

# **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, 12 December 2017**

**Wokingham Borough Council, Shute End, Wokingham, RG40 1BN**

**Present:** Councillors Nick Allen, Dominic Boeck (Substitute) (In place of Marcus Franks), Norman Jorgensen, Iain McCracken and Emma Webster

**Also Present:** Paul Anstey (Head of Public Protection & Culture), Sean Murphy (Public Protection Manager), Stephen Chard (Principal Policy Officer), Clare Lawrence (Wokingham Borough Council) and Steve Loudoun (Chief Officer Environment & Public Protection)

**Apologies for absence:** Councillor Michael Firmager and Councillor Marcus Franks

## **PART I**

### **29 Minutes of the Previous Meeting**

The minutes of the meeting held on 19 September 2017 were approved as a true and correct record by the Committee and signed by the Chairman.

### **30 Declarations of Interest**

There were no declarations of interest received.

### **31 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.

There were no public questions submitted.

### **32 Future Plan**

It was noted that since the last meeting, Paul Anstey had been promoted to the Head of Public Protection and Culture at West Berkshire Council. As a result, Sean Murphy would be leading the work on the Public Protection Partnership (the Partnership) and there was therefore a need to create additional capacity to backfill some elements of Sean's post to allow him to take on these additional duties.

Councillor Norman Jorgensen offered his congratulations to Paul on his promotion.

The Committee then reviewed the current version of its Forward Plan and made the following comments:

PP3320 – Air Quality Action Plan – while this item was specific only to Wokingham Borough Council, it still featured on the Forward Plan in line with the delegations made to the Partnership. Additional consultation would take place internally on the Action Plan, the outcome of which would be brought forward to a Special Joint Public Protection Committee in late January 2018 (date to be confirmed).

The Partnership's Strategic Assessment would also be brought forward to the Special January meeting. This assessment would help to set the priorities for the Partnership over the next three years. This work was being informed by extensive data collection and

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analysis, and would be discussed in detail by Officers at the next JPPC Board Meeting being held in December 2017. The outcome of this would be shared with Members prior to the special meeting in January. Formal sign off of the Strategic Assessment was then scheduled for March 2018.

Sean Murphy explained that the Strategic Assessment would feed into the Control Strategy which was scheduled for discussion and approval at the meeting being held on 19 March 2018. Joint and local priorities would be formed and this Strategy would be refreshed on an annual basis.

The Partnership's Performance Report would also be discussed in March 2018.

It was noted that the Lead Member for each of the Forward Plan items would be amended to the Chairman of the JPPC, with the exception of the Air Quality Action Plan as this was specific to Wokingham Borough Council.

### **Resolved that:**

- The Forward Plan be noted, subject to the amendments described being made.
- A Special JPPC would be arranged for late January 2018.

### **33 Public Protection Partnership Budget 2018/19**

The Committee considered the report (agenda item 6) which set out the draft Revenue Budget for 2018/19, including fees and charges.

Sean Murphy explained that the Inter-Authority Agreement (IAA) between the three local authorities set out the functions that were delegated to the Joint Committee under the terms of the agreement. In order to deliver these functions and the key priorities of the Partnership, the local authorities were required, on an annual basis, to allocate a budget to the Joint Committee. That budget was proposed to the Joint Committee together with a proposed schedule of fees and charges. This was an annual process which would culminate in the fees and charges for the forthcoming financial year being recommended to the Council meeting of each of the three authorities for approval. The IAA required that this process be undertaken by 30 November but this was complicated by the need to proceed through three different committee structures.

The proposed net revenue budget for 2018/19 would be an increase to £3.395m. This had been calculated taking into account the annual cost of living rise of 1%, an increase in employer pension contributions to the Royal Berkshire Local Government Pension Scheme of £84k and incremental rises to the value of £69k. It was proposed that the budget would be divided amongst the three local authorities as per the following table:

Authority	Agreed Percentage	Budget Allocation
Bracknell Forest	26.25	£891,100
West Berkshire	39.95	£1,356,200
Wokingham	33.80	£1,147,400

The fees and charges were detailed within the appendices to the report.

Councillor Norman Jorgensen queried whether the budget allocations were built into budget pressures at a local level. Clare Lawrence advised that for Wokingham, this had not as yet been fed into the Medium Term Financial Plan, however Finance Officers had been made aware. She added that it was the intention when setting the Joint Committee's budget for the following financial year to do so at an earlier stage and link it with the budget build and budget setting processes of the individual councils. Members were reminded that the Joint Committee was still in its first year of operation. Councillors Jorgensen and Iain McCracken agreed with the need to conduct this work at an earlier

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stage and expressed their preference that the Partnership's budget be prepared by October from 2018 onwards.

Steve Loudoun explained that at Bracknell, inflationary rises had been assumed, as with other service areas, and the increase to this budget was in line with expectations.

Paul Anstey added that this was also the case in West Berkshire. The growth in the budget was as expected and was not considered to be a budget pressure as the 'envelope' of costs was unchanged. Sean Murphy stated that there were no changes proposed to supplies and services budgets.

Councillor McCracken queried whether there was a need to modify the IAA to reflect an earlier date for budget sign off. Sean Murphy explained that there was scope for the JPPC to adjust dates, the IAA stated that approval was required 'by 30 November, unless otherwise agreed by the councils'.

Sean Murphy confirmed that the Joint Committee's recommendations from this meeting would be forwarded to the Heads of Finance of each of the three local authorities.

Sean Murphy then explained that the mechanism for meeting the costs of pension contributions differed between the local authorities and there was a need to ensure that there was no financial double counting for the members of staff TUPE'd into the Partnership and that payments were appropriately accounted for.

The Joint Committee then turned to the proposed fees and charges. Sean Murphy explained that two sets of fees and charges were proposed, one for West Berkshire and Wokingham, and the other for Bracknell. This reflected the fact that licensing fees had yet to be integrated and this was a priority for the coming year. There was therefore a variance in some fees and charges.

Paul Anstey added that efforts had been made to align charges where possible and expedient to do so. However, in some areas there were complexities to resolve and the cost recovery model had created potential issues for some fees and charges.

A programme of work to identify cost recovery was being implemented, this involved a consistent assessment of the time undertaken on different activities and services, and then multiplying that with the hourly rate for the different functions. It was proposed that the outcome of this work would be presented to the three Licensing Committees to consider implementing the cost recovery model. This could result in different rates being set in the different areas but while this would be inconsistent it was not insurmountable. Paul Anstey did however confirm that it was the intention to align fees and charges wherever possible.

Paul Anstey went on to explain that each local authority could decide to subsidise any particular licence to seek to address any local concerns.

Clare Lawrence highlighted that some local authorities in other areas had reduced their fees, but it needed to be recognised that they used different models. Reading Borough Council was an example of this, they had reduced their fees but had elected to subsidise their fees and they did not have a set approach to cost recovery. It was noted that such inconsistencies could be used by members of different trades in order to challenge fees and charges in their home authority.

It was further noted that enforcement options were open to the Partnership to resolve any issues with obtaining payment or unregulated activity. There were currently no issues with the latter. However, Paul Anstey advised that complaints had been received in relation to street trading consents and in response, a wider set of options would be provided.

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An appropriate charge needed to be levied to licence holders. Councillor Emma Webster stated that this needed to be fair when viewed by residents. Residents would not expect businesses i.e. Hackney Carriages to be subsidised. She felt that the fees and charges outlined were reasonable and appropriate, and proposed they be recommended to the three local authorities.

### **Bracknell Forest Borough Council Fees & Charges**

Members considered specifically the proposed fees and charges for Bracknell. They noted those fees and charges which were prescribed by law and could not be altered by local authorities. Existing discretionary fees and charges had been increased by approximately 3% rounded. Steve Loudoun questioned the publication of percentage increases as this could be misleading when compared to the actual rise in cost.

It was pointed out that references to 3% increases to fixed penalty notices related to dogs were incorrect as this charge was as prescribed by law. This would be corrected.

Steve Loudoun pointed out that the reference made to the disabled facilities support service needed to be removed as this was no longer relevant. Sean Murphy agreed to make this change.

### **West Berkshire Council and Wokingham Borough Council Fees & Charges**

As in Bracknell, discretionary fees and charges had been increased by approximately 3% rounded. Cost recovery work identified areas where costs could have increased significantly but there was a risk in doing so and therefore inflationary rises were instead recommended.

Steve Loudoun queried whether there was scope for one of the councils to offer to discount standard fees set by the Partnership. It was felt that it would be sensible to allow this level of flexibility in order to meet local needs. However, Paul Anstey stated that a level of income was assumed from fees and charges, individual discounts would need to be covered off by the discounting council.

Paul Anstey further explained that Officers would continue to work to identify and, where possible, resolve discrepancies in fees and charges across the three areas. Where not possible, the risks needed to be recognised, monitored and managed as necessary.

Councillor Jorgensen agreed to the proposed approach of implementing the 3% increases for 2018/19, with a review then conducted as described on the potential to charge on a cost recovery basis.

Councillor Webster questioned why the Partnership should not move to cost recovery, at least in some areas, from 2018/19 as she felt this would be preferable to waiting until 2019/20. Clare Lawrence advised that while this approach could be taken, full analysis would take time and would result in a phased approach to cost recovery which could give cause for confusion. Paul Anstey agreed that the Partnership was not yet in a position for a fully accurate understanding of cost recovery or a consistent approach across the three local authorities. Pursuing cost recovery on this basis would leave the Partnership vulnerable to complaints. A consistent approach and consistent figures were recommended across the Partnership. The work involved would sit outside of the budget setting process and changes to budgets could be requested in year as a result.

Councillor McCracken accepted the difficulties of implementing cost recovery in 2018/19, but stated that this approach should be strived for from 2019/20. Paul Anstey agreed that this would be the objective and would be a high priority area moving forward.

In summarising the view of the Committee, Councillor Jorgensen stated agreement with an inflationary rise of 3% for discretionary fees and charges, on the understanding that

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detailed work would be undertaken with a view to implementing the cost recovery model from 2019/20.

However, Members recognised the detailed level of work that this would require and queried those areas to prioritise. In addition, they queried if a phased approach would be acceptable. Paul Anstey suggested that work should commence with taxi licensing. Officers would aim to present aligned proposals on this to the Joint Committee in June 2018. Councillor Jorgensen highlighted the need to incorporate consultation.

The report also set out a proposed adjustment to the West Berkshire and Wokingham Dog Boarding licence fee for 2017/18. The animal boarding fee for home dog boarding for 2017/18 for West Berkshire and Wokingham was set at £371. This was a universal fee based on full cost recovery at the agreed rate of £53 per hour. This included consideration of the licence application and two visits per annum to each licence holder (there were currently 36 licence holders in West Berkshire and 33 in Wokingham). This represented an increase of £198 on the 2016/17 fee and had been a significant concern for those renewing their licence. It was therefore proposed that while the principle of cost recovery should be upheld, the fees should be reduced in year in accordance with the rationale described in the report. If approved, the varied fee would be first licence application - £265 and a renewal fee of £185. It was also proposed to move to a single visit per annum and this was seen as acceptable by Officers as the process largely concerned renewals and was also seen as appropriate based on the time that was taken. This renewal fee would constitute a £12 per annum increase when compared to the 2016/17 fee.

Paul Anstey explained that the fee setting process was always based on the level of work it required to process an application. Cost increases had also been taken into account. This included attendance at inspections/visits by a vet which was in line with legislative requirements. However, as described, the fee for full cost recovery was a concern for members of the trade.

Paul Anstey reiterated that the principle of cost recovery needed to be protected and he felt that the revised costs would achieve this without impacting on the ability of dog boarding businesses to operate. Sean Murphy added that the fee for a second visit, i.e. for non-compliance, would be set based on full cost recovery.

Councillor Jorgensen agreed that the cost recovery route was the appropriate way forward and should be pursued, with an acceptance that a level of concern and a degree of lobbying would follow. However, he also raised the need for careful consideration to be given should particularly high increases be proposed in order to meet cost recovery in full. The Partnership needed to be satisfied that charges were appropriate.

It was noted that Bracknell already operated on a single visit per year basis. However, their renewal fee of £119 was lower than that proposed in West Berkshire and Wokingham. Paul Anstey explained that the fees and charges for this activity would be compared and closer alignment considered for future years. Clare Lawrence queried if this was based on cost recovery and Sean Murphy explained that Bracknell's fee took account of a changed process.

Councillor Webster queried whether a move to a single annual visit would be sufficient. Steve Loudoun explained that in Bracknell, when the fee had been set, past compliance levels had been considered alongside assessing the risks of reducing activity and the view had been taken that a lesser inspection frequency could be given to this work based on the available resource. Paul Anstey commented that it was the Officer view that the Partnership had appropriate mechanisms in place to act on non-compliance, i.e. the second visit referred to. Councillor Webster requested that over the course of the coming

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year, the number of second visits required should be carefully logged to inform fees in this area for 2019/20 and beyond.

### Resolved that:

- The draft Revenue Budget including fees and charges be supported as set out in the report.
- The sums set out in paragraph 6.3 of the report, indicating the revenue budget of the three local authorities, be recommended to the three Council meetings along with the relevant fees and charges schedule.
- The West Berkshire and Wokingham 2017/18 fee for animal boarding be varied as set out in paragraph 5.4 of the report.

### 34 Public Protection Partnership Community Fund Applications

The Committee considered the report (agenda item 7) which sought a decision on the applications made to access the Public Protection Partnership Community Fund.

The Fund was established by virtue of the Committee's decision to implement the policy on the Asset Recovery Incentivisation Scheme (ARIS) on 14 March 2017, when it was agreed that the Committee would determine all grant applications. The size of the Fund was capped, as agreed by the Committee, at 20% of the total Proceeds of Crime Act (POCA) reserve.

Paul Anstey advised that a number of applications had been received and this process had proved to be positive. After reviewing the applications, judging them against the general principles for allocating from the Fund and considering community benefits, eight applications were recommended for approval. These eight bids totalled approximately £53k and were from organisations across the three local authority areas.

Councillor Iain McCracken asked if the accounts of the applicants had been reviewed prior to granting approval. Paul Anstey confirmed that this had been undertaken and the accounts appeared to be sound for the types of organisations involved. However, third party due diligence checks would also be undertaken and any concerns would be reported back to the Committee if necessary with the potential to reconsider decisions.

In response to a query from Councillor Norman Jorgensen, Paul Anstey confirmed that applicants had been made aware that this was one-off funding for one year. However, the organisations would be free to reapply in future years and while a record would be kept of previous awards from the Fund, each application would be considered on its own merits.

Paul Anstey proposed to Members that the eight recommended bids be approved as outlined below. He highlighted that the award to Project F had been reduced from the £10,422 in the report to £7,500 (the upper limit for applications):

Bid no	Type of organisation	Project summary	Proposal	Nos benefit to	Cost of project	Amount applied for	Decision
B	Charity	Drop-in centre for the homeless, open 2 days a week throughout the year.	Running costs and overheads of the drop-in for 12 months.	228 beneficiaries and 24 volunteers.	£7,010	£7,010	Approved, subject to the due diligence process to confirm numbers, costs, any reserves held by

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<b>Bid no</b>	<b>Type of organisation</b>	<b>Project summary</b>	<b>Proposal</b>	<b>Nos benefit to</b>	<b>Cost of project</b>	<b>Amount applied for</b>	<b>Decision</b>
							organisations etc as with each bid.
D	Community Interest Company	Provides free of charge courses that support the recovery of anyone living with a wide variety of mental health challenges.	Deliver courses that provide the opportunity for students to develop better self-confidence, self-esteem and feel more connected to their community.	150 people directly with mental health challenges in 16/17. They aimed to be supporting up to 250 by the end of 2018.	£60,000	£7,500	Approved
F	Community/voluntary group	Multi-purpose garden for community use. Funding for onsite works and activities across a number of partners.	Salary costs equivalent to 1 day per week for 2 years; material and tool replacement, management costs and communication	An estimated 20 people participate annually. Over 1300 volunteers annually.	£10,422	£7,500	Bid reduced to £7.5k and approved. To clarify via due diligence if project could proceed on the lower sum.
J	Charity	Provision for young people for various activities, i.e. recreation, IT, education and counselling.	To run weekly sessions with young people specifically for those who had been	20	£3,750	£3,750	Approved

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<b>Bid no</b>	<b>Type of organisation</b>	<b>Project summary</b>	<b>Proposal</b>	<b>Nos benefit to</b>	<b>Cost of project</b>	<b>Amount applied for</b>	<b>Decision</b>
			banned from regular youth club sessions.				
O	Charity	Provision of free, independent and confidential advice to residents to help them overcome issues.	To participate in Scam Awareness month in July 2018. Would include publicity and education activities with community organisations and Thames Valley Police.	Previous scam awareness campaigns had achieved a media reach of 756,480 targeted across the area.	£5,665	£5,665	Approved
P	Charity	To provide free legal advice to victims of domestic violence and abuse throughout Berkshire.	To meet the costs of a part time co-ordinator who would promote services, increase the number of solicitors, arrange free legal advice sessions and raise awareness.	200 adults annually with approx 300 children.	£16,700	£3,000	Approved
R	Charity	Provision for young people in the local	Mobile youth bus. Fund to cover staff	100 young people, the general public,	£7,231	£6,489	Approved. Noted as a relatively small cost

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<b>Bid no</b>	<b>Type of organisation</b>	<b>Project summary</b>	<b>Proposal</b>	<b>Nos to benefit</b>	<b>Cost of project</b>	<b>Amount applied for</b>	<b>Decision</b>
		area.	and vehicle running costs.	community agencies and businesses.			and an initiative that could be replicated in other areas if successful.
<b>U</b>	Community Interest Company	Provision of preventative support and advice to socially excluded, disadvantaged and vulnerable (18+) clients with multiple and complex needs.	Bespoke courses focusing on employment, empowerment and education for offenders, ex-offenders or those at risk of offending.	To run 2 courses with a maximum of 10 on each, totalling 20.	£7,500	£7,500	Approved

Post the Committee's decisions, it was noted that the projects were located as follows:

B, F, R: Bracknell

D, O: West Berkshire

J: Wokingham

P: based in West Berkshire, but covers all Berkshire

U: Bracknell and Wokingham

Members also took the opportunity to praise some of the bids that were not approved. I.e. Project I – help towards building a new scout hut. Paul Anstey acknowledged that this and other bids would be for good causes, but they fell outside of the Home Office guidance/criteria for this funding for crime prevention and community safety.

In terms of the overall bids, it was noted that the highest number came from Bracknell, followed by West Berkshire and then Wokingham. Paul Anstey acknowledged that there was a need to consider additional publicity in order to promote future bids from across the three areas. However, it was felt that the appropriate organisations had been involved as part of PR activity.

There was an expectation that further bids would be submitted for funding. Councillor Jorgensen raised the need to be clear with applicants on the timeframes for submitting bids, he queried whether it would be appropriate to restrict this to an annual bidding round. Paul Anstey felt that greater flexibility could be allowed for this Fund as opposed to the approach for separate Council grants and the timing of permissions could be based on the level of the reserve at any particular time rather than delaying decisions. He felt this was particularly important as the profile of the Fund had been highlighted and

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bids were still being received. Alternatively, a future date could be set for determining the next bidding round alongside appropriate publicity. This latter approach would need to involve liaison with bidders to ensure that set timeframes would not hamper the delivery of their particular projects.

Paul Anstey also raised the importance of positive publicity continuing on the use of the POCA reserve. Councillor Jorgensen accepted these points, but remained concerned at the time that could be spent determining applications if they were considered at every meeting. He therefore suggested that the JPPC consider applications twice annually. Steve Loudoun commented that if the burden became too great then perhaps this role could be delegated to a sub-committee.

In terms of moving the approved bids forward, the third party due diligence checks would be undertaken prior to funds being paid out. This was aimed for completion by January 2018.

**Resolved that** the bids would be approved as per the minutes, subject to the completion of the due diligence process.

### **35 Any other items the Chairman considers to be urgent**

The Chairman did not raise any further urgent items.

### **36 Date of next meeting**

Special JPPC scheduled for Tuesday 30 January 2018, 7pm at the Wokingham Borough Council offices.

*(The meeting commenced at 7.00pm and closed at 9.20pm)*

**CHAIRMAN** .....

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