

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

Minutes of the meeting held at 7.00 pm on 12 September 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 and Ermond Berisha

## **Also Present:**

Councillor Angela Page

## **STANDARD ITEMS**

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

Apologies were received from Hannah Dumbrell from Bromley Youth Council.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 MINUTES OF THE PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE HELD ON 28th JUNE 2023**

The Committee considered the minutes of the meeting of the Public Protection and Enforcement PDS Committee held on 28<sup>th</sup> June 2023.

**RESOLVED** that the minutes of the meeting held on 28<sup>th</sup> June 2023 be agreed and signed as a correct record.

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

No questions had been received for the Chairman.

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

No questions had been received for the Portfolio Holder.

## **6 MATTERS ARISING**

### **CSD23115**

The Committee noted the Public Protection and Enforcement PDS Committee Matters Arising Report.

**RESOLVED that the Matters Arising Report be noted.**

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

## **7 UPDATE FROM THE PORTFOLIO HOLDER**

The Committee received a verbal update from the Portfolio Holder for Public Protection and Enforcement.

On July 11th, the Portfolio Holder had attended the Bromley Mentoring Initiative meeting. It was noted that a networking and support event for Mentors was taking place at the Council on the 27th of September. Anyone who was interested in becoming a Mentor was welcome to attend.

On August 1<sup>st</sup>, the Portfolio Holder had attended the Met Police Commissioner's event.

On the 23rd of August, the Portfolio Holder had met with Chief Superintendent Andy Brittain and the Assistant Director for Public Protection; at this meeting, a discussion took place concerning the out of hours noise service and the support that would be needed from the police. On the same day, the Portfolio Holder and the Assistant Director visited Bromley and Croydon Women's Aid refuge.

On the 31st of August, the Portfolio Holder had conducted her regular catch up meeting with Superintendent Luke Baldock and the Assistant Director for Public Protection.

The Portfolio Holder reminded Members that on the 1st of September, the Dog Public Space Protection Order had come into force.

The Portfolio Holder reminded Members of the Community Scams Event that was taking place in Bromley Town Centre two days after the meeting. It was noted that the police 'ride along' service was now back up and running. The Portfolio Holder referenced the sterling work that had been undertaken by Dean Laws and his team with respect to fly tipping prosecutions.

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

**a BUDGET MONITORING 2023/24**

**FSD23049**

Members were presented with the budget monitoring report which provided the revenue budget monitoring position for 2023/24 for the public protection and enforcement services portfolio, based on the expenditure and activity levels for the first quarter of the financial year. Members noted that the Council had a balanced budget.

**RESOLVED that:**

**1) The Portfolio Holder for Public Protection and Enforcement be recommended to endorse the 2023/24 revenue budget monitoring position for the Public Protection and Enforcement Services Portfolio.**

**2) The Portfolio Holder be recommended to agree the release of the amounts carried forward from 2022/23 as set out in section 3.5 of the report.**

**b PP&E PERFORMANCE OVERVIEW**

**ES20291**

The report presented the Committee with the Public Protection and Enforcement Performance Overview indicators that pertained to the Public Protection and Enforcement Portfolio Plan for 2023/24.

**RESOLVED that the Portfolio Holder for Public Protection and Enforcement be recommended to endorse the outcomes, aims and performance measures set out in the draft 2023/24 Public Protection and Enforcement Portfolio Plan, taking into account the budget.**

**c FOOD SAFETY PLAN 2023-24**

**ES20300**

This report was submitted for the Committee's attention, because the Council is the Food Safety Authority under the Food Safety Act 1990, and has a duty to enforce food safety, food standards and food requirements. The FSA (Food Safety Authority) requires the Council to publish an annual Food Safety Service Plan and this Plan requires senior management or Member approval.

Members were informed that 1139 food rating inspections were conducted during the previous year. The number of outstanding inspections in 22/23 was 2450 and this had now fallen to 1877.

The Chairman drew attention to section 3.5 of the report which discussed the FSA Recovery Plan; this indicated that the expectation of the FSA was now that local authorities would work to realign their targets with the Food Law

Code of Practice, in order to catch up with any backlog of inspections. The Chairman asked if there was an approximate date when the backlog of inspections would be eliminated. The Council hoped to be up to date with inspections in two years' time, whereas the FSA target was three years. It was noted that the FSA was still supportive of the recovery work being undertaken by the Council.

The report highlighted that 13 Hygiene Improvement notices had been served and additionally, 1151 written warnings had been issued. A Member asked what the difference was, and it was explained that Hygiene Improvement Notices were more serious and could result in swift legal action if they were not complied with.

A Member noted that there was a 1.57 fte vacancy level, she commented that this needed a long term solution and wondered what was being done to resolve this. She felt the Council should take measures to bring in and train young people. The Assistant Director for Public Protection referred the Member to the information in the report regarding the proposed use of contractors. The Council was also looking at the Apprenticeship scheme for the Environmental Health Degree which could now be undertaken via an apprenticeship. As things stood, because the course was Degree level entry, this would not be for 16 year old entrants, but for 18 plus entry with A' levels. The Assistant Director said that she would like to facilitate a mix of opportunities for both school leavers and for more mature entrants into the profession.

A Member asked if anyone had died of food poisoning in the Borough. The Head of Environmental Health and Licensing said that she was not aware of any deaths.

**RESOLVED that the Portfolio Holder for Public Protection and Enforcement be recommended to approve the Food Safety Service Plan 2023/24.**

## **9 REGULATION OF INVESTIGATORY POWERS ACT 2000**

### **ES20299**

This report was presented to the committee to inform them of the outcome of an inspection that took place on the 14th of February 2023, by the Investigatory Powers Commissioner's Office. (IPCO).

It was noted that matters outstanding from the previous inspection could be closed, as they would be incorporated into the Council's revised RIPA (Regulation of Investigatory Powers Act) procedures following the adoption of the recommendations of the Inspector.

**RESOLVED that the Portfolio Holder for Public Protection and Enforcement note the contents of the report of the Inspector appointed by the Investigatory Powers Commissioner on the use of covert**

**surveillance by the Council and that the Portfolio Holder be recommended to adopt the recommendations of the Inspector's report.**

**10 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT APRIL 2022 TO MARCH 2023**

**HPR20223/055**

It was noted that the Part 2 (confidential) appendix could have been published in the main public agenda as the information contained therein was already in the public domain.

The Head of Planning and Development Support outlined the reasons that the report was being presented to the Committee.

The Chairman referred to Section 3.6 of the report which outlined the process for 'Direct Action.' It was noted that Direct Action could often result in considerable financial cost to the Council. The report stated that 'A charge on the property/land CAN be considered by the Council.' The Chairman expressed the view that the wording should be changed so that 'CAN' be replaced with 'MUST'. It was noted that the invoice from the Council could be paid before further action was taken to seek a charge on the property.

The Chairman drew attention to what appeared to be duplicate cases. It was explained that the cases were not duplicate. In certain cases, both a husband and wife would be prosecuted at the same address, so what looked like a duplicate was in fact connected with the same prosecution but for two offenders.

A Member asked how many times the Council was forced to adopt Direct Action as this was not detailed in the report. The Head of Planning and Development Support agreed that this detail was missing and could be added to future reports. He stated that there was an increase in the number of residents not complying with notices, and so Direct Action was increasing. Generally speaking, the matter would be referred to Court first, before Direct Action was taken. He was aware of one case of Direct Action where the matter did not go to Court first because the Council was dealing with a vulnerable person who was unable to deal with the matter themselves.

**RESOLVED that the Planning Enforcement Progress and Monitoring Report be noted.**

**11 ANNUAL STATUS REPORT FOR YEAR 2022 - REPORTING ON BROMLEY'S AIR QUALITY**

**ES20304**

The Annual Status Report for 2022 with respect to Bromley's air quality, reported on the air quality monitoring results from the London Borough of Bromley's monitoring equipment, and was designed to demonstrate the

progress made in delivering the actions against Bromley's Air Quality Action Plan.

The Chairman drew attention to page 12 of the report where there was a table entitled 'Annual Mean NO<sub>2</sub> Ratified and Bias Adjusted Monitoring Results'. The table indicated that in four areas where diffusion tubes were located, there had been a slight increase in nitrogen dioxide levels. The Assistant Director for Public Protection commented that with respect to the measurements of air quality, trends were generally measured over three to five year periods. She said that the changes referenced by the Chairman were very small changes and all of the NO<sub>2</sub> levels within the Borough were still under the UK Government's recommended levels. It was noted that the diffusion tubes would measure NO<sub>2</sub> levels, but would not measure PM<sub>2.5</sub>. In addition to the monitoring of nitrogen dioxide levels at the main Harwood Monitoring Centre, 'Breathe' was undertaking independent monitoring of NO<sub>2</sub> levels which would be fed back into Bromley's data.

**RESOLVED that the content of the Annual Status Report for the year 2022 the noted.**

## **12 PPE PDS RISK REGISTER**

### **ES20293**

The Chairman commented that the red risks were the same as last time and asked if anyone wanted to ask any further questions. The representative from Bromley Youth Council wondered why the risk with respect to Town Centre Markets was higher than the risk rating apportioned to Serious Youth Violence. He expressed the view that gang culture in Bromley was brewing. It was clarified that the risk rating was not directly concerned with serious youth violence and gangs, but was the risk associated with MOPAC funding for the post of Serious Youth Violence and Gangs Officer.

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

## **13 WORK PROGRAMME**

### **CSD23120**

It was noted that 'Change, Grow, Live' (formerly BDAS: Bromley Drug and Alcohol Service) would be presenting in November and would provide an update regarding Naloxone.

The Chairman felt it would be good to arrange another visit to the Bethlem Royal Hospital in Beckenham.

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

- 14 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION)(VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000**
- 15 PLANNING ENFORCEMENT: LIST OF CURRENT CASES UNDER INVESTIGATION**

As previously mentioned, this appendix was in fact a Part 1 (Public) item and had been noted when the main report had been discussed earlier in the meeting.

The meeting ended at 8.00 pm

Chairman

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