

PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 31 January 2023

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 and Nathan Ward

Also Present:

Councillor Nicholas Bennett J.P. and Lucien Spencer

STANDARD ITEMS

108 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Oscar Seal from Bromley Youth Council.

109 DECLARATIONS OF INTEREST

There were no declarations of interest.

110 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 15th NOVEMBER 2022

The Committee considered the minutes of the meeting of Public Protection and Enforcement PDS Committee held on 15th November 2022.

RESOLVED that the minutes of the meeting held on 15th November 2022 be agreed and signed as a correct record.

111 QUESTIONS FOR THE CHAIRMAN OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

No questions were received.

112 QUESTIONS FOR THE PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO HOLDER

No questions were received.

113 MATTERS ARISING/OUTSTANDING

CSD23022

Members noted the updates on the Matters Arising report.

It was noted that Councillor Nicholas Bennett had helped to draft a letter to Bromley Magistrates' Court seeking more robust and realistic costs for fly-tipping offences.

A Member said that she was pleased to note the fly-tipping prosecutions that had taken place. She asked if the Council would 'name and shame' offenders. The Street Enforcement Manager responded in the affirmative saying that the Council would seek to publicise successful prosecutions where possible. Members were pleased to note that a number of vehicles used for fly-tipping had been seized.

RESOLVED that the Matters Arising Report be noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

114 PORTFOLIO HOLDER UPDATE

The Portfolio Holder stated, with respect to fly-tipping, that LBB would name and shame where possible in press releases. The Portfolio Holder had attended a meeting of the Youth Justice Service in December with the Leader and Deputy Leader. The Portfolio Holder met with Chief Superintendent Dave Stringer who informed the Portfolio Holder that he was retiring and his position was being filled by acting Chief Superintendent Andy Brittain. The Portfolio Holder and the Chairman of the PP&E PDS Committee had recently met with the Borough Fire Commander, Chris Line, where the Bromley Mentoring Initiative was discussed with a view to involving the London Fire Brigade in the scheme.

RESOLVED that the update from the Portfolio Holder be noted.

115 PUBLIC PROTECTION AND ENFORCEMENT PERFORMANCE OVERVIEW

The Chairman stated that in addition to the Performance Overview document being printed in A3, he asked if it was possible for the font to be larger and asked that a request be made to the Print Room to this effect. (This request was subsequently conveyed to the Print Room by email on 22nd February).

Members noted item 2c which was in respect of 'Challenge 25' test purchases. Only one business was non-compliant, but this meant that the 100% target had not been met.

The matter of the FSA (Food Standards Agency) and food safety inspections was discussed. The FSA were aware of the backlog of inspections and the plan that had been set in place by the Council to rectify this. No concerns were currently being raised by the FSA.

RESOLVED that the Performance Overview update be noted.

a OUT OF HOURS NOISE SERVICE

ES 20254

It was explained that a key benefit of the new service proposal was that it would be focusing on the time of greatest need. This would be on Fridays, Saturdays, Sundays and bank holidays. It was therefore anticipated that there would be a greater opportunity for intervention in real time. It was proposed that the service would be provided by LBB contracted staff, whereas previously the service was provided by voluntary staff. If the framework was agreed, then the operational fine-tuning would be worked out later. It was noted that this service was non-statutory. The proposals were presented to the Committee because the current system was not sustainable.

Members noted that option four (of the recommendations) was the preferred option and it was agreed that the Service would be reviewed a year subsequent to implementation. The Committee unanimously agreed the proposals.

RESOLVED:

1) That the Portfolio Holder be recommended to agree that Option 4 of the delivery options be adopted.

2) That an update on the revised service be brought back to Committee a year after implementation.

**116 PUBLIC PROTECTION AND ENFORCEMENT PORTFOLIO
DRAFT BUDGET 2023/24**

ES20246

Members noted the Public Protection and Enforcement Portfolio Draft Budget for 2023/24.

It was noted that funding for the revised Out of Hours Noise Service would be fed into the budget--probably from the Contingency Fund.

No further comments were provided for the attention of the Executive.

RESOLVED that the update on the financial forecast and the initial draft budget for 2023/2024 be noted.

**117 HOUSES OF MULTIPLE OCCUPATION (HMO) MEMBER
 UPDATE**

ES20252

It was noted that the introduction of an Article 4 direction had slowed down HMO expansion. The Environmental Protection & Housing Regulation Manager provided an explanation of the definition of an HMO. It was a property that was occupied by three or more people in two or more households, which shared amenities. In 2018 there was a change in the law which removed the requirement for the definition to include properties that had three or more storeys. This led to an increase in the number of HMO licences being issued. Before September 2022 many HMOs could be developed under permitted development and did not require planning permission. The introduction of an Article 4 Direction since September 2022 made planning permission a requirement for all HMOs.

It was noted that there was not a maximum size for HMOs. Bromley currently had 20 people living in a single HMO. The differences between a HMO and a hotel were discussed. This was primarily around tenancy agreements.

Landlords could run HMOs while waiting for a licence as long as they had applied for the licence as it was incumbent on the local authority to provide a licence as soon as possible. There were 358 HMOs operating within the borough and there were 150 licence applications outstanding at the time of the meeting. This was because of the current high demand for HMO licences. Legally, the timescale for the processing of a HMO licence took a minimum of 42 days. The difference between mandatory and additional licences was discussed. It was noted that an application for an additional licence would need formal adoption. However, this would sometimes need the approval of the Secretary of State and had to be for specific reasons. The Assistant Director for Public Protection and Enforcement explained that the Council was assessing whether a borough wide scheme should be adopted for additional licences from 2029 onwards.

The Chairman said that ward members sometimes received complaints regarding HMOs and so it would be helpful if an aide memoir could be disseminated to show whom they should report concerns to. It was pointed out that such an aide memoire had previously been drafted and would be circulated to Members.

It was noted that the local authority had a statutory duty to produce a public register of all HMOs. It was confirmed that such a document existed and was available on request. Developments were currently taking place which would mean that the HMO register would be available on the Council website in the near future. Details of HMOs could also be accessed via the Licencing Portal on the Council website.

RESOLVED that the report be noted and that the Head of the Planning and Development Support Team disseminate an aide memoir to Members which outlined how complaints relating to HMOs should be processed.

118 MINUTES OF THE PREVIOUS MEETING OF THE SAFER BROMLEY PARTNERSHIP BOARD--12th JANUARY

The Chairman was concerned that the Mayor's Office for Policing and Crime (MOPAC) was not providing data in an easily accessible and fit for purpose format. He felt that this was a matter that should be raised directly with MOPAC as an action point.

The Chairman said that if committee members wished to direct questions to the police at the June meeting, then they should submit their questions at least two weeks before the meeting. His aim was to scrutinise the police in depth at the June meeting.

There was a general consensus that education campaigns should be undertaken in schools to counteract misogynistic ideas that had been propagated by certain individuals on social media.

The Chairman of Bromley Youth Council said that in his view there had been a misogynistic sub-culture developing in schools that needed to be addressed. It was agreed that he would write to the Safer Bromley Partnership concerning this.

A Member said that she would like to know what the staffing levels were in the Safer Neighbourhood Team. The Chairman responded and said that he would write to the police concerning this.

RESOLVED:

1) That the Chairman would contact MOPAC regarding providing data in a more easily accessible format.

2) That partners should submit questions for the police at the June meeting to the Chairman two weeks in advance of the meeting.

3) The Chairman to write to the police to find out what the staffing levels were in the Safer Neighbourhood Team.

4) The Chairman of BYC would write to the Safer Bromley Partnership concerning the misogynistic sub-culture that was developing in schools.

**119 SCRUTINY OF THE SAFER BROMLEY PARTNERSHIP--
INCORPORATING AN UPDATE FROM PROBATION SERVICES**

Lucien Spencer (Head of Service: Bromley and Lewisham Probation Delivery Unit) addressed the Committee. This followed his recent presentation to the Safer Bromley Partnership Board on the 12th of January. The HMIP had conducted an inspection of the Lewisham and Bromley Probation Delivery Unit during the Summer of 2022. Forty two cases had been scrutinised and six PDUs were audited across the South London region. Mr Spencer reported that four PDUs had been assessed as 'inadequate' and this included Lewisham and Bromley. The South London ratings were reflective of the national picture. In terms of the national ratings, the Bromley and Lewisham PDU was somewhere in the middle. The inspections focused on the management of risk of serious harm. Subsequent to the audit, an action plan had been developed and a further audit took place and some improvement had been proven.

Mr Spencer explained that since the Probation Service was split into Probation Delivery Units and Community Rehabilitation Centres (CRC), the organisation had in effect experienced 10 years of disruption. There had been recruitment difficulties and operational challenges. With the CRC units folding, there was a general deficiency in trainee and experienced officers. No quick fix existed for the Probation Service. The current vacancy rate was in the region of 25%. On the positive side, Community Payback and Integrated Offender Management (IOM) were working well and there was a good relationship with the local authority and other partners.

A Member asked why there were problems with recruitment and retention. The Head of Service for the PDU responded and said that this was a multifaceted problem that dated back some 10 years. There had been a framework change in 2012 which had resulted in a significant reduction in the number of probation officers being trained. There was now however, a significant uplift in the number of new officers being trained. Some officers left naturally and others moved on into other services like the police or the health sector. Nationally, there was now a significant uplift in training. Three new cohorts would be coming to London in March, this would mean that 125 new officers would be entering into the service then. It was acknowledged that the Probation Service needed to look at staff working conditions, particularly with respect to manageable workloads.

Reference was made to the Jordan McSweeney case and what safeguards existed to prevent a similar incident occurring in Bromley. Mr Spencer responded and said that there was better communication now between the Probation Services and the Police and a new framework for reporting. The process for recalls was now more robust.

A document had since been drafted which was relevant for the whole of London. This document was referred to as 'the action plan for London'. This document detailed recommended actions subsequent to lessons learned from the Jordan McSweeney case. The actions were live and open to review and HMIP was very much involved in this.

It was expected that the next inspection of Lewisham and Bromley PDU would take place in approximately two and a half years. Mr Spencer informed the Committee that Lewisham and Bromley PDU had developed its own internal quality improvement programme which was based on the recommendations from the HMIP report on the Jordan McSweeney case; this noted their performance against the recommendations of the report. This was not a public document but it was shared with HMIP.

The Chairman noted the ongoing work being undertaken to improve the performance of Lewisham and Bromley PDU and he thanked Mr Spencer for attending. Mr Spencer agreed to supply another update in a year's time.

The Chairman referenced page 87 of the agenda pack which was the Crime Performance Dashboard data provided by the police. The Chairman commented that he was not happy with the format of the data as it was difficult to read. He requested that the police be made aware of this.

(Post meeting note: An email was sent by the Committee Clerk on behalf of the Chairman regarding this matter on 23rd February 2023).

A concern was raised regarding the increase in knife crime and the fact that Bromley now had seven active gang nominals. The Chairman responded and said that these concerns would be noted for the attention of the police. The Chairman of the Safer Neighbourhood Board hoped that because Bromley had now been allocated a dedicated Superintendent, the situation may improve.

RESOLVED:

- 1) That the Head of Service for Bromley and Lewisham PDU attend the Committee in a year's time to provide a further update on progress made by the Probation Service against the recommendations of HMIP.**
- 2) That the police should be made aware that the format of the data provided with respect to the Crime Performance Dashboard be provided in a manner that was easier to read.**
- 3) Concerns should be raised with the police regarding the increase in knife crime and in the number of gang nominals in Bromley.**

**120 BROMLEY DOMESTIC ABUSE SERVICES--INFORMATION
PAPER**

ES20252

It was explained that responsibility for providing domestic abuse services had been transferred from 'Early Intervention and Family Support' to 'Community Safety'. The Bromley Domestic Abuse Services strategy would be incorporated and outlined within the new Community Safety Strategy for 2024 to 2027 which was being developed by the Safer Bromley Partnership.

RESOLVED that the Bromley Domestic Abuse Services information paper be noted.

121 PUBLIC PROTECTION AND ENFORCEMENT RISK REGISTER

ES20239

Members noted the latest version of the Public Protection and Enforcement Risk Register.

RESOLVED that the Public Protection and Enforcement Risk Register be noted.

122 WORK PROGRAMME

CSD23023

It was noted that a report would be presented to the Committee in June that would review Council procedure for the provision of dog walking licences.

RESOLVED that the Work Programme be noted.

123 PP&E Contracts Register

The meeting ended at 8.30 pm

Chairman