

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, 11 JUNE 2019**

WOKINGHAM BOROUGH COUNCIL, SHUTE END, WOKINGHAM, RG40 1BN

Present: John Harrison, John Porter, James Cole, Hilary Cole (Chairman), Parry Batth (Vice-Chairman) and Chris Bowring

Also Present: Sean Murphy (Public Protection Manager), Damian James (Chair of the PPP Joint Management Board), Clare Lawrence (Wokingham Borough Council), Stephen Chard (Principal Policy Officer) and Kevin Gibbs (Bracknell Forest Council)

Apologies for absence: Peter Baveystock and Paul Anstey

PART I

1 Election of the Chairman and Appointment of the Vice-Chairman for the 2019/20 Municipal Year

RESOLVED that Councillor Hilary Cole be elected Chairman of the Joint Public Protection Committee for the 2019/20 Municipal Year.

RESOLVED that Councillor Parry Batth be appointed as Vice-Chairman of the Joint Public Protection Committee for the 2019/20 Municipal Year.

2 Minutes from the previous meeting

The minutes of the previous meeting held on 18 September 2018 were noted by the Committee and signed by the Chairman.

Matters Arising

Public Protection Partnership (PPP) Communications Report – Sean Murphy advised that the Member Bulletin would be circulated quarterly. In addition, an annual summary was provided for all Members of the three Councils.

The website publicprotectionpartnership.org.uk had been launched and could be accessed via each local authority's website. The home page made it clear that this was a shared service delivering Environmental Health, Licensing and Trading Standards across Bracknell Forest, West Berkshire and Wokingham Councils.

Draft Revenue Budget 2019/20 – the three unitary authorities had approved their budgets at their respective Full Council meetings in February/March 2019. The budgets were set based on the Inter Authority Agreement.

An overall budget reduction of £145k had been agreed for 2019/20.

3 Declarations of Interest

There were no declarations of interest received.

4 Notice of Public Speaking and Questions

No public questions were submitted.

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Members discussed the potential of publicising the work of the Public Protection Partnership. Sean Murphy would look at issuing press releases which detailed the decisions taken by the Joint Public Protection Committee.

Members agreed that the venue for Committee meetings would rotate between the three local authorities as this might improve public engagement.

RESOLVED that Sean Murphy would look at issuing press releases of the decisions taken by the Joint Public Protection Committee to help raise the profile of the work conducted by the Public Protection Partnership.

5 Future Plan

Members noted the list of items for the next Committee being held in September 2019 (future meeting dates needed to be confirmed):

- 2020/21 Budget
- 2020/21 Fees and Charges - Sean Murphy explained his intention to unify fees and charges across the Public Protection Partnership where this was possible.
- Animal Fees Update – this had been deferred from today's meeting as new legislation had been issued and was subject to a new inspection regime.
- Annual Air Quality Report
- Q1 Performance Report 2019/20

RESOLVED that:

- The Future Plan for the September 2019 meeting be noted.
- Meeting dates for 2019/20 would be confirmed.

(Post meeting note: 2019/20 meeting dates confirmed as follows:

Tuesday 17 September 2019, 6.30pm in the Roger Croft Room at the West Berkshire Council Offices

Tuesday 10 December 2019, 6.30pm at Bracknell Forest Council, Time Square, Market Street, Bracknell

Tuesday 17 March 2020, 6.30pm in the Council Chamber at the West Berkshire Council Offices)

6 Public Protection Partnership 2018/19 - Year End Performance Report

The Committee considered the 2018/19 Year End Performance Report for the Public Protection Partnership (PPP) (Agenda Item 7) which outlined the performance outturn for the PPP.

A responsibility of the Committee was to monitor the performance of the PPP, which included its finances. Any issues highlighted could then be taken forward either across the PPP or through the respective local authority.

The end of year budget position for the PPP was a small overspend of approximately £2.5k. A challenge for 2018/19 had been achieving income targets and this had needed to be balanced by making savings.

The item was opened to questions with a particular focus on the 'red' indicators listed on pages 24 and 25 of the agenda pack. Councillor Hilary Cole queried if the number of reds was a concern.

Sean Murphy, Public Protection Manager, explained that the 'red' indicators were reported by exception and this resulted in positive messages being lost from the report. Future versions of the report should make clear the number of indicators

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reporting/reported as red out of the total number of indicators. Councillor Hilary Cole agreed, she stated that future reports should highlight the total number of 'green', 'amber' and 'red' indicators, which would then be followed by the exception reports.

Councillor James Cole asked for clarity on the measure of volume chart for the number of HHSRS (Housing Health and Safety Rating System) inspections conducted. Damian James, Bracknell Forest Assistant Director, clarified that this detailed the total number of inspections held in each quarter and which local authority it applied to.

Councillor Chris Bowring queried the decreased number of food establishments at Q4. Sean Murphy explained that Q4 activity included making contact with individual establishments via telephone calls. There was therefore a wider understanding at Q4 of cases where premises had closed. Sean would however provide confirmation that this was the explanation for the reduced number.

Clare Lawrence, Wokingham Assistant Director, referred to discussions held at the Joint Management Board on reducing the number of Key Performance Indicators (KPIs) to a lower but more meaningful number. Discussion on the potential to take this forward would be scheduled for September's Joint Public Protection Committee (JPPC).

Councillor Hilary Cole gave the view that the number of indicators seemed excessive and a reduced number, to be considered by the JPPC, would allow a greater level of focus.

Councillor Hilary Cole continued by referring to discussions with Paul Anstey, West Berkshire's Head of Public Protection and Culture, on the number of KPIs. His view was that the list of KPIs could be reduced to only cover the following areas:

- Income target for new contracts.
- Total media reach.
- Customer satisfaction including enhancing ways for customers to make contact.
- To reduce the carbon footprint of the PPP – which was an area of high focus and importance in the local authority areas.

These KPIs would need to be monitored alongside the effective management of the PPP budget.

Councillor James Cole felt that KPIs should be used to monitor progress against risk areas. Strategic risks to the PPP and how they were managed needed to be clearly understood by the JPPC. Sean Murphy advised that a comprehensive strategic and operational risk register was in place.

In response to a request from Councillor Chris Bowring, Sean Murphy agreed to circulate a full list of KPIs to help inform discussions on reducing the number of KPIs.

Councillor Chris Bowring then queried the reasons for the fall in licensing income. He also noted that this deficit in income was partially offset in year by holding vacancies and he queried the impact of doing so.

In response, Sean Murphy initially explained that there was some fluidity in requests received for licences and some premises had closed. Fees and charges had been reviewed and reset as a result.

Clare Lawrence continued by describing efforts made to identify the true cost of issuing licences and compliance with regulations as many fees were historic and did not truly reflect total costs. An hourly rate had therefore been identified to achieve full cost recovery for licencing activity and this would help to meet income targets.

Sean Murphy agreed this would mean that a balanced position could be achieved between the costs incurred and the income received. At year end, the income target was in fact 5% short of being achieved. However, Sean added that cost recovery was not possible on all areas of licensing. He also added the point that licencing fees and the

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income that could be obtained was set by law. For example, the statutory charge imposed for issuing a Temporary Event Notice (TEN).

In concluding the debate of the report, Councillor Hilary Cole queried the actions to be noted by the Committee. She felt that these actions should be clearly identified within the report. Sean Murphy pointed out that the executive summary did identify areas of focus, i.e. ICT and accessibility issues, but acknowledged that this needed to be more explicit. This would be an addition to the report for next time. Performance reports were considered by the JPPC at each quarterly meeting.

RESOLVED that:

- The report and its actions for areas of improvement would be noted.
- Sean Murphy would provide confirmation that the reduced number of food establishments reported at Q4 was because closures had been confirmed.
- Discussion on the potential to reduce the number of Key Performance Indicators would be scheduled for September's JPPC when a reduced list of KPIs would be presented to the Committee.
- Sean Murphy to circulate a full list of KPIs to help inform these discussions.
- Future performance reports would highlight the total number of 'green', 'amber' and 'red' indicators, which would then be followed by the exception reports. They would also make clear actions identified for improvement.

7 Public Protection Partnership - Service Review

The Committee considered the report (Agenda Item 8) which reported the outcome of the review of the Public Protection Service, provided an update on the progress made with implementation and which sought approval for operational delegations relating to the new structure.

One section of the review dealt specifically with the issue of organisational structural arrangements. The actions identified for the structure had been implemented and an amended structure chart was provided at Appendix B to the report.

An area identified by the review for improvement was ICT and other systems which were areas of particular challenge to the operational delivery of the service.

Positives in terms of external and internal communication were noted. However, more needed to be done to improve internal communication when considering that Public Protection Partnership (PPP) staff worked across four offices and across multiple teams.

Accommodation had been reviewed and while it was not considered as significant an issue as the structure and ICT, an Accommodation Strategy would be worked up and brought back to Committee for consideration in due course.

Turning to the report's recommendations, the Committee was asked to approve the Operational Delegations contained in Appendix C to the report. This proposed a list of functions to be delegated for approval to Officers, in most cases the Head of Public Protection and Culture and the Public Protection Manager (West Berkshire Council Officers). Decisions on other Executive functions would remain with the Committee.

Each of the three local authorities held a seat on the Board of Trading Standards South East Ltd and Sean Murphy attended these meetings as the Director Representative for the PPP. An Alternate Director needed to be appointed and Alison Beynon, Strategic Manager – Case Management and Governance, was proposed for this role.

Councillor Parry Batth sought further detail on the ICT issues. He queried if the cloud based system, referred to in the report, had been procured. Damian James advised that this process was ongoing through West Berkshire Council's Procurement. This had gone

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out to tender and would be a new arrangement. It was hoped that the new system would be in place by 1 April 2020.

RESOLVED that:

- The outcomes of the review and the progress made on the implementation of the new structure be noted.
- The Joint Management Board would be delegated the authority to implement the outcomes of the review subject to regular updates to the Joint Public Protection Committee.
- The Operational Delegations, detailed in Appendix C to this report, be approved.
- Alison Beynon, Strategic Manager – Case Management and Governance, was appointed as an Alternate Director to represent all partner authorities on the Board of Trading Standards South East Ltd.

8 Public Protection Partnership Priorities 2019/20

The Committee considered the report (Agenda Item 9) which set out the proposed priorities for the Public Protection Service for 2019/20 and which sought agreement from Members of those priorities. Approval was also sought of the outline work plan to deliver against identified priority areas.

These key documents had been developed to inform and direct the proactive project, intervention and enforcement activities as part of the Public Protection Partnership (PPP) adaptation of the National Intelligence Model.

Sean Murphy explained that the service and the formation of its priorities were predominantly led by local need. An annual analysis was conducted of all external inputs to the service from residents and businesses. Alongside this, national policy issues would be reflected locally where appropriate.

Sean Murphy acknowledged the point that the different local authorities had different key issues and this was why a range of priorities had been proposed.

Climate Change/Environmental Protection had been identified as an emerging issue and potential additional cross cutting theme. Sean Murphy circulated a diagram to Members outlining what this would hopefully achieve (attached to these minutes). This would include:

- A continuation of air pollution monitoring.
- Greater level of engagement with the planning and transport policy process.
- A requirement for Energy Performance Certificates.

Much of the work was already within the work programme and considered business as usual, however Sean proposed that this theme became a cross cutting priority as it would help pull together the different pieces of activity. It was felt that this could replace the eCrime cross cutting priority as this could be managed as a standalone project.

Councillor John Harrison felt it would be useful to be able to identify buildings where action was needed to become more energy efficient. He suggested that this be aided by the production of an aerial scan/map if possible. Sean Murphy agreed to explore the potential of doing so.

Councillor James Cole felt this was a useful suggestion and also gave his support to the proposal for a cross cutting theme on Climate Change/Environmental Protection. He looked forward to seeing greater detail. Sean Murphy stated that this would be provided.

Councillor Chris Bowring queried the legal requirements for landlords in terms of energy performance and efficiency. Sean Murphy explained that the energy efficiency of

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buildings should be displayed or made available, in particular for people buying or renting private properties. Energy efficiency had to be proven.

Sean Murphy went on to explain that this cross cutting priority of the JPPC would serve as the umbrella for the range of activity undertaken in local areas including enforcement. Councillor Hilary Cole agreed that the priority needed to align with local level environmental needs and priorities.

Sean Murphy clarified that the role of the JPPC was to provide a strategic oversight over climate change issues. Decisions on specific issues, carbon emissions given as an example, would be matters for the relevant area Licensing Committee.

Councillor John Porter agreed with the need for this cross cutting priority. However, he highlighted the importance of concentrating efforts on a range of priorities that would benefit the health and wellbeing of communities and residents, including the most vulnerable. Sean Murphy felt that the proposed priorities did give regard to the safeguarding and protection of vulnerable people. He added his view that the proposals would cover the activity of the PPP and there was much interconnectivity between them.

Councillor Hilary Cole noted that the PPP Priorities document was high level and would sit above more detailed action plans. Performance needed to be measured against action plans for all these priorities and cross cutting themes.

Councillor Hilary Cole then proposed acceptance of the report's recommendations subject to the amendment to replace the eCrime cross cutting priority with Climate Change/Environmental Protection. This was agreed by the JPPC.

RESOLVED that:

- The overarching themes identified in the Inter Authority Agreement remained relevant and should be retained.
- The functional priorities and cross cutting priorities set out at Appendix D informed service delivery for the coming year, subject to Climate Change/Environmental Protection replacing eCrime as a cross cutting priority. Further detail would be provided on this.
- The draft Work Plan at Appendix E would form the preventative, information gathering and enforcement activities of the Public Protection Service for the coming year.
- Sean Murphy would explore the potential of producing an aerial scan/map to help identify buildings where action was needed to become more energy efficient.

9 Public Protection Official Feed and Food Control Service Plan 2019-20

The Committee considered the Public Protection Official Feed and Food Control Service Plan 2019-2020 (Agenda Item 10).

The Committee was asked to agree the items summarised from the Service Plan, contained within the supporting information, and to note the full plan provided at Appendix B to this report.

The Service Plan essentially documented the Public Protection Partnership's (PPP's) involvement with feed and food official controls, alongside the PPP's aspirations to deliver on inspections and audits across the three authorities in line with the PPP model of delivery.

Sean Murphy explained that the production of the Service Plan was an annual requirement. It needed to align with the statutory functions to protect all aspects of the food chain set by the Food Standards Agency (FSA); food safety, hygiene, quality, labelling and animal feed safety, hygiene and standards.

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The Service Plan set out how the PPP intended to deliver the statutory functions of the three local authorities over the course of 2019-20.

Councillor Hilary Cole commented that this was one of the most important issues for the PPP as it concerned the health and welfare of residents.

Councillor John Porter referred to the Food Hygiene Rating Scheme (FHRS) and queried why businesses were not obligated to display their rating. Sean Murphy explained that this was a voluntary scheme and there was no statutory basis to enforce the display of the FHRS. However, this data was available online and he agreed that awareness should be raised of this. Sean added that there were a number of premises with a rating of 4 (good) or 5 (very good).

Performance indicators would be reported on a quarterly basis and were broadly unchanged from previous years, as follows:

Broadly Compliant - described the percentage of food premises that had 'some non-compliances' for food hygiene and for structure (and cleaning) and were at least 'satisfactory' in terms of confidence in management. They were not fully compliant premises and might still have food hygiene contraventions on inspection. **TARGET = 90%**

High Risk Premises Inspections in year – This would be defined as those premises that presented the greatest risks to the consumers and were due at least one inspection in-year, in line with the CoP frequency of inspection risk programme. This would include all primary production feed and food premises, approved premises as well as premises that would be classified as A & B (for hygiene), or 'High' for food standards and those which were not broadly compliant. **TARGET = 100%**

New Premises inspection within 28 days - New food premises would receive their initial inspection within 28 days of trading commencement where the business had notified the PPP of opening by registering as a food business. This was so that new businesses were given the assistance they needed at an early date to make them aware of their responsibilities and to ensure food premises across the Boroughs prepared and served food that was safe to eat. It also promoted and ensured a level playing field for all food businesses and promoted economic growth. **TARGET = 75%**

Councillor James Cole queried the management of risk with animal feed and the extent to which this was in the control of the PPP. Sean Murphy explained that the animal feed market had changed. Many farms were growing and developing their own feed, however stricter controls had been imposed following outbreaks in the past such as foot and mouth disease. The enforcement of these controls was grant funded by the FSA due to the importance of protecting the food chain.

RESOLVED that:

- The summary document and the full Service Plan for 2019/20 be approved.

10 Any other items the Chairman considers to be urgent

No urgent matters were raised by the Chairman.

11 Any Other Business

Councillor Marcus Franks

Councillor Hilary Cole drew Members' attention to the extremely sad news that Councillor Marcus Franks had died in April 2019. Marcus had been a Member of this Committee from its outset and had been present at the Committee's last meeting in September 2018. He was a greatly missed colleague.

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Marcus had been posthumously awarded the title of Honorary Alderman for West Berkshire Council.

Former Committee Members

Councillor Hilary Cole proposed that former Committee Members be thanked in writing for their work on the JPPC. This was agreed by Members.

RESOLVED that:

- Letters would be written to former Committee Members thanking them for their work on the JPPC.

(The meeting commenced at 6.35pm and closed at 8.01pm)

CHAIRMAN

Date of Signature