



THE LONDON BOROUGH
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DATE: 19 June 2023

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

Councillor David Cartwright QFSM (Chairman)
Councillor Kim Botting FRSA (Vice-Chairman)
Councillors Kathy Bance MBE, Sophie Dunbar, Andrew Lee, Alexa Michael,
Harry Stranger, Thomas Turrell and Sam Webber

Non-Voting Co-opted Members –

Sharon Baldwin, Chairman - Safer Neighbourhood Board
Ermond Berisha, Bromley Youth Council
Hannah Dumbrell, BYC Chair
Nathan Ward, BYC Bromley Youth Council

A meeting of the Public Protection and Enforcement Policy Development & Scrutiny
Committee will be held at Bromley Civic Centre on **WEDNESDAY 28 JUNE 2023 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 APPOINTMENT OF CO-OPTED MEMBERS (Pages 1 - 4)**
- 4 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS
COMMITTEE HELD ON 28TH MARCH 2023 (Pages 5 - 32)**

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

6 QUESTIONS TO THE PORTFOLIO HOLDER

Questions to the Chairman or the Portfolio Holder that relate specifically to reports on the agenda should be received by 5pm on 22nd June.

Questions should be limited to around 50 words. Please indicate which report your question is related to and if you would like to ask your question at the meeting, or would prefer a written response.

Please note that members of the public are limited to one question per person.

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

7 MATTERS OUTSTANDING (Pages 33 - 38)

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

8 CROYDON AND BEHAVIOURAL AND DEVELOPMENTAL PSYCHOLOGY OPERATIONS DIRECTORATE UPDATE (Pages 39 - 40)

9 POLICE UPDATE

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

10 PORTFOLIO HOLDER UPDATE

11 PERFORMANCE OVERVIEW (Pages 41 - 42)

12 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

a AMENDMENT TO THE PUBLIC SPACES PROTECTION ORDER (PSPO), DOG CONTROL & FOULING ENFORCEMENT POWERS (Pages 43 - 112)

b PROVISIONAL OUTTURN REPORT 2022/23 (Pages 113 - 120)

POLICY DEVELOPMENT AND OTHER ITEMS

13 ENFORCEMENT PLAN 2023 (Pages 121 - 134)

14 MINUTES OF THE PREVIOUS MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP

15 PP&E CONTRACTS REGISTER (Pages 135 - 144)

16 PP&E RISK REGISTER (Pages 145 - 152)

17 WORK PROGRAMME (Pages 153 - 158)

PART 2 AGENDA

18 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.

19 PART 2 CONTRACTS REGISTER UPDATE
(Pages 159 - 160)

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

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Agenda Item 3

Report No.
CSD23085

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION & ENFORCEMENT PDS COMMITTEE

Date: 28th June 2023

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

Title: APPOINTMENT OF CO-OPTED MEMBERS

Contact Officer: Steve Wood, Democratic Services Officer
Tel: 020 8 313 4316 E-mail: stephen.wood@bromley.gov.uk

Chief Officer: Director of Corporate Services and Governance

Ward: All Wards

1. Reason for report

- 1.1 Members are asked to confirm the appointment of two non-voting Co-opted Members representing Bromley Youth Council to the Public Protection & Enforcement PDS Committee for the 2023/24 municipal year.

2. **RECOMMENDATION(S)**

- 2.1 That Hannah Dumbrell be appointed as a non-voting Co-opted Member of the Public Protection & Enforcement PDS Committee for the 2023/24 municipal year for the consideration of Part 1 (Public) reports only.
- 2.2 That Nathan Ward be appointed as an alternate non-voting Co-opted Member of the Public Protection & Enforcement PDS Committee for the 2023/24 municipal year for the consideration of Part 1 (Public) reports only.
- 2.3 That Ermond Berisha be appointed as a non-voting Co-opted Member of the Public Protection & Enforcement PDS Committee for the 2023/24 municipal year for the consideration of Part 1 (Public) reports only.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Co-opted Members representing Bromley Youth Council bring the perspective of young people to matters under consideration by the Committee, including those impacting vulnerable adults and children.
-

Transformation Policy

1. Policy Status: Not Applicable:
 2. Making Bromley Even Better Priority:
Keeping Bromley Safe
-

Financial

1. Cost of proposal: Not Applicable: No cost.
 2. Ongoing costs: Not Applicable: There is a marginal cost attached to printing agendas and posting to Co-opted Members if requested.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £366k
 5. Source of funding: Revenue Budget
-

Personnel

1. Number of staff (current and additional): 6 FTE
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: Statutory Requirement: None.
 2. Call-in: Not Applicable: This report does not involve an executive decision.
-

Procurement

1. Summary of Procurement Implications: N/A
-

Property

1. Summary of Property Implications: N/A
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: N/A
-

Impact on the Local Economy

1. Summary of Local Economy Implications: N/A
-

Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: N/A
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Co-opted Membership for 2023/24

- 3.1 PDS Committees may appoint non-voting Co-opted Members to assist their work and to allow representation from key groups in the community. Co-opted Members bring their own area of interest and expertise to the work of a PDS Committee and broaden the spectrum of involvement in the scrutiny process.
- 3.2 The Public Protection & Enforcement PDS Committee has historically appointed representatives of Bromley Youth Council each year to support representation by young people on the Committee. In line with the annual nomination made from the Bromley Youth Council, it is proposed that Hannah Dumbrell (BYC Chairperson) be appointed as a non-voting representative of the Bromley Youth Council to the Public Protection & Enforcement PDS Committee for the 2023/24 municipal year for the consideration of Part 1 (Public) reports only. It is also proposed that Nathan Ward be re-appointed as an alternate non-voting Co-opted Member of the Committee for the 2023/24 municipal year for the consideration of Part 1 (Public) reports only when Hannah is not available. Finally, it is also proposed that in line with BYC nominations, Ermond Berisha is also appointed as a non-voting Co-opted Member for the consideration of Part 1 (Public) reports only.

Background Documents:)	Not Applicable
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PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00pm on 28 March 2023

Present:

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

Sharon Baldwin and Nathan Ward

Also Present:

Councillor Nicholas Bennett J.P. Lucien Spencer, Tommy
Velvick and Alice Kirby

STANDARD ITEMS

124 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Lucy West and Colin Brand.

125 DECLARATIONS OF INTEREST

There were no declarations of interest.

126 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE--31st JANUARY 2023

The Committee considered the minutes of the meeting of Public Protection and Enforcement PDS Committee held on 31st January 2023.

RESOLVED that the minutes of the meeting held on 31st January 2023 be agreed and signed as a correct record.

127 QUESTIONS FROM THE PUBLIC OR COUNCILLORS

Two written questions were received from a member of the public. The questions and responses were tabled at the meeting.

128 MATTERS ARISING

CSD 23049

Members noted the updates concerning matters that had arisen at the previous meeting.

Members noted the ongoing matter concerning the A3 font size on certain documents. The Assistant Director for Public Protection and Enforcement said that she would continue to look into this issue. The Committee was still waiting for responses from MOPAC and the Police. A Member requested regular updates concerning the composition of the police Safer Neighbourhood Team. A new Superintendent had been appointed (Superintendent Luke Baldock) and the Chairman requested that Mr Baldock attend the June meeting of the PP&E PDS Committee with his team. The Chairman reminded Members to submit questions for the police in a timely manner.

The Chairman of the Safer Neighbourhood Board informed the Committee that the next meeting of the Board would be on 18th May (6pm-9pm) at the Warren. MOPAC and Superintendent Baldock had been invited. It was noted that the Crime Summit would take place in September and that the Police Commissioner was expected to be in attendance.

RESOLVED that the Matters Arising report be noted.

129 UPDATE FROM BROMLEY YOUTH COUNCIL

A verbal update was provided by BYC (Bromley Youth Council). Attending from BYC were Nathan Ward (Chairman), Tommy Velvick (Portfolio Holder) and Alice Kirby (Deputy Chairman). Updates were provided with respect to their primary and secondary campaigns. The 2022/23 Youth Manifesto was launched in May 2022. The Youth Manifesto set out the key priorities that had been identified through consultation. It was decided that the BYC primary campaign would be Youth ASB and Knife Crime and that the secondary campaign would be Relationships and Sex Education.

Vaping had been included in the primary campaign. BYC had met with the LBB Head of Trading Standards and Commercial Regulation and with the LBB Director of Education to discuss various matters and this included the issue of how young people were accessing vapes.

There was a concern regarding the number of young people that were carrying knives. BYC were seeking greater engagement from the police in tackling ASB. It was reported that Bromley Youth Council had 54 youth councillors elected or co-opted from Bromley secondary schools, colleges, and youth projects.

The BYC Chairman summarised the various actions that had been undertaken by BYC which included the provision of training to skill up youth councillors around Anti-Social Behaviour & Knife Crime, facilitating them to lead the campaign and to enable them to raise issues of concern within their educational establishments. Contact had been made with the LBB Anti-Social

Behaviour Team to examine the LBB anti-social behaviour strategy in order to facilitate collaborative working.

It was reported that 45 young people had contributed to the LBB schools guidance on vaping and 39 had been involved in test purchase activities with Trading Standards.

It was noted that Youth Councillors had decided to encourage schools and groups to sign up to the 'Making Communities Safer' – an anti-social behaviour principles document that supported the tackling of anti-social behaviour. The BYC Chairman said that Youth Councillors had met with Bromley police regarding 'stop and search' to understand how this was used in Bromley, young people's rights, and the impact of stop and search on knife carrying within the borough.

A video concerning the subject of consent was being worked upon but had not yet been completed. A resource pack had been put together with general guidance concerning relationships. A discussion took place regarding vapes and nitrous oxide. A Member asked how many schools were involved and the BYC Chairman said he would look into the matter and report back.

The possibility of liaison with drug agencies was raised and the Youth Support Coordinator informed Members that this would be dependent upon what campaigns had been flagged up, and whether or not they were part of the BYC manifesto. A BYC meeting was scheduled to take place at the Warren on the 26th April and councillors were welcome to attend. A panel had already been invited.

The BYC Chairman informed the Committee that training had been provided for BYC councillors by Trading Standards, the police and the LBB Director of Education. It was explained that a BYC councillor would be expected to attend a weekly meeting and also a more formal meeting that took place once a month. Outside of BYC meetings, they would be expected to contribute to increasing awareness of BYC's campaigns by speaking at assemblies and any other opportunities that may arise. A question was asked concerning RSE delivery in schools. The view was expressed that external bodies were more impactful in delivering RSE.

The Chairman thanked BYC for their presentation and requested that they provide an update in due course concerning their new manifesto priorities. The Chairman asked if there was anything the Council could do to assist BYC and the response was that the Council should as far as possible get the views of young people and consult with them regarding any proposed policies that may affect young people.

RESOLVED that the BYC update be noted.

130 BUSINESS CONTINUITY AND RESILIENCE UPDATE

ES20255

It was noted that business continuity and resilience training had already been presented to councillors. A Member asked how councillors would be informed of a major incident in their ward. It was explained that this would be done via the Communications Executive or one of his deputies. An update was provided regarding cyber resilience and security, although it was noted that a fuller update if required would need to be sought from the Assistant Director for IT. Members heard that the Council was subjected to hundreds of attempted security hacks every day, but the Council spent robustly on cyber resilience with BT and so far the security systems had been holding well.

It was mentioned that with respect to business continuity, it was well practised at a high level, but needed more input at officer ground level. It was noted that the Council had numerous individual business continuity plans as well as one main corporate business continuity plan. Emergency Response Volunteers were available to assist the Emergency Planning and Corporate Resilience Manager.

An update was provided concerning the fire that had taken place in July last year at St. Mark's Square where 150 residents were evacuated along with the hotel and the cinema. The Council had provided a robust response in terms of providing humanitarian assistance. Members heard that there was a scheme in place called 'Borough Mutual Aid' whereby London boroughs could collaborate with other boroughs in providing mutual assistance. The Emergency Planning and Corporate Resilience Manager said that he would recirculate the Member presentation with the minutes. It was noted that business continuity was amber on the Risk Register.

The Emergency Planning and Corporate Resilience Manager said that he would update Members when he was informed of the date of the mock aircraft crash. This was conducted yearly and he expected that this time it would be conducted in the evening. Mention was also made of the London wide 'Safer City' exercise which would be held in May. This would test command and control functions across London. The Emergency Planning and Corporate Resilience Manager promised to circulate information regarding this.

RESOLVED that the Business Continuity and Resilience update be noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

131 UPDATE FROM THE PORTFOLIO HOLDER FOR PUBLIC PROTECTION AND ENFORCEMENT

An update was provided by Councillor Angela Page, the Portfolio Holder for Public Protection and Enforcement. She mentioned that she had received an invite to the Bromley Youth Council manifesto event. There seemed to be some confusion on the evening as to whether or not this was the 24th or the 26th of April. The Portfolio Holder had recently chaired a meeting of the Bromley Youth Mentoring initiative. There was due to be a follow up meeting

at Orpington fire station for prospective mentors. This had to be cancelled because of centrally arranged training, so this would be rearranged. The Portfolio Holder had arranged regular meetings with the Police Chief Superintendent—Andy Brittain. The Portfolio Holder was also planning to meet with the new borough police Superintendent, Luke Baldock.

The Portfolio Holder was pleased to note that data would be provided regarding the composition of the Bromley Safer Neighbourhood Team. The Portfolio Holder had recently represented the Leader at a virtual meeting regarding Baroness Louise Casey's review of the Metropolitan Police.

(Post Meeting Note: It was subsequently confirmed that the BYC Youth Manifesto event would take place on April 24th).

RESOLVED that the Portfolio Holder update be noted.

132 PUBLIC PROTECTION PERFORMANCE OVERVIEW

'Challenge 25' had been rag rated as red because one business had failed a test and sold a product to a minor. Robust action was being taken in this case. The matter of food safety inspections was also still rag rated as red, but the Committee was reminded that this was a national issue and that the Food Standards Agency was happy with the progress that the Council was making in terms of addressing backlogs.

A discussion took place regarding review hearings and different types of suspension with respect of premises that sold restricted products to minors.

RESOLVED that the Performance Overview update be noted.

a BUDGET MONITORING 2022/23

ES20268

Members noted a projected overspend of £208k on the Public Protection and Enforcement Division. A sizeable proportion of this overspend was in connection with increased costs for the Mortuary and Coroners Service. Members were briefed that there was scope in next year's budget to resolve this.

A Member asked how the work was progressing on updating the PRUH mortuary facilities. It was noted that the work at the PRUH was on target and progressing to plan. The Assistant Director for Public Protection and Enforcement stated that she was not aware of the precise completion date of the work at the PRUH, but she would investigate this and report back.

(Post Meeting Note: The work at the PRUH will be completed during Autumn 2023)

The Chairman commented on the £18k overspend in the costs of the Community Safety and Management Team. He requested that in future, an explanation be provided to explain the reasons for such overspends.

RESOLVED that the Portfolio Holder be recommended to endorse the 2022/23 revenue budget monitoring for the Public Protection and Enforcement Services Portfolio.

**b PUBLIC PROTECTION & ENFORCEMENT DRAFT
PORTFOLIO PLAN**

ES20258

With respect to the issue of addressing the sale of underage products, a Member requested that vapes be added to the list. It was noted that regarding the regulation of food and licenced premise, 75% of complaints about food and food premises would be responded to within five working days. A Member asked about the other 25% and the Assistant Director for Public Protection and Enforcement said she would report back on this.

A Member referred to section 3.3.5 of the report which stated that 28,896 kg (almost three tonnes) of waste had been removed on Community Impact Days. The Member pointed out that 1000kgs equated to one tonne, so one of these figures was incorrect. The Assistant Director said she would report back on this.

The Chairman referred to HMOs and requested that a future report be brought to the committee concerning not just regulating HMOS, but improving HMO conditions.

A discussion took place concerning the CCTV annual review and it was clarified that officers fed into the review, together with the contractor. The Assistant Director said that the annual review of CCTV could be reported upon if Members requested this.

A Member asked if a Community Impact Day could be undertaken in Orpington. The Chairman responded that this was unlikely to occur because Community Impact Days would only be carried on in MOPAC identified crime hotspots. The Chairman of the Safer Neighbourhood Board said that an ASB Awareness Week was being undertaken in Bromley. It was possible (depending on cost) that a similar Awareness Week could take place in Orpington.

RESOLVED that the Portfolio Holder for Public Protection and Enforcement be recommended to endorse the outcomes, aims and performance measures set out in the draft Portfolio Plan.

**133 CONTRACTS DATABASE REPORT AND DATABASE
EXTRACT**

ES20262

The Committee noted the PP&E Contract Register report.

RESOLVED that the Contracts Register report be noted.

134 PUBLIC PROTECTION AND ENFORCEMENT RISK REGISTER

ES20260

The Committee discussed the increased costs with respect to the Coroner's Service. It was reported that satisfactory progress was being made in the negotiations and it was anticipated that the red flag rating would soon disappear.

The Council would be engaging with staff to encourage increased participation in the OOH Noise Service rota. If uptake from staff did not improve, then contingency plans would be required, including the possible use of contracted services. The revised service was anticipated to be up and running in June 2023.

RESOLVED that the Risk Register update be noted.

135 WORK PROGRAMME

The Committee noted the PP&E Work Programme for 2023/24.

RESOLVED that the following items be added to the Work Programme for June 2023:

- 1. Police Update**
- 2. Update from SLAM**
- 3. PSPO report.**

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

137 CONTRACTS REGISTER PART 2 UPDATE

Members noted the Part 2 Contracts Register report.

RESOLVED that the Part 2 Contracts Register report be noted.

Chairman



THE LONDON BOROUGH

Members' introduction to the Council's response to emergencies



Members' introduction to the Council's response to emergencies

- Introduction to the relevant legislation and Council responsibilities
- How the Council responds to an emergency incident
- Councillor's role
 - supporting the resilience agenda
 - during and emergency incident
 - during the recovery process
 - other considerations



The Civil Contingencies Act 2004 (CCA) overview

Establishes a statutory framework for civil protection at the local level by:

- Establishing clear roles and responsibilities for local responders
- Giving greater structure and consistency to civil protection activity
- Creates Category 1 and Category 2 Responder classification
- Local Authorities are classed as a Category 1 responder



Council's responsibilities under the CCA as a Category 1 responder

- Assess, plan and advise on risk of an emergency and carry out risk assessments
- Have emergency plans in place
- Maintenance of plans for reducing, controlling and mitigating the effects of an emergency incident
- Co-operate with other local responders to enhance efficiency, coordination and information sharing
- Warn and inform the public in the event of an emergency
- Have business continuity management plans in place
- Advise and assist the public with making arrangements for business continuity management



Civil Contingencies Act 2004

definition of an emergency

An emergency is defined as :

- An event / situation that threatens serious damage to human welfare
- An event / situation which threatens serious damage to the environment, or
- War, terrorism, which threatens serious damage to security



Civil Contingencies Act 2004, types of emergencies

- Loss of human life
- Human illness or injury
- Homelessness
- Damage to property
- Disruption to money, food, water, energy or food
- Disruption of facilities of transport
- Disruption of services relating to health
- Contamination of land, water or air
- Disruption or destruction of plant life or animal life



Council's response to an emergency

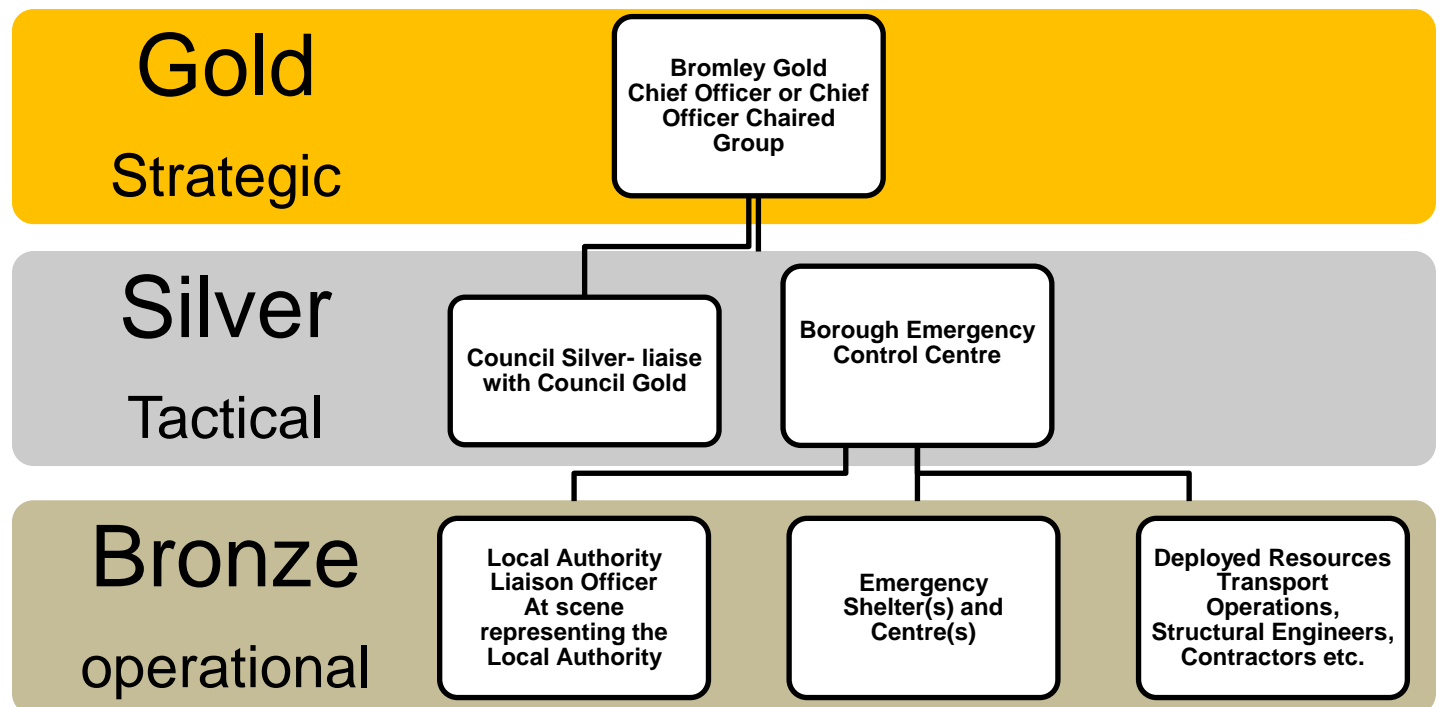
Local Authorities play a critical role in civil protection. The Council will play an enabling role, working with partners to;

- Provide immediate shelter and welfare
- Provide medium to longer term welfare support and community needs as part of the recovery effort
- Draw on a range of resources and technical expertise to support the recovery
- Co-ordinate the activities of the voluntary sector and volunteers, and
- Lead the recovery effort



The Council's roles in an emergency

Command and Control



Council's response arrangements for emergencies

- On call Gold capability 24/7 at Director level
- Generic strategy statement in place
- Silver - during office hours – member of the EP and CR team
- Silver - out of office hours – on call rota
- Bronze roles – trained volunteers not on call



Council's recent response to emergency incidents

- Evacuation of 72 flats at County House, Beckenham
- Gas leak affecting 400 homes in Worsley Bridge Rd area
- Severe flooding affecting 54 properties in St Mary Cray
- Storm Eunice response
- Water disruption affecting 45,000 properties in Bromley
- Fire at St Marks Square, with 150 people evacuated



Councillor's role to support emergency preparedness

“As representatives of their local communities, Ward Councillors can help build community resilience and strengthen the Council’s ability to respond to emergencies by developing an understanding of their local areas and building relationships with them.”

Quote from ‘A councillors guide to civil emergencies’ published by the LGA



To support emergency preparedness, Councillors may consider;

- Promoting self-resilience within the community and help manage residents' expectations
- Engaging with community members involved in community resilience work more widely
- Promoting and encourage the preparation of Community plans
- Identifying local groups and partners who may be able to play a role in preparedness, response and / or recovery and where appropriate, provide associated details to Council Officers
- Developing knowledge further with regards the Resilience Agenda



Councillor's role during the emergency response phase

“The most important role for local Councillors in the event of an emergency will be to be in their communities, providing support and reassurance to residents, calming tensions if these have become inflamed and providing as much information as possible, including correcting inaccuracies and rumours”

Quote from ‘A councillors guide to civil emergencies’ published by the LGA



During the emergency response phase, Councillors may consider;

As Community representatives

- Identifying the needs of residents and the community and advise responding organisations / Council staff accordingly
- Confirming the reliability of information before passing it on
- Avoiding attempting to get involved in the operational response to the emergency
- Maintaining a record of significant experiences and actions for use in subsequent debriefs / inquiries etc



During the emergency response phase, Councillors may consider;

As Community Leaders

- Being a visible, trusted and reassuring presence in the community
- Advising responding staff of your presence when providing support to communities
- Communicating key messages and reliable information to the public and the media on behalf of the Council
- Signposting residents and businesses towards the right agency to get the support they need
- Providing support and encouragement to Council staff and others involved in the response effort



Councillors role during the Recovery phase

“Recovery will be multi-faceted and may be long running, potentially involving many more agencies and participants than the response phase. It will certainly be more costly in terms of resources, and it will undoubtedly be subject to close scrutiny from the community and the media.”

Quote from ‘A councillors guide to civil emergencies’ published by the LGA



During the Recovery phase, Councillors should consider;

As Community representatives

- Listening to, and advocating on behalf of the community to ensure their needs and aspirations inform the recovery process
- Helping assess how business as usual services are being delivered alongside the recovery operation
- Ensuring the community are being kept well informed of plans and progress
- Providing community feedback on the progress of the recovery operation



During the Recovery phase, Councillor's should consider;

As Community Leaders

- Continuing to be a visible, trusted and reassuring presence in the community
- Communicating key messages and reliable information to the public and the media on behalf of the Council
- Participating in community self-help groups that may be set up to support those affected in the community
- Attending memorial or remembrance services, as appropriate.
- Providing support and encouragement to Council staff and others involved in ongoing recovery effort.



Other considerations for Councillors

- Assemble a response kit
- Notification of an incident
- Attending the incident
- Presence of the media
- Maintaining a record



London Borough of Bromley

Emergency Planning and Corporate Resilience

Any Questions ?

David.tait@bromley.gov.uk

0208 313 4224



Agenda Item 7

Report No.
CSD 23084

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Public Protection and Enforcement PDS Committee

Date: 28th June 2023

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

Title: **MATTERS ARISING**

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: 20232024 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 117 HMO Update 31 st Jan 2023	Resolved that the Head of Planning and Development Support Team would disseminate an 'aide memoire' to Members which outlined how many complaints relating to HMOs should be processed.	An update will be provided on the night from the Head of Planning and Development Support Team.
Minute 118 SBP Minutes 31 st Jan 23	The Chairman would contact MOPAC regarding providing data in a more easily accessible format.	<p>Superintendent Luke Baldock and LBB Assistant Director Louise Watkinson are currently working on this, following a meeting with Councillor Cartwright and should have something formulated shortly.</p> <p>The above will be used in the work stream on datasets which is continuing a locally with the Metropolitan Police Service and other local authorities in the BCU, to be finalised in the work stream developing the new Community Safety Strategy which has a Data Task and Finish Group.</p> <p>Work is also going on between London Heads of Community Safety and the Mayor's Office of Policing and Crime to devise a standard data offering for all BCUs, and also Local Authorities. LBB officers attend the LHoCS sub-group meetings.</p>
Minute 118 SBP Minutes 31 st Jan 2023	The Chairman to write to the police to find out what the staffing levels were in the Safer Neighbourhood Team.	The staffing levels consist of one Superintendent, one Inspector, 7 Sergeants, 44 Police Constables and 22 Police Community Support Officers. This was a total of 77 staff in the Safer Neighbourhood Team.
Minute 128 Matters Arising 28 th March 2023	Members noted the ongoing matter concerning the A3 font size on certain documents. The Assistant Director for Public Protection and Enforcement said that she would look into the issue.	<p><u>Contracts Register:</u></p> <p>This will remain in A3 following the corporate template.</p> <p><u>Risk Register:</u></p> <p>The A3 issue has been addressed and the font will now be more accessible, as the team are following the corporate risk register format and will no longer be publishing the A3 Risk Register. Instead, the team will be publishing a new heat map and risk matrix within the A4 covering report.</p>

		<p>Key updates such as score changes, additional risks, removal of risks, current red risks and gross red risks will be published in the covering report now. The Chairman of the committee has approved this change.</p> <p><u>Performance Overview</u></p> <p>The June 2023 meeting will include indicators from the 22/23 Portfolio Plan. From September onwards, this A3 document will be amended and a reduced number of indicators will be published, therefore making the A3 excel document more accessible for the committee report. This should improve from the September committee moving forwards.</p>
<p>Minute 129 BYC</p> <p>28th March 2023</p>	<p>The Chairman thanked BYC for their presentation and requested that they provide an update in due course concerning their new manifesto priorities.</p>	<p>Young People and Illegal Drugs</p> <p>Managing Stress and Anxiety</p>
<p>Minute 130 28th March 23</p> <p>Business Continuity and Resilience</p>	<p>Mention was also made of the London wide 'Safer City' exercise which would be held in May. This would test command and control functions across London. The Emergency Planning and Corporate Resilience Manager promised to circulate information regarding this.</p>	<p>Safer City 2023 was held on the 17th of May. All London boroughs dealt with major surface water flooding issues within their boroughs which would affect infrastructure, businesses and residents. The Borough Emergency Control Centre was opened and a Council 'Gold' and 'Silver' was appointed to manage the incident. We also opened a rest centre for trained staff to practise the management of displaced residents. The exercise ran from 10:00 am to 4:00 pm.</p>
<p>Minute 132b 28th March 23</p> <p>Draft Portfolio Plan</p>	<p>It was noted that regarding the regulation of food and licenced premises, 75% of complaints about food and food premises would be responded to within five working days; a Member asked about the other 25% and the Assistant Director for Public Protection and Enforcement said she would report back on this.</p>	<p>The 75% is a performance indicator and in practise the team will look to respond to all complaints within that time period. We received 338 food complaints in 2022/23 and of these 94% were responded to within 5 days.</p>
<p>Minute 132b 28th March 23</p> <p>Draft Portfolio Plan</p>	<p>A Member referred to Section 3.3.5 of the report which stated that 28,896 kilogrammes, (almost three tonnes) of waste had been removed on Community Impact Days. The Member pointed out that 1000 kilogrammes equated to one tonne,</p>	<p>In the business year 2022/23 the Community Impact Days collected 39,286 kilogrammes of waste, which equated to 39,286 metric tonnes.</p> <p>Apologies for the misplaced decimal/ typo in the previous report. The text should have read 'almost 30 tonnes'.</p>

	so one of these figures was incorrect. The Assistant Director said she would report back on this.	
Minute 134 28 th March 23 Risk Register	The Council would be engaging with staff to encourage increased participation in the out of hours noise service rotor. If the uptake from staff did not improve, then contingency plans would be required, including the possible use of contracted services. The revised service was anticipated to be up and running in June 2023.	Officers are currently working to specify a contracted out of hours noise service to commence in late June, as a formalised permanent out of hours noise service is awaiting the completion of the Public Protection Divisional Review, which is currently in process and will not be completed by June 23. A report to this effect is currently under preparation.

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Meeting:	Public Protection & Enforcement Policy Development and Scrutiny Committee
Date of meeting:	Wednesday 28 th June 2023
Report title:	Croydon and Behavioural and Developmental Psychology Operations Directorate update
Author:	Jonathan Northfield, Service Director Croydon and Behavioural and Developmental Psychology, South London and Maudsley NHS Foundation Trust

Executive Summary

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

1. Update

- The Croydon and Behavioural and Developmental Psychology Operations Directorate continues to work closely with our partners including service users, carers and their families as well as our strategic partners to bring together services to ensure we are responsive to the care and support needs of our local communities.
- In order to implement further improvements to our services South London and Maudsley NHS Foundation Trust co-designed and then adopted a 5 year Strategy; “Aiming High, Changing Lives” and work is in train across all projects within this strategy to allow us to meet the five strategic ambitions we have set: To deliver outstanding mental health care; be a partner in prevention, be a catalyst for change, build a culture of trust together and become effective and sustainable.
- Working collaboratively with our local partners has allowed us to focus on prevention, access, early intervention and recovery to improve our reach and impact on people’s lives, including through the work with One Croydon and our Recovery College, Maudsley Learning and our colleagues at King’s Health Partners.
- The Trust is working closely with our partners to ensure we are able to support the most vulnerable people in our communities with social care, housing, health employment, education and staying well.
- Our most recent CQC inspection of adult services on site at The Bethlem Royal Hospital resulted in an upgrading of our rating for inpatient wards from Requires Improvement to Good.
- We are continuing to improve Croydon community mental health provision, under our ongoing Croydon Transformation work, to ensure there is sufficient resource and capacity throughout the system to deliver a seamless, evidence-based and person-centred service to the local population. We are also looking to support our service users’ transition back to primary care and improve support for community patients following discharge.
- For more information about the organisation please see South London and Maudsley NHS Foundation Trust’s Annual Report and Accounts.

2. Bethlem Royal Hospital – site update

- In 2022, the Trust was able to welcome visitors back to The Bethlem Royal Hospital site. Whilst infection, prevention and control (IPC) measures remain in place we are delighted to have access for dog walkers, local bowls and football clubs, “Park Run”, and public exhibitions at the Museum of the Mind up and running again.

- We are working closely with Certitude, the providers of the service at “The Orchards” to ensure we are doing all we can to support the recovery of our service users transferred into the flats there and to work together to address recent concerns around antisocial behaviour in and outside of the units. To note The Orchards flats are for use for our service users, who no longer need to be in hospital to take the next step in their recovery whilst they await their home, placement or care package to be ready
- Our low secure residential forensic rehabilitation unit Ward in the Community is to be transitioned in 2023 from its current site at Lambeth Hospital to the Bethlem Royal Hospital site. The exact location on site is to be determined but to note, the move will see the transfer off of the Bethlem Royal Hospital site of another service; the National specialist neurorehabilitation inpatient ward for neuropsychiatry and brain injury, “The Lishman Unit” which will move to the Maudsley Hospital site.

3. Bromley Protocol

- We remain committed to working with our partners at Bromley Council to support the Bromley Protocol with adhering to the agreement that we have in place.
- Following its reintroduction in 2022 The Croydon and Behavioural and Developmental Psychiatry Operations Directorate continues to lead a monthly Bethlem Royal Hospital Site Meetings. Key stakeholders from across the site come together to look at a number of site-based matters including site incidents and the interface with the community, including Bromley Council.
- There were a total of 25 incidents of absconsion from our medium secure wards for the period March 2022 to May 2023. Absconding from leave was the most commonly recorded sub-category for AWOL based incidents.
- It is recognised that the 25 incidents of absconsion is higher than the 10 incidents referenced for the period of March 2021 to February 2022 reported to this Scrutiny Committee on 23rd March 2022. This is materially attributed to improved recording and reporting of absconsion incidents following extensive work relating to absconsion following the enacting of the Bromley Protocol. None of these incidents were associated with the patient re-offending.
- It should be noted that the granting of leave is done with very careful consideration, taking into account all the aspects of a person’s personal, family, past medical, past psychiatric, risk history and current mental state. The granting of gradually increasing leave is aimed at supporting someone’s safe rehabilitation into the community. This approach has been shown to be successful in reducing re-offending, with rates of recidivism in Forensic psychiatric patients in the UK being up to 7.7 times lower than recidivism rates in prisoners in Criminal Justice Settings.

Report No: ES20273		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	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	2022-23 ACTUAL	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	1	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	NA	NA	N/A	N/A	N/A	N/A	N/A	N/A	100%	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	
	1C	Number of Safer Bromley Partnership Boards held	N/A	N/A	N/A	N/A	N/A	N/A	HIGH	0	(1 of 1) 100%	0	0	(1 of 1) 100%	0	(1 of 1) 100%	0	0	(1 of 1) 100%	0	0	4 (100%)	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 of 0) 100%	1 of 1 (100%)	(0 of 0) 100%	(0 of 0) 100%	(1 of 1) 100%	(0 of 0) 100%	(1 of 1) 100%	(0 of 0) 100%	(1 of 1) 100%	(0 of 0) 100%	(1 of 1) 100%	0 of 0 (100%)	0 of 0 (100%)	4 (100%)	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 of 0) 100%	1 of 1 (100%)	(0 of 0) 100%	1 of 1 (100%)	(0 of 0) - 100%	(1 of 1) 100%	(0 of 0) 100%	(1 of 1) 100%	(0 of 0) 0%	(0 of 0) %	0%	(1 of 1)100%	4 (100%)	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	NA	NA	NA	N/A	N/A	N/A	N/A	N/A	100%	100%	OUTCOME	Red: more than 10% Amber: Within 10% Green: At target or above	
2: We will protect consumers	2A	Number of awareness raising events & training to groups & partners (No. of attendees)	70	72	70	5	20	20	HIGH	6 events (156 attendees)	2 events (70 attendees)	5 events (112 attendee)	2 events (60 attendee)	1 event (25 attendees)	4 events (77 attendees)	3 events (75 attendees)	6 events (165 attendees)	0	6 events (258 attendees)	4 events (116 attendees)	7 (200 attendees)	1314	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%)	3 (100%)	2 (100%)	0 (100%)	0 (100%)	0 (100%)	1 (100%)	100%	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above			
	2C	Complete test purchases following all failed Challenge 25 test purchases which result in a sale of an age restricted product	100	97	100	100	20	20	HIGH	2 sales out of 7 (71%)	0 (71%)	0 (71%)	0 (71%)	0 sales of 5 (71%)	2 sales of 3 (73 %)	3 sales from 23 (84%)	0 (73%)	0 (73%)	0 (73%)	1 sale from 7 (98%)	5 sales from 7 (90%)	90%	100% Compliant Businesses	100%	AMBER	Red: more than 10% Amber: Within 10% Green: At target or above	Overall 52 attempts were carried out with 13 sales in 22/23. A total of 5 premises remain non-compliant into 2023/24. This is accounted for a Challenge 25 operation in March with a follow up underage operation pending in Q1 23/24	
	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	3	2	4	2	1	1	35	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% (7 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 72% (8 out of 11) Risk B 31% (26 out of 84)	Risk A 81% (9 out of 11) Risk B 52% (44 out of 84)	Risk A 81% (9 out of 11) Risk B 53% (45 out of 84)	Risk A 100% (11 out of 11) Risk B 72% (61 out of 84)	Risk A 100% (11 out of 11) Risk B 82% (69 out of 84)	Risk A 100% (11 out of 11) Risk B 94% (79 out of 84)	Risk A: 100% Risk B: 94%	100% (Annual Target)	100%	GREEN	Red: more than 10% Amber: Within 10% Green: At target or above	The food team have met the target for A rated premises. The outstanding 5 B rated premises were due for inspection in March and will be completed in early April to comply with the requirements of the Food Law code of practice.	
	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)	All FH 28% (154 out of 541)	All FH 37% (203 out of 541)	All FH 40% (221 out of 541)	All FH 51% (277 out of 541)	All FH 53% (290 out of 541)	All FH 60% (323 out of 541)	60%	100% (Annual Target)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	There are 218 inspections were not completed in 2022/23 that are now overdue which are D and E rated premises. These are now overdue inspections and in line with the FSA recovery plan they were deemed to be compliant or low risk premises under the recovery plan. The team are planning to complete the D rated premises via a contract and the E rated premises via an Alternative Enforcement Strategy, as permitted by the Food Law code of practice.		
	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 FB 60% (228 of 387) UR CM 0% (0 of 433)	UR FB 60% (237 of 387) UR CM 0% (0 of 433)	UR FB 64% (248 of 387) UR CM 0% (0 of 433)	UR FB 66% (256 of 387) UR CM 0% (0 of 433)	UR FB 66% (257 of 387) UR CM 0% (0 of 433)	UR FB 85% (331 of 387) UR CM 0% (0 of 433)	UR FB = 85% UR CM = 0%	100% (Annual Target)	100%	RED	Red: more than 10% Amber: Within 10% Green: At target or above	As of 1st April 2023 there were 529 unrated businesses awaiting inspection. Of these, there are 409 premises consisting of childminders and low risk home caterers which will form part of the programme of visits via a pilot contract arrangement. The 120 remaining premises will be included in the 2023/4 inspection programme. The team have reduced the number of childminders due in 23/24 through a desk top triage exercise.	
	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)	OD 40% (441 of 1089)	OD 46% (508 of 1089)	OD 48% (523 of 1089)	OD 49% (543 of 1089)	OD 57% (620 of 1089)	OD 60% (646 of 1089)	60%	100% (Annual Target)	RED	Red: more than 10% Amber: Within 10% Green: At target or above	There are 633 businesses that continue to be overdue for inspection at 1st April 2023, these relate to the backlog of inspection caused by the covid pandemic. Again they consist of D and E premises. The intention is to feed the overdue high risk D rated premises into the 23/24 inspection programme and to complete an AES for the E rated businesses.		
	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)	89% (33 out of 37)	93% (28 out of 30)	85% (18 out of 21)	96% (25 out of 26)	100% (36 out of 36)	100% (26 out of 26)	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	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	2022-23 ACTUAL	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%	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%	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	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%	(9 out of 9) 100%	(7 out of 7) 100%	(12 out of 12) 100%	(8 out of 8) 100%	(6 out of 6) 100%	(6 out of 6) 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	301	292	220	332	298	286	3626	N/A	N/A	OUTCOME	N/A		
	4F	Total Number of open fly-tipping incident investigations (No.)	N/A	N/A	N/A	42 (open for period April to March)	N/A	N/A	OUTCOME	5 (open for period April to 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)	53 (open for period April to October)	85 (open for period April to November)	66 (open for period April to December)	73 (open for period April to January)	86 (open for period April to February)	58 (open for April to March)	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	N/A	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 to 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%.	82% (63 cases closed after investigation for April to October). Of 63 cases, 52 have had enforcement action which is 82%.	69% (99 cases closed after investigation for April to November). Of 99 cases, 69 have had enforcement action which is 69%.	81% (99 cases closed after investigation for April to December). Of 99 cases, 81 have had enforcement action which is 81%.	93% (107 cases closed after investigation for April to January). Of 107 cases, 100 have had enforcement action which is 93%.	78% (135 cases closed after investigation for April to February). Of 135 cases, 106 have had enforcement action which is 78%.	71% (166 cases closed after investigation for April to March). Of 166 cases, 119 have had enforcement action which is 71%.	71%	50%	OUTCOME	N/A			
	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	17	29	20	18	21	19	226	200	AMBER	Red: More than 251 Amber: 226 to 250 Green: 200 to 225	Year End Commentary: There was an increase in Penalty Charge Notices (PCNs) this year, therefore this resulted in a higher number of cases naturally appealing via the statutory process and on to appeals service.		
	4I	Parking ETA cases won by LBB (% of cases heard)	80%	74%	75%	68%	75%	83%	HIGH	100%	95%	76%	63%	67%	88%	65%	79%	80%	72%	86%	79%	79%	85%	AMBER	Red: Less than 70% Amber: Less than 85% Green: At target or above	Year End Commentary: Officers have continued to monitor appeals.		

Report No. ES20296

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PORTFOLIO HOLDER FOR PUBLIC PROTECTION AND ENFORCEMENT

For Pre-Decision Scrutiny by the
Public Protection & Enforcement PDS &
Environment and Community Services PDS on:

Date: Wednesday 28th June 2023 &
Thursday 29th June 2023

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

Title: AMENDMENT TO THE PUBLIC SPACES PROTECTION ORDER (PSPO), DOG CONTROL & FOULING ENFORCEMENT POWERS

Contact Officer: Dean Laws, Environmental Investigation Manager

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

Ward: All

1. REASON FOR REPORT

- 1.1 This report sets out the proposed changes to powers of the Council relating to those in charge of dogs through the implementation of a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014.
-

2. RECOMMENDATION(S)

The Public Protection & Enforcement Performance Development & Scrutiny Committee and the Environment & Community Services Performance Development & Scrutiny Committee to:

- 2.1 Note and provide comment to the Portfolio Holder for Public Protection & Environment

The Portfolio Holder for Public Protection & Enforcement to:

- 2.2 Approve the renewal of the Public Space Protection Order (Dog Controls) 2023-26.

- 2.3 Approve the amendment to the current Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, that a person can be in charge of no more than three (3) dogs at any one time in a public place unless they have a licence issued by Bromley Council.
- 2.4 Approve the reduction in number of dogs permitted to be walked under licence to four (4) dogs.
- 2.5 Approve the extension of Dogs on Lead designated areas to include all Cemeteries, Allotments and park café seating areas within the administrative area of Bromley.

Impact on Vulnerable Adults and Children

1. Regulating the activities of dogs and those in charge of a dog affect all residents including vulnerable adults and children. Consideration of any additional impacts on groups of residents is considered when exercising the use of Public Space Protection Orders. The proposals contained within this report will make parks and open spaces safer for those who are vulnerable living in the borough.
-

Corporate Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority: For residents to live and prosper in a safe, clean and green environment great for today and a sustainable future
-

Financial

1. Cost of proposal: £3000 will cover the initial costs for introduction of new signage in parks and public spaces highlighting the changes to the PSPO
 2. Ongoing costs: The enforcement of the PSPO is contained within the existing Parks Security contract. The administration of the licencing will be covered by the income generated.
 3. Revenue generated from Dog Licensing for the past three years totals £22,144.15
 4. Budget head/performance centre: Not applicable
 5. Total current budget for this head: Not applicable
 6. Source of funding: From the Parks Support Service budget R06300 000000 FF0098
-

Personnel

1. Number of staff (current and additional): Provided under Lot 3 contracted works held with Veolia and provided by Ward Security
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance Anti-Social Behaviour, Crime and Policing Act 2014 (Prescribed Offences and Penalties etc. Regulations 2006
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The proposed Public Space Protection Order is Borough wide and will impact on all dog owners, non-dog owners, residents, children, families and visitors to the borough's Open Spaces.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Bromley Council promotes Responsible Dog Ownership, and recognise dogs are important members of the family, and help to keep everyone fit and healthy. Most dog owners are responsible people. They look after their dogs properly, so they remain under control and do not cause nuisance or disturbance. It is also recognized that there is a minority of owners who do not act responsibly and as such there is a requirement to hold powers so that Authorised Officers can effectively challenge this behaviour.
- 3.2 Anti-social behaviour linked to dogs was previously enforceable via The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006. This legislation allowed Local Authorities to enforce issues such as Dog Fouling, Dogs on Leads, Dog Exclusion Areas and number of Dogs allowed onto Land. However, in 2014 The introduction of Public Spaces Protection Orders, contained within The Anti-Social Behaviour Crime and Policing Act 2014, replaced The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006.
- 3.3 The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create, renew or amend a Public Spaces Protection Order (PSPO) where they are satisfied that activities carried out in a public place have had a detrimental effect on the quality of life of those in the locality.
- 3.4 A report was presented to the Environmental Services Portfolio Holder on 17th March 2020 which detailed the introduction of a Dog Walker Licensing scheme, this was approved on 9th April 2020 and implemented on 20th April 2020, extending the previous Public Spaces Protection Order by a further three years.
- 3.5 Section 60 of the Anti-Social Behaviour Crime & Policing Act 2014 details a Public Space Protection Order may have effect for no more than three years but can be renewed to prevent occurrence of activities detailed in the Order.
- 3.6 Failure to renew the Dog Control Public Space Protection Order will leave Bromley without adequate legislation to enforce against dog related Anti-Social Behaviour.
- 3.7 Review of Dog Fouling reports received by Bromley Council shows a steady increase of reports during the previous PSPO Dog Control Order:
 - 2020 – 338
 - 2021 – 353
 - 2022 - 405
- 3.8 These figures coincide with an increase in Dog Ownership nationally from 9.9 million in 2020 to 11 million in 2023. The renewal of the PSPO recognises the importance of Responsible Dog Ownership and with increasing numbers there is need for clear guidance from the Council towards the requirements for managing dogs in public spaces, and for the health and welfare of dogs as

pets.

- 3.9 The majority of dog-related complaints received by the Council refer to dog fouling, dogs off the lead in areas designated for exclusion, and include the number of dogs a person may oversee at any one time. In determining the extent of the new PSPO, consideration has been given to balancing the interests of those in charge of dogs against the interests of those affected by the activities of dogs. In doing so, it is recognised that the public, and specifically children, should have access to dog-free areas and areas where dogs are kept under strict control. In addition, those in charge of dogs require access to areas where they can exercise their dogs without undue restrictions. A failure to give due consideration to these factors could make a PSPO vulnerable to legal challenge.
- 3.10 The Council operates a separate scheme which licenses businesses which provide day care services for dogs, i.e., where the dog is looked after at the home of the operator during the day and providers of dog overnight boarding services.
- 3.11 Stray dogs and dogs dangerously out of control can be effectively dealt with by other existing legislation. This report and proposed PSPO Order do not cover these concerns.

4. CONSULTATION

- 4.1 Section 72 of the Anti-Social Behaviour Crime and Policing Act 2014 introduces measures whereby as part of the consultation the Council are required to seek feedback from prominent stakeholders. To ensure that necessary consultation had been undertaken contact was made with the Metropolitan Police Service, Dogs Trust, The Kennel Club, The RSPCA, RNIB, Friends of Parks groups, and Street Friends.
- 4.2 A period of public consultation was undertaken between Friday 28th April 2023 to Wednesday 31st May 2023. Details of the questionnaire were displayed on the Council's website with a link to the online survey.
- 4.3 Details of the public consultation was also posted on the Council's Corporate Twitter page and the public website.
- 4.4 As part of the consultation the Council published a draft copy of the proposed Order on the '*Have your say on dog controls in Bromley*' web landing page. A copy of the Proposed Order is detailed in Appendix A of this report.

Existing PSPO Dog Controls

- 4.5 Existing offences under the current PSPO (section 59 of the Antisocial

Behaviour, Crime and Policing Act 2014) within Bromley are as follows:

- Failing to remove dog faeces
- Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer
- Not keeping a dog on a lead
- Being in charge of a Dog who enters a designated exclusion zone
- Walking more than four dogs without licence issued by Bromley Council

Draft Dog Control Order amendments

4.6 It is proposed to amend the existing PSPO, as follows:

- (a) Limit the number of dogs a person can oversee to three (3) dogs per person;
- (b) Reduce the number of dogs which can be walked under licence to four (4) dogs;
- (c) Extend the Dogs on Lead designated areas to include all Cemeteries, Allotments, and park café seating areas within Bromley Council's administrative area.

4.7 By the end of the consultation period the Council received 3141 responses, and a petition with approximately 2000 respondents. The key issues arising from the responses were considered in finalising the elements contained within the PSPO Order. The petitioners were opposed to the maximum of two dogs off lead, believing it is too harsh a change. A full breakdown of responses received from the consultation is illustrated by graphs attached to this report as Appendix B. The graphs also represent a more detailed analysis of the responses provided by dog owners and non-dog owners, and commercial dog walkers.

5. ANALYSIS OF CONSULTATION RESPONSES

5.1 A review of responses received provided an insight into four themes with regards the proposed PSPO Dog Control Order:

- a) Change in the number of dogs walked by one person restricted to 3, or 4 with licence;
- b) Introduction of a restriction of 2 dogs off lead at any one time;
- c) Introduction of dogs on lead/excluded from waterbodies;
- d) Opposing views of support between dog owners and non-dog owners.

5.2 The previous PSPO Dog Control Order allowed a person to walk four (4) dogs at a time, increased to six (6) via permit issued from Bromley Council. The

decision to reduce the number of dogs walked by one person to three (3) dogs, increased to four (4) was proposed after review of guidance issued by the UK's leading Dog Welfare Associations. A guidance paper written by the Pet Industry Federation, supported by both the RSPCA and The Dogs Trust provides clear guidance that Professional Dog Walkers should walk a maximum of four (4) dogs at a time. Whilst a response from the Dogs Trust provided statistics that 95% of Dog Owners in the United Kingdom own three (3) dogs or less. A copy of the Professional Dog Walkers Guide is attached to this report as Appendix C. The amendment to the draft proposed PSPO to reduce the number of dogs walked by one person is summarised in paragraph 6.1 omitting the restriction permitting the number of dogs off the lead at any one time.

- 5.3 In drafting of this PSPO, consideration was given towards meeting the strategic objectives of the Council's Open Space Strategy (OSS) and balancing the needs of the many user groups visiting the Boroughs parks and greenspaces and their increasing numbers. The OSS sets out to support and encourage the physical and mental health benefits the Boroughs open space portfolio offers, whilst also protecting Bromley's diverse natural habitats and biodiversity. Many of the sites listed in the PSPO relate to a range of activities and habitats where the Council as a custodian has responsibility for ensuring the landscape is well managed, and therefore contributes towards meeting these objectives.
- 5.4 Research was undertaken to evaluate the Dog Control measures used by other local authorities. Table 1 shows current benchmarking in relation to numbers of dogs allowed to be walked by one (1) person.

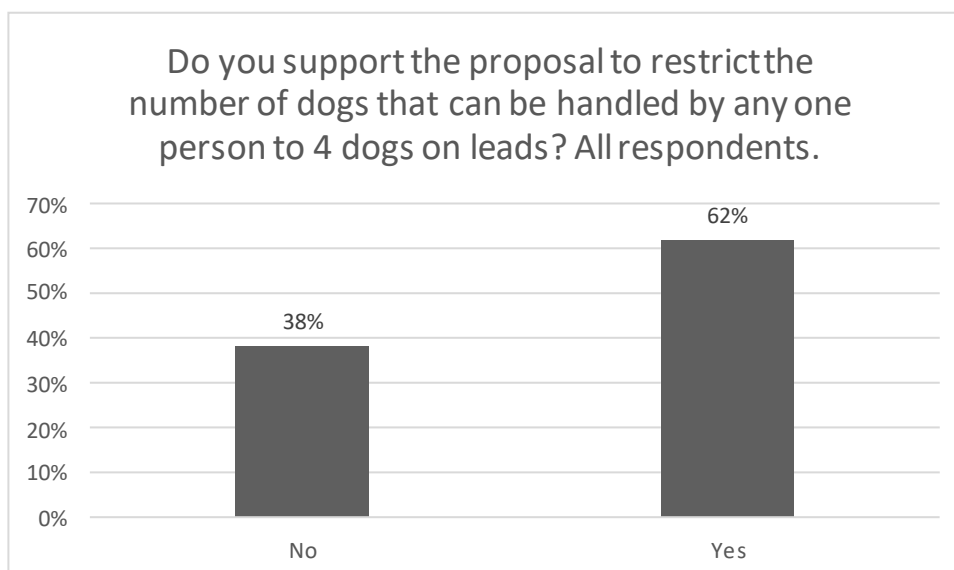
Table 1

Local Authority	Maximum Number of Dogs
Barking and Dagenham London Borough Council	4 or 6 dogs
Barnet London Borough Council	No specific information available on Council's website
Bexley London Borough Council	No specific information available on Council's website
Brent London Borough Council	4 dogs
Bromley London Borough Council	5 or 6 dogs
Camden London Borough Council	4 dogs
City of London	4 or 6 dogs
Croydon London Borough Council	No specific information available on Council's website
Ealing London Borough Council	6 dogs per walker
Enfield London Borough Council	No specific information available on Council's website
Greenwich London Borough Council	4 dogs
Hackney London Borough Council	4 dogs

Hammersmith & Fulham London Borough Council	4 dogs
Haringey London Borough Council	6 dogs
Harrow London Borough Council	No specific information available on Council's website
Havering London Borough Council	No specific information available on Council's website
Hillingdon London Borough Council	4 or 6 dogs
Hounslow London Borough Council	4 dogs
Islington London Borough Council	No specific information available on Council's website
Kensington and Chelsea London Borough Council	Up to 6 dogs
Kingston upon Thames London Borough Council	No specific information available on Council's website
Lambeth London Borough Council	4 or 6 dogs
Lewisham London Borough Council	No specific information available on Council's website
Merton London Borough Council	4 dogs
Newham London Borough Council	No specific information available on Council's website
Redbridge London Borough Council	No specific information available on Council's website
Richmond upon Thames London Borough Council	Max of 6 dogs
Southwark London Borough Council	6 dogs, max of 3 offlead
Sutton London Borough Council	No specific information available on Council's website
Tower Hamlets London Borough Council	No specific information available on Council's website
Waltham Forest London Borough Council	Max of 6 dogs
Wandsworth London Borough Council	4 dogs
Kent County Council	No specific information available on Council's website
Sevenoaks District Council	No specific information available on Council's website
Dartford District Council	No specific information available on Council's website
Tunbridge Wells District Council	No specific information available on Council's website
Surrey County Council	No specific information available on Council's website
Tandridge District Council	6 dogs

5.5 The Consultation results showed strong support to introduce a maximum of four (4) dogs being walked by one (1) person as shown in table 2.

Table 2

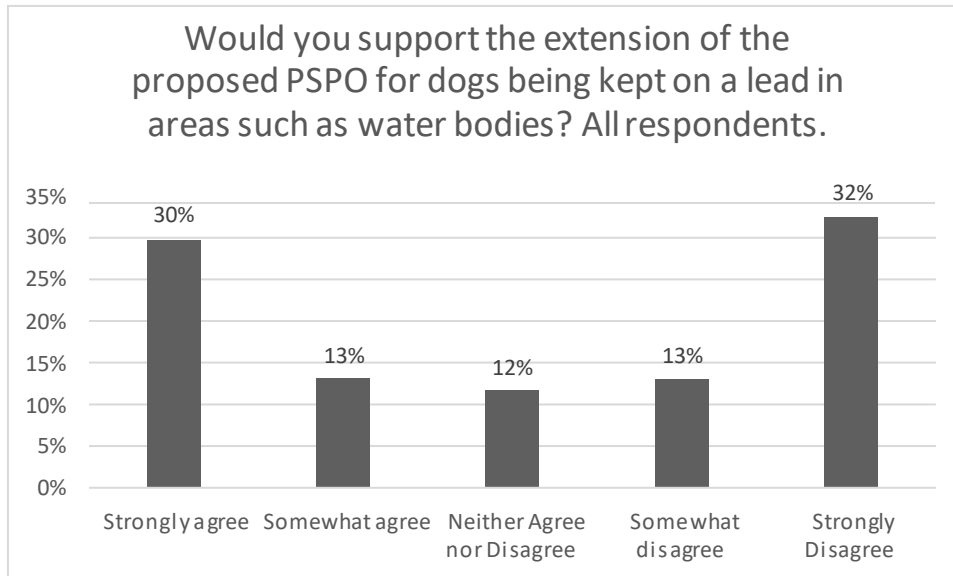


5.4 Although not covered by the questionnaire, the Council received 88 e-mails raising concern over the proposed PSPO Dog Control Order. Analysis of these e-mails demonstrated a strong public feeling that the introduction of a restriction allowing only 2 dogs to be off lead at any one time could lead to a negative effect on a dogs welfare. 64 (73%) of the e-mails received raised concern over the restriction included within Article 5 of the Proposed Dog Control Order. Further study of the response received provided details of the following studies and findings linked to dog behaviour whilst on lead:

- When exposed to a stressful situation in day to day life, dogs go into a fight or flight state (Carston 2019).
- Fight responses are more likely to occur when the dog's escape route is blocked (Farricelli 2013).
- Lead reactivity occurs when a dog feels restricted and frustrated whilst being on lead, whereas will be sociable and calm off lead (Battersea, 2023).
- It is also important to note that this behaviour is often triggered by off lead dogs approaching on lead dogs (Battersea, 2023).

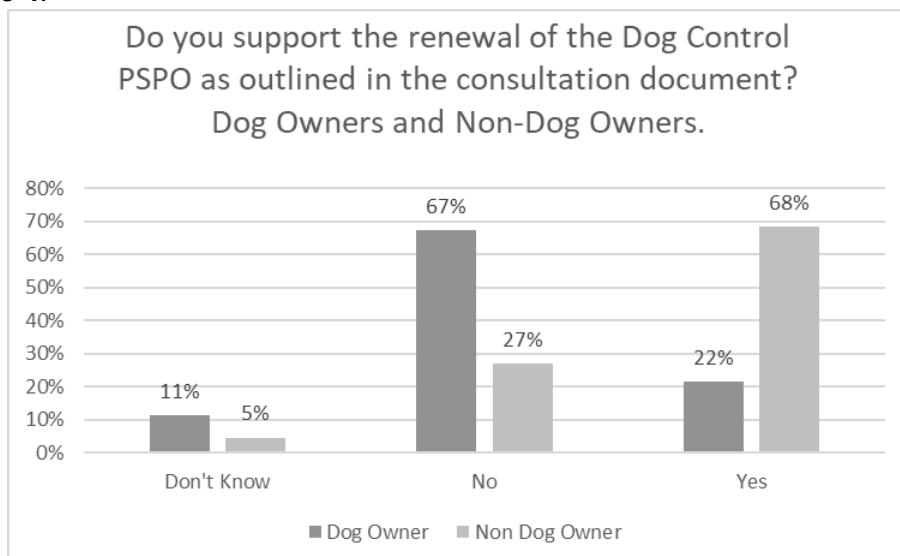
5.5 The Consultation asked for views on a proposal to introduce Dogs On a Lead for Waterbodies which received a marginal favour not to support the restriction as shown in table 3. It is recognized that a contributing factor to this response may be linked to the presentation of the proposal contained within the draft PSPO Dog Control Order which listed Waterbodies as a Dog Exclusion area and also asked a question to gauge support for dogs to be kept on leads within 30 feet of a waterbody. The amendment to the draft PSPO to exclude dogs from waterbodies is summarised in paragraph 6.1 omitting the proposal to introduce Dogs on a Lead near waterbodies.

Table 3



- 5.6 The proposed PSPO Dog Control Order sought to align existing legal powers contained with Bromley Parks ByeLaws with a new modern Public Space Protection Order. Powers contained within the ByeLaws made it an offence for a dog to disturb wildlife and waterbirds, and from entering certain waterbodies.
- 5.7 Upon more detailed analysis of the results, the consultation highlighted opposing views between dog owners and non-dog owners when asked questions involving the behaviour of dogs (e.g. poorly controlled), which resulted in feelings of being threatened or their enjoyment of the area was impacted. The majority of dog owners did not witness or agree with this statement, whereas the majority of non-dog owners were of the view that this did occur and had an impact. The support for the renewal of the PSPO was also split in the same equal opposing manner, with the majority of dog owners in opposition and the majority of non-dog owners in favour illustrated in Table 4.

Table 4.



5.8 As part of the communications process the Council's website will include a page relating to the relevant information concerning the implementation of the PSPO and will include a set of frequently asked questions and answers to provide clarity. A copy of the FAQ sheet is attached to this report as Appendix E. The date of implementation of the Order will be confirmed following the consideration by the Portfolio Holder and feedback from the PDS Committee Members. The Order will be valid for three years from this date

6. AMENDMENTS TO DRAFT PSPO ORDER

6.1 Full consideration has been applied to the feedback received as part of the consultation, with the following changes made to a final PSPO Dog Control Order:

- Schedule 1 Article 5 Dog Handlers – Maximum 4 Dogs. The final Order has removed the restriction permitting only two (2) dogs to be off lead at any one time. Dogs are permitted off the lead in parks and greenspaces, with the exception of certain exclusion areas listed in the Order (e.g. playgrounds). Any owner/handler of Dogs to be found acting in a manner so as to cause nuisance will be directed to place Dogs on Lead as per Schedule 1 Article 2 – Dogs on Lead by Direction contained within the Final Order
- Schedule 2 Article 3 Dog Exclusion Areas detailed Waterbodies. The Proposed Order detailed an exclusion zone of where a dog is to be kept on a lead up to 30 feet of a Waterbody. The detail of thirty feet as an exclusion area has been removed from the Order, leaving just the actual body of water as the area dogs are excluded from entering.
- Schedule 2 Article 3 Dog Exclusion Areas – Sports facilities enclosure sites. For identification purposes the list of locations also include the description of the sport played within the enclosed site (e.g. tennis court).

6.2 The final Order details Areas of Land to which PSPOs can be applied. The Public Space Protection Order is separated into six Articles:

1. Dog Fouling
2. Dog on Lead by Direction
3. Dog Exclusion area
4. Dog on Lead area
5. Dog Handlers
6. Dogs to be kept under proper control

6.3 Each of these Articles link to prescribed areas detailed in Schedules 1, 2 and 3 of the Order:

- Schedule 1 – Administrative area of Bromley, covers Articles 1,2 & 5

- Schedule 2 – Details specific locations covered by Article 3 including equipped playgrounds, unequipped playgrounds, sports facility enclosure sites, paddling pools, boating ponds, waterbodies and recreation grounds
- Schedule 3 – Details specific locations covered by Article 6 including public highways, café outdoor seating areas, cemeteries, allotments and nature reserves.

6.4 The full list of locations and the Final Order, which include amendments following the consultation period is detailed within Appendix D (London Borough of Bromley Public Spaces Protection Order 2023 Dog Controls) of this report.

7. EXCEPTIONS AND EXEMPTIONS TO THE PSPO

7.1 The following are exemptions applicable to all six Articles contained within the Public Space Protection Order:

- Nothing in this Order shall apply to a dog being used by the police, contractors or agencies permitted by the Council for official purposes, or a person who
- Is registered as a blind person on a register compiled under Section 29 of the National Assistance Act 1948; or
- Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance; or
- Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any prescribed charity registered in the UK with a purpose of training assistance dogs and upon which they rely for assistance.
- Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

8. NOTIFICATION OF PROPOSED CHANGES

8.1 There is a requirement to place signs on land to which a new order applies, informing the public that land is subject to an Order. For example, if the proposal is approved to make an Order restricting the number of dogs to three (3) a person can walk, permanent signs will be placed at the entrances, gates and barriers to parks across the borough. Permanent signs will be erected informing where a PSPO applies to a large area of land. The Order will also be displayed on the Council's Responsible Dog Ownership webpage.

9. IMPACT ON VULNERABLE ADULTS AND CHILDREN

9.1 Regulating the activities of dogs and those in charge of a dog affect all residents including

vulnerable adults and children. Consideration of any additional impacts on groups of residents is considered when exercising the use of Public Space Protection Orders. The proposals contained within this report will make parks and open spaces safer for those who are vulnerable living or visiting the borough.

10. POLICY IMPLICATIONS

- 10.1 Increased enforcement action is a key aim in “Making Bromley Even Better” in improving a safe and quality environment for the public.

11. FINANCIAL IMPLICATIONS

- 11.1 The inclusion of the PSPO will have some financial implications for the production and administration of the fixed penalty notices, advisory leaflets and publicity of the order in local newspapers and on signage. These costs are likely to be in the region of £3000.
- 11.2 The current cost for a Dog Walking Licence is £200; there are no plans to change the subscription cost as part of this Public Space Protection Order, however fees will be subject to annual inflationary increases.
- 11.3 Under the current DEFRA guidelines for fixed penalty notices, all generated income must be ring-fenced for enforcement initiatives and in the first instance it is proposed that any sums recovered would be used to off-set the set-up and contractual costs. Costs will therefore be contained within existing revenue budgets.

12. PERSONNEL IMPLICATIONS

- 12.1 The enforcement of the legislation designated on the highway would be carried out by enforcement officers within Environment and Public Protection and the Council’s Parks Security service provider.
- 12.2 The powers to control dogs within designated areas, including parks and greenspaces, would be carried out by the current Park’s Security service provider as part of the existing Environmental Services contract. Contract administration staff within the Environmental Services contract will be responsible for recording the issue and any amendment or cancellation of fixed penalty notices.
- 12.3 Training will be provided to Officers working for the Council’s Park Security provider, Ward Security, so that they are imparted with the working knowledge of the PSPO Dog Control Order. For the first three months of the Order there will be a project focused on engagement with members of the public, this will be followed by high profile enforcement patrols, targeting any areas where compliance is a concern.

13. LEGAL IMPLICATIONS

13.1 As set out in the body of this report.

14. PROCUREMENT IMPLICATIONS

14.1 There are no implications.

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Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	<ol style="list-style-type: none">1. Clean Neighbourhoods and Environment Act 2005 (S55 and S56) http://www.legislation.gov.uk/ukpga/2005/16/contents2. SI 2006 No 798 – The Dog Control Orders (procedures) Regulations 2006. http://www.legislation.gov.uk/uksi/2006/798/contents/made3. The Anti-social Behaviour, Crime and Policing Act 2014 http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted

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LONDON BOROUGH OF BROMLEY

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

LONDON BOROUGH OF BROMLEY PUBLIC SPACES PROTECTION ORDER 2023 (DOG CONTROL)

The Council of the London Borough of Bromley (in this Order called “the Council”) hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

The Order may be cited as the “London Borough of Bromley Public Spaces Protection Order 2023 (Dog Control)”.

This Order is made on xx xxxx 2023 and shall have effect for a period of 3 years thereafter, unless extended, varied or discharged by further order(s) under the Council’s statutory powers. This Order can be extended pursuant to Section 60 of the Act.

In this Order the following definitions apply:

“Person in Charge” means the person who has the dog in their possession, care or company at the time the offence is committed or, if none, the owner or person who habitually has the dog in their possession.

“Proper Control” means a dog being on a lead or muzzled if the dog requires it, or otherwise being at heel/close enough to the person in charge that it can be restrained if necessary or responding immediately to voice commands.

“Public Place” means any place in the administrative area of the Council to which the public or any section of the public has access on payment or otherwise, as of right or by virtue of express or implied permission. The administrative area of the Council is the land edged red in Schedule 1.

“Restricted Area” means the land described and/or shown in the map in Schedule 1 to this order. “Authorised Person” means a police officer, PCSO, Council officer, and persons authorised by the Council to enforce this Order.

“Assistance Dog” means a dog that is trained to aid or assist a disabled person.

Article 1 – Dog Fouling

1. If within the Restricted area (defined in Map 1, Schedule 1), a dog defecates, in any Public Place, at any time, the person who is in charge of the dog at the time must remove the faeces forthwith, unless –

- a. They have a reasonable excuse for failing to do so; or
- b. The owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to their failing to do so.

2. For the purposes of this Article –

a. Placing the faeces in a receptacle in the restricted area which is provided for the purpose, or for the disposal of litter or waste, shall be a sufficient removal from the Public Place;

b. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for, or other suitable means of, removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

3. This part of the Order applies to all Public Places in the administrative area of the Council (as detailed in Schedule 1).

2 Article 2 – Dogs on leads by direction

1. A person in charge of a dog, at any time, within the Restricted area (defined in Map 1, Schedule 1), must comply with a direction given to them by an Authorised Person to put and keep the dog on a lead for such period and/or in such circumstances as directed by that person, unless they can show that:

a. They have a reasonable excuse for failing to do so; or

b. The owner, occupier or other person or authority having control of the Public Place in question has consented (generally or specifically) to their failing to do so.

2. For these purposes, a 'lead' means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person's close control.

3. This part of the Order applies to all Public Places in the administrative area of the Council (as detailed in Schedule 1).

4. An Authorised Person may only give a direction under this Article if such restraint is considered by that person to be reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or other animal.

Article 3 – Dog exclusion areas

1. A person in charge of a dog must not, at any time, take that dog onto, or permit a dog to enter or to remain on, any Public Place detailed in Schedule 2 unless:

a. They have a reasonable excuse for doing so; or

b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

Article 4 – Dogs on lead areas

1. A person in charge of a dog in any Public Place detailed in Schedule 3 must keep that dog on a lead, unless they can show that:

a. They have a reasonable excuse for doing so; or

b. The owner, occupier or other person or authority having control of the land has

consented (generally or specifically) to their failing to do so.

2. For these purposes, a 'lead' means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person's close control.

3. This part of the Order applies to the areas listed in Schedule 3.

Article 5 – Dog handlers – Maximum 4 dogs, 2 off lead

1. A person in charge of more than three dog shall be guilty of an offence if at any time, they take onto any Public Place in respect of which this Article applies, more than three dogs, unless they can show that:

- a. They have a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so; or
- c. They have a licence issued by the Council permitting them to be in charge of no more than four dogs.

For the purposes of this article, a person who has a dog in their possession shall be taken to be in charge of the dog(s).

2. This part of the Order applies to all Public Places in the administrative area of the Council (Schedule 1).

Article 6 – Dogs to be kept under proper control – Dogs on a lead

1. A person in charge of a dog in the restricted area shall be guilty of an offence if their dog is not kept under Proper Control.

*

Exemptions

Nothing in this Order shall apply to a dog being used by the police, contractors or agencies permitted by the Council for official purposes, or a person who:

- a) Is registered as a blind person on a register compiled under Section 29 of the National Assistance Act 1948; or
- b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance; or
- c) Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any prescribed charity registered in the UK with a purpose of training assistance dogs and upon which they rely for assistance.
- d) Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable

opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

Offence and Penalty

It is an offence under Section 67 of the Act for a person without reasonable excuse, (i) to do anything that they are prohibited from doing under the Order or (ii) to fail to comply with a requirement which they are subject to under the Order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale. In the alternative, that person may be issued with a fixed penalty notice in the sum of £100. If the fixed penalty notice is paid within 10 days, a discounted sum will be payable of £80.

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this Order on two grounds, (1) that the Council does not have the power to make the Order or to include particular prohibitions or requirements; or (ii) that one of the requirements of the legislation has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

The **COMMON SEAL** of the

LONDON BOROUGH OF BROMLEY

was hereunto affixed in the presence of:

Authorised Signatory

Date: xx xxxxx 2023

Schedule 1

Article 1 – Dog Fouling

Article 2 – Dogs on leads by direction

Article 5 – Dog handlers – maximum 4 dogs

This part of the order applies to all Public Places in the administrative area of the Council, as illustrated by the map below.

Map 1. London Borough of Bromley:



Schedule 2

Article 3 – Dog exclusion areas

Land designated by description:

Equipped playgrounds

Alexandra Recreation Ground, Alexandra Road, Penge SE20
Betts Park, Croydon Road, Penge SE20
Biggin Hill Recreation Ground, Church Road, Biggin Hill
Blake Recreation Ground, Pine Avenue, West Wickham
Burham Close Play Area, Burham Close, Penge SE20
Cator Park, Aldersmead Road, Beckenham
Charterhouse Green, Charterhouse Road, Orpington
Chelsfield Open Space, Skibbs Lane, Chelsfield
Chislehurst Recreation Ground, Empress Drive, Chislehurst
Church House Gardens Recreation Ground, Church Road, Bromley
Churchfields Recreation Ground, Playground Close, Elmers End
Coney Hall Recreation Ground, Addington Road, West Wickham
Crease Park, Village Way, Beckenham
Croydon Road Recreation Ground, Croydon Road, Beckenham
Crystal Palace Park, Thicket Road, Penge SE20
Cudham Lane North Recreation Ground, Cudham Lane North, Green Street Green
Cudham Lane South Recreation Ground, Cudham Lane South, Cudham
Downe Recreation Ground, High Elms Road, Downe
Edgebury Open Space, Imperial Way, Chislehurst
Eldred Drive Playground, Eldred Drive, St Mary Cray
Elmers End Recreation Ground, Shirley Crescent, Elmers End
Farnborough Hill Open Space, High Street, Farnborough
Farnborough Recreation Ground, Starts Hill, Locksbottom
Glentrammon Recreation Ground, Windsor Drive, Chelsfield
Goddington Park Lower, Berrylands, Orpington
Goddington Park Upper, Goddington Lane (East), Chelsfield
Grassmead Recreation Ground, Dyke Drive, St Mary Cray
Harvington Estate, Eden Park Road, West Wickham
Hoblingwell Wood, Leasons Way, St Pauls Cray
Hollydale Recreation Ground, Lakeside Drive, Keston
Husseywell Open Space, Pickhurst Lane, Hayes
Kelsey Park, Wickham Road, Beckenham
Kings Meadow Open Space, Burnt Ash Lane, Plaistow
Kings Road Park, Kings Road, Biggin Hill
Leamington Avenue Open Space, Southfleet Road, Orpington
Martins Hill, Recreation Road, Shortlands
McAndrews Recreation Ground, Corkscrew Hill, West Wickham
Mottingham Sports Ground, Grove Park Road, Mottingham SE9
Newbury Road Play Area, Bromley
Norman Park, Hayes Lane, Bromley
Oaklands School Play Area, Norheads Lane, Biggin Hill
Old Hill, Green Street Green, Cudham Lane Nrth, Green St Green
Palace Square, Pleydell Avenue, Anerley SE19
Parkfield Recreation Ground, Whitebeam Avenue, Southborough
Penge Recreation Ground, High Street, Penge, SE20

Petts Wood Recreation Ground, Eynsford Close, Petts Wood
Pickhurst Recreation Ground, Pickhurst Lane, Hayes
Poverest Park, Footbury Hill Rd, Orpington
Pratts Bottom Open Space, Rushmore Hill, Pratts Bottom
Pratts Bottom Recreation Ground, Broke Farm Drive, Pratts Bottom
Priory Gardens, High Street, Orpington
Ramsden Play Area, Whichling Close, Orpington
Ravensbourne Open Space, Lakes Road, Keston
Richmal Crompton Park, Lower Gravel Road, Bromley
Sandway Park, Sandway, St Mary Cray
Shaftesbury Park, Valeswood Road, Downham
Southborough Open Space, Oxhawth Crescent, Bromley
St Mary Cray Recreation Ground, Park Road, St Mary Cray
St Pauls Cray Recreation Ground, Main Road, St Pauls Cray
Tillingbourne Green, Orpington
Tubbenden Lane Open Space, Tubbenden Lane, Orpington
Turpington Lane Open Space, Rayfield Close, Bromley
Wharton Road Play Area, Bromley
Whitehall Recreation Ground, Blenheim Road, Bromley
Widmore Recreation Ground, Widmore Road, Bromley
Willett Recreation Ground, Crossway, Petts Wood

Unequipped playgrounds

Beckenham Green, St Georges Road, Beckenham
Jubilee Park, Thornet Wood, Petts Wood
Riverside Gardens, High Street, St Mary Cray

Sports facilities enclosure sites

Alexandra Recreation Ground, Alexandra Road, Penge SE20
Arundel Drive Open Space, Arundel Drive, Chelsfield
Betts Park, Croydon Road, Penge SE20
Biggin Hill Recreation Ground, Church road, Biggin Hill
Blake Recreation Ground, Pine Avenue, West Wickham
Chislehurst Recreation Ground, Empress Drive, Chislehurst
Church House Gardens, Church Road, Bromley
Churchfields Recreation Ground, Playground Close, Elmers End
Coney Hall Recreation Ground, Addington Road, West Wickham
Croydon Road Recreation Ground, Croydon Road, Beckenham
Cudham Lane South Recreation Ground, Cudham Lane South, Cudham
Farnborough Recreation Ground, Stats Hill, Locksbottom
Glentrammon Recreation Ground, Windsor Drive, Chelsfield
Goddington Park, Goddington Lane (East), Orpington
Hoblingwell Wood, Leasons Way, St Pauls Cray
Mottingham Sports Ground, Grove Park Road, Mottingham
Norman Park, Hayes Lane, Bromley
Penge Recreation Ground, High Street, Penge, SE20
Poverest Park, Footbury Hill Road, Orpington
Sandway Park, Sandway Road, St. Mary Cray
Sparrows Den, Corkscrew Hill, West Wickham
St Mary Cray Recreation Ground, Park Road, St Mary Cray
Stanhope Recreation Ground, Stanhope Grove, Penge
Walsingham Linear Park, Chipperfield Road, St Pauls Cray

Widmore Recreation Ground, Widmore Road, Bromley
Willett Recreation Ground, Crossway, Petts Wood

Paddling pools

Alexandra Recreation Ground, Alexandra Road, Penge, SE20
Church House Gardens, Church Road, Bromley
Croydon Road Recreation Ground, Croydon Road, Beckenham
Riverside Gardens, High Street, St Mary Cray

Boating pond

Church House Gardens Recreation Ground, Church Road, Bromley
Riverside Gardens, Kent Road, St Mary Cray

Recreation grounds (complete area)

Queens Gardens, Kentish Way, Bromley

Recreation grounds (restricted areas)

Alexandra Recreation Ground, Alexandra Road, Penge SE20
Church House Gardens Recreation Ground, Church Road, Bromley
Jubilee Park, Thornet Wood, Petts Wood
Kelsey Park Recreation Ground, Stone Park Avenue, Beckenham
Kings Meadow Open Space, Burnt Ash Lane, Plaistow
Penge Recreation Ground, High Street, Penge, SE20
Priory Gardens, High Street, Orpington
Whitehall Recreation Ground, Blenheim Road, Bromley
Widmore Recreation Ground, Widmore Road, Bromley

Waterbodies (Incl. natural lakes and built ponds)

Betts Park Canal
Bromley Palace Gardens
Church House Gardens
Crystal Palace Park
Glassmill Pond
Hollydale Recreation Ground
Husseywell Park
Kelsey Park
Keston Ponds
Kingswood Glen
Priory Gardens
Scadbury Nature Reserve
Shaftsbury Park
The Knoll
Watermeadows

Note: Further location details of the Boroughs Parks can be found on the Council's website at:
www.bromley.gov.uk/directory/26/parks-in-bromley

Schedule 3

Article 6 – Dogs to be kept under proper control – Dogs on a lead

Land designated by description:

Public Highways

All carriageways including gutters, adjoining footpaths and verges in the London Borough of Bromley.

All pedestrian areas.

All car parks and public vehicle parking areas maintained by the London Borough of Bromley.

All alleys, public walks, passageways, bridleways and rights of way that are not in private ownership within the London Borough of Bromley

Café and outdoor seating

Croydon Road Recreation Ground

Crystal Palace Park

Kelsey Park

High Elms Estate (BEECHE Visitor Centre and Café)

Cemeteries

Biggin Hill Cemetery, Kingsmead Road, Biggin Hill, TN16

Bromley Hill Cemetery, Bromley Hill, Bromley, BR1

London Road Cemetery, Warner Road, Bromley, BR1

Plaistow Cemetery, Burnt Ash Lane, Bromley, BR1

Chislehurst Cemetery, Beaverwood Road, Chislehurst, BR7

St Lukes Cemetery, Magpie Hall Lane, Bromley, BR2

St Mary Cray Cemetery, Star Lane, St Mark Cray, BR5

Allotments

Abbots Way, Beckenham

Adams Road, Kingsworth Close, Beckenham

Aldersmead Avenue, Beckenham

Aylesford Avenue, Beckenham

Barnmead Road, Beckenham

Beck Lane, Arrol Road, Beckenham

Beckenham Lane, Beckenham

Belmont Lane, Chislehurst

Bourne Vale, Bromley

Bucks Cross Road, Chelsfield

Bull Lane, Chislehurst

Cricket Lane

Dorset Road, Beckenham

Elmstead Lane, Chislehurst

Eynsford Close, Chislehurst

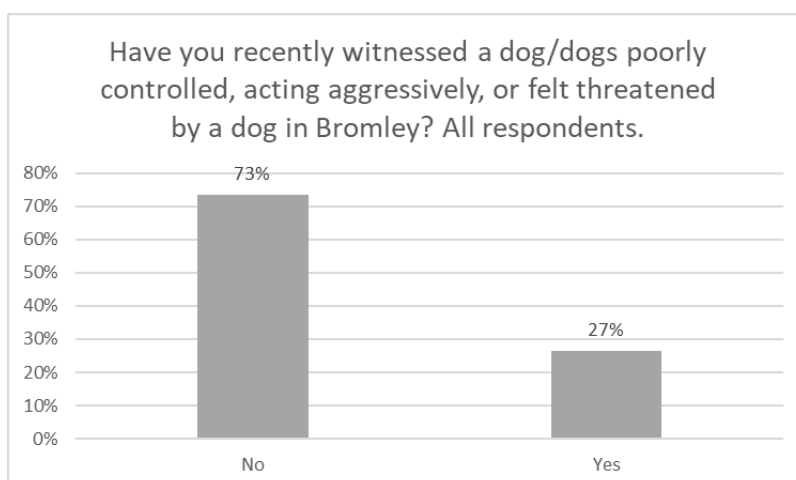
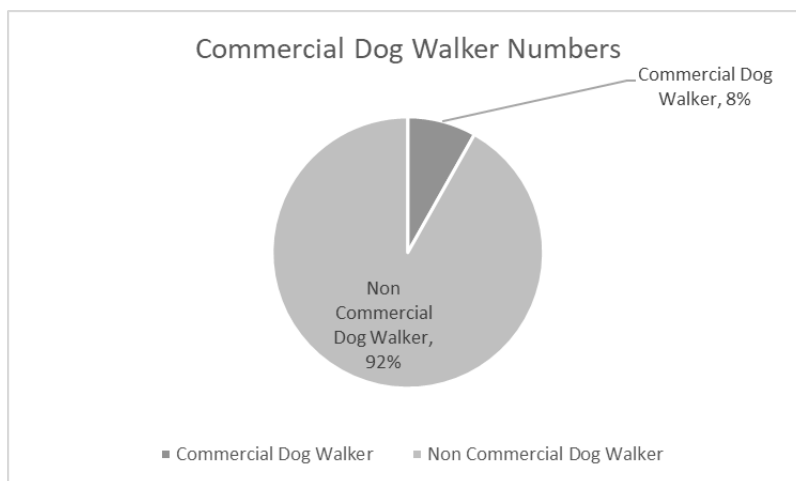
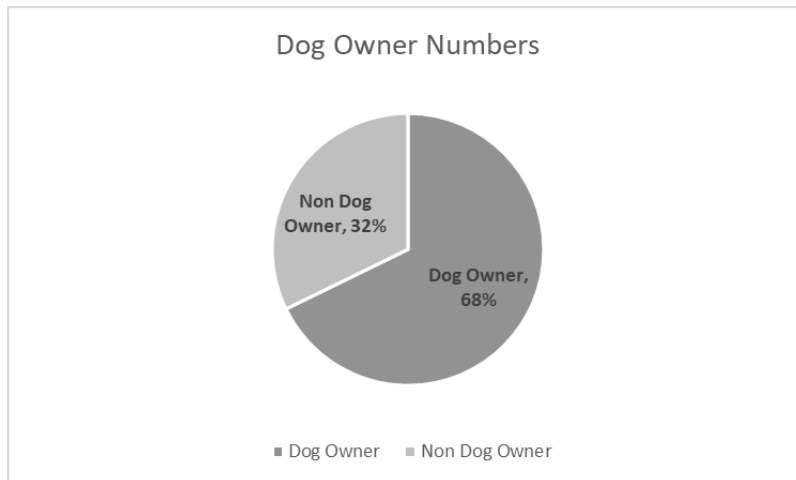
Farnborough Hill, Farnborough
Forster Road, Clock House Road
Foxbury Road, Bromley Hall Farm,
Milk Street Bromley
Harvington, South Eden Park Road, Beckenham
Hillcrest Road, Bromley
Holy Trinity, Bromley Common, Bromley
Homesdale Road, Orpington
Hook Farm Road, Bromley
Horsell Road, Orpington
Kent House Road, Beckenham
Lennard Road, Beckenham
Lower Chesham, Chesham Road, Beckenham Lower
Road, St Mary's Cray
Maberley Road, Penge
Mead Road, Chislehurst
Millwood Road, St Pauls Cray Old
Tye Avenue, Biggin Hill
Pickhurst Green, Heath Rise, Hayes Pine
Walk, Orchard Road, Bromley Poverest,
Footbury Hill, Orpington Ravensbourne
Road, Bromley Rosemount, Watts Lane,
Chislehurst Roslin Way, Bromley Sandford
Road, Bromley Sandringham,
Bromley
Shortlands, Hillside Road, Shortlands
Southlands Road, Bromley
Tugmutton, Lovibonds Road, Orpington
Turpington Lane, Bromley
Upper Chesham, Chesham Road, Penge West
Wickham, Hawes Lane, West Wickham Wickham
Road, Hillsdie Road, Shortlands Widecombe
Lane, Mottingham
Willow Grove, Chislehurst

Nature Reserves

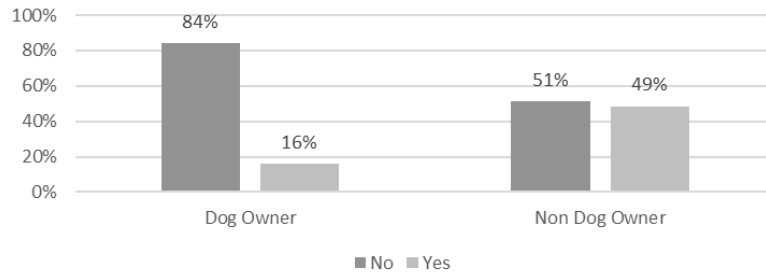
Scadbury Park Nature Reserve, Perry Street, Chislehurst

Note: Further location details of the Boroughs Parks can be found on the Council's website at: www.bromley.gov.uk/directory/26/parks-in-bromley

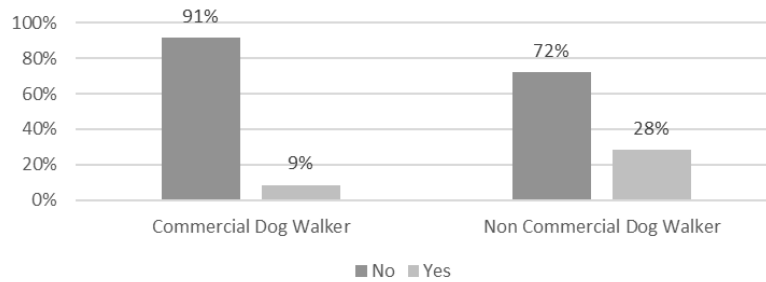
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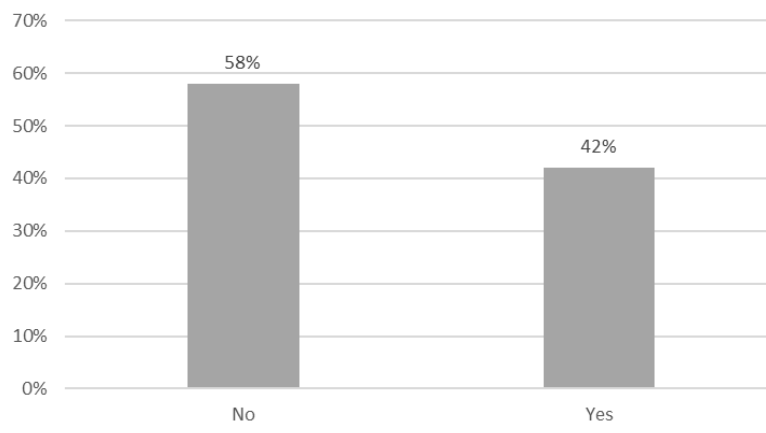
Have you recently witnessed a dog/dogs poorly controlled, acting aggressively, or felt threatened by a dog in Bromley? Dog Owners and Non-Dog Owners.

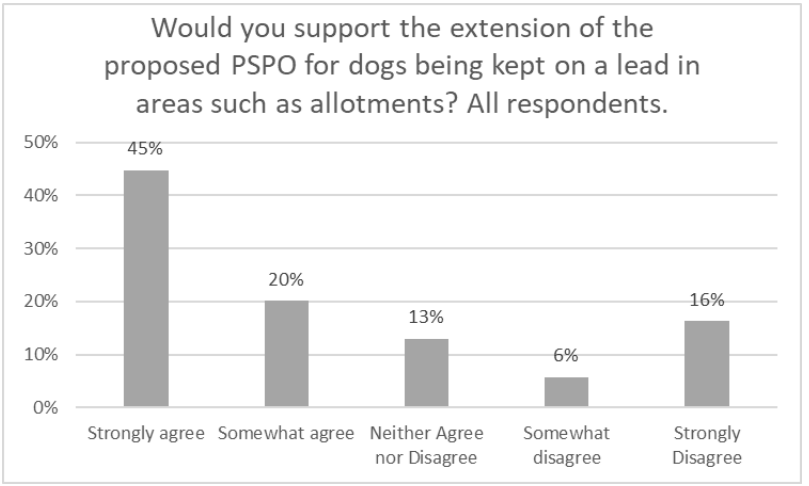
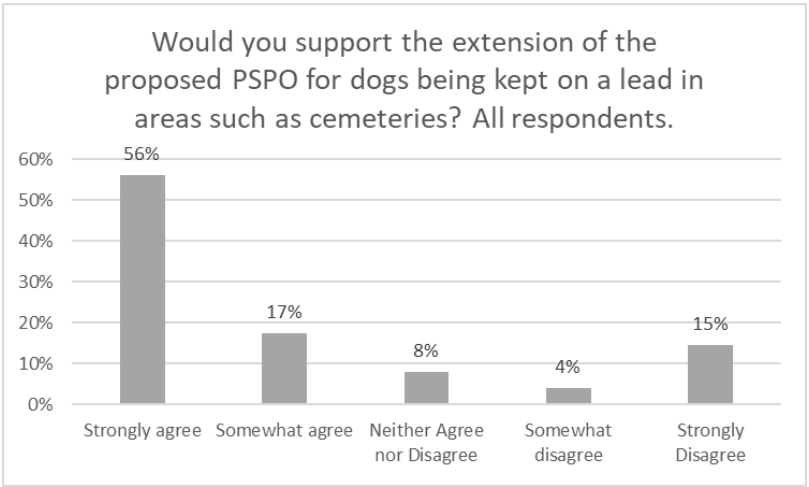
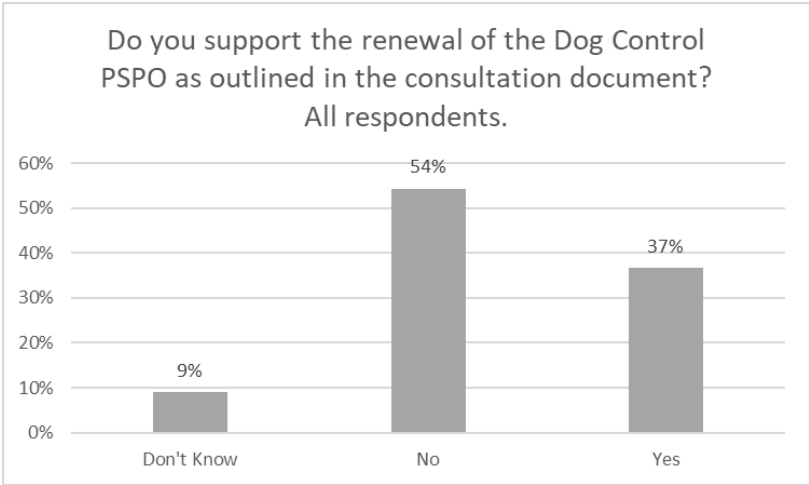


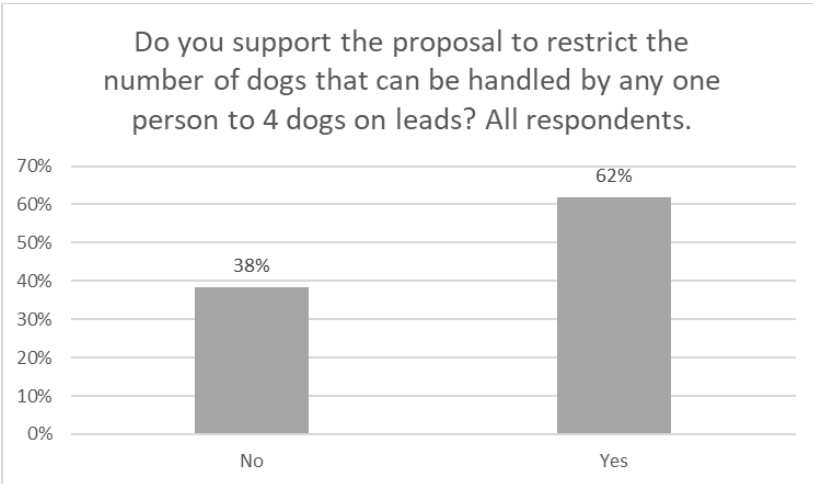
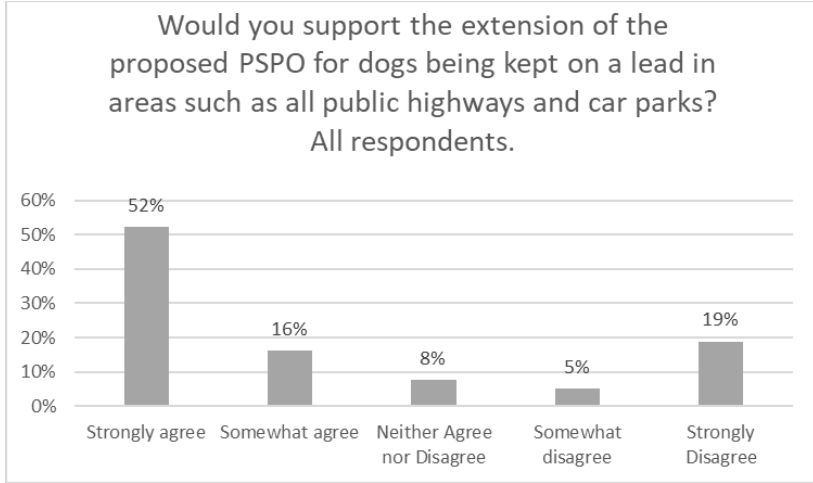
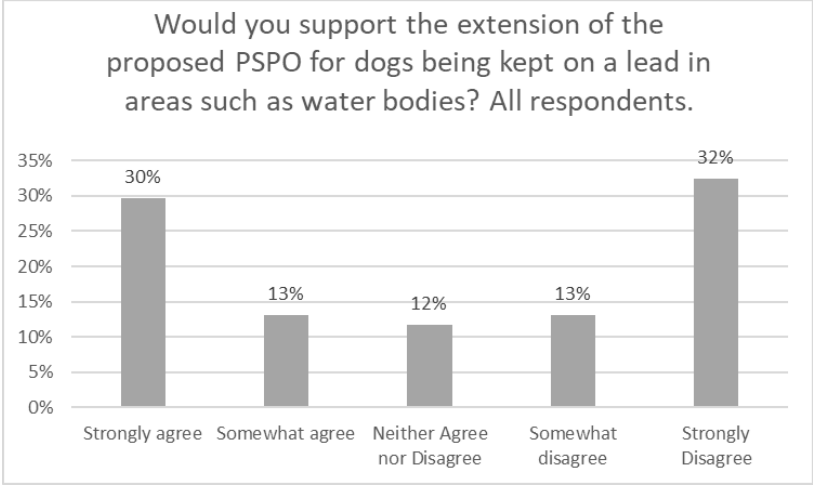
Have you recently witnessed a dog/dogs poorly controlled, acting aggressively, or felt threatened by a dog in Bromley? Commercial Dog Walkers and Non Commercial Dog Walkers.

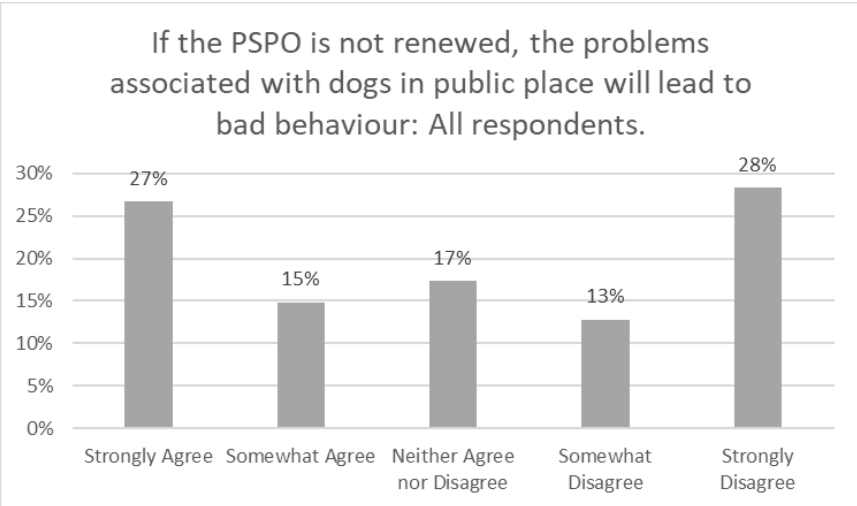
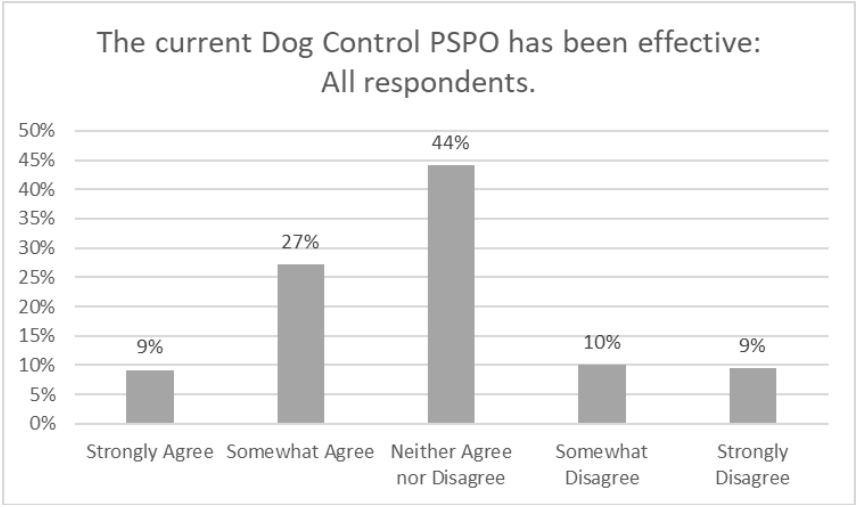
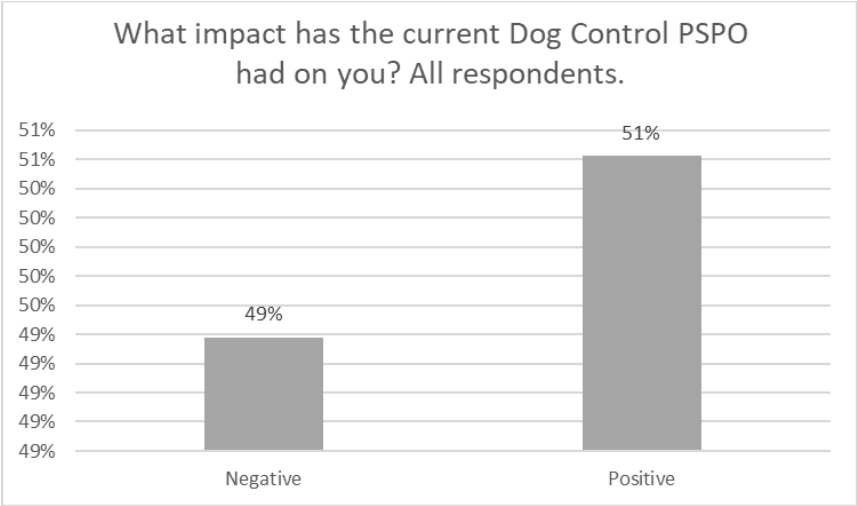


Would, or has, this type of behaviour impacted your enjoyment of the public space? All respondents.

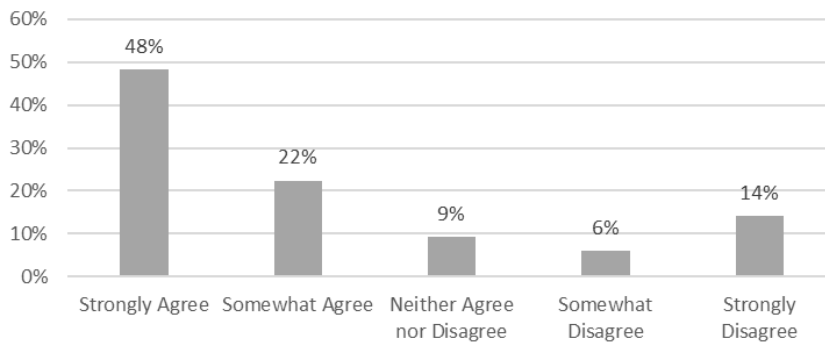




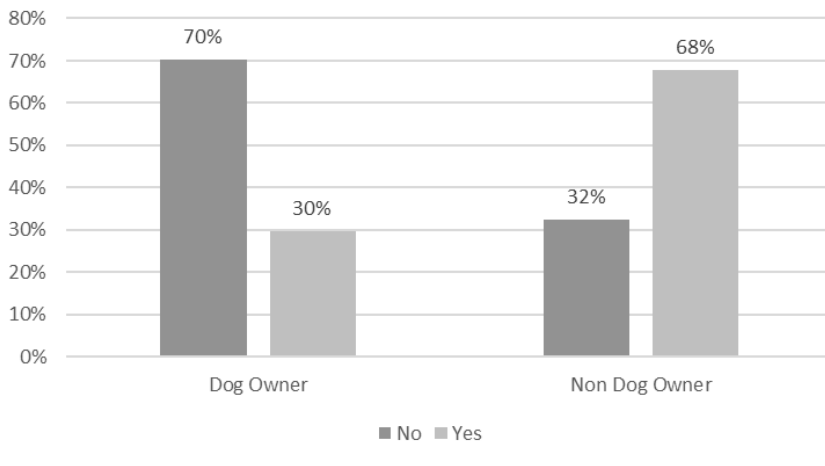




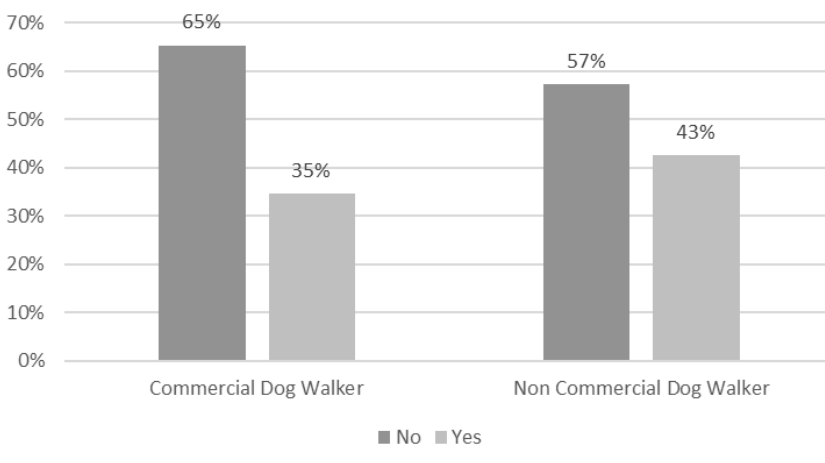
It is important to control the way in which people look after their dogs in shared public spaces: All respondents.

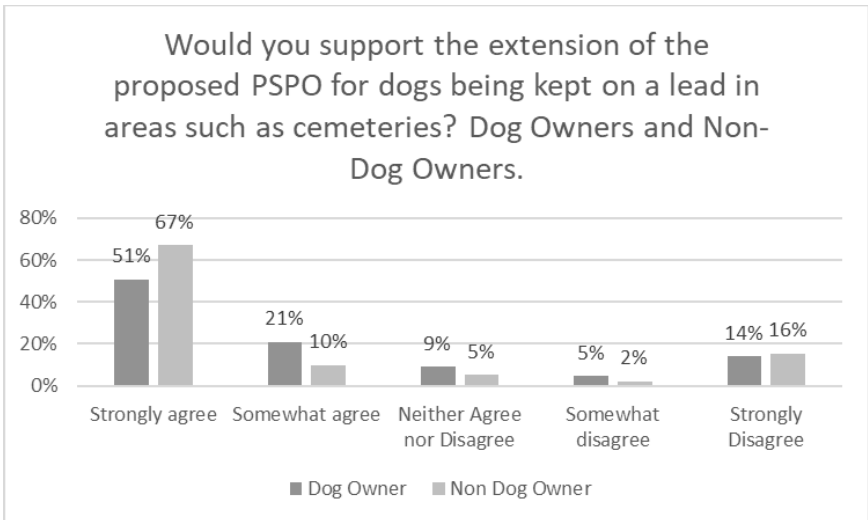
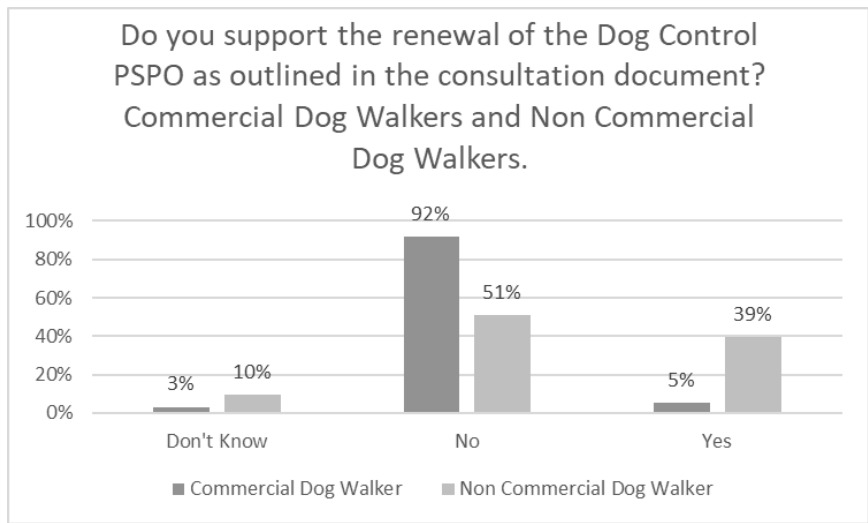
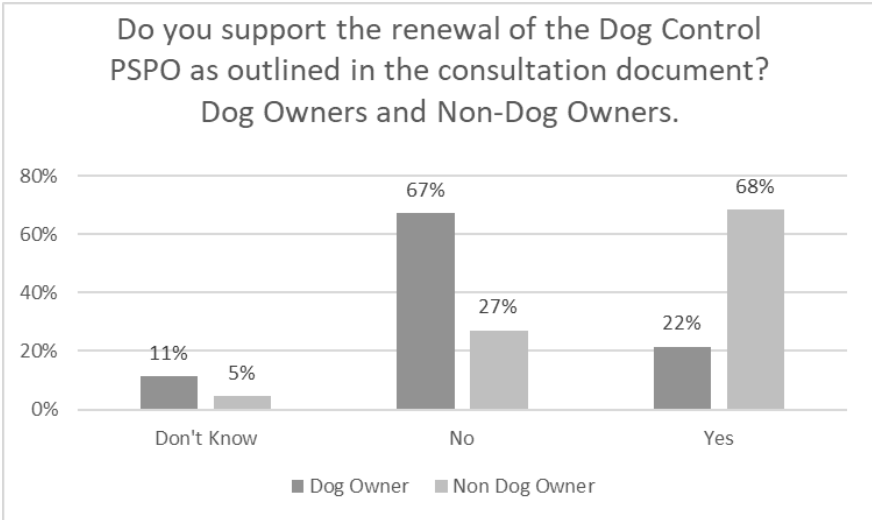


Would, or has, this type of behaviour impacted your enjoyment of the public space? Dog Owners and Non-Dog Owners.

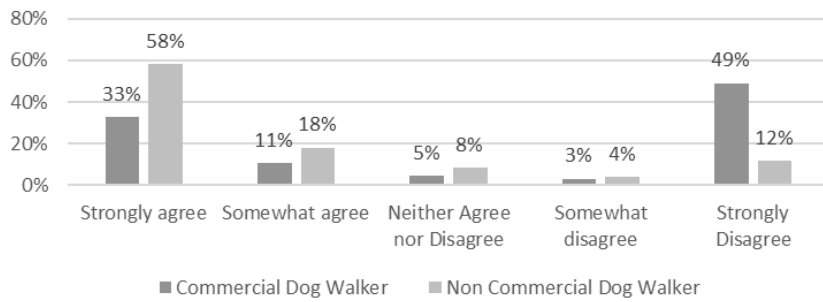


Would, or has, this type of behaviour impacted your enjoyment of the public space? Commercial Dog Walkers and Non Commercial Dog Walkers.

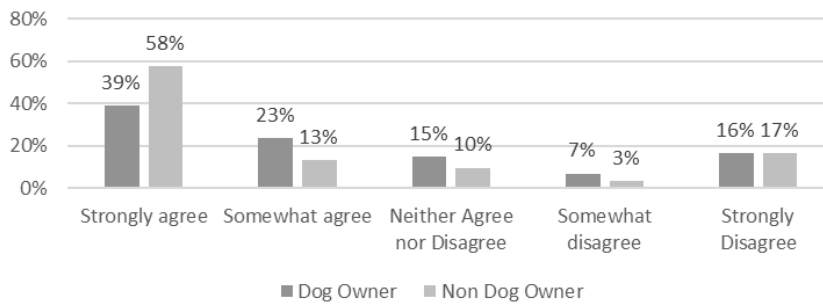




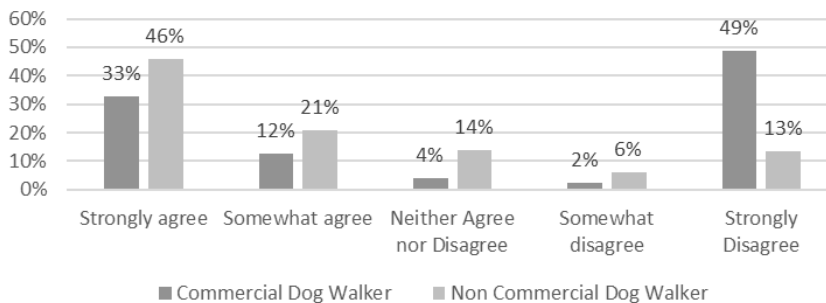
Would you support the extension of the proposed PSPO for dogs being kept on a lead in areas such as cemeteries? Commercial Dog Walkers and Non Commercial Dog Walkers.



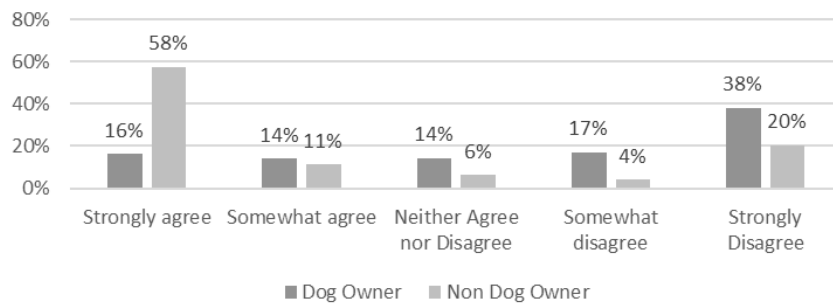
Would you support the extension of the proposed PSPO for dogs being kept on a lead in areas such as allotments? Dog Owners and Non-Dog Owners.



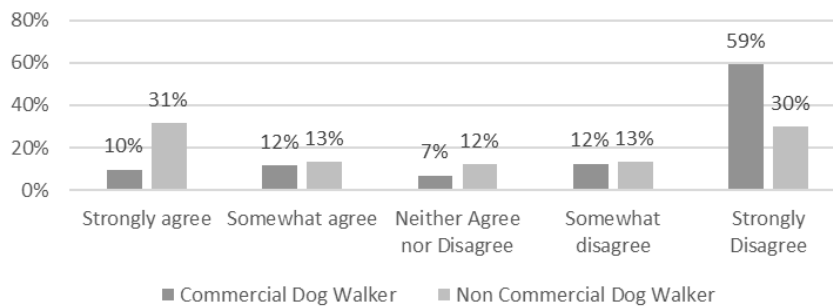
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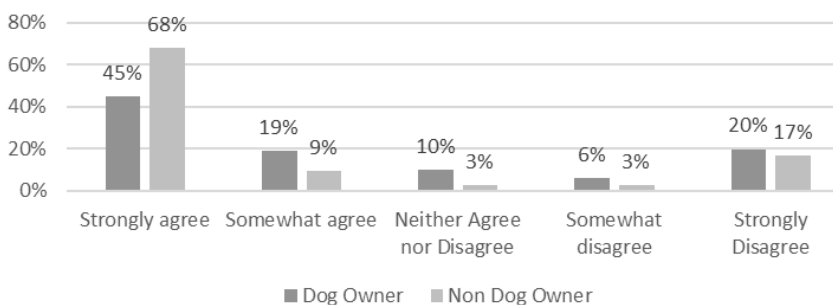
Would you support the extension of the proposed PSPO for dogs being kept on a lead in areas such as water bodies? Dog Owners and Non-Dog Owners.



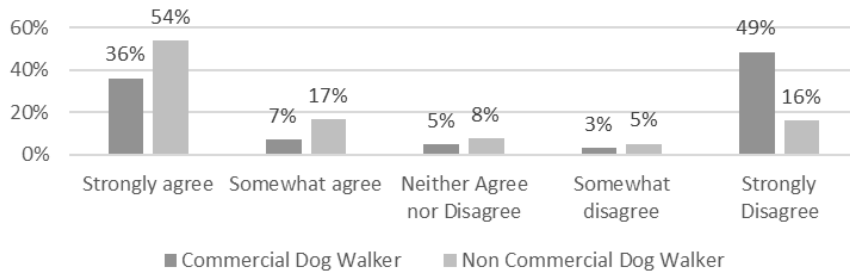
Would you support the extension of the proposed PSPO for dogs being kept on a lead in areas such as water bodies? Commercial Dog Walkers and Non Commercial Dog Walkers.



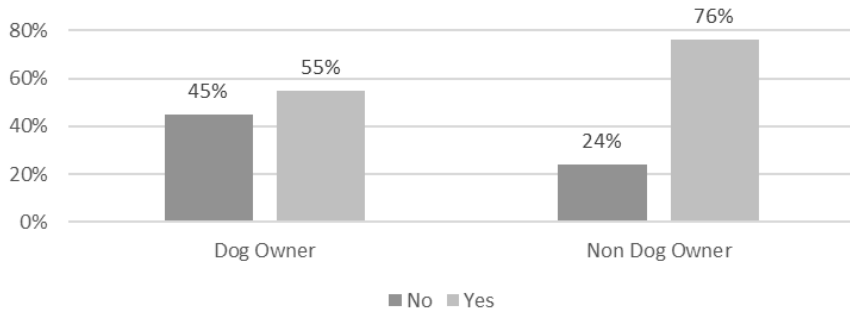
Would you support the extension of the proposed PSPO for dogs being kept on a lead in areas such as all public highways and car parks? Dog Owners and Non-Dog Owners.



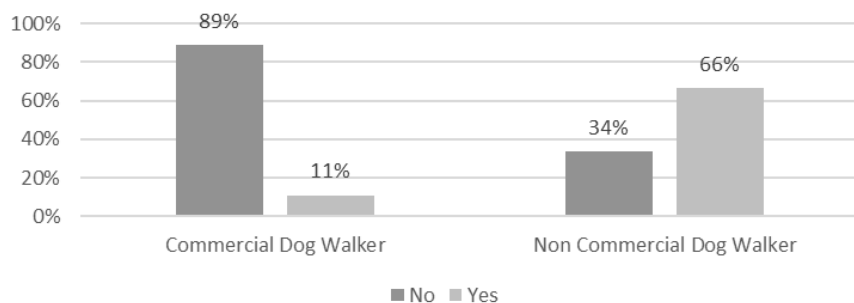
Would you support the extension of the proposed PSPO for dogs being kept on a lead in areas such as all public highways and car parks?
Commercial Dog Walkers and Non Commercial Dog Walkers.



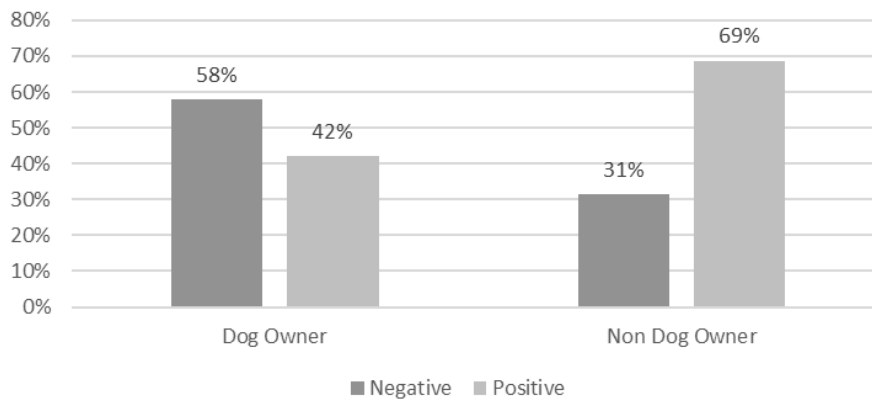
Do you support the proposal to restrict the number of dogs that can be handled by any one person to 4 dogs on leads? Dog Owners and Non-Dog Owners.



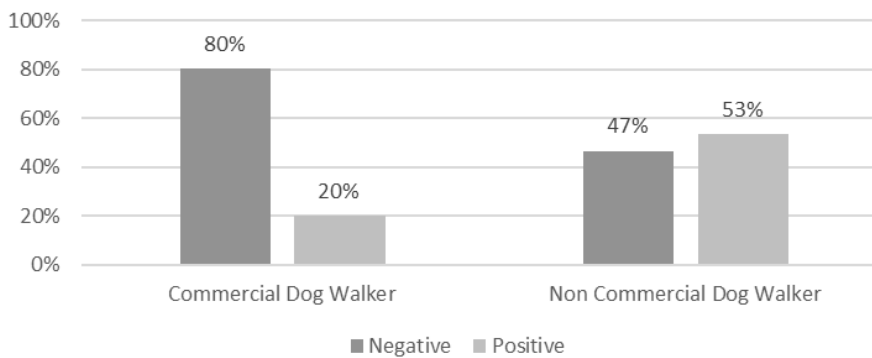
Do you support the proposal to restrict the number of dogs that can be handled by any one person to 4 dogs on leads? Commercial Dog Walkers and Non Commercial Dog Walkers.



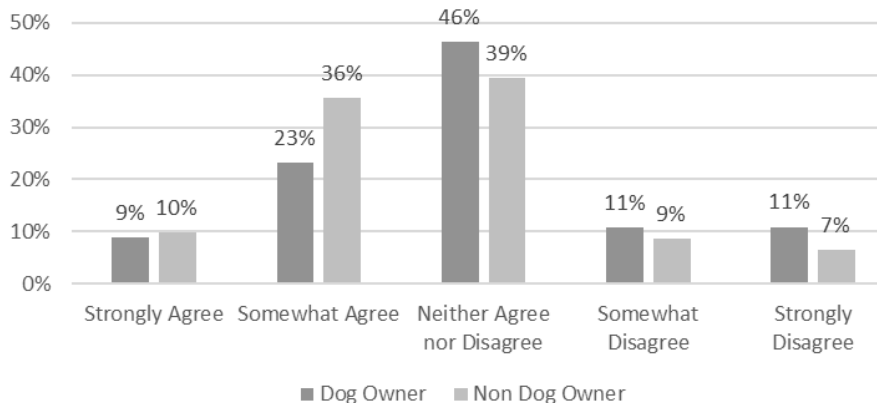
What impact has the current Dog Control PSPO had on you? Dog Owners and Non-Dog Owners.



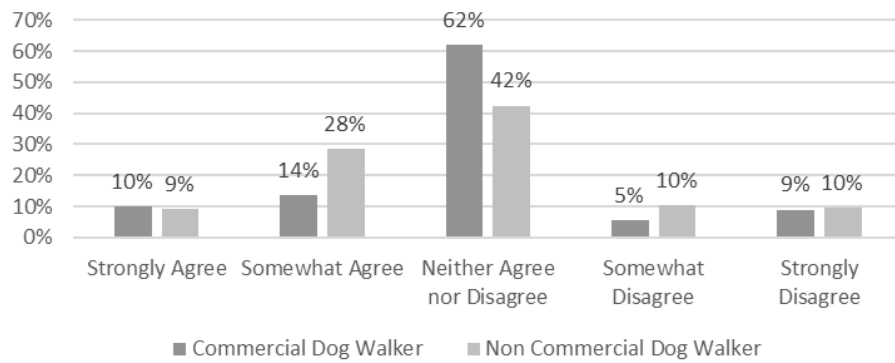
What impact has the current Dog Control PSPO had on you? Commercial Dog Walkers and Non Commercial Dog Walkers.



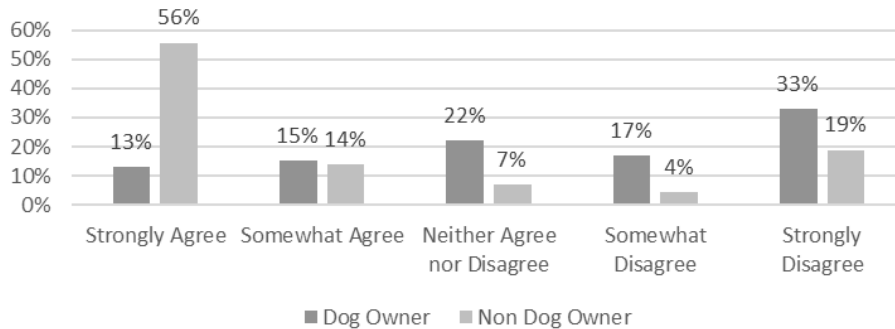
The current Dog Control PSPO has been effective: Dog Owners and Non-Dog Owners.



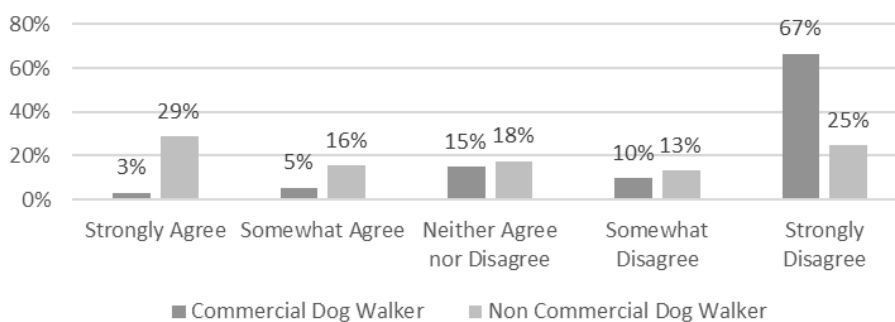
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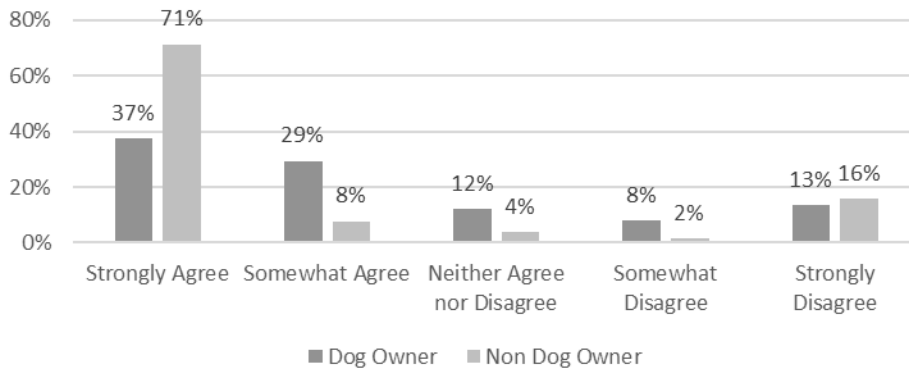
If the PSPO is not renewed, the problems
associated with dogs in public place will lead to
bad behaviour: Dog Owners and Non-Dog
Owners.



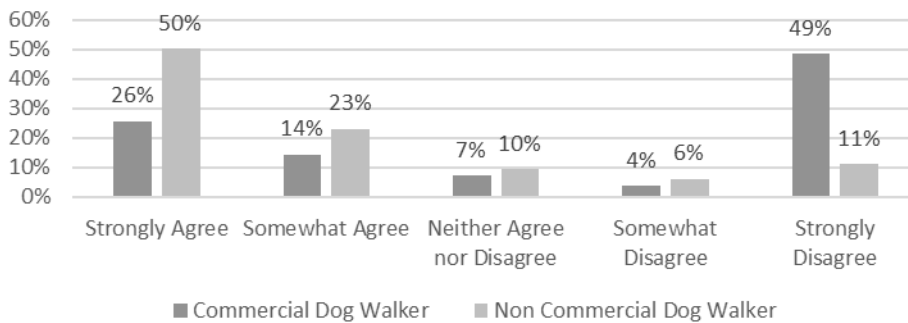
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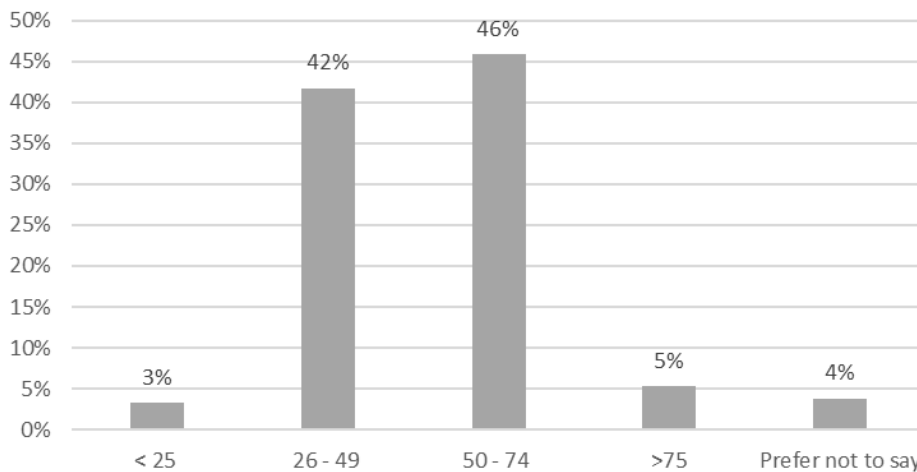
It is important to control the way in which people look after their dogs in shared public spaces: Dog Owners and Non-Dog Owners.

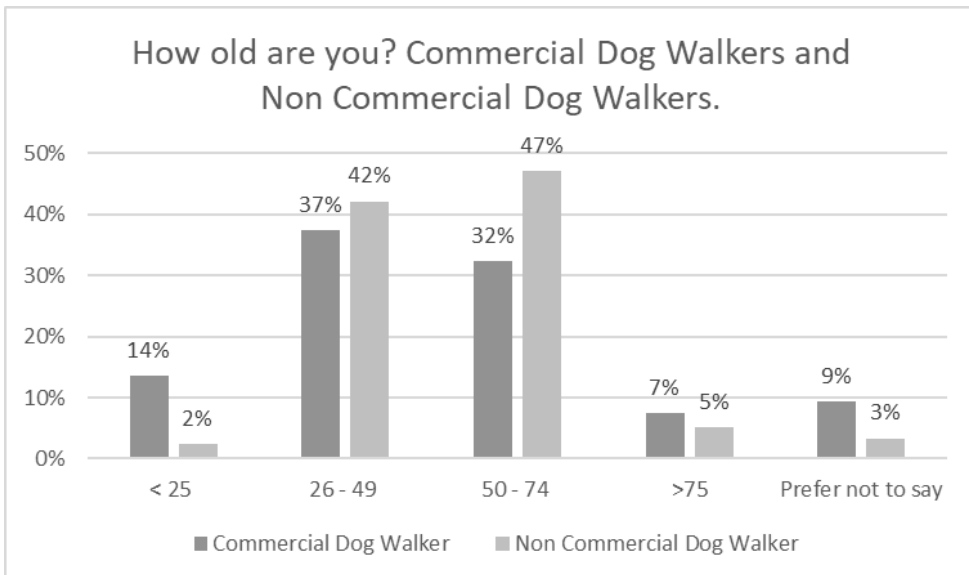
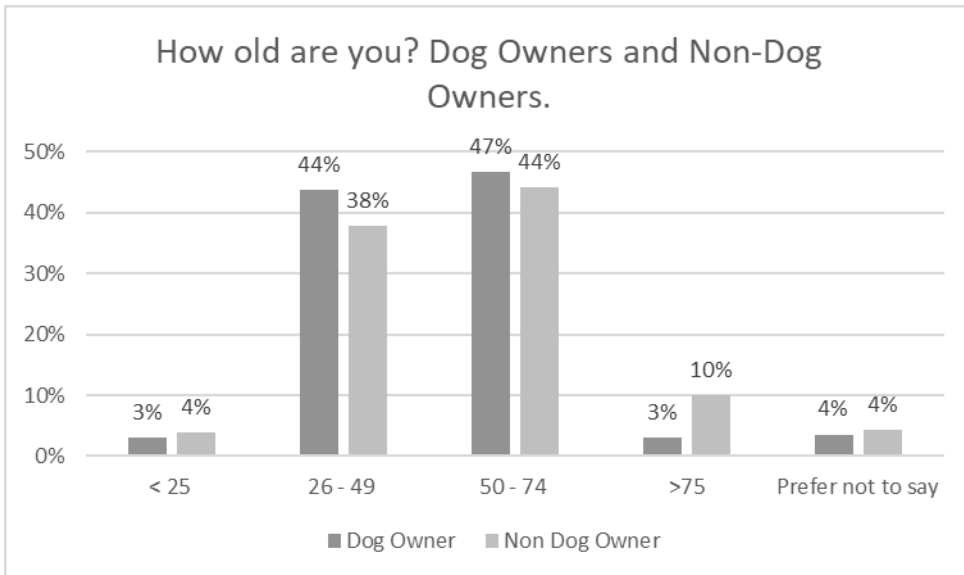


It is important to control the way in which people look after their dogs in shared public spaces: Commercial Dog Walkers and Non Commercial Dog Walkers.

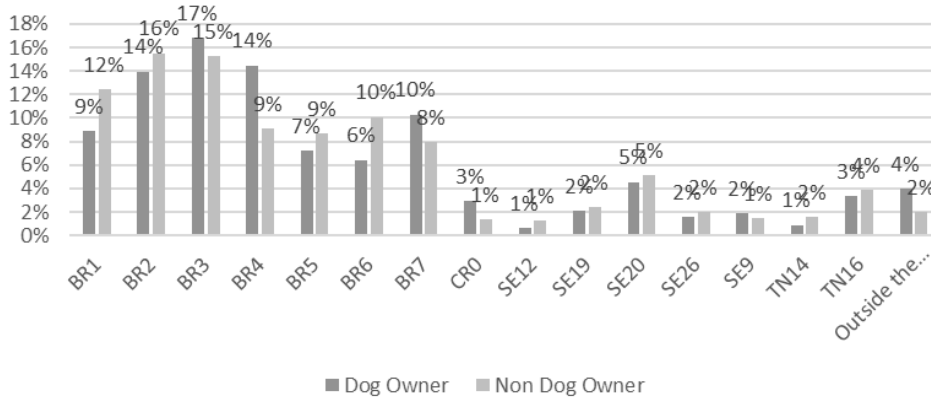


How old are you? All respondents.

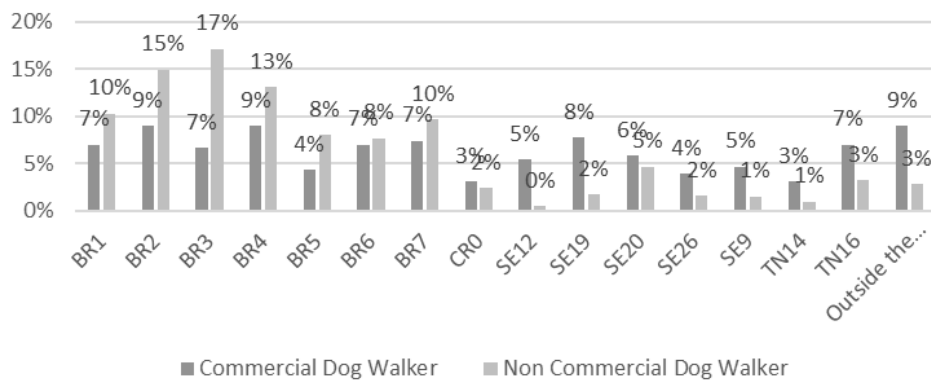




Where do you live or where is your organisation/business located? Dog Owners and Non-Dog Owners.



Where do you live or where is your organisation/business located? Commercial Dog Walkers and Non Commercial Dog Walkers.



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Professional Dog Walkers' Guidelines

Endorsed by:





PET INDUSTRY FEDERATION



Professional Dog Walkers' Guidelines

This document has been prepared in the best interests of animal welfare and to assist those involved with professional dog walking. It is based on good practice and can help professional dog walkers meet the requirements of the Animal Welfare Act 2006 which covers England and Wales. It is essential that professional dog walkers are aware of this Act and are compliant with other relevant pieces of legislation as well as local council laws and bylaws relating to dog walking. In some areas a licence will be required.

These guidelines are intended as general information only about potentially relevant law, welfare and behaviour, and other issues. Nothing in this guide is intended to constitute legal advice. If you want to know how to meet your legal requirements as a professional dog walker, you should consult a qualified legal professional for specific advice in your circumstances. No liability rests with contributing bodies for any circumstances arising out of the application of the information contained within the document.

The groups consulted included:

Dogs Trust

Pet Industry Federation

RSPCA

Tailster

Introduction

Professional dog walking is becoming an increasingly common service due to the changing habits of the general population and a heightened awareness of animal welfare. This document aims to provide guidelines that professional dog walkers should conform to, ensuring standards of welfare for the dog, respect for the environment and peace of mind for the owner.

The Animal Welfare Act sets the minimum standard required in relation to the welfare of animals.

Animal Welfare Act 2006

As domesticated animals, dogs are protected under the Act. The law says an owner of a dog is always regarded as responsible for him/her. A dog walker is also identified as being responsible for it - whilst he/she is in charge of the dog. So, a dog walker has legal responsibilities and can also be held criminally liable under the Act.



There is a range of current relevant regulations and legislation which a professional dog walker may find relevant:

- **Animal Welfare Act 2006** ²
- **Antisocial Behaviour, Crime and Policing Act 2014**
- **The Control of Dogs Order 1992**
- **Countryside & Right of Way Act 2000**
- **Dangerous Dogs Act 1991**
- **The Dangerous Dogs (Amendment) Act 1997**
- **Dogs (Fouling of Land) Act 1996**
- **Dog Fouling - Clean Neighbourhoods and Environment Act 2005**
- **Dogs Protection of Livestock Act 1953**
- **Environmental Protection Act 1990**
- **Health and Safety (First-Aid) Regulations 1981**
- **Health and Safety at Work Act 1974**
- **Management of Health and Safety at Work Regulations 1999**
- **The Microchipping of Dogs (England) Regulations 2015**
- **The Microchipping of Dogs (Wales) Regulations 2015**
- **Personal Protective Equipment at Work Regulations 1992**
- **Regulation on the protection of animals during transport (EC) 1/2005**
- **Welfare of Animals (Transport)(England) Order 2006**
- **Workplace (Health, Safety and Welfare) Regulations 1992**

²This act and the subsequent information in this document applies to England and Wales only. There are separate, but similar legislation that covers Scotland (the Animal Health and Welfare (Scotland) Act 2006) and also Northern Ireland (the Welfare of Animals Act (Northern Ireland) 2011). It is strongly recommended that professional dog walkers are aware and fully understand the legislation within their own jurisdiction.

These guidelines have been divided into three sections to cover all aspects of dog walking and should provide a clear set of procedures, which all professional dog walkers should follow:

Dog welfare and behaviour

6

Impact on the environment and others

12

Professional conduct

14

Welfare and behaviour
- ensuring **dogs** are
protected





Understanding a dog's individual needs

The dog's physical health and mental wellbeing should be the priority at all times.

Dogs may have individual conditions that will affect their ability to go for walks, as will their age; and all dogs have their own individual personalities and characteristics which will affect how they are walked, who they can be walked with and where they can be walked. This is of particular importance if dogs do not interact well with other dogs, people or other species. Additionally some dogs will become afraid or worried in some situations e.g. with loud noises.

- The dog walker should meet the dog prior to taking them for a walk so that the walker can become familiar with the dog's needs and that a pre-assessment can be made to evaluate their personality and behavioural characteristics.
- The individual needs of the dog should be discussed and agreed with the owner, and the instructions followed, unless they would cause unnecessary suffering to the dog. This discussion should include the timing, knowledge of the dog's training and the cues used and the duration of the walk.
- The dog walker should be familiar with any medical issues for individual dogs. This should include any medication the dog is on, allergies that might be present and the dog's veterinary practice, including contact details.
- Any walks should be planned with consideration of the dog's age, health, behaviour and fitness.
- Any dog that exhibits fearful, anxious or aggressive behaviour towards other dogs or people should be walked independently and on an appropriate lead and lead length at all times. Consideration should be given to avoid walking in areas where meeting other dogs is likely. An appropriate (basket type) well-fitting and secure muzzle which allows panting, drinking, and vomiting might be considered if necessary and with the owner's permission.



Transport

Transporting dogs in vehicles allows an increased variety of walks and interest for the dogs. Dogs can be distracting to the driver and, if loose in a vehicle, can cause accidents. Vehicles are also a source of infection and can result in spread of disease. The interior of vehicles can heat up very quickly, particularly on warm days, and become dangerous to dogs.

- All transport legislation must be followed (Welfare of Animals (Transport)(England) Order 2006).
- Dogs should be transported in vehicles with adequate ventilation and temperature control, with water available.
- Vehicles should be fitted with suitable caging or containment to ensure comfortable and safe transport of the dogs. Restraining with leads or chains must not be used.
- Where more than one dog is transported at the same time, the walker should ensure that the welfare of each dog is safeguarded and that no dog is at risk of injury.
- During extremes of weather consideration should be given to the distance and time travelled in a vehicle and it should be limited, e.g. where a dog is particularly susceptible to heat stroke.
- Dogs should not be left unattended in a vehicle other than for short periods whilst collecting or dropping off. This period should be the absolute minimum time and the vehicle should be locked when unattended.
- All equipment should be capable of being cleaned and be cleaned and disinfected regularly. For example, steam cleaning of upholstery. This is particularly important if there has been an outbreak of disease.



Providing exercise

The equipment used, the way in which the walker interacts with the dogs and how they are walked can have a significant impact on their welfare.

- The dog walker should not conduct any behaviour modification or offer any advice unless they are, in combination, suitably qualified, experienced and knowledgeable. The walker must obtain the owner's express permission.
- The dog walker should not use any equipment which could cause fear, anxiety or distress. For example, electric shock, prong, spray or choke collars.
- The dog walker should check all equipment is well fitting and fit for purpose at the start of each walk.
- The dog walker should not act in any way which would cause fear, anxiety or distress.
- Dog walkers should try to vary the dog's walk to increase interest and stimulation.
- Dog walkers should give full attention at all times to the dog/s under their control.
- Dogs should only be allowed off the lead if prior written permission is obtained from the owner.
- Dogs that are allowed off the lead should be able to be called back to the walker reliably and immediately. If this is not possible, then dogs should be walked on a lead. When dogs are walked on a lead, ideally they should be trained to walk calmly, on a loose lead. The lead should be held in a secure manner, and be maintained at an appropriate length for the situation.
- Bitches in season should be walked in quiet areas and on the lead and walked alone, unless with prior written consent from the owner detailing which dogs the bitch can be walked with.
- Dogs should be provided with adequate fresh water as needed.
- Feeding of treats/food should only be given with prior agreement by the owner.



Group walking

Walking dogs, particularly in groups, results in exposure to infections and disease and not every dog is suitable to be walked with others. Steps should be taken to minimise the risk of disease spreading between animals and to ensure all dogs interact amicably.

- The walker should check that all dogs are vaccinated, wormed and treated for fleas regularly, unless, certified exempt by a veterinary surgeon.
- Dog walkers should be familiar with signs of disease, infection and illness so that dogs showing signs of infectious disease, such as kennel cough, are not walked or socialised with other animals.
- Where dogs are to be walked in pairs or groups, the dog walker should assess each dog's suitability and be assured that each dog will be relaxed and happy during transportation and the walk.
- The maximum number of dogs that can be walked at any one time should not exceed the number stated in the walker's insurance policy and comply with local authority requirements regarding the number of dogs. It is recommended that no more than four dogs are walked at any one time. ALL dogs under a dog walker's care should be reliably under control at all times and transported in accordance with the guidance in this document.
- Dog walkers should ensure they have a lead for each dog.

Returning home

Every effort should be made to ensure the dog is comfortable including towelling down, if appropriate, after the walk.

- Dog walkers should report any concerns about the health, behaviour or welfare of the dog to the client.
- Dog walkers should ensure they securely lock the property when they leave, as instructed by the client.



Lone walking

As a lone worker, dog walkers should take extra precautions to ensure their personal safety. When using a vehicle, full breakdown cover should be in place and any valuables kept out of sight. When walking dogs, walkers should not enter any area where there is a perceived threat and should leave the area if a risk becomes apparent.

- There should be a daily schedule in place documenting where and when pickups, drop offs and walks will take place.
- Dog walkers should carry a charged, mobile phone with them at all times and have emergency numbers on speed dial. Various tracking / locating apps are now available, and it is recommended that dog walkers make use of this new technology.

Emergencies

Unforeseen incidents may happen on walks and it is essential that dog walkers are prepared for this eventuality to maintain the welfare of all dogs in their care.

- Dog walkers should have emergency contact details of all owners accessible at all times.
- Prior written agreement should be made between the owner and dog walker over actions if a dog becomes sick or injured during a walk. This should include the authority to seek veterinary attention and the level of decision-making agreed to by the owner, if the owner is not contactable. It should also be confirmed in which veterinary practice this treatment should take place.
- Dog walkers should own a first aid kit designed for dogs and should keep this in a convenient location (ideally the transport vehicle). The dog walker should be trained in canine first aid.

Dog walking - minimising its impact on the environment, other people and animals.



Impact on the environment

Taking dogs for regular walks is essential for the mental and physical well-being of the animals by providing exercise, stimulation and interest to their daily routine. However walking can impact on the local environment and professional dog walkers should minimise this and show care and respect for the environment whilst also meeting all legal requirements.

Dog waste left in the environment is unhygienic, a health and safety risk for humans and other animals and can cause serious damage to plant and animal communities.

- Dog walkers must pick up faeces from all dogs in their care and ensure this is appropriately sealed and disposed of in suitable dustbins following the Dogs (Fouling of Land) Act 1996.
- Dog walkers should have sufficient poo bags on them at all times for the numbers of dogs they are exercising.

Impact on people

Dog walkers should be aware that some members of the public may feel scared and intimidated by , or dislike dogs . This can particularly be the case around children or if walking groups of dogs .

- Dog walkers should avoid areas that are heavily populated with children e.g. playgrounds. In some cases these areas will be covered by local bylaws preventing access for dogs , which must be followed at all times.
- Dog walkers must follow restrictions on the number of dogs to be walked, for example, in Royal Parks.
- Members of the public should be given right of way at all times and if walking with groups of dogs the dog walker should, wherever possible, avoid bottleneck points and narrow pathways.
- Dog walkers exercising groups of dogs should avoid meeting up with other dog walkers unless they are able to control each and every dog reliably and immediately.

on other animals

Dog walking will be prohibited in certain locations dependent on local bylaws. These might be at certain times of year if this relates to wildlife or tourism.

- Dogs must not be allowed to frighten, threaten or interfere with wildlife.

Dogs must be kept on leads in this environment but could be released in some emergency situations if chased by cattle as dropping the lead may help dogs and walkers to get away .

Professional
Conduct – ensuring
walkers are skilled,
knowledgeable and
competent





Complying with legislation

Professional dog walkers should have the safety, comfort, welfare and security of dogs above commercial interest at all times. Dog walkers should be professional and courteous to members of the public, set good examples of animal welfare and dog walking and comply with the relevant legislation.

As dog walkers are in charge of the dog, they could be found liable for an accident or injury occurring or being caused by the dog whilst in their care. This could result in civil and criminal proceedings by those affected.

- All professional dog walkers should have adequate third party liability insurance, and wherever possible insurance that covers the dog in the walker's custody. Whether the insurance needs to also cover emergency veterinary fees depends on the prior written agreement between the dog walker and dog owner regarding whose responsibility it is to cover veterinary fees in an emergency.
- If a dog under the care of a dog walker is involved in an incident with another dog then the dog walker needs to fully document the incident and inform the owner.

National and local council regulations vary significantly and dog walkers should contact the local council for advice prior to undertaking such activities to ensure they comply with the law.

- Dog walkers must have licences if required by local councils and/or follow local council codes of conduct if present.
- Dog walkers must only walk up to the number of dogs covered by their insurance policy and allowed by the local council authority.
- Dog walkers must keep dogs on a lead in designated areas.
- Dogs must be on a lead on public highways even if the owner has granted permission for the dog to be allowed off lead when in the care of the walker.
- Dog walkers must put dogs on a lead when asked to do so by an authorised officer - this will vary depending on local council bylaws.

It is a legal requirement to have a dog microchipped (unless it has an exemption certificate issued by a veterinary surgeon) and wear a collar and tag with the owner's name and address present, to aid identification if the dog is lost.

- All dogs walked must wear a collar and tag with the dog's owner's name and address. It is recommended this contains the walker's contact details alongside the owner's details.
- The dog walker should check that the dogs in their care are microchipped by checking relevant paperwork and that there is an exemption certificate issued by a veterinary surgeon if not.
- If a dog gets lost, dog walkers should contact the dog's owner and the dog warden immediately.
- Dog walkers should ensure dogs are never left unattended in public places.

Training of Dog Walkers

All dog walkers who exercise and handle dogs should be adequately trained to ensure the dog's welfare and their safe handling.

- Dog walkers should be suitably trained prior to undertaking dog walking. This should include up-to-date evidence based knowledge of dog behaviour and sound handling abilities.
- Training courses and dog walking certificates of competence are available and should be undertaken. It is recommended that professional dog walkers undertake regular CPD activities to ensure their knowledge is current. Accredited courses are available including the City & Guilds Level 2 Certificate of Competence in Dog Walking.
- Dog walkers should have canine first aid certificates.
- No person under 16 can be in charge of a dog.

Termination of dog walking arrangements

The owner should be given reasonable notice when a dog walking arrangement is to be terminated. It is recommended that dog walkers have a written cancellation policy and clients are made aware of this prior to booking.

- If keys were provided, appropriate arrangements should be made with the owner for them to be returned in person.
- All of the dog's belongings, such as leads and coats, should be returned.



Pet Industry Federation

Unit A, Bedford Business Centre
170 Mile Road
Bedford
MK429TW

info@petfederation.co.uk
Tel: 01234 273933

*For further details about each organisation,
please visit their individual websites*

www.cfsg.org.uk
www.rspca.org.uk
www.dogstrust.org.uk
www.petfederation.co.uk

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LONDON BOROUGH OF BROMLEY

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

LONDON BOROUGH OF BROMLEY PUBLIC SPACES PROTECTION ORDER 2023 (DOG CONTROL)

The Council of the London Borough of Bromley (in this Order called “the Council”) hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

The Order may be cited as the “London Borough of Bromley Public Spaces Protection Order 2023 (Dog Control)”.

This Order is made on xx xxx 2023 and shall have effect for a period of 3 years thereafter, unless extended, varied or discharged by further order(s) under the Council’s statutory powers. This Order can be extended pursuant to Section 60 of the Act.

In this Order the following definitions apply:

“**Person in Charge**” means the person who has the dog in their possession, care or company at the time the offence is committed or, if none, the owner or person who habitually has the dog in their possession.

“**Proper Control**” means a dog being on a lead or muzzled if the dog requires it, or otherwise being at heel/close enough to the person in charge that it can be restrained if necessary or responding immediately to voice commands.

“**Public Place**” means any place in the administrative area of the Council to which the public or any section of the public has access on payment or otherwise, as of right or by virtue of express or implied permission. The administrative area of the Council is the land edged red in Schedule 1.

“**Restricted Area**” means the land described and/or shown in the map in Schedule 1 to this order. “**Authorised Person**” means a police officer, PCSO, Council officer, and persons authorised by the Council to enforce this Order.

“**Assistance Dog**” means a dog that is trained to aid or assist a disabled person.

Article 1 – Dog Fouling

4. If within the Restricted area (defined in Map 1, Schedule 1), a dog defecates, in any Public Place, at any time, the person who is in charge of the dog at the time must remove the faeces forthwith, unless –

- a. They have a reasonable excuse for failing to do so; or
- b. The owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to their failing to do so.

5. For the purposes of this Article –

- a. Placing the faeces in a receptacle in the restricted area which is provided for the purpose, or for the disposal of litter or waste, shall be a sufficient removal from the Public Place;
- b. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for, or other suitable means of, removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

6. This part of the Order applies to all Public Places in the administrative area of the Council (as detailed in Schedule 1).

2 Article 2 – Dogs on leads by direction

5. A person in charge of a dog, at any time, within the Restricted area (defined in Map 1, Schedule 1), must comply with a direction given to them by an Authorised Person to put and keep the dog on a lead for such period and/or in such circumstances as directed by that person, unless they can show that:

- a. They have a reasonable excuse for failing to do so; or
- b. The owner, occupier or other person or authority having control of the Public Place in question has consented (generally or specifically) to their failing to do so.

6. For these purposes, a 'lead' means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person's close control.

7. This part of the Order applies to all Public Places in the administrative area of the Council (as detailed in Schedule 1).

8. An Authorised Person may only give a direction under this Article if such restraint is considered by that person to be reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or other animal.

Article 3 – Dog exclusion areas

2. A person in charge of a dog must not, at any time, take that dog onto, or permit a dog to enter or to remain on, any Public Place detailed in Schedule 2 unless:

- a. They have a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

Article 4 – Dogs on lead areas

4. A person in charge of a dog in any Public Place detailed in Schedule 3 must keep that dog on a lead, unless they can show that:

- a. They have a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

5. For these purposes, a 'lead' means any rope, cord, leash or similar item used to tether, control or restrain a dog, but does not include any such item which is not actively being used as a means of restraint so that the dog remains under a person's close control.

6. This part of the Order applies to the areas listed in Schedule 3.

Article 5 – Dog handlers – Maximum 4 dogs

3. A person in charge of more than three dog shall be guilty of an offence if at any time, they take onto any Public Place in respect of which this Article applies, more than three dogs, unless they can show that:

- a. They have a reasonable excuse for doing so; or
- b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so; or
- c. They have a licence issued by the Council permitting them to be in charge of no more than four dogs.

For the purposes of this article, a person who has a dog in their possession shall be taken to be in

charge of the dog(s).

4. This part of the Order applies to all Public Places in the administrative area of the Council (Schedule 1).

Article 6 – Dogs to be kept under proper control – Dogs on a lead

2. A person in charge of a dog in the restricted area shall be guilty of an offence if their dog is not kept under Proper Control.

*

Exemptions

Nothing in this Order shall apply to a dog being used by the police, contractors or agencies permitted by the Council for official purposes, or a person who:

- a) Is registered as a blind person on a register compiled under Section 29 of the National Assistance Act 1948; or
- b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance; or
- c) Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any prescribed charity registered in the UK with a purpose of training assistance dogs and upon which they rely for assistance.
- d) Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

Offence and Penalty

It is an offence under Section 67 of the Act for a person without reasonable excuse, (i) to do anything that they are prohibited from doing under the Order or (ii) to fail to comply with a requirement which they are subject to under the Order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale. In the alternative, that person may be issued with a fixed penalty notice in the sum of £100. If the fixed penalty notice is paid within 10 days, a discounted sum will be payable of £80.

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this Order on two grounds, (1) that the Council does not have the power to make the Order or to include particular prohibitions or requirements; or (ii) that one of the requirements of the legislation has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

The **COMMON SEAL** of the
LONDON BOROUGH OF BROMLEY

was hereunto affixed in the presence of:

Authorised Signatory

Date: xx xxxxx 2023

Schedule 1

Article 1 – Dog Fouling

Article 2 – Dogs on leads by direction

Article 5 – Dog handlers – maximum 4 dogs

This part of the order applies to all Public Places in the administrative area of the Council, as illustrated by the map below.

Map 1. London Borough of Bromley:



Schedule 2

Article 3 – Dog exclusion areas Land designated by description:

Equipped playgrounds

Alexandra Recreation Ground, Alexandra Road, Penge
Betts Park, Croydon Road, Penge
Biggin Hill Recreation Ground, Church Road, Biggin Hill
Blake Recreation Ground, Pine Avenue, West Wickham
Burham Close Play Area, Burham Close, Penge
Cator Park, Aldersmead Road, Beckenham
Charterhouse Green, Charterhouse Road, Orpington
Chelsfield Open Space, Skibbs Lane, Chelsfield
Chislehurst Recreation Ground, Empress Drive, Chislehurst
Church House Gardens Recreation Ground, Church Road, Bromley
Churchfields Recreation Ground, Playground Close, Elmers End
Coney Hall Recreation Ground, Addington Road, West Wickham
Crease Park, Village Way, Beckenham
Croydon Road Recreation Ground, Croydon Road, Beckenham
Crystal Palace Park, Thicket Road, Penge
Cudham Lane North Recreation Ground, Cudham Lane North, Green Street Green
Cudham Lane South Recreation Ground, Cudham Lane South, Cudham
Downe Recreation Ground, High Elms Road, Downe
Edgebury Open Space, Imperial Way, Chislehurst

Eldred Drive Playground, Eldred Drive, St Mary Cray
Elmers End Recreation Ground, Shirley Crescent, Elmers End
Farnborough Hill Open Space, High Street, Farnborough
Farnborough Recreation Ground, Starts Hill, Locksbottom
Glentrammon Recreation Ground, Windsor Drive, Chelsfield
Goddington Park Lower, Berrylands, Orpington
Goddington Park Upper, Goddington Lane (East), Chelsfield
Grassmead Recreation Ground, Dyke Drive, St Mary Cray
Harvington Estate, Eden Park Road, West Wickham
Hoblingwell Wood, Leasons Way, St Pauls Cray
Hollydale Recreation Ground, Lakeside Drive, Keston
Husseywell Open Space, Pickhurst Lane, Hayes
Kelsey Park, Wickham Road, Beckenham
Kings Meadow Open Space, Burnt Ash Lane, Plaistow
Kings Road Park, Kings Road, Biggin Hill
Leamington Avenue Open Space, Southfleet Road, Orpington
Martins Hill, Recreation Road, Shortlands
McAndrews Recreation Ground, Corkscrew Hill, West Wickham
Mottingham Sports Ground, Grove Park Road, Mottingham
Newbury Road Play Area, Bromley
Norman Park, Hayes Lane, Bromley
Oaklands School Play Area, Norheads Lane, Biggin Hill
Old Hill, Green Street Green, Cudham Lane Nrth, Green St Green
Palace Square, Pleydell Avenue, Anerley
Parkfield Recreation Ground, Whitebeam Avenue, Southborough
Penge Recreation Ground, High Street, Penge
Petts Wood Recreation Ground, Eynsford Close, Petts Wood
Pickhurst Recreation Ground, Pickhurst Lane, Hayes
Poverest Park, Footbury Hill Rd, Orpington
Pratts Bottom Open Space, Rushmore Hill, Pratts Bottom
Pratts Bottom Recreation Ground, Broke Farm Drive, Pratts Bottom
Priory Gardens, High Street, Orpington
Ramsden Play Area, Whichling Close, Orpington
Ravensbourne Open Space, Lakes Road, Keston
Richmal Crompton Park, Lower Gravel Road, Bromley
Sandway Park, Sandway, St Mary Cray
Shaftesbury Park, Valeswood Road, Downham
Southborough Open Space, Oxhath Crescent, Bromley
St Mary Cray Recreation Ground, Park Road, St Mary Cray
St Pauls Cray Recreation Ground, Main Road,
St Pauls Cray Tillingbourne Green, Orpington
Tubbenden Lane Open Space, Tubbenden Lane, Orpington
Turpington Lane Open Space, Rayfield Close, Bromley
Wharton Road Play Area, Bromley
Whitehall Recreation Ground, Blenheim Road, Bromley
Widmore Recreation Ground, Widmore Road, Bromley
Willett Recreation Ground, Crossway, Petts Wood

Unequipped playgrounds

Beckenham Green, St Georges Road, Beckenham
Riverside Gardens, High Street, St Mary Cray

Sports facilities enclosure sites

Arundel Drive Open Space Arundel Drive Chelsfield – Basketball Court
Betts Park, Croydon Road, Penge – Basketball Court
Biggin Hill Recreation Ground, Church road, Biggin Hill - Basketball Court
Chislehurst Recreation Ground, Empress Drive, Chislehurst – Tennis Courts
Church House Gardens, Church Road, Bromley – Skate Park & Tennis Courts
Churchfields Recreation Ground, Playground Close, Elmers End – Basketball Court
Coney Hall Recreation Ground, Addington Road, West Wickham – Tennis Courts
Croydon Road Recreation Ground, Croydon Road, Beckenham – Tennis Courts

Cudham Lane South Recreation Ground, Cudham Lane South, Cudham – Tennis Court
Farnborough Recreation Ground, Stats Hill, Locksbottom – Tennis Court & Cricket Wicket
Glen trammon Recreation Ground, Windsor Drive, Chelsfield – Basketball Court
Goddington Park, Goddington Lane (East), Orpington – Basketball Court & Tennis Court
Hoblingwell Wood, Leasons Way, St Pauls Cray – Basketball Court & Learn to Ride Facility
Mottingham Sports Ground, Grove Park Road, Mottingham – Basketball Court
Norman Park, Hayes Lane, Bromley – Athletics Track
Penge Recreation Ground, High Street, Penge – Basketball Court
Poverest Park, Footbury Hill Road, Orpington – Basketball Court & Tennis Court
Sandway Park, Sandway Road, St. Mary Cray – Basketball Court
Sparrows Den, Corkscrew Hill, West Wickham – Golf Course
Walsingham Linear Park, Chipperfield Road, St Pauls Cray – Tarmac Sports Area
Willett Recreation Ground, Crossway, Petts Wood – Tennis Courts

*Areas detailed as Basketball Court may relate to Multi Use Gaming Areas

Paddling pools

Alexandra Recreation Ground, Alexandra Road, Penge
Croydon Road Recreation Ground, Croydon Road, Beckenham

Boating pond

Riverside Gardens, Kent Road, St Mary Cray

Recreation grounds (complete area)

Queens Gardens, Kentish Way, Bromley

Recreation grounds (restricted areas)

Alexandra Recreation Ground, Alexandra Road, Penge – Picnic Area
Church House Gardens Recreation Ground, Church Road, Bromley
Jubilee Park, Thornet Wood, Petts Wood – Picnic Area
Kelsey Park Recreation Ground, Stone Park Avenue, Beckenham – Picnic Area
Penge Recreation Ground, High Street, Penge - Swings
Priory Gardens, High Street, Orpington – Grassed area between Formal Garden and Ponds
Whitehall Recreation Ground, Blenheim Road, Bromley – Conservation Pond & Community Orchard
Widmore Recreation Ground, Widmore Road, Bromley

Waterbodies (Incl. natural lakes and built ponds)

Betts Park Canal
Bromley Palace Gardens
Church House Gardens
Crystal Palace Park
Glassmill Pond
Hollydale Recreation Ground
Husseywell Park
Kelsey Park
Keston Ponds
Kingswood Glen
Priory Gardens
Scadbury Nature Reserve
Shaftsbury Park
The Knoll
Watermeadows

Note: Further location details of the Boroughs Parks can be found on the Council's website at:
www.bromley.gov.uk/directory/26/parks-in-bromley

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Appendix E

Q1. Does the new PSPO mean that I must keep my dog on a lead at all times?

A. No, in the majority of parks and greenspaces dogs are allowed off the lead for exercise. The review of the PSPO retains the elements of where dogs are to be kept on leads (e.g. public highways) and introduced certain new areas where restrictions apply (e.g. cemeteries, allotments, waterbodies, café seating areas).

Q2. Why is there a total exclusion of dogs in parks?

A. The PSPO only excludes dogs from those areas where exclusions previously applied, such as childrens playgrounds, enclosed sports facilities (e.g. tennis courts) and certain areas within greenspaces. The Council have not introduced new exclusion measures for entire parks or greenspaces.

Q3. Why has the council decided to restrict the number of dogs that can be handled from 6 to 4?

A. The review has taken into consideration guidance issued by leading authorities on the management of dogs such as the RSPCA and Dogs Trust who have recommended the number of dogs being walked by a person be limited to four at any one time.

Q4. The number of dogs kept on leads is confusing. Can I walk six altogether and allow two of them off the lead at any time?

A. No. The proposal confirms the maximum number of dogs walked by one person at any one time is four. The restriction covering 2 Dogs to be walked off leash has been removed from the Final Proposed Order meaning that individuals can exercise up to 4 dogs off lead, at any one time.

Q5. Can I let my dog off the lead to run and swim in a pond or lake?

A. No. The original parks Byelaws did not permit disturbance to any animal or waterfowl and from entering certain water bodies. This has been retained in the PSPO.

Q6. What measures will you take to informing the public about how to comply?

A. The Council will be issuing guidance through various media, installing signs, handing out advisory literature and displaying seasonal notices (e.g. ground nesting birds etc).

Q7. Will the Council take seriously the task of enforcement where breaches of the PSPO is taking place?

A. The Council always takes its responsibility for enforcement seriously and will support the implementation of the new PSPO with a relaunch of the Council's Responsible Dog campaign which will form part of the information sharing with increased presence by Council officers/contractors raising awareness of the proposed measures

Q8. Do the Council have any plans to increase the number of poo bins to tackle the problem of fouling?

A. Each case for a request will be treated on its own merits. The Council's position has always been for a dog walker to bag up dog faeces and dispose of it responsibly and the PSPO gives the Council powers to enforce where the walker does not comply.

Q9. How will the Council tackle unsociable behaviour from other dog owners?

A. The majority of open greenspaces remain in use for exercise and wellbeing for all users, whether residents or visitors, dog walkers or non-dog owners. The Council is aware that unsociable behaviour can occur in any place, at anytime, and the proposed PSPO measures which range from educating dog walkers to enforcement action will provide a balanced approach to managing various situations that occur.

Report No.
FSD23039

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO HOLDER**
For Pre-Decision Scrutiny by Public Protection & Enforcement Policy Development and Scrutiny Committee on:

Date: 28th June 2023

Decision Type: Non-Urgent Executive Non-Key

Title: **PROVISIONAL OUTTURN REPORT 2022/23**

Contact Officers: Murad Khan, Head of Finance (Environment, PPE & Corporate Services)
Tel: 020 8313 4015 E-mail: Murad.Khan@bromley.gov.uk

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

Ward: All Wards

1. Reason for report

1.1 This report provides details of the provisional outturn position for 2022/23 for the PPE Portfolio.

2. **RECOMMENDATION(S)**

2.1 **The Public Protection & Enforcement portfolio holder is requested to:**

- i) **Endorse the 2022/23 final outturn position for the Public Protection & Enforcement Portfolio.**

Impact on Vulnerable Adults and Children

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

Corporate Policy

1. Policy Status: Sound financial management
 2. MBEB Priority: To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents
-

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: PPE Portfolio Budgets
 4. Total current budget for this head: £3.65m
 5. Source of funding: Existing revenue budget 2022/23
-

Personnel

1. Number of staff (current and additional): 47.3 Full time equivalent
 2. If from existing staff resources, number of staff hours: Not applicable
-

Legal

1. Legal Requirement: Statutory Requirement: The statutory duties relating to financial reporting are covered within the Local Government Act 1972; the Local Government Finance Act 1998; the 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: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The 2022/23 budget reflects the financial impact of the Council's strategies, service plans etc, which impact on all the Council's customers (including council taxpayers) and users of the services.
-

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 provides the provisional outturn position for the Public Protection & Enforcement Portfolio for 2022/23, which is broken-down in detail in Appendix 1, along with explanatory notes.
- 3.2 The final outturn for the “controllable” element of the Public Protection & Enforcement budget in 2022/23 is a net overspend of £8k compared to the last reported figure of a net overspend of £208k which was based on activity at the end of December 2022.

Carry Forward Requests

- 3.3 On the 5th of July, the Executive will be requested to approve several carry forward requests relating to either unspent grant income, or delays in expenditure where cost pressures will follow through into 2023/24.
- 3.4 Appendix 2 provides a detailed breakdown of all the carry forward requests for the Public Protection & Enforcement Portfolio. Future reports to the Portfolio Holder will be required to approve their release from the 2023/24 Central Contingency.

4. CHIEF OFFICER COMMENTS

- 4.1 The Public Protection and Enforcement service maintained a stable position throughout 2022-23, the key pressure being the Mortuary and Coroners service, which will be reporting a £220k overspend for the year.
- 4.2 The provision of a sustainable mortuary service at an affordable cost in the long term is problematic due to variables in demand and a very limited market with little competition.
- 4.3 Growth has been secured for this service for the forthcoming year however, any high-profile inquests or significant increase in volume of cases could increase the cost of the coroner’s service. There is also still some uncertainty regarding the coroner’s core costs in future years.

5. POLICY IMPLICATIONS

- 5.1 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.’
- 5.2 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.
- 5.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council’s budgetary control and monitoring arrangements.

6. FINANCIAL IMPLICATIONS

- 6.1 A detailed breakdown of the projected outturn by service area is shown in Appendix 1A with explanatory notes in Appendix 1B.
- 6.2 Overall the provisional outturn position for 2022/23 is an overspend of £8k.
- 6.3 Costs attributable to individual services have been classified as “controllable” and “non-controllable” in Appendix 1A. Budget holders have full responsibility for those budgets

classified as “controllable” as any variations relate to those factors over which the budget holder has, in general, direct control. “Non-controllable” budgets are those which are managed outside of individual budget holder’s service and, as such, cannot be directly influenced by the budget holder in the shorter term. These include, for example, building maintenance costs and property rents which are managed by the Property Division but are allocated within individual departmental/portfolio budgets to reflect the full cost of the service.

Non-Applicable Sections:	Legal, Personnel and Procurement Implications
Background Documents: (Access via Contact Officer)	2022/23 Budget Monitoring files in ECS and ECHS 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	479	483	4	1	14	0
161	Emergency Planning	146	148	152	4	2	10	0
548	Mortuary & Coroners Service	603	603	823	220	3	184	0
1,466	Public Protection	1,469	1,471	1,251	-220	4	0	0
2,546	TOTAL CONTROLLABLE	2,645	2,701	2,709	8		208	0
617	TOTAL NON CONTROLLABLE	6	3	3	0		0	0
836	TOTAL EXCLUDED RECHARGES	811	950	950	0		0	0
3,999	PORTFOLIO TOTAL	3,462	3,654	3,662	8		208	0

Reconciliation of Latest Approved Budget

£'000

Original Budget 2022/23

3,462

Carry Forward Requests approved from 2021/22

Central Contingency Adjustments

Electricity budget adjustment

1

Merit Awards (2 EP, 4 CS, 1 PP)

7

8

Other

Provision for agency workers contract savings

-8

Adj to NI budget following reversal of 2022-23 increase in November

-8

Domestic Abuse team moved from CHN services

64

Non-controllable

-3

Excluded Recharges

139

184

Latest Approved Budget for 2022/23

3,654

REASONS FOR VARIATIONS

1. Community Safety Dr £4k

There is a projected overspend of £18k in the costs of the Community Safety & Management Team, partially offset by a small underspend on the Nuisance & ASB Team.

2. Emergency Planning Dr £4k

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

3. Mortuary & Coroners Service Dr £220k

Major renovations to the mortuary facilities at the Princess Royal University Hospital continue 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. Further to this, there has been higher than anticipated demand on the service and higher than expected inflationary increases to service fees.

4. Public protection Cr £220k

There is a significant underspend here due to a couple of key reasons. Firstly, POCA Confiscation orders from court have not been spent in 2022/23, a carry forward request has been made which consists of two confiscation orders that will be used to finance trading standards project work in 23/24, this equates to just over £60k.

Additionally, there was a significant surplus on HMO income, once again a carry forward request has been made to earmark this for HMO License applications costs in 23/24. This equates to a further £78k.

Both the underspends above are the key reasons for the significant improvement in the outturn position for PPE.

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.

PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO C/F REQUESTS

Other Carry Forward Requests

1. POCA confiscation orders from the courts £60,637

The amount allocated to Public Protection & Enforcement has not been spent in 2022-2023. This consists of two confiscation orders that will be used to finance Trading Standards project work in 2023-2024.

2. HMO income £78,000

Surplus generated from the housing in multiple occupancy will be carried forward to reserves and will be used in 2023-2024 for HMO License Applications.

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Report No.
HPR2023/029

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Wednesday 28 June 2023

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

Title: ENFORCEMENT PLAN 2023

Contact Officer: John Stephenson, Enforcement & Appeals Manager
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Assistant Director (Planning)

Ward: (All Wards);

1. Reason for decision/report and options

To review the existing Enforcement Plan and update to reflect the current status, including an additional procedural flowchart.

2. **RECOMMENDATION(S)**

Members are to note the contents of the attached revised Enforcement Plan and flowchart.

3. COMMENTARY

The Enforcement Plan has been reviewed and revised to incorporate more in depth procedural guidance including enforcement action in relation to protected trees within the borough and the role of Building Control in relation to unauthorised work or where there is concern over safety.

Non-Applicable Headings:	Impact on vulnerable adults and children Transformation/policy implications Financial implications Personnel implications Legal implications Procurement implications Property implications Carbon reduction/social value implications Impact on the local economy Impact on health and wellbeing Customer impact Ward Councillors views
Background Documents: (Access via Contact Officer)	Existing Enforcement Policy

INTRODUCTION

A breach of planning control is defined in Section 171A of the Town and Country Planning Act 1990 as:

- ***The carrying out of development without the required planning permission; or***
- ***Failing to comply with any condition or limitation subject to which planning permission has been granted.***

Local planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative areas.

The borough of Bromley is the largest in London by area and occupies 59 square miles of which the majority is Metropolitan Green Belt land and is perhaps the most rural. There are 47 conservation areas in Bromley, designated because of their special architectural or historic interest.

The enforcement of planning control is very important to the borough in order to:

- Investigate all alleged breaches of planning control including, unauthorised development, changes of use, non-compliance with conditions, unauthorised works on trees within conservation areas and protected trees (TPO), untidy sites and control of advertisements.
- Remedy the unacceptable harmful effects of any identified breaches of planning control and consider further action.

- Help protect the credibility of the planning system, and to ensure fairness for those who do adhere to planning controls.
- Ensure that works and uses are carried out in compliance with planning permissions and conditions unless variations are properly justified on planning grounds.
- Ensure the adopted planning policies applicable to this borough are properly implemented.
- Assess valid high hedge cases where complaint criteria are met and where required, issue remedial notices to achieve justified outcomes.

It is an important principle of the planning system of this country that the use of formal planning enforcement action is a **discretionary power of the Council** that, in most cases, is only justified to remedy a harm caused by a breaches of planning control.

The present enforcement regime dates from around 1990 and its evolution over the past 30 years provides the context for the current system. Significant improvements to the enforcement system were made following the Carnwath Report on Enforcing Planning Control (1989). Subsequently legislation, including the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991, introduced additional measures such as Planning Contravention Notices and Breach of Condition Notices to deal with breaches of planning control more effectively.

The National Planning Policy Framework (NPPF) (paragraph 59) provides policy guidance stating that:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the

implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

It should also be noted that, other than in respect of works to a listed building, the felling or pruning of preserved trees or the display of a sign or advertisement, it is not illegal to carry out works without the benefit of planning permission or other related consents.

Works carried out without the benefit of planning permission are termed as being “unauthorised”. The retention of unauthorised works only becomes illegal if such works are retained in contravention of an Enforcement Notice that has come into effect and is not the subject of a current appeal.

INVESTIGATING ALLEGED BREACHES

Not all building works, changes of use, demolitions, advertisement signs or tree works require permission from the Council, as local planning authority. However, when they do, breaches in planning control regulations could include:

- Unauthorised building development
- Unauthorised changes of use
- Non-compliance with plans or conditions
- Protection of listed buildings and Trees in Conservation areas
- Contravention of Tree Preservation Orders (TPO)
- Non-compliance with enforcement notices
- Untidy Sites
- Unlawful advertisements



Enforcement Priorities

The Council should ensure that its resources are used in the most effective manner, and it is common practice to prioritise enforcement cases according to the degree of harm being caused by the breach as follows:

High Priority – unauthorised development that causes immediate irreparable harm in the locality, eg. erection of a building without permission, unauthorised works to a listed building, felling of protected trees, deposit of waste material. Ward Members may wish to call in some enforcement matters that are causing serious harm to their constituents or ward area.



Medium Priority – Unauthorised development that causes some harm to the locality but not to the extent that 'high priority' applies. Examples might include vehicle repairs, erection of domestic extensions or outbuildings, pruning of protected trees, change of use of agricultural buildings or breaches of planning control relating to hours of use.

Low Priority – A full expediency test is carried out on breaches of planning control which may cause little or no harm to the locality. This may also include advertisements, erection of fences or outbuildings or marginally/de-minimis development, in excess of permitted development tolerances or minor variations to approved plans which have no material impact on the amenities of local residents. In some cases in relation to trees on privately owned land, compliance conditions and remedial notices may also not be considered expedient to take any further action.

What we do not investigate:

- Matters relating solely to methods of building construction
- Matters relating to private rights of access, neighbour and boundary disputes
- Land ownership disputes
- Matters relating to the restrictions imposed on property by a covenant
- Health and safety and the behaviour of those working on a development site
- Disturbance to protected wildlife



Time limits for taking enforcement action?

In most cases, development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use).
- Unlimited for felling or destruction of protected trees and within 3 years for summary offences as stated in Section 210 of the Town and Country Planning Act 1990



When a breach of planning regulations is discovered, officers will deal with these according to the following procedures and principles:

Reporting a complaint

Confidentiality of a complainant's identity will be safeguarded at all times

To initiate a planning enforcement investigation, complaints should normally be made in writing by letter, email or via the standard complaints form provided on the Council's website. These should include the identity and address of the writer, the site address at which the alleged breach of planning control has taken place, a short description of what is alleged to be a breach of planning control and what is considered to be the harm caused by it.



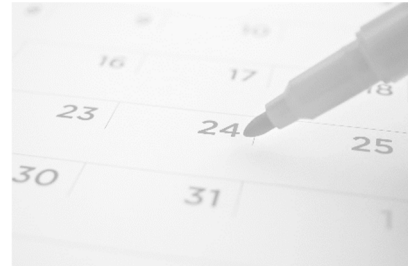
In exceptional circumstances, such as when emergency action is required, or when there is a special reason why writing is difficult or impossible, then investigations can be initiated by a telephone call.

An equal duty exists to the complainant and the alleged contravener to resolve matters fairly and consistently. Planning applications and appeals have clearly defined targets for determination, for example 8 weeks for a planning application. Defining targets for

enforcement cases is less straightforward as there are many variables which are beyond the Council's control. For the process to be transparent and fair to all the following targets may be defined:

Complainant – targets and timescales (see flow chart Appendix 1)

- Complaint acknowledged within 5 working days
- Site visit within 10 working days wherever possible
- Complainants advised of progress at significant stages throughout the process
- Notify complainant when notice issued within 10 working days
- Notify complainant if appeal lodged within 10 working days
- Notify complainant of closed case and reasons why within 10 working days.



Communication with alleged contravener

The usual approach before taking formal enforcement action is for the officer concerned to, fully and openly discuss the circumstances of the breach and where possible resolve any points of difference in all cases.

A Planning Contravention Notice will be issued by legal to assist in the investigation.

A warning will normally be given (including a formal caution of the works carried out are potentially illegal), and a time period to comply with the legislation. In such cases written notices of the breach and the requirements to conform to the legislation will be given before any action is taken. However, this may not be possible if urgent or immediate enforcement action needs to be taken.



Contravener – targets and timescales

- Contact owner/occupier and visit site within 10 working days
- If breach identified, advise owner/occupier of the remedial steps required, timescale and consequences of taking no action within 10 working days of site visit
- If breach accords with planning policies request application for retrospective planning permission to be submitted within 14 days



- If development does not accord with policy allow a reasonable period (at least 14 days dependent on the type of breach) to rectify voluntarily
- Failing the above, seek authority to take appropriate action to rectify breach
- Send letter before action giving prior notice of taking formal action
- Notify offender of proposed course of action.

Outcome of investigation

There are several possible outcomes of an enforcement investigation, which may be summarised as follows:

- No breach identified
- Breach identified but not expedient to take any further action
- Permitted development (planning permission not required)
- Development immune from enforcement action
- Breach remedy achieved
- Retrospective application requested
- Formal enforcement action (serving of a notice)

A range of powers are available when a negotiated resolution cannot be achieved.

- Planning Contravention Notice
- Enforcement Notice
- Breach of Condition Notice
- Untidy Site Notice (S215)
- Advertisement Proceedings
- Prosecution
- Direct Action [charge will be put on land or property]
- Injunction



Failure to comply with a notice

As soon as the compliance period for an Enforcement Notice or a Breach of Conditions Notice has passed, we will carry out further investigations to confirm whether the breach is continuing.

When we believe an Enforcement Notice has been fully complied with, we will confirm this to the owner/occupier of the land, and to anyone who has complained about the

development or activity. Even after compliance, the notice will remain as a charge on the land to prevent any re-occurrence of the breach.

Further negotiations may be needed for full compliance with the notice. If a criminal offence is suspected, the gathering of evidence during a site inspection may have to be carried out under caution. Interviews would be carried out in accordance with the [Police and Criminal Evidence Act 1984](#) (PACE).

A planning breach only becomes a criminal offence when an owner/occupier fails to comply with the requirements of an Enforcement Notice or BCN.

Failure to comply with an Enforcement Notice

We take firm action when the requirements of an Enforcement Notice are not complied with. Such action may involve:

- prosecution of the parties concerned in the local courts – depending upon the availability, nature and strength of evidence
- issuing an injunction through the high court
- direct, or 'default' action – we will seek to recover the costs of such action from the persons responsible for the breach

We usually seek to bring the matter to a successful conclusion as quickly as possible through the action in the courts. When someone is found guilty of failing to comply with an Enforcement Notice, the fine may be:

- a maximum of **£20,000**, if imposed by the Magistrates Court
- **unlimited**, if imposed by the Crown Court

Prosecutions will continue to be brought until the notice has been complied with.

If an appeal against an Enforcement Notice is lodged with the Secretary of State, the outcome of the appeal will be awaited before we take further action. If an appeal has been considered and found in our favour, compliance with the Enforcement Notice requirements will be firmly pursued.

Failure to comply with a BCN

If a BCN has not been complied with, or a breach re-occurs, the party responsible will be asked to state what steps have occurred to secure compliance with the conditions specified in the notice. If no reasonable steps have been taken or any reasonable explanation is not given the council will normally pursue a prosecution.

Failure to comply with a BCN carries a maximum penalty of **£2,500**. A person may be convicted of a second, or subsequent, offence if they are fined but still fail to comply with the notice. It is for anyone charged with this offence to prove that they had a reasonable excuse for failing to comply.

Prosecutions are carried out in the interests of justice and not solely for the purpose of achieving a conviction. Once we have started taking action in court we may not withdraw, even if the breach of planning control is rectified before the case is heard – particularly if we have incurred significant costs. The matter will be considered in the public interest and on legal advice.

Injunction

In the case of a persistent offence involving unauthorised activity, an injunction may be sought through the County Court or High Court. In these circumstances, more severe penalties may be imposed if the offence continues.

Direct or default action

In certain circumstances we will consider taking direct or default action to remedy a planning breach. This may involve the use of contractors to enter a site and physically remove or put right unauthorised building work.

Such circumstances are likely to arise, for example, when there is ongoing non-compliance with an enforcement notice and we consider that the landowner will not resolve the issues. In such cases we will seek to recover our costs, possibly in the form of a charge on the land, which is recoverable at the time of any future sale of the land or property.

Penalty for Trees

There is also [a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order](#), unless dispensed.

Anyone found guilty in the magistrates' court of an offence under [section 210\(4\)](#) is liable to a fine of up to Level 4 (currently £2,500).

Scale of fines for summary offences:

Level 1	£200
Level 2	£500
Level 3	£1,000
Level 4	£2,500



Higher offences:

a maximum of **£20,000**, if imposed by the Magistrates Court and **unlimited**, if imposed by the Crown Court.

The majority of decisions on enforcement matters are made under powers delegated to the Assistant Director or Head of Planning and Development Support or Head of Building Control by this Development Control Committee. A full expediency test is carried out on breaches of planning control which may cause little or no harm to the locality. This may also include advertisements, erection of fences or outbuildings or marginally/de-minimis development in excess of permitted development tolerances or minor variations to approved plans which have no material impact on the amenities of local residents. In some cases in relation to trees on privately owned land, compliance conditions and remedial notices may also not be considered expedient to take any further action.

Building Control

Unauthorised work

Building Control team will investigate alleged unauthorised work or where there is a concern over safety.



However, there are exceptions.

The building control for over half of the building projects in Bromley is provided by private building control companies. These are called Approved Inspectors. The Approved Inspector must serve an Initial Notice to the Council of their intention to carry out the Building Control function.

Approved Inspectors are completely independent to the Council. When there is a valid Initial Notice in place, we have no legal jurisdiction to interfere.

On receiving a complaint about work that is subject to an Initial Notice, we will bring this to the attention of the Approved Inspector and recommend that they schedule a site visit.

Where there is a contravention that the Approved Inspector cannot resolve with the developer, they will revert the work to the Council because they have no enforcement

powers. In this instance, the Initial Notice is thus invalid and Building Control will investigate and take action as required on resolving the contravention.

Dangerous Structures

Reports of dangerous structures are investigated within 1-2 hours. If there is an imminent threat to public safety, emergency work will be undertaken to secure or remove the structure. The cost of such will be recovered from the owner of the building or structure.



Party Wall and boundary disputes

Boundary and party wall disputes fall under civil law, the Council has no jurisdiction. We would direct the complainant to their Party Wall surveyor or the Royal Institution of Chartered Surveyors (RICS) who would be able to give advice.

Site Safety Matters

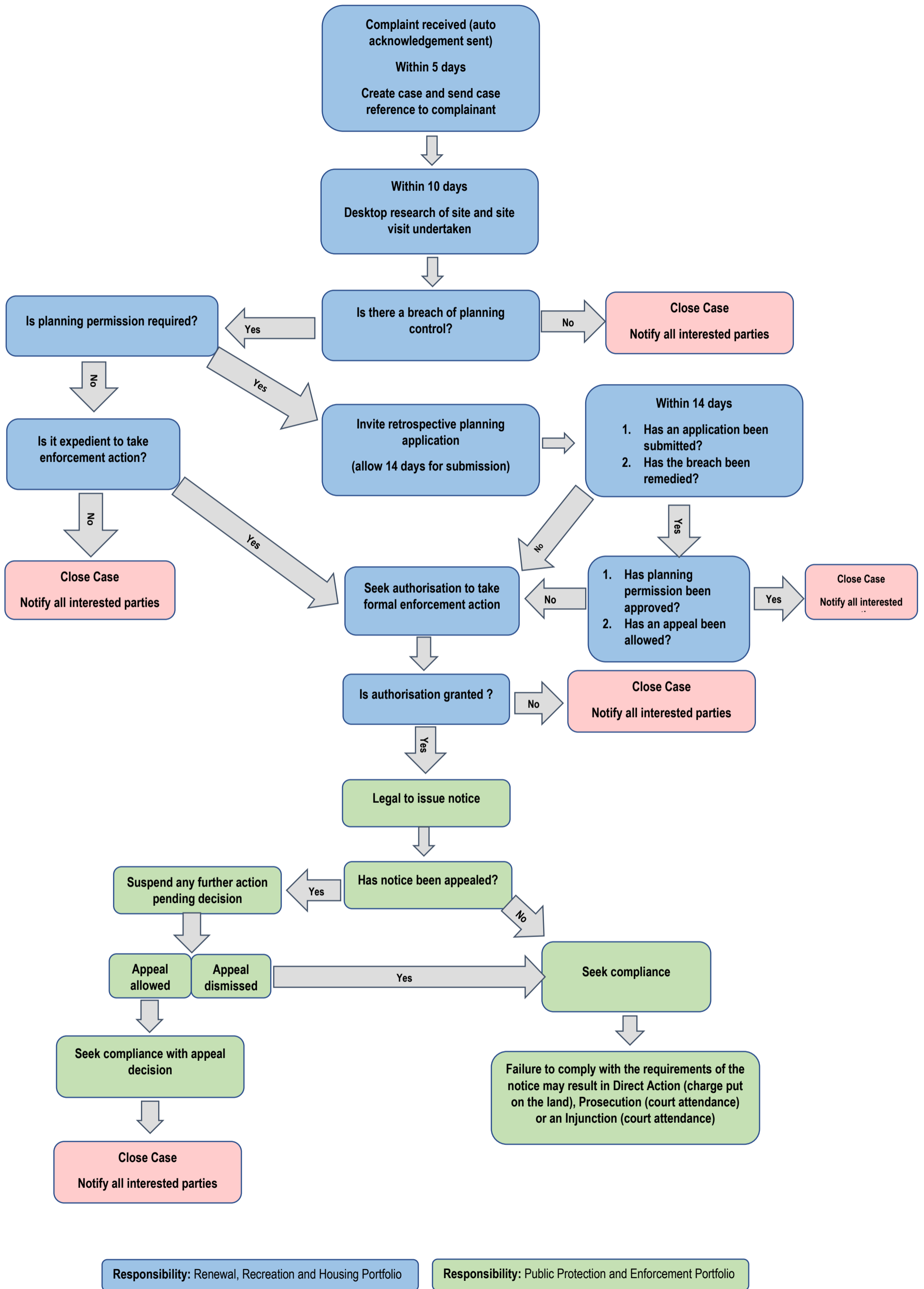
Site health and safety matters fall under the remit of the Health and Safety Executive (HSE) and should be reported directly by the complainant. If the building control is being carried out by the council, we would normally visit the site and raise the concern with the site manager.

Contacts and Further Information

Our service provides a range of supplementary planning guidance, design guidelines, planning and Building Control information and forms. These can be obtained by:

- Calling Planning Investigation team **020 8461 7730**
- Emailing planninginvestigation@bromley.gov.uk
- Calling Telephone Enquiry team **020 8313 4956**
- Looking at our website www.bromley.gov.uk
- By writing to us at: **Planning Investigation, Bromley Civic Centre, Stockwell Close, Bromley, BR1 3UH**
- Trees: trees@bromley.gov.uk for unauthorised tree works to protected trees
www.bromley.gov.uk/trees/report-tree-problem
- Building Control: buildingcontrol@bromley.gov.uk: for unauthorised work and dangerous structures
- www.hse.gov.uk
- www.rics.org/uk
- Public Protection: [Construction or demolition noise – London Borough of Bromley](#)

Planning Investigation and Enforcement Process flowchart



Report No.
ES20286

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

Date: Wednesday 28th June 2023

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 and Public Protection

Ward: All Wards

1. Reason for report

- 1.1 This report presents an extract from May 2023'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 21 April 2023 and presented to ER&C PDS on 15th May 2023.
- 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 May 2023.
- 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: £3.2m
 5. Source of funding: Existing controllable revenue budget for 2023/24
-

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 and is a 'snapshot' at the time of each report – though the CDB itself is always 'live'. The quarterly reporting cycle is based on the Executive, Resources and Contracts PDS timetable with reports for each Portfolio prepared and distributed at the same time. There may be a timelag between the quarterly reporting cycle and the next available date of the relevant Policy, Development and Scrutiny Committee for each Portfolio. Report authors for each Portfolio have the opportunity to provide updates on any contracts through the accompanying Part 2 report.
- 3.4 Each PDS committee is expected to undertake detailed scrutiny of its contracts – including scrutinising suppliers – and hold the Portfolio Holder to account on service quality and procurement arrangements.

Contract Register Summary

- 3.5 The Council has 231 active contracts across all Portfolios as of 21 April 2023 for the May 2023 reporting cycle as set out in Appendix 1.
- 3.6 The summary for the Public Protection and Enforcement Portfolio is as follows:

Item	Category	September 2022	February 2023	May 2023
Total Contracts	£50k+	6	8	8
Concern Flag	Concern Flag	0	0	0
Risk Index	Higher Risk	2	3	2
	Lower Risk	4	5	6
Procurement Status for Contracts approaching end date	Red	0	0	0
	Amber	1	1	0
	Green	4	4	3
	Neutral	1	3	5

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	September 2022	February 2023	May 2023
Contracts (>£50k TCV)	All Portfolios	236	246	231
Flagged as a concern	All Portfolios	0	1	2
Portfolio	Executive, Resources and Contracts	79	88	79
	Adult Care and Health	49	49	47
	Environment and Community Services	20	23	22
	Children, Education and Families	41	45	40
	Renewal and Recreation and Housing	41	38	35
	Public Protection and Enforcement	6	8	8
Risk Index	Higher Risk	73	74	69
	Lower Risk	163	172	162
Procurement Status for Contracts approaching end date	Red	0	1	2
	Amber	23	18	11
	Green	72	78	73
	Neutral	141	149	145

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.

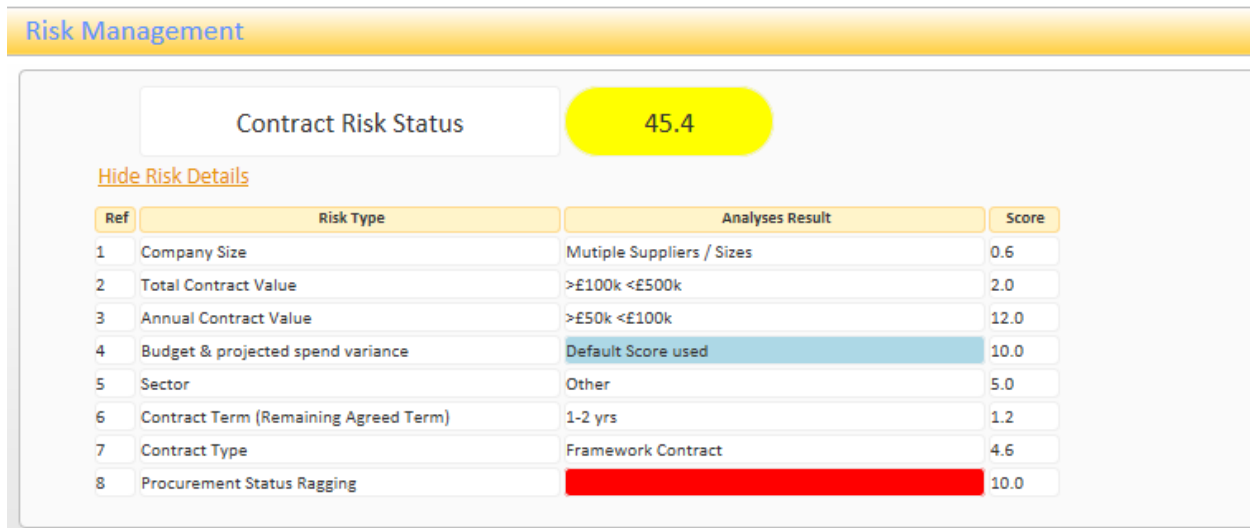
Register Category	Explanation
Risk Index	Colour-Ranking system reflecting eight automatically scored and weighted criteria providing a score (out of 100) reflecting the contract's intrinsic risk – reported as either Higher Risk or Lower Risk
Contract ID	Unique reference used in contract authorisations
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.

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

May 2023

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		
Higher Risk	4859	Robert Vale	Colin Brand	CCTV Monitoring	Enigma CCTV Ltd	Public Protection and Enforcement	1,441,000	288,200	345,000	■	01/04/2019	31/03/2024	60		
Higher Risk	4858	Robert Vale	Colin Brand	CCTV Repair and Maintenance Contract	Tyco Fire & Intergrated Soutlion (UK) Ltd	Public Protection and Enforcement	691,081	135,573	156,170	■	01/04/2019	31/03/2024	60		
Lower Risk	6336	Louise Watkinson	Colin Brand	** Now Live ** Environmental Consultancy Agreement – South Derbyshire District Council and The London Borough of Bromley	South Derbyshire District Council	Public Protection and Enforcement	88,000	88,000		■	01/02/2023	31/12/2023	10		
Lower Risk	4941	Louise Watkinson	Colin Brand	Mortuary Contract	Princess Royal University Hospital Mortuary via Kings College Hospital NHS Foundation Trust (with LB Bexley)	Public Protection and Enforcement	1,011,000	180,000	295,960		01/10/2019	30/09/2025	72		
Lower Risk	6374	Sarah Newman	Sarah Newman	** Now Live ** Domestic Abuse Services For Victim Survivors	Bromley & Croydon Women's Aid	Public Protection and Enforcement	467,686	233,843			01/04/2023	31/03/2025	24		
Lower Risk	3799	Louise Watkinson	Colin Brand	Coroners Service	London Borough of Croydon	Public Protection and Enforcement	448,640	224,320			01/04/1966	31/08/2029	762		
Lower Risk	6276	Louise Watkinson	Colin Brand	Idox - Public Protection Department	Idox Software Ltd	Public Protection and Enforcement	248,619	138,993	54,810		01/06/2022	31/05/2025	36		
Lower Risk	6320	Sarah Newman	Colin Brand	** Now Live ** Stray Dog and Rehoming Service	SDK Environmental Ltd	Public Protection and Enforcement	186,000	62,000			01/02/2023	31/01/2026	36		

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Report No.
ES20280

London Borough of Bromley

PART ONE - PUBLIC

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

Date: Wednesday 28th June 2023

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 Audit Sub-Committee.
-

2. **RECOMMENDATION(S)**

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

Impact on Vulnerable Adults and Children

1. Summary of Impact: The appended Risk Register covers services provided by the E&PP Department and some borough-wide risks. Addressing the impact of service provision on vulnerable adults and children is a matter for the relevant procurement strategies, contracts and service delivery rather than this high-level Risk Register report.
-

Transformation Policy

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

Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: PP&E Portfolios
 4. Total current budget for this head: £3.2m
 5. Source of funding: Existing controllable revenue budget 2023/24
-

Personnel

1. Number of staff (current and additional): 46.2 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 will have associated Risk Registers (such registers are reviewed by the relevant Programme / Service Boards);
 - financial risk is addressed in each Portfolio's Budget Monitoring Reports and, more generally, in the Council's Annual Financial Strategy Report;
 - audit risk is captured through the Audit Programme's planned and investigative activity and associated reports and management action requirements;
 - contract risk forms part of the Contracts Database (all contracts are now quantified and ranked according to the risk presented to the Council). The new Environmental Services Contract, therefore, appears both in this Risk Register and the Corporate Contracts Register, due to its size and complexity.
- 3.4 In 2016/17 Zurich Municipal (the Council's insurer) undertook a 'check and challenge' review (involving all management teams) of the Council's general approach and the individual risks. This resulted a new-style of register and a greater consistency of approach across the Council. Zurich attended during 2018/19 to repeat this exercise with all E&PP risk owners.
- 3.5 It was agreed that Risk Registers should be presented to each Departmental Management Team, the relevant PDS committee, and Audit Sub-Committee twice a year (minimum) to allow activity to be scrutinised in a regular and systematic manner. Individual risks should naturally be reviewed (by Risk Owners) at a frequency proportionate to the risk presented.
- 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 24th May 2023.
- 3.8 At the time of writing, the Council has 126 individual risks (111 departmental plus 15, high-level, Corporate Risks (covering key risks which apply to the Council as a whole).
- 3.9 E&PP Department currently has 24 risks (~19% of the Council's total). The PP&E Portfolio currently has 16 risks.
- 3.10 The appended PP&E Risk Register Matrix is summarised in the appendix. 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). 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) current 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 The PP&E Risk Register was presented at the March 2023 Committee. Key changes to the register since then are as follows:

- **Score Changes**
- The Current Risk Rating for Risk 1 (Emergency Response) and Risk 3 (Business Continuity Arrangements) has been amended from a score of 6 to a score of 9. The likelihood score has increased from 2 to 3.
- **Current Red Risk Ratings**
- Risk 14 (Coroners Service) has a Current Risk Rating of 20, which is red. The increased costs for Coroners Service is due to the additional estimated costs due to additional high risk post mortems resultant of COVID, and further requested changes to the service that fall outside of the memorandum of understanding. The Director of Environment and Public Protection has challenged the appropriateness of the required spend for this service to mitigate the risk.
- **Gross Red Risk Ratings**
- Risk 8 (Out of Hours) has a Gross Risk Rating of 16, which is red. The initial risk rating is 16 and therefore red, however following the decision to resource a revised service and with a Project Manager in place the new service is on target to launch in June 2023. Hence the current risk rating is 8, which is amber after mitigation.
- Risk 15 (Dysfunctionality of the Uniform Information Management System) has a Gross Risk Rating of 20 which is red. The initial risk rating is 20, which is red. A new case management system has been resourced and the onboarding of the system is underway with a target launch date of October 2023. Hence the current risk rating of 8, which is amber after mitigation. There is no change from last quarter, other than a Project Manager is implementing the necessary measures to launch the new service within the deadline of 30/06/23.
- **Removal of Risk**
- Removal of Risk 'Dogs Contract' (unique risk reference 28). This deletion is logged for audit purposes. The new dogs contract has been awarded and is operational hence it is now business as usual contract management.

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. 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. 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.

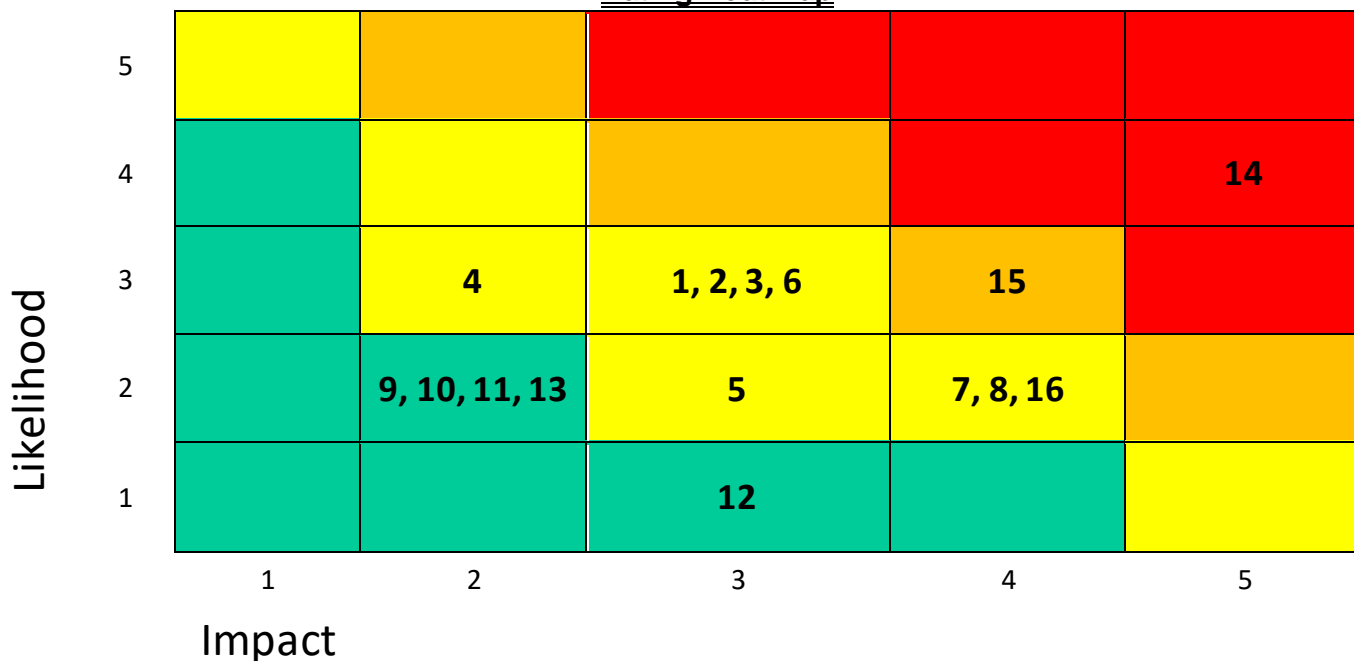
Non-Applicable Headings:	None
Background Documents: (Access via Contact Officer)	None

Appendix 1: Heat Map and Risk Matrix

Heat Map

Public Protection and Enforcement (PP&E) Risk Register

Current Risk Rating Heat Map



Risk Matrix

Risk No.	Risk Ref	Risk Description	Gross Risk Rating	Current Risk Rating
1	1	Emergency Response	12	9
2	2	Central Depot Access	12	9
3	4	Business Continuity Arrangements	12	9
4	14	Income Variation (Highways and Parking)	9	6
5	18	Town Centre Markets	12	6
6	20	Staff Resourcing and Capability	12	9
7	22	Climate Change	12	8
8	29	Out of Hours Noise Service	16	8
9	30	Integrated Offender Management post:	9	4
10	31	Community Impact Day Co-ordinator post:	9	4
11	32	Serious Youth Violence & Gangs Officer post	9	4
12	33	The provision of 24/7 CCTV Monitoring	12	3
13	34	Loss of Income from Licensed Premises Fees	9	4
14	37	Increased Costs for Coroners Service	20	20
15	39	Dysfunctionality of Uniform Information Management System	20	12
16	42	Health & Safety (PP&E)	12	8

Report No.
CSD23086

London Borough of Bromley

PART ONE - PUBLIC

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

Date: 28th June 2023

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
- 1.3 The detailed work programme for the next municipal year will be subject to discussions between the AD for Public Protection, Chairman, Portfolio Holder and relevant officers.

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: 2023/2024 revenue budget
-

Personnel

1. Number of staff Six 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 2023/2024 with the Chairman and officers.

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--- 28th June 2023
Matters Arising
Appointment of New Co-opted Members from BYC
Update from SLAM
Police Update
Scrutiny of the Safer Bromley Partnership and Previous SBP Minutes
Portfolio Holder Update
PPE Performance Overview Report
Provisional Outturn
PSPO for Dogs
Planning Enforcement Plan 2023
Risk Register
Contracts Register
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---12th September 2023
Matters Arising
Portfolio Holder Update
PPE Performance Overview Report
Food Safety Plan Update
Budget Monitoring
RIPA Update Report
Scrutiny and Minutes of the previous meeting of the Safer Bromley Partnership Strategic Group
Public Protection Risk Register
Community Impact Days Update (TBC)
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---14th November 2023
Matters Arising
Portfolio Holder Update
PPE Performance Overview
London Fire Brigade – Annual Update – New Fire Safety Plan
Budget Monitoring
Fly-Tipping Action Plan Update
Contracts Register Report
Risk Register Update
Scrutiny and Minutes of the previous meeting of the Safer Bromley Partnership Strategic Group
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---24th January 2024
Matters Arising
Portfolio Holder Update
PPE Performance Overview report
Budget Monitoring

Contracts Register Report
Public Protection Risk Register Update
Scrutiny and Minutes of the previous meeting of the Safer Bromley Partnership Strategic Group
Safer Bromley Strategy for 2024 Onwards
Work Programme
PUBLIC PROTECTION AND ENFORCEMENT PDS---19th March 2024
Matters Arising
Portfolio Holder Update
Public Protection Portfolio Plan
BYC Annual Presentation
Update on Resilience and Business Continuity
PPE Performance Overview
Budget Monitoring
HMO Licensing Options Appraisal
Contracts Register Report
Public Protection Risk Register
Scrutiny and Minutes of the previous meeting of the Safer Bromley Partnership Strategic Group
Update Concerning Bromley and Lewisham Probation Delivery Unit
Work Programme
POSSIBLE FUTURE PRESENTATIONS and AGENDA ITEMS
Report on LBB's contract with the Coroner.
Review of Out of Hours Noise Service
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.

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