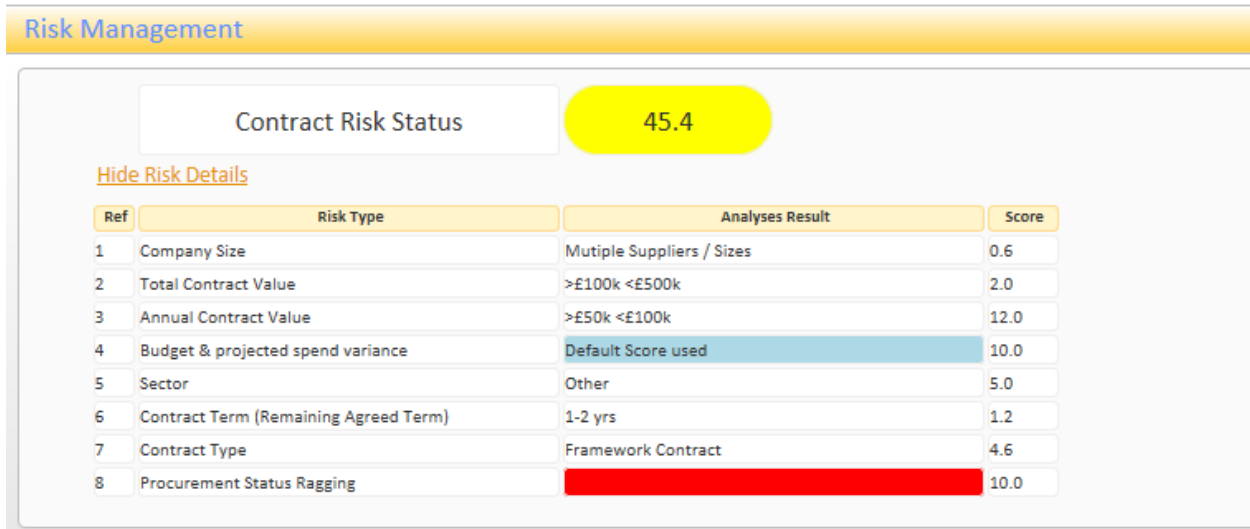
Register Category	Explanation
Risk Index	Colour-ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) / colour reflecting the contract's intrinsic risk
Contract ID	Unique reference used in contract authorisations
Owner	Manager/commissioner with day-to-day 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				
		£5k - £50k	£50k - £100k	£100k - £173k	£173k - £500k	>£500k
Period	3 months					
	6 months					
	9 months					
	12 months					
	18 months					
		Total Contract Value				



	Requires an agreed plan
	Develop / test options
	Consider options
	No action required

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Contract Register Report - £50k Portfolio Filtered - Public Protection and Enforcement - January 2020

Risk Index	Contract ID	Owner	Approver	Contract Title	Supplier Name	Portfolio	Total Value	Original Annual Value	Budget	Projection	Proc. Status		Start Date	End Date	Months Duration	Attention	January 2020 Commentary	Capital
●	3763	Mark Atkinson	Joanne Stowell	Dogs & Pest Control Services	SDK Environmental Ltd	Public Protection and Enforcement	234,915	78,305			■	A	01/02/2018	31/01/2021	36		Procurement Comment----- Paper planned for March 2020 PDS on future commissioning options. Owner Comment ----- A briefing paper was presented to the Procurement Board on 20th November 2019. Proposals with regards to proceeding to tender will be presented to PDS on 31st March 2020 with the new contract implemented on 1st April 2021	
●	4941	Joanne Stowell	Colin Brand	** Now Live ** Mortuary Contract	Princess Royal University Hospital Mortuary via Kings College Hospital NHS Foundation Trust (with LB Bexley)	Public Protection and Enforcement	540,000	180,000			■	Y	01/10/2019	30/09/2022	36		Procurement Comment ----- No commentary required. Owner Comment ----- No commentary required	
●	4858	Robert Vale	Joanne Stowell	CCTV Repair and Maintenance Contract	Tyco Fire & Integrated Solution (UK) Ltd	Public Protection and Enforcement	691,081	135,573			■	G	01/04/2019	31/03/2024	60		Procurement Comment----- No commentary required. Owner Comment ----- The performance of this contract is being closely monitored.	
●	3799	Joanne Stowell	Colin Brand	Coroners Service	London Borough of Croydon	Public Protection and Enforcement	448,640	224,320			■	G	01/04/1966	31/08/2029	762		Owner Comment ----- No comment required	
●	4859	Robert Vale	Joanne Stowell	CCTV Monitoring	Enigma CCTV Ltd	Public Protection and Enforcement	1,441,000	288,200			■	G	01/04/2019	31/03/2024	60		Procurement Comment----- No commentary required. Owner Comment ----- This contract is performing well.	

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Report No.
ES20003

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Environment and Community Services PDS Committee and Public Protection and Enforcement PDS Committee

Date: 29 January 2020 and 4 February 2020

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 & 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: E&PP DMT and Corporate Risk Management Group.

2. **RECOMMENDATIONS**

That the Environment and Community Services PDS Committee and Public Protection and Enforcement PDS Committee reviews and comments on the appended E&PP Risk Register. It should be noted that each risk has been highlighted as being relevant to one committee only (and therefore should be discussed at the relevant meeting).

Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Risk Register covers services provided by the E&PP 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: £31.31m and £2.6m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): - 146.7 FTEs and 51.9 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 E&PP 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 Environment and Community Services Portfolio is appended to Report ES20004 and for the Public Protection and Enforcement Portfolio, to Report ES20005.
- 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 E&PP 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 E&PP'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 29th January 2020.
- 3.8 At the time of writing, the Council has 106 individual risks (96 departmental plus 10, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).
- 3.9 E&PP Department currently has 23 risks (~22% of the Council's total).
- 3.10 The appended E&PP 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. There are no E&PP risks currently ragged 'red' following the 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 (E&PP): Ineffective management, processes and systems within E&PP 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	9
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	20	12
12	Town Centre Businesses: Loss of town centre businesses to competition	12	6
13	New Parking Schemes: Failure to deliver new parking schemes resulting in income loss and congestion	12	4
14	Staff Resourcing and Capability: Loss of corporate memory and ability to deliver as key staff leave (good new staff are at a premium)	12	9
15	Climate Change: Failure to adapt the borough and Council services to our changing climate	12	8
16	CCTV Contract (Mobilisation) Failure to effectively mobilise the new CCTV contracts	6	3
17	Income Reconciliation (Public Protection Licensing) Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding	6	6
18	Income Reconciliation (Waste Management) Uncertainty around income reconciliation linked to the mobilisation of new waste contracts	6	2
19	Bromley Town Centre Market Reorganisation Failure to deliver a successful market reorganisation which meets the needs of traders, businesses and customers	9	6
20	Dogs and Pests Contract Failure to deliver the contract to the required service levels	6	4
21	Out of Hours Noise Service Failure to deliver statutory services	12	12
22	Integrated Offender Management Failure to contribute to IOM in Bromley	12	12
23	Anti-Social Behavior Co-Ordinator post: Failure to deliver ASB problem solving and partnership activity	12	12

- 3.11 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.
- 3.12 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 regularly reviewed and adjusted in light of any 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. 14: Staff Resourcing and 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. compliance with Health & Safety law and Industrial Action.

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					
Expected frequency	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	<ul style="list-style-type: none"> Minor breach of internal regulations (not reportable) 	<ul style="list-style-type: none"> Minor breach of external regulation (not reportable) 	<ul style="list-style-type: none"> Breach of internal regulations leading to disciplinary action Breach of external regulations, reportable 	<ul style="list-style-type: none"> Significant breach of external regulations leading to intervention or sanctions 	<ul style="list-style-type: none"> Major breach leading to suspension or discontinuation of business and services
Financial	<ul style="list-style-type: none"> <£50,000 	<ul style="list-style-type: none"> > £50,000 <£100,000 	<ul style="list-style-type: none"> >£100,000 <£1,000,000 	<ul style="list-style-type: none"> >£1,000,000 <£5,000,000 	<ul style="list-style-type: none"> >£5,000,000
Service Delivery	<ul style="list-style-type: none"> Disruption to one service for a period <1 week 	<ul style="list-style-type: none"> Disruption to one service for a period of 2 weeks 	<ul style="list-style-type: none"> Loss of one service for between 2-4 weeks 	<ul style="list-style-type: none"> Loss of one or more services for a period of 1 month or more 	<ul style="list-style-type: none"> Permanent cessation of service(s)
Reputation	<ul style="list-style-type: none"> Complaints from individuals / small groups of residents Low local coverage 	<ul style="list-style-type: none"> Complaints from local stakeholders Adverse local media coverage 	<ul style="list-style-type: none"> Broader based general dissatisfaction with the running of the Council Adverse national media coverage 	<ul style="list-style-type: none"> Significant adverse national media coverage Resignation of Director(s) 	<ul style="list-style-type: none"> Persistent adverse national media coverage Resignation / removal of CEX / elected Member
Health & Safety	<ul style="list-style-type: none"> Minor incident resulting in little harm 	<ul style="list-style-type: none"> Minor injury to Council employee or someone in the Council's care 	<ul style="list-style-type: none"> Serious injury to Council employee or someone in the Council's care 	<ul style="list-style-type: none"> Fatality to Council employee or someone in the Council's care 	<ul style="list-style-type: none"> Multiple fatalities to Council employees or individuals in the Council's care

Environment & Public Protection (E&PP) Risk Register

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			DATE LAST REVIEWED:	RISK OWNER	
						Likelihood	Impact	Risk Rating		Likelihood	Impact	Risk Rating	FURTHER ACTION REQUIRED		23.12.19
1	1	All E&PP	Emergency Response Failure to respond effectively to a major emergency / incident internally or externally	Cause(s): -Emergency may be triggered by storms, floods, snow, extreme heat or other emergency. Ineffective response could be caused by capacity and/or organisational issues Effect(s): - Failure to fulfil statutory duties in timely manner - Disruption to infrastructure and service provision in general	Service Delivery	2	4	8	1. Corporate Major Emergency Response Plan 2. Adoption of Standardisation Process in terms of Emergency Response 3. Business Continuity Policy & Strategy and associated Service Business Continuity Plans 4. Out-of-Hours Emergency Service 5. Winter Service Policy and Plan (reviewed annually) 6. Ongoing training, Testing and Exercising programme 7. Multi-agency assessment of emergency risks 8. Training Programme delivered for volunteers in respect of Standardisation Process 9. Implementation of 'on-call rota' for Emergency Response Manager and at Director level 10. Multi-agency forum for emergency preparedness, response and recovery planning within the Borough	2	3	6	1. Delivery of the Business Continuity Management process by CLT 2. Development of risk-specific arrangements based upon London Resilience frameworks, informed by the Borough Community Risk Assessment 3. Recruit and train more Emergency Response Volunteers 4. Implementation of the Resilience Standards For London	David Tait	
3	3	All E&PP	Fuel Availability Fuel shortage impacting on both LBB and service provider transport fleet	Cause(s): -National or local fuel shortage caused by picketing or other external factors Effect (s): -Failure to provide services impacting on residents and other customers	Service Delivery	1	5	5	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	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	Cause(s): -Failure to implement and keep up-to-date effective service and corporate Business Continuity Plans Effect(s): -Non-provision of critical services following an incident (internal or external)	Service Delivery	2	4	8	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	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	
6	8	All E&PP	Health & Safety (E&PP) Ineffective management, processes and systems within E&CS departmentally	Cause(s): -Failure to take departmental action to reduce likelihood of accidents, incidents and other H&S issues Effect (s): -HSE investigation / prosecution leading to fines, increased insurance claims, and reputational damage	Health & Safety	3	4	12	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	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	
10	14	All E&PP	Income Variation (Highways and Parking) Loss of income when the Council is looking to grow income to offset reduced funding	Cause(s): - 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) Effect (s): -Loss of income with potential to reduce service delivery funds	Financial	3	3	9	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	1. Refine procedure for resolving disputes with utilities 2. Review of parking tariff structures 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	
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)	Cause(s): -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. Effect (s): -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	3	3	9	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	
22		All E&PP	Climate Change Failure to adapt the borough and Council services to our changing climate	Cause(s): -Severe weather events including extreme heat, storms, floods etc. Effect (s): -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	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	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	

Environment & Public Protection (E&PP) Risk Register

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			DATE LAST REVIEWED:	RISK OWNER	
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED		
18	24	Public Protection	CCTV Contract (Mobilisation) Failure to effectively mobilise the new CCTV 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	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	23.12.19	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	<p>Cause(s):</p> <ul style="list-style-type: none"> - Lack of processes to reconcile actual licence fee income against expected income held on service specific IT systems. <p>Effect (s):</p> <ul style="list-style-type: none"> - Loss of income with potential to reduce service delivery funds - Reputational damage 	Financial	3	2	6	<ol style="list-style-type: none"> 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
22	28	Public Protection	Dogs and Pests Contract Failure to deliver the contract to the required service levels	<p>Cause(s):</p> <ul style="list-style-type: none"> -Lack of robustness within contract specification in terms of contract deliverables and Key Performance measures <p>Effect (s):</p> <ul style="list-style-type: none"> -Inability to deliver statutory functions -Reputational damage 	Service Delivery	3	2	6	<ol style="list-style-type: none"> 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	<p>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.</p> <p>Effect: Inability to deliver Out of Hours Noise Service.</p>	Service Delivery	3	4	12	1. Annual review with MOPAC on service outcomes	3	4	12	<ol style="list-style-type: none"> 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 		Rob Vale
24	30	Public Protection	Integrated Offender Management Failure to contribute to IOM in Bromley	<p>Causes:</p> <ul style="list-style-type: none"> -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. <p>Effect:</p> <ul style="list-style-type: none"> -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	<p>Cause(s):</p> <ul style="list-style-type: none"> -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. <p>Effect:</p> <ul style="list-style-type: none"> -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

Report No.
CSD 20015

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Tuesday 4 February 2020

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: Director of Corporate Services

Ward: (All Wards)

1. Reason for report

- 1.1 Members of the Committee are asked to review the Work Programme, and make suggestions for any modifications to the Work Programme as may be considered appropriate.
- 1.2 The Committee should note that the Work Programme is fluid and subject to change

2. **RECOMMENDATION(S)**

(1) That the Committee notes the Work Programme

(2) That Committee members and officers comment on any matters that they think should be considered on the Work Programme going forward

Impact on Vulnerable Adults and Children

1. Summary of Impact: Some of the matters considered by the PP&E PDS Committee may have an impact on vulnerable adults and children
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council 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: 2019/2020 revenue budget
-

Personnel

1. Number of staff (current and additional): 8 posts (6.79fte)
 2. If from existing staff resources, number of staff hours: About an hour 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 primarily for the benefit of the PP&E PDS Committee Members and Co-opted Members and relevant officers.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
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 Committee 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 2020.

Background Documents: (Access via Contact Officer)	Minutes of the previous meeting. Previous Work Programme Report The Public Protection and Enforcement Portfolio Plan
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PUBLIC PROTECTION AND ENFORCEMENT PDS—4th February 2020
Police Update
Portfolio Holder Update
Public Protection Performance Against Portfolio Plan Indicators
Public Protection Enforcement Policy Report— Final.
Draft Budget—2020-2021
MOPAC Update/Presentation
Blue Badge Misuse Policy Report.
Contracts Register Report and CDB extract
Environment and Public Protection Risk Register Update
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS—31st March 2020
Presentation from Bromley Youth Council
Matters Outstanding
Police Update
Portfolio Holder Update
PP&E Portfolio Plan Performance Overview
Budget Monitoring 2019-20
Neighbourhood Management Enforcement Update Scrutiny Report--TBC
Minutes of the SBP meeting from 19 th March
Update for Emergency Planning and Business Continuity
Report on Decision to Extend the Licensing Hours for the White Hart Public House
Work Programme
POSSIBLE FUTURE PRESENTATIONS and AGENDA ITEMS
Knife and Serious Violence Action Plan
Report on LBB's contract with the Coroner.
Report on the link between crime and mental health issues
Presentation from SLAM (Returning to Annual Updates)
Public Protection Enforcement Activity Update—June 2020
Annual Report on Mortuary Contract (Due circa September 2020)
POSSIBLE FUTURE VISITS
Coroners' Court.
Bethlem Hospital