

# 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, 15 DECEMBER 2020

**Present:** Parry Batth (Chairman), Chris Bowring, Hilary Cole, James Cole, John Harrison (Vice Chairman) and Chris Turrell (Substitute) (In place of John Porter)

**Also Present:** Paul Anstey (Head of Public Protection and Culture), Rosalynd Gater (Team Manager - Commercial), George Lawrence (Residential Team Leader), Sean Murphy (Public Protection Manager), Stephen Chard (Principal Policy Officer), Kevin Gibbs (Bracknell Forest Council), Damian James (Chair of the PPP Joint Management Board) and Clare Lawrence (Wokingham Borough Council)

**Apologies for absence:** John Porter (Bracknell Forest Council)

#### PART I

##### 20 Minutes

The Minutes of the previous meeting held on 28 September 2020 were approved as a true and correct record and signed by the Chairman.

##### 21 Declarations of Interest

There were no declarations of interest received.

##### 22 Notice of Public Speaking and Questions

No public questions were submitted to the meeting.

##### 23 Future Plan

**RESOLVED** that the Future Plan be noted.

##### 24 Fee Policy for Relevant Protected Sites under Caravan Sites and Mobile Homes Legislation

The Committee considered the report (Agenda Item 6). The report provided an update to the Fee Policy for Relevant Protected Sites, following on from the Private Sector Housing Policy presented to Committee in September 2020. Authority was sought to go out to consultation with Licensees.

Rosalynd Gater, Commercial Team Manager, introduced the report. She informed the Committee that if Members were minded to approve the report the caravan site licensees would be consulted and the outcome of that consultation would be brought back to the next meeting for approval prior to changes being implemented from 1 April 2021.

The changes proposed to the fee policy were as follows:

The annual fees for sites were currently £14 per unit. This was based on Department for Communities and Local Government (DCLG) guidance. This guidance gave two options for setting annual fees. Option one was a set fee per hour (the existing scheme). Option

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two was a calculation that was based on a national set time to administer the site license and for the inspection of the sites. The fee for this second option was a combination of these two elements, multiplied by the hourly rate of the service which would equate to £59 per hour.

Ms Gater referred to benchmarking data. This found that option was more closely aligned with the charging mechanism used by other local authorities. However, the analysis found that while option two would benefit larger sites, it would result in the fees for smaller sites increasing. The majority of sites within the PPP area were smaller and therefore option one was recommended as this was the fairer option. Option one would also achieve a higher level of income.

The fee for new site licences was £440 for the licence itself and £16 per unit. It was also proposed, based on the benchmarking data and DCLG guidance, that the £16 per unit would be capped for sites with up to 200 units. Only three sites in the PPP were currently in excess of 200 units and therefore, not many sites would be affected by the change.

Ms Gater explained that the previous separate fees for variation of licence and alteration of licence had had been amalgamated and was proposed at £59 per hour (the hourly rate for the officer). This could cover a wide range of different alterations.

Clarity was then provided on the process to be followed for non-payment and non-compliance including enforcement. In cases of non-payment, an application would be made to a first-tier tribunal for an order that required payment. If payment was not met within three months an order would be submitted to the tribunal to revoke the site license.

Ms Gater concluded by stating that the next step was to send out the fee policy to caravan site licensees for comment subject to the approval of these proposals by the Committee.

Councillor Parry Batth thanked Ms Gater for her very comprehensive presentation.

Councillor Chris Bowring asked why fees were being set for 2021-22 when fees and charges would be ratified by the three councils. Ms Gater stated that there had been extensive work on caravan sites and fees in the past year and this was the earliest point at which these proposals could be presented.

Councillor Bowring queried the approval processes required, i.e. licensing committees, executives and full council meetings. Ms Gater advised that subject to JPPC approval, the fees could be updated via the necessary committees. Sean Murphy, Public Protection Manager, commented that the difficulty was the timing of the March Council meetings and that Wokingham had already set their fees for 2021-22. The Wokingham decision set the direction for the other local authorities to follow in terms of fees but it might be too late for the other two authorities to have in place for April 2021 unless an additional approval process was set up. If not, the changes to the fees and charges would not be introduced in Bracknell Forest or West Berkshire until 2022-23.

The decision on timing would be made at the March JPPC once the consultation had concluded.

Clare Lawrence restated that Wokingham had approved fees and changes for 2021-22 in November 2020. However, a decision would still need to be made by Wokingham along the same lines as Bracknell Forest and West Berkshire.

Councillor John Harrison asked if there was certainty that sufficient funding would be raised from this charging mechanism to cover the necessary hours of work. He pointed out that the majority of sites were well run and only a small minority of sites created issues. He queried whether the increased cost of policing this small number of sites could be passed on to them and therefore to avoid penalising the wider caravan and mobile home community.

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Councillor Bowring referred to the table in section 1.2 of the report and queried how the PPP compared with the national average for administration and inspection times. Ms Gater stated that this was not straight forward, due partly to Councillor Harrison's points, however she would look to make the comparison requested and provide this information to the Committee.

Ms Gater added that site inspections were incorporated within the £14 per unit fee. She also explained that a charge could be levied for enforcement action and it was the intention to introduce this for non-compliant sites in the coming year.

Councillor Hilary Cole asked if these fees and charges applied to gypsy and traveller sites as well. Ms Gater said they only related to licensed sites and relevant protected sites. There was a different set of rules for traveller sites so the licensing regime did not apply.

Paul Anstey, Head of Public Protection and Culture, clarified the options available. He stated that it was agreed previously that the service would look at proposals that improved the level of transparency on the different fees and charges. As already explained this would be taken forward by consulting with the trade and to provide feedback from that to Committee. Further debate and a decision would not be taken until that process had concluded.

The impact on the budget would not be significant, but these proposals aimed to redistribute charges across the sector and ensure greater fairness wherever possible.

### **RESOLVED that:**

- **The amended fee policy for Relevant Protected Sites be noted.**
- **The options used for determining the level of fee to be charged be approved.**
- **The direction whereby the Policy will be put to consultation with Caravan Site Licensees and any other relevant parties be approved. The results of which would be brought back to the next meeting of the JPPC for discussion, with a view to implementing the fee structure from 1 April 2021.**

## **25 Surveillance and implementation of RIPA within the PPP**

The Committee considered the report (Agenda Item 7) which provided an update on the subject following external audits of the partner authorities by the Investigatory Powers Commissioner's Office (IPCO).

The report was in follow up to feedback from senior officers across each of the three partners that the external audit process could be improved if there was a greater collective understanding of how officers in the PPP might use the methods and powers incorporated under the relevant legislation and associated policy.

The report also provided information about body worn cameras and CCTV for enforcement purposes. The work of the National Anti-Fraud Network and how it linked with the PPP was also highlighted within the report.

Paul Anstey, Head of Public Protection and Culture, presented the report. He explained that as part of the Regulation of Investigatory Powers Act (RIPA), each of the three partner authorities were audited externally by the IPCO. The audit considered the policies in place and how they were implemented. The IPCO sought to ensure that local authorities were acting and using RIPA powers appropriately, for example in the use of cameras in operations, either body worn or CCTV. This was an area with strict codes of practice to be followed.

The PPP engaged with the National Anti-Fraud Network. This provided a level of expertise and oversight across relevant areas of activity.

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The three audits held were largely complimentary. It was noted that the PPP helped its local authorities to upskill relevant officers. An example of this was the work done in relation to online trading via social networks. This helped to ensure that officers were conducting investigations on a proportionate basis. There were internal checks and balances to ensure that data collected from operations was treated securely and sensitively, i.e. data gained from telephone records. A clear audit trail was produced.

The PPP in its day to day work had to ensure that it was covering all of the bases and that added to the reason for retaining inhouse expertise around case management. The report also indicated who the key people were who need to be aware of clear audit trail.

Mr Anstey concluded by stating that the PPP conducted its work professionally. The PPP had established a good reputation and had an excellent track record in using the RIPA powers. The PPP's prosecutions had a 100% success rate when using RIPA powers.

Councillor Chris Bowring referred to the IPCO findings given in the report and queried if there was awareness of the PPP as the findings related to individual local authorities. Mr Anstey gave an assurance that there was awareness. He explained that the audits took place for each individual Council as a whole and was not solely concerned with PPP activity. The PPP assisted with the wider work of local authorities, i.e. on surveillance activity.

Sean Murphy, Public Protection Manager, stated that while responsibilities fell to the individual councils, there was a common thread across the three authorities. He had been involved in the latest round of audits where the role of the PPP and the individual councils was made clear. However, any breach of RIPA would be by an individual local authority.

Councillor James Cole asked about the use of CHIS (Covert Human Intelligence Source) and issues that could emerge should there be a situation where unauthorised surveillance took place via permitted surveillance. Mr Anstey said that the CHIS approval process was vigorous and approval would come from a senior officer. The objectives of the operation would need to be absolutely clear. If it transpired that information was obtained beyond the objective then a decision would need to be taken at that point to either shut down the operation or to declared information for approval through the appropriate channels. Where this process was required, it would form part of the audit trail and used to inform future investigations. Mr Murphy added that this was a clear and tightly managed process for a complex area of activity.

**RESOLVED that the report be noted.**

### **26 PPP Covid-19 Response and Service Update**

The Committee considered the report (Agenda Item 8) which provided the Committee with updates on the service response to Covid-19, other service delivery matters including performance and the work of the case management unit as requested at the last JPPC.

Sean Murphy, Public Protection Manager, presented the report which provided the third update since April 2020. In that time, there had been various different regulations and tiers to be followed and these were taken forward as part of the service response, most particularly with businesses.

Performance data showed the changes experienced to volumes of work and the impact on response times. It was the expectation that improvements would be made, where needed, by year end.

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The information provided on the Case Management Unit gave an indication of the work that had been undertaken and the outcomes achieved. Cost information was difficult to provide as this differed on a case by case basis.

Communications activity was outlined in the report. For example, the PPP website had proved very useful and had become the 'go to' place for information for businesses and the public.

Mr Murphy proposed the addition of a further recommendation that the Joint Management Board be given oversight of service prioritisation when considering the potential for a number of changing factors as a result of Covid-19.

Councillor James Cole gave thanks for the case management information. The Case Management Unit was clearly useful and he looked forward to seeing more information in due course.

Councillor Hilary Cole took the opportunity to thank the PPP's officers for their outstanding work. She particularly drew attention to the close working arrangements with Public Health during the Pandemic.

### **RESOLVED to note:**

- **the role the PPP were playing across the councils with respect to Covid-19 response;**
- **the status of non-Covid related service delivery including the Q2 performance report; and**
- **the update on the Case Management Unit.**

**RESOLVED** that a further update would be received at the March 2021 meeting on progress.

**RESOLVED** to delegate to the Joint Management Board the oversight of service prioritisation in light of the prevailing pressures on the service as a result of the need to have a dynamic response to the Covid-19 pandemic.

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

No urgent items were raised.

*(The meeting commenced at 4.00pm and closed at 4.58pm)*

**CHAIRMAN** .....

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