

Notice of Meeting

Joint Public Protection Committee

A shared service provided by Bracknell Forest Council
and West Berkshire Council

Monday 13 March 2023 at 7.00pm

Venue: Council Chamber Council Offices Market Street
Newbury

Note: This meeting will be streamed live here:

<https://www.westberks.gov.uk/jointpublicprotectioncommitteelive>

To: Councillors John Harrison (Bracknell Forest Council), John Porter (Bracknell Forest Council), Thomas Marino (West Berkshire Council) and James Cole (West Berkshire Council)

Part I

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1 Apologies To receive any apologies for absence.	1 - 2
2 Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 26 January 2023.	3 - 6
3 Matters Arising	7 - 8
4 Declarations of Interest Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration, and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members' Interests, the Monitoring Officer must be notified of the interest within 28 days.	9 - 10

Public Protection Partnership Agenda - Monday, 13 March 2023 *(continued)*

- 5 **Notice of Public Speaking and Questions** 11 - 12
To note those agenda items which have received an application for public speaking.
A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.
The Partnership welcomes questions from members of the public about their work.
Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Partnership or an item which is on the agenda for this meeting. For full details of the procedure for submitting questions please contact Democratic Services.
- 6 **Forward Plan** 13 - 16
To detail future items that the Committee will be considering.
- 7 **Water Safety Partnership Annual Report 2021/22 (JPPC4193)** 17 - 32
To present the Annual Report to the JPPC detailing the activities of the West Berkshire Water Safety Partnership.
- 8 **Review of the West Berkshire Council Contaminated Land Strategy (EX4131(b))** 33 - 74
To provide an opportunity for the JPPC to consider and adopt the updated strategy drafted under the Environmental Protection Act 1990 in relation to contaminated land which will allow West Berkshire District Council to discharge the duties placed on it by the Act.
- 9 **Public Protection Partnership Priorities 2021 to 2023 - Refresh (JPPC4192)** 75 - 86
To set out to the Committee emerging priorities and seek approval to update the Strategic Assessment approved by this Committee in June 2021 and extend until 31 March 2024.
- 10 **Training and Development Plan - Update (JPPC4189)** 87 - 112
To provide the JPPC with an update on the existing Training and Development Plan and to seek approval of the Plan.

Contact Officer:

Stephen Chard, Legal and Democratic Services, West Berkshire Council, Council Offices, Market Street, Newbury RG14 5LD

Email: stephen.chard@westberks.gov.uk **Tel:** 01635 519462



JPPC –13 March 2023

Item 1 – Apologies for absence

Verbal Item

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JOINT PUBLIC PROTECTION COMMITTEE

Minutes of the meeting held on

THURSDAY 26 JANUARY 2023

**BRACKNELL FOREST COUNCIL, TIME SQUARE, MARKET STREET, BRACKNELL,
RG12 1JD**

Present: James Cole, John Harrison, Thomas Marino (Chairman) and John Porter

Also Present: Rosalyn Gater (Team Manager - Commercial), Sean Murphy (Public Protection Manager), Stephen Chard (Democratic Services Manager), Moira Fraser (Public Protection Partnership) and Damian James (Chair of the PPP Joint Management Board)

PART I

24 Minutes

The Minutes of the previous meeting held on 5 October 2022 were approved as a true and accurate record and signed by the Chairman, subject to the inclusion of the following amendment:

- Item 18 (paragraph 8) was amended to state that the reason for the rise in the current year's and the 2023/24 Budget was due to salary increases, rather than cost of living increases.

25 Declarations of Interest

No declarations of interest were received.

26 Notice of Public Speaking and Questions

No public questions were received.

27 Forward Plan

The Forward Plan was noted.

28 2023/24 Service Plan: Public Protection Partnership

Sean Murphy introduced the report (Agenda Item 6) which identified the relevant details of the Inter Authority Agreement and set out how the PPP intended to operate through the delivery of the Service Plan.

The report's foreword was not yet completed and, subject to approval of the Plan, Sean Murphy would finalise this with the Chairman.

The Plan set out progress six years into the existing ten year arrangement. It then outlined future challenges and how those would be met. Sean Murphy highlighted some of the key strategic priorities for the Service:

- Staffing. Recruitment and retention remained a challenge in some teams. This was being aided by the Workforce Strategy which included a focus on developing existing

JOINT PUBLIC PROTECTION COMMITTEE - 26 JANUARY 2023 - MINUTES

officers. Vacancies were being filled by agency staff and the service delivered, but this was a costly option.

- Budget deficit. This had been created by issues including the reconfiguration of the PPP following the exit of Wokingham and a drop in licensing income. A fundamental review of fees and charges would be taking place.
- New system. The system went live in December 2022 but this was much later than originally planned. It was in the process of being fully embedded. The system would help to assist customers and drive efficiencies.

The PPP had been performing well as evidenced in the performance measures and measures of volume and it was important that this continued for the remainder of the agreement and beyond.

Councillor James Cole proposed amending paragraphs 2.7.1 and 2.7.2 of the report to reflect that there was more than one Licensing Committee.

Councillor Cole asked for clarity on the meaning of point 1.1 of the Workforce Planning Strategy. Sean Murphy responded there was a constantly changing set of priorities which had covered the Covid-19 pandemic, Homes for Ukraine, the cost of living crisis, and damp and mould in houses; and a flexible workforce continued to be required.

Councillor Cole referred to point 1.2.5 and asked why it was considered that the size of the PPP meant that staff would experience extended periods of absence from work. Sean Murphy responded that there were approximately 80 staff within the PPP and therefore it was likely that some staff would be off sick for extended periods from time to time. He added that sickness levels were currently low.

Councillor Cole asked whether the Licencing Team was understaffed if the amount of licencing work was dropping. Sean Murphy responded that there had been an issue in attracting experienced Licencing Officers. Efforts continued as it was necessary to have the full complement of staff without the use of agency workers. It was possible that trainees would move into this specific area of work.

Councillor Cole noted that the Risk Register stated that the controls in place had not reduced the risk of data breaches, and asked for this to be clarified. Sean Murphy responded that he would investigate this further as the controls should result in a lowering of this risk.

RESOLVED that the Service Plan be approved.

29 Public Protection Partnership Q3 Service Update

Sean Murphy introduced the report (Agenda Item 7) which informed the Committee of the performance of the Public Protection Partnership in line with the operating model and business plan, and provided an update setting out service delivery in the period up to the end of Q3.

Sean Murphy apologised to the Committee for the missing data for Q3, which was due to the data transfer to the new system. The data would be presented to the next meeting if it was available.

In terms of finance, a relatively small underspend (£80k) was forecast and this followed success in attracting grant funding as well as careful budget management. An overspend could otherwise have been reported. The Committee would determine how any underspend would be utilised into the next financial year.

Three new trainees had been recruited and a fourth was pending. Work also continued in developing existing staff so they could progress to professional roles and a number of officers had come forward to do so.

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Customer satisfaction was reported in excess of 80% among residents and businesses, with very few service complaints.

Another positive was the level of Member engagement in Ward related issues which in turn helped residents.

Rosalynd Gater described work undertaken to assist residents with issues of damp and mould. Officers were responding to reports urgently whenever necessary, inspecting properties and providing advice to residents and landlords on mitigating actions that could be taken. For example in relation to heating and ventilation.

Another area of focus was in relation to ensuring that premises which had converted from commercial to residential use met required standards. This involved colleagues from Building Control and the Fire Service.

Councillor John Harrison noted the expectation that the Homes for Ukraine programme would be winding down as the PPP had inspected homes which were hosting Ukrainian families, and asked what the next major challenge for the Partnership would be. Sean Murphy reported that 360 inspections had been undertaken across the two local authority areas. He acknowledged that this work was reducing but there were still arrivals from Ukraine and inspections were also needed where families were moving to a new host.

In terms of future challenges, Sean Murphy explained that work in responding to reports of damp and mould was ongoing together with awareness raising of the issue. Concerns were also being raised in relation to the sale of counterfeit goods, and issues relating to tobacco, alcohol and vaping. There were also extended projects relating to the conversion of commercial to residential properties, around air quality, and in the finalising of the Contaminated Land Strategy for West Berkshire. The Bracknell Forest Strategy had already been approved.

Councillor John Harrison asked if there were the specialist skill sets available within the Partnership to meet these requirements or if new staff needed to be recruited. Sean Murphy responded that the PPP was fortunate in having a number of very good specialists in key areas. Particular strengths of the shared service was the ability to pool skills, build capacity and have a flexible workforce. Damian James concurred, but added that there were instances where the Partnership would recruit in order to fulfil specialist tasks, citing the response to fly tipping reports as an example.

Councillor Cole referred to customer satisfaction and queried the conflicting statements of no negative ratings in response to a satisfaction survey whilst separately six service complaints had been received. Sean Murphy responded that the small number of complainants might not necessarily have completed the survey, so it should not be assumed that there was 100% satisfaction, but the results were positive.

Councillor Cole asked whether the Partnership worked with Penny Post for communications. Sean Murphy confirmed that they did, and that he had recently engaged in a cost of living interview with them. Sean Murphy added that he was investigating the use of the Nextdoor community based app that could be used for targeted communications in local areas.

The Chairman thanked officers for all their hard work. He was pleased to note that the new system had gone live.

RESOLVED to note the Service Update since the last meeting.

30 Regulation of Investigatory Powers

Sean Murphy introduced the report (Agenda Item 8) which set out the outcome of the recent inspection by the Investigatory Powers Commissioners Office (IPCO). Specifically this related to the PPP's use of surveillance tools, such as CCTV.

JOINT PUBLIC PROTECTION COMMITTEE - 26 JANUARY 2023 - MINUTES

This was a joint inspection of both local authorities. This made sense as the CCTV policies held by Bracknell Forest and West Berkshire were very similar and the policies for the Regulation of Investigatory Powers Act (RIPA) were completely aligned.

The inspection noted the PPP’s close engagement with this Committee, but recommended engagement with a wider cohort of Members. The Committee was asked to recommend to the two local authorities that they implement this wider oversight as felt most appropriate. Linked to this it was also recommended that a Member bulletin be distributed on this highly important topic.

The inspection also found that relevant staff were kept well briefed on this area of activity and that staff training was up to date.

Councillor James Cole noted that the rules set out by the IPCO were highly complex, and asked how Members could be assured that the Partnership was getting it right. Sean Murphy responded that the IPCO was the main regulatory body and agreed there were tight regulations to follow. Each authority had a Senior Responsible Officer who was responsible for the integrity of the process within the two authorities. They were closely involved with the inspection. The Councils’ were very alert to the issue and held significant levels of experience, however it was also possible to seek external advice when needed. The necessary procedures were well documented and closely followed.

The Chairman noted that the list of authorising officers needed to be updated as West Berkshire Council had a new Legal and Democratic Service Lead (Nicola Thomas). Sean Murphy responded that she would be added to this list, subject to appropriate training. He added that in many cases he personally authorised this level of surveillance.

RESOLVED that:

- The content of the report be noted.
- The Committee would recommend to both Councils that the IPCO views on wider Member oversight be implemented as each Council felt appropriate.
- The subject of surveillance would form the basis of a PPP special Member briefing bulletin.

31 Any other items the Chairman considers to be urgent

No additional items were raised.

(The meeting commenced at 7.30pm and closed at 8.20pm)

CHAIRMAN

Date of Signature

Joint Public Protection Committee Actions Arising from Previous Meetings

Ref	Meeting Item	Action	Officer	Update
1.	14 March 2022 West Berkshire Water Safety Partnership Annual report 2021/22	Jon Winstanley to raise the possibility of installing defibrillators alongside the water safety cabinets with the partnership	JW	<p>The WBC Health and Wellbeing Board are happy with the current coverage, if any further defibs are felt necessary they would require initial capital investment, electric supply and on-going maintenance provision.</p> <p>However there was consensus at the Water Safety Partnership meeting held on the 30 January 2023 that Defibs should be provided at locations where we have water safety cabinets</p>
2.	05 October 2022 Public Protection Partnership Service Update and Q1 Report for 2022/23	Sean Murphy agreed to make contact with the lead officer responsible for the Welfare Steering Group in BFC to ensure linkages were being made between their work and those of the PPP.	SM	
3.	26 January 2023 2023/24 Service Plan: Public Protection Partnership	<p>The Risk Register showed that the controls in place would not reduce the risk of data breaches.</p> <p>Sean Murphy stated that he would ask Officers to clarify</p>	GL	Both the baseline risk and residual risk will be reviewed in March. It is felt that the baseline risk may be too low given the types of data handled by the service. The residual risk with the mitigation in place was appropriate at the time, and the review will consider any mitigation changes since.

Ref	Meeting Item	Action	Officer	Update
4.	26 January 2023 Regulation of Investigatory Powers	Officers agreed to look into how wider elected member oversight of the regulations could be delivered.	SM	This will be covered in the PPP induction for members in both authorities post the May elections.

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Item 4 – Declarations of Interest

Verbal Item

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Item 5 – Public Speaking and Questions

Verbal Item

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JPPC Forward Plan June 2023 to June 2024

No.	Ref No	Item	Purpose	Lead Officer	Comments
JPPC 12 June 2023 – BFC (date TBC)					
1.		Election of the Chairman and Appointment of the Vice-Chairman for the 2023/24 Municipal Year.	To elect a Chairman from Bracknell Forest Council and a Vice-Chairman from West Berkshire Council for the 2023/24 Municipal Year.	Verbal Item	
2.		JPPC Terms of Reference	To consider the existing terms of reference, discuss any changes and recommend any agreed amendments, if any, to Council for inclusion in the Constitution.	Moira Fraser	
3.	JPPC4194	Public Protection Partnership Q4 2022/23 Performance Report	To consider the Quarter 4 Update and Performance Report.	Sean Murphy/ Moira Fraser	
4.	JPPC4197	Communications Strategy 2023/24 to 2025/26	To review and if appropriate amend the two year strategy.	Moira Fraser/ Lisa Norgate-Barnes	
5.	JPPC4308	Update on the DEFRA grant PM2.5 project	To provide Members with an update on the progress with the project.	Suzanne McLaughlin	
JPPC 2 October 2023 – WBC (date TBC)					
6.	JPPC4251	Public Protection Partnership Q1 2023/24 Performance Report	To consider the Quarter 1 Update and Performance Report.	Moira Fraser	
7.	JPPC4252	Revenue Budget 2024/25 Including Proposed Fees and Charges Schedule	To set out the draft revenue budget for 2024/25 including fees and charges and to seek approval for the draft budget and draft fees and charges schedule prior to submission to Bracknell and West Berkshire Councils in accordance with the Inter-Authority Agreement (IAA).	Sean Murphy	

No.	Ref No	Item	Purpose	Lead Officer	Comments
JPPC 11 December 2023 – BFC (date TBC)					
8.	JPPC4275	Public Protection Partnership Q2 2023/24 Performance Report	To consider the Quarter 2 Update and Performance Report.	Sean Murphy/Moira Fraser	
9.	JPPC4277	PPP Delivery Plan Update	To set out progress has been made against the PPPs agreed priorities as set out in the 2021 to 2023 Delivery Plan.	Sean Murphy	
10.	JPPC4278	Air Quality Status Reports	To set out the responses received from DEFRA	Suzanne McLaughlin	
JPPC 11 March 2024 – WBC (date TBC)					
11.	JPPC4333	Public Protection Partnership Q3 2023/24 Performance Report	To consider the Quarter 3 Update and Performance Report.	Sean Murphy/Moira Fraser	
12.	JPPC4334	Public Protection Partnership Priorities 2024/25 to 2026/27.	To consider and if appropriate amend the priorities for the partnership over the next three years.	Sean Murphy/Damian James	
13.	JPPC4335	Water Safety Partnership	To provide an annual update of the work of the Partnership.	Jon Winstanley	
JPPC June 2024 – BFC (date TBC)					
14.		Election of the Chairman and Appointment of the Vice-Chairman for the 2024/25 Municipal Year.	To elect a Chairman from West Berkshire Council and a Vice-Chairman from Bracknell Forest Council for the 2024/25 Municipal Year.	Verbal Item	
15.		JPPC Terms of Reference	To note the terms of reference of the Committee.	Moira Fraser	

No.	Ref No	Item	Purpose	Lead Officer	Comments
16.		Public Protection Partnership Q4 2023/24 Performance Report	To consider the Quarter 4 Update and Performance Report.	Sean Murphy/ Moira Fraser	
17.		Communications Strategy 2024/25 to 2026/27	To review and if appropriate amend the two year strategy.	Moira Fraser/ Lisa Norgate-Barnes	
18.		PPP Private Sector Housing Policy 2024/25 to 2026/27	To amend the existing policy.	Rosalynd Gater	
19.		Noise Policy 2024/25 to 2026/27	To review and if appropriate amend the exiting policy.	Suzanne McLaughlin	

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Water Safety Partnership Annual Report 2021/22

Committee considering report:	Joint Public Protection Committee
Date of Committee:	13 March 2023
Chair of Committee:	Councillor Tom Marino
Report Author:	Jon Winstanley
Forward Plan Ref:	JPPC4193

1. Purpose of the Report and Recommendations

- 1.1 As agreed by West Berkshire Council's Executive on 15th July 2021, an annual report would be presented to the JPPC detailing the activities of the West Berkshire Water Safety Partnership.
- 1.2 The JPPC agreed to extend the role of the partnership to include Bracknell Forest.
- 1.3 The Committee is asked to **NOTE** the report.
- 1.4 The Committee **RESOLVE** that the Terms of Reference are updated to include Bracknell Forest Council and Officer.

2. Background

- 2.1 Following a tragic incident in March 2021, involving the loss of life of a young child in the Kennet and Avon Canal adjacent to Victoria Park in Newbury, West Berkshire Council Officers and representatives from the Canal and River Trust and emergency services came together to look at measures that could be implemented to prevent future loss of life from accidental drowning. A proposal from this group is the establishment of a Water Safety Partnership for West Berkshire.
- 2.2 On average, around 250 people lose their lives in accidental drownings in the UK every year, with hundreds more having near drowning experiences, sometimes suffering life-changing injuries. Children can be particularly at risk.
- 2.3 One of the striking characteristics of the data on accidental drownings is that a large proportion of victims did not leave home on the day they died intending to go into water of significant depth. Roughly 40% of deaths happen whilst people were out walking or running, in comparison to approx. 20% who lose their life whilst swimming. It shows the importance of everyone being aware of the risks posed by water. West Berkshire is home to a number of significant water courses and bodies, some of which extend through our urban areas, which can significantly increase the risk of accidental drowning.
- 2.4 The incident in March 2021 has emphasised the devastating impact water related tragedies can have on our communities. Through the Partnership key stakeholders have an opportunity to play a leading role in helping prevent future incidents of accidental drowning
- 2.5 The objectives of the partnership being to:

- Promote and develop water-safety education and initiatives within West Berkshire with particular emphasis on the most at risk groups identified through incident data and local knowledge;
- Proactively promote public awareness of water-related risks and ensure a consistent message through campaigns and communications;
- Share best practice and resources across the District (and beyond) highlighting a multi-agency approach to water safety;
- To be the focus group in responding to water related incidents in West Berkshire and Bracknell;
- Work with partner organisations to gather and improve data involving water incidents in West Berkshire and Bracknell in order to inform a targeted approach to water safety.

2.6 Partnership member organisations include:

- WBC Service Director Environment (Chair);
- WBC and PPP Officers (Public Protection, Environment and Communities & Wellbeing);
- Royal Berkshire Fire and Rescue Service;
- Canal and River Trust;
- Thames Valley Police;
- South Central Ambulance Service;
- National Health Service;
- Environment Agency;

2.7 The meeting has also been attended by representatives from Laura Farris' (MP) office and there are plans to invite representatives from other local unitary authorities as part of a knowledge sharing exercise.

3. Implications and Impact

Implication	Commentary
Financial:	None
Human Resource:	None
Legal:	None
Risk Management:	An objective of the partnership is to reduce the risk of accidental deaths from water related incidents.
Property:	None
Policy:	None

Consultation and Engagement	None
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4. Current Status

- 4.1 I am pleased to report that there has been no reported fatalities or serious water safety incidents in West Berkshire over the last 12 month period. The Water Safety Partnership also keeps abreast of incidents county-wide to ensure we are aware of current issues and take any learning from those incidents.
- 4.2 4 meetings of the Water Safety Partnership took place in 2022 and the following actions have been completed during that period:
- Terms of reference for the partnership have been updated;
 - Further safety review of the River and Canal through Newbury initial and significant work planned to remove trees and tree roots that could impact of water safety. Habitat surveys have been undertaken and the work is planned for late summer 2023;
 - Discussion with open water swimming experts with a view to holding an open water swimming coaching event with children and adults in the summer holidays 2023.
 - RBFRS has established a Water safety Incident database for West Berkshire District. Database will be reviewed to identify hotspots for further intervention measures;
 - Analysis of water incidents have resulted in Water Safety cabinets has being installed in Victoria Park, Newbury and at Pangbourne Meadows in partnership with Pangbourne Parish Council. A further cabinet is on order for Northcroft Park in Newbury with the implementation imminent;



Pangbourne Meadows

- Cabinet features rescue buoy with rope, solar powered beacon, and keypad entry to prevent vandalism;
- Structural repairs have been carried out to fishing platforms in the Northcroft area of Newbury;
- Joint promotional activities around water safety week in May, drowning prevention week in June, summer water activities linked to closure of swimming pools during lockdown and promotional material around cold water shock and winter preparedness late Autumn

4.3 The Council's Countryside Team and Water Safety Partnership has also been assisting Suttons Estates on public access and water safety concerns in Speen Moors. We have encouraged the Estate to continue to keep the permitted path through Speen Moors open and supported them with advice on measures to safety discourage swimming in the pools near weirs and bridges. Advice was given in terms of shared experiences on dealing with youths, some potential under the influence of alcohol, near water and these concerns were relayed to the community outreach teams. Were now looking at ways of working with the estate to ensure the path remains open and managing access rather than seeing it closed and having kids trespass on the site to get access to the water which is a less safe option.

5. Next Steps

5.1 Currently planned activities for 2023 include the following:

- [Toddler Safety Weeks](#) took place in February organised by the Canal and River Trust.

Further engagement with youth groups to promote water safety especially during the summer months. Groups such as <https://togetherasone.org.uk/> [Don't die of cold water shock! Mellesa explains what you should do if ... | TikTok](#)

- Continuous monitoring and assessment of water related incidents;
- Comms/Events plan for the year currently being developed a draft of which can be seen in Appendix B;
- Continued schools training programme;
- Liaison with suicide prevention group to look at Samaritans signs on appropriate bridges;
- Wild/Open Water Swimming coaching and instruction event for adults and children targeting popular areas in West Berkshire;
- Targeted campaign around the dangers of falling through ice following the tragic death of four young boys in Solihull.

5.2 Activities in Bracknell are still being organised and the plan will be updated. A number of events too place in Bracknell in 2022/23.

6. Supporting Information (if required)

6.1 N/A

7. Conclusion

7.1 Although instigated as a result of a tragic event, there is a clear need for a multi-agency group to focus on water safety and reducing the risk of accidental drowning.

7.2 This group was effective in the initial response to the incident in March 2021, but also provides the longer term opportunity for individual members to present ideas, initiatives, research and updates on their individual work on water safety.

8. Appendices

8.1 Appendix A – Water Safety Partnership Terms of Reference.

8.2 Appendix B – Draft 2023 Communications and Community Engagement Plan

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Appendix A

West Berkshire Water Safety Partnership

Terms of Reference

Document History

Document Revision	Date	Reason for Change
V3	02/05/2021	Simplified

Terms of Reference

Name of Group: West Berkshire Water Safety Partnership (known as “WBWSP”)

Background: The group initially met in April 2021 in response to an incident on the Kennet and Avon Canal in Newbury that involved the death of a small child. The purpose of the group was to look at preventative measures for that particular incident, however it soon became clear that appetite exists for a wider Water Safety Partnership across the District.

WBWSP

Purpose: The purpose of the WBWSP is to work towards prevention of accidental drowning deaths in West Berkshire by working in partnership to ensure consistent guidance for the safe enjoyment and management of activities in, on and around water.

Aim: The aim of the WBWSP is to work to improve the safety of persons from water risks in West Berkshire with the intention to reduce accidental drowning deaths of people who live, work and visit the District.

Objectives	
1.	Improve fatality and incident data in West Berkshire by advocating Water Incident Database (“WAID”) and sharing WAID reports with partner organisations and local authorities.
2.	Promote and develop water-safety education and initiatives within West Berkshire with particular emphasis on the most at risk groups identified through incident data and local knowledge.
3.	Proactively promote public awareness of water-related risks and ensure a consistent message through campaigns and communications.
4.	Sharing best practice and resources across the District highlighting a multi-agency approach to water safety.
5.	To be the focus group in responding to water related incidents in West Berkshire.

Structure

All organisations (“members”) of the WBWSP sit on the **Main Group**. This group provides the opportunity for individual members to present ideas, initiatives, research and updates on their individual work. The main group includes a Chair, Vice Chair and administrative support. In addition to this main group, **subgroups** may be established to develop and deliver specific objectives. These subgroups will usually consist of members of the main group but may also include additional members as required.

The Chair and Vice Chair will rotate amongst the Partnership Members and are elected by the main group every 24 months at the April meeting.

The admin support for the group is provided by the current Chair’s organisation or another as agreed.

Membership

Each member shall be represented by a nominated representatives (or such replacement as notified to the Chair) who shall have responsibility to contribute to the WBWSP.

All invitations for new members to the WBWSP should go through the Chair.

All potential members for any WBWSP will be approved by the main group.

In order to retain full membership, each organisation is expected to attend at least two meetings in a 12 month period.

An organisation must be a full member of the WBWSP to lead a subgroup.

If it is not possible to attend the WBWSP meetings, updates can be sent to the Chair to be included in the main meeting.

Members of the WBWSP can also invite guests to a WBWSP meeting by letting the Chair know.

Role of members (through nominated representative)

The role of the members of the WBWSP includes:

- The attendance of meetings
- Providing updates of their own organisations (where appropriate)
- To be an advocate for the WBWSP and drowning prevention
- To contribute to the outputs of the WBWSP

Role of The Chair

The role of the Chair of the WBWSP includes:

- To provide leadership
- Lead, organise and conduct the WBWSP meeting, including holding a casting vote
- To ensure the WBWSP functions properly.
- To ensure the WBWSP is managed effectively.
- To represent the WBWSP as its figurehead
- Ensure the terms of reference are followed
- Ensure an annual report is submitted to the Leader’s Office West Berkshire Council for onward submission to the West Berkshire Health and Wellbeing Board, and (if applicable) represent the WBWSP at any West Berkshire Council committee.

Accountability/Governance

The WBWSP will report to the Joint Public Protection Committee as part of the Public Protection Partnership.

Media Protocols

All members of the WBWSP are encouraged to have a comms representative named and have a responsibility in the promotion of the work of the WBWSP.

All WBWSP members are asked to promote the use of the WBWSP brand where appropriate and use the WBWSP logo.

The members agree they shall not be permitted to use the other members Intellectual Property (including logos) unless prior written consent of the member is provided. Such consent shall grant a non-exclusive, non-transferable, terminable licence to use the other members Intellectual Property for the purposes agreed in this WBWSP or meetings.

All press releases and press statements will be agreed by all members of the WBWSP with the Chair (or if unavailable, the Vice Chair) of the WBWSP responsible for final approval.

Review

This document and the WBWSP will be reviewed annually for continuous improvement. Any changes which would warrant an early review should go through the Chair where the issue will be raised at the next WBWSP meeting. If deemed appropriate, a review will take place.

Working Methods

The WBWSP main group meets quarterly. Subgroups may be created to manage and prioritise individual objectives or specific areas to support the purpose of the WBWSP. These subgroups must be approved by the main group before creation.

Meetings

The WBWSP will meet formally every quarter (in person or via video conferencing); additional meetings being called as required.

All WBWSP meeting minutes will be produced following the meeting and shared with the partnership. At the following meeting the minutes will be agreed before being made available on the WBC website.

Any items that members wish to be placed on the agenda should be sent to the Chair 14 days in advance of the meeting.

The notice of a meeting with agenda and any accompanying papers shall be circulated at least 7 days in advance.

Agendas for meetings will be formed via:

- Incident information
- Items submitted by member organisations through the Chair
- Matters arising from the minutes of the previous meetings
- Correspondence received

All agendas should follow a consistent framework including:

- Welcome

- Minutes from previous meetings, accuracy and matters arising
- Review of Outstanding WBWSP Actions
- Review of Incidents since previous meeting.
- Agenda items
- AoB
- Date and Time of next meeting

In the absence of the Chair at a meeting, the Vice Chair will take responsibility for the group. If both the Chair and Vice Chair are unavailable, the meeting will be postponed until an appropriate time.

Sharing of information

All minutes, and information regarding the group will be publicly accessible through the webpage which is located at westberks?? Hosted by WBC

Correspondence

The WBWSP webpage will be maintained and updated by WBC. Members are encouraged to provide resources and information for the website.

Data Access

The WBWSP agrees to only use WAID data provided by The Royal Society for the Protection of Accidents (“RoSPA”) and WBWSP members.

Finances

Funding for the WBWSP will be provided through agreement at the WBWSP meetings with payment for campaigns, media and running costs being direct from partners. No WBWSP bank account will be established and as such financial responsibility will not be a requirement of the WBWSP but for individual partners.

Contingency Measures

Events when contingency arrangements come into force:

- Chair and/or Vice Chair incapacitated, unable to perform normal duties or resign

Contingency arrangements: Chair and/or Vice Chair unable to honour duties or resign:

- The Chair/Vice Chair will undertake both roles until the Chair/Vice Chair is able to resume duties or, if an absence of more than 6 months is expected a new Chair/Vice Chair is elected at the next WBWSP meeting.

Contingency arrangements Chair and Vice Chair unable to honour duties or resign:

The remaining members of the WBWSP will call a meeting at the earliest opportunity and elect a new Chair and Vice Chair

General Provisions

This WBWSP does not constitute or infer any contract or binding agreement on or between the members.

Nothing in this WBWSP is intended to, or shall be deemed to, establish any partnership or joint venture between the members, constitute either member as the agent of another member, nor authorise any of the members to make or enter into any commitments for or on behalf of the other members.

This WBWSP shall remain in effect until terminated by all members voting by agreement.

The members intend that any intellectual property rights created in the course of this WBWSP shall vest in the member whose employee created them.

Except as otherwise provided, the members shall each bear their own costs and expenses (along with any liabilities) incurred in complying with their obligations under this WBWSP.

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Event Calendar 2023

Date	Title	Weblink
6 th – 10 th Feb 2023	<p>Toddler Safety Week</p> <p>Free activities and resources suitable for the under 5s, aimed at helping children stay safe near water. You can use these at home or in nursery.</p>	<p>Toddler water safety Canal & River Trust (canalrivertrust.org.uk)</p>
11 th Feb 2023	<p>Greenham Lock Open Day</p>	<p>Greenham Lock open day Canal & River Trust (canalrivertrust.org.uk)</p>
Be Water Aware 24th - 30th April 2023	<p>Be Water Aware</p> <p>The campaign targets the following:</p>	<p>Be Water Aware (nationalfirechiefs.org.uk)</p>

	<ul style="list-style-type: none"> • People undertaking activities near water - specifically people who are undertaking activities near water but have no intention of entering the water and may not realise the actions they can take to help themselves or help someone else who has entered the water; • People undertaking activities in water - entering open water is very different to taking a dip in the pool but there many simple things people can do to remain safer in water; • Away from home - At the moment we only know where drownings occurred but not where the person was from. Anecdotally, we do know you are at a greater risk of drowning if you are not familiar with the area; 	
9th - 15th May 2023	<p>International Learn to Swim Week</p> <p>With more than 150 Swim Star Swim Schools, 20 Swim Academies and 150,000+ STA swimming teachers world-wide, we can make a huge impact together during International Learn to Swim Week in 2023.</p> <p>Together we can help encourage people of all ages and abilities to learn a life-long skill, have fun and get water-ready for the summer holidays.</p> <p>Help STA preserve human life through the teaching of swimming, lifesaving, and survival techniques, and let's make this our biggest #LoveWaterSafely campaign yet.</p>	International Learn to Swim Week 2023 – STA.co.uk
May 20-26, 2023	<p>National Safe Boating Week</p> <p>National Safe Boating Week will be held from May 20-26, 2023, reminding all boaters to brush up on boating safety skills and prepare for the boating season.</p>	National Safe Boating Week: May 20-26, 2023 (weather.gov)
17 th – 24 th June 2023	<p>Drowning Prevention Week (DPW)</p> <p>Drowning Prevention Week (DPW) aims to equip everybody across the UK and Ireland with the skills and knowledge, to make the right decisions about water safety.</p>	Drowning Prevention Week Royal Life Saving Society UK (RLSS UK)

August	Open Water Swimming Instruction event: for adults and children Sessions	TBA
18 -24 September 2023	Don't Drink and Drown Freshers 2022. Don't Drink and Drown is the Royal Life Saving Society UK's national campaign that encourages smart decision making whilst intoxicated around water.	Don't Drink and Drown Royal Life Saving Society UK (RLSS UK)
11 - 17 December 2023	Don't Drink and Drown Winter 2022 Don't Drink and Drown is the Royal Life Saving Society UK's national campaign that encourages smart decision making whilst intoxicated around water.	Don't Drink and Drown Royal Life Saving Society UK (RLSS UK)
Oct – Nov 2023	Ice Safety Message Localised and regional ice safety messaging particularly in light of the tragic instance of the death four young boys in Solihull.	TBA

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Review of the West Berkshire Council Contaminated Land Strategy

Committee considering report:	Joint Public Protection Committee
Date of Committee:	13 March 2023
Portfolio Member:	Councillor Tom Marino
Date Portfolio Member agreed report:	10 January 2023
Report Author:	Suzanne McLaughlin
Forward Plan Ref:	EX4131 (b)

1 Purpose of the Report

- 1.1 To provide an opportunity for the Joint Public Protection Committee (JPPC) to consider and adopt the updated strategy drafted under the Environmental Protection Act 1990 in relation to contaminated land which will allow West Berkshire District Council to discharge the duties placed on it by the Act.

2 Recommendation

The Committee:

- 2.1 **CONSIDERS** the revised Contaminated Land Strategy.
- 2.2 **APPROVES** the Strategy subject to any amendments agreed at the meeting.
- 2.3 **DELEGATES** authority to the Public Protection Manager, in consultation with the Chairman of the JPPC, to make any minor amendments to the Strategy prior to it being published.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>All costs associated with the drafting of the strategy have been met from within existing budgets.</p> <p>There are no other costs mentioned/referred to in relation to the implementation of the revised strategy and therefore no additional financial implications for West Berkshire District Council or the Partnership.</p>

	A copy of the report has been sent to Melanie Ellis.
Human Resource:	There are no HR implications associated with the drafting or implementation of this strategy.
Legal:	<p>It is a statutory requirement that Local Authorities have a Contaminated Land strategy in place under Part 2A of the Environmental Protection Act 1990 to deal with identification and remediation. The duties were implemented by The Contaminated Land (England) Regulations 2000 – now updated to 2006, supported by Part 2A Contaminated Land Statutory Guidance. The strategy needs to reflect changes in legislation and government guidance as well as local requirements.</p> <p>The overarching objectives of the Government’s policy on contaminated land and the Part 2A regime are:</p> <p>(a) To identify and remove unacceptable risks to human health and the environment.</p> <p>(b) To seek to ensure that contaminated land is made suitable for its current use.</p> <p>(c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.</p> <p>Under the Terms of the Inter-Authority Agreement the Joint Public Protection Committee has oversight of enforcement and policy matters relating to the Environmental Protection Act 1990.</p> <p>A copy of the report has been sent to Sharon Armour and Nicola Thomas and comments on the report were received from the Monitoring Officer at Corporate Board.</p>
Risk Management:	In adopting an up to date strategy the Council will have fulfilled its statutory obligation set out above.
Property:	There are no property implications associated with this report.
Policy:	This report provides an updated version of the strategy in order to ensure the Council’s approach remains current and meets its statutory obligations.

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		There are no significant equalities issues associated with this strategy albeit that young children are more likely to be adversely impacted by exposure to any given level of contamination.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		See above
Environmental Impact:	x			The recommendations in the report are expected to have minimal impact on emissions of CO ₂ . The strategy is unlikely to make a difference to CO ₂ emissions but the management of methane emissions from gassing landfills is likely to have a positive impact on the environment.
Health Impact:	x			The strategy is intended to prevent contaminated land posing an unacceptable risk to health.
ICT Impact:		x		The report will be published on both the PPP and West Berkshire Council's websites.
Digital Services Impact:		x		The report will have minimal impact on digital services.

Council Strategy Priorities:	x			The strategy will assist the Development Plan for West Berkshire in delivering housing on contaminated brownfield sites.
Core Business:	x			The strategy will assist the Planning and Housing Team in providing their core business by helping to deliver housing on contaminated brownfield sites.
Data Impact:		x		There is minimal data impact associated with this report.
Consultation and Engagement:	Planning and Planning Policy, Legal and Finance teams have been consulted on the production of this report.			
PPP Priorities	PPP Priorities: <ul style="list-style-type: none"> • Community Protection • Protection and Improving Health • Protection of the Environment 			

4 Executive Summary

- 4.1 The current West Berkshire Council contaminated land strategy was last updated in 2014. The legislation requires periodic reviews of contaminated land in the District.
- 4.2 The proposed updated document consists of minor layout changes and updates to references to the legislation where appropriate. No significant changes to the Council's overall strategy have been made.
- 4.3 Under the contaminated land regime West Berkshire Council has two roles: firstly, to undertake an assessment of its area for contaminated land through a strategic approach and, secondly, where contaminated land posing an unacceptable risk to health/environment is identified, to ensure the contamination is remediated to reduce that risk to an acceptable level. The Council has carried out an assessment of the District and taken appropriate action regarding contaminated land where appropriate. The planning process has been and continues to be the main route for achieving remediation of contamination at sites that are subject to redevelopment.
- 4.4 Addressing the issues of contaminated land is not a short-term project and the Council continues to ensure that a long-term approach is adopted. The history of industry and development in the District does not lend itself to the creation of numerous high-risk sites of contaminated land. Through the approach detailed in this strategy document the Council continues its commitment to ensuring that all potentially contaminated sites receive a clear, efficient and all-encompassing assessment and appropriate action, where required, in response.

5 Proposals

- 5.1 The Joint Public Protection Committee is asked to consider and adopt the revised draft strategy subject to any amendments agreed at this meeting.

6 Other options considered

- 6.1 To continue with the existing strategy.

7 Conclusion

- 7.1 The Council is required to maintain an up to date Contaminated Land Strategy. This updated version fulfils that requirement.

8 Appendices

- 8.1 Appendix A - Draft Strategy

Background Papers:

Previous Strategy and Relevant Legislation

Subject to Call-In:

Yes: No:

Wards affected: All

Officer details:

Name: Suzanne McLaughlin
Job Title: Principal Officer Environment Quality
Tel No: 01635 519851
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CONTAMINATED LAND STRATEGY (UPDATED)

March 2023

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1. EXECUTIVE SUMMARY

This document forms a revision of the West Berkshire District Council (“the Council”) Contaminated Land Strategy which was originally developed in 2000 and subsequently revised in 2002, 2006 and 2014.

It reviews the Council’s aims and objectives as well as progress made in implementing the strategy. It updates also the relevant action plans and procedures taking into account the Council’s current priorities and changes to the contaminated land statutory guidance.

1.1. Objectives

The aims and objectives of the strategy remain unchanged from previous strategies. The broad objectives are:

- To meet the statutory requirement to produce and revise a written strategy
- To demonstrate how the Council will meet the requirements of the Environmental Protection Act, 1990, (EPA) Part 2A, in particular the Contaminated Land Statutory Guidance (2012)

1.2. Overview

The contaminated land regime was introduced by central government as a means of dealing with the legacy of contamination which has arisen mainly from a wide range of historical industrial, mining and waste disposal activities. The Council’s Contaminated Land Strategy was last updated in 2014. This 2023 revised version consists of layout changes and updates to references to the legislation where appropriate. No significant changes to the Council’s overall approach have been made. The format and content of the strategy is both formal and technical in order to comply with the requirements of the legislation (which sets out what should be included) and to enable the document to be of assistance to those involved in managing contaminated land.

The Council has two specific roles: firstly, to undertake an assessment of its area for contaminated land through a strategic approach and, secondly, where contaminated land which poses an unacceptable risk to health/environment is identified, to ensure the contamination is remediated to reduce that risk to an acceptable level.

Taking a strategic approach has enabled the Council to identify in a rational, ordered and efficient manner where land contamination is more likely to be found. Then, by using what is known about those areas from a variety of sources, to risk rate them. By identifying and ranking potentially contaminated land in this way, resources have been focused on those areas which merit individual inspection.

The strategy provides background to the issues and details the key characteristics that make up the District. It provides clear priority actions and details the inspection programme and timescales, which have been and will continue to be adjusted according to findings as work progresses and as changes are made to the official guidance.

Addressing the issues of contaminated land is not a short-term project and the Council has

looked to ensure that a holistic and rational long-term approach is adopted. Through the approach detailed in this document the Council continues its commitment to ensuring that all potentially contaminated sites receive a clear, efficient and all-encompassing assessment and that appropriate remediation is undertaken where necessary.

1.3. Progress in implementing the strategy to date

The Council has been successful in meeting the aims and objectives set by the previous versions of the strategy. It is complying with its legal obligations and has a clear risk based framework for ensuring that both Council owned and non-Council owned land is inspected in a rational, ordered and efficient manner. This includes a process for assessing sites which will ensure consistency of approach for dealing with future sites. The Council has consulted previously with relevant stakeholders and the strategy has been made available for the public to access.

A database of approximately 1386 potentially contaminated sites has been built up and prioritised in terms of the risk they pose to humans and the wider environment. 179 sites have been removed from the list of potentially contaminated sites as they were either not considered to be contaminated land or they have had remedial works carried out on them. This includes 32 high priority sites. A further 52 high priority sites have also been re-risk assessed to a lower risk following investigative work which included information research and site walk-overs. Experience has proved that the removal of high risk sites from the list requires more intensive work as they may require remediation to be carried out.

1.4. Approach Going Forward

Building on the progress achieved to date the Council's approach going forward will focus on the management and provision of contaminated land information, remediating land through the planning regime and Part 2A activities.

In line with statutory guidance, the Strategy will be reviewed, and revised if necessary, at least every 5 years.

2. INTRODUCTION

2.1. Background

2.1.1 The Legal Framework

Contaminated land in the UK is primarily a legacy of the industrial past. Industrial processes such as gas works, chemical works and waste disposal have resulted in large number sites whose soils are contaminated with a wide range of hazardous chemicals.

The contaminants resulting from some of these industrial activities can lie hidden in soils, posing a health risk to humans that come into contact with them. They can pollute groundwater, surface waters (rivers, streams and lakes) as well as nature and ecological conservation areas.

Land contamination in England is estimated by Public Health England (2019) to account for approximately 296,000 hectares of land (equivalent to a city larger than Greater London). For many years a methodology for dealing with this legacy was sought so that inner city and urban areas could be brought back into beneficial use, thereby enabling the regeneration of land and communities, whilst simultaneously relieving the pressure to build on 'greenfield land'.

After extensive consultation, on 1 April 2000, the contaminated land regime under Part 2A of the Environmental Protection Act 1990 came into force. The regime made provision for ensuring the remediation of historically contaminated land by imposing retrospective liability for historical contamination of land. It is intended that Part 2A complements the planning regime in that contaminated land can still be dealt with by the use of planning conditions as part of the redevelopment process. However, Part 2A allows local authorities and the Environment Agency to deal proactively with land that is not actively undergoing redevelopment, but is posing unacceptable risks to humans, controlled waters or the wider environment. This legislation is consistent with the 'Polluter Pays Principle' in that it seeks to place the cost burden of dealing with contamination on the polluter where they can be found, or the landowner/occupier where the polluter no longer exists.

Until Part 2A came into force, the public health implications of contaminated land were covered by Statutory Nuisance legislation. Historically these nuisance provisions originate from Public Health Acts ranging back to the 19th century, but are now contained within the Environmental Protection Act 1990. Section 79 of this Act introduced the definitions of nuisance. Statutory nuisance provisions place a duty on local authorities to inspect their area, from time to time, to identify any nuisances and to investigate any complaints of nuisance. Where the local authority is satisfied that a nuisance exists, or is likely to occur or reoccur, it must serve an Abatement Notice requiring that action be taken to remedy the nuisance. Where the notice is not complied with the authority can take action itself and institute 'works in default' to abate the nuisance, and then seek to recover its costs from the responsible person or persons. The contaminated land provisions of the Part 2A regime are modelled on the existing statutory nuisance provisions of the Environmental Protection Act 1990.

Although West Berkshire has never been a heavily industrialised area, the district does have its own legacy of contaminated land that needs to be dealt with. To date, 1386 potentially contaminated land sites have been identified within the district. This document provides an update on how the Council has dealt with and intends to continue to deal with these sites and any threats arising from contaminated land in the district.

2.2. Characteristics of West Berkshire District

2.2.1. Geography

West Berkshire District is located in the County of Royal Berkshire and covers an area of 70,417 hectares. The main centres in the district include Newbury, Thatcham, Hungerford, Pangbourne, Theale and Lambourn. Major transport links pass through the district including the M4, A34 and main railway lines to Bristol and Exeter. Bordering authorities include Oxfordshire to the north, Reading and Wokingham to the east, Hampshire to the south and Wiltshire to the west.

The River Kennet, which rises in Wiltshire, flows through West Berkshire to join the Thames at Reading. The majority of the district's population live within the Kennet valley. To the south, the land rises to the border with Hampshire. The majority of the district land area lies to the north of

the Kennet, consisting of chalk downlands, much of which forms part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

A map of West Berkshire can be found in Appendix 2.

2.2.2. Population

According to the Census 2021 West Berkshire has a usual resident population of approximately 161,400 people, 23% are aged 19 and under, 62% are aged 20 to 64, and 20% are aged 65 and over.

64% of the West Berkshire population (around 101,111) live in settlements along the Kennet Valley, and in the suburban areas just to the west of Reading borough. The 2018-based projection for the number of households in 2020 is 65,638.

The largest urban areas in the district are Newbury and Thatcham, where around 69,670 (44%) of West Berkshire residents live. 31,440 (20%) of residents live in the suburban area adjoining Reading borough. Around 57,350 (36%) of people live in rural settlements. West Berkshire has one of the most dispersed populations in the South East, with 225 people per hectare.

2.2.3. Past Industrial Land Uses

For almost all authorities, the inspection process will begin with a consideration of the historical land uses that are likely to have generated contamination within their areas.

West Berkshire's industrial history can be traced back to at least Roman times with the manufacture of pottery, iron and woodcrafts. The industrial revolution during the latter part of the 18th century impacted only parts of the district leaving many areas of West Berkshire largely untouched and free from contamination. Agriculture was the major employer and industries were related either to serving an agriculture economy or processing the crops produced in the area. The various types of clay deposits found in the district enabled the brick making industry to flourish until the 1950s. Gravel extraction in large quantities commenced during the 20th century and as a consequence there are several exhausted gravel pits some of which have been used as landfill sites.

2.2.4. Current Land Uses

Current land uses within the District have impacts on the type and sensitivity of receptors present on sites, as well as contaminants that may have been, or are being, released to the environment.

The table 1 below which was published by the Department for Levelling Up, Housing and Communities in 2022 shows the land use distribution in West Berkshire. Agriculture is the major land use in West Berkshire, followed by forestry/open land.

Table 1 – West Berkshire Land Use (Dept. of Levelling Up, Housing and Communities, 2022)

Land Use	Area (ha)
Agriculture	46,673
Forest, open land and water	13,662
Residential Gardens	3,268
Transport and Utilities	2,723
Outdoor Recreation	1,319
Unknown developed land	1,103
Residential	562
Community Service	471
Undeveloped land	338
Industry and Commerce	174
Minerals and Landfill	49
Defence Buildings	2

The district is an area with several information technology and communications companies, two examples of larger businesses being Quantel and Vodafone. There are a range of manufacturing industries, and tourism and recreation play an important part within the District which is renowned for its horse racing interests. There is a racecourse situated in the heart of Newbury, with gallops and training stables on the Downs around Lambourn, East Ilsley and West Ilsley. The Kennet and Avon canal runs through the District.

The military history of the District has resulted in a number of areas still owned by the Ministry of Defence. There are three main defence sites, AWE Burghfield, AWE Aldermaston and RAF Welford. The former airbase at Greenham Common has been decommissioned and is now owned by a trust. Greenham Common has been restored to an open space and the trust oversees a successful business park.

2.2.5. Geology

Due to the movement of contaminants through the subsurface, the geology of an area is important in determining whether sites are potentially contaminated and if they will impact, or are impacted by, surrounding areas. Much of the District is covered in chalk deposits overlain by London Clay, Reading Beds and clay with flints. There are also 'drift' deposits that include plateau gravels, valley gravels and alluvium.

A map of geological features within West Berkshire District can be found in Appendix 3.

2.2.6. Hydrogeology

The River Thames forms part of the northern boundary of the District. The River Kennet flows through Newbury on its way to Reading, and the River Lambourn joins the Kennet at Newbury.

Details of the locations of aquifers that are used for abstraction of water for public supplies and minor local water supplies are important for an understanding of potential receptors of contamination to generate a risk assessment. Information on the groundwater vulnerability is also important to quantify the sensitivity of the groundwater receptors. The chalk deposits of

West Berkshire are part of the chalk group that forms the most important aquifer unit within the Thames Basin.

Source Protection Zones (SPZs) define areas which are considered to form the catchments to public water supplies and certain other private supplies. They show the position of the sources and all subdivisions of their protection zones (Inner, Outer and Total Catchment). There are a total of 25 SPZs either fully or partially contained within the district. Eight of these are Inner SPZs, 7 are Outer SPZs and the other 10 are Total Catchment Zones. SPZs are overseen by the Environment Agency.

2.2.7. Protected Ecological Areas and Buildings

It is important to identify protected locations to ensure that they are not at risk from a contaminative source. Some such protected sites may be found to be at increased risk of contamination which may in turn threaten the natural habitat or endangered species residing on the land.

West Berkshire contains a diverse range of environments and key property types, including areas or features protected by regulations. These include the North Wessex Downs Area of Outstanding Natural Beauty, approximately 52,000 hectares of which are in West Berkshire (around 74% of the District); approximately 50 sites of special scientific interest (SSSIs); three Special Areas of Conservation; approximately 500 local wildlife sites; 89 scheduled monuments; just under 2500 listed buildings; eleven historic parks and gardens and one Historic England battlefield near Newbury.

3. REGULATORY CONTEXT

3.1. Part 2A Legislation

In paragraph 2.1.1 it was noted that legislation, Part 2A of the Environmental Protection Act 1990, commonly known as “Part 2A”, was introduced to provide a legal framework for dealing with contaminated land.

Under the legislation, each Local Authority has a duty to “cause its area to be inspected from time to time for the purpose of identifying contaminated land”. Where sites that may be contaminated are identified, the guidance instructs Local Authorities to assess the risks they may pose to human health and the wider environment.

Where the risks associated with a site are considered to be “unacceptable”, the legislation allows Local Authorities to take legal action to ensure that they are remediated (i.e. reduced to acceptable levels). Where possible the Authority can require the persons who were responsible for the pollution to undertake the remediation. If those persons cannot be found, the responsibility may fall upon the current owners and/or occupiers of the land.

3.1.1. Statutory Guidance

Part 2A came into force in April 2000 following the issuance of Statutory Guidance by the Government to Local Authorities detailing how they should implement the legislation. This

guidance was revised in April 2012 following a review of the way the contaminated land regime was seen to be functioning in England and Wales.

The 2012 guidance requires Local Authorities to take a strategic approach to inspecting their areas and to this end, requires each Local Authority to publish and keep updated a written strategy explaining how it intends to fulfil its duties under the legislation. This document is the written inspection strategy for West Berkshire District Council.

The guidance states that the starting point for any consideration is that land should be assumed not to be contaminated land unless there is reason to consider otherwise. It introduced a system of categorisation in which potentially contaminated land could be put into one of four categories depending on the level of risk associated with it. These categories are summarised below:

- Category 1 – Sites where there is an unacceptably high probability of significant harm or significant pollution of controlled waters occurring if no action is taken to stop it.
- Category 2 – Sites where the land is capable of being determined as contaminated land on grounds of significant possibility of significant harm.
- Category 3 – Sites where the land is not capable of being determined as contaminated land on grounds of significant possibility of significant harm.
- Category 4 – Sites where there is no risk of significant harm or significant pollution of controlled waters, or the level of risk is low.

3.1.2. Definition of Contaminated Land

Before a Local Authority can require remediation to be undertaken on a site, it has to officially “determine” (or declare) the site to be ‘contaminated land’.

The term ‘contaminated land’ is defined as:-

Any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that:-

(a) Significant harm is being caused or there is significant possibility of such harm being caused: or

(b) Significant pollution of controlled waters is being caused, or there is a significant possibility of pollution to be caused.

3.1.3. Principles of Contaminant Linkages

In order for land to be considered “contaminated land” there must be a contaminant, a pathway and a receptor present.

- A contaminant is a substance situated in, on or under the land that is present at such concentrations that it has the potential to cause harm to a receptor.
- A receptor is a body that may be harmed by the contaminant. A receptor may be a human being, controlled waters (i.e. groundwater or surface water), designated ecosystem (e.g. a Site of Special Scientific Interest) or a property (e.g. housing, cattle).
- A pathway is a route, or means, by which the receptor may become exposed to (i.e. come into contact with) or affected by the contaminant.

When all three of the above components are present at a site, a Contaminant Linkage is said to exist.

$$\text{Contaminant Linkage} = \text{Contaminant} + \text{Pathway} + \text{Receptor}$$

In order for a Local Authority to make a decision that a site is contaminated land, it must be satisfied that the Contaminant Linkage is “Significant” (i.e. that the land identified is causing or is likely to cause significant harm to receptors if remedial action is not undertaken).

3.1.4. Principles of Risk Assessment

Part 2A requires Local Authorities to take a risk based approach to the identification and remediation of contaminated land. The guidance defines “risk” as a combination of:

- (a) the likelihood that harm or pollution of water, will occur as a result of contaminants in, on or under the land; and
- (b) the scale and seriousness of such harm or pollution if it did occur.

Where contamination is identified, the guidance instructs that any requirements for remedial action should be based on the ‘suitable for use’ approach. Land contamination is treated to deal with unacceptable actual or perceived threats to health, safety or the environment taking account of the actual or intended use of the site.

3.2. The Role of Local Authorities

Local Authorities have a duty to inspect their district for the purposes of identifying land that may be considered to be contaminated land. The guidance states that in so doing, Local Authorities should start with the assumption that the land being inspected is not contaminated land (i.e. does not pose a significant risk of significant harm). It is only when robust science-based supporting evidence is available, that land can be determined as contaminated land.

Once a Local Authority determines a site as contaminated land, it should act as the enforcing authority and require remediation. The Local Authority has to prepare a written record of determination (or risk summary) and a formal notification of which should be understandable to people without technical knowledge of contaminated land.

In specific instances (as outlined below), the Local Authority may designate a site as a ‘special site’, in which case the responsibility for enforcement passes to the Environment Agency.

3.3. The Role of the Environment Agency

The Environment Agency has the responsibility of acting as the enforcing authority in cases where the Local Authority has designated a site as a ‘special site’. There are five main categories of special site described in the regulations:

- Some water pollution cases – includes areas of contaminated land affecting drinking water supply or (potentially) polluting controlled waters within a major aquifer;
- Industrial sites – includes specific circumstances such as acid tar lagoons;

- Sites where explosives were manufactured, or a site for an authorised process under the Environmental Permitting (England and Wales) Regulations 2016;
- Defence sites – including most land currently owned by the Ministry of Defence and those of visiting forces;
- Radioactivity sites – where land is contaminated land by virtue of radioactivity which can include nuclear sites.

The Environment Agency also provides guidance to Local Authorities when requested.

4. DEVELOPMENT OF THE STRATEGY

4.1. Overall Approach

The West Berkshire District Council Contaminated Land Strategy was originally produced in 2000 and revised in 2002, 2006 and 2014. This document constitutes a further revision. It is based on the previous editions and takes into account progress that has been made in the interim as well changes in the Council's visions, policies, other strategies and corporate plans.

4.2. Council Policies and Strategies

The following strategies are relevant to the Contaminated Land Strategy.

4.2.1. West Berkshire District Council Vision

The vision of the Council, set out in the document 'Our West Berkshire Vision 2036', outlines a series of priorities which demonstrate a collective aim of maintaining West Berkshire's status as a great place to live, work and learn whilst rising to the challenges the district will face in the years to come.

4.2.2. West Berkshire District Council Strategy (2019-2023, refreshed May 2021)

The Council Strategy has six priorities for improvement which are seen as the first steps of a journey to deliver the West Berkshire Vision 2036. The six priorities are:

- Ensure our vulnerable children and adults achieve better outcomes
- Support everyone to reach their full potential
- Support businesses to start, develop and thrive in West Berkshire
- Develop local infrastructure, including housing, to support and grow the local economy
- Maintain a green district
- Ensure sustainable services through innovation and partnerships

The Council has organised its strategies, policies and plans in line with the six Council Strategy priorities and core business activities. The Contaminated Land Strategy sits within the priority to develop local infrastructure, including housing, to support and grow the local economy.

4.2.3 Environment Strategy for West Berkshire

The 2021 refresh of the Council Strategy notes that in terms of social, environmental and economic contextual changes, one of the most significant factors has been the Council declaring a climate emergency in July 2019. Flowing from this has been the adoption of the Environment Strategy and associated delivery plans which outline the steps the Council is taking, with its partners, to reach the target of carbon neutrality by 2030.

4.2.4. Development Plan

The Development Plan for West Berkshire comprises:

- The West Berkshire Local Plan, this is a long-term strategic document used by West Berkshire Council to set out its vision and a framework for the future development of the area. The current Local Plan covers up until 2026. It is being reviewed to cover the period until 2039
- The Housing Site allocations Development Plan Document, adopted in July 2017
- The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- South East Plan Natural Resource Management Policy 6 relating to the Thames Basin Heaths Special Protection Area
- A new Minerals and Waste Local Plan adopted in December 2022

4.2.5 Waste Strategy

Adopted in 2002, the Waste Strategy sets out the Council's long term vision to maximise recycling and reduce the amount of waste produced in the District. Additional waste reduction targets were set as part of the Environment Strategy and the Waste Strategy is currently under review.

4.2.6. Rights of Way Improvement Plan (ROWIP)

The ROWIP sets out how the Council intends to improve the access network of public rights of way, cycle tracks and other routes used by the public.

4.3. Interaction with Other Regulatory Regimes

4.3.1. Background

In the fulfilment of its functions, the Council deals with contaminated land using other regulatory actions as detailed within sections 4.3.2 to 4.3.7 below. The Statutory Guidance states that enforcing authorities should seek to use Part 2A of the Environmental Protection Act 1990 only where no appropriate alternative solution exists. Therefore, Part 2A should not be used where existing legislation may be enforced or where contamination has arisen due to a breach of an existing licence or permit.

4.3.2 Town and Country Planning Act 1990

In its function as the Local Planning Authority, the Council must consider the implications of land contamination in the development of its Local Plan. Furthermore, it is a material consideration in the determination of individual development applications submitted for planning permission.

Many contaminated sites have already been dealt with through the application of planning controls during redevelopment. It is anticipated that the redevelopment of brownfield sites and derelict land within West Berkshire will continue to remain the primary mechanism for dealing with contaminated land. Any remediation agreed as a planning condition will be dealt with under planning controls and not under Part 2A of the Environmental Protection Act 1990.

Within the Place Directorate the services work together to ensure that where redevelopment of land takes place within the District, the planning process deals effectively with any contamination so that the land is suitable for its intended use.

4.3.3 Environmental Permitting

Site operators of industrial processes regulated under the Integrated Pollution Prevention and Control (IPPC) regime (which has been maintained under the EU Withdrawal Act 2018) are required to carry out a site survey to ascertain the baseline conditions of the land before being granted an operator's licence. Should the operator cause contamination of the site by breaching the conditions of the licence, the operator is required to remediate the land so that it is returned to its original baseline condition. This regime is enforced by the Environment Agency for industrial processes classified as A1 and by West Berkshire Council for industrial processes classified as A2. There are no A1 or A2 process sites in West Berkshire.

4.3.4 Waste Management Licensing

Where contamination of land has been caused through waste disposal activities and resulted from a breach of an operating licence, the Council cannot seek the remediation of that land by the service of a Remediation Notice. However, powers are available under the Waste Management Licensing Provisions of the Environmental Protection Act 1990 for dealing with the contamination of that land.

4.3.5 Water Pollution

Section 161 of the Water Resources Act 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters. There is considerable overlap between the Water Resources Act and Part 2A in respect of dealing with contaminated land that has the potential to pollute controlled waters. Where contaminated land is causing pollution of or has the potential to pollute controlled waters then remediation will be brought about under Part 2A by the Council, through consultation with the Environment Agency.

Where there is historical pollution of groundwater, but where Part 2A does not apply, remediation will be carried out by the Environment Agency under the Water Resources Act. This may occur, for example, where the pollutants are entirely contained within the relevant body of groundwater or where the 'source' site cannot be identified.

4.3.6 Building Regulations

In addition to the planning regime, Building Regulations (made under the Building Act 1984) require developers to take measures (e.g. installation of ground gas protection measures) to protect new buildings and their future residents from the effects of contamination.

4.3.7 Environmental Damage (Prevention and Remediation) Regulations 2015

These regulations relate to liability for environmental damage and are enforced by the Environment Agency and Natural England.

4.4. Responsibility, Consultation and Liaison

The Council's first contaminated land strategy was produced by a Contaminated Land Working Group which consisted of representatives from relevant Council services. Comments from internal and external statutory and informal consultees were incorporated into the strategy.

4.4.1. Internal Teams Responsible

Within West Berkshire District Council, the Contaminated Land Strategy is implemented by officers from the Public Protection Partnership, Development Control and Planning Policy teams within the Development and Regulation Service of the Place Directorate.

4.4.2. Internal Liaison

Relevant services within the Council, where appropriate, have been consulted in updating the strategy and continue to be involved in its implementation.

4.4.3. External Liaison

The Council will continue to take a pro-active approach to communication with local residents, land owners, businesses, the media and other interested parties regarding contaminated land issues.

West Berkshire District Council undertakes to inform relevant owners and occupiers of any on-site investigations being carried out in the district and to provide answers to any queries they may have. This will be done before any detailed intrusive investigations on the site begin. The Council will also provide details of Council officers who will act as contact points for queries, and where appropriate, will arrange for meetings to discuss relevant issues.

The Council's website is used to provide general information on contaminated land and has a specific form to enable requests for information on specific sites.

5. VISION AND OBJECTIVES

5.1. Vision

Our vision is that contaminated land in West Berkshire is managed and remediated such that the health of the local population is protected and the condition of the local environment is improved.

5.2. Objectives

- Preventing the creation of new contaminated land.
- Identifying land within the District that is causing an unacceptable risk to human health, controlled waters, or the environment.
- Ensuring that, where present, the most urgent problem land is identified first, taking into consideration the seriousness of any actual or potential risk.
- Ensuring that contaminated land is returned to beneficial use.

- Ensuring that all land owned by the Council is inspected for contamination and ensuring that the risk of harm to human health, controlled waters, or the environment is minimised.
- Ensuring that contaminated land is given due consideration in all land development, redevelopment and acquisition decisions.
- Ensuring that the Council's handling of information and its consultation and involvement with relevant organisations and agencies are open, transparent, consistent, and comprehensive.
- Ensuring that the Council provides information to the Environment Agency for its report on contaminated land.
- To periodically review the Contaminated Land Strategy.

5.3 Progress

The Council has succeeded in meeting the general aims and objectives of the previous versions of the strategy. It is complying with its legal obligations and has a clear risk based framework for ensuring that both Council owned and non-Council owned land is inspected in a rational, ordered and efficient manner. This includes a consistent process for assessing sites.

The Council will continue with its current approach taking into account changes to the Statutory Guidance as well as central government and the Council's changing priorities.

An example of changing priorities is the issue of central government funding for the remediation of contaminated land. DEFRA ran a Contaminated Land Capital Projects Programme to help local authorities in England cover the cost of implementing contaminated land legislation, the programme ceased in 2017.

Land Remediation Relief continues to be available to businesses. This allows, in certain circumstance, companies to claim corporation tax relief relating to the cost of cleaning up contaminated land or buildings.

The core mechanism for managing and/or remediating contaminated land since 2014 has been the planning system through development control. Perhaps the most significant example of the remediation of contaminated land since 2014 is the Sterling Cables site in Newbury. Appendix 4 provides a brief comment on the redevelopment of this site which was one of the most heavily contaminated in Southern England.

The targets set out in the 2014 version of the strategy and progress against them are shown in Appendix 5. Operational targets for the next five year strategy period are set out in Appendix 6.

6. PROCEDURES FOR IMPLEMENTATION

This section outlines the procedures for implementing the updated strategy.

6.1. Investigation of Potentially Contaminated Land Sites

Local Authorities have a continuing duty inspect their areas for the purpose of identifying land that may be contaminated and to take action where necessary.

The Public Protection Partnership (the PPP) is responsible for implementing work under Part 2A. This includes undertaking desk studies, carrying out visits to sites thought to be of risk. This work may be completed by an officer of the PPP or outsourced to a suitably qualified person. If a site is determined as contaminated, it is the job of the PPP to serve a remediation notice on the site following consultation with the Council's Legal Team.

The following section describes the procedures that the Council will use to identify and prioritise potential contaminated land sites for further action.

6.1.1. Identification of Potential Sources

Potential sources of contamination have been collated by systematically examining historical maps covering the period 1843 to 1991, as well as current land use mapping and Groundwater Vulnerability Maps. Data obtained from the Environment Agency has been used to identify locations of current and former landfill sites.

To date, 1324 potentially contaminated sites have been identified. The Council will continue to review available information sources for the purposes of identifying new potential contaminated land sites.

6.1.2. Identification of Potential Receptors

The locations of potential receptors within the District continue to be identified using local knowledge combined with the systematic examination of Ordnance Survey mapping, aerial photography and map databases provided by Natural England and the British Geological Survey.

6.1.3. Prioritisation of Potentially Contaminated Land Sites

All sites are prioritised so as to ensure that those sites that present the greatest potential risk are inspected first.

6.1.4. Preliminary Risk Assessments undertaken under Part 2A

Preliminary Risk Assessments (PRAs) consist of desk based studies as well as a site walkover. A desk study of a site involves the collation and assessment of information about the possible presence of contamination by looking at records of the site on OS maps, planning history, and previous site investigation reports. This is combined with information about site conditions (for example, geology and hydrology) and current land uses.

The site walkover consists of a visual inspection of the site. This helps in the verification of the status of the site and the locations of potential receptors (e.g. dwellings and occupiers, water courses) as well as existing mitigation measures (such as landfill gas venting systems).

The assessor will examine all available information on the site to determine whether there are reasons to believe that contamination may be present and the extent of the spread of any pollution.

The output of each PRA will include a report which contains a Conceptual Site Model (CSM) which details likely contaminants, receptors and pathways as well as associated uncertainties. The CSM will examine what potential contaminants and receptors are likely to be present and the routes by which receptors may be exposed to the potential contaminants (i.e. pathways).

Where potential contaminants, pathways and receptors are considered likely to exist on a site, then “potential contaminant linkages” are said to exist at the site.

6.1.5. Intrusive Site Investigations

Following the completion of preliminary risk assessments, intrusive site investigations may be required to further assess risks, and to determine whether further action is necessary.

Intrusive investigation involves collecting and analysing soil, water and gas samples (as appropriate) from the site in order to determine whether or not contaminants of concern are actually present in the ground, and if so, at what concentrations. This may include a number of processes, including off site groundwater monitoring, gas monitoring and soil sampling.

Every site investigation is specifically designed and considers multiple aspects including:

- Health and safety requirements
- Land-use, area and access, geology
- Communication and liaison with all concerned parties (such as site owners and occupiers, and the Environment Agency).
- Relevant standards and guidance

Officers may use their powers of entry under Part 2A legislation to undertake intrusive site investigations.

Where the Council intends to investigate land which would become a ‘special site’ if determined, it will notify the Environment Agency.

6.1.6. Quantitative Assessment of Risks on Individual Sites

Once an intrusive site investigation has been undertaken, a Generic Quantitative Risk Assessment (GQRA) will be carried out in order to evaluate the risks associated with any contamination identified on a site.

The GQRA is a process that allows risk assessors to determine whether the potential contaminant linkages identified in the conceptual site model actually exist and whether they should be considered to be significant or not. The model uses assumptions about the behaviour of contaminants and receptors on the site.

Following the GQRA it may be possible to establish whether or not the site is likely to represent a significant possibility of significant harm and if so, whether it should be determined as Contaminated Land under Part 2A. Officers can investigate further if appropriate.

6.2. Determination of Contaminated Land

6.2.1. Determining that land is contaminated land

Under the Part 2A, there are four grounds on which land (excluding radioactively contaminated land) can be defined as contaminated:

- a) Significant harm is being caused to a human, or relevant non-human, receptor.
- b) There is a significant possibility of significant harm being caused to a human, or relevant non-human, receptor.

- c) Significant pollution of controlled waters is being caused.
- d) There is a significant possibility of significant pollution of controlled waters being caused.

It is only when risks at a site have been assessed and are considered to fulfil the requirement of significant harm or significant possibility of significant harm, will a site be determined as being contaminated land.

6.2.2. Informing Interested Parties

Before making a determination, the Council will inform the owners and occupiers of the land and any other person who may be liable to pay for its remediation of its intention to determine the land unless there is an overriding reason for not doing so. This will allow for these persons to make representations to the Council that may avoid the need for a formal determination.

6.2.3. Land Which May be a ‘Special Site’

Before determination of a ‘special site’, the Council will consult the Environment Agency to establish any statutory powers and duties it maintains, such as Waste Management Licences, Water Resources Act etc.

If an area of contaminated land fulfils the criteria for a ‘special site’ after determination, the Council will inform the Environment Agency for agreement as to whether the site should be classified as a ‘special site’. If agreed, the responsibility for securing remediation of the site will be passed onto the Environment Agency.

6.2.4 Written Record of Determination and Formal Notification

If the Council decides to formally determine a site that is not a ‘special site’, then it will commence regulatory action. This will begin with preparing a written record to include:

- location, boundaries and area of the land in question
- the risk summary for the site and where not already covered in the risk summary, a description of the evidence which confirms the existence and significance of the Contaminant linkage(s);
- a summary of the way the requirements of the statutory guidance were satisfied.

The Council will then, in writing, formally notify all relevant parties that the land has been declared contaminated. These will include:

- the owner(s)
- the occupier(s)
- those liable for remedial action (‘appropriate persons’ in the guidance) □ the Environment Agency

It may not be possible to identify all of the relevant parties during the notification stage therefore the Council will act on the best information at the time. If further information becomes available, the Council will review the situation.

If the Council believes the site is a ‘special site’, they will notify the Environment Agency. If the Environment Agency agrees with the Council, the responsibility for securing remedial action will pass from the Council to the Agency, however, the Council will still be required to complete the formal notification process.

The legislation encourages voluntary remediation where available, the Council will provide information to the relevant parties, such as; the written record of determination, an explanation of why the relevant person(s) have been chosen, details of site investigation reports etc. Remediation notices are served only as a last resort and after a detailed consultation process has taken place. The Council must be satisfied that without the notice any remedial actions would not be carried out and that the Council has no power to carry out the work itself.

6.2.5. Apportioning Liability

When all significant contaminant linkages on the site have been identified, the process of apportioning liability will begin. For each linkage, a 'liability group' comprising appropriate persons will be established.

- Class 'A' persons – These are generally speaking the polluters, but also included are persons who “knowingly permit”. This includes developers who leave contamination on a site, which subsequently results in the land being declared contaminated.
- Class 'B' persons – Where no Class 'A' persons can be found, liability reverts to the owner or the occupier. These are known as Class 'B' persons.
- 'Orphan linkages' – These exist when it is not possible to find Class 'A' or Class 'B' persons responsible for the land, or the persons found are exempt from liability.

The Council will make reasonable attempts to identify Class 'A' persons before the liability reverts to Class 'B'.

Any specified remediation will be both appropriate and cost effective, taking the shortest and most sustainable and economic route. Consequently, attention will normally be focussed on breaking the pathway, rather than on the contaminant or receptor. The Authority must undertake a cost-benefit analysis in respect of all remedial actions, through considering the potential for hardship caused and the costs they are able to recover.

6.2.6. Apportionment of Costs

Costs will be apportioned between members of the liability group unless agreements exist between the appropriate persons. Tests also exist to exclude groups from liability, including Class 'B' persons who do not have an interest in the capital value of the land, such as tenants.

If the Council considers that one or more of the parties cannot afford the cost of remediation, it will not serve a remediation notice upon any of the parties. Instead, it will consider completing the work itself and producing a remediation statement.

6.2.7. Deciding that land is not contaminated land

If, following the completion of the detailed inspection and assessment of a site, there is little or no evidence to suggest the potential for harm exists at the site, then the Council will issue a written statement to this effect as required under the statutory Guidance.

6.2.8. Triggers for Undertaking Non-Routine Inspections

The Council has a duty to locate and inspect contaminated land within the District 'from time to time' under Part 2A but in some circumstances, it may be required to carry out inspections without the general strategic framework.

The circumstances that may trigger non-routine inspections are likely to include new receptors and new sources of contamination coming to light. These could include land use changes and planning applications, as well as the receipt of complaints or information from statutory bodies, land owners, members of the public or other relevant parties.

If unplanned events occur that alter contaminant linkages to a higher significance, such as flooding or spillage of contaminants, it would be advisable to undertake non-routine inspections to assess the significance of the linkage.

Voluntary remediation of sites may be carried out by viable parties and as such, the change in circumstances should trigger a non-routine inspection.

6.2.9. Triggers for Reviewing Decision Making

When deciding if a site is classified as contaminated, certain criteria should be met. If these criteria change, such as due to changes in legislation, establishment of case law, revision of guidance values for exposable assessment or any additional information that becomes available, the sites should be re-assessed to ensure they follow the new criteria.

6.3. Dealing with Contaminated Land under Planning

When redevelopment sites from the planning regime are identified as lying within the vicinity (within 100m) of a potential contaminated land site, liaison and co-operation between the Public Protection Partnership and the Development Control Team is required to ensure a suitable investigation into risks provided by any contamination.

The process of reviewing planning applications on sites that may be affected by land contamination is on-going. Some applications will require a simple review, others may take several days. All specialist reports submitted for discharge of contaminated land conditions are currently reviewed by the Public Protection Partnership.

The planning process (development control) is the main route for the remediation of contaminated land in West Berkshire.

6.4. Information Management

6.4.1. Strategy Document

This document will be made publicly accessible by publishing it on the Council's website. It will be available also at the Council Offices in Newbury where it may be viewed by the public during normal office hours. Requests for copies of the document should be made to the Public Protection Partnership and a reasonable charge will be made.

6.4.2. Contaminated Land Register

Under Section 78R of the Environmental Protection Act 1990, information regarding contaminated land is to be maintained within a Register. This information includes:

- Remediation notices (and any appeals)
- Remediation declarations statements
- Appeals against charging notices

- Designation of 'Special Sites'
- Notification of claimed remediation
- Convictions for any offences under Section 78M
- Guidance issued under Section 78V(1)

Under Sections 78S and 78T of the Environmental Protection Act 1990, the Authority must not include information relating to affairs of individuals or their businesses or commercially confidential information without permission.

The Register will be maintained by the Public Protection Partnership. It is available on line and at the Council offices in Newbury where it may be viewed by the public during normal office hours. Requests for copies of the document should be made to the Public Protection Partnership and a reasonable charge will be made.

6.4.3. Environmental Information

6.4.3.1 Disclosure of Environmental Information

From time to time, the Council may be asked to provide information it has gathered about areas of land to interested parties (for example, in connection with property purchases). Such requests for information are subject to the controls of the Environmental Information Regulations, 2004.

The Environmental Information Regulations, 2004 place a duty on all public authorities with responsibilities for the environment to make available to anyone on request the environmental information (as defined by the Environmental Information Regulations) that body holds. Where a request for information in respect of contaminated land is made to the Council, the appropriate regulatory guidance will be followed in providing the information. Such requests are currently dealt with through the Freedom of Information Request Regulations.

In providing such information, the Council may make a reasonable charge in respect of the costs involved.

6.4.3.2 Provision of Information to Other Council Departments

Information held within the contaminated land database will be made available throughout the Council on request.

6.4.3.3 Provision of information to the Environment Agency

The Environment Agency is charged with, from time to time, the responsibility of preparing and publishing a report on the state of contaminated land in England and Wales; that is on the nature, extent, and distribution of contaminated land, the level of remediation, and regulatory activity taken under Part 2A. To facilitate the Environment Agency in this activity, all local authorities within England and Wales provide the Environment Agency with the information necessary to produce the report.

The Council will provide the following requested information, in the agreed suggested formats, to the Environment Agency:

- A copy of the Council's Contaminated Land Strategy.
- Information on each site determined as contaminated land.
- Information on remediation activity for each site determined as being contaminated land
- Information is to include details of remediation notices, and details of the remediation statement or declaration

7. LIAISON AND CONSULTATION

7.1. External Consultation for Land Determined to be Contaminated Land

The Council recognises that decisions made about contaminated land involve not just regulatory issues for the protection of human health and the environment, but involve considerations that are of a commercial, financial, legal and societal nature. As such, it is the Council's intention to deal with all issues relating to contaminated land in an appropriately open and consistent manner. To achieve this, it will operate an open communication approach, whereby it will consult with and keep informed those stakeholders and interested parties who may be affected by a contaminated site. Such stakeholders and interested parties may include:

- Owners and occupiers of the land designated as being contaminated
- Appropriate person(s)
- The Environment Agency
- Thames Water (where potential pollution linkage includes a public water supply source as a receptor)
- Other statutory bodies as appropriate, any one or more of these may be consulted where, for example, the site in question may be contaminated by an 'ecological system effect', 'animal or crop effect'. Examples of appropriate bodies include the Department of Environment, Food and Rural Affairs; The Food Standards Agency; Natural England and Historic England.
- Ward Members
- Town and Parish Councils
- The local community and pressure groups where appropriate

The approach the Council will use is to be based upon that outlined within the Environment Agency's guidance "Communicating Understanding of Contaminated Land Risks", 2010.

8. REVIEW

8.1. Review of Strategy

In line with the statutory guidance, it is suggested that the strategy should be reviewed at least every 5 years. As well as the routine review of the strategy there may be situations arising that trigger early review of the document to ensure the strategy covers the specified objectives.

If legislation changes before the review period is due, it is likely that the strategy will need to be updated or amended to incorporate new requirements as well as information from statutory bodies, public or other interested parties.

8.2 Triggers for Reviewing Inspections and Inspection Decisions

It may be necessary to carry out inspections in respect of potentially contaminated land outside the general strategic framework. Additionally, in certain circumstances it may be necessary to

review routine inspection findings in respect of sites as appropriate. The following circumstances may act as triggers for both of these inspection reviews:

- Proposed changes in the use of surrounding land.
- Unplanned changes in the use of land (e.g.: persistent, unauthorised use of land by children).
- Unplanned events (e.g. localised flooding/landslides and accidents/fires/chemical spillage where consequences cannot be addressed through other relevant environmental protection legislation).
- Reports of localised health effects that appear to relate to a particular area of land.
- Verifiable reports of unusual or abnormal site conditions received from business, members of the public, or voluntary organisations.
- Responding to information from other statutory bodies.
- Responding to information from owners or occupiers of land, and other relevant interested parties.

9 CONTACT POINTS

9.1 West Berkshire District Council

West Berkshire Council
Council Offices
Market Street
Newbury
Berkshire
RG14 5LD
e-mail: customer.services@westberks.gov.uk

Tel. 01635 551111

9.2 Other Relevant Contacts

The Environment Agency
Red Kite House
Howbery Park
Crowmarsh Gifford
Wallingford
OX10 8BD

Tel: 01491 828696

Historic England
The Engine House
Fire Fly Avenue
Swindon SN2 2EH
email: customers@HistoricEngland.org.uk

Tel: 01793 445050

Natural England
6th Floor
Northgate House
21-23 Valpy Street
Reading

Tel: 0300 060 3900

RG1 1AR

DEFRA
Seacole Building
2 Marsham Street
London
SW1P 4DF

Tel: 03459 33 55 77

Thames Water
Developer Services
Clearwater Court
Vastern Road
Reading
RG1 8DB

Tel: 0800 009 3921

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 500

<https://contact-us.planninginspectorate.gov.uk/hc/en-gb/requests/new>

The Food Standards Agency
Floors 6 and 7, Clive House
70 Petty France
London SW1H 9EX
email: helpline@food.gov.uk

Tel: 0330 332 7149

10. APPENDICES

10.1 APPENDIX 1

Sources of Procedural and Technical Guidance

DEFRA, 2009, Protecting our Water, Soil and Air. A code of good agricultural practice for farmers, growers and land managers

DEFRA, 2012, Environmental Protection Act 1990: Part 2A, Contaminated Land Statutory Guidance

DEFRA, 2021, Land Contamination Risk Assessment (LCRM), 'Before you start'

DEFRA, 2021, Land Contamination Risk Assessment (LCRM), 'Stage 1 risk assessment'

DEFRA, 2021, Land Contamination Risk Assessment (LCRM), 'Stage 2 options appraisal'

DEFRA, 2021, Land Contamination Risk Assessment (LCRM), 'Stage 3 remediation and verification'

Environment Agency, 2005, Indicators for Land Contamination

Environment Agency, 2009, Using Soil Guideline Values

Environment Agency, 2009, Updated technical background to the CLEA model

Environment Agency, 2014, Remedial Targets Methodology: Hydrogeological Risk Assessment for Land Contamination – main report

Environment Agency, 2014, Hydrogeological Risk Assessment for Land Contamination. Remedial Targets Worksheet v3.2

Environment Agency, 2014, Remedial Targets Worksheet V3.1:User Manual

Environment Agency, 2015, CLEA Software (Version 1.05) Handbook

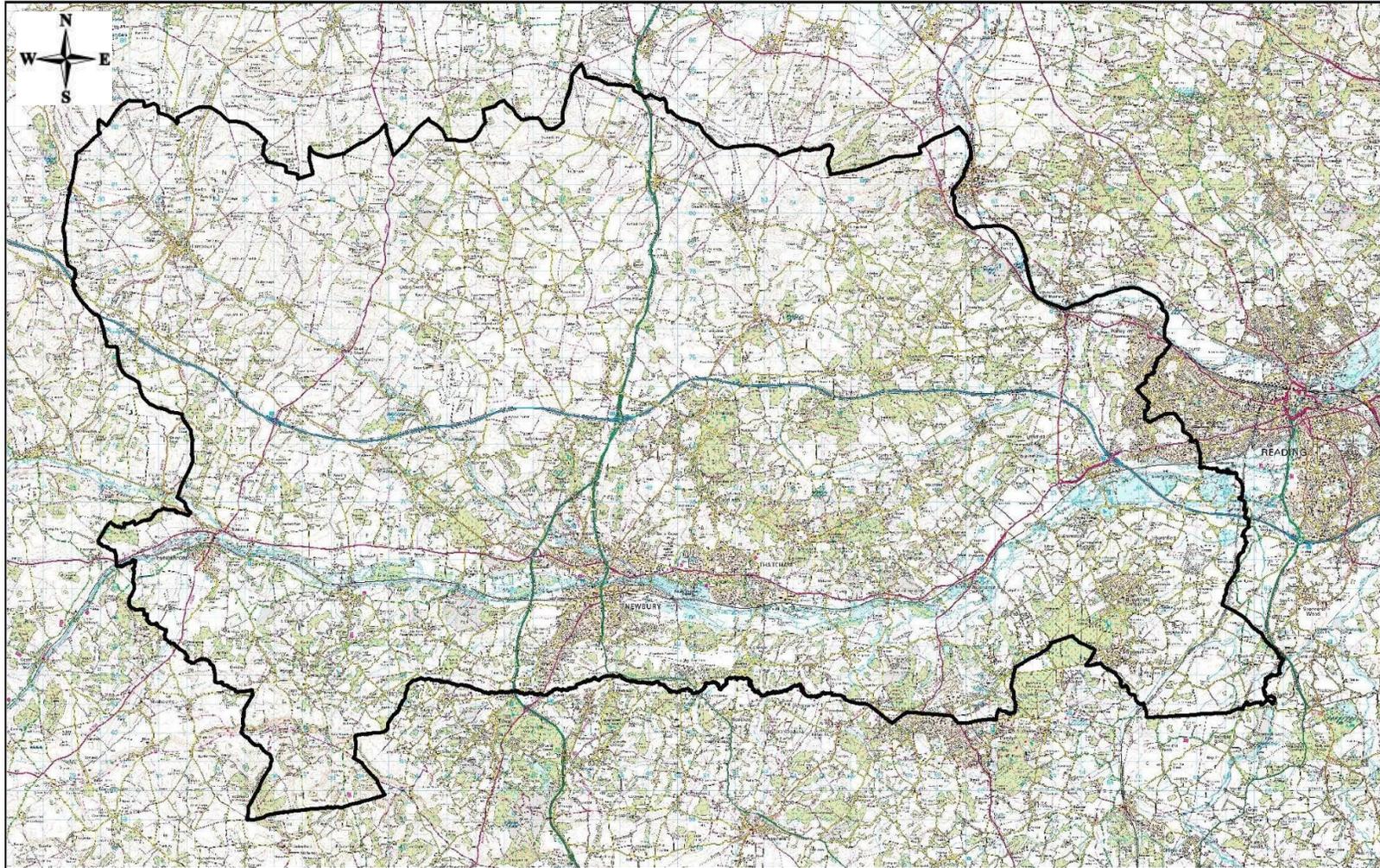
Environment Agency, 2016, GPLC2 – FAQs, technical information, detailed advice and references

Environment Agency, 2017, Land contamination groundwater compliance points: quantitative risks to groundwater from land contamination

Environment Agency, 2017, Protect groundwater and prevent groundwater pollution

10.2. Appendix 2 – Map of the West Berkshire District

West Berkshire District Map

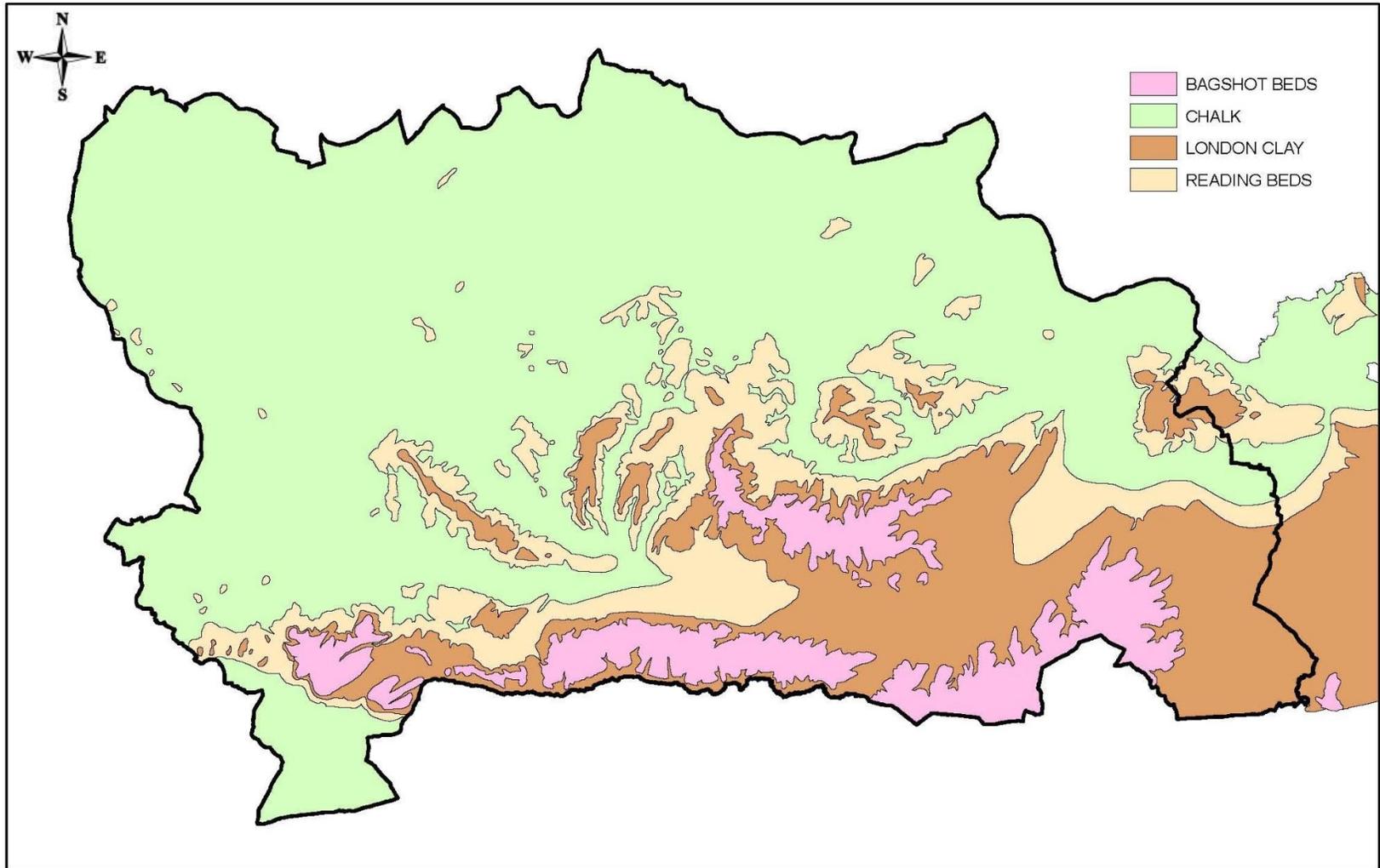


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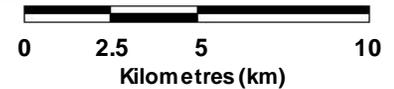
0 2.5 5 10
Kilometres (km)

10.3. Appendix 3 – Maps of geology of West Berkshire District

West Berkshire Solid Geology

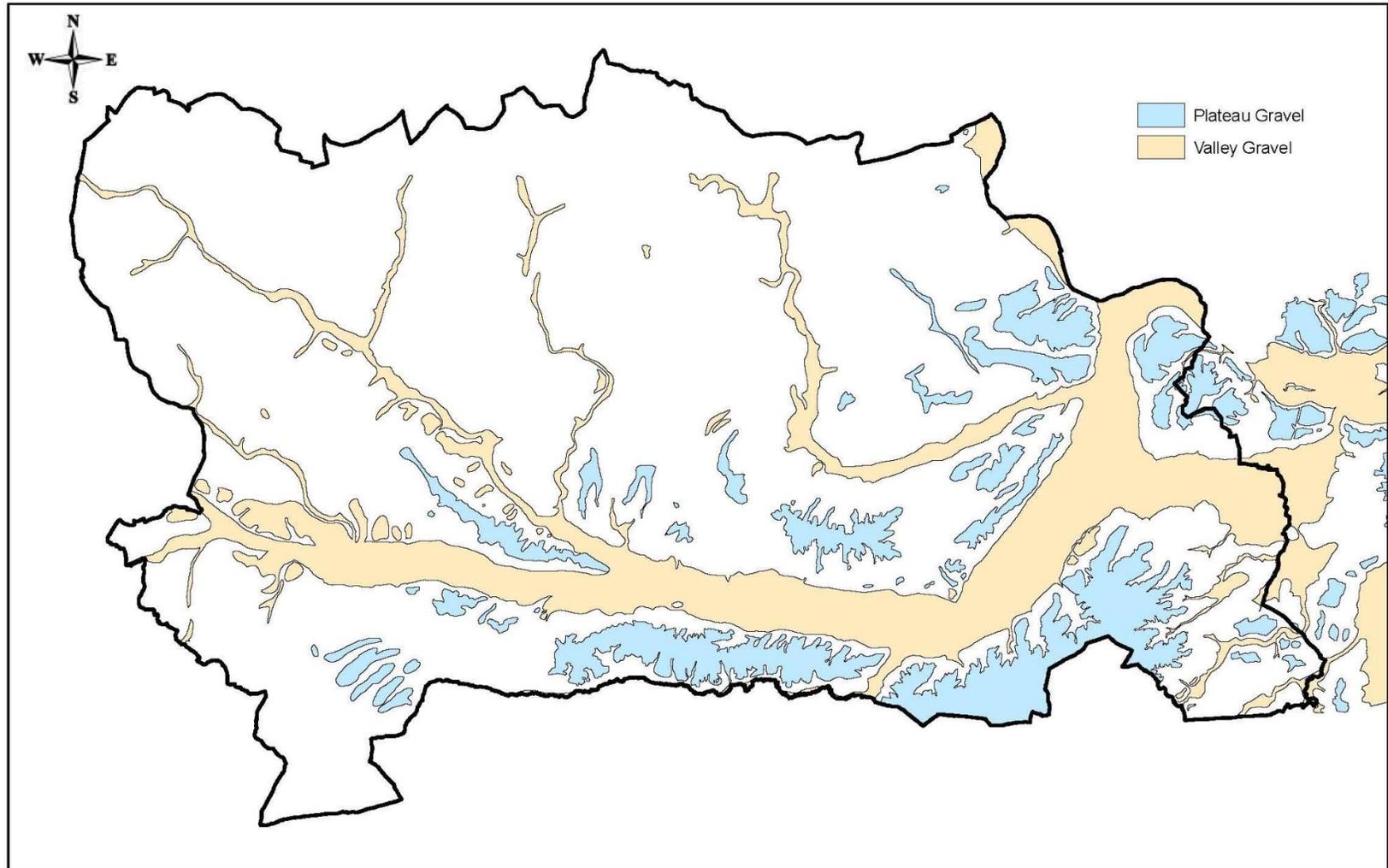


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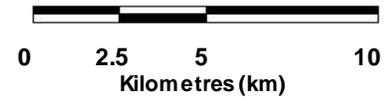


West Berkshire Drift Geology

19/11/2013
1:161770



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10.4 Appendix 4

Update on remediation of contaminated site since last Strategy - Sterling Industrial Estate

The area of the former Sterling Industrial Estate is located on Kings Road, Newbury. It was historically operated as a gasworks between 1880 and 1960. It then became Sterling Cable Engineering works until late 1970s prior to its most recent use as Sterling Industrial Estate.

Following notification from the Environment Agency in early 2000 of gas-work type contamination they undertook an investigation, on behalf of the Council, under the Contaminated Land Regulations 2000.

A site investigation was undertaken in December 2009 and concluded that there was sufficient evidence to indicate that the site met the statutory definition of contaminated land with respect to controlled waters. Furthermore, the site would meet the requirement of being a 'Special Site' which meant that after determination, regulation would fall under the remit of the EA. Accordingly, Sterling Industrial Estate was declared as 'contaminated land' by the Council in 2011.

Further site investigations and a remediation options assessment were completed by the EA in 2013. Planning consent was granted for residential properties in 2015. This included site investigation, remediation and verification planning conditions. The main phase of remediation earthworks and enabling works were completed by April 2019.

Subsequent works included post remediation ground water monitoring, installation of capping layers, vapour/gas protection measures in the new buildings and the use of appropriate water supply pipes.

The site is now in residential use.

10.5 Appendix 5

Progress against 2014 targets

The targets set in the 2014 strategy and progress against them are outlined in the table below.

Targets	Target End Date and Progress
<p><u>Target 1 – Management and Provision of Information:</u></p> <p>Ensure that the Uniform contaminated land database is regularly maintained and that any updates provided by the software company are installed.</p> <p>Respond to all formal requests for Environmental Information relating to potential contamination in accordance with the current Environmental Information Regulations and within agreed Council timescales.</p> <p>Provide and maintain information and advice on land contamination available via the Council’s web site.</p> <p>Set up and maintain a public register of declared contaminated sites on the Council’s website.</p> <p>At the end of each calendar year carry out a review of contaminated land activity carried out by the Environmental Quality Team in accordance with this strategy and provide a summary report to the Joint Services Review Panel.</p>	<p style="text-align: center;">Ongoing</p> <p>All completed with periodic reviews /updates provided.</p>
<p><u>Target 2- Activity Associated with Development of Land:</u></p> <p>Provide on-going support and advice to the Planning Authority regarding the future development of potentially contaminated sites.</p> <p>Respond to all formal planning consultations for proposed development on potentially contaminated sites within the statutory consultation period.</p> <p>On behalf of the Planning Authority review contaminated land reports submitted to discharge planning conditions and make appropriate recommendations within agreed timescales.</p> <p>Ensure that all site specific contaminated land reports submitted to the Planning Authority are entered onto the contaminated land database and that the risk assessment score for each site is adjusted accordingly.</p> <p>Encourage and support the development of local planning policy on the development of potentially contaminated sites in accordance with the National Planning Policy framework.</p>	<p style="text-align: center;">Ongoing</p> <p>All the items have been achieved on an ongoing basis, including details for the proposed Local Plan via the call for sites.</p>

Targets	Target End Date
<p><u>Target 3- Activity under Part2A of the Environmental Protection Act 1990</u></p> <p>Depending on resources available and estimated level of risk to human health and complexity of the site aim to carry out one full site investigation per year to determine whether or not the land is contaminated.</p> <p>Depending on resources available establish the number of site walk-over surveys to be carried out during the period 2014-2015. Thereafter the number of surveys to be carried out will be increased by 5% per annum until all surveys are completed.</p>	<p style="text-align: center;">Ongoing</p> <p>All high priority sites have had an initial walk-over.</p> <p>Sterling Industrial Estate was determined as being contaminated and has been remediated as part of a redevelopment scheme. See Appendix 4.</p> <p>Resource limitations have prevented further surveys being undertaken on a planned basis. The development control process is the main route for ensuring the remediation of contamination.</p> <p>The Public Protection Partnership Delivery Plan 2021-23, under the Environmental Protection section for prevention work, identifies the Contaminated Land Strategy to be updated.</p>
<p><u>Target 4- Maintaining Competency and Quality Control</u></p> <p>Develop and maintain relevant processes and procedures as part of an externally accredited QMS system</p> <p>Ensure that regular audits of processes and procedures relating to contaminated land are carried out in accordance with the agreed QMS audit plan. Participate in external audits carried out by the accrediting body.</p> <p>Ensure that all staff involved with contaminated land work are appropriately trained and that their competency in the subject area is maintained.</p> <p>Ensure that staff keep up to date with the latest research into land contamination and with relevant changes to legislation and standards.</p>	<p style="text-align: center;">Ongoing</p> <p>No external accreditation obtained, however, the procedures are reviewed regularly and internal training is undertaken.</p>

10.6 Appendix 6

Going forward

The planning process will continue to be the primary route for managing contaminated land. As such, the Public Protection Partnership will continue to:

- Provide on-going support and advice to the Planning Authority regarding the future development of potentially contaminated sites.
- Respond to all formal planning consultations for proposed development on potentially contaminated sites within the statutory consultation period.
- On behalf of the Planning Authority review contaminated land reports submitted to discharge planning conditions and make appropriate recommendations within agreed timescales.
- Ensure that all site specific contaminated land reports submitted to the Planning Authority are entered onto the contaminated land database and that the risk assessment score for each site is adjusted accordingly.
- Encourage and support the development of local planning policy on the development of potentially contaminated sites in accordance with the National Planning Policy framework.

In relation to the management and provision of information the Public Protection Partnership will:

- Ensure that the contaminated land database is regularly maintained and that any updates provided by the software provider are installed.
- Respond to all formal requests for Environmental Information relating to potential contamination in accordance with the current Environmental Information Regulations and within agreed Council timescales.
- Provide and maintain information and advice on land contamination available via the Council's web site.
- Maintain a public register of declared contaminated sites on the Council's website.

The Public Protection Partnership will review this updated contaminated land strategy within 5 years.

10.7 Appendix 7

The Environment Agency's Strategy for contaminated land

Groundwater and Contaminated Land Issues

Land Quality Part 2A Documents

The Part 2A process documentation sets out, within the Agency's Integrated Management System (IMS), how the Agency intends to carry out its responsibilities under Part 2A of the Environmental Protection Act 1990, which came into force in England on 1 April 2000.

Users of the Part 2A process documentation should first refer to the Part 2A Process Handbook to

obtain a clear understanding of the activities involved in the Part 2A regime, and with which Agency officer responsibility for particular tasks lies. The Procedures support the individual activities, and provide detailed step-by-step guidance on the necessary tasks. Many of these tasks are similar to tasks carried out by Agency staff under other regulatory regimes; however, some are unique to the Part 2A regime and require detailed advice to ensure that they are completed appropriately. This detailed advice is provided in the Agency's Part 2A Standards. Other relevant advice is provided in Agency guidance documents and technical publications, and in authoritative technical material published by others including Defra. Users are required to ensure that they refer to the current version of the process documentation at all times. When carrying out regulatory activities under the Part 2A regime, users will need to make reference to the primary legislation which is set out in section 57 of the Environment Act 1990, the Contaminated Land (England) Regulations 2000 (as amended in 2006 and 2012), and the Statutory Guidance.

Introduction to Part 2A Process Documentation

Part 2A of the Environmental Protection Act (1990) [EPA], which is introduced by section 57 of the Environment Act 1995, requires an overall risk-based approach to dealing with contaminated sites, which is consistent with the general good practice approach to managing land contamination. The regulatory regime set out in Part 2A is based on the following activities:

- identify the problem-- assess the risks
- determine the appropriate remediation requirements
- consider the costs
- establish who should pay
- implementation and remediation

Part 2A provides a statutory definition of contaminated land that is applicable for sites in respect of their current condition and usage. Where a change in use of a site is proposed, as for example where redevelopment is planned, any necessary remedial action would be carried out under planning and development control rather than under the Part 2A regime.

Enforcement action under Part 2A may also not be applicable where authorisations are in place under other legislation, such as Integrated Pollution Control (Part I EPA), the Waste Management Licensing regime (Part 2 EPA), or where other legislation such as that to prevent pollution of controlled waters is relevant. In addition to the primary legislation, the Part 2A regime is implemented through Regulations, and through Statutory Guidance that covers:

- local authority inspection strategies
 - identification and designation of contaminated land
 - remediation requirements
 - exclusion from, and apportionment of liability
 - cost recovery
-

Public Protection Partnership Priorities 2021 to 2023 – Refresh

Committee considering report:	Joint Public Protection Committee
Date of Committee:	13 March 2023
Chair of Committee:	Councillor Tom Marino
Report Author:	Sean Murphy
Forward Plan Ref:	JPPC4192

1. Purpose of the Report

- 1.1 To set out to the Committee emerging priorities and seek approval to update the Strategic Assessment approved by this Committee in June 2021 and extend until 31st March 2024.

2. Recommendations

It is recommended that the Committee:

- 2.1 **CONSIDERS** the emerging priorities set out in this report;
- 2.2 **RESOLVES** that the PPP Strategic Assessment of June 2021 be updated to reflect these emerging priorities; and
- 2.3 **RESOLVES** that the updated Strategic Assessment form the basis of the PPP priorities for 2023/24.

3. Implications and Impact Assessment

Implication	Commentary
Financial:	<p>These activities will be met from the base revenue budget or in those cases identified in the report from specific grants.</p> <p>Where appropriate, grants such as support for public health related activity or investigations will be sought and used to deliver the key work streams set out in this report. Working with other authorities as part of shared working arrangements to deliver efficiencies and effectiveness will also feature as a key priority.</p>
Human Resource:	<p>There are no specific staffing issues arising from the priorities set out in this report.</p> <p>Recruitment does, however, remain difficult and as set out in the Service Plan and Workforce Strategy before this Committee in January 2023 we have invested significantly in Apprenticeships (appointed four Level 4 Trainees) and Level 6 qualifications for</p>

	existing staff to become Environment Health Officers and Trading Standards Officers.
Legal:	<p>The functions delegated to the Joint Committee by the Councils have their basis in statute. In this respect many are statutory duties placed on the Councils. In some areas (such as food safety and standards, health and safety etc.) there is a high level of prescription about how elements of the service are delivered.</p> <p>In some areas there is a high degree of flexibility for local policy making. This paper invites Members to update the service priorities to meet prevailing need.</p>
Risk Management:	Project Management Methodology will enable early identification of operational risks. The biggest single risks are income and staffing (see above). Addressing both of these are service priorities.
Property:	None specifically arising from these proposals. The issue of accommodation and rationalisation of accommodation remains a priority for the service. As Bracknell and West Berkshire move to a rationalised property strategy and new working styles the service will look at its property requirements and in particular the role that the Theale Office is playing as a central delivery point.
Policy:	It is a key responsibility of the Joint Committee as set out in the Inter Authority Agreement (IAA) to set the strategic direction and priorities for the service. The Committee has approved two previous assessments of priorities. The proposed updated priorities before the Committee today build on these previous documents and also seek to address the IAA priorities set out at Appendix A .

4. Background

- 4.1 At the meeting of the Joint Public Protection Committee in June 2021 the Committee considered and approved the priorities for 2021/23. A copy of the Strategic Assessment at that time can be found here: [PPP STRATEGIC ASSESSMENT \(westberks.gov.uk\)](https://www.westberks.gov.uk/PPP-STRATEGIC-ASSESSMENT).
- 4.2 The focus at that time included an emphasis on Covid response and recovery. Since then there have been a number of changes and factors that have affected the priorities of the service and these include:
- Wokingham Borough Council leaving the Public Protection Partnership (PPP) and forming a new shared service for trading standards, case management etc.
 - The Homes for Ukraine Scheme which has seen us involved in over 300 accommodation checks in Bracknell and West Berkshire as well as welfare checks in West Berkshire and hosting the Ukraine Hub.

- The challenges to residents and business faced by high energy costs and increased cost of living related issues. We have also hosted the Cost of Living Hub for West Berkshire.

4.3 In addition there have been a number of legislative changes; local and national policy changes and funding opportunities. This report sets out those changes and proposes that the existing Strategic Assessment be update to reflect the changes. It is also proposed that the updated version from the basis of the operational delivery priorities for 2023/24. For ease they have been broken down by priority areas in the 2021/23 assessment.

4.4 The proposed changes set out at **Appendix B** and **Appendix C** do not replace existing programmes unless indicated but set out more up to date context of the work-streams identified in the 2021 Strategic Assessment.

4.5 It is proposed that all the existing Strategic Assessment cross-cutting priorities remain the same as follows:

- eCrime;
- Climate Change and Environmental Protection;
- Protecting Vulnerable Adults and Children;
- Safeguarding;
- Safer Streets.

4.6 It is proposed that a new cross-cutting priority is added, namely

- Protecting and Improving Health

4.7 **Appendix B** sets out the additions and changes to existing priorities and **Appendix C** sets out new priority areas.

5. Conclusions

5.1 The proposed changes in this report are in some cases required by a change in law or policy or a change in demand. Examples include the Cost of Living, Homes for Ukraine and latterly increased focus on 'damp and mould'.

5.2 The PPP faces significant challenges in demands for the service and also matters that arise that were unforeseen such as the H4U or Covid response. The service has proved itself as agile and able to adapt at short notice. This is helped by the structure which means that we have the tools in place to adapt such as the intelligence, customer service, policy and communication functions.

5.3 There will no doubt be further changes in year and the service will continue to update the Committee at each meeting.

5.4 The Committee is asked to consider the proposed changes / additions to service priority areas and then amend and/or approve.

6. Appendices

8.1 Appendix A – IAA Priorities

8.2 Appendix B – Proposed Changes to Existing Priorities

8.3 Appendix C – Proposed Additions to Existing Priorities

Background Papers:

1. Strategic Assessment – June 2021
2. PPP Work Plan – December 2021
3. PPP Service Plan – January 2023

PPP Strategic Aims 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**

Officer details:

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APPENDIX A

Extracts from the Inter Authority Agreement (IAA)

Stated Aims – (IAA sch5)

1	The sharing of expertise and best practice
2	The creation of greater resilience and robustness to cope with unforeseen challenges such as disease outbreaks, large scale investigations or loss of key personnel
3	Sharing and developing resources to drive efficiency and effectiveness including systems and areas of specialist knowledge such as legal, finance and investigative skills
4	Eliminating duplication by needing to do things only once across all locations and elements of the service for example procedures and standard documentation
5	Building on the success and innovation of the partners to agreement and learning from each other and implementing that learning
6	The effective use of communication to protect communities and enhance the reputation of the Partnership and the Councils
7	Reduce costs by operating jointly
8	Making effective use of partnership funding, service specific grants and monies received from the Proceeds of Crime Incentivisation Scheme
9	Development of the Service in ways which drive further efficiencies and service improvements
10	Playing our role and enhancing our reputation on a regional and national level

PUBLIC PROTECTION PARTNERSHIP

Priorities (IAA sch5)

1. Community Protection

- a. Contributing to the effective tackling of crime and disorder
- b. Tackling the issues that cause the greatest harm to individuals and communities
- c. Protection of the most vulnerable residents
- d. To act as champion for the local area
- e. Providing safeguards to the community through an effective licensing service

2. Protecting and Improving Health

- a. Protecting people from harmful products and services (including food)
- b. Allowing residents to make informed choices on matters that impact their health
- c. Developing and delivering initiatives designed to improve and enhance health and wellbeing of individuals
- d. Supporting relevant priorities identified by local Strategic Joint Needs Assessments
- e. Tackling the causes of health inequalities

3. Protection of the Environment

- a. Protecting the environment from harm
- b. Tackling those that chose to harm the environment

4. Supporting Prosperity and Economic growth

- a. Supporting compliant local businesses to thrive through the provision of advice and guidance
- b. Protecting businesses from illegal activities that damage their economic interests
- c. Supporting the rural economy

5. Effective and Improving Service Delivery

- a. Implementation of the national intelligence model to identify and effectively tackle priority areas
- b. Building effective working relationships with key partners within the Councils to deliver the key objectives of the Service and the Councils
- c. Building effective relationships with key external partners including Thames Valley Police, Royal Berkshire Fire and Rescue Service, housing providers, other local authorities, national and regional delivery bodies and community based groups and organisations
- d. Improvement and enhancement of the service through effective evaluation and quality management
- e. Communication well with local people and businesses

APPENDIX B – PROPOSED PRIORITY CHANGES

1. Accidents in Commercial Settings

- Change to 'Health and Safety Enforcement'.
- Continue to carry out Health and Safety enforcement visits to support migration schemes.

2. Improved Air Pollution

- Provide air quality monitoring for Wokingham and produce an annual status report within the terms of the new Inter-Authority Agreement.
- Continue the work developed during the Defra grant funded project around air quality around schools to discourage idling of vehicles including engagement with Schools and the wider population.
- Work with school transport teams to look at options to incentivise low and no emission vehicles.
- The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 were published 31/01/2023 and state that PM2.5 interim target of 12 microgrammes/m³ to be met by end 2027 and long term target of 10 microgrammes/m³ by 2040. This will require additional monitoring in addition to the NO monitoring already carried out.

3. Alcohol and Tobacco Harm Reduction

- Change scope of this to include alcohol, tobacco and vaping.
- Continue to deliver a comprehensive education and enforcement programme around the issue of vaping and the sales of vaping to products to under 18s and the sale of illegal vaping products (Operation Tanoak).
- Increase intelligence around illegal vaping product sales.
- Agree a new Tobacco Control Alliance Plan for Berkshire West.
- Continue to work with Bracknell Forest Public Health Team around the extension of existing extremes into Bracknell Forest.

4. Animal Welfare

- Increase significantly the activity around illegal (unlicensed) animal breeding and retailing including further development of problem profiles and, licensing and wider enforcement action.
- New rules around records for animal transportation are set to be brought in.

5. Covid19 Recovery

- Contribute to local and national Covid19 response reviews.
- Once this is complete DELETE this priority area.

6. Doorstep Crime and Mass Marketing

- Change priority name to '[Tackling Fraud](#)'.
- Deliver new grant funded initiative around mass marketing frauds including on-line fraud. Increase capacity within the service to tackle such frauds and to support victims.
- Work with Thames Valley Police to deliver a new operating model for tackling fraud in line with TVP and PPP priorities. This will include victim support and enforcement / intervention and working with the new TVP fraud unit. Joint Operations will be stepped up.
- Continue to seek grant funding to support Level 2 / Level 3 fraud and unfair trading legislation.
- Carry out operations to identify and tackle intellectual property crimes.
- Look at options to share resource to tackle money laundering with other local authorities to increase capacity and resilience.

7. Environmental Protection

- Continue to work with CSAS accredited organisations to develop environmental protections and enforcement whilst developing the CSAS scheme to provide for additional powers.
- Extend existing enforcement of fly-tipping and waste carriage in Bracknell to include other areas of environmental crime such as fly-posting.

- Deliver our advice and enforcement role on the 'Deposit return Scheme for Bottles' should the draft legislation be implemented. This will fall to PPP and the Shared Trading Standards Service.
- The 'single use plastic' ban is expected to be extended in October 2023. PPP will have advice and enforcement responsibility at local level.
- Implement a new enforcement regime around 'minimum energy efficiency standards'.

8. Food Safety and Standards

- Complete the final year of the food safety inspection 'Covid Recovery Plan' as set out by the Food Standards Agency.
- Implement the new food standards risk based inspection regime.
- Deliver an intelligence led food sampling and analysis programme in co-ordination with the Food Standards Agency, Trading Standards South East and the Public Analyst with focus on health claims, food fraud and allergens.

9. Housing Standards in the Private Rented Sector

- Look at extending the work we do around 'empty homes' in Bracknell and West Berkshire with a view to bringing more homes back into use.
- Consider the outcomes and implications arising from West Berkshire Homes Conditions Survey due in early 2023/24 and work with the Housing Service and Energy Team to look at options for improvements and change.
- Continue to support the Homes for Ukraine and other migration schemes with accommodation suitability and safety checks as required.
- Implement the new MoU with Royal Berkshire Fire and Rescue Service around common and shared enforcement. This will include joint visits as required.
- Continue to deliver our new protocols around tackling damp and mould in the home and respond to any government requirements for information.
- Develop further our protocols with Social Landlords.

- Significant numbers of HMO's to be re-licensed in 2023/24. Programme of enforcement to identify and tackle the issues around unlicensed HMO's.

10. Impact of Noise on Communities

- Change to 'Impact of Nuisance on Residents and Communities'.

11. Unsafe Consumer Goods

- Continued implementation of advice and enforcement regime relating to the sale of illegal vaping products.
- Further enforcement work around the sale of counterfeit goods to ensure that unsafe counterfeit goods do not make it onto the local market.
- Advice and Enforcement programme relating to the sale and supply of botox and filler treatments.

12. Nutrition and Childhood Obesity

No Change

APPENDIX C – PROPOSED NEW PRIORITY AREAS

1. Licensing

- Complete the implementation of the proposed Taxi and Private Hire Licensing Polices.
- Conduct a comprehensive review of fees and charges and the resource needed to deliver an effective and comprehensive licensing service in the context of falling income and the implementation of the new service portal.
- Develop the work we are doing with TVP and other partners to deliver safer streets and reduce the incidence of violence against women, girls and others.
- Identify and take appropriate action against illegal animal breeders and sellers.
- Undertake a review of DBS taxi plus/knowledge tests.
- Implementation of Martyn's Law.
- Undertake work around the DfT guidance consultation.

2. Cost of Living

- Support wider Council initiatives to reduce the impacts of cost of living rises including such areas as scams, cold and damp homes and risks associated with illegal money lending.

3. Service Improvement

- Deliver the workforce strategy to ensure with we have a sustainable and responsive intelligence led service that meets the needs of residents, businesses and the wider Council Plan agendas.
- Look at options to develop our community based service model using learning from recent activity around Covid, Homes for Ukraine and Cost of Living.
- Embed the new single system and look for opportunities to improve customer service and drive service efficiencies.
- Deliver against the service standards set in the new Inter-Authority Agreement with Wokingham.

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Training and Development Plan - Update

Committee considering report:	Joint Public Protection Committee
Date of Committee:	13 March 2023
Chair of Committee:	Councillor Tom Marino
Date JMB agreed report:	27 February 2023
Report Author:	Moira Fraser
Forward Plan Ref:	JPPC4189

1. Purpose of the Report

- 1.1 To provide the Joint Public Protection Committee with an update on the existing Training and Development Plan and to seek approval for the Plan.

2. Recommendations

The Committee

- 2.1 **CONSIDERS** the Training and Development Plan.
- 2.2 **APPROVES** the plan subject to any amendments agreed at the meeting.

3. Implications and Impact Assessment

Implication	Commentary
Financial:	All training and development will be met from within existing resources and accessing funding through the Apprenticeship Levy where appropriate.
Human Resource:	<p>Recruiting professionally qualified staff remains one of the key challenges for the service. To assist with mitigating this risk and supporting Workforce Planning the Service supports a 'grow our own talent' culture.</p> <p>Updating knowledge and skills to meet new challenges is therefore a key element of our workforce planning. Learning and Development contributes to the success of individuals, teams, the partnership and it benefits the authorities and residents we serve. The focus of the Training and Development Plan is to improve and enhance our existing and future employees which should also assist with staff recruitment and retention.</p>
Legal:	There are no direct legal implications associated with the Training and Development Plan.

Risk Management:	<p>One of the purposes of the Plan is to mitigate the risks associated with having a poor performing and untrained workforce.</p> <p>The Plan is also designed to ensure training is put in place to take cognisance of any statutory and workforce changes that may arise.</p> <p>The Plan will ensure training and development is well planned and considered alongside the needs of the service and ensuring value for money.</p> <p>The Plan is designed to assist with mitigating risks associated with difficulties in recruiting professionally qualified staff.</p>			
Property:	There are no property related implications associated with this Plan.			
Policy:	<p>The JPPC is mandated under the terms of the IAA to oversee the delivery of the service and to consider key policy areas. The PPP Training and Development Plan is considered central to the delivery of the service through the maintenance of a range of skills and knowledge and through the encouragement of personal development.</p> <p>The Plan will underpin a number of the Service's key strategic documents including the recently agreed Service Plan and the Workforce Planning Strategy.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		The Training and Development Plan is designed to promote consistency in the way in which training is offered and delivered.
B Will the proposed decision have an impact upon the lives of people with protected characteristics,	✓			The level of service will be improved with competent and appropriately qualified staff delivering to our customers, from initial contact through to enforcement action.

including employees and service users?				Staff will also have the opportunity for personal development and growth and improved self-worth.
Environmental Impact:		✓		There is no environmental impact associated with this plan although it is noted that a lot of the external training is now provided via webinars thereby reducing the need to travel to face to face training.
Health Impact:		✓		There are no direct health impacts associated with this plan although it is recognised that personal development could have a positive impact on an employee's mental health and a well trained workforce should contribute positively to the health and wellbeing of our residents.
ICT or Digital Services Impact:		✓		Online training is already in use
PPP Priorities :	✓			It is business as usual for the authorities, focussing on skilled staff to deliver the PPP Priorities and therefore contribute to the priorities of all partner authorities.
Data Impact:		✓		Training records and associated documents will be stored following existing protocols
Consultation and Engagement:	JMB have been consulted on the Plan.			
Other Options Considered:	None			

4. Executive Summary

- 4.1 The updated Plan outlines the direction for training and development of new and existing staff within the PPP and ensures that where appropriate it links to the Workforce Planning Strategy and Service Plan and Priorities. The plan seeks to capture cross-cutting skills and soft skills PPP employees need in order to deliver the wide range of services the team are entrusted to deliver.
- 4.2 The Plan is designed to recognise that the PPP has responsibility for a significant array of complex areas of law ranging from environmental protection to counterfeiting, fraud and money laundering; private sector housing; food chain protection; health and safety, weights and measures and licensing and many other areas. Many of these areas are strictly controlled in terms of officer competence requirements whilst others are a matter for the service to determine.
- 4.3 The purpose of this report is to review the existing Plan and make any changes needed to ensure that it remains fit for purpose.
- 4.4 The Plan should be reviewed at least every three years.

5. Background

5.1 The PPP is committed to developing our employees in light of changing demands on the Service as well as new ways of working and learning and the Service therefore aims to:

- Help employees to develop their skills and potential;
- Increase personal growth and performance of the team;
- Provide good quality services and value for money for our residents and the authorities we serve;
- Inform, protect and support residents and legitimate business.

5.2 This Plan outlines the direction for training and development of staff within the PPP and reflects the PPP [Workforce Planning Strategy](#). The Plan aims to ensure that the PPP maximises the organisational capacity, performance and resilience of the Service.

5.3 To do this the Service will strive to:

- Develop the right skills to deliver the Service Plan and Service Priorities;
- Deliver for the needs of the whole community;
- Understand and manage risk;
- Understand the importance of effective implementation of good laws whilst minimising burdens on business;
- Understand the role of other council services and partner agencies and where we share common interests and objectives;
- Support employees to do their job well;
- Help employees and managers to identify and meet job related development needs, areas for personal growth and areas for improvement;
- Minimise single points of failure within the service;
- Consider appropriate routes for succession planning;
- Recognise the economic climate the Service is operating in and identify cost effective training methods;
- Evaluate the quality and costs of any training attended;
- Continue to explore opportunities to use Apprenticeship Levy funding through the National Apprenticeship Scheme;
- Make fair and consistent decisions relating to learning and development and to provide equality of opportunity for all employees based on service needs.

5.4 The Service will make use of a range of learning methods depending on individual and organisational needs, finances and availability of learning opportunities. The PPP needs to maintain a service populated by staff with the right combination of legal knowledge combined with technical skills (including scientific and investigatory skills) and wider awareness of cross cutting areas such as safeguarding and personal safety. To this end the learning methods may include:

- On the job coaching;
- Secondments, projects, shadowing and workplace visits;
- Off the job learning events including seminars and workshops run internally or externally;
- Specific Continuing Professional Development (CPD) requirements resulting from affiliation to professional bodies;
- Themed whole service training e.g. personal safety, safeguarding etc;
- Monitoring and completion of mandatory training;

- Additional cross cutting Service specific training including Safeguarding, Personal Safety, Conflict Resolution and Systems Training;
- Making use of the Council's other corporate training opportunities;
- Production of and access to 'how to' manuals and videos and other forms of digital learning;
- Vocational and academic qualifications including apprenticeships;
- Guided Reading;
- Sharing information and cascading knowledge gleaned at training courses.

5.5 One of the key risks identified in the risk register is successful recruitment in particular to permanent professionally qualified posts. To assist with mitigating this risk the Service set out, in the 2022/23 financial year, to employ four Trainee Regulatory Compliance Officers who would be enrolled on a Level Four Apprenticeship. The recruitment has now been completed and the four trainees are embarking on the two year training programme.

5.6 The focus for 2023/24 for these apprentices will be to ensure that in addition to completing the apprenticeship modules that they are supported to complete the internal training programme set out in Appendix B to the Plan. This programme will provide opportunities to work across the various teams within the Service to have a range of competencies signed off. All apprentices spend an initial 12 -16 weeks in the Partnership Support Team before starting to undertake the rotation element of the programme.

5.7 In addition to employing new apprentices the Service has also asked for expressions of interest from existing employees to undertake an apprenticeship. The focus for 2023 will be to ensure that the necessary procurement process is completed to provide specialised apprenticeships for the Service including Level 6 apprenticeships in Trading Standards (starting in early April 2023) and Environment Health (starting in September 2023). Officers that have expressed an interest will then be enrolled on the courses. Officers will also be enrolled on existing apprenticeships such as the ILM training where a service need or professional development requirement has been identified through the appraisal process.

5.8 It is noted that not all professional development requirements can be met through the apprenticeship route. The Plan therefore sets out the processes for securing training for staff by means of other professional qualifications identified through the appraisal process.

5.9 Key Changes to the previously agreed Learning and Development Plan are:

- Changes have been made to the layout and presentation of the report.
- Inclusion of a list of professional bodies linked to the PPP.
- The Policy and Governance Officer is overseeing the Apprenticeship Program in the capacity of Lead Officer for Training and Development. Co-ordinating requests for training will be undertaken at the bi-weekly Principal Officers Group meeting in consultation with the Strategic Management Group.
- Links have been made to the Workforce Planning Strategy and Business Plan adopted at the January 2023 JPPC meeting.
- The section on apprenticeships (Part 11) has been updated to reflect the progress that has been made with appointed Trainees and the range of

apprenticeships now on offer. We have also attached some information around the areas the apprentices will cover in Appendix B.

- Explanation of acronyms as was requested when the Plan was last reviewed by the Committee.

6. Concluding Observations

- 6.1 It is recognised that, in order to secure and maintain organisational capability, high importance must be placed on realising and maximising the potential of all employees. To this end, the Service has developed a Training and Development Plan which provides a framework of opportunities for the learning and development of all employees and a basis for the advancement of the Partnership's Priorities.
- 6.2 It is recognised that training and development of staff and having the right skill set to deliver the PPP now and in the future is essential. It is however not sufficient for a service of the size of the PPP to focus training needs solely on individual requests. Co-ordination of training and good resource management is needed in combination with strategic planning around legislation changes and service priorities. This work will be done through the Principal Officers Group (POG) meeting in consultation with the Senior Management Group

7. Appendices

- 7.1 Appendix A – Public Protection Training and Development Plan

8. Background Papers:

- 8.1 PPP Workforce Planning Strategy January 2023

Wards affected: All Wards

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Public Protection Partnership Training and Development Plan 2023/24 Revision

March 2023



A shared service provided by
Bracknell Forest Council and
West Berkshire Council



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1. INTRODUCTION

The Public Protection Partnership (PPP) is committed to developing our employees in light of changing demands on the Service as well as new ways of working and learning and the Service therefore aims to:

- Help employees to develop their skills and potential;
- Increase personal growth and performance of the team;
- Provide good quality services and value for money for our residents and the authorities we serve;
- Inform, protect and support residents and legitimate business.

This plan outlines the direction for training and development (T&D) of staff within the PPP and reflects the PPP Workforce Strategy. The Plan recognises that the PPP has responsibility for a significant array of complex areas of law ranging from environmental protection to counterfeiting, fraud and money laundering; private sector housing; food chain protection; health and safety, weights and measures and licensing and many other areas. Many of these areas are strictly controlled in terms of officer competence requirements whilst others are a matter for the service to determine. The Plan also underpins a number of the Service's other key strategic documents including the Business Plan, Strategic Assessment and Work Delivery Plan.

The Vision of the Service is to protect our communities through the use of effective communication, intelligence and enforcement by:

- Providing information to people to enable them to make informed decisions and understand their rights and responsibilities.
- Creating an atmosphere where legitimate and compliant businesses can thrive and not have their interests undermined by those who choose not to comply.
- Protecting the health, wellbeing and safety of the communities we serve.
- Responding to emerging issues and needs.

In order to do this the Service strives to:

- Be objective in decision making.
- Act at all times with best of intentions.
- Ensure an approach to service delivery which is professional on every level.
- Invest in our people.

To achieve these aims and in order to ensure that we have a workforce that is able to deliver the Service's Priorities it is essential to undertake investment in apprentices and trainees and continue to upskill existing staff.

While the Business Plan sets out the priorities and visions for the service the Workforce Strategy is designed to ensure that the service has an adequate supply of people with the skills, knowledge and experience to deliver these priorities. The Training and Development Plan is designed to improve the professional skills, knowledge and expertise of individual employees to support the Workforce Strategy.

Training needs will be identified and discussed through the Employee Performance Management or Appraisal Process including at regular one to one meetings with line managers.

2. TRAINING REQUIREMENTS

Training requirements may result from:

- the service, e.g. responding to new Service Priorities,
- external sources, e.g. responding to Cost of Living issues,
- professional teams, e.g. dealing with changes in legislation or professional standards,
- officers e.g. identifying knowledge or skills gaps or organisational weakness.

- new starters, apprentices and ongoing professional development.

All of these are legitimate reasons for requiring training, however, overall the training should be to allow the Service to deliver against priorities and the needs of residents and businesses in the PPP area.

The Plan aims to ensure that the PPP maximises the organisational capacity, performance and resilience of the Service.

To do this the Service will strive to:

- Develop the right skills to deliver the Service Plan and Service Priorities;
- Deliver for the needs of the whole community;
- Understand and manage risk;
- Understand the importance of effective implementation of good laws whilst minimising burdens on business;
- Understand the role of other council services and partner agencies and where we share common interests and objectives;
- Support employees to do their job well;
- Help employees and managers to identify and meet job related development needs, areas for personal growth and areas for improvement;
- Minimise single points of failure within the service;
- Consider appropriate routes for succession planning;
- Recognise the economic climate the Service is operating in and identify cost effective training methods;
- Evaluate the quality and costs of any training attended;
- Continue to explore opportunities to use Apprenticeship Levy funding through the National Apprenticeship Scheme;
- Make fair and consistent decisions relating to learning and development and to provide equality of opportunity for all employees based on service needs.

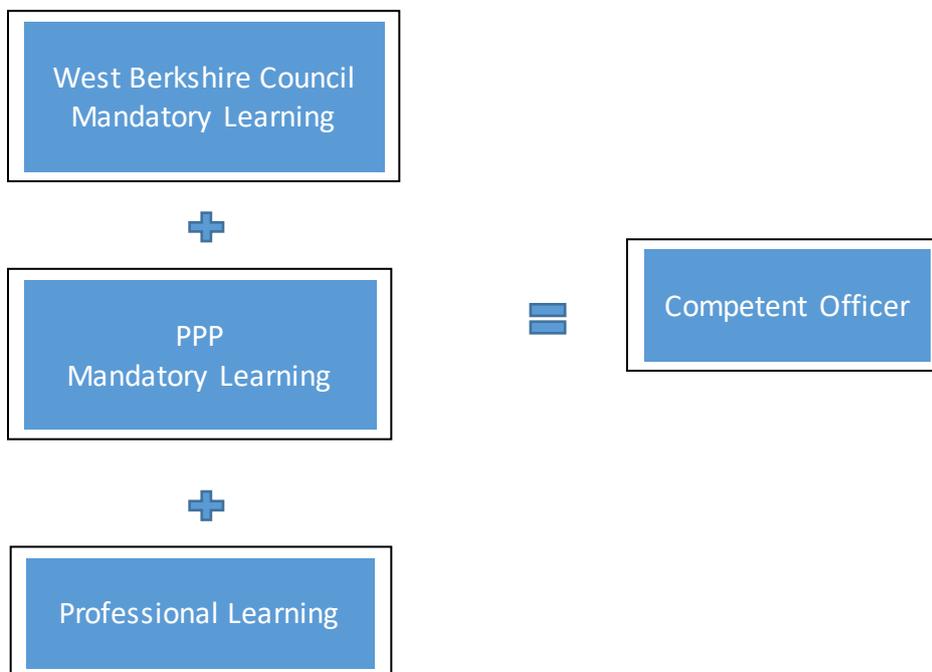
In addition to the above sources of training, West Berkshire Council and the PPP require all employees to undertake mandatory training courses and professional bodies may set their own requirements too.

3. PROFESSIONAL BODIES LINKED TO THE PPP

Professions	Organisations
Environmental Health	The Chartered Institute of Environmental Health (CIEH) https://www.cieh.org/
Case Management	The Law Society https://www.lawsociety.org.uk/
Licensing	The Institute of Licensing (IoL) https://www.instituteoflicensing.org/
Trading Standards	The Chartered Trading Standards Institute (CTSI) (and local Southern Branch) https://www.tradingstandards.uk/ The National Trading Standards (NTS) https://www.nationaltradingstandards.uk/ Trading Standards South East (TSSE) https://www.tsse.org.uk/

Food	Food Standards Agency https://www.food.gov.uk/
Health and Safety	Health and Safety Executive https://www.hse.gov.uk/

4. TRAINING AND PROFESSIONAL LEARNING



The PPP has two areas of mandatory training:

1. West Berkshire Council (WBC) mandatory training
2. PPP mandatory training

West Berkshire Council Mandatory Training

As the host authority, WBC stipulates the mandatory training which all staff must carry out including equalities, health and safety and data protection and information security. Training requirements are set out on the Learning Time application on the intranet.

WBC fully control this system and the only role for PPP is to ensure officers are compliant and to ensure this mandatory training meets the demands of other partner Councils.

Line managers will check officers are up to date with their mandatory training during the 6 month and 12 month appraisals. Any out of date learning should be addressed or elevated to senior management if there is an issue. Officers should be logging the mandatory training completed on their appraisal forms.

PPP Mandatory Training

The PPP also has a number of mandatory training areas identified. This training may be covered on whole service training days, via the local authorities within the partnership, by partner organisations, by other professional bodies or by competent staff within the Service. The level of training required may vary based on the role an individual fulfils within the team. This training should be undertaken at least every three years.

PPP Mandatory Courses
1. Safeguarding
2. Personal Safety
3. Conflict Resolution
4. Systems Training

Professional Learning Requirements

Officers who are members of professional bodies e.g. CIEH, CTSI and the SRA will be required to undertake training that will broaden their knowledge, skills and ability to do their job. They will be required to accrue a certain number of hours each year in order to maintain their membership and will need to log that training based on the requirements of the individual body.

The PPP will develop clear career development paths to ensure new staff into the service are certain of the opportunities to develop and learn from those more experienced staff. This work will also identify pathways for existing employees to allow them to progress from officer roles to senior and principal officer positions based on service need.

Learned Experience and Mentoring

In addition to training and development delivered in formal settings the service will build on the existing competencies in the team by providing opportunities for on the job learning and mentoring from competent colleagues.

5. TRAINING AND DEVELOPMENT PLANNING

Due to the nature of regulatory services and breadth of the work carried out by many officers, it would be counter-productive and unrealistic to set rigid annual plans for Training and Development. However, it is expected that training planning is documented and fit for purpose, depending on the skills being learned. For example, a regulatory compliance officer (apprentice) who has never worked in a local authority enforcement role would need to have overarching experiences in all aspects of PPP, whereas a qualified Environment Health Officer (EHO) who is tasked with specialism in say health and safety enforcement would require specific competencies to be demonstrated. This would be the same for financial investigations officers, graduate EHO's, apprentice EHO's, Trading Standards Officers, food specialisms, animal health specialists, licensing officers and so on.

The service has in place various competency frameworks to accommodate this varied learning within its Quality Management System (QMS) structure. See appendix B as an example of a Trainee Regulatory Compliance Officer Level 4 introduction & practical learning programme.

It is recognised that training and or development requirements may be identified at any time during the year and because of this reactive position, some elements may become uncoordinated.

We therefore aim for a proactive core for the majority of training and development, but with the acknowledgement that some may be reactive or unforeseen.

Training and Development Planning	
Proactive / Core	Reactive/ Unforeseen
Statutory requirement for legal competencies	Training to deal with emerging issues
Training of apprentices	Exposed areas of weakness
Career advancement (professional examinations etc.) and succession planning.	New areas of work being absorbed into the Service
Mandatory Training	Opportunities for updates
PPP Mandatory Training	New training courses being developed
CPD	

Proactive development of an individual's training plan should be developed during the employee performance management process i.e. via Appraisals (and half year reviews), during 121s, the development of Personal Development Plans and in accordance with any Continuing Professional Development Requirements of the individual officer.

All professional training undertaken and identified should be set out on appraisal forms and this information should be logged on the PPP Competencies Matrix (I:\Public Protection & Culture\PPP\PPP Training and Development)

The Matrix is intended to assist the Service to:

- identify which officers have particular expertise, and
- identify areas which may be exposed should officers leave the service.

The matrix should be updated after every appraisal and half year review by the line manager. The Principle Officer's Group (POG) should review the training matrix on a quarterly basis.

It is however recognised that training plans also include an unforeseen or reactive element.

When Training Opportunities Arise

Training providers are continuously designing and promoting training courses which may not have previously been formally identified or requested, but would be beneficial to undertake.

When such opportunities arise, consideration should be given to:

- is there already sufficient knowledge within the team or do we need more officers to deliver the subject (by checking the competency matrix),
- the quantity of work the officer undertakes within the area,
- availability of funding and if perhaps alternative training methods or providers are available (e.g. from internal sources)

All significant cost courses should be considered by the POG in order to select the most appropriate officers to receive the training. (See the Oversight of Training Section of this Document.)

All courses (no matter of cost) which may be appropriate for multiple officers should also be directed to the POG for consideration. Emails advertising training events should be forwarded to the *PPP Training* email account so that they can be considered by the POG.

Unforeseen Training Requirements

Sometimes extra training may be required following change of legislation or emerging issues becoming part of service provisions or because of a significant event e.g. infectious disease outbreak.

If training is identified from such issues, it is likely to involve a number of officers and would therefore require central coordination to ensure those applicable undertake it. It should therefore be considered by the POG.

Identified by External Sources

Some Training and Development may be identified by external sources such as customer satisfaction surveys or complaints to the service.

The results of Customer Feedback Surveys (positive or negative) should be fed back to Officers during their 121s. These can provide an external perspective of the service or officer capabilities and highlight possible additional or alternative Training and Development needs.

Where continuing issues are identified, line-managers should report it to the POG. The POG will consider if training or development may adequately address the issues.

Unique Training

Requests which are professionally unique or for a specialist function, e.g. an officer requires Animal Health or Animal Warden training, should be treated in the normal manner, i.e. for courses under £200, the request is made to the line manager, who checks against service need, the competency matrix, available finance and permits or refuses it accordingly. Courses over £200 are referred to POG.

Possible Multi-Officer Training

If a request for training is received by a line manager, which may affect multiple officers, e.g. writing statements, safeguarding etc., this should be forwarded to the POG for consideration.

If the POG believe the training will only be of benefit to the requesting officer, they will notify the line manager as such. However, if they decide it will be beneficial for multiple officers they will co-ordinate its provision with the Lead Officer for Training and Development.

Training for Senior Managers

Training requirements for senior managers will be overseen by the Public Protection Manager through the Appraisal and 1-1 process.

No Cost Training

On occasion free training can be provided by partner agencies and organisations such as the Chartered Institute of Environment Health (CIEH) or the Local Government Association (LGA) or other departments within the council.

Decisions around no-cost training also need to follow all the principles for costed training i.e. need etc.

TSSE Training

Trading Standards South East Training is not free but is already contributed to by PPP.

It is a great source for both Trading Standards as well as legal practice training and updates and should be considered by officers from all three professions.

TSSE training courses can be booked with line manager agreement.

The PPP account with TSSE will be reviewed every quarter to ensure it is within budget.

6. OVERSIGHT OF TRAINING

The Policy and Governance Officer is overseeing the Apprenticeship Program in the capacity of Lead Officer for Training and Development. Co-ordinating requests for training will be undertaken at the bi-weekly Principal Officers Group (POG) meeting in consultation with the Strategic Management Group (SMG). The Strategic Management Group (SMG) will continue to direct the core direction of T&D and ensure delivery through performance management.

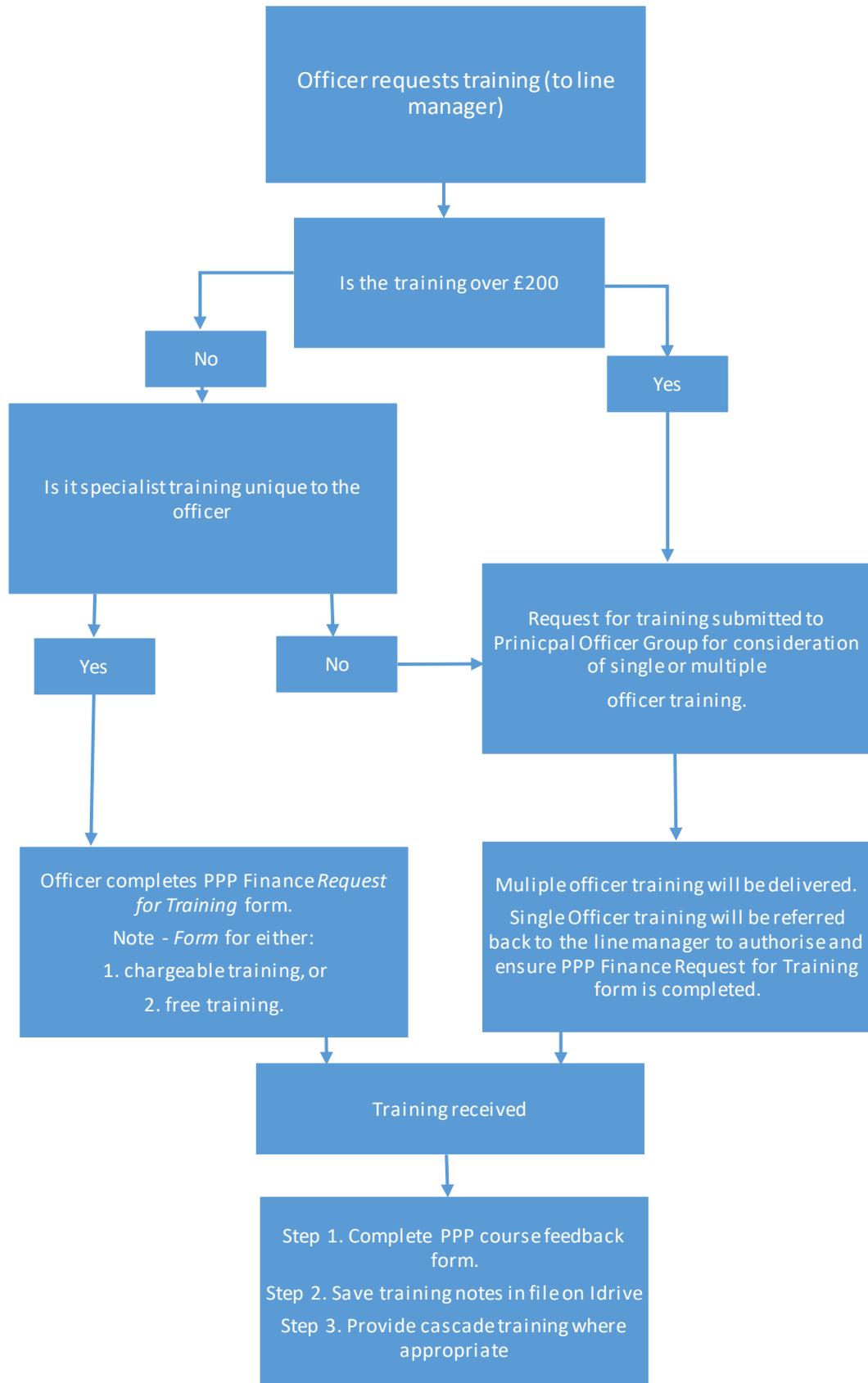
The professions within PPP all have their own professional bodies as set out in [Section 3](#). The role of these bodies vary but generally they champion, lobby, assist, organise and promote the work of their professions. In order for the PPP to operate to its full potential, the support and training offered by these (and other) organisations should be maximised to ensure our workforce remains 'competent and that the service remains relevant.

The success of training depends upon strong performance management. A core element of all appraisals and 121s will be to evaluate the performance of an individual and identify training needs and opportunities to support them in this process. Personal Development Plans should also be incorporated into these discussions.

The Principal Officer Group (POG) will play a key role in T&D as they assist in the delivery of the plan and it will be their role to keep it on track through performance management. They will have a coordinated overview, coupled with a strong understanding of their teams and the roles played by individual officers, which will therefore ensure the relevance of the T&D. They will consider all training requests for training costing more than £200. In addition they will be responsible for reviewing the competency matrix on a quarterly basis to assist with identifying any service gaps. The POG will also be responsible for co-ordinating training requests and opportunities involving multiple officers.

T&D will therefore be a standard agenda item in the regular POG meetings.

7. PROCEDURE FOR BOOKING TRAINING



8. TRAINING RECORDS

A transparent and consistent recording method is crucial for the Service to achieve appropriate, proportionate and good value training. In many circumstances there may also be legal requirements for the Service to demonstrate the competence of its officers, e.g. food, noise, health and safety enforcement.

The system for keeping this information must therefore be simple and practical.

It is the responsibility of officers to record all training in their training records on their appraisal forms.

Line Managers will review training records as part of the appraisal and one to one process to ensure they are being recorded and feedback will be provided on any concerns identified. The line managers will then ensure that any professional qualifications are logged on the competency matrix.

Training Records for Professional CPD Purposes

It is however recognised that T&D requirements may also come from sources exterior to PPP, e.g. The Chartered Institute of Environmental Health that requires Environmental Health Officers to upload their training to ensure they have completed the requisite training hours annually (usually circa 20-30 hours per annum)

The extent of these exterior requirements vary upon profession, role and qualifications of the officers involved.

Officers may therefore need to maintain an additional system for recording their CPD for their own professional purposes.

Training Records for Trainee Regulatory Compliance Officers

A separate competency framework which includes formal and on the job training in the various teams within the Service has been put together for the apprentices and their progress will be logged and monitored on a separate competency matrix.

9. TRAINING FEEDBACK

Attending a training session may not be a 'silver bullet' to creating or improving competence. Some courses may not deliver on the subject, be poorly delivered, or pitched at the wrong level for those attending.

A simple form should therefore be completed by officers following their training to record feedback and comments on the training provided. These can be used for reference when committing to future training courses or providers. The completed forms should be stored here I:\Public Protection & Culture\PPP\PPP Training and Development\3.Training Feedback forms and should be referred to by POG when requests for training are being considered.

10. SHARING KNOWLEDGE

Cascading of training within the Service will be beneficial to the Service as a whole. If the Service has paid for officers to receive training, it is expected that a form of cascade training will occur. This may occur as:

- a brief feedback in a team meeting or dissemination to the wider service,
- highlighting to the team that training notes have been saved in the shared drive (I:\Public Protection & Culture\PPP\PPP Training and Development\6. Training course notes), or

- standalone training session where applicable.

Line managers should promote the use of training notes on the shared drive as a way of officers updating themselves in relevant subject areas.

Legal Updates

Cascading of knowledge should also be provided from attendance at professional meetings and matters learnt from projects, cases etc.

It is anticipated that this will be covered in the 'Legal updates' section of Team Meetings.



11. APPRENTICESHIPS



As set out in the Workforce Strategy, PPP has a strong emphasis on 'growing its own' officers.

The Trainee Regulatory Compliance Officer Level 4 Apprentices must:

- Work within all three professions to ensure a range of knowledge;
- Receive assistance and co-operation from more experienced/qualified staff;
- Not be considered or used as a qualified officer but should be asked to undertake tasks in line with their experience gained;
- Be given adequate opportunity for their studies;
- Be supported by the Policy and Governance Officer to ensure their studies are made relevant to their roles.

The opportunity for current staff to undertake an apprenticeship will be based on service need. Officers who wish to undertake the apprenticeship should raise it during their appraisal and complete an expression of interest form which should be submitted to the Policy and Governance Officer after being signed off by their line manager.

The National Apprentice Scheme now includes professional qualifications in a number of specialised areas including Trading Standards and Environment Health but it is recognised that it does not deliver on all specialised training requirements for the professions within PPP. Specialist training courses must therefore continue to be accessed in addition to the apprenticeship route.

12. PROFESSIONAL QUALIFICATIONS

Not all professional development requirements can be met through the apprenticeship route. Where the need to undertake a professional qualifications is identified through the appraisal process West Berkshire Council's Qualification Training procedure should be followed. It is important that employees do not make arrangements (such as formally accepting a place on a course) that have a financial commitment attached to them until they receive formal confirmation of the level of financial assistance available from the Council.

As the costs of this training has to be met from the Service's budget any requests for training will need to be considered by the Public Protection Manager. The employee will be required to complete a Qualification Training Application Form which must be signed off by their line manager.

Each application will be considered on its own merits by the Public Protection Manager. Consideration will be given to the relevance of the course to the employee's duties, the needs of the service, the development needs of the employee, the training priorities in the service and the financial constraints of the training budget. It may be necessary to use waiting lists to match demand to budget.

Where training is approved the employee will need to complete a Qualification Training Agreement. The Service will pay the costs of the course. Employees who leave the Council within two years of completing the training course, or who cease the training out of their own choice or through dismissal on disciplinary or

capability grounds (except where incapability is due to ill health or disability), will normally be expected to repay a percentage of the Council's contribution.

13. CAREER DEVELOPMENT

Career development opportunities will be provided where possible based upon budget constraints and service need. The majority of funding for career development will need to come from within existing service budgets. Occasionally alternative sources including external grant funding may arise.

Officers may develop vertically professionally by taking professional based exams organised by the professional institutes (Chartered Institute of Environment Health, Chartered Trading Standards Institute, Institute of Licensing or Legal, Financial and Democratic Services for example).

Alternatively, officers may also wish to develop horizontally by learning new skills which may complement their current skill set or reflect the needs of the service to address emerging issues or addressing recruitment gaps. This training may take the form of a secondment or on the job training alongside other colleagues.

Requests for career development should be raised in appraisals or 121s, these will then be considered by the POG (for capacity issues etc.) and forwarded to the Strategic Management Group for authorisation.

14. REVIEW

As stated within the plan, the nature of regulatory services and the environment in which we operate is very broad and dynamic.

This plan should therefore be reviewed on a regular basis and renewed every three years.

Appendix A: Analysis of Training and Development within PPP

Analysis of Training and Development Within PPP	
Strengths	<ul style="list-style-type: none"> • Our professional background means we appreciate the need for continual training. • We already have a lot of skill and knowledge within the organisation (which can be shared). • We have many different avenues for obtaining/ building our skills and knowledge. • Competency and continuing professional development means we have developed qualified and competent workforce.
Challenges	<ul style="list-style-type: none"> • The challenge in coordinating the vast quantity of training which is undertaken. • Competing pressures, (council priorities, team priorities, etc.) • On occasion, the dynamic nature of the service requires officers to deliver areas of work at very short notice such as in the Covid Pandemic, Homes for Ukraine and Cost of Living Hub
Opportunities	<ul style="list-style-type: none"> • PPP has a good record of providing training for surrounding authorities which helped subsidise its own training. • We should aim to maintain a close working relationship with surrounding authorities to share and provide training opportunities. • Provide additional cross service training for Officers to ensure that, where appropriate, when undertaking a visit/inspection to a premise more than one type of inspection can be carried out. • Maintaining a broad skill base across the service will enable officers to work in any team with the appropriate management support.
Threats	<ul style="list-style-type: none"> • Withdrawal of funding • Experienced and or qualified officers leaving the service/ retiring • Single points of failure • Maintaining competencies • Reliance on outside agencies offering practical training • Reliance on outside agencies for covering general work

Appendix B: Regulatory Compliance Officer Apprenticeship

Duration: Typically 24 months

Qualification: Level 4. On successful completion of this apprenticeship the apprentice will be an occupationally competent Regulatory Compliance Officer

Introduction and Overview

Well designed and enforced regulation plays a vital role in improving the way markets work for the benefit of our businesses, employees and residents, supporting sustainable growth, trade and investment and improved social and environmental outcomes. It is well recognised that the regulatory climate is a key contributor to the creation of a positive and supportive business environment whilst also assuring public and environmental protection.

Assessment: Apprentices will be required to undertake an 'End-Point Assessment' (EPA). The purpose of the EPA is to test the skills, knowledge and behaviours of the apprentice as set out in the apprenticeship standard.

The EPA:

- Requires apprentices to provide oral and documentary evidence of their knowledge, skills and behaviours (competencies) developed throughout the apprenticeship on which they will be assessed.
- Enables the independent assessor to assess the skills and behaviours of the apprentice by observing the apprentice in the course of their normal work.

The EPA includes the following components:

1. A knowledge exam comprising multiple choice questions (MCQ) and short answer questions (SAQ)
2. An observation of professional practice.
3. A Viva (interview and professional discussion) supported by a work-based portfolio of evidence.

The Process:

Stage 1 – The apprentice registers for the apprenticeship programme with the PPP.

Stage 2 – The apprentice completes the agreed period of on-programme training including a work-based portfolio and project.

Stage 3 – The PPP in conjunction with the training provider, agrees that the apprentice has sufficient experience, knowledge and skills (including maths and English requirements) to enter the gateway to the EPA.

Stage 4 – The apprentice undertakes the EPA with an independent assessor who will oversee the knowledge exam, undertake an observation of professional practice, review the work-based portfolio of evidence and lead the final Viva (interview and professional discussion)

Stage 5 – The independent assessor judges whether the apprentice has passed or failed the end-point assessment at the end of the final Viva. If the apprentice is successful, the final grade is determined by the independent end-point assessor.

Delivery of Apprenticeship by Provider

The current provider is [CSA \(Credit Services Association\)](#).

Currently all delivery is remote. This includes full day workshops every other month, monthly 1-2-1 coaching sessions, and 10-12 week progress reviews. If a 1-2-1 coaching sessions was to be delivered face to face, this would be at a PPP office.

On-Programme Training

Weeks 1 and 2

- Allocation of Equipment and Familiarisation with it
- Theale Housekeeping
- Theale Health & Safety
- Undertake the WBC Council induction Programme including completion of the mandatory training requirements
- Sending and Receiving emails, letters, post, telephone protocol and other communication standards
- Background to the PPP
- Where to find information
- Timesheets, Leave sheets and other general administration

Week 3 and 4

- Manage Drop accounts
- Smartsaving Manage Drop accounts
- electronic records
- Mail merges
- Labels
- Identifying any other Word, Excel, PowerPoint Training and Book onto courses
- CSQ Business and Client
- Zoom and Team Meetings
- Introduction to the Various Services within the PPP

Weeks 5 to 10 (Environment Health and Licensing with the PST)

- Health Certificates
- Infectious Disease Notifications
- Accidents - RIDDOR Website
- Licensing Consultations
- Planning Applications
- Planning Appeals
- Demolition Applications
- Lift Reports
- Food Alerts (FSA Emails)
- Food Complaints
- Notices: Informal / Formal
- Registers (Food, Authorised Premises, Radioactive Substances, Cooling Towers)
- Food Registration OSR1 Forms
- Food Hygiene Inspection Reports
- Food Health & Safety Inspection Reports
- Total Land Charges (TLC, Swift search etc)
- Land Registrations
- Abandon Vehicles Admin
- Freedom of Information Requests
- Theale Storage Register
- LLO Reports input

Weeks 11 to 16 (Trading Standards with PST)

- Doorstep Crime - Immediate action
- Animal Health Inspection d.b.Entry
- Animal health related notifications (Process on handling need to be forwarded to an officer).
- E-mail notifications, Updates and notifications need to be sent to the trading standards team.

- Mondeo - Maintenance
- Maintain PACE / Counterfeit and doorstep grab packs
- Food / TS inspection data for returns
- Complaints and service requests
- Consumer Direct Referrals
- Consumer Direct Notifications
- Sample Collection
- Evidence Room/Cupboards

First Rotation – each Rotation will last 12 weeks

Trading Standards Team

(a) Pro-active work

- Food inspections, Weights & measures
- Pricing, and all elements of routine premises inspections as part of routine work.
- Food sampling.
- Animal Health visits
- Feeding stuff sampling
- Under age sales visits/TP exercises.
- Weighbridge testing when due (December and June).
- Car project—inspections. Any other non-food projects/sampling.
- Rogue trader patrols.
- Explosives visits
- Petroleum visits
- RTA/weight restrictions

(b) Re-active work

- Complaints and visits with officers in response to those.
- Test purchases (including online) /inspections in response to complaints.
- Seizure of items when required.
- Attendance on warrants when required.
- Witness statements.
- IUC
- Business advice meetings in response to complaints/enquiries.
- General TS—report writing, investigative processes (PACE, RIPA etc), interviews, evidence gathering and handling, data searches (e.g., NAFN)
- QMS re procedures

Licensing Team

- Understanding Licensing functions
- Licensing Act 2003 Alcohol and Regulated Entertainment, (Premises, Personals, TENS, Clubs, Reviews, Variations/Transfers. Hearings), Gambling Act 2005, Premises, TENS, Adult Gaming Machines, Lotteries, Casinos.
- Hackney Carriage, and Private Hire Vehicles, Drivers and Operators.
- Scrap Metal – Sites and Collectors.
- Dermal Treatments – Acupuncture, Electrolysis, Ear Piercing, Semi-Permanent Skin Colouring, and Body Piercing.
- Street Trading – Mobile and Sites.
- Hairdressing Registrations
- Street Collections, and House to House Collections.
- Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018
Zoo and Dangerous Wild Animals

- Sexual Entertainment Venue.
- Application processes - Receive, Process, Monitor, Grant licence
- Complaints – Investigations SR's
- Licensing Inspections routine and reactive
- Licensing hearings and Appeals
- Licensing committees to gain knowledge of licensing decisions making process
- Conduct consultations
- Policy research
- Prosecutions (PACE, RIPA etc),

Housing Team

- Accompany officer on house condition inspection work, including HMO and caravan site work
- Accompany officers on Reactive work
- Service requests that don't require an enforcement visit
- Discussion on assessment of Fit and Proper Person for Caravan sites
- Discussion on Homes For Ukraine and visits where appropriate
- Project work for public health – e.g. assist with landlord forums, and Landlord Accreditation

Food Hygiene and Health and Safety

- Accompany officer on food hygiene inspection
- Process for E rated food premises
- Food Premises Register work
- Accompany officers on Reactive work
- Service requests that don't require an enforcement visit
- Food sampling – discussion on formal
- Food Sample undertake informal

Health and Safety

- Discussion on H&S topic inspections
- Discussion on accident investigation and accompany officers where appropriate
- SAG – discussion on SAG and those attending; attend meeting
- Accompany officers on Reactive work
- Service requests that don't require an enforcement visit

Democracy and Communication

- Understanding the Democratic Processes
- Safety Advisory Group
- Report Writing/ Plain English
- Performance Reporting
- Creating Social Media Content
- Updating the Website
- Writing Press Releases
- Community Engagement
- Policy Drafting

Environment Health

- (EQ team)
- Dealing with incoming enquiries and first response on complaints with the Duty Officer
- (CTS Team) assisting with service requests and accompanying officers on visits regarding;
- Statutory nuisance and ASB complaints – E.g. domestic, smoke and odour nuisance

- Pests (rats and mice),
- Accumulations / fly tips,
- Filthy and verminous properties,
- High hedges,
- Abandoned vehicles
- Stray dogs
- Public funerals.
- Private water supplies - sampling and understanding Risk Assessments
- Commercial nuisances (Noise, odour, fumes etc.)
- Air quality - monitoring, project work as per the DEFRA grant
- Local Authority Pollution Prevention and Control Inspections.
- Contaminated Land - Environmental Information Regn enquiries
- Planning applications
- General EH admin including report writing, file preparation, investigative processes (PACE, RIPA etc), interviews, evidence gathering and handling, data searches (e.g., NAFN) and QMS re procedures

CMU

- Paralegal work
 - Court file bundle preparation
 - Legal administration
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