

PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 26 June 2019

Present:

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

Sharon Baldwin, Dr Robert Hadley and Cameron Ward

Also Present:

Rob Vale, Toby Smith, John Stephenson, Chloe Wenbourne, Councillor Kate Lymer, Chief Inspector Craig Knight and Mark Atkinson

STANDARD ITEMS

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Alf Kennedy (Neighbourhood Watch) and from Emily Warnham (Bromley Youth Service).

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPOINTMENT OF CO-OPTED MEMBERS

Report CSD19095

Members noted the report relating to the appointment of Co-opted Members.

RESOLVED that:

1) The following non-voting Co-opted Members be re-appointed:

- **Sharon Baldwin (Safer Neighbourhood Board)**
- **Alf Kennedy (Neighbourhood Watch)**
- **Dr Robert Hadley (Bromley Federation of Residents Associations)**
- **Cameron Ward (Bromley Youth Council)**

2) Emily Warnham (Bromley Youth Council) be appointed as a new non-voting Co-opted Member

4 QUESTIONS TO THE CHAIRMAN OR TO THE COMMITTEE

There were no questions received from Councillors or members of the public.

5 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE MEETING HELD ON 28th MARCH 2019

Members considered the minutes of the meeting of the Public Protection and Enforcement PDS Committee that sat on 28th March 2019.

RESOLVED that the minutes of the meeting (excluding exempt information) held on 28th March 2019 be agreed and signed as a correct record.

6 MATTERS OUTSTANDING

Report CSD 19086

Members noted the Matters Outstanding report.

The Head of Trading Standards and Community Safety updated Members concerning the Knife and Serious Violence Action Plan. This was a 'live' document and governance lay with the Safer Bromley Partnership. The latest version of the document had been sent to London Councils and MOPAC for feedback. It would then be updated by the newly appointed LBB Gangs and Serious Youth Violence Officer. A small working group (appointed by the Safer Bromley Partnership) would ensure that the Action Plan was carried out.

As the document was 'protected' because it contained sensitive information, it had not been incorporated into the meeting agenda or disseminated to the public. The Chairman expressed disappointment that the Committee was not allowed to see the document, even on a confidential Part 2 basis. He felt that it was important that the Committee be kept up to date and was aware of best practice.

The Chairman asked if there was anything that the Committee could do to help with respect to progressing the feedback from MOPAC. The Head of Trading Standards and Community Safety said that he would continue to push and seek a response. The Chairman requested that the Head of Trading Standards and Community Safety report back in one month to provide an update concerning any progress made regarding feedback from MOPAC and London Councils on Bromley's Knife and Serious Violence Action Plan.

RESOLVED that the Matters Outstanding report be noted and that the Head of Trading Standards and Community Safety report back to the

Committee in a month with an update on progress made with the development of the Knife and Serious Violence Action Plan.

7 POLICE UPDATE

Chief Inspector Craig Knight attended to provide the police update and commenced by highlighting the main points of the 'Bromley ASB and Crime Performance & Analysis' document that had been tabled at the meeting, and disseminated previously.

There had been an uplift in stop and search across the MET Police. Bromley was approximately mid-table in terms of its stop and search volumes across London. The legislation primarily relied upon in this regard was section 23 of the Misuse of Drugs Act. It was often the case that if a stop and search for lower level drugs was undertaken, this could then lead to the discovery of harder drugs and weapons. It was hoped that in the future, the current rate of arrests from stop and search would increase, as officers became more familiar with the process. The current rate of arrest from stop and search was in the region of 10%--12% which was better than the London average.

A discussion took place regarding the use of robust powers under 'Section 60'. Section 60 of the Criminal Justice and Public Order Act 1994, allowed a police officer to stop and search a person 'without suspicion'.

Section 60 stop and searches could take place in an area which had been authorised by a senior police officer on the basis of their reasonable belief that violence had, or was about to occur, and where it was expedient to prevent it; or search people for a weapon if one was involved in an incident. It was set for a limited time (normally less than 12 hours) and allowed police officers to stop and search people without reasonable grounds. Section 60 was normally applied to a defined geographical area, but it had occasionally been used borough wide.

A Member asked if there had been a rise in complaints against the police because of the increased use of stop and search. The answer to this was 'no' and part of the reason for this was the use of body worn video cameras.

A Member asked that her appreciation to be recorded for the excellent work undertaken by police officers in Orpington, but at the same time expressed shock at the current levels of crime there. She asked how often the allocation of police officers was reviewed. The Chief Inspector replied that this was looked at weekly by inspectors and cluster sergeants. On a monthly basis, the allocation of police officers and resources was monitored by the TTCG (Tactical Tasking and Co-ordination Group); this was a monthly meeting to discuss resource allocation and crime priorities and also acted as an internal police performance meeting. Additionally, Chief Inspector Knight (along with Superintendent Colin Carswell) had to answer to the BCU (Borough Command Unit) Commander at a meeting of SO6.

The Chief Inspector assured the Committee that he was fully sighted regarding ASB and burglary in Orpington. Members were informed that an anti-burglary operation in Orpington had commenced two days previously. This was 'Operation Starfish' and was being conducted jointly with Kent Police. In fact, three arrests had been made on the morning of the meeting, and the operation was proving very successful.

The data regarding personal robbery in Bromley had remained static over the last two months. The data showing thefts from motor vehicles was also static, but the Chief Inspector commented that this was still too high. The figures for non-residential burglary (which included shoplifting) had risen. This was compounded by the fact that some businesses could not afford security arrangements. The statistics for 'Violence with Injury' had fluctuated over the rolling 12 months, but averaged 179 incidents per month; the May 2019 figure was 201.

Members were briefed that some licensed premises had been closed for not complying with the terms of their licenses. The trend for criminal damage was downward and there was not a large number of harassment incidents.

The Chief Inspector commented that the volume of hate crimes in Bromley was relatively low; there had been a spike recorded in May 2019, but the reason for this was not known.

The Committee was briefed on the rate of sanctioned detections over the last 12 weeks. This stood at 7% which was approximately the MET average. The good news was that the murder detection rate stood at approximately 80%.

A Member queried how many CID officers there were in Bromley. The Chief Inspector was not aware of the figure on the night, but promised to report back with the information. It was the case that Bromley Police were short of detectives and detective constables and that there was no longer a dedicated burglary squad. A Member expressed the view that the direct entry mechanism for detectives was not appropriate. The Chief Inspector responded that improvement in recruitment was required across the MET and that a variety of different recruitment routes were being considered.

A Co-opted Member queried if recruitment work was undertaken in schools. The answer to this was yes, and the work was undertaken by Police Schools Officers. The Chief Inspector mentioned that there was currently a drive to professionalise the police service. This would be done by providing professionally recognised qualifications from the Royal Institute of British Policing. A Member expressed concern that police officers would now be required to obtain a degree or similar professional qualification. She was concerned that the desire to obtain professional qualifications could replace the requirement for common sense.

Members were informed that recruitment to the MET was now being opened up to people living in the Home Counties. Youth engagement policies were in the pipeline.

Victim Satisfaction had fallen. It was thought that this was due to changes in the way that victims were being updated about ongoing investigations. This was an area that the police needed to improve on. Bromley police were doing better in the Public Attitude Survey, and a new Bromley Facebook Forum was being developed. This concept had taken off well in Sutton, where 2700 had been routinely engaged.

The Vice Chairman commented that not many people were aware of how to contact ward officers and he asked if the contact details could be found on the MET website. The Chairman confirmed that this was the case, but they were still hard to get hold of.

The Chairman asked for an explanation of the police's strategy for reducing serious crime, especially in the identified crime hotspots in the north of the borough. Chief Inspector Knight responded that the police had identified 9 high priority crime areas where there had been much police activity. The aim of the police was to identify and analyse crime hotspots and prioritise risks. The police would subsequently utilise their assets based on risk. District ward assets would be focused on areas based on risk, because drug dealing and violence were taking place across all wards and across boundaries. Mr Knight was confident that crime would now fall in the current 3 priority ward areas.

Sergeant Paul Brewer attended to provide the update relating to the day to day work of Neighbourhood Ward Officers. He said that the role of DWOs was to detect and tackle crime in crime hotspots. He expected his officers to possess a good working knowledge of the wards that they operated in, along with some knowledge of the neighbouring wards as well. They had to have a clear plan of what they were looking to achieve. They would be expected to know the suspects and vulnerable people in their wards. The DWOs would be supported by PCSOs who would be expected to focus on community engagement and social media interaction.

Sergeant Brewer discussed the use of stop and search powers by ward officers, which could be used to disrupt gang violence and other crime. He wanted to see knife carriers brought to justice; seized weapons were put on Twitter. He highlighted the need for pro-active police operations, and mentioned the joined up work that had been undertaken with BTP at train stations.

Mr Brewer stated that he expected his officers to show initiative, and to own and act upon intelligence themselves. Whenever possible, a search warrant should be obtained so that searches could be undertaken for drugs, weapons and dangerous dogs. He referred to operations that had been undertaken in Penge with wider BCU support, and the fact that when warrants were actioned they would be noted on Twitter feeds, as this instilled fear into criminals and assurance to the general public.

A Member asked Mr Brewer if the police were provided with information relating to large community events.

This was because a large community event had taken place recently and there was no police presence. Chief Inspector Knight responded that in the London South BCU there were approximately 6500 community events each year, and the police did not have the resources to send officers to every event, unless there was specific intelligence available to suggest that a police presence was required. The police would not normally consider providing a presence at an event unless the expected turn out for the event exceeded 30,000 people.

A Member enquired if motor vehicles were provided for DWOs. The answer was that there were currently 4 vehicles available which could be booked out in advance as required. Mr Knight encouraged his officers to walk and use public transport to provide assurances to the public. A bid had been submitted recently for more vehicles that could be used in plain clothes operations.

The Chairman felt that there was a problem with the reporting of ASB crime, although he did feel that the 101 service had improved slightly. He would welcome the reformation of the Police ASB Team if that was feasible.

It was noted that the next police update for the September meeting would focus on CID.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

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

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

a PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO PLAN

Report ES19040

The update regarding the Portfolio Holder Plan was provided jointly by the Head of Performance Management (ECS) and by the Portfolio Holder.

Members noted page six of the report that outlined in table form the various areas of enforcement where performance was being monitored. It was noted that in some cases, new units of measurement and new indicators had been employed.

It was mentioned that with respect to fly-tipping hotspots, it would be helpful in future if information could be supplied regarding the location of the hotspots and the targeted areas.

The Committee was briefed that LBB would fulfill its responsibilities under the Prevent duty and would review and publish the Safer Bromley Strategy. A strategic lead had now been appointed to lead on gang and youth violence

and would be leading on reviewing the findings of the Home Office Locality Review into gang violence in Bromley. GAP analysis would be employed and LBB would look to utilise the help of third sector providers where appropriate. One of the roles of the strategic lead would be to identify where potential gaps in provision lay, so that the gaps could be filled. The post was currently funded for one year only.

A Member expressed the view that LBBs CCTV provision was inadequate and asked if new CCTV cameras could be bought. The Chairman said that it had been agreed previously that new CCTV cameras could be acquired for safety reasons. These had been ordered. It was clarified that these particular cameras would be used for parking enforcement only.

A detailed discussion followed concerning the use and provision of CCTV cameras and issues around surveillance. A Member said that because a camera had been moved from a location in Penge, the area had subsequently returned to becoming a crime hotspot. The Head of Trading Standards and Community Safety stated that cameras could be moved and relocated. He also said that the policy surrounding CCTV needed to be reviewed. CCTV cameras could be taken down and redeployed to crime hotspots, as long as the requirements of the Surveillance Commissioner were met. This was normally done in response to a request from the police, who would have to supply the required crime data to meet the surveillance requirements.

A Member asked why LBB was stuck with a small number of cameras. The Portfolio Holder explained that this was due to a lack of money and the fact that the requirement was non-statutory. The Member asked if there was any money available from other budgets. It was important to deal with rising crime and the public was upset. She suggested that the provision of more CCTV cameras should be regarded as an investment.

The Committee was appraised concerning the cost of a new CCTV camera:

- £7k for the camera
- £1200.00 per annum for the sim card
- Whatever the provision of a new pole would cost
- Total cost for a new CCTV camera could rise to £20k

The Head of Trading Standards and Community Safety said that ward panels should be made more aware of the costs involved, and that he was happy to talk to community groups about this. It was clear that the use of CCTV was instrumental in making arrests, but the fact remained that there was a limited budget available to purchase and maintain cameras.

Members were briefed on actions that would be taken to prevent the financial abuse of the vulnerable. It was noted that the existing partnership and training/education work with banks would continue.

The Committee was appraised concerning the enforcement work that would be undertaken to support and regulate businesses in Bromley.

The Chairman drew attention to section 3.2 of the report which referenced '*insignificant*' risk businesses. The Chairman was not comfortable with this term, and asked that it be replaced with the word '*low*' for future reports.

It was noted that section 4.4 of the report referred to aviation noise, but there was nothing noted specifically regarding general noise nuisance. Assurance was provided that action would also be taken with respect to general noise nuisance. The matter of parking enforcement was mentioned, and the Head of Performance Management (ECS) said that efforts were being made to get people out of their cars. A Member responded that people would always need cars and parking spaces.

A Member highlighted that that there was nothing in the Plan that related to enforcement action being taken with respect to nuisance in parks and open spaces, and there did not appear to be anything regarding this incorporated into the new parks contract.

RESOLVED that

1) The Portfolio Holder for Public Protection and Enforcement endorses the outcomes, aims, and performance measures set out in the draft 2019 Public Protection and Enforcement Portfolio Plan.

b BUDGET MONITORING--2019-2020

Report FSD19055

Members noted the Budget Monitoring report for 2019/2020.

Members of the Committee agreed that the Portfolio Holder should endorse the budget projection.

RESOLVED that the Portfolio Holder for Public Protection and Enforcement endorse the latest 2019/2020 budget projection for the Public Projection and Enforcement Portfolio.

c PPE PROVISIONAL OUTTURN-2018-2019

Report FSD19054

The Committee noted the Provisional Outturn report and agreed that the Portfolio Holder should endorse the recommendations of the report.

RESOLVED that

1) The Portfolio Holder endorses the 2018/2019 provisional outturn position for the Public Protection and Enforcement Portfolio

- 2) **The Portfolio Holder approves the drawdown of the carry forward sums from 2018/2019, held in Central Contingency, totalling £163k (net of grant income).**

9 LETTING AGENTS ENFORCEMENT REPORT

Report ES19039

Members noted the Letting Agents Enforcement report that was written and presented by the Head of Trading Standards and Community Safety. This follow up report had been presented to the PDS Committee at the request of the Executive.

Visits had been undertaken by a project officer to ensure that letting agents within the borough were compliant with legislation which required that letting agents correctly displayed fees and protected clients' money properly. It was also required that letting agents were members of an appropriate redress scheme.

Members were appraised that as a result of the project, 25 businesses had been brought into compliance. The situation had therefore now improved, businesses were complying and the public were being properly informed. Members were informed that no additional costs were anticipated going forward. There would simply be a requirement to investigate complaints.

Members were advised that the project had not been funded by monies that had been recovered under the Proceeds of Crime Act. The money had been found from underspends elsewhere in the service. This meant that monies recovered under the Proceeds of Crime Act (£48.1k) could be carried forward.

RESOLVED that the Public Protection and Enforcement PDS Committee note the report.

10 PURPLE FLAG UPDATE REPORT

Report DRR19/034

Members noted the report that provided an update on the Purple Flag accreditation in Beckenham Town Centre, and that the report was also being presented to the Renewal, Recreation and Housing PDS Committee on 2nd July. Members supported the recommendations of the report.

RESOLVED that

- 1) **Members note the update on progress to date of the Purple Flag accreditation for Beckenham Town Centre**
- 2) **Members support further applications to renew the Purple Flag accreditation.**

11 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT 2018-2019

Report DRR19/033

The Development Control Manager (Appeals and Planning Investigation) briefed the Committee regarding historic staffing issues and current staffing levels. With the additional provision of two full time temporary investigating officers, it had been possible to maintain current outstanding cases within target levels. It was hoped that at least one of the temporary positions could be upgraded to a full time contract.

A Member was pleased to note the increased enforcement of untidy site notices. Attention was drawn to section 3.9 of the report which referred to 'Operational Development', and the Chairman asked for an explanation of what this meant. Operational Developments were immune from enforcement activity if enforcement action was not taken within 4 years. The definition of 'Operational Development' was where operations were stated to result in some physical alteration to the land itself, as opposed to material changes of use which did not interfere with the actual physical characteristics of land.

A Member referenced case number 21 in the list of enforcement notices issued, and asked what 'commer' meant; it was clarified that this was an abbreviation for 'commercial'.

A Member queried why the Part 1 document which showed the list of enforcement notices issued over the last 12 months was not in Part 2 as in many cases the site/individual could be identified. The Development Control Manager explained that this was because the notices issued were statutory and in the public domain. The document in Part 2 was different as it was to do with cases currently under investigation or subject to an ongoing investigation.

The Chairman stated that there was much useful information in the report for Members. The Development Control Manager informed the Committee that he offered a Members' surgery as required.

RESOLVED that the Planning Enforcement Progress and Monitoring Report for 2018-2019 is noted.

12 ENFORCEMENT ACTIVITY UPDATE

Report ES18046

The Head of Service Food, Health and Safety and Licensing highlighted the main points of the Enforcement Activity Update report.

It was noted that under the Control of Pollution Act 1960, 64 notices had been served over the last financial year. These notices related to dust and noise emanating from construction sites. Notices had been issued under the Environmental Protection Act 1990 with respect to noise emanating from both

residential and commercial premises. A noise App had been developed to assist with this.

Members noted the significant number of enforcement notices issued by virtue of the Housing Act 2004. Previously enforcement was only applied with respect to properties comprising of three storeys. This element had now been removed under new legislation, and enforcement action could now be applied to single storey buildings.

Members were referred to the table of Licensing Hearings which detailed the type of licensing application and the outcome. It was noted that the licence for 'Two Ten' in Beckenham High Street had been revoked, and that the premises had now closed.

A Member highlighted the number of new HMOs (Houses of Multiple Occupation) that had been served with notices under the Housing Act 2004 (Part 2) where it was deemed that the fire precautions were inadequate. He asked if follow up work was undertaken regularly on the notices that had been served. The answer to this was yes. In the report it was noted that 12 premises had been served with these notices, and they had all complied.

A Member asked what was involved with respect to the cleansing of alleyways under the Public Health Act 1936. It was noted that 23 notices had been served, and the notices had been served due to problems with rats and mice. It was noted that ASBOs had now been replaced with Criminal Behaviour Orders.

The Interim Head of Service--Shared Parking Services provided an update on parking enforcement activity. It was noticeable that under the new contract with APCOA, the number of PCNs issued had dropped significantly and this was being looked into. Compliance with the terms of the contract needed to improve. Management action and the application of KPI penalties had mitigated the loss to the Council. A Member stated that in many cases the CEOs (Civil Enforcement Officers) were turning up at the wrong time, which was an indication of poor intelligence. The Interim Head of Service Shared Parking Services said that this was a matter that would be taken up with the contractor.

A Member asked if LBB could have a 'FAQ' section on the parking website. The response to this from the Interim Head of Service Shared Parking Services was positive, and it was stated that this was something that was being considered.

The Chairman said that he had tried calling the out of hours parking enforcement number, but had not managed to get a response. It was confirmed that this was a number that should be answered at all times, and this was another matter that the Interim Head of Service--Shared Parking Services would take up with the contractor.

RESOLVED that

- 1) The Committee receives an annual report on the service areas identified in the report
- 2) The Interim Head of Service--Shared Parking Services would contact APCOA to investigate why the out of hours parking enforcement number was not being answered
- 3) The Interim Head of Service--Shared Parking Services would contact APCOA to investigate why Civil Enforcement Officers were in some cases turning up to undertake enforcement work at the wrong time.

13 PUBLIC PROTECTION & ENFORCEMENT PERFORMANCE OVERVIEW

A discussion took place concerning fly-tipping, and it was noted that the Fly-Tipping and Enforcement Working Group met regularly and would provide six monthly updates. Increased targeted fly-tipping enforcement action was planned for the coming year. It was further noted that the contractors should clear fly tips on time, and there were financial incentives for doing so. Mention was made of a particular fly tipping incident where it would be required to remove the fly tip and block off the area with concrete blocks. This had been delayed out of respect for the fact that a neighbouring resident had recently passed away.

The Committee was informed that Star Lane had been blocked off for the last three months to prevent fly-tipping. This had proved successful and had reduced the amount of fly tipping tonnage by 135 tons and equated to savings of £25k. A meeting was going to be held the following week to discuss next steps. The number of arsons in Star Lane had significantly reduced.

It was noted that 'Community Impact Days' were now known as 'MOPAC' days, and Councillors were welcome to attend if they wished.

A Member commented on clean-up operations after burnt out cars were removed. He said that often the main shell of the car would be removed, but debris like broken glass was left behind. He requested that clean-up operations for burnt out cars be more thorough so that all debris was removed.

RESOLVED that the Public Protection and Enforcement Performance Overview is noted.

14 WORK PROGRAMME

Report CSD19090

Members noted the Work Programme for the Public Protection and Enforcement PDS Committee.

The Chairman explained that the police would be briefing the Committee in a different area for each meeting. On this occasion it had been regarding neighbourhood policing; at the next meeting it would be an update on the CID.

Rather than SLAM (South London and Maudsley NHS Foundation Trust) come to visit the Committee, the intention was that a member visit to the Bethlem Hospital be arranged instead.

Members were informed that the Coroner was keen for Members to visit the Coroner's Court, and she would be extending formal invitations regarding cases of interest.

RESOLVED that the Work Programme report is noted.

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

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

16 PLANNING ENFORCEMENT CASES PENDING CONSIDERATION

Members noted the Planning Enforcement cases pending consideration.

17 UPDATE ON THE FUTURE PROVISION OF HER MAJESTY'S POST MORTEM AND MORTUARY SERVICE

Members noted the update regarding the future provision of Her Majesty's Post Mortem and Mortuary Service.

The minutes for this item were noted in the Part 2 minutes.

The meeting ended at 10.00 pm

Chairman

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