



THE LONDON BOROUGH  
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DATE: 8 March 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 Eyers-Bromley Youth Council  
Oscar Seal—Bromley Youth Council

A meeting of the Public Protection and Enforcement Policy Development & Scrutiny  
Committee will be held via a Webex Virtual Meeting on **TUESDAY 16 MARCH 2021**  
**AT 6.30 PM**

MARK BOWEN  
Director of Corporate Services

*Copies of the documents referred to below can be obtained from*  
<http://cds.bromley.gov.uk/>

## **PART 1 AGENDA**

**Note for Members:** Members are reminded that Officer contact details are shown on each report and Members are welcome to raise questions in advance of the meeting.

### **STANDARD ITEMS**

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS  
COMMITTEE HELD ON 19TH JANUARY (Pages 1 - 16)**

#### **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 2<sup>nd</sup> March 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 10<sup>th</sup> March 2021**.

#### **a 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 2<sup>nd</sup> March 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 10<sup>th</sup> March 2021**.

#### **5 MATTERS ARISING (Pages 17 - 20)**

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

#### **6 UPDATE FROM SLAM (Pages 21 - 22)**

#### **7 POLICE UPDATE (Pages 23 - 50)**

An update from the police is provided at every meeting.

#### **8 UPDATE FROM BROMLEY YOUTH COUNCIL (Pages 51 - 66)**

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

#### **9 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW AND PORTFOLIO HOLDER UPDATE (Pages 67 - 68)**

#### **10 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS**

Portfolio Holder decisions for pre-decision scrutiny.

a **PUBLIC PROTECTION AND ENFORCEMENT DRAFT PORTFOLIO PLAN** (Pages 69 - 90)

11 **BUDGET MONITORING 2020/21** (Pages 91 - 96)

a **DRAFT PRIVATE RENTED SECTOR HOUSING ENFORCEMENT POLICY 2021** (Pages 97 - 148)

12 **PRE-DECISION SCRUTINY OF REPORTS TO THE EXECUTIVE**

**POLICY DEVELOPMENT AND OTHER ITEMS**

13 **EMERGENCY PLANNING AND CORPORATE RESILIENCE BUSINESS CONTINUITY SERVICE - ANNUAL UPDATE** (Pages 149 - 158)

14 **COVID 19 PUBLIC PROTECTION ENFORCEMENT UPDATE** (Pages 159 - 166)

15 **MOPAC UPDATE** (Pages 167 - 174)

16 **ENVIRONMENT AND PUBLIC PROTECTION RISK REGISTER** (Pages 175 - 186)

17 **PUBLIC PROTECTION AND ENFORCEMENT CONTRACTS REGISTER** (Pages 187 - 196)

18 **WORK PROGRAMME** (Pages 197 - 202)

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

Minutes of the virtual meeting at 6.30 pm on 19 January 2021

### **Present:**

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

Sharon Baldwin, Alf Kennedy and Oscar Seal

### **STANDARD ITEMS**

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

Apologies were received from Councillor Suraj Sharma; Councillor Simon Fawthrop attended as his substitute.

The Portfolio Holder had informed the Committee that due to another engagement, she would be joining the meeting at 7.30pm.

The Chairman expressed his thanks for all of the hard work undertaken by officers during the ongoing pandemic and asked that his appreciation be recorded.

#### **88 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **89 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 8th DECEMBER 2020**

The Committee considered the minutes of the meeting of the Public Protection and Enforcement PDS Committee held on 8<sup>th</sup> December 2020.

The Chairman reminded the Committee and officers that it was important that the Council's involvement with Community payback be revisited and developed.

**RESOLVED that the minutes of the meeting held on 8<sup>th</sup> December 2020 be agreed and signed as a correct record.**

**90 QUESTIONS FOR THE CHAIRMAN OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE**

No questions for the Chairman or the Committee were received.

**91 QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER**

One written question from a member of the public was received for the Portfolio Holder.

This is attached as an appendix to the minutes.

**92 MATTERS OUTSTANDING**

**CSD21013**

The Committee noted and commented on the Matters Arising report. An update was required concerning the proposed meeting together of Bromley Youth Council (BYC) and Chief Inspector Craig Knight. The Committee was informed that Mr Knight would be meeting with BYC during the following week.

The Chairman of the Safer Neighbourhood Board informed Members that she would be meeting shortly with Bromley police regarding stop and search, and as a result there may be some useful updates that she could feed back to BYC.

It was noted that SLAM (South London and Maudsley NHS Trust) would be attending the Committee meeting in March, and that the Assistant Director for Public Protection and Enforcement had already met with the new Clinical Director of Bethlem.

The Chairman asked the Assistant Director for Public Protection and Enforcement if she could circulate a copy of the current protocol agreement (between the Council and Bethlem) to the Committee.

**RESOLVED that the report be noted and that the Assistant Director for Public Protection and Enforcement disseminate the latest version of the protocol agreement with SLAM.**

*Post Meeting Note*

*The latest version of the protocol agreement with SLAM was disseminated to Members on January 20<sup>th</sup> 2021. It was noted that some changes to contact details were required.*

**93 POLICE UPDATE**

Superintendent Andy Brittain and Inspector Stuart Baker attended to provide the update from the police.

A Member asked why it appeared that the figures with respect to the crime of 'harassment' had increased and she requested that in future a more detailed breakdown of this data be provided. Mr Baker agreed that the figure seemed high. He said that he would look into this further and provide more detail to the Member outside of the meeting.

A Member referred to the increase in offensive weapons crimes and in drug trafficking. She asked why the former had increased by 120%, and the latter by 77%. Inspector Baker answered that it was partly a case of small numbers and big percentages. He said that these figures were a reflection of the police's increased presence on the streets dealing with these crime types. He regarded it as a positive that these figures had gone up. He explained the difference between drug trafficking and drug possession. The former was the more serious offence, but sometimes the police had to settle for prosecuting for drug possession as this was easier to prove and to get a conviction in the courts.

The Member asked what plans the police had to reduce these crimes apart from the various MOPAC projects that were planned. Mr Brittain responded that the police were considering various options concerning this to try and improve engagement with young people, and this would include the use of Police Schools Officers when the schools were re-opened after lockdown. The police would also be advertising and promoting more of what they were doing with respect to knife crime.

The Chairman asked why the number of convictions for drug possession and the number of sanctioned detections had decreased. At the same time the number of stop and searches had increased and the Chairman wondered how these factors could be reconciled. Mr Baker said that this was because in many cases there was not enough evidence to prosecute. The police had now set up a Drug Focus Desk which was a small team of experienced detectives, to assist officers in capturing the best evidence to increase prosecutions. This was a relatively new team, and it was hoped that their involvement would lead to an increase in the number of sanctioned detections in the future.

The Chairman asked if going forward the Committee could be supplied with data relating to 'crime hotspots'—this was information that had been supplied in the past. The Chairman felt that it was important that some form of scrutiny with respect to these hotspots was undertaken. Mr Brittain said that he would be happy to meet with the Chairman to discuss this issue and provide any additional information that may be of interest. Going forward, the police were intending to provide a better police performance/data pack.

The Chairman was keen to find out if police times of attendance had been affected by the new low traffic zones. The Chairman expressed the view that

low traffic zones had adversely affected the times of attendance for the London Ambulance Service and the London Fire Brigade.

Mr Brittain was not aware of any evidence to show this but stated that data regarding this could be provided at a future meeting if required.

The police explained why there had been a big increase in ASB calls during the first lockdown. This was largely related to Covid, where neighbours were reporting each other for allegedly breaking lockdown restrictions. The figures had also spiked over the Christmas period.

A Member praised the police for their pro-active work in closing down a 'cannabis farm' in St Mary Cray and other areas like Penge. Other addresses were being looked at. The Member asked that Mr Baker's swift, decisive, and professional actions be noted in the minutes. Mr Baker gave some detail concerning police operations that had been undertaken as part of 'Operation Heat' which covered a variety of areas. There had been an operation undertaken in St Mary Cray where an investigation had recovered cannabis that was worth in the region of £100k.

The police emphasised the importance of the involvement of local communities in assisting the police and providing intelligence that the police could use. Mr Baker highlighted that in recent police raids, individuals had been charged with drug related offences and the police had come across a victim of human slavery.

The police were questioned with respect to the low level of sanctioned detections. The police were aware of the need for these figures to improve.

A discussion took place concerning the theft of dogs, and the police said that although some dogs had been stolen, and there were some 'Traveller' sites where puppies were being bred; on the whole there was not much evidence of this crime taking place in Bromley and the public should not be alarmed concerning this.

A Member, referring back to the matter of sanctioned detections, stated that in his view this could be a misleading figure, as it may not convey the whole picture of what the police were doing on a daily basis on behalf of the public. He felt that the police could be selling themselves short by using this statistic. Although the police were grateful for this comment, Mr Baker maintained that the police did need to improve the level of sanctioned detections.

The Chairman thanked the Member for his comments regarding sanctioned detections but highlighted that anyone undertaking serious scrutiny in this area (including the police themselves) acknowledged that there needed to be a marked increase in the number of sanctioned detections.

A Member asked if individuals were randomly turning up at the Princess Royal University Hospital, in the hope of being vaccinated. The police responded that this did not seem to be a significant issue.



Mr Baker informed Members that the Covid Pandemic had hit the police hard. The first wave had not impacted the police to any significant extent.

However, the police were currently having to cope with around 20 to 25% of their staff either being sick or self-isolating. Fortunately, in many cases, investigative work could still be undertaken from home. There had been a few officers that had ended up in hospital/intensive care but had recovered; the Covid Pandemic was not affecting the response to 999 calls.

A discussion took place concerning the recruitment of new detectives and it was noted that 52% of the new trainees were female and around 30% were from Black, Asian or minority groups (November 2020 figures). The Chairman said he would be interested to receive data concerning how many in the 30% group successfully passed through the training programme.

A Member asked what were the retention rates for new officers. Mr Baker responded that he could provide an update concerning recruitment and retention at the next meeting.

A Member asked if there was a plan to vaccinate the police. The response to this was at the time of the meeting no definitive plans were in place; the Police Commissioner Cressida Dick was lobbying to move this forward.

A Member mentioned that anyone who volunteered in the vaccination process (in terms of actually administering the vaccine to the public) would be offered the vaccine themselves, and perhaps some police officers should consider joining in the volunteer process so that they could get vaccinated. Naturally the downside of this would be that if they were involved in the vaccination process then they would not be undertaking police duties.

The Chairman thanked Mr Brittain and Mr Baker for attending and answering questions and stated that if there were any further questions that committee members would like to ask, they could be submitted in writing.

**RESOLVED that**

- 1) The police update be noted.**
- 2) Inspector Baker would ascertain whether it was possible to provide a breakdown of the data relating to 'harassment' to Cllr Bance.**
- 3) The police would endeavour to provide data relating to 'crime hotspots' at future meetings.**
- 4) Going forward, the police would endeavour to provide data to the Committee regarding the number of new trainees from Black,**

**Asian, or ethnic minorities that had successfully passed through the training programme.**

- 5) At the next meeting, the police would endeavour to provide data relating to the recruitment and retention of new police officers.**

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

### **94 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW AND PORTFOLIO HOLDER UPDATE**

The Senior Performance Officer attended the meeting to provide the update for the Public Protection and Enforcement Performance Overview. She stated that she would be talking through the indicators that had been flagged red.

The first red indicator noted was indicator 2A which was related to the awareness of events and training to groups. The second indicator noted was indicator 2C which related to test purchase operations. Both of these areas had been affected by Covid and Lockdown which had prevented the teams from hitting their targets.

A note was made that indicator 4E had also been affected, and this related to the issuing of licences for HMOs.

Attention was drawn to indicators 4G and 4H which were the new fly tipping performance indicators on the Portfolio Plan. 4G was the total number of open fly-tipping investigations—there were currently 32 cases under investigation. 4H detailed the number of actions undertaken where evidence was available. Fifty-Two cases had to be closed due to lack of evidence.

A Member asked if test purchases could still be undertaken if supermarkets were open. It was noted that a decision had been taken not to do this to safeguard young people from the Covid 19 virus.

A Member commented that HMO's were (in due course) going to fall under the remit of Article 4, he sought clarification concerning what progress had been made regarding this, and whether or not this could make enforcement with respect to HMOs easier. A Member (who was also the Chairman of the Development Control Committee) responded that this area of policy was a work in progress, but she was anticipating that a report concerning this matter would be presented to the Development Control Committee in March.

The Committee noted the Portfolio Holder update that had been submitted to the Committee in writing before the meeting.

The Portfolio Holder update showed that between October and December (and including up to 10th Jan 2021) officers checked 1,863 businesses in the borough. The vast majority of businesses in the borough had been compliant and were seeking to operate within the spirit of the guidelines.

Reference was made to the Approved Trader Scheme. It was noted that LBB had been party to a business agreement with Checkatrade.com, but this partnership was due to end in March 2021. Members were pleased to note that the Council had been in contact with Kent County Council Trading Standards who were delivering their own scheme and had invited LBB to join. Their offer was based on the 'Checkatrade' format and would include free business advice to Bromley members.

Members heard that there would be a one-off upfront cost to LBB which was for web development and content, design, back office set up and testing, but LBB would receive payment for every trader who joined and would break even once Membership got to 158. The Chairman enquired as to its cost. The Portfolio Holder did not wish to disclose the cost at the meeting, but she did provide an assurance that the cost did not have any significant budgetary implications, and in a short while it was expected that the scheme would break even.

Members noted the update from the Portfolio Holder with respect to the Violence Reduction Action Plan (VRAP). On the 6th January, Steve Bending, (Head of Policing & Commissioning from the Violence Reduction Unit at City Hall) had provided feedback on Bromley's VRAP to the Leader and Chief Executive. The summary feedback was:

*"This is a commendably comprehensive action plan that demonstrates a strong partnership approach to reduce violence and vulnerability in Bromley. The borough developed an impressive plan last year and it is good to see how this has progressed further, with the inclusion of some innovative activity and a collective sense of leadership demonstrated throughout."*

The Portfolio Holder provided an update with respect to VAWG (Violence Against Women and Girls). Bromley had been successful in a joint bid with Croydon, Sutton and the Met Police Service South Basic Command Unit, to bring the 'Drive' perpetrator programme to Bromley.

It was noted that this was MOPAC funded, and initially for 14 months, commencing in February 2021. There would be two launches; a strategic launch across the three boroughs and a local operational launch for Bromley, followed by a Task and Finish Group for the nominated Domestic Abuse Perpetrator Panel members. The Portfolio Holder would be attending the strategic launch on 12<sup>th</sup> February.

Members were briefed that the Portfolio Holder had approved revisions to HMO Licence fees, and a detailed breakdown of these was provided in the update document that had been disseminated previously.

The Portfolio Holder briefed the Committee that professional dog walkers and residents with multiple dogs now needed a £200 licence to exercise their dogs in a public space or risk a £100 Fixed Penalty Notice. The licences applied to anyone walking five or six dogs at any one time in a public space within the borough of Bromley, including parks. No more than six dogs could be walked

in a public place and a licence was not necessary for anyone walking less than five dogs.

The licence had to be displayed in a fluorescent armband and Public Liability Insurance (£1 million cover minimum) was required before issue. The new licence aimed to encourage responsible dog ownership and adherence to the code of conduct.

A Member asked who would be responsible for any enforcement action that would be required with respect to the multiple dog walker licence. It was noted that this would be undertaken by Ward Security.

**RESOLVED that**

- 1) The Public Protection Performance Overview report and the update from the Portfolio Holder be noted.**
- 2) Members be updated in due course concerning HMOs falling under the remit of Article 4 directions.**

**95 EXTENSION OF THE PUBLIC SPACE PROTECTION ORDERS CONCERNING ALCOHOL**

**ES20066**

The Head of Community Safety attended the meeting to present the report and to answer any questions.

*The Committee noted that in accordance with the recommendations agreed in report ES20033 (presented to the General Purposes and Licensing Committee on the 30<sup>th</sup> 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.*

*The report was being presented as the controls had to be reviewed every three years, otherwise the Council would lose the right to implement them. The Head of Community Safety said that he was pleased with the number of people that had responded to the consultation, and that the controls had been extended to include psychoactive substances.*

*A Member enquired as to where the three current control zones were located. The Head of Community Safety informed the Committee that the three current control zones were located in the parks at Beckenham, Bromley and Penge. A Member asked if the new control zones would just be located in the parks and the Head of Community Safety responded that the new control zones would be extended to all open public areas which was the more modern approach and which had been adopted by other councils*

*A Member remarked that it seemed many people were not aware of the current alcohol control zones that existed in the parks, and would it not be an idea for this information to be more fully publicised. The Head of Community Safety acknowledged this point but said that he wanted to be careful not to give the impression that the Council was being a killjoy and that all consumption of alcohol in open spaces was prohibited, which was*

*not the case. People could still go out for a picnic and have a glass of wine for example.*

*A Member asked if enforcement could take place anyway under current powers. The Head of Community Safety answered that in these circumstances it would be a police or public order offence--it would have to be more of a breach where someone was drunk and disorderly and where intervention from the police was required.*

*The Chairman asked how breaches of the control zone would be dealt with, and it was noted that in the first instance this would be dealt with by a fixed penalty notice and not as a criminal activity.*

It was **RESOLVED** 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.

## **96 PRE-DECISION SCRUTINY OF REPORTS TO THE EXECUTIVE**

### **a MODEL LONDON LETTINGS ENFORCEMENT POLICY**

#### **ES20062**

This report was presented to the Committee by the Head of Service, Trading Standards & Commercial Regulation. He explained that enforcement guidelines now existed where local authorities may be required to take legal action against property agents who were not looking after their clients' money properly. The aim of the report was to avoid any legal deficiencies in the enforcement action process (if required) in the future. The final decision regarding the report would be made by the Executive.

It was felt that this was a complex area of law for which some expert legal advice may be required and LBB was fortunate to be able to engage with a London wide regional expert to support and test the systems, and also to assess compliance in the borough. The crux of the matter was that property agents were required to join a client protection group and should display signs in their offices to confirm such. If firms failed to join a client protection group then they could be fined as much as £30k. The purpose of the client protection group was to ensure that deposits paid by clients were properly protected. There was a smaller fine of £8k that the agents could be liable for if they failed to display the correct signage. It was also the case that there were certain practices that were prohibited under the new legislation and fees were required to be displayed.

The Chairman enquired who would carry out the relevant checks and if it was going to be complaint led. The Head of Service for Trading Standards and Regulation responded that in the initial stages it was likely that it would be complaint led, as the resources would not be there for a blanket enforcement. The policy applied to letting agents and property management firms. The Head of Service for Trading Standards and Regulation stated that he would check if the same regulations would apply to social housing providers and also to individual private landlords and report back.

The Chairman asked for a report to be presented to the Committee by way of an update later in the year.

It was clarified that the cost of any legal expertise initially would be provided by a London Fund—after that it should be the case that LBB would have gained sufficient expertise so that there would be no need going forward to draw upon external legal expertise. The Head of Service for Trading Standards and Regulation explained that there was a statutory obligation to undertake enforcement in this area, but the policy itself was not a statutory policy—the aim was to have the relevant guidelines in place and agreed by the Council so that if enforcement was required in the future, the Council would have an agreed policy/protocol that could be followed.

**RESOLVED that**

- 1) The Public Protection and Enforcement PDS Committee approve the Model London Lettings Enforcement Policy for adoption by the Executive on the 10th February 2021**
- 2) An update report on this matter be presented to the Committee later in the year**
- 3) The Head of Service would investigate to see if the same regulations were applicable to social housing providers and also individual private landlords.**

**97 PLANNING ENFORCEMENT REPORT**

**ES 20065**

The Head of Planning and Development Support Team attended the meeting to update the Committee regarding the Planning Enforcement report. He stated that since 1st April 2019, 1061 cases had been closed and that between 1<sup>st</sup> April 2020 and the time of the meeting, 428 cases had been closed. The oldest cases dated back to 2015—two of these cases had gone to Appeal, and one was in abeyance—in this case the Council was working with the resident to resolve an untidy site in West Wickham. Members were informed that the total number of cases that were outstanding was 764.

The Portfolio Holder had drafted a briefing to Cabinet concerning some of the issues that had been facing the planning enforcement section.

The Head of Planning and Development Support Team briefed the Committee that:

- There had been two new starters
- Two planning enforcement officers had Covid symptoms and had been self-isolating
- One officer had retired

- Certain types of work had been prevented by the lockdown restrictions
- The receipt of some planning applications had been delayed
- Some court cases had been delayed

The Head of Planning and Development Support Team reported that despite various difficulties, there had still been some successful prosecutions. There had recently been a successful prosecution at Knockholt Station South Side. A press release would be issued regarding this in due course, and this would involve one of the Committee members and the Portfolio Holder. Knockholt Station had been fined as they were found to be in breach of an enforcement notice.

The Chairman requested that in future, details regarding the number of investigations undertaken, closed and outstanding be reported in the main body of the report.

A Member asked if feedback was provided to the person who reported the cases. The Head of Planning and Development Support Team responded in the affirmative.

Members were informed that the planning enforcement section had no budget for direct action themselves, and that because of this, before enforcement action could be taken, permission had to be obtained from one of the Planning Sub-Committees.

It was noted that this report would be presented to the next meeting of the Development Control Committee.

A Member felt that it would be beneficial if the cases classified as 'general' could be broken down further so that Members had a better understanding of what these cases related to.

A discussion took place with respect to Magistrates' Court costs and what precisely constituted the 'third' reduction in the amount of the fine for a guilty plea.

A discussion took place as to what constituted an 'untidy' site. It was noted that the precise legal definition of an untidy site would be outlined in the Town and Country Planning Act, and there was a right of appeal to the Magistrates Court. No action could be taken regarding an untidy site if Probate proceedings were being undertaken.

The Head of Planning and Development Support Team requested that in any instances where someone wished to make a complaint regarding an untidy site, then photographs should be supplied if possible.

A discussion took place about the possible use of drones for Planning Enforcement.

**RESOLVED** that the report be noted and that in future, information concerning the number of planning investigations undertaken, closed and outstanding--be reported in the main body of the report.

**98 PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO  
DRAFT BUDGET 2021/22**

The Head of Finance for ECS and Corporate Services attended the meeting to provide an update regarding the Public Protection and Enforcement Portfolio Draft Budget for 2021/22.

Members noted that the report incorporated future cost pressures, planned mitigation measures and savings from transformation and other budget options which were reported to Executive on 13th January 2021.

The Head of Finance for Environment and Corporate Services stated that the report was being presented to the Committee prior to the next meeting of the Executive, so that any comments or suggestions from the Committee could be noted by the Executive before recommendations were made regarding the level of Council Tax for the next financial year.

The Chairman asked if a record of extra costs incurred because of the Covid Pandemic was being kept. It was explained that the Executive received a separate report with respect to costs incurred because of Covid. This had been the practice since April 2019. A particular budgetary issue that related to the Public Protection Portfolio was its contribution into a pan London fund for temporary mortuary provision costs. The contribution from LBB was in the region of £1.4m. The estimated cost for LBB's own local mortuary provision was in the region of £250k. It was also noted that a shortfall in licensing income was projected.

The Chairman asked if there was a backlog of work because of the Pandemic, for example, were there any backlogs of work relating to HMOs or with food licensing. If there were any backlogs, were measures in place to deal with this, and would any new staff be required to deal with any such backlog. The Chairman was concerned that any areas of work that were part of the Council's statutory obligations had a contingency plan in place so that the work could be completed.

The Assistant Director for Public Protection and Enforcement clarified that although there were backlogs—this was something that was being experienced by all councils. As far as food inspections were concerned, the Food Standards Agency understood the impact that Covid had made in affecting targets and these had been modified accordingly. As far as HMO licensing was concerned, the process that was usually carried out by the Council was to inspect premises first, and then grant a licence. However, legislation permitted the granting of a licence as long as the premises was inspected in the first five years, and this was the process that the department was going to adopt for the foreseeable future. The Assistant Director assured



Members that it was likely that most of the backlog of work would be able to be undertaken using overtime rather than having to appoint new staff.

The Committee was pleased to note that all statutory responsibilities were being covered.

A Member referred to an item on Appendix 1 where there was a reference to increased costs without an explanation of what the costs related to. He asked for an explanation of what these costs were, as the text referred to costs increasing by £45k. It was clarified that this referred to an allowance for inflation with respect to both pay and running costs. The Member asked what had happened to the money that had been allocated for Covid Marshals and how long this funding was going to be provided for. The Head of Finance answered that a response was being drafted to the Ministry for Housing, Communities and Local Government to show how this funding had been utilised, and it was confirmed that the funding would expire at the end of the current financial year.

The Portfolio Holder stated that the money for Covid Marshals would be run through the Environmental Services Division, and not as part of the Public Protection Portfolio.

A Member asked if food safety inspections were taking place with respect to those businesses that were now serving take-away food. She also asked for clarification regarding the current strength of the Food Safety Team, and as there seemed to be a national shortage of food safety officers, would the section consider developing their own officers in house. The Assistant Director for Public Protection and Enforcement replied that the Food Safety Team had endeavoured to carry out some physical inspections initially but were soon instructed by the Food Standards Agency to stop doing this because of the Covid Pandemic. Some remote inspections had been undertaken. The Assistant Director for Public Protection and Enforcement promised to check on the current level of staffing within the Food Safety Team and report back to Members. Members were informed that consideration was being applied to developing strength within the Food Safety Team by training apprentices.

A Member expressed the view that consideration should be applied in the overall Council budget to allocating some resource to help to engage with dis-engaged young people from ethnic minorities to try and reduce levels of serious violence and knife crime.

**RESOLVED that**

- 1) The financial forecast from 2021/22 to 2024/25 be noted.**
- 2) The initial draft 2021/22 budget be agreed as the basis for setting the 2021/22 budget.**

- 3) The Assistant Director for Public Protection and Enforcement would report back to the Committee concerning the current strength of the Food Safety Team.**

## **99 COMMUNITY IMPACT DAYS UPDATE**

The Community Impact Day Co-ordinator attended to present the Community Impact Days Update Briefing.

The Chairman reiterated what an important service the Community Impact Days provided.

A Member stated that she felt that LBB were still not doing enough to tackle the serious violent crime that was happening in certain wards. She expressed the view that the problem centred around young people who felt disengaged, and that the crime statistics seemed to indicate that many of these were from ethnic minorities. There had been another very serious stabbing the previous week in Crystal Palace. She said that in her ward the Somali community were not engaging and this was because not enough had been done across the board to develop engagement with them.

The Chairman sympathised with the views of the Member and said that this was a subject which would need a significant amount of research and work. The Chairman expressed the view that this would likely be a wide-reaching policy matter that would need to be considered first by the Portfolio Holder and then the Executive.

There was a consensus that the Community Impact days were working well, and once again the importance of the various agencies receiving intelligence to act upon was highlighted.

A Member stated that it was important to use the MOPAC money for these impact days in a focused way, targeting those areas where intervention was most required.

The Chairman thanked the officer for her excellent work.

**RESOLVED that the update regarding Community Impact Days be noted.**

## **100 ENVIRONMENT AND PUBLIC PROTECTION RISK REGISTER**

### **ES20058**

There were no red risks concerning the Portfolio that were required to be scrutinised.

**RESOLVED that the Public Protection Risk Register be noted.**

**101        WORK PROGRAMME**

**CSD 21008**

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

It was noted that the meeting scheduled for March would be a full one. This was because updates were going to be provided on Business Continuity and Resilience, together with end of year updates from SLAM and Bromley Youth Council. There would also be a MOPAC update report and another report with respect to the Covid Pandemic.

**RESOLVED that the Work Programme be noted.**

The meeting ended at 8.00 pm

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Report No.  
CSD21027

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Public Protection and Enforcement PDS Committee

**Date:** 16<sup>th</sup> March 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](mailto:stephen.wood@bromley.gov.uk)

**Chief Officer:** Mark Bowen, Director of Corporate Services

**Ward:** N/A

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1. Reason for report

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

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## 2. RECOMMENDATION

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

<b>Non-Applicable Sections:</b>	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>
Minute 93 19 <sup>th</sup> January 2021  Police Update	Inspector Baker would ascertain whether it was possible to provide a breakdown of the data relating to 'harassment' to Cllr Bance.	This data is not readily available with the current IT systems. It would be hugely time consuming to review every report to identify the individual types of harassment.
Minute 93 19 <sup>th</sup> January 2021  Police Update	The police would endeavour to provide data relating to 'crime hotspots' at future meetings	The police have produced a revised performance product for the Committee which identifies the locations of hotspots on a ward basis. In addition, the police have included a table of crime types per ward.
Minute 93 19 <sup>th</sup> January 2021  Police Update	Going forward, the police would endeavour to provide data to the Committee regarding the number of new trainees from Black, Asian, or ethnic minorities that had successfully passed through the training programme.	This data has been requested from the police Central HR Team, but has not yet been supplied. An update will be provided at the meeting
Minute 93 19 <sup>th</sup> January 2021  Police Update	At the next meeting, the police would endeavour to provide data relating to the recruitment and retention of new police officers.	This data has been requested from the police Central HR Team, but has not yet been supplied. An update will be provided at the meeting.
Minute 94 19 <sup>th</sup> January 2021  PPE Performance Overview	Members be updated in due course concerning HMOs falling under the remit of Article 4 directions.	This matter will be dealt with by the Development Control Committee.
Minute 96 19 <sup>th</sup> January 2021  Model London Lettings Enforcement Policy	An update report concerning the Model London Lettings Policy be presented to the Committee later in the year.	This will be added to the Work Programme.
Minute 96 19 <sup>th</sup> January 2021  Model London Lettings Enforcement Policy	The Head of Service for Trading Standards and Regulation would investigate to see if the same regulations were applicable to social housing providers and also individual private landlords.	The legislation Tenants Fees Act 2019 does apply to social and private landlords. Private landlords are not included in the provisions of the redress schemes (The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a

		Scheme etc) Order 2014), the requirement to publicise relevant fees (The Consumer Rights Act 2015, sections 83-88) and the Client Money Protection rules (The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019).
<b>Minute 98 19th January 2021</b>  <b>PPE Draft Budget.</b>	The Assistant Director for Public Protection and Enforcement would report back to the Committee concerning the current strength of the Food Safety Team.	The current strength of the Food Standards Team is 7.6 FTE .



<b>Meeting:</b>	Public Protection & Enforcement Policy Development and Scrutiny Committee
<b>Date of meeting:</b>	16 March 2021
<b>Report title:</b>	Croydon and Behavioural and Developmental Psychology Operations Directorate update
<b>Author:</b>	Hilary Williams, Service Director Croydon and Behavioural and Developmental Psychology, South London and Maudsley NHS Foundation Trust

## Executive summary

The purpose of this report is to update the Public Protection & Enforcement Policy Development and Scrutiny Committee, Bromley Council with a report from Croydon and Behavioural and Developmental Psychology Operations Directorate, South London and Maudsley NHS Foundation Trust.

### 1. Update

- Throughout the Covid-19 pandemic Croydon and Behavioural and Developmental Psychology Operations Directorate have worked closely with our partners including service users, carers and their families as well as our strategic partners to bring together services to ensure our response to the pandemic has been as robust as possible.
- Working collaboratively with our local partners has enabled us focus on prevention, access, early intervention and recovery to improve our reach and impact on people's lives, including through our work with One Croydon and our Recovery College, Maudsley Learning and our colleagues at King's Health Partners.
- The Trust is working closely with our partners to make sure we can support the most vulnerable people in our communities with social care, housing, health employment, education and staying well.
- We are improving Croydon community mental health provision to ensure there is sufficient resource and capacity throughout the system to deliver a seamless, evidence-based and person-centred service to the local population. We are also looking to support our service users' transition back to primary care and improve support for community patients following discharge. We are expanding our Certitude service on Monks Orchard Road to provide more step-down flats for tenants.
- For more information about the organisation please see [South London and Maudsley NHS Foundation Trust's Annual Report and Accounts 2019/2020](#)

## **2. Bethlem Royal Hospital - site update**

- Since the outbreak of the Covid-19 pandemic in March 2020 Bethlem Royal Hospital has been closed to the public.
- This is to enforce and support our infection, prevention and control (IPC) measures and to protect people who use our services by reducing footfall.
- Throughout the Covid-19 pandemic we have continued to deliver business continuity in community and inpatient services.
- We are also providing the Covid-19 vaccine onsite to staff members and have been running regular clinics since February 2021.

## **3. Bromley Protocol**

- We are committed to working with our partners at Bromley Council to support the Bromley Protocol.
- Following a meeting with Joanne Stowell, Assistant Director of Public Protection we have reviewed the Bromley Protocol to ensure the details reflected within the protocol are up to date.
- On 18 September 2020 the Trust corresponded with Joanne Stowell following an oversight following a breach of the Bromley Protocol where a patient absconded from Chaffinch Ward, a medium secure ward on 16 September 2020. Regrettably the protocol was not followed, which was an oversight. By way of explanation, our primary concern was that of patient safety and communication with key stakeholders to enact this. Please accept our apologies.
- On 28 September 2020 the Trust corresponded again with Joanne Stowell who informed us of an incident where a patient absconded. However, this incident did not require the Bromley Protocol to be enacted.

## **4. Summary**

Croydon and Behavioural and Developmental Psychology Operations Directorate, South London and Maudsley NHS Foundation Trust is committed to working together with Bromley Council, and will ensure the Bromley Protocol is enacted where appropriate with immediate effect.

The Trust will seek to brief stakeholders at the earliest opportunity about any other incidents which may be likely to generate public concern or media interest, which may include any other unauthorised absences from the site and incidents off the site where the police have been called.

# Bromley Borough ASB and Crime Performance

## January 2020

PC Russell Easterbrook 2554SN

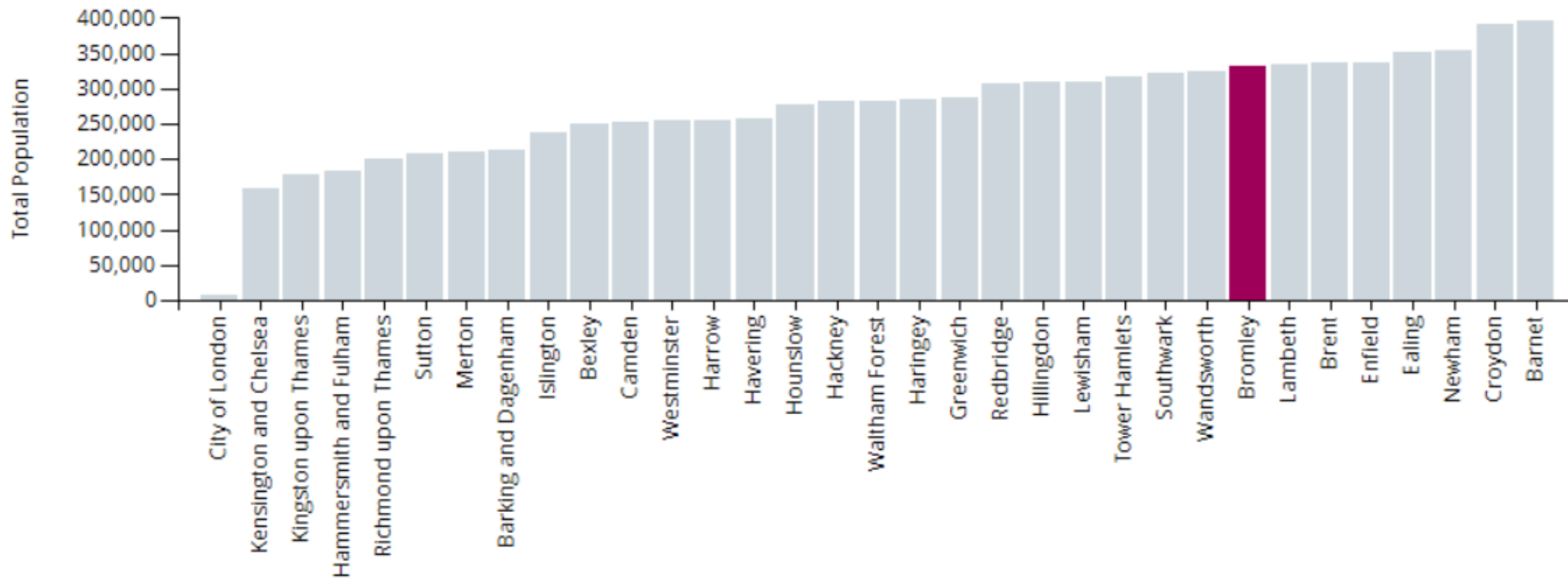


# Contents

- Bromley borough profile – MOPAC
- Crime Map
- Priority Crime Statistics
- Ward Statistics
- Ward Rankings by TNO Crime - SN
- Ward Rankings by TNO Crim – MPS
- I and S Grade Response Times
- Stop Search Statistics
- Recent good news stories



### Total population comparison across London (2018)



# Bromley Borough Profile

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)**

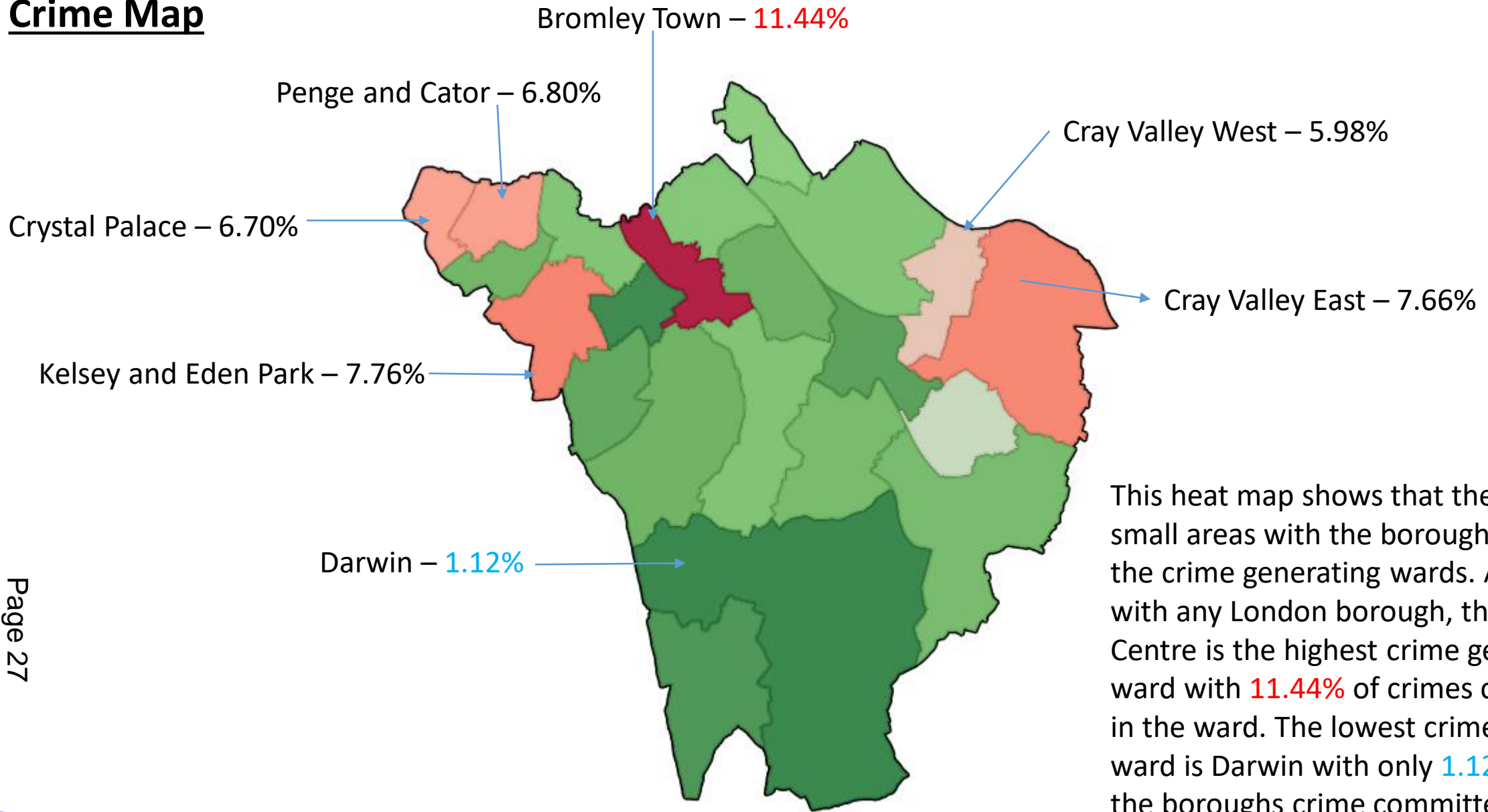


**MAYOR OF LONDON**

OFFICE FOR POLICING AND CRIME



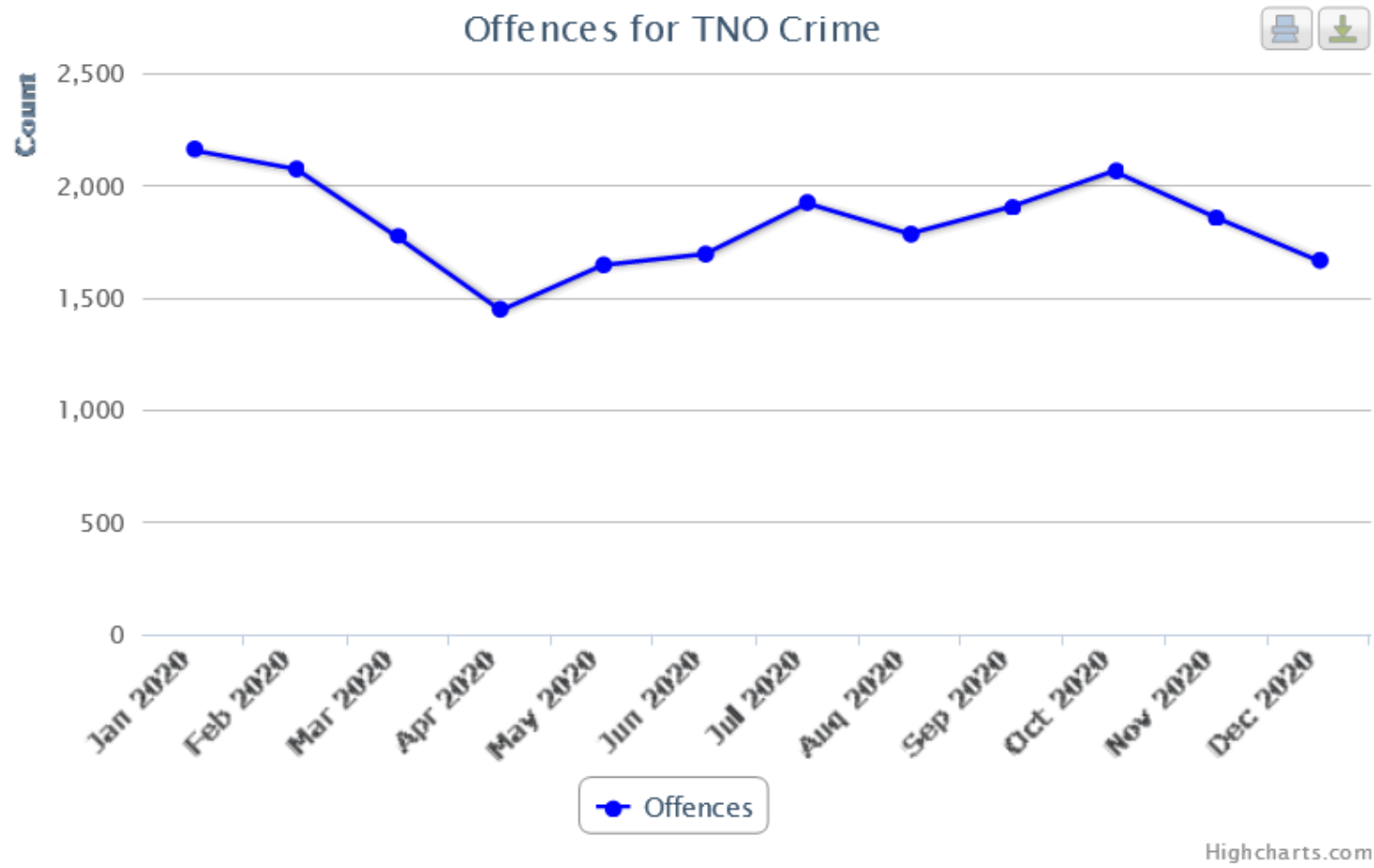
# Crime Map



This heat map shows that there are small areas with the borough that are the crime generating wards. As expected with any London borough, the Town Centre is the highest crime generating ward with **11.44%** of crimes committed in the ward. The lowest crime generating ward is Darwin with only **1.12%** of all of the boroughs crime committed in the ward.



## Bromley Borough - Number of offences for all Total Notifiable Crime



	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Offences	2156	2073	1767	1443	1645	1694	1920	1784	1906	2064	1857	1665



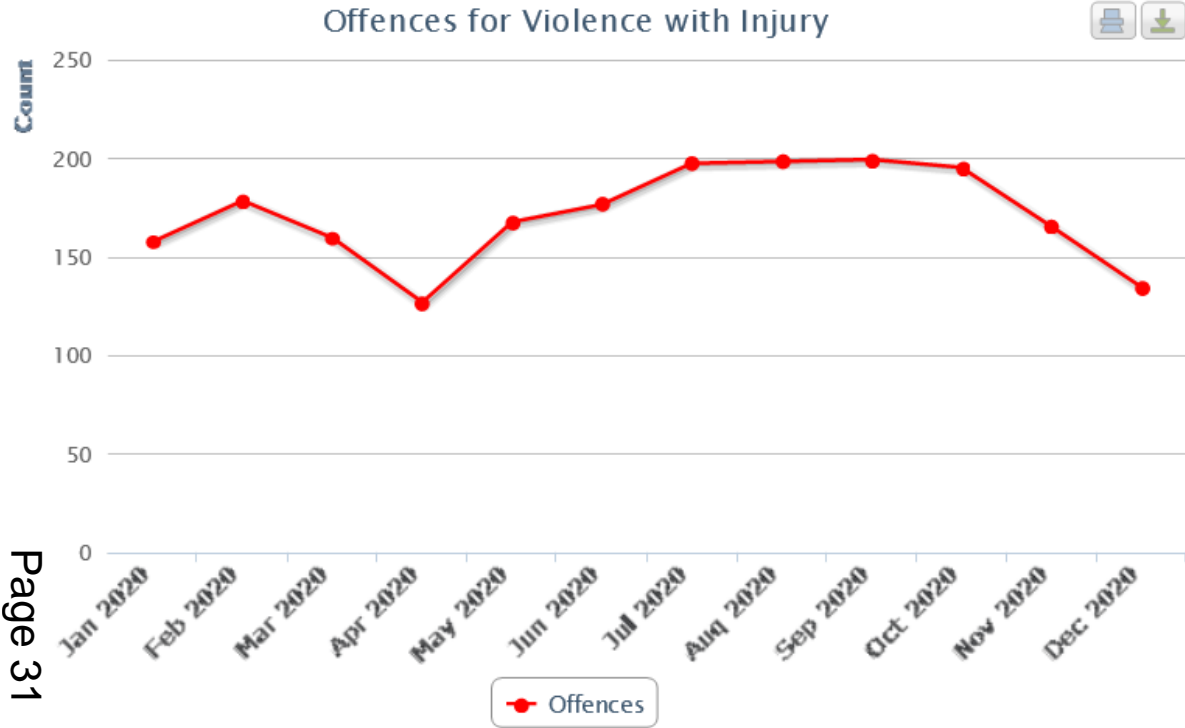
## TNO Crime by Ward's

Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	68	83	62	37	39	55	40	45	67	87	49	62
Biggin Hill	50	48	32	29	53	32	41	40	36	64	51	34
Bromley Common and Keston	106	88	98	68	78	90	78	73	91	74	83	77
Bromley Town	366	321	276	112	189	183	289	287	276	311	253	279
Chelsfield and Pratts Bottom	41	55	48	47	51	43	51	41	39	47	36	47
Chislehurst	72	85	67	50	53	64	72	69	52	78	69	44
Clock House	90	77	67	67	60	66	61	47	60	63	74	66
Copers Cope	92	103	73	58	81	72	90	80	95	106	74	76
Cray Valley East	178	147	105	120	138	134	154	178	152	191	152	130
Cray Valley West	121	89	91	94	116	109	121	102	119	92	132	108
Crystal Palace	111	91	94	96	128	102	112	113	122	102	101	82
Darwin	16	17	26	15	12	18	23	13	24	24	17	25
Farnborough and Crofton	55	66	63	60	58	54	71	71	64	58	61	45
Hayes and Coney Hall	60	77	45	30	43	65	48	45	51	77	47	53
Kelsey and Eden Park	147	115	101	82	90	114	113	88	102	99	114	72
Mottingham and Chislehurst North	80	66	60	75	68	92	99	84	71	81	88	63
Orpington	115	107	89	72	82	80	80	86	83	113	108	96
Penge and Cator	173	165	149	147	111	126	146	116	143	139	149	119
Petts Wood and Knoll	43	47	46	34	31	42	44	30	52	64	34	53
Plaistow and Sundridge	90	103	74	81	105	82	93	91	107	99	96	67
Shortlands	16	27	22	28	17	34	30	26	20	26	29	19
West Wickham	64	84	51	39	36	42	56	41	53	65	40	34
<b>Bromley</b>	<b>2156</b>	<b>2073</b>	<b>1767</b>	<b>1443</b>	<b>1645</b>	<b>1694</b>	<b>1920</b>	<b>1784</b>	<b>1906</b>	<b>2064</b>	<b>1857</b>	<b>1665</b>

## Bromley – Different Crime Types

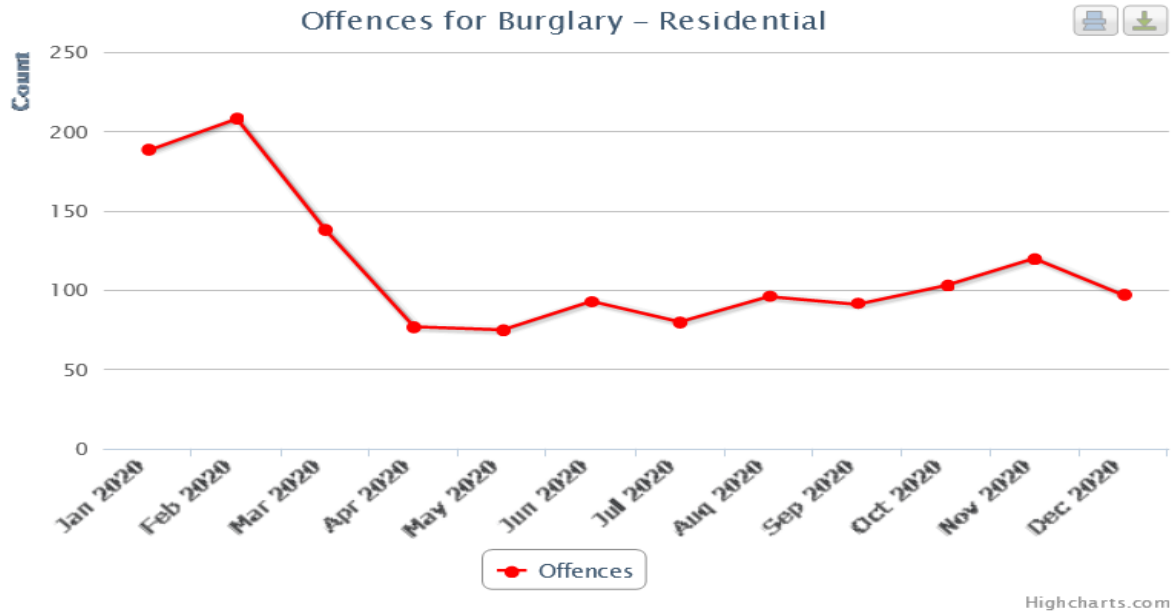
Major Class	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Arson and Criminal Damage	167	132	148	137	131	136	161	161	127	171	119	139
Burglary	238	258	177	123	104	114	109	114	108	134	143	128
Drug Offences	110	92	92	148	174	97	112	71	80	70	98	114
Possession of Weapons	17	8	15	14	10	16	13	17	20	14	22	8
Public Order Offences	142	97	111	121	129	148	166	163	160	140	150	117
Robbery	45	61	40	31	38	28	41	44	40	35	48	44
Sexual Offences	30	44	45	26	43	45	56	35	40	56	43	35
Theft	459	433	334	187	220	262	343	339	351	420	338	311
Vehicle Offences	401	409	292	201	252	262	290	233	307	435	333	263
Violence Against the Person	508	515	486	430	517	563	602	580	629	571	536	472
Historical Fraud and Forgery	0	0	0	0	0	0	0	0	0	0	0	0
Miscellaneous Crimes Against Society	39	24	27	25	27	23	27	27	44	18	27	34
<b>TNO Crime Total</b>	<b>2156</b>	<b>2073</b>	<b>1767</b>	<b>1443</b>	<b>1645</b>	<b>1694</b>	<b>1920</b>	<b>1784</b>	<b>1906</b>	<b>2064</b>	<b>1857</b>	<b>1665</b>

# Violence With Injury Offences



Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	2	4	0	0	4	3	3	7	4	7	4	2
Biggin Hill	4	7	1	2	6	2	4	4	3	4	4	2
Bromley Common and Keston	10	8	2	7	6	6	9	7	9	6	6	5
Bromley Town	24	19	28	11	20	10	28	24	20	26	20	20
Chelsfield and Pratts Bottom	3	7	6	0	3	1	7	4	4	2	2	6
Chislehurst	3	7	3	4	6	11	5	1	5	10	10	4
Clock House	4	5	2	4	10	9	9	7	5	4	1	5
Copers Cope	6	10	6	5	5	5	6	12	4	9	9	3
Cray Valley East	16	14	5	16	13	22	11	29	12	18	12	12
Cray Valley West	14	12	13	11	17	20	13	9	14	11	16	16
Crystal Palace	7	13	13	11	9	9	18	12	18	12	15	12
Darwin	3	3	2	1	1	2	1	3	4	2	2	0
Farnborough and Crofton	5	6	11	2	9	4	6	4	9	6	2	5
Hayes and Coney Hall	3	3	7	2	5	10	4	6	4	9	1	0
Kelsey and Eden Park	9	18	6	10	21	20	23	16	21	4	14	12
Mottingham and Chislehurst North	8	4	5	10	10	8	5	12	11	13	9	3
Orpington	10	5	2	4	3	10	9	8	11	12	11	7
Penge and Cator	10	15	25	14	5	13	14	16	20	24	12	5
Pets Wood and Knoll	2	4	7	2	1	4	2	2	5	1	3	4
Plaistow and Sundridge	7	8	5	3	7	3	14	9	11	11	9	9
Shortlands	0	1	0	2	4	2	3	2	4	3	1	0
West Wickham	4	4	5	5	3	4	5	2	5	3	2	3
<b>Bromley</b>	<b>157</b>	<b>178</b>	<b>159</b>	<b>126</b>	<b>167</b>	<b>176</b>	<b>197</b>	<b>198</b>	<b>199</b>	<b>195</b>	<b>165</b>	<b>134</b>

# Burglary - Residential



Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	6	12	9	3	2	5	2	3	1	7	8	6
Biggin Hill	1	6	1	0	1	1	1	3	3	2	1	1
Bromley Common and Keston	11	6	11	5	3	4	4	4	5	1	4	1
Bromley Town	4	11	15	2	12	5	5	8	8	9	7	7
Chelsfield and Pratts Bottom	9	7	8	6	5	5	2	8	2	4	6	9
Chislehurst	11	15	7	7	3	1	6	6	3	5	2	2
Clock House	11	5	8	2	2	6	3	0	7	3	10	3
Copers Cope	11	14	3	0	7	1	2	7	7	4	7	7
Cray Valley East	11	17	3	6	7	7	4	6	7	6	10	4
Cray Valley West	9	11	7	6	7	11	4	4	5	3	10	3
Crystal Palace	20	7	9	6	7	5	6	10	6	10	5	7
Darwin	1	4	2	0	1	2	3	1	0	0	1	1
Farnborough and Crofton	4	11	5	5	3	3	5	4	3	2	3	1
Hayes and Coney Hall	6	4	7	0	2	3	1	3	1	4	5	7
Kelsey and Eden Park	13	11	5	4	0	8	7	3	4	11	3	2
Mottingham and Chislehurst North	10	11	6	6	1	4	7	6	1	6	9	5
Orpington	11	14	14	10	3	3	4	3	1	6	6	5
Penge and Cator	19	6	5	4	5	5	2	6	7	4	7	9
Petts Wood and Knoll	4	9	5	0	0	2	1	0	8	5	3	3
Plaiestow and Sundridge	7	15	2	4	4	4	5	5	6	5	7	5
Shortlands	5	5	2	0	0	3	1	2	4	1	1	5
West Wickham	5	8	4	1	0	4	5	2	2	4	4	4
<b>Bromley</b>	<b>188</b>	<b>208</b>	<b>138</b>	<b>77</b>	<b>75</b>	<b>93</b>	<b>80</b>	<b>96</b>	<b>91</b>	<b>103</b>	<b>120</b>	<b>97</b>

# Criminal Damage

Offences for Criminal Damage



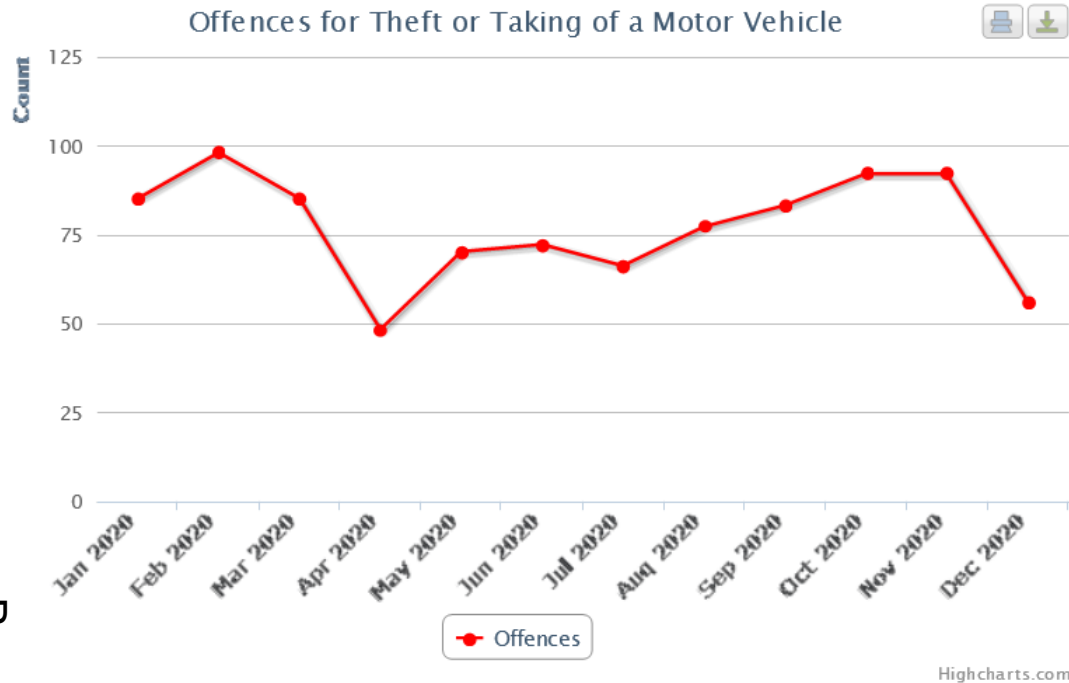
Highcharts.com

	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
<b>Offences</b>	155	126	140	114	118	132	151	150	120	166	114	133

Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	4	4	2	2	2	1	0	3	4	7	2	6
Biggin Hill	8	4	1	3	6	5	0	5	3	7	4	0
Bromley Common and Keston	9	7	9	7	6	10	14	8	12	12	7	6
Bromley Town	16	11	17	5	5	11	13	14	9	14	9	16
Chelsfield and Pratts Bottom	3	3	4	2	6	5	4	3	3	4	2	3
Chislehurst	6	12	6	6	4	7	6	8	3	7	3	1
Clock House	4	6	4	3	7	7	6	6	2	7	1	7
Copers Cope	8	1	6	4	6	5	8	8	6	10	7	6
Cray Valley East	18	9	14	19	9	8	12	22	12	8	14	14
Cray Valley West	10	9	7	10	6	10	15	11	14	11	14	12
Crystal Palace	7	7	6	6	6	11	12	10	10	8	8	6
Darwin	1	2	0	2	0	2	5	4	0	2	3	2
Farnborough and Crofton	5	3	8	3	1	5	3	2	4	3	1	1
Hayes and Coney Hall	7	1	2	2	2	2	2	1	2	3	5	6
Kelsey and Eden Park	9	2	13	6	8	4	11	6	7	11	7	9
Mottingham and Chislehurst North	7	10	3	5	5	9	9	6	2	9	6	4
Orpington	8	6	10	4	9	10	8	9	6	14	4	10
Penge and Cator	13	15	8	14	10	5	10	8	4	13	10	5
Petts Wood and Knoll	2	1	2	5	4	2	3	3	1	8	1	4
Plaistow and Sundridge	5	9	12	3	10	6	5	11	10	7	7	7
Shortlands	1	0	4	1	2	3	1	1	0	2	0	1
West Wickham	4	1	1	1	4	3	0	1	3	1	0	4
<b>Bromley</b>	<b>155</b>	<b>126</b>	<b>140</b>	<b>114</b>	<b>118</b>	<b>132</b>	<b>151</b>	<b>150</b>	<b>120</b>	<b>166</b>	<b>114</b>	<b>133</b>



# Theft of MV

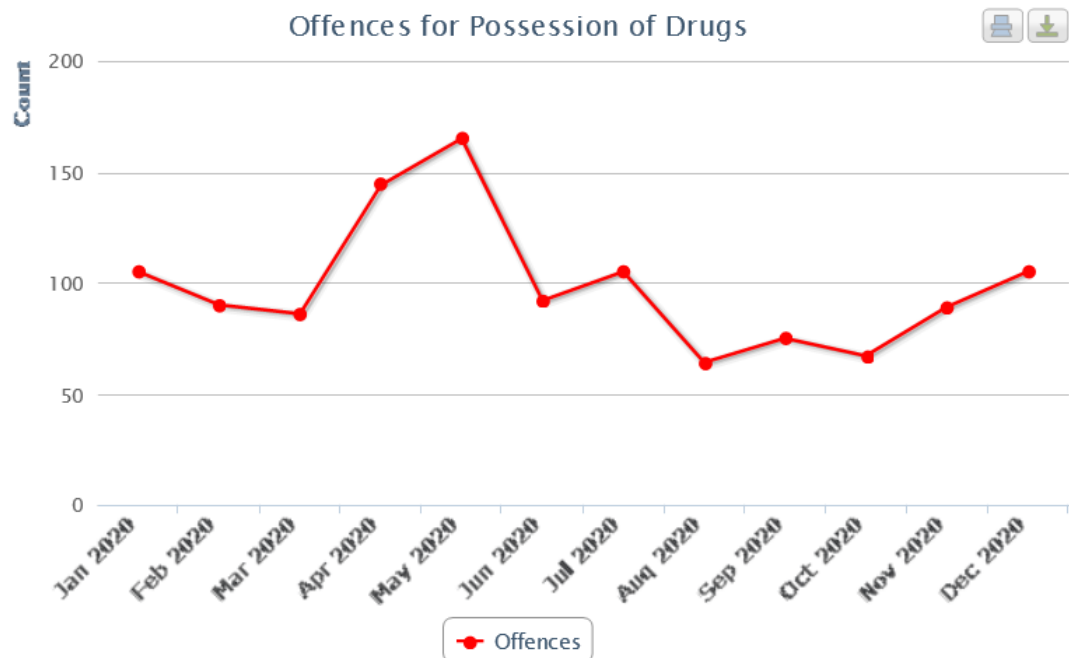


	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Offences	85	98	85	48	70	72	66	77	83	92	92	56

Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	1	1	4	1	3	2	2	1	3	4	5	0
Biggin Hill	3	4	3	1	2	1	1	0	0	2	1	0
Bromley Common and Keston	8	3	3	3	4	5	5	4	6	4	3	2
Bromley Town	6	8	5	7	5	6	3	7	7	10	7	7
Chelsfield and Pratts Bottom	5	7	0	3	3	2	4	1	2	2	2	2
Chislehurst	1	7	3	2	3	4	0	4	2	9	4	1
Clock House	7	4	7	1	1	2	3	3	2	4	7	4
Copers Cope	4	5	3	0	0	4	4	1	10	3	3	2
Cray Valley East	10	7	9	2	4	7	8	8	9	7	5	9
Cray Valley West	3	7	6	7	7	5	5	11	6	5	5	5
Crystal Palace	4	8	3	2	5	5	2	1	2	4	2	1
Darwin	0	0	4	1	0	1	0	0	1	1	1	2
Farnborough and Crofton	1	3	3	0	0	0	2	5	2	3	3	4
Hayes and Coney Hall	2	4	1	3	5	0	4	3	2	5	3	1
Kelsey and Eden Park	3	4	6	2	0	0	2	4	2	3	3	1
Mottingham and Chislehurst North	6	5	4	2	7	2	6	4	4	3	7	2
Orpington	3	5	3	1	3	3	1	8	2	4	4	3
Penge and Cator	7	6	8	1	5	4	5	5	5	3	13	4
Petts Wood and Knoll	4	1	3	1	2	4	1	3	3	4	3	3
Plastow and Sundridge	7	6	5	8	8	7	3	3	5	3	6	2
Shortlands	1	0	2	0	0	7	2	0	1	1	3	1
West Wickham	1	2	0	0	1	2	1	2	5	5	1	0
<b>Bromley</b>	<b>85</b>	<b>98</b>	<b>85</b>	<b>48</b>	<b>70</b>	<b>72</b>	<b>66</b>	<b>77</b>	<b>83</b>	<b>92</b>	<b>92</b>	<b>56</b>



# Possession of Drugs



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	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Offences	105	90	86	144	165	92	105	64	75	67	89	105

Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	0	3	3	4	3	2	3	1	0	3	0	1
Biggin Hill	0	0	5	3	1	0	2	0	1	2	2	2
Bromley Common and Keston	9	4	7	5	8	4	3	0	5	3	5	4
Bromley Town	21	26	20	14	39	21	32	16	28	15	16	33
Chelsfield and Pratts Bottom	3	1	0	2	2	1	1	3	4	1	1	2
Chislehurst	3	0	0	4	5	4	5	3	0	2	4	2
Clock House	5	3	4	8	3	4	3	1	2	0	5	6
Copers Cope	6	6	2	8	5	6	9	2	4	1	4	5
Cray Valley East	8	5	7	7	19	7	8	3	5	2	17	12
Cray Valley West	8	0	5	6	11	5	5	5	6	2	2	5
Crystal Palace	6	4	4	19	22	7	6	3	3	2	10	6
Darwin	2	0	1	2	1	1	0	0	0	1	1	0
Farnborough and Crofton	1	0	4	7	4	3	2	0	1	1	2	1
Hayes and Coney Hall	2	4	2	2	2	5	3	1	2	0	2	5
Kelsey and Eden Park	5	5	2	7	4	1	8	5	3	4	3	0
Mottingham and Chislehurst North	2	2	0	5	5	2	4	5	5	6	3	6
Orpington	6	1	3	2	7	4	3	0	2	6	2	1
Penge and Cator	13	13	12	19	11	10	6	8	1	3	6	6
Petts Wood and Knoll	2	0	1	1	2	0	1	1	2	1	0	3
Plaistow and Sundridge	3	3	1	3	6	1	0	2	2	6	3	2
Shortlands	0	3	0	7	2	1	1	2	0	0	0	3
West Wickham	2	5	1	6	3	2	2	0	0	4	1	1
<b>Bromley</b>	<b>105</b>	<b>90</b>	<b>86</b>	<b>144</b>	<b>165</b>	<b>92</b>	<b>105</b>	<b>64</b>	<b>75</b>	<b>67</b>	<b>89</b>	<b>105</b>

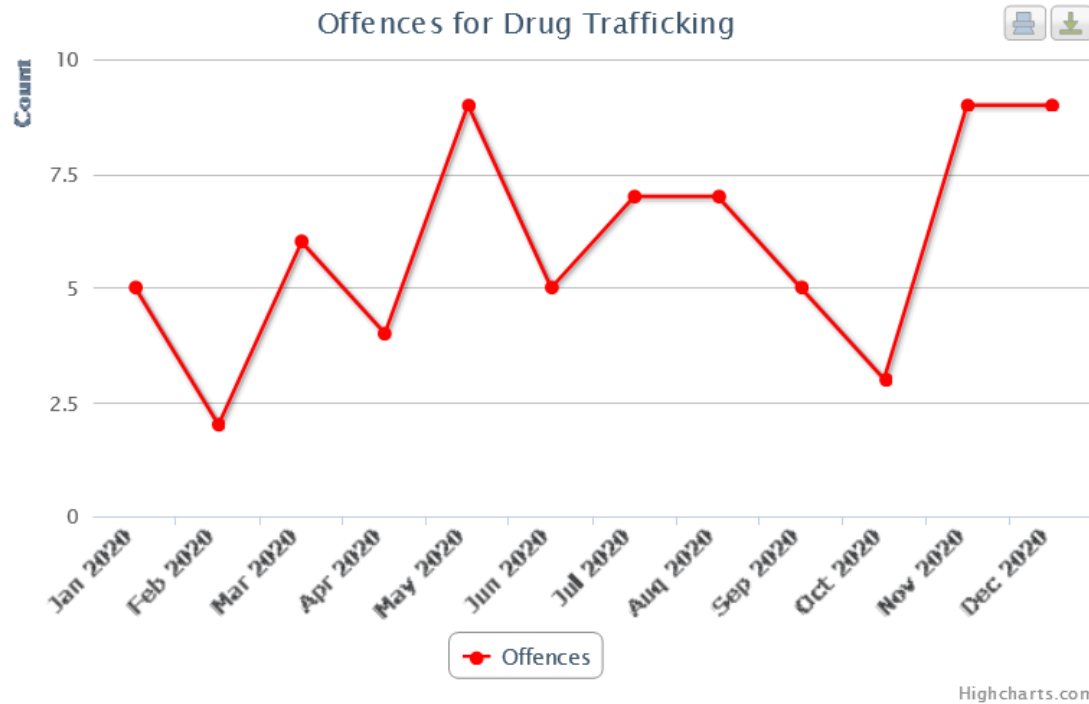


**METROPOLITAN  
POLICE**

**TOTAL POLICING**



# Drug Trafficking (PWITS)



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	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
<b>Offences</b>	5	2	6	4	9	5	7	7	5	3	9	9

Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	1	0	1	2	0	0	0	0	0	0	0	0
Biggin Hill	0	0	0	0	0	1	1	0	0	0	0	0
Bromley Common and Keston	0	0	0	0	0	1	0	0	0	0	0	0
Bromley Town	1	1	0	0	0	0	0	0	0	1	1	2
Chelsfield and Pratts Bottom	0	0	1	0	0	0	0	1	0	0	0	0
Chislehurst	0	0	0	0	1	0	0	0	0	0	0	0
Clock House	0	0	2	0	0	0	1	0	0	0	0	0
Copers Cope	1	1	0	1	0	0	0	0	0	0	2	0
Cray Valley East	0	0	0	0	1	0	1	0	0	0	2	2
Cray Valley West	0	0	0	0	2	0	1	0	0	0	0	0
Crystal Palace	1	0	0	0	1	0	0	0	0	1	1	0
Darwin	0	0	0	0	0	0	0	0	0	0	0	0
Farnborough and Crofton	0	0	0	0	1	0	0	1	0	0	0	0
Hayes and Coney Hall	0	0	0	0	0	0	0	0	0	0	1	0
Kelsey and Eden Park	1	0	0	0	0	0	0	0	1	0	1	0
Mottingham and Chislehurst North	0	0	1	1	1	1	0	0	0	0	1	1
Orpington	0	0	0	0	0	0	0	1	0	1	0	2
Penge and Cator	0	0	1	0	1	1	2	1	3	0	0	1
Petts Wood and Knoll	0	0	0	0	0	0	0	0	0	0	0	0
Plaistow and Sundridge	0	0	0	0	0	0	1	3	0	0	0	0
Shortlands	0	0	0	0	1	0	0	0	0	0	0	0
West Wickham	0	0	0	0	0	0	0	0	0	0	0	1
<b>Bromley</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>9</b>	<b>5</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>9</b>	<b>9</b>



**METROPOLITAN POLICE**

**TOTAL POLICING**





# Possession of Weapons



Page 37

	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Offences	17	8	15	14	10	16	13	17	20	14	22	8

Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	1	0	0	0	1	0	0	1	0	1	0	0
Biggin Hill	0	0	1	1	0	2	2	0	0	0	1	0
Bromley Common and Keston	1	0	0	1	0	2	0	0	1	2	1	0
Bromley Town	4	3	4	0	2	3	4	3	2	1	3	1
Chelsfield and Pratts Bottom	0	0	0	0	0	0	0	1	0	0	0	0
Chislehurst	1	0	1	0	1	0	0	0	0	0	0	1
Clock House	0	0	0	2	0	0	0	2	0	0	1	2
Copers Cope	1	0	0	0	0	1	0	0	2	1	1	0
Cray Valley East	1	1	0	1	1	1	2	4	3	2	3	1
Cray Valley West	0	0	0	2	0	1	1	0	2	0	0	1
Crystal Palace	2	0	3	2	0	0	0	0	0	0	1	1
Darwin	0	0	0	0	1	0	0	0	0	0	0	0
Farnborough and Crofton	0	0	1	0	0	2	2	0	0	0	1	0
Hayes and Coney Hall	2	0	0	0	0	1	0	0	1	0	0	1
Kelsey and Eden Park	1	0	1	0	0	0	0	1	0	1	5	0
Mottingham and Chislehurst North	0	0	2	1	2	0	0	0	1	1	1	0
Orpington	0	0	1	1	0	1	0	0	2	3	1	0
Penge and Cator	2	3	0	0	2	2	2	2	2	1	1	0
Petts Wood and Knoll	0	0	0	0	0	0	0	0	0	0	1	0
Plaistow and Sundridge	0	0	0	1	0	0	0	2	1	0	0	0
Shortlands	0	0	0	1	0	0	0	0	2	0	0	0
West Wickham	0	1	0	0	0	0	0	0	0	0	2	0
<b>Bromley</b>	<b>17</b>	<b>8</b>	<b>15</b>	<b>14</b>	<b>10</b>	<b>16</b>	<b>13</b>	<b>17</b>	<b>20</b>	<b>14</b>	<b>22</b>	<b>8</b>



**METROPOLITAN POLICE**

**TOTAL POLICING**



# Robbery - Personal



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	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
<b>Offences</b>	43	53	38	26	21	25	35	35	31	32	32	42

Neighbourhood	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020
Bickley	0	5	0	0	0	0	1	0	5	1	0	0
Biggin Hill	1	0	0	0	0	0	0	1	0	0	0	2
Bromley Common and Keston	5	3	3	0	2	1	1	2	2	0	1	2
Bromley Town	10	23	12	1	3	3	7	8	6	9	8	6
Chelsfield and Pratts Bottom	0	0	0	2	0	0	0	0	0	0	0	0
Chislehurst	0	1	1	1	4	1	1	0	0	0	2	0
Clock House	0	0	1	1	0	1	2	0	1	2	0	1
Copers Cope	0	2	1	4	0	3	0	3	3	2	1	1
Cray Valley East	3	4	2	5	0	3	6	6	0	5	0	6
Cray Valley West	1	0	1	0	0	2	2	1	2	1	4	6
Crystal Palace	7	6	1	4	3	1	2	5	1	2	6	1
Darwin	0	0	1	0	0	0	0	0	0	1	0	0
Farnborough and Crofton	1	0	0	1	1	0	0	3	0	1	0	1
Hayes and Coney Hall	1	1	3	1	0	1	0	0	0	0	0	0
Kelsey and Eden Park	4	1	1	0	3	1	3	1	0	2	1	2
Mottingham and Chislehurst North	1	0	1	1	0	5	0	2	2	0	1	3
Orpington	0	0	1	2	2	2	0	3	1	1	1	2
Penge and Cator	4	3	7	4	1	1	4	1	5	1	5	2
Petts Wood and Knoll	0	2	0	0	0	0	0	0	0	3	0	3
Plaistow and Sundridge	2	0	0	0	2	2	2	3	2	0	0	2
Shortlands	0	1	0	0	0	1	0	0	0	1	2	1
West Wickham	2	0	0	0	0	0	3	0	0	0	0	0
<b>Bromley</b>	<b>43</b>	<b>53</b>	<b>38</b>	<b>26</b>	<b>21</b>	<b>25</b>	<b>35</b>	<b>35</b>	<b>31</b>	<b>32</b>	<b>32</b>	<b>42</b>

# Moped-Enabled Crime: Last 12 Months



Robbery 19

Theft 23





01/01/2020

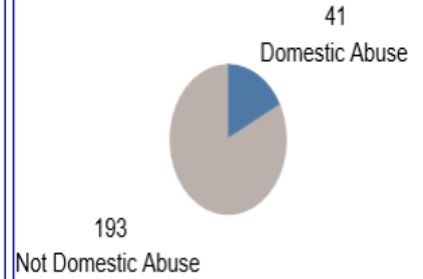
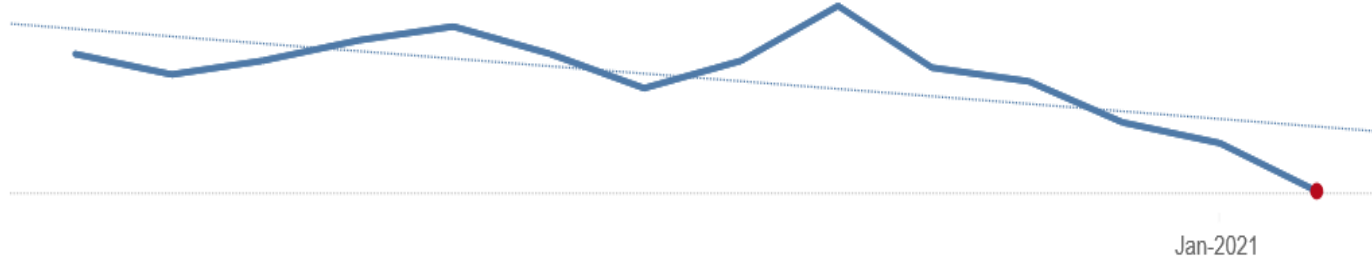
03/02/2021

● BCU  
○ Borough

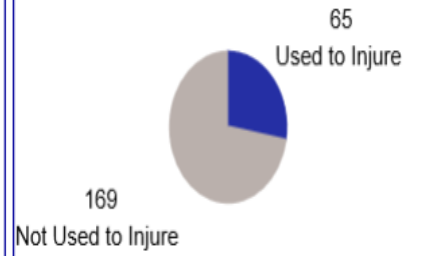
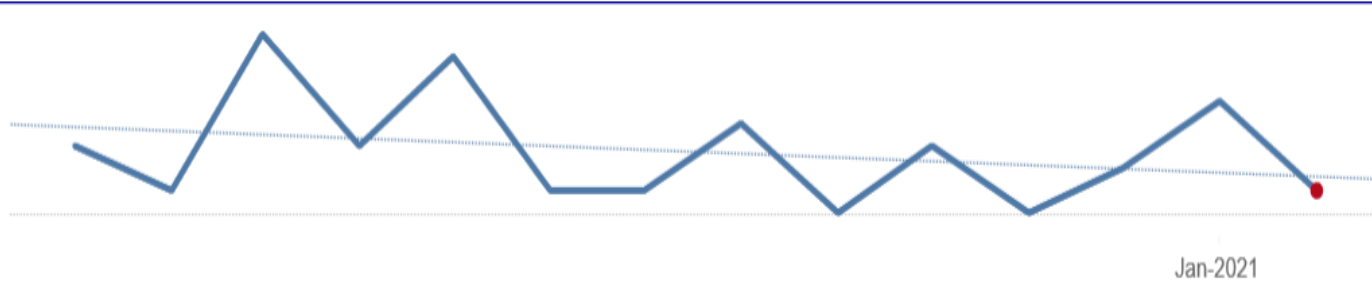
## Owning Borough Knife Crime Offences



**Knife Crime  
Offences: 234**



**Knife Crime SD  
Rate: 16.7%**



**Possession Offences: 125**

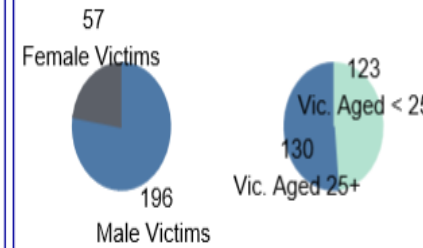
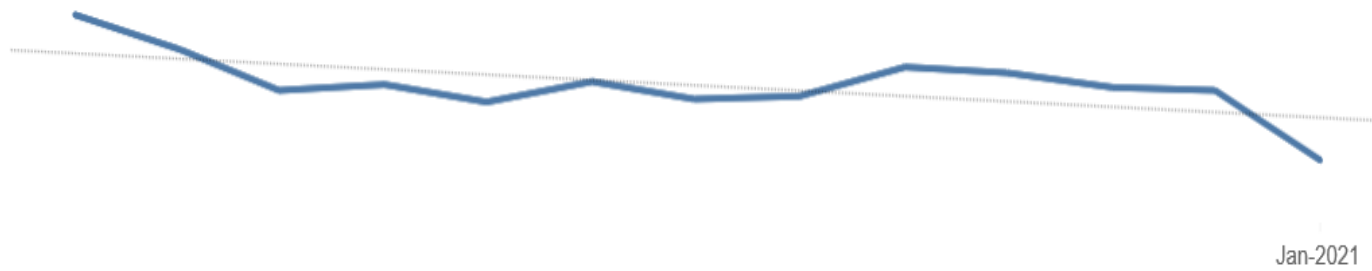
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**Possession SDs: 96**

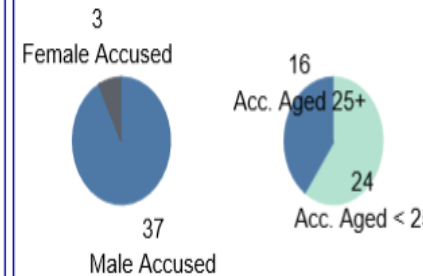
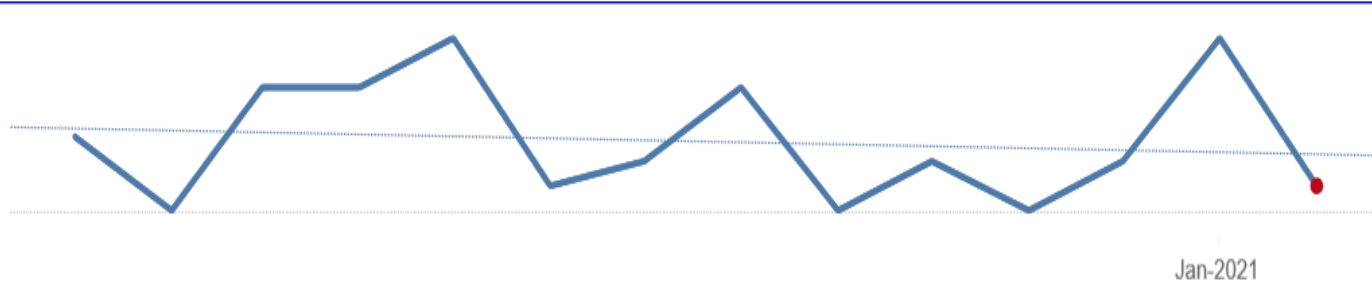
**Possession Accused: 88**

**Knife Crime  
Victims: 263**

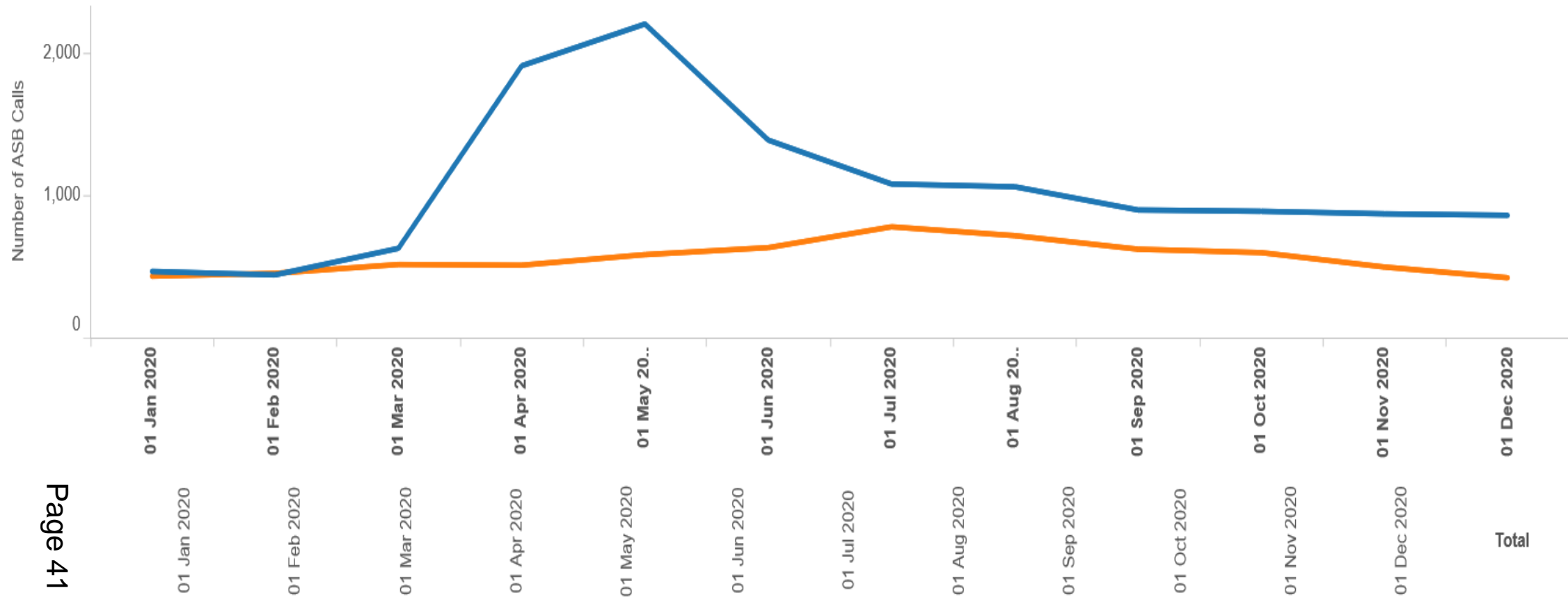
*(incl. Corporate  
Victims)*



**Knife Crime  
Accused: 40**



### Monthly ASB Calls



**Reporting Period**  
 Current 12 Months  
 Previous 12 Months

**Comparison Period**  
 Daily  
 Weekly  
 Monthly

**BCU or Borough?**  
 Borough

**BCU \ Borough**  
 Bromley

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	01 Jan 2020	01 Feb 2020	01 Mar 2020	01 Apr 2020	01 May 2020	01 Jun 2020	01 Jul 2020	01 Aug 2020	01 Sep 2020	01 Oct 2020	01 Nov 2020	01 Dec 2020	Total
<b>ASB Calls Previous Year</b>	431	451	513	508	582	631	777	715	620	596	495	420	6,739
<b>ASB Calls Current Year</b>	464	440	626	1,906	2,199	1,385	1,077	1,058	895	886	868	858	12,662
<b>Difference</b>	33	-11	113	1,398	1,617	754	300	343	275	290	373	438	5,923
<b>% Difference</b>	7.7%	-2.4%	22.0%	275.2%	277.8%	119.5%	38.6%	48.0%	44.4%	48.7%	75.4%	104.3%	87.9%

[Click here for 52-weeks \ FYTD view](#)



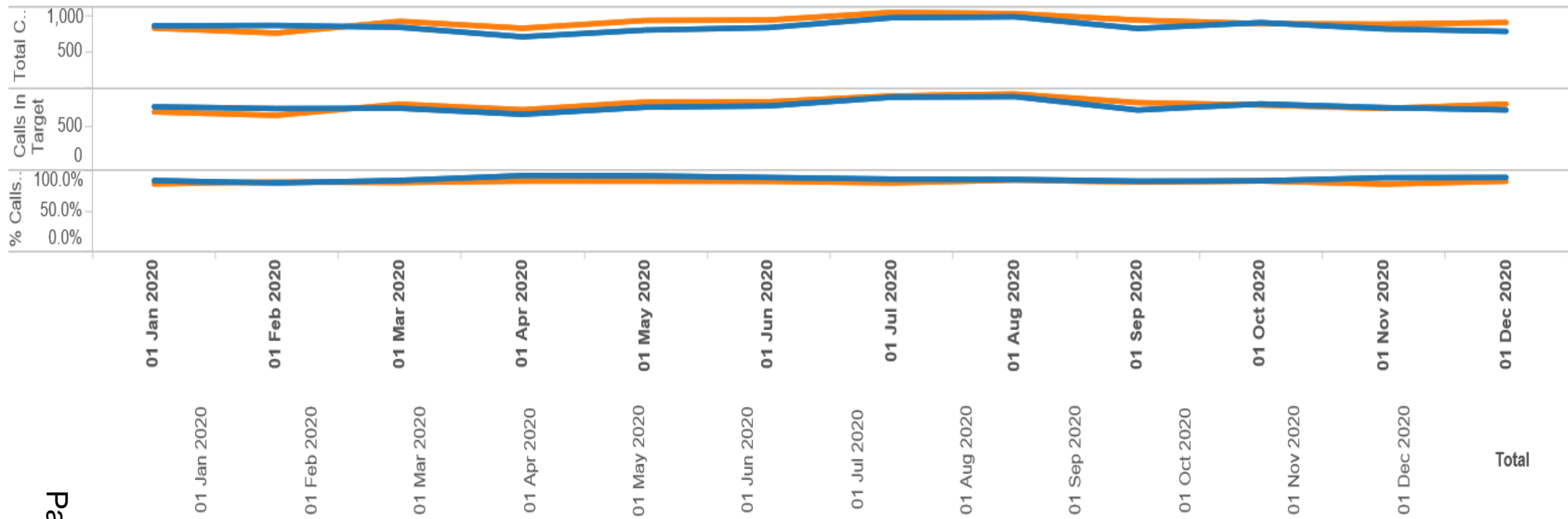
# Ward Ranking by Highest Offences: 12 months to end December 2020

 Links to  
detailed data:


Ward BCU (All) ▼	Ward Borough Bromley ▼	Crime Section (All) ▼	Crime Group (All) ▼	Comparison Period 12 Month ▼	Sort Table by: <input checked="" type="radio"/> Offences <input type="radio"/> Sanction Detections	Top \ Bottom Wards 1 633 <input type="range"/>
---------------------	---------------------------	--------------------------	------------------------	---------------------------------	--	--

Rank	Ward Name	Ward Borough Na..	Ward BCU Name	Offences CP	Offences Change	Offences Change %	SDs CP	SDs Change	SD Rate CP	SD Rate Change
Total				21,853	-3,111	-12.5%	2,258	+336	10.3%	+2.6% ppt
1	Bromley Town	Bromley	South	3,142	-679	-17.8%	511	+94	16.3%	+5.4% ppt
2	Cray Valley East	Bromley	South	1,778	-100	-5.3%	169	+8	9.5%	+0.9% ppt
3	Penge and Cator	Bromley	South	1,681	-451	-21.2%	206	+32	12.3%	+4.1% ppt
4	Cray Valley West	Bromley	South	1,294	-125	-8.8%	107	+7	8.3%	+1.2% ppt
5	Crystal Palace	Bromley	South	1,253	-24	-1.9%	123	+16	9.8%	+1.4% ppt
6	Kelsey and Eden Park	Bromley	South	1,237	-170	-12.1%	86	+12	7.0%	+1.7% ppt
7	Orpington	Bromley	South	1,111	-384	-25.7%	119	+9	10.7%	+3.4% ppt
8	Plaistow and Sundridge	Bromley	South	1,088	+8	+0.7%	84	-3	7.7%	-0.3% ppt
9	Bromley Common and Kes..	Bromley	South	1,004	-42	-4.0%	87	+16	8.7%	+1.9% ppt
10	Copers Cope	Bromley	South	1,000	-246	-19.7%	72	-1	7.2%	+1.3% ppt
11	Mottingham and Chislehu..	Bromley	South	927	+18	+2.0%	108	+8	11.7%	+0.6% ppt
12	Clock House	Bromley	South	798	-127	-13.7%	69	+17	8.6%	+3.0% ppt
13	Chislehurst	Bromley	South	775	-247	-24.2%	73	-1	9.4%	+2.2% ppt
14	Farnborough and Crofton	Bromley	South	726	-65	-8.2%	77	+17	10.6%	+3.0% ppt
15	Bickley	Bromley	South	694	-31	-4.3%	68	+28	9.8%	+4.3% ppt
16	Hayes and Coney Hall	Bromley	South	641	-178	-21.7%	51	+4	8.0%	+2.2% ppt
17	West Wickham	Bromley	South	605	-43	-6.6%	71	+50	11.7%	+8.5% ppt
18	Chelsfield and Pratts Bott..	Bromley	South	545	-10	-1.8%	37	-3	6.8%	-0.4% ppt
19	Petts Wood and Knoll	Bromley	South	520	-139	-21.1%	40	-4	7.7%	+1.0% ppt
20	Biggin Hill	Bromley	South	510	-25	-4.7%	56	+13	11.0%	+2.9% ppt
21	Shortlands	Bromley	South	294	-41	-12.2%	28	+10	9.5%	+4.2% ppt
22	Darwin	Bromley	South	230	-10	-4.2%	16	+7	7.0%	+3.2% ppt

### Monthly I Calls and I Calls In Target



**Reporting Period**  
 Current 12 Months  
 Previous 12 Months

**Comparison Period**  
 Daily  
 Weekly  
 Monthly

**BCU or Borough?**  
 Borough

**BCU \ Borough**  
 Bromley

**Urgency**  
 I  
 S

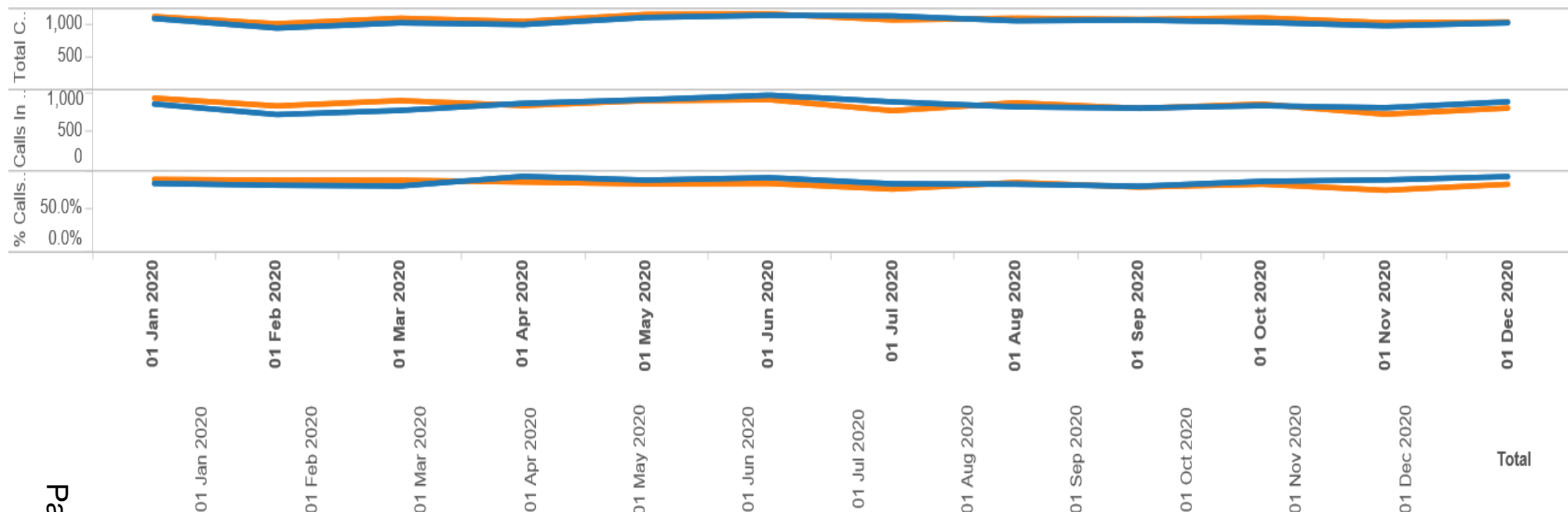
	01 Jan 2020	01 Feb 2020	01 Mar 2020	01 Apr 2020	01 May 2020	01 Jun 2020	01 Jul 2020	01 Aug 2020	01 Sep 2020	01 Oct 2020	01 Nov 2020	01 Dec 2020	Total
Total Calls Previous Year	815	746	907	812	919	925	1,029	1,013	924	875	868	891	10,724
Total Calls Current Year	847	851	825	695	787	821	956	969	809	890	803	769	10,022
Calls In Target Previous Year	670	630	761	695	786	789	858	880	779	751	710	762	9,071
Calls In Target Current Year	731	709	713	642	725	740	842	849	692	764	721	693	8,821
% Calls In Target Previous Year	82.2%	84.5%	83.9%	85.6%	85.5%	85.3%	83.4%	86.9%	84.3%	85.8%	81.8%	85.5%	84.6%
% Calls In Target Current Year	86.3%	83.3%	86.4%	92.4%	92.1%	90.1%	88.1%	87.6%	85.5%	85.8%	89.8%	90.1%	88.0%
% Difference	4.1%	-1.1%	2.5%	6.8%	6.6%	4.8%	4.7%	0.7%	1.2%	0.0%	8.0%	4.6%	3.4%

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[Click here for 52-weeks \ FYTD view](#)



### Monthly S Calls and S Calls In Target



**Reporting Period**  
 Current 12 Months  
 Previous 12 Months

**Comparison Period**  
 Daily  
 Weekly  
 Monthly

**BCU or Borough?**  
 Borough

**BCU \ Borough**  
 Bromley

**Urgency**  
 I  
 S

	01 Jan 2020	01 Feb 2020	01 Mar 2020	01 Apr 2020	01 May 2020	01 Jun 2020	01 Jul 2020	01 Aug 2020	01 Sep 2020	01 Oct 2020	01 Nov 2020	01 Dec 2020	Total
Total Calls Previous Year	1,105	995	1,079	1,029	1,138	1,146	1,054	1,080	1,061	1,085	1,011	1,022	12,805
Total Calls Current Year	1,076	929	1,009	983	1,092	1,124	1,116	1,040	1,052	1,016	964	1,009	12,410
Calls In Target Previous Year	918	818	886	823	886	898	757	858	787	841	712	791	9,975
Calls In Target C..	843	708	760	851	898	956	870	806	790	821	795	871	9,969
% Calls In Target Previous Year	83.1%	82.2%	82.1%	80.0%	77.9%	78.4%	71.8%	79.4%	74.2%	77.5%	70.4%	77.4%	77.9%
% Calls In Target Current Year	78.3%	76.2%	75.3%	86.6%	82.2%	85.1%	78.0%	77.5%	75.1%	80.8%	82.5%	86.3%	80.3%
% Difference	-4.7%	-6.0%	-6.8%	6.6%	4.4%	6.7%	6.1%	-1.9%	0.9%	3.3%	12.0%	8.9%	2.4%

[Click here for 52-weeks \ FYTD view](#)



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# Bromley Summary

## BCU Performance: 12 months to end December 2020

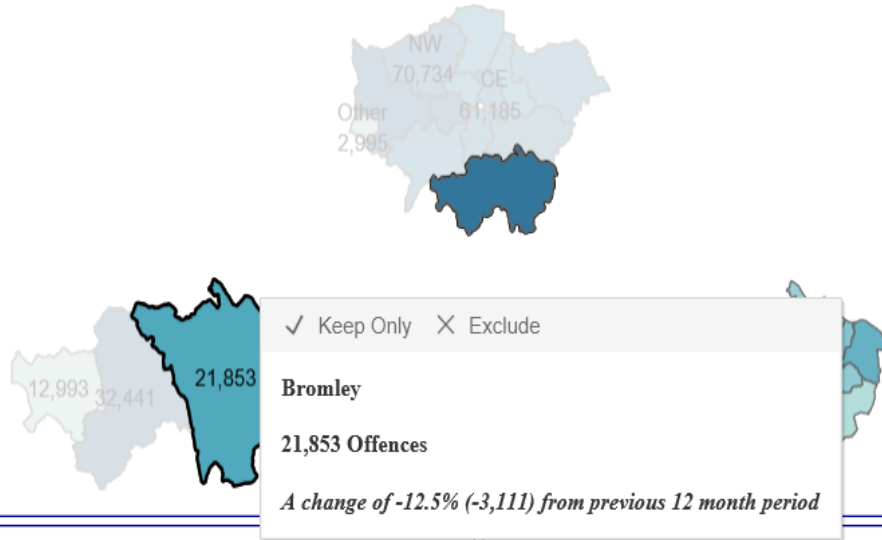
21,853 Offences

 -12.5%

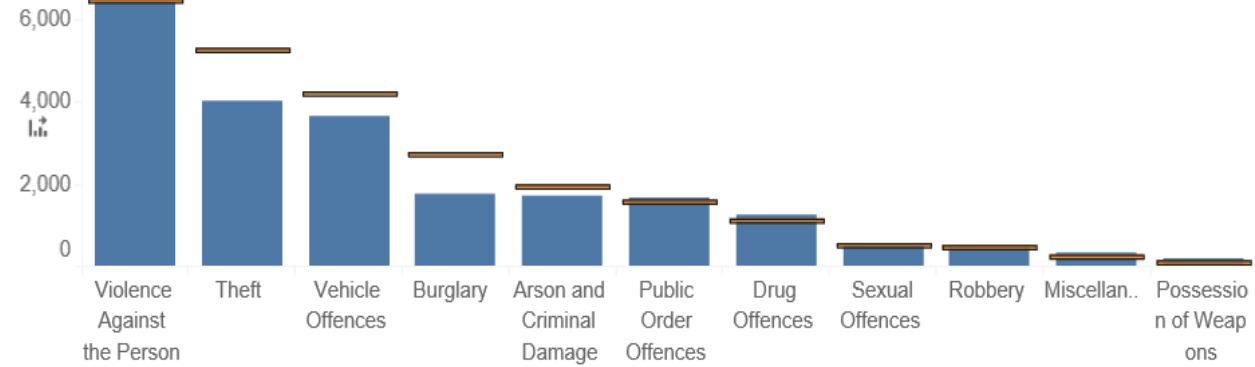
	Total	In Target	 +0.0 ppt
I-Calls	8,049	87.2%	 +0.0 ppt
S-Calls	9,726	78.9%	

Stop & Search	8,718	+17.8%
Stops Resulting in Action	22.3%	-3.2% ppt

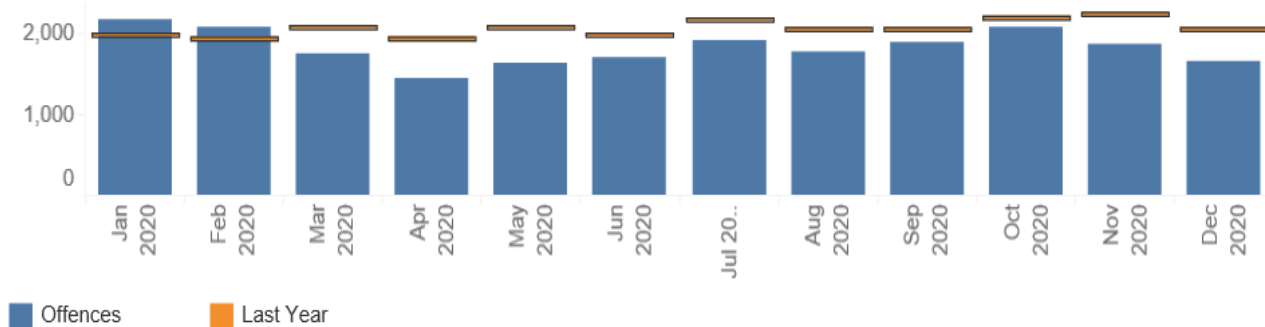
### Offences occurring in South BCU



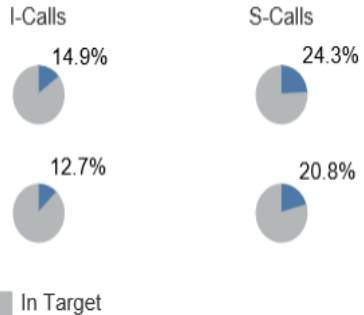
### Offences by Crime Type



### Offences by Month



### Calls Missing Target




### Outcomes of Stop & Search

Stop & Search	% of Total
No Further Action	6,773 77.7%
Arrested	1,080 12.4%
Community Resolution	656 7.5%
Penalty Notice	114 1.3%
Postal Charge / Summons	90 1.0%
Caution	5 0.1%
<b>Total</b>	<b>8,718 100.0%</b>

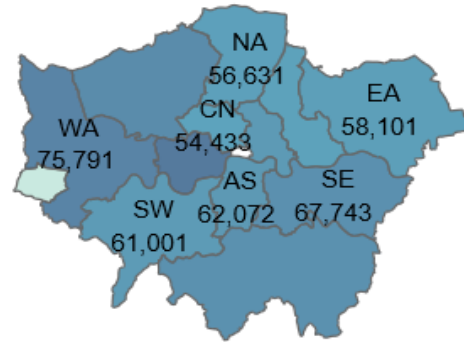
## SD Rates – BCU Wide

South Area BCU has a 11.1% SD rate.

SN ranks 7th out of 13 BCU's

*	<b>789,938 Offences</b>	 <b>-14.3%</b>
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Offences occurring in All BCU

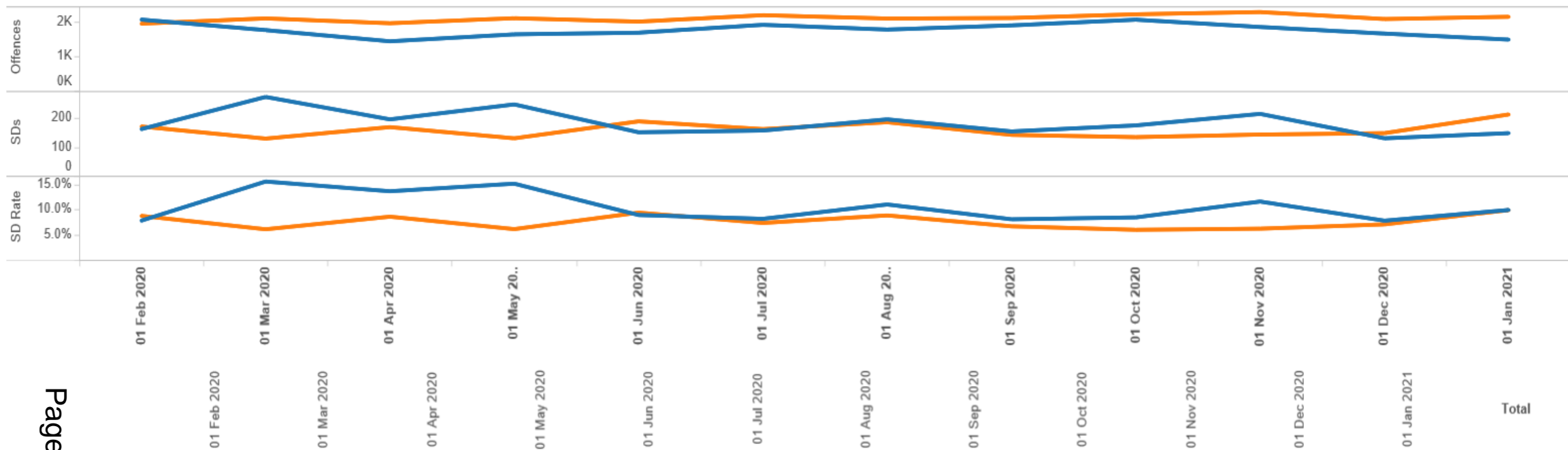


Owning BCU	Offences	Offence Change	SD Rate	SD Rate Change
Aviation Policing	1,579	-1,993	19.3%	+4.9% pt
North East	56,751	-3,794	13.3%	+2.7% pt
Central South	63,069	-13,271	12.4%	+3.8% pt
East	59,085	-4,485	12.0%	+3.8% pt
Central East	62,205	-7,669	11.9%	+3.4% pt
West	78,386	-7,880	11.7%	+3.4% pt
South	68,239	-4,785	11.1%	+3.3% pt
South East	68,766	-7,363	10.9%	+3.0% pt
Central North	54,899	-15,305	10.9%	+3.7% pt
North	57,599	-5,456	10.3%	+3.0% pt
North West	71,842	-7,582	10.1%	+3.1% pt
Central West	85,609	-46,551	10.0%	+4.4% pt
South West	61,909	-5,139	10.0%	+2.3% pt
<b>Total</b>	<b>789,938</b>	<b>-131,273</b>	<b>11.2%</b>	<b>+3.4% pt</b>

# Bromley SD Rates

Reporting Period Ending: 2 February 2021

## Monthly Offences & SDs



**Reporting Period**

- Current 12 Months
- Previous 12 Months

**Comparison Period**

- Daily
- Weekly
- Monthly

**BCU or Borough?**

Borough

**BCU \ Borough**

Bromley

**Crime Section**

TNO

**Crime Group**

(All)

[Click here for 52-weeks \ FYTD view](#)



	01 Feb 2020	01 Mar 2020	01 Apr 2020	01 May 2020	01 Jun 2020	01 Jul 2020	01 Aug 2020	01 Sep 2020	01 Oct 2020	01 Nov 2020	01 Dec 2020	01 Jan 2021	Total
Offences Previous Year	1,956	2,109	1,968	2,115	2,015	2,202	2,106	2,121	2,229	2,294	2,091	2,156	25,362
Offences Current Year	2,074	1,768	1,443	1,645	1,694	1,922	1,784	1,906	2,071	1,859	1,667	1,493	21,326
Difference in Offences	118	-341	-525	-470	-321	-280	-322	-215	-158	-435	-424	-663	-4,036
% Difference in Offences	6%	-16%	-27%	-22%	-16%	-13%	-15%	-10%	-7%	-19%	-20%	-31%	-16%
SDs Previous Year	171	129	169	130	189	162	186	142	134	143	148	213	1,916
SDs Current Year	162	274	196	248	151	157	196	154	175	215	130	148	2,206
Difference In SDs	-9	145	27	118	-38	-5	10	12	41	72	-18	-65	290
% Difference In SDs	-5%	112%	16%	91%	-20%	-3%	5%	8%	31%	50%	-12%	-31%	15%
SD Rate Previous Year	8.7%	6.1%	8.6%	6.1%	9.4%	7.4%	8.8%	6.7%	6.0%	6.2%	7.1%	9.9%	7.6%
SD Rate Current Year	7.8%	15.5%	13.6%	15.1%	8.9%	8.2%	11.0%	8.1%	8.5%	11.6%	7.8%	9.9%	10.3%

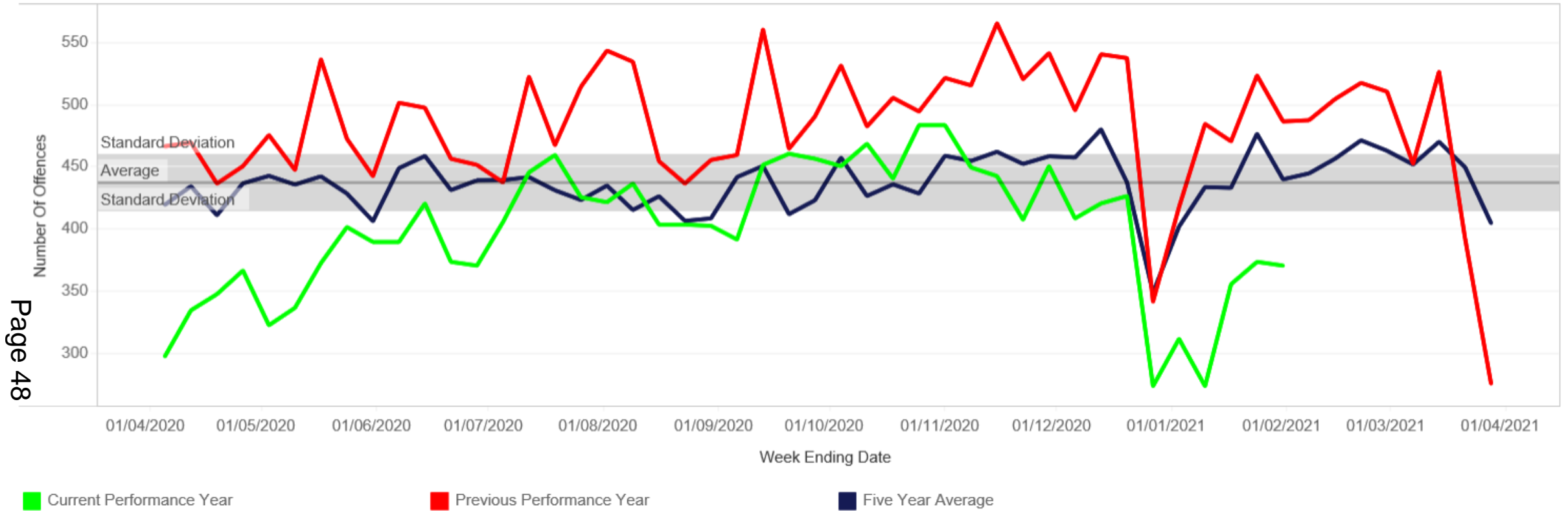
# Bromley – 5 Year Comparison – TNO Crime



## MPS Crime Dashboard Five Year Comparison

Reporting Period Ending: 31/01/2021

Crime Type: Total Notifiable Offences | BCU or Borough: Borough | BCU/Borough: Bromley



Page 48



TOTAL POLICING

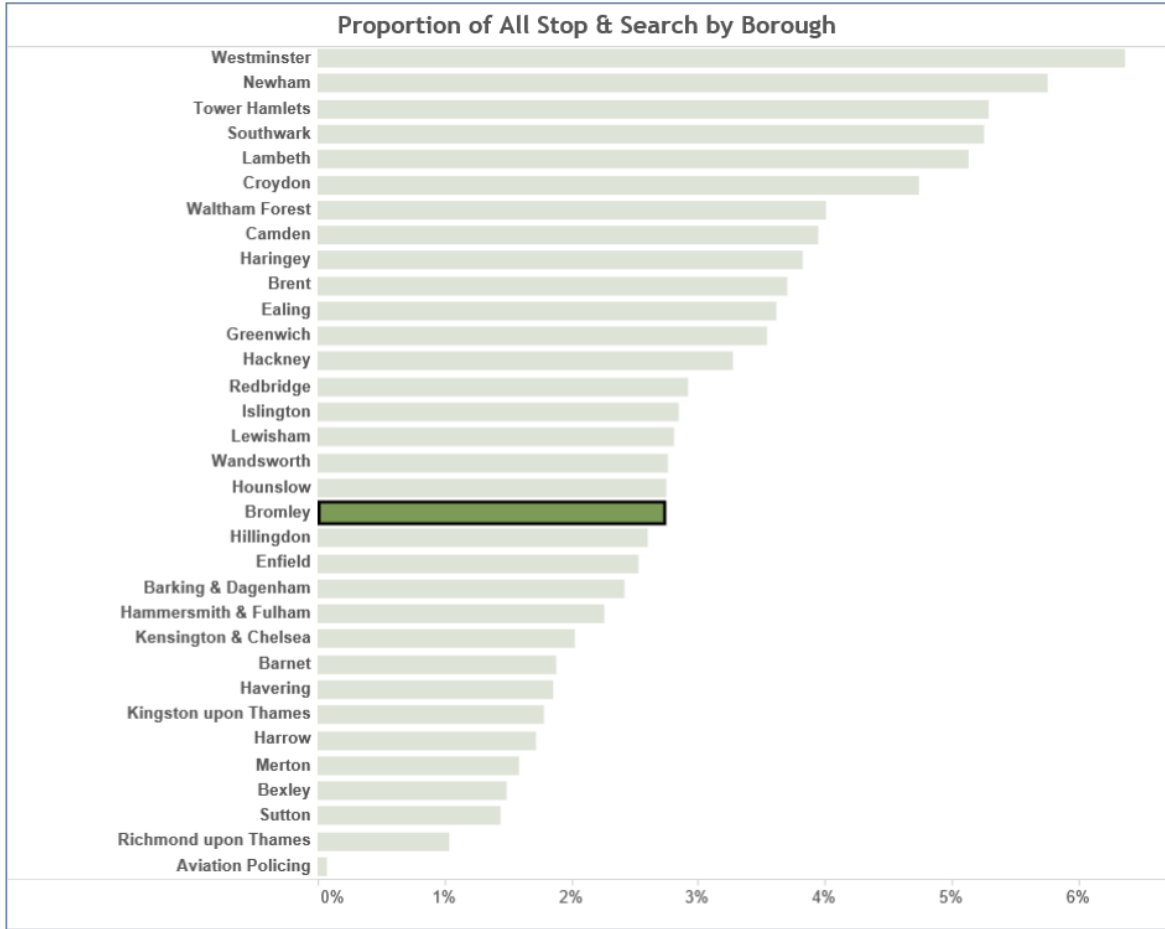
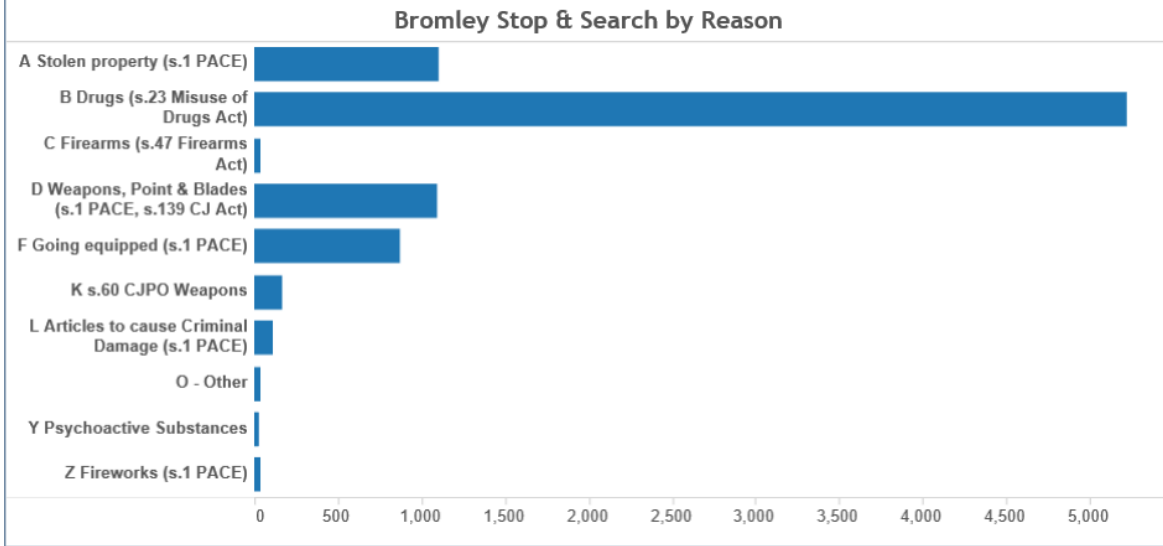
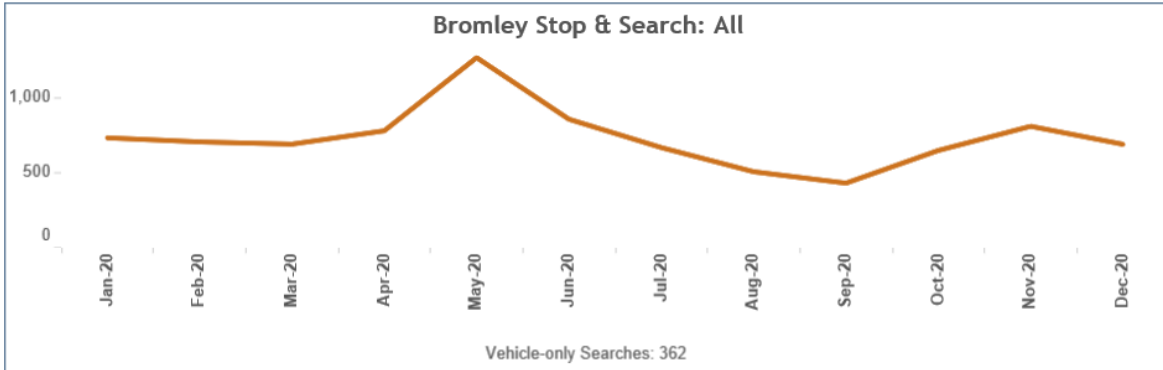


# Stop Search

Dec 2019 Dec 2020

Search Volumes for Reporting Period: January 2020 to end December 2020

BCU or Borough



# Good News Stories

21<sup>st</sup> January – Bromley Police executed a drug warrant at an address in Lewisham in connecting with drug supply in Bromley



13<sup>th</sup> January – Bromley SNT Officer executed a drugs warrant at an address in Orpington and found a Cannabis Factory with over £100,000 worth of drugs inside.





## 2020 - 21 Bromley Youth Council End of Year Report

**Title:** BYC Campaign Progress 2020 - 2021

**Date:** February 2021

**Chairperson** Jacob Evers

**Contact Info:** [BYC@bromley.gov.uk](mailto:BYC@bromley.gov.uk)

**Report produced by Members of Bromley Youth Council**

Jacob Evers, Ellen Thom, Rayyan Faysial, Oscar Seal, Chloe Quigley, Kaitlin Fae, Mathew Baccarini, Tommy Velvick, Dominika Cupa, Izzy Hansford, George Junior, Phoebe Phillimore, Libby Hyde, Derryck Ben Frost, Nathan Ward, Hannah Dumbrell, Jess Jones.

### 1. Reason for report

**This report is to inform Members and Officers of the London Borough of Bromley on the end of year progress of the 2020-21 Youth Council Manifesto Campaign Objectives. The report will show progress made by Bromley Youth Council and its members in working on their campaign areas of Youth Mental Health and Youth Domestic Abuse.**

### 2. Introduction

Bromley Youth Council is a representative forum organised and supported by Bromley Council which enables young residents of the Borough to have a voice in local decision making and encourages young people to take part in campaigns and projects to address the issues that affect them.

Bromley Youth Council currently have 58 youth councillors elected or co-opted from Bromley secondary schools, colleges and youth projects. We currently have elected youth councillors from 20 educational establishments from 32 Bromley schools and colleges. Bromley Youth Council host borough wide biennial youth elections. All educational establishments and local services working with young people are invited to participate. The next elections will take place in 2022.

The Youth Manifesto sets out the key priorities that have been identified through consultation with young people, this year via an online survey monkey which in turn, Bromley Youth Council members have committed to address during their term of office.

The Bromley Youth Council planned Annual Manifesto Event, due to take place in March 2020 was cancelled due to the national lock down in response to the global pandemic Covid-19. BYC responded by creating an online survey monkey consulting with young people digitally on issues affecting them. A total of 714 young people voted. The 2020 - 21 Youth Manifesto was launched in July 2020.

### **3. Manifesto Priorities**

The Youth Council was directed, as a result of the Youth Manifesto survey, to focus on the following key issues, to campaign and facilitate positive change for young people in Bromley:

- Primary campaign Area: Youth Mental Health
- Subsidiary/Secondary Campaign Area: Youth Domestic Abuse

A copy of the full campaign Plan is available at Appendix 1

### **4. Campaign Progress**

**4.1 Youth Mental Health:** The key area of concern for young people was Youth Mental Health as a campaign area for a second year. Youth Mental Health has been voted as a campaign area five times in the last 15 years. Particular areas of concern for young people included:

- Young people discussed issues about the lack of awareness and education around mental health in schools and other educational settings. Young people would like to be better informed around what mental health services are available to them and how to access them through education and local services.
- Young people feel they are not aware of enough positive activities provided in Bromley to support young people with good mental health or to manage low level mental health issues and would like to see more.
- Young people would like to engage with stakeholders to discuss and shape local mental health services.
- Young people feel there is a gap in services and an inconsistent approach to delivering Youth Mental Health services to young people in Bromley. Young people would like to see services being held to account for not providing good mental health services.

#### **4.1.1 To address the issues the Youth Council proposed to:**

- BYC to undertake a map of what services are happening in schools and youth services. (Collate all the effective mental health projects/activities in schools)
- Promote good mental health in schools and youth services by encouraging a 'Bronze, Silver, Gold' award scheme for good models of positive mental health projects/activities)
- To champion all schools to sign up to the 360 Schools Community.



- To champion all schools, sign up to training 6<sup>th</sup> formers as Youth Mental Health First Aiders.
- To work in partnership with BYC, Bromley Youth Support Programme Youth Mental health first aiders & CCG to coproduce a Mental Health programme to provide a 'road show' taking MH awareness to the streets.
- To use the mobile music bus and visit town centres/schools to promote positive MH.
- To update & distribute BYC 'Survival Guide'.
- To support all BYC members to access Youth Mental health awareness training.
- To work with CCG to develop a Bromley Youth Mental Health Forum.

#### **4.1.2 Outputs achieved to date:**

- 40 young people have developed and worked on the campaign in a variety of ways; they have researched, undertaken training, spoken to their peers, designed the campaign plan and started to progress the work and how to engage schools and local youth projects.
- 16 youth councillors have undertaken accredited online Young People and their Mental Health Training with Future Learn.
- 1 youth councillor met with Public health leads to discuss promoting healthy schools award and working in partnership to deliver a number of online events during national Children's mental health Week 1-7 February 2021.
- 5 youth councillors developed a survey monkey to map young people's perceptions of mental health services within LBB secondary schools.
- 43 youth councillors' have completed the online survey monkey consultation to date.
- 5 youth councillors' have reviewed BYC's recent publicity 'Survival Guide' for young people addressing basic mental health support and updated the content.
- 10 social media posts regarding positive mental health have been designed by young people increasing youth following.
- Youth Councillors have reposted on social media local and national services and information from Young Minds UK, Place2Be, Bromley Y, Bromley Children and Families Forum.

- Using social media, Youth Councillors are promoting their campaign work on YMH and engaging with secondary schools and LSEC.
- 15 youth councillors have reviewed 8 mobile apps to date supporting young people with mental health.
- Over 3,252 individual youth councillors' hours have been dedicated to this campaign to date.
- 20 Youth Councillors met with Bromley Y to review their offer and services.
- 17 youth councillors met with Kooth to explore their offer for young people and to discuss a future project of MH Ambassadors.
- 4 youth councillors used the BYC social media platform to share and promote 14 posts covering signs, self help and tips to support good mental health during 'National Children's' Mental Health week 2021'. The BYC social media platform is managed by LBB officers.
- BYC members met with organisers from the AcSEED initiative, (a Registered Charity supporting emotional wellbeing in schools) to discuss adopting locally their award scheme for schools and educational establishments on Youth Mental Health. BYC will work with AcSEED and LBB to explore signing schools up post the Covid 19 lockdown.  
<http://www.acseed.org>
- 15 Youth councillors worked on a survey monkey to collate young people's views on Mental Health services in partnership with Public health. This has been extended due to lock down 3 impacting on schools' participation.
- BYC were offered access to the Mental health in schools Trailblazer. This is an NHS England Trailblazer Pilot project providing universal Mental Health Support to children in Bromley Schools.

#### **4.1.3 Outcomes achieved to date:**

- 40 youth councillors are more informed regarding the key issues around youth mental health in Bromley and what schools provide in regard to mental health.
- 25 youth councillors are more informed and feel confident discussing different types on mental health issues and solutions.
- 40 youth councillors have participated in the campaign to date have an increased confidence in research skills, knowledge of wellbeing and the key issues affecting young people.
- All youth councillors have gained a greater understanding of their role as youth councillors and how they represent other young people within the

public forum. They have continued to improve their presentation skills, research skills and public speaking/ debating skills.

- 30 young people have developed skills, confidence and knowledge using digital technology to meet, plan and deliver their campaign.
- 25 young people gained awareness of the importance of working to deadlines and meeting commitments.
- 6 youth councillors raised this campaign at local and nation forums through the UK Youth Parliament and the London youth Assembly.
- 25 youth councillors who worked on this campaign gain improved teamwork skills, alongside negotiation, feedback and timekeeping skills.
- 30 Young people are informed around what Mental Health is and the impacts on young people's lives
- 30 Young people are informed around local services and initiatives promoting positive Mental Health and wellbeing.
- 20 youth councillors met with Bromley Y to discuss their service and current offer to young people locally.
- 18 youth councillors met with Kooth to review and offer feedback on their online services for youth mental health and explored partnership work.
- 15 youth councillors have worked on producing a digital copy of the 'BYC Survival guide' and updates.

**4.2.** Young people also identified **Youth Domestic Abuse** as a campaign area; this will now form one of the campaigns for the year. This is the second time Domestic Abuse has been voted in as a campaign. Particular areas of concern raised by young people included:

- Young people expressed that they would like more information on services available to them, their families, friends and education in their schools around domestic abuse and consequences.
- There was significant discussion about how abuse can be by family members and/or within a relationship and can be violent. Often young people are oblivious to understanding what is happening to them and feel disempowered to put an end to it.
- Young people feel there is not many campaigns aimed at young people as the victim of domestic abuser aware of local services that can help them. Young people feel domestic abuse is on the increase.

#### **4.2.1 To address the issues the Youth Council proposed to:**

- Research available resources about Domestic Abuse and educate BYC members on the actions that are considered domestic abuse.
- Identify potential resources which are available that would be useful for Schools and Youth Groups in the borough to use to inform and educate other young people on the issue.
- Identify local and online sources of information, help and support for young people who are affected by Domestic Abuse.
- To provide direct education around the consequences of domestic abuse to young people.
- To develop a 6 month long social media campaign – providing weekly information posts every Friday about elements of Domestic abuse, which will build an informative information source for young people, using an “Instagram highlight”
- Research sponsoring Instagram posts to reach all young people in our age demographic in the Bromley borough.
- Our social media campaign will include viewing domestic abuse from the perspective of an abuser, a victim/survivor and that of a bystander.
- Offer local young people – via Schools and via social media – the opportunity to produce their own social media content to be featured in the social media weekly post campaign.

#### **4.2.2 Outputs achieved to date:**

- 40 youth councillors have worked on this campaign to date.
- 10 youth councillors researched how local boroughs offer information, advice and guidance to young people via local websites and social media and national schemes for DA.
- 18 youth councillors engaged in online training from Bromley and Croydon’s Women’s Aid on DA.
- 3 youth councillors designed a DA awareness t-shirt to be worn by youth councillors during the month of October to raise awareness within schools.
- 2 Youth Councillors developed a presentation on the DA campaign to use in school form time or PHSE lessons.
- 45 youth councillors all wore their purple t-shirts on 8<sup>th</sup> October to officially launch the DA campaign.

- 1 youth councillor researched local, national and global hash tags and selected the most used and appropriate hash tag along with our BYC hash tag to use for the social media DA campaign.
- 8 youth councillors worked on a DA poster/post to launch the DA campaign 'Scars'.
- 6 youth councillors worked on a themed timetable to deliver weekly social media post under the DA umbrella affecting young people.
- 26 youth councillors met with Portfolio Holder Cllr Peter Fortune, Janet Bailey Director for Children's Services and David Dare Assistant Director to discuss their DA campaign.
- 4 youth councillors reviewed LBB's page on DA and gave feedback.
- 15 youth councillors researched key resources and emailed to schools encouraging awareness and schools to actively engage with BYC social media campaign.
- 6 youth councillors had developed and posted over 34 posts and 20+ tweets, reaching over 10,500 young people in Bromley.

Details:	Likes	People reached	Impressions (The number of times the post was on screen)
1 <sup>st</sup> Instagram Post 11/09/20 (Launch DA Campaign)	30	203	258
September posts x 6	165	1,240	1,473
October post x 10	589	5,512	7,343
November post x 6	264	10,767	15,424
December post x 2	27	232	264
January post x 4	44	553	628
February post x 6	Tbc	Tbc	tbc

October was national Domestic Abuse awareness month and BYC paid for key post to be promoted on the screens of young people 11-19years old living within the borough of Bromley. Some posts were very successful and increased the 'likes' and number of people reached by 97%. It also increased followers on the BYC Instagram to 1,199 followers.

BYC members have been working hard to promote all campaigns and youth council work through social media platforms in a positive, responsible way. We have undertaken the promotion of posts as a trial to identify the difference this makes in young people's engagement.

Many of the DA posts were rejected by the social media companies at this time as they were deemed the following:- *'mention politicians or sensitive social issues that could influence public opinion, how people vote and may effect the outcome of*

*an election*'. This was during the run up to the USA Presidential elections. This had a direct impact on BYC social media campaign on DA.

#### **4.2.3 Outcomes achieved to date:**

- Youth councillors have increased their knowledge of the pressures that young people in Bromley are facing around youth Domestic Abuse.  
  
25 youth councillors gained information on the services provided by the London Borough of Bromley LBB.
- 25 youth councillors are informed around different apps and Instagram pages raising awareness on DA for young people.
- Youth council have met with and discussed their DA campaign with schools, colleges, Bromley & Croydon Women's Aid, Bromley Children's project, Bromley Police Youth Engagement Team, the Encouraging Her Project (a small charity doing small scale workshops/events for young people experiencing DV) and Public Health.
- 6 schools to date have engaged in BYC DA campaign and BYC have re social media post have been reposted or tweeted.
- Many Councillors and other services have reposted or re tweeted raising awareness.
- Bromley and Croydon women's Aid have provided excellent resources to use for social media post.
- BYC social media following has increased in the month of October to nearly 100 between Instagram and twitter.
- BYC met with Chief Inspector Craig Knight (Police) to discuss DA.
- BYC used social media to post over a 6-month period on DA.
- Instagram have blocked any promotion of DA post to a wider audience citing it may influence elections.
- Youth Councillors researched excellent examples of DA Guidance for schools produced by Public health. BYC are in discussion with Public health to produce a Bromley version of this.
- BYC are developing a draft guidance for all LBB secondary schools, colleges and youth projects in partnership with healthy schools around Domestic Abuse.
- BYC reviewed LBB DVA strategy and had access to the head of early intervention and team working on the strategy.

- The Mayor of Bromley Cllr Gray attended a BYC Meeting to discuss DA.
- BYC emailed schools and other key establishments key resources around DA and promoted LBB web page.
- 25 youth councillors collated the results and reviewed the impact of the social media campaign.
- 3 out of 10 posts were paid promotions reaching over 15,500 young people and 19,561 impressions.

**4.3** Undoubtedly both BYC campaigns on Youth Mental Health and Domestic Abuse have been impacted in different ways, due to the three lock downs during the Covid 19 pandemic. Schools engagement, face to face workshops and events are primary ways for the youth council to engage, inform and campaign on topics and all these actions were prohibited under Covid.

Disappointingly the plans for students to undertake Mental Health training; for BYC to lead on road shows and for them to facilitate a one-day educational youth conference around youth mental health issues for young people in Bromley had to be cancelled in view of the current pandemic when schools were open to critical workers and vulnerable children and the wider audience would not be available. Progress opportunities are being kept under review for when easements take place.

BYC members recognised that young people's mental health and education were the priority during these uncertain times and explored alternative ways through social media to promote good mental health and safety around domestic abuse to young people in Bromley, with a view to undertaking some of these events in the future post Covid.

## **5. Make Your Mark Consultation**

**5.1** BYC led on the annual UK Youth Parliament Make Your Mark online youth consultation in November 2020. All 32 educational establishments across Bromley were invited to take part. 28 schools and colleges supported young people to vote on national issues affecting them today. 4,802 young people across Bromley voted. Over 180,000 young people voted nationally.

**5.2** Young people voted for a local topic and a UK/Devolved topic. The top five would be debated and voted as a campaign in the House of Commons by Members of the Youth Parliament.

**5.3** 18% of young people voted for Domestic Violence as the top priority issue (lock down has meant that many people have been trapped in homes that are dangerous for them. Families, and especially young people have faced more violence in 2020) followed closely by 16% voting for access to training and jobs (because of Covid some jobs will change, others that exist now might not exist in

the future. All young people need the right to training opportunities to get jobs in the future) and in third place was Homelessness with 15% of votes.

**5.4** 26% of young people in Bromley voted for Free University; 22% voted for Support our Mental Health and 12% voted for Stop Plastic Pollution for a UK/Devolved topic.

**5.5** Make Your Mark usually selects the UK/Devolved topics Members of Youth Parliament debate in the House of Commons Chamber, where they also vote on the future campaigns. Due to the global pandemic, UKYP unable to hold this event. As a result, UKYP will take the Make Your Mark results to directly inform the forthcoming campaigns.

There will be 3 campaigns:

- **Free University** - We should invest in the young people of today by providing free university. The alternative is that young people will suffer financial hardship and not reach their full potential. (Devolved topic)
- **Support Our Mental Health** - More money should be given for young people's mental health. We should be offered mental health support in schools and ensure that teachers know about mental health. (Devolved topic)
- **Take Action on the Climate Emergency: Stop Plastic Pollution** - If we do not take action now, it is predicted that waste plastics will outweigh fish in our oceans by 2050. Let's reduce single-use and non-essential plastics (UK wide topic)

UK Youth Parliament and BYC members are approaching a number of organisations who are already campaigning on the top 3 topics; with a view to establishing a partnership with them in 2021. As more details become available, we'll update you through the regular meetings and emails in the new year.

## **6. London Youth Assembly**

### **6.1 London Youth Assembly (LYA) Priorities for 2020/21**

Bromley Youth Council elects annually a member and deputy member of the London Youth Assembly to discuss issues and take action on key issues affecting young Londoners today. It is imperative that young people's voices are counted, and they are given the opportunity for their thoughts to be reflected in the feedback that goes to each Policy team & the Mayor.

The priorities for LYA work in 2020/21 voted on by members of the London Youth Assembly are as follows:

- **The impact of COVID-19/lockdowns** on the education & opportunities for young people in London, including those from disadvantaged groups young people in London, including those from disadvantaged groups;
- **Mental Health and Wellbeing** with a focus on the impact of COVID-19



**6.2** LYA members will also participate and support other key work with the GLA departments and The Mayor of London, including current action plans to reduce disproportionality in policing London's Black communities and the Mayor's Budget Consultation for 2021-2022.

The Mayor is proposing to allocate £485m revenue funding in the Greater London Authority's (GLA) core budget across the nine recovery missions, which are as follows:

- A New Deal for Young People
- A Green New Deal
- A Robust Safety Net
- High Streets for All
- Helping Londoners into Good Work
- Mental Health and Wellbeing
- Digital Access for All
- Healthy Food, Healthy Weight
- Building Strong Communities

## **7. Note from BYC Chair.**

In a year of great challenge for all, I am incredibly thankful for all the hard work that the Bromley Youth Councillors have done. Over the past year we have introduced a new cohort of youth councillors and worked hard on two fascinating yet challenging campaigns, all whilst learning together how to use zoom and how to work remotely from home. The two campaigns, mental health and domestic abuse, have become more and more prominent in the news over the time we have worked on them. I hope our campaigns make change across the borough, and I'm hoping through the power of technology and social media we can reach more young people than ever. I am very proud of what we have achieved in this difficult period for everyone, and I hope this is reflected through our end of year report for our 2020-2021 campaigns.

Jacob Eyers, the Chair of the Bromley Youth Council.

Bromley Youth Council would like to thank all the Young People, Officers, Services and Members who have supported and helped the Youth Council in their 2020/2021 campaigns to date. We hope we can count on your continued support.



BYC Domestic Abuse zoom launch 2020.



# Bromley Youth Council

## 2020/21 Campaigns Work Plan

### BYC Campaign: Domestic Abuse

Domestic abuse as an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, but also by a family member or carer. It is very common. In the vast majority of cases it is experienced by women and is perpetrated by men. Domestic abuse can include, but is not limited to, the following:

- Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence)
- Psychological and/or emotional abuse
- Physical or sexual abuse
- Financial or economic abuse
- Harassment and stalking
- Online or digital abuse

•One in seven (14.2%) children and young people under the age of 18 will have lived with domestic violence at some point in their childhood

The purpose of our campaign is to raise awareness of domestic abuse as an issue. To develop peoples understanding of the issues and how they affect young people both as a member of a family where domestic abuse may be taking place and as a young person starting out on relationships and understanding what healthy relationships look like and how to achieve them.

Date	Action (What)	Outcome (Why)
	<ul style="list-style-type: none"> <li>• Research available resources on the subject of Domestic Abuse and educate BYC members on the actions that are considered domestic abuse.</li> <li>• Identify potential resources which are available that would be useful for Schools and Youth Groups in the borough to use to inform and educate other young people on the issue.</li> <li>• Identify local and online sources of information, help and support for young people who are affected by Domestic Abuse.</li> <li>• To provide direct education around the consequences of domestic abuse to young people.</li> </ul>	<ol style="list-style-type: none"> <li>8. To have a better understanding of the issue and actions that are involved.</li> <li>9. To widen young people of Bromley's information and knowledge on the subject.</li> <li>10. To share across services examples of what is working for young people.</li> <li>11. Young people will develop their planning and organisational skills</li> <li>12. Young people will increase their learning around DA</li> <li>13. Young people will be informed around what DA is and the impacts on young people's lives</li> <li>14. Young people will be more informed around locally services and initiatives in relation to DA.</li> </ol>

	<p>15. To develop a 6 month long social media campaign – providing weekly information posts every Friday about elements of Domestic abuse, which will build an informative information source for young people, using an “Instagram highlight”</p> <p>16. Research sponsoring Instagram posts to reach all young people in our age demographic in the Bromley borough.</p> <p>17. Our social media campaign will include viewing domestic abuse from the perspective of an abuser, a victim/survivor and that of a bystander.</p> <p>18. Offer local young people – via Schools and via social media – the opportunity to produce their own social media content to be featured in the social media weekly post campaign.</p>	<ul style="list-style-type: none"> <li>• Encouraging young people in Bromley to be involved in looking at the issues in the domestic abuse campaign and use their skills to design appropriate social media posts.</li> <li>• Young people will develop skills in producing content using different techniques – this could include drama, animation etc.</li> <li>• Young people will gain knowledge of sponsorship and advertising and marketing skills.</li> </ul>
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### BYC Campaign: Mental Health and Wellbeing

Mental health has long been an issue, but recently, the problems facing young people and their mental health have become increasingly evident. This was made clear to Bromley Youth Council by the large number of votes it received at this years survey monkey vote in lieu of our annual Manifesto event. We also believe that following a period of significant change following COVID 19 and a countrywide lockdown, the mental health and wellbeing of young people is more at risk.

10% of children and young people (aged 5-16 years) have a clinically diagnosable mental health problem, yet 70% of children and adolescents who experience mental health problems have not had appropriate interventions at a sufficiently early age, according to the Children’s Society. Additionally, half of all mental illnesses begin by the age of 14 and three-quarters by mid-20s, and as a result, it is more important than ever for work to be done to support young people. The purpose of this campaign is to raise awareness about the severity of this issue in schools in Bromley, making sure that schools and services in Bromley are doing as much as they can for their young people.

BYC supports Young Minds vision leading the fight for young people’s mental health. They are leading the fight for a future where ‘ all young minds are supported and empowered, whatever the challenges’. ‘3 children in every classroom have a mental health problem.’- Mind website. Mind are working to put young people at the heart of tackling the problem. Mind are currently leading on a ‘Wise Up to Wellbeing in Schools’ campaign. This calls on the Government to rebalance the education system so that the wellbeing of students is as important as academic achievement.

Date	Action (What)	Outcome (Why)
	<p>19. BYC to undertake a map of what services are happening in schools and youth services. (Collate all the effective mental health projects/activities in schools)</p> <p>20. Promote good mental health in schools and youth services by encouraging a ‘Bronze, Silver, Gold’ award scheme for good models of positive mental health projects/activities)</p> <p>21. To champion all schools to sign up to the 360 Schools Community.</p> <p>22. To champion all schools sign up to training 6<sup>th</sup> formers as Youth Mental Health First Aiders.</p>	<p>23. To have a better understanding of good work already being under taken.</p> <p>24. To reward those educational establishments leading on good practice.</p> <p>25. To share across services examples of what is working for young people.</p> <p>26. Young people will develop their planning and organisational skills</p> <p>27. Young people will increase their learning around MH</p>

		<p>28. Young people will be informed around what MH is and the impacts on young people's lives</p> <p>29. Young people will be more informed around locally services and initiatives promoting positive MH and wellbeing.</p>
	<p>30. To work in partnership with BYC, Bromley Youth Support Programme Youth Mental health first aiders &amp; CCG to coproduce a Mental Health programme to provide a 'road show' taking MH awareness to the streets.</p> <p>31. To use the mobile music bus and visit town centres/schools to promote positive MH.</p> <p>32. To distribute BYC 'Survival Guide'.</p>	<p>33. Young people will plan, deliver and evaluate a co production programme on Mental Health</p> <p>34. Young people will be empowered to work in partnership with local service.</p> <p>35. Young people will increase their confidence in talking to their peers about MH issues.</p> <p>36. Raising of awareness the wider community that this is an issue that matters to young people.</p> <p>37. Clear information on where to get help</p> <p>38. Raise awareness of campaign and issues nationally through British Youth Council and United Kingdom Youth Parliament</p>
	<p>39. To support BYC members (over 16 years old) to be trained as Youth Mental health First Aiders.</p> <p>40. To support all BYC members to access Youth Mental health awareness training.</p>	<p>41. .Young people to be trained as Youth MH first Aiders</p> <p>42. Develop young people's skills and knowledge on MH</p>
	<p>43. To meet with CCG and discuss how BYC can contribute to the trailblazer project and be part of the coproduction of improving MH services for young people in Bromley.</p> <p>44. To explore a Youth MH panel/youth forum lead by CCG</p>	<p>45. To work in partnership with local services on MH to raise awareness on key factors/findings around youth MH.</p> <p>46. To provide a platform for young people to influence key decisions.</p>

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Report No: ES20074		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	Dec-20	Jan-21	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	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	0	0	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%)	0	3	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	New KPI for 19/20	100	97	0	0	0	0	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.	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		The Food Standards Agency (FSA) instructed LA's not to carryout inspectors 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 inspectors 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	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.	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	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.	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	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)	93% (42 out of 48)	82% (28 out of 36)	91%	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	New KPI for 19/20	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	New KPI for 19/20	100%	100%	100% (0)	100% (0)	100% (1)	100% (1)	100% (1)	100% (1)	100% (1)	100% (1)	100% (1)	100% (1)	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	New KPI for 19/20	100%	100%	100% (5)	100% (3)	100% (2)	100% (16)	100% (5)	100% (5)	100% (9)	100% (7)	100% (13)	100% (11)	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	New KPI for 19/20	100%	96%	30%	Awaiting Data	Awaiting Data	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	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)	0% (0)	50% (1 out of 2)	N/A (0 out of 0)	100% (1 out of 1)	N/A	HIGH	85%	AMBER	The issuing of HMO licenses has been held in abeyance since August 2020, as ordinarily premises are inspected prior to the license being issued, and resultant of the pandemic, physical inspections have not been possible. The legislation allows for licenses to be issued prior to inspection, and this option is now being implemented. This is common practice in other local authorities, and on balance poses no additional risk to tenants, as this action will at least ensure that landlords are required to adhere to the standards and conditions attached to the license, and so strengthens the controls available to the Housing Team. Despite the change to local modus operandi the Council still has a legal obligation to inspect all licensed premises within the 5 years of the e.g. the duration of the licence. Inspections will nevertheless be brought forward and undertaken as soon as COVID restrictions allow.		
	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	338	331	3563	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	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	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	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	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	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	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 may be 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 we have not met our 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	13	7	188	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%	81.6%	80%	74%	0%	75%	0%	89%	75%	76%	100%	68%	62%	100%	65%	HIGH	75%	AMBER	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. In August 2020 a high number of cases were lost and this was due to ETA catching up on caseloads and reviewing cases from the backlog. This was the backlog which built up due to lockdown earlier in the year. A few cases have been lost on technicalities due to location signs and lines.		

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**Decision Maker:** PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO  
HOLDER AND PDS COMMITTEE

**For Pre-Decision Scrutiny by the Public Protection &  
Enforcement PDS Committee on**

**Date:** 16<sup>th</sup> March 2021

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

**Title:** Public Protection and Enforcement Draft Portfolio Plan  
2021/22

**Contact Officer:** Lucy West, Senior Performance Officer  
Tel: 020 8461 7726 E-mail: lucy.west@bromley.gov.uk

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

**Ward:** (All Wards)

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1. Reason for report

This report presents a draft Public Protection and Enforcement Portfolio Plan for 2021/22 for scrutiny by PDS Members and subsequent endorsement by the Public Protection and Enforcement Portfolio Holder.

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2. **RECOMMENDATION(S)**

2.1 **That the Public Protection and Enforcement PDS Committee :**

- **Considers the draft Portfolio Plan (Appendix 1) and provides comments to the Portfolio Holder.**

**That the Public Protection and Enforcement Portfolio Holder:**

- **Endorses the outcomes, aims and performance measures set out in the draft 2021-22 Public Protection and Enforcement Portfolio Plan, taking into account the 2021 budget and the views of this Committee.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: Public Protection and Enforcement services are used by all residents, including vulnerable adults and children. 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.

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## Corporate Policy

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

## Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Public Protection & Enforcement Portfolio
  4. Total current budget for this head: £2.48m
  5. Source of funding: Existing controllable revenue budget for 2020/21
- 

## Personnel

1. Number of staff (current and additional): 46.3FTEs
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Applicable
- 

## Procurement

1. Summary of Procurement Implications: Detail of the service contracts to which this portfolio plan relates are maintained on the Council's Contracts Database, summaries of which are reported to this Committee as part of the Contract Register on a bi-annual cycle. Contractor Performance is scrutinised on a regular basis and contracts are procured in line with all applicable legislation and the Council's Contract Procedure Rules.
- 

## Customer Impact

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

## Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 The Public Protection and Enforcement Portfolio leads the delivery of the Council's individual and coordinated activity to ensure that Bromley continues to being a safe and healthy place for those who live, visit or work in the borough, now, and for future generations. The scope of the Portfolio is wide and cuts across many of the key areas of work within the authority. Essentially if an enforcement issue affects the health, wellbeing or safety of the public, or the stewardship of our natural or built environment, it is likely that services within the Portfolio will have an active role to play.
- 3.2 In addition to Public Protection, this portfolio plan encompasses Planning Enforcement, Neighbourhood Management Environmental Enforcement, and Parking Enforcement.

#### **Updates from 2020/21 Portfolio Plan**

- 3.3 Throughout 2020/21 Public Protection (Commercial Regulation) Officers have enforced the Coronavirus regulations, which have placed changing restrictions and obligations on businesses, and provided local authorities with a range of enforcement tools to secure compliance. The purpose of the regulations is to control the spread of the virus, and this was kept in mind when determining enforcement decisions where the law and guidance could be open to interpretation.
- 3.2 In addition to the established Enforcement Policy, a Covid enforcement protocol was agreed with the Metropolitan Police; this incorporated the 4 E's: i.e. to Engage, Explain, Encourage, Enforce. With regards to enforcement, Officers have flexed between face to face interactions where the businesses are permitted to be open (depending on the tier status), and surveillance visits, which is where officers have been checking town centres and business areas to ensure non-essential businesses are closed.
- 3.3 Performance and enforcement actions undertaken against the previous Portfolio Plan has been presented to the PP&E PDS committee for scrutiny (see insert numbers); below are examples from each service area that demonstrate the support services provide to each other and the diversity of work undertaken within the Portfolio area:

#### **Trading Standards**

- 3.4 Officers from Trading Standards have also conducted follow up visits to vulnerable residents who had not responded to contact by the track and trace teams, as well as providing regular updates to warn against several Conflict of Interest Disclosure (COID) related scams and frauds.

#### **Commercial and Domestic Regulation**

- 3.5 Officers from across the Commercial and Domestic regulation teams supported colleagues in Environment with the implementation and enforcement of new regulations which introduced the temporary Pavement Licensing regime. This allowed licenced premises and some food outlets in certain circumstances to apply for a licence to have tables and chairs on the public highway.

- 3.6 The Nuisance and Anti-Social Behaviour Team have added to the Council's investigative capabilities through deploying body worn video cameras during 2020. This addition to the teams processes will enable better evidence gathering and also ensure both officers and the public are dealt with in a fully professional manner at all times.
- 3.7 The Air Quality Action Plan was reviewed, consulted upon and agreed by the Greater London Authority (GLA). The plan collates the actions that will be taken by all partners to maintain and improve the air quality within the Borough. The GLA who formally approved the plan noted that the plan was well written and comprehensive. It was subsequently adopted by the Executive on the 16<sup>th</sup> September 2020.

#### Community Safety

- 3.8 The Community Safety Team produced the Safer Bromley Partnership Board Strategy for 2020-2023. This incorporated the Community Plan and the Crime Reduction Strategy into a single document, and sets the direction as to how partners will work together to reduce crime and ASB in the Borough.
- 3.9 The Community Safety Team undertook a review of the Public Space Protection Orders within the borough which cover parks in Bromley, Beckenham and Penge in 2020 in accordance with the need to review the orders tri-annually. The review included a public consultation, and respondents were asked if they wished to see the orders cover the borough in its entirety, and further, whether psycho active substances should be added to the controls. There was overwhelming support for both suggested amendments and an amended PSPO now applies to all land within the Council's borough where the public have access to.

#### Highways and Network Management and Neighbourhood Management

- 3.10 Throughout the start of the Covid Pandemic as of March 2020 the Street Enforcement team has been working "business as usual" responding to customer complaints, undertaking site and residential visits concerning all matters of highway enforcement. This ranges from the investigation into, the removal of unauthorised traveller encampments onto LBB land, fly tipping, abandoned vehicles, illegal encroachment of Highway land, overhanging vegetation onto the footway, removal of illegal skips, cones hoarding and other obstructions on the highway.
- 3.11 In addition the Councils Park Security contractor (Ward Security) has continued to fulfil its contractual obligations and operate 7 days a week, 365 days a year enforcing parks Byelaws and most importantly working in Co-operation with the Police in helping to enforce Covid Regulations.

#### Planning Enforcement

- 3.12 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%).

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.

### **Draft Portfolio Plan 2021/22**

- 3.13 **Appendix 1** sets out the draft Public Protection and Enforcement Portfolio Plan for the 2021/22 financial year. As with previous years, there are 4 priority areas identified within the draft plan.
- 3.14 The Plan uses the recently developed Corporate Template which is aligned to the ambitions of the updated Building a Better Bromley (BBB) document which is yet to be signed off by Executive. BBB is therefore subject to change. Should the overarching BBB document be updated, the Portfolio Plan will be amended accordingly. In addition to Public Protection, this portfolio plan encompasses Planning Enforcement, Neighbourhood Management Environmental Enforcement, and Parking Enforcement.

### **Priorities**

- 3.15 **Priority 1: We will keep Bromley safe.** We will take an intelligence led and partnership approach; working together with public sector agencies, businesses, and local communities to reduce: envirocrime, crime and to improve safety.
- 3.16 **Priority 2: We will protect consumers.** We will maintain our community safety and trading standards and public protection services, to protect elderly and otherwise vulnerable residents in Bromley, and to ensure there is a fair, safe, and genuine trading environment, through encouraging compliance and responsible enforcement.
- 3.19 **Priority 3: We will support and regulate businesses.** We will abide by the approach within our enforcement policy, and embed a risk-based, proportionate, targeted, and flexible approach to regulatory inspection and enforcement among the regulators to which it applies. This approach will ensure that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate.
- 3.18 **Priority 4: We will protect and improve the environment through custodianship and effective and responsible enforcement.** We will make a difference to people's lives by promoting a healthier, fairer, and safer environment in local homes and within our communities, through appropriate policies and by providing compliance advice, education and through proportionate regulatory enforcement. We will focus on promoting behaviour change, and supporting compliance, working with businesses, the community and volunteer groups, and taking appropriate action to ensure the street environment meets local needs. We will undertake enforcement activity around issues relating to anti-social behaviour, illegal incursion, dog attacks and drug abuse in our parks and open spaces; and we will manage parking issues through effective enforcement to balance the needs of motorists, residents and businesses.
- 3.19 As a result of the pandemic and its ongoing impact, the plan highlights those areas where performance may be affected, and also includes new actions and performance indicators that demonstrate Bromley's commitment to fulfilling new regulatory

statutory duties arising from Covid legislation. (see Appendix 1 pages 6, 10, 13 and 14). The plan also notes those areas of performance and enforcement that may be affected by the pandemic moving forwards, this includes the ability to meet previous inspection targets set by the Food Standards Agency (FSA), and the ability to carry out test purchasing. (see pages 7, 8, 10, 13 and 14).

#### **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

- 4.1 Vulnerable adults and children are at increased risk from the adverse impacts of issues such as: unfit food, poor housing conditions and being targeted by rogue traders. The enforcement work of all the teams within the Public Protection Division play a vital part in safeguarding the health, safety and wellbeing of vulnerable groups; specific examples from the Food Safety, Housing Enforcement and Trading Standards Teams are given below.
- 4.2 The Food Safety Team plays a vital part in safeguarding the vulnerable particularly in relation to educational and care homes settings. Good nutrition and safe food are essential to everyone's health and wellbeing which is further enhanced in terms of vulnerable adults and children. The enforcement of food regulations ensures that food provided in these settings is safe, therefore protecting our vulnerable residents.
- 4.3 The impact of poor housing is exacerbated for vulnerable adults and children, and the Housing Enforcement team works to ensure acceptable standards are maintained and enforcement action is taken if these standards are not met. In addition, the work of the Trading Standards team to tackle rogue traders and doorstep crime directly affects some of our most vulnerable members of the community. Positive results in 2018/19 and have meant that unscrupulous individuals have been either fined or face custodial sentences for attempting to defraud individuals out of money and possessions. The work to prevent underage sales of tobacco and alcohol protects vulnerable children from the harmful effects of these products and seeks to educate and enforce against those who flaunt the law.
- 4.4 Officers continue to work in partnership with colleagues from other LBB business units and external agencies as part of the Adult Safeguarding Board.

#### **5. POLICY IMPLICATIONS**

- 5.1 The activities in this report reflect the Council's priorities and aims as set out in:
- [Building a Better Bromley 2016-18](#) ('Quality Environment' & 'Excellent Council'). Note that this document is being updated and will be published shortly.
  - Plans and Policies as specifically referenced within each Priority area of the Portfolio Plan.
- 5.2 The attached Portfolio Plan is recommended as a summary of activity and accountability in relation to the Council's role in making the borough a safer and healthier place. Reducing crime and anti-social behaviour continue to be significant priorities for the Council, both in the activities delivered across a wide range of services, and in the Council's leadership of key multi-agency partners.

## 6. FINANCIAL IMPLICATIONS

- 6.1 The Public Protection and Enforcement Portfolio's priorities will be delivered within the resources identified in the 2021-22 budget, including any further external funding that can be secured.

## 7. PROCUREMENT IMPLICATIONS

- 7.1 Most of the Portfolio Plan's priorities are underpinned by contracts and where these have a Total Contract Value (TCV) greater than £200k, they are reported in the Corporate Contract Register. The procurement status of contracts with a TCV >£50k is also reported to the PDS Committee for detailed scrutiny.
- 7.2 PDS Committee also scrutinises 'Procurement Strategy' and 'Award of Contract' reports, and monitors individual contracts and scrutinises the contractors themselves as appropriate.

<b>Non-Applicable Sections:</b>	Personnel implications, legal implications
Background Documents: (Access via Contact Officer)	<a href="#">PDS Committee agendas and minutes</a> <a href="#">Public Protection and Enforcement 2020/21 Portfolio Plan</a> <a href="#">Building a Better Bromley</a> <a href="#">Planning Enforcement - Report Number ES 20065</a> <a href="#">Enforcement Activity Update - Report Number ES18046</a>

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# Public Protection and Enforcement

Portfolio Plan for 2021/22

## Introduction

### Message from Cllr Kate Lymer

Public Protection and Enforcement Portfolio Holder



Whilst work to protect us from the coronavirus has understandably and rightly been at the forefront of our focus, including the Council's response, work to keep us all safe has also continued, often with services adapting their approach to ensure that services nevertheless continue. It has been clear in the pandemic that we have all had a role to play in helping stop the spread of the coronavirus, from the public sector agencies, to the voluntary sector, and businesses and of course residents.

The same approach is true for 'protective work' more generally and it is why the work of the Safer Bromley partnership has continued and remains important. As part of its work leading the Safer Bromley Partnership, the Council also works directly in partnership with the Police, London Fire Brigade and other emergency services and agencies, including Housing Associations and the like.

New initiatives are being brought forward and we are looking to ensure our work is effective and long lasting. This Portfolio Plan outlines what we are setting out to achieve and underlines our priorities and focus in this regard.

Much of our work is carried out within a regulatory framework, and can be statutory, with standards being set by national regulators like the Food Standards Agency, the Health & Safety Executive, Environment Agency, HM Planning Inspectorate and the Health Protection Agency. Therefore, as well as working in partnership with businesses and individuals to ensure compliance with the law in a range of scenarios, we will not hesitate to action and prosecute where needed, including seeking to assist the most vulnerable.

Finally, there can often be a common misconception that the risk of harm is high and the reality is that Bromley is a safe Borough, which is something we can all be reassured by. Our work to ensure this remains the case is very much continuing, and I thank you for your anticipated support as we all have a part to play.

# Our priorities

This Portfolio Plan is shaped around the delivery of the following priorities:

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## **Priority 1 We will keep Bromley safe**

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We will take an intelligence led and partnership approach; working together with public sector agencies, businesses and local communities to reduce: envirocrime, crime and to improve safety.

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## **Priority 2 We will protect consumers**

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We will maintain our community safety and trading standards and public protection services, to protect elderly and otherwise vulnerable residents in Bromley, and to ensure there is a fair, safe and genuine trading environment, through encouraging compliance and responsible enforcement.

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## **Priority 3 We will support and regulate businesses**

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We will abide by the approach within our enforcement policy, and embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement among the regulators to which it applies. This approach will ensure that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate.

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## **Priority 4 We will protect and improve the environment through custodianship and effective and responsible enforcement**

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We will make a difference to people's lives by promoting a healthier, fairer and safer environment in local homes and within our communities, through appropriate policies and by providing compliance advice, education and through proportionate regulatory enforcement. We will focus on promoting behaviour change, and supporting compliance, working with businesses, the community and volunteer groups, and taking appropriate action to ensure the street environment meets local needs. We will undertake enforcement activity around issues relating to anti-social behavior, illegal incursion, dog attacks and drug abuse in our parks and open spaces; and we will manage parking issues through effective enforcement to balance the needs of motorists, residents and businesses.

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**All 4 priorities will be delivered in accordance with our commitment to improving customer service. We will ensure our decision making is transparent and supported by sound governance, contract monitoring and performance management.**

## Priority 1

## We will keep Bromley safe

### Our Ambitions:

The priority aligns to the following *Building a Better Bromley* ambitions:

- For children to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
- For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
- For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
- For Bromley to have a safe, clean and green environment great for today and the future.
- To manage our resources well, individually and collectively, providing efficient and effective services and excellent value for money for Bromley's residents.

### Strategic links:

This priority has links with the following strategic plans and local policies:

- Building a Better Bromley
- Bromley Child Sexual Exploitation Strategy
- Bromley Safeguarding Children Partnership Policies
- Bromley Safeguarding Adults Board Strategy
- Children's and Young Peoples Plan 2018-2021
- Homelessness Strategy
- Police and Crime Plan 2017-2021
- Public Protection Enforcement Policy 2020
- Safer Bromley Partnership Strategy 2020-2023
- Serious Youth Violence Strategy
- VAWG Strategy
- Youth Justice Strategy 2019-2021
- Violence Reduction Action Plan

### What are we going to do?

ACTION	DETAIL	MEASURES OF SUCCESS	TARGET DATE	LEAD
<b>Manage high volume and problematic areas of enviro-crime related ASB</b>	Tackle envirocrime related anti-social behaviour through the delivery of targeted, intelligence-led operations with partners (1A)	1. Community Impact Days (12 per annum)	31 <sup>st</sup> March 2022	Tony Baldock, Head of Service Community Safety, Environmental and Domestic Regulation
<b>Develop and Deliver the Safer Bromley Partnership Board Strategies</b>	Deliver to Priority One (Safer Neighbourhoods), –Taking a joint problem solving approach in respect of those crimes that affect our residents and businesses the most.	2. Safer Bromley Partnership Board to be held quarterly; 3. Present quarterly updates to the Safer Bromley Partnership Board on progress	All 31 <sup>st</sup> March 2022	Tony Baldock, Head of Service Community Safety, Environmental and Domestic Regulation (1-3, 5-9 and 11)

	<p>Deliver Priority Four (Standing Together Against Hate and Extremism) – Working to understand the risks and journey to radicalisation and extremism, and meeting our public protection statutory responsibilities, including our requirements under the Prevent duty; to further recognise that that financial abuse of the elderly (or otherwise vulnerable residents) should also be considered as a hate crime, as perpetrators deliberately choose their victims on the basis of the perceived vulnerability that may be associated with their age (or otherwise).</p>	<p>against the Safer Bromley Partnership Strategy;</p> <ol style="list-style-type: none"> <li>4. Successful scrutiny of the Safer Bromley Partnership action outcomes by the Public Protection &amp; Enforcement Policy Decision Scrutiny Committee;</li> <li>5. Attend the TTCG monthly to track local crime trends;</li> <li>6. Attend the Crime Reduction Action Group and Anti-Social Behaviour Action Groups each ¼ and monthly accordingly to consider appropriate partnership tasking for local crime and ASB issues;</li> <li>7. Attend quarterly Prevent meetings;</li> <li>8. Refresh Prevent Strategy;</li> <li>9. Reduction of Non domestic Violence with Injury;</li> <li>10. Reduction in Residential Burglary;</li> <li>11. Protection of Elderly or otherwise vulnerable people becoming victims of scams;</li> <li>12. Produce annual crime needs assessment;</li> <li>13. Attend weekly meetings with the Police leadership team to track and respond to emerging issues in community safety</li> </ol>		<p>Joanne Stowell Assistant Director of Public Protection (4)</p> <p>Rob Vale, (Head of Service Trading Standards and Commercial Regulation (7 and 10)</p>
<p><b>Provide a strategic lead to tackle gangs and serious youth violence</b></p>	<p>Provide a strategic lead to tackle gangs and serious youth violence through the delivery of the Violence Reduction Plan.</p>	<ol style="list-style-type: none"> <li>14. Maintain the Violence Reduction Plan;</li> <li>15. Governance of the Violence Reduction Plan;</li> <li>16. Community Safety representation at the Youth Offending Service Board;</li> </ol>	<p>Quarterly</p> <p>31<sup>st</sup> March 2022</p>	<p>Joanne Stowell Assistant Director of Public Protection (12-14)</p>

<b>Fulfil our duties under the Civil Contingencies Act 2004</b>	Prepare, exercise & update our Civil Contingencies arrangements and ensure that, whilst responding to an incident and / or business interruption, our core essential public services can continue to be delivered.	17. Appropriate Incident Response; 18. Delivery of ongoing training; 19. Undertaking of Training Exercises; 20. Ongoing development of the Resilience Standards for London; 21. Ongoing maintenance of the Business Continuity Plans;	31 <sup>st</sup> March 2022	David Tait Emergency Planning and Corporate Resilience Lead (15-19)
<b>Fulfil our statutory duties pertaining to the COVID 19 pandemic</b>	Provide a strategic and operational oversight and response, enabling COVID-19 secure behaviour in the public realm and making public spaces safer during the coronavirus (COVID-19) pandemic (1B).	22. Complete the COVID statutory returns 23. Attend Chief Officer Executive COVID Board 24. Attend Public Health COVID Board 25. Attend Tactical COVID Board	31 <sup>st</sup> March 2022	Rob Vale, (Head of Service Trading Standards and Commercial Regulation (22 and 25) Joanne Stowell Assistant Director of Public Protection (23) Tony Baldock, Head of Service Community Safety, Environmental and Domestic Regulation (24) David Tait Emergency Planning and Corporate Resilience Lead (25)

## Priority 2 We will protect consumers

### Our Ambitions:

The priority aligns to the following *Building a Better Bromley* ambitions:

- For children to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
- For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
- For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
- For Bromley to have a safe, clean and green environment great for today and the future.
- To manage our resources well, individually and collectively, providing efficient and effective services and excellent value for money for Bromley's residents.

### Strategic links:

This priority has links with the following strategic plans and local policies:

- Building a Better Bromley
- Bromley Safeguarding Children Partnership Policies
- Bromley Safeguarding Adults Board Strategy
- Public Protection Enforcement Policy 2020
- Safer Bromley Partnership Board Strategy

## What are we going to do?

ACTION	DETAIL	MEASURES OF SUCCESS	TARGET DATE	LEAD
<b>Protect the borough's most vulnerable residents from rogue traders</b>	Take action against rogue traders, particularly those who target the vulnerable, through early interventions and enforcement activity with a range of partners (2A)	26. Number of awareness raising events & training to vulnerable groups & partners (No)*;  *The ability to deliver the above measures will depend on the Government restrictions around COVID 19	31 <sup>st</sup> March 2022	Graeme Preston Trading Standards Manager
<b>Recognise that financial abuse of the elderly (or other vulnerable residents) is akin to a hate crime.</b>	Provide a rapid response service to all victims of doorstep crimes and scams (2B)	27. Rapid response interventions responded to within 2 hours (%)*;  *The ability to deliver the above measures will depend on the Government restrictions around COVID 19	31 <sup>st</sup> March 2022	Graeme Preston Trading Standards Manager
<b>Keep Our Young People Safe and contribute to public health and wellbeing</b>	Tackle the sale of age-restricted products, particularly alcohol, tobacco and knives, through test purchase operations (2C)	28. Reduction in number of businesses that sell age restricted products*; 29. Robust enforcement actions taken against businesses that sell age restricted products to children and young people  *The ability to deliver the above measures will depend on the Government restrictions around COVID 19	31 <sup>st</sup> March 2022	Graeme Preston Trading Standards Manager
<b>Ensure a safe and competitive trading environment</b>	Combat those traders who operate illegally, putting consumers at risk and placing reputable businesses at a trading disadvantage. To do this the effective use of all available intelligence and related information will continue to play an essential role in highlighting emerging issues and targeting resources at the areas that will have the greatest impact.	30. Apply the approach within our enforcement policy, and embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement among the regulators to which it applies;	31 <sup>st</sup> March 2022	Graeme Preston Trading Standards Manager

## Priority 3

## We will support and regulate businesses

### Our Ambitions:

The priority aligns to the following *Building a Better Bromley* ambitions:

- For children to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
- For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
- For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
- For Bromley to have a safe, clean and green environment great for today and the future.
- To manage our resources well, individually and collectively, providing efficient and effective services and excellent value for money for Bromley's residents.

### Strategic links:

This priority has links with the following strategic plans:

- Building a Better Bromley
- Food Safety Service Plan
- Public Protection Enforcement Policy
- Public Health

### What are we going to do?

ACTION	DETAIL	MEASURES OF SUCCESS	TARGET DATE	LEAD
Ensure a minimum standard of hygiene in business to reduce the occurrence of ill health through food borne disease.	<p>Ensure that the Food Safety Service is delivered in accordance with the Food Law Code of Practice (FLCoP) (3A). We will inspect 100% of high-risk food businesses to ensure food safety standards are met, and ensure through education and enforcement, that food intended for human consumption which is produced and/or sold in Bromley is safe to eat and complies with food safety requirements (3B &amp; 3C).</p> <p>This will include intelligence-led food sampling and participation in regional sampling programmes for both analysis and examination, and responding to food alerts.</p>	<p>31. Inspections of high-risk food hygiene businesses undertaken (%) (Risk A and B food premises) in accordance with Food Stand Agency (FSA) targets*;</p> <p>32. Inspections of high-risk food standards businesses undertaken (%) (Risk A), in accordance with FSA targets*;</p> <p>33. Zero rated food premises demonstrating improvement on their second inspection (%), in accordance with FSA targets*;</p> <p>34. Through responding to food alerts from the FSA (%)*;</p> <p>35. Through Participation in intelligence-led food sampling and</p>	31 <sup>st</sup> March 2022	Karen Ryan Food Safety Manager)



ACTION	DETAIL	MEASURES OF SUCCESS	TARGET DATE	LEAD
		<p>participation in regional sampling programmes for both analysis and examination*;</p> <p>*The ability to deliver the above measures will depend on the Government restrictions around COVID 19</p>		
<b>Investigate of Outbreaks and Food Related Infectious Disease</b>	Ensure that specialist colleagues from Public Health are supported in investigating and managing disease outbreaks.	36. Respond to Infectious Disease Notifications (%);	31 <sup>st</sup> March 2022	Karen Ryan Food Safety Manager)
<b>Regulate Licensed Premises, ensuring the licensing objectives are adhered to</b>	Investigate and take appropriate action concerning complaints about licensed premises and those with reported health and safety issues to protect public health (3D)	37. Respond complaints/enquiries about food and food premises within 5 working days (%); 38. Investigate all complaints raised against licensed premises; 39. Investigate all complaints pertaining to health and safety that are within the Local Authority remit	31 <sup>st</sup> March 2022	Steve Phillips Licensing Manager
<b>Assist businesses with compliance with COVID -19 Regulations</b>	Provide advice to educate businesses to operate in a COVID-19 compliant manner, to protect public health (3E)	40. Respond to requests for business advice within 7 working days. Keep abreast of changing legislation and provide sector advice where necessary.	31 <sup>st</sup> March 2022	Rob Vale, (Head of Service Trading Standards and Commercial Regulation and Tony Baldock, Head of Service Community Safety, Environmental and Domestic Regulation

## Priority 4

# We will protect and improve the environment through custodianship and effective and responsible enforcement

### Our Ambitions:

The priority aligns to the following *Building a Better Bromley* ambitions:

- For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
- For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
- For Bromley to have a safe, clean and green environment great for today and the future.
- To manage our resources well, individually and collectively, providing efficient and effective services and excellent value for money for Bromley's residents.

### Strategic links:

This priority has links with the following strategic plans:

- Air Quality Strategy 2020-23
- Building a Better Bromley
- Public Protection Enforcement Policy 2020
- Statement of Gambling Policy
- Statement of Licensing Policy

### What are we going to do?

ACTION	DETAIL	MEASURES OF SUCCESS	TARGET DATE	LEAD
<b>Monitor the CCTV system for the purposes of public safety, crime prevention, and crime detection. (It may also be used for the purposes of detecting other offences, such as illegal use of bus lanes).</b>	Keep residents safe through appropriate and proportionate use of CCTV in public spaces (4A)	41. Monthly contract meetings with the monitoring and maintenance providers to assess progress against the KPIs; 42. Compliance with CCTV evidence requests (%) (4A); 43. Review CCTV provision;	31 <sup>st</sup> March 2022	Mark Atkinson Nuisance, Community Safety, ASB, Projects and Contracts Manager
<b>Produce an Air Quality Annual Status Report</b>	Councils are required to undertake a regular review and assessment of the air quality within the borough, and assess levels of air pollution against the air quality objectives. Where levels are found to be in excess of these objectives.	44. The ASR is produced 45. The ASR is scrutinised by the Environment PDS Committee annually	September 2021  September 2021	Charlotte Hennessey Manager of Environmental Pollution Regulation and Private Rented Sector Housing Enforcement and HMO Licensing

	<p>An AQAP must be produced as part of Bromley's duty under the London Local Air Quality Management statutory process, and in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995. The AQAP was refreshed in 2020 and it outlines the action we will take to improve air quality in the London Borough of Bromley in the next 5 years to 2025. In addition to the AQAP, Councils are required to produce an Annual Status Report (ASR). The purpose of the ASR is to shift the focus towards what is being done to improve air quality locally and therefore, provides an update on monitoring undertaken and progress towards the various actions set out in our action plan.</p>			
<p><b>Investigate and enforce complaints of Nuisance in accordance with the regulatory framework</b></p>	<p>Fulfil the statutory duty to investigate and detect statutory nuisances, taking enforcement action as necessary (4B)</p>	<p>46. Serve statutory notices where appropriate (nuisance and Outcome based No of Notices Served);</p>	<p>31<sup>st</sup> March 2022</p>	<p>Mark Atkinson Nuisance, Community Safety, ASB,</p> <p>Tony Baldock, Head of Service Community Safety, Environmental and Domestic Regulation</p>
<p><b>Monitor the effectiveness of the Biggin Hill Noise Action Plan</b></p>	<p>Continue to monitor noise complaints relating to aviation movements including enforcement for any infringement of the adopted Airport Noise Action Plan</p>	<p>47. Review the actions of the Safety and Noise Review Board (SANARB) regarding actions taken against those who have failed to abode by published procedures;</p>	<p>31<sup>st</sup> March 2022</p>	<p>Tony Baldock, Head of Service Community Safety, Environmental and Domestic Regulation</p>
<p><b>Monitor development and investigate of potential breaches of planning control.</b></p>	<p>To ensure breaches of planning control are remedied through appropriate enforcement in accordance with the Council's Planning Enforcement Policy (4C)</p>	<p>48. Cases where investigations of breaches of planning control are completed (%);</p>	<p>31<sup>st</sup> March 2022</p>	<p>John Stephenson Development Control Manager</p>

<b>Regulate and improve conditions in HMOs</b>	Issue validated licences for Houses in Multiple Occupation (HMO) (4D)	49. No of applications received and validated licenses for HMO issued;	31 <sup>st</sup> March 2022	Charlotte Hennessey Manager of Environmental Pollution Regulation and Private Rented Sector Housing Enforcement and HMO Licensing
<b>Investigate and enforce complaints of enviro-crime in accordance with the regulatory framework</b>	Keep the borough's streets clean and green and reduce litter, dog fouling and fly-tipping through a programme of contracted works, education and enforcement activity (4E, 4F, 4G).	50. Fly-tipping Enforcement actions undertaken where evidence supports (No);	31st March 2022	Toby Smith Neighbourhood Enforcement Manager
<b>Control parking in the borough for the benefit of all residents</b>	Continue to deliver parking enforcement services through the Council's service provider, APCOA (4H & 4I).	51. Parking Appeals heard and by adjudicators against no of PCNs issued; 52. Parking ETA cases won by LBB (75% of cases heard).	31st March 2022	Chloe Wenbourne Head of Service Shared Parking Services
<b>Enforce COVID -19 Regulations</b>	Investigate and take appropriate action concerning complaints about alleged non-compliance with COVID-19 Regulations (4J).	53. Investigate and enforce having regard to the agreed covid enforcement protocol; engage with local business and complete weekly proactive and reactive visits to encourage compliance and enforce as may be required.	31st March 2022	Rob Vale, (Head of Service Trading Standards and Commercial Regulation and Tony Baldock, Head of Service Community Safety, Environmental and Domestic Regulation

## Performance Indicators

Number	Performance Indicators	21/22 Target
<b>Priority 1</b>	<b>We will keep Bromley safe</b>	
1A	Number of Community Impact Days (No.)	12*
1B	Number of meetings attended	100%
<b>Priority 2</b>	<b>We will protect consumers</b>	
2A	Number of awareness raising events & training to vulnerable groups & partners (No.)	70*
2B	Rapid response interventions responded to within 2 hours (%)	100%
2C	Compliance with Challenge 25 test purchase operations to detect the sale of age restricted products (No.)	100*
<b>Priority 3</b>	<b>We will support and regulate businesses</b>	
3A	Inspections of high-risk businesses undertaken (%) (Risk A and B food premises)	% to be determined by the FSA due to COVID
3B	Due Food Hygiene Interventions completed (%)	% to be determined by the FSA due to COVID
3C	Due Food Standards Interventions completed (%)	% to be determined by the FSA due to COVID
3D	Respond to 70% of complaints/enquiries about food and food premises within 5 working days (%)	70%
3E	COVID-19 Educate – respond to business advice request within 7 working days	90%
<b>Priority 4</b>	<b>We will protect and improve the environment through custodianship and effective and responsible enforcement</b>	
4A	Comply with 100% of CCTV evidence requests (%)	100%
4B	Serve statutory notices where appropriate (nuisance and pollution) (%) outcome based	100%
4C	Cases where investigations of breaches of planning control are completed (%)	Outcome
4D	Issue HMO licenses where valid applications are received (%)	100%
4E	Total Number of Fly-tipping incidents (No.)	Outcome
4F	Total Number of open fly-tipping incident investigations (No.)	Outcome
4G	% of closed cases where action has been taken (those where evidence was available) (%).	50%
4H	Parking appeals heard by the Environment and Traffic Adjudicators (ETA) against PCNs issued by LBB (No.)	200
4I	Parking ETA cases won by LBB (% of cases heard)	75%
4J	COVID-19 Official Controls and Enforcement – serve statutory notices where appropriate with regard to 4 E's (Engage, Explain, Encourage, Enforce) model and LBB enforcement policy	100%

\*The ability to deliver the above measures will depend on the Government restrictions around COVID 19.

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Report No.  
FSD21022

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO  
HOLDER

For Pre-Decision Scrutiny by Public Protection & Enforcement PDS  
Committee on:

**Date:** 16<sup>th</sup> March 2021

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

**Title:** BUDGET MONITORING 2020/21

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

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

**Ward:** (All Wards);

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1. Reason for report

This report provides an update of the latest revenue budget monitoring position for 2020/21 for the Public Protection & Enforcement Portfolio, based on expenditure and activity levels up to 31 December 2020.

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2. **RECOMMENDATION(S)**

The Public Protection & Enforcement Portfolio Holder is requested to:

- 2.1 Endorse the latest 2020/21 revenue budget monitoring for the Public Protection & Enforcement Portfolio.

### Impact on Vulnerable Adults and Children

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

### Corporate Policy

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

### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Recurring Cost
  3. Budget head/performance centre: All Public Protection & Enforcement Portfolio Budgets
  4. Total current budget for this head: £3.25m
  5. Source of funding: Revenue budgets 2020/21
- 

### Personnel

1. Number of staff (current and additional): 46.3fte
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

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

### Procurement

1. Summary of Procurement Implications: N/A
- 

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

- 3.1 This report sets out the results of the latest quarterly revenue budget monitoring exercise for the 2020/21 financial year for the Public Protection & Enforcement Portfolio based on financial information available as at 31 December 2020.
- 3.2 It should be noted the impact of Covid-19 on the Portfolio's budgets is not included as these details are reported separately to the Executive.
- 3.3 The projected outturn is detailed in Appendix 1A, which shows the forecast spend for each division within the Portfolio compared to the latest approved budget. Whilst Portfolio's overall budget is projected to be in balance, there are a number of offsetting variations within this as summarised in the table below:

	<b>£'000</b>
Staffing	Cr 128
Running costs	Cr 90
Contracted services	Cr 38
HMO licencing income	Cr 39
CCTV camera upgrades	295
<b>Net Variation</b>	<b>-</b>

- 3.4 Appendix 1B provides further detail and commentary on each of the projected variations within each service.

### 4. POLICY IMPLICATIONS

- 4.1 The "Building a Better Bromley" objective of being an Excellent Council refers to the Council's intention to provide efficient services and to have a financial strategy that focuses on stewardship and sustainability. Delivering Value for Money is one of the Corporate Operating Principles supporting Building a Better Bromley.
- 4.2 The "2020/21 Council Tax" report highlighted the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised to minimise the risk of compounding financial pressures in future years.
- 4.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council's budgetary control and monitoring arrangements.

### 5. FINANCIAL IMPLICATIONS

- 5.1 A detailed breakdown of the projected outturn by service area is shown in Appendix 1A with explanatory notes in Appendix 1B.
- 5.2 No overall variation is projected on the Portfolio's budget based on the information available as at 31 December 2020.

## 6 COMMENTS FROM THE DIRECTOR OF ENVIRONMENT & PUBLIC PROTECTION

- 6.1 Like the rest of the Council, the Covid-19 pandemic and resultant restrictions have impacted on economic activity and impact on some of the Portfolio's services.
- 6.2 Although cases have again started to decrease and the current restrictions will begin to be eased, uncertainty remains. Nor it is yet clear what the longer term wider economic impacts will be and how this will affect services later in the year and beyond.

<b>Non-Applicable Sections:</b>	Legal, Personnel & Procurement Implications
Background Documents: (Access via Contact Officer)	2020/21 budget monitoring files within E&CS Finance section

## Public Protection &amp; Enforcement Budget Monitoring Summary

2019/20 Actuals £'000	Service Areas	2020/21 Original Budget £'000	2020/21 Latest Approved £'000	2020/21 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
253	Public Protection							
133	Community Safety	170	394	315	Cr 79	1	Cr 67	0
670	Emergency Planning	134	134	137	3	2	11	0
1,676	Mortuary & Coroners Service	574	574	574	0		0	0
	Public Protection	1,556	1,361	1,437	76	3	56	0
<b>2,732</b>	<b>TOTAL CONTROLLABLE</b>	<b>2,434</b>	<b>2,463</b>	<b>2,463</b>	<b>0</b>		<b>0</b>	<b>0</b>
318	<b>TOTAL NON CONTROLLABLE</b>	7	7	7	0		0	0
941	<b>TOTAL EXCLUDED RECHARGES</b>	973	973	973	0		0	0
<b>3,991</b>	<b>PORTFOLIO TOTAL</b>	<b>3,414</b>	<b>3,443</b>	<b>3,443</b>	<b>0</b>		<b>0</b>	<b>0</b>

## Reconciliation of Latest Approved Budget

£'000

## Original Budget 2020/21

3,414

## Carry Forward Requests approved from 2019/20

Asset Recovery Incentivisation Scheme  
 Asset Recovery Incentivisation Scheme

48  
 Cr 48

## Other

Virement from Housing to create a cross service support post  
 Transfer of Electricity Budget to RCCM portfolio

31  
 Cr 2

## Latest Approved Budget for 2020/21

3,443

## **REASONS FOR VARIATIONS**

The Covid-19 restrictions that have been in place for much of the time since 23rd March 2020 have had a significant impact on many of the Portfolio's services and these impacts are reported separately to the Executive as part of the quarterly monitoring update. It is not known how long current restrictions will remain or how these will be eased in the coming weeks and months. Nor it is clear what the the longer term wider economic impacts will be and how this will affect services beyond this financial year. Projections continue to be refined and updated as the financial year progresses.

### **1. Community Safety Cr £79k**

This service is forecast to underspend by £79k this financial year with £44k due to in year staffing vacancies, £25k relating to the current reduced requirement of the dog warden service and £10k due to a number of small underspends across supplies and services.

### **2. Emergency Planning Dr £3k**

There are some additional staffing costs forecast of £11k this financial year relating to overtime and on call costs. There are a number of small variations across supplies and services budgets resulting in a £8k projected underspend.

### **3. Public Protection Dr 76k**

Staffing is forecast to underspend by £95k due to a number of in year vacancies but all posts are currently being recruited to. Income generated from Houses in Multiple Occupation licencing is forecast to overachieve by £39k this financial year. The Scientific Investigations Programme is projected to underspend by £19k this year due to the minimal activity undertaken and the CCTV contract is projecting a small credit variation of £13k. Other transport and supplies and service budgets across the Division are forecast to underspend by a further £53k mainly to reduced expenditure as a result of officers not being on site for the majority of the financial year. A number of obsolete and old CCTV cameras now need replacing, and therefore by utilising the Division's overall underspend, 16 cameras can be replaced this financial year at a cost of approxiamtely £295k.

## **Waiver of Financial Regulations**

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning and (where over £100,000) approval of the Portfolio Holder and report use of this exemption to Audit Sub committee bi-annually. Since the last report to the Executive, no waivers over £50k have been actioned.

1) a 1 year extension of the Stray Dog service and Pest Control contract with SDK from 1st February 2021 to 31st January 2022. The annual contract value is £94k resulting in cumulative spend with SDK of £879k

## **Virements Approved to date under Director's Delegated Powers**

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

Report No.  
ES20076

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PORTFOLIO HOLDER FOR PUBLIC PROTECTION & ENFORCEMENT

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

**Date:** 16<sup>th</sup> March 2021

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

**Title:** DRAFT PRIVATE RENTED SECTOR HOUSING ENFORCEMENT POLICY 2021

**Contact Officer:** Joanne Stowell – Assistant Director of Public Protection

Tel:020 8313 4322 e-mail: joanne.stowell@bromley.gov.uk

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

**Ward:** (All Wards)

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## **1.0 Reason for report**

- 1.1 To present the Council's draft Private Rented Sector Housing Enforcement Policy 2021 (draft PRSHEP 2021 Appendix 1) for public consultation. The Council has legal duties to ensure that accommodation in the private rented sector meets minimum housing management, health and safety standards and to deal with landlords and letting agents that fail to meet those standards.
- 1.2 In February 2020 Public Protection refreshed their overarching enforcement policy, and this is the parent policy that sets out the principles that Officers of the services within Public Protection will apply when undertaking regulation enforcement activities. However, given the range of enforcement options relating to the housing sector, a supplementary enforcement policy (Appendix 1) for this area is warranted; for example, the Housing and Planning Act 2016 brought in a number of new enforcement tools, including Civil Penalty Notices as an alternative to prosecution. The measure was introduced to meet the Government's aim of clamping down on 'rogue' landlords and letting agents and reduce offending. Before these penalties can be applied, it is a requirement to publish a policy that demonstrates the decision making that will be taken into account (Appendix 2). The same applies to the penalties that can be applied under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015), which requires that a statement of intent be published (Appendix 3).
- 1.3 This draft PRSEP 2021 presents the option of civil penalties, and it further provides:
- a transparent rationale as to how the Private Rented Sector Housing Team (PRSH Team) provides the service to different tenures (Appendix 1 section 3),
  - the circumstances it takes into account should a service be withdrawn (Appendix 1 section 4), and
  - the discretion that will be used when considering formal enforcement action against Category 2 Hazards pertaining to (amongst other issues) uncontrolled fire and smoke (Appendix 1 section 5.12 and 3.10 below)
- 

## **2.0 Recommendations**

### **The Portfolio Holder for Public Protection and Enforcement is asked to:**

- 2.1 Agree that the draft Private Rented Sector Housing Enforcement Policy 2021 (PRSEP) attached to this report (Appendix 1), and the subsequent appendices for Civil Penalties Policy imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016 at Appendix 2 and the Statement of Principles for the determining of financial penalties under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (Appendix 3) be approved for 6 week public consultation (1<sup>st</sup> April – 13<sup>th</sup> May 21).
- 2.2 Agree that delegated authority be given to the Director of Environment and Public Protection, in consultation with the Portfolio Holder for Public Protection

and Enforcement to make amendments to the Policy, following the consultation should it be required.

- 2.3 Present the results from the consultation and the finalised policy at the next PP&E PDS committee meeting on 22<sup>nd</sup> June 2021.
- 2.4 Recommend the adoption of the finalised enforcement policy by the Portfolio Holder on the 22<sup>nd</sup> June 21.
- 2.5 Agree that delegated authority be given to the Director of Environment and Public Protection, in consultation with the Portfolio Holder for Public Protection and Enforcement to make minor amendments to the Policy post adoption, should it be required.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Housing is an essential basic need for all, and the private rented sector (PRS) plays an increasingly important role in housing people. Conditions in this sector are not always at an acceptable standard, and poor conditions can compromise health and wellbeing, and have a disproportionate impact on the vulnerable tenants they house. While conditions are improving, thanks to existing legislation and inspection regimes, there is still more to be done. The Housing and Planning Act 2016 extends the powers that local councils have to take enforcement action to improve standards in their local PRS, and crack down on rogue landlords, thus improving standards in this sector. This will have a positive impact on all tenants and will protect the most vulnerable.

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### Corporate Policy

1. Policy Status: New 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: Public Protection – Housing Enforcement
4. Total current budget for this head: £101k
5. Source of funding: Existing controllable revenue budget 2020/21

### Personnel

1. Number of staff (current and additional): No additional staffing anticipated due to the policy.
  2. If from existing staff resources, number of staff hours:
- 

#### Legal

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

#### Procurement

1. Summary of Procurement Implications: Not Applicable

#### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough wide impact on those people living in private rented sector housing.#

#### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 The London Borough of Bromley ('The Council') is responsible for enforcing a wide range of statutory provisions relating to private sector housing and environmental conditions affecting health, wellbeing, and safety, these include:
  - Reducing the number of properties with serious risks to health and safety
  - Improving energy efficiency, warmth of homes and help reduce fuel poverty
  - Improving standards in Private Sector (PS) and Private Rented Sector (PRS) accommodation
  - Improving the standards in HMOs (houses in multiple occupation).
- 3.2 Bromley has a lower proportion of homes managed by Registered Social Landlords (RSLs) than anywhere else in London (14%, compared to an average of 23%), furthermore, home ownership is high (73% of housing is privately owned, compared to an average of 50% across London). Whilst the private rented sector (PRS) has grown steadily in recent years, it too remains relatively small – 14% of all housing, compared to an average of 27% across London. Notwithstanding this, the PRS plays an important part in the housing provision within Bromley, it often accommodates the most vulnerable of our residents, and whilst it is recognised that the majority of this housing is in good condition and well managed, there are landlords who allow their properties to fall below acceptable standards, and it is within sector that the majority of enforcement takes place.



3.3 The draft PRSHEP 21 (Appendix 1) is specific to the investigation of housing conditions and enforcement action taken by the PRSH Team for this sector. Notwithstanding this, it is intended to be read in conjunction with the overarching Public Protection Enforcement Policy 2020 (PPEP 2020), that was developed with regard to the Regulators' Compliance Code (RCC). The RCC requires a risk-based approach and proportionality to regulatory enforcement, together with relevant policy and guidance, and these principles also apply within this draft PRSHEP 21. As such, the initial approach will still be to secure and encourage compliance through assistance education where possible and appropriate.

3.4 The purpose of the proposed PRSEP 21 is to set out:

- The areas of legislation used by the PRSH Team
- The service offer provided to different tenure groups (Appendix 1 section 3)
- The situations whereby the service may not be provided (Appendix 1 section 4.2)
- The discretion that will be used when considering formal enforcement action against Category 2 Hazards pertaining to (amongst other issues) uncontrolled fire and smoke (Appendix 1 section 5.12 and paragraph 3.10 below)
- The circumstances in which a financial penalty will be used, and the various factors taken into consideration in setting the appropriate penalty (Appendix 1 section 6 and Appendix 2 and 3).

### **Service Offer to Tenure Groups**

3.5 The enforcement of housing legislation is tenure neutral, however, generally the Council considers that owner-occupiers are usually in a position to take informed decisions concerning maintenance and improvement issues that might affect their welfare and are then able to set their financial priorities accordingly; tenants however, are not always able to do so. For this reason, the Council proposes that it is appropriate for its powers to be used according to tenure, as clearly set out in the draft PRSEP 21 (Appendix 1 Section 3). In brief, save for exceptional circumstances that pertain to the vulnerability of the occupier/tenant, or imminent life and limb issues, the following enforcement response will be applied to the following tenure groups:

- **Owner Occupiers:** The Council will not generally take enforcement against this tenure (Appendix 1 section 3.2);
- **Private Tenants:** Enforcement for this tenure group will only commence once tenants have notified their landlords of the problem, and given them an opportunity to rectify the problem, in accordance with legislation (Appendix 1 section 3.3);
- **Registered Social Landlords (“RSL”):** This service will not normally take action against an RSL, unless the problem in question has been properly reported to the RSL, and they have failed to take the appropriate action and the tenant has been to the Housing Ombudsman without a satisfactory result (Appendix 1 Section 3.4);

- **Leaseholders:** Other than in exceptional cases (on a case by case basis), the Council expects long leaseholders to invoke the terms of their lease to remedy problems of disrepair or nuisance themselves.

### **Situations Where the Service May Not be Provided**

- 3.6 There may be occasions where an investigating officer cannot substantiate the complaint. When this arises, the person who has raised the issue will be informed that Council will not take any further action.
- 3.7 There are other circumstances that may result in the cessation of an investigation, or the withdrawal of service, these are listed in Appendix 1 section 4.2 and include (but are not limited to) situations where:
- The landlord of the property has initiated eviction proceedings where there has been a breach of tenancy agreement
  - The tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, for works to be carried out
  - The tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair
  - A tenant does not want their present accommodation to be brought up to standard, and the only reason for contacting the Private Rented Sector Housing Enforcement Team is to secure rehousing
  - The tenant(s) have been aggressive, threatening, verbally or physically abusive or shown racist behaviour towards officers, or has made spurious and/or unsubstantiated allegations.
  - The tenant(s) make repetitive complaints and allegations which disregards the responses the Council has supplied in previous correspondence to the complainant or their representative(s).

### **HOUSING, HEALTH AND SAFETY RATING SYSTEM (HHSRS)**

- 3.8 HHSRS is set out in Part 1 of the Housing Act 2004 (the Act), and the Council will base enforcement decisions in respect of residential premises on assessments made under that system. It is a risk-based approach consisting of 29 hazards. In undertaking an inspection of a dwelling, an Environmental Health Officer (or other suitably qualified Officer), undertakes an assessment of the potential risks to health and safety from any deficiencies identified in a dwelling. The officer will then determine whether any enforcement action is required depending upon the severity of the hazard, or whether there is a duty or discretion to act.
- 3.9 In the case of hazards determined under the HHSRS, the Council has a statutory duty to act in the case of Category 1 hazards, and a power to act in the case of Category 2 hazards (Appendix 1 Section 5).
- 3.10 This draft PRSEP 21 proposes that the Council will exercise its power to deal with Category 2 hazards formally for those hazards that it considers to be significant. Whilst it is not possible to be prescriptive, factors that may be

considered to assist in the determination of which hazards are deemed to be significant include one or more of the following:

- Whether the hazard pertains to threats from uncontrolled fire (and smoke);
- Whether there are multiple hazards within the property;
- Whether there is a vulnerable individual or group in occupation or likely to be in occupation.
- Whether or not it is reasonable to assume the conditions are likely to deteriorate in the next 12 months.

### **Financial Penalties**

3.11 The Government announced the introduction of civil penalties (under the Housing and Planning Act 2016) for certain housing offences with a press release entitled: “Tougher measures to target rogue landlords – New rules will help crackdown on rogue landlords that flout the rules and improve safety and affordability for renters”. The aim is for more enforcement action to be taken against the small minority of landlords and letting agents who neglect their responsibilities and do not comply with the legislation.

3.12 These new powers were introduced to help local authorities take more enforcement action against rogue landlords; the civil penalties can be applied as an alternative to prosecution for certain housing offences, and these give the option to impose a penalty of up to £30,000 depending on the offence.

3.13 Local authorities are entitled to retain any monies collected, provided they are used to fund private sector housing enforcement functions. However, before any financial penalties can be issued, statutory guidance requires the council to develop and document a policy which sets out when it should prosecute and when it should impose a financial penalty, and the level of financial penalty it should impose in each case.

3.14 In order that the Council can impose these penalties, it is necessary to publish the decision-making process in determining them. Appendix 2 – Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016 sets out how the Council will consider applying penalties, and lists the offences for which a penalty can be imposed, these include:

- Failing to comply with an Improvement Notice
- Failing to licence a house in multiple occupation (“HMO”)
- Failing to comply with the condition of an HMO licence
- Breaching a banning order

### **Consultation**

3.15 As required by the Regulators’ Code, Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce, as such; it is proposed that a public consultation exercise be undertaken through publishing the draft PRSHEP 21 and associated appendices on the Council’s website and inviting comments.

3.16 Details of any representations and the result of the consultation will be reported to PP&E PDS on the 22<sup>nd</sup> June 2021, and the proposed final report will also be presented at this meeting.

3.8 The timetable for consultation is below:

Draft Policy to PP&E PDS	16 <sup>th</sup> March 21
Public Consultation	1 <sup>st</sup> April – 13 <sup>th</sup> May 21
Consideration of Policy in response to consultation and presentation of proposed final policy	22 <sup>nd</sup> June 21
Adoption of Policy by Portfolio Holder	22 <sup>nd</sup> June 21

#### **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

4.1 Housing is an essential basic need for all, and the private rented sector plays an increasingly important role in housing people. Conditions in this sector are not always at an acceptable standard, and poor conditions can compromise health and wellbeing, and have a disproportionate impact on the vulnerable tenants they house. While conditions are improving, thanks to existing legislation and inspection regimes, there is still more to be done. The Housing and Planning Act 2016 extends the powers that local councils have to take enforcement action to improve standards in their local PRS and crack down on rogue landlords. Improving standards in this sector will therefore have a positive impact on all tenants and will protect the most vulnerable.

#### **5. POLICY IMPLICATIONS**

5.1 Regulation of housing standards in the PRS is highly beneficial improving health and wellbeing outcomes for all those living in this type of tenure. It will also assist in providing a level playing field ensuring landlords complying and often exceeding minimum standards are not financially undercut by others entering the sector offering unsatisfactory rented accommodation. The Policy will also assist landlords in this sector to understand their obligations and ensure the Council behaves in a transparent and consistent manner.

5.2 The draft PRSHEP 21 supports the aims of the Council's Housing Strategy 2019 – 2029 as it seeks to improve standards within this sector.

#### **6. FINANCIAL IMPLICATIONS**

6.1 It is not envisaged that the current level of enforcement activity is likely to increase because of the creation of this policy. The existing staff within the Private Rented Sector Housing Team will be responsible for applying the policy

in the course of their day to day work. and therefore no additional costs are anticipated.

6.2 The introduction of Civil Penalty Notices will generate a means of recovering the Council's costs regarding this work stream as well as a deterrent for rogue landlords. Therefore, although potential penalties for non-compliance are significant, service managers anticipate that landlords are unlikely to remain non-complaint and this is not anticipated to result in a significant new source of revenue income. Any penalties that are levied would be retained by the Council and this activity will be kept under review as part of the budget monitoring process.

## 7. LEGAL IMPLICATIONS

7.1 The policy is intended to support the enforcement activities of the Private Rented Sector Housing Enforcement Team.

7.2 The Housing Act 2004 was amended by the Housing and Planning Act 2016 to allow local authorities to use enforcement powers and impose a financial penalty as an alternative to prosecution for certain housing offences. The law allows a maximum financial penalty of £30,000 to be imposed per offence. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 ("the Regulations") also provide the ability for Officers to serve a notice should the required duties within the Regulations be contravened.

7.3 The draft policy will be subject to public consultation and officers will consider representations made.

<b>Non-Applicable Sections:</b>	Procurement Implications Personnel Implications
Background papers	House of Commons Library – Private Rented Sector 2017 <a href="https://commonslibrary.parliament.uk/research-briefings/cbp-7328/">https://commonslibrary.parliament.uk/research-briefings/cbp-7328/</a>

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## Private Rented Housing Enforcement Policy

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## 1.0 Introduction

- 1.1 The London Borough of Bromley ('The Council') is responsible for enforcing a wide range of statutory provisions relating to private sector housing and environmental conditions affecting health, wellbeing, and safety, these include:
- reducing the number of properties with serious risks to health and safety.
  - improving energy efficiency, warmth of homes and help reduce fuel poverty.
  - improving standards in private rented sector (PRS) accommodation.
  - improving the standards in HMOs (houses in multiple occupation).
- 1.2 This Private Rented Sector Housing Enforcement Policy (PRSHEP) policy is specific to the investigation of housing conditions and enforcement action taken by the Private Rented Sector Housing Team (PRSH Team); but is intended to be read in conjunction with the overarching Public Protection Enforcement Policy 2020 (PPEP 2020). The policy cannot be absolutely prescriptive because the circumstances of each individual case and the evidence available must be taken into account. However, this policy should leave most readers in little doubt as to what they can expect by way of enforcement.
- 1.3 In determining this policy, stakeholders have been consulted and current government guidance and relevant codes of practices have also been considered. In particular the requirements of the Legislative and Regulatory Reform Act 2006 (the "2006 Act"), the Enforcement Sanctions Act 2008 and the Regulators' Code (2014) made under that Act have been taken into account. In doing so, this policy seeks to ensure that the application of any enforcement is founded around the principles of:
- Raising awareness
  - Proportionality and accountability
  - Consistency in approach
  - Transparency and
  - Targeted
- 1.4 The methodology and reasoning behind investigations, information requirements, Cautions, Prosecutions, Evidential Tests and the Public Interest Test are the same as stated within the PPEP 2020.

## 2.0 Purpose and Scope

- 2.1 The PRSHEP contributes to the Council's key priorities of a quality environment, regeneration, supporting independence and a healthy Bromley.
- 2.2 The Council will utilise a range of delegated powers to deal with statutory nuisance from property, hazards and amenity standards in the home which affect the health, safety, comfort and convenience of occupiers, visitors, and the public.
- 2.3 The purpose of the PRSEP is to outline the areas of legislation used by the PSH Team, and to set out the Councils policy where the legislation permits discretion. The PRSHEP 21 sets out the:



- investigative pathway associated with different tenures (section 3)
- how the PSH Team will respond to service requests in relation to enforcing housing standards, and the situations where a service may not be provided (Section 4)
- the enforcement actions that will be considered to secure housing improvements (Section 5)
- the range of proactive and statutory actions to improve housing standards that are available (Section 6)
- The Charges for Notices, and the use of Civil Penalties (Section 7)
- The complaints process (Section 8)

The extent of enforcement will be related to the risk posed by the condition or situation and the likely benefits achieved by compliance. In accordance with requirements, a policy and statement of intent on how Civil Penalties and smoke and carbon monoxide alarm requirements will be applied are set out in Appendix 3 (Civil Penalties Policy under the Housing Act 2004 and the Housing and Planning Act 2016) and Appendix 4 (Statement of Principles for the determining of financial penalties – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015) respectively.

### 3. Tenure Groups

- 3.1 The Private Sector Housing Service has investigative and enforcement powers relating to all housing tenure. All enforcement options are available to the Council regardless of whether the premises in question are owner-occupied, privately rented or belong to a Registered Social Landlord (RSL). Generally, the Council considers that owner-occupiers are usually in a position to take informed decisions concerning maintenance and improvement issues that might affect their welfare and are then able to set their financial priorities accordingly; tenants however, are not always able to do so. For this reason, the Council proposes that it is appropriate for its powers to be used according to tenure, as follows:

#### 3.2 Owner Occupiers

As owner occupiers are ordinarily able to make informed decisions about maintenance or safety issues in their homes, formal enforcement action against this tenure group is ordinarily limited, however, there may be exceptions including:

- Vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected.
- Hazards that might reasonably affect persons other than the occupants.
- Serious risk of life-threatening harm such as electrocution or fire.

Unless an identified hazard is judged to pose an imminent risk of serious harm, the Council will contact the owner to confirm its involvement, explain the nature of the hazard and confirm the action it is intending to take, or, if deemed appropriate, refer them to the Home Improvement Team for assistance. The Council will take account of any proposals or representations made by, or on behalf of the owner. The Council will solicit and take account of the opinion of

the relevant Welfare Authority in considering both the vulnerability and capability of such persons as well as in determining what action it will then take.

### 3.3 Private Tenants

Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property. This reasonably affords landlords an opportunity to carry out their obligations under the legislation. Where the matter appears to present an imminent risk to the health and safety of the occupants, it is expected that tenants will continue to try to contact their landlord, even if this is after they have contacted the Private Sector Housing Team. Copies of correspondence between the landlord and tenant should be provided for Officers. In certain situations, tenants will not be required to write to their landlord first, for example:

- where the matter appears to present an imminent risk to the health and safety of the occupants.
- where there is a demonstrable history of harassment/threatened eviction/poor management practice.
- where the tenant could not for some other reason be expected to contact their landlord/managing agent.

For private tenants who rent through a Lettings Agency or Property Management company, there is a requirement for them to belong to a Government approved redress scheme in accordance with the Enterprise and Regulatory Reform Act 2013. These tenants therefore have the right to complain to an independent person about the service they receive which should assist in settling disputes.

Letting Agents and Property Management companies that fail to belong to a redress scheme may be subject to enforcement action from the Council's Trading Standards Team. For further information please refer to the London Trading Standards – Model London Lettings Enforcement Policy ([add link](#)).

### 3.4 Registered Social Landlords (“RSL”)

These are usually housing associations, being a private, non-profit making organisation that provides low cost “social housing” for people in need. Their performance is scrutinised by the Homes and Communities Agency and the Housing Ombudsman. RSL's have written arrangements for reporting problems and clear response times for addressing these issues, in addition to having systems for registering any complaints about service failure. This service will not normally take action against an RSL, unless the problem in question has been properly reported to the RSL, they have failed to take the appropriate action and the tenant has been to the Housing Ombudsman without a satisfactory result. The Council will consider enforcement action against an RSL where there are significant risks to the health and safety of tenants and/or the wider public.

### 3.5 Leaseholders

Other than in exceptional cases (on a case by case basis), the Council expects long leaseholders to invoke the terms of their lease to remedy problems of disrepair or nuisance themselves. Leaseholders may be able to get advice about how to settle a dispute about repair problems from the:

Leasehold Advisory Service –  
31 Worship Street,  
London E2CA 2DX,  
Telephone 020 7374 5380  
[info@lease-advice.org.uk](mailto:info@lease-advice.org.uk)

Leaseholders may need to consult a solicitor specialising in leasehold law.

### 3.6 Caravan Sites

The use of land as a caravan site usually requires a caravan site licence under the Caravan Sites and Control of Development Act 1960 and the Council may impose site licence conditions. The Council can take enforcement action should a site be operating without a licence or where site licence conditions are not being met.

### 4.0 Reporting Poor Housing Conditions

- 4.1 Our online reporting form can be used to report housing complaints via [https://www.bromley.gov.uk/info/200052/housing\\_advice\\_and\\_options/291/disrepairedaccommodation/7](https://www.bromley.gov.uk/info/200052/housing_advice_and_options/291/disrepairedaccommodation/7)

You can also contact The London Borough of Bromley, by telephone on 0300 303 8657, by email to [ehs.customer@bromley.gov.uk](mailto:ehs.customer@bromley.gov.uk) or by letter to the following address:

Housing Enforcement N112  
The London Borough of Bromley  
Civic Centre  
Stockwell Close  
Bromley  
BR1 3UH

When reporting an issue, it is useful for us to have as much information as possible, such as:

- Description and photographs of the disrepair issue and affected room.
- How long the item of disrepair has been present.
- When the responsible party (i.e. landlord or management agent) for the property was notified of the problem, and copies of the correspondence.
- Following notification, the response (if any) from the responsible party.
- Address of property concerned
- Name/address/telephone number of owner/landlord/managing agent
- Name/address/telephone number of complainants
- If rented when they started tenancy & type of tenancy agreement held.

Unless there is an imminent risk or danger, anonymous complaints will not be investigated; on receipt of the above the Council will contact the person responsible, allowing them 14 days to make representations and providing them an opportunity to carry out the works.

### **4.2 Situations Where a Service May Not be Provided**

There may be occasions where an investigating officer cannot substantiate the complaint. When this arises, the person who has raised the issue will be informed that Council will not take any further action.

There are other circumstances that may result in the cessation of an investigation, or the withdrawal of service, these include (but are not limited to):

- the complaint has been withdrawn and does not warrant further investigation.
- the tenant(s) are, shortly to move out of the property by their own choice.
- the complaint relates to minor disrepair only.
- the landlord of the property has initiated eviction proceedings where there has been a breach of tenancy agreement.
- the tenant(s) unreasonably refuse access to the landlord, managing agent or landlord's builder, for works to be carried out.
- the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property they are complaining about, and there are no other items of disrepair.
- a tenant does not want their present accommodation to be brought up to standard, and the only reason for contacting the Private Sector Housing Enforcement Team is to secure rehousing.
- the tenant(s) has failed to follow the appropriate process.
- the tenant(s) have failed to keep an appointment and not responded to a follow up letter or appointment card.
- the tenant(s) unreasonably refuses to provide the Council with relevant documentation, e.g. a tenancy agreement or notice seeking possession.
- the Complainant has continually submitted additional complaints related in whole or in part to an initial complaint already submitted and under investigation or which has been fully investigated and the Council's duty discharged.
- the tenant(s) have been aggressive, threatening, verbally or physically abusive or shown racist behaviour towards officers, or has made spurious and/or unsubstantiated allegations.
- make repetitive complaints and allegations which disregards the responses the Council has supplied in previous correspondence to the complainant or their representative(s).

### **5. Enforcement Responsibilities and Options**

- 5.1** In circumstances where enforcement responsibility is shared between or rests fully with external organisations, officers will have regard to protocols agreed with other enforcement agencies. Where appropriate, officers will ensure that

referrals are passed to the appropriate enforcing authority promptly and in accordance with any agreed procedure.

**5.2** We will minimise the costs of compliance for residents and landlords by ensuring that any action required is proportionate to the risks involved or seriousness of any breach. As far as the law allows, we will take account of the circumstances of the case and the attitude of the owner or agent when determining what action to take. We will have regard to various courses of remedial action and will consider what is 'reasonably practicable'.

### **5.3 Housing, Health and Safety Rating System (HHSRS)**

**5.4** HHSRS is set out in Part 1 of the Housing Act 2004 (the Act), and the Council will base enforcement decisions in respect of residential premises on assessments made under that system. It is a risk-based approach consisting of 29 hazards. In undertaking an inspection of a dwelling, an Environmental Health Officer (or other suitably qualified Officer), undertakes an assessment of the potential risks to health and safety from any deficiencies identified in a dwelling. The officer will then determine whether any enforcement action is required depending upon the severity of the hazard, or whether there is a duty or discretion to act.

**5.5** Where a Category 1 hazard exists, The Council has a duty to act, however, with regards to Category 2 hazards, the power to act is discretionary, and there is an option to take informal action with a landlord where there is a low risk to health and safety and where there is no history of non-compliance from the landlord.

**5.6** Action by the Council will be based on a three-stage consideration:

- The hazard rating determined under HHSRS;
- Whether the authority has a duty or power to act, determined by the presence of a hazard above or below a threshold prescribed by Regulations (Category 1 and Category 2 hazards); and
- The authority's judgement as to the most appropriate course of action to deal with the hazard.

**5.7** The Act contains enforcement options, and the choice of the most appropriate course of action is decided having regard to statutory enforcement guidance.

### **5.8 Legislation, Action and Powers**

**5.9** In addition to HHSRS, there are other legislation and regulations under which the team's responsibilities as a Housing Authority will be taken into account, these include (but are not limited to):

- The Public Health Act 1936 and 1961
- The Prevention of Damage by Pests Act 1949
- Caravan Sites Act 1968 (as amended by the Mobile Homes Act 2013)
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982
- Protection from Eviction Act 1977

- The Building Act 1984
- The Housing Act 1985
- The Environmental Protection Act 1990
- The Housing Act 2004
- The Regulatory Reform Order 2005
- The Management of HMOs (England) Regulations 2006
- Enterprise and Regulatory Reform Act 2013
- Deregulation Act 2015
- The Energy Efficiency (Private Rented Property) (England & Wales) Regulation 2015
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- The Housing and Planning Act 2016
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

- 5.10 Authorised officers can inspect and survey the entire premises, take samples, and use equipment to take measurements and photographs where appropriate.

There are several actions officers may take and these will depend on the circumstances of the case:

- **Take no action** – Where premises are found to be satisfactory.
- **Take informal action** - Informal action will be taken where insignificant Category 2 hazards are found and recommendations are being made.
- **Take formal enforcement action** – This action will normally be the first course of action following the inspection where a Category 1 hazard, or where a significant category 2 hazard is identified.

Where an officer identifies an imminent risk of serious harm the officer will make every effort to contact the owner to give them the opportunity to remedy the situation within a short timescale.

### 5.11 Informal Action

This may include:

- Offering advice.
- Making recommendations verbally or by letter.
- Making written requests for action. These will include letter, schedule or a pro-forma requesting timescales for the start and completion of any works.
- Discussing options with owners.

### 5.12 Formal Action

In the case of hazards determined under the HHSRS the Council has a statutory duty to act in the case of Category 1 hazards and a power to act in the case of Category 2 hazards.

The Council will exercise its power to deal with Category 2 hazards formally for those hazards that it considers to be significant. Whilst it is not possible to be prescriptive in describing all hazards which the Council would deem to be

significant, factors that may be considered to assist in the determination of which hazards are deemed to be significant include one or more of the following:

- Whether the hazard pertains to threats from uncontrolled fire (and smoke).
- Whether there are multiple hazards within the property.
- Whether there is a vulnerable individual or group in occupation or likely to be in occupation.
- Whether or not it is reasonable to assume the conditions are likely to deteriorate in the next 12 months.

Informal action is still an option to the Council where the Category 2 hazard is deemed to be insignificant by the Officer.

**5.13 In relation to the above enforcement options for hazards, the following enforcement notices will be considered, depending on the severity and or number of the hazards identified:**

- Serve a Hazard Awareness Notice.
- Serve an Improvement Notice requiring remedial works.
- Make a Prohibition Order, which closes the whole or part of a dwelling or restricts the number or class of permitted occupants or restricts its use.
- Serve an Emergency Prohibition Order; \*
- Suspend any of the above, until a date or time specified.
- Take Emergency Remedial Action; \*
- Make a Demolition Order; \*\*
- Declare a Clearance Area\*\*
- Apply for an Empty Dwelling Management Order\*\*

*\* Only in respect of Category 1 hazards*

*\*\*Circumstances for these Notices are stated in Appendix 1 (Demolition, Empty Dwelling Orders and Clearance Areas)*

**5.14 In addition to the above, alternative or additional Notices may be considered under the legislation listed in 5.9 depending on the circumstances. This includes all legislation that pertains to gathering information as part of a PSH enforcement investigation, these include (but are not limited to)**

- Section 16 Local Government (Miscellaneous Provisions) Act 1976, (Requisition for Information Notice);
- Section 235 Housing Act 2004 - (Requisition for Documents Notice)

Failure to respond to either of the above notices within the specified time frame is a criminal offence and may lead to prosecution. These notices do not register as a Land Charge and are not included on the Council's Enforcement Register.

**5.15 Enforcement Considerations**

**5.16 In determining which of the above courses of action to take, the Council may take the following factors into consideration:**

- The current occupiers, if any, and their views as to what should happen.
- Likely regular visitors and any vulnerabilities.
- The turnover of tenancies.
- The risk of excluding vulnerable groups of people from the private rented sector.
- The size, type, and location of the property.
- The sustainability of an area – if it has been identified for potential demolition within an Area Action Plan.
- The views of the owner(s).
- In the case of demolition or clearance the views of residents, businesses and Councillors will also be considered.

5.17 In the event that a Notice is Suspended, these will be reviewed at least annually, and The Council will consider requests to vary or revoke an improvement notice or a prohibition order. In doing so they will have consideration to some or all of the following factors:

- The views of the Fire Authority, where appropriate.
- The risk presented by the hazard and the potential effect of any variation.
- The level of confidence in the recipient to respond and their history of compliance or otherwise.
- The progress made with any other work specified in the Notice or Order.
- The costs of any works in relation to the benefit to be derived from them.
- Any additional unforeseen works which become apparent during the course of remedial works.

If the Council considers that there are special circumstances in relation to a Prohibition Order or an Improvement Notice, it may revoke the order or notice.

### **5.18 Entering A Property and Powers of Entry**

5.19 Where practicable, landlords and/or agents will be given 24 hours' notice of the Council's intention to carry out an inspection of the property as per the requirements of section 239 Housing Act 2004.

5.20 If the landlord/agent or representative wishes to attend the inspection they must also provide the tenant with the necessary notice. After the inspection, whilst onsite, the Council will discuss the findings of the inspection and the possible options to reduce or remove the hazards, if requested to do so by the landlord/agent or representative and it is practicable to do so. This is only available when the landlord/agent or representative attends the property for the inspection. The Council will rate the hazards using the HHSRS and serve any relevant notices as soon as is practicable. It should be noted, however, that any works discussed with the landlord/agent or their representative will be before the deficiencies have been scored using the HHSRS and this could impact upon the assessment.

5.21 There may be times where Officers need to enter a premises, in these cases, the warrant will be sought under the appropriate Act being used, this can include powers of entry under:



- The Housing Act 2004 section 239
- The Environmental Protection Act 1990 – Schedule 3, para. 2,
- Prevention of Damage by Pests Act 1949 – Section 22,
- The Public Health Act 1936 – Section 287,
- The Building Act 1984 – Section 95, and
- The Local Government and Housing Act 1989 – Section 97.

5.22 The power of entry is to enter the land or premises at any reasonable hour for the purpose of carrying out an inspection and/or investigation either required by the legislation or in order to ascertain if any part of the relevant legislation should apply. When using a power of entry, the associated advanced notice as required by the various Acts will be provided to the owner/landlord/responsible party.

5.23 If officers are refused entry, the Council has the right to apply to the Magistrates Court for a warrant to enter the land/property. This course of action will only be taken in cases where it is considered both necessary and proportionate to the matter under investigation. Any person who wilfully obstructs an authorised officer acting in exercise of a right of entry commits an offence and may be liable on summary conviction to a fine, the level of which is specified by the respective legislation:

### **6.0 Charges for Notices and Financial and Civil Penalties**

#### **Charges for Notices**

6.1 Enforcement means an action carried out in exercise of or against the background of enforcement powers. This is not limited to formal enforcement action such as prosecution, service of legal notices, and application for a rent repayment order or the issue of civil penalty notices. It includes inspections or investigations related to property or land and any relevant person where the purpose is checking compliance with legislation or to give advice to help comply with the law.

6.2 Having regard to the relevant statutory power, and where the law allows, a financial charge will be made for the service of all Housing Act notices and the making of Prohibition Orders. There is no maximum charges, and the final charge will be based on the full cost to the Council of taking the action including inspection, preparation, and service of the notices. Any action to recover costs and expenses will be in accordance with the requirements of the relevant Acts. (See Appendix 2 Charges for Notices).

6.3 In respect of formal notices served in relation to significant Category 2 hazards, this charge may be waived at the Council's discretion when required works as specified within the Notice are completed to the satisfaction of the Officer within the specified timeframe (See Appendix 2 Charges for Notices).

6.4 Costs incurred carrying out Work in Default or Remedial Action will be charged separately. When the charge demand becomes operative, the sum recoverable will be a local land charge. Costs will be charged at an hourly rate for the enforcement officer, administration and management costs. For more

information see the Council's Works in Default Procedure. (See Appendix 2 Charges for Notices)

### Civil Penalties

- 6.3 The Government has introduced legislation that gives the council the option to impose a financial penalty of up to £30,000 as an alternative to prosecution for certain housing offences. These new powers were introduced to help local authorities take more enforcement action against rogue landlords.
- 6.5 Specifically, the Housing and Planning Act 2016 Act gives the council the power to issue Civil Penalty notices of up to £30,000 as an alternative to prosecution, where there is evidence beyond reasonable doubt of certain offences i.e. failure to:
- Comply with an improvement notice
  - License a property which requires a licence
  - Comply with licence conditions or occupancy requirements
  - Comply with an overcrowding notice
  - Comply with HMO management regulations requirements
  - Failing to licence a house in multiple occupation ("HMO")
  - Knowingly permitting the over-occupation of a licensed HMO
  - Failing to comply with the condition of an HMO licence
  - Failing to comply with an overcrowding notice in respect of a non-licensable HMO
  - Failing to comply with HMO management regulations; and
  - Breaching a banning order.
- 6.6 Local authorities are entitled to retain any monies collected, provided they are used to fund private sector housing enforcement functions. However, before any financial penalties can be issued, statutory guidance requires the council to develop and document a policy which sets out when it should prosecute and when it should impose a financial penalty, and the level of financial penalty it should impose in each case.
- 6.7 Civil Penalties can be used where a breach is serious and the council may determine that a significant financial penalty (or penalties if there have been several breaches), rather than prosecution, is the most appropriate and effective sanction in a particular case. The government have issued statutory guidance to councils on the use of Civil Penalty notices under the 2016 Act. The council has also published its own policy (Appendix 3 Civil Penalties Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016) on how it will decide on the level of financial penalty which is in accordance with the government guidance.

The decision when to prosecute, agree a simple caution or when to issue a civil penalty will be made on a case-by-case basis in line with this policy and current guidance.

- 6.8 The upper limit for fines in the magistrates' court has been removed; this means if found guilty of an offence, there is no maximum fine. In some cases, the council can apply to court to recover rent from a landlord if a property has been let illegally. Officers will provide Legal Services with all the relevant information to enable the recovery of costs to be sought at court. Any costs application made is likely to include the time officers have spent investigating a case and the legal costs involved.
- 6.9 Verdicts and sentences in criminal cases are given in open court and are a matter of public record. The council will decide whether to publicise sentences following prosecution on a case by case basis. Publicising guidance has a presumption in favour of publicising outcomes of criminal cases and basic personal information about convicted offenders.
- 6.10 In addition to charges for Notices served under the Housing Act 2004 other Notices served under other legislation or regulations have penalties attached, usually where the Notice served has been contravened. These include (but are not limited to):
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (£5000 maximum) (See Appendix 4 Statement of Intent)
  - The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (£5000 maximum)
  - The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (£5000 maximum)
- 6.11 Each case will be considered on its own merits and the relevant statutory appeal rights are provided with any notice served.

### **7.0 Options Regarding Licensing of Houses in Multiple Occupation (HMO)**

- 7.1 The London Borough of Bromley currently operates the Mandatory HMO Licensing scheme. From 1st October 2018 HMO licences are required for all HMOs of any storey height that are occupied by five or more persons, who form two or more households and share facilities (such as kitchens, living rooms and bathrooms), unless they are exempt. OR Purpose-built flats where there are up to two flats in the block and one or both flats are occupied by 5 or more persons in 2 or more separate households. This will apply regardless of whether the block is above or below commercial premises.
- 7.2 The HMO licensing regime includes arrangements for assessing the suitability of the premises for the number of occupants, including the adequacy of the amenities. It also provides for the assessment of the fitness of a person to be the licence holder and the potential management arrangements of the premises.
- ### **7.3 Licensable HMOs operating without a licence**
- 7.4 It is a criminal offence if a person controlling or managing a licensable HMO does not have the required licence. Failure to comply with any condition attached to a licence is also an offence. The Council will consider all available enforcement options when dealing with unlicensed HMOs and breaches of the licence conditions.

- 7.5 The Council has an intelligence-led, targeted approach to housing enforcement and the identification of licensable HMOs that are operating without a licence. It will vigorously pursue anyone who is controlling or managing a licensable HMO without a licence and, where appropriate, it will prosecute them or impose a civil penalty.
- 7.6 Consideration will be given to any representations that are received from landlords in relation to exceptional circumstances that may have resulted in a 'duly made' HMO licence application not being submitted on time.
- 7.7 If a landlord responds quickly to the Council's notification that an HMO requires an HMO licence and they co-operate fully with the Council to ensure that the HMO is licensed as soon as practicable, the Council may decide (at its sole discretion) not to prosecute the landlord or impose a civil penalty. Each case will be determined on its individual merits and circumstances.
- 7.8 As mentioned above, it is an offence to operate a HMO without a licence and penalties are set out in Appendix 3 (Civil Penalties Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016).
- 7.9 All decisions in respect of HMO licensing will be taken in accordance with the Council's published policy and the appropriate legislation and guidance.

### **8.0 Related policies and Supporting Documents**

- 8.1 A copy of the guidance on civil penalties can be accessed via:  
<https://www.gov.uk/government/publications/civil-penalties-under-the-housing-andplanning-act-2016>

A copy of the Guidance on rent repayment orders can be accessed via:  
<https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housingand-planning-act-2016>

A copy of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015: Q&A booklet for the private rented sector – landlords and tenants can be downloaded from:

<https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords/the-smoke-and-carbon-monoxide-alarm-england-regulations-2015-qa-booklet-for-the-private-rented-sector-landlords-and-tenants>

A copy of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

<https://www.legislation.gov.uk/ukdsi/2020/9780111191934>

A copy of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

<https://www.legislation.gov.uk/ukdsi/2015/9780111128350/contents>

A copy of the Regulators Compliance code can be downloaded from:  
<https://www.gov.uk/government/publications/regulators-code>

A copy of the Enforcement Concordat: Good Practice Guide can be downloaded from  
<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file10150.pdf>

### 9.0 Complaints Relating to this Policy

- 9.1 Should you feel that your request for service or that undertakings in relation to housing enforcement from the Council has not been adequately considered, you may make a formal service complaint by contacting our Corporate Complaints Team.
- 9.2 Prior to doing, the Housing Enforcement Team must have received your complaint directly and you are encouraged to discuss the matter initially with your case Officer first and where necessary the Team Manager or Head of Service.

Corporate complaints may be contacted via:

Corporate Complaints

[corporate.complaints@bromley.gov.uk](mailto:corporate.complaints@bromley.gov.uk)

London Borough of Bromley

Civic Centre

020 8313 4740

Stockwell Close

Bromley

BR1 3UH

### **Appendix 1 Demolition, Empty Dwelling Orders and Clearance Areas**

#### **Making a Demolition Order under section 265 (Housing Act 1985 as amended by section 46 Housing Act 2004)**

This action will be taken when it is considered to be the most appropriate course of action, usually when there are one or more serious category 1 hazards, the property is usually detached or there is a building line separating it from other properties, the adjacent properties will be stable and weatherproof or can readily be made so, it is in a potentially unsustainable area or it is causing severe problems to the amenity of the neighbourhood and repair would be very costly, it is not listed or of other historical interest.

#### **Empty Dwelling Management Orders (EDMOs) under section 133**

In respect of a wholly unoccupied property and in accordance with the Housing Act 2004, Part 4, the Council may consider seeking an interim EDMO by application to First Tier Tribunal (FTT). The Council will only consider using this power as one of last resort and where the property is in a habitable condition or can be made habitable at a reasonable cost and is likely to become occupied if this action is taken.

Under an EDMO the Council does not take over ownership but is entitled to possession of it and can prevent the owner from using it or letting someone else use it while the order is in force

There are two stages of an EDMO:

- Interim EDMO – last for an initial period of 12 months during which time the Council must work with the owner to agree a way of getting the property back into use. The Council would still need to seek the owner's permission to let the property during this period.
- Final EDMO – lasts for a maximum period of 7 years and in this stage the owner has fewer rights in how the property is brought back into use. If the Council does not proceed to make a final EDMO full possession is returned to the owner.

The Council will provide a statement of reasons for any of the above actions. There is however no requirement to provide the inspection report.

#### **Declaring a Clearance Area under section 289 (Housing Act 1985 as amended by section 47 Housing Act 2004)**

This action will be considered where similar circumstances to those for determining if a demolition order exist but where it is necessary for the Council to acquire the land either for its own purposes or to sell on for either new build or other purposes favoured by the majority of persons affected. Area committee views will be relevant to any decision to declare a clearance area. This action will be followed by seeking a compulsory purchase order or voluntary acquisition.

### Appendix 2 Charges for Notices

#### Section 1: Enforcement Fees

Section 49 of the Housing Act 2004 provides the Council with a power to make such reasonable charge as it considers appropriate as a means of recovering certain administrative and other expenses incurred in connection with its enforcement activities under the Act. Other legislation, detailed within this policy, also imposes fees and penalties:

<p><b>Service of Statutory Notices – Housing Act 2004*</b> <i>In respect of formal notices served in relation to significant Category 2 hazards, this charge may be waived at the Council's discretion when required works as specified within the Notice are completed to the satisfaction of the Officer within the specified timeframe</i></p>	£550
<p><b>Works in Default and Remedial Action</b></p>	<p>Based on cost - charged at an hourly rate for the enforcement officer, administration and management costs, in addition to the cost of the works. For more information see the Council's Works in Default Procedure</p>
<p><b>HMO Interim Order &amp; EDMO</b></p>	<p>Based on cost- charged at an hourly rate for the enforcement officer, administration and management costs,</p>
<p><b>Variation Notices</b></p>	<p>No charge unless there are additional units.</p>
<p><b>Revocation Notice</b></p>	<p>No charge</p>
<p><b>Energy Efficiency Contravention Penalties</b></p>	<p>See Chapter 6 of the Regulations</p>
<p><b>Housing Offences subject to a Civil Penalty Notice</b></p> <p><b>Section 30 – Failure to comply with an Improvement Notice.</b></p> <p><b>Section 72 – Licensing of HMOs (House in Multiple Occupation).</b></p> <p><b>Section 95 – Licensing of houses under Part 3.</b></p> <p><b>Section 139(7) – Failure to comply with overcrowding notice.</b></p> <p><b>Section 234 – Management regulations in respect of HMOs.</b></p>	<p>See Appendix 3 Civil Penalties Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016</p>

**Maximum fine if convicted in court for these offences**

If the offender was to be prosecuted and convicted of the same offence for which, the financial penalty could be imposed as an alternative, the maximum fine the court could consider is unlimited.



### Appendix 3 Civil Penalties Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016

#### 1.0 Introduction

- 1.1 The Council is committed to supporting good, responsible landlords and ensuring that residents renting private accommodation in the Borough live in homes that are safe, decent, well managed and properly maintained.
- 1.2 Although the majority of landlords in the Borough operate lawfully and responsibly, a small minority of rogue landlords choose to operate outside the law, knowingly renting out (often to our most vulnerable residents) accommodation that is unlicensed, substandard and/or unsafe.
- 1.3 The Housing and Planning Act 2016 (the 2016 Act) introduced several measures designed to enable Local Authorities to deal more robustly with rogue landlords. These changes included:
- Civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences in the Housing Act 2004
  - Banning orders for the most serious and prolific offenders
  - The extension of rent repayment orders to cover illegal eviction, breach of a banning order and certain other specified offences
  - Powers to require the sharing of certain data held by the three main Tenancy Deposit Protection schemes to assist councils in identifying privately rented accommodation in their area: and
  - A database of rogue landlords and property agents convicted of certain offences.
- 1.4 The Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government) has published Statutory Guidance for Local Housing Authorities in implementing the legislation under Schedule 9 of the 2014 Act (Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities) – hereafter ‘the Guidance’.

In this policy, the term “landlord” will be used to refer to the “owner”, “person having control”, “person managing” or “licence holder”, as defined under the Housing Act 2004.

#### 2.0 Purpose

- 2.1 This Policy outlines the way in which the Council will use these powers, how it will decide when to prosecute or impose a civil penalty and, where the imposition of a civil penalty is considered to be a suitable alternative to a prosecution, how it will determine the amount of that penalty.
- 2.2 Section 126 and Schedule 9 of the 2016 Act provides Local Authorities with the power to impose a civil penalty of up to £30,000 as an alternative to prosecution in respect of the following offences under the Housing Act 2004:
- Failure to comply with an Improvement Notice (section 30).

- Offences in relation to the licensing of Houses in Multiple Occupation (HMO's) (section 72).
- Offences in relation to licensing of houses under Part 3 of the Act (section 95).
- Offences of contravention of an overcrowding notice (section 139) and
- Failure to comply with management regulations in respect of HMO's (section 234).

2.3 Section 23 of the 2016 Act also extends a power to impose a Civil Penalty for the breach of a Banning Order (see Appendix 4). Breach of a Banning Order would be considered a very serious matter and as such the amount of any financial penalty would be considered on a case by case basis, taking account of relevant factors and exceptional circumstances.

### **3.0 General principles**

3.1 The Council will conduct its housing enforcement activities in a manner that is consistent with its obligations under the Regulators Code and in accordance with the above Private Rented Sector Housing Enforcement Policy 21 and the Public Protection Enforcement Policy 2020, that is to say in a manner which is targeted, proportionate, fair and objective, transparent, consistent and accountable.

3.2 Underpinning our enforcement approach are two principles: That offenders pay the cost of the enforcement work we do (rather than good landlords or the taxpayer) and that those who chose to flout the law do not profit from their crimes. This approach ensures that we continuously drive up standards in the sector and improve housing conditions for our residents, whilst at the same time levelling the playing field for good and responsible landlords.

3.3 A Civil Penalty is intended to provide an alternative to prosecution. The Council cannot impose a Civil Penalty and pursue a prosecution for the same offence. Whilst only one Civil Penalty can be issued for each of the first 4 offences in the list set out above, a Civil Penalty can be issued for each separate breach of the HMO Management Regulations (section 234).

3.4 Where an offence has been committed by both a landlord and property/letting or managing agent, (including offences arising from the failure to licence a property), a civil penalty may be imposed on both as an alternative to prosecution. The amount of the penalty imposed on each party may in such cases differ depending on the individual circumstances of the case.

### **4.0 Burden of Proof**

4.1 Although a Civil Penalty is intended as an alternative to prosecution, it should not be considered a lesser or easier option. In all cases where a formal sanction is being considered (whether that be by way of prosecution or the imposition of a Civil Penalty) the supporting evidence must rise to the criminal standard of proof and officers should be satisfied that the evidence is sufficient to demonstrate beyond reasonable doubt that the offence has been committed and such that, if the matter were prosecuted in the Magistrates Court, there

would be a realistic prospect of conviction. The same considerations would apply where a Civil Penalty is imposed, and an appeal is subsequently made to the First-tier Tribunal.

- 4.2 In determining whether the evidence meets this test, the Council will have regard to the Crown Prosecution Service 'Code for Crown Prosecutors'. The Code sets out a two-part test:
1. The evidential test- this involves an objective assessment of all available evidence taking into consideration the admissibility, reliability, and credibility of the evidence.
  2. The public interest test- this involves an examination of the seriousness of the offences, the level of culpability of the offender, the impact of the offence on victims and the community, the age of the offender, whether a prosecution is a proportionate response and the need to protect sources of information.

### **5.0 Decision making - When to prosecute**

- 5.1 The Council will determine, on a case by case basis, whether to instigate prosecution proceedings or issue a Civil Penalty, taking into account all the evidence available and the circumstances of the offence and offender.
- 5.2 In general, prosecution will be reserved for those cases deemed particularly serious or where the offender has committed a similar offence in the past. This does not however mean that Civil Penalties will not be used where serious offences have been committed and in such cases (for what the Guidance refers to as 'the worst offenders') the Council reserves the right to apply the maximum civil penalty where this is considered to be an appropriate and effective sanction.
- 5.3 Prosecution may be appropriate in a case where a strong zero-tolerance message is necessary and where publicising a conviction will serve as a deterrent to the offender and other rogue landlords. A prosecution may also be pursued where this will enable the Council (on the back of a conviction) to apply for a Banning Order under Section 15 of the Housing and Planning Act 2016. Note that the issue of a civil penalty is not generally a matter of public record (although see paragraph below on Rogue Landlords Database).
- 5.4 A prosecution may also be pursued in the following (non-exhaustive) instances:
- Where the offence is not one for which a Civil Penalty may be imposed.
  - Where the case involves external agencies such as LFEP, internal colleagues such as Planning or Trading Standards or other local authorities, where this supports regional or sub-regional activity.
  - Where an individual or company has imperilled the health, safety or wellbeing of occupiers, visitors, or members of the public.
  - Where an individual or company has deliberately, negligently, or persistently breached their legal obligations.

- Where an individual or company has deliberately or persistently ignored written warnings or formal notices /orders, or no reasonable progress has been made in relation to the carrying out of the requirements.
- Where the defendant has assaulted or obstructed an Officer in the course of their duties or provided false information.

All decisions made will need to be properly documented in accordance with this policy

### **6.0 Reviews**

- 6.1 Before imposing a Civil Penalty, the Council must within 6 months of becoming aware of the offence, give the landlord notice of its proposal to do so (“Notice of Intent”), setting out, amongst other things, why it proposes to do so and the level of fine to be imposed. The recipient has a right to make written representations to the Council asking the Council to review its decision, including the decision to sanction him or her, but this must be lodged in a period of not less than 28 days beginning on the day the penalty was served. The Council must consider all representations received and decide whether to confirm, vary or withdraw the Notice. If the Notice is confirmed (i.e. a Final Notice served) and the landlord remains dissatisfied; he has a right of appeal to the First Tier Tribunal.

### **7.0 Civil Penalties - Factors determining the level of penalty**

- 7.1 The Council has the power to impose a Civil Penalty of up to £30,000. There is no minimum penalty. Although the amount of any penalty falls to be determined by the Council, we must have regard to the Guidance when exercising our functions in this respect. Of relevance is Paragraph 3.5 of that document which states that “The actual amount levied in any particular case should reflect the severity of the offence, as well as taking account of the landlords previous record of offending.” The same paragraph goes on to set out several factors that should be taken into account to ensure that the penalty is set at an appropriate level, namely:

#### **a) Severity of the offence.**

The more serious the offence, the higher the penalty should be.

#### **b) Culpability and track record of the offender**

A higher penalty will be appropriate where the offender has 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. Landlords are running a business and should be expected to be aware of their legal obligations.

#### **c) The harm caused to the tenant**

This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.

### **d) Punishment of the offender**

A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is also important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

### **e) Deter the offender from repeating the offence**

The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

### **f) Deter others from committing similar offences**

While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

### **g) Remove any financial benefit the offender may have obtained as a result of committing the offence.**

The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

When setting a civil penalty, the Council will, in addition to the above, take into account the cost of investigating the offence(s); preparing the case for formal action; and include any costs that are or may be incurred from defending its decision at the First Tier Tribunal.

## **8.0 Setting an appropriate Civil Penalty**

To ensure that we exercise this power in a consistent and transparent manner, the Council has developed a calculation matrix for determining the level of penalty to be applied in any individual case.

## **8.2 Calculating the Financial Penalty**

Each offence receives its own civil penalty calculated on the matrixes below.

**Failure to License a mandatory licensable HMO**

<b>Penalty</b>	£15,000
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**8.3 Penalties relating to housing conditions, management, licence conditions**

A score for each of the five areas below is chosen depending on the seriousness of each area and reasons for each score must be accompanied by a full justification and production of relevant evidence.

**Civil Penalty Calculation Matrix**

<b>Factors</b>	<b>Low Seriousness</b>	<b>Medium Seriousness</b>	<b>High Seriousness</b>
<b>1. Severity of Offence</b>	<b>Score 5</b>  Low level offence e.g. broken glazing (cat. 2)	<b>Score 15</b>  Medium level offence e.g. defective boiler, no hot water (cat. 1)	<b>Score 25</b>  Serious Offence e.g. multiple management issues, inadequate/defective fire detection (imminent risk)
<b>2. Deterrence &amp; Prevention</b>	<b>Score 5</b>  High confidence a fine will deter repeat offending	<b>Score 15</b>  Medium confidence a fine will deter repeat offending	<b>Score 25</b>  Low confidence a fine will deter repeat offending
<b>3. Harm to Tenants</b>	<b>Score 5</b>  Low level harm	<b>Score 15</b>  Moderate level harm	<b>Score 25</b>  High level harm
<b>4. Size of Business</b>	<b>Score 5</b>  1 property	<b>Score 15</b>  2-5 properties	<b>Score 25</b>  6+ properties
<b>5. History of Offending</b>	<b>Score -5</b>  First time offence	<b>Score 5</b>  Second time offence (previous FPN)	<b>Score 10</b>  Conviction in the Magistrates Court (within previous 2 years)

The combined score from the above matrix is then used to determine the penalty based on the table below.

<b>Score</b>	<b>Penalty</b>	<b>Score</b>	<b>Penalty</b>
<b>15-20</b>	£250	<b>66-70</b>	£14,000
<b>21-25</b>	£500	<b>71-75</b>	£16,000
<b>26-30</b>	£750	<b>76-80</b>	£18,000
<b>31-35</b>	£1000	<b>81-85</b>	£20,000

## Private Rented Sector Housing Enforcement Policy

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<b>36-40</b>	£2000		<b>86-90</b>	£22,000
<b>41-45</b>	£4000		<b>91-95</b>	£24,000
<b>46-50</b>	£6000		<b>96-100</b>	£26,000
<b>51-55</b>	£8000		<b>101-105</b>	£28,000
<b>56-60</b>	£10,000		<b>105-110</b>	£30,000
<b>61-65</b>	£12,000			

### **Appendix 4 Statement of Principles – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

#### 1.0 Introduction

- 1.1 This statement sets out the principles that the London Borough of Bromley will apply in exercising its powers under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (“the Regulations”).

#### **2.0 Purpose**

- 2.1 The Council is required under the Regulations to prepare and publish a Statement of Principles which it must follow when determining the amount of a penalty charge for failure to comply with a Notice.

#### **3.0 Duties**

- 3.1 The Regulations impose the following duties on certain landlords (Residential Social Landlords, HMO’s, long leaseholders, student halls, healthcare residences, hostels and live in landlords by agreement are excluded) of a residential property of a specified tenancy (defined in Section 2 of the Regulations), namely, to ensure that:

- a smoke alarm is installed on each storey of the premises where there is living accommodation (for these purposes living accommodation includes bathrooms and lavatories)
- a carbon monoxide alarm is installed in any room of the premises which is used wholly or partly as living accommodation and which contains a solid fuel burning combustion appliance.
- that at the start of any new tenancy, checks are made by the landlord, or someone acting on his behalf, that the alarm(s) serving the premises is/are in proper working order

- 3.2 Properties subject to Part 2 or Part 3 licensing under the Housing Act 2004 (i.e. as licensable Houses in Multiple Occupation) are exempt from the Regulations.

#### **4.0 The Legal Framework**

- 4.1 Where the Council has reasonable grounds for believing that a landlord is in breach of one or more of the above duties, we have a duty to serve that person with a Remedial Notice within 21 days detailing the actions that must be taken to comply with the Regulations.

- 4.2 For the purposes of this provision, ‘reasonable grounds’ may include being informed by a tenant, letting agent or Officer that the required alarms are not installed. The Regulations do not require that the Council enter the property or prove non-compliance in order to issue a remedial notice, however, the Council will aim to visit such properties to confirm that the required works have not been



undertaken. Where the Council is satisfied on the balance of probabilities that a landlord has not taken the remedial action specified in the Notice, within the timescale stipulated in that document, the Council will:

- Arrange (where the occupier consents) to undertake the remedial action specified in the Notice within 28 days; and
- Require the landlord to pay a penalty charge of such amount as the Authority may determine, not exceeding £5,000.

### **5.0 The purpose of imposing a financial penalty**

5.1 The primary purpose of the Council exercising its regulatory power is to promote and protect the public interest. The primary aims of financial penalties are to: -

- lower the risk to tenant's health and safety by ensuring that the property has a safe means of escape in the event of a fire
- eliminate any financial gain or benefit from non-compliance
- reimburse the costs incurred by the Council in enforcing the regulations
- change the behaviour of the landlord and deter future non-compliance
- penalise the landlord for not installing alarms in line with the Regulations and after being required to do so, under notice
- proportionately address potential harm outcomes and the nature of the breach.

### **6.0 Principles to be followed in determining the amount of a Penalty Charge**

6.1 Any penalty charge imposed should be proportionate to the risk posed by non-compliance, the nature of the breach in the individual case and set at such a level as to sufficiently deter the offender and others. It should also cover the costs incurred by the Council in administering and implementing the legislation.

6.2 Fire and Carbon Monoxide poisoning are two of the 29 hazards prescribed by the Housing Health and Safety Rating System. These risks are real and substantial: A bulletin issued by the Home Office in 2017 (Fire Statistics: England April 2015 to March 2016) reports that: "Fires where a smoke alarm was not present accounted for 28 per cent of all dwelling fires and 33 per cent (76) of all dwelling fire-related fatalities in 2015/16" and that, "Fires where a smoke alarm was present but either did not operate or did not raise the alarm, accounted for 31 per cent of all dwelling fires...." Moreover, according to the Office for National Statistics, there were 53 deaths from accidental carbon monoxide poisoning in England and Wales in 2015.

6.3 The Department of Communities and Local Government conducted an impact assessment prior to the introduction of the Regulations. That assessment suggested that the cost of the requirements imposed on landlords (i.e. the purchase of smoke detectors and carbon monoxide alarms) was £25 and estimated that the provision of smoke alarms would, over ten years, prevent 231 deaths and 5860 injuries, accruing a saving of almost £607.7 million, and that the provision of Carbon Monoxide Alarms would, over the same period, prevent

a total of six to nine deaths and 306 to 460 injuries, accruing a saving of almost £6.8 million.

- 6.4 The Council considers that compliance with the Regulations do not place an excessive or unreasonable burden on a landlord. The cost of the alarms is low and, in many cases, can be self-installed without the need for a professional contractor. The risk and impact on occupiers resulting from a fire or carbon monoxide poisoning event far out-weighs the cost of compliance. While the imposition of the maximum potential fixed penalty charge of £5,000 may present an excessive financial burden on some landlords, this has to be balanced against the risk, the low cost of compliance, the fact that the offender will have been given all reasonable opportunity to comply prior to any penalty charge being levied and the offenders statutory rights of appeal.
- 6.5 For all of the above reasons, and so as to ensure that there is an effective incentive for landlord's to comply with the Regulations, the Council proposes to impose a penalty charge of £5,000 for non-compliance with a Remedial Notice, with a reduction of 50% where payment is received within 14 days of service of the penalty charge notice.
- 6.6 Notwithstanding the above, the Council may, following a representation made by the landlord, exercise discretion and reduce the penalty charge further if it considers there to be extenuating circumstances.

This discretion will not however apply when:

1. The person served has obstructed the Council in the carrying out of its duties; and/or
2. The person served has previously received a penalty charge under this legislation.

### **7.0 Review and Appeals in relation to a penalty charge notice**

- 7.1 If a landlord disputes the issue of a penalty charge notice, they can make a request to the Council for it to be reviewed. This request must be in writing and within the time specified in the penalty charge notice. Any representation received will be considered on its individual merit. Any extenuating circumstances will be considered by the Council in deciding whether to reduce the level of the penalty charge levied.
- 7.2 Potential mitigating factors –
- No previous convictions / charges
  - Self-reporting, high level of co-operation with the investigation – where this goes beyond what would normally be expected
  - The age health and other vulnerabilities of the offender
  - Voluntary steps taken to address issue – submission of licence application

- 7.3 A landlord will not be in breach of their duty to comply with the remedial notice, if he can demonstrate that he has taken all reasonable steps to comply with the requirements of the remedial notice.
- 7.4 The Council may, on consideration of any representation and evidence, chose to confirm, vary, or withdraw a penalty charge notice and we are required to communicate that determination by issuing a decision notice on the landlord. If varied or confirmed, the decision notice must state that a further appeal can be made to a First Tier Tribunal on the following grounds:
- 1) the decision to confirm or vary the penalty charge notice was based on an error of fact.
  - 2) the decision was wrong in law.
  - 3) the amount of penalty charge is unreasonable; or
  - 4) the decision was unreasonable for any other reason
- 7.5 Where a landlord raises an appeal to the Tribunal, the operation of the penalty charge notice is suspended pending its determination or its withdrawal. The Tribunal may quash, confirm or vary the penalty charge notice, but may not increase the amount of the penalty charge.

### **8.0 Recovery of Penalty Charge**

- 8.1 The Council may recover the penalty charge on the order of a court, as if payable under a court order however such proceedings may not be started before the end of the period by which a landlord may give written notice for the Council to review the penalty charge notice and where a landlord subsequently appeals to the Tribunal, not before the end of the period of 28 days beginning with the day on which the appeal is finally determined or withdrawn.

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## **Appendix 2 Civil Penalties Policy for imposing financial penalties under the Housing Act 2004 and the Housing and Planning Act 2016**

### 1.0 Introduction

1.1 The Council is committed to supporting good, responsible landlords and ensuring that residents renting private accommodation in the Borough live in homes that are safe, decent, well managed and properly maintained.

1.2 Although the majority of landlords in the Borough operate lawfully and responsibly, a small minority of rogue landlords choose to operate outside the law, knowingly renting out (often to our most vulnerable residents) accommodation that is unlicensed, substandard and/or unsafe.

1.3 The Housing and Planning Act 2016 (the 2016 Act) introduced several measures designed to enable Local Authorities to deal more robustly with rogue landlords. These changes included:

- Civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences in the Housing Act 2004
- Banning orders for the most serious and prolific offenders
- The extension of rent repayment orders to cover illegal eviction, breach of a banning order and certain other specified offences
- Powers to require the sharing of certain data held by the three main Tenancy Deposit Protection schemes to assist councils in identifying privately rented accommodation in their area: and
- A database of rogue landlords and property agents convicted of certain offences.

1.4 The Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government) has published Statutory Guidance for Local Housing Authorities in implementing the legislation under Schedule 9 of the 2014 Act (Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities) – hereafter ‘the Guidance’.

In this policy, the term “landlord” will be used to refer to the “owner”, “person having control”, “person managing” or “licence holder”, as defined under the Housing Act 2004.

### 2.0 Purpose

2.1 This Policy outlines the way in which the Council will use these powers, how it will decide when to prosecute or impose a civil penalty and, where the imposition of a civil penalty is considered to be a suitable alternative to a prosecution, how it will determine the amount of that penalty.

2.2 Section 126 and Schedule 9 of the 2016 Act provides Local Authorities with the power to impose a civil penalty of up to £30,000 as an alternative to prosecution in respect of the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30).
- Offences in relation to the licensing of Houses in Multiple Occupation (HMO's) (section 72).
- Offences in relation to licensing of houses under Part 3 of the Act (section 95).
- Offences of contravention of an overcrowding notice (section 139) and
- Failure to comply with management regulations in respect of HMO's (section 234).

2.3 Section 23 of the 2016 Act also extends a power to impose a Civil Penalty for the breach of a Banning Order (see Appendix 4). Breach of a Banning Order would be considered a very serious matter and as such the amount of any financial penalty would be considered on a case by case basis, taking account of relevant factors and exceptional circumstances.

### 3.0 General principles

3.1 The Council will conduct its housing enforcement activities in a manner that is consistent with its obligations under the Regulators Code and in accordance with the above Private Rented Sector Housing Enforcement Policy 21 and the Public Protection Enforcement Policy 2020, that is to say in a manner which is targeted, proportionate, fair and objective, transparent, consistent and accountable.

3.2 Underpinning our enforcement approach are two principles: That offenders pay the cost of the enforcement work we do (rather than good landlords or the taxpayer) and that those who chose to flout the law do not profit from their crimes. This approach ensures that we continuously drive up standards in the sector and improve housing conditions for our residents, whilst at the same time levelling the playing field for good and responsible landlords.

3.3 A Civil Penalty is intended to provide an alternative to prosecution. The Council cannot impose a Civil Penalty and pursue a prosecution for the same offence. Whilst only one Civil Penalty can be issued for each of the first 4 offences in the list set out above, a Civil Penalty can be issued for each separate breach of the HMO Management Regulations (section 234).

3.4 Where an offence has been committed by both a landlord and property/letting or managing agent, (including offences arising from the failure to licence a property), a civil penalty may be imposed on both as an alternative to prosecution. The amount of the penalty imposed on each party may in such cases differ depending on the individual circumstances of the case.

### 4.0 Burden of Proof

4.1 Although a Civil Penalty is intended as an alternative to prosecution, it should not be considered a lesser or easier option. In all cases where a formal sanction is being considered (whether that be by way of prosecution or the imposition of a Civil Penalty) the supporting evidence must rise to the criminal standard of

proof and officers should be satisfied that the evidence is sufficient to demonstrate beyond reasonable doubt that the offence has been committed and such that, if the matter were prosecuted in the Magistrates Court, there would be a realistic prospect of conviction. The same considerations would apply where a Civil Penalty is imposed, and an appeal is subsequently made to the First-tier Tribunal.

4.2 In determining whether the evidence meets this test, the Council will have regard to the Crown Prosecution Service 'Code for Crown Prosecutors'. The Code sets out a two-part test:

1. The evidential test- this involves an objective assessment of all available evidence taking into consideration the admissibility, reliability, and credibility of the evidence.
2. The public interest test- this involves an examination of the seriousness of the offences, the level of culpability of the offender, the impact of the offence on victims and the community, the age of the offender, whether a prosecution is a proportionate response and the need to protect sources of information.

#### 5.0 Decision making - When to prosecute

5.1 The Council will determine, on a case by case basis, whether to instigate prosecution proceedings or issue a Civil Penalty, taking into account all the evidence available and the circumstances of the offence and offender.

5.2 In general, prosecution will be reserved for those cases deemed particularly serious or where the offender has committed a similar offence in the past. This does not however mean that Civil Penalties will not be used where serious offences have been committed and in such cases (for what the Guidance refers to as 'the worst offenders') the Council reserves the right to apply the maximum civil penalty where this is considered to be an appropriate and effective sanction.

5.3 Prosecution may be appropriate in a case where a strong zero-tolerance message is necessary and where publicising a conviction will serve as a deterrent to the offender and other rogue landlords. A prosecution may also be pursued where this will enable the Council (on the back of a conviction) to apply for a Banning Order under Section 15 of the Housing and Planning Act 2016. Note that the issue of a civil penalty is not generally a matter of public record (although see paragraph below on Rogue Landlords Database).

5.4 A prosecution may also be pursued in the following (non-exhaustive) instances:

- Where the offence is not one for which a Civil Penalty may be imposed.
- Where the case involves external agencies such as LFEPA, internal colleagues such as Planning or Trading Standards or other local authorities, where this supports regional or sub-regional activity.
- Where an individual or company has imperilled the health, safety or wellbeing of occupiers, visitors, or members of the public.

- Where an individual or company has deliberately, negligently, or persistently breached their legal obligations.
- Where an individual or company has deliberately or persistently ignored written warnings or formal notices /orders, or no reasonable progress has been made in relation to the carrying out of the requirements.
- Where the defendant has assaulted or obstructed an Officer in the course of their duties or provided false information.

All decisions made will need to be properly documented in accordance with this policy

## 6.0 Reviews

- 6.1 Before imposing a Civil Penalty, the Council must within 6 months of becoming aware of the offence, give the landlord notice of its proposal to do so (“Notice of Intent”), setting out, amongst other things, why it proposes to do so and the level of fine to be imposed. The recipient has a right to make written representations to the Council asking the Council to review its decision, including the decision to sanction him or her, but this must be lodged in a period of not less than 28 days beginning on the day the penalty was served. The Council must consider all representations received and decide whether to confirm, vary or withdraw the Notice. If the Notice is confirmed (i.e. a Final Notice served) and the landlord remains dissatisfied; he has a right of appeal to the First Tier Tribunal.

## 7.0 Civil Penalties - Factors determining the level of penalty

- 7.1 The Council has the power to impose a Civil Penalty of up to £30,000. There is no minimum penalty. Although the amount of any penalty falls to be determined by the Council, we must have regard to the Guidance when exercising our functions in this respect. Of relevance is Paragraph 3.5 of that document which states that “The actual amount levied in any particular case should reflect the severity of the offence, as well as taking account of the landlords previous record of offending.” The same paragraph goes on to set out several factors that should be taken into account to ensure that the penalty is set at an appropriate level, namely:

### **a) Severity of the offence.**

The more serious the offence, the higher the penalty should be.

### **b) Culpability and track record of the offender**

A higher penalty will be appropriate where the offender has 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. Landlords are running a business and should be expected to be aware of their legal obligations.



**c) The harm caused to the tenant**

This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.

**d) Punishment of the offender**

A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is also important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

**e) Deter the offender from repeating the offence**

The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

**f) Deter others from committing similar offences**

While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

**g) Remove any financial benefit the offender may have obtained as a result of committing the offence.**

The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

When setting a civil penalty, the Council will, in addition to the above, take into account the cost of investigating the offence(s); preparing the case for formal action; and include any costs that are or may be incurred from defending its decision at the First Tier Tribunal.

## 8.0 Setting an appropriate Civil Penalty

To ensure that we exercise this power in a consistent and transparent manner, the Council has developed a calculation matrix for determining the level of penalty to be applied in any individual case.

## 8.2 Calculating the Financial Penalty

Each offence receives its own civil penalty calculated on the matrixes below.

Failure to License a mandatory licensable HMO	
<b>Penalty</b>	£15,000

## 8.3 Penalties relating to housing conditions, management, licence conditions

A score for each of the five areas below is chosen depending on the seriousness of each area and reasons for each score must be accompanied by a full justification and production of relevant evidence.

Civil Penalty Calculation Matrix

Factors	Low Seriousness	Medium Seriousness	High Seriousness
<b>1. Severity of Offence</b>	<b>Score 5</b> Low level offence e.g. broken glazing (cat. 2)	<b>Score 15</b> Medium level offence e.g. defective boiler, no hot water (cat. 1)	<b>Score 25</b> Serious Offence e.g. multiple management issues, inadequate/defective fire detection (imminent risk)
<b>2. Deterrence &amp; Prevention</b>	<b>Score 5</b> High confidence a fine will deter repeat offending	<b>Score 15</b> Medium confidence a fine will deter repeat offending	<b>Score 25</b> Low confidence a fine will deter repeat offending
<b>3. Harm to Tenants</b>	<b>Score 5</b> Low level harm	<b>Score 15</b> Moderate level harm	<b>Score 25</b> High level harm
<b>4. Size of Business</b>	<b>Score 5</b> 1 property	<b>Score 15</b> 2-5 properties	<b>Score 25</b> 6+ properties
<b>5. History of Offending</b>	<b>Score -5</b> First time offence	<b>Score 5</b> Second time offence (previous FPN)	<b>Score 10</b> Conviction in the Magistrates Court (within previous 2 years)

The combined score from the above matrix is then used to determine the penalty based on the table below.

Score	Penalty	Score	Penalty
15-20	£250	66-70	£14,000
21-25	£500	71-75	£16,000
26-30	£750	76-80	£18,000
31-35	£1000	81-85	£20,000
36-40	£2000	86-90	£22,000
41-45	£4000	91-95	£24,000
46-50	£6000	96-100	£26,000
51-55	£8000	101-105	£28,000
56-60	£10,000	105-110	£30,000
61-65	£12,000		





## Private Rented Housing Enforcement Policy

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### Appendix 3 Statement of Principles – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

#### 1.0 Introduction

1.1 This statement sets out the principles that the London Borough of Bromley will apply in exercising its powers under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (“the Regulations”).

#### 2.0 Purpose

2.1 The Council is required under the Regulations to prepare and publish a Statement of Principles which it must follow when determining the amount of a penalty charge for failure to comply with a Notice.

#### 3.0 Duties

3.1 The Regulations impose the following duties on certain landlords (Residential Social Landlords, HMO’s, long leaseholders, student halls, healthcare residences, hostels and live in landlords by agreement are excluded) of a residential property of a specified tenancy (defined in Section 2 of the Regulations), namely, to ensure that:

- a smoke alarm is installed on each storey of the premises where there is living accommodation (for these purposes living accommodation includes bathrooms and lavatories)
- a carbon monoxide alarm is installed in any room of the premises which is used wholly or partly as living accommodation and which contains a solid fuel burning combustion appliance.
- that at the start of any new tenancy, checks are made by the landlord, or someone acting on his behalf, that the alarm(s) serving the premises is/are in proper working order

3.2 Properties subject to Part 2 or Part 3 licensing under the Housing Act 2004 (i.e. as licensable Houses in Multiple Occupation) are exempt from the Regulations.

#### 4.0 The Legal Framework

4.1 Where the Council has reasonable grounds for believing that a landlord is in breach of one or more of the above duties, we have a duty to serve that person

with a Remedial Notice within 21 days detailing the actions that must be taken to comply with the Regulations.

4.2 For the purposes of this provision, 'reasonable grounds' may include being informed by a tenant, letting agent or Officer that the required alarms are not installed. The Regulations do not require that the Council enter the property or prove non-compliance in order to issue a remedial notice, however, the Council will aim to visit such properties to confirm that the required works have not been undertaken. Where the Council is satisfied on the balance of probabilities that a landlord has not taken the remedial action specified in the Notice, within the timescale stipulated in that document, the Council will:

- Arrange (where the occupier consents) to undertake the remedial action specified in the Notice within 28 days; and
- Require the landlord to pay a penalty charge of such amount as the Authority may determine, not exceeding £5,000.

### 5.0 The purpose of imposing a financial penalty

5.1 The primary purpose of the Council exercising its regulatory power is to promote and protect the public interest. The primary aims of financial penalties are to: -

- lower the risk to tenant's health and safety by ensuring that the property has a safe means of escape in the event of a fire
- eliminate any financial gain or benefit from non-compliance
- reimburse the costs incurred by the Council in enforcing the regulations
- change the behaviour of the landlord and deter future non-compliance
- penalise the landlord for not installing alarms in line with the Regulations and after being required to do so, under notice
- proportionately address potential harm outcomes and the nature of the breach.

### 6.0 Principles to be followed in determining the amount of a Penalty Charge

6.1 Any penalty charge imposed should be proportionate to the risk posed by non-compliance, the nature of the breach in the individual case and set at such a level as to sufficiently deter the offender and others. It should also cover the costs incurred by the Council in administering and implementing the legislation.

6.2 Fire and Carbon Monoxide poisoning are two of the 29 hazards prescribed by the Housing Health and Safety Rating System. These risks are real and substantial: A bulletin issued by the Home Office in 2017 (Fire Statistics: England April 2015 to March 2016) reports that: "Fires where a smoke alarm was not present accounted for 28 per cent of all dwelling fires and 33 per cent (76) of all dwelling fire-related fatalities in 2015/16" and that, "Fires where a smoke alarm was present but either did not operate or did not raise the alarm, accounted for 31 per cent of all dwelling fires...." Moreover, according to the Office for National Statistics, there were 53 deaths from accidental carbon monoxide poisoning in England and Wales in 2015.

- 6.3 The Department of Communities and Local Government conducted an impact assessment prior to the introduction of the Regulations. That assessment suggested that the cost of the requirements imposed on landlords (i.e. the purchase of smoke detectors and carbon monoxide alarms) was £25 and estimated that the provision of smoke alarms would, over ten years, prevent 231 deaths and 5860 injuries, accruing a saving of almost £607.7 million, and that the provision of Carbon Monoxide Alarms would, over the same period, prevent a total of six to nine deaths and 306 to 460 injuries, accruing a saving of almost £6.8 million.
- 6.4 The Council considers that compliance with the Regulations do not place an excessive or unreasonable burden on a landlord. The cost of the alarms is low and, in many cases, can be self-installed without the need for a professional contractor. The risk and impact on occupiers resulting from a fire or carbon monoxide poisoning event far out-weighs the cost of compliance. While the imposition of the maximum potential fixed penalty charge of £5,000 may present an excessive financial burden on some landlords, this has to be balanced against the risk, the low cost of compliance, the fact that the offender will have been given all reasonable opportunity to comply prior to any penalty charge being levied and the offenders statutory rights of appeal.
- 6.5 For all of the above reasons, and so as to ensure that there is an effective incentive for landlord's to comply with the Regulations, the Council proposes to impose a penalty charge of £5,000 for non-compliance with a Remedial Notice, with a reduction of 50% where payment is received within 14 days of service of the penalty charge notice.
- 6.6 Notwithstanding the above, the Council may, following a representation made by the landlord, exercise discretion and reduce the penalty charge further if it considers there to be extenuating circumstances.

This discretion will not however apply when:

1. The person served has obstructed the Council in the carrying out of its duties; and/or
2. The person served has previously received a penalty charge under this legislation.

### 7.0 Review and Appeals in relation to a penalty charge notice

7.1 If a landlord disputes the issue of a penalty charge notice, they can make a request to the Council for it to be reviewed. This request must be in writing and within the time specified in the penalty charge notice. Any representation received will be considered on its individual merit. Any extenuating circumstances will be considered by the Council in deciding whether to reduce the level of the penalty charge levied.

### 7.2 Potential mitigating factors –

- No previous convictions / charges

- Self-reporting, high level of co-operation with the investigation – where this goes beyond what would normally be expected
  - The age health and other vulnerabilities of the offender
  - Voluntary steps taken to address issue – submission of licence application
- 7.3 A landlord will not be in breach of their duty to comply with the remedial notice, if he can demonstrate that he has taken all reasonable steps to comply with the requirements of the remedial notice.
- 7.4 The Council may, on consideration of any representation and evidence, chose to confirm, vary, or withdraw a penalty charge notice and we are required to communicate that determination by issuing a decision notice on the landlord. If varied or confirmed, the decision notice must state that a further appeal can be made to a First Tier Tribunal on the following grounds:
- 1) the decision to confirm or vary the penalty charge notice was based on an error of fact.
  - 2) the decision was wrong in law.
  - 3) the amount of penalty charge is unreasonable; or
  - 4) the decision was unreasonable for any other reason
- 7.5 Where a landlord raises an appeal to the Tribunal, the operation of the penalty charge notice is suspended pending its determination or its withdrawal. The Tribunal may quash, confirm or vary the penalty charge notice, but may not increase the amount of the penalty charge.
- 8.0 **Recovery of Penalty Charge**
- 8.1 The Council may recover the penalty charge on the order of a court, as if payable under a court order however such proceedings may not be started before the end of the period by which a landlord may give written notice for the Council to review the penalty charge notice and where a landlord subsequently appeals to the Tribunal, not before the end of the period of 28 days beginning with the day on which the appeal is finally determined or withdrawn.



Report No.  
ES20075

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

**Date:** Tuesday 16 March 2021

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

**Title:** EMERGENCY PLANNING AND CORPORATE RESILIENCE  
BUSINESS CONTINUITY SERVICE - ANNUAL UPDATE

**Contact Officer:** David Tait - Emergency Planning and Corporate Resilience Manager –  
Email [David.Tait@bromley.gov.uk](mailto:David.Tait@bromley.gov.uk) Telephone 07811845503

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

**Ward:** All Wards

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1. Reason for report

This annual report provides the Committee with an account of the key resilience activities undertaken in 2020-21; it further provides assurance of the Council's Civil Contingencies priorities across the organisation for 2020-21.

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2. **RECOMMENDATION**

Members are asked to note the report.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: In an emergency situation certain groups of people may become vulnerable, depending on the situation faced. The Emergency Planning Team (EPT) work closely with blue light services and other partners to ensure that those who may be particularly vulnerable are identified and the appropriate levels of support are provided.
- 

### Corporate Policy

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

### Financial

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

### Personnel

1. Number of staff (current and additional): 1.8 FTE
  2. If from existing staff resources, number of staff hours: Not Applicable
- 

### Legal

1. Legal Requirement: Statutory Requirement: Legal Requirement: Statutory requirement - the Civil Contingencies Act 2004 requires that Local Authority to assess the risk of emergencies and plan for them and to have business continuity arrangements in place.
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications: Not Applicable.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents and businesses in the Borough could be affected by emergency situations.
- 

### 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 Under the requirements of the Civil Contingencies Act 2004 (CCA), Local Authorities, as Category One Responders have a legal duty to prepare, exercise & update their Civil Contingencies arrangements, and to ensure that whilst responding to an incident and / or business interruption, their core essential public services can continue to be delivered. Such arrangements must also consider essential services that are delivered by third party contractors, alongside those delivered by directly employed staff. These arrangements and responses aim to provide the framework for effective management during such emergencies. The CCA also requires Local Authorities to ensure that the local community and businesses understand what the borough will provide during an emergency, and further to provide local businesses with guidance on business continuity, particularly the need to plan for emergency events to aid their recovery from the impacts as soon as possible.
- 3.2 This Annual Report provides a summary of the activities undertaken by the EPT in undertaking its duties under the Act.

#### **Incident Response:**

- 3.3 The EPT have responded to 18 emergency incidents over the last year, the response to which can be split into three broad categories:
- **Monitoring** - where Officers are only required to monitor the situation.
  - **Information sharing and Communicating** - whereby Officers cascade information to partners; and
  - **Incident Response and Co-Ordination** - where Officers have attended the scene and or utilised Local Authority equipment / services to assist in the emergency response.
- 3.4 Appendix 1 provides the details of the incidents responded to in the 2020-21 period. The most notable was the response to a fire at County House Beckenham on 15/01/21, which resulted in 32 families requiring temporary rehousing. EPT worked with Environment and Housing colleagues, with the response requiring 2 rest centres to be opened under COVID -19 guidelines. A subsequent debrief highlighted inadequacies in the housing providers emergency response procedures, as a result, these are currently being addressed.

#### **COVID -19 Pandemic response**

- 3.5 As you would expect, over the past year EPT have been heavily involved in the Council's response to the pandemic. These works have taken up the vast majority of the time and effort of the team. Below is a summary of their involvement.

#### **COVID-19 Strategic Group:**

- Advice provided regarding the command and control structure required for the strategic and operational management of the pandemic.
- Emergency Planning and Corporate Resilience Manager acts as the Resilience Advisor to the Chief Executive and develop the recovery management process; he reports to the group in respect of Business Continuity, Mobile testing, Mortality Management and COVID secure preparations.

### **COVID-19 Tactical Group:**

- **Ongoing** support provided to the Director of Public Health in respect of terms of reference and command and control structure, Mobile Testing unit management, emergency planning matters and risk assessment.

### **Health protection COVID-19 Board:**

- Contributed to the development of strategy and outbreak control plan, command and control structure and testing and exercising.
- Assisted in development of contact tracing response and identification of local testing sites. Contributing to action plan development and identifying best practice.
- Provision of training.

### **South East Mortality Management Group:**

- Represents the Local Authority at a Coronial area level, monitoring death management process end to end, identifying pinch points, liaising with NHS, Registrars, Funeral Directors and Cemeteries to problem solve issues.

### **Establishing Mobile Testing Unit (MTU) and Local Testing Sites (LTS):**

- The Norman Park MTU is now testing in excess of 400 people every deployment. Cotmandene Crescent and Crystal Palace Park sites provide 7 day a week testing facilities open from 8am to 8pm each day, recently increased to 7am to 9pm increasing the testing capability across the Borough by 800 tests per day. A further LTS has been identified and recommended for consideration by Dept of Health and Social Care.

### **COVID-19 secure building preparation:**

- Volunteered to prepare all Local Authority satellite sites to the Government COVID secure standard for preparing return to work. Over a two-month period 23 sites were prepared in terms of required signage and social distancing measures with cleaning regimes occupancy rates and risk assessment advised to the respective building managers.

### **MPS raid on the Star Lane Travellers site:**

- Performed role of Police liaison in the planning phase, worked with Director of Housing to prepare operational plan including briefings, risk assessments, staffing requirements and set up of 2 rest centres. Performed role as site lead and Rest Centre Manager on the day of the raid, with 25 staff beginning work at 0315hrs.

### **Targeted Testing and Mass Vaccination sites:**

- The team formed part of a programme board to identify and set up our targeted testing sites with go live dates of 04/01/21 at the Council Chamber, and 11/01/21 at the Kentwood Adult Education Centre respectively.

- Worked alongside the Clinical Commissioning Group to set up a mass vaccination centre in The Great Hall, with go live date of 27/02/21, with the capability of delivering 1000 vaccinations a day.

### **Staffing the Borough Emergency Control Centre (BECC) and required returns:**

- Continued 'virtual' staffing of the BECC. Co-ordinating the daily returns re COVID impact upon services, conduit for all communications from London Resilience Group to respective Directorates.

### **Training and exercising during 2020-2021**

- 3.6 The COVID pandemic severely impacted upon planned training and exercising regimes, and planned events including a Gold exercise and Senior Officer media training, scheduled for early March 2020 were cancelled. Planning for this year's Safer City exercise has also been delayed until October 2021 by the London Resilience Group. Additionally, the planned refresher training during 2020 was put on hold due to the team's unavailability through working on our COVID response. However, a number of Officers did attend Rest Centre training which was provided by the Red Cross via Zoom.
- 3.7 A updated training schedule is currently being formalised, this will include the first refresher course which is scheduled to take place in March 2021, for our Local Authority Liaison Officers (LALOs) via Microsoft Teams. Staff will continue to be scheduled to attend the online Rest Centre and Rest Centre Manager training; there will also be a campaign to increase the numbers of trained staff beginning shortly. Moving forwards, greater emphasis will be placed upon refresher training as the situation begins to return to normal.
- 3.8 Notwithstanding the issues that have arisen, the pandemic has provided The Council the opportunity to put into practice much of the learning gained from previous exercises and training. This is especially true in relation to command control protocols and business continuity processes. Furthermore, the pandemic has highlighted the 'can do' attitude of Bromley Officers, with many volunteering for additional roles and responsibilities to deal with the challenges faced, whilst service delivery was maintained.

### **Borough Resilience Forum update**

- 3.9 The Borough Resilience Forum (BRF) is a statutory body established by the Civil Contingencies Act 2004; it is responsible for multi-agency emergency preparedness and co-ordination at the local level as determined by identified Borough Risks and needs. The BRF meets three times a year and is chaired by the Emergency Planning and Corporate Resilience lead. The last meeting is due to be held on the 8th of March 2021 and the main focus will be upon partnership working during the pandemic, and further developing the work plan for the next financial year.
- 3.10 A major piece of work for the forum this year will be the review of the Borough Risk Register. This follows on from a fundamental review and re-write of the National and the London Risk Registers. This has seen a consolidation of old risks, identification of new risks but now also includes identified threats. It is anticipated that the London Risk Register will be republished in the by May 2021. The BRF will work as a partnership to reshape the Borough's Risk Register to reflect the new format and analyse the changes in risk profile and applying them to a local perspective.

## **Resilience Standards for London (RSL)**

- 3.11 The standards were launched in July 2019; they were designed to enable Local Authorities to assess their capability and capacity against 12 standards that ensure Local Authorities have the appropriate procedures and policies in place, so as to lead to good outcomes and leading practice, whilst supporting compliance with the Civil Contingencies Act 2004.
- 3.12 Following the submission of the Council's first audit against the 12 standards; the assessment disclosed 9 standards as being judged as 'established', with 3 being judged as 'developing'. The developing standards relate to:
- Community resilience
  - Recovery Management; and
  - Roles and responsibilities
- 3.13 During this year, two further audit/reviews have been conducted, enabling the reflection of the work undertaken by the Council during the pandemic against the standards. This has enabled the Community Resilience and Recovery Management standards to be increased from 'developing' to 'established'.
- 3.14 A bench marking exercise will be undertaken when the results of the external peer reviews conducted at several London Boroughs are published.

## **Business Continuity**

- 3.15 The progress made with our Business Continuity (BC) arrangements assisted with continued service delivery during the pandemic. Owners of BC plans gained a better understanding of their key suppliers BC arrangements to enable them to mitigate any service delivery issues. 95% of Bromley Officers have been working at home for almost a year now, which is testament to the successful IT rollout, and to the commitment of staff during very difficult circumstances.
- 3.16 The overarching BC plan for the council was utilised by the COVID Chief Officer Executive to identify areas of our business to draw staff from to support new critical programmes, these included Shielding, Track and Trace and the various testing regimes.
- 3.17 This year the BC cycle will begin again, with a review of Bromley's Business Impact Analysis work for all services, a refresh of each BC plan and a regime of testing, with an emphasis on Cyber-attacks.

## **4 IMPACT ON VULNERABLE ADULTS AND CHILDREN**

- 4.1 In an emergency situation certain groups of people may become vulnerable, depending on the situation faced. The Emergency Planning team work closely with blue light services and other partners to ensure that those who may be particularly vulnerable are identified and the appropriate levels of support are provided.

<b>Non-Applicable Sections:</b>	Policy Implications Personnel Implications; Procurement Implications
Background Documents: (Access via Contact Officer)	

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## Incidents responded to by the Emergency Planning and Corporate Resilience Team - March 2020 to February 2021

2020	Incidents
March	Suspected WW2 bomb, Braeside, Beckenham - Information sharing & Comms.
May	6 flat fire, Ridsdale Rd SE20 - Incident Response & Coordination.
May	Fire, Churchfields Rd Recycling centre, Beckenham- Incident Response & Coordination.
June	Fatal fire, Anglesey Rd Orpington, monitoring.
July	Burst water main A21, Magpie Hall Lane, Bromley - Information sharing & Comms.
July	Burst water main, Covington Way SW16, impacting upon BR postcodes – monitoring.
August	Burst water main A21, Starts Hill- Information sharing & Comms.
August	Burst water main Bickley Rd, Bromley - Information sharing & Comms.
September	MPS raid on Star Lane Travellers site, Orpington - Incident Response & Coordination.
October	42 Glebe Way, West Wickham, Restaurant fire and believed illegal HMO. Incident Response & Coordination.
November	Garage Fire, Brookmead Ave Bromley, Information sharing & Comms.
November	Police assistance re tracing vehicle involved in crime, information sharing & comms
December	Burst water main A 21 resulting in localised flooding and loss of water pressure and supply in BR1 & BR7 areas - Incident Response & Coordination.
December	Flood alerts over the Xmas period, Ravensbourne & Quaggy river areas - Information sharing & Comms.
December	Vehicle collision with Bridge, Tudor Way Petts Wood. Information sharing & Comms

2021	Incidents
January	Fire, County House Beckenham, Incident Response & Coordination.
January	Gas explosion Hayes Chase, West Wickham. Information sharing & comms
February	Various flood alerts Rivers Ravensbourne & Craggy, information sharing & comms

- **Monitoring** - where Officers are only required to monitor the situation.
- **Information sharing and Communicating;** whereby Officers cascade information to partners.
- **Incident Response and Co-Ordination** – where Officers have attended the scene and or utilised Local Authority equipment / services to assist in the emergency response.

**David Tait: Emergency Planning and Business Continuity Lead**

Report No  
ES20084

## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

**Date:** 16<sup>th</sup> March 2021

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

**Title:** COVID 19 PUBLIC PROTECTION ENFORCEMENT UPDATE

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

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

**Ward:** All Wards

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1. Reason for report

- 1.1 This report sets out the enforcement action taken by the services within Public Protection in response to the COVID19 pandemic and associated Health Protection (Coronavirus, Business Closure) Regulations 2020 (**The Closure Regulations**), and subsequent legislation.
- 

2. **RECOMMENDATION(S)**

- 2.1 Members of the Public Protection and Safety Policy Development and Scrutiny Committee are asked to note the content of the report.

## Impact on Vulnerable Adults and Children

- 1.1 Vulnerable adults and children are at increased risk from the adverse impacts of issues such as: unfit food, poor housing conditions and being targeted by rogue traders. The enforcement work of teams within Public Protection seeks to safeguard the health, safety and wellbeing of vulnerable groups.
  - 1.2 The work of the Council seeks to keep vulnerable adults and children safe from harm during the COVID-19 crisis and will continue to support these residents through the roll-out of the Council's overarching recovery plan.
- 

## Corporate Policy

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

## Financial

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

## Personnel

1. Number of staff (current and additional): Enforcement activities are undertaken by Officers within Public Protection.
  2. If from existing staff resources, number of staff hours: The resources are equivalent to 3FTEs
- 

## Legal

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

## Procurement

1. Summary of Procurement Implications: Not applicable.
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents and visitors to the borough
-

### 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 Introduction**

- 3.2 This report provides an overview of the response provided by services within Public Protection , beginning with the Council's Operation.
- 3.3 The local response in Bromley to COVID-19 has been mobilised through the hard work and commitment of Officers, elected members, residents, local businesses, partner organisations, and local voluntary and community groups, who have come together to support the most vulnerable and at risk people in our communities during these unprecedented times.
- 3.4 The Government recognised that Environmental Health and Trading Standards teams (that sit within Public Protection) already had strong relationships with local business and business representatives, and that the Officers understood how to work with this sector to ensure that they operated responsibly to protect the public and the NHS. As a result, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Closure Regulations and subsequent legislation) formally placed Public Protection Officers as the lead enforcers in supporting efforts to fight COVID19 through enforcing business closures.
- 3.5 Following the introduction of social distancing in March 2020, all services and business continuity plans within Public Protection were reviewed and delivery plans were agreed whereby all services would remain operational, albeit on an amended basis. Service offers were reconfigured in real time depending on the restriction in place. For example, following early guidance issued by the Food Standards Agency, a moratorium on physical premises inspections was imposed (other than for life and limb matters), however, where possible virtual inspections took place. Similarly, with regards to progression of other service requests (e.g. for nuisance), where face-to-face visits were not possible, arms-length investigations were carried out. For those services that have an administration element (e.g. premises licensing), it was business as usual, and all licenses were issued.

#### **Enforcement Remit and Enforcement Protocol**

- 3.6 Public Protection, like all services within the local authority, have played a vital role throughout the pandemic in explaining rules to local businesses, encouraging them to comply, and enforcing where necessary.
- 3.7 While the police have responsibility for enforcing and overseeing regulations as they apply to individuals, local authorities have been responsible for enforcing regulations applying to businesses.
- 3.8 Public Protection adopted the 4 E's enforcement tactic to ensure consistency of enforcement across the borough and formed the basis of joint enforcement plans within the BCU. The approach was:
- Engage – Be visible in public spaces and talk to people
  - Explain – Discuss behaviour and reasons why the legislation is in place
  - Encourage – Request and negotiate a change in behaviour to ensure compliance with the law
  - Enforce – If these measures fail then officers would consider enforcement measures
- 3.9 This approach is in accordance with the Council's Enforcement Policy 2020 and supports the belief that encouraging compliance is more effective than enforcement alone and is the most effective way of supporting businesses to make their customers feel safe or to re-open.

3.10 When it comes to tasking, an intelligence-led approach is taken, whether that be responding to service requests made by the public, issues raised by the Police, or matters noted by our Officers. As the legislation and regulations have changed frequently throughout the pandemic, it is not possible to establish meaningful medium term planning, and model is therefore ideal for tasking limited resources in the most flexible and effective way possible. This model allows for the consideration of newly emerging analysis relating to risks associated with business venues and affords management the ability to deploy Officers quickly to deal with emerging risks.

3.11 In accordance with the overarching Enforcement Policy and the Covid Enforcement 4 E protocol, the Public Protection approach to business compliance has been to undertake a staged approach, with enforcement as the last measure. Although the legislation changes have been frequent, the overall levels of compliance noted has been high; as such, it appears that the approach taken is appropriate and effective.

**Timeline of Lockdown and Tiers**

3.12 Since March 20 there have been 3 lockdowns:

- Lockdown 1 - 24<sup>th</sup> March 20 -June-July 20 (easing of restrictions)
- Lockdown 2 – 31<sup>st</sup> October 20
- Tier 2 Restrictions – 2<sup>nd</sup> December 20
- Tier 3 Restrictions 14<sup>th</sup> December 20
- Tier 4 Restrictions 19<sup>th</sup> December 20
- Lockdown 3 - 4<sup>th</sup> January 21

**Enforcement Activity**

3.13 The table below presents the enforcement activity carried out by Public Protection:

Table 1 - Activity 27<sup>th</sup> March 2020 to 28<sup>th</sup> February 2021 (based on information submitted to OPSS)

Interaction required with business to check compliance/respond to non-compliance closure requirements	Businesses checked by drive by surveys to monitor closures	No. of CPNWs & CPNS	Notices
3,240	26,404	111	15

3.14 Public Protection continued to work with partners and engage businesses in order to help them navigate a series of government announcements setting out rules for their staff and customers:

- Working with the LBB Communications team to develop support materials for business premises compliance
- Supporting Public Health with scenario planning
- Developing and sharing protocols on risk e.g. food inspections, PACE interviews on site
- Extending Public Health England (PHE) messaging via business links e.g. food inspection
- Conducting “COVID patrols” through utilising the party patrol service
- Partnership working with the Licensing Police to target non-compliance of social distancing in licensed premises
- Implementing the new Pavement Licence registration framework, working with colleagues from street services
- COVID scenario planning also featuring in weekly BCU Community Safety Meetings
- Development of an Metropolitan Police Service Unlicensed Music Events Protocol, in response to COVID tensions in parks

Working with Public Health to interpret changing government advice and legislation, in order to manage applications for events over the coming weeks and months

- Providing advice to landlords on their responsibilities and requirements to undertake necessary repairs. Provision of information relating to how risk can be managed and contact details for contractors operating within the area at this time
- Virtual housing inspections where possible, as well as liaison with tenants and landlords to remedy housing defects at arm's length
- Referral of cases relating to harassment or illegal eviction in relation to tenancy matters
- Working with Planning in relation to applications for the extension of construction hours and adjusting enforcement approach as necessary
- Supporting the National Trading Standards (NTS) Scams Team (Businesses Against Scams), which included free online training on a variety of common business related frauds. In total around 2300 businesses were contacted in partnership with the Business Improvement Districts (BIDs)
- Contacted 500+ vulnerable residents with advice on how to avoid scams, and assisted Police with Operation Nogi (who were able to conduct face to face visits and deliver food parcels in the early stages of lockdown)
- Picked up referrals from the shielding team, whereby Trading Standards Officers carried out home visits to check the wellbeing of high risk residents
- Contacted 650 food businesses to provide advice on how to operate as a takeaway
- Assigned a dedicated Officer to conduct joint COVID-19 Patrols with Police every weekend
- Attended weekly multi agency meetings, which included COVID 19 Tactical Group; BCU Leadership and Heads of Community Safety Partnerships and the South London Coronial Area, and Excess Deaths Steering Group.
- Emergency Planning Team performed the role of Resilience Advisers and supported the Chief Executive, Strategic Co-ordination Group and COVID-19 Tactical group in relation to the Council's collective response. The team have managed the Borough Emergency Control Centre, maintaining the link between the Council and London Resilience.

### **Roadmap out of LOCKDOWN 3**

3.14 On 22<sup>nd</sup> February 2021, the Prime Minister made a statement in the House of Commons on the roadmap to lift the national lockdown in England. The plan is set out in four parts, detailed in the '*COVID-19 Response - Spring 2021*', setting out the roadmap out of the current lockdown for England. This announcement will have a limited immediate impact on business restrictions with many businesses required to remain closed for the time being.

3.15 We anticipate new regulations will be laid to amend the existing The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 in the next two weeks.

### **4.0 FINANCIAL IMPLICATIONS**

4.1 The enforcement activity detailed in this report has been undertaken within the existing revenue budget of the ECS Department and any external funding secured

### **5.0 LEGAL IMPLICATIONS**

5.1 The Closure Regulations were enacted at 2pm on 21 March 2020 by the Secretary of State for Health and Social Care, Matt Hancock, in response to the COVID-19 pandemic and required the closure of businesses selling food or drink for consumption on the premises and a wide range of other businesses, to protect against the risks to public health arising from coronavirus.



5.2. Local authorities were granted powers of enforcement via the Secretary of State. All enforcement officers in Public Protection have been designated under the closure regulations and subsequent amendments.

<b>Non-Applicable Sections:</b>	PERSONNEL POLICY PROCUREMENT
Background Documents: (Access via Contact Officer)	



Report No. **London Borough of Bromley**  
**ES20083**  
**PART ONE - PUBLIC**

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

**Date:** **Tuesday 16 March 2021**

**Title:** **MOPAC UPDATE**

**Contact Officer:** Amanda Mumford, Community Safety Officer  
Tel: 0208 313 4395 Email: [amanda.mumford@bromley.gov.uk](mailto:amanda.mumford@bromley.gov.uk)

**Chief Officer:** Colin Brand - Director of Environment and Public Protection

**Ward:** (All Wards);

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1. Reason for report

This report follows the previous MOPAC updates to this committee, and provides a summary of the projects delivered by MOPAC's London Crime Prevention Fund and Violence Reduction Unit Funding in 2021-2022.

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2. **RECOMMENDATION(S)**

2.1 The committee are asked to note and comment on the report.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: All of the projects referred to in this report seek to provide a positive impact on vulnerable adults and children.
- 

### Corporate Policy

1. Policy Status: Not Applicable:
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley:
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Community Safety; Education, Care & Health Services
  4. Total current budget for this head: £367,140
  5. Source of funding: Mayor's Office for Policing & Crime through the London Crime Prevention Fund (LCPF) and the Violence Reduction Unit (VRU) Fund
- 

### Personnel

1. Number of staff (current and additional): Number of staff (current and additional): 3.7 FTE across various projects detailed below, plus staff covering the out of hours noise service, 132 hours per week and a commissioned VAWG service.
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

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

### Procurement

1. Summary of Procurement Implications: N/A
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The project areas target specific community groups as detailed in the grant agreements, as well as the wider community. The out of hours noise service covers all residents in Bromley
- 

### Ward Councillor Views

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

2. Summary of Ward Councillors comments: Not Applicable

### **3. COMMENTARY**

#### MOPAC Funds Overview

- 3.1 The Mayor's Office for Policing and Crime (MOPAC) provides financial support to deliver a variety of crime reduction projects which are supported through two funds, the London Crime Prevention Fund (LCPF) and the Violence Reduction Unit (VRU) Fund these funds are broken down further below.
- 3.2 The LCPF was established by MOPAC in 2013, awarding grants to projects working across London to reduce crime and disorder, as set out in the Anti-Social Behaviour Crime and Policing Act 2014. The VRU Fund was established in 2019 and is in place to deliver interventions and provide support and diversionary activities for young Londoners with the intention of reducing street based violent crime.

#### **The London Crime Prevention Fund in Bromley**

- 3.3 With regards to the LCPF In Bromley, in the year 2020-21 the Council received £317,140. The funding for 2021-22 has once again been set at £317,140.
- 3.4 This amount of funding is determined by way of a funding formula applied by MOPAC. Each borough across London receives a different amount dependant on local data, crime figures and statistics.
- 3.5 For the 12-month period The LCPF in Bromley funds:
- (i) Domestic Violence against Women & Girls Service £205,840
  - (ii) Bromley Mentoring Initiative £40,600
  - (iii) Community Impact Days, £33,700
  - (iv) Out of Hours Noise Service, £30,000
  - (v) Reducing reoffending coordination, £7,000

#### **Domestic Violence against Women & Girls Service**

- 3.6 Domestic Violence against Women & Girls Project and VAWG Strategic Lead. This project continues to deliver services through three targeted sub-projects, as it has in previous years. Each project has specific deliverables and targets, each has a different focus. All programmes are delivered by external providers through a commissioned process.

- (i) The Independent Domestic & Sexual Violence Advisors (IDSVA)

IDSVA's support females experiencing abuse. There is a provision of a Young Person's IDSVA working with the MASH service and Early Intervention Teams for young victims who have disclosed domestic abuse and need support. A further IDSVA is based withing the Police custody suite Provision for specialist adult support IDSVA for elder victims of domestic abuse, service users with complex additional needs including substance misuse and those with mental health conditions is also available. A service for male victims is available. IDSVA's also raise awareness of the service and promote the service to the voluntary statutory and community sector.

- (ii) Community Domestic Abuse Programme

This sub-project includes provision of a One-Stop Shop, offering a wide range of services under one roof, meaning a victim seeking help may obtain advice from various support services in one visit. Also, in this strand is the domestic abuse support group, often recognised as “The Freedom Programme”, empowering women to break free from domestic abuse and recognise the behaviours of an abusive partner. Awareness raising of these services is also undertaken.

(iii) The Drive Programme.

A new dedicated domestic violence perpetrator project will be delivered in 2021/2022, working with partners across the Met Police Basic Command Unit to embed this project and establish effective delivery, as has proven effective in Croydon already.

### **Bromley Mentoring Initiative**

- 3.7 The Bromley Education Business Partnership are funded to provide 125 mentor relationships each year with the ambition of improving a young person’s confidence, self-esteem, motivation and self-belief to drive further improvements in the young person’s circumstances with regards to education, training and employment. A focus is put on ensuring the young person is supported away from becoming involved in crime & entering the Criminal Justice Service for the first time. Mentoring provides support that enables young people to play an appropriate role in society & helps to prepare them for a better future.

### **Community Impact Days**

- 3.8 Coordinated by the Community Safety Team within Public Protection and supported by representatives from across the Council and Safer Bromley Partnership. This fund delivers a day of action every month making visible environmental improvements, taking enforcement action wherever possible and supporting residents where necessary to feel safe enough to report crime and ASB. Community Impact Days take place in the areas in most need across the borough, focussing on priorities shared by our partners, often being fly tipping, ASB, deliberate fires, off road bikes, blue badge parking misuse and other relevant issues. These days are supported by the Met Police, LFB, Clarion, Friends of the Parks, Youth Services, and many more partners. Many of the resources on the day are offered in-kind, maximising the value of the LCPF.
- 3.9 A full briefing on the success of these days was provided to the committee on Tuesday 19<sup>th</sup> January 2021

### **Out of Hours Noise Service**

- 3.10 The Out of Hours Neighbourhood Noise Service addresses noise complaints out of normal office hours. This initiative responds to and investigates noise complaints outside of normal office hours, operating from 1700 – 0300 Monday – Friday and 0800 – 0300 on weekends, bank holidays and concessionary days. The service provides remedial action using both informal and formal powers of enforcement and all available noise abatement legislation. The service provides a rapid response (within one hour) to complaints enabling witnessing and resolution of nuisance while it is ongoing.

### **Reducing Re-offending Coordination**

- 3.11 The LCPF provides a contribution to part fund a reducing reoffending coordinator. The coordinator plays a pivotal role in bringing together agencies at delivery level responsible for reducing reoffending and ensuring opportunities are there for entrenched offenders to break the cycle of offending, matched with action for those who continue on a criminal pathway.

## **Violence Reduction Funding in Bromley**

3.12 With regards to the VRU In Bromley, in the year 2020-21 the Council received £50,000. The funding for 2021-22 has also been set at £50,000. For the 12-month period the VRU funding provides:

- (i) **A Targeted Mentoring Service:** (£12,000) The Project focuses on supporting siblings of young people known to be involved in violence, with the intention of preventing young people from becoming involved in crime. It provides support that enables young people to play an appropriate role in society & helps to prepare them for a better future. Aims include: Raised self-esteem & confidence, increased motivation, access to educational & career advice and improved interpersonal skills.
- (ii) **A Serious Youth Violence Single Point of Contact** (£38,000). This Officer provides multiagency oversight and understanding of the Serious Youth Violence picture across the borough to reduce violent recidivism. The Single Point of Contact (SPOC) coordinates strategic vision outlining a joined-up partner response to Bromley's emerging gang problem. Implementation of the strategic vision with relevant partners from across the partnership brought together at a strategic and practitioner level resulting in enhanced ownership and coordination of the Violence Reduction Action Plan. Obtaining local gang analysis to shape the work of the strategic group and Implementing MOPAC's Violence Reduction Unit recommendations.

## **Future Funding and Service Provision**

3.1 The Mayoral Election was cancelled in 2020 due to the COVID pandemic. As a result of the postponement the funding for LCPF and VRU projects was rolled over for a further 12 months. It is hoped that funding will continue for these workstreams and new bids will be submitted once the application process is open. It is nevertheless important to note that MOPAC funding is discretionary and not assured. Should external funding be withdrawn it would be necessary to request Members to consider whether they would support the Council making additional budget provision available to fund any gaps that arise or stop doing the work entirely.

## **4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

The Bromley Mentoring Initiative targets young people most at risk of developing criminal and anti-social behaviours; the full range of activities within the VAWG programme impact directly on victims of domestic abuse and the children in those families who may be at risk from the perpetrator; Community Impact Days aim to reduce the fear of crime and reduce anti-social behaviour in areas where vulnerable adults and children are at most risk; the noise service seeks to respond to complaints of noise in the community which can impact the health and wellbeing of all residents.

## **5. POLICY IMPLICATIONS**

5.1 The project outcomes contribute to the Building a Better Bromley priorities, the Safer Bromley Partnership, Violence Against Women and Youth Justice strategies.

## **6. FINANCIAL IMPLICATIONS**

6.1 The Council's MOPAC grant funding in 2020/21 is £367,140 and the same amount is expected for 2021/22.

6.2 Details of how this grant funding is distributed across the projects are set out in 3.5 and 3.12.



## 7. PERSONNEL IMPLICATIONS

- 7.1 The ongoing ability to provide the services and schemes as listed in paragraph 3.5, is fully reliant on the provision of ongoing funding. Any reduction in funding will adversely impact service delivery, and should redundancies become a risk, a full consultation in line with the Councils Managing Change procedures will be undertaken with employees affected, as well as staff representatives.

<b>Non-Applicable Sections:</b>	Legal Implications Procurement implications
Background Documents: (Access via Contact Officer)	

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Report No.  
ES20067

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** 11<sup>th</sup> March 2021 and 16<sup>th</sup> March 2021

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

**Title:** Risk Register

**Contact Officer:** 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

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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.

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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 25<sup>th</sup> January 2021 and at Audit Sub-Committee, which last met on 3<sup>rd</sup> November 2020. The next CRMG meeting will take place on 26<sup>th</sup> April 2021.
- 3.1 At the time of writing, the Council has 119 individual risks (108 departmental plus 11, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).
- 3.2 E&PP Department currently has 27 risks (~22% of the Council's total).
- 3.3 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	Current Risk Rating
1	<b>Emergency Response:</b> Failure to respond effectively to a major emergency / incident internally or externally	8	6
2	<b>Central Depot Access:</b> Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot)	12	9
3	<b>Fuel Availability:</b> Fuel shortage impacting on transport fleet / service delivery	5	4
4	<b>Business Continuity Arrangements:</b> Lack of up-to-date, tried and tested, BCP for all Council services	8	8
5	<b>Industrial Action:</b> Contractors' staff work-to-rule / take strike action impacting on service delivery	12	8
6	<b>Health &amp; Safety (E&amp;PP):</b> Ineffective management, processes and systems within E&PP departmentally	12	8
7	<b>Highways Management:</b> Deterioration of the Highway Network due to under-investment	8	6
8	<b>Arboricultural Management:</b> Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc	12	6
9	<b>Income Variation (Highways and Parking) (Non-Covid):</b> Loss of income at a time when the Council is looking to grow income to off-set reduced funding	9	6
10	<b>Waste Budget:</b> Increasing waste tonnages resulting in increased waste management costs	20	12
11	<b>Town Centre Businesses and Markets:</b> Loss of town centre businesses to competition	15	6
12	<b>Staff Resourcing and Capability:</b> Loss of corporate memory and ability to deliver as key staff leave (good new staff are at a premium)	12	9
13	<b>Climate Change:</b> Failure to adapt the borough and Council services to our changing climate	12	8
14	<b>Income Reconciliation (Public Protection Licensing):</b> Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding	6	6
15	<b>Income Reconciliation (Waste Management):</b> Uncertainty around income reconciliation linked to the mobilisation of new waste contracts	6	2
16	<b>Dogs and Pests Contract:</b> Failure to deliver the contract to the required service levels	6	4
17	<b>Out of Hours Noise Service:</b> Failure to deliver statutory services	12	12
18	<b>Integrated Offender Management:</b> Failure to contribute to IOM in Bromley	12	12
19	<b>Anti-Social Behaviour Co-Ordinator post:</b> Failure to deliver ASB problem solving and partnership activity	12	12
20	<b>Gangs and Serious Youth Violence Officer:</b> Inability to deliver strategic coordinated gang disruption work with partners across the borough	12	4
21	<b>The provision of 24/7 CCTV Monitoring:</b> Inability to provide 24-7 CCTV monitoring	12	6
22	<b>Loss of Income from Licensing:</b> Lost income from alcohol and gambling licenses	12	9
23	<b>Risk to Health:</b> Officers exposed to COVID-19 through enforcement visits	12	9
24	<b>Staff Resourcing - Public Protection Enforcement:</b> Inability to deliver to existing statutory responsibilities	9	6
25	<b>Increased Costs for Coroners Service:</b> Additional estimated costs due to high risk post mortems	12	9
26	<b>Disfuncionality of Uniform Information Management System:</b> Impacts how data is recorded, retrieved and analysed. Data is not always saved or retrievable.	20	16

27	<b>COVID-19 related loss of income (Parking):</b> Greatly reduced income from parking charges and from enforcement activity. Failure to deliver transport improvements.	20	12
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- 3.4 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.
- 3.5 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.
- 3.6 Risk 26 has a Current Risk Rating of 16, which is red. The dysfunctionality of Uniform is really affecting how the team record, retrieve and analyse data. As Regulators the team has no confidence that data once uploaded to the system (when it responds) is retained. There is no confidence in FOIs, SARs or performance data, contemporaneous notes are lost, Notices are not attached and hours of Officer time is lost waiting for the system to work (or not).

#### **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.

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	None



## RISK REGISTER REPORT (ES18037): RISK ASSESSMENT GUIDANCE SUMMARY

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

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

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

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## Environment & Public Protection (E&PP) Risk Register

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:	RISK OWNER
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED	19/02/2021
1	1	All E&PP	<b>Emergency Response</b> Failure to respond effectively to a major emergency / incident internally or externally	<b>Cause(s):</b> -Emergency may be triggered by storms, floods, snow, extreme heat or other emergency. Ineffective response could be caused by capacity and/or organisational issues <b>Effect(s):</b> - 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	<b>Central Depot Access</b> Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot)	<b>Cause(s):</b> -Fire, explosion, train derailment, strike etc. <b>Effect (s):</b> -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	<b>Fuel Availability</b> Fuel shortage impacting on both LBB and service provider transport fleet	<b>Cause(s):</b> -National or local fuel shortage caused by picketing or other external factors <b>Effect (s):</b> -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	<b>Business Continuity Arrangements</b> Lack of up-to-date, tried and tested, BCP for all Council services	<b>Cause(s):</b> -Failure to implement and keep up-to-date effective service and corporate Business Continuity Plans <b>Effect(s):</b> -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	<b>Industrial Action</b> Contractors' staff work-to-rule / take strike action impacting on service delivery	<b>Cause(s):</b> -Union dissatisfaction over pay and conditions (particularly in Waste, Libraries) <b>Effect (s):</b> -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	<b>Health &amp; Safety (E&amp;PP)</b> Ineffective management, processes and systems within E&CS departmentally	<b>Cause(s):</b> -Failure to take departmental action to reduce likelihood of accidents, incidents and other H&S issues <b>Effect (s):</b> -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)
	12	Highways	<b>Highways Management</b> Deterioration of the Highway Network due to under-investment	<b>Cause(s):</b> -Failure to manage Highways in respect of traffic volumes, winter weather, financial resources leading to deteriorating condition <b>Effect (s):</b> -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:	RISK OWNER
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED	
8	13	SSGS	<b>Arboricultural Management</b> Failure to inspect and maintain Bromley's tree stock leading to insurance claims etc.	<b>Cause(s):</b> -Failure to ensure that trees are managed as safely as reasonably practicable <b>Effect (s):</b> -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	<b>Income Variation (Highways and Parking)</b> 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	<b>Cause(s):</b> - 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) <b>Effect (s):</b> -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. Monitor income trends 4. Continue to monitor success in achieving enforcement objectives 5. Intelligence-led targeting of hotspot sites for enforcement 6. Review of further income opportunities as part of Council's Transformation agenda	Colin Brand
10	15	SSGS	<b>Waste Budget</b> Increasing waste tonnages resulting in increased waste management costs	<b>Cause(s):</b> - 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.) <b>Effect (s):</b> - 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	<b>Town Centre Businesses and Markets</b> Loss of town centre businesses to competition and as a result of the COVID-19 pandemic	<b>Cause(s):</b> -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 <b>Effect(s):</b> -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
20		All E&PP	<b>Staff Resourcing and Capability</b> Loss of corporate memory and ability to deliver as key staff leave (good new staff are at a premium)	<b>Cause(s):</b> -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. <b>Effect (s):</b> -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:	19/02/2021
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED	RISK OWNER
13	22	All E&PP	<b>Climate Change</b> Failure to adapt the borough and Council services to our changing climate	<b>Cause(s):</b> -Severe weather events including extreme heat, storms, floods etc. <b>Effect (s):</b> -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	<b>Income Reconciliation (Public Protection Licensing)</b> Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding	<b>Cause(s):</b> - Lack of processes to reconcile actual licence fee income against expected income held on service specific IT systems. <b>Effect (s):</b> - 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	<b>Income Reconciliation (Waste Management)</b> Uncertainty around income reconciliation linked to the mobilisation of new waste contracts	<b>Cause(s):</b> -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 <b>Effect (s):</b> - 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	<b>Dogs and Pests Contract</b> Failure to deliver the contract to the required service levels	<b>Cause(s):</b> -Lack of robustness within contract specification in terms of contract deliverables and Key Performance measures <b>Effect (s):</b> -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	<b>Out of Hours Noise Service</b> Failure to deliver statutory services	<b>Cause(s):</b> 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. <b>Effect:</b> 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	<b>Integrated Offender Management</b> Failure to contribute to IOM in Bromley	<b>Causes:</b> -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. <b>Effect:</b> -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
	31	Public Protection	<b>Anti-Social Behaviour Co-Ordinator post:</b> Failure to deliver ASB problem solving and partnership activity	<b>Cause(s):</b> -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. <b>Effect:</b> -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

## 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:	RISK OWNER
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	19/02/2021	
20	32	Public Protection	<b>Gangs and Serious Youth Violence Officer</b> Failure to deliver Gang problem solving and partnership activity	<b>Cause(s):</b> -this has funding from MOPAC for 1 year only and the post which is responsible for the strategic coordination of gang interventions and reductions in serious youth violence. <b>Effect:</b> -Inability to fund this post would result in the cessation of strategic coordinated gang disruption work with partners across the borough.	Service Delivery	3	4	12	1. Annual review with MOPAC on service outcomes	1	4	4	1. Funding for this post is in place via MOPAC until 2022 at which point the costs will move to the community safety salary budget as agreed with finance as this post will become part of the full time LBB staff establishment.	Tony Baldock
21	33	Public Protection	<b>The provision of 24/7 CCTV Monitoring</b>	<b>Cause:</b> -COVID 19 Pandemic <b>Effect:</b> -Potential Loss of officers through sickness arising from a potential second wave leading to an inability to provide 24-7 CCTV monitoring .	Service Delivery	3	4	12	1. The contract is currently running back at full strength, however, due to a second wave of COVID we have again moved to running a single operator crew (as this still provides continued 24 hour monitoring). Shift hand overs are once again not be in person, so the operator signing off would not see the next shift operator and handover notes would be left. Engineers who visit the room for maintenance would keep main room closed if accessing the server room, and if they do have to enter the control room they will maintain 2m social distancing at all times. This is achievable when there is only a single operator in the room. The supervisor will mostly work from home.	2	3	6	1. Monitor and review monthly with Contractors	Rob Vale
22	34	Public Protection	<b>Loss of Income from Licensing</b>	<b>Cause:</b> -COVID 19 pandemic and the potential impact on achieving income from licensing. <b>Effect:</b> -The majority of income relates to alcohol and gambling licences which are renewed between October and November each year. The Team has already received the income for the first 7 months of this financial year and have not had any requests to refund existing licences. However, there is a risk that the expected income target will not be met.	Financial	3	4	12	1. The Council's Covid business support schemes offer business rate deferral as well as discretionary grants to cover non staffing overheads, the government have not specifically provided assistance with the costs of licences and premiums and there is an assumption that the loss of use of the licence would be covered under the distortionary grants. For most businesses the licence would be a minor cost and they would be more concerned with significant overheads such as staffing, rents and rates. Should expected income targets not be met, the Division would look to mitigate the shortfall by reducing expenditure in the first instance to maintain a balanced budget.	3	3	9	1. Monitor and review income and government guidance.	Rob Vale
23	35	All E&PP	<b>Risk to Health</b> - Ill health resulting from enforcing Health Protection COVID 19 Restrictions Regulations 2020 or from operating public sites	<b>Cause:</b> -COVID 19 pandemic and the National requirement that Environmental Health and Trading Standards Officers enforce the COVID 19 Health Regulations. - Operational activities requiring staff to undertake site visits or to operate public facilities. <b>Effect:</b> -The potential for Officers, Contractors and Visitors to be exposed to and infected by, COVID 19	Service Delivery	3	4	12	1.Risk assessments have been undertaken. No face to face inspections to take place, all investigations to be undertaken at arms length via email or telephone, drive by etc., unless there is a life and limb enforcement issue. Should face to face contact be necessary, PPE (gloves/masks/sanitiser) is available and must be used. 2. Assessments for bulky waste collections undertaken via telephone.	3	3	9	1.To regularly review the risk assessments	Colin Brand
24	36	Public Protection	<b>Staff Resourcing - Public Protection Enforcement</b> The requirement of Public Protection to enforce the social distancing measures	<b>Cause:</b> -The impact of the Covid 19 pandemic and relaxation of the lockdown places an additional enforcement responsibility on Public Protection to enforce social distancing measures in business premises. <b>Effect:</b> -This additional responsibility may interfere with the ability to deliver to existing statutory responsibilities.	Service Delivery	3	3	9	1. A joint BCU Enforcement approach was developed and agreed in April 2020, whereby The South BCU will work collegiately with the Council to undertake joint enforcement activity where appropriate. Investigations, regulatory and enforcement activities will have regard to local context, be risk based and targeted to where they will have the greatest effect. Enforcement will be a last resort, and overall a process of escalation will be used until compliance is reached. Exceptions may occur where there is a serious risk to public safety . The Met Police have now issued another London wide enforcement protocol that covers the latest changes to legislation, however, the one that is already in place covers the approach, and is being updated.	2	3	6	1. Ongoing weekly meetings with the BCU leadership team to discuss capacity and response.	Joanne Stowell
25	37	Public Protection	<b>Increased Costs for Coroners Service</b>	<b>Cause:</b> -COVID 19 Pandemic and the resultant excess deaths and impact on the Coroners services. <b>Effect:</b> -Additional estimated costs (£57k) over the BAU contract costs due to high risk post mortems.	Financial	3	4	12	1. Ongoing communication with the South London Coroners Consortium to ensure that additional costs are scrutinised. The Consortium is looking to mitigate the additional costs by reducing expenditure in the first instance to maintain a balanced budget.	3	3	9	1. If the costs cannot be absorbed by the consortium, the Division would look to mitigate the additional spend by reducing expenditure within the division/department in the first instance to maintain a balanced budget.	Joanne Stowell
26	38	Traffic and Parking	<b>COVID-19 related loss of income</b> Greatly reduced income from parking activity. Current uncertainty re TfL grant funding for transport improvements.	<b>Cause(s):</b> -Fewer people were using paid-for parking during lockdown and this continues post-lockdown -Enforcement was relaxed to allow residents to park at home during first lockdown only; enforcement fully restored, including in bus lanes and outside schools -TfL LIP funding has not been clarified for 2021/22 (normally confirmed in December, now expected to be confirmed in February) <b>Effect (s):</b> - April to June saw a 95% reduction in parking income; this is still down by about 64% - Failure to deliver new traffic and highway improvement schemes.	Service Delivery / Financial	5	4	20	1. Encourage residents to have confidence to visit town centres 2. Seek ongoing grant funding.	4	3	12	1. This risk will remain high until such time as car use returns to pre-COVID levels. 2. Council should use the limited funding available to support economic recovery for town centres, returning school pupils and those travelling to work. 3. Council to consider reprioritising highway improvements and behaviour change projects if funding is reduced to implement Local Implementation Plan (LIP).	Angus Culverwell
27	39	Public Protection	<b>Disfuncionality of Uniform Information Management System</b>	<b>Cause-</b> This is a legacy system and there has been a lack of investment in maintaining it. <b>Effects-</b> The dysfunctionality of Uniform affects how data is recorded, retrieved and analysed. Data is not always saved or retrievable. Further there are issues trying to connect to the system remotely.	Service Delivery	5	4	20	Ongoing communication with IT, the system upgrade is due in May 21	4	4	16	The system will remain unreliable until such time that the system is upgraded. Discussions as to whether the upgrade can be accelerated.	Joanne Stowell

## London Borough of Bromley

Report No.  
ES20069

### PART ONE - PUBLIC

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**Decision Maker:** Public Protection and Enforcement PDS Committee

**Date:** 16<sup>th</sup> March 2021

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

**Title:** Contract Register

**Contact Officer:** 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

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1. Reason for report

- 1.1 This report presents an extract from February 2021's Contracts Register for detailed scrutiny by PDS Committee – all PDS committees will receive a similar report each contract reporting cycle, based on data as at 26<sup>th</sup> January and presented to E&RC PDS on 3<sup>rd</sup> February 2021.
- 1.2 There is no accompanying 'Part 2' of this agenda, as any relevant commentary has been included in the Part 1 report.

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2. **RECOMMENDATIONS**

That the PDS Committee:

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

### Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Contracts Register covers services which may be universal or targeted. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts award and monitoring reports, and service delivery rather than this report.
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### Corporate Policy

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

### Financial

1. Cost of proposal: - N/A
  2. Ongoing costs: - N/A
  3. Budget head/performance centre: Public Protection and Enforcement Portfolio
  4. Total current budget for this head: - £2.48m
  5. Source of funding: - Existing controllable revenue budget for 2020/21
- 

### Personnel

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

### Legal

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

### Procurement

1. Summary of Procurement Implications: Improves the Council's approach to contract management.
- 

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

#### Contracts Register Background

- 3.1 The Contracts Database (CDB) is fully utilised by all Contract Managers across the Council as part of their Contract Management responsibilities, which includes the updating the information recorded on the database. The Register is generated from the Contracts Database which is administered by Commissioning & Procurement Directorate and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.2 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and the Contracts Register is a key tool used by Contract Managers as part of their daily contract responsibilities. The Contract Registers are reviewed by the Procurement Board, Chief Officers, Corporate Leadership Team, and Contracts Sub-Committee as appropriate
- 3.3 The Contracts Register is produced four times a year for members– though the CDB itself is always 'live'.
- 3.4 Each PDS committee is expected to undertake detailed scrutiny of its contracts – including scrutinising suppliers – and hold the Portfolio Holder to account on service quality and procurement arrangements.

#### Contract Register Summary

- 3.5 The Council has 226 active contracts covering all portfolios as of 26<sup>th</sup> January 2021 for the February reporting cycle as set out in Appendix 1.

#### Public Protection and Enforcement

Item	Category	September 2020	November 2020	February 2021
Total Contracts	£50k+	6	6	6
Concern Flag	Concern Flag	0	0	0
Risk Index	Red	0	0	0
	Amber	1	1	1
	Yellow	3	4	4
	Green	2	1	1
Total		6	6	6
Procurement Status	Red	2	0	0
	Amber	0	2	3
	Yellow	1	1	0
	Green	3	3	3
Total		6	6	6

- 3.6 Contracts may be flagged for attention due to the tight timescales for tender (rather than any performance issues associated with the delivery of the contract). During this contract cycle, there are no contracts flagged for attention.
- 3.7 Bromley Markets Assembly has been moved to the Environment and Community Services Portfolio on the Contracts Database and will not appear under this portfolio in the next report.

#### 4. IMPACT ON VULNERABLE ADULTS & CHILDREN

4.1 The Corporate Contracts Register covers all Council services: both those used universally by residents and those specifically directed towards vulnerable adults and children. Addressing the impact of service provision on the vulnerable is a matter for the relevant procurement strategies, contracts, and delivery of specific services rather than this summary register.

#### 5. POLICY IMPLICATIONS

5.1 The Council's renewed ambition is set out in the 2016-18 [Building a Better Bromley](#) document and the Contracts Database (and Contract Registers) help in delivering the aims (especially in delivering the 'Excellent Council' aim). For an 'Excellent Council', this activity specifically helps by 'ensuring good contract management to ensure value-for-money and quality services'.

#### 6. PROCUREMENT IMPLICATIONS

6.1 Most of the Council's (£50k plus) procurement spend is now captured by the Contracts Database. The database will help in ensuring that procurement activity is undertaken in a timely manner, that Contract Procedure Rules are followed and that Members are able to scrutinise procurement activity in a regular and systematic manner.

#### 7. FINANCIAL IMPLICATIONS

7.1 The Contracts Database and Contract Registers are not primarily financial tools – the Council has other systems and reports for this purpose such as the Budget Monitoring reports. However, the CDB and Registers do contain financial information both in terms of contract dates and values and also budgets and spend for the current year.

#### 8. PERSONNEL IMPLICATIONS

8.1 There are no direct personnel implications but the Contracts Database is useful in identifying those officers directly involved in managing the Council's contracts.

#### 9. LEGAL IMPLICATIONS

9.1 There are no direct legal implications but the Contracts Database does identify those contracts which have a statutory basis and also those laws which should be complied with in delivering the contracted services.

9.2 A list of the Council's active contracts may be found on [Bromley.gov.uk](http://Bromley.gov.uk) to aid transparency (this data is updated after each Contracts Sub-Committee meeting).

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	<ul style="list-style-type: none"><li>• Appendix 1 – Key Data (All Portfolios)</li><li>• Appendix 2 - Contracts Database Background information</li><li>• Appendix 3 – Contracts Database Extract PART 1</li></ul>


## Appendix 1: Key Data (All Portfolios)

Item	Category	September 2020	November 2020	February 2021
Contracts (>£50k TCV)	All Portfolios	213	220	223
Flagged as a concern	All Portfolios	2	0	4
Capital Contracts	All Portfolios	4	3	7
<b>Portfolio</b>				
	Executive, Resources and Contracts	57	56	57
	Adult Care and Health	73	73	74
	Environment and Community Services	14	16	16
	Children, Education and Families	36	39	40
	Renewal and Recreation and Housing	27	30	30
	Public Protection and Enforcement	6	6	6
<b>Total</b>		<b>213</b>	<b>220</b>	<b>223</b>
<b>Risk Index</b>				
	Red	14	17	17
	Amber	70	75	78
	Yellow	84	83	86
	Green	45	45	42
<b>Total</b>		<b>213</b>	<b>220</b>	<b>223</b>
<b>Procurement Status</b>				
	Red	84	77	83
	Amber	22	21	20
	Yellow	20	20	30
	Green	87	102	90
	Imminent	3	2	3
<b>Total</b>		<b>216</b>	<b>222</b>	<b>226</b>

## Appendix 2 - Contracts Register Key and Background Information

### Contract Register Key

1.1 A key to understanding the Corporate Contracts Register is set out in the table below.

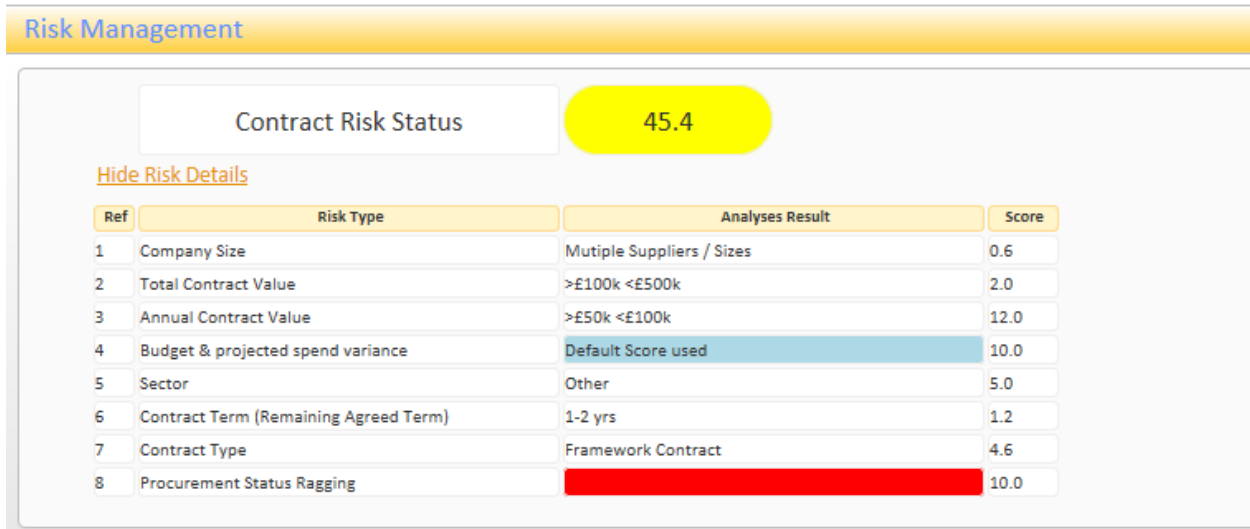
Register Category	Explanation
<b>Risk Index</b>	Colour-ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) / colour reflecting the contract's intrinsic risk
<b>Contract ID</b>	Unique reference used in contract authorisations
<b>Owner</b>	Manager/commissioner with day-to-day budgetary / service provision responsibility
<b>Approver</b>	Contract Owner's manager, responsible for approving data quality
<b>Contract Title</b>	Commonly used or formal title of service / contract
<b>Supplier</b>	Main contractor or supplier responsible for service provision
<b>Portfolio</b>	Relevant Portfolio for receiving procurement strategy, contract award, contract monitoring and budget monitoring reports
<b>Total Contract Value</b>	The contract's value from commencement to expiry of formally approved period (excludes any extensions yet to be formally approved)
<b>Original Annual Value</b>	Value of the contract its first year (which may be difference from the annual value in subsequent years, due to start-up costs etc.)
<b>Budget</b>	Approved budget for the current financial year. May be blank due to: finances being reported against another contract; costs being grant-funded, complexity in the finance records e.g. capital (also applies to Projection)
<b>Projection</b>	Expected contract spend by the end of the current financial year
<b>Procurement Status</b>	Automatic ranking system based on contract value and proximity to expiry. This is designed to alert Contract Owners to take procurement action in a timely manner. Red ragging simply means the contract is nearing expiry and is not an implied criticism (indeed, all contracts will ultimately be ragged 'red').
<b>Start &amp; End Dates</b>	Approved contract start date and end date (excluding any extension which has yet to be authorised)
<b>Months duration</b>	Contract term in months
<b>Attention </b>	Red flag indicates that there are potential issues, or that the timescales are tight and it requires close monitoring. (also see C&P Commentary in Part 2)
<b>Commentary</b>	Contract Owners provide a comment – especially where the Risk Index or Procurement Status is ragged red or amber. Commissioning & Procurement Directorate may add an additional comment for Members' consideration <i>The Commentary only appears in the 'Part 2' Contracts Register</i>
<b>Capital</b>	Most of the Council's contracts are revenue-funded. Capital-funded contracts are separately identified (and listed at the foot of the Contracts Register) because different reporting / accounting rules apply

### Contract Register Order

1.2 The Contracts Register is output in Risk Index order. It is then ordered by Procurement Status, Portfolio, and finally Contract Value. Capital contracts appear at the foot of the Register and 'contracts of concern' (to Commissioning & Procurement Directorate) are flagged at the top.

## Risk Index

- 1.3 The Risk Index is designed to focus attention on contracts presenting the most significant risks to the Council. Risk needs to be controlled to an acceptable level (our risk appetite) rather than entirely eliminated and so the issue is how best to assess and mitigate contract risk. Contract risk is assessed (in the CDB) according to eight separate factors and scored and weighted to produce a Risk Index figure (out of 100). These scores are ragged to provide a visual reference.



## Procurement Status

- 1.4 A contract's Procurement Status is a combination of the Total Contract Value (X axis) and number of months to expiry (Y axis). The table below is used to assign a ragging colour. Contracts ragged red, amber or yellow require action – which should be set out in the Commentary. Red ragging simply means the contract is nearing expiry and it is not an implied criticism (indeed, all contracts will ultimately be ragged 'red').

		Procurement / Commissioning Status					
Period	3 months						<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: red; margin-right: 5px;"></div> Requires an agreed plan  <div style="width: 20px; height: 20px; background-color: yellow; margin-right: 5px;"></div> Develop / test options  <div style="width: 20px; height: 20px; background-color: orange; margin-right: 5px;"></div> Consider options  <div style="width: 20px; height: 20px; background-color: green; margin-right: 5px;"></div> No action required                 </div>
	6 months						
	9 months						
	12 months						
	18 months						
		£5k - £50k	£50k - £100k	£100k - £173k	£173k - £500k	>£500k	
		Total Contract Value					

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Contract Register Report - £50k Portfolio Filtered - Public Protection and Enforcement - February 2021

Risk Index	Contract ID	Owner	Approver	Contract Title	Supplier Name	Portfolio	Total Value	Original Annual Value	Budget	Projection	Proc. Status	Start Date	End Date	Months Duration	Attention	Capital
●	4941	Joanne Stowell	Colin Brand	<a href="#">Mortuary Contract</a>	Princess Royal University Hospital Mortuary via Kings College Hospital NHS Foundation Trust (with LB Bexley)	Public Protection and Enforcement	540,000	180,000			■	01/10/2019	30/09/2022	36		
●	3763	Mark Atkinson	Joanne Stowell	<a href="#">Dogs &amp; Pest Control Services</a>	SDK Environmental Ltd	Public Protection and Enforcement	276,000	60,500			■	01/02/2018	31/01/2022	48		
●	4955	Jonathan Richards	Colin Brand	<a href="#">Bromley Market Assembly</a>	MarketForce Services Limited	Public Protection and Enforcement	154,000	77,000			■	01/01/2020	31/12/2021	24		
●	4859	Robert Vale	Joanne Stowell	<a href="#">CCTV Monitoring</a>	Enigma CCTV Ltd	Public Protection and Enforcement	1,441,000	288,200			■	01/04/2019	31/03/2024	60		
●	4858	Robert Vale	Joanne Stowell	<a href="#">CCTV Repair and Maintenance Contract</a>	Tyco Fire & Intergrated Soution (UK) Ltd	Public Protection and Enforcement	691,081	135,573			■	01/04/2019	31/03/2024	60		
●	3799	Joanne Stowell	Colin Brand	<a href="#">Coroners Service</a>	London Borough of Croydon	Public Protection and Enforcement	448,640	224,320			■	01/04/1966	31/08/2029	762		

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Report No.  
CSD 21026

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:** 16<sup>th</sup> March 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)

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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

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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 so that the Work Programme can be modified and developed.**

### 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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<b>PUBLIC PROTECTION AND ENFORCEMENT PDS---Tuesday, 16<sup>th</sup> March 2021</b>
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
Public Protection and Enforcement Draft Portfolio Plan
Budget Monitoring Report
Contracts Register Report
Environment and Public Protection Risk Register Update
MOPAC Update Report
Covid 19 PPE Update
Emergency Planning and Corporate Resilience Business Continuity Service: Annual Update
Draft Private Sector Enforcement Policy
Work Programme
<b>PUBLIC PROTECTION AND ENFORCEMENT PDS---Tuesday, 22<sup>nd</sup> June 2021</b>
Matters Outstanding
Police Update
Portfolio Holder Update
Public Protection Performance Against Portfolio Plan Indicators
Budget Monitoring - Provisional Outturn 2020-2021
Planning Enforcement Progress and Monitoring Report: 2020-2021
Enforcement Activity Update
Contracts Register Report
Public Protection Risk Register Update
Safer Bromley Partnership End of Year Update
Work Programme
<b>PUBLIC PROTECTION AND ENFORCEMENT PDS---Tuesday, 7<sup>th</sup> Sept 2021</b>
Matters Outstanding
Police Update
Portfolio Holder Update
Public Protection Performance Against Portfolio Plan Indicators
Budget Monitoring
Mopac Update
Contracts Register Report
Public Protection Risk Register Update
Work Programme
<b>PUBLIC PROTECTION AND ENFORCEMENT PDS---Wed, 10<sup>th</sup> November 2021</b>
Matters Outstanding
Police Update

Portfolio Holder Update
Public Protection Performance Against Portfolio Plan Indicators
Budget Monitoring
Contracts Register Report
Public Protection Risk Register Update
Fly Tipping Action Plan Update Report
Planning Enforcement Progress and Monitoring Report
Work Programme
<b>PUBLIC PROTECTION AND ENFORCEMENT PDS---Tues, 1<sup>st</sup> Feb 2022</b>
Matters Outstanding
Police Update
Portfolio Holder Update
Public Protection Performance Against Portfolio Plan Indicators
Public Protection and Enforcement Draft Budget for 2022-2023
Mopac Update
Contracts Register Report
Public Protection Risk Register Update
Work Programme
<b>PUBLIC PROTECTION AND ENFORCEMENT PDS---Wed, 23<sup>rd</sup> March 2022</b>
Matters Outstanding
Police Update
BYC Presentation
Portfolio Holder Update
Public Protection Performance Against Portfolio Plan Indicators
Budget Monitoring
Neighbourhood Management Enforcement Update
Public Protection Performance against agreed Enforcement Indicators Scrutiny Report
Contracts Register Report
Public Protection Risk Register Update
Emergency Planning and Corporate Resilience Business Continuity Service: Annual Update
Work Programme
<b>POSSIBLE FUTURE PRESENTATIONS and AGENDA ITEMS</b>
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
Next Update from SLAM
An update report concerning the Model London Lettings Policy be presented to the Committee later in the year
<b>POSSIBLE FUTURE VISITS</b>
Coroners' Court.
Bethlem Hospital

