

PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 10 September 2013

Present

Councillor Kate Lymer (Chairman)
Councillor Gordon Norrie (Vice-Chairman)
Councillors Douglas Auld, Nicholas Bennett J.P.,
John Canvin, Roxhannah Fawthrop, Peter Fookes,
David Hastings and Harry Stranger

Terry Belcher, Dr Robert Hadley and Abdulla Zaman

Also Present

Councillor Tim Stevens J.P., Councillor Judi Ellis,
Councillor John Ince.

20 DECLARATIONS OF INTEREST

The Chairman declared a personal interest regarding Item 13 as a Trustee of the Bromley Youth Music Trust.

Councillor Douglas Auld declared a personal interest by virtue of subscribing to the Bromley Youth Music Trust (BYMT) and for item 16, Councillor Auld declared a further interest by virtue of his wife being a Council employee working in Adult Social Care.

21 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Jane Beckley and Councillor Nicholas Bennett JP attended as alternate Member.

Alf Kennedy (appointed as Bromley Neighbourhood Watch representative at item 3) also sent apologies as did Andrew Spears (as a representative of the Bromley Youth Council).

22 APPOINTMENT OF CO-OPTED MEMBERS

Report RES 13149

Since the appointment of Co-opted Members at the Committee's previous meeting, the Bromley Community Engagement Forum (BCEF) had notified a change of BCEF representation for the Committee.

Additionally, a nomination for Co-opted Membership had been received from Bromley Neighbourhood Watch for 2013/14.

RESOLVED that the following non-voting Co-opted Members be confirmed for 2013/14:

- **Mr Terry Belcher (Bromley Community Engagement Forum) and**
- **Mr Alf Kennedy (Bromley Neighbourhood Watch)**

23 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions to the Committee from Councillors or Members of the Public.

24 MATTERS ARISING

Report RES13146

Members considered the matters arising report.

Concerning *Minute 206, Bethlem Royal Hospital Update*, Members were advised that the Constitution of the Council of Governors for South London and Maudsley (SLaM) NHS Foundation Trust would need changing to permit consideration of Councillors on to the Trust's Council of Governors. The matter was to be considered at the Annual General Meeting (AGM) of the Council of Governors which was meeting at the same time as the Committee. Feed back would be provided.

Councillor Peter Fookes enquired whether SLaM could be asked to provide Co-opted representation on the Committee and the Chairman offered to give this consideration.

The Chairman confirmed that a report of the independent review following the February 2012 incident had been received. She asked that this be made available to the Committee for its next meeting.

Commenting on the report, the Portfolio Holder was concerned that no further meaningful information had been provided on the incident. Questions still remained unanswered. He and the Council Leader would highlight this when next meeting SLaM/Bethlem hospital representatives. The Director confirmed that SLaM were content for the report to be circulated to all Members of the Committee.

Councillor Nicholas Bennett J.P. contrasted the report with the report on the more recent patient unrest on a ward (October 2012). The report on the February 2012 incident provided a summary of executive actions but no detail on the Committee's key questions. Councillor Bennett supported the Portfolio Holder in having this as a continuing matter outstanding.

Concerning *Minute 19, Member visits*, Councillor Fookes felt that the visit to the Bromley Ambulance Station on 4th July 2013 was productive and he suggested the London Ambulance Service be asked to provide a presentation to the Committee.

Concerning youth matters, Councillor Bennett highlighted that the Education PDS Committee were intending to consider the issue of young people Not in Education, Employment or Training (NEET). He suggested that this might also be of interest to Members of the Public Protection and Safety PDS Committee, offering the possibility a joint meeting of the two Committees to consider the item.

RESOLVED that matters arising from previous meetings be noted.

25 MINUTES OF THE PUBLIC PROTECTION AND SAFETY PDS COMMITTEE MEETING HELD ON 18TH JUNE 2013

The minutes were agreed.

26 CHAIRMAN'S UPDATE

The Chairman highlighted the visit to Bromley Ambulance Station on 4th July 2013. The Head of Bromley Youth Support Programme also provided a visit for the Chairman and Portfolio Holder to some of the borough's Youth Centres.

On 18th June 2013, the Chairman attended a meeting of the Bromley Mentoring Steering Group and during the summer attended some of the youth diversionary activities at Council parks.

The Chairman also highlighted the forthcoming Crime summit on 28th September at which The Deputy Mayor for Policing and Crime would be present.

The Chairman also thanked the Assistant Director and officers for preparing the MOPAC bid earlier this year and for securing the funds made available for the Council.

27 POLICE UPDATE

The Deputy Borough Commander, Jo Oakley, provided an update for the Committee.

The new policing model (Tranche 2) was due to go live in the borough on Monday 16th September 2013.

Aspects of the new police delivery included:

*Public Protection and Safety Policy Development and Scrutiny Committee
10 September 2013*

Front Counters:	24/7 Front Counter - Bromley Police Station
Conventional police station Front Counters offering all policing services with secure and private facilities	Standard Front Counter - Copperfield House, 190 Maple Road, Penge, SE20 8RE Standard front counter - West Wickham Police Office, 9 High Street, West Wickham, BR4 0LP
Contact Points:	192 & 194 Main Road, Biggin Hill, Kent, TN16 3BB 49 High Street, Green Street Green, Orpington, BR6 6BG Cray Police Office, 43-45 High Street, BR5 3NJ
Contact Points are locations for non-urgent face-to-face contact, where the public can meet their local police at regular known times.	Contact Points are open every Wed-Thur evening between 19.00 and 20.00 and every Saturday afternoon between 14.00 and 15.00 Possible additional Contact Point: The Walnuts, Orpington, has been identified as a future contact point.

There would be four operational policing clusters in the borough, each led by an Inspector.

Concerning recent police results, the following details were highlighted:

- a prolific burglar of residential properties had been sentenced to prison for two years;
- a care worker had been sentenced to 14 months imprisonment for theft and false accounting;
- a suspect had been arrested, charged and remanded to appear in court in connection with the murder of a young Somali man in Penge; and
- a suspect had been arrested and bailed in connection with the recent murder of a 17 year old male in Bickley.

Overall, the Deputy Borough Commander felt that policing performance in the borough was good for the last year:

- overall crime levels had reduced;
- residential burglary figures were down by 8-9%;
- there had been a 19% reduction in motor vehicle theft;
- theft from motor vehicles had reduced; and
- there was an overall reduction in crime of 9.5%

Members were informed that the Police Open Day was scheduled for 22nd September 2013.

In discussion, the Deputy Borough Commander confirmed that there continued to be an ongoing investigation into the arson attack at the Darul Uloom School, Chislehurst in early summer. An individual was on bail and there had not been any further such arson incidents.

Concerning the new police model, it was confirmed that a significant amount of publicity had been provided to residents on contact arrangements for local areas and police officers.

The local police complement had not quite reached full strength, the complement being short of some 20 officers. Over the previous two months, some 30 new officers had been allocated to Bromley.

The Portfolio Holder thanked Bromley Police for their good work. There was a good relationship between the Police service and partners including Safer Neighbourhood Panels. The Portfolio Holder indicated that across London this was not always the case. The Chairman was pleased to see a continuing reduction in crime figures.

28 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING

A question was received from Mr Colin Willetts for written reply. Details of the question and reply are at **Appendix A**.

29 PRE-DECISION SCRUTINY OF REPORTS TO THE PUBLIC PROTECTION AND SAFETY PORTFOLIO HOLDER

A) BUDGET MONITORING

Report: ES13102

Report ES13102 provided an update on the latest 2013/14 budget position for the Portfolio based on expenditure and activity levels to 31st July 2013. It showed a projected underspend of £10k.

The report also outlined expenditure and progress in implementing the Member Priority Initiative for the Portfolio and provided details of the latest expenditure within the Community Safety Budget.

Concerning Operation Payback, (part of the Community Safety budget) and in response to a question, the Portfolio Holder provided a brief update on the Payback service and associated issues. Councillor Auld highlighted a £2k bid for a dog microchip service within the Community Safety budget (under Safer Neighbourhood Grants) and was advised of Government measures requiring every dog to be micro chipped. The Council would be a significant beneficiary as stray dogs could be quickly returned to their owners, so providing a saving. The Council would work in partnership with the Dog's Trust.

For the Member Priority Initiative of Targeted Neighbourhood Activity, Councillor Auld felt that little had been spent from the project's £150k budget. He was concerned that there were not more projects underway. The Portfolio Holder explained that the budget was not time limited with no imperative to spend the allocation in a financial year. Activity was taking place (e.g. gating) and the Assistant Director added that work was progressing without the need for significant Council expenditure.

RESOLVED that the Portfolio Holder be recommended to:

(1) endorse the latest 2013/14 budget projection for the Public Protection and Safety Portfolio; and

(2) note progress in implementing the targeted Neighbourhood Activity Project.

B) INCREASE IN ENFORCEMENT ACTIVITY INITIATIVE

Report ES13095

Report ES13095 proposed increased action to tackle Enviro Crime with a programme to supplement existing functions running from 1st October 2013 to 31st March 2014. It was intended to publicise enforcement actions, offending individuals and punishments. Commentary highlighted the proposed activities with an indication of costs. (A proposed Enviro Crime reward scheme, expected to cost less than £2k, would be funded from the Environment Portfolio's Street Scene and Green-space budget).

Councillor Nicholas Bennett welcomed the report, referring to instances of illegal dumping sometimes occurring in his West Wickham Ward. A resident had suggested searching footage of CCTV cameras operated by other public agencies e.g. TfL. Unfortunately, this had not been possible with TfL given issues over co-operation. These were briefly outlined. Nevertheless, Officers were prepared to explore further. Councillor Bennett felt that it should be possible for public bodies to co-operate in this way.

Reference was made to the value of input from residents and Safer Neighbourhood Teams. When an area had been leafleted about illegal dumping, offending had often ceased. Reference was also made to the proposed reward scheme for reporting Enviro Crime leading to successful prosecution.

Councillor Auld was interested to know how it was possible to assess value for money in enforcement against dog fouling. In response, intelligence from Street Services (of where offences were regularly occurring) and the issue of Fixed Penalty Notices (FPNs) were cited as two indicators. Councillor Bennett suggested action against dog owners allowing their dogs to walk off lead along the street.

Dr Hadley suggested that officers might wish to address the Federation of Resident Associations to outline the proposed enforcement approach including the proposed reward scheme.

RESOLVED that the Portfolio Holder be recommended to agree:

(1) the increased enforcement activity outlined at paragraphs 3.7 to 3.25 of Report ES13095; and

(2) to allocate £20K from the Safer Neighbourhood Development Grant budget to fund the additional enforcement activity.

C) SCRAP METAL DEALERS ACT 2013 - FEES

Report ES 13110

This report was considered as a matter of urgency as the Scrap Metal Dealers Act 2013 was coming into effect in stages from 1st September 2013 (the other stages being 1st October and 1st December 2013) and fees needed to be in place to enable applications to be submitted between 1st and 15th October 2013.

The Act replaces the previous registration system for scrap metal dealers and establishes a new licensing regime administered by local authorities with every scrap metal dealer required to have a licence. Operation without a licence is a criminal offence with the definition of a scrap metal dealer now including motor salvage operators.

The Act creates a site licence whereby all sites at which a licensee carries on business as a scrap metal dealer have to be identified. A site manager also has to be named for each site and the licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

The Act also creates a collector's licence by allowing the licensee to operate as a collector in the area of the issuing local authority. It is not possible for a scrap metal dealer to hold both a site and a mobile collector's licence in a local authority area.

The Act permits the Council to set a fee for a licence. Taking account of likely costs associated with the administration of each type of licence and enforcement, proposed fees were outlined for a new application, variation and licence renewal for each licence type. Licences are required to be renewed every three years.

In discussion, Councillor Bennett suggested the fees could be realistically higher to take account of all possible costs including overheads and ancillary costs. The Portfolio Holder asked to see what fees other Local Authorities were charging and felt there could be further consideration of fee levels in consultation with finance officers. It was suggested that if fee levels are higher than those charged by other Local Authorities, there is an increased risk of challenge to the Council. The proposed fees are based on a standard hourly

rate. Councillor Auld highlighted that the licences would last for three years and be subject to renewal. He expressed satisfaction with the fees proposed.

Councillor Norrie suggested there was a balance; there was a direct correlation between more expensive licence fees and applications for a licence. In view of the need to set fees quickly, he was inclined to accept the charges proposed in Report ES13110.

The Chairman felt there should be further consideration of the proposed fees highlighting a comparison with fees levied by Westminster City Council. She suggested the Portfolio Holder should not make an immediate decision.

RESOLVED that the Portfolio Holder be recommended to give further consideration to the proposed fees at paragraph 3.5 of Report ES13110, to be sure that they are at an appropriate level taking account of the Committee's comments outlined in discussion.

30 WASTE 4 FUEL - ORAL PRESENTATION BY THE ENVIRONMENT AGENCY

Members received a presentation by Mr Rob Wise (Environment Manager, Environment Agency, Kent and South London Area) and Mr Jon Griffin (Environment Agency, Team Leader, Kent Waste Team) concerning the Waste4Fuel site at Cornwall Drive, Orpington. A copy of the presentation is at **Appendix B** to these minutes.

The EA currently regulate over 700 waste facilities. They manage risk (i.e. put in place control and management measures), supply permits and issue suspension notices as required. The following was explained:

- they cannot control the location of sites;
- they are concerned with environmental impact and waste management issues;
- many sites are close to commercial and critical infrastructure;
- the Agency works within a Regulatory Framework and can issue environmental notices and prosecute;
- the EA have revoked permits and sites have been liquidated as a result;
- when sites are liquidated the permit is dissolved and they are classed as being "orphaned" (sometimes with a significant amount of waste to be disposed of and only when a developer acquires the land is the waste removed and the site cleaned);
- when a site is orphaned a new permit can be granted to a new landowner if criteria are met;
- sometimes the new position with an orphaned site can be worse; and
- a permit is only completely withdrawn as a last resort.

For the Waste4Fuel site, it was necessary for the EA to ensure:

- compliance with the permit;
- that the fire risk is managed; and
- that an operator is maintained on site to ensure it does not become orphaned.

Update on enforcement action

In 2012 there was significant concern about the waste volume on site and a number of enforcement actions were taken including serving of a compliance notice. In early 2013 concern grew for the waste volume and fire risk and an action plan was agreed on 1st March 2013. EA inspection frequency significantly increased and there was community engagement at a residents meeting on 13th May 2013. There were also regular meetings with local Members and engagement with the local MPs. The agency also works in partnership with the London Fire Brigade.

A fire occurred at the site on 18th March 2013 due to self combustion. On 22nd April 2013 a Suspension Notice was issued limiting activities to an inward waste delivery of 200 tonnes per week and a minimum outward delivery of 600 tonnes per week. The site was to be cleared of combustible waste by June 2013. There was an emphasis on maintaining a regulatory grip on the site whilst reducing the fire risk and avoiding it becoming orphaned. By June 2013 waste levels were slowly reducing. But in July 2013 there appeared to be a behaviour change and waste volumes (and fire risk) began to significantly increase.

The Environment Agency sought legal advice. In August 2013 an application was made for an Order in the High Court against the operating company and Director. An initial hearing on 29th August 2013 resulted in an interim order with a full hearing yet to take place. By 7th September 2013 it was necessary for a *Fire break 1* to have been provided. A deadline of 19th September was set for Shredded Waste and by 30th September a *Fire break 2* was to have been installed.

Such an approach has the following benefits:

1. the Order is also against the Director of the Company;
2. there is a significant penalty for non compliance;
3. the likelihood of an orphaned site is reduced; and
4. the fire risk is continually managed.

It was intended that the full Court Order would compel Waste4Fuel to comply with the notice issued i.e. removal of all waste on site. However, the EA want the operator to remain on site so that the fire risk can be continually managed in conjunction with the EA.

In discussion, it was confirmed that London Fire Brigade were bearing their costs of site attendance to deal with any incident. Residents were concerned about the length of time legal processes were taking and there was a desire to

see matters expedited. The EA indicated that it was necessary to proceed via the regulatory process.

On keeping residents briefed, the EA had liaised with the local residents association. There had also been communications with MPs and Councillors. Upon request, it was possible for residents to be added to the EA's mailing list. Additionally residents could provide details of any concerns via the EA hotline.

Noting that Waste4Fuel were ranked by the EA at Band A during their initial period of operation, Councillor Fookes sought to understand how the operator's performance could worsen so significantly. He asked if there had been a change of Director. He felt that the problems had continued for too long. He asked whether the site should not be closed. Members were advised that closure would leave an orphan site. If circumstances changed and another operator were to submit a permit application then consideration would be given to a new licence provided the operator was suitable. Concerning the change in operator performance, it was not possible to provide a specific reason for this – there could be a number of reasons.

Councillor John Ince, on behalf of residents, felt it was very disappointing that the situation had continued for so long. He felt that it was necessary to think about an end scenario and for the permit to be removed from the company. He suggested the company would continue to prevaricate regardless of legal action and would not make a swift improvement.

It was indicated to the Chairman that it was unlikely a new operator would apply to operate at the site should Waste4Fuel's permit be revoked. It was also confirmed that the EA performed a regulatory function and were not in a position to market or encourage another operator to take over the site.

Councillor Bennett asked why it had taken the EA 18 months to take action. The agency had powers. Members were advised that it was reasonable to work with operators to achieve compliance. It was also confirmed to Councillor Bennett that the EA took account of previous convictions related to Company Directors when granting a licence.

The Chairman referred to concerns over the inclusion of non-construction waste which would assist combustion e.g. plastics. It was confirmed that plastics would be combustible. As such it would be valuable as a fuel for power generation at certain European sites. Councillor Judi Ellis concluded that it might therefore be uneconomic to take much of the waste to a country such as Germany. Much of the waste would be low grade and would have to be land-filled.

31 OVERVIEW OF COUNCIL SERVICES FOR YOUNG PEOPLE

Report ES13091

In view of the transfer of daily operational responsibilities for the Council's Youth Service and Youth Offending Team passing to the Public Protection and Safety Portfolio at the start of the Council year, Report ES13091 provided an overview of the content and purpose of Council services for young people.

The services highlighted in the report and its appendix contributed to meeting Council responsibilities for:

- supporting young people to remain in Education, Employment and Training
- promoting and providing activities for young people outside of school time
- deterring young people from anti-social and offending behaviour
- safeguarding and supporting young people if they do offend and enter the youth justice system
- managing work experience and educational visits

RESOLVED that the report be noted.

32 SUMMER ACTIVITIES UPDATE

Report ES13092

Members were updated on the Summer Diversionary Activities Programme for 2013, including details of confirmed content, publicity and budget for the Programme. Briefing tabled at the meeting provided details of attendance figures for each venue.

Members were advised that a full report would be provided in November on outcomes from the Summer Programme. In the meantime, it was possible to confirm that some 11,293 young people attended activities this summer at the various venues. This was a substantial increase in attendance compared with last year.

RESOLVED that the report be noted.

33 DUKE OF EDINBURGH AWARDS - UPDATE

Report ES13093

Members noted an update on the performance of the Duke of Edinburgh Award programme in Bromley.

Councillor Auld noted that Bromley now has 4.4% (1,628 people) of 14-24 year olds in the borough undertaking the Award, compared with the London average of 3% (32,095 people) and he considered this a good performance.

RESOLVED that the report be noted.

**34 BROMLEY SAFEGUARDING ADULTS BOARD ANNUAL
REPORT 2012/13**

Report RES 13161

Members considered an Information briefing on the 2012/13 Annual Report of the Bromley Safeguarding Board. The Report outlined the Board's work to drive improvement in multi-agency action to safeguard vulnerable adults.

The Chairman asked how the new policing model would affect Adult Safeguarding. The Quality Assurance Manager from the Education and Care Services Department considered the rate of prosecutions in this area to be good. However, she suggested that there might now be further pressure on professionals within the police service who were previously able to specialise more in Adult Safeguarding. It could be expected that police professionals might now have to take a much broader approach.

Commenting on the police role in Adult Safeguarding, the Deputy Borough Commander indicated that the Detective Inspector who is part of the Safeguarding Board would have more responsibility. Overall, she suggested there should be little difference in police input for Adult Safeguarding under the new Policing model.

RESOLVED that information in the briefing and 2012/13 Annual Report of the Bromley Safeguarding Board be noted.

35 WORK PROGRAMME AND CONTRACTS REGISTER

Report RES 13147

For the Committee's next meeting and in addition to the items highlighted in the Work Programme, it was intended to provide a full report on the Summer Diversionary Activities Programme.

The Portfolio Holder would also provide an update on feedback from the Crime Summit to be held on 28th September 2013.

The Annual Update Report on the Bromley Youth Offending Team Partnership (2012/13) would move to the Committee's meeting on 21st January 2014.

Councillor Fookes suggested that it would be helpful to have a presentation from the Crown Prosecution Service (CPS) at a future meeting.

RESOLVED that Work Programme be agreed subject to the changes at paragraphs one to three above.

36 MEMBER VISITS

Noting that a visit can be arranged to the London Ambulance Service (LAS) Control Room, Waterloo for any date from 2nd October 2013 onwards, it was agreed to settle on a date for the visit outside of the meeting.

Of two options offered by the LAS, Members wishing to attend the Control Room preferred to receive in depth information during the visit rather than a brief overview.

The Meeting ended at 8.47 pm

Chairman