



THE LONDON BOROUGH
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DATE: 29 August 2022

To: Members of the
PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Councillor David Cartwright QFSM (Chairman)
Councillor Kim Botting FRSA (Vice-Chairman)
Councillors Mike Botting, Sophie Dunbar, Josh King, Andrew Lee, Alexa Michael, Chloe-Jane Ross, Harry Stranger and Rebecca Wiffen

Non-Voting Co-opted Members:

Sharon Baldwin, Chairman - Safer Neighbourhood Board
Dr Robert Hadley, Bromley Federation of Residents Associations
Alf Kennedy, Bromley Neighbourhood Watch
Oscar Seal, Bromley Youth Council
nathan ward, BYC

A meeting of the Public Protection and Enforcement Policy Development & Scrutiny Committee will be held at Bromley Civic Centre on **THURSDAY 8 SEPTEMBER 2022 AT 7.00 PM**

TASNIM SHAWKAT
Director of Corporate Services & Governance

*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 16TH JUNE 2022 (Pages 1 - 12)**
- 4 QUESTIONS FOR THE CHAIRMAN OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE**

Please note that generic questions to the Chairman or the Portfolio Holders should

have been received 10 working days before the meeting which was by 5pm on 24th August.

Questions specific to the agenda items should be received by 5pm on Friday, 2nd September.

5 QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

6 MATTERS OUTSTANDING (Pages 13 - 16)

7 POLICE CRIME DATA ANALYSIS REPORT (Pages 17 - 18)

8 MINUTES OF THE PREVIOUS MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP (Pages 19 - 24)

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

9 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW (Pages 25 - 26)

This document has been uploaded to the pack but a separate A3 copy will be provided for Members on the night.

10 UPDATE FROM THE PORTFOLIO HOLDER FOR PUBLIC PROTECTION AND ENFORCEMENT

11 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

Portfolio Holder decisions for pre-decision scrutiny.

a BUDGET MONITORING 2022/23 (Pages 27 - 32)

b OUT OF HOURS NOISE SERVICE OPTIONS APPRAISAL (TO FOLLOW)

POLICY DEVELOPMENT AND OTHER ITEMS

12 FOOD SAFETY PLAN 2022/23 (Pages 33 - 52)

13 COMMUNITY IMPACT DAYS UPDATE (Pages 53 - 60)

14 UPDATE REPORT ON THE CONTAMINATED LAND STRATEGY (Pages 61 - 108)

15 PUBLIC PROTECTION AND ENFORCEMENT RISK REGISTER (Pages 109 - 116)

16 FLY TIPPING ACTION MID YEAR UPDATE (Pages 117 - 128)

17 WORK PROGRAMME (Pages 129 - 134)

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PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 16 June 2022

Present:

Councillor David Cartwright QFSM (Chairman)
Councillor Kim Botting FRSA (Vice-Chairman)
Councillors Mike Botting, Sophie Dunbar, Josh King,
Andrew Lee, Alexa Michael, Chloe-Jane Ross,
Harry Stranger and Rebecca Wiffen

Sharon Baldwin (Safer Neighbourhood Board)

Also Present:

Councillor Julie Ireland

STANDARD ITEMS

75 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Alfred Kennedy.

Apologies for lateness were received from Sharon Baldwin.

76 DECLARATIONS OF INTEREST

There were no new declarations of interest.

77 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 23rd MARCH 2022

The Committee considered the minutes of the meeting of the Public Protection and Safety PDS Committee held on 23rd March 2022.

RESOLVED that the minutes of the meeting held on 23rd March 2022 be agreed and signed as a correct record.

78 MATTERS ARISING

CSD 22061.

The Committee noted the matters detailed in the report. The Chairman commented that Councillors were looking forward to receiving the training

package for all Councillors regarding how to respond during incidences of civil emergencies.

RESOLVED that the Matters Arising report be noted.

79 QUESTIONS FROM THE PUBLIC AND FROM COUNCILLORS

One oral question had been received from a member of the public. The questioner was not able to attend the meeting and so the question was dealt with as a question for written response.

**80 MINUTES OF THE MEETING OF THE SAFER BROMLEY
PARTNERSHIP STRATEGIC GROUP--26th MAY 2022**

The Chairman explained that the Committee was designated a 'Crime and Disorder Committee'. He explained the purpose of the Safer Bromley Partnership and the fact that the Crime and Disorder Committee was responsible for scrutinising the Safer Bromley Partnership. The Chairman said that Members were free to ask questions arising from the SBP minutes. These questions would then be forwarded to the SBP for a response.

The Chairman welcomed the police to the meeting and commented that the Committee would normally receive a data analysis report from the police that had not been provided on this occasion. The Chairman explained that at each meeting of the PP&E PDS, a specific partner would be asked to attend, provide an update and then respond to questions. The police would normally attend the first meeting of the Civic Year.

The Chairman asked if any Members had questions on the Safer Bromley Partnership minutes. The Chairman opened the questioning by asking for more information with respect to the apprenticeships being provided by Clarion Futures and how those apprenticeships could be monitored. The Chairman noted that reference had been made to the current SBP Strategic Document and that SBP partners had been asked to consider if revised priorities should be considered for inclusion in the new SBP Strategic Document. He also suggested that it would be good if the current SBP Strategic Document be disseminated to the PP&E PDS Committee. *Post Meeting Note: This was disseminated to Members on 27th June.*

The Chairman expressed the view that what should be included in the Strategy was more involvement from the police in dealing with speeding and in checking for drivers under the influence of alcohol and drugs; the Chairman requested that this be fed through to the Safer Bromley Partnership.

A Member requested an update on the success or otherwise of the knife amnesty bins that were located in Bromley and Penge. The Portfolio Holder informed the Committee that the knife amnesty bins were emptied on a three monthly basis and it was anticipated that data would be available soon.

The Chairman explained what questions would be appropriate for the Scrutiny Committee and what questions should be directed to the Safer Neighbourhood Board.

A discussion took place regarding the staffing levels for Safer Neighbourhood Teams.

RESOLVED that:

1) The Minutes of the Safer Bromley Partnership meeting that took place on 26th May 2022 be noted.

2) With respect to looking at revised priorities for the new SBP Strategic Document, a request be made to the SBP to consider a greater emphasis on dealing with speeding drivers and more action to be taken to check for drivers who may be driving under the influence of alcohol and drugs.

81 SBP PARTNER UPDATE FROM THE POLICE

Attending to provide the police update were Inspector Stuart Baker and Chief Inspector Ken Loyal.

The Chairman asked Inspector Baker if at future meetings, he could submit the statistics that the police normally would submit to the SBP as part of their priorities. He requested that this data be provided to the scrutiny committee a week before the meeting.

Inspector Baker said that the biggest change he wanted to report was with respect to changes regarding the Bromley Town Centre Team. The police felt that the area in Bromley where the most offences were taking place was in Bromley Town Centre, so the Bromley Town Centre Police Team had been significantly enhanced to deal with this.

Chief Inspector Ken Loyal stated that the police wanted to have better engagement and better communications. They also wanted to reduce violence and VAWG (Violence against Women and Girls). There were four main areas that Chief Inspector Loyal asked his officers to focus on and they were visibility, engagement, enforcement and problem solving. He referenced the 37 arrests which had been made in the town centre and which equated to 20 'detections'. He stated that this was a reasonable rate in comparison to MET wide statistics. He explained the various enforcement options that were available to the police in addition to arrests and these were the use of things such as disposal orders, banning orders, and community resolutions.

The Chairman pointed out that the detection rate was understandably good in Bromley Town Centre because of the resource that had been focused in that area, but conversely the detection rate in other areas across the borough was nowhere near the detection rates and arrest rates of Bromley Town Centre. He expressed no surprise that the results were good in Bromley Town Centre because they had approximately six times the number of officers available. In

his view the detection rate across the rest of the Borough was not particularly good. He stated it showed what could be achieved if the relevant resources were available. Inspector Baker responded and said that the town centre had been picked because of the volume of crime levels in that area. It was noted that the use of CCTV had made a significant beneficial impact in terms of crime resolution.

A Member referenced the Crown Prosecution Service and asked if they were working 'in house' with the police. She suspected that this was not the case and that there were communication issues with the Crown Prosecution Service which resulted in cases being lost. It was noted that the CPS was no longer working in house with the police for various reasons. Inspector Baker commented that the CPS was also under pressure. The Member replied and said it would be beneficial if the CPS could be moved back in house with the police.

A discussion took place concerning the percentage of crime solved with respect to the nighttime economy and what efforts the police were undertaking to increase visibility. A Member expressed concern at the number of police officers that were delayed at hospitals with mental health patients.

The issue of police abstractions across the BCU was discussed. This could occur because of a high risk incident or with respect to a specific operation that was intelligence led. A Member felt that this needed to be reviewed.

The Chairman thanked the police for their attendance and he said that going forward it would be good to look at crime reduction across the Borough as a whole and not just in Bromley Town Centre.

RESOLVED that the police update be noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

82 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Public Protection and Enforcement, Councillor Angela Page, attended the meeting to provide an update.

The Portfolio Holder stated that she had attended the meetings of the Safer Bromley Partnership and the Safer Neighbourhood Board. She had scheduled in a meeting the following week with the new Borough Fire Commander and the Chairman would be attending this as well. The Committee was also informed that the Portfolio Holder had been meeting on a quarterly basis with the BCU Police Commander.

RESOLVED that the Portfolio Holder update be noted.

83 PP&E PERFORMANCE OVERVIEW UPDATE

The Head of Performance Management & Business Support attended the meeting to provide the Performance Overview update. It was explained that the purpose of the Performance Overview update was to look at how the Council was performing against the various KPIs that were part of the Portfolio Plan. The update provided the actual KPIs for the previous year and the projected ones for the coming year.

The Head of Performance Management & Business Support referred to Item 2c which was compliance with the 'Challenge 25' policy. The previous target for visits was 20 but this was being increased to 40. Two premises were having their licences reviewed due to non-compliance and this had caused the rag status to be red. It was hoped that going forward to bring all businesses into 100% compliance with the Challenge 25 policy.

It was noted that more cameras were being used to report Moving Traffic Offences. When this process was initiated, for the first two weeks, PCNs were issued as required, but with a zero charge. It was hoped that the use of CCTV images would reduce the number of appeals.

A discussion took place concerning the various types of enforcement action that was taken with respect to fly-tipping. It was noted that in some cases warning letters were used. The Committee noted that for 10 cases reported in April, enforcement action was taken in three cases. For the other cases there was not enough evidence to prosecute.

RESOLVED that the PP&E Performance Overview update be noted.

84 PROVISIONAL OUTTURN

The Head of Finance for ECS and Corporate Services explained that the report set out the provisional results of the 2021/22 outturn for the Public Protection and Enforcement Portfolio. The final outturn report would be considered by the Executive at its meeting on 28th June.

The Head of Finance for ECS and Corporate Services explained to Members that the main body of the report was essentially a summarised narrative and that the detail would be found in the appendices which would point out any variations and the reasons for these. There had been little change since quarter three. He expressed the view that with respect to the Public Protection and Enforcement Portfolio, the resources were always used in an efficient manner.

A discussion took place regarding the Council wide emergency notification system which was a general warning system that officers monitored and which provided updates with respect to major incidents.

A Member asked for clarification of the nature of the IDOX system and it was reported that this was an IT system which was a working tool for officers in the Department and which was also used to store documents on the Cloud.

A discussion took place with regard to HMOs and the increase in the number of those which had been seen recently. It was noted that an Article 4 Direction was now in place to prevent the automatic permitted development of HMOs.

RESOLVED that the Portfolio Holder for Public Protection and Enforcement endorse the 2021/22 outturn position for the Public Protection & Enforcement Portfolio.

a GATEWAY REPORT FOR THE TENDER OF THE STRAY DOG & REHOMING SERVICE CONTRACT

ES20190

The report was presented to the Committee by the Contracts and Projects Manager. It was explained that the report was being presented to the Committee because the contract awarded to SDK Environment Limited for delivering the Stray Dogs and Pest Control Services contract was expiring on the 31st of January 2023. Because of this, approval was being sought for the recommended commissioning strategy to be progressed.

It was explained that the Council had a statutory duty to deal with stray dogs but it did not have a statutory duty to provide pest control services. It was pointed out that if there were cases where a rat infestation was allegedly caused by the actions of an individual, the Nuisance Team would investigate this.

The Contracts and Projects Manager outlined three possible options for consideration by the Committee and explained that the preferred option was Option 3.

RESOLVED that:

1) The Portfolio Holder for Public Protection and Enforcement approve the decommissioning of the Pest Control Service which was a non-statutory function.

2) The Portfolio Holder for Public Protection and Enforcement approved that the Council should proceed to procurement for the Stray Dog and Rehoming Service for a proposed contract of three years, with the option to extend for up to a further two years at an estimated annual value of £62k (estimated life value of £310k).

3) Subsequent to the completion of the tendering process, a message be disseminated by the Communications Team to explain any changes that had occurred with respect to the provision of Stray Dogs and Pest Control Services.

**85 PLANNING ENFORCEMENT PROGRESS AND MONITORING
REPORT APRIL 2020 TO MARCH 2021**

**HPR2022/030
DRR**

The introduction to the Planning Enforcement Progress and Monitoring report from April 2020 to March 2021 was provided by the Head of Planning and Development Support.

In summary, the purpose of the report was to provide an update on various planning enforcement cases and the Committee was being asked to consider and note the report.

It was explained that any breaches of planning regulations would sit with Councillor Alexa Michael as Chairman of the Development Control Committee. If it was subsequently deemed by the Development Control Committee that enforcement action was required with respect to breaches of planning regulations, then the enforcement action would fall within the remit of the Public Protection and Enforcement PDS Committee. The report that was presented on the night was related to the last 12 months before June 2020 when there was the lockdown due to the COVID-19 pandemic.

A year on year comparison would be provided on the next report to the Committee. Members noted that the main area of legislation that was relevant to the enforcement of planning regulations was The Town and Country Planning Act. In terms of planning enforcement the Head of Planning and Development Support explained that the cases would go directly to Court or otherwise the cases would be presented before one of the Planning Sub-Committees with a request for Members to agree to 'direct action'. In such cases a fine could be issued or a charge placed on a property. No budget existed for direct action.

Attention was drawn to the Council's enforcement policy, it was noted that this was also available on the Council website and that it was due to be updated soon.

The Chairman drew attention to section 3.8 of the report which stated that as of the 31st of March 2021, there was a total of 476 open enforcement cases currently under investigation or pending consideration; he asked why this number was so high. The Head of Planning and Development Support pointed out that these were figures as of the 31st of March 2021 and therefore the current figure would in fact be higher. This number had risen from a backlog of cases, more resources were required, but there would always be a backlog of cases as this was how the Department worked.

A Member referred to section 3.11 of the report and the table which detailed the 68 enforcement notices in connection with breaches of planning regulations that occurred between April 2020 to March 2021; it was confirmed

that in effect the data being provided was a year behind. A Member commented that it would be helpful to have comparable data presented over a number of years. She asked if this data could be presented at the next meeting. The Chairman suggested that it may be more appropriate to disseminate this data outside of the meeting so that it didn't have to come back to the next meeting. The Member also queried if data was available to the 31st of March 2022 instead of 2021. The Head of Planning and Development Support said that this data could indeed be accessed quickly. It was requested that when the next report was presented, that the data be more current.

RESOLVED that

1) The report be noted and that data to March 2022 be disseminated to the Committee.

2) When the next report was presented, the data should be current.

86 MOPAC UPDATE

A verbal update was provided by the Head of Community Safety, Environmental and Domestic Regulation.

The Committee heard that this year Community Safety had submitted various applications for grants from MOPAC:.

- Violence Reduction Unit Grant
- London Crime Prevention Fund Projects
- Children and Adults Safeguarding Fund

All of these grant applications were successful and monies were drawn down quarterly.

With respect to the VRU grant, two grant bids had been successful, one of these was for the targeting and mentoring of young people (£12k). The other was funding for the Serious Youth Violence and Gangs Single Point of Contact for Bromley (£38k).

With respect to funding for the London Crime Prevention Fund Projects, funding was drawn down over a three year period. One of these projects was for victims of domestic abuse (women and children) and this service was being provided by Bromley and Croydon Women's Aid. The total funding for that project over the three year period was in the region of £600k. Another project falling under the umbrella of the London Crime Prevention Fund Projects was a project for protecting people from exploitation and harm. This was an early intervention project run by the Youth Justice Services. Another project under this umbrella was an IOM (Integrated Offender Management) project that tracked the movements and addresses of high harm and high volume offenders.

Another pot of funding was used to fund the Council's Community Impact Days in 4 wards. Community Impact Days involved collaboration from 20 partners and the days were organised by Sandra Campbell. This funding was also used to fund the targeted out of hours nuisance response. The total MOPAC grant funding received by the Council so far this year was £367k.

The Chairman asked the Head of Community Safety, Environmental and Domestic Regulation if the detailed information that she had just presented to Members could be disseminated to the Committee later, so that Members could look at the data at their leisure and ask relevant questions if required. The Head of Community Safety, Environmental and Domestic Regulation agreed to this and said she would provide the data to the Committee Clerk to disseminate with the minutes.

It was agreed that the future calendar for Community Impact Days would be disseminated to Members. The Chairman recommended that Members attend a Community Impact Day and said that they were very well received by the community.

RESOLVED that:

- 1) The detailed breakdown of MOPAC funding for the various projects run by the Council be disseminated to Members.**
- 2) The calendar detailing the dates and locations of future Community Impact Days be disseminated to Committee Members.**

87 LETTINGS ENFORCEMENT UPDATE

ES 20182

The update on the Lettings Enforcement report was provided by the Assistant Director for Public Protection and Enforcement and she stated that the report was primarily for information. The idea behind the lettings enforcement legislation was that the Council could hold landlords and letting agents to account, so that tenants' deposits could be protected. It was initially the case that the Council had taken a proactive stance in this regard, but they had now moved to a more reactive position in the sense of responding to any complaints received from the public. A Member expressed surprise at the decision that proactive interventions were not being continued.

It was noted that section 3.5 of the report said that nine agents had been the subject of enforcement action whereas in section 3.6 of the report it referred to 8 agents. The Assistant Director said that she would clarify this. Members were also keen to be provided with a Ward breakdown of where the offences were taking place so that they would know where the offenders were located. There was a reference to the 3 appeals made in the report. The Chairman commented that as far as he was aware the cases were well proven and the three appeals could only be for mitigation only.

RESOLVED that the Lettings Enforcement Update be noted.

88 PP&E CONTRACTS REGISTER

ES20185

It was noted that the Mortuary Contract was rag rated as 'amber'. This indicated that the contract was due to expire in September 2022 and so arrangements were being made for the re-tendering of the contract. It was further noted that two environment contracts were listed in error and these would be removed before the next meeting. These were the contracts relating to Hoblingwell Community Cycle Track and Bromley Market Stall Assembly.

RESOLVED that the PP&E Contracts Register Update be noted.

89 PP&E RISK REGISTER

ES20179

It was explained that the risk relating to the Coroner's Service was still red as there were ongoing difficulties in the negotiation of the contract price between the Council and the Coroner.

Members noted the red risk pertaining to the maintenance and provision of the Out of Hours Noise Service. It was noted that this service was dependent upon MOPAC funding, but it was the case that MOPAC had accepted the latest funding bid. Nevertheless, there was still a risk because occasionally the staffing rota for those providing the service was not filled. A paper would be presented to the next committee meeting to outline a new range of options for the service--some of which would incur a cost.

RESOLVED that the Risk Register update be noted.

90 WORK PROGRAMME

CSD 22042

The Chairman said the police would need to be chased earlier next time to make sure that some sort of meaningful report was submitted to the Committee from them. It would also be necessary to clarify the specific timings of when the police would next appear before the Committee.

RESOLVED that the matters arising reports be noted.

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

92 PART 2 CONTRACTS REGISTER REPORT

Members noted the Part 2 update that was provided by the Director of Environment and Community Services.

RESOLVED that the Part 2 update be noted.

The meeting ended at 9.33 pm

Chairman

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Agenda Item 6

Report No.
CSD 21146

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Enforcement PDS Committee

Date: 8th September 2022

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

Title: MATTERS OUTSTANDING

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

Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: N/A

1. Reason for report

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

2. RECOMMENDATION

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

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

Corporate Policy

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

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £366k
 5. Source of funding: 2022/2023 revenue budget
-

Staff

1. Number of staff : 6 FTE
 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 79 Matters Arising 21 st June 2022	The Committee noted the matters detailed in the report. The Chairman commented that Councillors were looking forward to receiving the training package for all Councillors regarding how to respond during incidences of civil emergencies.	The training package has been written, it needs to be recorded so it can be circulated. It is hoped that this will be achieved within the next few weeks..
Minute 80 SBP Minutes 21 st June 2022	With respect to looking at revised priorities for the new SBP Strategic Document, a request be made to the SBP to consider a greater emphasis on dealing with speeding drivers and more action to be taken to check for drivers who may be driving under the influence of alcohol and drugs.	This matter has been noted and will be considered when the new SBP Strategic Document is being drafted.
Minute 81 SBP Police Update. 21 st June 2022	The issue of police abstractions across the BCU was discussed. This could occur because of a high risk incident or with respect to a specific operation that was intelligence led. A Member felt that this needed to be reviewed.	The police will update on the night of the meeting.
Minute 84a Stray Dogs Report.	Subsequent to the completion of the tendering process, a message be disseminated by the Comms Team to explain any changes that had occurred with respect to the provision of Stray Dogs and Pest Control Services.	<p>The note related to the concerns by Members with regards to the pest control element of the contract and the discontinuation or allowing a third party to advertise pest control services on the Bromley website.</p> <p>We are quite early in the tendering process with the provision of third party advertising pest control services not being removed until February next year. This matter could be referred to the the November PDS to allow some time for the Communications Team to consider what comms are required?</p> <p>It is likely that the current webpage will remain for the moment, with a link to Fix My Street for pest complaints on Bromley land. All third party referrals would be removed with perhaps a link to Checkatrade for residents to look up local providers.</p>
Minute 86 MOPAC Update.	The Chairman asked the Head of Community Safety, Environmental and Domestic Regulation if the detailed information that she had just presented to Members could be disseminated to the Committee later, so that Members could look at the data at their leisure and ask relevant questions if required. The Head of Community Safety, Environmental and Domestic Regulation agreed to this and said she would provide the	This will be followed up when the Head of Domestic Regulation for Environment & Public Protection returns from leave.

	data to the Committee Clerk to disseminate with the minutes.	
	It was agreed that the future calendar for Community Impact Days would be disseminated to Members. The Chairman recommended that Members attend a Community Impact Day and said that they were very well received by the community.	This was sent out on 31 st August.

Agenda Item 7

Category	Q1. 21/22	Q.1 22/23	% Difference between the Rolling Years	RAG Status
Total Notifiable Offences	5609	5763	2	
Non-Domestic Violence with Injury	342	422	18	
Total Burglary	374	306	-18	
Theft of Motor Vehicles	196	240	18	
Knife Crime Offences	37	60	38	
Sexual offences	162	155	-4	
Domestic Abuse Offences	662	641	-3	
Hate Crime	204	199	-2	
ASB Calls	2298	1726	-24	

RAG Tolerance for overall % < 50% = Red > 51-69% = Amber > 70% = Green					
Satisfaction and Perception Data	Feels well informed about Local police Activities over last 12 months	42%	36%	-13%	●
	Agrees Police listen to concerns	66%	67%	-7%	●
	Agrees Police can be relied upon to be there when needed	57%	59%	-8%	●
	Agrees Police treat all fairly	62%	56%	-16%	●
	Agrees Police deal with things that matter to this community	66%	65%	-2%	●
	Knows how to contact Ward Officer	32%	32%	3%	●

Agenda Item 8

SAFER BROMLEY PARTNERSHIP BOARD

Minutes of the meeting held at 10.00 am on 17 August 2022

Present:

Louise Watkinson (LBB Assistant Director for Public Protection & Enforcement)
(Chairman)

Ken Loyal (MET Police) (Vice-Chairman)

Councillor Angela Page (LBB Portfolio Holder for Public Protection and
Enforcement)

Stuart Baker (MET Police)

Richard Baldwin (LBB Director of Children's Services)

Sharon Baldwin (Safer Neighbourhood Board Chairman)

Elaine Beadle (LBB Road Safety Manager)

Sandra Campbell (LBB ASB Project Officer)

James Cartwright (London Fire Brigade)

Lynnette Chamielec (LBB Assistant Director - Housing)

Emily Duignan (Service Manager: Bromley Drug and Alcohol Service)

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

Chan Farooqui (Victim Support)

Dawn Helps (Tenancy Specialist Manager: Clarion Housing Group)

Dirk Holtzhausen (LBB Assistant Director for Safeguarding, Practice and
Provider Relations)

Betty McDonald (LBB Head of Youth Offending Service)

Mimi Morris-Cotterill (LBB Assistant Director: Public Health)

Sarah Newman (LBB Head of Community Safety, Environmental & Domestic
Regulation)

Judie Obeya (Neighbourhood Investment Manager: Clarion Housing Group)

Anthony Powell (LBB Community Safety Officer/Serious Youth Crime and
Gangs Lead)

Lucien Spencer (National Probation Service)

David Tait (LBB Emergency Planning and Corporate Resilience Lead)

Rob Vale (LBB Head of Commercial Regulation and Trading Standards)

Also Present:

Councillor David Cartwright QFSM

Councillor Josh King

Councillor Ruth McGregor

Councillor Tony Owen

Cheryl Baker (Clarion Housing Group)

Jim Cowan (LBB Head of Neighbourhood Management)

Dean Laws (LBB Environmental Investigations Manager)

Finola O'Driscoll (Senior Strategist, Public Health)

Vicky West (LBB Assistant Director: CEF Specialist Services)

Kerry Nicholls (Democratic Services)

20	<p>WELCOME AND HOUSEKEEPING</p> <p>The Chairman opened the meeting and welcomed all partners.</p> <p>The Chairman proposed Chief Inspector Ken Loyal be appointed Vice-Chairman of the Partnership and this was agreed by partners.</p>	Action
21	<p>APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST</p> <p>Apologies for absence were received from David Dare (LBB Children’s Services), Chrissie Mason (London Ambulance Service), Jared Nehra (LBB Director of Education) and Steve Phillips (LBB Health, Safety and Licensing Manager).</p> <p>There were no declarations of interest.</p>	Action
22	<p>MINUTES OF THE MEETING HELD ON 26 MAY 2022</p> <p>The minutes of the meeting held on 26 May 2022 were agreed and signed as a correct record.</p>	Action
23	<p>MATTERS ARISING</p> <p>The Board considered progress against outstanding actions from previous meetings.</p> <p>With regard to Minute 13: LFB Update, the Bromley Fire Commander announced that the consultation on the LFB Community Risk Management Plan had now closed. Councillor David Cartwright advised partners that he had raised a number of concerns about the draft Plan, including lack of budgetary information and would share his consultation response on request. It was important to ensure that the final plan linked in with the Local Authority’s arrangements and the Member requested that the LBB Emergency Planning and Corporate Resilience Lead be included in future discussions.</p> <p>A number of other matters arising were ongoing and would be discussed in the course of the meeting.</p> <p>RESOLVED, that matters arising be noted.</p>	Action James Cartwright /David Tait
24	<p>QUESTIONS RECEIVED FROM COUNCILLORS OR MEMBERS OF THE PUBLIC</p> <p>There were no questions.</p>	Action
25	<p>QUARTER 1 - UPDATES FROM ALL PARTNERS DELIVERING PRIORITY 1: SAFER NEIGHBOURHOODS</p> <p>The LBB Head of Community Safety, Environmental and Domestic Regulation advised that work was ongoing to address the crimes and</p>	Action

	<p>anti-social behaviours that concerned Bromley residents the most and had been identified as being most relevant to the Borough.</p> <p>During Quarter 1 of the 2022/23 financial year, a range of actions had been undertaken to achieve Safer Neighbourhoods' priorities, including in the areas of non-domestic violence with injury; residential burglary; anti-social behaviour and crimes against the elderly and vulnerable (including financial abuse). Workstreams included continued use of CCTV in targeted areas via both fixed and mobile cameras to target emerging crime and anti-social behaviour and the successful delivery of four Community Impact Days. Work to reduce crime against the elderly and vulnerable was ongoing with Trading Standards receiving 233 enquiries for investigation during Quarter 1 2022/23 in relation to 76 cases of financial abuse, allegations of scams or doorstep crime with a total customer detriment of over £505k and future estimated savings of £146,333.</p> <p>RESOLVED, that the report be noted.</p>	
26	COMBATING DRUGS PARTNERSHIP	Action
	<p>The Senior Strategist, Public Health reported that Dame Carol Black had recently been commissioned by the Government to conduct a two-part independent review of drugs which had resulted in 32 recommendations for change to improve the effectiveness of drug prevention and treatment and to help more people recover from dependence. As part of the Government's response, the Local Authority was required to form a Combating Drugs Partnership which would bring together key partners and stakeholders to work holistically towards achieving impactful, long-lasting change in breaking drugs supply chains; delivering world class treatment and recovery systems; and achieving a shift in demand for recreational drugs in Bromley. The inaugural meeting of the Combating Drugs Partnership would be held on 6 September 2022 and would focus on agreeing its Terms of Reference which was required to be in place by November 2022. It was aimed to bring together a mix of strategic and operational partners within the Partnership and expressions of interest were invited from partners that had not received an invite.</p> <p>In considering the update, the LBB Assistant Director: Public Health advised that work was underway to understand local need in this area including Drugs and Alcohol Needs Assessments. The representative of the National Probation Service underlined the importance of establishing robust governance arrangements for the Partnership which could be based around the protocol used by other high-level Bromley partnerships. Another Member suggested that the membership of the Partnership include more representation from children and young people services to enable early intervention and requested the LBB Director of Children, Education and Families be approached. The Service Manager, Bromley Drug and Alcohol</p>	All Partners

	<p>Service offered bespoke training on drug and alcohol misuse issues to partners on request.</p> <p>The Chairman requested that an update on the Combating Drugs Partnership be provided to the next meeting of the Safer Bromley Partnership in October 2022 with a view to considering how the two Partnerships could best work together, particularly in light of the current review of the Safer Bromley Strategy.</p> <p>RESOLVED, that the report be noted.</p>	Mimi Morris-Cotterill
27	DHR AND PREVENT VERBAL UPDATE	Action
	<p>The LBB Head of Commercial Regulation and Trading Standards gave an update on Domestic Homicide Reviews and Prevent.</p> <p>During Quarter 1 of the 2022/23 financial year, there had been a small increase in referrals into the Channel programme, but numbers remained minimal. There were a small number of active Domestic Homicide Reviews including one review relating to a house fire which had previously been submitted to the Home Office and for which the Quality Assurance Panel response was awaited. Another review had been paused until legal proceedings had been completed which was not expected to be until January 2023 at the earliest. In July 2022, notification of two further prospective Domestic Homicide Reviews had been received. Having considered the two cases, the Reviewing Panel had resolved that one be subject to a Domestic Homicide Review on the basis of evidence of coercive control and emotional abuse, whilst the other was referred to the Local Authority for a Safeguarding Adults Review.</p> <p>RESOLVED, that the update be noted.</p>	
28	VIOLENCE REDUCTION PLAN VERBAL UPDATE	Action
	<p>The LBB Community Safety Officer/Serious Youth Crime and Gangs Lead thanked all partners for providing quarterly updates in relation to the Violence Reduction Plan.</p> <p>RESOLVED, that the update be noted.</p>	
29	CRIME PERFORMANCE DASHBOARD	Action
	<p>Inspector Stuart Baker, Metropolitan Police provide an update on criminal activity across the Borough.</p> <p>In Quarter 1 of the 2022/23 financial year, Total Notifiable Offences had increased 2% on the same period in 2021/22. Increases had also been seen in Non-Domestic Violence with Injury, which was violence outside the home, and Knife Crime Offences, which were most</p>	

	<p>prevalent in Bromley Town Centre, of 18% and 38% respectively over the past year which was likely a response to the post-COVID period with the Night-Time economy now re-established. Total Burglary offenses had reduced by 18% in the past year which was unanticipated and would be subject to further investigation. Decreases had also been seen in Anti-Social Behaviour Calls, Sexual Offences, Domestic Abuse Offences and Hate Crime of 24%, 4%, 3% and 2% in comparison with Quarter 1 2021/22 respectively.</p> <p>In response to a number of questions, Inspector Stuart Baker advised that Operation Nightingale had recently been launched to tackle the root causes of serious violence. Two Community Impact Days would shortly be delivered in the Bromley Town Centre and Mottingham areas to target emerging crime and anti-social behaviour, and a Partner observed the importance of such activities in maintaining public confidence in the Police. With regard to Domestic Abuse Offences, a Partner noted the small decrease on Quarter 1 2021/22 and observed that there had been over 4,000 Domestic Abuse incidents reported during the rolling 12-month period which represented a return from the COVID-19 peak to pre-COVID levels.</p> <p>A Member requested that the Police be invited to an upcoming meeting of the Public Protection and Enforcement PDS Committee to provide an update on performance and priorities.</p> <p>RESOLVED, that the update be noted.</p>	Clerk
30	BROMLEY COMMUNITY SAFETY PARTNERSHIP STRATEGY 2020-23	Action
	<p>The Chairman led a discussion by the Partnership on the development of the new Safer Bromley Strategy.</p> <p>Two approaches were considered comprising the formation of Task and Finish Groups or a one-off Strategy Day. In discussion, partners strongly supported the formation of four Task and Finish Groups and agreed that these would be based around the themes/priorities of the existing Safer Bromley Strategy.</p> <p>It was agreed that a proposal on how the Task and Finish Groups would operate, including ownership and membership be brought to the next meeting of the Safer Bromley Partnership in October 2022.</p> <p>RESOLVED, that a further update be brought to the next meeting of the Safer Bromley Partnership.</p>	Chair.
31	EMERGING ISSUES FOR PARTNERS	Action
	The LBB Head of Service for Early Intervention and Family Support advised that a new LBB Domestic Abuse Strategy Coordinator had	

	<p>been appointed and would start in post in October 2022.</p> <p>The LBB Head of Commercial Regulation and Trading Standards reported that a concern had been identified around young children accessing vapes. Work was underway to tackle this issue, including engagement in schools, and partners were requested to share any information they had with Trading Standards.</p> <p>The LBB Head of Neighbourhood Management introduced himself and the LBB Environmental Investigations Manager. As well as being responsible for the monitoring of the Veolia contract, the team monitored issues such as fly tipping and had recently set up a Joint Action Group to tackle environmental issues. Partners were encouraged to report environmental crime and public realm and street safety issues via the <i>Fix my Street</i> app or Bromley Council website.</p> <p>The Bromley Fire Commander thanked partners for their contributions to the LFB Community Risk Management Plan. Summer 2022 had been a very challenging period for the London Fire Brigade with a number of major incidents declared including large scale grass fires and a high-rise fire at St Mark's Square, Bromley. There had been a 10% reduction in deliberate fires across the Borough in the last year which demonstrated the results of partnership working.</p> <p>The Head of Probation Delivery Unit announced that a strategic meeting with Her Majesty's Inspectorate of Probation was scheduled for 25 August 2022 in relation to the upcoming inspection. This was a multi-agency meeting and partners were encouraged to attend.</p>	<p>All Partners.</p> <p>All Partners.</p>
32	AOB	Action
	The LBB Head of Neighbourhood Management advised that the <i>Your Waste is Your Responsibility</i> project was seeking to reduce localised fly tipping in Bromley by providing education and monitoring.	
33	DATE AND TIME OF NEXT MEETING	Action
	<p>The next meeting of the Safer Bromley Partnership was currently scheduled for 10.00am on Wednesday 26 October 2022.</p> <p>A Member observed that this was the same day as a planned Community Impact Day, and it was agreed that an alternate date be arranged for the meeting.</p>	Clerk

The Meeting ended at 11.33 am

Chairman

Report No: FS20205		PP&E Performance Overview (2022/23)																
Outcome	PORTFOLIO PLAN INDICATOR	DESCRIPTION	2019-20 TARGET	2019-20 ACTUAL	2020-21 TARGET	2020-21 ACTUAL	2021-22 TARGET	2021-22 ACTUAL	GOOD PERF.	Apr-22	May-22	Jun-22	Jul-22	2022-23 Projection	2022-23 TARGET	2022-23 RAG STATUS	RAG Threshold	COMMENTARY (BY EXCEPTION)
1: We will keep Bromley safe	1A	Number of Community Impact Days	12	12	12	12	12	12	HIGH	1	1	1	1	12	12	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	1B	Number of meetings attended (COVID-19 Board Meetings)	N/A	N/A	New KPI 21/22	New KPI 21/22	100%	100%	HIGH	NA	NA	NA	N/A	100%	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	1C	Number of Safer Bromley Partnership Boards held	N/A	N/A	N/A	N/A	N/A	N/A	HIGH	0	1	0	0	4	4	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	1D	Number of quarterly reports provided by Public Protection to the Safer Bromley Partnership Board	N/A	N/A	N/A	N/A	N/A	N/A	HIGH	0	1	0	0	4	4	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	1E	Number of Prevent Boards attended	N/A	N/A	N/A	N/A	N/A	N/A	HIGH	0	1 (100%)	0%	1 (100%)	4	4	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	1F	Completion of Covid returns (outcome)	N/A	N/A	N/A	N/A	N/A	New KPI 22/23	OUTCOME	N/A	NA	NA	N/A	100%	100%	OUTCOME	Red: more than 10% Amber: Within 10% Green: At target or above	
2: We will protect consumers	2A	Number of awareness raising events & training to groups & partners (No. of attendees)	70	72	70	5	20	20	HIGH	6 events (156 attendees)	2 events (70 attendees)	5 events (112 attendee)	2 events (60 attendee)	398	50	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	2B	Rapid Response interventions responded to within 2 hours (%)	100%	100%	100%	100%	100%	100%	HIGH	3 (100%)	2 (100%)	2 (100%)	10 (100%)	100%	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	2C	Complete all test purchases following all failed Challenge 25 test purchase which result in a sale of an age restricted product	100	97	100	100	20	20	HIGH	5 out of 7 (71%)	0 (71%)	0 (71%)	0 (71%)	100%	100% Compliant Businesses	RED	Red: more than 10% Amber: Within 10% Green: At target or above	Two licensing reviews took place in June in respect of these two under age test purchase failures in April, resulting in two one month suspensions with additional conditions. The clock is re-set and they will be subject to a follow up visit later in the year.
	2D	To disseminate 25 Alerts on emerging topics including doorstep crime and scams	N/A	N/A	N/A	N/A	N/A	New KPI 22/23	HIGH	2	4	6	4	48	25	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
3: We will support and regulate businesses	3A	Due inspections of high-risk food businesses undertaken (% Annual Target)(Risk A and B food premises)	100% (A) 100% (B)	100% Risk A (3/3) 96% Risk B (107/111)	% to be determined by the FSA due to COVID-19	Annual Risk A - 1 Risk B 37	N/A	Risk A - 2 out of 2 - 100% Risk B - 34 out of 37 - 92%	HIGH	Risk A 0% (0 out of 7) Risk B 2% (2 out of 84)	Risk A 0% (0 out of 7) Risk B 3% (3 out of 84)	Risk A 28% (2 out of 7) Risk B 4% (4 out of 84)	Risk A 71% (5 out of 7) Risk B 7% (6 out of 84)	Risk A = 25% Risk B = 4%	100% (Annual Target)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	There are 7 Category A premises and 84 Category B premises that are due to be inspected in this year (2022/23). In accordance with the Food Law Code of Practice (FLCoP) when the inspections are due. It is anticipated that 100% of the due food hygiene inspections (Cats A & B) will be completed by March 2023.
	3B	Due food hygiene (FH) inspections of all food businesses undertaken (% Annual Target)	N/A	N/A	N/A	N/A	N/A	N/A	HIGH	All FH 0.5% (3 out of 541)	All FH 3% (17 out of 541)	All FH 6% (31 out of 541)	All FH 7.5% (41 out of 541)	4%	100% (Annual Target)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	There are a total of 541 food premises (Cats A to E) due for inspection this year. In accordance with the food law code of practice, it is anticipated that 100% of the due food hygiene inspections (Cat A to E) will be completed by March 2023. In accordance with the FLCoP when the inspections are due. The team still has one vacant full time post. There are x2 agency staff provide 1.8 FTEs. These are funded by predicted underspend within the 2022-23 Public Protection Divisional budget.
	3C	Inspection of UNRATED (UR) food businesses (FB)(% completed) (Number of inspections or closures if no longer trading)	N/A	N/A	N/A	N/A	N/A	N/A	HIGH	UR FB 10% (40 of 387) UR CM 0% (0 of 433)	UR FB 19% (75 of 387) UR CM 0% (0 of 433)	UR FB 30% (116 of 387) UR CM 0% (0 of 433)	UR FB 39% (154 of 387) UR CM 0% (0 of 433)	UR FM = 25% UR CM = 0%	100% (Annual Target)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	There are currently 820 unrated food businesses split into two main types. Type 1 - UNRATED FOOD BUSINESSES, total 387 premises, includes a large number of home caterers. It is anticipated to visit all of these premises by March 2023 in line with the FSA recovery plan. Type 2 - UNRATED CHILD MNDERS, total 433 premises. These businesses are currently not registered and the food team received notice of their existence in January 2022. They will be triaged to separate them into HIGH risk and LOW risk. The HIGH risk will be prioritised but completion of all the inspections in this business year is unlikely without additional resources. The FSA are aware of this risk
	3D	Overdue (OD) food hygiene inspections of food businesses undertaken (% completed)	N/A	N/A	N/A	N/A	N/A	N/A	HIGH	OD 5% (54 of 1089)	OD 16% (179 of 1089)	OD 18% (195 of 1089)	OD 23% (256 of 1089)	16%	100% (Annual Target)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	As of the 31st March 22 there are 1089 overdue inspections of Cat C to E food premises. This is due to the disruption to the food team's inspection programme caused by the Covid-19 pandemic. These inspections will be addressed as per the FSA recovery plan with a target of completion by March 2023. However, intelligence received shows that food hygiene standards have fallen post pandemic. There is a risk that this target will not be met if inspections are complicated by the need for enforcement action. The x2 agency staff have been tasked to complete these inspections as it is hoped they will be broadly compliant with required standards. This risk has been communicated to the FSA.
	3E	Respond to 70% of food safety complaints within 5 working days (%)	80%	80%	70%	90%	70%	86%	HIGH	84% (21 out of 25)	100% (37 out of 37)	91% (21 out of 23)	86% (26 out of 30)	90%	70%	GREEN	Red: more than 30% Amber: Within 20% Green: Within 10% or above	
4	4A	Supply of CCTV data on request by appropriate agencies	100%	100%	100%	100%	100%	100%	HIGH	100%	100%	100%	100%	100%	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	4B	Serve statutory notices where appropriate (nuisance and pollution) (%) outcome based	100%	100%	N/A	100%	N/A	100%	OUTCOME	100%	100%	100%	100%	100%	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	4C	Completed cases where investigations of breaches of planning control are identified (%) (outcome)	100%	96%	N/A	100%	N/A	N/A	OUTCOME	Awaiting Data	Awaiting Data	Awaiting Data	Awaiting Data	100%	100%	OUTCOME	Awaiting Data	

Outcome	PORTFOLIO PLAN INDICATOR	DESCRIPTION	2019-20 TARGET	2019-20 ACTUAL	2020-21 TARGET	2020-21 ACTUAL	2021-22 TARGET	2021-22 ACTUAL	GOOD PERF.	Apr-22	May-22	Jun-22	Jul-22	2022-23 Projection	2022-23 TARGET	2022-23 RAG STATUS	RAG Threshold	COMMENTARY (BY EXCEPTION)
4: We will protect and improve the environment through custodianship and effective and responsible enforcement	4D	Issue HMO licenses where valid applications are received (No.)	75%	45%	100%	17.6% (3 out of 17)	100%	N/A	HIGH	(4 out of 4) 100%	(5 out of 5) 100%	(6 out of 6) 100%	(4 out of 4) 100%	100%	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	4E	Total Number of Fly-tipping incidents (No.)	3000	3123	N/A	3565	N/A	3576	OUTCOME	251	277	303	340	3513	N/A	OUTCOME	N/A	
	4F	Total Number of open fly-tipping incident investigations (No.)	N/A	New KPI will be reported from November	N/A	42 (open for period April to March)	N/A	N/A	OUTCOME	5 (open for period of April)	14 (open for period April to May)	18 (open for period April to June)	12 (open for period April to July)	N/A	N/A	OUTCOME	N/A	
	4G	Fly-tipping % of closed cases where action has been taken (those where evidence was available) (%)	N/A	New KPI will be reported from November 2020 onwards	75%	16% (136 cases closed after investigation for April to March of 136 cases 22 have had action which is the 16%)	50%	48%	OUTCOME	30% (10 cases closed after investigation for April. Of 10 cases, 3 have had enforcement action which is the 30%)	47% (21 cases closed after investigation for April to May). Of 21 cases, 10 have had enforcement action which is 47%.	42% (28 cases closed after investigation for April to June). Of 28 cases, 12 have had enforcement action which is 42%.	36% (38 cases closed after investigation for April to July). Of 38 cases, 14 have had enforcement action which is 36%.	50%	50%	OUTCOME	N/A	In April the data shows 3 cases where actions have been taken and this includes 2 warning letters and 1 Fixed penalty notice (FPN) The FPN was successfully paid. The 10 cases closed. In May the data shows 10 cases where actions have been taken and this includes the original 3 from April, along with in May 5 warning letters and 2 FPNs. The cumulative total is then 10. In June the data shows 12 cases where action have been taken this includes the April (3) and May (7) along with 1 warning letter and 1 FPN in June (2 in total). The cumulative total is then 12. In July the cumulative total is now 14. The two cases in July were 2 warning letters. In February 2022 Neighbourhood Management undertook a service review and realignment. The new structure created an Environmental Investigations team consisting of 1 Environmental Investigation Manager, 1 Senior Enviro-Crime Officer and 3 Enviro-Crime Officers. All officers within the team now focus on both Highways & Environmental enforcement and in particular fly tipping investigations. Fly tips are categorised as either under 3 cubic metres or over 3 cubic metres. Large fly tips over 3 cubic metres tend to be carried out by persistent illegal waste carriers who operate as an unregistered business. These fly tips more often than not block the public highway and are carried out in the dead of night by tipper style vehicles. In partnership with Veolia under the street environment contract, when fly tips occur, the materials are removed as a priority to ensure the public highway is safe. The Environmental investigations team is now seeing good success in investigating fly tips before removal and retrieving evidence leading to the source of the waste. This has led to 2 vehicle seizures in July in partnership with the Met Police and suspects being interviewed. To ensure this workstream is captured more precisely, it is proposed to better classify this KPI and ensure the source data takes into account the type and size of the fly tip, what enforcement route was taken and the outcome. This will include the amount of actual FPN (fixed penalty notices) CPW (community protection warnings) and CPN (community protection notices) issued against each fly tip category.
	4H	Parking appeals heard by the Environment and Traffic Adjudicators (ETA) against PCNs issued by LBB (No.)	300	112	200	178	200	240	LOW	15	21	29	8	219	200	GREEN	Red: More than 251 Amber: 226 to 250 Green: 200 to 225	July 22: There has been a general increase in the number of appeals heard in July, this is usual for the summer period and is predicated to continue into August. Overall more PCNs are being issued due to the Moving Traffic Contraventions (MTC), therefore more cases will most likely be sent to ETA.
	4I	Parking ETA cases won by LBB (% of cases heard)	80%	74%	75%	68%	75%	83%	HIGH	100%	95%	76%	63%	83%	85%	GREEN	Red: Less than 70% Amber: Less than 85% Green: At target or above	In July 2022, 3 of the 8 cases that went to ETA were allowed, there is nothing to worry about with regards to these cases, one was due to Ringo signal, which has now been resolved and the other 2 further evidence was provided. If this evidence had been provided sooner, then the cases would have been cancelled.

Report No.
FSD22063

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO
HOLDER

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

Date: 8th September 2022

Decision Type: Non-Urgent Executive Non-Key

Title: BUDGET MONITORING 2022/23

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);

1. Reason for report

This report provides the first revenue budget monitoring position for 2022/23 for the Public Protection & Enforcement Portfolio based on expenditure and activity levels for the first quarter of the financial year.

2. **RECOMMENDATION(S)**

The Portfolio Holder is requested to:

- 2.1 Endorse the 2022/23 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: £2.6m
 5. Source of funding: Controllable revenue budgets 2022/23
-

Personnel

1. Number of staff (current and additional): 47.3fte
 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 first quarterly revenue budget monitoring exercise for the 2022/23 financial year for Public Protection & Enforcement Portfolio.
- 3.2 The position for quarter one for the Portfolio was a small projected overall overspend of £13k based on financial information available at that time.
- 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.
- 3.4 Appendix 1B provides further detail and commentary on each of the projected variations within each service.

4. POLICY IMPLICATIONS

- 4.1 To meet the ambitions for residents, the Council must use available resources deploy its workforce wisely. This is reflected in the “Making Bromley Even Better” ambition of Service Efficiency - ‘To manage our resources well, providing value for money, and efficient and effective services for Bromley’s residents’.
- 4.2 The “2022/23 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 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 Overall, an overspending of £13k is projected to the year-end based on the information available for the first quarter of the year.

Non-Applicable Sections:	Legal, Personnel & Procurement Implications
Background Documents: (Access via Contact Officer)	2022/23 budget monitoring files within E&CS Finance section

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Public Protection & Enforcement Budget Monitoring Summary

2021/22 Actuals £'000	Service Areas	2022/23 Original Budget £'000	2022/23 Latest Approved £'000	2022/23 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
	Public Protection							
371	Community Safety	427	427	427	0		0	0
161	Emergency Planning	146	146	156	10	1	0	0
548	Mortuary & Coroners Service	603	603	623	20	2	0	0
1,466	Public Protection	1,469	1,469	1,459	Cr 17	3	0	0
2,546	TOTAL CONTROLLABLE	2,645	2,645	2,665	13		0	0
617	TOTAL NON CONTROLLABLE	6	6	6	0		0	0
836	TOTAL EXCLUDED RECHARGES	811	811	811	0		0	0
3,999	PORTFOLIO TOTAL	3,462	3,462	3,482	13		0	0

Reconciliation of Latest Approved Budget £'000

Original Budget 2022/23 3,462

Latest Approved Budget for 2022/23 3,462

REASONS FOR VARIATIONS**1. Emergency Planning Dr £10k**

This projected overspend relates to the anticipated additional cost of emergency response standby allowances for the year.

2. Mortuary & Coroners Service Dr £20k

Major renovations to the mortuary facilities at the Princess Royal University Hospital have just started and phase 1 will not be completed until December, meaning that post mortems will instead be conducted in Denmark Hill. With finite facilities at this alternative site, a backlog is anticipated. As bodies will remain in storage for longer, the Council will inevitably incur additional costs.

3. Public Protection Cr £17k

A number of underspends totalling £139k are projected across Public Protection budgets, as follows:

Staffing costs are anticipated to be £39k under budget, with the main variation in respect of Trading Standards.

The cost of the Science Investigation Programme this year is expected to be £23k under budget and, similarly, City of London inspections are projected to be £11k underspent.

Income from licencing of Houses in Multiple Occupation is projected to overachieve this year by £66k.

Officers have commenced an exercise to upgrade the Department's line of business system from Uniform to Idox Cloud. A contract has been awarded recently which will require one-off implementation costs of £122k to be funded. This will be met from the revenue budget underspends already identified this year.

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.

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.
ES 20206

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO HOLDER

For pre-decision scrutiny by the Public Protection & Enforcement PDS Committee on 8th

Date: Thursday 8th September 2022

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

Title: FOOD SAFETY PLAN 2022-23

Contact Officer: Louise Watkinson Assistant Director Public Protection
Louise.watkinson@bromley.gov.uk
Rob Vale Head of Trading Standards & Commercial Regulation
E-mail: rob.vale@bromley.gov.uk

Chief Officer: Colin Brand Director of Environment & Public Protection

Ward: (All Wards);

1. Reason for report

The Council is the Food Safety Authority under the Food Safety Act 1990 and has a duty to enforce food safety and food standards requirements. The Food Standards Agency (FSA) requires the Council to publish an annual Food Safety Service Plan and that such plans have senior management or member approval.

This report sets out the Council's annual plan for effective enforcement of food safety legislation. The objective of the plan is to satisfy the expectations set out in the Food Standards Agency recovery plan with the intended enforcement and inspection regime, ensuring that food in the Borough is produced and sold under hygienic conditions, is without risk to health and is of the quality expected by consumers.

2. **RECOMMENDATION(S)**

The Portfolio Holder is asked to:

- 2.1 Approve the Service Plan 2022 – 2023 for the Food Safety Team (Appendix A)

Impact on Vulnerable Adults and Children

1. Summary of Impact: Premises providing food for vulnerable adults and children will continue to be inspected according to the risks they present to food safety.
-

Corporate Policy

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

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Food Safety
 4. Total current budget for this head: £132K (total controllable)
 5. Source of funding: Existing revenue budget 2022/2023
-

Personnel

1. Number of staff (current and additional): 7.37 FTE permanent (includes Manager and a vacant 1.0 FTE) plus 0.75 FTE administrator
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
-

Procurement

1. Summary of Procurement Implications: The additional temporary food safety officers are to be recruited through the Council's preferred employment agency.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Estimated number of users/beneficiaries (current and projected): There are some 3,029 registered food businesses in the Borough that come under the remit of the team for inspection. The protection afforded through those businesses being inspected extends to everyone who buys or eats food in 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 The Council is required to produce and approve a work plan (Food Safety Plan) that is in line with the Food Standards Agency Framework Agreement and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive.
- 3.2 This Food and Safety Service Plan 2022-2023 (Appendix A) covers the key areas of Food Safety and the relevant management arrangements and objectives against which the Council will monitor service delivery, and has been compiled in accordance with the guidance issued by the Food Standards Agency (FSA).
- 3.3 At the time of writing, the Food team is still recovering from the impact of the covid-19 pandemic which will possibly carry on through the next few years.

FSA RECOVERY PLAN

- 3.4 In 2021 the FSA set out a 2 phase recovery plan to assist local authorities re-starting their inspection programme:

Phase 1 - 1 July to 30 September 2021

Prioritise new businesses for interventions based on risk, and develop intervention programme from September 2023 onwards.

Phase 2 – 1 October 2021 to 2024

Continuation of Phase 1, implementing the planned food premises inspection programmes for high-risk category and non-compliant establishments, implementing an intelligence-based approach for low risk category establishments and addressing the backlog of inspections.

- 3.5 Phase 2 of the RP will continue until a new food standards delivery model and a revised food hygiene intervention rating scheme are implemented. It is anticipated that the new model will be rolled out nationally from April 2023.
- 3.6 In September 2021 the number of overdue inspections was 932. The total number of inspections (backlog and due) was 2,055. The FSA accepts local authorities may not have the resources to achieve targets within one financial year and have given a 3-year period in which to address the backlog. The Food Safety Service Plan, presented to the Public Protection & Enforcement Portfolio Holder in September 2021 set out ambitions in a work programme with a target of 848 completed overdue premises by March 2022, in addition to the 1,170 due inspections. This was based on an FTE resource of 6.54 and agency staff as budgets allowed.
- 3.7 However, between 1st April 2021 and September 2021 three officers left the service, through retirement and career progression, and recruitment to these posts was hampered by a shortage of qualified officers. Three officers have since been recruited, with starting dates in December 2021, February 2022 and March 2022. However, one of these officers resigned in July 2022 and that post is currently vacant. Food agency staff have been engaged during these periods of vacancies, but again a national shortage of Environmental Health Officers delayed this recruitment process. We were able to recruit two agency in October 2021, one 0.8

FTE, the other on a per inspection agreement, and a further 0.8 FTE in January 2022. These agreements ceased on 31st March 2022.

- 3.8 As a result, the aspirations set out in the Food Service Plan 2021/22 have not been met, with a remaining backlog on 1,089 on 1st April 2022.
- 3.9 Phase 2 of the recovery plan will continue until a new food standards delivery model and a revised food hygiene intervention rating scheme are in place, likely roll out date is 2024.

Demand

- 3.10 In April 2022, there were 3,029 food premises registered in Bromley, many of which are categorised as Small /Medium Enterprises (SME). 541 new premises were registered in 2021/2022, compared to 502 the previous year. (See section 7 of the service plan). There has also been an additional 433 unrated childminder businesses not previously notified to the local authority following changes to Ofsted registration procedures.
- 3.11 The service also undertakes reactive work (including complaint enforcement in the case of non-compliance, managing food incidents and food hazards, food poisoning and infectious disease outbreaks and investigating and managing complaints), food sampling, and ongoing proactive surveillance

Inspections Due this Year

- 3.12 Section 10 of the plan sets out the details of the number of inspections due this year. There are 1,361 due in this period, with 1,089 over due, giving a grand total of 2,450. Table 6 in the plan sets out the detail.
- 3.13 There are 541 Food Hygiene inspections *due* for 2022-23 and a target to complete these by 31st March 2023. There is also a target to complete all overdue category A and B and non-compliant 0-2 rated food businesses in line with the Recovery Plan. This will also include Category A premises for food standards.
- 3.14 We will also inspect all less than broadly compliant Category C and category D businesses as per the deadline dates set by the Recovery Plan (RP). We will prioritise businesses which are the subject of food complaints for inspection.
- 3.15 We will also inspect all broadly compliant Category C and D premises in line with the plan. We will also triage and inspect all newly registered unrated high risk and low risk businesses in line with the Food Law Code of Practice (FLCoP) and RP. This will be dependent upon resources available.
- 3.16 With our current resources of 5.37 FTE and a contractor working for 6 months we predict that we will be able to complete 1,400 inspections. This is subject to successful recruitment and/or maintaining agency staff with under spends from the vacant post.
- 3.17 This leaves an overall shortfall for the outstanding and due and unrated of 1,050. If we keep the current contractor on to the end of 31st March 2023, we predict an additional 300 visits will be completed. This leaves an expected shortfall on 31st March 2023 of 750. This has been communicated with the FSA via regular temperature checks.

Resources

- 3.18 The Food Team is run and managed in-house with 7.37 permanent FTE equivalents (including the Food Safety Manager plus 0.75 FTE administrator).
- 3.19 As mentioned in 3.7 above, the Food team faced significant disruption last year due to retirements and resignations which impacted the ability to meet the targets in the previous plan. Underspends within the divisional budget has permitted the engagement of 2 agency workers for up to the end of September 2022. Given the difficulties in recruitment it is proposed to pause recruitment to the newly vacant post and use any underspends across the public protection division to maintain at least one agency worker post September 2022. However, if this is not possible there will be an impact on the projected targets.

4 IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Premises providing food for vulnerable adults and children will continue to be inspected according to the risks they present to food safety.

5 POLICY IMPLICATIONS

- 5.1 Providing a resilient Food Safety Service in compliance with the FSA audit supports Building a Better Bromley through being an Excellent Council and maintaining minimum standards in food business helps to ensure Bromley is both safe and healthy.

6 FINANCIAL IMPLICATIONS

- 6.1 The total controllable revenue budget available to deliver the Food Safety Plan in 2022-2023 is £132k. The budget is in the Food Safety and Food Standards Cost Centre, R58080.

7. PERSONNEL IMPLICATIONS

- 7.1 The ability to achieve the targets set out in the service plan are reliant on retaining existing staff and recruiting to available posts when they become available.

8. LEGAL IMPLICATIONS

- 8.1 The Council is the Food Authority under the Food Safety Act 1990. Our performance is monitored by the FSA who have undertaken an audit and published its findings. As Bromley has had a red audit previously, they will continue to monitor performance closely moving forwards using a balance score card approach and will intervene if our performance deteriorates.
- 8.2 The powers of the FSA are derived from Section 40 Food Safety Act 1990. The Secretary of State may issue code of practice as regards the execution and enforcement of the Act and Regulations. This is the 'Food Law Code of Practice (England). Where a Food Authority fails to comply with the Code of Practice; the FSA can issue a direction to them requiring them to take specified steps to comply. The previous audit by the FSA was not a formal Direction under Section 40 of the Food Safety Act 1990 but was an informal intervention designed to assist the Council comply with its duties.
- 8.3 The Council as the Food Authority shall have regard to the Code of Practice and shall comply with any direction given by the FSA (Food Safety Act 1990 Section 40(2)).
- 8.4 Under Section 42 Food Safety Act 1990 the Secretary of State may order another food authority or the Food Standards Agency to discharge our duties.

9. PROCUREMENT IMPLICATIONS

9.1 The additional temporary food safety officers are recruited through the Councils preferred employment agency.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Reports to: ES19061 21 st September 2021



London Borough of Bromley

Food Safety Service Plan 2022-2023



This Food Safety Service Plan 2022-2023 covers the key areas of Food Safety and the relevant management arrangements and objectives against which the Council will monitor service delivery and has been compiled in accordance the Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls issued by the Food Standards Agency (FSA) Local authorities | Food Standards Agency and in accordance with the FSA Local Authority Recovery Roadmap

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1. INTRODUCTION

- 1.1 This Food Safety Service Plan 2022-2023 covers the key areas of Food Safety and the relevant management arrangements and objectives against which the Council will monitor service delivery and has been compiled in accordance the Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls issued by the Food Standards Agency (FSA) [Local authorities | Food Standards Agency](#) and in accordance with the FSA [Local Authority Recovery Roadmap](#)
- 1.2 The FSA audits Local Authority food and feed enforcement activities and publishes reports of their findings. Local Authorities are audited against the feed and food law standard in the Framework Agreement, which is a document that sets out the minimum standards of performance required from Local Authorities, across the full range of their feed and food law enforcement activities. The FSA have recently published a [5 year strategy and vision](#) which includes designing a more targeted and proportionate approach to local authority regulation of food businesses.
- 1.4 This service plan is subject to review by the Public Protection & Enforcement PDS Committee and makes clear the arrangements Bromley Council will put in place to ensure that there are adequate arrangements for food safety enforcement moving forwards and states the objectives for the 2022-2023 period. It includes a performance review against the previous year's plan (2021-2022).

2. SERVICE AIMS & OBJECTIVES

- 2.1 Bromley's Food Safety Service is delivered in accordance with the [Food Law Code of Practice \(FLCoP\)](#), the latest version of which was released in March 2021.
- 2.2 The key objectives of the service are to:
- Ensure by 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.
 - Deliver a programme of Food Hygiene and Food Standards inspections and interventions in relation to primary producers and food businesses, on a risk-based frequency.
 - Provide support to help businesses comply with their legal obligations.
 - Investigate and take appropriate action concerning complaints about food and food premises to protect public health.
 - Provide a fair and equitable service that provides value for money.
 - Carry out targeted and reactive environmental, microbiological and food standards food sampling.
 - Prevent the spread of specified infectious and food borne diseases.
 - Advise and educate consumers and service users on food safety matters.

3. LINKS TO CORPORATE OBJECTIVES AND ENFORCEMENT POLICY

3.1 The service, and the manner in which it is delivered, contributes to the vision and ambitions set out in our [Making Bromley Even Better \(corporate strategy\)](#) aims to make Bromley a fantastic place to live and work, where everyone can lead a healthy, safe and independent lives. The five ambitions are:

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

3.2 The work of the Team also contributes to the [Public Protection & Enforcement Portfolio Plan 2022](#) in particular to Outcomes 3 and 5:

“We will support and regulate businesses: We will follow the approach detailed in our enforcement policy with a risk-based, targeted, flexible, and proportionate approach to regulatory inspection and enforcement. There will be a graduated approach of advice, education, warning, and proportionate enforcement for all but the most serious of issues. This will ensure that our regulators are efficient, effective, and helpful, and avoid imposing unnecessary burdens on those businesses being brought into compliance.”

“We will provide value for money: We will focus on service outcomes, using rigorous financial evaluation, including metrics such as the social return on investment, to establish the full impact of a service programme and its value to the public. We will proactively and regularly review external sources of funding, income generation activities, fees and charges, benchmark against other local authorities, and ensure we are considering efficient operating models.”

3.3 In addition, the Public Protection Division has produced an [Enforcement Policy 2019](#) in accordance with the [Regulators' Code](#) 2014. Regulatory compliance and enforcement are common operational activities carried out by the Food Safety Team, as part of the broader

regulatory process, and it involves actions that encourage and compel compliance with a regulatory framework that covers various pieces of legislation.

4. PROFILE OF BROMLEY

4.1 The borough of Bromley is the largest borough in London in terms of geographical area; it occupies 59 square miles (152.8 km²) of which the majority is Metropolitan Green Belt land; 30% of the land is categorised as farmland.

4.2 It has the 6th largest population in London with over 330,000 people, increasing from 309,400 in 2011 according to the [2021 Census](#); data from the 2011 census reports 81% of the population are white or white other, 94.2% of Bromley's population speak English, the average age of our residents is 40, 72% of the residents are owner occupiers and over 78% of the economically active population are in employment, with only 4% being unemployed. The borough owns and manages two traveller sites and is home to a large community of travelling show people.

4.3 There are four town centres; Bromley, Orpington, Beckenham and Penge; the latest figures show that there are over 17,000 businesses in the borough, according to the London Councils [Borough Business Profiles 2019](#), the majority of businesses are small with less than nine employees in each, and most are within the sectors of finance, retail and construction. However, public administration, education and health are the borough's largest employers, and the Princess Royal University, Orpington, Beckenham Beacon and Bethlem Royal NHS Hospitals are located within the borough, as is Biggin Hill airport.

5. STAFF RESOURCE

5.1 The Food Safety Team sits within the Public Protection Division of the Environmental and Public Protection Department; the feeding stuffs and alcohol authenticity enforcement are carried out by the Trading Standards Team, Kent Scientific Services is appointed as the Food Analyst, and UK Health Security Agency (UKHSA) acts as the Council's Food Examiner.

5.2 The food team at present is made up of:

- 1 x 1.0 FTE Food Team Manager
- 4 x 1.0 FTE Environmental Health Officers (one post is vacant)
- 1 x 0.83 FTE Environmental Health Officers
- 2 x 0.5 FTE Environmental Health Officers
- 1 x 0.54 Food Safety Officer

Total 7.37 FTE plus 0.75 Administrative Support. See Appendix A for staff structure.

Provision for specialist services is arranged through Kent Scientific Services and the UK Health Security Agency, Food Water Environment Microbiology laboratory.

6. SCOPE OF FOOD SERVICE

6.1 Food safety activities normally undertaken include:

- Programmed inspections and interventions at food businesses at a frequency set out in the FSA's FLCoP risk rating scheme.
- Revisits to premises following programmed inspections to secure compliance with legal requirements.
- Assessing food hygiene and food standards issues (e.g., food allergens and food fraud) during premises inspections.
- Carrying out assessments and updating data for the National Food Hygiene Rating Scheme.
- Food microbiological and compositional sampling which is either intelligence-led or forms part of national sampling programmes.
- Investigating complaints about the standard of hygiene in food businesses in Bromley.
- Investigating complaints about food that has been produced and/or sold in Bromley.
- Investigating food poisoning and food borne infectious disease cases.
- Responding to national Food Safety Alerts and Incidents issued by the FSA.
- Promoting food safety by education, training and business support and working with other organisations to assist food business operators.

6.2 In addition, the following additional services are provided alongside the above:

- Health and safety "hazard spotting" whereby the local authority is the enforcing authority where significant health and safety matters are noted in food premises. This is in line with the Health and Safety Executives (HSE) National Local Authority Enforcement Code.
- Advice about infection control procedures is given during visits to child day care settings.
- Responding to Freedom of information requests.
- Information sharing in accordance with General Data Protection Regulations.

7. SERVICE DEMAND

7.1 In April 2022 there were 541 new food businesses registered and an additional 433 childminders added to the inspection programme, a total of 974, compared to 502 the previous year. There are various factors that contribute to this such as change of ownership and new High Street businesses opening and home-based business which opened during the Covid pandemic.

7.2 The addition of 433 unrated childminders is due to this category of business not being previously added to the inspection programme. This is because the process of registration introduced in conjunction with Ofsted and Early Years Teams resulted in these businesses not being registered with the local authority as intended. Now that the authority is aware of these childminders, the advice from the FSA is to include them in the inspection programme. Work is ongoing to assess the data provided by the Early Years Team and prioritise businesses according to the risk posed and activities undertaken.

Table 1: Number of Registered Food Businesses 1st April 2022 compared with 1st April 2021

	No. of food businesses registered	No. of new food businesses registered	Number of unrated new food businesses
As of 1st April 2021	2,487	502	190 Businesses
As of 1st April 2022	3,029	541 plus 433 childminders Total 974	387 Businesses plus 433 Childminders Total 820

- 7.3 The number of unrated new food businesses in Table 1 represents newly registered food businesses awaiting a first inspection.
- 7.4 The business types for food premises are varied and include non-EU country food importers, EU importers, manufacturers and processors, warehouses and distributors, supermarkets and other smaller food retailers and online businesses, hospitals, care-homes, schools, nurseries, restaurants, takeaways, home-based businesses, and primary producers.
- 7.5 The Food Hygiene Rating Scheme (FHRS) profile of the registered food businesses in Bromley comparing ratings of businesses at the end of 2020-21 and 2021-22 is shown in Table 2 below.

Table 2: FHRS Profile for Bromley 1st April 2022 compared with 1st April 2021

Food Hygiene Rating	Descriptor	<i>2020-21 Number of businesses</i>	2021-22 Number of businesses
0	Urgent improvement necessary	1	0
1	Major improvement necessary	18	28
2	Improvement necessary	21	24
3	Generally Satisfactory	262	231
4	Good	324	308
5	Very Good	1367	1496
Total number of rated premises		1993	2088

- 7.6 To reduce the burden on business and to increase efficiency, food standards and hygiene inspections will be combined where feasible, however, separate food standards inspections will be carried out in high-risk premises. Premises given a food hygiene rating of 0 - 2 will receive additional revisits and written guidance to ensure compliance and improved standards. Formal action will be considered where informal action has not been successful; this is in line with our [Enforcement Policy 2019](#).
- 7.7 Ordinarily, new premises are to receive a food safety inspection within 28 days of registration to comply with the FLCoP. However, due to a backlog created by the pandemic, this will not be possible. As such, the Team will continue to prioritise those businesses with high-risk activities, or where intelligence indicates a food safety concern, as permitted by Phase 1 & 2 of the [Local Authority Recovery Roadmap](#). Newly registered business with a low food safety risk will be considered during Phase 2.

7.8 The promotion of food safety issues is an important means to secure food safety compliance in food businesses. Our website and press releases will be used to highlight key issues. The team will participate in the FSA Food Hygiene Rating Scheme and will encourage businesses to display the rating received.

8 PERFORMANCE OUTCOMES 2021-2022

8.1 The Food team continues to recover from the impact of the covid-19 pandemic.

8.2 Throughout 2021-22 businesses started to re-open as part of the Government recovery roadmap, prompting a return to face to face inspections towards the end of Q2.

8.3 Table 3, compares the number of inspections and service requests for the last 3 years. Last year, April 2021 to March 2022, a total of 782 inspections were carried out within food businesses. This was 47% of the target (1,662) set in the previous year’s Food Plan and the shortfall was largely due to staff absence and difficulties recruiting to vacant posts. From June 2021 to September 2021 three officers retired, one left for a new post. Recruitment to these vacancies was complimented by the recruitment of agency staff, however there were delays in engaging agency staff due to the shortage of qualified staff available across the UK. It has been recognised within the profession there is currently a shortage of qualified staff. The [Chartered Institute of Environmental Health Workforce Survey 2019](#) reported that 87% of local authorities were using agency staff because of delays in recruitment.

Table 3. Comparison of number of inspections and service requests for the last 3 years

	Programmed Inspections completed	No of service requests
April 2019 – March 2020	1,067	450
April 2020 – March 2021	231	411
April 2021 – March 2022	782	410

8.4 The focus moving forwards will remain on poorly performing, high-risk and non-compliant food businesses and newly registered high-risk businesses as set out by the FSAs recovery plan published in July 2021. In addition, we are also required to inspect and risk rate all other newly registered businesses in line with the Food Law Code of Practice.

9 FSA RECOVERY PLAN (RP)

9.1 The [Local Authority Recovery Roadmap](#) sets out the FSA’s guidance and advice to local authorities for the period from 1 July 2021 to 31st March 2023. The Plan provides a framework for re-starting the delivery system in line with the Food Law Code of Practice (FLCoP) for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments.

- 9.2 The RP is to be implemented alongside delivery of;
- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export,
 - reactive work including, enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints,
 - sampling and
 - ongoing proactive surveillance.
- 9.3 Phase 2, 1st October 2021 to April 2023 and beyond, will continue until a new food Hygiene and Food Standards delivery model and a revised food hygiene intervention rating scheme are in place – implementation is due by March 2023.

10. INSPECTIONS DUE & OVERDUE 2022-23

- 10.1 As outlined in section 4, in addition to the inspections due in this reporting year (2022-23), there is a backlog of inspections, table 4 below details these.

Table 4: Due and Overdue Inspections 1st April 2022 compared with 1st April 2021

Risk Category	<i>Inspections Due 2021-22 Food Hygiene</i>	Inspections Due 2022-23 Food Hygiene
Category A	0	7
Category B	17	84
Category C	135	101
Category D	285	104
Category E	192	245
Unrated premises	494	387
Unrated childminders*	0	433
Total	1123	1,361
Risk Category	<i>Inspections Overdue 2021-22 Food Hygiene</i>	Inspections Overdue 2022-23 Food Hygiene
Category A	0	0
Category B	20	8
Category C	365	185
Category D	483	621
Category E	64	275
Total	932	1089
Grand Total	2055	2,450

*7.2 above explains the addition of the unrated childminders to the inspection programme.

- 10.2 As of 1st April 2022 the total number of inspections (backlog and due) for food hygiene inspections is **2,450**. The FSA RP accepts that LA's do not have the resources to clear all

overdue inspections caused by the pandemic. The RP deadline to clear overdue inspections is 31st March 2023 and the service delivery plan below sets out the predictions of the outputs for this year.

11. Service Delivery 2022-23

- 11.1 The authority maintains an up-to-date list of food businesses operating throughout the borough due to the statutory requirement for all food businesses to be registered with the authority.
- 11.2 Table 5 below sets out the risk profile of all 3,029 registered food premises in the borough as of April 2022. Of these, there are 2,450 which require an inspection this year.

Table 5: Food Hygiene Risk Profile by Risk Category with Inspection Intervals

FH Risk Category	Minimum Inspection Frequency	<i>2021-22 Number of businesses</i>	2022-23 Number of businesses
A	6 Monthly	0	7
B	12 Monthly	36	87
C	18 Monthly	539	448
D	2 Yearly	876	964
E	3 Yearly or Alternative Enforcement Strategy	542	679
Outside the inspection programme	None	7	24
Unrated	Awaiting Inspection	494	387
Unrated childminders	Awaiting inspection	0	433
Total		2487	3,029

- 11.3 Table 6 below provides the total number of outstanding inspections for this year, together with the resources available to achieve it.

Table 6: Food Hygiene (FH) Inspections Due and Resources 2022-23

FH Risk Category	No. of FH Inspections Due 2022-23	Resources
Category A	7	5.37 FTE (not including Manager & current vacancy)
Category B	84	
Category C	101	
Category D	104	
Category E	245	
Total	541	

Inspections Overdue on 1st April 2022		One agency officer 1 st April 2022 to 30 th Sep 2022 with option to extend to 31 st March 2023 subject to budget plus an additional short term agency subject to recruitment. Agency funded from vacancy underspends
Category A	0	
Category B	8	
Category C	185	
Category D	621	
Category E	275	
Total	1,089	
Unrated businesses at 1 st April 2022	387	
Unrated childminders at 1 st April 2022	433	
Total	820	
GRAND TOTAL	2,450	

- 11.4 There are 541 Food Hygiene inspections *due* for 2022-23 and a target to complete these by 31st March 2023. There is also a target to complete all overdue category A and B and non-compliant 0-2 rated food businesses in line with the Recovery Plan. This will also include Category A premises for food standards.
- 11.5 We will also inspect all less than broadly compliant Category C and category D businesses as per the deadline dates set by the Recovery Plan. We will prioritise businesses which are the subject of food complaints for inspection.
- 11.6 We will also inspect all broadly compliant Category C and D premises in line with the plan. We will also triage and inspect all newly registered unrated high risk and low risk businesses in line with the FLCoP and RP. This will be dependent upon resources available.
- 11.5 With our current resources of 5.37 FTE and a contractor working for 6 months we predict that we will be able to complete 1,400 inspections. This is subject to successful recruitment and/or maintaining agency staff with under spends from the vacant post.
- 11.6 This leaves an overall shortfall for the outstanding and due and unrated of 1,050. If we keep the current contractor on to the end of 31st March 2023, we predict an additional 300 visits will be completed. This leaves an expected shortfall on 31st March 2023 of 750. This has been communicated with the FSA.

12. ENFORCEMENT

- 12.1 Food safety enforcement will continue to be undertaken in a graduated manner, and in accordance with the [Enforcement Policy 2019](#) and FSA guidance. Informal action, advice, education and persuasion are the usual methods of achieving compliance, but other enforcement measures (including serving statutory notices and prosecutions) will be taken if the circumstances dictate.

13. FOOD COMPLAINTS

- 13.1 Additional inspections may be required following a food or food hygiene complaint. The speed of response and level of investigation will depend on the severity of the complaint. This will be decided in accordance with our internal procedures. Urgent complaints will be responded to within 24 hours and non-urgent ones within 5 working days.

14. ADVICE TO BUSINESSES

- 14.1 The provision of advice and guidance to secure compliance with food law is an integral part of the work carried out by the service. Advice to existing food businesses will continue to be offered during inspections and revisits. There is also an extensive food safety resource available for businesses on the food safety pages on the council's website.
- 14.2 Businesses seeking advice which is not directly related to a current food safety inspection or investigation, will be directed to our website where food safety advice is available on a self-serve basis. Where this is insufficient to meet the business's needs, they may have to seek advice from an external source such as a food safety consultant.
- 14.3 Currently there are no Primary Authority partnerships in Bromley, however, the Home Authority principles will be followed when dealing with requests about or from premises based in our borough, even where no formal agreement exists.

15. FOOD SAMPLING

- 15.1 Food sampling will continue to be intelligence led, focusing on existing and emerging issues, especially for food manufactured in the borough or imported from third countries. Where possible, food sampling will be combined with food inspections or revisits. The Team will also continue to participate in regional sampling programmes for both analysis and examination.

16. INFECTIOUS DISEASE CONTROL

- 16.1 The Public Health (Control of Disease) Act 1984 as amended, and the Public Health (Infectious Disease) Regulations 1988, require certain communicable diseases to be notified to the Proper Officer within a Local Authority, the Council acts as the Proper Officer. Food Team Officers investigate food borne diseases and food poisoning to establish the source of infection and prevent further spread. Outbreaks will be investigated along with the South London Health Protection Team (SLHPT) / UK Health Security Agency (UKHSA), who provide infection control advice along with statistical analysis.
- 16.2 Infectious disease investigations are made in accordance with the SLHPT Infectious Disease Protocol. Priority will be given to those cases involving persons cases of high and medium risk diseases and those who work in the food industry or have contact with vulnerable groups. The Council will continue to work in partnership with SLHPT/UKHSA to prevent and control

cases and investigate wider outbreaks of food related disease that fall outside the scope of the single case plan.

- 16.3 In 2021-22, 309 infectious disease notifications were received by the Council, which was a 34% increase on the previous year (229).

17. Food Safety Incidents & Alerts

- 17.1 There is a documented Food Alert and Incident procedure covering the issue of warnings arising from a food related issue in the borough and the response to warnings issued by the FSA.
- 17.2 Responses to Food Incidents and Alerts are determined by the Food Safety Team Manager in consultation as necessary, with the Food Standards Agency, UKHSA and Trading Standards etc.
- 17.3 Resource implication is unknown as it depends on the number and nature of the alert. In 2020-21 there were 6 alerts which required action.

18. WORKING IN PARTNERHSIP

- 18.1 The Service remains committed to formal inter-agency liaison relationships as set out in the FLCoP. Additional communication will continue to take place at officer level during the process of investigating offences, sharing information and exchange of intelligence.
- 18.2 The Team is a member of the Southeast London Food Liaison Group, Environmental Health Working Group, the Public Health Group and the London Food Fraud Group and has designated members to attend. It will also continue to liaise with other enforcement organisations such as the Food Standards Agency and Department for Environment, Food and Rural Affairs, other Environmental Health Departments and professional organisations such as The Association of London Environmental Health Managers (ALEHM).

19. FINANCIAL RESOURCES

- 19.1 The Net Controllable budget of £132,100 is made up of the following: Staffing budgets of £448,240, Overhead budgets of £24,930 and the Recharge to Public Health CR £341,070.
- 19.2 The overall cost of the Food Team for 2021/22 was £77,326, made up as follows: Staffing costs of £413,316, overhead costs of £22,704, Income and Government Grants CR £17,624 and the Recharge to Public Health of CR £341,070.

20. STAFF DEVELOPMENT

20.1 A minimum of 20 hours CPD training each year on food safety related topics is required by the FLCoP and this will be met via a mixture of formal in-person and on line training, group and individual peer to peer mentoring and shadowing and coaching from senior colleagues and managers.

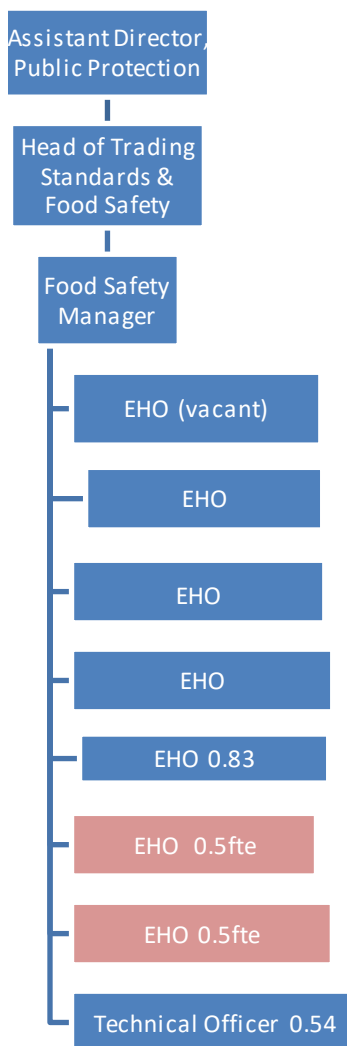
21. QUALITY ASSESSMENT

21.1 The Food Law Code of Practice (FLCoP) requires the Food team to have internal monitoring systems. The team has reviewed the documented internal monitoring procedures and subscribes to online resources to ensure that it covers the full range of food law enforcement activities.

22. REVIEW

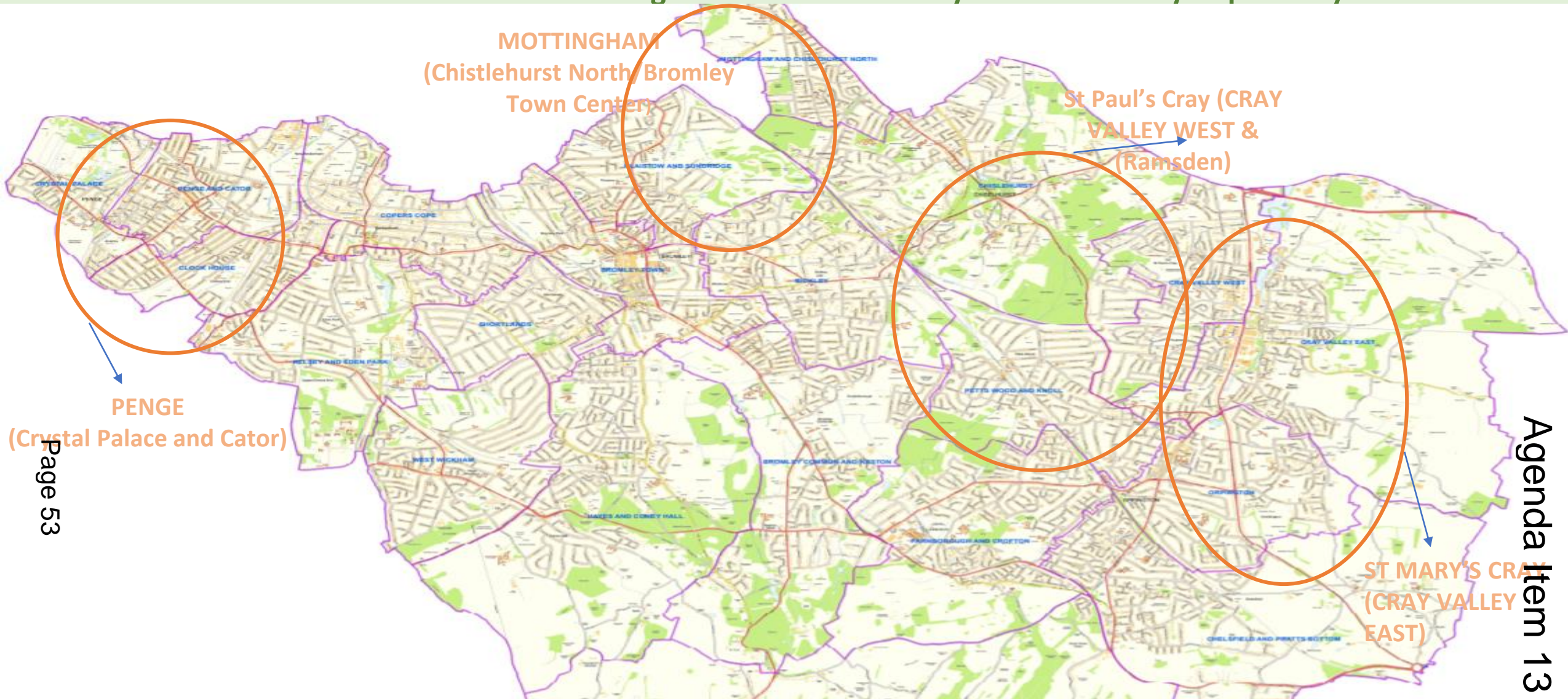
22.1 The Food Safety plan is reviewed annually, and performance reported to the FSA. Food safety actions (inspections and complaints) are reported to departmental management board monthly.

Team Structure Food Safety



Community Impact Days - Update

The current four identified and agreed areas covered by the Community Impact Days.





Sandra Campbell
Community Impact Day
Lead - ASB Coordinator

Operations started in April 2017 and are being delivered at a rate of one per month, on a 4 week cycle; so far 65 operations have been delivered since the Community Impact Day's (CID) inception as of August 2022.

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The overarching aim of the Community Impact Days are to target perpetrators responsible for ASB & fly tipping, improve the visual appearance of the designated areas by fly tipping and graffiti removal; engage with communities to promote crime prevention and provide a visible presence within the localities of officers from across the partnership.

The original aim was to reduce environmental and community anti-social behaviour and arson by **5-10%**: we have currently exceeded this figure since the inception on the impact days.

Synopsis of current figures

Lock down period from 2020 to date:

Kg of rubbish cleared	58,930 +
<small>(figures include Clarion Estate Management – individual figures were sent to Street Enforcement & available upon request)</small>	
Number of operations	65
Graffiti removed	765m2 +
Addresses visited	186 +
Arrest	18
Vehicles Stopped	290
LFB Fire Safety Talks (new)	5

Upcoming Dates

St Mary's Cray (CVE)	21 st Sept 2022
Mottingham	26 th Oct 2022
St Pauls Cray	30 th Nov 2022
Penge	14 th Dec 2022

The Community Impact Days also involves:

- To clear the area of long-term rubbish in and around the targeted areas shown on the map in the Appendix.
- To raise awareness and educate the community about these matters.
- To reassure residents regarding crime, crime prevention and other issues.
- To deal with Crime and ASB related matters in the four areas covered every month on a rotation basis.
- To carry out operations as defined by the intelligence and work from statistics provided by our partners around the hot spots.
- To find long term solutions for the issues raised during the operations.
- This is a long term multi-agency plan to reduce complaints of environmental ASB, Noise Nuisance, Arson, which should lead to a marked reduction in various types of ASB crime and in turn improve the environment of the areas covered.
- The Community Impact Days enhance the visual appearance of the locations, and give that quality of life which residents expect from their service providers and landlords

GOT A KNIFE YOU WANT TO GET RID OF?

WALTER'S YARD, SAINSBURY BR1 1TP



ANERLEY STATION ROAD, SE20 8FD



EDUCATION AND TRAINING

Page 7

Knife crime continues to be an issue in London and across the UK, destroying lives of young people and families. Bromley Council have taken a preventative and educational approach regarding this matter by, installing two amnesty knife bins with the support of other partners. We are fortunate enough to be one of the boroughs in London who are not suffering from the scourge of knife crime; however, we have thousands of young people/school children who live and, travel through Bromley to attend school every day during term time.

I have contacted the Charity and asked that we have an update of weapons deposited – report to follow over the coming months and the information will be shared accordingly. Prevention,

Areas Covered (*but not exhaustive*)

ASB

- Noise Nuisance
- Neighbour Disputes
- Speeding
- Weapons Sweeps

Fire Safety Issues

- Hoarding
- PCFRA – Pad device and smoke alarm checks / Fire Safety Checks
- Community Training

Environmental Visual Audit

- Fly tip Clearance
- Graffiti Removal
- Burnt out / abandoned motorbike and cars
- Bonfires
- Illegal Waste Carriers/Commercial Waste
- Recycling Education/changing behaviours

Safeguarding

- Cuckooing
- Welfare checks
- Referrals
- Trading Standards
 - Test Purchasing
- Safeguarding vulnerable against fraud
- Crime Prevention Advise

Partnership & Locations	
Funded By:	Mayors Office of Policing and Crime
SPOC Planning Team:	Sandra Campbell – Bromley Lead ASB Coordinator
	Cheryl Baker – Clarion Housing Lead
	Stuart Baker – Police Inspector
	Ward Sergeants
	Chris Line – LFB Borough Commander
	James Cartwright – LFB Station Commander
	Philip Thomas – Clarion Environmental Services Lead
Page 59	Andy Goddard – Clarion Environmental Services Lead
	Dean Macdonald – Team Analyst
MOPAC identified Areas	St Mary’s Cray (Cray Valley East)
	St Paul’s Cray ((Cray Valley West and Ramsden)
	Mottingham
	Penge

FINALLY, DURING THE VARIOUS COMMUNITY IMPACT DAYS IT'S RECOGNISED THAT

- We are often called to, or be interested in the same individuals, families, and areas.

- We require all agencies to be actively involved for the Operation to succeed in serving our communities and getting results.

- This is not an extra duty, it's enhancing the quality into a service we already provide.

- We do this together to achieve greater and undeniable results from our unique partnerships.

- We share our hotspot areas so that partners can be effective in supporting each other.

- Communication feeds an effective strategy in everything we do.

Report No.
ES20194

London Borough of Bromley

PART ONE - PUBLIC

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

(pre-decision scrutiny by the PP&E PDS Committee prior to submission to the Environment and Community Services Policy Development & Scrutiny Committee)

Date: 8th September 2022

Decision Type: Non-Urgent Non-Executive Key

Title: **CONTAMINATED LAND STRATEGY 2022**

Contact Officer: Sarah Newman, Head of Service – Community Safety, Licensing, Environmental and Domestic Regulation
E-mail: sarah.newman@bromley.gov.uk

Chief Officer: Colin Brand – Director of Environment & Public Protection
E-mail: colin.brand@bromley.gov.uk

Ward: (All Wards);

1. Reason for report

Part 2A of the Environmental Protection Act 1990 deals with the identification, prioritisation, determination and remediation of contaminated land. The legislation places a statutory duty on local authorities to inspect their area for the purpose of identifying potentially contaminated sites and for the further inspection of such sites.

Under statutory guidance local authorities should take a strategic approach to the identification of land and inspection. The Authority has a published Strategy which was last reviewed and updated in 2010. The guidance confirms that local authorities should keep their strategies under periodic review to ensure it remains up to date.

The Bromley Local Plan, adopted in January 2019, emphasises that new development must be made suitable for its use and enables contaminated land to be brought back into beneficial use. This updated draft Strategy links to the Bromley Local Plan and takes account of the latest national guidance on contaminated land matters and updates the work programme.

2. RECOMMENDATION(S)

The Committee is asked to note the contents of the Draft Contaminated Land Strategy 2022.

Impact on Vulnerable Adults and Children

1. Summary of Impact: No direct impact, however children and adults with underlying health issues may be more susceptible to the impact of contaminated land where a contaminant linkage exists.
-

Corporate Policy

1. Policy Status: Existing Policy: This is an updated strategy; the last contaminated land strategy was updated in 2010
 2. BBB Priority: Quality Environment, Safe Bromley, Healthy Bromley, Regeneration
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Environmental Protection
 4. Total current budget for this head: £231k
 5. Source of funding: Existing revenue budget 2022/23
-

Personnel

1. Number of staff (current and additional): The Pollution Control Team has 2.8 FTEs. This team is responsible for the regulation and enforcement of contaminated land, air quality, noise control and private water supplies. No additional staff are proposed for the implementation of this strategy.
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: N/A
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background:

The Environmental Protection Act 1990 requires local authorities to produce a Contaminated Land Strategy ("the Strategy") and to periodically review it. The Authority has a Strategy which was last reviewed in 2010.

The overarching objectives of the Government's policy on contaminated land are:

- a) To identify and remove unacceptable risks to human health and the environment.
- b) To seek to ensure that contaminated land is made suitable for its current use; and
- c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principle of sustainable development.

The Authority has a duty under Part 2A of the Environmental Protection Act 1990 to:

- Inspect the area for contaminated land in accordance with statutory guidance.
- Determine whether any particular site meets the statutory definition of contaminated land;
- Act as enforcing authority for all contaminated land, unless the site meets the definition of a "Special Site", for which the Environment Agency is the enforcing authority;
- Consult with the Environment Agency on the pollution of controlled waters;
- Ensure the remediation of contaminated land; and
- Maintain a Public Register of contaminated land remediation.

The Strategy:

The draft strategy details the relevant legislation and responsibilities of those involved in the identification and remediation of contaminated land. It sets out the characteristics and history of the London Borough of Bromley in relation to land use, ecology, geology and hydrology and emphasises how the authority will take a risk-based approach to the identification, prioritisation and site investigation of land.

The London Borough of Bromley has no Part 2A registered sites i.e., where there is an established source, pathway and receptor. The aim of the strategy is to ensure that the land within the Borough is safe and suitable for its current use. The Authority will undertake a review of its site prioritisation mapping to ensure that information is up-to-date and reflective of current conditions with land assigned an appropriate risk level.

The draft strategy presents a commitment to prevent future contamination of land through effective planning controls and pollution control regimes as well as requiring suitable remediation of sites through the planning regime.

Consultation:

This report was initially presented at the Environment and Community Services PDS on 21st June for approval to consult with relevant organisations on the proposed draft strategy.

The consultees were The Environment Agency, Natural England, English Heritage and The Department for Environment, Food and Rural Affairs (DEFRA). Following a 6-week consultation period, the Environment Agency and Natural England provided feedback on the strategy. As a result edits were made to ensure the language used was clear to distinguish between Contaminated Land and land affected by contamination. The Environment Agency highlighted that strategy should address the obligation to identify and action any potential or actual Part IIA sites clearly with action outside of planning. We consider the Strategy is in accordance with guidance and Local Authority resourcing and that the formal action for Part IIA sites has been set out should it

be necessary to address Contaminated Land through this avenue.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

There is no direct impact on vulnerable adults and children.

5. POLICY IMPLICATIONS

Click here and start typing

6. FINANCIAL IMPLICATIONS

6.1 Existing service budgets fund day-to-day implementation of the strategy.

6.2 The strategy predominantly focuses on remediation through the planning process whereby the developer is responsible for any costs, alternatively the owner of the land is responsible for remediation costs. Any site investigation work undertaken for enforcement purposes, would potentially result in costs to the Council that would be funded from the department's budget. In addition to this, depending on whether the site is owned by the Council, this may have an impact on the relevant property revenue budget.

7. PERSONNEL IMPLICATIONS

None

8. LEGAL IMPLICATIONS

8.1. The Draft Contaminated Land Strategy outlines the Authority's approach to dealing with contaminated land within its area (in line with the 2012 statutory guidance) and how it will discharge its duties prescribed by Part 2A of the Environmental Protection Act 1990 (the Act).

8.2. The Environmental Protection Act 1990 is not included in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and can therefore generally be an executive decision. As such, this comes under the Executive Committee's remit (Environment and Community Service) in the London Borough of Bromley and thus presented to this PDS Committee for prior review (Executive Procedure Rules 1.8(c)).

8.3. Section 78B of the Act requires the Local Authority to inspect its area from time to time to identify contaminated land and decide if such land requires to be designated as a special site, and paragraph 2.3 to 2.7 of the Contaminated Land Statutory Guidance requires the Local Authority to have a written strategic approach to the carrying out of these inspections, hence the annexed Strategy.

8.4. Neither the Act or the Guidance require consultation in relation to the Strategy, but it is good practice to do so, especially as the Act requires notification to some agencies when land is identified as contaminated (s78B(3)).

8.5. Only "closed landfill sites" are included in the Borough's Air Quality Action Plan 2020-2025 (action point 19D) but dealing with contaminated land in general will improve air quality in the Borough, especially for neighbouring properties, and will play its part towards fulfilling the Action Plan.

8.6. As mentioned in the Air Quality Action Plan's effect of poor air quality (p5), "poor air quality disproportionately affects the health outcomes of the very young, the elderly, the ill and the poor". By tackling contaminated land and its possible effects on air quality, the Borough will further its Public Sector Equality duties under the Equalities Act 2010. The Public Sector Equality Duty will also need to be considered in the prioritisation of contaminated sites.

9. PROCUREMENT IMPLICATIONS

None from this report.

Non-Applicable Sections:	[List non-applicable sections here]
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Background Documents: (Access via Contact Officer)	Contaminated Land Statutory Guidance Available: https://www.gov.uk/government/publications/contaminated-land-statutory-guidance Contaminated Land Strategy (revised 2010) Available: https://www.bromley.gov.uk/downloads/download/273/contaminated_land_strategy
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Contaminated Land Strategy

2022



Public Protection and Enforcement
London Borough of Bromley
Civic Centre, Stockwell Close, Bromley, BR1 3UH

Executive Summary

There is a legacy of contaminated land in the United Kingdom, due to its industrial heritage and historical waste disposal practices. There are now various regimes in place to prevent new and future land contamination, however, historic contamination remains and still has the potential to adversely affect people's health, and to damage water quality, ecological systems, and property.

The Environmental Protection Act 1990, supplemented by the Environment Act 1995, placed a statutory obligation on local authorities to address land contamination issues in their area and to set-up and maintain a register of details of any land classed as 'Contaminated Land' under the Act. The legislation also required local authorities to have a strategic framework to show how they intend to implement the statutory obligations.

Following statutory consultation, the first strategy was prepared and adopted by the Council in June 2002. It set out the strategic approach to identify and address known land contamination issues in the borough. The strategy has since been revised and renewed.

This document is the 3rd version of the strategy and accounts for all changes in relevant legislation and guidance and the progress made against the strategic aims and objectives. It sets out how the London Borough of Bromley will prevent, mitigate and control of contaminated land using planning and legislative processes and outlines how we will identify and address contaminated land using risk-based prioritisation.

Statutory bodies that have a role in the regulation of contaminated land have been consulted on this strategy. These include:

- Environment Agency
- Natural England
- English Heritage, and
- Department for Environment, Food and Rural Affairs (DEFRA)

The planning regime allows for conditions to be applied to the permission for proposed development/s at the point where developers are seeking approval. The regime allows for the oversight and control of contaminated land remediation activities on previously used and developed (brownfield) sites. This strategy links to the Local Plan, approved by Council in 2019, which promotes the remediation of land that has, or may have, become contaminated, using the development process. The Local Plan highlights development as the main route for bringing contaminated land back into appropriate and beneficial use, thus improving the environment.

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Part 1– Introduction and Background

1.0 Introduction

Section 57 of the Environment Act 1995 inserted provisions for dealing with contaminated land into [Part 2A of the Environmental Protection Act 1990](#).

This regime requires all Local Authorities to inspect their areas for contaminated land and produce a strategy outlining how they will approach this task.

The main aim of the legislation is to address the problem of historical contamination of land and to ameliorate the risk it can pose to health and the environment. The above Acts contain the main legislative provisions of the contaminated land regime with further detail contained in the Contaminated Land (England) Regulations 2006 (SI 1380), subsequent amendments from the Contaminated Land (England) (Amendment) Regulations 2012, and the most recent statutory guidance from DEFRA published in April 2012.

The statutory guidance explains how local authorities should implement the regime and the approach to be taken when deciding whether land potentially containing contamination is ‘contaminated land’ under the legal definition. The guidance elaborates on the remediation provisions of Part 2A, such as the goals of remediation, and how regulators ensure that any remediation requirements are reasonable.

The central purpose of the regime is to encourage the voluntary remediation of land affected by contaminants. Part 2A of the Environmental Protection Act 1990 should only be used to require remediation when no other solution is available.

1.1 Regulatory Context

Part 2A of the Environmental Protection Act 1990 specifies that the primary regulatory role for the contaminated land regime rests with the local authority.

“The overarching objectives of the government’s policy on contaminated land are:

- a. To identify and remove unacceptable risks to human health and the environment.*
- b. To seek to ensure that contaminated land is made suitable for its current use.*

- c. *To ensure that the burdens faced by individuals, companies, and society are proportionate, manageable and compatible with the principle of sustainable development.”*

The statutory requirements of local authorities are:

- To produce a written strategy
- To demonstrate how we will deal with contaminated land in a rational and risk-based approach
- To ensure we inspect our area from time to time to identify any land that has been contaminated and ensure that land is suitable for its current use
- To establish the responsibilities for remediation of contaminated land in a proportionate manner, including the role of the regulators and the role of ‘Appropriate Persons’ under the Act
- To demonstrate the hierarchy of mechanisms that ensure contaminated land is remediated where necessary
- To maintain a Public Register of contaminated land, detailing any regulatory action taken under Part 2A of the Environmental Protection Act 1990.

A list of all relevant statute and guidance is detailed in Appendix 1.

1.2 Definition of Contaminated Land

Section 78A (2) of the Environmental Protection Act 1990 gives the statutory definition of ‘contaminated land’ for the purposes of Part 2A as:

“Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- a. significant harm is being caused or there is a significant possibility of such harm being caused; or*
- b. significant pollution of controlled waters or there is a significant possibility of such pollution”.*

This definition promotes a risk-based approach. The remediation of land is required only if the contamination causes a significant possibility of significant harm to human health, ecology, or controlled waters. To be determined as contaminated land under Part 2A there must be a 'significant contaminant linkage' to a defined receptor, as detailed in Chapter 2, or a significant possibility of such a linkage. Contaminants maybe present in land but if there is no linkage then the land is not ‘contaminated land’ under the Act, thus no action is required, other than to consider the possibility of creating new linkages should the land be disturbed or (re)developed. This can be referred instead as land affected by contamination.

1.3 Controlled Waters

The contaminated land regime considers controlled waters a receptor. Section 78A (9) of Part 2A provides the definition for the term “pollution of controlled waters” as the entry, into controlled waters, of any poisonous, noxious, or polluting matter, or any solid waste matter.

Controlled waters are rivers, streams, estuaries, canals, lakes, ponds, and groundwater as far out as the UK territorial sea limit. The statutory definition of controlled waters is given under section 104(1) of Water Resources Act 1991. The term “controlled waters” in relation to England under the Environmental Protection Act and for the purposes of contaminated land has the same meaning as in Part 3 of the Water Resources Act 1991, except that “ground waters” do not include waters found above the saturation zone.

1.4 Special Sites

Special Sites are regulated by the **Environment Agency**. There are four main categories of Special Site in the regulations:

- *Water pollution sites* – This includes areas of contaminated land affecting drinking water supply or (potentially) polluting controlled waters within a major aquifer. They are sites where:
 - Drinking water supplies are affected
 - Water quality criteria are affected
 - Listed substance/s are affecting defined aquifer/s
- *Industrial sites* – This includes specific circumstances, for example, acid tar lagoons, sites where explosives were manufactured, or a site for an authorised process under the Environmental Permitting (England and Wales) Regulations and its predecessor regimes. They are sites that previously had:
 - Waste acid tar lagoons
 - Petroleum refineries
 - Explosives manufacture or processing
 - Authorised Process/es (for example Integrated Pollution Control sites, Pollution Prevention and Control sites and Environmental Permitting Regime sites)
- *Radioactivity sites* – Where land is contaminated land by virtue of radioactivity. This includes nuclear sites, some historical watch manufacturing sites, etc.
- *Defence sites* – This includes land currently owned or occupied by the Ministry of Defence (the Crown) and those of visiting forces and includes sites used for weapons development, manufacture, processing, testing or disposal

1.5 The Role of the Local Authority

The **local authority** has a duty, under Part 2A of the Act, to carry out the following:

- To inspect their area for land that is potentially contaminated
- To determine whether a particular site meets the statutory definition of contaminated land
- To act as enforcing authority for all contaminated land sites, unless the site meets the definition of a Special Site
- To consult with the Environment Agency on issues pertaining to the pollution of controlled waters
- To ensure the remediation of contaminated land
- To maintain a public register of contaminated land, as defined under the Act, and any remediation undertaken thereto.

1.6 The Role of the Environment Agency

The **Environment Agency** has the duty to:

- Assist local authorities in identifying contaminated land, particularly in cases where water pollution is involved and for potential Special Sites. At sites that are not special, responses regarding the pollution of controlled waters are dependent on the sensitivity of the site and the value of the ecological and water assets in question
- To provide consultation on contaminated land inspection strategies.
- To provide site-specific guidance to Local Authorities regarding sites which may be potential Special Sites
- To act as the enforcing authority for any land designated as a Special Site
- To publish periodic reports on contaminated land
- To ensure the remediation of Special Sites
- To maintain a public register of Special Sites and their remediation history

1.7 Development of the Inspection Strategy

The purpose of this strategy is to ensure that all those involved and/or affected by contaminated land have a clear understanding of the reasons for the identification and inspection of potentially contaminated land sites. This strategy indicates how the priority of inspection is risk rated, based on potential contaminants and the potential exposure of receptors.

The approach taken reflects local circumstances, the physical nature of land and controlled waters, and the history of industry and potentially contaminating land uses in the Borough.

Part 2 – Risk Assessment

2.0 Contaminant Linkages & Risk Assessment

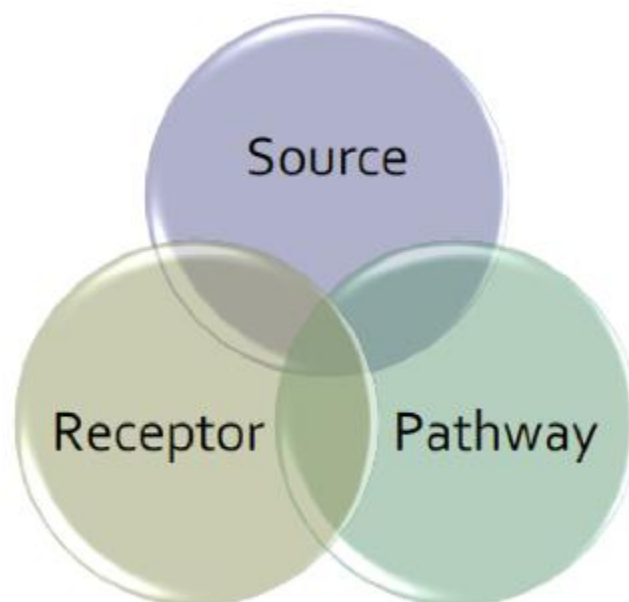
The statutory guidance states that:

“Under Part 2A the starting point should be that land is not contaminated land unless there is reason to consider otherwise. Only land where unacceptable risks are clearly identified after a risk assessment has been undertaken in accordance with this Guidance should be considered as meeting the Part 2A definition of Contaminated Land.”

2.1 Contaminant Linkage

The term contaminant linkage refers to the relationship between a contaminant, a pathway, and a receptor. For risk to exist there must be a contaminant present in, on or under the land, in a form and quantity that pose a hazard and with one or more pathways via which the contaminant(s) could reach and affect a defined receptor.

There must be a reasonable possibility that a significant contaminant linkage could occur and that it gives rise to a sufficient level of risk to justify a piece of land being determined as ‘contaminated land’ as defined under the Act.



On sites where all 3 of the above elements exist, the Council will undertake a formal risk assessment and prioritise high risk sites to establish if there is potential for them to cause significant harm. The Council has already done a search of historical

maps and activities and identified sites with specific historical land uses. The sites have also been risk assessed regarding potential linkage/s to receptor/s.

2.2 Principles of Risk Assessment

When carrying out site risk assessment under the Part 2A Environmental Protection Act 1990 regime, the Authority will focus on land that might pose an unacceptable risk to human or environmental receptors.

The Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance 2012 defines, "risk" as the combination of the:

- i) Likelihood that harm, or pollution of water, will occur because of contaminants in, on or under the land, and the
- ii) Scale and seriousness of such harm or pollution if it did occur.

The information that will be considered shall be:

- Scientifically based
- Authoritative
- Relevant, and
- Appropriate

When informing risk assessment decisions in accordance with the Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance.

Risk is the combination of the probability or frequency of an occurrence of a defined hazard and the magnitude of the consequences. The local authority must be satisfied of the existence of a contaminant linkage and then must then satisfy itself that significant harm is being caused to a receptor, or, that there is a significant possibility of significant harm; or there is pollution of controlled waters, or such pollution is likely.

Statutory guidance states that the term "possibility of significant harm" as it applies to human health, means the risk posed by one or more relevant contaminant linkage(s) relating to the land. It comprises:

- i) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land
- ii) The estimated impact if the significant harm did occur i.e., the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.

It is important that the problem of contaminated land is approached in a risk-based manner. In this way, resources are targeted at sites where there is most likely to be a problem and thus, the remediation carried out will be cost-effective.

2.3 Risk Categories

The statutory guidance (2012) provides risk categories to assist regulators assess whether a site poses a significant possibility of significant harm. The guidance has 4 risk categories.

Land is risk-assessed, based upon the contaminants expected from previous land uses and the site's current land use. On completion of site investigation, those areas risk-assessed within Human Health Categories 1 and 2 would be determined as 'contaminated land' under the Act as they would show 'significant possibility of significant harm to human health'. Land assessed within Human Health Categories 3 and 4 do not demonstrate sufficient evidence of risk to be capable of being determined as contaminated land.

The Authority will also consider the potential of 'significant possibility of significant pollution of controlled waters' posed by the land.

The Pollution of Controlled Waters Categories 1 and 2 would comprise of sites where the Authority considers that a 'significant possibility of significant pollution of controlled waters' exists. Categories 3 and 4 would comprise of sites where the Authority considers that a significant possibility of such pollution does not exist.

The risk categories are summarised in the Table in Appendix 2.

2.4 Normal Presence of Contaminants

Normal levels of contaminants in soil should not be considered as cause for land to be defined as 'contaminated land' unless there is a reason to consider it otherwise.

DEFRA commissioned the British Geological Society (BGS) in 2011/2012 to give guidance on what are normal levels of contaminants in English soils. The BGS produced guidance for the expected concentrations for 7 soil contaminant concentrations for UK regions. The contaminants covered include arsenic, benzo[a]pyrene (BaP), cadmium, copper, mercury, nickel, and lead. Asbestos (a naturally occurring crystalline compound) was, on consideration, not included by the BGS as it was technically difficult to capture a representative value/level across a region.

If it is established that land is at, or close to expected (normal) levels of the above 7 contaminants, the Authority will not consider it contaminated with regard to the Part 2A regime.

2.5 Use of Generic Assessment Criteria and other Technical Tools

During the detailed investigation of a site the Authority will carry out risk-based assessment of contaminants based on the DEFRA Soil Guideline Values (SGV's).

DEFRA produced 9 Soil Guideline Values (SGV's) for contaminants, to assist in the assessment of site soils and land. In the absence of Defra SGV Guideline Values the Authority will use Generic Assessment Criteria (GAC's) from a variety of trusted sources. The GAC's currently used by the Authority include those from the Chartered Institute of Environmental Health (CIEH).

The Authority will use various GAC's and other tools to help inform decisions under the Part 2A regime, provided it can be shown how and where the GAC's were derived, they are used appropriately and they have been produced in an objective, scientifically robust and expert manner by a reputable organisation.

Site Specific Values (SSV's) are produced using the Contaminated Land Exposure Assessment (CLEA) tool. The Environment Agency has published calculations for deriving SGV's in a spreadsheet, for professional use in conjunction with the wider guidance. In addition, a specific spreadsheet to support the assessment of dioxins in soil has been published.

During the detailed investigation of a site the Authority will carry out risk-based assessments on controlled waters based. This is based on available guidance that includes but is not exclusive of:

- The Water Framework Directive 2000
- Drinking water standards June 2017
- Hydrogeological Risk Assessment for Land Contamination – Remedial Targets Methodology' (2006)
- Environmental Quality Standards Directive 2016

2.6 Site Investigations

The decision to carry out further site investigations is based upon a risk assessment using all information collated. The assessment of an individual site is a phased process. The 6 main phases are listed below.

2.6.1 Desk study reports

Phase 1 desk study reports are required to obtain more detailed site-specific information. They include a review of information held by other departments at the Authority and publicly available information sources. For example:

- Planning and building control records

- Coal Authority
- British Geological Survey
- Historical maps
- Historical local business gazettes
- Waste & pollution permitting regimes

2.6.2 Site Inspections

Phase 2 site inspections usually include site walkovers, to determine if there are any noticeable sights or odours that might provide evidence of obvious contamination to the assessment of whether contaminants are present and a Contaminant Linkage likely.

Under Section 108 of the Environment Act 1995 the Authority has specific powers to authorise suitable persons to enter sites to carry out an inspection. It is not necessary to utilise this power if detailed information on the condition of the land is available to provide an appropriate basis for determination. If it is considered that an intrusive investigation is warranted following the site walkover, then the extent of the site investigation is determined by the Authority or a Council approved external consultant. Intrusive investigation usually involves soil tests and the analysis of soil and ground water samples, to determine if the land is contaminated.

If / When the Authority utilises its power of entry, at least 78 days' notice is given to the owner. This notice period can be foregone if there is high risk of an immediate and serious risk to human health or the environment.

2.6.3 Preliminary Site investigation

Depending on the desk study and the site walkover it may be determined that small scale site investigation using targeted sampling and analysis of a site is appropriate. Depending on the results of the small-scale investigation it may be considered that more information is required to make the determination. If so a larger and more comprehensive site investigation may be required. The risks to receptors would be continually reviewed to determine action required.

2.6.4 Production of Risk Summaries

Prior to determination as per the Statutory Guidance 2012, the Authority must *“produce a risk summary for any land where, on the basis of its risk assessment, the authority considers it is likely that the land in question may be determined as contaminated land.”*

The risk summary document sets out the reasoning behind the Authority's decision to determine the land as 'contaminated land' under Part 2A. It will include a

description of the risks and factors the authority considers to be relevant in formulating the decision to designate.

2.6.5 Written Statements

Following completion of the intrusive investigation and risk summary, and if it is found that the land does not require remediation, the guidance requires the Authority to produce a Written Statement for the land. This is to remove any uncertainty and to prevent the land being blighted. This document will lay out the rationale as to why the Authority has decided not to designate the land and the decision will be based on the current land use. If a significant change of use is proposed for or occurs at the site then the Written Statement may be invalidated and the site will need to be reassessed for its current land use.

2.6.6 Voluntary Remediation

The Strategy encourages the appropriate persons to carry out voluntary remediation. Sites defined as 'contaminated land' under the Act would be remediated to a standard that prevents contaminant linkages for their current land use.

Part 3 – The London Borough of Bromley

3.1 Characteristics of the London Borough of Bromley

This chapter sets out various characteristics of the London Borough of Bromley relevant to the identification of contaminated land.

3.2 Location

The London Borough of Bromley is situated in the South East of London and/or North West of Kent. It was formed in 1965 from the Boroughs of Bromley and Beckenham, the urban districts of Orpington and Penge, and the Chislehurst part of Chislehurst & Sidcup.

The Borough extends from Crystal Palace and Mottingham in the north, to beyond Biggin Hill almost to the M25 to the south, and from West Wickham in the west to the edge of Swanley in the east.

Geographically Bromley is the largest London Borough with an area of over 15,000 hectares.

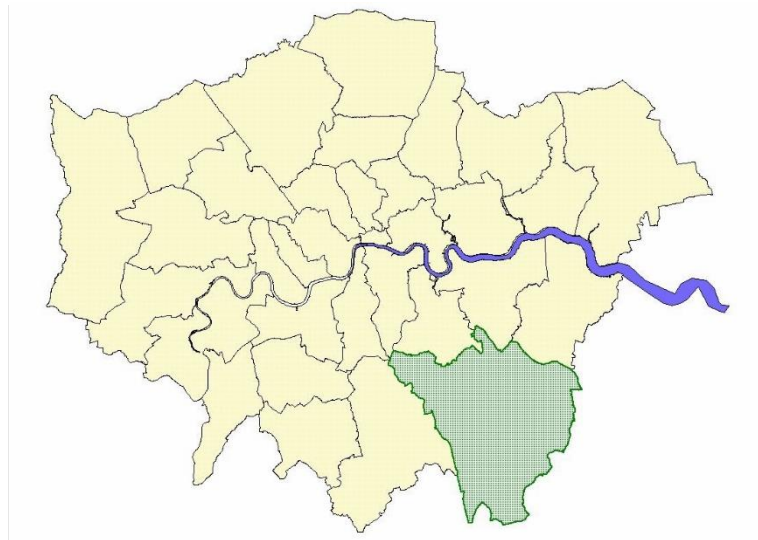


Figure 1 – Location of London Borough of Bromley in Greater London

3.3 Population

The population of Bromley is approximately 333,000. This population is not spread evenly. The northern half of the Borough is much more densely populated, and of this, the north-west corner is the most densely populated with Penge having the highest number of residents per hectare.

The southern half of part of the Borough is far less developed, with Darwin and Biggin Hill Wards on the outer edge of Greater London being the least densely populated per hectare.

3.4 Land Use

Biggin Hill airport was previously a base for RAF fighter command during WWII. It is a civil airport used predominately by private aircraft with a limited number of scheduled flights. There is business use within the perimeter of the airport on and it is a significant employment location.

The main employment area in the Borough is Bromley Town Centre. The borough has 218,000 sqm of office space with 97,500 sqm in Bromley town centre and 8,000 sqm in Orpington town centre. The area of land designated as Strategic Industrial Location (SIL) and Locally Significant Industrial Sites (LSIS) totals 466,000 sqm and 395,000 sqm respectively. Non-designated industrial/warehousing sites provide 159,000 sqm of floorspace.

Bromley does not have a history of widespread industrialisation as it was predominantly rural before becoming largely residential. However, there are some industries that have historical associations, for example:

- GlaxoWellcome Laboratories in Beckenham – used for the research and production of pharmaceutical products. Part of this site has now been redeveloped for residential use.
- Paper mills on the banks of the River Cray
- Bollom in Orpington – who pioneered the manufacture of brightly coloured paints after WWII.
- Chalk mines in Chislehurst – which over many hundreds of years formed Chislehurst Caves, now a local attraction.

Mirroring the rest of the UK economy there has been a decline in manufacturing in the Borough. However, over 100ha of land remains in industrial or warehousing use, mainly situated in the Cray Valley, Lower Sydenham, Elmer's End and at Biggin Hill Airport.

In the southern half of Bromley there is over 7700ha of London's green belt. This area equates to more than half the total area of Bromley, but as designated green belt, further development is strictly controlled through the planning process. A significant number of farms are in this area.

There are many parks and open spaces in Bromley. One of the largest is Crystal Palace Park, the site of a Palace destroyed by fire in 1936.

3.5 Other Receptors

3.5.1 Scheduled Ancient monuments

These sites may require special protection from contamination as by their very nature they should be protected.

There are 10 scheduled ancient monuments. Sites 1, 3, 4, 5, 7 and 8 are owned by the London Borough of Bromley. They are:

1. **Fordcroft**, Poverest Road, Orpington – Romano British site and Anglo-Saxon cemetery
2. **Caesar's Camp**, Holwood Park, Keston – Iron Age hill fort
3. **Camp on Keston Common**, Keston – Ancient earthworks
4. **The Temple**, west of Keston Court, Westerham Road, Keston – Romano British mausoleum
5. **Ruins of a villa**, Crofton Road, Orpington – Romano British villa
6. **St Botolph's Church**, Ruxley – Former medieval church on the site of an even earlier church
7. **Ruins**, Wickham Court Farm, West Wickham – Substantial Romano British settlement
8. **Ice Well**, High Elms
9. **Ruxley Old Church**, Cray Valley East
10. **Sadbury Manor** Chislehurst - Moated manor site and fishponds

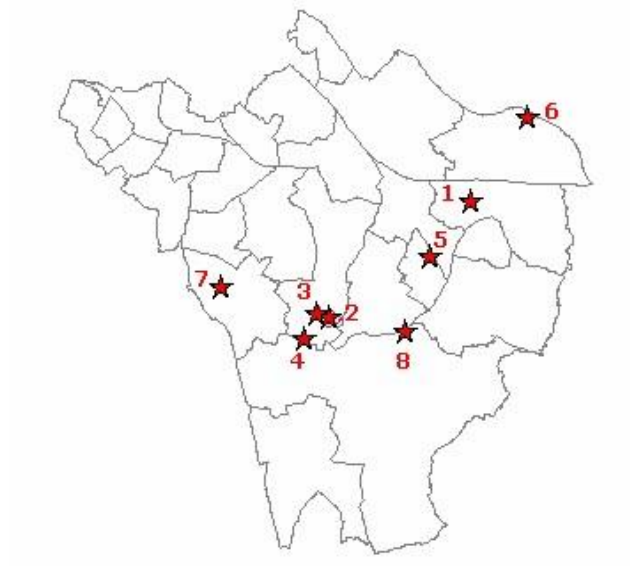


Figure 2 – Scheduled Ancient Monuments in Bromley

3.5.2 Sites of Special Scientific Interest (SSIs)

Sites of Special Scientific Interest are of national importance by reason of such things as flora, fauna, or geology. There are 6 SSSIs in Bromley, they are:

1. Crofton Woods
2. Downe Bank and High Elms
3. Keston & Hayes Commons
4. Elmstead Pits
5. Ruxley Gravel Pits
6. Saltbox Hill

3.5.3 Other Ecological Areas

There are 5 nature reserves located at Scadbury Park, Chislehurst; Jubilee County Park, Petts Wood; High Elms Country Park, Farnborough; Darrick and Newstead Woods; and Keston Common. There are 32 sites of nature conservation interest across the Borough, see Figure 3, and the south-eastern tip of the Borough is part of the North Kent Downs Area of Outstanding Natural Beauty.

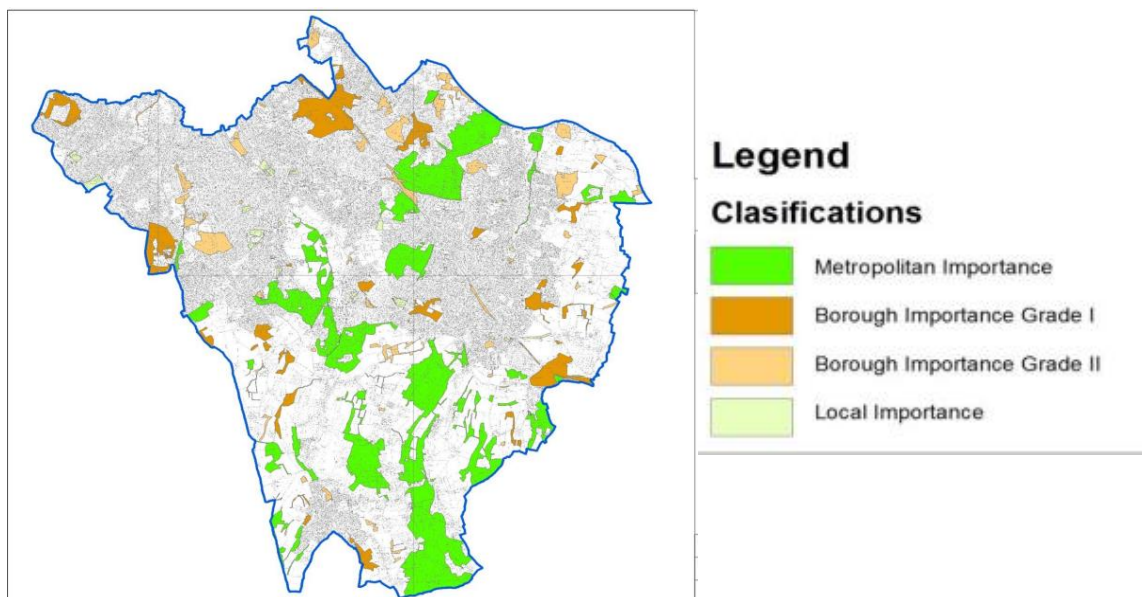


Figure 3 – Sites of Importance for Nature Conservation

Darwin's Landscape Laboratory, in Downe, is on the UK's tentative list to qualify for inclusion in the list of World Heritage Sites. This site includes Down House, Charles Darwin's home, and surrounding countryside.

The GLA has re-surveyed and re-named their Sites of Nature Conservation Interest (SNCI's) and Sites of Importance for Nature Conservation (SINCs) since 2002. The number and area of sites in Bromley has increased from 51 (1,109Ha) to 97 (2,691Ha) and there were 109 sites counted in 2020.

3.5.4 Geological Characteristics

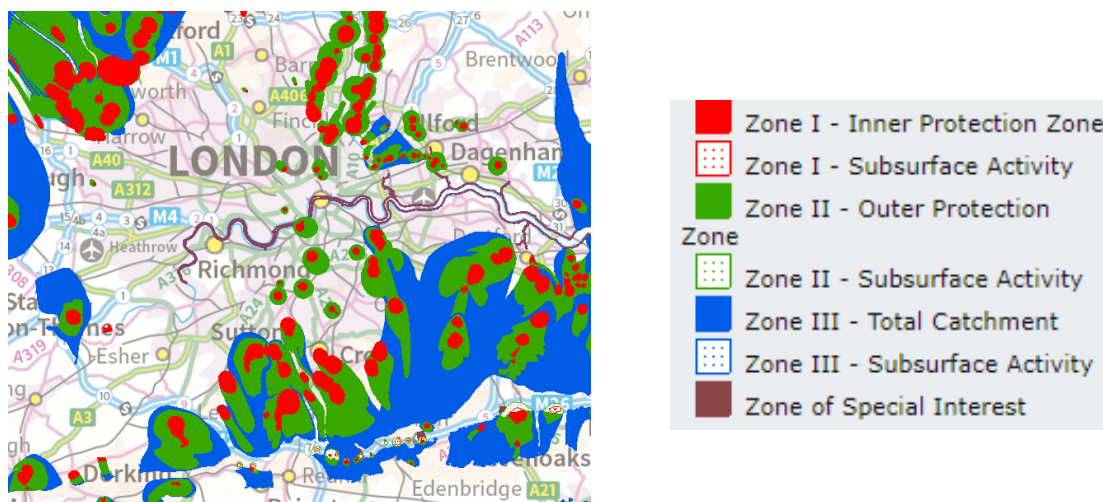
The geology of the Borough is split into two distinctive areas. Upper and Middle Chalk occurs in the south and north east.

In the north-west the chalk gradually becomes covered by a tertiary sequence of rock comprising of layers of clays and sands. The Thanet sands form the base of this sequence. This is overlain by the Woolwich, Reading and Blackheath beds. In some parts of the Borough these beds are, in turn, overlaid by London Clay.

3.5.5 Hydrogeological Characteristics

The Chalk is the major aquifer of Southern England and is extensively used for public water supply and private purposes. Groundwater is found within the sand and pebble layers within the above tertiary sequence and in the drift deposits that line the river valleys. The head of the River Ravensbourne emerges as a spring from the Blackheath beds.

As the groundwater is used for drinking water, it is important to protect it from contamination that can pass into it through the soil and rocks above. The Environment Agency has developed the concept of “Source Protection Zones” around water supply boreholes. These zones are defined around a borehole and are based on the time contaminants would take to travel to the borehole in the groundwater. Zone I represents 50 days travel time, Zone II 400 days, and Zone III is the total catchment area for the borehole. Source protection zones in and around the Borough are shown in different scales in Figure 4.



Figures 4 – Source Protection Zones in & around Bromley

3.6 Action taken to address land contamination

3.6.1 Computer Software

Since the previous version of the strategy the **ConSEPT (Contaminated Site Evaluation and Prioritisation Tool)** integrated GIS programme developed for the prioritisation of potentially contaminated land has been replaced with **GeoEnviron**.

The GeoEnviron system provides:

- Brings all data sources into one system
- Powerful seamless GIS capabilities – The integrations allow the results of database queries to be instantly visualised in GIS and vice versa.
- A proven site prioritisation system
- Extensive decision support including an extensive knowledge database that includes information including DoE industry profiles, the chemical properties of over 1000 potential contaminants, commonly used generic guideline values and effective remediation technologies

3.6.2 Strategic Prioritisation of Contaminated Land Inspection

The Authority prioritised the identification and inspection of land in the 2002 strategy issued in by auditing the historical maps, geology, and receptors to create a database and geographical information system of areas of potentially contaminated land. A total of 868 potentially contaminated sites were identified within Bromley.

Sites were accorded a risk-based prioritisation ranking of low, intermediate, or high on the likely contaminant toxicity, to reflect the seriousness of the actual or potential risk to human health and/or the environment.

The initial rankings helped develop an initial indication of risk. The priority list in descending order was:

- To protect human health.
- To protect controlled waters.
- To protect designated eco systems.
- To prevent damage to property and ancient monuments.

3.6.3 Development Control

Since approximately 1997, Bromley has had a policy that any planning applications for sensitive development (such as houses with gardens) on a potentially contaminated site, have planning conditions attached to any permission granted to address potential land contamination. The conditions require an adequate site investigation to characterise any soil contamination present and, where necessary, remediate it through the development process.

It is possible that sites developed before the late 1997 were not subject to the rigorous controls to address land contamination as would be required today.

Since the implementation of the initial Contaminated Land Strategy, from 2002 – 2010 almost 170 sites had remedial works undertaken, with a further 172 planning conditions applied to developments proposed since 2011, These sites have been regulated by way of suites of planning conditions ensuring appropriate investigation and remedial works as sites are developed or re-developed.

The number of sites vary from large sites such as the former Aquilla site in Bickley, land surrounding Orpington Hospital and Langley Waterside (Former Glaxo Welcome Commercial Site) to small developments on previously commercial sites such as petrol garages. The Bromley Local Plan has identified 'remediation of sites' as an indicator within its monitoring framework. Metrics on this will be included within the Authority Monitoring Report (AMR), to be published online each year. The Bromley Local Plan also sets out a number of allocated sites for housing development, including sites that have had previously contaminative uses such as the Gas Holder Site, Homesdale Road/Liddon Road, sites adjacent to railway lines, etc.

The implementation of the contaminated land regime has already and will continue to involve the collection of a large amount of information. The organisation of much historical mapping data is centred on the Council's Geographical Information System (GIS). The London Borough of Bromley employed the British Geological Survey (BGS) to input data on sources, receptors, and pathways onto the GIS to assist in the identification of potentially contaminated land.

3.6.4 Landfill Sites

A list has been compiled of all known sites where material has been deposited in co-ordination with the Environment Agency's records with information researched about each one. There are no active gassing landfill sites in the London Borough of Bromley that are monitored by LBB. There are no active landfill sites used for domestic/municipal waste in the Borough although there are sites that have been used historically for the deposit of materials and substances.

According to records, there are approx. 40 closed waste sites that have been filled. It is believed that most of these sites were created before the 1974 Control of Pollution Act; legislation that improved regulation and control of landfill. Pre-1974 landfill sites were not restricted in the type of fill and their design was less effective against pollution migration. Due to this lack of regulation, it is recognised that there may be an increased potential for gas generating material to have been deposited into these sites. The Authority shall, review and refresh the mapping of identified sites and their risk rating in terms of potentially contaminated land risk.

Part 4 – Bromley’s Aims, Objectives & Priorities

4.0 Aims

The aims of this Strategy are to:

- Show the procedure for the identification and remediation of contaminated land within the Borough
- Ensure that all land within the Borough is safe and suitable for its current use

The statutory guidance requires a strategic approach to inspection prioritising sites in order of risk. This risk ranked prioritisation has been carried out within the Borough.

This strategy complies with the overarching objectives of the Government’s policy on contaminated land, which are:

- To identify and remove unacceptable risks to human health and the environment
- To ensure that contaminated land is made suitable for its current use, and
- To ensure that the burdens faced by individuals, companies and society are proportionate, manageable, and compatible with the principles of sustainable development

4.1 Identification and Risk Assessment

Inspection of land is based on the risk categories and priority rating. The inspection programme is based on a comprehensive review of planning and environmental information and, if necessary, a site walkover to determine likelihood of significant contaminant linkage based on the government risk categories.

The main objectives of the risk-based approach are to

- Identify the potential risk to human health, protected ecosystems, controlled waters, and the wider environment
- Utilise both council and private resources efficiently and effectively
- Periodically review and update information held by the Authority

4.2 Objectives

The objectives of this inspection strategy are:

- A systematic, risk-based approach to inspection of land potentially affected by contamination.
- To continue the site prioritisation process using specialist software

- Minimise cost to the tax payer by using the planning regime to remediate, via redevelopment or regeneration.
- To remediate in a proportionate manner to ensure suitable for end use.
- To use other environmental protection legislation such as the Environmental Damage (Prevention and Remediation) Regulations 2015, Building Regulations or Environmental Permitting Regulations 2016 to prevent and minimise future contamination of land.

4.3 Assessment of land for which authority may be an “appropriate person”

The London Borough of Bromley owns, or has previously owned, substantial tracts of land across the borough and the London Borough of Bromley recognises the need to set a good example in its own land holdings so will:

- Consider land contamination issues for any land it owns or is considering selling or purchasing
- Authority owned sites within 250 metres of a known potential source of contamination are informed to Property Procurement.

4.4 Internal Management of the Regime

Officers from London Borough of Bromley’s Environment and Public Protection Division have identified and are dealing with land affected by contaminated in the Borough through the planning regime.

Contaminated land is a corporate issue for London Borough of Bromley. Liaison between Services that have an interest in potentially contaminated sites occurs ad-hoc as the sites come up for development sale or purchase.

A GIS layer of Authority owned land has been developed. This information will be shared with relevant Council departments including, Housing and Property Services, Environmental Services, Planning and Building Control and Legal Services and a collaborative approach will be taken when considering any land that could be contaminated.

4.5 Resource Availability

The Government previously provided funding for local authorities through the Contaminated Land Capital Projects Programme (CLCPP). This funded intrusive site investigation to determine whether a site is contaminated, to inform how it should be remediated. In 2010 the CLCPP was passed to the Environment Agency and in 2017 the programme was closed. Grant monies to assist local authorities in carrying out their Part 2A responsibilities are no longer available.

Voluntary remediation and the encouragement of brownfield site development are the embedded key routes to the remediation of contaminated land.

Part 5 – Actions

5.0 Contaminated Land Prevention Actions

This Strategy endorses the ‘polluter pays’ principle and, where possible, places the onus on the polluter to remediate any environmental damage. Use of the contaminated land legislation is a last resort. As the London Borough of Bromley, currently has no Part 2A sites, the main method of prevention and remediation of land contamination is via the planning regime.

5.1 Prevention of Future Land Contamination

The creation of newly contaminated land could occur due to a pollution incident, or unforeseen contamination coming to light. Such incidents are investigated by the relevant agencies as and when they occur. Outcomes from any incident will be noted by the Authority, disseminated to relevant service areas or landowners, and considered when making future decisions regarding the land.

Any new sites that come to light will be prioritised for assessment.

5.1.1 Complaint/Pollution Incident Investigation & Prevention

There are laws in place to regulate industrial processes. These place responsibility on the company in charge of the polluting process to prevent land contamination. These powers are available to minimise the risk of pollution incidents from industry, particularly from industrial processes and waste storage, handling, and disposal sites. The Environmental Permitting (England Wales) Regulations 2016 (as amended) place an obligation on large industries in the event of the process ceasing; to submit surrender documents that provide evidence that the land is the same quality as found prior to the commencement of their process.

Methods of prevention can be achieved via the following processes and legal requirements:

- Development Control consultation process
- National, regional, and local planning policies
- Integrated Pollution Prevention and Control (IPPC)
- Industrial Emissions Directive (2010/75/EU).
- European Commission Guidance concerning baseline reports under Article 22(2) of the Industrial Emissions Directive
- Landfill (England and Wales) Regulations 2002
- Environment Agency Liaison
- Environmental Protection Act 1990
- Water Resources Act 1991

- Environmental Damage (Protection and Remediation) (England) Regulations 2016 and as amended 2018
- Building Regulations
- Communication and consultation between relevant council functions and governmental agencies.

5.1.2 Environmental Permitting Regulations

Some facilities could harm the environment or human health unless they are controlled. The Environmental Permitting Regime requires operators to obtain permits for some facilities, to register others as exempt and provides for ongoing supervision by regulators. The aims of the regime are to:

- Protect the environment so that statutory and Government policy environmental targets and outcomes are achieved.
- Deliver permits, compliance with permits and related environmental targets effectively and efficiently
- Encourage regulators to promote best practice in operations
- Continue to fully implement relevant European pollution control legislation

5.1.3 Building Regulations

The Building Regulations set the construction standards that buildings must meet. They cover the health and safety standards for the construction of all types of buildings including new build, extensions, internal alterations, underpinning, cavity wall insulation, etc. These regulations provide another tool to ensure adequate internal protection of buildings against mine gas or landfill gas.

5.1.4 Environmental Damage Regulations

The Environmental Damage (Prevention and Remediation) Regulations came into force in England on 1 March 2009 and were updated and amended in 2015 by The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 and Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2015. The Regulations are based on the 'polluter pays principle' so those responsible prevent and remedy environmental damage, rather than the taxpayer, and are only applicable to commercial concerns.

5.2 Review of Prioritisation & Inspection Programme

The Authority shall, over the period of this strategy, review and refresh the mapping of identified sites and risk rating to ensure that it remains accurate in terms of contaminated land risk.

5.3 Contaminated Land & Development Control

Planning policies and validation systems ensure that any proposed development for any plot is made suitable for its new use. In addition to the Pollution Control Team being a consultee, the Coal Authority and the Environment Agency are statutory consultees and will make recommendations and propose conditions based on the information provided and the proposed end use. A summary of a site contamination assessment is detailed in Appendix 3.

5.3.1 The National Planning Policy Framework

The National Planning Policy Framework 2021 (NPPF) identifies contaminated land as a material consideration in planning decisions. Developments must be sustainable regarding human health and the environment. The planning regime encourages the effective re-use of brownfield land, provided it has not become of high environmental or biodiversity value. As such, the impact of disturbing and re-developing any land that is potentially contaminated must be considered in the round, as is the case in the determination of all planning applications.

Sections 174, 183 and 184 of the NPPF set out the position on contaminated land as follows:

- Section 174(e) and (f) indicates planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and by remediating and mitigating where appropriate.
- Section 183 indicates planning policies and decisions should ensure that:
 - a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities, such as mining, and any proposals for mitigation, including land remediation (as well as potential impacts on the natural environment arising from that remediation)
 - b) After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and
 - c) Adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- Section 184 indicates that, where a site is affected by contamination or land stability issues, the responsibility to remedy rests with the developer and/or landowner.

5.3.2 The Bromley Local Plan 2019

The London Borough of Bromley adopted its local plan in January 2019 and sets out the Authority's position on contamination under Policy 118:

Where the development of contaminated land, or land suspected of being contaminated, is proposed, details of site investigations and remedial action should be submitted.

Applicants are required to submit, for approval:

- A **desk study** before starting investigations on site
- A full **site investigation** including relevant sampling and analysis to identify pollutants, risks, and a remediation strategy
- A **remediation strategy**
- A **closure report** on completion of works – Land should be remediated to a standard such that there is no appreciable risk to end users or other receptors once the development is complete

Where the future users or occupiers of a development could be affected by land contamination or stability issues, or, where contamination may present a risk to the water environment, proposals must be accompanied by a report that:

- a) Shows investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect they may have on the development and its future users, biodiversity, the natural and built environment and
- b) Sets out detailed measures to allow the development to go ahead safely and without adverse effect, including, as appropriate:
 - i Removing the contamination.
 - ii Treating the contamination.
 - iii Protecting and/or separating the development from the effects of the contamination.
 - iv Validation of mitigation measures

Where measures are needed to allow the development to go ahead safely and without adverse effect, these will be required as a condition of any planning permission. The Council's PC23 condition sets out the following:

No part of the development hereby permitted shall be commenced (including demolition of existing buildings and structures, except where prior written agreement with the Council for site investigation enabling works has been received) prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling, shall be approved in writing by the Local Planning Authority.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works, and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

The developer must therefore provide sufficient and appropriate information to allow the consultee to make an informed decision. Pre-planning advice on contaminated land issues are provided on the Environmental Health pages of the Authority's website.

Table 1 overleaf summarises the interactions between the two policy mechanisms for the management of contaminated land in the UK.

Part 2A	Planning
<ul style="list-style-type: none"> • Takes a proactive approach 	<ul style="list-style-type: none"> • Takes a reactive approach
<ul style="list-style-type: none"> • Considers all sites (particularly sites without potential for redevelopment) 	<ul style="list-style-type: none"> • Only considers sites that are being redeveloped
<ul style="list-style-type: none"> • Identifies “Contaminated Land” using the legal definition 	<ul style="list-style-type: none"> • Seeks to ensure land cannot be determined as “Contaminated Land” in the future
<ul style="list-style-type: none"> • Only considers the current use of the site 	<ul style="list-style-type: none"> • Considers the future use of the site and the development phase
<ul style="list-style-type: none"> • Responsibility lies with the council to demonstrate that significant possibility of significant harm exists. <p>The starting point is that the land is not contaminated, and it must be proven that it is.</p>	<ul style="list-style-type: none"> • Responsibility lies with the developer to demonstrate that significant harm is unlikely, and the site is suitable for use. <p>The starting point is that the land may be contaminated, and it must be proven that it isn't.</p>

Source: LQM

Table 1. Part 2A and Planning Process.

5.4 Determination of Contaminated Land

Once land has been determined as contaminated land as defined under the Act, the Authority will serve a Determination Notice on the appropriate persons. The Determination Notice will be placed upon a Public Register and will include information on the decision process and as a minimum will include the following:

- An outline of the contaminated land site/area on a plan.
- A summary as to why the Authority considers Section 1 of the Contaminated Land Statutory Guidance (April 2012) has been met.
- Risk summaries, explaining each contaminant linkage risk, its uncertainty, the timescale over which the risk becomes manifest, a conceptual site model, photographs, plans, cross sections, tables, and any other information that shows how the Determination decision was made.

5.5 Service of Remediation Notices

If a site has been determined as being contaminated under Part 2A, the Authority will issue a Remediation Notice.

The Remediation Notice will be served following a 3-month consultation period which commences at the serving of a Determination Notice. Prior to determination, the Authority will issue a risk summary explaining why the land is considered contaminated and briefly describe the remediation required.

If, following consultation with the appropriate persons, Voluntary Remediation cannot be agreed or additional information that would require a review of the Determination Notice has not been provided, the lead regulator for Part 2A will issue a Remediation Notice to the appropriate person. If Voluntary Remediation is agreed the 'Appropriate Person' shall issue a Remediation Statement to the lead regulator. The identification of an Appropriate Person would follow the criteria set down in the current guidance (April 2012).

When issuing a Remediation Notice the Authority will decide the Remediation Strategy. The enforcing authority may consult relevant technical documents (e.g., produced by the Environment Agency or other professional and technical organisations) and may also act on the advice of a suitably qualified experienced practitioner.

5.6 Voluntary Action

The Authority will seek to minimise unnecessary burdens on the taxpayer, businesses, and individuals. The Authority will encourage voluntary action to deal with land contamination issues. The level of remediation must be proportionate to potential exposure and harm caused by the contaminant. This risk will be influenced by its current end use (if being developed) and potential exposure to contaminants. A Risk Statement would be issued by the Authority to the Appropriate Person(s). This statement would identify contaminant risk, the uncertainties of risk, and its effect with time as well as providing methods to remediate.

It is important that those responsible for causing land to be contaminated understand the impacts a contaminant linkage will have. The Authority encourages voluntary remediation and will support those responsible for causing a Contaminant Linkage in recognising the potential risk and harm that may result.

Appendix 1 – Legislation & Guidance

Statutory Guidance

1. Environmental Protection Act 1990 Part I – Integrated Pollution Control
2. Environmental Protection Act 1990 Part II – Waste Management License
3. Environmental Protection Act 1990 Part IIA – Contaminated Land Statutory Guidance 2012
4. Environmental Protection Act 1990 Part III – Statutory Nuisance
5. Environment Act 1995 - Section 57
6. Contaminated Land (England) Regulations 2006
7. Contaminated Land (England) Regulations 2006 as amended 2012
8. Pollution Prevention and Control (England and Wales) Amendment) (No 2) Regulations 2003
9. The Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009
10. The Environmental Damage (Prevention and Remediation) Regulations 2009

Non-Statutory Guidance

1. BS 10175:2011+a2:2017 Code of Practice for the Investigation of Potentially Contaminated Sites
2. BS 5930:1999+A2:2010 Code of practice for site investigation Land contamination: risk managements
3. Land contamination: risk managements
4. Babbie (2001): Identification, Prioritisation and Risk Ranking of Potentially Contaminated Land in North Tyneside Methodology
5. British Geological Survey and The Environment Agency (2000): Technical Report WE/99/14: Some Guidance on the Use of Digital Environmental Data.
6. CIRIA (1995): Remedial Treatment for Contaminated Land Vol III; Site Investigation and Assessment.
7. DoE May (1991) "Public Registers of Land Which May Be Contaminated"
8. DoE (1994): CLR No 1 Vol One and Two. " A Framework For Assessing The Impact of Contaminated land on Groundwater and Surface water.
9. DoE (1994) CLR No 2 Vol One and Two: "Guidance on Preliminary Site Inspection of Contaminated Land
10. DoE (1994) CLR No 3: Documentary Research on Industrial Research

11. Doe (1994) CLR No 4: "Sampling Strategies for Contaminated Land"
12. DoE (1994) CLR No 5 "Information Systems for Land Contamination"
13. DoE (1994) CLR No 6 "Prioritisation and Categorisation Procedure for Sites which may be Contaminated."
14. DoE Industry Profiles (1995 and 1996)¹⁵ DoE
May 1991 "Public Registers of Land Which May Be Contaminated"
15. Environment Agency (May 2001): Contaminated Land Inspection Strategies: Technical Advice For Local Authorities
16. Environment Agency (2006): Remedial Targets Methodology: Hydrogeological Risk Assessment for Land Contamination
17. Environment Agency (2001): Land Contamination: Technical Guidance on Special Sites: Petroleum Refineries. Research and Development Technical Report Ref P5-042/TR/05
18. The Environment Agency's approach to groundwater protection February 2018 Version 1. 219. Environment Agency (2001): Technical Aspects of Site Investigation Research and Development Technical Report P5-065/TR.
19. Environment Agency (2001): Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination. Technical Report Ref P5-066/TR
20. Environment Agency and Local Government Association: Land Contamination Protocol.
21. Protecting our Water, Soil and Air A Code of Good Agricultural Practice for farmers, growers, and land managers 2009
22. Environment Agency and DEFRA - Groundwater protection: Groundwater protection guides covering requirements, permissions, risk assessments and controls (previously covered in GP3). 201729.
SNIFFER (1999): Communicating Understanding of Contaminated Land Risks.
23. The New Dutch Intervention Values for Soil Remediation
24. The Kelly Indices (Formally GLC) Guidelines for Contaminated Soils

Appendix 2 – Risk Categories, Receptors & Harm

Summary of Risk Categories

Cat.	Human Health	Controlled Waters
1	The significant possibility of significant harm exists where there is an unacceptably high probability, supported by robust science-based evidence, that significant harm would occur if no action is taken to stop it. Significant harm may already have been caused.	There is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists and that it is likely that high impact pollution would occur if nothing were done to stop it. Significant harm may already have been caused.
2	The land poses a significant possibility of significant harm, may include land where there is little or no direct evidence that similar land, situations, or levels of exposure have caused harm before, but nonetheless the authority considers based on the available evidence, including expert opinion, that there is a strong case for acting under Part 2A on a precautionary basis.	Based on the available scientific evidence and expert opinion, the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis, and where there is a relatively low likelihood that the most serious types of significant pollution might occur.
3	The legal test for significant possibility of significant harm is not met. This will include land where the risks are not low, but nonetheless the authority considers that regulatory intervention under Part 2A is not warranted	The risks are such that it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.
4	There is no risk or that the level of risk posed is low. There are only normal levels of contaminants in soil or contaminant levels do not exceed relevant generic assessment criteria. Estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure.	There is no risk, or that the level of risk posed is low, e.g., no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or the water pollution is like that which might be caused by “background” contamination.

These Risk Categories aid in the identification of high priority sites under Part 2A.

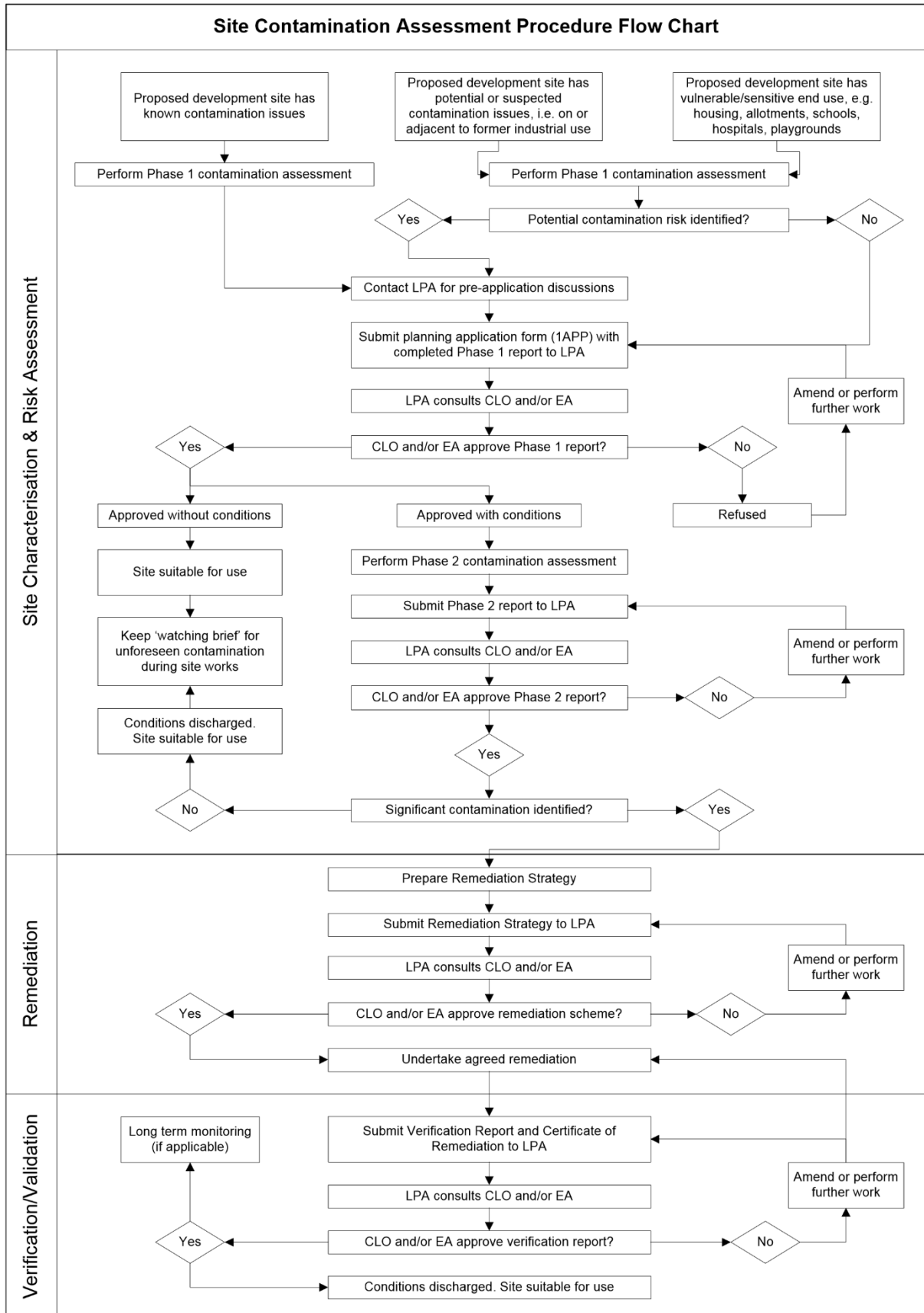
Receptors and harm

Relevant types of receptor	Significant harm	Significant possibility of significant harm
<p>Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> • a site of special scientific interest (under section 28 of the Wildlife and Countryside Act 1981) • a national nature reserve (under s.35 of the 1981 Act) • a marine nature reserve (under s.36 of the 1981 Act) • an area of special protection for birds (under s.3 of the 1981 Act) • a “European site” within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010 • any habitat or site afforded policy protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e., candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under 21 of the National Parks and Access to the Countryside Act 1949. 	<p>The following types of harm should be significant harm:</p> <ul style="list-style-type: none"> • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which significantly affects any species of special interest within that location, and which endangers the long-term maintenance of the population of that species at that location. <p>In the case of European sites, harm should also be significant harm if it endangers the favorable conservation status of natural habitats at such locations or species typically found there.</p> <p>In deciding what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation of Habitats and Species Regulations 2010.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the local authority considers that:</p> <ul style="list-style-type: none"> • significant harm of that description is more likely than not to result from the contaminant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. <p>Any assessment made for these purposes should consider relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>

Relevant types of receptor	Significant harm	Significant possibility of significant harm
<p>Property in the form of:</p> <ul style="list-style-type: none"> • crops, including timber. • produce grown domestically, or on allotments, for consumption. • livestock. • other owned or domesticated animals. • wild animals which are the subject of shooting or fishing rights. 	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease, or other physical damage. For domestic pets, death, serious disease, or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease, or other serious physical damage.</p> <p>The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose.</p> <p>Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.</p> <p>In this Chapter, this description of significant harm is referred to as an “animal or crop effect”.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question, considering relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>

<p>Property in the form of buildings. For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.</p>	<p>Structural failure, substantial damage, or substantial interference with any right of occupation. The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic, or archaeological interest by reason of which the monument was scheduled.</p> <p>In this Chapter, this description of significant harm is referred to as a “building effect”.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), considering relevant information for that type of contaminant linkage.</p>
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Appendix 3 – Site Contamination Assessment



Appendix 4 – Glossary

Apportionment	The division of the costs of remediation between one or more appropriate persons.
Appropriate persons	Any person who must bear responsibility for remediation of a site. This term is defined in section 78F
Attribution	The process of apportionment between liability groups
Charging Notice	A notice placing legal charge on land determined as contaminated by an enforcing authority to enable the authority to recover from the appropriate person any reasonable cost incurred by the authority in carrying out remediation.
Class A person	A person who is an appropriate person because he caused or knowingly permitted a pollutant to be in, on or under the land.
Class B person	A person who in an appropriate person because they are the owner or occupier of contaminated land where no Class A person can be found
Contaminant	A substance in, on or under land which has the potential to cause harm or pollution of controlled water.
Contaminated land	Any land that is in such a condition by reason of substances in, on or under the land, that (a) significant harm is being caused, or there is a significant possibility of such harm being caused, or. (b) pollution of controlled waters is being, or is likely to be, caused
Contaminant Linkage	The relationship between a contaminant, a pathway, and a receptor.
Controlled Waters	This is defined by the Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 including territorial and coastal waters, inland fresh water, and ground waters.

Current use	<p>A use which is being, or is likely to be made of the land, and which is consistent with any existing planning permission.</p> <p>This can include permitted temporary use and future uses which will not require amended, or new, planning permission</p>
Enforcing Authority	The authority that enforces the legislation for a contaminated site. For a special site this is the Environment Agency. For all other contaminated sites, it is the local authority.
GIS	A Geographical Information System. This is computer software that links features on a map to information about them.
Groundwater	The mass of water in the ground below the water table (saturated zone) occupying the total pore space in the rock.
Harm	This is harm to the health of a living organism, or interference with an ecological system of which it forms part. This includes harm to property
Intrusive Investigations	A site investigation which goes beyond a simple visual inspection, limited sampling, or desk-top study
Owner	"A person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let."
Part 2A	Part 2A of the Environmental Protection Act 1990.
Pathway	The means by which a receptor is being, or could be, exposed to, or affected by a contaminant
Pollutant	A contaminant which forms part of a contaminant linkage.
Pollution of controlled waters	The entry of any poisonous, noxious, or polluting matter or any solid waste matter into controlled waters

Receptor	<p>A living organism, a group of living organisms, an ecological system or a piece of property which is in Table A, Chapter A of the guidance and is being, or could be, harmed by a contaminant.</p> <p>Or controlled waters which are being, or could be, polluted by a contaminant.</p>
Remediation	<p>This includes the assessment of condition of land; the undertaking of actions to prevent, minimise or mitigate the effects of harm; and follow up inspections.</p>
Remediation scheme	<p>A complete set of remediation actions to be carried out with respect to the land or waters</p>
Remediation statement	<p>A statement prepared and published by the responsible person detailing remediation actions and the timescale within which they have been or are expected to be carried out.</p>
Risk	<p>The combination of</p> <ul style="list-style-type: none"> (a) the probability, or frequency, of occurrence of a hazard; and (b) the magnitude (including the seriousness) of the consequences
Risk Assessment	<p>This involves determining the significance of the risk for those affected</p>
Risk communication	<p>The effective communication of all aspects of a particular risk, and the assessment of this risk, to those who are concerned with it</p>
Risk management	<p>The process of implementing decisions about accepting, controlling, or altering risks</p>
Significant harm	<p>Harm which is determined to be significant in accordance with Chapter A of the statutory guidance.</p>
Significant possibility of significant harm	<p>A possibility of significant harm being caused and is deemed to be significant in accordance with Chapter A of the statutory guidance</p>

Source protection zone	An area around a borehole defined by the Environment Agency according to the travel times of pollutants in the groundwater to the borehole
Special site	A contaminated site that meets the definition in sections 78C (7) or 78D (6) of Part IIA of the Environmental Protection Act. The Environment Agency are the enforcing authority for a special site
SSSI	Site of Special Scientific Interest
Suitable for Use	This describes the requirement for the use of a piece of land to be suitable for the level of contaminants present within the land. An example of this is that a higher level of contaminants is acceptable in, on or under the land if the land is to be used a hardstanding car park, than if it were to be used for an area of garden.

Report No.
ES20203

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Thursday 8 September 2022

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

Title: PP&E RISK REGISTER

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

Chief Officer: Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for decision/report and options

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

2. **RECOMMENDATION(S)**

That the Public Protection and Enforcement PDS Committee reviews and comments on the appended 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.
-

Transformation Policy

1. Policy Status: Not Applicable
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.Not Applicable
-

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: PP&E Portfolios
 4. Total current budget for this head: £2.64m
 5. Source of funding: Existing controllable revenue budget 2022/23
-

Personnel

1. Number of staff (current and additional): 47.3 FTEs
 2. If from existing staff resources, number of staff hours: Not Applicable
-

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.
-

Property

1. Summary of Property Implications: N/A
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
-

Customer Impact

1. Estimated number of users or customers (current and projected): Not Applicable
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Council's aims are set out in [Making Bromley Even Better \(corporate strategy\) | London Borough of Bromley](#) and the Portfolio Plans, and a risk can be defined as anything which could negatively affect the associated outcomes. Some level of risk will be associated with any service provision: the question is how best to manage that risk down to an acceptable level? (this is known as our 'risk appetite')
- 3.2 It follows that the Council should be able to clearly and regularly detail the main departmental risks and related mitigation measures to ensure a) that desired outcomes are achieved and b) to allow for Member scrutiny – the purpose of this report.
- 3.3 Although the appended E&PP Risk Register is comprehensive, departmental risk management activity is certainly not exclusive to this report. For instance:
- major programmes and services (e.g. Tree Management Strategy) will have associated Risk Registers (such registers are reviewed by the relevant Programme / Service Boards);
 - financial risk is addressed in each Portfolio's Budget Monitoring Reports and, more generally, in the Council's Annual Financial Strategy Report;
 - audit risk is captured through the Audit Programme's planned and investigative activity and associated reports and management action requirements;
 - contract risk forms part of the Contracts Database (all contracts are now quantified and ranked according to the risk presented to the Council). The new Environmental Services Contract, therefore, appears both in this Risk Register and the Corporate Contracts Register, due to its size and complexity.
- 3.4 In 2016/17 Zurich Municipal (the Council's insurer) undertook a 'check and challenge' review (involving all management teams) of the Council's general approach and the individual risks. This resulted a new-style of register and a greater consistency of approach across the Council. Zurich attended during 2018/19 to repeat this exercise with all E&PP risk owners.
- 3.5 It was agreed that Risk Registers should be presented to each Departmental Management Team, the relevant PDS committee, and Audit Sub-Committee twice a year (minimum) to allow activity to be scrutinised in a regular and systematic manner. Individual risks should naturally be reviewed (by Risk Owners) at a frequency proportionate to the risk presented (see appendix).
- 3.6 In addition to its use for management and reporting purposes, the Risk Register also forms part of E&PP's evidence-base for contributing to the Council's Annual Governance Statement (which, itself, forms part of the Council's end-of-year management procedures).
- 3.7 Risks from all three departments are considered at the (officer) Corporate Risk Management Group (CRMG), which reviewed all the Risk Registers when it last met on 25th February 2022.
- 3.8 At the time of writing, the Council has 128 individual risks (116 departmental plus 12, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).
- 3.9 E&PP Department currently has 28 risks (~22% of the Council's total). The PP&E Portfolio currently has 21 risks.
- 3.10 The appended PP&E 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. Number E&PP risks are currently ragged 'red' following implementation of management control measures.

- 3.11 The risks (including causes and effects) are described in more detail in the appended Risk Register. Each risk is assigned a category (Compliance & Regulation, Finance, Service Delivery, Reputation and Health & Safety) and scored – using a combination of the ‘likelihood’ and ‘impact’ both being assessed on a scale of 1-5 – to produce a gross risk score.
- 3.12 Current controls designed to mitigate the risk are also listed and these, in turn, generally result in a (lower) net risk score. Finally, additional actions are listed for the Risk Owner to consider to further reduce the level of risk (commensurate with their risk appetite). Risk Ownership will be regularly reviewed and adjusted in light of any changes to the LBB Corporate Leadership Team structure.
- 3.13 Risk 12 has a Current Risk Rating of 16, which is red. Whilst funding is now confirmed to March 2025 a further review of funding sources from this point in time is underway to consider the inflationary impacts and mitigation should the external funding not continue. The service is staffed from Public Protection on a voluntary basis and the uptake of shifts has not improved. A decision to deal with this via service provision adjustments and proposing a permanent remuneration package is due to go to PP&E PDS in September 2022. Therefore, it continues that there is no guarantee that an officer will be available and sometimes the service is closed.
- 3.14 Risk 19 has a Current Risk Rating of 20, which is red. The increased costs for Coroners Service is due to the additional estimated costs due to additional high risk post mortems resultant of COVID, and further requested changes to the service that fall outside of the memorandum of understanding. The Director of Environment and Public Protection has challenged the appropriateness of the required spend for this service to mitigate the risk.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

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

5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 The Council’s renewed policy ambition for the borough is set out in [Making Bromley Even Better \(corporate strategy\) | London Borough of 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. FINANCIAL IMPLICATIONS

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

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications, but the Risk Register does identify service areas where recruitment and capacity present challenges (e.g. 8: Staff Resourcing and Capability).

8. LEGAL IMPLICATIONS

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

Non-Applicable Sections:	None
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Background Documents: (Access via Contact Officer)	None
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9. PROCUREMENT IMPLICATIONS

9.1 Contract and hence procurement risk is mainly captured in the Contracts Database and Contracts Register Report rather than this Risk Register Report.

10. PROPERTY IMPLICATIONS

10.1 There are no direct property implications, but the Risk Register does identify service areas where Property present challenges.

11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

11.1 There are no direct carbon reduction/social value implications, but the Risk Register does identify service areas where carbon reduction and social values are reviewed (e.g. 9: Climate Change).

12 CUSTOMER IMPACT

12.1 There are no direct customer impacts, but the Risk Register does identify service areas that could result in customers being impacted.

13 WARD COUNCILLOR VIEWS

13.1 There are no direct Ward Councillor views.

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

Public Protection and Enforcement (PP&E) Risk Register

No.	E&PP RISK REF	DIVISION	RISK TITLE & DESCRIPTION	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK RATING			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK RATING			DATE LAST REVIEWED:	23/08/2022	RISK OWNER
						Likelihood	Impact	Risk Rating		Likelihood	Impact	Risk Rating			
1	1	All E&PP	Emergency Response Failure to respond effectively to a major emergency / incident internally or externally	Cause(s): -Emergency may be triggered by storms, floods, snow, extreme heat or other emergency. Ineffective response could be caused by capacity and/or organisational issues Effect(s): - Failure to fulfil statutory duties in timely manner - Disruption to infrastructure and service provision in general	Service Delivery	2	4	8	1. Corporate Major Emergency Response Plan 2. Adoption of Standardisation Process in terms of Emergency Response 3. Business Continuity Policy & Strategy and associated Service Business Continuity Plans 4. Out-of-Hours Emergency Service 5. Winter Service Policy and Plan (reviewed annually) 6. Ongoing training, Testing and Exercising programme 7. Multi-agency assessment of emergency risks 8. Training Programme delivered for volunteers in respect of Standardisation Process 9. Implementation of on-call rota for Emergency Response Manager and at Director level 10. Multi-agency forum for emergency preparedness, response and recovery planning within the Borough	2	3	6			David Tait
2	2	All E&PP	Central Depot Access Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot)	Cause(s): -Fire, explosion, train derailment, strike etc. Effect(s): -Significant service disruption (Waste, Street Cleaning, Gritting, Fleet Management, Neighbourhood Management etc.)	Service Delivery	4	3	12	1. Contingency plans for: - Alternative vehicle parking - Temporary relocation of staff - Storage of bulky materials 2. Implement Business Continuity Plans 3. Close liaison with other Depot users (e.g. Waste Contract, Street Cleaning) 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 7. Waste Service Change has incorporated separate battery collection which will reduce likelihood of fires from batteries in residual waste	3	3	9			Paul Chilton
3	3	All E&PP	Fuel Availability Fuel costs and shortage impacting on LBB and service provider fleets, and LBB staff transport	Cause(s): -National or local fuel shortage caused by picketing or other external factors Effect(s): -Failure to provide services impacting on residents and other customers - LBB staff unable to commute or use their own vehicles for business journeys	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 logbook vehicles 3. Fuel store at Central Depot 4. Ongoing liaison with other London Boroughs concerning collaboration and assistance	1	4	4			Peter McCreedy
4	4	All E&PP	Business Continuity Arrangements Lack of up-to-date, tried and tested, BCP for all Council services	Cause(s): -Failure to implement and keep up-to-date effective service and corporate Business Continuity Plans Effect(s): -Non-provision of critical services following an incident (internal or external)	Service Delivery	2	4	8	1. Corporate Risk Management Group now encompasses Business Continuity 2. Full suite of BC plans in place across all Directorates, including E&PP 3. Overarching corporate BC plan developed identifying prioritisation of all services 4. All E&PP BC plans now transposed on to new corporate BCP template 5. Corporate BC management policy & strategy document signed off by leader and chief exec 6. Ensure all service providers have up to date Business Continuity Plans	2	3	6			David Tait
5	6	All E&PP	Industrial Action Contractors or staff work-to-rule / take strike action impacting on service delivery	Cause(s): -Union dissatisfaction over pay and conditions (particularly in Waste) Effect(s): -Temporary disruption to service / reduced customer satisfaction	Service Delivery	3	4	12	1. Ongoing monitoring / meetings regarding workforce issues 2. Joint development of Business Contingency Plans with Service Providers 3. Staff training and engagement built into the Environmental Services contracts	2	4	8			Colin Brand
6	14	All E&PP	Income Variation (Highways and Parking) Loss of income when the Council is looking to grow income to offset reduced funding *Note new COVID-19 specific parking risk addition at the end of this register	Cause(s): -Improved Street Works performance by utility companies (reduced fines) - Under-achievement of expected car parking income and parking enforcement, due to resistance to price increases and reduced incidents - Loss of income from Penalty Charge Notices for Bus Lane Enforcement activity - Lower than predicted income from Penalty Charge Notices for Moving Traffic Contravention cameras due to changes in traffic volume and patterns - Reduction in Street Enforcement activity (Fixed Penalty Notices) - Failure of APCOA (new Parking contract) to provide contracted services (e.g. strikes) - Reduction in TfL LIP funding for traffic and road safety schemes Effect(s): -Loss of income with potential to reduce service delivery funds	Financial	3	3	9	1. Regular income monitoring and review of parking tariff structures, including benchmarking Parking charges against other authorities and local private sector competitors 2. Monitoring contractor performance (e.g. only issue good quality PCNs) 3. Good debt recovery systems 4. Monitoring parking use and avoid excessive charge increases, plus consider changing pricing models 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			Angus Culverwell
7	18	All E&PP	Town Centre Businesses and Markets & reducing living standards due to numerous economic impacts on households Loss of town centre businesses to competition and as a result of the COVID-19 pandemic	Cause(s): -COVID-19 Pandemic causing businesses and market traders to cease trading (temporarily or permanently) - Town centre social distancing measures resulting in a reduced amount of market stalls Effect(s): -Reduction in high street business and market stall occupancy - Loss of income (Business rates and market stalls) -Poor public perception and negative publicity	Financial	5	3	15	1. BID Teams organise town centres events 2. Investment in Orpington High Street and Bromley North (done) 3. Regular advertising / promotion of markets and availability of stalls 4. Review of Market operational costs to reduce costs where possible (a new Market Strategy is under development and will be delivered from 2020/21) 5. Regular maintenance and renewal of market infrastructure - recent market relocation project has been completed and feedback from traders is positive 6. Markets Manager attends regular strategy meetings with BIDs and has provided guidance for a new town centre (BID) framework agreement	2	3	6			Colin Brand
8	20	All E&PP	Staff Resourcing and Capability Loss of corporate memory and ability to deliver as key staff leave (good new staff are at a premium)	Cause(s): -Lack of availability of suitably qualified / experienced staff to replace retirees and leavers. Particular problem within Planning, Environmental Health, Trading Standards and Traffic professions. There are insufficient Planning, EH & TS staff in the market due to efficiencies in staff training across local government over many years and the professions are now 'aging out' also TfL has previously offered better remuneration and career progression locally. Lack of incentive for good staff to remain at LBB. Combining of roles in lean services which do not appeal to professionals who want to do well at their chosen work area e.g. combining roles such as EH statutory nuisance with ASB/community safety work within teams and specific roles. Effect(s): -Loss of organisational memory, need for good quality staff in lean services, greater reliance on expensive contracted staff, delays in delivering services and work plans (e.g. Transport Local Implementation Plan) and lower quality services. Inability to effectively manage contracts as Contract Managers may have started out in a different role (i.e. as Service Managers) and therefore may not have the necessary expertise (i.e. contract monitoring, project management and auditing).	Service Delivery	3	4	12	1. Ongoing programme to find and retain quality staff through internal schemes such as career grades and training and ongoing CPD. Consider development of trainee posts.	3	3	9			Colin Brand
9	22	All E&PP	Climate Change Failure to adapt the borough and Council services to our changing climate	Cause(s): -Severe weather events including extreme heat, storms, floods etc. Effect(s): -Resulting in threats to service provision, environmental quality and residents' health in addition to reputational damage caused by perceived lack of action to tackle climate change	Service Delivery	3	4	12	1. Adopt best adaptation practice as identified through London Climate Change Partnership, UK Climate Impacts Programme, and the Local Adaptation Advisory Panel 2. Implementation of LBB's Carbon Management Programme 3. LBB Surface Water Management Plan and Draft Local Flood Risk Strategy 4. Establish net zero (direct) carbon emissions target for 2027 as part of 10 year climate plan 5. Climate Change included within Corporate Risk Register and risks associated with climate change e.g. increased number of extreme weather events, included within Contract Risk Registers.	2	4	8			Colin Brand
10	25	Public Protection	Income Reconciliation (Public Protection - Licensing) Uncertainty around income reconciliation when the Council is looking to grow income to offset reduced funding	Cause(s): - Lack of processes to reconcile actual licence fee income against expected income held on service specific IT systems. Effect(s): - Loss of income with potential to reduce service delivery funds - Reputational damage	Financial	3	2	6	1. Regular income monitoring 2. Effective debt recovery systems 3. Monitor activity using Performance Indicators 4. Continual benchmarking of licensing charges with other similar local authorities	2	2	4			Rob Vale/Sarah Newman
11	28	Public Protection	Dogs and Pests Contract Failure to deliver the contract to the required service levels	Cause(s): -Lack of robustness within contract specification in terms of contract deliverables and Key Performance measures Effect(s): -Inability to deliver statutory functions -Reputational damage	Service Delivery	3	2	6	1. Identification of named Contract Manager 2. Regular contract management meetings with service provider 3. Review of contract specification to identify change control requirements (a contract change notice regarding a change to invoicing was signed in August 19).	2	2	4			Rob Vale/Mark Atkinson

Public Protection and Enforcement (PP&E) Risk Register

No.	E&PP RISK REF	DIVISION	RISK TITLE & DESCRIPTION	RISK CAUSE & EFFECT	RISK CATEGORY	GROSS RISK RATING			EXISTING CONTROLS IN PLACE TO MITIGATE THE RISK	CURRENT RISK RATING			DATE LAST REVIEWED:	RISK OWNER	
						Likelihood	Impact	Risk Rating		Likelihood	Impact	Risk Rating	FURTHER ACTION REQUIRED		23/08/2022
12	29	Public Protection	Out of Hours Noise Service Failure to deliver service	<p>Cause(s): The out of hours (OOH) noise service is dependent on grant funding from the Mayor's Office for Policing & Crime (MOPAC) by way of the Local Crime Prevention Fund (LCPF). This grant is released on a 2 year cycle. The last cycle ended in March 2022, a new bid application was made. The bid was successful with funding now in place until 31 March 25. The grant is being maintained by MOPAC at the same level as previous years, thus is currently seeing a year on year reduction in its real value. As the service is supported by external funding, there is no future guarantee it will sustain. The OOH noise service is staffed on a voluntary basis, and despite the remuneration being increased in Sept 21, the appetite of officers to furnish the rota has not improved. This is resulting in occasions when the rota is not staffed. A paper on the effectiveness of recent changes and costed future options for the service has been prepared and will go to PPE & PDS in September 22.</p> <p>Effect: Occasional inability to deliver Out of Hours Noise Service.</p>	Service Delivery	4	4	16	<p>1. Annual review with MOPAC on service outcomes - Done</p> <p>2. Exploring the cost of a centrally funded OOH service - Done</p> <p>3. Amend website to manage customer expectation - In process</p> <p>4. Consider making being on the OOH rota mandatory in new EH enforcement work contracts - in process - HR not supportive of this option</p>	4	4	16	<p>1. Press MOPAC to confirm funding status - Bids for further funding submitted & successful</p> <p>2. Produce report on centrally funding OOH service - Options paper has been prepared and consulted with HR & Portfolio Holder. Report to go to PPE & PDS in September 22.</p> <p>3. Continue to encourage officers to participate in rota - despite repeated entreaties to staff, interest in participating on the OOH rota remains low.</p>	Colin Brand/Louise Watkinson	
13	30	Public Protection	Integrated Offender Management Failure to contribute to IOM in Bromley	<p>Causes: -IOM functions are reliant on grant funding from MOPAC. Their contribution equates to one officer day a week for IOM work. Potential for short notice reduction or cessation of the grant.</p> <p>Effect: -Inability to contribute to IOM in Bromley.</p>	Service Delivery	3	4	12	<p>1. Annual review with MOPAC on service outcomes</p>	3	4	12	<p>1. Meetings with MOPAC to ensure early warnings of any change to funding levels. MOPAC funding is outside of the control of LBB. Grant bid outcome was successful for 2022 - 2023</p>	Sarah Newman	
14	31	Public Protection	Community Impact Day Co-ordinator post. Failure to deliver ASB problem solving and partnership activity	<p>Cause(s): -This post receives funding from a MOPAC grant for 1 year at a time, thus is vulnerable. This post which is responsible for delivering targeted community improvement project work to reduce crime and ASB across the borough with partner agencies. Potential for short notice reduction or cessation of the grant.</p> <p>Effect: -Inability to fund this post would result in the disruption/cessation of targeted Community Impact Day work with partners. MOPAC funding for this post is reducing in real terms year on year. The shortfall in funding for a full time officer is currently being met by the Public Protection salaries budget.</p>	Service Delivery	3	4	12	<p>1. Annual review with MOPAC on CID project outcomes. The review of project outcomes to determine if the days could be delivered on a reduced budget resulted in the answer - no they cannot. Project would have to be reduced in scope and outcomes.</p>	3	4	12	<p>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. Grant bid for 2022/23 has been successful.</p>	Sarah Newman	
15	32	Public Protection	Gangs & Serious Youth Violence Officer Failure to deliver gang problem solving and partnership activity	<p>Causes(s): -This post has funding from MOPAC for 1 year at a time, thus is vulnerable. The post is responsible for the strategic coordination of gang interventions and reductions in serious youth violence. Potential for short notice reduction or cessation of the grant.</p> <p>Effect: -Inability to fund this post would result in the cessation of strategic coordinated gang disruption work with partners. The salary shortfall of this post is currently met by Public Protection salaries budget.</p>	Service Delivery	3	4	12	<p>1. Annual review with MOPAC on service outcomes</p>	3	4	12	<p>1. The grant bid for 2022/23 has been successful so funding for this post is in place via MOPAC until April 2023 - MOPAC funding is outside of the control of LBB.</p>	Sarah Newman	
16	33	Public Protection	The provision of 24/7 CCTV Monitoring	<p>Cause: -On-going COVID 19 Pandemic</p> <p>Effect: -Loss of officers through sickness arising from a potential future waves leading to an inability to provide 24-7 CCTV monitoring .</p>	Service Delivery	3	4	12	<p>The CCTV Control Room is back to full strength - 1 x supervisor and 2 x operators on shift patterns. All staff have now been offered a vaccination and the social distancing/face masks requirement is still in force and will continue until such a time the Government relaxes restrictions further.</p>	1	3	3	<p>1. Monitor and review monthly with Contractors</p>	Rob Vale	
17	34	Public Protection	Loss of income from Licensed Premises	<p>Cause: -COVID-19 pandemic and its impact on achieving income from premises licensing.</p> <p>Effect: -The majority of income relates to alcohol and gambling licenses 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 licenses. However, there is a risk that the expected income target will not be met for some time in future due to businesses not surviving the financial impacts of the pandemic and wider economic trends such as inflation and it's impact on hospitality.</p>	Financial	3	4	12	<p>1. The Council's Covid-19 business support schemes offered 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 was an assumption that the loss of use of the licence would be covered under the discretionary grants. For most businesses the licence would be a minor cost and they would be more concerned with significant overheads such as staffing, materials costs, rents, and rates. Expected income targets are not being met, the Division has used C-19 COMF funding to maintain a balanced budget thus far, but will have to look to mitigate the shortfall by reducing expenditure to maintain a balanced budget.</p> <p>2. Licensing income for 2022/23 will remain reduced as a result of business closures. An accurate forecast is not available in the current economic climate.</p>	3	3	9	<p>1. Monitor and review income quarterly</p>	Rob Vale	
18	35	All E&PP	Risk to Health - Ill health resulting from enforcing Health Protection Coronavirus Restrictions Regulations 2020 or from operating public sites	<p>Cause: -COVID-19 pandemic and the national requirements that Environmental Health and Trading Standards Officers enforce the COVID-19 Regulations.</p> <p>Effect: -Operational activities requiring staff to undertake site visits or to operate public facilities.</p> <p>Effect: -The potential for officers, contractors and visitors to be exposed to and infected by, COVID-19</p>	Service Delivery	3	4	12	<p>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/sanitizer) are provided to staff and must be used in accordance with C-19 risk assessments.</p> <p>2. Assessments for bulky waste collections undertaken via telephone.</p>	3	3	9	<p>-To ensure risk assessments for all service areas are regularly reviewed</p>	Colin Brand	
19	37	Public Protection	Increased Costs for Coroners Service	<p>Cause: -Coroner increasing staffing costs - potential request for a second court - high profile inquests, changes to assistant coroners longer term practices - additional high risk post mortems due to Covid-19</p> <p>Effect: -Additional estimated costs (£238k staffing £57k post mortems) over current BAU contract costs</p>	Financial	4	5	20	<p>1. Ongoing communication with the South London Coroners Consortium to ensure that additional costs are scrutinised, and not agreed to without prior consultation and agreement</p>	4	5	20	<p>1. If the PM costs cannot be absorbed by the consortium, the Public Protection Division would look to mitigate any additional spend by reducing expenditure within the division/department to maintain a balanced budget.</p> <p>2. With regard to the potential additional spend on staffing etc - The Director of Environment & Public Protection has challenged the appropriateness of the required spend. Until such time that the requested necessary evidence is presented to support the cost increases, Bromley payments will be made in accordance with, and within, the constraints of the contract budget. Separate payments will be made to cover additional costs (e.g. inquests) as and when they are incurred.</p>	Colin Brand/Louise Watkinson	
20	39	Public Protection	Dysfunctionality of Uniform Information Management System	<p>Cause: -This is a legacy system and there has been a lack of investment in maintaining it.</p> <p>Effects: -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.</p>	Service Delivery	5	4	20	<p>1. Ongoing communication with IT. The system upgrade went ahead in May 21, further patches have been required. Looking to move to cloud version of database which will remove many of the remaining on-going issues, allow the Public Protection Division to move away from Victoria Forms, and will facilitate on file working and thus allow the case admin burden for site officers to reduce creating greater officer efficiency in future.</p>	3	4	12	<p>The issues with data retrieval appeared to have been resolved - The system was loaded to the new server, which alleviated many of the issues experienced. Testing was carried out to determine effectiveness, but some issues remained. Further testing ongoing together with dialogue with BT, and additional resources are being dedicated to provide a permanent fix to all issues experienced with the introduction of a Cloud based database product.</p>	Rob Vale	
21	42	Public Protection	Health & Safety (PP&E) Ineffective management, processes and systems within department	<p>Cause(s): -Failure to take departmental action to reduce likelihood of accidents, incidents and other H&S issues</p> <p>Effect (s): -Increased injuries to staff, potential HSE investigation / prosecution leading to fines, increased insurance claims, and reputational damage</p>	Health & Safety	3	4	12	<p>1. Workplace Risk Assessments (including lone and home working) in place and regularly reviewed</p> <p>2. Accident & incident reporting system (AR3 & Riddor) fully utilised by staff and managers</p> <p>3. Contractor inspection electronic H&S reporting systems in place</p> <p>4. Interface with Corporate Risk Management Group</p> <p>5. Annual audits and annual paths surveys (Parks)</p> <p>6. Cyclical 5-year survey of park trees and highway trees</p> <p>7. Regular Footway inspections</p> <p>8. Fire responsible persons list in place for all sites under the control of E&PP</p> <p>9. EPP Health and Safety Committee meets regularly to review departmental Health and Safety arrangements</p> <p>10. All corporate policies followed for COVID-19 risk assessments. Staff home working unless unable to do so.</p> <p>11. Transfer all flagged premises to corporate system from Uniform</p>	2	4	8	<p>1. Ensure Workplace Risk Assessments (inc. Home working) updated annually and biennial reviews conducted</p> <p>2. Encourage reporting of all significant accidents and incidents using AR3 form (and reporting of RIDDOR incidents)</p> <p>3. Ensure the necessary communication and training is provided.</p> <p>4. Ensure resource exists to discharge statutory functions</p> <p>5. Ensure any staff wishing to return to the office during the COVID-19 pandemic have done so in accordance with all corporate processes and procedures.</p>	Lucy West	

Report No.
ES20210

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

Date: Thursday 8th September 2022

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

Title: FLY-TIPPING ACTION PLAN MID YEAR UPDATE

Contact Officers: Dean Laws, Street Enforcement Manager - Environment
E-mail: dean.laws@bromley.gov.uk
Peter McCready, Assistant Director - Environment
E-mail: peter.mccready@bromley.gov.uk

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

Ward: All Wards

1. Reason for report

- 1.1 This update report details actions that have been undertaken by Neighbourhood management since the last annual Fly Tipping Action Plan update.
 - 1.2 This report is being presented to the PPE PDS Committee Meeting (to review recent enforcement activities)
 - 1.3 The annual Fly Tipping Action Plan report will be presented to both PP & ECS PDS committees in quarter four 2022/23
-

2. **RECOMMENDATION**

- 2.1 **That Members note and comment on the work undertaken by Neighbourhood Management, suggesting future activities for consideration by the Fly-Tipping and Enforcement Working Group where applicable.**

Impact on Vulnerable Adults and Children

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

Corporate Policy

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

Financial

1. Cost of proposal: £250k
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Earmarked Reserve for Members' Initiatives – Fly-tipping and Enviro-crime
 4. Total current budget for this head: Total current uncommitted balance of £97k
 5. Source of funding: Earmarked Reserves
-

Personnel

1. Number of staff (current and additional): 4
 2. If from existing staff resources, number of staff hours: 144
-

Legal

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

Procurement

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

Customer Impact

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

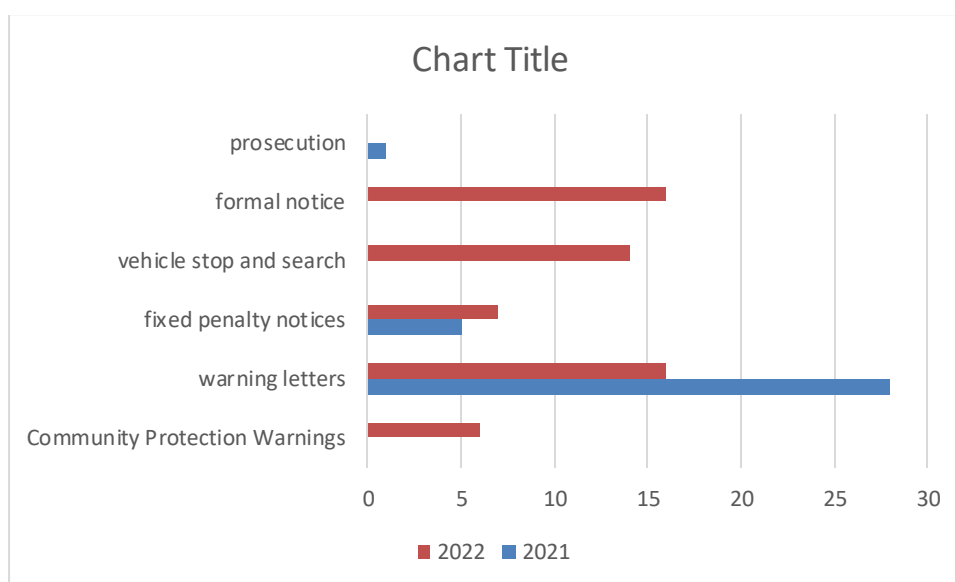
Ward Councillor Views

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

3. COMMENTARY

- 3.1 As part of the Council's Environment and Public Protection Portfolio Plan 2022/23, there is a commitment to keeping the borough's streets clean and green and to reduce litter, dog fouling and fly-tipping through programmed contracted works, education and enforcement activity. Targets have been set to reduce the number of fly-tipping incidents in the borough to less than 3000 per annum and to take enforcement action against 10% of fly-tips.
- 3.2 In February 2022 Neighbourhood Management undertook a service review and realignment. Previous to the review the Highways Enforcement Team consisted of The Highways Enforcement Manager, 1 Enviro-Crime Officer and 3 Highways Enforcement Officers. The review highlighted the lack of resource dedicated to Fly Tipping investigations and resulted in a new structure consisting of 1 Environmental Investigation Manager, 1 Senior Enviro-Crime Officer and 3 Enviro-Crime Officers. All officers within the team now focus on both Highways & Environmental enforcement
- 3.3 During the first six months of 2022, Bromley Council have been notified of 1,620 reports of fly tipping within the Borough, which compares to 1,840 during the same period in 2021. This equates to a 12% reduction in reported fly tips in comparison with last year.
- 3.4 In the same six month period, Neighbourhood management have conducted 89 investigations resulting in the issuing of 16 formal notices, 6 Community Protection Warnings, 16 warning letters, 7 fixed penalty notices and 14 vehicles being stopped and searched. This compares to 164 investigations resulting in the issuing of 28 warning letters, 5 fixed penalty notices and 1 prosecution during the same period in 2021. Figure 1 provides illustration of the enforcement outcomes for both years

Figure 1. Enforcement Outcomes



- 3.5 Bromley have suffered from several incidents which posed hazard to members of the public due to the irresponsible depositing of waste onto public roads, including the fly tipping of waste on unlit country lanes. There was a need to appeal for witnesses due to the severity and risk posed by these incidents. Copies of releases posted on Bromley Council's website are included as Appendix A & B
- 3.6 On Wednesday 20th July 2022, a vehicle which had been seized as part of a Fly Tipping investigation was crushed. Details of the crushing were published on Bromley Council website, published document is included as Appendix C

- 3.7 Also on Wednesday 20th July 2022, Enviro-Crime Officers ran operation alongside colleagues from Met Police SNT. The operation took place in Lewisham and involved the seizure of two vehicles linked to fly tipping within Bromley. Investigations are currently on going and we hope to commence court action against the individuals concerned in the coming months. This action led to a press release on the News Shopper website, details of the published document is included as Appendix D
- 3.8 Public Protection run Community Impact Days monthly. One of the main concerns raised by members of public is fly tipped waste within the project areas. This is dealt with during the operation via the removal of waste from public and private land. On the day of action waste on public land is cleared by Veolia with colleagues at Clarion responsible for removing waste from their own managed area. Figure 2 details tonnages of waste removed as part of the Community Impact Days facilitated by Public Protection.

Figure 2 – Community Impact Days waste removal

Community Impact Days – Waste Removal (January 2022 – July 2022)

Date	Location	Veolia	Clarion - Private
26/01/2022	St Mary's Cray- (Cray Valley East)	3,880kg	580kg
23/02/2022	Mottingham	2,400kg	480kg
30/03/2022	St Paul's Cray-Cray Valley West & R	1,680kg	880kg
27/04/2022	Penge	2,210kg	460kg
25/05/2022	St Mary's Cray – (Cray Valley East)	3,260kg	700kg
29/06/2022	Mottingham & Bromley Town	1,640kg	530kg
27/07/2022	St Paul's Cray-Cray Valley West & R	1,140kg	1,100kg
Total	January 2022 – date (7 months)	15,210KG	4,430KG

4 IMPACT ON VULNERABLE ADULTS AND CHILDREN

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

5 POLICY IMPLICATIONS

5.1 The New Corporate Strategy “Making Bromley Even Better” 2021-2031 provides three objectives for the service to meet under Aim 4 “For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future”.

- Progress our broader community safety and public protection goals, including tackling nuisance behavior such as noise, fly-tipping and graffiti
- Sustain a clean, green and tidy environment continuing to improve the street scene across the borough and town centers for our residents and visitors
- Protect and improve the environment through effective and responsible enforcement addressing issues, including environmental protection, pollution, planning and parking

6 FINANCIAL IMPLICATIONS

- 6.1 In February 2016, the Council set aside £750k as one-off funding for Member Initiatives, of which £250k was allocated to fly-tipping and enviro-crime initiatives as set out in the report to the Environment PDS Committee on 15th March 2016 (ref ES16017).
- 6.2 The balance of funding remaining as at 1st April 2022 was £116k. So far this financial year, there has been expenditure of £19k, leaving an uncommitted balance available for further initiatives of £97k.
- 6.3 If any ongoing maintenance costs arise as a result of initiatives, these will need to be contained within existing budgets, although to date the schemes conducted have not resulted in any ongoing costs.

7 LEGAL IMPLICATIONS

- 8.1 Fly-tipping is defined as the deposit of waste on land otherwise in accordance with an environmental permit, contrary to Section 33(1)(a) of the Environmental Protection Act 1990.
- 8.2 It is a criminal activity which carries a fine of up to £50,000 and/or 12 months imprisonment upon summary conviction at the Magistrates court; if indicted to the Crown Court the fine is unlimited and/or a sentence of up to 5 years imprisonment can be imposed.
- 8.3 The Council has enforcement powers (e.g. in respect of vehicle seizure) but will be seeking to work in partnership with both the Environment Agency and Metropolitan Police – both of which have enforcement powers in this respect.

8 PROCUREMENT IMPLICATIONS

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

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	Making Bromley Even Better Environment PDS Committee on 15 th March 2016 (ref ES16017).

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Appendix A – Witness appeal Orpington 20th July 2022

A clear up and investigation is underway following two serious fly-tip incident in country lanes.

As EnviroCrime officers continue with the recent fly-tip investigations, witnesses are being asked to come forward with information that could lead to a successful prosecution, with rewards of up to £500 available.

The fly-tips were discovered on Shire Lane, Keston and Skibbs Lane, Orpington in the morning Friday and Sunday respectively. Both incidents caused major roadblocks in the country lane, mostly or entirely blocking the road.

The dumped rubbish found on Shire Lane consisted of several torn bin bags, carpet material, a children's goal post, large containers, wooden planks, and an excess of other household waste items. On the other hand, Skibbs Lane was almost exclusively obstructed by wooden boards and pallets.

The result of the tipping caused a significant danger to road safety as the rubbish was scattered across the road, obstructing over half (or all) of the narrow country lane, causing road users to need to take evasive action to avoid the hazard. Due to the unanticipated roadblock on Shire Lane especially, vehicles were left with no choice but to switch to the opposite lane in order to give way to oncoming traffic.

Councillor Angela Page, Executive Councillor for Public Protection and Enforcement, said: "We investigate each and every fly-tip, with these incidents being particularly serious, but our clean-up team responded quickly and efficiently to restore the country lanes back to public use standard. If there is anyone who has any information about the fly-tipping, I would encourage them to share this information with the council in support of our investigation."

Anyone who needs to report an enviro crime, including fly-tipping, can visit www.bromley.gov.uk/envirocrime, with rewards of up to £500 available for information leading to prosecution.

Residents are being reminded of the importance to carefully check whether tradespeople they employ have a waste carriers' licence. Residents are advised to ask to see the permit to check what kind of waste disposal or recovery the business is registered for. In addition, the register can be checked by going to the Environment Agency website at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by calling 03708 506 506.

Investigations show that dumped rubbish has often occurred as a result of gardening work or as a result of building work, with the fly-tips either caused by an unscrupulous trader or even by the householder. Fly-tipping problems can quickly and easily be reported on the council's website www.bromley.gov.uk/report.

Appendix B – Witness appeal Beckenham 13th July 2022

As a fly-tip investigation continues, witnesses are being asked to come forward with information that could lead to a successful prosecution.

EnviroCrime officers are looking for a serial fly-tipper following similar incidents recently in Beckenham. EnviroCrime rewards of up to £500 are available for information leading to a successful prosecution, including in this incident.

The latest fly-tip was discovered on Manor Way, Beckenham on Saturday 9 July in the early hours of the morning. CCTV evidence shows that at 01:54, the driver of a vehicle fly-tipped the contents of the vehicle across the road without stopping. Whilst CCTV footage is being studied, witnesses are requested to provide the council with any information relating to the incident that could lead to the successful prosecution of the fly-tipper.

Councillor Angela Page, Executive Councillor for Public Protection and Enforcement, said: “Did anyone see this vehicle or know of its current whereabouts? Fly-tipping is a blot on our streets which we are determined to tackle as part of our never-ending work to keep our borough looking clean.”

Councillor Page continued: “This is a mission which involves all of us. Not only will we remove fly-tips when we come across them, we will also investigate and will not hesitate to prosecute where the evidence exists. Please help – if you have any information on fly-tip incidents, particularly Saturday’s incident, please come forward.”

The fly-tip materials included a children’s blue plastic slide, a cooker, rubble, and a large amount of packaging and cardboard boxes, all of which were discarded in the street in front of Harris Academy, completely blocking an entire lane. The dumped rubbish created a road safety hazard as motorists were forced to use the opposite lane to get past until the road was cleared; this also endangered pedestrians, including school children.

The latest investigation follows at least two similar local incidents of fly-tipping recently, both in Brackley Road and Park Road, Beckenham, with these incidences believed to be linked.

Residents are reminded that they need to properly check the credentials of anyone being employed to remove unwanted items or waste from their home. Legally, any trader responsible for removing waste from a property needs to be a registered Environment Agency waste carrier. Whilst a business can be fined up to £5000 for not registering, householders can also be prosecuted for using an unlicensed waste carrier.

Fly-tipping problems can quickly and easily be reported on the council’s website www.bromley.gov.uk/report. Problems can be reported quickly and easily along with photos too. However, in emergencies, when a road is completely blocked for instance, fly-tipping should be reported by phone so that priority attention can be given.

Anyone with more fly-tipping information or other enviro crime evidence should go to www.bromley.gov.uk/envirocrime to let the council know the details and they could be rewarded with up to £500 as a ‘thank you’.

Appendix C – Vehicle crushing press release 20th July 2022

A tipper truck suspected of being involved in flytipping incidents has been crushed today, with the metals being recycled.

The vehicle was previously seized as part of a flytip investigation, with flytippers being warned that a similar fate awaits their vehicle if they are caught and prosecution also being a probability where the evidence exists.

The news follows recent appeals for information which could lead to the successful prosecution of a flytipper, with enviro-crime rewards of up to £500 being offered for information.

Councillor Angela Page, Executive Councillor for Public Protection and Enforcement said, “Flytipping is a serious issue which is not just unsightly, but can have very stark consequences when the dumped rubbish is left in the road, on a country lane for instance, with a motorist coming across this, with little or no warning. We cannot always disclose the outcomes for a variety of reasons, including legal reasons, but, be assured, we do investigate all flytipping reports and no one should be in any doubt that where the evidence exists, we will prosecute and or crush the vehicle, depending on circumstances. Please report dumped rubbish where you come across it and come forwards as a witness if you saw the incident.”

Councillor Page continued, “If you are having work done or looking to dispose of bulky items, then make sure you are using someone who is bonafide and check their details. You have a legal duty of care to do this, which also applies to traders as well but it is yet another way that by working together, we can and indeed are making a difference.”

In this example, the vehicle was seized some time ago, with the investigation continuing when covid restrictions were in place. The owner of the vehicle did not come forwards to claim their vehicle, with vehicle then being crushed.

Residents are being reminded of the importance to carefully check whether tradespeople they employ have a waste carriers’ licence. Residents are advised to ask to see the permit to check what kind of waste disposal or recovery the business is registered for. In addition, the register can be checked by going to the Environment Agency website at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by calling 03708 506 506

Appendix D – Vehicle seizure press release 20th August 2022

Two vehicles seized after Bromley fly-tipping incidents



Bromley Council is appealing for anyone with any further information about fly-tipping cases to come forward / Images: Bromley Council

Two vehicles have been seized as part of ongoing fly-tip investigations after a series of incidents in Bromley.

The vehicles were seized a short distance away from the Bromley borough’s boundary.

As investigations are ongoing, further details cannot currently be disclosed.

Bromley Council is appealing for anyone with any further information about fly-tipping cases to come forward and notify them at www.bromley.gov.uk/envirocrime.

There are rewards of up to £500 available for people who provide information which leads to successful prosecution.

Councillor Angela Page, Bromley’s Executive Councillor for Public Protection and Enforcement, said: “Our investigations into the fly-tips where we recently appealed for information are ongoing, but we would encourage residents to assist us in our efforts to put a stop to this.

“If anyone has any information about any incident, please come forward to help with our investigation.

“And as a reminder, information leading to a successful prosecution of the offender will be rewarded up to £500.”

A tipper truck was crushed last month after the council seized it for having links to fly-tipping incidents during the pandemic.

Bromley council advises that people who are looking to use disposal services to ask see to see the permit of the tradesperson they have hired.

This is to check what kind of waste disposal or recovery the business is registered for.

You can check whether tradespeople have a waste carriers' licence [here](#).

The maximum penalties for fly-tipping on summary conviction are a £50,000 fine and/or twelve months imprisonment.

On conviction in a Crown Court, the maximum penalties include an unlimited fine and/or five years imprisonment.

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Report No.
CSD 21147

London Borough of Bromley

PART ONE - PUBLIC

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

Date: 1st February 2022

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: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: (All Wards)

1. Reason for report

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

2. **RECOMMENDATION(S)**

(1) That the Committee notes the Work Programme

(2) That Committee members and officers comment on any matters that they think should be considered on the Work Programme going forward 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: £366k
 5. Source of funding: 2021/2022 revenue budget
-

Personnel

1. Number of staff Five full time staff.
 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 2022/2023 with the Chairman and officers.
- 3.4 Please note that the calendar of meetings for 2022/2023 has not been finalised yet and will be discussed at the GP&L Committee on 8th February.

Background Documents:	Minutes of the previous meeting. Previous Work Programme Report The Public Protection and Enforcement Portfolio Plan
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PUBLIC PROTECTION AND ENFORCEMENT PDS---September 2022
Matters Outstanding
Police Data Analysis Report
PPE Performance Overview report
Portfolio Holder Update
Budget Monitoring
Community Impact Days Update
Contaminated Land Strategy
Out of Hours Noise Service Appraisal
Public Protection Risk Register Update
Food Safety Plan
Fly Tipping Action Plan Update
Previous Minutes of the Safer Bromley Partnership
Community Impact Days Update
SBP Partner Scrutiny-Probation Services with respect to Keeping Young People Safe.
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---November 2022
Matters Outstanding
Police Crime Data Analysis Report
PPE Performance Overview report
HMO Mandatory Licensing Tenure Intelligence Project
Portfolio Holder Update
Budget Monitoring
Contracts Register Report
Public Protection Risk Register Update
PPE Enforcement Activity Update
Previous Minutes of the Safer Bromley Partnership
SBP Partner Scrutiny Item: Partner = Assistant Director for Children's Social Care, Education, Care & Health Services.
SBP Partner Scrutiny-Probation Services with respect to Keeping Young People Safe. Early Intervention and Family Support
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---February 2023
Matters Outstanding
Police Data Analysis Report
PPE Performance Overview report
Portfolio Holder Update
Budget Monitoring
Neighbourhood Management Enforcement Update
Contracts Register Report
Public Protection Risk Register Update
Resilience and Business Continuity Update
Previous Minutes of the Safer Bromley Partnership
SBP Partner Scrutiny Item: Partner = HOS Trading Standards and Commercial Regulation.

Update from SLAM
BYC Update--TBC
Work Programme
POSSIBLE FUTURE PRESENTATIONS and AGENDA ITEMS
Report on LBB's contract with the Coroner.
POSSIBLE FUTURE VISITS
Coroners' Court.

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