

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## JOINT PUBLIC PROTECTION COMMITTEE

**Minutes of the meeting held on  
Tuesday, 14 MARCH 2017**

**Wokingham BOROUGH COUNCIL, SHUTE END, WOKINGHAM, BERKSHIRE,  
RG41 1BN**

**Present:** Nick Allen, Marcus Franks, Pauline Jorgensen, Iain McCracken, Alison Swaddle and Emma Webster

**Also Present:** Paul Anstey (Environmental Health & Licensing Manager), Sean Murphy (Trading Standards Manager), Steve Broughton (Head of Culture & Environmental Protection), Moira Fraser (West Berkshire Council), Clare Lawrence (Wokingham Borough Council) and Steve Loudoun (Chief Officer Environment & Public Protection)

### PART I

#### 1 Election of Chairman

**RESOLVED** that Councillor Alison Swaddle be elected Chairman of the Joint Public Protection Committee for this meeting and the 2017/18 Municipal Year.

#### 2 Appointment of Vice-Chairman

**RESOLVED** that Councillor Iain McCracken be appointed as the Vice- Chairman of the Joint Public Protection Committee for this meeting and the 2017/18 Municipal Year.

#### 3 Apologies

There were no apologies received for inability to attend the meeting.

#### 4 Declarations of Interest

Councillors Iain McCracken and Emma Webster declared an interest in Agenda Item 11, but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### 5 Notice of Public Speaking and Questions

No notice had been received that members of the public wished to address the Committee on any of the agenda items.

No public questions were submitted in relation to general issues concerned with the work of the Partnership or any items which were on the agenda for the meeting.

#### 6 Public Protection Partnership Business Plan

The Committee considered a report (Agenda Item 6) which identified the relevant details of the Inter Authority Agreement (IAA) and set out how the Public Protection Partnership (PPP) intended to operate through the delivery of the Business Plan.

Councillor Marcus Franks noted that one of the Strategic Priorities was 'protecting and improving health' and he sought reassurance that this activity was being undertaken in consultation with Public Health. Paul Anstey stated that the operating model highlighted

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priorities for the service based on a range of issues one of which was health. It was a high level strategic document. When looking at specific issues they could work closely or jointly with Public Health if appropriate. He reassured Members that nothing would be done in isolation if it could be done better together. Sean Murphy noted that the service was already responsible for enforcing certain legislation e.g. legislation pertaining to underage sales and smuggled tobacco and they were already committed to undertaking this work for Public Health.

Councillor Nick Allen noted that the original partnership had involved two authoritative and he asked what impact having a third authority in the partnership would have. Paul Anstey explained that Officers had fundamentally reviewed the operating model based on the lessons learnt and would seek to further imbed to best bits of the existing partnership. They had looked at information provided from Bracknell and a single entity was being set up with one set of priorities and one budget. He saw this as a natural progression.

Councillor Iain McCracken noted that the Joint Committee was expected to meet bi-annually and he queried whether this was sufficient. Officers explained that this was a minimum requirement and it was likely that meetings would take place on a quarterly basis until the governance arrangements and the partnership had time to settle in. It was also acknowledged that there would be more business to transact during the first year. He therefore requested that the reference on page 19 be amended to say at least bi-annually. **(Steve Broughton to Action)**.

Councillor McCracken noted the Risk Profiles set out in section 8.5 (page 22) of the document and queried what visibility the Joint Committee would have of these. Steve Broughton explained that Officers would produce this information as part of the quarterly performance data.

Councillor McCracken commented that there was no mention of a Communication Strategy in Section 13 Workforce Planning. Officers commented that this was a living document and that this matter could be added to the list and the service would then report annually to the Committee on this issue. **(Steve Broughton to Action)**.

Councillor Emma Webster requested that the Service focus on any issues arising from the exit interviews.

Councillor McCracken requested that the Royal Berkshire Fire and Rescue Service and the South Central Ambulance Service be added to the list of Professional Working Groups set out in Section 14 of the report. **(Steve Broughton to Action)**.

Councillor McCracken welcomed the Communication Strategy and noted that each Partner would be required to provide the Service with access to resources to process media enquiries relevant to the Service. Sean Murphy noted that there was a proposal around a Communications Officer in the Strategy. Councillor Pauline Jorgensen was concerned about inter borough conflict. Sean Murphy explained that this had been discussed by the communication leads from the authorities. It had been agreed that area specific issues would be dealt with by the relevant authority using their methodology. Communications arising from the Partnership would be signed off by the Chairman of the Partnership. Councillor Jorgensen stressed the need for political sign off in the individual authorities.

Councillor McCracken queried whether the Joint Committee would have sight of the existing contracts referred to in Section 16 (External Contracts) of the report. Sean Murphy stated that the list was not confidential and could form part of the performance report.

Discussion then turned to the Enforcement Approach to the Sale of Age Restricted Products set out in Appendix A. In response to queries from Members Officers explained that when it came to test purchasing of age restricted products it was permissible for

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young people to lie about their age if they had parental consent. This meant that real scenarios could be replicated. When the young person entered the premise they should be asked to provide identification and should not be asked how old they were.

Councillor McCracken queried whether this could constitute entrapment. Sean Murphy stated that this was an area of law that had been well tested. The sellers had a duty to comply with the law and had a choice as to whether or not they wished to sell the product. As long as the young people were well briefed and understood the range of scenarios the protocols employed would stand up in court.

Councillor McCracken requested that schools and illegitimate businesses be added to the list of Target Audiences set out on page 35 of the documentation. **(Steve Broughton to Action).**

Councillor Webster requested that parish and town councils be added to the list of Channels and Tools on pages 35 and 36. **(Steve Broughton to Action).**

**RESOLVED that:** The Business Plan and the policies included within it be approved subjected to the inclusion of the amendments set out above.

**Other options considered:** None

### 7 **Public Protection Partnership Use of the Asset Recovery Incentivisation Scheme (ARIS)**

The Committee considered a report (Agenda Item 7) which explained how the Public Protection Partnership (PPP) would be implementing the Asset Recovery Incentivisation Scheme (ARIS).

Councillor Iain McCracken noted that the scheme could be used to fund additional financial investigators. He queried if any had been employed, the terms and conditions they were appointed on and in particular if their contracts were time limited or if they were permanent employees. Officers noted that there was currently one full time financial investigator employed. They would only be employed if there was funding available from the scheme to do so.

Councillor Pauline Jorgensen queried if they were employed as contractors. Officers confirmed that, as per the requirements of the National Crime Agency, they had to be employees. Councillor Jorgensen queried if the Partnership would be responsible for any redundancy costs. Seam Murphy explained that the current financial investigator was employed on a shared basis with Reading Borough Council for an initial two year period. There was sufficient funding in place to continue to fund the role.

Paul Anstey stated that this employee formed part of the current structure and that this role should not be treated any differently from other employees that would be transferred into the Partnership.

Members were concerned that if the financial investigator was employed for more than two years on a fixed term contract they would accrue the same rights as a permanent employee. They were therefore of the opinion that any decision to employ a financial investigator for a longer period than the two years should be brought before this Committee. They confirmed that any appointment for less than two years would be deemed to be an operational decision.

Councillor Emma Webster in commenting on the Public Protection Community Fund noted that there would be an annual allocation of the post disbursement POCA reserve totalling no more than 20% of the balance in any one year. She queried what the rationale was behind the 20% allocation. Officers confirmed that there was no specific science behind the sum. It was agreed that these decisions should be brought to the Committee.

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It was also agreed that the proposals relating to grants would be included on the next agenda and that Members would be given the opportunity to comment on the criteria etc. **(Steve Broughton to Action)**.

Councillor Jorgensen stated that organisations bidding for grants would have to provide financial information and details such as how many people in the area they provided a service for. Councillor Marcus Franks stated that it would be useful to see what grant funding other authorities authorised and what criteria they used to assess applications.

Councillor McCracken noted that in respect of accounting for ARIS monies the report stated that all money should be treated as a grant held in reserve and an annual return would have to be submitted to the Home Office. He queried if there was a value or time limit set on the reserve. Officers confirmed that there was no limit in terms of the amount however the Home Office guidance was clear that this should not be used as an opportunity to 'stock pile' the money. It should be returned to the community as soon as was reasonably and practicably possible. In terms of time scales there was an informal bracket of three years but this was flexible although any delays would have to be justifiable.

Steve Broughton stated that it was important to set up a framework which identified where the money should be spent accepting that projects might have varying timescales. Paul Anstey explained that the Home Office return would have to set out how much money was being held in the reserve, what projects it had been allocated to etc. The return would have to show that the expenditure was supporting crime prevention and would benefit the community and was not being used to fund other local authority activities. Sean Murphy noted that funding could also be used to pay compensation to victims and that this approach was actively encouraged.

Councillor McCracken queried who would be responsible for signing off any communications. The Committee agreed that this should be the Chairman (Alison Swaddle). Where appropriate she would consult the elected Members from the other authorities.

Members agreed the principles outlined in the report but requested that the words 'and will not' be removed from the second paragraph (page 49) of the Background section of the document. **(Steve Broughton to Action)** to avoid the appearance of pre-determination.

**RESOLVED that:** the principles outlined in the ARIS report be agreed and that it be adopted as a policy.

**Other options considered:** Not implementing policy on use of ARIS

### 8 Public Protection Partnership Fees and Charges

The Committee considered a report (Agenda Item 8) which sought agreement on the cost recovery process for the PPP and explained how it would affect fees and charges in the future.

Councillor Alison Swaddle queried what level of free advice should be offered. Steve Broughton commented that this was a tricky area and was to some extent dependent on the size and nature of the business. In general terms he felt that they should be charged as the costs would be tax deductible.

The Chairman noted that the options were set out on page 66 of the agenda pack. Councillor Pauline Jorgensen stated that it might be difficult to establish the number of employees and that there was the potential that the callers could misrepresent the size of their business. Paul Anstey accepted this point but stated that Officers would have some

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ability to work out the size of the organisation. Councillor Marcus Franks stated that it would be necessary to trust people enough not to misrepresent the facts.

Councillor Nick Allen stated that it was difficult to evaluate the options without any detailed costings and information on the level of resources required. Paul Anstey responded that any analysis would have to be in general terms. The Joint Management Team believed that it was realistic to estimate that 5% of all contact with the PPP was asking for advice relevant to businesses. This equated to approximately 1000 enquiries per year or 20 per week. If the PPP was able to convert 10% of this business into a one hour chargeable service income of circa £5.3k would be possible. It was agreed that the situation should be reviewed in twelve months time to see if it was making any difference wither by decreasing demand or increased income.

Members felt that it would be to provide general advice for free but that any advice that was site specific would have to be charged for. Councillor Emma Webster commented that when setting up a business the employer was likely to seek advice from accountants or lawyers which they would pay for. Therefore 30 minutes of free advice for a small company (less than five employees) was reasonable.

Sean Murphy noted that bigger companies already sought advice from the PPP and that there was a statutory framework in place to deal with these enquiries.

Members agreed that Option 1 should be adopted i.e. each local business with less than five employees would be limited to 30 minutes of free advice per year. They also agreed that this process should be monitored and that a report should be brought back to the Committee in twelve months time to evaluate income, demand and trend data. The parameters could then be adjusted if required.

Members requested that recommendation 2.2 be amended to state: the ability to ~~vary~~ recommend (*Insert*) the hourly rate be delegated to the Joint Management Board

### **RESOLVED that:**

1. the principles outlined in the Cost Recovery report be agreed.
2. the ability to recommend the hourly rate be delegated to the Joint Management Board.
3. the amount of free advice to be provided to small businesses employing 5 or less people be agreed.

### **Other options considered:**

1. Keep free business advice for all.
2. Create a customised charging scheme based around type of business, scale of business, location of business etc.

## **9 Future Meeting Dates**

It was agreed that the next Committee meeting would take place in June 2017 at Wokingham Borough Council. Meetings would start at 7.00pm and take place on a quarterly basis.

*Post meeting note: It was proposed that the following future meeting dates be approved:*

*12 June 2017*

*19 September 2017*

*12 December 2017*

*19 March 2018*

*12 June 2018*

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### 10 Exclusion of the Press and Public

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers.](#)

### 11 Public Protection Partnership Accommodation Options

*(Paragraph 3 – information relating to financial/business affairs of particular person)*

*(Councillor Iain McCracken declared a personal interest in agenda Item 11. As his interest was personal and not a disclosable pecuniary interest he determined to take part in the debate and vote on the matter.)*

*(Councillor Emma Webster declared a personal interest in agenda Item 11. As her interest was personal and not a disclosable pecuniary interest she determined to take part in the debate and vote on the matter.)*

The Committee considered an exempt report (Agenda Item 11) which outlined the possible accommodation options available to the Public Protection Partnership..

**RESOLVED that** the recommendations in the exempt report be agreed.

*(The meeting commenced at 7.00 pm and closed at 8.45 pm)*

**CHAIRMAN** .....

**Date of Signature** .....