

PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 3 July 2018

Present:

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

Julie Clark, Dr Robert Hadley, Fen Johnson and Cameron
Ward

Also Present:

Nigel Davies, Sarah Foster, Dan Jones, Beverley Pharo,
Toby Smith, John Stephenson, Joanne Stowell and Rob
Vale, David House and Councillor Kate Lymer

STANDARD ITEMS

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Ben Stephens and Beverley Pharo attended as alternate.

Apologies were also received from Paul Warnett and Jeff Boothe; Inspector Gary Byfield attended as alternate.

Apologies were also received from Councillor Samaris Huntington Thresher and Sharon Baldwin.

Alfred Kennedy also sent apologies and David House attended as alternate.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 QUESTIONS TO THE CHAIRMAN FROM COUNCILLORS AND MEMBERS OF THE PUBLIC

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

4 MINUTES OF THE PUBLIC PROTECTION AND SAFETY PDS COMMITTEE MEETING HELD ON 6th MARCH 2018

The Committee considered the minutes of the meeting of Public Protection and Safety PDS Committee held on 6th March 2018.

RESOLVED that the minutes of the meeting held on 6th March 2018 be agreed and signed as a correct record.

5 APPOINTMENT OF CO-OPTED MEMBERS

CSD 18084

The Committee noted the report that recommended the re-appointment of two existing co-opted members, and the appointment of four new members.

The Committee agreed with the recommended appointments.

The Chairman thanked Councillor Alexa Michael for her hard and detailed work on behalf of the PDS Committee over the previous three years. He wished her all the best in her new role as Chairman of the Development Control Committee, and welcomed new members.

The Chairman also expressed his appreciation for the hard work undertaken by Mr Terry Belcher (Vice Chairman of the Safer Neighbourhood Board).

RESOLVED that

1) Mr Alfred Kennedy (Neighbourhood Watch) and Dr Robert Hadley (Bromley Residents' Association) be re-appointed as co-opted members

2) Cameron Ward (BYC), Fen Johnson (BYC) Julie Clark (Victim Support) and Sharon Baldwin (Safer Neighbourhood Board) be appointed as new co-opted members.

6 POLICE UPDATE

The police update was provided by Inspector Gary Byfield.

The Chairman asked Mr Byfield to convey the Committee's disappointment to Chief Superintendent Jeff Boothe regarding his non-attendance at the meeting.

The Committee learnt that the senior leadership team for the BCU (Basic Command Unit) was now in place and that the full transfer to the tri-borough BCU would take place during February 2019.

The Chairman informed Mr Byfield that going forward he would be requesting that statistical data be sent to the Committee Clerk in advance of the meeting.

This would allow members of the Committee time to assess the data prior to the meeting.

The Committee was informed that the percentage of 'I' calls reached within the target time was 87%, and the percentage of 'S' calls reached within the target time was 85%. 'I' calls were calls that required the fastest response time of being answered within 15 minutes, and 'S' calls within 1 hour. The target time for responses was 90%, so in both cases the targets were not being hit. A Member enquired what the geographical demographic was in terms of the area that had to be covered by police response vehicles. Mr Byfield responded that the police had to deal with calls over an area of 52 square miles, and there were occasions when multiple calls would come in simultaneously—then the police would have the difficult decision of deciding which call to prioritise. In some instances, the response time could fail to hit the target by just a few seconds.

Knife crime was down by 7% and the number of seizures of weapons had increased. This was due to an increase in the use of stop and search and an increase in the number of weapons sweeps. These were both aspects of the Met Commissioner's more proactive Knife Crime Strategy. A young person had been stopped in Penge and found to be in possession of a samurai sword. It was asked if all cases of knife crime were prosecuted. Mr Byfield answered that the CPS (Crown Prosecution Service) was now taking a positive attitude towards prosecution.

Burglary had increased by 5%, which was partly due to the targeting of certain areas and properties in the borough by gangs coming in from outside of Bromley. A burglary gang from north London had recently been arrested. Bromley had a dedicated burglary squad, but could call on external resources if required. ASB had reduced by 17%, which equated to 6,000 calls.

Problems with the 101 call handling service were discussed. The Chairman stated that he had made a call to 101 recently and was kept waiting for a response for 40 minutes. The Committee was of the view that there were serious problems with the operation and efficiency of the 101 service. Members expressed the view that in many wards, ASB was not falling, but that rather the full extent of ASB was not being reported due to failures in the 101 service where callers were taking too long to get a response and were therefore abandoning the calls. The Chairman asked Mr Byfield if some data could be provided concerning the number of calls that went unanswered. Another Member asked if information was available relating to ASB per ward.

Cameron Ward (Bromley Youth Council--Chairman) stated that young people had concerns over using the 101 service to report drug and knife crime, and asked what the police could do to promote youth engagement. Mr Byfield responded that if the matter was related to drugs or knife crime, young people should consider if a 999 call may be more appropriate—especially if the crime was taking place there and then. For less urgent matters, young people could consider a variety of other contact methods which included emailing the local Safer Neighbourhood Team, using Twitter, or they could make an anonymous

call to Crime Stoppers. The Chairman reminded Mr Byfield that the police had a responsibility to the public to provide clarification and advice concerning how the public could contact the police.

A Member raised a question based on the previous minutes which noted that a positive outcome in stop and search incidents had been achieved in 24.2% of cases. The target for stop and searches achieving a positive outcome was 22%. A Member queried if stop and search was still subject to serious scrutiny from external panels. This had previously discouraged officers from using stop and search. Mr Byfield informed the Committee that things had now changed. More support was now forthcoming from the Senior Leadership Team. Additionally, the use of body worn cameras had reduced complaints by 35%. The Portfolio Holder (Councillor Kate Lymer) mentioned that she was now a member of the Stop and Search Monitoring Group and BYC (Bromley Youth Council) was represented on the Group. If anyone wanted more information concerning this Group, the Portfolio Holder would be happy to take queries directly outside of the meeting.

The Member (again noting the previous minutes) asked if Bromley police were still short of 17 detectives; Mr Byfield said that he would find out and provide an update.

The Vice Chairman congratulated the police on their use of social media. He then asked for clarification concerning when the local police bases would be closing. The Committee was pleased to hear that as a consequence of a judicial review, no bases were now going to be closed. Mr Byfield was asked if LBB could therefore publicise this fact, and the response was affirmative.

A Member asked if the police now had a full quota of officers. Mr Byfield answered that this was not the case, but that the previous vacancy at Shortlands had now been filled. There was a constant churn of officers for a variety of reasons, and the police always endeavoured to fill any vacancies as soon as possible.

A Member informed the Committee that he had a daughter who worked in the 101 call centre, and he stated that 101 call centre staff were also frustrated. He asked Mr Byfield how many duty officers there now were, and the response was that there was one in each borough which was the same as before.

A Member asked what could be done about 'joy riders' in car parks. Mr Byfield responded that it would be useful if the car registration numbers could be forwarded to the police. In many of these incidences, young people were driving cars that were connected to their parents' car insurance. Very often, if the police wrote a letter to the parent, threatening to seize the car, then that resolved the issue. Mr Byfield stated that what should be happening is that the police and LBB should work together to 'design out crime'. The problem could perhaps be solved by preventing joy riders from getting into the car parks in the first place. This could be done by using spikes or chains—money would

need to be spent. The Chairman commented that the matter was an issue of priorities and resources.

The Chairman asked if there was still a problem anywhere in Bromley with Travellers. Mr Toby Smith (LBB Head of Street Enforcement) responded that there were two small incursions that were being dealt with. Mr Byfield commented that consideration in these matters had to be given to what was legal and proportionate. Members stated that this was a matter of great concern to local residents and the clearing up operations required afterwards were costly. It was noted that this was also an issue that many thought could be 'designed out'. Mr Nigel Davies (Executive Director of Environmental and Community Services) stated that money had been spent in trying to deter Traveller incursions, and money would continue to be spent. However, what was also required was clarity and the correct interpretation of when the police could and could not take action.

The Chairman referenced an address that had been visited 84 times in the past three months in connection with ASB. The Chairman asked why this matter had been allowed to continue for such a protracted period without firmer action being taken. Mr Byfield promised to look into the matter and report back.

The Chairman informed Mr Byfield that going forward he would be asking for various statistics and information from the police. He would also be writing to Chief Superintendent Boothe to request information and would be carefully monitoring the implementation of the new tri-borough BCU approach.

The Chairman thanked Inspector Byfield for attending the meeting at short notice.

RESOLVED that:

- 1) The police update be noted**
- 2) The police provide data concerning the number of 101 calls that go unanswered**
- 3) Inspector Byfield to report back concerning whether or not Bromley police were still short of detectives**
- 4) Inspector Byfield to report back concerning the address that had been visited 84 times in three months, and why this matter had been allowed to continue for so long.**

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

7 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS

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

8 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

a PROVISIONAL OUTTURN 2017/18

FSD 18044

The Provisional Outturn report was drafted by Claire Martin, Head of Finance.

The report had been drafted to inform the Portfolio Holder of the final outturn position for 2017/18 for the Public Protection and Enforcement Portfolio. The report detailed an underspend of £157k.

RESOLVED that

1- The Portfolio Holder endorse the 2017/18 provisional outturn position for the Public Protection and Enforcement Portfolio

2- The Portfolio Holder approves the drawdown of the carry forward sums from 2017/18 in the Central Contingency, totalling £67K.

b BUDGET MONITORING 2018/19

FSD 18048

The Budget Monitoring report was written by Claire Martin—Head of Finance.

The report provided an update of the latest budget monitoring position for 2018/19 for the Public Protection and Enforcement Portfolio based on expenditure and activity levels up to 31st May 2018. It was noted that there was an underspend of £85K.

Members were informed that nationally there was a problem in recruiting food safety officers, and that LBB still had a vacancy for a food safety officer that had not been filled.

RESOLVED that the Portfolio Holder endorse the latest budget projection for the Public Protection and Enforcement Portfolio.

c SETTING OF STATUTORY FEES FOR LICENSING HOUSES IN MULTIPLE OCCUPATION

ES18052

The report had been written by Joanne Stowell, Assistant Director for Public Protection. The report was required as the House in Multiple Occupation (HMO) mandatory licence fee had not been reviewed since 2009. The report recommended a fee increase which required Portfolio Holder approval.

A Member referred to section 3.16 of the report which was an analysis of comparable fees charged by LBB's nearest neighbouring boroughs. She asked why the proposed fee for LBB was 9.84% lower than the average figure for other boroughs. Ms Stowell responded that the figures had been calculated using current officer time, and that local authorities were restricted in what they could charge as they were not allowed to make a profit. The plan (as outlined in the report) was to undertake a further review in October 2019 to ensure that the fee remained commensurate with administration costs.

RESOLVED that:

- 1) The Committee note and endorse the report**
- 2) The Portfolio Holder approve the revised schedule of fees as outlined in the report.**

d PUBLIC PROTECTION & ENFORCEMENT PORTFOLIO PLAN

ES 18048

The Committee received the Draft Public Protection and Enforcement Portfolio Plan for 2018/19.

The Chairman expressed his thanks for a very comprehensive report. He proposed that an additional recommendation be added which was to acknowledge the previous achievements of the 2017/18 plan. This was agreed by the Committee.

A Member referenced section 5.6 of the report which mentioned the deployment of the CCTV service. The Member asked the Portfolio Holder if the number of CCTV cameras had increased, or if there was any plan to do so. The Portfolio Holder responded that such matters were considered on a case by case basis. Mr Vale (Head of Trading Standards and Community Safety) confirmed that LBB had invested in additional cameras, and that LBB always tried to ensure that sufficient cameras were deployed. It had to be borne in mind that the budget for this was limited. The matter was reviewed regularly, and focus would be on known ASB hotspots.

A Member asked if more cameras could be provided in the Biggin Hill area to catch people dropping litter from cars. He felt that more prosecutions were required. The Portfolio Holder replied that it was something that could be looked into, but she felt that CCTV would not be effective in this case. This was because fixed CCTV was limited in what could be picked up. People would just commit littering offences off camera if they wanted to.

A Member stated that graffiti on bus stops seemed to be on the rise. She had reported several incidents to TfL, but they had been slow to respond. She wondered if anything could be done to nudge them along. Mr Davies stated that this was a matter that he would look into.

The Chair of BYC referred to the mentoring programme for young people that was noted in section 5.3 of the report. He informed the Committee that support for more educational programmes for young people was the focus of a current BYC campaign. He stated that BYC was not aware of the mentoring programme, and asked if the profile of the programme could be raised. The Portfolio Holder clarified that this was not a programme that was open to all. It was for young people that had been identified as requiring support, and young people had to be referred onto the programme either by teachers or by the YOS (Youth Offending Service).

The Portfolio Holder informed the Committee that Mr Davies was now a new mentor, and that the Bromley Mentoring Team had recently won a Bromley Star award. Referrals to the mentoring service could come from Children's Services.

The Vice Chairman referred to outcome 4, (Aim 3.7) of the report, which was the continued delivery of parking enforcement services. He asked if it could be made simpler for local residents to report parking enforcement infringements as this was not clear to local residents currently.

The Chair of BYC referred to the section of the report dealing with the sale of age restricted products and stated that BYC had been undertaking the same kind of mystery shopping recently. He was informed that he could go out with the LBB Trading Standards Team to support investigations if he wished.

RESOLVED that

- 1) The Portfolio Plan for 2018/19 be noted**
- 2) The Executive Director for Environmental and Community Services investigate why TfL were taking so long to remove graffiti from bus stops.**
- 3) The Committee acknowledge the previous achievements of the 2017/18 Portfolio Plan.**

9 POLICY DEVELOPMENT AND OTHER ITEMS

a ENFORCEMENT ACTIVITY REPORT

ES 18046

The Enforcement Activity Update report was written by Joanne Stowell (Assistant Director for Public Protection).

The report had been drafted to advise Members of the enforcement activity under delegated powers that had been undertaken by the following divisions:

- Public Protection Division

- Planning Enforcement
- Neighbourhood Management
- Parking Enforcement

Members were being requested to note the report and to agree to receive reports every six months that would provide updates on the service areas identified in the report.

Mr Davies explained that the written report, backed by verbal updates from relevant officers was designed to pull together the various enforcement strands. Portfolios would need to be untangled and an overview provided to Members. Clarity was required concerning how the various strands should be scrutinised in the future.

Mr Toby Smith (Head of Street Enforcement) attended to provide a brief overview of his area of enforcement responsibilities—these included:

- Abandoned vehicle removal
- Investigation, enforcement and prosecution of all fly tipping incidents on public and private land
- Issuing of FPN's for Dog Fouling, littering and fly tipping on the Borough's streets
- Enforcement and removal of illegal Traveller incursions from all Bromley owned land and all 160 parks.

Mr Smith's division did not deal with parking enforcement, but did manage the Ward Security contract.

Beverley Pharo (Customer and Communications Officer—Shared Parking Services) attended the meeting to brief the Committee with respect to parking enforcement. The Committee was informed that a shared parking service had existed with LB Bexley since 2014. There were three primary areas of enforcement that the division focused on:

- PCNs enforced under the Traffic Management Act 2004
- Blue Badge Enforcement
- Debt recovery enforcement using enforcement agents

The Chairman stated that it was his intention to scrutinise parking enforcement and wondered if there was a FPN (Fixed Penalty Notice) Strategy, especially with respect to parking near schools. The Vice-Chairman highlighted the problem of huge lorries waiting to unload outside of builders' merchants, and asked if concerns around this could be passed on.

Mr David House (Neighbourhood Watch) queried if parking was being enforced after 6.30pm in Orpington High Street. He stated that after 6.30pm

there seemed to be a lack of enforcement that was causing a problem for buses trying to drive through the High Street.

Mr John Stephenson (Planning Enforcement Manager) explained that his section dealt with breaches of planning control. The section dealt with around 750 to 800 enquiries per year. They issued planning enforcement notices, and some of these would be appealed. Many issues could be resolved via negotiation and so it was just in approximately 10% of cases that full legal action may be required.

A Member expressed the view that in terms of enforcement, Planning was a complaints led service where people were not adhering to planning permission. She asked if the Planning Department could take a more proactive stance. Mr Stephenson responded that Planning Enforcement was a small team that did not have the requisite resources to adopt a more proactive approach.

At this point the Chairman expressed some concerns that he had in terms of possible overlaps in scrutiny with other committees such as Development Control and Environment PDS. Because of this, it was the Chairman's intention to set up a Task and Finish Group to specifically identify the enforcement role of the PP&E PDS Committee. To this end he suggested adding a new recommendation to the report which was to set up a Task and Finish Group. This suggestion was endorsed by the Committee.

The Chairman asked if any of the Members present would like to sit on the Task and Finish Group. Councillors Alexa Michael and Kathy Bance expressed an interest in doing so.

RESOLVED that:

- 1) The report is noted**
- 2) The Committee receive updates every six months on the service areas identified in the report**
- 3) A Task and Finish Group be set up to identify the particular areas of enforcement responsibility that the Public Protection and Enforcement PDS Committee should focus on.**
- 4) The problem of huge lorries waiting to unload outside of builders' merchants be highlighted to parking enforcement**

b MOPAC UPDATE REPORT

ES 18044

The report was written by Mr Vale to update the Committee concerning MOPAC funding for Bromley from the London Crime Prevention Fund.

The Committee was appraised that the total funding received by Bromley for the two years 2017/18 and 2018/19 was £643,430. A breakdown was provided concerning how the money had been allocated. The funding allocation for the two years 2019/20 and 2020/21 had been reduced to £483,398. This was a reduction of £160,032 or 25%.

The report briefed the Committee on the nature of the projects that had received funding, and the possible impact on services if funding was not found to replace the current projected deficit.

However, there was some light at the end of the tunnel. The Portfolio Holder informed the Committee that she had attended a meeting at City Hall two weeks previously. MOPAC had indicated that as a result of a revised allocation formula it may be the case that Bromley could receive an extra funding of 0.6% above the current allocation; this would equate to £356K over the two year period.

The problem facing Bromley and other boroughs was that the final funding allocations were unlikely to be agreed until September, and this made it difficult for boroughs to make decisions about contract extensions and re-procurement as the final budget was not clarified.

Mr Vale stated that an updated report would be brought to the Committee in December. The report would make known the final funding allocations, and would make recommendations to the Committee as to where the funding should be allocated.

A Member asked what was meant by 'gang flagged offences' and the Portfolio Holder said that she would find out and provide an explanation. A post meeting explanation was provided by MOPAC to the Portfolio Holder which explained that 'gang flagged offences' were crime incidences 'flagged' on the police computer as having possible links to gangs. The indicator was no longer going to be used by MOPAC as it was not considered reliable and two other indicators would be relied upon instead. These were flags for gun crime and non-domestic abuse relating to people under the age of 25.

A Member raised an issue concerning who could be accepted for help by Bromley Womens' Aid. She stated that she had been informed of a case where a female in need of housing relating to domestic abuse had been refused help from BWA because she was not in receipt of housing benefit. Because of this she had instead been referred to the Bromley Homeless Shelter. Mr Vale said that this was a matter that he would look into, and would provide a subsequent update to the Member and to the Chairman.

RESOLVED that:

1) The Committee note the MOPAC Update report

2) A report should be brought back to the December Committee with confirmation of the funding awarded for 2019/20 and 2020/21. The report should set out options to deal with any funding deficits.

3) Mr Vale should investigate the matter of BWA being unable to help women who were not in receipt of housing benefit, and to provide an update on this to the Member who raised the issue and to the Chairman.

**c TRADING STANDARDS UPDATE REPORT ON UNDER AGE
SALES**

ES 18043

Mr Vale presented a report that provided an update on the work of Trading Standards and under age sales enforcement. Members were asked to note the report.

Mr Vale referred to the 'Offensive Weapons Bill' and stated that this was a bill that LBB would need to keep an eye on as they would need to enforce it. Amongst other things the bill would ban the sale of the most dangerous corrosive products to under-18s and tough restrictions on online sales of knives would be introduced.

It was also noted that the Trading Standards Team had won the award for 'Team of the Year' at the recent Bromley Stars event.

RESOLVED that the report is noted.

**10 CONTRACTS REGISTER REPORT AND PART 1 CONTRACT
DATABASE UPDATE**

ES 18045

The Contracts Register report was written by Joanne Stowell (Assistant Director for Public Protection). The report presented an extract from the March 2018 Contracts Register for detailed scrutiny by the PDS Committee.

The Committee heard that as there had been no initial bids for the Mortuary Contract tender, the closing date for the receipt of bids had been extended. The CCTV Monitoring and CCTV Maintenance Service contracts were both due to expire in March 2019. Both contracts were on target to go out to the market on July 16th.

RESOLVED that

1) The Contracts Register report is noted

2) The Committee notes that the Contracts Register in Part 2 contains additional, potentially commercially sensitive information in its commentary.

11 WORK PROGRAMME

CSD 18066

The Committee noted the Work Programme report.

It was agreed that the 'Portfolio Holder Update' be removed from the Work Programme going forward.

The following changes were agreed:

September 27th

It was decided that the September meeting would focus on outcome 3 of the Portfolio Plan—Supporting and Regulating Business. Because of this, the current items listed in the September Work Programme relating to the Food Safety Service Plan and the Trading Standards Service Plan would remain. An item would be added for a CCTV contract award report.

December 4th

The focus for this meeting would be on outcome 4 of the Portfolio Plan, which was to protect and improve the environment through effective and responsible enforcement. To this end the meeting would incorporate an Enforcement Activity report. If the CCTV Contract report had not been ready in time for the September meeting, then it would go to the December meeting instead. As noted in the minutes relating to the MOPAC report, there would be a MOPAC update report going to the December meeting with a briefing on the final grant allocation.

January 30th 2019

The focus for this meeting would be around outcome 1 of the Portfolio Plan which was to keep Bromley safe. It was anticipated that at this meeting, Members would receive a Portfolio Plan update report.

Finally, the Chairman informed Members that he would be open-minded with respect to any requests for presentations to be made to the Committee. However he made it clear that his aim for the Committee was to focus on its core scrutiny function.

RESOLVED that the Work Programme report be noted and that the reports outlined above be added to the respective months of the Work Programme.

12 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE

**LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006 AND THE FREEDOM OF
INFORMATION ACT 2000**

13 PART 2 CONTRACTS REGISTER EXTRACT

The Committee moved into the Part 2 part of the meeting where a discussion was held concerning aspects of the contracts database where issues may be deemed to be commercially sensitive.

The full minutes for this are detailed in the part 2 section of the minutes.

RESOLVED that the part 2 Contracts Database details with associated comments are noted.

14 DATE OF THE NEXT MEETING

The date of the next meeting was confirmed as Thursday, September 27th at 7.00pm

The Meeting ended at 9.00 pm

Chairman