



THE LONDON BOROUGH
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DATE: 11 January 2021

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
Jacob Evers, Chairman of Bromley Youth Council
Oscar Seal, Bromley Youth Council Representative

A virtual meeting of the Public Protection and Enforcement Policy Development &
Scrutiny Committee will be held on **TUESDAY 19 JANUARY 2021 AT 6.30PM**

**DETAILS OF HOW TO VIEW THE MEETING WILL BE PUBLISHED WITH THE
AGENDA**

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 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS
COMMITTEE HELD ON 8TH DECEMBER 2020 (Pages 1 - 20)**

4 QUESTIONS FOR THE CHAIRMAN OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

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. Therefore, any questions not specific to the agenda would have been required to be received by **5.00pm on 5th January 2021**.

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 13th January 2021**.

5 QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT 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. Therefore, any questions not specific to the agenda would have been required to be received by **5.00pm on 5th January 2021**.

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 13th January 2021**.

6 MATTERS OUTSTANDING (Pages 21 - 24)

A report is received at every meeting that details any matters that may be outstanding.

7 POLICE UPDATE (Pages 25 - 32)

An update from the police is provided at every meeting.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

8 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW AND PORTFOLIO HOLDER UPDATE (Pages 33 - 34)

9 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

Portfolio Holder decisions for pre-decision scrutiny.

a EXTENSION OF THE PUBLIC SPACE PROTECTION ORDERS CONCERNING ALCOHOL (Pages 35 - 40)

10 PRE-DECISION SCRUTINY OF REPORTS TO THE EXECUTIVE

a MODEL LONDON LETTINGS ENFORCEMENT POLICY (Pages 41 - 58)

POLICY DEVELOPMENT AND OTHER ITEMS

- 11 PLANNING ENFORCEMENT REPORT (Pages 59 - 64)**

 - 12 PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO DRAFT BUDGET 2021/22 (Pages 65 - 76)**

 - 13 COMMUNITY IMPACT DAYS UPDATE (Pages 77 - 78)**

 - 14 ENVIRONMENT AND PUBLIC PROTECTION RISK REGISTER (Pages 79 - 88)**

 - 15 WORK PROGRAMME (Pages 89 - 92)**
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PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the virtual meeting held at 6.30 pm on 8 December 2020

Present:

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

Sharon Baldwin, Jacob Evers, Alf Kennedy and Oscar Seal

STANDARD ITEMS

69 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

No apologies for absence were received.

The Chairman and Vice Chairman expressed their thanks to all Bromley staff for keeping LBB going in the wake of the Covid 19 pandemic.

70 DECLARATIONS OF INTEREST

There were no declarations of interest.

71 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 4th FEBRUARY 2020

The Committee considered the minutes of the meeting of Public Protection and Enforcement committee held on 4th of February 2020.

RESOLVED that the minutes of the meeting held on 4th of February 2020 be agreed and signed as a correct record.

72 QUESTIONS FOR THE CHAIRMAN OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

No questions were received for the chairman or for the committee.

73 QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

One overall question was received from Councillor Kathy Bance to the Portfolio Holder. The question and answer is attached as an appendix to the minutes.

74 CO-OPTED MEMBERS REPORT

CSD20105

Members noted the Co-opted members report and agreed to the reinstatement of the existing Co-opted members, and the appointment of two new Co-opted members representing Bromley Youth Council.

75 MATTERS OUTSTANDING

CSD21007

Members noted the matters arising report, and the matter that had been outstanding from the previous meeting concerning the re-establishment of contact with London CRC (Community Rehabilitation Company) and the utilisation of 'Community Payback'. It was noted that an update concerning this matter had been disseminated to Members prior to the meeting.

The Chairman was keen that this was a matter that officers should not lose sight of as he regarded it as a matter of particular importance.

RESOLVED that the Matters Arising Report be noted.

76 BROMLEY YOUTH COUNCIL STRATEGY PRESENTATION

Ms Danie Gibbs (LBB Youth Engagement Co-ordinator) attended the meeting along with Jacob Evers (BYC Chairman) to update the Committee and answer questions pertaining to the new BYC (Bromley Youth Council) Strategy. The Chairman stated that the report was excellent.

Members were briefed that at the BYC 'Your Choice' Youth Conference that had taken place in December 2019, it had been determined that the BYC primary campaign for the following year would be "Putting An End To Knife Crime" and that the secondary campaign would be "Youth Mental Health".

As a result of their research, BYC had realised that there needed to be more joined up strategic work across services to eradicate and reduce knife crime and youth violence within Bromley.

The Chairman referenced section 4.1 of the Campaign Progress Report which noted the fact that young people felt that there was a gap in mental health services and an inconsistent approach. He asked if the BYC Chairman could dig deeper into this matter and update the Committee on where the gaps existed. The BYC Chairman responded and explained that BYC were working on mapping services for young people across the borough. The question that

needed to be clarified was if there were really any gaps in services or was it the case that young people were not aware of services that currently existed. A further update regarding this would be provided at the PP&E PDS meeting in March 2021.

It was noted that Instagram had blocked posts relating to domestic abuse and a discussion took place regarding this.

A Member referred to section 3.1 of the report where it was stated that young people would like to see knife crime awareness in schools, along with more information and access to services working to prevent and reduce knife crime. She asked why information relating to linked services such as those relating to drugs, gangs, public safety and exploitation were not referenced. The BYC Chairman answered that there was always a danger that campaigns could get too big, and so it was decided that the focus should be made directly on knife crime.

A Member referred to the various speakers that had addressed BYC with respect to Knife Crime, and if there were any plans to get such speakers into local schools? The BYC Chairman stated that plans had made to implement this but had not taken place as yet because of the Covid Pandemic; plans were being made for this to take place in a Covid secure way going forward. Similarly, it was also planned that talks would take place (regulations permitting) in school assemblies regarding mental health issues and domestic violence. This would be undertaken by the BYC representatives themselves. It was mentioned that BYC representatives had received some training on these issues from Bromley and Croydon Women's Aid.

Members noted the overall positive feedback that was received concerning the various presentations and talks that had taken place at the Youth Conference. There was a particular presentation that was not so well received and a Member asked how the attendees at this particular workshop could benefit if the feedback was rated as poor. The BYC Chairman responded that in some cases attendees would comprise vulnerable young people who could be involved in knife crime, and in certain cases may not engage. It was true that speakers were required who were able to engage with young people. The comment was made that all speakers would come in second place when compared to Margaret Mizen from the Mizen Foundation.

The Chairman was pleased to inform the Committee that the former BYC Chairman, (Emily Warnham) was now studying at Oxford University, and the Committee wished her well and passed on their congratulations.

The Chairman thanked Danie Gibbs and the BYC Chairman for attending the meeting and for their presentation and requested that the BYC Chairman pass his appreciation and thanks to the rest of the BYC Team. The BYC Chairman responded that he was looking forward to returning in March 2021 with a further update concerning progress made in developing the BYC campaigns.

RESOLVED that the update concerning the Bromley Youth Council campaigns be noted and that a further update be provided in March 2021; the update to include a list from BYC concerning where gaps existed in mental health services for young people.

77 YEAR TO DATE UPDATE FROM THE MET POLICE

Chief Inspector Craig Knight and Superintendent Andy Brittan attended to represent the Metropolitan Police .

Councillor Kathy Bance asked questions based on the Independent Office for Police Conduct's report which had identified eleven opportunities for the Met to improve on stop and search. She asked if the police could confirm that the recommendations of the report would be adopted. Chief Inspector Knight confirmed that all of the recommendations of the report had been accepted by the BCU and the Metropolitan Police and also that MOPAC (Mayor's Office for Policing and Crime) was studying the report with interest. It was noted that on the day of the meeting, a piece of work was being developed by the Commissioner's Office, with a view to taking some of the recommendations forward. Commander Connors at New Scotland Yard was the Lead for this. She was working with all of the BCU Leads to implement the recommendations.

Covid compliant training had already commenced with respect to 'unconscious bias'. This package of training had been accepted nationally as best practice. Mr Knight responded to the eleven points that had been raised in the questions from Councillor Bance and outlined how all of the recommendations were being progressed. The full list of questions and responses are attached as an appendix to the minutes.

Councillor Bance responded by saying that she was glad that the police had accepted that some lessons had been learned, and she had great faith in Bromley police to implement the recommendations going forward. In the course of providing responses to the questions, Mr Knight stated that he would be happy to provide a presentation regarding the 'use of force' if required.

The Chairman stated that he had attended a meeting of the SNB (Safer Neighbourhood Board) the previous week, and it had become apparent that there was now a formal role for the SNB in terms of the independent monitoring of stop and search. He wondered how this could be implemented and monitored going forward, as he was not aware of independent monitoring taking place currently. It was highlighted by Mr Knight that this was an area that was currently being looked at by MOPAC. Mr Knight commented that it was important that the police be transparent in the use of stop and search and he requested that any ideas as to how this could be developed in the community be forwarded to him; he would then forward the suggestions to MOPAC for consideration.

An explanation was provided as to what was meant by a 'sanctioned detection'.

A further discussion took place regarding the classification of crime types, and specifically with respect to drugs and crimes associated with drug use. Mr Knight stated that just looking at crime data on an excel spreadsheet was in his view not the best way to analyse and learn from crime data. The police had now changed focus, and instead of just monitoring raw data, they were focusing more on the actual level of harm that was caused by different crime types. The Committee was briefed concerning a piece of academic work called the Cambridge Harm Index, this had been introduced across the UK and was recommended by the College of Policing as national best practice. This had now been adopted across London.

A discussion took place about how the police were utilising social media and an explanation was provided to outline what constituted the crime of 'harassment'.

The Chairman felt that it may be useful for the next meeting if the police could provide an overview of what Bromley was like in terms of race, sexual harassment, and hate crime. Superintendent Brittan responded that he could meet with the Chairman in person with an expert from the police to discuss this further and the Chairman agreed to this.

The BYC Chairman asked what percentage of individuals being stopped and searched were young people. He also asked how young people could be involved in a stop and search monitoring group. Mr Knight responded that the number of young people stopped and searched would vary depending on the type of crime that the police were seeking to prevent, and it was a difficult number to pin down. The wider issue that Mr Knight was concerned with was how could agencies safeguard those young people that were stopped and searched. Across Bromley 184 searches had been undertaken in the last month, and 170 in the last week; 60% of these were drug related. He said that the police were very keen that young people should have a large voice in terms of stop and search and he welcomed input from BYC and the Committee.

A Member asked when a body worn camera was not required to be switched on. Mr Knight answered that it was on standby when it was not recording, it was only switched on when required.

A Member asked why the rolling year figures for ASB had increased. Superintendent Brittan explained that this was because much of this was related to low level crime reporting of issues related to Covid and the Lockdown. It consisted of things like neighbours complaining about neighbours for allegedly breaking Covid guidelines and other such low level Covid related issues.

The Chairman expressed his thanks to the police for attending the meeting and for the sterling work that they had undertaken during the course of the pandemic.

The police expressed their thanks for the help and support that they had received from Joanne Stowell (Assistant Director for Public Protection and Enforcement).

RESOLVED that the police update be noted and that the BYC Chairman would liaise directly with Chief Inspector Knight regarding BYC input into the Police Stop and Search Strategy.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

78 BUDGET MONITORING 2020/21

FSD20085

Keith Lazarus (Head of Finance for ECS) attended to update the Committee regarding the Budget Monitoring report. He explained that the report was reporting on 'business as usual' and that the monitoring of any variations with respect to Covid would be notified centrally to the Executive.

He felt that officers were doing a good job of managing resources and there was no overall variation projected for the end of the year.

The Chairman asked if some money had been judiciously allocated so that old CCTV cameras could be refurbished and re-used. The Head of Finance for ECS responded in the affirmative, commenting that this was part of the judicious use of resources.

RESOLVED that the Committee note the report and that the Portfolio Holder endorses the report.

79 PORTFOLIO HOLDER UPDATE AND PP&E PERFORMANCE OVERVIEW

The Portfolio Holder took the opportunity to express her thanks to various officers and departments for the work that had been undertaken during an unprecedented time in the country's history.

The Portfolio Holder expressed her thanks to Rob Vale and the Trading Standards and the Food Safety Teams. There had been a plethora of new legal regulations for businesses during the pandemic that had to be interpreted and enforced across the borough. It had been an immense task to interpret and enforce rules that were constantly changing. Additional work had been required to check on thousands of businesses and in replying with advice to many requests for clarification and following up reports from the public reporting non-compliance.

The Trading Standards Team had also been informing the public about the many new scams that had arisen related to the pandemic, and had also been required to deal with a significant increase in new food business registrations for home bakers and small catering set ups--many of whom seemed worryingly unaware of the food regulations that were required.

Thanks was also expressed to Tony Baldock and his Community Safety, Environmental Health and Licensing teams. Again, these teams had been working around the clock, enforcing the new licensing rules, particularly to pubs, working in partnership with the Police Licensing Team to ensure rules were being followed. They had also been required to manage (with the police), issues of ASB that had resulted from people taking drinks into public spaces when they weren't physically allowed in the pubs. Mr Baldock had also been overseeing the review of the Public Space Protection Orders which was part of the evening's agenda. This had been a mammoth task and the Portfolio Holder was pleased that new improved controls would be in place in time for Spring next year.

The Portfolio Holder expressed her thanks to Amanda Mumford who had taken over running the Community Impact Days, and these had continued over the last few months. Although tweaks had to be introduced to account for the social distancing rules, the Impact Days had got bigger and better than before and the feedback from all involved and residents had been very positive.

Thanks were also expressed for the work undertaken by Toby Smith and his Enforcement Team. Although 'Traveller' incursions had reduced compared to previous years, the Council had experienced difficulties in the Cray area with quad bikers and off-road motorbikes. The Star Lane raid had helped with the quad bikes (as some were seized and the message was successfully sent out that they would not be tolerated), but the problem of motorbikes remained. To this end, and to also tackle the increased levels of fly-tipping, Mr Smith had been very busy arranging for all kinds of railings, posts, concrete blocks and obstacles to be put in place to hinder their access to Council land, and he had also been working well with local farm owners to do the same, and had also been working with police to undertake targeted operations and patrols.

The Vice Chairman thanked Mr Smith and his team for the excellent work that they had been undertaking in Cray Valley East.

The Portfolio Holder expressed her thanks to John Stephenson and the Planning Enforcement Team. They had been hindered by not being able to access properties and delays with court cases. Mr Stephenson had experienced a testing time, managing multiple staffing changes, including having two of his most experienced officers retire, and training new starters remotely which was not ideal.

The Portfolio Holder expressed her thanks to Chloe Wenbourne and the Parking Enforcement Team. Parking enforcement had reduced due to there being less cars on the road, but Ms Wenbourne had been working with the

Council's contractor to explore new initiatives and had overseen the new ANPR parking system at the Civic Centre car park which was now fully operational and working well. An application had also been sent to London Councils to start the enforcement of Moving Traffic Contraventions. Officers had highlighted 12 locations (11 box junctions and one banned turn) where camera enforcement would help to ease traffic flow and stop congestion. The team had also processed over 2000 key worker parking permits to NHS workers and volunteers who were carrying out crucial work during the pandemic.

The Portfolio Holder expressed her thanks to Steve Wood (Committee Secretary) for keeping everyone informed and up to date, and also to Andrew Rogers (Communications Executive) who had been outstanding at communicating the Council's many key safety messages to residents during this time.

The Portfolio Holder expressed her thanks to all of the Council's partners, in particular the Police, Ambulance Service and the Fire Brigade, who everyone had stood outside their houses for, and applauded them for their extraordinary work.

Finally, the Portfolio Holder expressed her thanks to Joanne Stowell for overseeing the whole process and the work of the various public protection departments of the Council. The Portfolio Holder described Ms Stowell as 'an absolute rock' during this incredibly demanding time.

Ms Stowell had to cope with receiving numerous emails daily from the Portfolio Holder and the Leader asking her questions about the Council's COVID response, but she had always answered them fully and within mere minutes of the questions being asked.

Lucy West (Senior Performance Officer) attended the meeting to provide the performance overview update and to answer any questions.

The Chairman asked Ms West to concentrate on the indicators detailed on the report that were rag rated as red. It was noted that the performance overview contained six months of data from the start of the year. The first issue that was discussed was item 2a, this was awareness of raising events and training to groups and partners, along with test purchase operations to detect the sale of age restricted products. These actions had been unable to be completed because of restrictions imposed by the pandemic. The Committee was pleased to note that some events had been completed successfully online using Zoom.

The Chairman commented that shops were now open and so LBB should be able to undertake test purchasing. The Chairman asked for an explanation concerning issues that had been identified with the Windows 10 laptops. Ms West explained that there had been some issues regarding the rollout of the laptops and the system used by the Public Protection Team which was

'Uniform', and this had caused some delays in reporting. Improvements were expected concerning this going forward.

The next indicator that was discussed was the matter of issuing licences to HMOs. Again, there had been a delay in processing the applications because of the pandemic. It was felt that the backlog was not significant. It was anticipated that all outstanding licences would be issued by the end of the financial year.

RESOLVED that the Portfolio Holder update and the update on the Portfolio Plan be noted.

80 ENFORCEMENT ACTIVITY UPDATE REPORT

ES18046

The Committee was presented with the Enforcement Activity Update report which had been drafted by the Assistant Director for Public Protection and Enforcement.

The Chairman asked for an explanation as to what was meant by 'price gouging'. It was noted that this referred to certain business premises charging inflated prices for items that were in short supply during lockdown.

A Member asked why pub landlords were taking vehicle registration details. The Head of Trading Standards and Licencing responded that he didn't know why this was happening, but he would investigate and respond to the Member privately.

The Chairman asked why there had been a decrease of 9% in what the Council was doing in terms of enforcement due to the number of complex cases that had arisen, and he asked for more information concerning this. Mr Smith gave an update as to why there had been a decrease in enforcement statistics with respect to fly tipping. He explained that the Environmental Officer dealing with fly-tipping had been investigating a number of cases, but the investigations very often led to a dead end, as the requisite criminal evidence needed for a prosecution to take place was not available. In most cases of fly tipping there was no evidence at the sites that could be used for prosecutions. It was becoming increasingly difficult to trace the fly tippers. Roughly 10% of cases could be investigated based on evidence being available to take a prosecution forward.

A discussion took place concerning the removal of fly tipping posters from particular sites, and a Member enquired as to whether or not fly tipping increased when this was done. She asked where the posters were placed and if they could be seen and was there a requirement for them to be more visible. Mr Smith explained that the posters were moved from time to time to avoid 'sign blindness'. There was no evidence either way to show whether or not fly tipping increased when a poster was removed and re-located.

The Vice Chairman said that there was some data that was missing from a table that was on page 76 of the agenda—the Assistant Director for Public Protection and Enforcement said that she would re-circulate the page.

A reference was made to noise generated from construction sites and the reasons why the noise from these sites had increased. It was noted that the 'considerate contractors' scheme was voluntary and not mandatory.

A Member informed the Committee that a Community Impact Day would be taking place the day following the meeting in Penge. The Chairman was pleased to note this and hoped that MOPAC would continue to supply the funding for these activities.

The Chairman noted that since March 2020 there had been in excess of 81 changes to regulations from the Government, and many of these had impacted on public protection. Because of this, Bromley's public protection staff had been extremely busy keeping on top of all these, and so the Chairman echoed the thanks to officers that had previously been expressed by the Portfolio Holder.

RESOLVED that the Enforcement Activity Report be noted.

**81 REVIEW OF PUBLIC SPACE PROTECTION ORDERS
CONCERNING ALCOHOL CONTROL ZONES 2020**

ES20033

Mr Anthony Baldock (Head of Service for Public Protection) attended the meeting to update the Committee regarding the report on the review of public space protection orders concerning alcohol control zones.

He explained that controls were already in place, but that these controls were required to be reviewed at least every three years. The Committee was informed that the purpose of the controls was not to stop people having a drink, the purpose of the controls was that people would be encouraged to drink responsibly and if this was not the case, the Council would be at liberty to impose sanctions and fixed penalty notices. The new recommendations were not just related to alcohol, but also included psychoactive substances.

The proposals had been out for consultation, and there had been 70% of responses that were in favour of the proposed controls.

The Vice Chairman referred to a letter in the report from the police regarding the possibility of a PSPO in Star Lane with respect to off road bikes. This was something that the police and the Committee would support and he hoped that this could be progressed going forward. Mr Baldock responded that this was a matter that was currently under consideration.

A discussion took place concerning whether or not the alcohol control zones should be borough wide or not. The police were supportive of a borough wide

approach. Mr Baldock stated that the purpose of the review was to maintain the existing zones, but at the same time seeking to extend the control zones, so that in effect a borough wide approach was being taken.

RESOLVED that the report be noted.

82 UPDATE ON THE PUBLIC PROTECTION RISK REGISTER

ES20052

The Committee was presented with the Public Protection and Enforcement Risk Register report which had been drafted by Sarah Foster (Assistant Director, Performance Management & Business Support). Lucy West attended to present the report and answer questions.

Reference was made to risk number 20, which was related to the Gangs and Serious Youth Violence Officer position. This was rated as red, but was now green, as subsequent to the report being published, funding had been received from MOPAC so that the post could be filled.

RESOLVED that the Risk Register update be noted.

83 MOPAC--VERBAL UPDATE

The Head of Trading Standards and Licensing (Rob Vale) attended the meeting to provide a verbal update regarding MOPAC.

It was noted that a full report regarding MOPAC would be presented to the Committee in March. The funding cycle for the current grant ended in March 2021, but MOPAC had agreed to extend the funding for a further year. MOPAC would be needing to review their position after that, as they would need to review the impact of budget cuts.

However, from April 1st, Bromley would continue to receive the allocated fund from the LCPF which would be £317,140, plus £5k to each of the safeguarding boards. Further detail was awaited regarding the funding for the Violence Reduction Unit. The funding from MOPAC would be split across three areas:

- IOM support
- VAWG
- ASB and Noise Nuisance

Community Impact Days had still been taking place despite the Pandemic. The new Lead for this was looking to increase engagement with youth services and the YOS in the coming months.

RESOLVED that the MOPAC update be noted and that a full MOPAC update report be presented to the Committee in March 2021.

84 CONTRACTS REGISTER REPORT

ES20053

Lucy West (Senior Performance Officer) attended the meeting to present the Contracts Register Report and to answer any questions.

Reference was made to the Bromley Market Force Contract which had been moved on the Contracts Database to the Environment and Community Services Portfolio, so it would be removed going forward from the Public Protection Portfolio.

There were no problems or issues with any other of the contracts on the Contracts Register.

RESOLVED that the Contracts Register Report be noted.

85 EXPENDITURE ON CONSULTANTS 2019/20 AND 2020/21

CSD20092

At its meeting on 8th October 2020, the Executive, Resources and Contracts PDS Committee considered the attached report on expenditure on consultants across all Council departments for both revenue (appendix 2) and capital (appendix 3) budgets. The Committee requested that the report be considered by all PDS Committees.

The PP&E PDS Committee considered and noted the report and decided that no further scrutiny was required.

RESOLVED that the report concerning expenditure on consultants be noted.

86 WORK PROGRAMME

CSD 20069

The Committee noted the Work Programme for the PP&E PDS Committee.

A Member asked if an update could be presented to the Committee by the Youth Offending Service. The Assistant Director for Public Protection and Enforcement pointed out that the YOS was scrutinised by a different committee, but an update on the work they were doing under the violence reduction action plan could be brought to the PP&E PDS Committee if required.

RESOLVED that:

- 1) An update report concerning Emergency Planning and Business Continuity be brought to the March 2021 meeting.**
- 2) SLAM be contacted to see if they could attend and present at the PP&E PDS meeting in January 2021.**
- 3) A planning enforcement update be brought to the January meeting.**
- 4) A MOPAC update report be presented to the Committee in March 2021**

The meeting ended at 8.20 pm

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Public Protection and Enforcement PDS Committee—8th December 2020

Question from Cllr Kathy Bance to the Portfolio Holder for Oral Response

Can the Portfolio Holder for Public Protection and Enforcement please confirm that out of all the London boroughs, Bromley Council have the highest number of care homes that have been served with a legal fire notice by the London Fire Brigade and what is the strategy of the Council to ensure that all care homes in the borough are safe from the risk of fire?

Answer to the Question from Cllr Bance

I take it this is the data shared in a London Assembly answer back in February and March 2019 - singling out Bromley Borough was not very helpful as the number of inspections carried out in each Borough by the London Fire Brigade will vary depending on numbers of care premises in the Borough, number of Fire Safety officers and their other workload priorities. Whilst I agree that this matter is of concern, it is not a matter that the Council has control of. Having said that the LFB have presented at our care home forum in relation to fire safety and in December 2019 we supported the LFB to host two workshops on reducing fire risks in care homes which was well attended by our care home managers. As part of our care home compliance checks, we do make some routine checks about fire safety but this is not the same thing as the specialist work the LFB undertakes. Care homes are responsible and should ensure that their risk assessments regarding fire have been completed, and that all matters to do with fire prevention have been undertaken in line with legislation, including actioning any work that is required. The London Fire Brigade are responsible for inspecting care homes for compliance, along with recommending any associated work or practice that may be required. The Care Quality Commission are the regulators here, who can take action if needed, with the ultimate sanction being to close the care home itself. There is information on the CQC website which outlines what they look for when they inspect <https://www.cqc.org.uk/guidance-providers/dentists/dental-mythbuster-21-fire-safety> and I can forward this to you if this would be of interest.

Background - Our routine checks include...checking that

- Care home staff are trained in fire safety
- That homes complete fire safety checks (testing of alarms weekly and regular fire drills etc.)
- That homes have up to date fire risk assessments completed
- That homes are taking action where there have been recommendations in the risk assessments

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Public Protection and Enforcement PDS Committee—8th December 2020

Question from Cllr Kathy Bance to the Police for Oral response with answers from the police:

With the release of the Independent Office for Police Conduct's report which identifies eleven opportunities for the Met to improve on stop and search, can the police confirm that they will be adopting all these recommendations as below?

1) Taking steps to ensure that their officers better understand how their use of stop and search powers impacts individuals from groups that are disproportionately affected by those powers

Yes: The BCU has already begun training staff with unconscious bias training. This new training package is being adopted across the Met now as best practice. Because of costs, the training will be phased through next year to front line staff.

2) Ensuring there is a structure in place so leaders and supervisors are proactively monitoring and supervising the use of stop and search powers and addressing any concerning trends or patterns/ sharing any identified good practice at; individual, unit or organisational level

Yes: CMG monitoring of stop and search, including body worn video clips is now taking place again after a 12-month lapse. Supervisors in the command will soon have specific stop/search supervision actions as part of individual PDR performance objectives and the compliance of supervision is now monitored weekly.

3) Taking steps to ensure that assumptions, stereotypes and bias (conscious or unconscious) are not informing or affecting officers' decision making when carrying out stop and searches, especially when using these powers on people from Black communities

Yes: as well as new training, supervisors monitor individual officers and dip sample body worn video to ensure compliance and professionalism as well as identify training needs. The lead to the BCU (CI KNIGHT) for stop and search also monitors complaints and any adverse findings to ensure learning is captured.

4) Ensuring officers are not relying on the smell of cannabis alone when deciding to stop and search someone and use grounds based upon multiple objective factors

The smell of cannabis alone should never be grounds in itself. The circumstances have to be taken into account, so for example the smell of cannabis around a group may lead to a conversation and the concealment of what is suspected to be a cannabis cigarette by one of the group may then mean one is searched.

5) Ensuring officers carrying out stop and searches always use the principles of GOWISELY and engage in respectful, meaningful conversations with the persons being stopped

Yes: The use of GOWISELY should be embedded on every search. The video lag of BWV does mean that this may be missed and training is rolling out with new cameras where the lag of the videos sound is reduced.

6) Ensuring stop and search training incorporates a section on de-escalation, including the roles of supervisors and colleagues in controlling the situation and providing effective challenge

New training rolled out across the met includes inputs on de-escalation.

7) Ensuring officers exercising stop and search powers are ending the encounters once their suspicion has been allayed, in a manner that minimises impact and dissatisfaction, unless there are further genuine and reasonable grounds for continued suspicion

Again this is embedded into new training rollout.

8) Ensuring officers exercising stop and search powers are not using restraint/handcuffs as a matter of routine and are only using these tools when reasonable, proportionate and necessary

Use of force is being monitored closely in all encounters. Each use is a decision for the officer based on the individual circumstances of the incident and as such blanket communication on use of handcuffs or powers to detain without supporting training won't be undertaken locally. When senior leaders discuss stop and search with teams, the use of handcuffs is a part of this communication to reiterate proportionate use.

9) Amending stop and search records to include a question about whether any kind of force has been used. The records should also state where information about the kind of force will be recorded

This is being undertaken centrally.

10) Ensuring officers are following APP and MPS policy and switching on their body-worn video camera early enough to capture the entirety of a stop and search interaction

The issue with BWV is a 30 second lag on sound on old cameras. The BCU has been first to roll out new technology cameras with less lag and communication includes very clear message regarding early switch on. BCU compliance for BWV use is over 90% on stop and searches.

11) Ensuring supervisors are taking a proactive role in monitoring and ensuring compliance with body-worn video APP and MPS policy.

Again this will feature as a performance indicator for supervisors moving forward into next year. Commander Connors is looking at how this can be implemented across every BCU in Metpol.

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Report No.
CSD21013

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Enforcement PDS Committee

Date: 19th January 2021

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

Title: **MATTERS OUTSTANDING**

Contact Officer: Steve Wood, Democratic Services Officer
Tel: 020 8313 4316 E-mail: stephen.wood@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

1.1 **Appendix A** updates Members on matters arising from previous meetings.

2. RECOMMENDATION

2.1 The Committee is asked to review progress on matters arising from previous meetings.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous Matters Arising reports and Minutes of meetings.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £359,420
 5. Source of funding: 2020/2021 revenue budget
-

Staff

1. Number of staff (current and additional): 7 posts (6.67fte)
 2. If from existing staff resources, number of staff hours: Completion of "Matters Arising" Reports for PP&S PDS meetings can take up to a few hours per meeting.
-

Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for Members of the Public Protection and Safety PDS Committee.
-

Ward Councillor Views

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

<u>Minute Number/Title</u>	<u>Matters Arising</u>	<u>Update</u>
<p>Minute 77 8th December 2020</p> <p>YTD update from the Police.</p>	<p>RESOLVED that the police update be noted and that the BYC Chairman would liaise directly with Chief Inspector Knight regarding BYC input into the Police Stop and Search Strategy.</p>	<p>An update will be provided at the meeting.</p>
<p>Minute 88 8th December 2020</p> <p>Work Programme</p>	<p>SLAM to be contacted to see if they could attend and present at the PP&E PDS meeting in January 2021.</p>	<p>SLAM will be attending at the March meeting.</p>

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Bromley ASB and Crime Performance & Analysis

Period September 20 – November 20

19th January 2021

Local Priorities

- The MOPAC Plan performance framework consciously moved away from city wide targets to enable local solutions to local problems based upon evidence. The framework incorporated London wide priorities with a focus on high harm crimes and wider issues that affected all of London, alongside local volume crime priorities chosen by local authorities in partnership with local police.
- At the start of 2019/20, Bromley chose the following as local volume crime priorities:
 - Non-Domestic Violence With Injury**
 - Burglary (Residential)**
 - ASB (a priority for all London Boroughs)**

Other Volume Crime In Bromley

(September 2020 – November 2020)



From the suite of high-volume crimes, identified during the development of the Police and Crime Plan (from which local priorities were chosen) the below indicates the varying influence they have on total crime. * the rank is based on volume and not priority

Crime Rank*	Crime Type	% of Borough TNO (3261)
1	Harassment	28% (913)
2	Common Assault	15.7% (511)
3	Criminal Damage	13.7% (447)
4	Non-Domestic Violence with Injury	12.5% (410)
5	Residential Burglary	9.6% (314)
6	Theft of MV	8.5 (277)
7	Possession of Drugs	7% (229)
8	Robbery – Personal Property	3% (95)
9	Offensive Weapons	1.5% (49)
10	Drug Trafficking	0.5(16)

Total Notifiable Offences (for slide 3 ranked crimes)



- Total Notifiable Offences for ranked crimes previous slide (TNO)
- September– November 19 = 3702
- September – November 20 = 3261
- % Change = **-12 %**

TNO for all offences

September– November 19 = 6642

September – November 20 = 5827

% Change = -12.2 %

Notifiable Offences

(October- December 20)* compared to same period previous year



Crime Type	TNO No 3115 Sep-Nov 2019	TNO No 3261 Sep-Nov 20 % Change
Harassment	881	913 +3.6%
Common Assault	548	511 -6.7%
Criminal Damage	602	447 -25%
Non-Domestic Violence with Injury	414	410 – 0.9%
Residential Burglary	587	314 -46.5%
Theft of MV	261	277 +6%
Possession of Drugs	250	229 -8.4%
Robbery – Personal Property	128	95 – 25%
Offensive Weapons	22	49 +122%
Drug Trafficking	9	16 +77%

Sanctioned Detections

(September- November 20) compared to same period previous year



Crime Type	SD No X 2019	SD No 2020 % Change
Harassment	61	65 +6.5%
Common Assault	39	36 – 7.6%
Criminal Damage	35	36 +2.8%
Non-Domestic Violence with Injury	62	65 +4.8%
Residential Burglary	12	12 0%
Theft of MV	4	7 +75%
Possession of Drugs	91	83 -8.7
Robbery – Personal Property	14	8 -42.8%
Offensive Weapons	20	31 +55%
Drug Trafficking	13	16 +23%

ASB Rolling Year 19-20



ASB Comparison - ASB Calls By Reporting Period

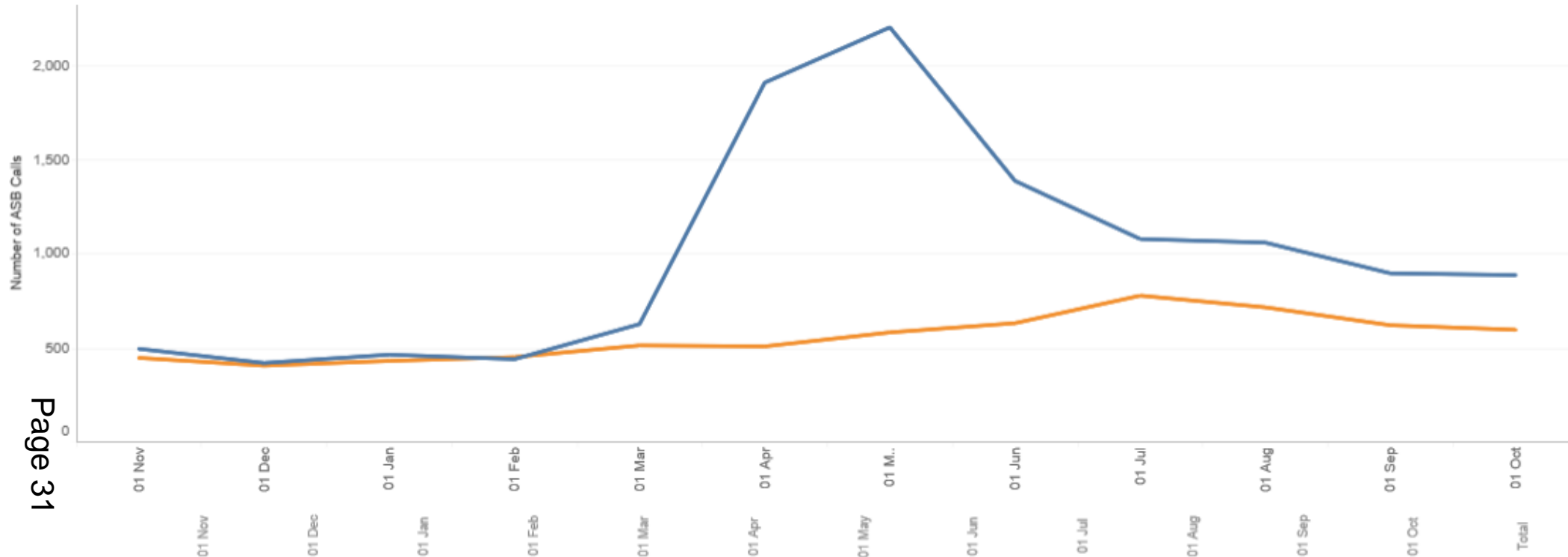


Chart Controls

Compare

Reporting Period

Date Period

Filter Controls

BCU or Borough

Borough

BCU \ Borough

ASB Category

Current 12 Months
 Previous 12 Months

Page 31

ASB Comparison - ASB Calls By ASB Category (Current Year)

Chart Controls

Compare

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Report No: ES20061		PP&E PORTFOLIO PLAN - PERFORMANCE OVERVIEW (2020/21)																															
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	2019-20 TARGET	2019-20 ACTUAL	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Year End Projection	WHAT DOES GOOD PERFORMANCE LOOK LIKE?	2020-21 TARGET	2020-21 RAG STATUS	COMMENTARY (BY EXCEPTION)							
1: We will keep Bromley safe	PPE 1	1A	Number of Community Impact Days	12	12	12	12	12	12	12	12	12	12	1	1	1	1	1	1	1	1	12	HIGH	12	GREEN								
2: We will protect consumers	PPE 2	2A	Awareness raising events & training to groups & partners (No.)	45	80	N/A	115	70	129	70	90	70	72	0	0	0	0	1	0	2	2	70	HIGH	70	RED	The Trading Standards team have been unable to deliver outreach event in the community (e.g. talks and training) due to social distancing. The team have completed an online event via zoom. There have been no opportunities to carry out test purchases since the start of the pandemic. LBB have recently spoken to our partners at local police and are formulating plans to re-visit this area of work in the next couple of months.							
	PPE 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%	100%	100%	0	1 (100%)	3 (100%)	4 (100%)	2 (100%)	0	4 (100%)	1 (100%)	100%	OUTCOME	N/A	OUTCOME								
	PPE 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	N/A	New KPI for 19/20	100	97	0	0	0	0	0	0	0	100	HIGH	100%	RED								
3: We will support and regulate businesses	PPE 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)	100% (A) 100% (B)	100% (A) 100% (B)	100% Risk A (3/3) 96% Risk B (107/111)	Annual 1 A and 78 Bs due.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	Annual	HIGH	% to be determined by the FSA due to COVID-19		FSA instructed LA's not to carryout inspections from mid-March to mid-July. The COVID-19 precautions means that the inspection process is longer than normal. Therefore the Food team will not be able nor be expected to make up the backlog of inspections by 31/3/21.						
	PPE 6	3B	Due Food Hygiene Interventions Completed (%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	New KPI 20/21	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	Annual	HIGH	% to be determined by the FSA due to COVID-19								
	PPE 7	3C	Due Food Standards Interventions Completed (%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	New KPI 20/21	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	FSA have suspended inspections from mid-March to mid-July 2020 due to the disruption of COVID-19 to the programme resulting in a backlog of inspections, including high risk.	Annual	HIGH	% to be determined by the FSA due to COVID-19								
	PPE 8	3D	Respond to 70% 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	N/A	N/A	New KPI for 19/20	80%	86%	92% (11 out of 12)	100% (22 out of 22)	87% (19 out of 22)	98% (35 out of 36)	91% (41 out of 45)	88% (38 out of 43)	89% (40 out of 45)	87% (42 out of 48)	92%	HIGH	70%	GREEN						
4: We will protect and improve the environment	PPE 9	4A	Comply with 100% of CCTV Evidence Requests (%)	N/A	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%	100%	100%	100%	100%	100%	100%	HIGH	100%	GREEN	
	PPE 10	4B	Comply with 100% of Contaminated Land report requests (%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	New KPI for 19/20	100%	100%	100% (0) (1 enquiry, no report)	100% (0) (1 enquiry, no report)	100% (1)	100% (1)	100% (1)	100% (1)	100% (1)	100% (1)	100% (0 reports)	100%	OUTCOME	N/A	OUTCOME						
	PPE 11	4C	Serve statutory notices where appropriate (Nuisance and pollution) (%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	New KPI for 19/20	100%	100%	100% (5)	100% (3)	100% (2)	100% (16)	100% (5)	100% (5)	100% (9)	100% (7)	100%	OUTCOME	N/A	OUTCOME							
	PPE 12	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	N/A	New KPI for 19/20	100%	96%	30%	Awaiting Data	Awaiting Data	Awaiting Data	Awaiting Data	Awaiting Data	Awaiting Data	Awaiting Data	Awaiting Data	100%	OUTCOME	N/A	OUTCOME						
	PPE 13	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	N/A	New KPI for 19/20	75%	45%	0% (0 out of 1)	0% (0 out of 1)	0% (0 out of 4)	0% (0 out of 1)	0% (0 out of 1)	0% (0)	0% (0)	50% (1 out of 2)	N/A	HIGH	85%	RED	0 (None issued HMO inspections not possible due to COVID). COVID-19 restrictions on HMO licensing inspections have resulted in no HMO Licences being issued since August.						
	PPE 14	4F	Total Number of Fly-tipping incidents (No.)	3373	3343	3250	3178	3250	3067	3069	3172	3000	3123	196	218	227	284	307	370	320	378	3450	OUTCOME	N/A	OUTCOME								
	PPE 15	4G	Total Number of open fly-tipping incident investigations (No.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	32 (this is open cases under investigation for April to November)	N/A	OUTCOME	N/A	OUTCOME	Indicators 4G and 4H are new KPIs and a new method of reporting has been produced. This data will be produced from November 2020 onwards. The data will be reported from the LBB Enforcer System which will provide a detailed audit trail for these indicators.					
	PPE 16	4H	% of closed cases where action has been taken (those where evidence was available) (%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	New KPI will be reported from November 2020 onwards	13% (56 cases closed after investigation for April to November, of 56 cases 7 have had action which is the 13%)	N/A	OUTCOME	75%	OUTCOME	4G this will be an open indicator, in that it will monthly update on the number of open fly-tipping incidents investigations in the system - this because investigations can take longer than one month and action maybe ongoing. To allow for comparison of data with previous and future years it is proposed this indicator is given a set time period of the financial year - i.e. the number of open cases in the system which were commenced between April and March. 4H will be a monthly update of the % of cases closed from the same set time period of 4G where evidence was available and action has been taken. While the Enforcement team have not met the 75% target of action taken where evidence is found this will change in future months where investigations and actions will be quickly decided upon where it is apparent that there is no likelihood of a successful prosecution or that the time spent investigating the fly-tip is not cost effective.					
PPE 17	4I	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	300	112	0	4	0	28	64	17	8	16	206	LOW	250	GREEN									
PPE 18	4J	Parking ETA cases won by LBB (% of cases heard)	74.0%	1	N/A	81.0%	80.0%	80.0%	80.0%	80.0%	81.6%	80%	74%	0%	75%	0%	89%	75%	76%	100%	68%	81%	HIGH	75%	GREEN	Due to Environment and Traffic Adjudicators (ETA) closing down due to COVID-19 lockdown, decisions to refer cases were sent to LBB when the team had started online hearings. Before this decision all cases were referred to May (hence why it is 75% in May because hearings took place). Then in June the ETA referred all cases to July and August to clear the backlog of cases received during the lockdown period. This is why the number for April and June is 0 because no cases heard by ETA in the month of June. This is due to no cases being passed to ETA from the end of March to the end of May 2020.							

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Report No.
ES20066

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PORTFOLIO HOLDER FOR PUBLIC PROTECTION & ENFORCEMENT

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

Date: Tuesday 19 January 2021

Decision Type: Non-Urgent Executive Key

Title: EXTENSION OF THE PUBLIC SPACE PROTECTION ORDERS CONCERNING ALCOHOL

Contact Officer: Anthony Baldock, Head of Service - Community Safety
Tel: 020 8313 4241 E-mail: tony.baldock@bromley.gov.uk

Chief Officer: Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for report

In accordance with the recommendations agreed in Report No ES20033 presented to the General Purpose and Licensing Committee on the 30th September 2020, the Public Space Protection Orders for alcohol were reviewed. The response to the associated consultation supported the extension, and the PSPO for a further 3 years until January 2024 (from the date of sealing).

2. **RECOMMENDATION:**

2.1 That the Portfolio Holder for Public Protection and Enforcement approves the amendments and the extension of the PSPO for alcohol for an additional 3 years.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Preventing anti-social behaviour arising from people consuming alcohol in a public place is desirable for all residents including vulnerable adults and children. Consideration of any additional impacts on groups of residents is considered when exercising the use of Public Space Protection Orders. The proposals contained within this report will make parks and open spaces safer for those who are vulnerable living in the borough.
-

Corporate Policy

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

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Assistant Director for Public Protection
 4. Total current budget for this head: £2.3M
 5. Source of funding: Existing controllable revenue budget for 2020/21
-

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): Borough wide impact on residents, children, families and tourists visiting Bromley run parks and public spaces.
-

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 Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a Public Spaces Protection Order (PSPO) where they are satisfied that activities carried out in a public place have had a detrimental effect on the quality of life of those in the locality.
- 3.2 The Council currently has 3 alcohol exclusion zones (AEZ's). These AEZ's were originally introduced through a Designated Public Place Orders and have subsequently become PSPO's as a result of the Anti-Social Behaviour, Crime and Policing Act 2014 through transitional arrangements within the Act as of 20th October 2017.
- 3.3 Although the vast majority of people drink and behave responsibly there was historically a problem of alcohol related crime and disorder in some areas of Bromley. The Police therefore approached the Council at that time for support in dealing with this problem and the AEZ's were put in place to allow this behaviour to be controlled.
- 3.4 The report presented to GP&L on the 30th September 2020 (Report ES20033) provided full details on the review and the proposed amendments and consultation, and the same information was presented to the Public Protection and Enforcement PDS on the 8th December 2020 (Report CSD20116)

Results of the consultation

- 3.5 Consultation ran between 6 weeks from 8th October to 18th November and of the 215 responses were received.

5 closed questions (yes/no) were presented and the results were as follows in Table 1 below:

Table 1: Consultation Responses

No	Question	Yes	No	Skipped
1	Are you aware that there are controls regarding anti-social behaviour and alcohol in three public parks in the London Brough of Bromley?	92	122	0
2	If you are aware of the current controls concerning alcohol in some public places would you be in favour of continuing with controls concerning alcohol and the prevention of anti-social behaviour in the London Borough of Bromley?	142	62	11
3	If controls regarding alcohol and anti-social behaviour are retained do you think they should be applied borough wide or just on just in areas directly under the control of Bromley Council? * "No" response = All land where the public have access except licensed premises etc	82	119	16
4	Have you ever witnessed anti-social behaviour due to alcohol in a public place in the London Borough of Bromley?	105	108	2
5	Do you think the current controls should be extended to cover the use of psycho-reactive substances such as nitrous oxide?	173	41	1

3.6 Table 1 above demonstrates that:

- 69.61% of respondents were in favour of continuing with controls concerning alcohol and the prevention of anti-social behaviour across the borough. (Q2)
- 60% of respondents were in favour of applying the control on all land where the public have access (Q3)
- 50% of respondents had witnessed alcohol related ASB (Q4)
- 81% of respondents were in favour of extending the remit to cover the use of psycho-reactive substances such as nitrous oxide (Q 5)

3.7 In addition to the closed questions, 1 open-ended question was posed, this being: *“Do you have any further comments or suggestions you would like to make concerning anti-social behaviour and alcohol that you feel the Council should be aware of whilst reviewing the current alcohol exclusion zones?”* 135 respondents answered this question; of those that did not make a submission of support, the main concern was a misconception that the PSPO would prohibit alcohol consumption in public.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 Preventing anti-social behaviour arising from people consuming alcohol in a public place is desirable for all residents including vulnerable adults and children. Consideration of any additional impacts on groups of residents is considered when exercising the use of Public Space Protection Orders. The proposals contained within this report will make parks and open spaces safer for those who are vulnerable living in the borough.

5. POLICY IMPLICATIONS

5.1 Increased enforcement action is a key aim in “Building a Better Bromley” in improving a safe and quality environment for the public

6. FINANCIAL IMPLICATIONS

6.1 New signage will be required, and the changes would need to be advertised in the local press. The cost of any additional signage required and of the consultation process will be met from the existing Public Protection revenue budget.

6.2 Ongoing enforcement of this legislation resides with the Police and, as such, there are no further financial considerations for the Authority.

7. PERSONNEL IMPLICATIONS

7.1 The enforcement of the legislation designated on the highway would be carried out by enforcement officers within Environment and Public Protection and Ward Security enforcement officers as part of their business as usual. If the PSPO extends beyond Council land the Metropolitan Police would enforce. The Metropolitan Police have confirmed they would be in support of amending the current controlled areas.

7.2 LEGAL IMPLICATIONS

8.1 The questionnaire is comprehensive no suggestions to add to/alter it.

Non-Applicable Sections:	Procurement Implications
Background Documents: (Access via Contact Officer)	ES20033

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Report No.
ES20062

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive on 10th February 2021

Date: For pre-decision scrutiny by the Public Protection and Enforcement PDS Committee on 19th January 2021

Decision Type: Non-Urgent Executive Key

Title: Model London Lettings Enforcement Policy

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

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

Ward: (All Wards);

1. Reason for report

This report seeks to fulfil the requirements set out in Section 6.2 of the *Mandatory client money protection for property agents – Enforcement guidance for local authorities* in order to avoid any legal deficiencies in the event of any enforcement action which may identified.

2. **RECOMMENDATION(S)**

That the Public Protection and Enforcement PDS Committee approve the Model London Lettings Enforcement Policy for adoption by the Executive on the 10th February 2021.

Impact on Vulnerable Adults and Children

1. Summary of Impact: There are a number of vulnerable groups who can be impacted by the actions of unscrupulous landlords and letting agents, including persons vulnerable by virtue of age, on a low income, people with complex health conditions and those at risk of harassment or eviction.
-

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Children and Young People Excellent Council Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley:
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: NA
 3. Budget head/performance centre: Trading Standards
 4. Total current budget for this head: NA
 5. Source of funding: The London Trading Standards (LTS) Lettings project, which has been funded by National Trading Standards (NTS)(insert source of funding)
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement: The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 as amended by the Tenant Fees Act 2019
 2. Call-in: Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

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

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 London Trading Standards (LTS) Lettings project has been funded by National Trading Standards to assist London boroughs to fulfil their duty to enforce the requirement for letting agents that handle client money, which accounts for the vast majority, to belong to an approved Client Money Protection (CMP) scheme to protect this money should the business fail. This has been a statutory requirement under the Client Money Protection Schemes for Property Agents Regulations (Requirement to Belong to a Scheme etc.) Regulations 2019 since 1st April 2019. However, despite evidence of widespread non-compliance, there has been very little enforcement action to date.
- 3.2 A failure to belong to a CMP scheme attracts a penalty of up to £30,000, and non-compliance for transparency e.g. not publishing the CMP certificate on a business' website is up to £5,000. There is a statutory appeal process.
- 3.3 In Bromley, though other related work e.g. membership of a redress scheme had been carried out in 2018/19, this pre-dated the introduction of these Regulations and this work did not result in formal enforcement action. The scope of the project was approved by the PP&E PDS Committee on Thursday 27 September 2018 ([ES18068](#)); as agreed, the subsequent results were presented back to the committee on 26th June 2019 ([ES19039](#)), whereby Members were advised that 25 businesses had been brought into compliance as a result of the project.
- 3.4 This current project, which is funded until the end of March 2021, aims to identify ten agents based in the borough, and who have been the subject of general complaints and/or having regard to the size of the business. A contractor, who is one of a small team commissioned by LTS (who will carry out work for all participating boroughs), will carry out the preliminary work including contacting the schemes that offer CMP, preparing notices for the Council to enforce and assisting with any representations.
- 3.5 In addition to the Public Protection Enforcement Policy, the attached Model Policy (pages 9-13 relate to CMP) has been produced. The adoption of this policy is not a legal requirement, but the statutory guidance (see *Mandatory client money protection for property agents – Enforcement guidance for local authorities*) states under section 6.2 that **“Enforcement authorities are expected to develop and publish their own policy on determining the appropriate level of financial penalties to impose which may be part of a pre-existing enforcement policy.”**
- 3.6 This report seeks to fulfil the requirements set out in Section 6.2 of the guidance in order to avoid any legal deficiencies in the event of any enforcement action which may be identified.

Benefits to the London Borough of Bromley

- 3.7 In the short term, the project addresses key non-compliance in the borough with minimal operational resources. There is also the opportunity to publicise the work that will be carried out in the next quarter in due course, which conceivably has the added, indirect advantage of securing further compliance in Bromley.
- 3.8 The ability to confidently issue penalties coupled with the experience gleaned from the project is in accordance with Trading Standards priorities and will allow Officers to continue with intelligence led enforcement. Any funds arising from penalties are retained by the Council.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 There are a number of vulnerable groups who can be impacted by the actions of unscrupulous landlords and letting agents, including persons vulnerable by virtue of age, on a low income, people with complex health conditions and those at risk of harassment or eviction.

5. POLICY IMPLICATIONS

5.1 This policy is in alignment with the Public Protection Enforcement Policy.

6. LEGAL IMPLICATIONS

6.1 Legal Requirement: Statutory requirement. The Redress Schemes for Lettings Agency Work and Property Management Work Requirement to Belong to a Scheme etc) Order 2014; The Consumer Rights Act 2015, sections 83-88; The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019

Non-Applicable Sections:		PERSONNEL IMPLICATIONS PROCUREMENT IMPLICATIONS FINANCIAL IMPLICATIONS
Background Documents: (Access via Contact Officer)		ES18068 PLANNED ENFORCEMENT OF LEGISLATION WHICH REGULATES THE LETTING AGENTS AND PROPERTY MANAGEMENT SECTOR 27 th September 2018 ES19039 LETTING AGENTS ENFORCEMENT 26 th June 2019 Mandatory client money protection for property agents - Enforcement guidance for local authorities LONDON TRADING STANDARDS Model London Lettings Enforcement Policy

LONDON TRADING STANDARDS

Model London Lettings Enforcement Policy

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LONDON TRADING STANDARDS

Model London Lettings Enforcement Policy

Introduction

London's population has grown rapidly over the last decade to a record 9.0 million people by mid-2019. The proportion of households renting privately has also increased significantly from around 15% at the turn of the century to 27% by 2019 and of London's 3.6 million households almost a million are now renting privately, representing more than a fifth of all privately renting households in England.

London has a higher rate of population "churn" than other areas due to its higher levels of outward and inward migration, and more transient population. The high influx of working age population means that London has a younger population than England as a whole.

Occupancy levels are also particularly high in the private rented sector, with average floor area per person falling from 31m² to 25m² over the past 25 years and is now less than for any other tenure.

At the same time, average private rents in London have risen by 43% since 2005, by far the largest increase of any English region.¹ In the year to March 2020, the median rent for a privately rented home in London was £1,425 per calendar month, more than twice as high as the median in England as a whole (£700). London's rents are so much higher than those of other regions that the median monthly rent for a one-bedroom home in the capital (£1,204) is almost as high as the national median monthly rent for a home with four bedrooms or more (£1,300).²

With the expansion of the private rented sector, a large letting agent industry has grown in the Capital which accounts for around 40% of all letting agents in England. It is estimated that there are 10,000 such agents, now operating in London.

There is also evidence of widespread non-compliance with legal requirements in the sector. Recent (2018-19) enforcement data from the London boroughs suggests that only around a half (54%) of London letting agents were fully compliant with the law when inspected by Trading Standards Officers.

In this context **the London Borough of Bromley** ("the authority") has prepared an enforcement policy which sets out the decision-making process to be used by the local authority in relation to enforcement action for breaches of the following lettings legislation:

- a. The Enterprise and Regulatory Reform Act 2013 (in relation to The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014);
- b. The Consumer Rights Act 2015 (sections 83-88);
- c. The Tenants Fees Act 2019;

¹ Office for National Statistics ("ONS") Experimental Index of Private Housing Rental prices

² ONS, Private Rental Market summary statistics

- d. The Housing and Planning Act 2016 (in relation to The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019).

This policy is not statutory guidance. It has been prepared by reference to the primary legislation, applicable statutory and non-statutory guidance, the Regulators' Code and, where applicable, the Code for Crown Prosecutors. In preparing this policy the authority has also considered the extensive body of First and Upper Tier Tribunal rulings under the above legislation relating specifically to the London market.

The policy has been made in consultation with the lead enforcement authority.

The relevant sections of the above legislation mainly concern civil breaches, albeit with potential criminal offences arising from them, accordingly, where appropriate, reference is made to the overarching principles of criminal law, such as culpability, harm, aggravating and mitigating features, and proportionality.

When considering the culpability of letting agents attention is drawn to the professional status of the sector, the extensive guidance provided by, and available from, industry bodies, and the requirements for compliance provided by statutory redress schemes.

Redress Schemes

Legislation

The Enterprise and Regulatory Reform Act 2013 sections 83-88 and The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 ("the Redress Schemes Order 2014").

The requirement

It has been a requirement since 1 October 2014 for lettings and property management agents to be a member of a government approved redress scheme.³

This provides clients of these businesses, both tenants and landlords, with an independent form of redress to resolve complaints.

There are currently two schemes approved by the government:

- a. The Property Ombudsman ("TPO"); and
- b. The Property Redress Scheme ("PRS").

Sanction for breach of the requirement

The requirement is enforced by local authority Trading Standards or Housing Services.

A failure to join a scheme is enforced by a civil penalty process with a **maximum penalty of £5,000.**

³ The Redress Schemes Order 2014, Part 2

The breach must be proved on “the balance of probabilities”, i.e. to the civil standard of proof.⁴

For both tenants and landlords, the consequence of a business not being a member of a redress scheme can be significant in that they lose an important method of resolving complaints without having to take recourse to legal action (which can be both time consuming and expensive). This is true even if a business later joins a scheme as the membership is not retrospective and clients who contracted with an agent prior to the date of membership are still not covered.

Trading Standards consider this an important access to justice issue and a very serious breach because of the potential collective harm to both tenants and landlords. It is also an indicator of poor professional standards within the sector.

Determining the level of financial penalty

The Ministry for Housing Communities and Local Government (“MHCLG”)⁵ has issued guidance for local authority housing officers on *Improving the Private Rented Sector and Tackling Bad Practice - A Guide for Local Authorities*.⁶ Annex C - *Letting Agents Redress Scheme Guidance* provides:

*The expectation is that a £5,000 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”.*⁷

The guidance also makes clear that it will be up to the enforcement authority to decide what such circumstances might be.

In having regard to the guidance issued by MHCLG, the expectation is that a £5,000 penalty should be considered the norm. Due to the serious detriment associated with lack of membership of a redress scheme, the lack of professional standards it indicates and the particulars of the London Lettings market, the authority is adopting the policy that when issuing an initial notice (notice of intent) against an agent, **the monetary penalty will usually start at £5,000.**

The notice of intent provides the agent with the option to submit representations to the authority within 28 days. The authority shall consider the representations and may reduce the monetary penalty if appropriate.

This approach has been accepted by Judges in the First Tier Tribunal.

In considering whether to vary, withdraw or confirm a monetary penalty after the notice of intent has been served, the authority will take into account any representations provided by the agent. The following non-exhaustive list of factors will be considered in either mitigation or aggravation, as appropriate in each case:

- The severity of the breach (i.e. the length of breach, has membership just lapsed or has the agent never been a member of a redress scheme)

⁴ Ibid. Article 8

⁵ Formerly the Department for Communities and Local Government

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/412921/Improving_private_rented_sector.pdf, published March 2015,

⁷Ibid. pp.53-54

- The financial impact of the breach on tenants and landlords (this may be difficult to assess)
- How long the legislation and requirements have been in force
- The agent's history of compliance and/ or non-compliance
- Any complaints against the agent
- The attitude of the agent and/ or co-operation with the authority in its investigation
- Whether the breach was rectified promptly
- Steps that the agent has or has not taken to ensure compliance
- Personal or health issues that may have had or be having an effect on the agent's business (e.g. impacting on the period of breach or ability to pay)
- Any other factors that could amount to extenuating circumstances.

Where applicable the authority shall consider the affordability of the proposed penalty, including the financial status of the agent and/ or the agent's ability to pay.

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, in the first instance, representations/ objections should be made to the Council in the 28 days allowed.

Publicise relevant fees and required information

Legislation

Consumer Rights Act 2015 ("CRA") sections 83-88.

The requirement

Section 83 CRA makes it a requirement for all letting agents in England to publicise details of their relevant fees and other required information. Sections 83 to 88 CRA contain detailed disclosure requirements.

Sanction on breach of the requirement

Where the authority is satisfied on the balance of probabilities that a letting agent has breached the above duty it may impose a penalty under section 87 CRA.

The amount of the financial penalty may be determined by the local authority but **must not exceed £5,000.**⁸

Determining the level of financial penalty

In line with the statutory guidance issued by the MHCLG: *Improving the private rented sector and tackling bad practice: a guide for local authorities. Annex D – Guidance on Letting Agent Fees*, **the authority will normally issue the financial penalty for the maximum of £5,000 and a lower penalty will only be considered if the authority is satisfied that there are extenuating circumstances.**⁹

⁸ CRA, s. 87(7)

⁹ <https://www.gov.uk/government/publications/improving-the-private-rented-sector-and-tackling-bad-practice-a-guide-for-local-authorities>, published 13 March 2015, p.60

In considering whether to vary, withdraw or confirm a monetary penalty after a notice of intent has been issued the authority will take into account any representations provided by the agent.

Each of the following non-exhaustive factors will be considered, as possible mitigation, in the authority's decision of whether to vary, withdraw or confirm a penalty:

- The severity of the breach
- The financial impact of the breach on tenants and landlords
- How long the legislation and requirements have been in force
- Whether a letting agent was in breach of some but not all aspects of the requirements (with respect to displaying fees, client money protection and redress scheme information).
- The period of non-compliance (e.g. was a technical error on a website causing a breach for a matter of hours or was there an extended period of non-compliance)
- Whether the breach was rectified promptly
- Steps that the agent has or has not taken to ensure compliance
- The attitude of the agent and/ or co-operation with the authority in its investigation
- Personal or health issues that may have had or be having an effect on the letting agent's business (e.g. impacting on the period of breach or ability to pay)
- Any other factors that could amount to extenuating circumstances.

Where applicable the authority shall consider the affordability of the proposed fine, including the financial status of the agent and/ or the agent's ability to pay.

Mitigating factors advanced by the agent in representations shall be weighed up against all of the facts of the case as well as wider factors where relevant, including the following points:

- How long the legislation and/ or requirements have been in force
- The agent's history of compliance and/or non-compliance
- Whether an agent was in breach of other lettings requirements (e.g. client money protection or redress scheme membership)
- Steps the agent has or has not taken to ensure compliance
- The size of the business and number of staff
- Any other relevant factors

The authority can issue a penalty *per breach*, therefore if an agent is in breach on their website **and** in their office this would amount to two separate breaches. If an agent has multiple branches, then a penalty of £5,000 may be imposed separately against each non-compliant branch.

For continued non-compliance further penalties of £5,000 can be issued for the same breach over a different period.¹⁰ It is therefore of utmost importance that breaches are corrected by the agent as soon as possible after notification to avoid further penalties. There is no limit to the number of penalties that can be imposed for a continued breach. However, no further penalties can be issued if the letting agent appeals to the Tribunal until the end of 28 days beginning the day after the day on which the appeal is finally determined, withdrawn or abandoned.

¹⁰ CRA s.87(6A)

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, in the first instance, representations/objections should be made to the Council in the 28 days allowed.

Prohibited payments

Legislation

Tenant Fees Act 2019 (“TFA”)

Requirement

Under the TFA it is now unlawful for a landlord or letting agent to require a relevant person to make a ‘*prohibited payment*’ in relation to a tenancy agreement. Tenancy Agreements include Assured Shorthold Tenancies (“ASTs”), student accommodation and licences to occupy housing (with limited exception). All payments are prohibited unless they are one of the permitted payments listed in Schedule 1 TFA. Sections 1, 2 and 3 TFA give further details on the specific breaches by a landlord or letting agent.

Sanction

Section 8 TFA provides local authorities with the power to impose a civil penalty in situations where a breach of the TFA has been identified.

Each separate ‘*prohibited payment*’ represents a separate breach of the TFA.

The TFA sets out maximum penalties that the Council may impose on agents and landlords that breach the above prohibition¹¹, namely:

- a. £5,000 where a landlord or agent has required a tenant or landlord to make a ‘prohibited payment’;
- b. £30,000 where a landlord or agent has required a tenant or landlord to make a ‘prohibited payment’ within 5 years of a previous conviction or imposition of a Civil Penalty [as an alternative to instigating prosecution proceedings];
- c. £5,000 where a landlord or agent is in breach of the requirement to repay the holding deposit.

If a further breach is committed within five years of the imposition of a financial penalty or conviction for a previous breach, this will be a criminal offence under section 12 TFA. Upon conviction, the penalty is an unlimited fine. This offence is also a banning order offence.¹²

Accordingly, an offence is committed contrary to section 12 TFA, the Council may either impose a financial penalty of up to £30,000 **or** prosecute the landlord or letting agent. For the avoidance of doubt where a financial penalty is imposed this does not amount to a criminal conviction.

Schedule 3 TFA sets out the procedure in relation to notices, appeals and the recovery of prohibited payments.

¹¹ Tenant Fees Act 2019, s. 8

¹² Housing and Planning Act 2016, s. 14

The Government has issued statutory guidance: *Tenant Fees Act 2019 Statutory Guidance for Enforcement Authorities*.¹³ The Council has regard to this guidance in the exercise of its functions in respect of civil penalties and other enforcement action.

Decision to Prosecute

A decision to prosecute for an offence under section 12 (and/or section 13) will be made, subject to the above-mentioned statutory guidance, the Code for Crown Prosecutors, and our enforcement policy.

We will consider the following general principles when deciding whether to prosecute a landlord or agent:

- a. whether there is sufficient admissible and reliable evidence that the offence has been committed;
- b. whether there is a realistic prospect of conviction;
- c. whether the enforcement authority believes that it is in the public interest to do so.

Additionally, the following non-exhaustive list of factors will be considered when deciding whether to prosecute:

- The agent and/ or landlord's history of compliance/non-compliance
- Whether the first or previous penalties were paid
- The severity of the breach
- Deliberate concealment of the activity and/or evidence
- Knowingly or recklessly supplying false or misleading evidence
- The intent of the landlord/agent, individual and/or corporate body
- The attitude and level of cooperation of the landlord/agent
- The deterrent effect of a prosecution on the landlord/agent and others
- The extent of any financial gain as a result of the breach

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, in the first instance, representations/objections should be made to the Council in the 28 days allowed.

Determining the level of financial penalty

In accordance with section 8 TFA the financial penalty may be of such amount as the authority determines, subject to the maximum figures stated above.

Below is a list of some, but not all factual elements that provide the context of the breach and factors relating to the Landlord or Agent that may be considered as a part of the Council's decision-making process. The Council will identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment when determining the level of penalty.

¹³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819633/TFA_Statutory_Enforcement_Guidance_190722.pdf

Factors increasing seriousness

Aggravating factors:

- Previous breaches of the TFA
- Previous convictions, having regard to the nature of the offence to which the conviction relates and its relevance to the current breach and the time that has elapsed since the conviction
- A landlord or agent with a history of failing to comply with their obligations and/or their actions were deliberate and/ or they knew, or ought to have known, that they were in breach of their legal responsibilities
- Level of harm caused to the tenant
- Established evidence of wider/community impact
- Motivated by or evidence of financial gain
- Deliberate concealment of illegal nature of activity
- Obstruction of the investigation
- Refusal of advice or training or to become a member of an Accreditation scheme
- Failure to act quickly in rectifying breach once notified by enforcement authority
- Failure to act quickly in rectifying breach once notified by another person such as a tenant or someone acting on their behalf

Factors reducing seriousness

Mitigating factors

- No previous or no relevant/recent breaches or complaints
- No previous convictions or no relevant/recent convictions
- Steps voluntarily taken to remedy problem
- High level of co-operation with the investigation, beyond that which will always be expected
- Good record of relationship with tenants
- Self-reporting
- Acceptance of responsibility and/ or admission of guilt
- Good character and/or exemplary conduct
- Mental disorder or learning disability, where linked to the commission of the breach
- Serious medical conditions requiring urgent, intensive or long-term treatment and supported by medical evidence (affecting reasonable compliance and affecting someone integral to the business such as a Director or manager and particularly relevant in small businesses where there may not be the resources to put alternative arrangements easily in place)
- Prompt repayment of prohibited charge to tenant
- Whether landlords or agent's primary trade or income is connected with the private rented sector

The final determination of any financial penalty will be considered alongside the general principle that a penalty should be fair and proportionate and, in all instances, act as a deterrent and remove any gain as a result of the breach.

Other factors to be considered

- a. Totality principle – if issuing a financial penalty for more than one breach, or where the landlord or agent has already been issued with a penalty, we will consider whether the total financial penalties are just and proportionate to the breaches.

- b. Affordability issues – impact of the financial penalty on the landlord or agent’s ability to comply with the law and whether the penalty is proportionate to their means
- c. Impact of the financial penalty on the business – if the penalty would be disproportionate to the turnover/scale of the business or would lead to the agent going out of business

A record of each decision and the reason for determining the financial penalty will be kept.

Client money protection

Legislation

The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 (“CMP Regulations”)

The requirement

From 1 April 2019 property agents in the private rented sector in England that hold client money must obtain membership from a Government approved or designated Client Money Protection Scheme.¹⁴

Property agents must also comply with the “transparency requirements” in regulation 4 of the CMP Regulations, for example, they must display, publish and produce the certificate of membership (if the scheme administrator provides a certificate) and give notice to clients if the agents membership of the scheme is revoked.¹⁵

Mandatory client money protection is intended to give landlords and tenants confidence that their money is safe when it is being handled by an agent. Where an agent is a member of a Government approved Client Money Protection Scheme, it enables a tenant, landlord or both to be compensated if all or part of their money is not repaid.

“Client money” means money received by a property agent held on behalf of another person in the course of English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 or English property management work within the meaning of section 55 of that Act. This does not include money held in accordance with an authorised tenancy deposit scheme within the meaning of Chapter 4 of Part 6 Housing Act 2004.¹⁶ However, “Client Money” includes deposits paid to a letting agent before they are protected and unprotected deposits at the end of a tenancy, before they are returned/paid to the tenant or landlord.

Sanctions

The CMP Regulations provide that enforcement authorities may impose a financial penalty at such a level as the Council determines but **not exceeding £30,000** where it is satisfied beyond reasonable doubt that a property agent is engaging in letting agency or property management work and is required to be a member of an approved client money protection scheme but has failed to join one.¹⁷

¹⁴ CMP Regulations, Regulation 3(1)

¹⁵ Ibid. Regulation 4(2) & 4(3)

¹⁶ Ibid. Regulation 2

¹⁷ Ibid. Regulation 6

Trading Standards considers this a very serious breach because of the potential for extreme harm with potentially devastating consequences to both tenants and landlords. It is also an indicator of poor professional standards within the sector.

A full list of client money protection schemes can be found at the link below. The list of schemes is kept up to date by the MHCLG:

<https://www.gov.uk/client-money-protection-scheme-property-agents>

The CMP Regulations provide that enforcement authorities may impose a financial penalty at such level as the Council determines **but not exceeding £5,000**, where it is satisfied beyond all reasonable doubt that a regulated property agent has failed to:

- a. **Display** a certificate of its membership of an approved Client Money Protection Scheme prominently in their office(s) (where the scheme administrator of the approved scheme provides a certificate);
- b. **Publish** a copy of the certificate on their website (if any); and
- c. **Produce** a copy of the certificate to any person who may reasonably require it, free of charge.¹⁸

The right to impose a financial penalty in respect of the transparency requirements does not apply if the agent has taken all reasonable steps to obtain a copy of a certificate confirming the agent's membership of the approved or designated client money protection scheme and the scheme administrator has not provided it.¹⁹

A financial penalty may also be imposed at such level as the Council determines **but not exceeding £5,000**, where it is satisfied beyond reasonable doubt that a regulated property agent has failed to notify each client in writing within 14 days of:

- the agent's membership of an approved or designated client money protection scheme being revoked; or
- the agent ceasing to be a member of a particular approved or designated client money protection scheme and becoming a member of a different approved or designated client money protection scheme.²⁰

In such circumstances the notification must give the name and address of the new scheme which the agent joins.²¹

A breach of each of the transparency requirements above would account for a separate breach.²² Therefore, where an agent has breached more than one of these requirements, they will be liable for a separate financial penalty in respect of each breach. For example, in the event that an agent fails to display their membership certificate and also fails to provide a copy of these certificates free of charge to anyone who reasonably asks these are two individual breaches with two separate potential financial penalties.

¹⁸ Ibid. Regulation 4 & 7

¹⁹ Ibid. Regulation 7(3)

²⁰ Ibid. Regulation 4(2) & 7

²¹ Ibid. Regulation 4(3)

²² See MHCLG statutory guidance, Mandatory client money protection for property agents , Enforcement guidance for local authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800548/CMP_enforcement_guidance.pdf, p. 10

Simply correcting a breach after receiving a notice will not nullify the proposed penalty and if an agent would like a reduction to be considered, representations/objections should be made in the 28 days allowed (as detailed on the back of the notice of intent).

Determining the level of financial penalty

Although the Council has a wide discretion in determining the appropriate level of financial penalty in any particular case, in creating this policy regard has been given to the statutory guidance and non-statutory guidance, the Regulators' Code and where applicable the Code for Crown Prosecutors. This policy has been made in consultation with the lead enforcement authority.

STEP 1: Determine starting point

In determining the appropriate financial penalty where an agent is not a member of a client money protection scheme the authority will start by taking into account the size of the company and apply a penalty as follows:

- Property Agent Business turnover below £75,000: penalty starting point £10,000
- Property Agent Business turnover between £75,000 - £150,000: penalty starting point £20,000
- Property Agent Business turnover over £150,000: penalty starting point £30,000

The above figures will be applied before serving the notice of intent. The company's turnover shall be assessed by reference to the turnover of the company stated in the most recent accounts submitted to Companies House. If the business is not a company or no accounts indicating turnover have been submitted to Companies House or the accounts are more than 18 months old, then the maximum of £30,000 may be applied until the Council has a better indication of the business' financial status, in practice this may be after the notice of intent is served and financial documents have been supplied by the agent.

STEP 2: Adjust starting point to reflect aggravating and mitigating features

Having selected the appropriate starting point for determining the financial penalty, the authority will then adjust the financial penalty imposed up and down in light of the following aggravating and mitigating factors:

Aggravating factors

- Extended period of breach
- Previous civil penalties being issued against the agent and/ or a record of non-compliance with relevant legislation
- Agent has made no reasonable attempts to comply with the Regulations
- Failure to act quickly in rectifying any breach once notified by the authority (or to take reasonable steps to do so)
- The agent has previously received advice and guidance from the authority in relation to joining a CMP scheme
- Actual Harm caused to tenants or landlord (or evidence of a loss of client money in respect of previous tenants or landlords)
- Potential harm caused to tenants or landlords
- Complaints received relating to client money or otherwise

- Where an agent has been expelled from an approved scheme and has not taken immediate action to join another scheme or ensure it is not holding client money
- Lack of co-operation / obstruction of the investigation

Mitigating factors

- Co-operation with the investigation
- The agent has a good reputation with no previous breaches or complaints
- Early admission of the breach and taking all reasonable steps to quickly join a scheme
- Evidence that the agent has made every reasonable effort to join an approved client money protection scheme but is unable to do so for issues outside of their control
- Production of up to date full accounts showing for example that the agent's turnover is significantly less than that stipulated on the most recent companies house accounts or that the fine would cause severe financial hardship or would be likely to put the agent out of business
- Mental disorder or learning disability, where linked to the commission of the breach
- Serious medical conditions requiring urgent, intensive or long-term treatment and supported by medical evidence (affecting reasonable compliance and affecting someone integral to the business such as a Director or manager and particularly relevant in small businesses where there may not be the resources to put alternative arrangements easily in place)

STEP 3: Consider other factors

Deterrence

In order to deter agents from breaching the CMP regulations and to deter other agents from committing similar breaches the penalty should be such as to have a real financial impact on the business.

Totality principle

If issuing a financial penalty for more than one breach, or where the agent has already been issued with a penalty, the authority will consider whether the total financial penalties are just and proportionate to the breaches.

Affordability issues

Impact of the financial penalty on the agent's ability to comply with the law and whether it is proportionate to their means.

Impact of the financial penalty on the business, the penalty should not be disproportionate to the turnover and scale of the business and/ or would lead to the agent going out of business.

The final determination of any financial penalty will be considered alongside the general principle that a penalty should be fair and proportionate but, in all instances, act as a deterrent and remove any gain as a result of the breach.

In practice, step 2 and 3 are likely to take place after the Council have issued a notice of intent after an agent has made representations.

A record of each decision and the reason for determining the financial penalty will be kept.

A breach of the CMP Regulations does not give rise to a criminal offence under the CMP Regulations, however in the event that an agent is displaying a client money protection certificate to a scheme to which they do not belong (or have been expelled from) the authority will consider taking criminal enforcement action against the agent under the Consumer Protection from Unfair Trading Regulations 2008.

The Mayor of London's Rogue Landlord and Agent Checker

The Council may publicise details of landlords and agents who are prosecuted or who are issued with a financial penalty under any of the above legislation on the Mayor of London's Rogue Landlord and Agent Checker, operated by the Greater London Authority (GLA).

In relation to civil penalties once an agent has been issued with a Final Notice, if the agent does not appeal or is unsuccessful with their appeal, then the details of the breach and the level of the penalty will be publicised. Penalties can be publicised on the public tier if the penalty is £500 or greater (there is no threshold on the private tier).

If an agent is issued with multiple penalties these will be publicised as separate entries.

For full details of the policies and procedures for the Rogue Landlord and Agent Checker please see the following link: https://www.london.gov.uk/sites/default/files/190515-policies_and_procedures_update_clean_1.pdf

Report No.
ES 20065

London Borough of Bromley

PART ONE - PUBLIC

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

Date: 19th January 2021

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

Title: PLANNING ENFORCEMENT ACTIVITY UPDATE

Contact Officer: John Stephenson Development Control Manager
E-mail:john.stephenson@bromley.gov.uk

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

Ward: (All Wards);

1. Reason for report

- 1.1 To advise Members on the enforcement activity under delegated powers undertaken by Planning Enforcement, Neighbourhood Management 1 April 2019 to 31 March 2020.
-

2. RECOMMENDATION(S)

Members are asked to:

- 2.1 Note the contents of this report;

Impact on Vulnerable Adults and Children

1. Summary of Impact: The service activities within Planning Enforcement and Neighbourhood Management Enforcement are used by all residents, including vulnerable adults and children. They are generally universal in nature. Adjustments are made as required, to ensure services are as accessible as possible and all users are safe. Where vulnerable adults or children may potentially be affected by a proposal or contract, the issues would be covered in that particular report, plan or contract, rather than in this report.
-

Corporate Policy

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

Financial

Planning Enforcement

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Housing, Planning & Regeneration
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Existing controllable revenue budget for 2019/20
-

Personnel

Planning Enforcement

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

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All of the Council's customers (including Council taxpayers) and users of the service.
-

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 At the meeting of the Public Protection and Safety, Policy Development and Scrutiny Committee on 15 November 2007, Members agreed they should receive reports of the enforcement activity undertaken by the Public Protection division.

3.2 Previously this report highlighted the enforcement activities of teams within Public Protection. However, in 2018 Members requested that all enforcement related services within the Environment and Community Services (ECS) Directorate be included, as well as Planning Enforcement be incorporated into the Public Protection and Enforcement Portfolio. The rationale being that it gave a more pronounced regulatory focus.

3.3 Key issues to note:

3.4 Planning Enforcement

In the period April 2019 to March 2020, the Council received 768 new complaints concerning alleged breaches of planning control. This compares with approximately 863 complaints registered in the previous year (- 12%). Table 1 below shows the range of complaints received:

Table 1: Range of Complaints

Range of complaints	TOTAL	%
Operational Development	258	33%
Untidy Sites (S215)	76	10%
Commercial Activity	21	3%
Breach of condition	86	11%
Adverts	31	4%
Boundary treatment	26	3%
Plans - not built according to	90	11%
Commercial vehicle - parking of	0	0%
Change of Use	80	10%
Access	6	1%
Shop shutters	2	0%
Satellite Dishes	3	0%
Trees	41	5%
General	63	8%
	783	

3.5 In terms of enforcement activity 55 enforcement notices were issued in respect of breach of planning control in the period April 2019 to March 2020, in other cases, negotiation led to matters being resolved before notices were issued. This activity is summarised in Table 2 below:

Table 2: Notice by Type

Type of Notice	No. of Notices issued 2019-2020
Operational Development	21
Change of Use	21
S215	3
Breach of Condition Notice	7
Planning Contravention Notice	3
Stop Notice	0
TOTAL	55

- 3.6 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition, a monthly report of notices issued is circulated to all Members.
- 3.7 A wide range of complaints were received but the most frequent relate to operational development 33%, breach of condition 11%, schemes not built in accordance with plan 11%, untidy sites 10% and change of use 10%.
- 3.8 A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include some non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control. These unregistered complaints are investigated and researched, and advice given back to the complainant, via the telephone or emails. This still involves considerable staff resources to maintain the service, this involves an estimated average of approximately 10 new complaints per day. As a result of this information it has been decided to register all complaints on our system, so the overall amount of recorded complaints received are set to rise again in the future.
- 3.9 In some cases which may involve direct action, officers will prepare a report to present to committee for authorisation from Members as this enforcement action may involve some considerable financial cost to the Council. A charge can be considered by the Council in order to recover the Councils initial cost together with the appropriate interest rate charged until the bill is paid.
- 3.10 Planning Enforcement is a complaint led service. At least 95% of our cases for investigation are reported to us directly from local residents/ward councillors, members of the public or interested parties who may be directly affected by the development in some way.

4. POLICY IMPLICATIONS

- 4.1 Planning enforcement activities are undertaken in accordance with The Planning Enforcement Policy.

5. FINANCIAL IMPLICATIONS

- 5.1 The enforcement activity detailed in this report has been undertaken within the existing revenue budget of the Housing, Planning & Regeneration Department and any external funding secured.

6. LEGAL IMPLICATIONS

6.1 Legal Requirement: Statutory Requirement. The Council carries out enforcement activity under statutory powers. There are no direct legal implications arising from this update report

7. IMPACT ON VULNERABLE ADULTS AND CHILDREN

7.1 The service activities within Planning enforcement and Neighbourhood Management Enforcement are used by all residents, including vulnerable adults and children. They are generally universal in nature - rather than being directed at particular community groups. Adjustments are made, as required, to ensure services are as accessible as possible and all users are safe. Where vulnerable adults or children may potentially be affected by a proposal or contract, the issues would be covered in that particular report, plan or contract rather than this strategic document.

Non-Applicable Sections:	Personnel Procurement
Background Documents	Public Protection Enforcement Policy 2012

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Report No.
FSD21004

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Thursday 14th January 2021

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

Title: PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO
DRAFT BUDGET 2021/22

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 2021/22 Budget which incorporates future cost pressures, planned mitigation measures and savings from transformation and other budget options which were reported to Executive on 13th January 2021. 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 2021/22 Council Tax levels.
- 1.3. There are still outstanding issues and areas of uncertainty remaining. Any further updates will be included in the 2021/22 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 2021/22 to 2024/25;**
- ii) **Consider the initial draft 2021/22 budget as a basis for setting the 2021/22 budget; and**
- iii) **Provide comments on the initial draft 2021/22 budget for the February meeting of the Council's Executive.**

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: £3.28m (draft 2021/22 budget)
 5. Source of funding: Draft revenue budget for 2021/22
-

Personnel

1. Number of staff (current and additional): Full details will be available with the Council's 2021/22 Financial Control Budget to be published in March 2021
 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 2021/22 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. Details of the Provisional Local Government Finance Settlement 2021/22, Council-wide Draft 2021/22 Budget and Financial Forecast 2022/23 to 2024/25, and an update on the Council's financial strategy were reported to Executive on 13th January 2021. Members should consider that report in conjunction with this report for the Public Protection and Enforcement Portfolio.
- 3.1.2. The Council continues to deliver key services and 'live within its means'. Forward financial planning and financial management is a key strength at Bromley. This report continues to forecast the financial prospects for the next 4 years and includes the outcome of the Provisional Local Government Finance Settlement 2021/22. It is important to note that some caution is required in considering any projections for 2022/23 to 2024/25 as this depends on the outcome of the Government's next Spending Review as well as the awaited impact of the Fair Funding Review and Devolution of Business Rates.
- 3.1.3. 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. It is important to consider the key national issues that could impact on public finances over the next four years, and this year the impact of Covid situation has had a dramatic impact on public finances. An "Update on Economic Situation which can impact on Public Finances" is provided in Appendix 1 of the report to the Executive.
- 3.1.4. Local Government has borne the brunt of austerity and savings compared with other areas of Government expenditure. The 2021/22 settlement does provide additional funding, but this needs to be considered in the context of the 'new normal' and the considerable cost pressures facing local government. Austerity measures for future years will be a consideration but this is particularly problematic for the Government at the current time given the recessionary impact of the Covid situation and the need for a sustainable economic recovery. Therefore 'flat' real terms funding for councils may be the best-case scenario.
- 3.1.5. Austerity measures remain a real possibility from say 2023/24 as the Government will need to address the impact of the public finances from the Covid situation. Local government funding remains 'unprotected' and the impact of additional funding for NHS and other 'protected' services results could lead to future real term funding reductions remaining for local government. 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 detailed in this report assumes that Government funding for local government will be broadly flat in 2022/23 and future years, despite local government cost pressures. The Provisional Local Government Finance Settlement 2021/22 provides funding proposals for one year only and the financial forecast assumes that various elements of the additional funding will continue in future years. The Social Care Green Paper (originally planned to be published in Summer of 2018) remains outstanding and the Spending Review 2020 refers to 'the Government is committed to sustainable improvement of the adult social care system and will bring forward proposals next year'.
- 3.1.7. The Budget Strategy has to be set within the context of ongoing cost and demographic pressures not being matched by Government or other external funding with potential Government funding reductions in the medium and longer term. There is an on-going need to transform 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 medium-term budget gap as the gap could increase further.

- 3.1.8. Bromley has the second lowest settlement funding per head of population in 2021/22 for the whole of London, giving us £111 per head of population compared with the average in London of £297 – the highest is £498. 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 £25.8m. The lower council tax level has been achieved by having a below average cost per head of population in outer London. The Council continues to express 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 2021/22 Budget and Update on the Council's Financial Strategy 2021/22 to 2024/25 report to the Executive on 13th January 2021.
- 3.2.2. Even though the draft budget would be broadly balanced next year, the future year's budget gap is projected to increase to £14.1m per annum by 2024/25. This assumes that there will not be Government funding reductions over the next four years and that the planned mitigation of growth pressures is realised. Without any action to address the budget gap in future years, reserves will need to be used with the risk of the budget gap increasing in future years and becoming unsustainable.
- 3.2.3. In the financial forecast, after allowing for inflation, council tax income and other changes, there is an unfunded budget gap from 2023/24 due to net service growth/cost pressures and the fall out of one-off funding. 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.

3.3. CHANGES SINCE THE 2020/21 BUDGET THAT IMPACT ON THE DRAFT 2021/22 BUDGET AND FINANCIAL FORECAST

- 3.3.1. The 2020/21 Council Tax report reported to Executive in February 2020 identified a significant "budget gap" over the four-year financial planning period. Some key changes are summarised below.
- 3.3.2. Last year's Local Government Finance Settlement, which covered 2020/21 only, provided a significant improvement in funding for local government and represented the most positive funding proposal for local government since austerity began 10 years ago. The provisional settlement for 2021/22 provides a continuation of real increases in funding although this is mainly reliant on the utilisation of the ASC precept to support cost pressures in social care. It has also provided funding towards the cost of the Covid situation in 2021/22. Uncertainty remains 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 2021/22 Budget assumes contract price increases of 2.0%, per annum from 2021/22, which compares with the existing RPIX of 1.1%. Inflation is expected to increase, compared with current levels,

which has been assumed in the Draft 2021/22 Budget. 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. It will also assist in dealing with the uncertainty relating to the Covid situation. 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 Government has provided funding of £7,795k towards Covid related costs in 2021/22. Given the uncertainty of the continuing Covid situation the Draft 2021/22 assumes that these monies will need to be set aside to meet further Covid related costs not specifically reflected in the budget for next year.
- 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. Even with the additional income identified in this report the Council will need to plan for significant changes including the impact of a recession and the 'new normal'. 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 since 2009/10 and 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. Considering the core statutory minimum service requirements, Chief Officers are undertaking a transformational review across all services, focussing on higher spend services first with options being presented to future meetings. The ongoing transformation review will be a key consideration in addressing the budget gap over the next four years.

3.4. FINANCIAL IMPACT OF COVID-19

- 3.4.1. A key financial challenge is the cost of the impact of Covid-19 and the extent to which the Government funds the net cost to the Council. Further details can be found in the report to the Executive.
- 3.4.2. The longer-term impact is expected to result in additional cost pressures, in part, to reflect the impact of a global recession. There will be a global recovery, but realistically that may not materialise until at least 2022/23. Apart from the additional costs arising from a recession which can range from council tax support and additional services for vulnerable residents etc, there is likely to be a significant impact on the Council's income. The Council has sought funding support on the 'new normal' impact for future years as part of the Spending Review

submission to Government. The financial impact in 2021/22 (as well as future years) remains unclear at this stage. This will need to be monitored closely.

3.5. DETAILED DRAFT 2021/22 BUDGET

3.5.1. Detailed Draft 2021/22 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.

3.5.2. Appendix 1 sets out:

- A summary of the Draft 2021/22 Revenue Budget for the Portfolio showing actual 2019/20 expenditure, 2020/21 budget, 2021/22 budget and overall variations in planned spending between 2020/21 and 2021/22;
- A summary of the main reasons for variations for the Portfolio in planned spending between 2020/21 and 2021/22 together with supporting notes;
- A high-level subjective summary for the Portfolio showing expenditure on employees, premises etc.

3.6. REVIEW OF FEES AND CHARGES

3.6.1. 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 2021/22 to identify opportunities to reduce the future years 'budget gap'.

3.7. IDENTIFYING FURTHER SAVINGS/MITIGATION

3.7.1. The scale of savings required in future years cannot be met by efficiency alone – there may need to be 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 2021/22 Budget represents the second year of savings from the Transformation Programme. 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.

3.8. POSITION BY DEPARTMENT – KEY ISSUES/RISKS

Food Safety Team

3.8.1. 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.

3.8.2. 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.

- 3.8.3. 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

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

4. POLICY IMPLICATIONS

- 4.1 The Draft 2021/22 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.

5. FINANCIAL IMPLICATIONS

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

6. PERSONNEL IMPLICATIONS

- 6.1 Staff, departmental and trade union representatives will be consulted individually and collectively on any adverse staffing implications arising from the Draft 2021/22 Budget. Managers have also been asked to encourage and facilitate staff involvement in budget and service planning.

7. LEGAL IMPLICATIONS

- 7.1 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.

- 7.2 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.

- 7.3 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 victimisation, advance equality of opportunity and foster good relations with persons who share a protected characteristic.

- 7.4 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 2021/22 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 2021/22 Budget and Update on the Council's Financial Strategy 2022/23 to 2024/25, Executive 13 th January 2021. Finance monitoring, Estimate Documents, etc all held in Finance Section

Public Protection and Enforcement**DRAFT REVENUE BUDGET 2021/22 - SUMMARY**

2019/20 Actual	Service Area	2020/21 Budget	Increased costs	Other Changes	2021/22 Draft Budget
£		£	£	£	£
	Public Protection				
252,438	Community Safety	169,880	6,340	223,730	399,950
670,136	Mortuary & Coroners Service	574,290	5,740	0	580,030
1,676,209	Public Protection	1,556,190	30,790	Cr 228,730	1,358,250
2,598,783		2,300,360	42,870	Cr 5,000	2,338,230
	Emergency Planning				
133,026	Emergency Planning	133,740	1,890	0	135,630
133,026		133,740	1,890	0	135,630
2,731,809		2,434,100	44,760	Cr 5,000	2,473,860
317,996	TOTAL NON CONTROLLABLE	7,390	20	Cr 1,480	5,930
941,441	TOTAL EXCLUDED RECHARGES	973,350	0	Cr 172,680	800,670
3,991,246	PORTFOLIO TOTAL	3,414,840	44,780	Cr 179,160	3,280,460

PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO**SUMMARY OF BUDGET VARIATIONS 2021/22**

Ref	VARIATION IN 2021/22	
	£'000	£'000
1 2020/21 BUDGET		3,415
2 Increased Costs		45
Movements Between Portfolios/Departments		
3 TFM Energy Management	Cr	5
4 Variations in Capital Charges	Cr	2
5 Variations in Recharges	Cr	174
6 Variations in Insurances		1
7 2021/22 DRAFT BUDGET		<u>3,280</u>

Notes**Ref Comments****3 TFM Energy Management (Cr £5k)**

Full year effect of reallocation of energy budget from the Place Department to Chief Executives Department in 2020/21 identified as a saving outlined in the energy contract award reported to the Executive in October 2020.

4 Variations in Capital Charges (Cr £2k)

The variation in capital charges is due to a combination of the following:

- (i) Depreciation – the impact of revaluations or asset disposals in 2019/20 (after the 2020/21 budget was agreed) and in the first half of 2020/21;
- (ii) Revenue Expenditure Funded by Capital Under Statute (REFCUS) – mainly due to variations in the value of schemes in the 2021/22 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 2021/22 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.

5 Variations in Recharges (Cr £174k)

Variations in cross-departmental recharges are offset by corresponding variations elsewhere and therefore have no impact on the overall position.

6 Variations in Insurance (Dr £1k)

Insurance recharges to individual portfolios have changed between years, partly because an extra year of claims experience since the 2020/21 budget was finalised has been factored in. The overall variation across the Council is Dr £5k.

PUBLIC PROTECTION AND ENFORCEMENT
DRAFT REVENUE BUDGET 2021/22 - SUBJECTIVE SUMMARY

Service area	Employees	Premises	Transport	Supplies and Services	Third Party Payments	Transfer Payments	Income	Controllable Recharges	Capital Charges/ Financing	Total Controllable
	£	£	£	£	£	£	£			£
Public Protection										
Community Safety	457,620	0	4,880	34,290	94,590	0	Cr 367,140	175,710	0	399,950
Mortuary & Coroners	0	0	0	0	580,030	0	0	0	0	580,030
Public Protection	1,923,730	39,460	29,250	167,680	457,430	0	Cr 399,510	Cr 859,790	0	1,358,250
	2,381,350	39,460	34,130	201,970	1,132,050	0	Cr 766,650	Cr 684,080	0	2,338,230
Emergency Planning										
Emergency Planning	118,210	0	4,430	12,990	0	0	0	0	0	135,630
	118,210	0	4,430	12,990	0	0	0	0	0	135,630
	2,499,560	39,460	38,560	214,960	1,132,050	0	Cr 766,650	Cr 684,080	0	2,473,860

Service area	Capital Charges/ Financing	Repairs, Maintenance & Insurance	Property Rental Income	Not Directly Controllable	Recharges In	Total Cost of Service	Recharges Out	Total Net Budget
	£				£	£	£	£
Public Protection								
Community Safety	0	1,370	0	1,370	795,900	1,197,220	Cr 72,700	1,124,520
Mortuary & Coroners	0	0	0	0	54,590	634,620	0	634,620
Public Protection	0	4,380	0	4,380	1,148,290	2,510,920	Cr 1,192,820	1,318,100
	0	5,750	0	5,750	1,998,780	4,342,760	Cr 1,265,520	3,077,240
Emergency Planning								
Emergency Planning	0	180	0	180	67,410	203,220	0	203,220
	0	180	0	180	67,410	203,220	0	203,220
	0	5,930	0	5,930	2,066,190	4,545,980	Cr 1,265,520	3,280,460

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London Borough of Bromley

PART ONE - PUBLIC

Briefing for Public Protection and Enforcement Policy Development & Scrutiny Committee Tuesday 19 January 2021

Title:	COMMUNITY IMPACT DAYS UPDATE BRIEFING
Contact Officer:	Amanda Mumford, Community Safety Manager, Community Safety Team Tel: 020 8313 4395 amanda.mumford@bromley.gov.uk
Chief Officer:	Director of Environment and Public Protection
Ward:	Penge & Cator, Mottingham & Chislehurst North, Cray Valley East, Cray Valley West.

1. Reason for Briefing

To provide the Committee with a summary of the work undertaken by Public Protection in relation to delivering the Community Impact Days for the financial year 2019 – 2020.

3. COMMENTARY

- 3.1 This report sets out a summary of the action taken on Community Impact Days by the Community Safety and Anti-Social Behaviour Team and associated partners across the Partnership between March 2019 and April 2020.
- 3.2 Community Impact Days (CID) were established by Senior Leadership Officers from the Police, London Fire Brigade, Clarion and Bromley Council in response to priority locations coming to notice for problems such as increased levels of fly tipping, deliberate fires, anti-social behaviour, tenancy issues and increased reporting of crime to Police. They are coordinated by an officer at Bromley Council, pulling together partners from organisations across the borough to deliver on their agreed priority areas. The cost of the Impact Day is largely 'in kind' costs from contributions across the partnership with the funds from MOPAC being spent on the Coordinating post as well as some costs associated with the removal of fly tips. This makes for an extremely cost-effective approach.
- 3.3 The priority areas identified were: Cray Valley East, Mottingham & Chislehurst North, Penge & Cator and Cray Valley West, and CID alternate between these locations.
- 3.4 According to the 'broken windows' theory, research shows that if an area looks tidy and cared for, then the residents are more likely to continue to look after the space; this in turn boosts the community spirit of those living there. Moreover, if this status is sustained over a period of time, a greater sense of ownership is achieved, and the community develop intolerance towards fly tipping and other behaviours detrimental to an area.

3.5 The agency presence on these days is highly visible, however, it is not exclusively around 'enforcement', there is also emphasis placed on dealing with issues arising within the areas of safeguarding, vulnerable adults and education welfare. Prior to CID commencing, agencies identify locations needing attention, households in need of a visit and other problems requiring a multiagency response. The Impact Day planning includes a briefing from an allocated Police Sgt and the Council Lead to inform all officers of the plan on the day, setting priorities and arrangements concerning reporting. This is ensure all officers understand their role fully.

3.6 Achievements 2019-2020

3.7 CIDs are considered to be an example of exemplary partnership working, and the relationships created are long lasting, and help to increase cohesive working throughout the month, and well beyond the day themselves.

3.8 Partners continued to deliver good results throughout Covid restrictions including the national Lockdown. The Partnership considered it vital to ensure local community action was continuing during the pandemic in the hot spot areas to maintain confidence and trust. It was also considered highly valuable to remind likely fly tippers or other asb perpetrators that enforcement action will be taken wherever appropriate as it is a key priority.

3.9 In this financial year the Safer Bromley Partnership worked together to deliver a total of 12 Community Impact Day across the year, in keeping with the terms of the funding agreed with MOPAC. The outcomes include:

- 43,770 KG's of fly tip removed
- 35 Weapons Sweeps completed
- 101 vehicles stops
- 14 arrests conducted
- 157 square metres of graffiti cleared
- 41 shops visited by Trading Standards
- 2,500 leaflets distributed informing residents of activity
- 60 multiagency visits to residents coming to notice for ASB

3.10 MOPAC funding has been agreed until 2022, and CID will continue to take place in a dynamic manner, allowing agencies to flex and react to whatever problems may be facing a local community as well as the priorities identified by the local Safer Neighbourhood Team.

Report No.
ES20058

London Borough of Bromley

PART ONE - PUBLIC

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

Date: 14th January 2021 and 19th January 2021

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

Title: Risk Register

Contact Officer: Sarah Foster, Assistant Director of Performance Management and Business Support, Tel: 020 8313 4023 Email: Sarah.Foster@Bromley.gov.uk
Lucy West, Senior Performance Officer
Tel: 020 8461 7726 Email: Lucy.West @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, Corporate Risk Management Group; and Audit Sub-Committee.

2. **RECOMMENDATIONS**

That the Environment and Community Services PDS Committee and Public Protection and Enforcement PDS Committee reviews and comments on the appended 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: £31.34m and £2.46m
 5. Source of funding: Existing controllable revenue budget 2020/21
-

Personnel

1. Number of staff (current and additional): - 144.66 FTEs and 46.3 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.
- 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 25th September 2020 and at Audit Sub-Committee, which last met on 3rd November 2020. The next CRMG meeting will take place on 25th January 2021.
- 3.8 At the time of writing, the Council has 116 individual risks (105 departmental plus 11, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).
- 3.9 E&PP Department currently has 26 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. No E&PP risks are currently ragged 'red' following implementation of management control measures.

Ref	Risk & Description	Gross Risk Rating	Net Risk Rating
1	Emergency Response: Failure to respond effectively to a major emergency / incident internally or externally	8	6
2	Central Depot Access: Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot)	12	9
3	Fuel Availability: Fuel shortage impacting on transport fleet / service delivery	5	4
4	Business Continuity Arrangements: Lack of up-to-date, tried and tested, BCP for all Council services	8	8
5	Industrial Action: Contractors' staff work-to-rule / take strike action impacting on service delivery	12	8
6	Health & Safety (E&PP): Ineffective management, processes and systems within E&PP departmentally	12	8
7	Highways Management: Deterioration of the Highway Network due to under-investment	8	6
8	Arboricultural Management: Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc	12	6
9	Income Variation (Highways and Parking) (Non-Covid): Loss of income at a time when the Council is looking to grow income to off-set reduced funding	9	6
10	Waste Budget: Increasing waste tonnages resulting in increased waste management costs	20	12
11	Town Centre Businesses and Markets: Loss of town centre businesses to competition	15	6
12	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
13	Climate Change: Failure to adapt the borough and Council services to our changing climate	12	8
14	Income Reconciliation (Public Protection Licensing): Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding	6	6
15	Income Reconciliation (Waste Management): Uncertainty around income reconciliation linked to the mobilisation of new waste contracts	6	2
16	Dogs and Pests Contract: Failure to deliver the contract to the required service levels	6	4
17	Out of Hours Noise Service: Failure to deliver statutory services	12	12
18	Integrated Offender Management: Failure to contribute to IOM in Bromley	12	12
19	Anti-Social Behaviour Co-Ordinator post: Failure to deliver ASB problem solving and partnership activity	12	12
20	Gangs and Serious Youth Violence Officer: Inability to deliver strategic coordinated gang disruption work with partners across the borough	12	4
21	The provision of 24/7 CCTV Monitoring: Inability to provide 24-7 CCTV monitoring	12	6
22	Loss of Income from Licensing: Lost income from alcohol and gambling licenses	12	9
23	Risk to Health: Officers exposed to COVID-19 through enforcement visits	12	9
24	Staff Resourcing - Public Protection Enforcement: Inability to deliver to existing statutory responsibilities	9	6
25	Increased Costs for Coroners Service: Additional estimated costs due to high risk post mortems	12	9
26	COVID-19 related loss of income (Parking): Greatly reduced income from parking charges and from enforcement activity. Failure to deliver transport improvements.	20	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. It also covers Public Protection activities which do impact on vulnerable people – for example the Trading Standards team are responsible for safeguarding vulnerable adults who may be targeted by rogue traders and the Anti-Social behaviour and Gangs and Serious Youth Violence teams are actively targeting and supporting those young people that are at risk of crime.

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. 12: 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			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK			DATE LAST REVIEWED:	04.01.21
						Likelihood	Impact	Risk Rating		Likelihood	Impact	Risk Rating	FURTHER ACTION REQUIRED	RISK OWNER
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
2	2	All E&PP	Central Depot Access Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot)	Cause(s): -Fire, explosion, train derailment, strike etc. Effect (s): -Significant service disruption (Waste, Street Cleaning, Gritting, Fleet Management, Neighbourhood Management etc.)	Service Delivery	4	3	12	1. Contingency plans for: - Alternative vehicle parking - Temporary relocation of staff - Storage of bulky materials 2. Implement Business Continuity Plans 3. Close liaison with other Depot users (e.g. Waste Contract, Street Cleansing) and Highways Winter Service Team 4. 'Central Depot Users Group' (Health & Safety/co-operative forum for all site users) 5. Work Place Risk Assessments in place 6. Depot Insurance reviewed September 2020 to ensure full reinstatement cover is in place 8. Waste Service Change has incorporated separate battery collection which will reduce likelihood of fires from batteries in residual waste	3	3	9	1. Site re-development plans to include recommendations from fire safety audit. To include consideration of fire suppression systems	Paul Chilton
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. Full suite of BC plans in place across all Directorates, including E&PP 3. Overarching corporate BC plan developed identifying prioritisation of all services 4. All E&PP BC plans now transposed on to new corporate BCP template 5. Corporate BC management policy & strategy document signed off by leader and chief exec 6. Ensure all service providers have up to date Business Continuity Plans	2	4	8	1. CLT adoption of BCM which will monitor delivery on behalf of COE going forwards. Current COVID-19 disruption to ways of working has tested BCPs during the largest disruption encountered in decades. ICT system failure has been identified as the largest risk and is outside the control of E&PP	David Tait
5	6	All E&PP	Industrial Action Contractors' staff work-to-rule / take strike action impacting on service delivery	Cause(s): -Union dissatisfaction over pay and conditions (particularly in Waste, Libraries) Effect (s): -Temporary disruption to service / reduced customer satisfaction	Service Delivery	3	4	12	1. Ongoing monitoring / meetings regarding workforce issues 2. Joint development of Business Contingency Plans with Service Providers 3. Staff training and engagement built into the Environmental Services contracts	2	4	8	1. Review public communications to be used in the event of a strike 2. Staff training and engagement incorporated into communications with Library staff	Colin Brand
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 9. EPP Health and Safety Committee meets regularly to review departmental Health and Safety arrangements 10. All corporate policies followed for COVID-19 risk assessments. Staff home working unless unable to do so.	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 5. Ensure any staff wishing to return to the office during COVID-19 have done so in accordance with all corporate processes and procedures.	Sarah Foster (Paul Chilton leading during COVID-19 whilst SF is seconded to Shielding, Volunteering and Assistance programme)
7	12	Highways	Highways Management Deterioration of the Highway Network due to under-investment	Cause(s): -Failure to manage Highways in respect of traffic volumes, winter weather, financial resources leading to deteriorating condition Effect (s): -Leading to increased maintenance costs, insurance claims (trips, falls and RTAs) and reputational damage	Financial	2	4	8	1. Strategy to mitigate insurance claims 2. Inspection regime and defined intervention levels for maintenance repairs and monitoring 10% of works for compliance 3. Winter Maintenance procedures (gritting / salting) 4. Increased salt storage capacity 5. Improved customer expectation management 6. Asset management technique (e.g. Highway Asset Management Plan) 7. New capital programme to reduce reactive works 8. Performance Management measures incorporated into Highways contract 9. Modernisation of contractor's programming and completion of maintenance repairs involving remote working ICT technology	3	2	6	2. Additional inspections carried out and repairs undertaken as necessary	Garry Warner

Environment & Public Protection (E&PP) Risk Register

No.	E&PP RISK REF	DIVISION	RISK TITLE & DESCRIPTION	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK			DATE LAST REVIEWED:	04.01.21
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED	RISK OWNER
8	13	SSGS	Arboricultural Management Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc.	Cause(s): -Failure to ensure that trees are managed as safely as reasonably practicable Effect (s): -Leading to blocked highways, reputational damage and financial liabilities	Financial	4	3	12	1. Tree care and safety contract in place (new contract commenced April 2019) 2. Full asset Survey of ~30% of street and park trees (and 50% of school trees) 3. Risk trees identified and registered increased inspection frequency using asset management database (Confirm) 4. Implement remedial works to address risk associated defects 5. Review Tree Risk Management Strategy (annually) 6. Review the 'Storm Strategy' annually to be able to respond quickly and call in additional staff, equipment and contractors 7. Provide a cyclical safety survey and remedial works schedule commensurate to budget availability and potential prioritisation 8. Work with FixMyStreet Officer (Secondment) to ensure enquiries are responded to as quickly as possible	2	3	6	1. Continue to monitor completion of annual tree surveys by Arboriculture Team ensuring programme requirements are met. 2. 2021/26 Tree Management Strategy to be approved by Env. PDS March 2021	Peter McCready
9	14	All E&PP	Income Variation (Highways and Parking*) Loss of income when the Council is looking to grow income to offset reduced funding *Note new COVID-19 specific parking risk addition at the end of this register	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
10	15	SSGS	Waste Budget Increasing waste tonnages resulting in increased waste management costs	Cause(s): - COVID-19 pandemic has and will continue to impact the amount of waste generated by Bromley Households and Businesses. Increased home working and a move towards single use could increase waste tonnages and associated costs. - Failure to anticipate/manage waste management financial / cost pressures due to increasing landfill tax, increasing property numbers, declining recycling income (lower paper tonnages or rejected wet paper loads) and limited alternate treatment capacity. - Waste tonnage growing faster than budgeted or operational factors (i.e. adverse weather conditions, additional home working during COVID-19 etc.) Effect (s): - Budgets being exceeded and potential knock-on impact on other Council services	Financial	5	4	20	1. Cost pressures recognised in Council's Financial Strategy 2. Send virtually zero to landfill from April 2020, minimising any tax increase 3. Continued focus on promoting waste minimisation and recycling (e.g. in Environment Matters and through targeted campaigns and initiatives e.g. the flats above shops pilot launched in September 2020) - Monthly monitoring of recycled tonnages and projection to yearly figures - Regular and sustained recycling awareness campaign - Consolidation of Compositing for All campaign - Continuing investigation of waste minimisation and recycling initiatives - Monthly monitoring of all waste tonnages and projection to yearly figures - Monthly monitoring of all collection costs and figures - Ongoing analysis of collection and disposal methodology 4. Reviewing and benchmarking operational costs to identify options 5. Monitoring procedure in place (from December 2019) for the testing of paper loads to determine moisture content.	3	4	12	1. Continue to work with Veolia to ensure that recycling services are offered to residents throughout the COVID-19 pandemic.	Peter McCready
11	18	All E&PP	Town Centre Businesses and Markets Loss of town centre businesses to competition and as a result of the COVID-19 pandemic	Cause(s): -COVID-19 Pandemic causing businesses and market traders to cease trading (temporarily or permanently) - Town centre social distancing measures resulting in a reduced amount of market stalls Effect(s): -Reduction in high street business and market stall occupancy -Loss of income (Business rates and market stalls) -Poor public perception and negative publicity	Financial	5	3	15	1. BID Teams organise town centres events 2. Investment in Orpington High Street and Bromley North (done) 3. Regular advertising / promotion of markets and availability of stalls 4. Review of Market operational costs to reduce costs where possible (a new Market Strategy is under development and will be delivered from 2020/21) 5. Regular maintenance and renewal of market infrastructure - recent market relocation project has been completed and feedback from traders is positive 6. Markets Manager attends regular strategy meetings with BIDs and has provided guidance for a new town centre (BID) framework agreement	2	3	6	1. Ongoing review of market provision linked to outsourcing service provision 2. Detailed annual action plan to be drawn up for each town centre	Colin Brand
12	39	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

Environment & Public Protection (E&PP) Risk Register

No.	E&PP RISK REF	DIVISION	RISK TITLE & DESCRIPTION	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK			DATE LAST REVIEWED:	04.01.21
						Likelihood	Impact	Risk Rating		Likelihood	Impact	Risk Rating	FURTHER ACTION REQUIRED	RISK OWNER
13	41	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 (Colin Brand leading during COVID-19 whilst SF is seconded to Shielding, Volunteering and Assistance programme)
14	25	Public Protection	Income Reconciliation (Public Protection Licensing) Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding	Cause(s): - Lack of processes to reconcile actual licence fee income against expected income held on service specific IT systems. Effect (s): - Loss of income with potential to reduce service delivery funds - Reputational damage	Financial	3	2	6	1. Regular income monitoring 2. Good debt recovery systems 3. Monitoring of activity through Performance Indicators 4. Continual Benchmarking of licensing charges against other authorities	3	2	6	1. Refine procedure for reconciliation of expected income against actual and provide suitable training for staff to deliver this	Joanne Stowell
15	26	SSGS	Income Reconciliation (Waste Management) Uncertainty around income reconciliation linked to the mobilisation of new waste contracts	Cause(s): -Lack of integration between client and service provider IT systems so that data is not linked - Loss of income due to the closure of some businesses during the COVID-19 pandemic Effect (s): - Loss of income from Commercial Waste and Green Garden Waste services with potential to reduce service delivery funds - Costs incurred as a result of additional last minute resources required to deliver services - Reputational damage	Financial	3	2	6	1. Regular income monitoring 2. Good debt recovery systems 3. Monitoring of activity through Performance Indicators 4. Suspend commercial accounts allowing the businesses to return once open following the COVID-19 pandemic.	1	2	2	1. Refine procedure for reconciliation of expected income against actual and provide suitable training for staff to deliver this. 2. Project in 2020/21 to review the platform under which the garden waste and commercial waste service are hosted on. 3. Work with Veolia to review the commercial waste service offer to businesses with a view to provide a recycling offer and grow the commercial waste customer base.	Peter McCready
16	28	Public Protection	Dogs and Pests Contract Failure to deliver the contract to the required service levels	Cause(s): -Lack of robustness within contract specification in terms of contract deliverables and Key Performance measures Effect (s): -Inability to deliver statutory functions -Reputational damage	Service Delivery	3	2	6	1. Identification of named Contract Manager 2. Regular contract management meetings with service provider 3. Review of contract specification to identify change control requirements (a contract change notice regarding a change to invoicing was signed in August 19).	2	2	4	This contract is now running well, the contract is due to be extended for 1 year and no action is required at this time.	Joanne Stowell
17	29	Public Protection	Out of Hours Noise Service Failure to deliver statutory services	Cause(s): The out of hours noise service is dependant on grant funding from the Mayors Office for Policing & Crime (MOPAC) by way of the Local Crime Prevention Fund. This grant is released on a 2 year cycle, current cycle ends March 2021. The grant was reduced in 2017 and there is no guarantee it will be sustained post April 2021. The service is staffed on a voluntary basis. Effect: Inability to deliver Out of Hours Noise Service.	Service Delivery	3	4	12	1. Annual review with MOPAC on service outcomes	3	4	12	1. Meetings with MOPAC to ensure early warnings of any change to funding levels. MOPAC funding is outside of the control of LBB. 2. Review the Service offer	Tony Baldock
18	30	Public Protection	Integrated Offender Management Failure to contribute to IOM in Bromley	Causes: -IOM functions are reliant on grant funding from MOPAC via the LCPF, equates to one day per week. Reduction or cessation of grant after April 2020. Effect: -Inability to contribute to IOM in Bromley.	Service Delivery	3	4	12	1. Annual review with MOPAC on service outcomes	3	4	12	1. Meetings with MOPAC to ensure early warnings of any change to funding levels. MOPAC funding is outside of the control of LBB.	Tony Baldock
19	31	Public Protection	Anti-Social Behaviour Co-Ordinator post: Failure to deliver ASB problem solving and partnership activity	Cause(s): -Grant from MOPAC via the LCPF is used to fund the ASB Co-ordinator post which is responsible for delivering targeted ASB project work across the borough with partner agencies. Reduction or cessation of grant after April 2021. Effect: -Inability to fund this post would result in the cessation of targeted ASB work with partners across the borough. Funding for this post was reduced in 2018 and the shortfall was met by LBB. LBB continue to meet the slight shortfall in 2019.	Service Delivery	3	4	12	1. Review of project outcomes to determine whether they can be delivered on a reduced budget with LBB contributions in kind	3	4	12	1. Review of Community Safety functions to allow for MOPAC project delivery on reduced days per week. MOPAC funding is outside of the control of LBB.	Tony Baldock

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Report No.
CSD 21008

London Borough of Bromley

PART ONE - PUBLIC

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

Date: 19th January 2021

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: £359,420
 5. Source of funding: 2020/2021 revenue budget
-

Personnel

1. Number of staff (current and additional): 7 posts (6.66fte)
 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---Tuesday 19th January 2021
Matters Outstanding
Police Update
Report from Community Safety on the Violence Reduction Plan
Portfolio Holder Update
Planning Enforcement Update Report
Public Protection Performance Against Portfolio Plan Indicators
Model London Lettings Enforcement Policy
Public Protection and Enforcement Portfolio Draft Budget 2021/22
Environment and Public Protection Risk Register Update
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---Tuesday, 16th March 2021
Matters Outstanding
Police Update
Portfolio Holder Update
Public Protection Performance Against Portfolio Plan Indicators
Presentation from Bromley Youth Council (Update following December presentation)
Presentation from SLAM
Budget Monitoring report
Contracts Register report
Environment and Public Protection Risk Register Update
MOPAC Update Report
Emergency Planning and Corporate Resilience Business Continuity Service: Annual Update
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
Update report on the Mortuary Contract
Prevent Update
POSSIBLE FUTURE VISITS
Coroners' Court.
Bethlem Hospital