

## Notice of Meeting

# Joint Public Protection Committee

A shared service provided by Bracknell Forest Council,  
West Berkshire Council and Wokingham Borough Council

**Tuesday 18 September 2018 at 7.00pm**

Venue: Wokingham Borough Council, Shute End, Wokingham,  
RG40 1BN

**To:** Councillors Norman Jorgensen (Wokingham Borough Council), Michael Firmager (Wokingham Borough Council), Marcus Franks (West Berkshire Council), Emma Webster (West Berkshire Council), Nick Allen (Bracknell Forest Council) and Iain McCracken (Bracknell Forest Council)

### Part I

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11 **Corrections to Item 6: Draft Revenue Budget 2019/20**

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## Draft Revenue Budget 2019/20 - Summary Report

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Committee considering report: Joint Public Protection Committee  
Date of Committee: 18<sup>th</sup> September 2018  
Date agreed by Joint Management Board: 17<sup>th</sup> August 2018  
Report Author: Sean Murphy

### 1. Purpose of the Report

- 1.1 To set out the draft revenue budget for 2019/20 including fees and charges.
- 1.2 To seek approval for the draft budget and draft fees and charges schedule prior to submission to the Councils in accordance with the Inter-Authority Agreement.

### 2. Recommendation(s)

- 2.1 That the Committee consider the draft revenue budget including fees and charges set out.
- 2.2 That the Committee agree the Joint Management Boards proposal for a contribution reduction of £145K.
- 2.3 That (subject to decision at 2.2 above) the Committee recommend to the Councils the contributions set out at Table 2 at 5.8 below along with the fees and charges set out in Appendix B.

### 3. Implications

- 3.1 **Financial:** The budget for the PPP service in 2017/18 was set out in the out in the Inter-Authority Agreement dated the 6<sup>th</sup> January 2017. The budget was set at £3.213M to be paid by the Councils in the following percentage shares: Bracknell Forest 26.24%, West Berkshire 39.95% and Wokingham 33.81%.

The recommendation by the Joint Management Board is to implement an overall net contribution reduction of £145K in 2019/20. Should this be agreed the contributions sought would be those set out in Table 2 at 6.4 below.

The fees and charges proposed are set out Appendix B to this report. These are either statutory fees in which case any variance will have been set by law or discretionary fees. In respect of the discretionary fees there has been a move towards the standardisation of

fees across the PPP applying the full cost recovery principle and methodology agreed previously by this Committee.

For the avoidance of doubt any money allocated from monies received under the Proceeds of Crime Asset Recovery Incentivisation Scheme **does not** form part of the PPP revenue budget. This has been agreed by the Committee previously.

**3.2 Policy:** The Joint Public Protection Committee has responsibility for setting the strategic direction and policy of the PPP Service. This includes the maintenance of financial oversight to ensure sound financial management. More specifically the Committee has responsibility for recommending to the Councils a budget that meets its needs along with a proposal for fees and charges.

**3.3 Personnel:** Should the recommendations be agreed as per table 2 at 5.8 then there may be personnel implications and these would be set out in the implications report to be brought back to this Committee in December. Where costs arise from any personnel implications they would be managed in accordance with the Inter-Authority Agreement (IAA). There are no personnel implications arising from the budget set out in table 1 at 5.7 below.

**3.4 Legal:** The IAA that set up the Partnership effectively delegates responsibility for the strategic direction of the joint service to the Joint Committee. The responsibilities of the committee are set out in Schedule 1 to the agreement.

Included is the responsibility to propose a fee structure, annual budget to the Councils and agree any variations from the budget from the IAA. It also has the responsibility to set out a proposal for the agreed percentage figures. The agreement requires that these should be submitted by 30<sup>th</sup> November or other such date agreed. In reality work has been ongoing right up to time of submission of this report. We will need to consider the meeting cycle of the Joint Committee to meet this obligation in future years.

It remains at all times the responsibility of the partner Councils to set their own budgets including fees and

charges having received the recommendation of the Committee.

**3.5 Risk Management:** Any risks associated with the recommendations will be captured as part of regular Joint Management Board briefing process and will be escalated as per the IAA and Committee approved business plan. Should the Committee decide against a budget reduction the Joint Management Board will need to consider the possibility of establishing a methodology which enables individual partners altering their contribution. This has wider implications for the PPP and its currently approved business plan.

**3.6 Property:** None

#### **4. Other options considered**

4.1 The consideration of the budget reduction began with a request from West Berkshire. The Joint Management Board considered the possibility of applying that reduction only to operations directly attributable to the West Berkshire area but concluded that the damage to economies of scale and complications around separating management overhead calculations was a prohibitively complex and costly exercise. This was in addition to a generally held view amongst the PPP partners that the integrity of partnership working would be damaged if individual partners started reversing the consistent and standardisation principals laid out in the approved business plan.

#### **5. Executive Summary**

5.1 The Inter-Authority Agreement (IAA) between the Councils sets out of the functions that are delegated to the Joint Committee under the terms of the agreement. These include an array of statutory functions relating to private sector housing, nuisance, environmental protection, licensing, trading standards, food safety and standards and health and safety.

5.2 The IAA also identifies the key priority areas for the service which are community protection; protection and improving health; protection of the environment; supporting prosperity and economic growth and the delivery of effective and improving service.

5.3 In order to deliver these functions for the Councils they are requested on an annual basis to allocate a budget to the Joint Committee. That budget is proposed by the Joint Committee along with a proposed schedule of fees and charges. The total net revenue budget for the service is then divided between the Councils in the agreed percentages. The proposed net revenue budget for 2019/20 is £3.549M and the agreed percentages as set out in 5.7. The basis of the calculation is set out in Appendix A to this report.

- 5.4 The Joint Management Board discussed a proposal from West Berkshire to reduce their contribution by £58K in 2019/20 and a further £58K in 2020/21. The decision by the Board was not to agree to a single partner changing its contribution, but rather to incorporate it within a PPP wide savings target in accordance with the agreed percentages, across all three authorities. The result being a target reduction of £145K per annum. It was noted by the Joint Management Board that the partners reduced full year revenue spend from 2017/18 by £340K per annum.
- 5.5 Fees and charges have also been reviewed and in accordance with the request of Committee in December 2017 work has been carried out to review and where appropriate standardise fees in accordance with the principle of full cost recovery and the Committees approved methodology. The major implication of this review will be a significant increase in Taxi and Private Hire Vehicle fees in Wokingham / West Berkshire. Further detail on this is set out in the supporting information at Appendix A. In some cases these increases are larger because there has been no increase in previous years.
- 5.6 The standstill budget at 5.7 below is based on a number of factors including annual salary inflation, and adjustments for incremental salary rises and CPI applied to contracts. Existing discretionary fees and charges have been reviewed and some have been aligned across PPP. An inflationary rise of 2.5% has also been applied. It is important to note that this increase of £116k across the partners would have been experienced by the individual councils in any event and is not as a result of being part of the PPP.

**5.7 Table 1 – Standstill Budget**

Authority	Percentage	Budget Allocation	Fees and Charges
Bracknell Forest	25.72	£912.792K	As per Appendix B
West Berkshire	40.01	£1420.312K	As per Appendix B
Wokingham	34.27	£1216.346K	As per Appendix B

**5.8 Table 2 – Budget incorporating £145K reduction**

Authority	Percentage	Budget Allocation	Fees and Charges
Bracknell Forest	25.72	£875.62K	As per Appendix B
West Berkshire	40.01	£1362.120K	As per Appendix B
Wokingham	34.27	£1166.705K	As per Appendix B

**6. Conclusion**

- 6.1 This is a key responsibility for the Joint Committee is to recommend a revenue budget including a fees and charges structure. It also has a responsibility to

keep under review the budget and consider the outturn and any variance. A report will be brought forward in due course to report the 2018/19 outturn.

- 6.2 The Joint Management Board has considered the budget in light of a request to reduce partner contributions and a desire to align fees and charges where possible. It is their view, as the senior managers representing the interests of their respective Councils, that the integrity of the PPP is best protected by delivering a saving collectively.
- 6.3 It has been a consistent feature of conversations both at the Joint Management Board and Committee that cost recovery must be at the heart of all fees and charges decisions and this paper continues that position.
- 6.4 The recommendations aim to meet the requirements of the IAA, the approved business plan and reality that the partners find themselves in financial terms.

## Appendices

Appendix A – Supporting Information

Appendix B – EIA

Appendix C – Fees and Charges 2019/20

Appendix D – Fees and Charges Benchmarking Data

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## Background Papers: None

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### PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
- 2 – Protecting and Improving Health**
- 3 – Protection of the Environment**
- 4 – Supporting Prosperity and Economic Growth**
- 5 – Effective and Improving Service Delivery**

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## Appendix A

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### Public Protection Partnership Budget - Supporting Information

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#### 1. Introduction/Background

- 1.1. The net revenue budget for 2019/20 has been calculated taking into account:
- The annual cost of living rise at 2%
  - Incremental rises effective from the 1<sup>st</sup> April 2019
  - Increase in West Berkshire and Wokingham pension contributions of 1.7%
  - No inflationary rise has been applied to supplies and services

This gives a total net revenue budget for 2019/20 of **£3.549M**.

- 1.2. This means that with inflation and pension adjustments the budget has increased by £138k. It is important to note that these inflationary pressures would have been experienced by the individual partner councils even if the PPP was not in operation, however it is noted that there were different methods of accounting for the change year to year.

- 1.3. The agreed percentages were amended in 2018/19 to account for anomalies relating to efficiencies and pension adjustments.

The End of Year Performance report considered by this Committee in June of the year set out the workload split between authorities. Whilst there had been some small variance it is proposed that this should be looked at over a rolling three year period as one year could be skewed by a single event such as a large investigation, disease outbreak etc. On this basis it is felt that the agreed percentages set out in 6.4 of the summary report are still appropriate.

Based on the adjusted proposed percentages the contribution sought from each authority are those set out in Table 1 at 6.4 of the Summary Report.

Should the proposed revenue reduction in contribution be accepted and replicated across Wokingham and Bracknell in accordance with the agreed percentages then the contribution sought are those set out in Table 2 at 6.4 of the Summary Report.

#### 2. Joint Management Boards (JMB) consideration of a budget reduction

- 2.1. Earlier in the financial year West Berkshire Council requested that the JMB consider the way to manage a reduction in contribution of £58k in 2019/20.

- 2.2. The Inter-Authority Agreement anticipates that service levels are evenly applied across the areas administered by the three Councils. That is not to say that different service levels could not be applied in different areas. The difficulty with this that it could be argued to undermine the ethos of the

‘Partnership’, and in certain circumstances could leave the other parties carrying a disproportionate share of any management / overhead cost. Nevertheless with the consent of the Committee this could be done and calculated.

- 2.3. The view of the JMB is that all the partner Councils would be interested in receiving a paper which indicated a level of saving believed to be deliverable and in the spirit of the business plan approved by the Committee in March 2017.
- 2.4. The PPP Managers have been engaged on a service review to determine, at a strategic level, what options would be available to improve the alignment of the structure, policy, procedure and culture to best deliver the business plan.

### **3. Supporting Information - Pressures**

- 3.1. A number of pressures have been identified. In particular there have been those associated with loss of licensing income relating to premise licences. This has been caused by a significant change in the nature of the market, in particular the reduction in the number of public houses and restaurants. These are the premises that attract the higher licence fees compared to those dealing with off-sales and holders of club licences. This issue is the subject of separate pressure bids to each of the PPP authorities.
- 3.2. Other areas where pressures may arise are taxi and private hire licensing and gambling premises. The former is primarily as a result of the threat to local markets (in particular Bracknell at current) from operators based outside the licensing area for which we receive no fee but still have a local policing responsibility. In relation to gambling premises there is a risk to income posed by the proposed capping of fixed odds betting terminal stakes to £2. The cap is currently £100. The industry has indicated this will lead to a significant contraction in number of high street betting shops. Recent years have already seen a modest reduction as the switch to on-line gambling continues.

### **4. Supporting Information – Scope for Pressure Mitigation**

- 4.1. The PPP continues to look for options around income generation and/or to mitigate pressures including building capacity. Although there are discussions ongoing regarding potential scope for Primary Authority work, we continue to concentrate on working with other authorities to share resource and build capacity as well as looking to obtain grant funding to mitigate costs in respect of investigations and court matters. Examples include the work we do around case management with colleagues from Oxfordshire and RBFRS, the sharing of resource for animal feed activity, petroleum inspections, proceeds of crime and animal health. We are currently considering further options around joint investigation work in the trading standards arena where much of the offending is cross border.

- 4.2. Whilst income generation could potentially help mitigate pressures or core funding reductions it does however come at a cost. That cost is normally manifested as a reduction in service delivery in other areas. Specific grants relating to specific activities can be helpful e.g. public health, investigations, animal feed etc. they do little to mitigate overall costs. The preferred option is to continue to work with other local authorities to build capacity through sharing resource. This also has the desired effect of sharing the cost of managing that resource whilst providing greater flexibility.
- 4.3. One other area that is currently being explored is the possibility of using our strength and depth of expertise to partner with training providers to provide support for apprenticeship programmes through both training and assessment. This is currently a very active piece of work and we hope to be able to update the Committee further in the near future.
- 4.4. In the meantime we will continue to explore all options for income generation, the building of capacity and mitigation of pressures.

## **5. Supporting Information – Fees and Charges**

- 5.1. At the meeting of the Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. In 2018/19 the hourly rate for the service was set at £55 p/h as the basis of cost recovery. It was also agreed that there should be a move to aligning fees across the former Bracknell licensing regime and the former Wokingham/West Berkshire fee structure where appropriate.
- 5.2. In July 2018 the Committee received a further report asking it to consider the basis for setting fees and charges and the application of full cost recovery. That methodology was approved by the Committee. Based on previous decisions work has been carried out by officers to align fee structures.
- 5.3. In respect of all discretionary fees we have assumed an inflationary rise of 2.5%. This has been applied to the hourly rate also. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise set out above. The result is the fees schedule set out at Appendix B to this report. Although it is not directly relevant to the decision to set a particular fee (based on cost recovery) we have included a range of comparative data at Appendix C to this report. As can be seen there are a variety of regimes across the local authorities including clear evidence that some authorities have chosen to subsidise fees for example for low emission vehicles.

### **5.4. Taxi and Private Hire Related Fees**

The 2018/19 fees and charges for taxi and private hire related activity showed a significant disparity between the former West Berkshire and

Wokingham fee structure and the Bracknell fee structure in respect to vehicle and operator licensing.

Following previous decisions of the Committee outlined above regarding full cost recovery and methodology Officers have now completed a review and the proposed single fee structure is set out in Appendix B. It is acknowledged that this amounts to a significant increase for vehicle licensing fees in Wokingham / West Berkshire. This is primarily as a result of the application of the hourly rate based on full cost recovery i.e. £56.38. The previous rate that had been applied of £35 p/h was acknowledged to not be based on full cost recovery.

Driver rates have remained in line with inflation and have been brought into line. As can be seen from the Schedule these were close in any case.

A new schedule of Operator Fees has been drawn up and West Berkshire / Wokingham will now offer a 1 and 3 year licence option to bring it into line with Bracknell Forest.

It may assist the Committee to be aware that the following adjustments were made to taxi and private hire vehicle fees and charges in Wokingham / West Berkshire over recent times:

Year	WB Hackney	Wokingham Hackney	WB Private Hire	Wokingham Private Hire
2011	£150	£218	£141	£218
2012	£157	£218	£148	£218
2013	£157	£218	£148	£218
2014	£157	£218	£148	£218
2015	£157	£218	£148	£218
2016	£157	£158	£148	£148
2017	£157	£158	£148	£148
2018	£161	£161	£161	£161

## 5.5. Animal Welfare Establishments

A new licensing regime for Animal Welfare Establishments e.g. pet shops, animal boarding, riding establishments etc. enters into force in October. It had been anticipated that this would include statutory fee structure. The final Regulations in the end left it to licensing authorities to set their fees.

The Regulations also brought in new competence requirements for those conducting licensing activities such as inspections. Although there is a three year implementation period it is likely this will impact fees. The extent however is not known at this stage.

It is proposed that the fee structure in respect of these establishments for 2019/20 remains as for 2018/19 with an inflationary rise applied. A full review based on the agreed methodology and taking account of the impact of the

new Regulations will be undertaken and a new fee structure will be put before Committee to consider at the time the 2020/21 budget is being considered.

## 5.6 Fees Levied Under the Gambling Act

These fees have traditionally been charged at 75% of statutory maximum. The new fee schedule proposes setting fees at 100%. This recognises the fact gambling is becoming an increasing area of concern at national level and is subject to political and policy scrutiny. Enforcement will be stepped up accordingly as capacity is built within the licensing service.

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### Background Papers:

*Papers containing facts or material you have relied on to prepare your report. The public can access these background papers.*

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### PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection
  - 2 – Protecting and Improving Health
  - 3 – Protection of the Environment
  - 4 – Supporting Prosperity and Economic Growth
  - 5 – Effective and Improving Service Delivery
- 

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## Equality Impact Assessment – Stage One

**We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:**

*“(1) A public authority must, in the exercise of its functions, have due regard to the need to:*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:*
- (c) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (d) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*

(e) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.

(2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(3) Compliance with the duties in this section may involve treating some persons more favourably than others.”

**The following list of questions may help to establish whether the decision is relevant to equality:**

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

**Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.**

<b>What is the proposed decision that you are asking the Committee to make:</b>	To consider the revenue budget for the PPP for 2019/20 including fees and charges
<b>Summary of relevant legislation:</b>	
<b>Does the proposed decision conflict with any of the partnerships key objectives?</b>	No
<b>Name of assessor:</b>	Sean Murphy
<b>Date of assessment:</b>	11/08/2018

<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	✓	<b>New or proposed</b>	✓
<b>Strategy</b>		<b>Already exists and is being reviewed</b>	
<b>Function</b>		<b>Is changing</b>	
<b>Service</b>			

<b>1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To set out a draft budget for 2018/19 to be considered by the Committee prior to submission to Councils as part of the budget setting processes. This includes fees and charges.
<b>Objectives:</b>	To agree a draft budget for 2019/20 to be considered by the Councils as part of the budget setting processes. This includes fees and charges. Ultimately the budgets and fees and charges will be set by the individual Councils and will be subject to local equalities impact assessments.
<b>Outcomes:</b>	There is a proposal by West Berkshire to reduce its contribution. Should this be adopted there may be an impact either across the PPP delivery area or localised to West Berkshire.
<b>Benefits:</b>	The delivery of the key PPP priorities of:  Community Protection and in particular the protection of the vulnerable Protecting and Improving Health Protection of the Environment Supporting economic growth Improving and efficient service delivery

<b>2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age		
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		
Should a decision be made to reduce the overall budget of the service in line with the proposal from West Berkshire then an impact assessment will need to be drawn up		

along with any proposals to be considered by the Committee in December.

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: The premises are accessibility compliant.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date: