

Community Safety and Environment Policy and Accountability Committee

Agenda

Wednesday 5 December 2018

7.00 pm

Small Hall - Hammersmith Town Hall

MEMBERSHIP

Administration	Opposition
Councillor Bora Kwon (Chair) Councillor Iain Cassidy Councillor David Morton Councillor Ann Rosenberg	Councillor Victoria Brocklebank-Fowler

CONTACT OFFICER: Amrita Gill
Committee Co-ordinator
Governance and Scrutiny
☎: 020 8753 2094
E-mail: amrita.gill@lbhf.gov.uk

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Community Safety and Environment Policy and Accountability Committee Agenda

5 December 2018

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3. DECLARATIONS OF INTEREST If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent. At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken. Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest. Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.	
4. RESIDENT LED CRIME COMMISSION - DISCUSSION ITEM This item will be a discussion between members and officers around the arrangements of the new Commission.	
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Agenda Item 1

London Borough of Hammersmith & Fulham

Community Safety and Environment Policy and Accountability Committee Minutes



Wednesday 5 September 2018

PRESENT

Committee members: Councillors Bora Kwon (Chair), Victoria Brocklebank-Fowler and David Morton

Other Councillors: Councillor Wesley Harcourt (Cabinet Member for the Environment)

Officers: Ian Hawthorn (Head of Highway Maintenance and Projects), Lesley Gates (Waste Contract Manager), Chris Bainbridge (Head of Transport Policy and Network Management)

1. MINUTES

RESOLVED

That the minutes of the meeting held on 13 January 2015 be approved as a correct record and signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Iain Cassidy

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. HIGHWAY MAINTENANCE

Ian Hawthorn, Head of Highway Maintenance, and Projects, presented the report and said that the existing winter policy was currently under review to

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carry out precautionary footway gritting. The review would consider more protection for footways from lessons learnt from previous snow falls, the resources required and provision for a salt barn. He showed slides that highlighted the current work carried out by the service. The service was split between the Transport & Highways and Waste Management departments to manage the gritting of roads and footways. The winter maintenance period began on 1 November to 31 March and during this period the Council received three forecasts from the Councils weather forecast consultant Meteogroup within 24 hours.

Four officers were on duty during the winter months and were the responsible decision makers for sending out the gritter teams across the borough. Officers would also analyse the forecast and made decisions on what gritting needed to be undertaken to meet the likely hazards on the roads. Furthermore, going forward weather forecasts provided by Transport for London (TfL) would also be considered during the decision-making process. The road network was split into three priority routes with the remaining roads in a default route. P1 covered all the main and high-risk routes and P2 comprised of medium use roads and of some strategic importance.

Councillor David Morton said that feedback received from residents highlighted the condition of the footpaths during the winter months. He commented that this needed to be prioritised and asked what actions were taken. In response, Ian Hawthorn said that this would be factored in as part of the review. Furthermore, a hot spot map to track high priority locations would be designed to deliver services more effectively.

Councillor Victoria Brocklebank-Fowler asked how much salt provision was required since February 2018. Ian Hawthorn said that 800 tonnes of salt provision was used. Each borough determined their salt provision based on the weather conditions for the area, however additional supplies could be accessed from other boroughs if this was necessary in future. She also mirrored Councillor David Morton's concerns around the condition of the pavements during the wintery months, especially on Munster Road. She noted that snow turned into ice very quickly last year and greater emphasis needed to be placed on gritting pavements for all residents in the borough.

A resident said that the Brackenbury Residents Association were keen to understand if the Council would consider enforcing a local bylaw to ensure that residents swept outside their houses to make the pavements safer during snowfall. Ian Hawthorn said that the council does encourage street cleaning and self-help methods were available to residents.

Councillor Victoria Brocklebank-Fowler asked for an indication of any accidents that occurred last year. Ian Hawthorn said that this wasn't a large number as residents adhered to the Met Office weather warnings and took extra caution, however the exact numbers could be provided after the meeting. The Chair, referring to the report asked why there was greater empathise on vehicles rather than pedestrians. Ian Hawthorn said that this was because the Council was following the legislation and needed to ensure

that the code of practice was met. However, the focus would be brought back to footways and was currently under review.

The Chair asked if officers were satisfied with the performance of the contractor's and whether there was any room for improvement. Ian Hawthorn noted that FM Conveys and Serco Group were leading experts on this matter and had worked well in collaboration with the Council and the information centre. Overall the Council was satisfied with their performance. FM Conveys were reactive during snowfall and did three gritting runs a day, given that snow was forecasted at a later stage.

Councillor Ann Rosenberg suggested that rather just focusing on individual spots, gritting should be extended further and asked what proposals had been put forward. Ian Hawthorn explained that the Council was in the process of identifying high risk areas and this information would be available on the Council website once this was determined. In addition, Councillor Ann Rosenberg noted that further empathise needed to be placed on venerable locations where schools and elderly residents were situated. In addition, Councillor Victoria Brocklebank-Fowler asked for Churches and other places of worship to be included as a priority for gritting. Ian Hawthorn explained that safety advice would be accessible to residents on the Council's website once the review was completed. The Chair asked for the safety advice to be distributed to Care Homes, Schools, and Churches as well as published on the website.

A resident asked if the expansion of the gritting strategy had any financial implications to the budget. Ian Hawthorn explained that this was a cost neutral proposal and to accommodate precautionary footway gritting, the Council would look at reviewing the resources and applying them more effectively. A financial implication would only arise from the Serco Group contract if there was a need to catch up ahead of schedule for the roads not cleaned due to gritting.

Councillor Wesley Harcourt said that schools across the borough were closed last year due to the poor weather conditions and routes to schools had not been gritted which meant that schools could not be accessed. He noted that lengthening the gritting routes was important and would be considered part of the strategy.

RESOLVED

That the Committee reviewed and commented upon the report.

5. WEED REMOVAL STRATEGY

Lesley Gates, Waste Contract Manager introduced the report and explained that Hammersmith & Fulham was the first Council in London to halt the use of potentially harmful sprays in parks and open spaces. Spraying of glyphosate stopped in June 2016 and moved to a non-chemical weed removal service. This was introduced to create bio diversity as well as protecting London's habitat against any long term chemical effect containing glyphosate. She showed slides that outlined the chemical free weed removal strategy and the

use of two different methods adopted. One method was to use hot water which would stunt the growth of weeds and was applied three times a year by Serco Group. Learning was taken away from the use of this method and it was felt that more applications of hot water would be of benefit going forward. The other method was the use of foam on open spaces and estates.

Councillor David Morton asked whether the use of industrial vinegar had been considered as a treatment. Lesley Gates explained that the aim of the strategy was to move towards chemical free applications. This method had been trialled but was unsuccessful. Other alternative methods trialled included the use of an electrical lance and mechanical strimmer. The mechanical strimmer used alongside hot water had managed to remove some of the high weeds. Furthermore, Serco Group had created an App which mapped out the location of the quick growth hotspots and the data collected was shared with colleagues to ensure resources were being used effectively.

Councillor Victoria Brocklebank-Fowler questioned the effectiveness of the methods employed presently, adding that weeds on pavements and sprouting around trees had increased since the strategy had changed. Further to this, she stated that there were no reports to suggest that Glyphosate was deemed dangerous on pavements and felt that methods were adopted before it was known they would work.

Councillor Wesley Harcourt said that the use of Glyphosate was connected to cases of kidney damage and a direct response to residents' complaints was to look at alternative options. In addition, he said that it was important that pioneering work such as this took place in the effort of working towards cultivating a cleaner borough in line with the administration's manifesto. Other boroughs and TfL had shown interest in the methodologies employed by the Council and were keen to explore a similar strategy. Improvements had been made in the reduction of weeds on the pavements and residents were also being encouraged to look after the trees outside of their homes.

A resident asked if a timetable was available around street cleaning times across the borough. Lesley Gates said that Serco Group provided a rota and this would be published on the Council website in future to ensure residents were updated of when their streets were due to be cleaned.

The Chair said that the new methods that had been implemented needed to be given a chance to work and was pleased that this issue was being addressed. She said that it was essential that resident's feedback was reviewed and asked that response times and complaints be monitored as part of the strategy going forward.

RESOLVED

That the Committee reviewed and commented upon the report.

6. DRAFT TRANSPORT LOCAL IMPLEMENTATION PLAN

Chris Bainbridge, Head of Transport Policy and Network Management said that each borough was required to produce a Local Implementation Plan

(LIP3) which demonstrated how they intended to implement the Mayor of London's Transport Strategy (MTS3) in their borough. Budget cuts had been in response to TfL's financial situation and applied to all boroughs. The draft plan was sent to the Disability Commission for comments and would be submitted to TfL in November 2018. TfL would provide feedback on the draft plan by 7 December 2018 and the Council would be required to submit the amended plan as a result of the consultation by 16 February 2019.

He showed slides that outlined the short-term and long-term scheme aspirations. Healthy streets for healthy people, a good public transport experience and new homes and jobs were the three priority areas for MTS3. A key objective of the LIP was to improve access to transport opportunities for everyone.

In general, the Mayors objectives and the Councils objectives in transport were compatible and complementary. The areas the Council wishes to influence the Mayor and TfL were:

- The funding level for LIP projects to be restored to its 2018/19 level and funding for principal road maintenance should be restored
- TfL to give priority to working with the council to develop the case for the Hammersmith Fly-under
- TfL should adopt a route for Crossrail 2 which would include an interchange station with the West London Line at Imperial Wharf, to facilitate regeneration in the South Fulham riverside area.
- TfL route Cycle Superhighway 9 (CS9) via the A4 corridor to avoid conflicts with pedestrians in King Street.

Councillor David Morton asked why the removal of general traffic from north side of Shepherd's Bush Green was included in the short terms plans. Chris Bainbridge said that this was due to technical and funding issues and further discussions were required with TfL before this could be addressed.

Chris Banbridge, Head of Transport Policy and Network Management said that TfL were due to release results of the Cycle Super Highway 9 (CS9) consultation and the Council would have an agreed position of the route by the end of September 2018. A resident noted that whilst he agreed that the pedestrian should be a priority, cyclists would prefer taking the CS9 down King Street. He felt that this would enable cyclists to access shops and services and failed to understand why this access would be removed and be replaced with the A4 road.

Councillor Ann Rosenberg said that whilst she was in favour of TfL's proposal to encourage people to cycle the Council also needed to consider the safety needs of pedestrians. In addition, she said that cycling was a more common mode of transport in Holland and this sort of culture would need more encouragement to adopt in the UK.

Councillor Victoria Brocklebank-Fowler said that she was concerned about the state of Hammersmith Bridge and asked how the refurbishment would be funded. Chris Bainbridge said that TfL would fund this however there had been some delays around when the repair work would commence.

Furthermore, in the interim the bridge was monitored on a regular basis and there was no danger of it collapsing. He said that the Council were in regular dialogue with TfL and discussions were held to specify what the requirements were prior to work being carried out.

The Chair thanked officers for turning around the reports at short notice and was pleased to hear everyone's contributions.

RESOLVED

That the Committee noted the draft Local Implementation Plan (LIP)

7. COMMITTEE WORK PROGRAMME

Councillor Victoria Brocklebank-Fowler asked why there had been a change in the Committee work programme. She said that Community Safety was an important issue and it was agreed at the last meeting that this needed to be addressed. The Chair explained that since the schedule was determined in July 2018, the Council had announced a Crime Commissions which would commence work in September 2018. She felt that the Committee would be in a better position to establish its scope and consider its recommendations at the next meeting once the report was complete.

In relation to the winter gritting strategy, reflecting on the schedule she felt that any recommendations that might had been discussed in December 2018 to improve the gritting plan would have been too late to implement this coming winter. Considering the plan in September 2018 gave the Committee a chance to have an impact upon the final preparations of the strategy prior to winter.

She apologised for the changes to the work programme. However, felt that this gave the PAC a better chance of having a real input into these areas by adjusting the agenda.

Members noted the work programme and that the next meeting would be held on 5 December 2018.

Meeting started: 7:00pm
Meeting ended: 9:30pm


Chair

Contact officer: Amrita Gill
Committee Co-ordinator
Governance and Scrutiny
☎: 0208 753 2094

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

E-mail: amrita.gill@lbhf.gov.uk

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<p>London Borough of Hammersmith & Fulham</p> <p>COMMUNITY SAFETY AND ENVIRONMENT POLICY AND ACCOUNTIBILITY COMMITTEE</p> <p>05 December 2018</p>	
<p>REVIEW OF OPERATION PUGLIA</p>	
<p>Report of the: Director for Residents' Services</p>	
<p>Open Report</p>	
<p>Classification - For Policy & Advisory Review & Comment</p>	
<p>Key Decision: No</p>	
<p>Consultation None</p>	
<p>Wards Affected: All</p>	
<p>Accountable Directors: Sharon Lea, Director of Residents' Services</p>	
<p>Report Author: Claire Rai, Head of Community Safety.</p>	<p>Contact Details: Tel: 020 8753 2744 E-mail: claire.rai@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report is to give members the opportunity to review the Council's role in Operation Puglia.
- 1.2. In October 2017 the Metropolitan Police began Operation Puglia – a proactive and intelligence led operation across Hammersmith & Fulham, Kensington & Chelsea, and Westminster, in response to an increase in violent crime across the three boroughs. This included a rise in the use of knives and firearms.
- 1.3. The majority of these incidents related to escalating retaliatory violence between a gang in Westminster and a gang in Shepherds Bush, both of which were involved in feuds with a gang from North Kensington. Class A drug supply played a prominent part in these feuds, and the activity of these gangs.

- 1.4. Operation Puglia took on a multi-agency approach and broke new ground for partnership working to tackle the exploitation of children and the intimidation of local communities by these criminal gangs.
- 1.5. July 2018 saw Operation Puglia come to fruition as 78 individuals from across the three boroughs were arrested during the enforcement phase of the operation.

2. RECOMMENDATIONS

- 2.1. That Members review the information surrounding Operation Puglia, the Council's involvement through joint working with the Police, and the results achieved by the operation.

3. RATIONALE

- 3.1 Operation Puglia was a response to a rise in violent crime linked to gang activity and drug supply across the three boroughs. Criminal networks were taking over the addresses of vulnerable adults to manufacture, store and sell drugs. They exploited children to traffic drugs, and intimidated and terrorised the local communities as they progressed their criminal enterprises.
- 3.2 However, it was found that the drug trafficking was not exclusive to gangs. Other smaller enterprises and lone suppliers joined the market to further erode the quality of life of the residents.
- 3.3 In response Operation Puglia aimed to:
 - execute warrants to search for evidence related to offences of supplying Class A controlled drugs.
 - arrest identified subjects involved with the supply of Class A controlled drugs.
 - suppress the risk the individuals posed within the communities, reducing violent crime and raising public confidence.
- 3.4 Operation Puglia was founded on intelligence from several different sources. Intelligence was gathered by Police covert surveillance, partner agencies, and community intelligence provided by residents.
- 3.5 During the intelligence phase of the operation, 78 Subjects were identified. The operation then moved into the arrest phase.

4. PARTNERSHIP WORKING

- 4.1 Officers from the Council's Community Safety Unit, Youth Offending Service, and Children's Services were involved in the planning and

strategy meetings in advance of the enforcement phase of Operation Puglia.

- 4.2 Operation Puglia broke new ground by incorporating a Safeguarding Custody and Public Protection hub as part of the arrest phase. This included a reception centre for children at risk.
- 4.3 Partner agencies and neighbourhood police delivered a community engagement plan across the three boroughs, which involved short, medium and long-term strategies. The plan involved a range of engagement activities and reassurance patrols, as well as utilising drugs outreach services and youth workers to support local officers and drug users.
- 4.4 A key learning point from the operation was for Police colleagues to release the names of those children and young people to be arrested, prior to their arrest taking place. Partners felt this improved planning and enabled probable outcomes to be assessed effectively.

5. RESULTS

- 5.1 At the conclusion of the operation 76 search warrants had been executed by the Metropolitan Police, 40 of which were in Hammersmith & Fulham. Search warrants were conducted in the following wards:
 - Wormholt & White City
 - Shepherds Bush Green.
 - Hammersmith Broadway
 - Askew
 - Addison
 - Avonmore & Brook Green
 - Ravenscourt Park
 - North End
 - Town
 - Fulham Reach
 - Munster
 - Fulham Broadway
- 5.2 Following the execution of these warrants, 78 individuals were arrested. 12 of these individuals were identified as gang members, 33 were adults from Hammersmith & Fulham, while 7 were juveniles from the Borough.
- 5.3 A total of 16 young people were taken into custody as a result of the operation, and subsequently referred to the youth offending teams.
- 5.3 Following consultation with the Crown Prosecution Service, 71 individuals were charged with a total of 344 offences. 300 of these offences were concerned with the possession and/or supply of a controlled drug.

5.4 Criminal Behaviour Orders were obtained for 69 of the 78 individuals originally arrested.

6. ROLE OF THE YOUTH OFFENDING SERVICE

6.1 All of the seven young people arrested and charged from Hammersmith & Fulham were known to the Youth Offending Service. All but one had some involvement with Children's Services.

6.2 All of the young people stated they had been subject to coercion.

6.3 The Youth Offending Service sought advice from the Crown Prosecution Service on the Modern Slavery Act. The CPS advised that the young people may have a statutory defence under Section 45 of the Act, as children who have been internally trafficked and exploited.

6.4 The Youth Offending Service convened multi-agency meetings to discuss each case on an individual basis. As a result, a total of five referrals were made under the Modern Slavery Act via the National Referral Mechanism. Two of these referrals were confirmed as victims of modern slavery.

6.5 Sentencing was adjourned for those young people awaiting the outcome of a referral under the Modern Slavery Act. Three referrals remain outstanding pending a decision from the National Crime Agency.

6.6 None of the young people received a custodial sentence. Most remain engaged with the Youth Offending Service through a bespoke intervention plan devised to address the issues leading to their involvement in crime.

7. THE ROLE OF THE ANTI-SOCIAL BEHAVIOUR UNIT

7.1 As a result of Operation Puglia the Anti-Social Behaviour Unit identified that 16 Council tenancies were directly involved in the drug activity.

7.2 This has led to a considerable amount of work for the Anti-social Behaviour Team. Most of the tenancy action is ongoing until sentencing results are known.

7.3 One tenant has already received a lengthy custodial sentence. To avoid possession proceedings and increasing arrears he submitted a vacation notice to end his tenancy.

7.4 A partial closure order was obtained on another address and the perpetrator, who was a household member, has been excluded from the property and is now in supported accommodation. The tenant of the property has reported that family life is much improved and neighbours have reported a decrease in anti-social behaviour. The Anti-social Behaviour Unit have applied for an injunction to exclude the perpetrator from the property and the surrounding area.

8. EQUALITY IMPLICATIONS

8.1 The recommendations do not affect either Council's equality duties.

9. LEGAL IMPLICATIONS

9.1 The legal implications are contained in the body of the report.

10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1 There are no financial implications for the purpose of this report.


11. IMPLICATIONS FOR BUSINESS

11.1 There are no implications for business.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.			

Agenda Item 6

<p>London Borough of Hammersmith & Fulham</p> <p>COMMUNITY SAFETY AND ENVIRONMENT POLICY AND ACCOUNTABILITY COMMITTEE</p> <p>05 December 2018</p>	
REVIEW OF THE COUNCIL STRATEGY FOR THE CCTV NETWORK	
Report of the Director of Residents' Services	
Open Report	
Classification - For Policy & Advisory Review & Comment	
Key Decision: No	
Consultation: None	
Wards Affected: All	
Accountable Directors: Sharon Lea, Director of Residents' Services	
Report Author: Claire Rai, Head of Community Safety	Contact Details: Tel: 020 8753 3154 E-mail: claire.rai@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. This report is to give Members the opportunity to scrutinise the Council's strategy for its CCTV.
- 1.2. The CCTV control room in Hammersmith Town Hall is staffed 24/7 365 days per year. All CCTV cameras are accessible from this room. Any camera can also be viewed by the Metropolitan Police Control Room. This allows the Police to make instant decisions based on live information.
- 1.3. The Council is expanding its CCTV coverage on housing estates, with three major estate systems being installed at the end of 2018. The Council is also expanding its general street level coverage east on Hammersmith Road and Lillie Road, and south into the Imperial Road regeneration area.

2. RECOMMENDATIONS

- 2.1. That Members review the use of CCTV by the Council, and the plans for its future expansion.

3. CCTV SYSTEM

- 3.1 The Public Space CCTV system in Hammersmith & Fulham continues to expand each year. This growth is almost exclusively funded by planning gain income generated from the many construction developments within the Borough.
- 3.2 In 2017 Hammersmith & Fulham operated 1,371 cameras. This has increased to 1,524 in 2018. This includes both public space cameras and those covering housing estates.

Community Safety PTZ	228
Community Safety Fixed	89
Housing Cameras	992
Third Party Links	9
Others	206
Total	1,524

- 3.3 Of the 206 other cameras referred to in the table above, 59 are rapid deployable cameras capable of being installed on lamp columns in areas that have come to our attention as a result of anti-social behaviour and/or crime hotspots.
- 3.4 Over the last financial year (2017/18) we expanded and improved the camera network as follows:
- 8 new public space CCTV cameras installed
 - 160 new housing estate cameras installed in total
 - 1 new housing estate scheme installed at Rainville Road, with 2 further schemes scheduled for installation before the end of the year at Field Road and Maystar estates.
 - 1 Sheltered housing scheme – Waterhouse Close
 - 3 housing estate schemes expanded or upgraded (Fulham Court, West Kensington estate and Gibbs Green)
 - 5 estate lift systems installed
 - 30 new deployable cameras.
- 3.5 In addition to the public space CCTV there are other services that use CCTV to deliver solutions. The Neighbourhood Warden Service and Parks Police both use body worn cameras with 13 and 12 cameras respectively. The Neighbourhood Warden Service also has two vehicles that are fitted with bi-directional CCTV technology – images from the vehicle can be

viewed live in the CCTV control room and images can be passed back to the vehicle in real-time.

3.6 The Council have two covert vehicles equipped with CCTV that can be live viewed and controlled remotely. These vehicles are used to help deliver our Professional Witness Service.

4. Future Expansion

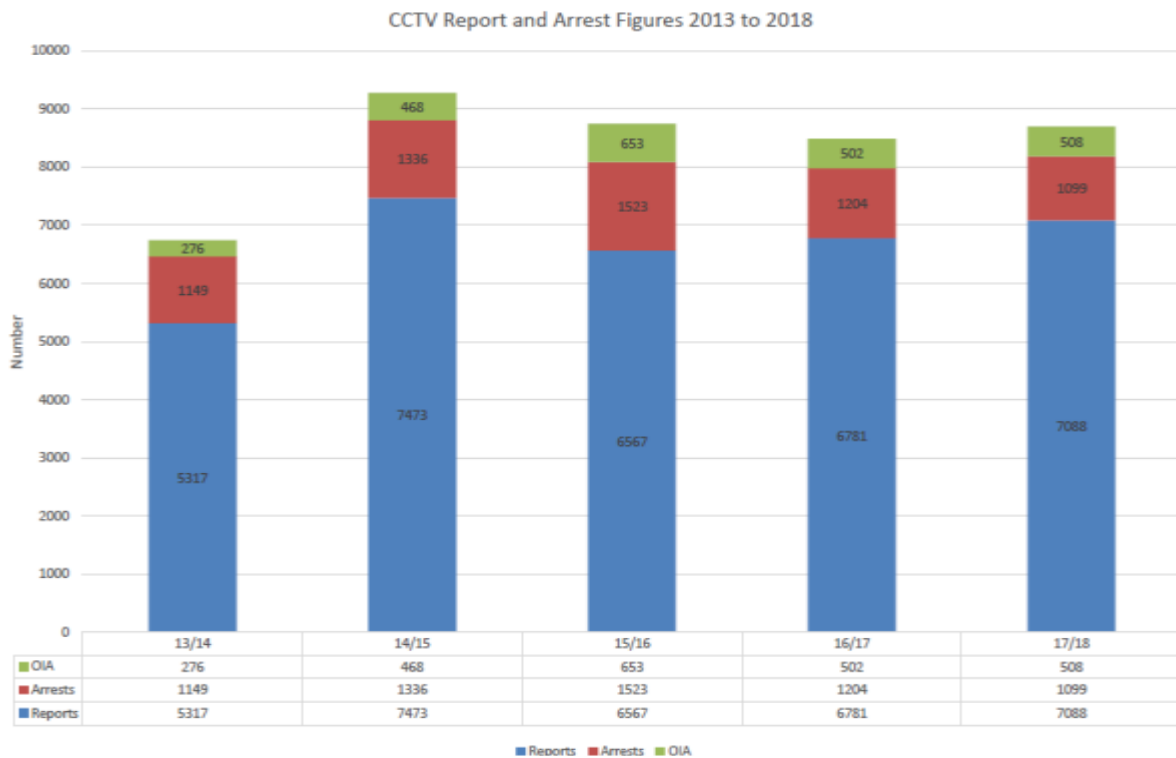
4.1 In 2018/19 there are plans to carry out further works including:

- 6 new housing estate schemes (Springvale estate and Sulgrave Gardens, Lancaster Court, Batman Close and White City Close, and Carnwarth Road).
- 2 housing estate scheme digital upgrades at Clem Attlee and Fulham Court.
- 10 new deployable cameras.

5. Partnership Working

5.1 In 2017/18 CCTV operators have made 7,088 reports and assisted the MET Police with 1,099 arrests.

5.2 In addition to this, 508 people were arrested in Hammersmith & Fulham that would not have been without the CCTV operators working jointly with the Metropolitan Police.



- 5.3 One of the reasons for the outcomes referenced above is the improved resolution the operators have across the Borough. The team works with the Police to identify secondary areas that allow CCTV operators to track suspects from the well covered areas into zones where they feel safe. Operators are then able to guide Police to them and affect an arrest.
- 5.4 Hammersmith & Fulham give full access to live and recorded CCTV images to both the local Police teams at Hammersmith Police Station and the National Counter Terrorism Command Centre (they are only Local Authority in London to do so). This allows the Police to investigate crimes on the Borough more swiftly and frees up the CCTV operators to concentrate on proactively monitoring areas for crimes rather than downloading footage for the Police.
- 5.5 The Control Room in Hammersmith Town Hall is often used as a base for running police operations. Police officers co-locate with the Council team combining their knowledge with the CCTV operator's camera skills to target offenders. The Police frequently post 'Super Recognisers' in the CCTV control room. These officers, who are known for their photographic memory of faces, are a significant asset and lead to many arrests of 'wanted' individuals taking place when they are co-located in the Control Room.

6. EQUALITY IMPLICATIONS

- 6.1 The recommendations do not affect either Council's equality duties.

7. LEGAL IMPLICATIONS

- 7.1 There are no legal implications for the purpose of this report.

8. FINANCIAL AND RESOURCES IMPLICATIONS


- 8.1 There are no additional financial implications for the purpose of this report.

9. IMPLICATIONS FOR BUSINESS

- 9.1 The CCTV service provides increased levels of security for residents and businesses across the Borough. Integrated networks operate in the three town centres, including the Hammersmith BID area. Within the Control Room there is a dedicated CCTV operator that focuses only on the Hammersmith BID area, and is funded by them. There is also a well-established safety net radio system that is used by shops, pubs and businesses allowing them to directly contact the CCTV operators for assistance if it is required.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.			

<p>London Borough of Hammersmith & Fulham</p> <p>COMMUNITY SAFETY AND ENVIRONMENT POLICY AND ACCOUNTIBILITY COMMITTEE</p> <p>05 December 2018</p>	 <p>h&f hammersmith & fulham</p>
<p>REVIEW OF USE OF REGULATION OF INVESTIGATORY POWERS ACT (RIPA)</p>	
<p>Report of the: Director for Residents' Services</p>	
<p>Open Report</p>	
<p>Classification - For Policy & Advisory Review & Comment</p>	
<p>Key Decision: No</p>	
<p>Consultation None</p>	
<p>Wards Affected: All</p>	
<p>Accountable Directors: Sharon Lea, Director of Residents' Services</p>	
<p>Report Author: Claire Rai, Head of Community Safety.</p>	<p>Contact Details: Tel: 020 8753 2744 E-mail: claire.rai@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report is to give Members the opportunity to scrutinise the Council's use of covert surveillance and CCTV.
- 1.2. The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory framework for police and public authorities to use surveillance and communications data, where necessary and proportionate, for the purpose of preventing or detecting crime or preventing disorder. RIPA regulates the use of these powers in a manner that is compatible with the Human Rights Act.

2. RECOMMENDATIONS

- 2.1. That Members review the use of surveillance by the Council.

3. REASONS FOR DECISION

- 3.1. The code of guidance published by the Secretary of State under section 91 of RIPA advises that local authority Members should review the use of the Act and set the policy.

4. THE REGULATION OF INVESTIGATORY POWERS ACT 2000

- 4.1. The Regulation of Investigatory Powers Act 2000 (RIPA) introduced a process for balancing an individual's rights with the authority's obligations to enforce laws on behalf of the wider community. The Act makes all conduct carried out in accordance with an authorisation granted under the terms of the Act lawful "for all purposes". Surveillance must be "necessary" and "proportionate" and be approved by both a council authorising officer and a magistrate.
- 4.2. Councils use RIPA to undertake directed surveillance and access communication data to detect and prevent crimes such as fraud, rogue traders, and anti-social behaviour. Since November 2012 Councils must obtain an order from a JP (District Judge or lay magistrate) approving an authorisation to use directed surveillance, acquire communication data or use a CHIS.

RIPA is separated into 2 parts:

Part I Communications Data Access

- 4.3. This allows Councils to access communications data from Communications Service Providers. It does NOT allow for the interception of communications (i.e. it enables the Council to seek information as to who someone is phoning, not what they say).
- 4.4. Communications Service Providers (CSP's) are anyone who provides a postal or telecommunications service e.g. Royal Mail, British Telecom, Vodafone, etc.
- 4.5. Councils' only have the power to acquire the following data from CSP's
- Billing, delivery, and installation address
 - Contact telephone numbers
 - Periods of subscription use
 - Itemised telephone call records
 - Itemised records of connections to internet services
 - Provision, and use of forwarding/redirection services
 - Records of postal items, e.g. registered, recorded, or special delivery postal items
 - Top up details for mobile phones, credit/debit card details and voucher top up details
- 4.6. CSP's will only respond to requests from Council's via designated contacts who must have undertaken and passed a Home Office approved course. The Council uses NAFN (National anti-fraud network) as the designated contact.

Part II – Directed Surveillance & Covert Human Intelligence Sources
Directed Surveillance

- 4.7. This refers to covert but, not intrusive, surveillance which is not an immediate response to events. It is undertaken for a specific investigation or operation in a way likely to obtain private information about a person (any information relating to private or family life, interpreted broadly to include relationships with others). It must be necessary for the purpose of preventing or detecting crime or disorder and proportionate to what it seeks to achieve.
- 4.8. Since November 2012 a Council can only authorise directed surveillance to prevent or detect criminal offences that are either punishable by at least 6 months’ imprisonment or are related to the underage sale of various prohibited items. This is known as the “crime threshold”.

Covert Human Intelligence Sources (CHIS)

- 4.9. The practice of using an officer to establish or maintain a personal or other relationship with a person for the covert purpose of obtaining information, e.g. an officer who poses as a tenant to obtain information and evidence against a nuisance tenant. LBHF has never authorised the use of a CHIS.
- 4.10. The Office of Surveillance Commissioners (**OSC**) regulates Part II of RIPA. There was an inspection on 10 January 2017.

4.11. **Frequency of use of these powers:**

Directed Surveillance:

September 2017 – October 2018			
Department:	Authorising Officer	Number of Authorisations	Reason for use of RIPA
Environment, Leisure, and Residents Services: Safer Neighbourhoods Division	Head of Community Safety	2	Covert CCTV cameras and Visual Surveillance to identify perpetrators of ASB, and drug dealing

Communication Data:

Department	Authorising Officer	Number of authorisations	Reason for use of RIPA
		None	

The Policy

- 4.12. On 3 November 2014 the Cabinet gave approval to a Joint Working Agreement for the exercise of RIPA powers with the Royal Borough of Kensington & Chelsea including sharing officers. Officers are currently working on a sovereign policy for LBHF and will be seeking cabinet approval to end the agreement with RBKC.
- 4.13. The current policy sets out how an investigating officer must apply for RIPA authorisation to one of five Authorising Officers. The officer must set out the purpose of the investigation, the details of the operation (duration, methods, equipment and so on to be employed), the identities where known of the subject of the application, the information it is desired to obtain, the offence to be prevented or detected, an explanation of why it is necessary, details of potential collateral intrusion (infringement of the privacy of people other than the intended subject) including precautions taken to avoid collateral intrusion and an explanation of why the application is proportionate to the aims of the operation.
- 4.14. The Authorising Officer is a senior person of at least Head of Service level, who is not connected with the operation. He or she will consider the application and if satisfied that the requirements of the Act and the Council's policy are met will authorise the application. In doing so the Authorising Officer will record the who, where, what, when and how of the activity, set a date to review the operation. The investigating officer will then apply to the Magistrates' court for approval.
- 4.15. In April 2018 training on RIPA was provided to officers of LBHF by ACTNOW, a leading provider of training in this subject. In addition informal training also takes place with the professional witnesses from the Anti-Social Behaviour Unit, with common mistakes and best practice being discussed.
- 4.16. The Act requires the Council to have a SRO who is responsible for ensuring compliance with the Act and Code of Guidance and the integrity of the in place within the authority to acquire communications data. The Director of Legal Services Acts as the SRO.
- 4.17. The Authorising Officers meet at least 3 times a year with the SRO and review the policy and procedure.
- 4.18. **Non RIPA Surveillance**
- 4.19. The policy sets out the circumstances when officers may use surveillance techniques where the crime threshold is not met. In such circumstances, by carefully considering exactly the same factors of necessity and proportionality which would be considered before granting authorisation under RIPA, the officers can show that their activity is lawful and necessary in terms of the qualification in Article 8(2) of European Convention of Human Rights

4.20. Non-RIPA surveillance has been used by officers investigating anti-social behaviour, which can involve day to-to-day incidents such as vandalism, and noisy or abusive behaviour by neighbours. Even what is perceived as ‘low level’ anti-social behaviour, when targeted and persistent, can have a devastating effect on a victim. In order to support victims, it has been necessary to conduct surveillance that does not satisfy the serious crime threshold requirement of RIPA. Evidence gathered can then be used to support enforcement action against the perpetrators of the ASB, including those that reside in RSL properties.

4.21. **Frequency of use:**

September 2017 – October 2018			
Department	Authorising Officer	Number of applications	Reason
Environment, Leisure, and Residents Services: Safer Neighbourhoods Division	Head of Community Safety	11	Covert CCTV cameras and Visual Surveillance to identify perpetrators of ASB, criminal damage, harassment, intimidation, and drug dealing

5. OSC Inspection

5.1 On 10 January 2017 an Inspector of the Office of Surveillance examined the arrangements of LBHF and RBKC to ensure compliance with the statutory provisions which govern the use of covert surveillance. His report was sent to the Chief Executive on 14 February 2017.

5.2 The report was broadly positive and found that both Councils continue to make sufficient provision to ensure compliance. The Inspector found that the Authorising Officers had all received RIPA training and were clearly knowledgeable about their responsibilities. He made 6 recommendations.

5.3 Two of the recommendations related to inconsistent practices across the two councils for documenting authorisations and the conduct of reviews. RBKC have adopted LBHF procedures.

5.4 To deal with these inconsistencies the inspector recommended that a RIPA “gatekeeper” should provide a more “intrusive role” and review authorisations before and after they are granted to ensure quality assurance. At present authorisations are reviewed by a Senior Solicitor in Legal services after they have been approved by a magistrate. They are also reviewed at the quarterly meetings of the Authorising Officers.

Officers are exploring the use of Office 365 functions so that authorisations can be reviewed by Legal Services prior to them being taken to court without delaying the process.

- 5.5 As set out above LBHF has never used the CHIS powers and has no officers trained to undertake this role. The Inspector was concerned that officers would recognise a CHIS issue if they come across one and whether this may lead to a breach of the legislation. He recommended that the SRO review current provision for CHIS and implement measures if considered necessary.
- 5.6 The Inspector recommended that the RIPA policy should be reviewed and kept up to date as a constant reminder of the care with which social media sites should be used by Council officers. This in case some officers, acting in good faith, use their personal profiles on social media in connection with Council business. This may, lead to officers, inadvertently, falling within the ambit of RIPA. It is intended to review and publicise the policy and highlight the risks of using social media. Training covering this issue will also be provided.
- 5.7 The last recommendation was that the Councils should ensure that when the Police use LBHF CCTV for targeted surveillance they should comply with the OSC Procedures and Guidance.

6. EQUALITY IMPLICATIONS

- 6.1. The recommendations do not affect the Council’s equality duties.

7. LEGAL IMPLICATIONS

- 7.1. The legal implications are contained in the body of the report.

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1. There are no financial implications for this report.

9 IMPLICATIONS FOR BUSINESS

- 9.1 There are no business implications for the purpose of this report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.			

Community Safety and Environment PAC Work Programme 2018/19

5 December 2018 Small Hall, HTH. 7:00pm.		
ITEM	LEAD OFFICER	REPORT BRIEF
RIPA Report (Statutory item)	Claire Rai	This report is to give Members the opportunity to review and comment on the Council's use of covert surveillance and CCTV.
Resident Led Crime Commission	Peter Smith	Discussion between members and officers around the arrangements of the new Commission
Operation Puglia	Claire Rai/ Bev Sharpe	This report is to give members the opportunity to review the Council's role in Operation Puglia.
The Council's strategy around it's CCTV network	Claire Rai	To consider the Councils strategy around its CCTV network

Future meeting dates – 29 January, 27 March 2018 Potential future items:		
ITEM	LEAD OFFICER	REPORT BRIEF
Parks and open spaces	Ullash Karia	To consider the Council's use of public and green spaces, including maintenance and facilities.
Parking	David Taylor	To consider the Council's parking policy and options on how this could be improved for the benefit of residents.
Electrical charging points	Ian Hawthorne	To consider the Council's strategy around electrical charging points.
The Councils recycling policy	Terry Oliver	To consider the Council's plan for recycling, the issues faced and options on how this would be improved.