

# DRAFT

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

## JOINT PUBLIC PROTECTION COMMITTEE

### Minutes of the meeting held on MONDAY 11 DECEMBER 2023

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

**Present:** Lee Dillon (Chairman), Iskandar Jefferies (Vice-Chairman), Nick Allen, Phil Barnett, Guy Gillbe and Howard Woollaston

**Also Present:** Rosalynd Gater (Team Manager - Commercial), Sean Murphy (Public Protection Manager), Eric Owens (Service Director - Development & Regulation), Clare Lawrence (Executive Director - Place), Suzanne McLaughlin (Senior Environmental Health Officer), Moira Fraser (Public Protection Partnership), Kevin Gibbs (Bracknell Forest Council), Damian James (Bracknell Forest Council) and Stephen Chard (Democratic Services Manager)

#### PART I

#### 21 Minutes

The Minutes of the meeting held on 2 October 2023 were agreed as a true and accurate record and signed by the Chairman.

#### 22 Outstanding actions from previous meetings

Updates were provided on the following action points:

**Item 1 - Water Safety Cabinets and Defibrillators** – Member bids were anticipated to fund defibrillators at the location of the three water safety cabinets.

**Item 3 – PPP Priorities** – priorities would be discussed at the March 2024 meeting.

**Items 4 and 5** were completed.

**Item 6 – Proposed Fees and Charges Schedule** – a letter was to be sent on behalf of the Licensing Chairs to central government regarding the potential to increase statutory fees. Councillor Lee Dillon would also raise this at the next Berkshire Leaders meeting.

#### 23 Declarations of Interest

Councillor Lee Dillon declared a personal interest during discussion of Agenda Item 8 (PPP Service Update) by virtue of the fact that he was an employee of Sovereign Network Group with responsibility for housing management. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate.

#### 24 Notice of Public Speaking and Questions

No public questions were received.

**25 Forward Plan**

Members agreed to add an item 'Young People and Vaping' to the Forward Plan.

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

**26 Air Quality Status Reports 2023 (JPPC4278)**

The Committee considered the report (Agenda Item 7) which informed Members of the submission and results of the annual air quality reports for Bracknell Forest Council (BFC) and West Berkshire Council (WBC). These reports were for the monitoring data and action plan progress for the calendar year 2022.

The report also informed the Committee that the annual air quality report for Wokingham Borough Council had been submitted. The results had been received and passed to Wokingham Borough in accordance with the shared service arrangements effective from 1 April 2022.

Suzanne McLaughlin explained that work and monitoring took place on an ongoing basis. This showed improvements across the three local authority areas.

Councillor Guy Gillbe queried progress with the action plan for Crowthorne and the challenges being faced in trying to improve air quality in that area.

Suzanne McLaughlin clarified that the action plan covered all Bracknell Forest. The progress being made was captured within the status report. The data showed traffic levels as the primary cause of air pollution. Actions were being progressed with colleagues in both local authorities as part of Local Transport Plans. These included active travel, transport planning and work with Public Health.

Councillor Phil Barnett welcomed the improvements being made. He queried if certain vehicles exacerbated the situation. Suzanne McLaughlin advised that the vehicle mix was a consideration, i.e. HGVs or LGVs. Data was not collected on whether a vehicle was diesel, petrol or electric. Councillor Barnett felt this could be a point for officers to consider in future.

**RESOLVED that:**

- The contents of the Air Quality Annual Status Reports for BFC and WBC be noted.
- The feedback on the reports from the Department of Environment, Food and Rural Affairs (DEFRA) be noted.
- Consultation would take place for the potential revocation of the BFC Bracknell Air Quality Management Area (AQMA) and WBC Newbury and Thatcham AQMAs in accordance with the recommendations from DEFRA.
- Progress made on the measures to improve air quality set out in each report be noted.
- The ongoing and planned future measures to improve air quality set out in each report be approved.
- It be noted that the Air Quality Status Report produced by the Public Protection Partnership on behalf of Wokingham Borough Council had been submitted to DEFRA, feedback had been received, and both had been passed to the authority for processing under their governance arrangements.

**27 Public Protection Partnership Service Update and Q2 Report for 2023/24 (JPPC4275)**

The Committee considered the report (Agenda Item 8) which informed Members of the performance of the Public Protection Partnership, in line with the operating model and

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business plan, during the second quarter of 2023/24. The Committee worked through the different sections of the report.

**Finances and Resources** – Sean Murphy explained that while there was an underlying underspend of approximately £200k this was being deployed to help offset in-year pressures faced by both Councils.

As at the 30 November 2023, the Service was reporting a zero outturn which included the management of an estimated £80k shortfall in income. Mitigation measures included the management of vacancies and reduced spend on agency staff.

**Customer Satisfaction Rates** – the majority of respondents to customer satisfaction surveys gave positive feedback. This was in line with previous reports. Efforts were ongoing to increase the number of responses.

Officers were busy responding to Freedom of Information requests with 89 requests received during Q2.

Only a small number of complaints (three) had been received. They had all been responded to. Moira Fraser explained that lessons had been learned and actions taken as a result. Councillor Lee Dillon asked that this information be shared.

Officers agreed that customer satisfaction data would be provided at a local authority level.

**Human Resources** – recruitment difficulties continued, this was the case across many local authorities and created some competition for staff. However, 1.5 FTE Licensing Officers had been appointed. Further recruitment was planned.

It was also the case that some officers had left the authority, in one case to a another Berkshire Council.

The approach of investing in apprentices continued. Four level 4 apprentices were expected to qualify in the near future.

**ICT** – Members asked to receive a detailed paper on progress with implementing the single system database including information on costs and whether the business case should be reviewed. This would be provided.

**Property and Assets** – a relatively minor capital receipt had been received from the disposal of one animal warden van.

**Operational delivery – Measures of Volume** – this data was set out in Appendix A.

**Communication, Consultation and Engagement** – the Lead Communication Officer had left the service. While communications activity had fallen behind as a result, officers had worked hard to bring this back on track with press releases, articles etc being published.

The report also noted that officers had attended water safety partnership events.

**Community and Trading Standards** – a high volume of investigative work had been undertaken. This included investigations into non-compliant vape products resulting in seizures being made, scams, noise nuisance complaints, as well as working with Thames Valley Police on a child sexual exploitation operation.

**Commercial (Food Safety and Health & Safety)** – a number of service requests had been received for both areas. This was alongside officers working to catch up on low risk inspections that had fallen behind since Covid. Rosalynd Gater explained that cost of living pressures were impacting on businesses and this was resulting in more action needing to be taken following some, generally low risk, inspections.

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**Licensing (including applications and Licensing Governance)** – several matters in relation to taxis had been resolved as explained in the report. Fees and charges were going through consultation.

Licensing hearings were taking place in West Berkshire and one was due to be held in Bracknell Forest.

**Environmental Health Housing** – residents were seeking help with resolving issues with their landlords. Particular issues needing to be resolved in the winter months were damp and mould.

Work was ongoing in relation to Houses of Multiple Occupancy (HMOs). Officers had secured evidence against the operation of an HMO.

The annual caravan site inspection programme had started. There had been a growth in enforcement work in this area to ensure that repairs were taking place. Cost of living pressures were in some cases impacting on work being done.

Councillor Lee Dillon declared a personal interest at this point by virtue of the fact that he worked for Sovereign National Group.

He then asked for a breakdown of the information relating to instances of damp and mould, including the landlords concerned. Sean Murphy explained that officers were working closely with social landlords in order to make progress on this matter.

**Environmental Quality** – noise monitoring activity had taken place. Officers had attended two West Berkshire planning committees to provide specific noise and contaminated land advice.

Officers had served two Private Water Supply Notices due to the presence of E Coli. These were generally provided with a Boil Water Notice. Notices would also be provided to the Drinking Water Inspectorate.

Councillor Iskandar Jefferies queried the process followed post the issuing of a water supply notice. Suzanne McLaughlin advised that the manager of the water supply would be required to resolve the issue. It was often the case that water cleaning was not maintained.

**Emerging issues – dog kennelling provision** – kennelling for larger dogs was an issue within many areas including Berkshire. Local authorities had a duty to take ownership of stray dogs for up to seven days whilst looking to reunite them with their owners or potentially looking to rehome dogs. Solutions to this issue were being worked on.

Regular kennel providers had ceased to take in aggressive dogs, larger dogs, or dogs of a certain breed, i.e. XL bullies. Registration requirements for XL bullies were expected to be confirmed shortly and this would be the subject of a press release.

Councillor Dillon queried if local authorities were required to kennel banned dogs for a period of seven days. Sean Murphy agreed to provide a fuller response, but advised that efforts would still be made to trace the owner in the first instance.

Councillor Woollaston queried whether charities, i.e. RSPCA, could assist. Sean Murphy explained that the service did work with charities for rehoming.

Councillor Jefferies queried if there was a cross Berkshire kennelling arrangement and Sean advised that each unitary authority had its own individual arrangement but a shared model was being explored.

**Governance** – discussions were ongoing with Wokingham about ways to involve Wokingham Members more in aspects of the services shared with Bracknell Forest and West Berkshire. Councillor Ian Shenton and Narinder Brar were in attendance at this meeting from Wokingham and were welcomed by the Committee.

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**Investigations and Case Management** – the Case Management Unit continued to be busy working on cases and providing advice across the PPP and also to partner organisations. The Investigations Team had 15 ongoing investigations involving a significant number of suspects. Cases were due to go to trial in 2024.

Recent case examples were provided in the report, in some cases these resulted in custodial sentences for the offenders.

Committee Members thanked officers for all their hard work and for the provision of this comprehensive report.

### **RESOLVED to note:**

- The 2023/24 Q2 performance for the Public Protection Service.
- The Service Update since the last meeting.

## **28 Budget 2024/25**

The Committee considered the report (Agenda Item 9) which updated Members on the proposals to deliver a balanced budget for 2024/25 with respect to the shared Public Protection Service.

Sean Murphy advised of two significant pressures – a salary pressure of £291k and an income pressure of £98k.

The salary pressure was as a result of Wokingham's decision to leave the PPP in March 2022. It was proposed that £271k of this pressure would be met by deleting vacant posts. The remaining £20k would be delivered by managing vacancies in year.

The income deficit had reduced slightly and conversations were ongoing across the PPP on meeting the funding gap. This could result in a cut to operational capacity and the implications of this would be carefully considered. The focus would remain on the provision of the highest priority areas. The Committee would be kept up to date on progress.

Councillor Nick Allen queried the reasons behind the income deficit and asked whether statutory fees could be increased. Sean Murphy explained that there had been a loss of licence holders during Covid and they had not returned.

Discussions had been held on fees and charges at Licensing Committees and it had been agreed that the Government would be lobbied on a potential increase in fees that had not seen an increase for many years.

Councillor Lee Dillon felt it would be appropriate for an increase in fees and pointed out that planning fees had seen an increase.

### **RESOLVED that:**

- The budget position of each partner Council be noted.
- The proposals set out in this report to deliver a balanced budget, including impacts and associated risks, be noted.
- Any further budget representations to the partner Councils had been considered.

## **29 Briefing on Martyn's Law (Protect Duty)**

The Committee considered the report (Agenda Item 10) which provided Members with an update on the progress being made with the Terrorism (Protection of Premises) Bill as was requested at the October Committee meeting.

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One of the recommendations of the Inquiry into the Manchester Arena bombing in 2017 was the introduction of a 'Protect Duty' on those responsible for publicly accessible venues and events to take steps to reduce the risk to the public from terrorist attack.

Rosalynd Gater explained that enforcement responsibility was yet to be confirmed, but this could fall to the Environmental Health Team.

Councillor Phil Barnett noted that action was already being taken in some areas. However, he voiced concern at the resource implications this could have on local authorities and therefore cost.

Councillor Howard Woollaston queried the size of the issue, the number of venues/events to which this could apply etc. Rosalynd Gater explained that this was unconfirmed but had the potential to be very broad. The draft Bill indicated that this would apply to premises with a capacity in excess of 100 people.

Councillor Iskandar Jefferies highlighted the need for a robust risk assessment process on which to identify which events met the criteria for the Bill.

Moira Fraser explained that a Safety Liaison Group had been formed with Emergency Planning colleagues. This included work on risk assessments/templates to be used by event organisers.

Members would be kept informed on this matter.

*(The meeting commenced at 7.00pm and closed at 8.25pm)*

**CHAIRMAN** .....

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