

PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 16 June 2022

Present:

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

Sharon Baldwin (Safer Neighbourhood Board)

Also Present:

Councillor Julie Ireland

STANDARD ITEMS

75 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Alfred Kennedy.

Apologies for lateness were received from Sharon Baldwin.

76 DECLARATIONS OF INTEREST

There were no new declarations of interest.

77 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 23rd MARCH 2022

The Committee considered the minutes of the meeting of the Public Protection and Safety PDS Committee held on 23rd March 2022.

RESOLVED that the minutes of the meeting held on 23rd March 2022 be agreed and signed as a correct record.

78 MATTERS ARISING

CSD 22061.

The Committee noted the matters detailed in the report. The Chairman commented that Councillors were looking forward to receiving the training

package for all Councillors regarding how to respond during incidences of civil emergencies.

RESOLVED that the Matters Arising report be noted.

79 QUESTIONS FROM THE PUBLIC AND FROM COUNCILLORS

One oral question had been received from a member of the public. The questioner was not able to attend the meeting and so the question was dealt with as a question for written response.

**80 MINUTES OF THE MEETING OF THE SAFER BROMLEY
PARTNERSHIP STRATEGIC GROUP--26th MAY 2022**

The Chairman explained that the Committee was designated a 'Crime and Disorder Committee'. He explained the purpose of the Safer Bromley Partnership and the fact that the Crime and Disorder Committee was responsible for scrutinising the Safer Bromley Partnership. The Chairman said that Members were free to ask questions arising from the SBP minutes. These questions would then be forwarded to the SBP for a response.

The Chairman welcomed the police to the meeting and commented that the Committee would normally receive a data analysis report from the police that had not been provided on this occasion. The Chairman explained that at each meeting of the PP&E PDS, a specific partner would be asked to attend, provide an update and then respond to questions. The police would normally attend the first meeting of the Civic Year.

The Chairman asked if any Members had questions on the Safer Bromley Partnership minutes. The Chairman opened the questioning by asking for more information with respect to the apprenticeships being provided by Clarion Futures and how those apprenticeships could be monitored. The Chairman noted that reference had been made to the current SBP Strategic Document and that SBP partners had been asked to consider if revised priorities should be considered for inclusion in the new SBP Strategic Document. He also suggested that it would be good if the current SBP Strategic Document be disseminated to the PP&E PDS Committee. *Post Meeting Note: This was disseminated to Members on 27th June.*

The Chairman expressed the view that what should be included in the Strategy was more involvement from the police in dealing with speeding and in checking for drivers under the influence of alcohol and drugs; the Chairman requested that this be fed through to the Safer Bromley Partnership.

A Member requested an update on the success or otherwise of the knife amnesty bins that were located in Bromley and Penge. The Portfolio Holder informed the Committee that the knife amnesty bins were emptied on a three monthly basis and it was anticipated that data would be available soon.

The Chairman explained what questions would be appropriate for the Scrutiny Committee and what questions should be directed to the Safer Neighbourhood Board.

A discussion took place regarding the staffing levels for Safer Neighbourhood Teams.

RESOLVED that:

1) The Minutes of the Safer Bromley Partnership meeting that took place on 26th May 2022 be noted.

2) With respect to looking at revised priorities for the new SBP Strategic Document, a request be made to the SBP to consider a greater emphasis on dealing with speeding drivers and more action to be taken to check for drivers who may be driving under the influence of alcohol and drugs.

81 SBP PARTNER UPDATE FROM THE POLICE

Attending to provide the police update were Inspector Stuart Baker and Chief Inspector Ken Loyal.

The Chairman asked Inspector Baker if at future meetings, he could submit the statistics that the police normally would submit to the SBP as part of their priorities. He requested that this data be provided to the scrutiny committee a week before the meeting.

Inspector Baker said that the biggest change he wanted to report was with respect to changes regarding the Bromley Town Centre Team. The police felt that the area in Bromley where the most offences were taking place was in Bromley Town Centre, so the Bromley Town Centre Police Team had been significantly enhanced to deal with this.

Chief Inspector Ken Loyal stated that the police wanted to have better engagement and better communications. They also wanted to reduce violence and VAWG (Violence against Women and Girls). There were four main areas that Chief Inspector Loyal asked his officers to focus on and they were visibility, engagement, enforcement and problem solving. He referenced the 37 arrests which had been made in the town centre and which equated to 20 'detections'. He stated that this was a reasonable rate in comparison to MET wide statistics. He explained the various enforcement options that were available to the police in addition to arrests and these were the use of things such as disposal orders, banning orders, and community resolutions.

The Chairman pointed out that the detection rate was understandably good in Bromley Town Centre because of the resource that had been focused in that area, but conversely the detection rate in other areas across the borough was nowhere near the detection rates and arrest rates of Bromley Town Centre. He expressed no surprise that the results were good in Bromley Town Centre because they had approximately six times the number of officers available. In

his view the detection rate across the rest of the Borough was not particularly good. He stated it showed what could be achieved if the relevant resources were available. Inspector Baker responded and said that the town centre had been picked because of the volume of crime levels in that area. It was noted that the use of CCTV had made a significant beneficial impact in terms of crime resolution.

A Member referenced the Crown Prosecution Service and asked if they were working 'in house' with the police. She suspected that this was not the case and that there were communication issues with the Crown Prosecution Service which resulted in cases being lost. It was noted that the CPS was no longer working in house with the police for various reasons. Inspector Baker commented that the CPS was also under pressure. The Member replied and said it would be beneficial if the CPS could be moved back in house with the police.

A discussion took place concerning the percentage of crime solved with respect to the nighttime economy and what efforts the police were undertaking to increase visibility. A Member expressed concern at the number of police officers that were delayed at hospitals with mental health patients.

The issue of police abstractions across the BCU was discussed. This could occur because of a high risk incident or with respect to a specific operation that was intelligence led. A Member felt that this needed to be reviewed.

The Chairman thanked the police for their attendance and he said that going forward it would be good to look at crime reduction across the Borough as a whole and not just in Bromley Town Centre.

RESOLVED that the police update be noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

82 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Public Protection and Enforcement, Councillor Angela Page, attended the meeting to provide an update.

The Portfolio Holder stated that she had attended the meetings of the Safer Bromley Partnership and the Safer Neighbourhood Board. She had scheduled in a meeting the following week with the new Borough Fire Commander and the Chairman would be attending this as well. The Committee was also informed that the Portfolio Holder had been meeting on a quarterly basis with the BCU Police Commander.

RESOLVED that the Portfolio Holder update be noted.

83 PP&E PERFORMANCE OVERVIEW UPDATE

The Head of Performance Management & Business Support attended the meeting to provide the Performance Overview update. It was explained that the purpose of the Performance Overview update was to look at how the Council was performing against the various KPIs that were part of the Portfolio Plan. The update provided the actual KPIs for the previous year and the projected ones for the coming year.

The Head of Performance Management & Business Support referred to Item 2c which was compliance with the 'Challenge 25' policy. The previous target for visits was 20 but this was being increased to 40. Two premises were having their licences reviewed due to non-compliance and this had caused the rag status to be red. It was hoped that going forward to bring all businesses into 100% compliance with the Challenge 25 policy.

It was noted that more cameras were being used to report Moving Traffic Offences. When this process was initiated, for the first two weeks, PCNs were issued as required, but with a zero charge. It was hoped that the use of CCTV images would reduce the number of appeals.

A discussion took place concerning the various types of enforcement action that was taken with respect to fly-tipping. It was noted that in some cases warning letters were used. The Committee noted that for 10 cases reported in April, enforcement action was taken in three cases. For the other cases there was not enough evidence to prosecute.

RESOLVED that the PP&E Performance Overview update be noted.

84 PROVISIONAL OUTTURN

The Head of Finance for ECS and Corporate Services explained that the report set out the provisional results of the 2021/22 outturn for the Public Protection and Enforcement Portfolio. The final outturn report would be considered by the Executive at its meeting on 28th June.

The Head of Finance for ECS and Corporate Services explained to Members that the main body of the report was essentially a summarised narrative and that the detail would be found in the appendices which would point out any variations and the reasons for these. There had been little change since quarter three. He expressed the view that with respect to the Public Protection and Enforcement Portfolio, the resources were always used in an efficient manner.

A discussion took place regarding the Council wide emergency notification system which was a general warning system that officers monitored and which provided updates with respect to major incidents.

A Member asked for clarification of the nature of the IDOX system and it was reported that this was an IT system which was a working tool for officers in the Department and which was also used to store documents on the Cloud.

A discussion took place with regard to HMOs and the increase in the number of those which had been seen recently. It was noted that an Article 4 Direction was now in place to prevent the automatic permitted development of HMOs.

RESOLVED that the Portfolio Holder for Public Protection and Enforcement endorse the 2021/22 outturn position for the Public Protection & Enforcement Portfolio.

a GATEWAY REPORT FOR THE TENDER OF THE STRAY DOG & REHOMING SERVICE CONTRACT

ES20190

The report was presented to the Committee by the Contracts and Projects Manager. It was explained that the report was being presented to the Committee because the contract awarded to SDK Environment Limited for delivering the Stray Dogs and Pest Control Services contract was expiring on the 31st of January 2023. Because of this, approval was being sought for the recommended commissioning strategy to be progressed.

It was explained that the Council had a statutory duty to deal with stray dogs but it did not have a statutory duty to provide pest control services. It was pointed out that if there were cases where a rat infestation was allegedly caused by the actions of an individual, the Nuisance Team would investigate this.

The Contracts and Projects Manager outlined three possible options for consideration by the Committee and explained that the preferred option was Option 3.

RESOLVED that:

1) The Portfolio Holder for Public Protection and Enforcement approve the decommissioning of the Pest Control Service which was a non-statutory function.

2) The Portfolio Holder for Public Protection and Enforcement approved that the Council should proceed to procurement for the Stray Dog and Rehoming Service for a proposed contract of three years, with the option to extend for up to a further two years at an estimated annual value of £62k (estimated life value of £310k).

3) Subsequent to the completion of the tendering process, a message be disseminated by the Communications Team to explain any changes that had occurred with respect to the provision of Stray Dogs and Pest Control Services.

**85 PLANNING ENFORCEMENT PROGRESS AND MONITORING
REPORT APRIL 2020 TO MARCH 2021**

**HPR2022/030
DRR**

The introduction to the Planning Enforcement Progress and Monitoring report from April 2020 to March 2021 was provided by the Head of Planning and Development Support.

In summary, the purpose of the report was to provide an update on various planning enforcement cases and the Committee was being asked to consider and note the report.

It was explained that any breaches of planning regulations would sit with Councillor Alexa Michael as Chairman of the Development Control Committee. If it was subsequently deemed by the Development Control Committee that enforcement action was required with respect to breaches of planning regulations, then the enforcement action would fall within the remit of the Public Protection and Enforcement PDS Committee. The report that was presented on the night was related to the last 12 months before June 2020 when there was the lockdown due to the COVID-19 pandemic.

A year on year comparison would be provided on the next report to the Committee. Members noted that the main area of legislation that was relevant to the enforcement of planning regulations was The Town and Country Planning Act. In terms of planning enforcement the Head of Planning and Development Support explained that the cases would go directly to Court or otherwise the cases would be presented before one of the Planning Sub-Committees with a request for Members to agree to 'direct action'. In such cases a fine could be issued or a charge placed on a property. No budget existed for direct action.

Attention was drawn to the Council's enforcement policy, it was noted that this was also available on the Council website and that it was due to be updated soon.

The Chairman drew attention to section 3.8 of the report which stated that as of the 31st of March 2021, there was a total of 476 open enforcement cases currently under investigation or pending consideration; he asked why this number was so high. The Head of Planning and Development Support pointed out that these were figures as of the 31st of March 2021 and therefore the current figure would in fact be higher. This number had risen from a backlog of cases, more resources were required, but there would always be a backlog of cases as this was how the Department worked.

A Member referred to section 3.11 of the report and the table which detailed the 68 enforcement notices in connection with breaches of planning regulations that occurred between April 2020 to March 2021; it was confirmed

that in effect the data being provided was a year behind. A Member commented that it would be helpful to have comparable data presented over a number of years. She asked if this data could be presented at the next meeting. The Chairman suggested that it may be more appropriate to disseminate this data outside of the meeting so that it didn't have to come back to the next meeting. The Member also queried if data was available to the 31st of March 2022 instead of 2021. The Head of Planning and Development Support said that this data could indeed be accessed quickly. It was requested that when the next report was presented, that the data be more current.

RESOLVED that

1) The report be noted and that data to March 2022 be disseminated to the Committee.

2) When the next report was presented, the data should be current.

86 MOPAC UPDATE

A verbal update was provided by the Head of Community Safety, Environmental and Domestic Regulation.

The Committee heard that this year Community Safety had submitted various applications for grants from MOPAC:.

- Violence Reduction Unit Grant
- London Crime Prevention Fund Projects
- Children and Adults Safeguarding Fund

All of these grant applications were successful and monies were drawn down quarterly.

With respect to the VRU grant, two grant bids had been successful, one of these was for the targeting and mentoring of young people (£12k). The other was funding for the Serious Youth Violence and Gangs Single Point of Contact for Bromley (£38k).

With respect to funding for the London Crime Prevention Fund Projects, funding was drawn down over a three year period. One of these projects was for victims of domestic abuse (women and children) and this service was being provided by Bromley and Croydon Women's Aid. The total funding for that project over the three year period was in the region of £600k. Another project falling under the umbrella of the London Crime Prevention Fund Projects was a project for protecting people from exploitation and harm. This was an early intervention project run by the Youth Justice Services. Another project under this umbrella was an IOM (Integrated Offender Management) project that tracked the movements and addresses of high harm and high volume offenders.

Another pot of funding was used to fund the Council's Community Impact Days in 4 wards. Community Impact Days involved collaboration from 20 partners and the days were organised by Sandra Campbell. This funding was also used to fund the targeted out of hours nuisance response. The total MOPAC grant funding received by the Council so far this year was £367k.

The Chairman asked the Head of Community Safety, Environmental and Domestic Regulation if the detailed information that she had just presented to Members could be disseminated to the Committee later, so that Members could look at the data at their leisure and ask relevant questions if required. The Head of Community Safety, Environmental and Domestic Regulation agreed to this and said she would provide the data to the Committee Clerk to disseminate with the minutes.

It was agreed that the future calendar for Community Impact Days would be disseminated to Members. The Chairman recommended that Members attend a Community Impact Day and said that they were very well received by the community.

RESOLVED that:

- 1) The detailed breakdown of MOPAC funding for the various projects run by the Council be disseminated to Members.**
- 2) The calendar detailing the dates and locations of future Community Impact Days be disseminated to Committee Members.**

87 LETTINGS ENFORCEMENT UPDATE

ES 20182

The update on the Lettings Enforcement report was provided by the Assistant Director for Public Protection and Enforcement and she stated that the report was primarily for information. The idea behind the lettings enforcement legislation was that the Council could hold landlords and letting agents to account, so that tenants' deposits could be protected. It was initially the case that the Council had taken a proactive stance in this regard, but they had now moved to a more reactive position in the sense of responding to any complaints received from the public. A Member expressed surprise at the decision that proactive interventions were not being continued.

It was noted that section 3.5 of the report said that nine agents had been the subject of enforcement action whereas in section 3.6 of the report it referred to 8 agents. The Assistant Director said that she would clarify this. Members were also keen to be provided with a Ward breakdown of where the offences were taking place so that they would know where the offenders were located. There was a reference to the 3 appeals made in the report. The Chairman commented that as far as he was aware the cases were well proven and the three appeals could only be for mitigation only.

RESOLVED that the Lettings Enforcement Update be noted.

88 PP&E CONTRACTS REGISTER

ES20185

It was noted that the Mortuary Contract was rag rated as 'amber'. This indicated that the contract was due to expire in September 2022 and so arrangements were being made for the re-tendering of the contract. It was further noted that two environment contracts were listed in error and these would be removed before the next meeting. These were the contracts relating to Hoblingwell Community Cycle Track and Bromley Market Stall Assembly.

RESOLVED that the PP&E Contracts Register Update be noted.

89 PP&E RISK REGISTER

ES20179

It was explained that the risk relating to the Coroner's Service was still red as there were ongoing difficulties in the negotiation of the contract price between the Council and the Coroner.

Members noted the red risk pertaining to the maintenance and provision of the Out of Hours Noise Service. It was noted that this service was dependent upon MOPAC funding, but it was the case that MOPAC had accepted the latest funding bid. Nevertheless, there was still a risk because occasionally the staffing rota for those providing the service was not filled. A paper would be presented to the next committee meeting to outline a new range of options for the service--some of which would incur a cost.

RESOLVED that the Risk Register update be noted.

90 WORK PROGRAMME

CSD 22042

The Chairman said the police would need to be chased earlier next time to make sure that some sort of meaningful report was submitted to the Committee from them. It would also be necessary to clarify the specific timings of when the police would next appear before the Committee.

RESOLVED that the matters arising reports be noted.

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

92 PART 2 CONTRACTS REGISTER REPORT

Members noted the Part 2 update that was provided by the Director of Environment and Community Services.

RESOLVED that the Part 2 update be noted.

The meeting ended at 9.33 pm

Chairman

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