



THE LONDON BOROUGH
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DATE: 7 November 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
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 **TUESDAY 15 NOVEMBER 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**

In accordance with the Council's Constitution, general questions regarding the Public

Protection and Enforcement Portfolio should be received 10 working days before the meeting. In this case questions should have been received **by Tuesday, 1st November at 5pm.**

Questions specifically regarding items on the agenda should be received within two working days of the agenda being published. In this case that would be by **5pm on Wednesday, 9th November**

Questions can be emailed to stephen.wood@bromley.gov.uk

5 QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

6 MATTERS OUTSTANDING (Pages 13 - 16)

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

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

7 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW (Pages 17 - 18)

8 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

Portfolio Holder decisions for pre-decision scrutiny.

a BUDGET MONITORING 2022/23 (Pages 19 - 24)

b FOOD SAFETY PLAN UPDATE (Pages 25 - 44)

POLICY DEVELOPMENT AND OTHER ITEMS

9 SCRUTINY AND MINUTES OF THE PREVIOUS MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP--27TH OCTOBER 2022 (Pages 45 - 54)

10 UPDATE ON THE CONTAMINATED LAND STRATEGY (Pages 55 - 60)

11 FLY TIPPING ACTION PLAN UPDATE (Pages 61 - 72)

12 CONTRACTS DATABASE REPORT AND DATABASE EXTRACT (Pages 73 - 82)

13 PUBLIC PROTECTION AND ENFORCEMENT RISK REGISTER (Pages 83 - 92)

14 WORK PROGRAMME (Pages 93 - 98)

PART 2 AGENDA

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

The Chairman to move that the Press and Public be excluded during consideration of the items listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the press or public were present there would be disclosure to them of exempt information.

16 CONTRACTS REGISTER PART 2 (CONFIDENTIAL) (Pages 99 - 100)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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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: 15th November 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. The presentation was completed and circulated to members on behalf of the PDS Chair on 10/10/22.
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. The agencies who on the task and finish group for 'Safer Neighbourhoods' priority will consider this as part of their suggestions as we move through the process of development and agreement of a revised strategy
Minute 84a Stray Dogs Report. 21 st June 2022	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 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 Checktrade for residents to look up local providers.</p>
Minute 86 MOPAC Update. 21 st June 2022	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.	Update has been disseminated.
	It was agreed that the future calendar for Community Impact Days would be disseminated to Members. The Chairman	This was sent out on 31 st August.

	<p>recommended that Members attend a Community Impact Day and said that they were very well received by the community.</p>	
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Report No: ES20214		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	Aug-22	Sep-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	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	N/A	NA	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	1	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	(1 of 1) 100%	(0 of 0) N/A	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%)	(0 of 0) - N/A	(1 of 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	NA	NA	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)	1 event (25 attendees)	4 events (77 attendees)	500	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%)	2 (100%)	3 (100%)	0 (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%)	5 of 5 (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	3	3	44	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 71% (5 out of 7) Risk B 12% (10 out of 84)	Risk A 63% (7 out of 11) Risk B 23% (20 out of 84)	Risk A = 39% Risk B = 9%	100% Target (Annual)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	There were 7 Category A premises and 84 Category B premises that are due to be inspected at the beginning of this year (2022/23). As the year has progressed a further 4 category A premises have been added to the inspection list in September as category A premises are inspected at 6 month intervals. The addition of the 4 Category A premises is an indication of falling food safety standards. The businesses will be inspected 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)	All FH 13.5% (69 out of 541)	All FH 22% (120 out of 541)	9%	100% Target (Annual)	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 as the inspections fall due, by March 2023. The team still has one vacant full time post.
	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 FB 49% (190 of 387) UR CM 0% (0 of 433)	UR FB 56% (218 of 387) UR CM 0% (0 of 433)	UR FM = 34% UR CM = 0%	100% Target (Annual)	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 MINDERS, total 433 premises. These businesses are currently not registered and the food team received notice of their existence in January 2022. These businesses 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)	OD 30% (314 of 1089)	OD 38% (414 of 1089)	22%	100% Target (Annual)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	On the 31st March 22 there were 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 if resources permit. However, intelligence received shows that food hygiene standards have fallen post pandemic. There is also a risk that this target will not be met if inspections are complicated by the need for enforcement action. The two agency staff employed until the 30th of September to deal with these inspections have left the team now. It is unlikely that these outstanding inspections will be completed this business year without further additional resources / agency staff employed beyond the 30th of September 2022. This risk will be 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)	100% (35 out of 35)	94% (17 out of 18)	93%	70%	GREEN	Red: more than 30% Amber: Within 20% Green: Within 10% or above	

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	Aug-22	Sep-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	4A	Supply of CCTV data on request by appropriate agencies	100%	100%	100%	100%	100%	100%	HIGH	100%	100%	100%	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%	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	Awaiting Data	Awaiting Data	Awaiting Data	100%	100%	OUTCOME	Awaiting Data	
	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%	(4 out of 4) 100%	(6 out of 6) 100%	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	387	339	3794	N/A	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)	34 (open for period April to August)	53 (open for period April to September)	N/A	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%.	55% (43 cases closed after investigation for April to August). Of 43 cases, 24 have had enforcement action which is 55%.	88% (50 cases closed after investigation for April to September). Of 50 cases, 44 have had enforcement action which is 88%.	50%	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 where investigations where action could not be taken further as there was not enough sufficient evidence to take action against. 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	12	17	204	200	200	GREEN	Red: More than 251 Amber: 226 to 250 Green: 200 to 225	September 22: There has been a general increase in the number of appeals heard in September, 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%	67%	88%	81%	85%	85%	AMBER	Red: Less than 70% Amber: Less than 85% Green: At target or above	Two cases allowed in September due to copies of the signage being missing from evidence pack that was sent to ETA; this has been addressed as was human error. The other case was due to the Adjudicator not believing that the PCN was handed to driver when the driver was abusive. Adjudicator did not request the Body Worn Video from when PCN was served; there was no grounds for review as all evidence had been supplied. Overall, the percentage of cases being allowed is still low and Bromley still wins a high number of cases that go to ETA compared to other London Boroughs.	

**Report No.
ES20232**

London Borough of Bromley

PART ONE - PUBLIC

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

Date: **Tuesday 15 November 2022**

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

Title: **BUDGET MONITORING 2022/23**

Contact Officer: Murad Khan, Head of Finance (Environment and Community Services)
E-mail: murad.khan@bromley.gov.uk

Chief Officer: Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for decision/report and options

This report provides the revenue budget monitoring position for 2022/23 for the Public Protection & Enforcement Services Portfolio based on expenditure and activity levels for the second 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 Services Portfolio.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
-

Transformation Policy

1. Policy Status: Existing Policy: Further Details
 2. Making Bromley Even Better Priority (delete as appropriate):

(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: Not
 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): 47.3 FTE
 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
-

Property

1. Summary of Property 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 second quarterly revenue budget monitoring exercise for the 2022/23 financial year for Public Protection & Enforcement Portfolio.
- 3.2 The position for quarter two for the Portfolio was a small projected overall overspend of £96k 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. TRANSFORMATION IMPLICATIONS

- (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- 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 £96k is projected to the year-end based on the information available for the second quarter of the year.

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

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	445	18	4	0	0
161	Emergency Planning	146	146	159	13	1	10	0
548	Mortuary & Coroners Service	603	603	699	96	2	20	0
1,466	Public Protection	1,469	1,469	1,438	-31	3	-10	0
2,546	TOTAL CONTROLLABLE	2,645	2,645	2,741	96		20	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	3,558	96		20	0

Reconciliation of Latest Approved Budget

£'000

Original Budget 2022/23

3,462

Carry Forward Requests approved from 2021/22

Latest Approved Budget for 2022/23

3,462

REASONS FOR VARIATIONS**1. Emergency Planning Dr £13k**

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

2. Mortuary & Coroners Service Dr £96k

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 £31k

A number of underspends totalling £31k are projected across Public Protection budgets, as follows.

Staffing costs are anticipated to be £142k under budget, with the main variation in respect of Trading Standards, Environmental Protection, Food Safety and Food Standards.

Income from licencing of Houses in Multiple Occupation is projected to overachieve this year by £83k.

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. Agency CS Manager expected to start in October until March, which will incur an overspend of £114k in Public Protection- General Administration. Overspend of £81k in Licensing, Admin and Health & Safety due to agency worker employed above establishment (extended until March '23) and unbudgeted costs for Victoria Solutions. This budget pressure will be resolved once Idox Cloud is implemented.

4. Community Safety Dr £18k

There is a projected overspend of £23k in the costs of the Community Safety & Management Team, partially offset by a small underspend on the Nuisance & ASB Team.

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 Subcommittee 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.

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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: 15th November 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.

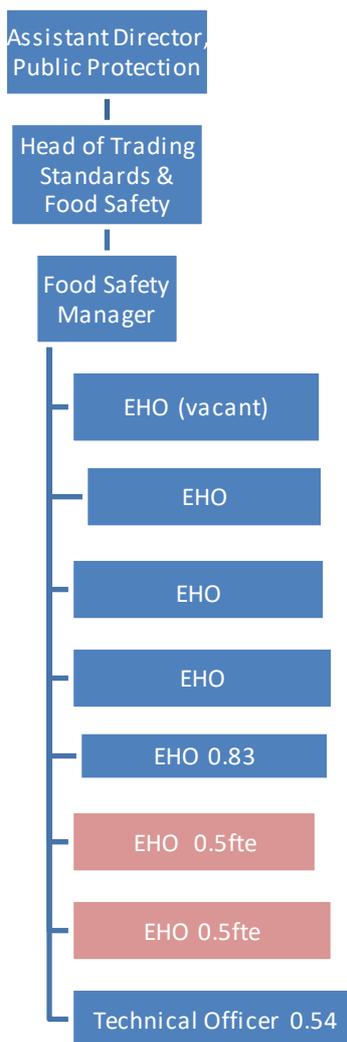
21. QUALITY ASSESSMENT

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



SAFER BROMLEY PARTNERSHIP BOARD

Minutes of the meeting held at 10.30 am on 27 October 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)
 Sharon Baldwin, (Safer Neighbourhood Board Chairman)
 Elaine Beadle, (LBB Road Safety Manager)
 Sandra Campbell, (LBB ASB Project Officer)
 Lynnette Chamielec, (LBB Assistant Director-Housing)
 David Dare, (LBB Children's Services)
 Emily Duignan, (Service Manager: Bromley Drug and Alcohol Service)
 Rachel Dunley, (LBB Head of Service for Early Intervention, and Family Support)
 Dirk Holtzhausen, (LBB--ECHS)
 Mimi Morris-Cotterill, (LBB Assistant Director: Public Health)
 Sarah Newman, (LBB Community Safety, Environmental & Domestic Regulation)
 Judie Obeya, (Neighbourhood Investment Manager) Clarion Housing Group
 Jamie O'Malley, (LBB Domestic Abuse Strategy Co-ordinator)
 Lucien Spencer, (National Probation Service)
 Rob Vale, LBB Head of Commercial Regulation and Trading Standards

Also Present:

Councillor Sophie Dunbar
 Councillor Ruth McGregor

34	WELCOME/HOUSE-KEEPING/INTRODUCTIONS, APOLOGIES AND DECLARATION OF INTEREST	Action
	<p>Apologies were received from Councillor David Cartwright and Councillor Sophie Dunbar attended as substitute.</p> <p>Apologies were also received from Ade Adetosoye (Chief Executive), Chan Farooqui, Jared Nehra, Dean Laws, Chrissie Mason, Vicky West, Dawn Helps, Betty McDonald and Superintendent Andy Brittain.</p> <p>Apologies were received from Cheryl Baker and Lydia Lewinson.</p> <p>Dina Sahmonovic attended as substitute for Chan Farooqui.</p>	

	There were no declarations of interest.	
35	MATTERS ARISING	Action
	It was noted that the matters that had arisen from the previous meeting were being addressed as items on the agenda.	
36	MINUTES OF THE MEETING HELD ON 17th AUGUST 2022	Action
	It was agreed that the minutes of the meeting held on 17 th August 2022 be agreed and signed as a correct record.	
37	QUESTIONS RECEIVED FROM COUNCILLORS OR MEMBERS OF THE PUBLIC	Action
	No questions had been received.	
38	SUBSTANTIVE DISCUSSION PROGRESS AGAINST THE SAFER BROMLEY PARTNERSHIP STRATEGY	Action
	38a PRIORITY 1: SAFER NEIGHBOURHOODS	Action
	<p>The Head of Community Safety, Environmental and Domestic Regulation provided the Priority 1 update.</p> <p>It was noted that the Violence and Vulnerability Action Plan would be shared with partners shortly for updating. Some gang nominals mapping had been undertaken with respect to young people. The Head of Community Safety, Environmental and Domestic Regulation said that there had been 2017 CCTV incidences leading to 73 arrests. Eighty three evidence packs had been prepared by the CCTV team and one of the officers in the CCTV control room had received a commendation.</p> <p>It was reported that because of the action of Trading Standards officers, approximately £100,000 pounds of detriment had been saved on behalf of local residents.</p> <p>The Head of Community Safety, Environmental and Domestic Regulation reiterated the problems that had been caused by police abstractions and subsequent rest days.</p> <p>The VAWG lead was moving to LBB Community Safety and a new Team Leader for Community Safety would be required.</p> <p>RESOLVED that the Priority 1 update with respect to Safer Neighbourhoods be noted.</p>	
	38b PRIORITY 2: VIOLENCE AGAINST WOMEN AND GIRLS.	Action

	<p>The Head of Service for Early Intervention and Family Support attended to provide the Priority 2 update which was concerning violence against women and girls.</p> <p>Target dates had been altered and some actions had been deferred. This was because the service had lacked a Domestic Abuse Strategic Lead Officer. Now Jamie O' Malley was back in post and appointed to this position from the 10th of October. She would be keeping an eye on data work and data sets. Co-operation in providing feedback of relevant data to the service was requested. The Council needed good data to have a better understanding of domestic abuse in Bromley.</p> <p>The issue regarding the lack of a MARAC coordinator would be resolved in November thanks to the work of the Chairman and Vice-Chairman. The 'Drive' Service would cease in March due to lack of funding and an alternative prevention programme would be required. The Victim Survival Programme had gone out to tender.</p> <p>RESOLVED that the VAWG update be noted.</p>	
39	PRIORITY 3: KEEPING YOUNG PEOPLE SAFE	Action
	<p>Partners were informed that there had been 40 new young people entering the youth justice system in quarter 2. This was 18% lower than the rest of London and 15% lower than the rest of the UK. Out of these 40 new entrants, 59% of the offences committed, related to the possession knives or other weapons. There had been a significant fall in the possession of drugs which was encouraging.</p> <p>The Portfolio Holder for Public Protection and Enforcement asked for an update on the knife amnesty bins and she was informed by Sandra Campbell that there were some nuances in the situation. The charity concerned wanted the amnesty knife bins to be more widely publicised before being opened. They felt that there had not been enough awareness and that more publicity was required. The Partners were informed that youth workers in Penge had asked for more detail concerning the knife amnesty bins.</p> <p>The AD for Children's Social Care said that he had met with DCI Dan Smith to discuss how information could be shared via MACE and the Mega Panel on an ongoing basis. This was because LBB Children's Social Care possessed much data and soft intelligence. Concern was expressed that 7 young people had been stabbed in a short space of time during the summer time within a concentrated area. The Vice Chairman said that the police had a small team that were dedicated to investigating County Lines and gang violence.</p>	

	<p>It was felt that more work needed to be done in schools (such as Knife Crime Workshops).It was acknowledged that the issues were complex and were impacted by various environmental factors like poverty. The Head of Service for the National Probation Service (Bromley & Lewisham), raised the issue of ‘transference’. In this case the issue was the complexities involved when individuals on probation were being transferred to and from different boroughs. There was a similar problem with housing. The difficulty was in keeping track of where individuals were located and who should be the intelligence owners.</p> <p>The Vice Chairman said that the MET’s IT system needed improving and he agreed on the need for more joined up working and integrated IT solutions for information sharing. There was general agreement across the Partnership that relevant technology was required. The Vice Chairman informed partners that the Westminster Borough ran a ‘pacesetter’ meeting. This was a daily operational meeting where partners(councils) were invited to attend as part of an information protocol, to discuss specific live policing incidents and other agenda items with a view to problem solving and managing deployments. The Chairman said that there was a pan London communications group that were trying to resolve these issues.</p> <p>RESOLVED that the Priority 3 update regarding Keeping Young People Safe be noted.</p>	
	<p>39a PRIORITY 4: STANDING TOGETHER AGAINST HATE CRIME AND EXTREMISM</p> <p>The Head of Community Safety, Environmental and Domestic Regulation updated partners with respect to hate crime and extremism. She said that she was compiling a list of community leaders which she would share with other partners. She had contacted various organisations including churches and various other religious groups. She said that a community leader contact was needed from the Traveller community. The AD for Public Health responded and said that their nurses had been working with community leaders and Travellers through the pandemic and she would see if there were some contacts that she could share.</p> <p>RESOLVED that the Priority 4 update regarding Standing Together Against Hate Crime and Extremism be noted and that the AD for Public Health report back on whether or not the LBB Public Health Department had a contact for the Traveller community.</p>	<p>Action</p> <p>MMC</p>
<p>40</p>	<p>KEY AND EMERGING ISSUES FROM PARTNERS</p> <p>There were no matters raised regarding Key or Emerging Issues.</p>	<p>Action</p>

41	DEVELOPING THE SBP STRATEGY 2024 - 2027	Action
	<p>The Head of Community Safety, Environmental and Domestic Regulation provided the update concerning developing the Safer Bromley Strategy 2024-2027.</p> <p>A discussion paper was presented concerning the setting up of task and finish groups to develop the next Safer Bromley Partnership Strategy. The proposal was in draft form and required further discussion and developing before implementation.</p> <p>The proposal was to set up six task and finish groups as follows:</p> <ol style="list-style-type: none"> 1) Steering Group 2) Data Group 3) Safer Neighbourhoods Group 4) VAWG 5) Keeping Young People Safe. 6) Hate Crime and Extremism <p>The Head of Community Safety, Environmental and Domestic Regulation asked for comments in terms of the areas of work and if any other groups may be required. Was there anything on the horizon that the SBP needed to be prepared for? She requested that partners volunteer for the groups.</p> <p>The Assistant Director for Public Health referenced the Combating Drugs Group which was also looking at data. She suggested that the Combating Drugs Group could therefore link with the SBP task and finish group that was dealing with data. The Chairman stressed the critical nature of Information Sharing Agreements.</p> <p>A discussion took place concerning the time scales for the steering groups. Partners would need to know when the groups would need to commence work and when they would need to finish and present their findings. The Head of Community Safety, Environmental and Domestic Regulation said that she would come back with the timetable for these things at the next meeting.</p> <p>The representative from Clarion Housing stated that she would like to sit on the group related to 'Keeping Young People Safe'. The Vice Chairman said that he would consider sitting within the Combating Drugs Group. He expressed a concern that the work of the Combating Drugs Group may overlap or interfere with police work regarding serious organised crime and high level crime and he would need to take advice on this.</p>	

	RESOLVED that the update concerning developing the Safer Bromley Strategy and the task and finish groups be noted and that that the Head of Community Safety, Environmental, and Domestic Regulation present a time scale for the work of the steering groups at the next meeting.	SN
42	VIOLENCE REDUCTION PLAN VERBAL UPDATE	Action
	The relevant officer was not in attendance to provide an update on the Violence and Vulnerability Action Plan. Partners were informed the latest Plan would be shared shortly for updating. RESOLVED that the Violence and Vulnerability Action Plan would be shared with partners shortly.	SN/AP
43	DHR AND PREVENT UPDATE	Action
	The Head of Service for Trading Standards and Commercial Regulation updated the Partnership with respect to Domestic Homicide Reviews (DHR) and the 'Prevent' programme. <u>Prevent:</u> With respect to 'Prevent' there was nothing new to report. The long-awaited review of 'Prevent' by William Shawcross had not been published, but was due for release by the end of this year. <u>DHRs</u> A DHR, with case name 'NAJARA', continued to sit with the Home Office Quality Panel many months after submission by the Chairman of the Partnership. The Council, was chasing the Home Office for a completion date. Another DHR, 'PAUL', was pending until the judicial process had been completed. This was likely to be in January 2023. In July this year, referrals were received from the police concerning two suicides. The decision at the time was that one case was appropriate for a DHR, ('Jaqueline') and the other ('Melanie') was suitable for a Safeguarding Adult Review. These decisions were shared with the Home Office who had requested that the Council reconsider the decision for 'Melanie S'. The Home Office Quality Assurance Panel took the view that the case was suitable for a DHR and had referred the matter back to the Council for consideration. The matter would be referred to the Home Secretary for a final decision should the Council choose not to commission a DHR. The original panel had been consulted and a decision will be made by the Chair of this group in due course.	

	RESOLVED that the Prevent and DHR update be noted.	
44	UPDATE ON THE COMBATING DRUGS PARTNERSHIP	Action
	<p>The update regarding the CDP (Combating Drugs Partnership) was provided by the LBB Assistant Director for Public Health. A meeting of the CDP had already been convened and it was decided that the remit of the CDP should extend not just to drugs but would also include alcohol. The terms of reference had been agreed and these could be shared with the SBP if required. The Assistant Director said that it was her desire that the CDP would work closely together with the Safer Bromley Partnership. It was the intention of the CDP to focus on adults first and young people later. The CDP had already undertaken work to identify local needs. The Assistant Director said that it was important that the CDP make good use of the grant funding that had been provided centrally and to ensure the successful achievement of required outcomes.</p> <p>A decision was required as to what the relevant KPIs should be and how they should be monitored. It was the intention of the CDP to focus on the implementation of the National Strategy and its three main priorities.</p> <p>Partners were informed that the senior officer for the CDP was Dr Nada Lemic (LBB Director of Public Health. There were two vice chairmen which were Lucien Spencer (Probation Service) and Mimi Morris Cottrell--Assistant Director for Public Health.</p> <p>RESOLVED that the Combating Drugs Partnership update be noted.</p>	
45	CRIME PERFORMANCE DASHBOARD	Action
	<p>Members were briefed concerning the data that had been supplied for various offences. It was observed that many of the crime types were rag rated as red. In the rolling years between 2021 and 2022 there had been percentage increases in the total number of notifiable offences, an increase in the number of offences of non-domestic violence with injury, an increase in burglary offences, an increase in the number of theft of motor vehicles offences, an increase in the number of sexual offences and a significant increase was noticed in the number of hate crime offences which had increased by 44%.</p> <p>Percentage decreases were observed for knife crime offences, domestic abuse offences and ASB calls. It was commented that the reduction in the volume of ASB calls may be because the number was returning to pre-covid levels.</p>	

	<p>The rise in the volume of hate crime offences was highlighted, it was mentioned that one reason for the rise could be that people felt more confident now to report these particular crimes.</p> <p>The Vice Chairman (Chief Inspector Ken Loyal) said that the police had observed a greater demand for resources to manage the night-time economy. Response officers had abstracted to various other duties and these factors had an impact in terms of policing.</p> <p>The Vice Chairman informed partners of two police operations that were currently underway, one of these was 'Operation Nightingale' which looked at violent crime, its drivers, and 'hexagons' which were essentially crime hotspots. Part of this involved working with Street Pastors and LBB Licensing with respect to pubs that may be a hot-spot for crime or ASB. The other was 'Operation Autumn Nights' which focused on street patrols and on repeat offenders.</p> <p>The Vice Chairman said the issue of police abstractions was a problem and he had raised this issue at a high level.</p> <p>RESOLVED that the police update concerning the Crime Performance Dashboard be noted.</p>	
46	<p>AOB</p> <p>Mr Spencer informed partners that his Probation Delivery Unit (PDU) had been inspected by HMIP during August. The resultant report was due for publication on the 21st of November. Mr Spencer said the report did not make for great reading. He said that six out of 18 PDUs had been inspected and three reports had been published, including the report on his unit. The report had concluded that his PDU was inadequate. He said the he would be happy to present a summary of the report to partners at the next meeting. The main area of weakness identified was regarding the operational delivery of work. Mr Spencer said that he would disseminate the report to partners for reading. The Chairman said the Partnership would be happy to support Mr Spencer in whatever way they could.</p> <p>The Head of Trading Standards and Commercial Regulation highlighted the cost of living crisis together with 'get rich quick' scams which were particularly targeting young professionals. It was hoped that information with respect to scams could be sent out to all LBB staff, but permission would be required for that. The Head of Trading Standards and Commercial Regulation said he would take this away as an action. He also expressed concern over possible fire risks associated with the sale of second hand electrical goods. He planned to draft some guidance on this which could be disseminated to the Partnership and would link up with LFB regarding this.</p>	Action

	<p>The Assistant Director for Children’s Social Care said that LBB were having a problem recruiting social workers because they could not afford to live in the area.</p> <p>RESOLVED that:</p> <p>1) The Head of Service (PDU) Bromley & Lewisham would disseminate the HMIP report to Partners and provide a summary report to be presented at the next meeting.</p> <p>2) The Head of Trading Standards and Commercial Regulation would investigate if scam alerts could be disseminated to all LBB staff.</p> <p>3) The Head of Trading Standards and Commercial Regulation would link with LFB in drafting guidance related to the possible fire risks of second-hand electrical goods.</p>	<p>LS</p> <p>RV</p> <p>RV</p>
47	DATE AND TIME OF NEXT MEETING	Action
	<p>It was agreed that as the next meeting was scheduled for the first week of January 2023, this should be changed and a date agreed for the second week of January instead. This date would be confirmed in due course.</p>	

The meeting ended at 11.45 am

Chairman

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Report No.
ES20194

London Borough of
Bromley

PART ONE - PUBLIC

Pre-decision Scrutiny: PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

Date: 15th November 2022

Decision Maker: PORTFOLIO HOLDER FOR SUSTAINABILITY, GREEN SERVICES AND OPEN SPACES

Date: 22nd November 2022

Decision Type: Non-Urgent

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)

1. The ECPDS Committee approves the adoption of the finalised Contaminated Land Strategy 2022 and that delegated authority be given to the Assistant Director of Public Protection to make minor amendments

to the Strategy post adoption, should it be required.

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

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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 nor 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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Report No.
ES20210

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE
ENVIRONMENT & COMMUNITY SERVICES PDS COMMITTEE

Date: Tuesday 15th November 2022
Tuesday 22nd November 2022

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

Title: FLY-TIPPING ACTION PLAN 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
-

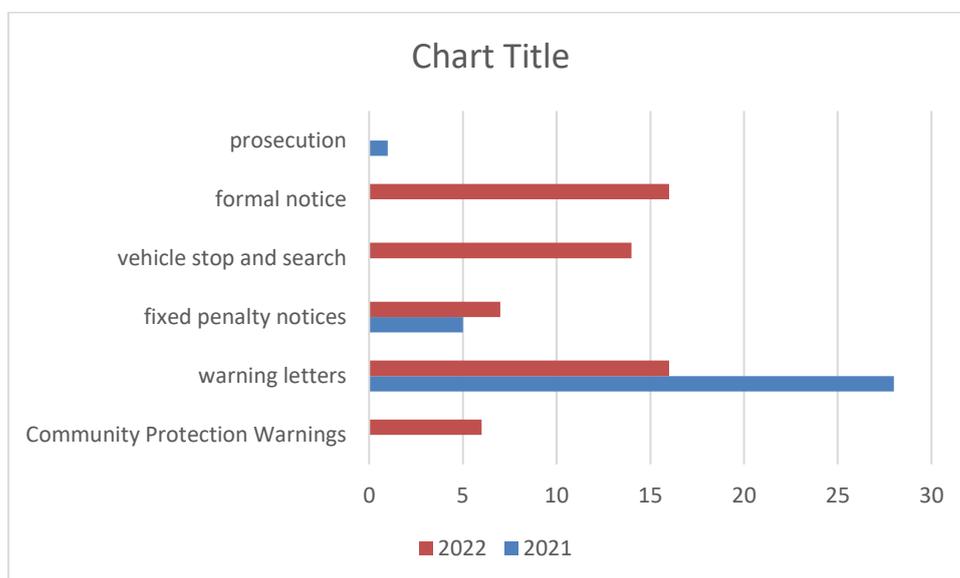
Ward Councillor Views

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 Councils 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 enforcement

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.
ES20212

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC AND ENFORCEMENT PDS COMMITTEE

Date: Tuesday 15th November 2022

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

Title: PP&E Contract Register

Contact Officer: Lucy West, Head of Performance Management and Business Support
Tel: 020 8461 7726 Email: Lucy.West @Bromley.gov.uk

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

Ward: All Wards

1. Reason for report

- 1.1 This report presents an extract from September 2022's Contracts Register of contracts with a whole life value of £50k or higher, for detailed scrutiny by PDS Committee – all PDS committees will receive a similar report each contract reporting cycle, based on data as at 31 August 2022 and presented to ER&C PDS on 14 September 2022.
 - 1.2 The Contracts Register contained in 'Part 2' of this agenda includes a commentary on each contract to inform Members of any issues or developments. A covering report will also be included where additional commentary is required.
-

2. **RECOMMENDATIONS**

That the Public Protection and Enforcement PDS Committee:

- 2.1 Reviews and comments on the Contracts Register as at September 2022.
- 2.2 Note that in Part 2 of this agenda the Contracts Register contains additional, potentially commercially sensitive, information in its commentary.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Contracts Register covers services which may be universal or targeted. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts award and monitoring reports, and service delivery rather than this report.
-

Corporate Policy

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

Financial

1. Cost of proposal: - N/A
 2. Ongoing costs: - N/A
 3. Budget head/performance centre: Public Protection and Enforcement Portfolio
 4. Total current budget for this head: £2.6m
 5. Source of funding: Existing controllable revenue budget for 2022/23
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Improves the Council's approach to contract management
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Contracts Register Background

- 3.1 The Contracts Database is fully utilised by all Contract Managers across the Council as part of their Contract Management responsibilities, which includes the updating the information recorded on the database. The Register is generated from the Contracts Database which is administered by Corporate Procurement and populated by the relevant service managers (Contract Owners) and approved by their managers (Contract Approvers).
- 3.2 As a Commissioning Council, this information is vital to facilitate a full understanding of the Council's procurement activity and the Contracts Registers is a key tool used by Contract Managers as part of their daily contract responsibilities. The Contract Registers are reviewed by the Procurement Board, Chief Officers and the Corporate Leadership Team.
- 3.3 The Contracts Register is produced four times a year for members– though the CDB itself is always 'live'.
- 3.4 The reports have been updated, upon request from Members, to show additional commentary in the Part 2 report to indicate the inflation mechanism for each contract. This has been completed as far as possible; any gaps are expected to be completed in subsequent reports. Any gaps are either because the inflation mechanism is not relevant (the contract is expected to end or be retendered) or because further information needs to be obtained from the Contract Owner.
- 3.5 Similarly, a column has been added so that the information in both Part 1 and Part 2 Registers shows not only the original Annual Value of each contract but also the current estimated Annual Value for the current contract year (this may differ from the usual financial year). Collection of this information is reliant upon Contract Owner input and there are gaps in this first round of reporting. These will reduce in future reports.
- 3.6 Each PDS committee is expected to undertake detailed scrutiny of its contracts – including scrutinising suppliers – and hold the Portfolio Holder to account on service quality and procurement arrangements.

Contract Register Summary

- 3.7 The Council has 236 active contracts across all Portfolios as of 31 August 2022 for the September 2022 reporting cycle as set out in Appendix 1.
- 3.8 The summary for the Public Protection and Enforcement Portfolio is as follows:

Item	Category	February 2022	May 2022	September 2022
Total Contracts	£50k+	5	7	6
Concern Flag	Concern Flag	0	0	0
Risk Index				
Risk Index	Higher Risk	1	3	2
	Lower Risk	4	4	4
Procurement Status for Contracts approaching end date				
Procurement Status for Contracts approaching end date	Red	0	0	0
	Amber	0	1	1
	Green	2	4	4
	Neutral	3	2	1

4. IMPACT ON VULNERABLE ADULTS & CHILDREN

4.1 The Corporate Contracts Register covers all Council services: both those used universally by residents and those specifically directed towards vulnerable adults and children. Addressing the impact of service provision on the vulnerable is a matter for the relevant procurement strategies, contracts, and delivery of specific services rather than this summary register.

5. POLICY IMPLICATIONS

5.1 The Council's renewed ambition is set out in [Making Bromley Even Better 2021 - 2031](#) and the Contracts Database (and Contract Registers) help in delivering the aims (especially in delivering Ambition Five – Resources & Efficiencies). For Ambition Five, this activity specifically helps by supporting 'robust and active contract management'.

6. PROCUREMENT IMPLICATIONS

6.1 Most of the Council's (£50k plus) procurement spend is now captured by the Contracts Database. The database will help in ensuring that procurement activity is undertaken in a timely manner, that Contract Procedure Rules are followed and that Members are able to scrutinise procurement activity in a regular and systematic manner.

7. FINANCIAL IMPLICATIONS

7.1 The Contracts Database and Contract Registers are not primarily financial tools – the Council has other systems and reports for this purpose such as the Budget Monitoring reports. However, the CDB and Registers do contain financial information both in terms of contract dates and values and also budgets and spend for the current year.

8. PERSONNEL IMPLICATIONS

8.1 There are no direct personnel implications but the Contracts Database is useful in identifying those officers directly involved in managing the Council's contracts.

9. LEGAL IMPLICATIONS

9.1 There are no direct legal implications but the Contracts Database does identify those contracts which have a statutory basis and also those laws which should be complied with in delivering the contracted services.

9.2 A list of the Council's active contracts may be found on Bromley.gov.uk to aid transparency (this data is updated after each ER&C PDS meeting).

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	<ul style="list-style-type: none">• Appendix 1 – Key Data (All Portfolios)• Appendix 2 - Contracts Database Background information• Appendix 3 – Contracts Database Extract PART 1

Appendix 1 Key Data (All Portfolios)

Item	Category	February 2022	May 2022	September 2022
Contracts (>£50k TCV)	All Portfolios	206	214	236
Flagged as a concern	All Portfolios	8	1	0
Portfolio	Executive, Resources and Contracts	60	63	79
	Adult Care and Health	50	49	49
	Environment and Community Services	17	17	20
	Children, Education and Families	37	34	41
	Renewal and Recreation and Housing	37	44	41
	Public Protection and Enforcement	5	7	6
Risk Index	Higher Risk	69	71	73
	Lower Risk	137	143	163
Procurement Status for Contracts approaching end date	Red	8	1	0
	Amber	16	18	23
	Green	65	60	72
	Neutral	117	135	141

Appendix 2 - Contracts Register Key and Background Information

Contract Register Key

1.1 A key to understanding the Corporate Contracts Register is set out in the table below.

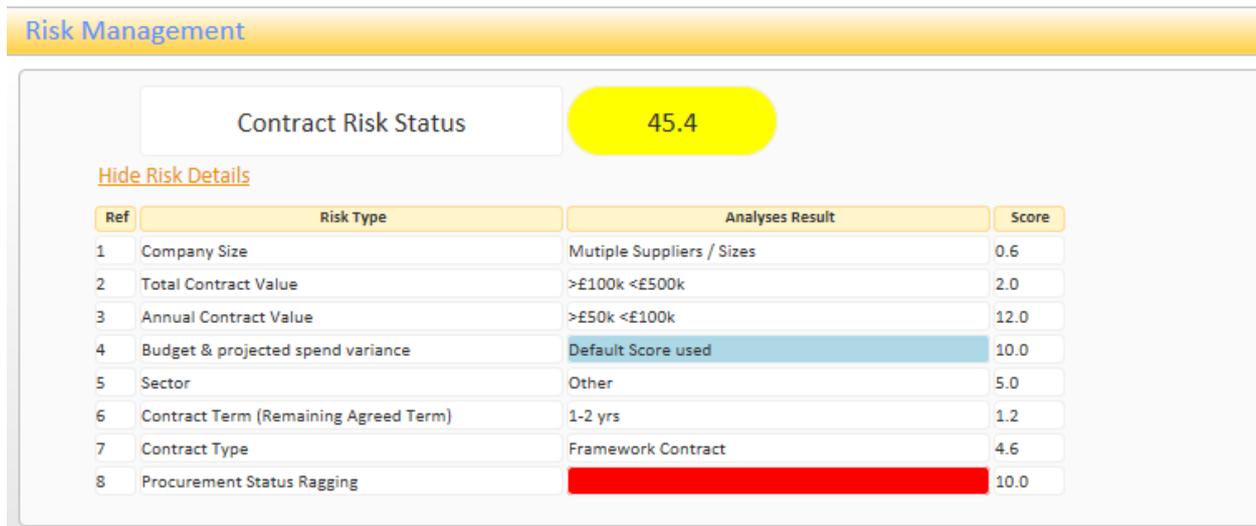
Register Category	Explanation
Risk Index	Colour-Ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) reflecting the contract's intrinsic risk – reported as either Higher Risk or Lower Risk
Contract ID	Unique reference used in contract authorisations
Owner	Manager/commissioner with day-to-day budgetary / service provision responsibility
Approver	Contract Owner's manager, responsible for approving data quality
Contract Title	Commonly used or formal title of service / contract
Supplier	Main contractor or supplier responsible for service provision
Portfolio	Relevant Portfolio for receiving procurement strategy, contract award, contract monitoring and budget monitoring reports
Total Contract Value	The contract's value from commencement to expiry of formally approved period (excludes any extensions yet to be formally approved)
Original Annual Value	Value of the contract its first year (which may be difference from the annual value in subsequent years, due to start-up costs etc.)
Procurement Status	For all contracts automatically ranked by the Database as approaching their end date, a manual RAG rating is assigned by the Assistant Director Governance & Contracts to reflect the status of the contract. The RAG ratings are as follows: Red – there are potential issues with the contract or the timescales are tight and it requires close monitoring. Amber – appropriate procurement action is either in progress or should be commencing shortly. Green – appropriate procurement action has been successfully taken or there is still sufficient time to commence and complete a procurement action.
Start & End Dates	Approved contract start date and end date (excluding any extension which has yet to be authorised)
Months duration	Contract term in months
Attention 	Red flag or Red RAG indicates that there are potential issues, or that the timescales are tight and it requires close monitoring. Further commentary may be provided in the Part 2 report.
Commentary	Contract Owners provide a comment –where contracts approach their end date. Corporate Procurement may add an additional comment for Members' consideration <i>The Commentary only appears in the 'Part 2' Contracts Register</i>
Capital	Most of the Council's contracts are revenue-funded. Capital-funded contracts are separately identified (and listed at the foot of the Contracts Register) because different reporting / accounting rules apply

Contract Register Order

1.2 The Contracts Register is ordered by Procurement Status, Portfolio, and finally Contract Value. Capital contracts appear at the foot of the Register and 'contracts of concern' (to Corporate Procurement) are flagged at the top.

Risk Index

- 1.3 The Risk Index is designed to focus attention on contracts presenting the most significant risks to the Council. Risk needs to be controlled to an acceptable level (our risk appetite) rather than entirely eliminated and so the issue is how best to assess and mitigate contract risk. Contract risk is assessed (in the CDB) according to eight separate factors and scored and weighted to produce a Risk Index figure (out of 100). The Risk Index is reported as either 'Higher Risk' or 'Lower Risk'.



Procurement Status

- 1.4 The Database will highlight contracts approaching their end date through a combination of the Total Contract Value and number of months to expiry . For all contracts highlighted by the Database as potentially requiring action soon, a commentary is provided on the status of the contract and a manual RAG rating is assigned.

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

September 2022

Risk Index	Main Contract Data						Finance Data			Contract Terms			Attention	Capital	
	Contract ID	Owner	Approver	Contract Title	Supplier Name	Portfolio	Total Value	Original Annual Value	Current Annual Value (Estimated)	Proc Status	Start Date	End Date			Months Duration
Lower Risk	4941	Colin Brand	Louise Watkinson	Mortuary Contract	Princess Royal University Hospital Mortuary via Kings College Hospital NHS Foundation Trust (with LB Bexley)	Public Protection and Enforcement	540,000	180,000	184,870		01/10/2019	30/09/2022	36		
Higher Risk	4859	Robert Vale	Louise Watkinson	CCTV Monitoring	Enigma CCTV Ltd	Public Protection and Enforcement	1,441,000	288,200	307,210		01/04/2019	31/03/2024	60		
Higher Risk	4858	Robert Vale	Louise Watkinson	CCTV Repair and Maintenance Contract	Tyco Fire & Intergrated Soutlion (UK) Ltd	Public Protection and Enforcement	691,081	135,573	147,330		01/04/2019	31/03/2024	60		
Lower Risk	3763	Mark Atkinson	Louise Watkinson	Dogs & Pest Control Services	SDK Environmental Ltd	Public Protection and Enforcement	370,000	60,500	98,370		01/02/2018	31/01/2023	60		
Lower Risk	6224	David Braybrook	Peter McCready	Hoblingwell Community Cycle Track and Hub	Access Sport BMX CIC and Access Sport CIO	Public Protection and Enforcement	51,634	51,634			01/10/2021	31/03/2023	17		
Lower Risk	3799	Louise Watkinson	Louise Watkinson	Coroners Service	London Borough of Croydon	Public Protection and Enforcement	448,640	224,320			01/04/1966	31/08/2029	762		

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Report No.
ES20216

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Tuesday 15th November 2022

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

Title: PP&E RISK REGISTER

Contact Officer: Lucy West, Head of Performance Management and Business Support
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 the Net Risk position, by way of a Heat Map, by the Audit and Risk 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: £2.6m
 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 (now Audit and Risk Committee) twice a year (minimum) to allow activity to be scrutinised in a regular and systematic manner. At the request of the Audit and Risk Committee, the November 2022 meeting will receive the Departmental Net Risk position by way of Heat Maps. 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 23rd September 2022.
- 3.8 At the time of writing, the Council has 127 individual risks (113 departmental plus 14, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).
- 3.9 E&PP Department currently has 27 risks (~21% of the Council's total). The PP&E Portfolio currently has 20 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 11 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 November 2022. Therefore, it continues that there is no guarantee that an officer will be available and sometimes the service is closed.
- 3.14 Risk 18 has a Current Risk Rating of 20, which is red. As the lead member of the coronial district, Croydon Council have proposed a substantial increase in spend to fund additional administrative support. 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 will continue to pay its contribution to the consortium in accordance with, and within, the constraints of the budget as set out in the memorandum of understanding. Separate payments will be made to cover additional costs (e.g. inquests) as and when they are incurred.

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
Background Documents: (Access via Contact Officer)	None

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:	31/10/2022
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED	RISK OWNER
1	1	All E&PP	Emergency Response Failure to respond effectively to a major emergency / incident internally or externally	Cause(s): -Emergency may be triggered by storms, floods, snow, extreme heat or other emergency. Ineffective response could be caused by capacity and/or organisational issues Effect(s): - Failure to fulfil statutory duties in timely manner - Disruption to infrastructure and service provision in general	Service Delivery	2	4	8	1. Corporate Major Emergency Response Plan 2. Adoption of Standardisation Process in terms of Emergency Response 3. Business Continuity Policy & Strategy and associated Service Business Continuity Plans 4. Out-of-Hours Emergency Service 5. Winter Service Policy and Plan (reviewed annually) 6. Ongoing training, Testing and Exercising programme 7. Multi-agency assessment of emergency risks 8. Training Programme delivered for volunteers in respect of Standardisation Process 9. Implementation of 'on-call rota' for Emergency Response Manager and at Director level 10. Multi-agency forum for emergency preparedness, response and recovery planning within the Borough	2	3	6	1. Delivery of the Business Continuity Management process by CLT 2. Development of risk-specific arrangements based upon London Resilience frameworks, informed by the Borough Community Risk Assessment 3. Recruit and train more Emergency Response Volunteers 4. Implementation of the Resilience Standards For London	David Tait
2	2	All E&PP	Central Depot Access Major incident resulting in loss of / reduced Depot access affecting service provision (LBB's main vehicle depot)	Cause(s): -Fire, explosion, train derailment, strike etc. Effect (s): -Significant service disruption (Waste, Street Cleaning, Gritting, Fleet Management, Neighbourhood Management etc.)	Service Delivery	4	3	12	1. Contingency plans for: - Alternative vehicle parking - Temporary relocation of staff - Storage of bulky materials 2. Implement Business Continuity Plans 3. Close liaison with other Depot users (e.g. Waste Contract, Street Cleansing) and Highways Winter Service Team 4. 'Central Depot Users Group' (Health & Safety/co-operative forum for all site users) 5. Work Place Risk Assessments in place 6. Depot Insurance reviewed September 2020 to ensure full reinstatement cover is in place 8. Waste Service Change has incorporated separate battery collection which will reduce likelihood of fires from batteries in residual waste	3	3	9	1. Site re-development plans to include recommendations from fire safety audit. To include consideration of fire suppression systems	Paul Chilton
3	3	All E&PP	Fuel Availability Fuel 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 logged vehicles 3. Fuel store at Central Depot 4. Ongoing liaison with other London Boroughs concerning collaboration and assistance	1	4	4	1. Ensure service providers Business Continuity Plans include security of fuel supplies. 2. Ensure LBB pool cars are available for LBB staff use 3. Adoption of EV pool fleet	Peter McCready
4	4	All E&PP	Business Continuity Arrangements Lack of up-to-date, tried and tested, BCP for all Council services	Cause(s): -Failure to implement and keep up-to-date effective service and corporate Business Continuity Plans Effect(s): -Non-provision of critical services following an incident (internal or external)	Service Delivery	2	4	8	1. Corporate Risk Management Group now encompasses Business Continuity 2. Full suite of BC plans in place across all Directorates, including E&PP 3. Overarching corporate BC plan developed identifying prioritisation of all services 4. All E&PP BC plans now transposed on to new corporate BCP template 5. Corporate BC management policy & strategy document signed off by leader and chief exec 6. Ensure all service providers have up to date Business Continuity Plans	2	3	6	1. CLT adoption of BCM which will monitor delivery on behalf of COE going forwards. COVID-19 disruption to ways of working tested BCPs during the largest disruption encountered in decades. ICT system failure has been identified as the largest risk and is outside the control of E&PP	David Tait
5	6	All E&PP	Industrial Action Contractors 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	1. Review public communications to be used in the event of a strike 2. Staff training and engagement incorporated into communications with staff	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 contractor) 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	1. Refine procedure for resolving disputes with utilities 2. Review of parking tariff structures 3. Monitor income trends 4. Continue to monitor success in achieving enforcement objectives 5. Intelligence-led targeting of hotspot sites for enforcement 6. Review of further income opportunities as part of Council's Transformation agenda 7. Accelerate removal of P&D machines in favour of cashless payment 8. Consider relocation of MTC cameras 9. Council to consider reprofiling highway improvements and behaviour change projects if funding is reduced to implement Local Implementation Plan (LIP).	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	1. Ongoing review of market provision linked to outsourcing service provision 2. Detailed annual action plan to be drawn up for each town centre	Peter McCready



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:	31/10/2022
						LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING	FURTHER ACTION REQUIRED	RISK OWNER
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)	<p>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 TIL 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.</p> <p>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).</p>	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	1. Consider potential for contractors to supply necessary skills 2. Review options with HR for incentivisation schemes to ensure staff recruitment and retention is high 3. Existing controls are not currently sufficient to maintain the staff quota within the Arboriculture team. 4. Positively explore apprenticeship and intern schemes as a possibility to ensure teams can maintain deliverables of the service in terms of client inspections and reporting. 5. Enlist contractor to assist with tree survey backlog. 6. Develop staff in at risk services and teams (grow our own)	Colin Brand
9	22	All E&PP	Climate Change Failure to adapt the borough and Council services to our changing climate	<p>Cause(s): -Severe weather events including extreme heat, storms, floods etc.</p> <p>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</p>	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	1. Emergency Planning to liaise with Public Health on cross-cutting issues e.g. excess summer deaths and vector-borne disease etc. 2. Detailed climate action plan developed as part of ongoing Carbon Management Programme, in order to achieve net zero organisational carbon emissions by 2027. 3. Public signposting document to be developed early in 2021 to support homeowners and businesses to reduce their emissions.	Colin Brand
9	28	Public Protection	Dogs and Pests Contract Failure to deliver the contract to the required service levels	<p>Cause(s): -Lack of robustness within contract specification in terms of contract deliverables and Key Performance measures</p> <p>Effect (s): -Inability to deliver statutory functions -Reputational damage</p>	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	1. The current contract ends in January 2023 2. PDS decision on 16th June 2022 to retender the stray dogs and rehoming service only and decommission the pest control element of the contract 3. Tender process has started and the contract award is expected by end of October 2022	Sarah Newman
11	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 funding is currently in place until 31 March 25. The grant is being maintained by MOPAC at the same level as previous years, thus is seeing a year on year reduction in its real value due to inflation. 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 was to be presented at PPE & PDS in September 22 but due to cancellation of the Committee will be presented at an alternative date.</p> <p>Effect: Occasional inability to deliver Out of Hours Noise Service.</p>	Service Delivery	4	4	16	1. Annual review with MOPAC on service outcomes - Done 2. Exploring the cost of a centrally funded OOH service. Delivery models discussed with Portfolio Holder/s & member preferences advised - Done 3. Amend website to manage customer expectation - In process 4. Consider making the OOH rota mandatory in new EH enforcement work contracts, HR expressed concerns regarding this option. Currently developing potential staff pay models to discuss further with HR	4	4	16	1. Press MOPAC to confirm funding status - Bids for further funding submitted & successful 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 following cancellation of September 22 Committee. 3. Continue to encourage officers to participate in rota - despite repeated entreaties to staff, interest in participating on the OOH rota remains low.	Colin Brand/Louise Watkinson
12	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	1. Annual review with MOPAC on service outcomes	3	4	12	1. Meetings with MOPAC to ensure early warnings of any change to funding levels. MOPAC funding is outside of the control of LBB. Current grant ends in March 2025 with bids for extension due in Autumn 2024.	Sarah Newman
13	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 is responsible for delivering targeted community improvement project work to reduce crime and ASB in 4 priority wards 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	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. CIDs would have to be reduced in scope and outcomes or cease.	3	4	12	1. Review of Community Safety functions to allow for MOPAC project delivery on reduced days per week. MOPAC funding is outside of the control of LBB. Current grant ends in March 2025 with bids for extension due in Autumn 2024.	Sarah Newman
14	32	Public Protection	Gangs & Serious Youth Violence Officer Failure to deliver gang problem solving and partnership activity	<p>Cause(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 intervention and reduction 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	1. Annual review with MOPAC on service outcomes	3	4	12	1. MOPAC funding is outside of the control of LBB. The grant bid for 2022/23 has been successful. Current grant ends in March 2025 with bids for extension due in Autumn 2024.	Sarah Newman

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	31/10/2022
15	33	Public Protection	The provision of 24/7 CCTV Monitoring	Cause: -On-going COVID 19 Pandemic Effect: -Loss of officers through sickness arising from a potential future waves leading to an inability to provide 24-7 CCTV monitoring .	Service Delivery	3	4	12	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.	1	3	3	1. Monitor and review monthly with Contractors	Rob Vale
16	34	Public Protection	Loss of Income from Licensed Premises	Cause: -COVID-19 pandemic and its impact on achieving income from premises licensing. Effect: -The majority of income relates to alcohol and gambling licences which are renewed between October and November each year. The team has already received the income for the first 7 months of this financial year and have not had any requests to refund existing licences. However, there is a risk that the expected income target will not be met for some time in future due to businesses not surviving the financial impacts of the pandemic and wider economic trends such as inflation and its impact on hospitality.	Financial	3	4	12	1. The Council's Covid-29 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 is a minor cost and they are more concerned with significant overheads such as energy, 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 may have to look to mitigate the shortfall by reducing expenditure to maintain a balanced budget. 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.	3	3	9	1. Monitor and review income quarterly	Sarah Newman
17	35	All E&PP	Risk to Health - Ill health resulting from enforcing Health Protection Coronavirus Restrictions Regulations 2020 or from operating public sites	Cause: -COVID-19 pandemic and the national requirements that Environmental Health and Trading Standards Officers enforce the COVID-19 Regulations. - Operational activities requiring staff to undertake site visits or to operate public facilities. Effect: -The potential for officers, contractors and visitors to be exposed to and infected by, COVID-19	Service Delivery	3	4	12	1. Risk assessments have been undertaken. No face to face inspections to take place, all investigations to be undertaken at arm's length via email or telephone, drive by, etc. unless there is a life and limb enforcement issue. Should face to face contact be necessary, PPE (gloves/masks/sanitiser) are provided to staff and must be used in accordance with C-19 risk assessments. 2. Assessments for bulky waste collections undertaken via telephone. 3. Currently no enforceable C-19 controls, just government advice.	3	3	9	To ensure risk assessments for all service areas are regularly reviewed	Colin Brand
18	37	Public Protection	Increased Costs for Coroners Service	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 Effect: -Additional estimated costs (£238k staffing £57K post mortems) over current BAU contract costs	Financial	4	5	20	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	4	5	20	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. 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.	Colin Brand/Louise Watkinson
19	39	Public Protection	Dysfunctionality of Uniform Information Management System	Cause: This is a legacy system and there has been a lack of investment in maintaining it. 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.	Service Delivery	5	4	20	1. Software updates in May 21 improved the performance of the Uniform system. The division is currently in the process of upgrading the software to Idox Cloud which is expected to be implemented in April/May 2023.	3	4	12	1. Idox Cloud will mitigate the reliance on the Civic Centre servers as the new system is Cloud based. The project commenced in late September and is currently on course to be fully implemented in April/May 2023	Rob Vale
20	42	Public Protection	Health & Safety (PP&E) Ineffective management, processes and systems within department	Cause(s): -Failure to take departmental action to reduce likelihood of accidents, incidents and other H&S issues Effect (s): -Increased injuries to staff, potential HSE investigation / prosecution leading to fines, increased insurance claims, and reputational damage	Health & Safety	3	4	12	1. Workplace Risk Assessments (including lone and home working) in place and regularly reviewed 2. Accident & incident reporting system (AR3 & Riddor) fully utilised by staff and managers 3. Contractor inspection electronic H&S reporting systems in place 4. Interface with Corporate Risk Management Group 5. Annual audits and annual paths surveys (Parks) 6. Cyclical 5-year survey of park trees and highway trees 7. Regular Footway inspections 8. Fire responsible persons list in place for all sites under the control of E&PP 9. EPP Health and Safety Committee meets regularly to review departmental Health and Safety arrangements 10. All corporate policies followed for COVID-19 risk assessments. Staff home working unless unable to do so. 11. Transfer all flagged premises to corporate system from Uniform	2	4	8	1. Ensure Workplace Risk Assessments (inc. Homeworking) updated annually and biennial reviews conducted 2. Encourage reporting of all significant accidents and incidents using AR3 form (and reporting of RIDDOR incidents) 3. Ensure the necessary communication and training is provided. 4. Ensure resource exists to discharge statutory functions 5. Ensure any staff wishing to return to the office during the COVID-19 pandemic have done so in accordance with all corporate processes and procedures.	Lucy West

ENDS

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Report No.
CSD 22124

London Borough of Bromley

PART ONE - PUBLIC

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

Date: 15th November 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---16th June 2022
Matters Outstanding
Police Crime Data Analysis Report
PPE Performance Overview report
Portfolio Holder Update
Contracts Register Report
Public Protection Risk Register Update
Provisional Outturn
Planning Management Enforcement Update
An update report concerning the Model London Lettings Policy
MOPAC Update (Verbal)
Dogs and Pest Control Contract
Previous Minutes of the Safer Bromley Partnership
SBP Partner Update—Police End of Year Update
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---8th September 2022
Matters Outstanding
Police Crime Data Analysis Report
PPE Performance Overview report
Portfolio Holder Update
Budget Monitoring Outturn
Contracts Register Report
Public Protection Risk Register Update
Previous Minutes of the Safer Bromley Partnership
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---15th November 2022
Matters Outstanding
PPE Performance Overview report
Portfolio Holder Update
Budget Monitoring
Contracts Register Report
Public Protection Risk Register Update
Scrutiny and Minutes of the previous meeting of the Safer Bromley Partnership Strategic Group
Food Safety Plan Update
Fly Tipping Action Plan Update
Update on Contaminated Land Strategy
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS--- 1st February 2023
Matters Outstanding
PPE Performance Overview report
Portfolio Holder Update
Budget Monitoring

Contracts Register Report
Public Protection Risk Register Update
Scrutiny and Minutes of the previous meeting of the Safer Bromley Partnership Strategic Group
Out of Hours Noise Service Report
HMO Status Report – Article 4 & Mandatory HMO Licensing
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---28th March 2023
Matters Outstanding
Presentation from Bromley Youth Council
PPE Performance Overview report
Portfolio Holder Update
Budget Monitoring
Contracts Register Report
Public Protection Risk Register Update
Resilience and Business Continuity Annual Update
Scrutiny and Minutes of the previous meeting of the Safer Bromley Partnership Strategic Group
Update from South London and Maudsley Home
Work Programme
PPE Enforcement Activity Update
POSSIBLE FUTURE PRESENTATIONS and AGENDA ITEMS
Report on LBB's contract with the Coroner.
POSSIBLE FUTURE VISITS
Coroners' Court.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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