



# Havering

L O N D O N   B O R O U G H

## **TOWNS & COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE AGENDA**

<b>7.30 pm</b>	<b>Thursday 19 January 2017</b>	<b>Town Hall, Main Road, Romford</b>
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Members 9: Quorum 4

### **COUNCILLORS:**

#### **Conservative (4)**

Steven Kelly  
Robby Misir  
Frederick Thompson  
Carol Smith

#### **Residents' (2)**

Jody Ganly  
Julie Wilkes

#### **East Havering Residents' (1)**

Linda Hawthorn  
(Vice-Chair)

#### **UKIP (1)**

Lawrence Webb  
(Chairman)

#### **Independent Residents' (1)**

Michael Deon Burton

**For information about the meeting please contact:**

**Taiwo Adeoye 01708 433079  
taiwo.adeoye@onesource.co.uk**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

### **What is Overview & Scrutiny?**

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny sub-committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

The sub-committees have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns to the public.

The sub-committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations. These are considered by the Overview

and Scrutiny Board and if approved, submitted for a response to Council, Cabinet and other relevant bodies.

Sub-Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research or undertaking site visits. Once the topic group has finished its work it will send a report to the Sub-Committee that created it and will often suggest recommendations for the Overview and Scrutiny Board to pass to the Council's Executive.

## **Terms of Reference**

The areas scrutinised by the Committee are:

- Regulatory Services
- Planning and Building Control
- Town Centre Strategy
- Licensing
- Leisure, arts, culture
- Housing Retained Services
- Community Safety
- Social and economic regeneration
- Parks
- Social inclusion
- Councillor call for Action

## **AGENDA ITEMS**

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

(if any) - receive.

### **2 DECLARATION OF INTERESTS**

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

### **3 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### **4 MINUTES (Pages 1 - 6)**

To approve as a correct record the minutes of the meetings of 26 October 2016 and to authorise the Chairman to sign them.

### **5 ROMFORD MARKET UPDATE**

### **6 CORPORATE PERFORMANCE UPDATE - QUARTER THREE**

The Sub-Committee will receive a presentation setting out the Corporate Performance information within its remit for Quarter 3.

### **7 REVIEW OF CABINET REPORT - HAVERING LOCAL PLAN (Pages 7 - 12)**

### **8 REVIEW OF CABINET REPORT - SOCIAL HOMEBUY**

The Sub-Committee will receive a verbal update on Social HomeBuy.

### **9 REVIEW OF CABINET REPORT - ATTESTATION OF PARKS PROTECTION OFFICERS (Pages 13 - 20)**

### **10 URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Andrew Beesley**  
**Head of Democratic Services**

**MINUTES OF A MEETING OF THE  
TOWNS & COMMUNITIES OVERVIEW & SCRUTINY SUB-COMMITTEE  
Committee Room 2 - Town Hall  
26 October 2016 (7.30 - 9.40 pm)**

**Present:**

Councillors Lawrence Webb (Chairman), Linda Hawthorn (Vice-Chair), Michael Deon Burton, Jody Ganly, Robby Misir, Frederick Thompson, and Julie Wilkes

Apologies for absence were received from Councillors Steven Kelly and Carol Smith

**11 MINUTES**

The minutes of the meeting of the Sub-Committee held on 27 July 2016 were agreed as a correct record and signed by the Chairman.

**12 HOUSES IN MULTIPLE OCCUPATION**

The Sub-Committee received a presentation on progress in tackling the issues presented by Houses in Multiple Occupation. All such premises of 3 storey or over were licensed. Additionally the Council had introduced Article 4 Directions under planning.

The next step was to seek approval for borough wide additional licensing plus selective licensing of up to 20% of the Borough's Private Rented Sector housing on a 'worst first' basis (subject to public consultation).

Originally it was intended to target the three worse areas Gooshays, Heaton and Brooklands wards, but it was now proposed to target specific roads. A report would be submitted to Cabinet in November with costings before going out for consultation. The intention was to have everything in place by August 2017.

Officers advised that since the introduction of the Article 4 Direction the number of planning applications had fallen away, with just one application in the system awaiting submission to the Regulatory Services Committee.

The Sub-Committee **noted** the report.

**13 ROMFORD MARKET TRANSFORMATION**

Officers reported on progress with the plans for transforming Romford Market. Plans showing the proposed Market House in context were displayed. The current proposed design; a timber machine clad building had been costed. It was hoped that this would be an attraction which would

bring more people in to the market and the shopping centres.

Officers had held preliminary conversations with potential operators of the Market House, which included Café Rouge. The building would be capable of serving 70 covers at one sitting.

English Heritage, the Church, traders and local residents had been consulted on the proposals and were generally supportive. Officers expected to submit a planning application shortly having completed pre-planning negotiations.

A Market Transformation Officer had been appointed and was now in post, market management had been brought back in house and a new Market Manager appointed. Officers were looking at the market offer and the proposals were attracting fresh interest.

The Trader Pledge would be introduced and new traders were coming in. Officers would work with existing traders to encourage them to give up some prime spots on the market to allow new traders to build up a customer base.

As part of the promotion of the market planning permission had been sought for a temporary ice rink over the Christmas and New Year period, just one of a number of events designed to attract more visitors.

Further market research had been undertaken, a Business plan drawn up and an Operational Business plan being prepared. To improve the market offer the Council were looking to introduce free Wi-Fi across the market to allow traders to introduce contactless payment.

Officers were working with traders and the shopping centres to produce a Business Improvement District across the Town Centre.

Officers were aware of councillors concerns regarding the two empty large units in the Liberty and the Leader of the Council and Chief Executive had been in touch with the Liberty's owners to encourage them to tackle the issue. They had been invited to come over and visit Romford to discuss issues. An assurance had been received from them that they were actively looking at ways of letting the space formerly occupied by BHS.

The Sub-Committee **noted** the update.

14     **CABINET REPORT UPDATE - REVIEW OF CABINET  
RECOMMENDATIONS RELATING TO THE CONSULTATION ON YOUTH  
SERVICE PROPOSALS**

Officers had submitted a written report updating members on progress in implementing the proposals agreed by Cabinet in November 2015.

Consultation had been undertaken on the proposals at the backend of 2015 with staff having until 9 January 2016 to respond. The new structure had been put in place and staff invited to seek assimilation or redeployment, the process had been completed by April 2016 and the new service started 1 May 2016.

After the staff consultation it had been decided to integrate MyPlace and Youth Facilitation restructure proposals and complete one restructure at the same time. The intended savings of £516k from the Youth Facilitation restructure had been achieved and the full £100k for MyPlace had been achieved in 2016/17 rather than across 2016/17 and 2017/18.

A budget of £250k had been retained to support the work of the Youth Services team and a net budget of approximately £250k retained to deliver services at the MyPlace building. Additionally, £100k had been made available from the Housing Revenue Account to allow the Youth Service to work with young people living on Council estates. This work was ongoing.

Officers had been tasked to progress a procurement process to externalise the Youth Facilitation and MyPlace services. Work had started but had been put on hold whilst various issues around youth provision at the Robert Beard building were addressed. The Council had decided to move the Pupil Referral Unit to this building.

Planning Permission had been sought for the conversion of the former Youth Service space at MyPlace into a Nursery and officers were looking to introduce complimentary therapies to MyPlace.

Part time working was working and Youth Facilitation and MyPlace had been able to continue providing a valuable service. All participants were being encouraged to participate in the Duke of Edinburgh awards.

The Sub-Committee **noted** the report.

## 15 **CORPORATE PERFORMANCE UPDATE - QUARTER TWO**

Officers provided the latest Corporate Performance data for the 14 indicators which fall under the remit of the Sub-Committee. These related to the CLEAN and PROUD goals.

11 of the indicators had a RAG status of Green, 2 a RAG status of Amber and just 1 a RAG status of Red.

The red indicator related to the Percentage of other applications processed within 8 weeks (extension of time agreements were not included). The target was 80%, but we had only achieved 66%. This drop in performance had been down to an isolated issue regarding notification. It had impacted on the ability to determine a batch of householder planning applications within the usual 8 week period. These had been managed by the use of Extension of Time agreements.

The Sub-Committee asked for an assurance that the issue had been resolved and officers had stated that they believed it had been resolved but would provide more details after the meeting.

The two amber indicators related to the percentage of major applications processed within 13 weeks and the percentage of minor applications processed within 8 weeks. The Direction of Travel for both was in the right direction with a larger percentage being achieved in quarter two compared to quarter 1.

Consultation had now closed on restructure proposals which would facilitate the outsourcing of the initial part of the planning application process. When implemented this would streamline the process and had the potential to improve overall process. The Sub-Committee requested details of what this outsourcing would involve and whether or not officers would still have a sight of all plans.

The nine Proud indicators were all in the green. The percentages of repairs completed on time were below target but within tolerance. Officers indicated that they need to work with contractors to ensure the targets were met.

The average void to re-let times were excellent; the best in London and officers estimated that this brought in on average between £500k and £700k per annum.

The number of potential start-up businesses accessing advice via the Business Start-up Programme was improving following the engagement of Enterprise Nation to provide this advice. Enterprise Nation was confident they would catch up with the annual target by year end.

The final indicator related to the number of volunteers assisting in the running of library services. The Sub-Committee asked for more detailed information around the average number of hours worked by volunteers and the ratio of employed staff to volunteers required to open a library.

The Sub-Committees attention was drawn to the number of Homelessness decisions and acceptances. These had dropped significantly compared to previous years and quarter 1. Officers advised that this was a critical indicator. In quarter 1 there had been nearly 40 decisions, in quarter 2 just 20. A Bill was going through Parliament which would require Local Authorities to intervene earlier.

Officers advised that early prevention was more cost effective than rehousing. The traditional way of responding to a homelessness application was to wait until the bailiff's warrant was issued. In Havering we had started to respond earlier and this would be the way forward.

What was required was a sustainable way forward we did not want families to keep being made homeless. Officers informed the Sub-Committee that



they were working with the fraud team to ensure landlords who were evicting tenants so they could occupy the premises themselves did actually move in and live there.

The Sub-Committee **noted** the report.

**16 CABINET REPORT UPDATE - HOUSING REVENUE ACCOUNT DEVELOPMENT PROGRAMME**

The Sub-Committee were advised that in September 2015 the Cabinet had agreed an expansion of the capital budget for the following three years as set out:

- 15/16 increase of £3.000m to £13.509m;
- 16/17 increase of £26.675m to £39.999m; and
- 17/18 increase of £19.767m to £28.714m.

A further report to Cabinet in June 2016 reviewed the impact of various changes on the HRA Business Plan and sought agreement to a revised 30 year plan with associated expenditure on existing stock and services and investment in development of new units.

Cabinet had agreed the Housing Revenue Account Business Plan, the HRA Major Capital Works Programme and the proposed development of new council housing.

A further report to Cabinet on 12 October 2016 had firmed up on the HRA New Build Proposals. This report had identified the key sites and clarified the Councils ambition to provide 2500 units, 1500 of which would be new, the other 1000 replacements for those which would be demolished.

The report had also looked at the procurement process for preferred partners.

Officers had looked at new models of financing the programme, including the 'legacy' model. The challenge was not just to provide new homes but to ensure the infrastructure was in place to support the residents.

To deal with these issues a major traffic and parking study had been commissioned and the Council was investing in training up new planners to challenge developer's financial assumptions.

The Sub-Committee **noted** the report.

**17 REVIEW OF CABINET REPORT - ESTABLISHMENT OF COUNCIL OWNED HOUSING COMPANY TO DELIVER MARKET RENT AND MARKET SALE HOME**

The Sub-Committee was advised that in May 2015 the Cabinet had approved the setting up of a Housing Company to:

- Generate a financial return;
- Deal with housing demand;
- Ensure a good mix of housing; and
- To support the Council's regeneration aims.

Mercury Land Holdings was now up and running having recently acquired 65 units from Swan Housing on the Oldchurch site which should be available to rent by March 2017. To achieve critical mass the Company need a minimum of 200 units.

A second scheme was in the pipe line, the redevelopment of the former NALGO site in Hornchurch. A well designed scheme had been prepared and this would be submitted to planning shortly.

A third scheme was being developed which would redevelop the Como Street car park. A preferred partner had been identified but no scheme was in place yet.

The fourth proposal was the redevelopment of a number of brownfield sites in Rainham. A partner was being sought and Compulsory Purchase Orders would be served early in the New Year. This development was likely to include a mix of units for rent and for sale.

The Sub-Committee **noted** the report.

## 18 **TOPIC GROUPS**

The Sub-Committee were advised that the two current Topic Groups looking at ASB and the Green Belt were coming to a close.

Members were asked to consider which topics they would wish to deal with next.

The Chairman suggested a forensic look at Housing Repairs and another member suggested a look at the Friends of Parks.

Officers would email Members to ascertain who would wish to serve on the Topic Groups.

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**Chairman**

# **TOWNS AND COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE**

19 January 2017

## **REPORT**

**Subject Heading:**

**Review of Cabinet Report - Havering  
Local Plan**

**CMT Lead:**

Steve Moore, Director of Neighbourhoods

**Report Author and contact details:**

Lauren Miller, Development Planning  
Team Leader  
[Lauren.miller@havering.gov.uk](mailto:Lauren.miller@havering.gov.uk) x3051

**Policy context:**

National Planning Policy Framework 2012  
London Plan 2015 (Consolidated with  
Alterations since 2011)  
Havering Local Development Framework  
2008

<b>SUMMARY</b>
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This report provides an update on the Havering Local Plan Update Report which was presented to Cabinet in December 2015.

<b>RECOMMENDATIONS</b>
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Members are asked to review the report and note its content.

## REPORT DETAIL

### 1. Background

On 16<sup>th</sup> December 2015 an update on the Havering Local Plan was presented to Cabinet.

The report provided an update on the progress of the Local Plan to date including details of the initial Local Plan consultation that took place earlier in 2015 and the preparation of evidence base to support the Plan.

The report also sought Cabinet approval to publish an updated Local Development Scheme (LDS) which is a statutory document setting out the plans and policy documents that will be prepared and a timetable for their delivery.

Finally, the report provided an update on recent changes to national policy for wind turbines and informed Cabinet members on how this will be dealt with in the emerging Local Plan.

### 2. Local Plan Update

Since reporting to Cabinet in December 2015 significant progress has been made on the Local Plan as detailed below.

#### Evidence Base

The Local Plan is required to be supported and justified by a credible and robust evidence base. The key pieces of evidence that have progressed since December 2015 are set out below. These documents will be finalised and published prior to the consultation on the Pre-Submission version of the Local Plan.

- **Strategic Flood Risk Assessment (SFRA) 2016** - Havering's SFRA Level 1 was published in 2014 and provides a robust depiction of flood risk across the borough. Since the report was finalised the Environment Agency has published revised climate change projections which are required to be taken into account. An update of the 2014 SFRA has therefore been produced.
- **Open Space, Allotments and Sport and Recreation Needs Assessment** - provides a comprehensive assessment of the borough's existing supply of and future need for open spaces, allotments and sports facilities (both indoor and outdoor).
- **Infrastructure Delivery Plan** –identifies the infrastructure needed to support the population and housing growth over the plan period. The study covers transport, water supply, wastewater and its treatment, energy,

telecommunications, utilities, waste, health, social care, education and burial space.

- **Gypsy and Traveller Accommodation Needs Assessment** – provides a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpersons accommodation within the Borough. Please note that it is outside of the scope of the GTAA to make recommendations or decisions about how this need should be accommodated and the study will not consider the suitability of sites.
- **Town Centre Audits** The surveys provide an up to date understanding of the uses and vacancies within each town centre. The Audit will inform decisions on any updates to the town centre designations within the Local Plan.
- **Wind Energy Assessment** seeks to identify areas within the borough that are potentially suitable for the development of wind turbines. This is in response to the Written Ministerial Statement (HCWS42) on the 18th June 2015 and the subsequent amendments to the Planning Practice Guidance which states that Local Planning Authorities should only grant planning permission for wind turbines if the development site is in an area identified as suitable for wind energy development in a Local Plan.
- **Residential Car Parking Standards Study** will set out the evidence to inform local car parking standards within the Plan.
- **Transport Background Paper** brings together a number of transport evidence base documents to support the Plan.
- **Outer North East London Strategic Housing Market Assessment** This study has been undertaken with the London Boroughs of Barking and Dagenham and Redbridge. It outlines the objectively assessed need for private and affordable housing within the housing market area for the outer north east London area. Prior to the publication of this study updated population and household projections were published by the GLA. Work is underway to ensure that these projections are reflected in the SHMA.
- **Local Plan Viability Assessment** –seeks to determine the likely impact that the policies and standards in the Local Plan will have on the viability of developments within the borough. The purpose of the viability assessment is to show (in general terms) that the cumulative impact when considering the Plan as a whole does not put the implementation of the Plan at risk
- **Sustainability Appraisal** - seeks to ensure that the promotion of sustainable development is integrated in the plan making process. It is a key

tool used to appraise the environmental, economic and social effects of plans, strategies and policies.

- **Green Belt Study** – assesses Havering's green belt against the purposes of green belt as set out in the National Planning Policy Framework. A Green Belt Topic Group has been set up by the Towns and Communities Overview and Scrutiny Sub-Committee to scrutinise and better understand the process involved in green belt land designation within the local plan system. Several meetings and a tour of green belt sites have taken place. A further meeting is scheduled for 30<sup>th</sup> January 2017.

### **Duty to Co-operate**

The Havering Local Plan is being prepared in accordance with the 'Duty to Co-operate' which places a legal duty on local authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation on strategic cross-boundary matters.

Since December 2015 officers have carried out a programme of engagement with neighbouring boroughs and other public bodies including those such as the GLA and the Environment Agency. This has included individual meetings as well as a formal duty to co-operate workshop with neighbouring boroughs in November 2016.

### **Direction of Travel – Engagement**

The Local Plan Direction of Travel Document was published in November 2016 as a way of engaging with and keeping stakeholders up to date and providing further detail on the emerging strategy and policy approach that will be reflected in the Pre-Submission Local Plan.

The preparation of the Direction of Travel is not a statutory requirement and has been prepared to inform stakeholders and assist in the process of preparing a new Plan. Responses received to the Direction of Travel Document will be collated and reported to Cabinet alongside the Pre-Submission version of the Local Plan in due course.

### **3. Next Steps**

Officers have prepared a draft of the Pre-Submission Local Plan which will be discussed at a series of briefings with Cabinet Members throughout January 2017. This will be followed by engagement with non-administration Members.

Publication of the Pre Submission version of the Local Plan will be subject to Cabinet and Council approval.

The indicative timetable for the progression of the Local Plan is:

- Consultation (under Regulation 19) on the Pre-Submission version to commence in early 2017

- Submission - Spring 2017
- Examination - Summer/Autumn 2017 (subject to the availability of the Planning Inspectorate)
- Adoption - Winter 2017/18

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

There are no financial implications arising from this report.

### **Legal implications and risks:**

There are no legal implications arising from this report.

### **Human Resources implications and risks:**

There are no HR implications arising directly as a result of this report.

### **Equalities implications and risks:**

There are no legal implications arising from this report.

## **BACKGROUND PAPERS**

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# **TOWNS AND COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE**

**19 JANUARY 2017**

## **REPORT**

**Subject Heading:**

Review of Attestation of Parks Protection Officers, following Cabinet decision on 16 December 2015.

**CMT Lead:**

Steve Moore, Director of Neighbourhoods

**Report Author and contact details:**

Simon Thelwell, Planning Manager – Projects & Regulation. 01708 432685.  
[simon.thelwell@haverling.gov.uk](mailto:simon.thelwell@haverling.gov.uk)

**Policy context:**

### **SUMMARY**

Following Cabinet approval in December 2015, since February 2016, Parks Protection Officers have been attested as constables to enable them to detain suspected offenders in the Council's Parks and Open Spaces. The new powers have been used on average about twice a month. The power has assisted in dealing with those isolated cases where the alleged offenders have not been willing to cooperate and there have been no incidents in the use of the power. It is recommended that constable status continue, meanwhile remaining under review for a further 12 months.

### **RECOMMENDATIONS**

That Members of the Towns and Communities Overview and Scrutiny Sub-Committee note the contents of this report and to agree a further review of the attestation powers in 12 months time, by December 2017.

## REPORT DETAIL

### 1.0 **BACKGROUND**

- 1.1 On 16<sup>th</sup> December 2015, Cabinet:
1. Authorised the permanent members of the Parks Protection Team to be attested and secure the same powers as police officers, but only to be exercised within the boundaries of Havering's parks and open spaces.
  2. Authorised the permanent members of the Parks Protection Team to use batons but only in self-defence and in relation to dealing with dangerous animals.
  3. Authorised the Parks Protection team to develop new partnership arrangements with the police service so that the more serious incidents which might occur in parks and open spaces were more effectively dealt with.
  4. Agreed to receive a progress report once the attestation powers had been in place for a 12 month period.
- 1.2 Taking the Cabinet resolution forward, on 2<sup>nd</sup> February 2016 Barkingside Magistrates Court granted attestation powers to the 5 permanent Parks Protection Officers in the employment of London Borough of Havering. This gives the officers Constable status in the Council's parks and open spaces.
- 1.3 As part of the report to Cabinet, it was intimated that the matter was to be reviewed by this Sub-Committee in December 2016. This report summarises the work of the Parks Protection Team and the effect that attestation powers has had since being introduced.

### 2.0 **Parks Protection Team**

- 2.1 The Parks Protection Team work specifically in Havering parks and open spaces. The team operates seven days a week, covering key times throughout the day and evening. They are based in Raphael Park and patrol the borough's open spaces using motorbikes and an off-road vehicle, so that they can quickly and effectively respond to parks related demands. The main purpose of the Parks Protection Service is to help maintain safety in the borough's parks and open spaces ensuring they remain pleasant for everyone to visit, throughout the year, by targeting anti-social behaviour and criminal activity. The service also manages the locking and unlocking of park gates.

- 2.2 There are currently 5 permanent members of staff consisting of a Parks Protection Manager and 4 Parks Enforcement Officers.

### 3.0 Attestation Powers

- 3.1 The Parks Protection Team had previously been able to deal effectively with all those otherwise law-abiding offenders, willing and able to supply their correct name and address. They were not, however, authorised to detain the 'criminal minority' who refuse to provide their true identity which can be used for prosecution purposes. This meant that a small percentage of law breaking may be difficult to effectively deal with and could lead to a gradual break-down in confidence in the Team; as the general public become aware that some offenders cannot be dealt with fairly and effectively.

- 3.2 To remedy this situation, Cabinet agreed that the permanent members of the Parks Protection Team be formally attested as Constables, to act as a Parks Police Service in Havering parks (albeit they will still be known as the Parks Protection Team). These powers allow for the detention of any problem individuals, helping to ensure that certain matters can be brought before the court via the issue of a summons. The arrest of an offender may sometimes only involve a short detention after the offence whereby the verifiable name and address is furnished for an effective prosecution to then take place. In certain circumstances however, it may lead to the detention of an offender who will need conveying to the nearest police station that has a custody suite, until police bail can be arranged.

### 4.0 2016 Performance including Detentions

- 4.1 The work carried out by the Parks Protection Team over the last year is summarised in the table below:

Service Performance 2016 (Month)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
General Patrols	287	385	344	418	270	202	268	166	233	283	410	151	3417
Calls Received	24	42	30	52	34	35	62	55	58	55	32	14	493
Byelaw Offences Recorded	10	22	18	33	36	21	32	48	28	33	20	9	310
Verbal Warning / Advice	5	1	4	3	4	2	0	6	1	3	4	7	40
Written Warning	0	3	4	6	12	5	5	9	6	5	2	0	57
Cautions	0	0	0	0	0	0	2	0	0	0	0	0	2
Prosecution Convictions	0	0	0	1	1	0	1	1	1	0	0	1	6
Arrests	0	0	1	4	1	0	2	1	5	0	7	0	21
Fixed Penalty Notices	1	0	0	0	6	0	1	0	0	0	0	0	8
Merlin Reports	0	0	1	1	1	0	3	1	0	1	1	2	11
Youth Drug Alcohol Referral	0	0	1	1	1	0	0	1	0	0	1	3	8
Byelaw	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL

<b>Offences Recorded -</b>													
<b>Proactive (General Patrols) 29.4%</b>	1	5	5	7	19	7	8	14	8	5	7	5	91
<b>Reactive (Calls Received) 70.6%</b>	9	17	13	26	17	14	24	34	20	28	13	4	219
<b>Totals</b>	10	22	18	33	36	21	32	48	28	33	20	9	310
<b>Service Calls Received - Category</b>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>Byelaw Related</b>	9	17	13	26	17	14	25	34	20	29	13	4	221
<b>Anti Social Behaviour- Non Byelaw</b>	2	9	6	3	6	6	14	3	3	2	6	0	60
<b>Criminal Activity - Non Byelaw</b>	0	4	2	1	1	1	3	2	4	5	2	0	25
<b>Dog Control</b>	3	1	0	0	1	2	3	4	1	1	5	1	22
<b>Injured Wildlife</b>	0	1	2	1	2	0	0	2	3	0	0	2	13
<b>Information Reports</b>	8	7	7	17	6	12	15	9	27	18	6	6	138
<b>Litter Investigations</b>	0	0	0	2	0	0	0	1	1	0	0	0	4
<b>Emergency Services - Assistance</b>	2	3	0	2	1	0	2	0	0	0	0	0	10
<b>Totals</b>	24	42	30	52	34	35	62	55	59	55	32	13	493

4.2 The 21 arrests identified above can be summarised as follows:

10 x drugs related (referral or caution)  
6 x burglary (insufficient evidence to pursue)  
2 x robbery/criminal damage (custody)  
1 x handling a stolen motorcycle (custody)  
1 x wanted for assault (custody)  
1 x attempted burglary (custody)

4.3 There was also a further incident where an individual refused to give their name, but on being told they would be detained, volunteered the information.

4.4 There were two main risks identified in the Cabinet report – firstly, that there could be complaints from those arrested including that unreasonable force was used and secondly, that injury could be caused by offender resisting detention. Since the attestation powers were introduced, there have been no such occurrences of either of these events. The Parks Protection Officers are trained, experienced officers and each of the detentions as constables has taken place without incident or complaint.

## 5.0 Review of Attestation Power

- 5.1 Attestation providing powers of a constable available to Parks Protection Officers have been in operation for some 10 months with them formally being used 21 times, an average of just over 2 detentions a month. It is a bit early to draw any firm conclusions at this stage other than the power has been of assistance in isolated cases which was the reason for introducing the power as identified in the Cabinet Report.
- 5.2 Arrest powers have been successfully used and have provided an additional tool for the Parks Protection Service in patrolling the Council's parks and open spaces and responding to calls.
- 5.3 The status of constable has also assisted in providing a level of protection such that no officer has since been subject to assault or threat of assault during the monitoring period.
- 5.4 The Standard Operating Procedure has been reviewed with a slight change to clarify that Parks Protection Officers can act around the perimeter of parks/open spaces to prevent unlawful trespass and by exception can stop at incidents encountered when travelling in the Borough (for example stopping to assist the community where need for assistance is identified), although attestation powers cannot be used in either case.
- 5.5 Since June 2016, as part of the Clean and Safe review of senior management, Parks Protection has been part of the Regulatory Services service area. Part of the enforcement review within Regulatory Services will include the future role of Parks Protection as part of any Council enforcement function. In the meantime, it is considered that the attestation process, providing a change to greater constable powers, has been successfully implemented without any incidents.
- 5.6 Other than an initial cost for additional equipment and court fees, the introduction of the attestation power for Parks Protection Officers has not resulted in any additional financial costs.

## 6.0 Conclusion

- 6.1 Upon review, the attestation of officers to constable status in parks has proved to be useful in addressing criminal behaviour in the parks/open spaces and are a valuable additional tool in regard to ensuring effective enforcement.
- 6.2 Given that it is still early into the period since the power has been available, the risks identified in the Cabinet Report do still exist and as such further periodic reviews of the power is recommended as well as internal review at least annually of the Standard Operating Procedures.
- 6.3 It is recommended to Members that this report be noted and the attestation powers be reviewed further in 12 months time by December 2017.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

There are no additional financial implications and risks arising directly from this report.

### **Legal implications and risks:**

The previous Cabinet Report of 16th December 2015 set out the legal position in respect of the power of Local Authorities to facilitate the 'swearing in' of nominated individuals as Constables under Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967, as only then are Constables able to enforce byelaws and other regulations within the Council's parks and open spaces only.

The Parks Protection Team officers must be sworn in at the local Magistrates Court under Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 which will mean they will become attested Constables for London Borough of Havering for Council owned parks and open spaces.

Article 19 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 gives the power to constables in parks and open spaces to seize and detain persons committing offences for the purposes of conveying them directly to a police station to be questioned and or charged, where that person's name or address cannot be ascertained by the Constable.

Although this report sets out the performance data including detentions from January 2016 to December 2016 in respect of the effective use of the attestation power and confirms no complaints or incidents have been reported in relation to unlawful use of these powers, this must be kept under review on a monthly basis.

The Parks Protection Team Officers must receive regular training in the legal and enforcement processes in connection with these powers and conflict resolution. They must continue to undertake their duties and ensure the conditions of arrest are in accordance with sections 24 and 24A of Police and Criminal Evidence Act 1984 as amended which sets out the general power of arrest without warrant by Constables (or other persons). Failure to do so may result in civil actions which include false arrest and detention. Should any action against the Officers arise, an accurate record must be kept of the complaint or incident.

### **Human Resources implications and risks:**

There are no additional HR implications and risks arising directly from this report.

**Equalities implications and risks:**

The initiative outlined in the report provides for a proportional means of ensuring that communities in Havering are able to use the parks and open spaces within the Borough. The remit of using the powers are clearly defined and articulated in policies and work instructions to the personnel concerned. The parks staffs have been trained to ensure that they are able to engage with communities and those persons with specific protected characteristics e.g. learning disabilities, mental health issues. This training will be reviewed and should a specific training requirement in relation to diversity be identified this will be provided. The table contained within the report does not evidence any disproportionality in terms of the way the powers are being used nor does the information show that certain protected characteristics are being unfairly targeted. The continued use of these powers will ensure that all our residents are able to enjoy the use of our parks and open spaces.

<b>BACKGROUND PAPERS</b>
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None.

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