

PUBLIC PROTECTION AND ENFORCEMENT POLICY DEVELOPMENT & SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 28 June 2023

Present:

Councillor David Cartwright QFSM (Chairman)
Councillor Kim Botting FRSA (Vice-Chairman)
Councillors Kathy Bance MBE, Sophie Dunbar, Josh King,
Alexa Michael, Harry Stranger, Thomas Turrell and
Sam Webber

Sharon Baldwin, Ermond Berisha and Hannah Dumbrell

Also Present:

Councillor Angela Page and Councillor Diane Smith

(Councillor Diane Smith attended virtually)

STANDARD ITEMS

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPOINTMENT OF CO-OPTED MEMBERS

CSD 23085

Members confirmed the appointment of non-voting Co-opted Members from Bromley Youth Council.

RESOLVED that:

1) Hannah Dumbrell be appointed as a non-voting Co-opted Member of the Public Protection & Enforcement PDS Committee for the 2023/24 municipal year for the consideration of Part 1 (Public) reports only.

2) Nathan Ward be appointed as an alternate non-voting Co-opted Member of the Public Protection & Enforcement PDS Committee for the

2023/24 municipal year for the consideration of Part 1 (Public) reports only.

3) Ermond Berisha be appointed as a non-voting Co-opted Member of the Public Protection & Enforcement PDS Committee for the 2023/24 municipal year for the consideration of Part 1 (Public) reports only.

4 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 28th MARCH 2023

The Committee considered the minutes of the meeting of the Public Protection and Enforcement PDS Committee held on 28th March 2023

RESOLVED that the minutes of the meeting held on 28th March 2023 be agreed and signed as a correct record.

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

There were no questions submitted for the Chairman.

6 QUESTIONS TO THE PORTFOLIO HOLDER

There were two oral questions submitted by Cllr Sam Webber for the attention of the Portfolio Holder. The responses are appended to the minutes.

There was one written question submitted by a member of the public and the response is also appended to the minutes.

7 MATTERS OUTSTANDING

CSD23084

The Head of Planning and Development Support Team apologised that he had not disseminated the aide memoir to Members which outlined how complaints related to HMOs should be processed. He assured that the document would be disseminated.

The Chairman raised the issue of certain documents remaining in A3 font size following the pattern of the corporate template. He asked why this needed to be the case and suggested that the template needed changing.

A Member raised the matter of food hygiene ratings. She stated that in her ward, she was aware of two businesses (one being a butcher) that had received food hygiene ratings of '1' in 2023 and also in 2021. She expressed concern that this situation had been ongoing for two years. The Assistant Director for Public Protection and Enforcement asked if these details could be provided to her post meeting so that she could investigate. She commented that hopefully this was an anomaly, as the Food Standards Team returned

and reassessed businesses as required. The Food Licencing Team would need to ensure that this was not systemic. It was noted that a full FSA report would be presented to the Committee in September.

A Member commented that there seemed to be a focus on Community Impact Days in Betts Park and that she would like to see the focus move to Penge Recreation Ground. She commented that it was Penge that had won the MOPAC money.

Concerns were expressed from BYC (Bromley Youth Council) concerning shops selling vapes and also displaying nitrous oxide tanks for sale. The Assistant Director for Public Protection and Enforcement asked for the details to be provided to her post meeting, so that the Trading Standards and Licencing Team could investigate.

RESOLVED that the Matters Arising report be noted.

8 CROYDON AND BEHAVIOURAL AND DEVELOPMENTAL PSYCHOLOGY OPERATIONS DIRECTORATE UPDATE

Members noted the Croydon Behavioural and Developmental Psychology Operations Directorate update.

Attending the meeting on behalf of the Directorate were Jonathan Northfield (Interim Service Director), Hilary Williams (outgoing Service Director) and Dr Shublade Smith (Clinical Director Forensic Services).

Members were briefed concerning the 5 year Strategy; “Aiming High, Changing Lives” and the Trust’s five strategic ambitions. These were, ‘to deliver outstanding mental health care; be a partner in prevention, be a catalyst for change, build a culture of trust together and become effective and sustainable’.

An explanation was provided concerning the Certitude Supported Housing Scheme and it was acknowledged that there had been some ASB in the vicinity of ‘The Orchards’ housing complex.

Members noted that the low secure residential forensic rehabilitation unit ‘Ward in the Community’ was to be transitioned in 2023 from its current site at Lambeth Hospital, to the Bethlem Royal Hospital site. It was explained that this was not a brand new unit, rather it was a unit that had existed previously at Bethlem and was now transferring back. It was a low risk unit.

A higher rate of absconding had been reported. It was noted that there was no re-offending connected with this and some of the higher recorded rates of absconding had been attributed to better reporting. A Member queried why they had not been informed of absconsions, and a discussion took place regarding the ‘Bromley Protocol.’ It was explained that currently, Ward Councillors were not listed on the Bromley Protocol/Compact document, so

this would need to be reviewed and would need executive sign off for any changes.

In some cases of absconding, leave would be suspended and there would be a review. In other cases the police could be involved in returning an absconder to the hospital, but this was rare; it was also the case that Bethlem had their own security team.

Councillor Diane Smith attended virtually to note the update.

RESOLVED that the Croydon Behavioural and Developmental Psychology Operations Directorate update be noted.

9 POLICE UPDATE

The police update was provided by Superintendent Luke Baldock who informed the committee that the police had issued over 50 warrants in the last year. They had seized approximately £2m in cannabis plants and were now in dealing swiftly with unlawful encampments in collaboration with the local authority.

An explanation of a warrant was provided and it was noted that warrants were often used where searches of premises were required for firearms or drugs. Authorization was required from an Inspector and a Magistrate.

The Chairman requested that in future, the police provide details of performance indicators and comparative figures.

A Member commented that the Police Public Attitude Survey revealed that the public did not know how to contact their local police officers. Superintendent Baldock responded that the police were working on a revised website and communication plan; talks regarding this were taking place with the police's senior management team and also with the Safer Neighbourhood Board.

A Member suggested that better collaboration between the police and the British Transport Police (BTP) was desirable and suggested that the BTP should be invited to the Public Protection and Enforcement Committee. The Chairman said this would not be appropriate and that any matters related to the BTP would be picked up by the Safer Bromley Partnership.

A Member expressed concern at the amount of time the police spent with offenders with mental health issues in hospitals. Superintendent Baldock said that the police were stepping back from this task from the 31st of August and were waiting for further guidance.

A discussion took place concerning the use of Secure Units under section 136. Discussion also took place concerning whistle blowing on social media when the police were undertaking anti-speeding campaigns and speed checks. The police over the last year had issued over 900 speeding fines and 200 people had been arrested on various driving related offences.

Enhanced security measures at the Glades were noted, primarily related to young people and gangs. Foot flow was being controlled, no masks were allowed, Dispersal Orders were used when required. The Chairman encouraged the police to have a closer relationship with BYC. Partnership working within the SBP would be used to standardise police priorities within the borough as part of the revised Safer Bromley Strategy.

The Chairman was encouraged to note that his concerns regarding speeding were being listened to. He asked if drink and drug driving could be added alongside this as a police priority and also requested the formulation of a priority regarding how the police were going to deal with e-scooters and bikes which were dangerous as they were both fast and silent.

RESOLVED the Police Update be noted.

HOLDING THE PORTFOLIO HOLDER TO ACCOUNT

10 PORTFOLIO HOLDER UPDATE

An update was provided by the Portfolio Holder for Public Protection and Enforcement:

On the 24th of April, the Portfolio Holder had participated in a question and answer panel meeting at the Bromley Youth Council Manifesto event which had taken place at the Warren.

On the 26th of April, the Portfolio Holder joined the briefing for the Penge Community Impact Day, and subsequently visited Bromley and Croydon Women's Aid. During 'National Deaf Awareness Week', the Portfolio Holder joined the scam and cybercrime awareness session with a BSL interpreter which was hosted by Buckinghamshire and Surrey Trading Standards and Thames Valley Police.

On the 18th of May, the Portfolio Holder had attended alongside the Assistant Director for Public Protection and Enforcement and the Head of Trading Standards and Commercial Regulation at the Safer Neighbourhood Board meeting at the Warren. On the 24th of May, the Portfolio Holder had met with Chief Superintendent Andy Britain at Bromley Police Station with the Assistant Director for Public Protection and Enforcement.

On the 11th of June, the Portfolio Holder had attended the 'It's Time' memorial service at Saint Paul's Cathedral which was a national service of commemoration and thanksgiving for the women and girls who had lost their lives to male violence. On the 20th of June, the Portfolio Holder had represented the Leader at the briefing with Sir Mark Rowley, the Met Commissioner, which had taken place at London Councils.

RESOLVED that the update from the Portfolio Holder for Public Protection and Enforcement be noted.

11 PERFORMANCE OVERVIEW

Members noted that a comprehensive update report regarding the Food Safety Plan would be presented to the September meeting.

RESOLVED that the Performance Overview Update be noted.

12 PRE-DECISION SCRUTINY OF PORTFOLIO HOLDER REPORTS

a AMENDMENT TO THE PUBLIC SPACES PROTECTION ORDER (PSPO), DOG CONTROL & FOULING ENFORCEMENT POWERS

ES20296

It was noted that this report was not specifically concerning dangerous dogs which was a matter for alternative legislation. A public consultation had been undertaken regarding the proposed measures which had commenced on the 28th of April 2023 and ended on the 31st of May 2023. The report concerned a number of proposed changes to powers of the Council relating to those in charge of dogs through the implementation of a Public Space Protection Order.

It was commented that there had been 3000 responses to the consultation, as well as 100 emails and a petition of 2000 respondents. The report considered the key issues arising from the responses, and in particular the number of dogs that could be walked on leads, and the locations where they would not be allowed off leads, with restrictions regarding certain locations such as water bodies. In drafting the proposed Order, consideration was also given to the guidance provided by the Pet Industry Federation, supported by the RSPCA, The Dogs Trust and other animal welfare bodies.

Under the new proposals, the maximum number of dogs that could be walked without a licence would be 3, but would be 4 with a licence issued by the Council. Dogs would be permitted off the lead in parks and greenspaces with the exception of certain exclusion zones, such as children's playgrounds. It had been originally proposed that dogs would not be allowed within 30 feet of water bodies. This element had been removed, however dogs would not be allowed into the water body itself.

The notification of the proposed changes would involve new signage and a raising awareness campaign which would be supported by targeted patrols where subsequent enforcement action may be taken.

The use of retractable leads was mentioned and it was asked if keeping dogs on leads at all times in parks was considered, and the response was the

existing dog controls were reviewed and where the locations leads would be required are described in the proposed PSPO Order. A Member referred to restrictions concerning water bodies and asked what would stop a dog from getting in the water. The Committee heard that there would be a campaign with respect to raising awareness, so that matters would be made clear to the public. Where the close control of dogs on a lead was required, the responsibility would be down to the dog walker.

A Member expressed the view that dog fouling was a bigger problem. It was acknowledged that to police the new guidelines would be difficult and the proposals would be reviewed in three years. During the period of the PSPO, targeted patrols would focus on such issues.

Some comments and questions were addressed to the Chairman and Committee from the public gallery. It was proposed that the start date for the new regulations would be implemented on the 1st of September 2023, to enable the arrangements for the raising awareness campaign and appropriate signage to be put in place. The Committee agreed the recommendations of the report with an additional recommendation that the proposals would come into effect on the 1st of September 2023.

RESOLVED that the Portfolio Holder for Public Protection and Enforcement be recommended to:

- 1) Approve the renewal of the Public Space Protection Order (Dog Controls) 2023/2026.**
- 2) Approve the amendment to the current Public Spaces Protection Order and the Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014, that a person can be in charge of no more than three (3) dogs at any one time in a public place unless they have a licence issued by Bromley Council.**
- 3) Approve the reduction in the number of dogs permitted to be walked under licence to four (4) dogs.**
- 4) Approve the extension of Dogs on Lead designated areas to include all cemeteries, allotments and park cafe seating areas within the administrative area of Bromley.**
- 5) Approve that the proposed changes be effective from 1st September 2023 for a three-year period.**

b PROVISIONAL OUTTURN REPORT 2022/23

FSD23039

The Chairman was pleased to note the explanations with respect to underspends.

RESOLVED that:

The Portfolio Holder for Public Protection and Enforcement be recommended to endorse the 2022/23 final outturn position for the Public Protection and Enforcement Portfolio.

13 ENFORCEMENT PLAN 2023

HPR2023/029

The Enforcement Plan update was provided by the Enforcement and Appeals Manager. The report was needed, as the Enforcement Plan had not been updated for 10 years. The report made clear who was responsible for different types of enforcement actions. It was noted that a more detailed Enforcement Monitoring Report would be presented to the PDS Committee and the Development Control Committee in due course. This report would show the level of outstanding cases and would explain issues in more detail.

A Member asked if enforcement issues were going up or down and the response was that the enforcement issues were in line with usual trends; there was always a backlog due to the nature of the work. The report also provided useful information on the functions of Building Control and when the Health and Safety Executive should be involved. The Enforcement and Appeals Manager said that any Member was welcome to spend the day with Enforcement Officers to get a better understanding of how they worked.

RESOLVED that the Enforcement Plan Update be noted.

14 MINUTES OF THE PREVIOUS MEETING OF THE SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP

The Chairman referred to the SBP (Safer Bromley Partnership) minute regarding 'Emerging Issues'. He felt it was important to discuss the matter of Naloxone in greater detail and asked that a report regarding this be requested from Bromley Drug and Alcohol Service and added to the Work Programme.

A Member commented that with respect to future SBP minutes, a glossary would be helpful.

RESOLVED that an update be provided to a future committee by Bromley Drug and Alcohol Service, with particular reference to Naloxone.

Post Meeting Note: BDAS is now known as 'Change, Grow, Live.'

15 PP&E CONTRACTS REGISTER

ES20286

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

16 PP&E RISK REGISTER

ES20280

The Chairman requested an update with respect to the Out of Hours Noise Service which was rag rated as red. It was noted that when the revised service was launched, an update would be provided a year after the launch date. It was reported that the revised service had not yet been launched. This was because of recruitment challenges. This was a national issue. LBB had gone out to tender for a commissioned service. It was hoped to commence with this in August. The current service was still operational.

It was noted that the 'Increased Costs for the Coroner's Service' was still rag rated as red, as it had been for some time. The Chairman offered to speak to any new committee members regarding this matter outside of the meeting if required.

Members noted the final red risk which was the dysfunctionality of the 'Uniform' information management system. Members were informed that this was an ageing system and so a new service had been commissioned called 'IDOX.' This required a progressive launch as it was a complex process.

Resolved that the update on the Public Protection and Enforcement Risk Register be noted.

17 WORK PROGRAMME

CSD23086

The Chairman requested that a Planning Enforcement Update report and also an update from Bromley Drug and Alcohol Service be added to the Work Programme.

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

19 PART 2 CONTRACTS REGISTER UPDATE

The Committee noted the part 2 (confidential) Contracts Register update.

RESOLVED that the Part 2 details in the Contracts Register update be noted.

ORAL QUESTIONS FROM MEMBERS

WRITTEN QUESTIONS FROM THE PUBLIC

The meeting ended at 9.09 pm

Chairman

PP&E PDS Committee: 28th June 2023

Oral Questions from Councillors

1) Question from Cllr Sam Webber:

Residents have raised questions of public safety using the Love Lane walkway between Kentish Way and Rafford Way and the underpass adjacent to it linking Palace View & Rafford Way with Elmfield Road.

Could the Portfolio Holder advise on how the Council can work with the Police to reduce the safety risks here for residents and other users of our town centre and commuters.

Could lighting and CCTV be improved for this site and would the Portfolio Holder consider temporarily blocking off the Love Lane walkway to see if this reduced crime and antisocial behaviour?

Response to Question 1:

This location receives intermittent reports for alleged anti-social behaviour, however it is not at levels showing a need for urgent attention. Love Lane has been updated to LED lights which is the current standard for locations such as this. This does not dissipate that, as an underpass, it may not feel safe. It is considered that there would be significant pushback from the community if these pedestrian access routes were blocked resulting in much longer pedestrian journeys. When such reports are received there is a multi-agency assessment of the matter so enable effective action. Unfortunately, based on data, this location does not meet the criteria for any closures or CCTV interventions.

2) Question from Cllr Sam Webber:

Residents similarly have concerns about the area of grassland off Palace View by the Kentish Way underpass, which is affected by crime and antisocial behaviour. A low level fence has been suggested here but ruled out by our Parks Team as "costly in terms of installation and maintenance".

How best would the Portfolio Holder advise we can protect this green space and work with Police to reduce antisocial behaviour and drug related crime in this area?

Response to Question 2:

This public open space has been reported for alleged ASB and is a location recently identified for inclusion on regular Police patrols and micro-beats to identify the scale

of the reported issue. This is part of a multi-agency approach that focuses on areas, where data shows, ongoing or severe ASB.

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Written Questions from the Public

Question from Dermot McKibbin

What is the current position of the Council regarding the licensing of all HMOs in the Borough and will the Council consult the public on this issue?

Response:

Currently there is no legal requirement to license all houses of multiple occupation (HMOs) within Bromley. There is a national mandatory HMO licensing scheme which applies to HMOs with five or more persons. The Local Authority can, voluntarily and based on statistical justification, expand landlord licensing to smaller HMOs.

In line with the Housing Strategy 2019-2029 commitments, there will be an assessment to ascertain if there is a need to expand landlord licensing and, if so, options for how to do this will be prepared.

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