

## **PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 15 November 2022

### **Present:**

Councillor David Cartwright QFSM (Chairman)  
Councillor Kim Botting FRSA (Vice-Chairman)  
Councillors Mike Botting, Julie Ireland, Josh King,  
Andrew Lee, Alexa Michael, Harry Stranger and  
Rebecca Wiffen

Sharon Baldwin and Nathan Ward

### **STANDARD ITEMS**

#### **93 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillor Chloe-Jane Ross and Cllr Julie Ireland attended as substitute.

Apologies were received from Cllr Sophie Dunbar.

#### **94 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **95 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 16th JUNE 2022**

The Committee considered the minutes of the Public Protection & Enforcement PDS Committee that met on 16<sup>th</sup> June 2022.

**RESOLVED** that the minutes of the meeting held on 16<sup>th</sup> June 2022 be agreed and signed as a correct record.

#### **96 QUESTIONS FOR THE CHAIRMAN OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE**

No questions were received for the Chairman.

#### **97 QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER**

Two oral questions had been received from a member of the public and one had been carried over from Cllr Kathy Bance. The questioners were not

present on the night and so the questions were dealt with as written responses which will be appended to the minutes.

## **98 MATTERS OUTSTANDING**

### **CSD 21146**

The Matters Outstanding report referred to the problems posed by motorists driving under the influence of drugs and alcohol. The Chairman tabled a report from the Daily Mail dated November 9<sup>th</sup> 2022 which expressed the view that 2021 was 'the most dangerous year ever on our roads'. He requested that the article be sent to the Safer Bromley Partnership. It was hoped that dealing with motorists under the influence of drugs and alcohol could be incorporated into the new Safer Bromley Partnership Strategy. A Member expressed the view that concerning this matter a national advertising campaign was required. It was felt that a dedicated police traffic unit was required. The police were hindered from dealing with these matters and others because of frequent abstractions caused by protest groups like 'Extinction Rebellion'.

The Chairman felt that the matter of dealing with motorists under the influence of alcohol and drugs was not helped by the new policy of the police which was to prioritise 'high harm crimes'. In his view the deaths and injuries caused by motorists under the influence of alcohol and drugs was of such a level that it should be considered as a 'high harm crime'. A Member suggested the use of ANPR cameras may help.

**RESOLVED that the Matters Outstanding report be noted and that a copy of the Daily Mail article be provided to the Safer Bromley Partnership.**

## **HOLDING THE PORTFOLIO HOLDER TO ACCOUNT**

### **99 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW and PORTFOLIO HOLDER UPDATE**

The Portfolio Holder for Public Protection and Enforcement advised Members that she had recently attended the Safer Neighbourhood Board Crime Summit and the meeting of the Safer Bromley Partnership Board. She had also recently chaired a meeting of the Bromley Mentoring Initiative which was designed to help young people who needed help, advice and guidance. There had been issues with 'boy racers' in various wards, particularly in Chelsfield and Biggin Hill. The Council was working closely with the police on this matter. The Portfolio Holder was due to have a meeting soon with Chief Superintendent David Stringer and would raise the issue with him at that time.

With respect to the performance overview report, the Chairman referred to issues that had been flagged as red; he commented that the matters concerning the 'Challenge 25' policy were self-explanatory and would disappear soon. The rest of the issues that had been flagged red were

connected with the Food Safety Plan and this would be a looked at later in the meeting as it was an item on the agenda.

**RESOLVED that the Portfolio Holder Update and the PP&E Performance Overview report be noted.**

**a BUDGET MONITORING 2022/23**

**ES20232**

The Chairman welcomed Mr Murad Khan to the meeting as it was his first committee meeting after his recent appointment as the new Head of Finance for the ECS and Chief Executives Department. The Chairman asked for an explanation of the £23k overspend that was noted in the budget monitoring report. It was explained that this was expenditure on staffing which included people working overtime on enforcement duties and covering other short term vacancies.

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

**b FOOD SAFETY PLAN UPDATE**

**ES 20206**

The Committee was briefed that a backlog of food safety inspections had accrued as a result of the COVID-19 pandemic and staffing shortages. As well as the backlog there was the additional pressure created by 387 new unrated businesses that had been registered during the previous year and would also need to be inspected. The report that was presented to Members set out the Council's plan for dealing with the backlog of cases. Two agency workers had been recruited in the last few months to assist in clearing the backlog. A Member suggested that the size of the Food Safety Team might need to increase and noted that the Food Standards Agency (FSA) were in regular contact with the local authority to assess progress. The Chairman commented that whilst the FSA were content with the Plan that Bromley had proposed they recognised that the backlog would not be cleared this year. .

The Head of Trading Standards and Community Safety said that he would be reporting back to the Assistant Director for Public Protection and Enforcement in either January or February 2023 and that the update would be noted on the Performance Overview report.

**RESOLVED that the Portfolio Holder be recommended to approve the Food Safety Service Plan for 2022-2023 (Appendix A of the report).**

**100 CONTRACTS DATABASE REPORT AND DATABASE EXTRACT**

**ES20212**

Members were pleased to note that the Mortuary Contract had been successfully extended.

**RESOLVED that the Contracts Register update report be noted.**

**101 SCRUTINY AND MINUTES OF THE PREVIOUS MEETING OF  
THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP--  
27th OCTOBER 2022**

The Chairman said that he also sat on the Bromley Mentoring Initiative Group. He expressed concern regarding the number of young people entering the Youth Justice System (YJS) for the first time in Quarter 2 (40). He said that the BMI could only take young people that had been referred and from the number of young people continuing to enter the YJS he felt that more referrals were needed from the Youth Justice Service. The Chairman intended to write to the SBP (Safer Bromley Partnership) concerning this and ask why referrals were not being passed from the Youth Justice Service to the BMI. This would be noted in the same letter that outlined the Committee's concerns regarding the problem of motorists driving under the influence of drugs and alcohol. This was supported by Members.

The Chairman referenced a group called 'RAW' which was a group that focused on reducing offending and re-offending. He suggested that BYC could be part of this in terms of a consultancy role. The BYC Chairman said that he would put forward this idea to BYC and report back.

It was clarified that with respect to the £100k 'detriment that had been saved' by Trading Standards, this was the result of work undertaken by the Door Step Crime and Rapid Response Team.

The Chairman expressed concern regarding the Mayor's Office for Policing and Crime (MOPAC) statistics relating to crime levels across the board. The Chairman said that he would like to see more reporting and discussion concerning the lack of trust in the police force.

The Vice Chairman raised concerns regarding Ring Door Bells. There had been incidences of burglary where images of the suspects had been recorded on the Ring Door Bells (in some instances actual faces) but it was being reported on social media that the police were not investigating due to lack of staff to examine the images. The Vice Chairman said that she intended to raise this matter with the Safer Neighbourhood Board and also possibly with MOPAC.

**RESOLVED that the minutes of the Safer Bromley Partnership be noted and that the Vice Chairman refer the issue of Ring Door Bell images to the SNB and possibly MOPAC**

**102 UPDATE ON THE CONTAMINATED LAND STRATEGY**

## **ES 20194**

The Chairman said that this was a joint report with the ECS PDS Committee and that the PP&E PDS Committee was involved because of any enforcement aspects that may arise. The Council had not formerly identified any contaminated land but he wondered if a strategy existed so that contaminated land could be identified if required.

A discussion took place concerning the difference between contaminated land and land that had been affected by contamination. There were legal issues involved that regulated what information could and could not be released. It was agreed that an update regarding this should be provided on the Matters Arising report for the next meeting.

In terms of how the Council fulfilled its responsibilities regarding contaminated land, the Assistant Director for Public Protection & Enforcement explained that these duties and responsibilities would be managed through the Planning regime and the Development Control Committee. It was agreed that a fuller response to this matter could be provided on the Matters Arising report for the next meeting.

**RESOLVED that the Portfolio Holder for Sustainability, Green Services and Open Spaces be recommended:**

- 1) To approve the adoption of the finalised Contaminated Land Strategy 2022.**
- 2) To agree to the delegation of authority to the Assistant Director of Public Protection & Enforcement to make minor changes to the Strategy post adoption, should it be required.**

## **103 FLY TIPPING ACTION PLAN UPDATE**

### **ES20210**

The Street Enforcement Manager said that a new fly tipping database was being developed and he was hoping to see an increase in actions in the coming year. He had developed new templates that would be used for notices that would be served based on Section 108 of the Environment Act 1995. He highlighted various cases that were going to court in the next few months. The Council were working with Veolia to increase patrols and enforcement actions. There was mention of the campaign initiated by Veolia called 'Your Waste was Your Responsibility' which seemed to be a successful campaign.

The Street Enforcement Manager informed the Committee that bulky household waste was the main type of fly-tipping in Bromley. In line with Defra recommendations, the Council was adopting a policy of supplementing enforcement action with engagement. This approach was adopted during a site visit to Mottingham on the 24th of August 2022. This campaign was

supplemented by banners on Veolia vehicles highlighting how bulky waste should be correctly disposed of. The campaign had been shortlisted for 'Campaign of the Year' at the National Recycling Awards which was due to take place on the 6th of December 2022.

The Street Enforcement Manager explained that in some cases cautions were used when it was not in the public interest to prosecute. There was currently a live warrant outstanding for the owner of a skip company who had failed to attend court. An operation had been conducted jointly with the Met Police recently and two vehicles had been seized. That particular case was due to be heard in court on the 13th of December 2022. Further live investigations were underway. Also on the 13th of December, another case was being heard in court concerning a waste carrier who had failed to produce written transfer notes on request.

The Committee was interested to note that new CCTV was being introduced along with artificial intelligence, which would report immediate changes to the landscape and send images of fly tipping to the Enforcement Team so that officers could respond quickly. More training was also planned for officers. Partnership work was being undertaken with Kent and Sevenoaks Council.

A Member enquired about the recovery of court costs and if this data was available. The Street Enforcement Manager responded and said that the Council did have a cost schedule and that this detail was available. It was agreed that some detail concerning this would be provided on the Matters Arising report at the next meeting.

Members discussed the issue of dog fouling and the actions that were being undertaken by Ward Security and Veolia with respect to both dog fouling and littering. It was felt that 'dog fouling signage' was effective and that this should be used as a deterrent measure along with increased publicity regarding prosecutions.

**RESOLVED that**

**The Fly Tipping Action Plan update be noted and that an update be provided on the Matters Arising report at the next meeting concerning the allocation of court costs with respect to fly-tipping prosecutions.**

**104 PUBLIC PROTECTION AND ENFORCEMENT RISK REGISTER**

**ES20216**

The Assistant Director for Public Protection and Enforcement referenced the risk associated with the Out of Hours Noise Service. This was normally staffed on a voluntary basis, but the uptake of volunteers had been limited and so this was still an area of risk. More work was required to confirm arrangements for the future operation of the service, particularly if no external funding was forthcoming. An update report would be presented at the January PP&E PDS meeting. The risk associated with the cost of the Coroner's Service was

discussed. The Service was requesting a greater financial contribution from Bromley. The reason for the increased costs had been attributed to 'high risk post mortems'. The matter was being discussed by the four authorities in the consortium.

**RESOLVED that the update on the PP&E Risk Register be noted.**

**105 WORK PROGRAMME**

**CSD 22124**

It was clarified that the first meeting of the new year would be on the 31st of January 2023.

**RESOLVED that the Work Programme be noted.**

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

**107 CONTRACTS REGISTER PART 2 (CONFIDENTIAL)**

Members noted the Part 2 version of the Contracts Register Database.

**RESOLVED that the Part 2 version of the Contracts Register Database be noted.**

The meeting ended at 9.25 pm

Chairman

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PPE PDS Meeting: 15<sup>th</sup> November 2022

## Public Questions

### **1) Question from Dermott McKibbin:**

Has the owner of the house in multiple occupation property in Avondale Road Mottingham, (that the Council prosecuted for failing to obtain planning permission), now registered this large property multi-occupied, with the Council's Environmental Health Department.

#### Response to Question 1:

Public Protection and Enforcement's Housing Enforcement Team recently (Nov 22) successfully prosecuted an owner of an HMO (House in Multiple Occupation) on Avondale Road for failing to licence it with LBB. The owner is yet to apply for a licence and if this is not received further action will be taken.

### **2) Question from Dermott McKibbin:**

Why does the Portfolio Plan not refer to the Borough's Housing Strategy's recommendation "to introduce mandatory licensing for HMOs of all sizes and invest in resources to monitor and enforce this" Is this still council policy?

#### Response to Question 2

This area of work was not scheduled for the 2022-23 Portfolio Plan as other operational and covid recovery priorities had to take precedence. Public Protections Housing Enforcement Team will be working with Housing Services on the delivery of commitments set out in the Housing Strategy for 2019-2029. .

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## PPE PDS Meeting: 15<sup>th</sup> November 2022

### Questions from Councillors

#### 1) Question from Cllr Kathy Bance:

We Cllrs are receiving requests from residents urging us to take action to stop the outdated practice of giving away pets – namely goldfish – as prizes. Does Bromley support the RSPCA's Motion and if so, should this committee make a recommendation?

#### Response to Question 1:

Thank you for your question and we totally endorse the sentiments you set out regarding the giving away of goldfish as prizes.

Unfortunately, as there is no Government legislation in this respect, the Council's hands are somewhat tied when it comes to events on private land, where we can only advise.

However, Idverde has confirmed that whilst their own operations have not offered pets for prizes for over 10 years, they are currently redrafting their Events Strategy and will be adding a line formalising the fact that pets for prizes are not permitted at any events in Bromley's parks and open spaces.

This will also be added in the event Terms & Conditions.

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