

## Notice of Meeting

# Joint Public Protection Committee

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

**Monday 11 December 2023 at 7.00pm**

Venue: Bracknell Forest Council, Time Square, Market Street,  
Bracknell, RG12 1JD

**To:** Councillors Lee Dillon (Chairman) (West Berkshire Council), Kandy Jefferies (Vice-Chairman) (Bracknell Forest Council), Nick Allen (Bracknell Forest Council), Phil Barnett (West Berkshire Council), Guy Gillbe (Bracknell Forest Council) and Howard Woollaston (West Berkshire Council)

<b>Part I</b>	<b>Page No.</b>
1 <b>Apologies</b> To receive any apologies for absence.	1 - 2
2 <b>Minutes</b> To approve as a correct record the Minutes of the meeting of this Committee held on 2 October 2023.	3 - 10
3 <b>Outstanding actions from previous meetings</b> To consider any outstanding matters from previous meetings.	11 - 12
4 <b>Declarations of Interest</b> 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.	13 - 14

**Public Protection Partnership Agenda - Monday, 11 December 2023** *(continued)*

- 5 **Notice of Public Speaking and Questions** 15 - 16  
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** 17 - 20  
To detail future items that the Committee will be considering.
- 7 **Air Quality Status Reports 2023 (JPPC4278)** 21 - 100  
To inform the Joint Public Protection Committee (JPPC) of the submission and results of the annual air quality reports for Bracknell Forest (BFC) and West Berkshire Councils (WBC) and to note that the annual air quality report for Wokingham Borough Council has also been submitted and the results received and passed on to them.
- 8 **Public Protection Partnership Service Update and Q2 Report for 2023/24 (JPPC4275)** 101 - 134  
To inform the Committee of the performance of the Public Protection Partnership in line with the operating model and business plan and provide an update setting out performance during the second quarter of 2023/24.
- 9 **Budget 2024/25** 135 - 142  
To set out what mitigation measures will be applied to manage the budget deficit.

## Item for Information

- 10 **Briefing on Martyn's Law (Protect Duty)** 143 - 146  
To provide Members with an update on progress being made with the Terrorism (Protection of Premises) Bill) as was requested at the October Committee meeting.

### Contact Officer:

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

**Email:** [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk) **Tel:** 01635 519462



JPPC – 11 December 2023

## **Item 1 – Apologies for absence**

Verbal Item

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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 2 OCTOBER 2023 COUNCIL CHAMBER COUNCIL OFFICES MARKET STREET NEWBURY

**Present:** Lee Dillon (Chairman), Kandy Jefferies (Vice-Chairman), Nick Allen and Phil Barnett

**Also Present:** Rosalynd Gater (Team Manager - Commercial), George Lawrence (Residential Team Leader), Sean Murphy (Public Protection Manager), Clare Lawrence (Executive Director - Place), Alison Beynon (Solicitor), Moira Fraser (Public Protection Partnership), Damian James (Bracknell Forest Council) and Stephen Chard (Democratic Services Manager)

**Apologies for absence:** Councillor Guy Gillbe and Councillor Howard Woollaston

#### PART I

#### 12 Minutes

The Minutes of the meeting held on 12 June 2023 were agreed as a true and accurate record and signed by the Chairman.

#### 13 Outstanding Actions from Previous Meetings

**Item 1 – Water Safety Cabinets and Defibrillators** – West Berkshire Members were being encouraged to submit Member bids for Capital Programme funding for additional defibrillators at the location of the three water safety cabinets.

Officers in Bracknell Forest were looking at potential locations for cabinets and defibrillators.

**Item 2 – Regulation of Investigatory Powers** – a presentation had been given on this matter to West Berkshire Members and would take place for Bracknell Forest's Members in due course. Work had commenced in looking at the powers held by the Public Protection Partnership (PPP).

**Item 3 – PPP Priorities** – the priority setting process for the PPP would be discussed by the Committee at its December meeting. This would include priorities in response to the recently enacted Hunting Trophies (Import Prohibition) Bill. (*post meeting note: this item would be delayed until March 2024 when the budget position had been finalised*).

**Item 4 – Website information on Houses of Multiple Occupancy** – this information had been updated and the action was therefore closed. This information concerned the rules related to HMOs rather than specifics such as the number of registered HMOs.

**Item 5 – Customer satisfaction data** – it was not possible to split this data due to the low number of responses to satisfaction surveys received during Q1. However, it was hoped that this could be achieved by year-end. Efforts would be made to increase the response rate to future surveys.

## 14 **Declarations of Interest**

Councillor Lee Dillon declared a personal interest in Agenda Item 10 (fees and charges) by virtue of the fact that his father was a majority stakeholder of a public house in West Berkshire and pubs had to pay a statutory fee. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate.

Councillor Dillon also declared a personal interest during discussion of Agenda Item 7 (PPP Service Update) by virtue of the fact that he was an employee of Sovereign Network Group with responsibility for housing management.

## 15 **Notice of Public Speaking and Questions**

No public questions were received.

## 16 **Forward Plan**

Councillor Lee Dillon encouraged Members to come forward with suggestions for additions to the Forward Plan in order to take the Committee's work beyond the standard items and areas for review.

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

## 17 **Public Protection Partnership Service Update and Q1 Report for 2023/24 (JPPC4251)**

The Committee considered the report (Agenda Item 7) which informed Members of the performance of the Public Protection Partnership (PPP) in line with the operating model and business plan. The report provided an update on the PPP's performance for the first quarter of 2023/24. The Committee worked through the different sections of the report.

**Constitutional and Policy Position** – Councillor Lee Dillon was pleased to note that the Inter-Authority Agreement and the Committee's Terms of Reference had been updated to allow attendance from opposition Members. Councillors Nick Allen and Howard Woollaston were welcomed to the Committee.

**Finances and Resources** – Sean Murphy advised that the latest forecast for 2023/24 was an underspend of £230k. He explained that the underspend had been created deliberately by holding vacant posts, the reduced use of agency staff, from the 2022/23 carry forward and after taking payments from Wokingham Borough Council into account. The income shortfall, which had stabilised, was approximately £98k and this figure was already captured within the underspend.

This underspend would not be carried forward. Instead, the sum would be used to assist with the financial pressures being felt by both Bracknell Forest Council and West Berkshire Council. A zero outturn was therefore being forecast.

Councillor Phil Barnett stated that the underspend was welcome, but wanted to ensure that the PPP's legal obligations were being adhered to and its statutory functions carried out, particularly when considering the vacant posts.

Sean Murphy assured Members that these requirements remained at the forefront of officers' minds during budget discussions and in discussions with Portfolio Holders. The necessary expenditure continued on core areas of activity. This included the employment of casual, rather than agency, staff to help ensure that statutory obligations were fulfilled. This included food inspections, housing and licensing work.

Councillor Allen voiced concern that budget pressures could be felt by the PPP in 2024/25 without any carry forward of funds. Sean Murphy advised that work was ongoing

## JOINT PUBLIC PROTECTION COMMITTEE - 2 OCTOBER 2023 - MINUTES

to find more permanent solutions to budget pressures. It was noted that the most significant impact on the budget had come from Wokingham withdrawing from the PPP. There was also the ongoing pressure that dated back to the loss of income as a result of Covid-19.

**Customer Satisfaction Rates** – it was pleasing to note that during Q1, 87% of survey respondents were satisfied with the service they had received. The target had recently increased from 75% to 80%. Councillor Dillon gave thanks to officers for this high area of performance.

Councillor Dillon noted the increase in enquiries from Councillors and local MPs (40 were received in Q1) and queried if the majority of these came from newly elected Councillors. Moira Fraser stated that enquiries came from new and existing Members and explained that the high number of enquiries had continued (37 in Q2). Sean Murphy added that many of these related to private sector housing issues.

**Human Resources** – Sean Murphy reported that recruitment difficulties continued, most particularly recruitment of qualified officers. There had however been some recent success which included recruiting 2.6 FTE Licensing Officers. This recruitment was being finalised. This had reduced the reliance on agency staff and provided a firm foundation on which to move forward. There had also been recruitment of a qualified Trading Standards Officer.

Sean Murphy then made reference to the target set by the Committee for the PPP to develop its own staff and the progress that had been made. Three staff members had enrolled on a level six apprenticeship and it was hoped they would soon qualify as Trading Standards and Environmental Health Officers. A further four members of staff were undertaking level four (entry level qualification). Two officers were enrolled on masters courses. The progress being made meant the Service was well placed for the future.

Councillor Dillon congratulated the officers concerned.

In response to a query from Councillor Barnett, Sean Murphy confirmed that bespoke personal safety training sessions had been arranged. Personal safety and potential risks to staff were regularly reviewed, and appropriate training held.

Members queried if any of this training pertained to Martyr's Law. Officers explained that the Bill was still making its way through the parliamentary system and it was not as yet clear where responsibilities would lie. Once this became clearer staff training would be undertaken. Members agreed that an item be added to the Forward Plan to consider the Bill's progress.

**ICT** – in response to a question from Councillor Allen, Damian James confirmed that the single system being referred to had proved challenging for some time. Officers had been working very hard to resolve the complex issues caused by the move from three systems to one. However, while some 'tweaks' remained to be resolved the system had been running since December 2022 and was in use on a daily basis.

**Property** – PPP officers would be contributing to the forthcoming review of the use of the West Berkshire estate.

**Operational Delivery – Measures of Volume** – update noted.

**Communication and Engagement** – Moira Fraser highlighted the work of officers in schools and in running water safety events during the summer.

**Community and Trading Standards (including Customer Services)** – update noted.

**Commercial (Food Safety and Health & Safety)** – it was noted that the food hygiene inspection programme was seriously affected by Covid-19. This was due to both

## JOINT PUBLIC PROTECTION COMMITTEE - 2 OCTOBER 2023 - MINUTES

premises being closed and because officers were engaged in Covid related activity. However, progress was being made with the inspection regime of high risk premises.

Rosalynd Gater advised that there was a focus on ensuring that outstanding inspections were undertaken. These were for lower risk premises. Officers were finding that the level of compliance in some premises had reduced. It was felt that this was due to the impact of Covid and cost of living pressures. Rosalynd confirmed that officers were taking formal action where needed.

Councillor Dillon queried if there had been an increase in home cooked food in the delivery market and if these premises were inspected. Rosalynd explained that a number began operating and registering during Covid. While the growth in number had stabilised, some were still open and operating via food delivery companies. Rosalynd confirmed that they needed to be registered.

In response to a question from Councillor Jefferies, Rosalynd Gater explained that some unregistered operators had been identified. In such cases, the premises was inspected, the operator registered and any other necessary action taken.

Rosalynd agreed to provide information to Councillor Barnett on a specific case referenced in the report.

**Licensing** – the data transfer for Licensing information was substantial but good progress was being made.

As detailed in the report a number of consultation exercises had taken place across the service. The next consultation would concern fees and charges.

**Private Sector Housing** – Councillor Dillon queried if inspections in this area covered the nature of tenancy agreements as well as the physical condition of a site. Rosalynd confirmed this was the case.

Cost of living pressures were being felt in this area, particularly by smaller landlords who were finding it difficult to carry out maintenance work in the face of rising costs. A particular area of focus in the coming colder months would be on damp and mould, alongside heating costs.

Overcrowding of homes was an issue in some cases. However, it was difficult to take action as there was the risk of tenants becoming homeless.

Councillor Dillon asked whether 'Private Sector Housing' was the most appropriate term. Rosalynd acknowledged that reference was often made to Environmental Health Housing issues for both private and social rent. It was agreed that the wording would be amended on future iterations of the report.

**Environmental Quality** – update noted.

**Case Management** – update noted. Councillor Barnett was pleased to note that action was being taken where necessary. He felt it was important to show that untoward activity would not be permitted.

Councillor Dillon thanked officers for their comprehensive report.

**RESOLVED that:**

- The 2023/24 Q1 performance and the service update be noted.
- An item would be added to the Forward Plan to consider impacts of Martyn's Law once it was embedded.

## 18 **PPPs Approach to Age Restricted Products (JPPC4366)**

The Committee considered the updated Enforcement Approach to Age Restricted Products Policy 2023-2025 (Agenda Item 8).

George Lawrence explained that the approach had been brought up to date and the policy revised following legislative changes. The revised policy took account of age restricted products including vapes, botox fillers and Nitrous Oxide, as well as alcohol and tobacco. There were statutory duties attached to some products.

The report outlined the enforcement work undertaken with retailers and other agencies to help support communities. This included increased engagement with public health teams.

Sean Murphy made the point that this area of work linked with many Council priorities with linkages to Public Health and Community Safety.

In response to a query from Councillor Lee Dillon on how online test purchasing was conducted and targeted for vape products, George Lawrence explained that an intelligence led approach was followed with information collated, which included from national partners. The Service had recently secured funding for market surveillance work and this would help to identify a list of providers to focus upon.

**RESOLVED** that the revised Enforcement Approach to Age Restricted Products Policy 2023-2025 be adopted.

## 19 **Tackling Fraud and Unfair Trading**

The Committee considered a report (Agenda Item 9) which provided an update on the work of the Public Protection Service in tackling fraud and financial abuse.

Sean Murphy provided a summary of the strategy being used to help tackle this high profile issue which was a rising point of concern. This type of crime could often take place in a person's home, via the internet or on receipt of mail scams.

The Service was responding by widening community engagement with residents and ongoing communication. Officers did seek to advocate on behalf of victims and a Fraud Victim Support Officer was employed within the Service. The significant impact of such crimes on victims was noted.

Local authorities played the main role in investigating reports of unfair trading, but Thames Valley Police had also formed a small team that worked with local authorities. A national support mechanism was in place that supported work across local authority boundaries. Bids could be made to help fund investigations. A team of specialist officers was in place within the Service to investigate larger scale fraud.

Alison Beynon advised that scams were becoming increasingly complex and crimes were often linked to money laundering. A higher number of victims had been identified and this was a result of improved intelligence gathering. Officer resource was available to undertake financial investigations, but this was limited as pulling together evidence for cases was a significant task. Alison also advised that unfortunately there was a delay in getting cases through the courts.

Councillor Kandy Jefferies highlighted the importance of education and preventative work. He particularly highlighted young people being targeted online and queried awareness raising in schools, and what was being done to support the elderly who could be a victim of phone scams. It was good practice to hang up on a caller if in doubt and agree to call back (after verifying the firm's official phone number). Councillor Jefferies also encouraged people to come forward and report incidents.

Sean Murphy agreed these were very important points and it was hoped that engagement work could be expanded as prevention was clearly preferable and less

## JOINT PUBLIC PROTECTION COMMITTEE - 2 OCTOBER 2023 - MINUTES

costly than conducting an investigation. Awareness raising was key as was support for more vulnerable residents who were often targeted by the criminals. Support often came from family and friends.

George Lawrence explained that awareness raising did take place within schools, via a podcast and with Thames Valley Police. While it was resource intensive, this work did help to achieve savings at a later stage. Performance standards were in place to achieve good levels of engagement.

Sean Murphy added that the Service actively sought grant funding to help support its work, including engagement. It was important to get as much information as possible into the public domain in order to keep residents informed. Sean confirmed that regular updates would be brought to the Committee and the feedback from Members would be taken on board.

### RESOLVED that:

- The actions taken by the Service to mitigate the impacts of fraud and financial abuse on businesses and residents were noted.
- The Committee would receive an annual report on service delivery appertaining to this important area of work.

## 20 Revenue Budget 2024/25 including Proposed Fees and Charges Schedule (JPPC4252)

The Committee considered the report (Agenda Item 10) which set out the Public Protection Partnership's (PPP) draft revenue budget for 2024/25, including discretionary fees and charges.

The report sought approval of the draft budget and the draft fees and charges schedule prior to submission to Bracknell Forest and West Berkshire Councils as part of their budget setting process in accordance with the Inter-Authority Agreement (IAA).

The report also sought agreement of the figure for the basis of the recharge to Wokingham Borough Council with respect to the services they bought into.

Sean Murphy explained that a number of pressures had developed in the last couple of years. He particularly highlighted Wokingham's departure from the PPP, although this was partially offset by a degree of buy back, and a loss of income. These amounted to pressures of £291k and £98k respectively in 2024/25. It was hoped that the income pressure could be reduced moving into next year.

Preparation work had been undertaken to try and meet pressures. For example, holding posts vacant where this was possible.

The table provided below outlined the proposed revenue budget for 2024/25 inclusive of pressures (from paragraph 5.23 of the report):

		A	B	C	D
Authority	%Split	Base Budget 2024/25	Wokingham Salary Pressure	Investment Bid Income Pressure	Total Budget 2024/25
Bracknell Forest	39.25%	£1,233,603	£114,217	£40,000	£1,387,820
West Berkshire	60.75%	£1,909,327	£176,783	£58,000	£2,144,110
Wokingham	-	£515,990	-	-	£515,990
<b>Total Budget 2024/25</b>	100.00%	£3,658,920	£291,000	£98,000	£4,047,920

**JOINT PUBLIC PROTECTION COMMITTEE - 2 OCTOBER 2023 - MINUTES**

Endorsement was sought of the base budget column. If endorsed, officers would look to bridge the shortfall before submitting a proposed budget to the councils. Councillor Dillon requested an update on this at the December meeting.

In response to a query from Councillor Nick Allen, Sean Murphy explained that while Wokingham left the Service in 2022, they had rejoined via a new shared service agreement for some areas. A contribution from Wokingham was therefore included in the budget.

Turning to fees and charges, Sean Murphy advised that an inflationary rise of 6.7% had been applied to discretionary fees. A consultation exercise would follow on statutory fees alongside wider consultation by the local authorities.

Councillor Kandy Jefferies understood that statutory fees had not been raised since 2011. Damian James confirmed that these were mandatory fees which were well behind inflation. He felt that an increase in the fees was something the Committee could lobby the Government on.

Councillor Jefferies proposed this lobbying action be taken. This was seconded by Councillor Dillon and agreed by the Committee.

Clare Lawrence agreed this action would be undertaken but added that she would also raise this as a potential action in conjunction with the other Berkshire unitaries. Councillor Dillon would do so via the Berkshire Leaders Group.

Moira Fraser confirmed that the amendments made to the reissued fees and charges document were relatively minor. One was to correctly include a formula and the other related to fees for hairdressers.

**RESOLVED that:**

- The draft revenue budget, including the fees and charges, had been considered.
- The contributions set out in column three of the table at 5.23 be recommended to partner Councils to form the basis of the 2024/25 net revenue budget contributions.
- The pressures set out in columns four and five in the table at 5.23 be noted.
- The fees and charges set out in Appendix A be approved for consultation.
- The contribution request from Wokingham Borough Council be approved as set out in column three of 5.23.
- The policy position in relation to monies received under the Asset Recovery Incentivisation Scheme (approved by the JPPC on 14 March 2017) would remain the policy to be applied to spend/allocate any monies received under the scheme.

*(The meeting commenced at 7.00pm and closed at 8.10pm)*

**CHAIRMAN** .....

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





## Joint Public Protection Committee Actions Arising from Previous Meetings

Ref	Meeting Item	Action	Officer	Update
1.	14 March 2022 <b>West Berkshire Water Safety Partnership Annual report 2021/22</b>	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 could be provided at locations where we have water safety cabinets.</p> <p>This will continue to be reviewed.</p> <p>Ward Members to be approached about the potential use of the Member's bid process to fund Defibs at the location of the three water safety cabinets.</p>
2.	26 January 2023 <b>Regulation of Investigatory Powers</b>	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.
3.	13 March 2023 <b>Public Protection Partnership Priorities 2021 to 2023 – Refresh</b>	Sean Murphy to consider the implications, if any, for the PPP resulting from the enactment of the <a href="#">Hunting Trophies (Import Prohibition) Bill</a> and update the Committee.	SM	The impact of the enactment of the legislation to be covered off in the priorities setting process for the Service.

Ref	Meeting Item	Action	Officer	Update
4.	02 October 2023 <b>Public Protection Partnership Service Update and Q1 Performance Report</b>	Rosalynd Gater to provide Councillor Phil Barnett with some background information on the case of possible infectious disease link to imported meat.	RG	Information sent to Councillor Barnett on 17 October 2023
5.	02 October 2023 <b>Public Protection Partnership Service Update and Q1 Performance Report</b>	Members requested that, to avoid confusion, going forward the section currently titled Private Sector Housing be renamed: 'Environment Health Housing'	MF	Updated in the Q2 report
6.	02 October 2023 <b>Revenue Budget 2024/25 Including Proposed Fees and Charges Schedule</b>	Clare Lawrence would speak with the Berkshire Group of Officers to lobby government to uplift the statutory fees.  Councillor Lee Dillon would do the same at Berkshire Leaders,  Officers would draft a letter to be sent on behalf of the Licensing Chairs to central government about increasing the statutory fees	CL  LD  JOB/ SM	

JPPC – 11 December 2023

## **Item 4 – Declarations of Interest**

Verbal Item

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JPPC – 11 December 2023

## **Item 5 – Public Speaking and Questions**

Verbal Item

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## JPPC Forward Plan March 2024 to March 2025

No.	Ref No	Item	Purpose	Lead Officer	Comments
<b>JPPC 11 March 2024 – WBC</b>					
1.	JPPC4333	Public Protection Partnership Q3 2023/24 Performance Report	To consider the Quarter 3 Update and Performance Report.	Sean Murphy/ Moira Fraser	
2.	JPPC4334	Public Protection Partnership Priorities and Delivery Plan Update 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	
3.	JPPC4335	Water Safety Partnership	To provide an annual update of the work of the Partnership.	Jon Winstanley	
4.		Nuisance Policy	To adopt a policy.	Suzanne McLaughlin	
5.	JPPC4368	Service Plan 2024/25 and Delivery Plan	To identify the relevant details of the Inter Authority Agreement (IAA) and sets out how the PPP intends to operate through the delivery of the Service Plan	Sean Murphy & Strategic Mgrs	
6.	C4273	Hackney Carriage and Private Hire Licensing Policy	To consider any comments received on the revised draft policy during the initial consultation and amendments needed to the policy.	Julia O' Brien	
<b>JPPC 10 June 2024 – BFC (date TBC)</b>					
7.	JPPC4369	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, if necessary.	Verbal Item	
8.	JPPC4370	JPPC Terms of Reference	To note the terms of reference of the Committee.	Moira Fraser	
9.	JPPC4371	Public Protection Partnership Q4 2023/24 Performance Report	To consider the Quarter 4 Update and Performance Report.	Sean Murphy/ Moira Fraser	

No.	Ref No	Item	Purpose	Lead Officer	Comments
10.	JPPC4372	PPP Strategic Assessment 2024 - 2027	To review and where appropriate update the existing document.	George Lawrence	
<b>JPPC 07 October 2024 – WBC (Date TBC)</b>					
11.		Public Protection Partnership Q1 2024/25 Performance Report	To consider the Quarter 1 Update and Performance Report.	Moira Fraser	
12.		Revenue Budget 2025/26 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	
13.		Tackling Fraud and Unfair Trading	To provide the Committee with an update on the work of the Public Protection Service in tackling fraud and financial abuse.	Alison Beynon/ Theresa Bashford	
<b>JPPC 16 December 2024 – BFC (Date TBC)</b>					
14.		Public Protection Partnership Q2 2024/25 Performance Report	To consider the Quarter 2 Update and Performance Report.	Sean Murphy/Moira Fraser	
15.		Air Quality Status Reports	To set out the response received from DEFRA	Suzanne McLaughlin	
<b>JPPC 10 March 2025 – WBC (Date TBC)</b>					
16.		Public Protection Partnership Q3 2024/25 Performance Report	To consider the Quarter 3 Update and Performance Report.	Sean Murphy/ Moira Fraser	
17.		Water Safety Partnership	To provide an annual update of the work of the Partnership.	Jon Winstanley	



No.	Ref No	Item	Purpose	Lead Officer	Comments
18.		Service Plan 2025/26	To identify the relevant details of the Inter Authority Agreement (IAA) and sets out how the PPP intends to operate through the delivery of the Service Plan	Sean Murphy & Strategic Mgrs	

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## Air Quality Status Reports 2023

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<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	11 December 2023
<b>Chair of Committee:</b>	Councillor Lee Dillon
<b>Date JMB agreed report:</b>	20 November 2023
<b>Report Author:</b>	Suzanne McLaughlin
<b>Forward Plan Ref:</b>	JPPC4278

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### 1. Purpose of the Report

- 1.1 To inform the Joint Public Protection Committee (JPPC) of the submission and results of the annual air quality reports for Bracknell Forest (BFC) and West Berkshire Councils (WBC). These reports are for the monitoring data and action plan progress for the calendar year 2022.
- 1.2 To inform the JPPC that the annual air quality report for Wokingham Borough Council has also been submitted and the results received and passed on to Wokingham Borough Council in accordance with the shared service arrangements effective from the 1<sup>st</sup> April 2022.

### 2. Recommendations

That the Committee:

- 2.1 **NOTES** the contents of the two Air Quality Annual Status Reports as set out in [Appendix A for Bracknell Forest Council](#) and [Appendix C for West Berkshire Council](#).
- 2.2 **NOTES** the feedback from the Department of Environment, Food and Rural Affairs (DEFRA) on the reports as set out in Appendix B for Bracknell Forest Council (BFC) and Appendix D West Berkshire Council (WBC).
- 2.3 **APPROVES** that consultation for the potential revocation of the BFC Bracknell Air Quality Management Area (AQMA) and WBC Newbury and Thatcham AQMAs be undertaken in accordance with the recommendations from DEFRA.
- 2.4 **NOTES** the progress on the measures to improve air quality set out in each report.
- 2.5 **APPROVES** the ongoing and planned future measures to improve air quality set in each report.
- 2.6 **NOTES** that the Air Quality Status Report produced by the Public Protection Partnership (PPP) on behalf of Wokingham Borough Council has been submitted to DEFRA, the feedback received, and both have been passed on to the authority for processing under their governance arrangements.

### 3. Implications and Impact Assessment:

Implication	Commentary
<b>Financial:</b>	<p>Work relating to Air Quality monitoring and reporting is funded from the general revenue budget allocated to the Public Protection Service. Several proposals in the action plans continue to require additional funding to implement whilst others are relatively low cost and are covered from PPP revenue budget.</p> <p>Grant funding from Defra has been available and PPP have applied annually. In addition, West Berkshire Council (on behalf of the Partnership) was awarded £259,406 in March 2021 by DEFRA to fund a project focused on behavioural change for the residents who drive in the three boroughs by launching an anti-idling campaign as well as PM<sub>2.5</sub> monitoring in / near the Air Quality Management Areas.</p>
<b>Human Resource:</b>	<p>Staff who undertake this work are a shared resource with Wokingham BC under the new IAA with Wokingham.</p> <p>One benefit of the shared service is the ability to have staff that specialise in areas such as this and the service is fortunate to have several officers with significant expertise in environmental matters generally and air quality specifically.</p> <p>The 2021/22 Grant from DEFRA has meant that the authority was able to appoint an Air Quality Officer on a fixed term contract until September 2023 to support the anti-idling campaign. The post holder left WBC in April 2023 and since then the work has been undertaken in PPP and recharged to the grant.</p>
<b>Legal:</b>	<p>Under the Local Air Quality Management (LAQM) system local authorities are legally required to assess air quality in their area and designate Air Quality Management Areas (AQMA) if improvements are necessary.</p> <p>Where an AQMA is designated, of which there are two in Bracknell Forest (Crowthorne and Downshire Way, Bracknell) and two in West Berkshire (Newbury A339 and Thatcham A4), local authorities are required to produce an Air Quality Action Plan (AQAP) describing the pollution reduction measures it will put in place. Where the pollutant levels no longer exceed the Objectives then the AQMA should be revoked. Where a Local Authority no longer has any AQMA then an Air Quality Strategy is to be produced. Where a Local Authority still has an AQMA these are to be regularly reviewed and must be revised no later than every five years.</p>
<b>Risk Management:</b>	<p>This is a legal requirement under the Environment Act 2005. Failure to comply with our statutory obligations could present the risk of challenge to the PPP partner authorities.</p>

<b>Property:</b>	There are no direct property implications arising from this report.			
<b>Policy:</b>	<p>The Inter-Authority Agreement (IAA) identified Environmental Protection as one of the five Strategic Priorities for the Joint Public Protection Committee.</p> <p>Under this heading the Committee in turn identified air quality as a priority for 2021/22. West Berkshire has declared a climate emergency. They have embedded Air Quality improvements into their Environment Strategy and Climate Emergency Action Plans.</p> <p>Bracknell Forest Council's Climate Change Strategy was completed and published in January 2021 and have a target of net carbon zero by 2050.</p>			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		No specific groups are affected by the contents of the proposals as there are no decisions being made. Air quality can be particularly harmful to the young, elderly, pregnant and those suffering ill health. Consideration to all these matters is given in this report and appendices and / or the national clean air strategy.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		No specific groups are affected by the contents of the proposals as there are no decisions being made. Air quality can be particularly harmful to the young, elderly, pregnant and those suffering ill health. Consideration to all these matters is given in this report and appendices and / or the national clean air strategy.
<b>Environmental Impact:</b>	x			<p>Under the Local Air Quality Management (LAQM) system local authorities are legally required to assess air quality in their area and designate Air Quality Management Areas (AQMA) if improvements are necessary.</p> <p>Where an AQMA is designated, local authorities are required to produce an Air Quality Action Plan (AQAP) describing the pollution reduction measures it will put in place.</p>

			These reports are therefore designed to have a positive impact on the environment.
<b>Health Impact:</b>	X		<p>The Air Quality Objectives have been put in place to protect people's health and the environment.</p> <p>Although there has been a reduction in air pollution since the 1970s, poor air quality is still the largest environmental risk to public health in the UK. It shortens lives and reduces quality of life, particularly amongst the most vulnerable, the young and old, and those living with health conditions.</p> <p>Ongoing monitoring and where appropriate the creation of action plans is designed to improve the quality of lives of our residents.</p>
<b>ICT or Digital Services Impact:</b>		X	<p>None</p> <p>The <a href="#">Air Quality Status Reports are published on the PPP website.</a></p>
<b>PPP Priorities:</b>	X		The Inter-Authority Agreement (IAA) identified Protecting and Improving Health as one of the five overarching themes with Environmental Protection one of the Strategic priorities for the Joint Public Protection Committee. Under this heading the Committee in turn identified improved air quality as a priority for 2021- 2024.
<b>Data Impact:</b>		X	None
<b>Consultation and Engagement:</b>	Each local authority within PPP is required to submit an Annual Status Report (ASR) to the Department for Environment, Food and Rural Affairs (DEFRA) each year and a template is provide.		
<b>Other Options Considered:</b>	None – The production of the reports is a statutory requirement.		

## 4. Executive Summary

- 4.1 Local authorities are required to submit an Annual Status Report (ASR) to the Department for Environment, Food and Rural Affairs (DEFRA) each year and a template is provided. The overall aim of this document is to report on progress in achieving reductions in concentrations of emissions relating to relevant pollutants below air quality objective levels. It is also where local authorities identify new or changing sources of emissions.

On completion, local authorities should submit their report to the Secretary of State (DEFRA) for consideration, who will provide comments back in a timely manner and to which the local authorities are expected to have regard.

The core requirements of the ASR:

- To report progress on the implementation of measures in the local air quality action plan and other measures and their impact in reducing concentrations below air quality objectives.
- To provide a summary of monitoring/modelling data (either locally retrieved and/or from the national network) to assess the air quality situation in the area and the likelihood of air quality breaches, and to provide the necessary evidence base for the impact of air quality measures.
- To report on significant new developments that might affect local air quality.
- To encourage joint working with other agencies, such as Public Health, and the Highway Authorities.
- To present information in a public-facing executive summary for the lay reader so that the local public can more easily engage with local air quality issues and measures taken to improve it.

4.2 Annually DEFRA set a deadline for submission and there are implications of late submission in respect of whether air quality grant bids will be favourably received. The Service has again completed and submitted the reports for all three authorities within the appropriate timescales.

4.3 The PPP understands the importance of DEFRA approving the reports as the data is used by third parties in planning applications, as well as in-house decisions by Highways and Transport Planning colleagues. In addition, the increased significance is recognised as identified actions are now intrinsically linked with Climate Emergency Plans and Environmental Strategies.

## 5. Report Submission

5.1 Air quality monitoring and improvement contributes to a number of principal priorities of the PPP, and continues to be identified as such in 2023-24 with synergies directly with climate change and environmental protection. In Summer 2019 all PPP local authorities made commitments with respect to climate change, and air quality continues to be regularly in the news, alongside, the cross cutting climate change theme.

5.2 Although Wokingham Borough Council has opted to withdraw from the Partnership the PPP continues to undertake air quality work for the local authority under a new agreement. The three Annual Status Reports were completed in-house by the deadline of the 30 June 2023. The reports were submitted as follows:

- Bracknell Forest            15th June 2023
- West Berkshire            15th June 2023
- Wokingham                15th June 2023

## 6. Impact of the Covid Pandemic and beyond on Air Quality

- 6.1 Members were previously informed that, as was to be expected, the Covid pandemic did have an impact on air quality due to reduced traffic movements. A management decision was taken during the various lockdowns and restrictions in 2020 and 2021 to continue monitoring air quality. The 2021 levels of nitrogen dioxide generally increased compared to 2020. This was due to the increase in traffic levels. However, the Nitrogen Dioxide levels were lower in both years when compared to 2019 with a significant reduction during the periods of the national lockdowns. In 2022 the levels showed a very minor increase.
- 6.2 The traffic flows for 2022 were still lower than the pre pandemic year 2019. By the end of 2022 the traffic levels were still below the comparable 2019 time period. Comparing 2019 and 2022 the monthly trends in traffic, the pattern is broadly the same. Of the four years 2019 to 2022, as expected, the pollution and traffic levels are the lowest in 2020.
- 6.3 A summary for each area can be found in the Executive Summary at the beginning of each report.

## 7. Bracknell Forest

- 7.1 There are two Air Quality Management Areas (AQMAs) declared across the Borough: AQMA "Area 1: The Bagshot Road (A322) Horse and Groom Roundabout Downshire Way AQMA" (Bracknell AQMA) and AQMA "Area 2: The Bracknell Road (B3348) and Crowthorne High Street, Crowthorne AQMA".
- 7.2 The major source of air quality pollutants in Bracknell Forest is emissions from road transport. In particular, the contribution from the A322 in Bracknell, the B3348/High Street and Sandhurst Road Crowthorne have been identified as significant. The main pollutant of concern is Nitrogen Dioxide (NO<sub>2</sub>) and to a lesser extent the increased levels of particulate matter.
- 7.3 The levels of Nitrogen Dioxide in 2022 have shown a decreasing trend since 2018. The annualised continuous monitored NO<sub>2</sub> Annual Mean in 2022 of 31.1 µg/m<sup>3</sup> at Downshire Way did not exceed the Air Quality Objective level of 40 µg/m<sup>3</sup>. This is a reduction from 36.6 µg/m<sup>3</sup> in 2018.
- 7.4 There were no exceedances of the 1- hour Objectives of 200 µg/m<sup>3</sup> (not to be exceeded 18 times / year) in 2022; this is a reduction from 4 in 2018.
- 7.5 There were no exceedances of the ratified, bias corrected, annualised and distance corrected diffusion tubes within the Bracknell and Crowthorne AQMAs. There were no locations greater than 60 µg/m<sup>3</sup> which further indicates that there are unlikely to be any exceedance of the 1-hour Objective. All the 2022 sites showed an increase from the 2021 data except for Firmount, Bracknell Road, Crowthorne. However, the levels have been reducing in the five years since 2018. The increase was expected in 2022 as there were no lockdowns and traffic levels have increased.
- 7.6 The Particulate Matter PM<sub>10</sub>, which is monitored in the Bracknell AQMA (when annualised) measured 18.5 µg/m<sup>3</sup> and did not exceed the Annual Mean Objective of 40 µg/m<sup>3</sup>. The results also showed no exceedances of the 24-hour Annual Mean Objective of 50µg/m<sup>3</sup>, which is not to be exceeded more than 35 times a year. In 2021



the annual mean concentration was 17.1  $\mu\text{g}/\text{m}^3$ , so the result is a very slight increase. The  $\text{PM}_{10}$  level demonstrates a decreasing trend since 2018 when the level was 19.0  $\mu\text{g}/\text{m}^3$ .

- 7.7 Bracknell Forest produced an Air Quality Action Plan in 2014, updated in 2016. The Plan outlines local measures to improve pollution levels within the AQMAs and more widely across the borough. The action plan is integrated with the delivery of the adopted Local Transport Plan (LTP) to improve local air quality and climate change, through joint working with the Council's Environmental Health, Transport Planning and Planning Divisions.

### **Actions to Improve Air Quality**

- 7.8 Smoothing the traffic flow and reducing journey times and major highway improvements along the A329/A322 corridor have resulted in a 38% reduction in 2022  $\text{NO}_2$  levels when compared to 2011. Works to reduce the bottleneck on Downshire Way have now been completed as have other works on the A322 roundabouts.
- 7.9 The speed humps along the High Street in Crowthorne have been upgraded and replaced with speed cushions to reduce stop start driving. As a result the  $\text{NO}_2$  levels have dropped from 41.7  $\mu\text{g}/\text{m}^3$  in 2011 to 20.1  $\mu\text{g}/\text{m}^3$  in 2022.

### **Commentary from DEFRA**

- 7.10 DEFRA have confirmed that the report 'is well structured, detailed and provides some information specified in the Guidance' and 'On the basis of the evidence provided by the local authority the conclusions reached are acceptable for all sources and pollutants.' They also noted that the comments from last year's ASR have been addressed and welcomed the robust and accurate QA/QC procedures were applied for the automatic station; that the trend in concentrations are clearly presented; maps of monitoring locations clear; and the report signed off by the Director of Public Health.
- 7.11 DEFRA noted a small number of annualization, formatting and presentational issues and inconsistencies with the data within the report and these have been rectified.
- 7.12 DEFRA noted that current Air Quality Action Plan was published in 2014 and reviewed in 2016, and welcome that BFC acknowledge that a review is due its periodic review. This work has commenced with PPP working with colleagues within BFC in Public Health, Transport Planning, Highways and Climate change teams.
- 7.13 There is justification to revoke the Bracknell AQMA as the data trend shows a decrease from 2018 at all the monitoring sites within the AQMA and the levels have remained 10% below the objective for 5 years, so it is considered that there is sufficient evidence the Nitrogen Dioxide Objective will be maintained in that area.
- 7.14 The Crowthorne AQMA is below the Air Quality Objective in 2019 but showed exceedances of 36  $\mu\text{g}/\text{m}^3$  in 2020 and 2021, as levels have not remained 10% below the objective for 5 years, so it is considered that further data is needed before this AQMA can be considered for revocation.

## 8. West Berkshire

- 8.1 There are two Air Quality Management Areas (AQMAs) declared across West Berkshire Council: One in Thatcham (on the A4) and one in Newbury (A339, St John's Roundabout)
- 8.2 The major source of air quality pollutants in West Berkshire are road transport and in particular the contribution from the A339 and A4. The main pollutant is NO<sub>2</sub> in Newbury and Thatcham and consequently, two AQMAs have been declared. The Newbury AQMA was declared for exceedances of both the one-hour and Annual Mean NO<sub>2</sub> Objectives. The Thatcham AQMA was declared for the Annual Mean NO<sub>2</sub> Objective.
- 8.3 The NO<sub>2</sub> levels in 2022 have showed a decrease on the pre pandemic levels since 2018 and only 15 of the 36 diffusion tube sites have increased since 2021, and none of the monitoring locations within West Berkshire exceeded the Annual Objective of 40µg/m<sup>3</sup>. The 1 Hourly Objective Nitrogen Dioxide was not exceeded in 2021 (permitted level of 18 exceedances of 200µg/m<sup>3</sup> per year).
- 8.4 The NO<sub>2</sub> levels within the two AQMA's have also shown a reduction over the past five years, and we therefore recommended to DEFRA that we revoke them both. The continuous monitor located in the Newbury AQMA showed that the Annual Mean NO<sub>2</sub> Objective was met, measuring 26.2µg/m<sup>3</sup> in 2022, which has decreased from 27.5µg/m<sup>3</sup> in 2021. The decrease is likely to be due to new traffic patterns which are emerging, with peak hours dispersing creating a better traffic flow and less congestion.
- 8.5 Over the past five years there has been a general decrease of NO<sub>2</sub>, at a number of sites both within, close too and away from the existing AQMA's. Overall the levels in West Berkshire have been reducing over the 5 years up to 2022.

### Actions to Improve Air Quality

- 8.6 The Service continues to work with the Development Control team to review the air quality impact of planning applications and has completed all Pollution Prevention and Control inspections as required for the control of emission to air from industrial processes.
- 8.7 Looking ahead there are a considerable number of road initiatives to be carried out, electric vehicle charging points to be installed (in 2022 there were 36), further developments to be made to cycle routes, improvements to the cycle lesson and bike storage facilities at schools.
- 8.8 Promoting alternative and active travel to schools and School Street scheme set up near Calcot Infant and Junior schools.

### Commentary from DEFRA

- 8.9 DEFRA commented that the 'report is well structured, detailed, and provides the information specified in the Guidance.' They accepted the conclusions reached for all sources and pollutants.
- 8.10 DEFRA identified a small number of errors that have been corrected. The inclusion of trend graphs was commended.

- 8.11 The report includes detailed discussion of the measures the Council are taking to address PM<sub>2.5</sub> which they welcomed. They encouraged the council to include comparisons to the regional and national average in future reports.
- 8.12 DEFRA stated that QA/QC procedures have been applied appropriately and accurately, justification for the use of national local bias adjustment and annualisation.
- 8.13 There is justification to revoke both AQMAs following three consecutive years of compliance, (excluding 2020 and 2021). The data trend shows a decrease from 2018 at all the monitoring sites within the AQMAs and the levels have remained 10% below the objective for 5 years, so it is considered that there is sufficient evidence the Nitrogen Dioxide Objective will be maintained in that area.
- 8.14 Suggestion that the Air Quality Action Plan (AQAP) which was published in 2011 be reviewed.
- 8.15 DEFRA commended the Council on the progress that had been made and welcomed the collaborative approach that West Berkshire Council is taking with the Public Protection Partnership.

## 9. Next Steps

### Revocation Bracknell Town, Newbury and Thatcham AQMAs

- 9.1 A local authority can, at any time, revoke an AQMA, and provide the justification for doing so. This is due to a change in interpretation of the guidance in the DEFRA LAQM Technical Guidance (TG22, August 2022) from DEFRA, as originally three consecutive years of data was necessary before revocation could be considered, they now state that as long as levels have remained 10% below the Objective level for 5 years then revocation is justified. Where 2020 and 2021, the pandemic years, are a continuation of a downward trend and part of many consecutive years of compliance (e.g., where compliance has also been achieved in 2019, prior to COVID-19) the AQMA may be considered for revocation. Since receiving the ASR 2023 Appraisal contacted the DEFRA LAQM Helpdesk for clarification was sought and confirmed their advice.
- 9.2 A Draft Revocation Report has been produced for each local authority. These are set out at **Appendix E** for Bracknell Forest and **Appendix F** for West Berkshire, which are to be subjected to consultation. As with consultation carried out for the declaration of the AQMAs, is it required with the DEFRA; Environment Agency; National Highways; All local authorities neighbouring the local authority in question; Other public authorities as appropriate; and bodies representing local business interests and other organisations as appropriate, such as internal public health and transport colleagues, and town / Parish councils.
- 9.3 No specific time period for consultation nor the method is stated in the Environment Act 1995, but a minimum period of 4 weeks is proposed. The only requirement is to publish the intention to revoke. Following which responses are fed back to decision making body for a determination.
- 9.4 A final Order for approval of intention is then sent to DEFRA and then finally the Revocation Order is made and sealed, which must also be published on each Council's and the PPP's website.

## **Air Quality Action Plans and Air Quality Strategy**

9.5 The Air Quality Action Plan review for the Crowthorne AQMA is required and revised to focus on Crowthorne High Street and surrounds. This work has already commenced within BFC, most notably Highways, Transport and Active Travel colleagues. For West Berkshire a review of the AQAP is now not required due to the proposed revocation of the two AQMAs. Once revoked West Berkshire Council are then required to develop and publish an Air Quality Strategy, to be produced in consultation with the Director of Public Health, in order to set out and progress the steps the local authority will take to improve air quality in their area.

## **Future Monitoring**

9.6 The monitoring programme for 2024 has been confirmed. Advice from DEFRA on the implication of the revocations was requested and they state that we are able to remove the continuous monitoring, but it is recommended that where possible to ensure good air quality is maintained once the AQMA is removed. To this end the passive diffusion tube network will be continued across the borough / district both within the current AQMAs and outside these AQMAs as well as other locations where there are known hotspot / congestion locations.

## **10. Other air quality related matters of note**

10.1 As mentioned previously the service was awarded £259,000 from DEFRA for a grant to carry out air quality projects which aim to change the behaviour of those 448,000 residents who drive in the three boroughs by launching an anti-idling campaign as well as monitoring PM<sub>2.5</sub> near schools within /near the AQMAs. These projects will be completed in spring 2024. See Appendix G for the quarterly updates to DEFRA on this work.

10.2 PPP made a further grant application, on behalf of the BFBC, WBC and Wokingham BC, as part of the DEFRA Air Quality Grant Applications 2023/24 programme in September 2023 for a focus on PM<sub>2.5</sub> from domestic burning. Funding is to be awarded in order to improve public awareness in local communities about the risks of air pollution and projects that deal with Fine Particulate Matter (PM<sub>2.5</sub>). We expect to hear the outcome in March 2024.

## **11. Concluding Observations**

11.1 The improvements to Air Quality across the three local authority areas is to be welcomed. There are many factors that have contributed to this but it is clear that the range of interventions made by each Council has contributed to this improvement.

11.2 Air Quality continues to be high profile area of work and the links with the sources of pollutants and health impacts becoming more apparent during and after the Covid pandemic. The authorities must continue to not only monitor the levels of pollutants but ensure that we continue to progress actions set out within the action plan and continue to raise the profile of improvements in air quality is good for our residents' health.

11.3 The evaluations provided by DEFRA are positive and the Committee is asked to both note the reports and the DEFRA evaluation, endorse the proposals set out in the action plan and approve the consultations set out in this report.

11.4 The duty on local authorities to both assess and improve air quality is not just a legal requirement but a public demand. The effects on health of poor air quality are indisputable and Councils have been given a range of tools to tackle the causes.

11.5 In simple terms the causes are known but the solutions are wide ranging. The proposals set out in the plans seek to address several approaches ranging from raising awareness, changing human behaviour and matters of infrastructure.

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## Appendices

**Appendix A** – Bracknell ASR Report [Air Quality Monitoring - PPP \(publicprotectionpartnership.org.uk\)](https://publicprotectionpartnership.org.uk)

**Appendix B** - Bracknell Appraisal Response from DEFRA

**Appendix C** – West Berkshire ASR Report [Air Quality Monitoring - PPP \(publicprotectionpartnership.org.uk\)](https://publicprotectionpartnership.org.uk)

**Appendix D** – West Berkshire Appraisal Response from DEFRA

**Appendix E** – Bracknell Town Revocation Report

**Appendix F** - Newbury and Thatcham Revocation Report

**Appendix G** – Quarterly Update to DEFRA regarding grant

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## Background Papers:

Bracknell Forest Council's LTP3 and supporting documents which can be accessed via the Council's website, at: <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planningpolicy/transport-policy>

West Berkshire Council's LTP3 and supporting documents which can be accessed via the Council's website, at: <https://www.westberks.gov.uk/ltp>

Defra: National Clean Air Strategy 2019  
<https://www.gov.uk/government/publications/clean-air-strategy-2019>

### Subject to Call-In:

Yes:  No:

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JPPC – 11 December 2023

**Item 7 – Appendix A - Bracknell ASR Report**  
[Air Quality Monitoring - PPP](#)  
[publicprotectionpartnership.org.uk](http://publicprotectionpartnership.org.uk)

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Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

## Annual Status Report Appraisal Report

The Report sets out the Annual Status Report, which forms part of the Review & Assessment process required under the Environment Act 1995 and subsequent Regulations.

Bracknell Forest Borough Council (BFBC) have declared two Air Quality Management Areas (AQMA) across the district: The Bracknell AQMA and the Crowthorne AQMA. Both were declared in 2011 for exceedances of the annual mean NO<sub>2</sub> Air Quality Objective (AQO). The Bracknell AQMA covers the A322 Bagshot Road and Downshire Way from Berkshire Way to Junction with B3430. The Crowthorne AQMA covers part of the B3348 High Street and part of Sandhurst Road.

BFBC have reviewed both AQMAs and the potential to revoke the AQMAs. However, as LAQM.TG22 states "the AQMA should be considered following three consecutive years of compliance" BFBC state that due to the 2020 and 2021 data being affected by COVID-19, only one year of the three consecutive years below the 36 µg/m<sup>3</sup> limit can be considered, and that two further years of data is needed before revoking both AQMAs. It should be noted that for the Bracknell AQMA NO<sub>2</sub> concentrations have been below the annual average NO<sub>2</sub> AQO since 2018 and have shown a downward trend into 2022.

The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA. The LAQM Technical Guidance 2022 is clear in this respect:

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (Point 3.57, page 50).

Please be aware that unless a likely exceedance has been identified in the area, Defra will not appraise AQAPs for AQMAs that have been in compliance for five years. Local Authorities will instead be advised to revoke the AQMA.

AQMAs should identify areas where air quality objectives are not being met or are likely to be at risk of not meeting them. Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.

Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

Local authorities that do not have an AQMA should continue to monitor for exceedances and should still have a local Air Quality Strategy in place to ensure air quality remains a high-profile issue, thereby enabling a quick response should there be any deterioration in condition. See LAQM Statutory Policy Guidance 2022 for more information.

The Crowthorne AQMA showed exceedances of 36 µg/m<sup>3</sup> in 2019 and along with the data in 2020 and 2021 it is considered that further data is needed to ensure there is sufficient data in the Crowthorne AQMA before it can be revoked.

The LAQM Covid Guidance note states: Where 2020 is one of many (i.e. at least three) consecutive years of compliance, this may still be considered for revocation where the supporting evidence is considered suitably robust. If authorities wish to make any changes to AQMAs, whether declaration, amendment or revocation, based upon 2020 data, please contact the LAQM Helpdesk to discuss your approach.

Bracknell Forest Borough Council undertakes automatic monitoring at one site within the AQMA. Monitoring is completed for NO<sub>2</sub> and PM<sub>10</sub>. None of these sites recorded exceedances of the relevant AQOs. Bracknell Forest Borough Council also carried out monitoring with 'Low Cost Sensors' (Vortex) at 14 selected schools between February 2022 and 2023, for a minimum of 3 months at each school. While these low cost sensors provide a useful indication of pollutant concentrations, as they are not an established reference method sensor, they cannot be used to inform LAQM decisions, which is referenced in the report. It is recommended that results from this monitor are included as a separate appendix. Further information on the use of Low Cost Sensors is included within this FAQ: <https://laqm.defra.gov.uk/faqs/faq140/>

Non-automatic (passive) monitoring of NO<sub>2</sub> was conducted at 26 sites during 2022, including one site where a colocation triplicate study was undertaken with the automatic monitor. No exceedances of the annual mean NO<sub>2</sub> objective were recorded. The ASR states that overall, there has been a slight increase in annual mean concentrations of NO<sub>2</sub> in 2022 compared to 2021, bar one monitoring site. However, all 2022 concentrations were below the pre-pandemic 2019 concentrations.

Some QA/QC procedures have been applied with details of automatic monitoring QA/QC procedures as well as passive monitoring. A local bias adjustment factor was used, however no clear justification provided. The report provides a clear breakdown of historical data (and maps) of each monitoring site in detail. Annualisation has also been undertaken at all required sites, however there seems to be some minor discrepancies on the methodology

Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

used. Concentrations for PM<sub>2.5</sub> based on the monitored PM<sub>10</sub> data is also provided which is commended.

There is an appropriate level of detail on the Progress and Impact of Measures to address air quality, though this could be more specific to the measures taken during 2022 to tackle air quality within table 2.2 which replicates much of the data in the 2022 ASR. Although sufficient information on the ongoing measures and measures to be progressed and discussed outside of Table 2.2. Priorities during the next reporting year are clearly outlined.

The report contains discussion on existing measures to improve air quality that would also act to reduce PM<sub>2.5</sub> emissions.

The ASR has been signed off by the director of public health.

On the basis of the evidence provided by the local authority the conclusions reached are **acceptable** for all sources and pollutants. Following the completion of this report, Bracknell Forest District Council should submit an Annual Status Report in 2023.

Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

## Commentary

The report is well structured, detailed, and provides some information specified in the Guidance. The following comments are designed to help inform future reports.

1. The Annualisation undertaken for the four diffusion tube sites has not been undertaken in accordance with LAQM.TG.22 with no automatic monitoring data provided for the automatic sites used in annualisation for 2023 and stops at the end of 2022. Future reports should ensure that annualisation should cover the entire monitoring period rather than annual year date.
2. Valid Data Capture for 2022 and for the monitoring period do not align. This is likely due to the “Valid Data Capture for 2022%” which is calculated in the DTDPT calculating for all monitoring periods based on the Defra Diffusion Tube Calendar rather than the 2022 calendar year. Where there is no change in the monitoring periods, for example a site being added or removed partway through the year then the “Valid Data Capture for Monitoring Period” and “Valid Data Capture 2022” should be the same. This should be updated in future reports.
3. There is justification to revoke the Bracknell AQMA despite the ASR stating a further two years of data is required. Although TG.22 states three consecutive years, BFBC have stated that data from 2020 and 2021 should be excluded in this period. This would still give three years below the AQO, however the trends in data showing a decrease from 2018 at all monitoring sites in the AQMA. As such there is considered sufficient evidence to suggest that NO<sub>2</sub> concentrations will not be exceeded in the Bracknell AQMA. Although there is merit in the exclusion of data from 2020 and 2021 due to COVID, given the concentrations within the Bracknell AQMA prior to 2020 and the increase between 2022, 2021 and 2020 with all results still well below the AQO, there is sufficient data to revoke the AQMA. It is considered that three consecutive years of data from 2022 is not necessary to revoke the AQMA. The 2024 ASR should look to revoke the Bracknell AQMA or discuss the data with the LAQM Helpdesk for support.
4. BFBC should confirm if the information on UK-Air regarding their AQMAs is up to date however this should be reviewed as the description of the AQMA on the LAQM portal and in the 2023 ASR compared to UK-Air differs slightly.
5. Table 2.2 Progress on measures should be regularly updated, the details within the 2023 ASR are similar to the 2022 ASR despite many measures being progressed. It

Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

should also be noted that BFBC AQAP is to be developed over the next year, this is welcomed.

6. No justification over the selected bias adjustment factor is provided. Although the National and local factor are very similar, given the trend over the last 5 years with three using the National Factor and now two years using the local bias adjustment factor, additional justification as to the reason one is selected should be provided in future reports.
7. Trends of annual mean NO<sub>2</sub> concentrations are clearly presented in detail and discussed and a robust comparison with air quality objectives is provided.
8. Maps of the diffusion tube network are clear and comprehensive, showing the AQMA boundaries and monitoring undertaken in this area.
9. Measures to address PM<sub>2.5</sub> are detailed within the ASR.
10. Monitoring of PM<sub>2.5</sub> at 14 schools was undertaken in 2022, although this was undertaken using 'low cost sensors' the results would be welcomed in an additional appendix in future reports.
11. It is not clearly stated whether Diffusion Tubes have been deployed in line with the Defra Calendar. Please clearly state this in future ASRs.
12. The ASR has been signed off by a director of public health, this is welcomed.

This commentary is not designed to deal with every aspect of the report. It highlights a number of issues that should help the local authority either in completing the Progress Report adequately (if required) or in carrying out future Review & Assessment work.

**Issues specifically related to this appraisal can be followed up by returning the attached comment form to Defra, Welsh Assembly Government, Scottish Government or DOE.**

For any other queries please contact the Local Air Quality Management Helpdesk:

Telephone: 0800 0327 953

Email: LAQMHelpdesk@uk.bureauveritas.com

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Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

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Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

## LAQM Guidance Notes – 2023

### Changes to the Local Air Quality Management Framework

Through the Environment Act 2021 and updated Local Air Quality Management Statutory Policy Guidance 2022, the Local Air Quality Management (LAQM) framework has been considerably strengthened. This page highlights some of the changes for delivery to help you prioritise action for improved air quality:

#### 1. Strengthened Criteria for Air Quality Action Plans (AQAPs)

Where a Local Authority is not meeting air quality objectives, they must create an AQAP setting out their intentions to improve air quality in the area. Without current action plans in place, Local Authorities risk negatively impacting their communities by not proactively working to reduce air pollution in the area.

The requirements and guidance around AQAPs were recently strengthened under the Environment Act 2021 and revised LAQM Statutory policy guidance, which Local Authorities must have regard to. The key criteria for action plans are that they:

- set out the measures they will take to secure the achievement, and maintenance, of air quality standards and objectives
- specify a date by which each measure will be carried out
- are revised no later than every five years

#### 2. New Escalation Process for Reporting

Government is committed to increasing transparency by requiring timely and accurate publication of Annual Status Reports (ASRs) and AQAPs by local authorities, as set out in the [Environmental Improvement Plan 2023](#). These documents are public-facing and serve to keep local communities informed of the steps being taken by their local authority to improve air quality.

To ensure ASRs and AQAPs are delivered on time, Defra has introduced a new reminder and warning letter system for Local Authorities. This system was set out in the [LAQM Statutory Policy Guidance 2022](#) and started to apply from 30 June 2023.

Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

If reporting requirements continue to be missed, the matter can be escalated to a Section 85 Secretary of State direction to the relevant Local Authority Chief Executive specifying action. You are therefore advised to ensure all statutory reporting duties for LAQM are met on time.

### **3. Public Bodies Required to Contribute to Action Plans**

The Environment Act 2021 amended the Environment Act 1995 to increase the number of public bodies that have a duty to co-operate with Local Authorities for LAQM. Air quality partners are certain other public bodies that a Local Authority identifies as having responsibility for a source of emissions contributing to an exceedance of local air quality objectives. This could be a neighbouring authority, National Highways, or the Environment Agency. Once identified, there is a statutory requirement for such public bodies to engage and to contribute actions they will take to secure achievement of the local air quality objective and to maintain achievement thereafter.

All tiers of local Government are also now required by law to collaborate to address exceedances of Air Quality Objectives. County councils, the Mayor of London and combined authorities have similar duties to air quality partners. The difference is that, when requested, they must contribute to an action plan being prepared by a Local Authority, regardless of whether the local authority has identified them as being responsible for a source of emissions.

Under the new legislation, you may choose to request the support of another public body in the development of an AQAP and the same may be requested of your organisation.

Please refer to the LAQM Statutory Policy Guidance 2022 for more information. Should you require further assistance, please contact the LAQM Helpdesk: <https://laqm.defra.gov.uk/air-quality/featured/england-exc-london-policy-guidance/>

Web: <http://laqm.defra.gov.uk/helpdesks.html>

FAQs: <http://laqm.defra.gov.uk/laqm-faqs/>

Tel: 0800 032 7953

Email: [laqmhelpdesk@uk.bureauveritas.com](mailto:laqmhelpdesk@uk.bureauveritas.com)

The Air Quality Hub also provides free online information and is a knowledge sharing resource for local authority air quality professionals: <https://www.airqualityhub.co.uk/>



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Local Authority:	<b>Bracknell Forest Borough Council</b>
Reference:	<b>ASR23-1651</b>
Date of issue	<b>July 2023</b>

## Appraisal Response Comment Form

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**Comments on appraisal/Further information:**

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JPPC – 11 December 2023

**Item 7 – Appendix C - West Berkshire ASR**  
Report [Air Quality Monitoring - PPP](#)  
[\(publicprotectionpartnership.org.uk\)](http://publicprotectionpartnership.org.uk)

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Local Authority:	<b>West Berkshire Council</b>
Reference:	<b>ASR23-1653</b>
Date of issue	<b>June 2023</b>

## Annual Status Report Appraisal Report

The Report sets out the Annual Status Report, which forms part of the Review & Assessment process required under the Environment Act 1995 and subsequent Regulations.

West Berkshire Council have declared two Air Quality Management Areas within their jurisdiction:

- Newbury AQMA: declared in 2009 for exceedance of the annual mean and Air Quality Objective (AQO) for Nitrogen Dioxide (NO<sub>2</sub>); and,
- Thatcham AQMA: declared in 2011 for exceedance of the annual mean AQO for NO<sub>2</sub>.

Revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objectives, as evidenced through monitoring. Due to at least two years of continual monitored compliance with both NO<sub>2</sub> AQOs (excluding 2020 and 2021 data), the Council have set out that they will consider the total revocation of both of these AQMAs. This should now be actioned following four consecutive years of compliance with the relevant objectives.

Where 2020 and 2021 are a continuation of a downward trend and part of many consecutive years of compliance (e.g., where compliance has also been achieved in 2019, prior to COVID-19) the AQMA may be considered for revocation.

Please be aware that unless a likely exceedance has been identified in the area, Defra will not appraise AQAPs for AQMAs that have been in compliance for five years. Local Authorities will instead be advised to revoke the AQMA.

West Berkshire Council undertook automatic (continuous) monitoring at one site during 2022 (CM1 Newbury). NO<sub>2</sub> was measured by the automatic monitoring site, with the 1-hour mean objective and the annual mean objective both meeting the national objectives during 2022.

The Council undertook passive diffusion tube monitoring of NO<sub>2</sub> at 36 monitoring locations, including one triplicate site, which is co-located with the automatic monitor. No

Local Authority:	<b>West Berkshire Council</b>
Reference:	<b>ASR23-1653</b>
Date of issue	<b>June 2023</b>

exceedances of the annual mean objective were recorded at any of these sites during 2022.

QA/QC procedures have been applied appropriately and accurately to the 2022 monitoring data. Both national and local bias adjustment factors have been considered, with justification provided around the choice to apply the national factor. Annualisation was required at one site during 2022 and distance correction was not required at any location. All calculations were clearly outlined and justified.

In the report, the Council has detailed extensive measures and plans to continue to address air quality within its jurisdiction. Key completed measures in 2022 include: continuing improvement works to the A339 Bear Lane Roundabout to improve traffic flow; continuation of the car club; setting up further EV charging points; continued improvement of pedestrian and cyclist signage to improve walking and cycling; and continued improvements to cycle parking provision.

Priorities for the upcoming year include consideration of the revocation of the Newbury AQMA, continuing various forms of public engagement such as introducing monitoring of PM<sub>2.5</sub> at schools in the vicinity of AQMAs and encouraging travel alternatives; continuing to work with various stakeholders such as Public Health England and with the Public Protection Partnership; and continuing the automatic and passive air quality monitoring programme.

On the basis of the evidence provided by the local authority the conclusions reached are **accepted** for all sources and pollutants, on the provision that the grammatical and formatting errors in the report are corrected prior to publication on the council's website. ASRs are public facing documents that serve to keep local communities informed of the steps being taken by their local authority to improve air quality, and as such it is important that they are accessible and easy to read.

Following the completion of this report, West Berkshire Council should submit an Annual Status Report in 2024.

Local Authority:	<b>West Berkshire Council</b>
Reference:	<b>ASR23-1653</b>
Date of issue	<b>June 2023</b>

## Commentary

The report is well structured, detailed, and provides the information specified in the Guidance. The following comments are designed to help inform future reports.

1. The council have used the latest reporting template in production of their 2023 ASR.
2. A number of errors within the tables in the report are also noted. Table 2.1 references 'Newbury AQAP' twice, with an incorrect declaration for exceedances of the 1-hour NO<sub>2</sub> AQO. This data does not match the LAQM Portal or UK-AIR.
3. Table 2.1 also does not include a link to the relevant AQAP for each AQMA, a link is instead included to the local authority's 2022 ASR on their website. A link to the relevant AQAP document itself or a note as to how members of public can access this should be provided in this table in future reports. A draft 2021 AQAP is available on the LAQM Portal; however this is not mentioned within the ASR.
4. Table A.2 states that the majority of monitoring locations are located 0.0m from relevant exposure, inclusive of Urban Background sites. Monitoring site "A339 Newbury Central" is listed as a kerbside site but is located 4m from the kerbside and 204m from relevant exposure. This column of Table A.4 requires review and amendments.
5. Within Tables A.4 to A.8, the 'Valid Data Capture for Monitoring Period' and 'Valid Data Capture 2022' have not been calculated correctly. The 'Valid Data Capture for Monitoring Period' is in cases where monitoring was only carried out for part of the year. If monitoring was intended to be carried out for the full calendar year, then the entries in this column will be the same as the 'Valid Data Capture 2022'. The 'Valid Data Capture 2022' is the data capture for the full calendar year (e.g., if monitoring was carried out for 6 months, the maximum data capture for the full calendar year is 50%). The council should contact the LAQM Helpdesk for further assistance on these calculations.
6. Passive monitoring of nitrogen dioxide (NO<sub>2</sub>) using diffusion tubes was completed at 36 locations during 2022 (a decrease of two since 2021). This includes two triplicate sites, one of which is co-located with the automatic monitor (CM1), which monitors NO<sub>2</sub>. This is welcomed, however a discussion of the reasons for these changes has not been included and would be beneficial to include in future years. It is noted that this point was not addressed in the 2023 ASR.

Local Authority:	<b>West Berkshire Council</b>
Reference:	<b>ASR23-1653</b>
Date of issue	<b>June 2023</b>

7. Both the annual mean and 1-hour mean Air Quality Objectives for NO<sub>2</sub> were complied with at all monitoring locations within 2022.
8. Comments from last year's ASR have been mentioned. This is encouraged for future ASRs.
9. The report includes detailed discussion of the measures the council are taking to address PM<sub>2.5</sub>. The council set out that, within the next reporting year, they intend to establish the feasibility of monitoring PM<sub>2.5</sub> (particularly at schools within the vicinity of AQMAs) within their jurisdiction, which is commended. Links are provided and discussed regarding the Public Health Outcomes Framework and fraction of mortality attributable to PM<sub>2.5</sub> emissions, which is welcomed. Comparisons to the regional and national average would be beneficial to include in future reports.
10. Sufficient detail is included in the QA/QC procedures for both the automatic analyser and the NO<sub>2</sub> diffusion tubes. Calculations for local bias adjustment and annualisation are outlined in detail. Distance correction was not required. Data showing the choice of bias adjustment factors for previous years, and discussion around the choice to apply the local factor this year, has been included.
11. The laboratory and analysis method for the 2022 diffusion tubes is specified in the report, however and the council have deployed diffusion tubes in line with the Defra calendar dates during 2022.
12. The Council have provided mapping of their automatic and diffusion tube monitoring network in relation to their AQMAs; however this is labelled with site IDs that do not correlate with those in the results tables. An attempt has been made to make this easier to read with the inclusion of numbered tables alongside the Figures, however these Site IDs should be provided in all other relevant tables of the main body of the ASR. This should be amended in future reports.
13. The council have included detailed trend graphs which have been updated since the 2022 ASR which also show sites outside of the AQMAs.
14. The Council has included a discussion and review of its AQMAs, which is well-informed due to its monitoring network. Total revocation of both AQMAs has been considered and a decision has been made to keep these in place for now. This is accepted, and full revocation of both AQMAs should now be considered during 2023.



Local Authority:	<b>West Berkshire Council</b>
Reference:	<b>ASR23-1653</b>
Date of issue	<b>June 2023</b>

15. The continual collaborative approach that West Berkshire Council is taking with the Public Protection Partnership is commended.
16. Table 2.1 does not state the year the most recent Air Quality Action Plan (AQAP) was published, nor is this discussed anywhere else in the report. It is noted that the latest AQAP for both AQMAs appears to have been published on the council's website in 2011 but this is not available on the LAQM portal as adopted. The Environment Act (2021) requires that a local authority must, for the purpose of achieving AQOs in an AQMA designated by that authority, prepare an action plan in relation to that area. The Act also requires that Action Plans be periodically reviewed. While no time limit is explicitly set within the Act, ideally this is expected to occur no later than every five years. It is recommended that the Council follow this guidance.

This commentary is not designed to deal with every aspect of the report. It highlights a number of issues that should help the local authority either in completing the Progress Report adequately (if required) or in carrying out future Review & Assessment work.

**Issues specifically related to this appraisal can be followed up by returning the attached comment form to Defra, Welsh Assembly Government, Scottish Government or DOE.**

For any other queries please contact the Local Air Quality Management Helpdesk:  
 Telephone: 0800 0327 953  
 Email: LAQMHelpdesk@uk.bureauveritas.com

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Local Authority:	<b>West Berkshire Council</b>
Reference:	<b>ASR23-1653</b>
Date of issue	<b>June 2023</b>

## **Appraisal Response Comment Form**

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**Comments on appraisal/Further information:**



**Bracknell Air Quality Management Area  
Proposal for Revocation Report  
In fulfilment of Part IV of the Environment Act 1995 Local  
Air Quality Management**

*Date: November 2023*

Information	Bracknell Forest Council Details
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<b>Report Reference Number</b>	BFBC Bracknell AQMA Revoke 2023
<b>Date</b>	November 2023 Report prepared by PPP on behalf of Bracknell Forest Council

## Contents

<b>Contents</b> .....	<b>3</b>
<b>1 Introduction</b> .....	<b>4</b>
<b>2 Local Air Quality Management</b> .....	<b>4</b>
<b>2.1 Review and Assessment of Air Quality</b> .....	<b>4</b>
<b>2.2 Health Impacts</b> .....	<b>4</b>
<b>2.3 Current Air Quality Management Area Status</b> .....	<b>5</b>
<b>2.4 Requirements for revoking an Air Quality Management Area (AQMA)</b> .....	<b>5</b>
<b>3 AQMA Bracknell</b> .....	<b>6</b>
<b>3.1 The AQMA</b> .....	<b>6</b>
<b>3.2 The Nitrogen Dioxide Levels</b> .....	<b>6</b>
<b>3.2.1 Figure 1: DT NO<sub>2</sub> Levels in the Bracknell AQMA from 2018 to 2022</b> .....	<b>7</b>
<b>3.2.2 Figure 2: CM NO<sub>2</sub> Levels in the Bracknell AQMA from 2018 to 2022</b> .....	<b>8</b>
<b>3.3 Monitoring</b> .....	<b>8</b>
<b>3.4 2023 Monitoring</b> .....	<b>8</b>
<b>3.4.1 Figure 3: A table showing the 2023 Continuous monitoring data for the Downshire Road</b> .....	<b>9</b>
<b>3.5 QA/QC of Monitoring Data</b> .....	<b>9</b>
<b>4 Ongoing measure to improve the local Air Quality</b> .....	<b>9</b>
<b>4.1 Current Borough Wide Monitoring</b> .....	<b>9</b>
<b>5 Bracknell Forest Council Consultation</b> .....	<b>10</b>
<b>6 What are the next Steps?</b> .....	<b>Error! Bookmark not defined.</b>
<b>7 References and Papers</b> .....	<b>10</b>
<b>8 Appendix A</b> .....	<b>12</b>
<b>Map 1: The Bracknell AQMA</b> .....	<b>12</b>
<b>12</b>	
<b>8.1 Map 2: The Bracknell AQMA (North) diffusion tube and continuous monitoring locations</b> .....	<b>13</b>
<b>8.2 Map 3: The Bracknell AQMA (South) diffusion tube and continuous monitoring locations</b> .....	<b>14</b>
<b>Appendix B: QA/QC for the Diffusion Tubes and Continuous Monitor</b> .....	<b>15</b>
<b>QA/QC Diffusion Tubes</b> .....	<b>15</b>
<b>Table B.1 – Bias Adjustment Factor</b> .....	<b>16</b>
<b>QA/QC of Automatic Monitoring</b> .....	<b>16</b>

## 1 Introduction

This report was produced on behalf of Bracknell Forest Council constitutes the required information under which the Council is to apply for the revocation of the Area Quality Management (AQMA) area known as the Bracknell (Area 1).

The AQMA revocation report has been developed in recognition of the legal requirement on the local authority to work towards the Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and the relevant Regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.

This report will provide the Council with robust evidence as required under the LAQM guidance, LAQM.TG (22) to enable it to revoke the AQMA.

## 2 Local Air Quality Management

### 2.1 Review and Assessment of Air Quality

Under the Environment Act 1995 local authorities are required to review and assess local air quality annually against national air quality objectives. This process sits under the Local Air Quality Management (LAQM) programme which requires local authorities to report annually to the department for Environment, Food and Rural Affairs (DEFRA).

The air quality objectives applicable to LAQM in England are set out in the Air Quality Standard Regulations 2010. The pollutant of concern for this AQMA is for the annual mean objective Nitrogen Dioxide only and the limits are set out in Table 1 below.

Table 1: The National NO<sub>2</sub> Air Quality Objectives

Pollutant	Air Quality Objective: Concentration	Air Quality Objective: Measured as
Nitrogen Dioxide (NO <sub>2</sub> )	200µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean
Nitrogen Dioxide (NO <sub>2</sub> )	Annual mean 40µg/m <sup>3</sup>	Annual mean

### 2.2 Health Impacts

Air pollution is associated with several adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Air Pollution can be harmful to everyone, it mainly affects particularly affects the most vulnerable in society: children, the elderly, and those with existing heart and lung conditions. There is also often a strong correlation with equalities issues because areas with poor air quality are also often less affluent areas<sup>1,2</sup>.

Poor Air Quality is also a contributory role in mortality. The mortality burden of air pollution within the UK is equivalent to 29,000 to 43,000 deaths at typical ages<sup>3</sup>, with a total estimated healthcare cost to the NHS and social care of £157 million in 2017<sup>4</sup>.

The major source of air quality pollutants in Bracknell Forest is road transport, and the main pollutant of concern is nitrogen dioxide (NO<sub>2</sub>). Two Air Quality Management Areas (AQMAs) have been declared for exceedances of the Annual Mean NO<sub>2</sub> Objective (Table 1). The Crowthorne AQMA (area 2) is located in Crowthorne, and includes Part B3348, High Street & part of Sandhurst Road and Bracknell AQMA (Area 1) was designated along the A322 Bagshot Road and Downshire Way from Berkshire Way to junction with B3430. (See Appendix A for the maps).

### **2.3 Current Air Quality Management Area Status**

In the comments from the June 2023 Annual Status Report (ASR) for Bracknell Forest BC DEFRA has approved the recommendation made for the revocation of the Bracknell (Area 1) AQMA as it has recorded annual levels at or below 36.0 µg/m<sup>3</sup> for 3 continuous years.

### **2.4 Requirements for revoking an Air Quality Management Area (AQMA)**

The process for the revoking an AQMA is set out in the DEFRA Local Air Quality Management Policy and Technical Guidance (22). It states that:

*“3.57 The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where NO<sub>2</sub>*

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<sup>1</sup> Public Health England. Air Quality: A Briefing for Directors of Public Health, 2017

<sup>2</sup> Defra. Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

<sup>3</sup> Defra. Air quality appraisal: damage cost guidance, January 2023

<sup>4</sup> Public Health England. Estimation of costs to the NHS and social care due to the health impacts of air pollution: summary report, May 2018

*monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean NO<sub>2</sub> concentrations being lower than 36µg/m<sup>3</sup> (i.e. within 10% of the annual mean NO<sub>2</sub> objective). There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.”*

Therefore as Bracknell Forest Council has robust monitoring data for the Bracknell AQMA, that has recorded annual levels at or below 36.0 µg/m<sup>3</sup> for 3 continuous years it can be revoked.

### **3 AQMA Bracknell**

#### **3.1 The AQMA**

The original Bracknell AQMA was declared for the NO<sub>2</sub> annual mean in 2011 but was reduced in 2013, following further assessment, and was designated along the A322 Bagshot Road and Downshire Way from Berkshire Way to the junction with B3430 (Map 1).

#### **3.2 The Nitrogen Dioxide Levels**

The nitrogen dioxide levels for the Bracknell AQMA, have been monitored using diffusion tubes at 5 sites, 1 of which is triplicate, and a reference continuous monitor (see Appendix A Map 2). The diffusion tubes sites are located as follows:

- 32b – 8 Old Bracknell Close, Bracknell
- 82b – 19 Boxford Ridge, Bracknell
- 95b – 3 Leverkusen Road, Bracknell
- 99b – 16 Firlands, Bracknell
- 86xb, 86yb,86zb – Continuous monitor Downshire Way, Bracknell.

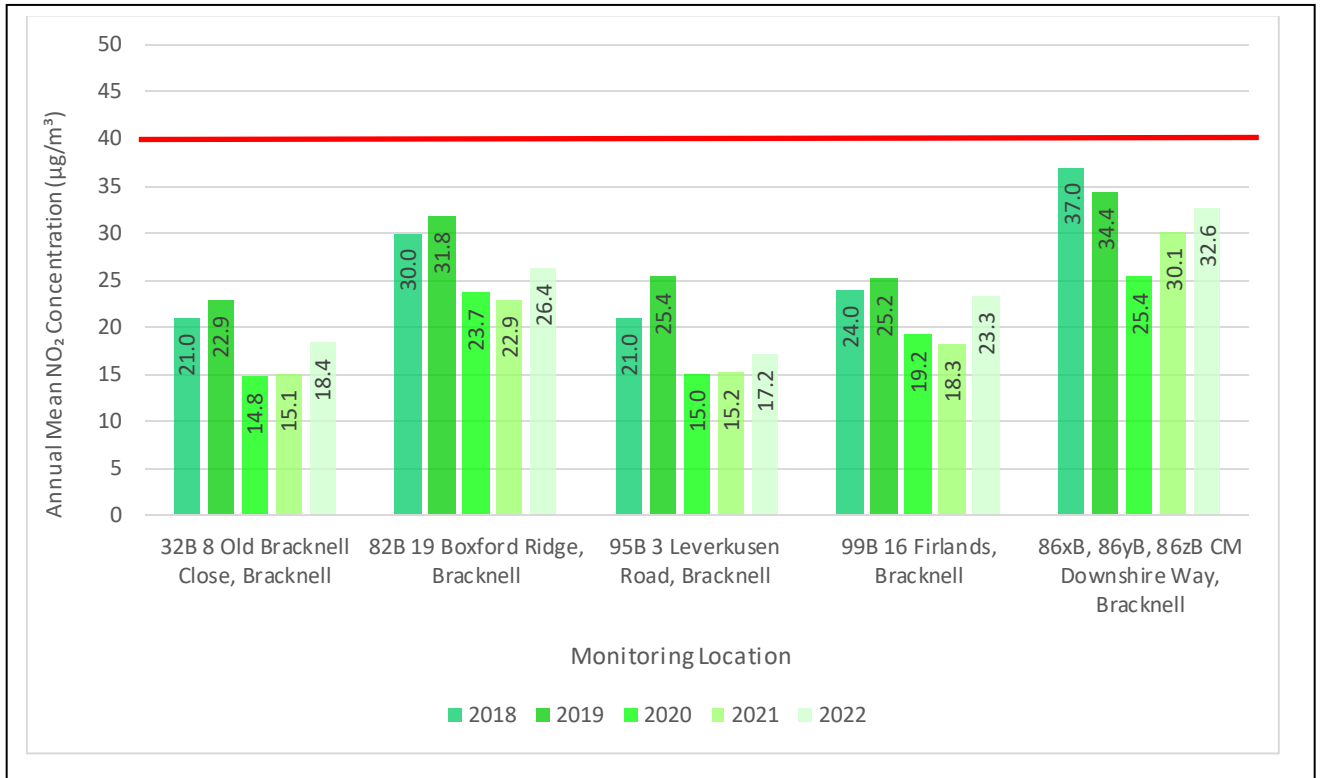
The results have been 36.0µg/m<sup>3</sup> or below for the past 5 years, in 4 of the diffusion tube locations (Map 3) and continuous monitor (Map 2). One of the diffusion tube locations (86xb, 86yb, 86zb), co-located with the Continuous monitor has been 36.0µg/m<sup>3</sup> or below since 2019. Whilst the NO<sub>2</sub> has started to rise slightly since 2020 they remain below the 2019 levels (as shown in Figures 1 & 2 below).

A number of factors may attribute to this reduction in NO<sub>2</sub>, including a change in traffic trends during the day, for example peak traffic is typically slightly lower than pre-pandemic, but traffic during the inter-peak hours is higher, consequently there is less congestion and queuing within

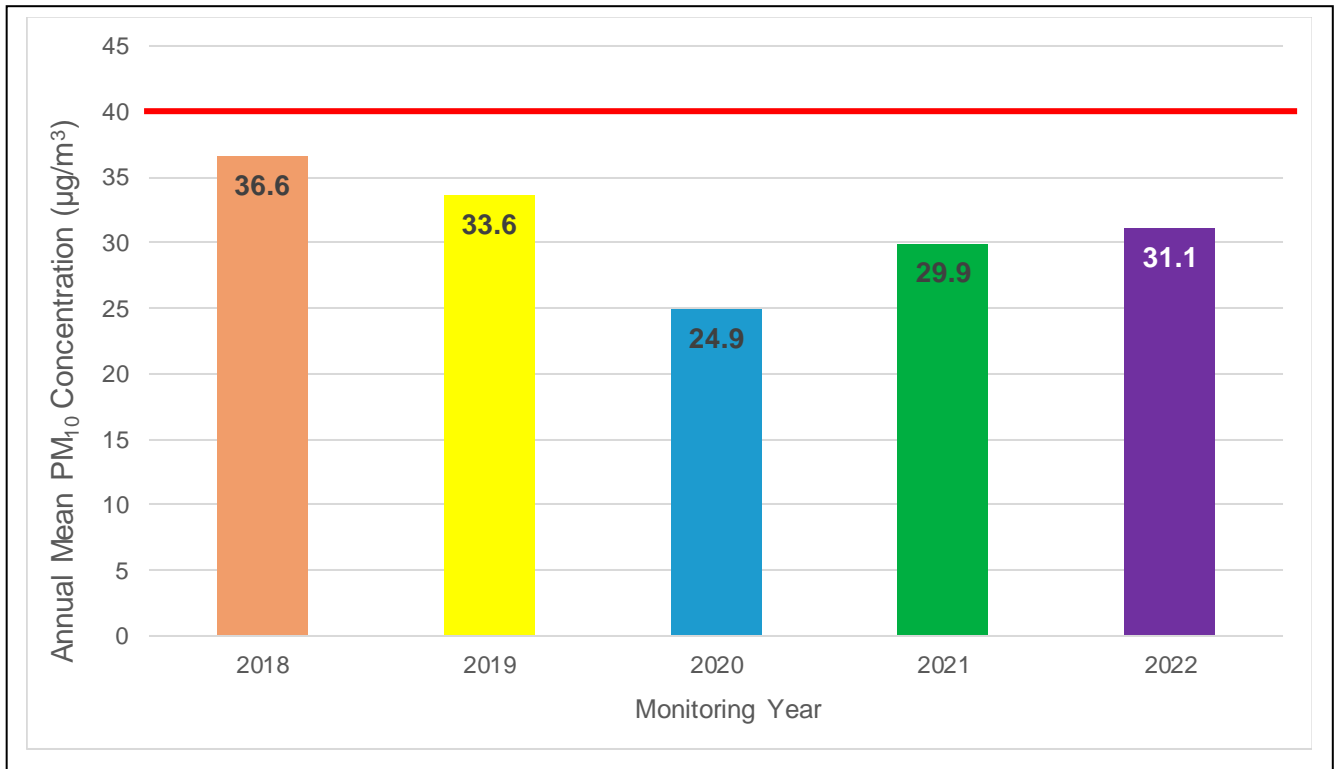


the AQMA. There has also been an increase in LGVs, making up for a decrease in car traffic. This is likely partly attributable to increased homeworking, but also increased home deliveries.

**3.2.1 Figure 1: DT NO<sub>2</sub> Levels in the Bracknell AQMA from 2018 to 2022**



**3.2.2 Figure 2: Continuous monitor NO<sub>2</sub> Levels in the Bracknell AQMA from 2018 to 2022**



**3.3 Monitoring**

Monitoring will continue for NO<sub>2</sub> at the 5 sites using diffusion tubes as advised in LAQM.TG (22) to ensure that the levels remain at 36.0µg/m<sup>3</sup> or below, for the next 3 years..

**3.4 2023 Monitoring**

Throughout 2023 the 5 diffusion tubes site within the AQMA have remained in place along with the continuous monitor. To date the continuous monitor has shown that the annual NO<sub>2</sub> is predicted to remain below 36.0µg/m<sup>3</sup> (as shown in Figure 3), with the average NO<sub>2</sub> for quarters 1, 2, and 3 at 28.5µg/m<sup>3</sup>. The results from the diffusion tubes will not be known until they have been bias corrected at the end of the full monitoring year. However they are predicted to be below 36µg/m<sup>3</sup> from analysis and comparison with 2022 data and the current data from the continuous monitor.

**3.4.1 Figure 3: A table showing the 2023 Continuous monitoring data for the Downshire Road.**

Month	Average NO concentration (µg/m <sup>3</sup> )		Monthly comparison (%)	Quarterly Annual Average		Quarterly comparison (%)
	2022	2023		2022	2023	
January	45.1	53.6	+17	32.4	38.0	+16
February	25.2	35.8	+35			
March	27.6	25.3	-9			
April	23.9	27.1	+12	24.6	24.4	-0.8
May	22.7	25.7	+12			
June	27.5	20.3	-35			
July	34.8	18.8	-85	33.2	23	-36
August	30.4	21.8	-39			
September	34.5	28.6	-21			
October						
November						
December						

**3.5 QA/QC of Monitoring Data**

All the monitoring data is presented with a robust quality assurance and quality control refer to Appendix B for full details.

**4 Ongoing measure to improve the local Air Quality**

In addition to working to reduce and maintain NO<sub>2</sub> concentrations below the annual objective in all areas of the Borough, we will continue to assess planning applications to ensure that future developments and changes to the road networks across the Borough do not lead to an increase in the NO<sub>2</sub> concentration above the annual mean objective of 40µg/m<sup>3</sup>. We will also continue to regulate PPC installations to ensure that emission limits are not exceeded and the regulation of smoke control and waste burning to reduce impacts on local air quality. We will continue to provide our Anti-Idling Schools Kit to the local Primary’s as well as running Clean Air Day, and other campaigns which help improve our air quality, ([air-quality-school-toolkit-final-version-1-003.pdf](#) ([publicprotectionpartnership.org.uk](#))).

**4.1 Current Borough Wide Monitoring**

In the 2023 Annual Status Report Bracknell Forest confirmed it has 26 diffusion tube sites monitoring NO<sub>2</sub> levels in borough and that they have shown a decreasing trend since the 2018. No diffusion tube sites located within Bracknell Forest exceeded the Annual Mean Objective.

No diffusion tube results were recorded above  $60\mu\text{g}/\text{m}^3$ , indicating no exceedances of the 1-hour  $\text{NO}_2$  objective.

The continuous monitoring unit in Downshire Way, within the Bracknell AQMA, recorded an Annual Mean  $\text{NO}_2$  level of  $31.1\mu\text{g}/\text{m}^3$  in 2022, which meets the Annual Mean  $\text{NO}_2$  Objective ( $40\mu\text{g}/\text{m}^3$ ) was not exceeded. The continuous monitoring also met the 1-hour  $\text{NO}_2$  objective.

Bracknell Forest Council will be continuing to monitor the Air Quality across the borough (using diffusion tubes) , it may move the locations and add new areas to the monitoring schedule as the local environment changes, such as new housing developments, changes to our road networks and the reduction of  $\text{NO}_2$  across the borough. Bracknell is committed to continuing our work to reduce levels of pollution throughout the borough.

The Council will continue to monitor the Crowthorne AQMA along with many other areas of the borough working toward reducing the concentration of all air pollutants to achieve the Air Quality Objectives as stated in the Environmental Act 2021.

## 5 Bracknell Forest Council Consultation

Bracknell Forest Council will consult with statutory consultees as well as interested parties of the intention to revoke the AQMA. It is inviting feedback by email to [ehadvice@westberks.gov.uk](mailto:ehadvice@westberks.gov.uk) and any other factors that need to be considered.

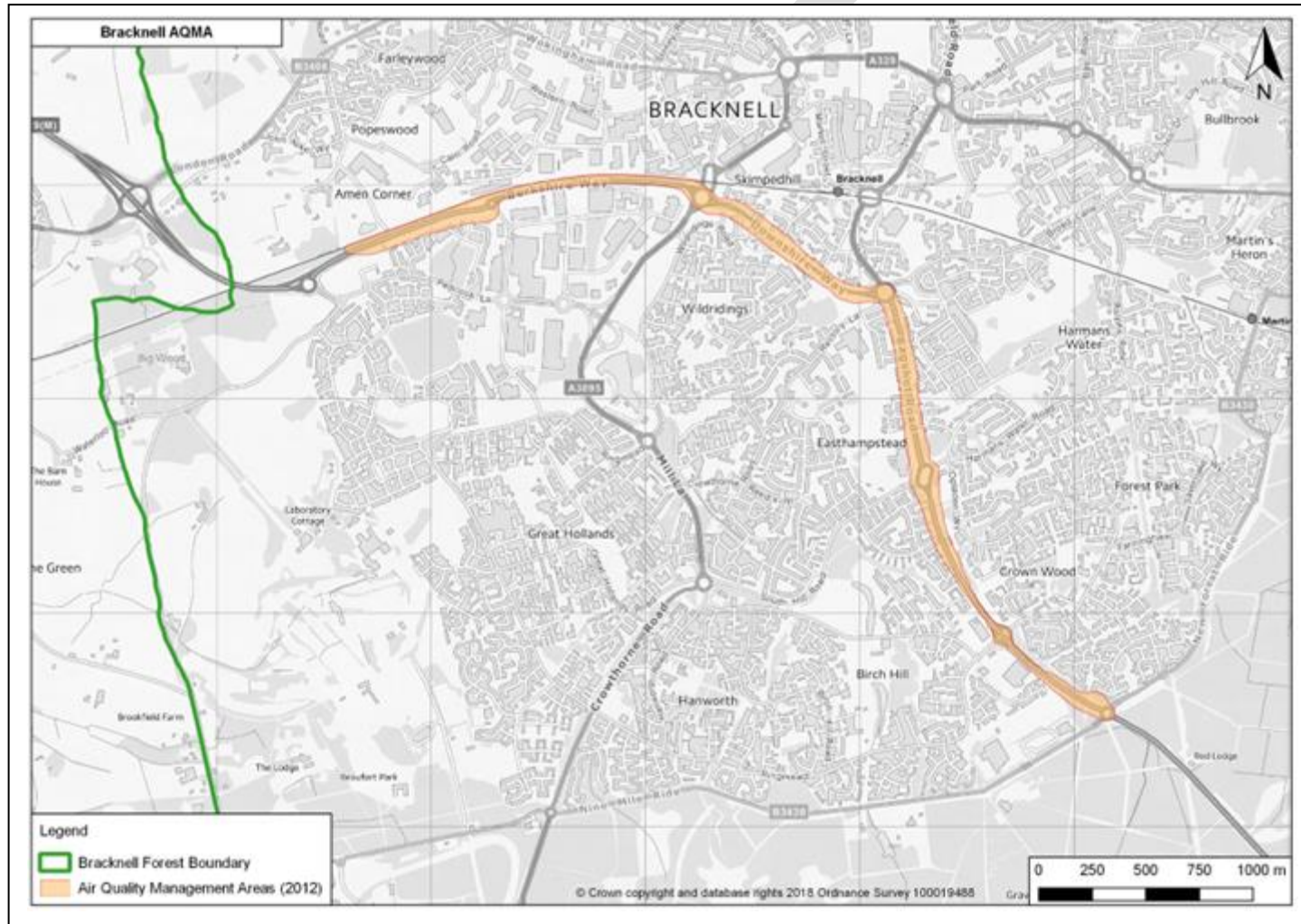
## 6 References and Papers

- **Bracknell Forest Council Annual Status Report** (*June 2023*), by Charlie Fielder.  
[Air Quality Monitoring - PPP \(publicprotectionpartnership.org.uk\)](https://publicprotectionpartnership.org.uk)
- **Air Quality Management Areas (AQMAs)** (*DEFRA October 2023*)  
[AQMA Details - Defra, UK](#)
- **Local Air Quality Management Technical Guidance LAQM.TG (22)** (*August 2022*).  
Published by Defra in partnership with the Scottish Government, Welsh Assembly Government and Department of the Environment Northern Ireland.  
[LAQM-TG22-August-22-v1.0.pdf \(defra.gov.uk\)](#)

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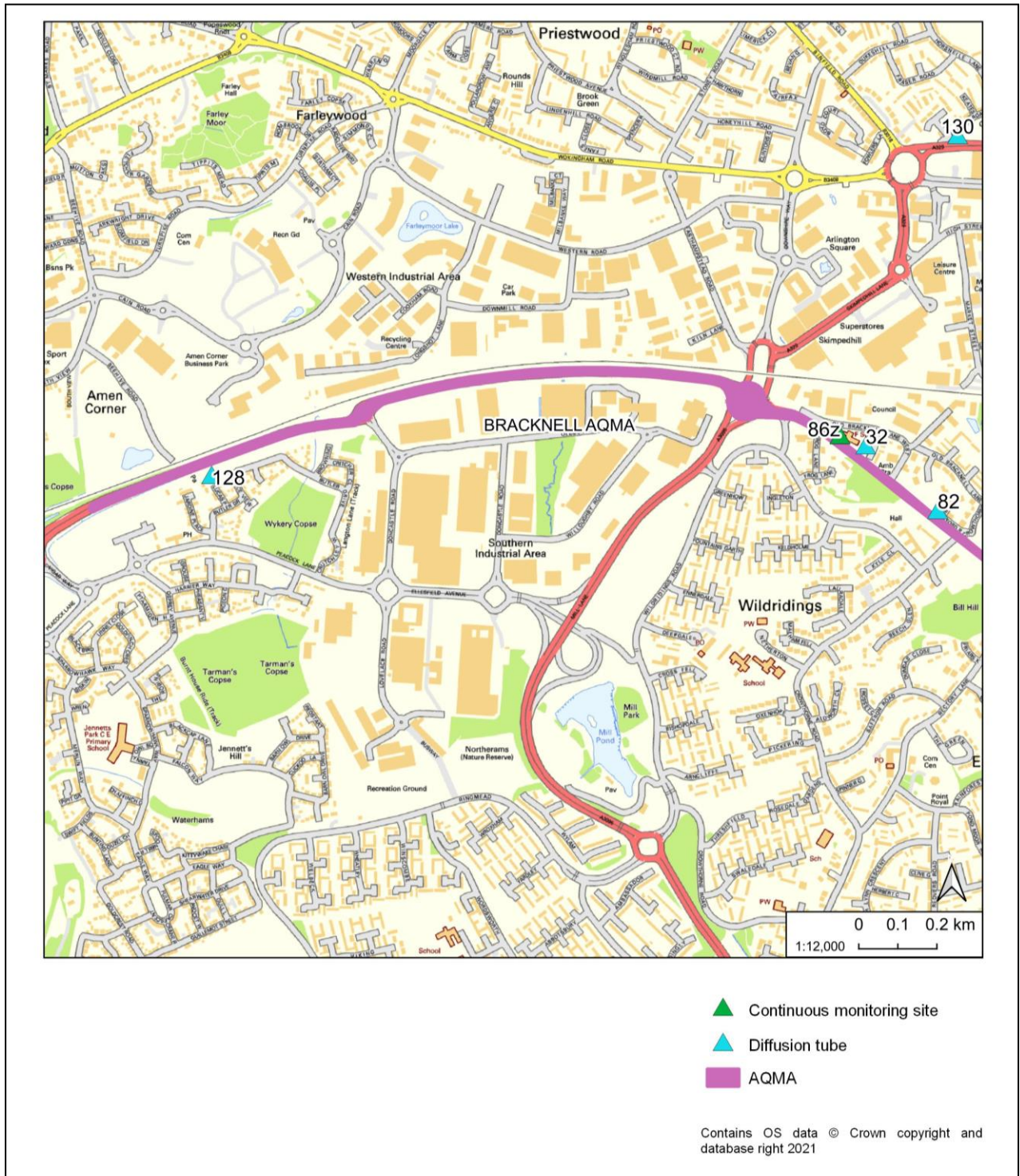
## 7 Appendix A

### Map 1: The Bracknell AQMA



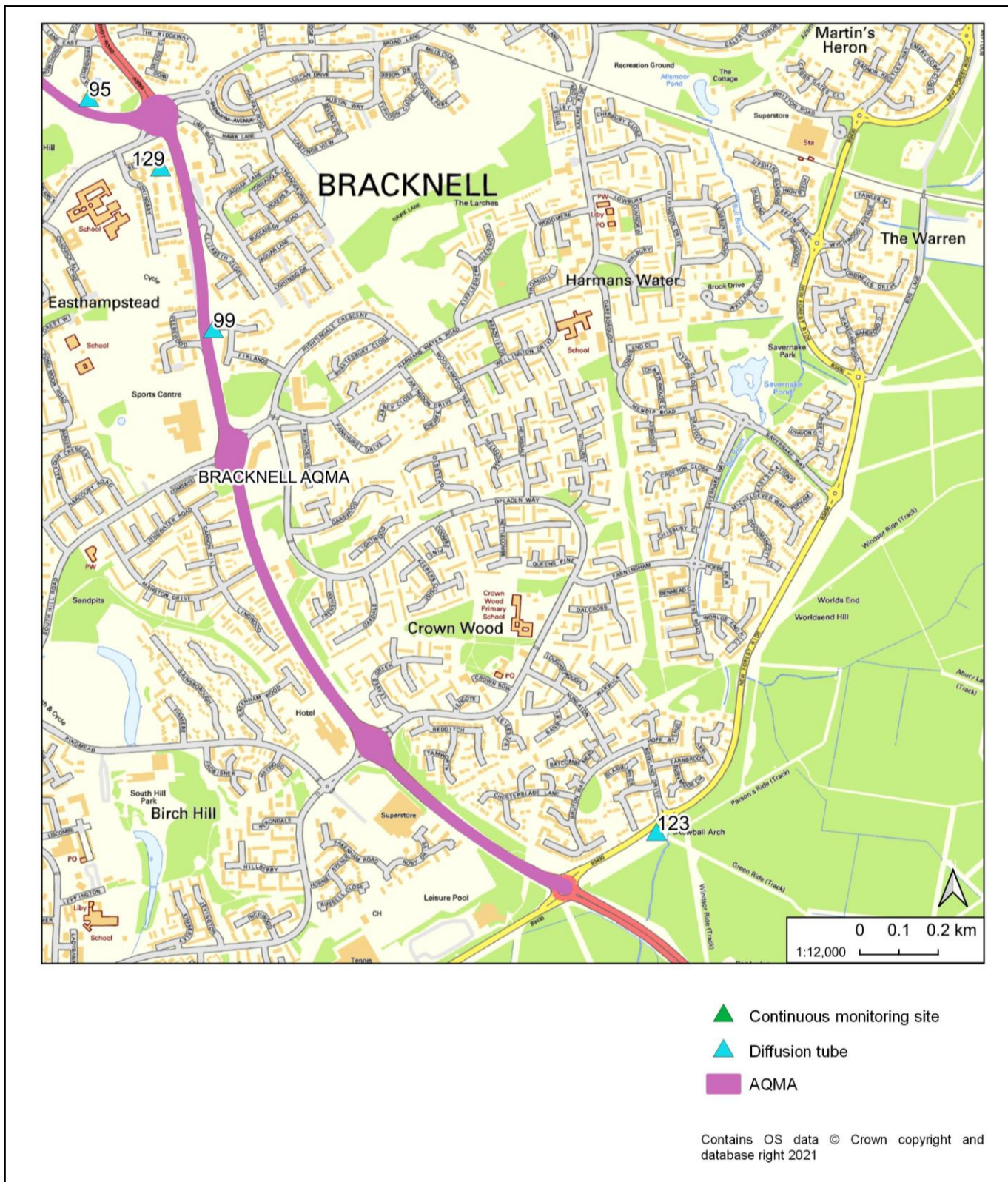


### 7.1 Map 2: The Bracknell AQMA (North) diffusion tube and continuous monitoring locations





## 7.2 Map 3: The Bracknell AQMA (South) diffusion tube and continuous monitoring locations





## Appendix B:

### QA/QC for the Diffusion Tubes and Continuous Monitor

#### QA/QC Diffusion Tubes

Bracknell Forest Council uses GRADKO as the supplier used for diffusion tubes and the method of preparation, e.g. 20% TEA in water. The monitoring that has been completed for the past 5 years+ is in adherence with the 2022 DEFRA Diffusion Tube Monitoring Calendar ([NO2 Diffusion Tube Monitoring Calendar | LAQM \(defra.gov.uk\)](#)).

The Workplace Analysis Scheme for Proficiency (WASP) is an independent analytical performance testing scheme, operated by the Health and Safety Laboratory (HSL). WASP formed a key part of the former UK NO<sub>2</sub> Network's QA/QC and remains an important QA/QC exercise for laboratories supplying diffusion tubes to Local Authorities for use in the context of Local Air Quality Management. The laboratory participants analyse four spiked tubes and report the results to HSL. HSL assign a performance score to each laboratory's result, based on their deviation from the known mass of nitrite in the analyte. The Performance criteria are due to be changed, at present the criteria are based on the z-score method, and equates to the following:

**GOOD:** Results obtained by the participating laboratory are on average within 13% of the assigned value. This equates to a Rolling Performance Index (RPI) of 169 or less.

**ACCEPTABLE:** Results obtained by the participating laboratory are on average within 13-26% of the assigned value. This equates to an RPI of 169 - 676.

**WARNING:** Results obtained by the participating laboratory are on average within 26 – 39% of the assigned value. This equates to an RPI of 676 - 1521.

**FAILURE:** Results obtained by the participating laboratory differ by more than 39% of the assigned value. This equates to an RPI of greater than 1521.

However, from April 2009, the criteria has been based upon the Rolling Performance Index (RPI) statistic and will be tightened to the following:

**GOOD:** Results obtained by the participating laboratory are on average within 7.5% of the assigned value. This equates to an RPI of 56.25 or less.

**ACCEPTABLE:** Results obtained by the participating laboratory are on average within 15% of the assigned value. This equates to an RPI of 225 or less.

**UNACCEPTABLE:** Results obtained by the participating laboratory differ by more than 15% of the assigned value. This equates to an RPI of greater than 225.

Bracknell Forest Council use Gradko International for the supply and analysis of the nitrogen dioxide diffusion tubes for their non-automatic monitoring programme. Gradko's performance for AIR PT please see Table C.2. Nitrogen Dioxide AIR PT 2019.

### Diffusion Tube Bias Adjustment Factors

The diffusion tube data presented have been corrected for bias using an adjustment factor. Bias represents the overall tendency of the diffusion tubes to under or over-read relative to the reference chemiluminescence analyser. LAQM.TG22 provides guidance with regard to the application of a bias adjustment factor to correct diffusion tube monitoring. Triplicate co-location studies can be used to determine a local bias factor based on the comparison of diffusion tube results with data taken from NO<sub>x</sub>/NO<sub>2</sub> continuous analysers. Alternatively, the national database of diffusion tube co-location surveys provides bias factors for the relevant laboratory and preparation method.

A summary of bias adjustment factors used by Bracknell Forest Council over the past five years is presented in Table B.. The site which was used was Downshire Way (Bracknell AQMA). Gradko International Ltd of St Martin's House 77 Wales Street Winchester Hampshire is the supplier and analyst of the nitrogen dioxide diffusion tubes. The tubes are analysed by U.V. spectrophotometry. The limit of detection is 20% TEA/Water.

**Table B.1 – Bias Adjustment Factor**

Monitoring Year	Local or National	If National, Version of National Spreadsheet	Adjustment Factor
2022	Local	-	0.82
2021	National	03/21	0.81
2020	National	09/20	0.84
2019	Local	-	0.82
2018	National	03/21	0.81

### QA/QC of Automatic Monitoring

TRL carry out the QA/QC on behalf of Bracknell Forest Council, below is their QA/QC procedure.

### **Site operation**

Routine instrument calibrations are conducted approximately once a month, which involve zero and span checks, a written record of the gas analyser diagnostics and a general visual inspection of all equipment is undertaken. There is a written operating procedure, and a calibration record sheet is completed at every site visit.

### **Data retrieval and daily data checking**

Data from the monitoring station is retrieved and processed on a Campbell CR10x data logger as 15-minute mean data. The logger was interrogated via a Siemens TC35i GSM modem at 8-hourly intervals by the ENVIEW 2000 software hosted at TRL. This was used to retrieve, check and archive data. TRL's internal QA/QC procedures require all data to be backed up on a secure server and all documentation associated with each site to be uniquely identified and securely stored to provide an audit trail. Daily data inspections are undertaken during office hours using the facilities of the Data Management System. Initial observations of the Management System indicate whether the site has been contacted during its nominated 'poll time' overnight. If this has not been successful a manual poll of the site may be required. If this is not successful further investigation of the communications integrity will be required to establish contact with the site modem and data logger. Three-day plots of recorded data are viewed for the requested site, and these are inspected and assessed for continuity, validity, minimum and maximum values, date and time, power failures and general integrity. All anomalies are recorded on the Daily Check sheet, as required. Any anomalies or queries arising from daily inspection of data, or system operation, are brought to the attention of the Project Manager who will evaluate the situation and initialise any necessary action. In the event that the PM is not available, contact will be made with the next available senior person within the monitoring team. Any issues identified with equipment operation will be referred to the client for attention within 24 hours (excluding weekends). On a weekly basis, data is examined using summary statistics and outlier analysis to establish data validity. If unusual data episodes are recorded, these would be routinely examined over longer data periods to establish their impact on trends but would also be cross referenced with data peaks and troughs recorded at other national monitoring stations. In addition, integrity and validity of data logger clock times are checked, and any significant errors recorded in the Data Management System logbook. All site data recorded through the Data Management System is archived on TRL's Network. The data is backed up daily, and the TRL IT Department maintains these data within their long-term and secure archives. This secures all data in the event of any system failure.

### **Data calibration and ratification**

Data is ratified as per AURN recommended procedures. The calibration and ratification process for automatic gas analysers corrects the raw dataset for any drift in the zero baseline and the upper range of the instrument. This is done using Evista software-based calibration and ratification process which incorporates the zero and span check information from the calibration visits. The zero reading recorded during the calibration visits is used to adjust any offset of the baseline of the data. The difference between the span value obtained between one calibration visit and the next visit is used to calculate a factor. This change is assumed to occur at the same rate over the period between calibrations and as such the factor is used as a linear data scaler. This effectively results in the start of the period having no factor applied and the end of the period being scaled with the full factor with a sliding scale of the factor in-between. After applying the calibration factors, it is essential to screen the data, by visual examination, to see if they contain any unusual measurements or outliers. Errors in the data may occur as a result of equipment failure, human error, power failures, interference or other disturbances. Data validation and ratification is an important step in the monitoring process. Ratification involves considerable knowledge of pollutant behaviour and dispersion, instrumentation characteristics, field experience and judgement. On completion of this data correction procedure, the data set is converted to hourly means and a summary of the data is provided to Bracknell Forest Council at quarterly intervals and a calendar year annual report is prepared.

### **Independent Site Audits**

In addition to these checks an independent site audit is carried out every 12 months to ensure the monitoring equipment is operating correctly. The audits that are carried out utilise procedures that are applied within DEFRA's National Automatic Air Monitoring Networks Quality Control Programme. The efficiency of the analyser's convertor is checked, and the analyser is also flow and leak tested. The gas bottle used for calibrations on site is also checked against the auditor's gas bottle to ensure the stability of the gas concentration.



**The Newbury and Thatcham Air Quality Management Area  
Proposal for Revocation Report  
In fulfilment of Part IV of the Environment Act 1995 Local  
Air Quality Management**

*Date: November 2023*

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<b>Report Reference Number</b>	Newbury and Thatcham AQMA Revocation Report
<b>Date</b>	November 2023

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## Contents

<b>Contents.....</b>	<b>4</b>
<b>1 Introduction.....</b>	<b>5</b>
<b>2 Local Air Quality Management.....</b>	<b>5</b>
<b>2.1 Review and Assessment of Air Quality .....</b>	<b>5</b>
<b>Table 1: The National Nitrogen Dioxide Air Quality Objectives .....</b>	<b>5</b>
<b>2.2 Health Impacts.....</b>	<b>6</b>
<b>2.3 Current Air Quality Management Area Status .....</b>	<b>7</b>
<b>2.4 Requirements for the revoking an Air Quality Management Area.....</b>	<b>7</b>
<b>3 Thatcham AQMA.....</b>	<b>7</b>
<b>3.1 The AQMA.....</b>	<b>7</b>
<b>3.2 The Nitrogen Dioxide Levels.....</b>	<b>7</b>
<b>Figure 1: Diffusion tube Nitrogen Dioxide Levels in the Thatcham from 2018 to 2022 .....</b>	<b>8</b>
<b>3.3 Future Monitoring .....</b>	<b>8</b>
<b>4 Newbury AQMA.....</b>	<b>9</b>
<b>4.1 The AQMA.....</b>	<b>9</b>
<b>4.2 The Nitrogen Dioxide Levels.....</b>	<b>9</b>
<b>Figure 2: Diffusion tube Annual NO<sub>2</sub> concentrations at Newbury AQMA from 2018 to 2022.....</b>	<b>10</b>
<b>Figure 3: Continuous Monitor Annual NO<sub>2</sub> concentrations at Newbury AQMA from 2018 to 2022.....</b>	<b>10</b>
<b>4.3 Monitoring.....</b>	<b>11</b>
<b>4.4 Future Monitoring .....</b>	<b>11</b>
<b>Table 2: A table showing the 2023 Continuous monitoring data for the Newbury.....</b>	<b>11</b>
<b>5 Ongoing measure to improve the local Air Quality.....</b>	<b>11</b>
<b>5.1 Current Borough Wide Monitoring.....</b>	<b>12</b>
<b>6 West Berkshire Council Consultation.....</b>	<b>12</b>
<b>7 What are the next Steps?.....</b>	<b>Error! Bookmark not defined.</b>
<b>8 References and Papers.....</b>	<b>13</b>
<b>Appendix A.....</b>	<b>14</b>
<b>Map 1: The Newbury AQMA.....</b>	<b>14</b>
<b>Map 2: The Thatcham AQMA .....</b>	<b>15</b>
<b>Map 3: The Newbury AQMA diffusion tube and continuous monitoring locations ...</b>	<b>16</b>
<b>Map 5: The Thatcham AQMA diffusion tube monitoring locations .....</b>	<b>17</b>
<b>Appendix B: QA/QC for the Diffusion Tubes and Continuous Monitor .....</b>	<b>18</b>



**QA/QC Diffusion Tubes** ..... 18  
 Table 3 – Bias Adjustment Factor ..... 19  
**QA/QC of Automatic Monitoring** ..... 19

## 1 Introduction

This report was produced on behalf of West Berkshire Council and constitutes the required information under which the Council is to apply for the revocation of two Area Quality Management Areas (AQMAs) known as Newbury AQMA and Thatcham AQMA.

The AQMA revocation report has been developed in recognition of the legal requirement on the local authority to work towards the Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and the relevant Regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.

This report will provide the Council with robust evidence as required under the LAQM guidance, LAQM.TG (22), to enable it to revoke the two AQMAs subject to consultation.

## 2 Local Air Quality Management

### 2.1 Review and Assessment of Air Quality

Under the Environment Act 1995 local authorities are required to review and assess local air quality annually against national air quality objectives. This process sits under the Local Air Quality Management (LAQM) programme which requires local authorities to report annually to the department for Environment, Food and Rural Affairs (DEFRA).

The air quality objectives applicable to LAQM in England are set out in the Air Quality Standard Regulations 2010. The pollutant of concern for these 2 AQMAs is Nitrogen Dioxide only and the limits are set out in Table 1 below.

**Table 1: The National Nitrogen Dioxide Air Quality Objectives**

Pollutant	Air Quality Objective: Concentration	Air Quality Objective: Measured as
Nitrogen Dioxide (NO <sub>2</sub> )	200µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean
Nitrogen Dioxide (NO <sub>2</sub> )	Annual mean 40µg/m <sup>3</sup>	Annual mean

## 2.2 Health Impacts

Air pollution is associated with several adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Air Pollution can be harmful to everyone, it mainly affects particularly affects the most vulnerable in society: children, the elderly, and those with existing heart and lung conditions. There is also often a strong correlation with equalities issues because areas with poor air quality are also often less affluent areas<sup>1,2</sup>.

Poor Air Quality is also a contributory role in mortality. The mortality burden of air pollution within the UK is equivalent to 29,000 to 43,000 deaths at typical ages<sup>3</sup>, with a total estimated healthcare cost to the NHS and social care of £157 million in 2017<sup>4</sup>.

The major source of air quality pollutants in West Berkshire is road transport, and the main pollutant of concern is nitrogen dioxide (NO<sub>2</sub>). The Newbury AQAM was declared for the exceedances of the Annual Mean and 1-hour NO<sub>2</sub> Objectives, and the Thatcham AQAM declared for the exceedance of the Annual Mean NO<sub>2</sub> Objective. (See Appendix A for the maps).

**Table 1: The National NO<sub>2</sub> Air Quality Objectives**

Pollutant	Air Quality Objective: Concentration	Air Quality Objective: Measured as
Nitrogen Dioxide (NO <sub>2</sub> )	200µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean
Nitrogen Dioxide (NO <sub>2</sub> )	Annual mean 40µg/m <sup>3</sup>	Annual mean

<sup>1</sup> Public Health England. Air Quality: A Briefing for Directors of Public Health, 2017

<sup>2</sup> Defra. Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

<sup>3</sup> Defra. Air quality appraisal: damage cost guidance, January 2023

<sup>4</sup> Public Health England. Estimation of costs to the NHS and social care due to the health impacts of air pollution: summary report, May 2018

## 2.3 Current Air Quality Management Area Status

In the comments from the June 2023 Annual Status Report for West Berkshire Council DEFRA has approved the recommendations made for the revocation of both of its AQMA's, as they have both recorded annual levels at or below  $36.0 \mu\text{g}/\text{m}^3$  for 3 continuous years.

## 2.4 Requirements for the revoking an Air Quality Management Area

The process for the revoking an AQMA is set out in the DEFRA Local Air Quality Management Policy and Technical Guidance (22). It states that:

*“3.57 The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where  $\text{NO}_2$  monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean  $\text{NO}_2$  concentrations being lower than  $36 \mu\text{g}/\text{m}^3$  (i.e. within 10% of the annual mean  $\text{NO}_2$  objective). There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.”*

Therefore as West Berkshire Council has robust monitoring data for both the Newbury and the Thatcham AQMAs, that has recorded levels at or below  $36.0 \mu\text{g}/\text{m}^3$  for 3 continuous years they can both be revoked subject to consultation.

## 3 Thatcham AQMA

### 3.1 The AQMA

The Thatcham AQMA was declared for the  $\text{NO}_2$  annual mean in 2011, which includes part of the A4 in Thatcham from the Harts Hill Road junction to the junction with the Broadway (See Appendix A for Map 2).

### 3.2 The Nitrogen Dioxide Levels

The nitrogen dioxide levels for the Thatcham AQMA, have been monitored using diffusion tubes since 2001 at 5 locations (see Map 5). These are located within or near the AQMA:

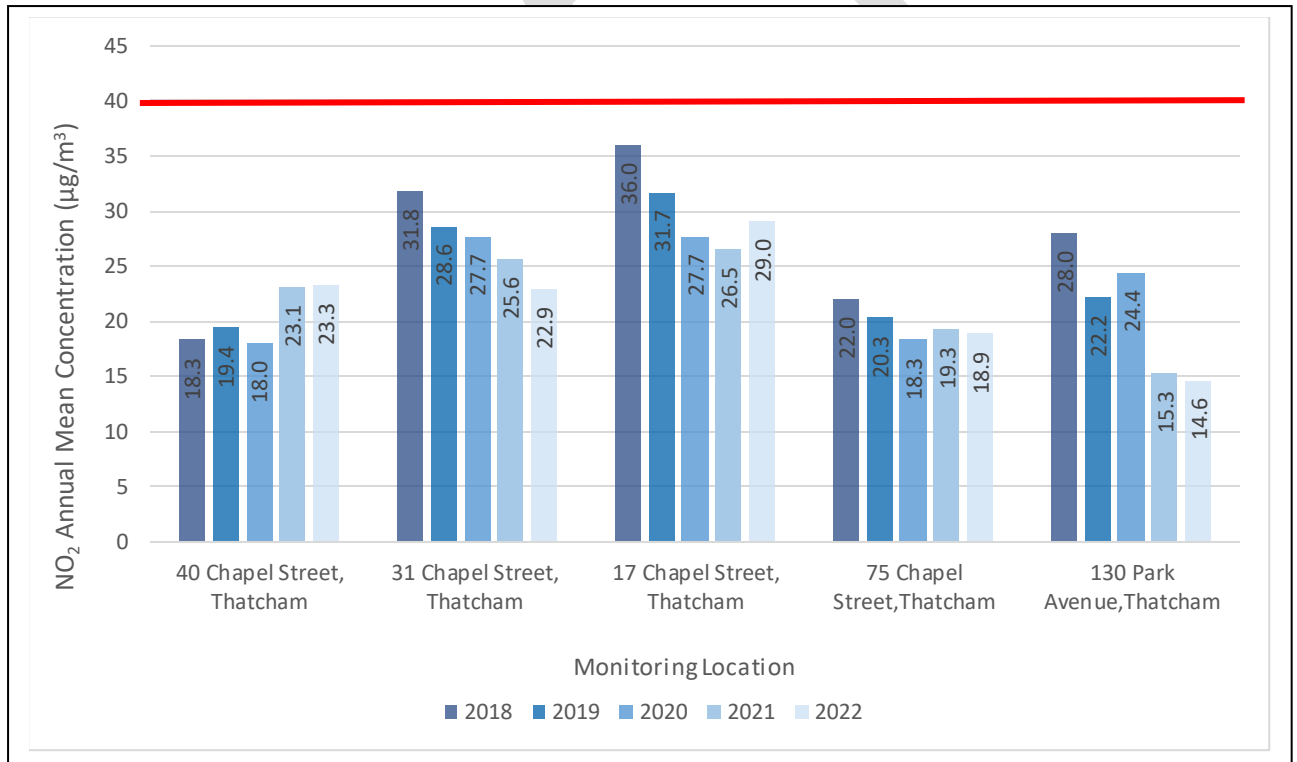
- 40 Chapel Street
- 31 Chapel Street
- 17 Chapel Street
- 75 Chapel Street

- 130 Park Avenue

The results have been 36.0  $\mu\text{g}/\text{m}^3$  or below for the past 5 years at 4 locations and 36.0  $\mu\text{g}/\text{m}^3$  or below for 4 years at site 17 Chapel Street, within the highest level reaching 36.0  $\mu\text{g}/\text{m}^3$  in 2018. Whilst the levels have started to rise slightly since 2020-2021 in two locations, 40 Chapel Street and 17 Chapel Street, they are still below 30.0  $\mu\text{g}/\text{m}^3$  (See Figure 1).

Several factors may attribute to these reduced levels including an increased use of electric vehicles, more people working from home “hybrid working”, increase in public transport use and reduction in vehicle idling.

**Figure 1: Diffusion tube Nitrogen Dioxide Levels in the Thatcham from 2018 to 2022**



### 3.3 Future Monitoring

Monitoring will continue at the 5 sites using diffusion tubes as advised in LAQM.TG (22) to ensure that the levels remain at 36.0  $\mu\text{g}/\text{m}^3$  or below, unless direct otherwise from DEFRA.

## 4 Newbury AQMA

### 4.1 The AQMA

The Newbury AQMA was declared for the NO<sub>2</sub> in 2009. An area encompassing the roundabout junction of the A339, A343 and Greenham Road in Newbury (See Appendix A Map 2).

### 4.2 The Nitrogen Dioxide Levels

The nitrogen dioxide levels for the Newbury AQMA, have been monitored using diffusion tubes (7 sites, 1 of which is triplicate) and a reference continuous monitor (see Map 3). The tubes are located at:

- 64 Greenham Road
- 1 Winchester Court
- Newbury Gardens Day Nursery
- 3 Howard Road
- 63 St Johns Road
- 1 St Johns Road
- Newbury Continuous Monitor

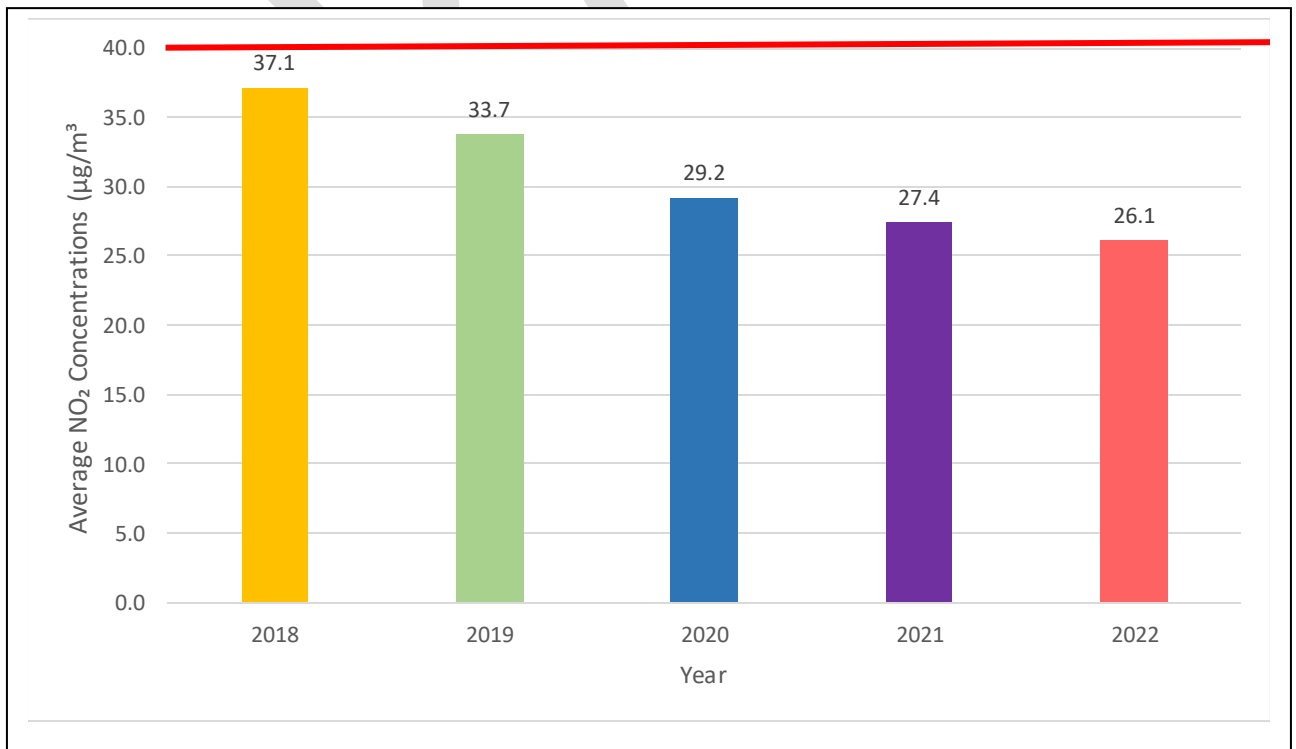
The Annual Mean results for NO<sub>2</sub> have been 36.0 µg/m<sup>3</sup> or below for the past 5 years, at all the diffusion tube locations (Figure 2). The continuous monitor has remained below 36.0 µg/m<sup>3</sup> since 2019, and the NO<sub>2</sub> has continued to decrease (Figure 3). There have not been any exceedances of the 1-hour objective in the last 5 years, where 18 are permitted. See Figure 4.

Several factors may attribute to these reduced levels including an increased use of electric vehicles, more people working from home “hybrid working”, increase in public transport use and reduction in vehicle idling.

**Figure 2: Diffusion tube Annual NO<sub>2</sub> concentrations at Newbury AQMA from 2018 to 2022**



**Figure 3: Continuous Monitor Annual NO<sub>2</sub> concentrations at Newbury AQMA from 2018 to 2022**



### 4.3 Monitoring

Monitoring will continue at the 7 diffusion tubes sites in Newbury as advised in LAQM.TG (22) to ensure that the levels remain at  $36.0 \mu\text{g}/\text{m}^3$  or below, unless direct otherwise from DEFRA.

### 4.4 Future Monitoring

Throughout 2023 the 7 diffusion tubes site within the AQMA have remained in place along with the Continuous monitor. To date the continuous monitoring has shown that the annual  $\text{NO}_2$  is predicted to remain below  $36.0 \mu\text{g}/\text{m}^3$ , see Table 2, with the average for quarters 1, 2, and 3 at  $27.6 \mu\text{g}/\text{m}^3$ , which is only slightly higher than the 2022  $\text{NO}_2$  results for quarters 1, 2, and 3 at of  $25.8 \mu\text{g}/\text{m}^3$ . The results from the diffusion tubes will not be known until the raw data has been bias corrected, however they are predicted to be below  $36 \mu\text{g}/\text{m}^3$  from analysing the previous year's data and the current data from the continuous monitoring.

**Table 2: A table showing the 2023 Continuous monitoring data for the Newbury.**

Month	Average NO concentration ( $\mu\text{g}/\text{m}^3$ )		Monthly comparison (%)	Quarterly Annual Average		Quarterly comparison (%)
	2022	2023		2022	2023	
January	38.8	32.9	-15	32.3	31.8	-1.6
February	23.9	35.5	48			
March	33.3	27.4	-18			
April	22.3	25.3	12	20.2	29.3	36.8
May	17.0	36.7	54			
June	21.7	18.1	-20			
July	24.7	19.8	-24.7	25.1	21.9	-13.6
August	25.7	20.3	-25.7			
September	Offline	24.8	n/a			
October						
November						
December						

## 5 Ongoing measure to improve the local Air Quality

In addition to working to reduce and maintain  $\text{NO}_2$  concentrations below the annual objective in all areas of the Borough, we will continue to assess planning applications to ensure that future developments and changes to the road networks across the Borough do not lead to an

increase in

the NO<sub>2</sub> concentration above the annual air quality objective of 40µg/m<sup>3</sup>. We will also continue to regulate installations to ensure that emission limits are not exceeded and continue the regulation of smoke control and waste burning to reduce impacts on local air quality. We will continue to provide our Anti-Idling Schools Kit to the local Primary's as well as running Clean Air Day, and other campaigns which help improve our air quality. ([air-quality-school-toolkit-final-version-1-003.pdf](#) ([publicprotectionpartnership.org.uk](#))).

## 5.1 Current District Wide Monitoring

In the 2023 Annual Status Report West Berkshire Council confirmed it has 36 diffusion tube sites monitoring NO<sub>2</sub> levels in district and that they have shown a decreasing trend since the 2018. No diffusion tube sites located within West Berkshire exceeded the Annual Mean Objective. No diffusion tube results were recorded above 60µg/m<sup>3</sup>, indicating no exceedances of the 1-hour NO<sub>2</sub> objective.

The continuous monitoring unit in Newbury, within the Newbury AQMA, recorded an Annual Mean NO<sub>2</sub> level of 26.1µg/m<sup>3</sup>, which meets the Annual Mean NO<sub>2</sub> Objective (40µg/m<sup>3</sup>) was not exceeded. The continuous monitoring also met the 1-hour NO<sub>2</sub> objective and recorded no exceedances.

Furthermore, there were no exceedances of the Annual Mean NO<sub>2</sub> Objective from the monitoring sites within both the Newbury and Thatcham AQMAs.

West Berkshire Council will be continuing to monitor the Air Quality across the borough (using diffusion tubes and continuous monitors), it may move the locations and add new areas to monitoring schedule as the local environment changes, such as new housing developments, changes to our road networks and the reduction of NO<sub>2</sub> across the district. West Berkshire is committed to continuing our work to reduce levels of pollution throughout the borough.

The Council will continue working toward reducing the concentration of all air pollutants to achieve the Air Quality Objectives as stated in the Environmental Act 2021.

## 6 West Berkshire Council Consultation

West Berkshire Council has consulted with statutory consultees as well as interested parties of the intention to revoke the two AQMAs. It is inviting feedback via email to [ehadvice@westberks.gov.uk](mailto:ehadvice@westberks.gov.uk) and any other comments to note.

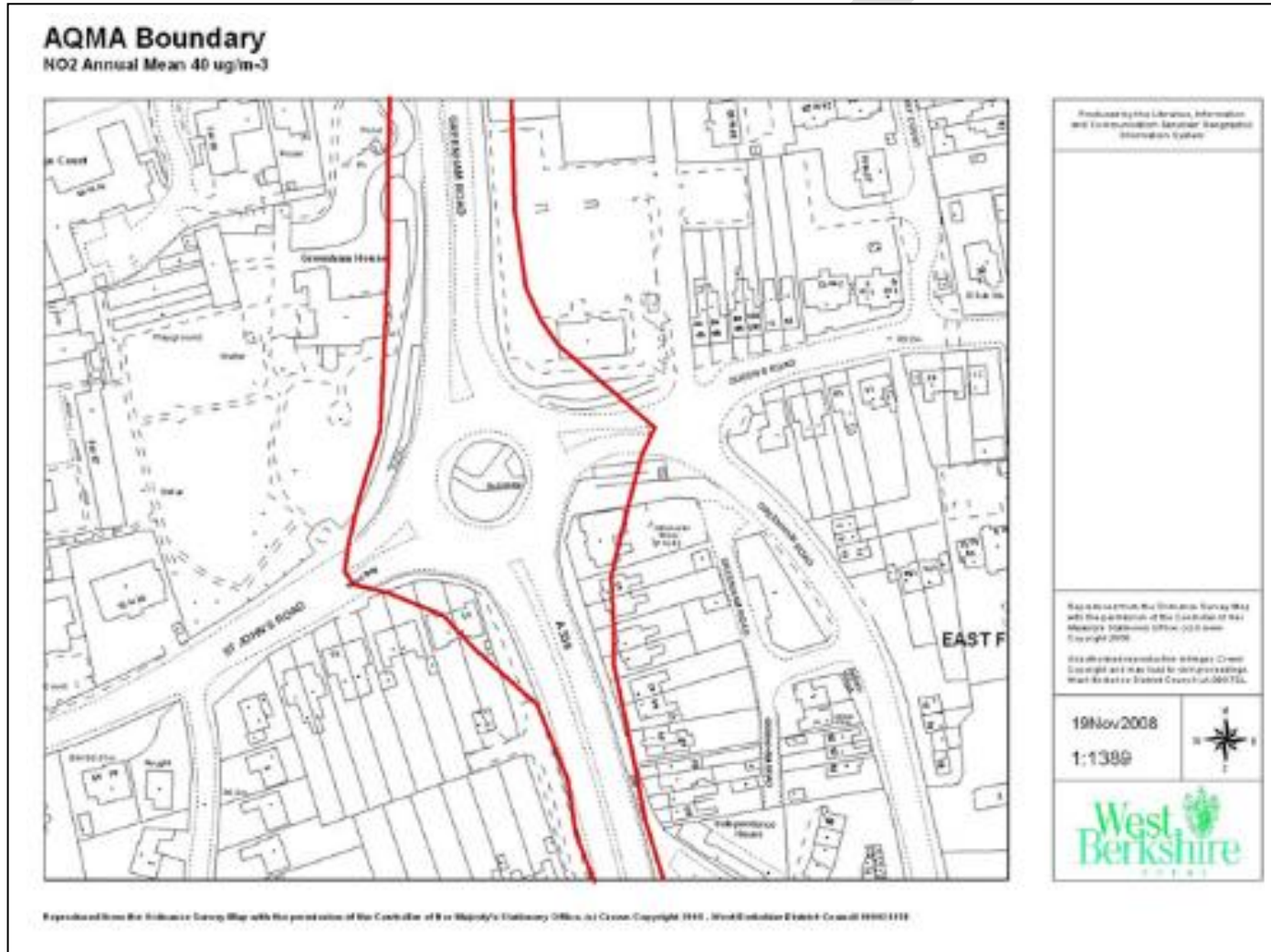


## 7 References and Papers

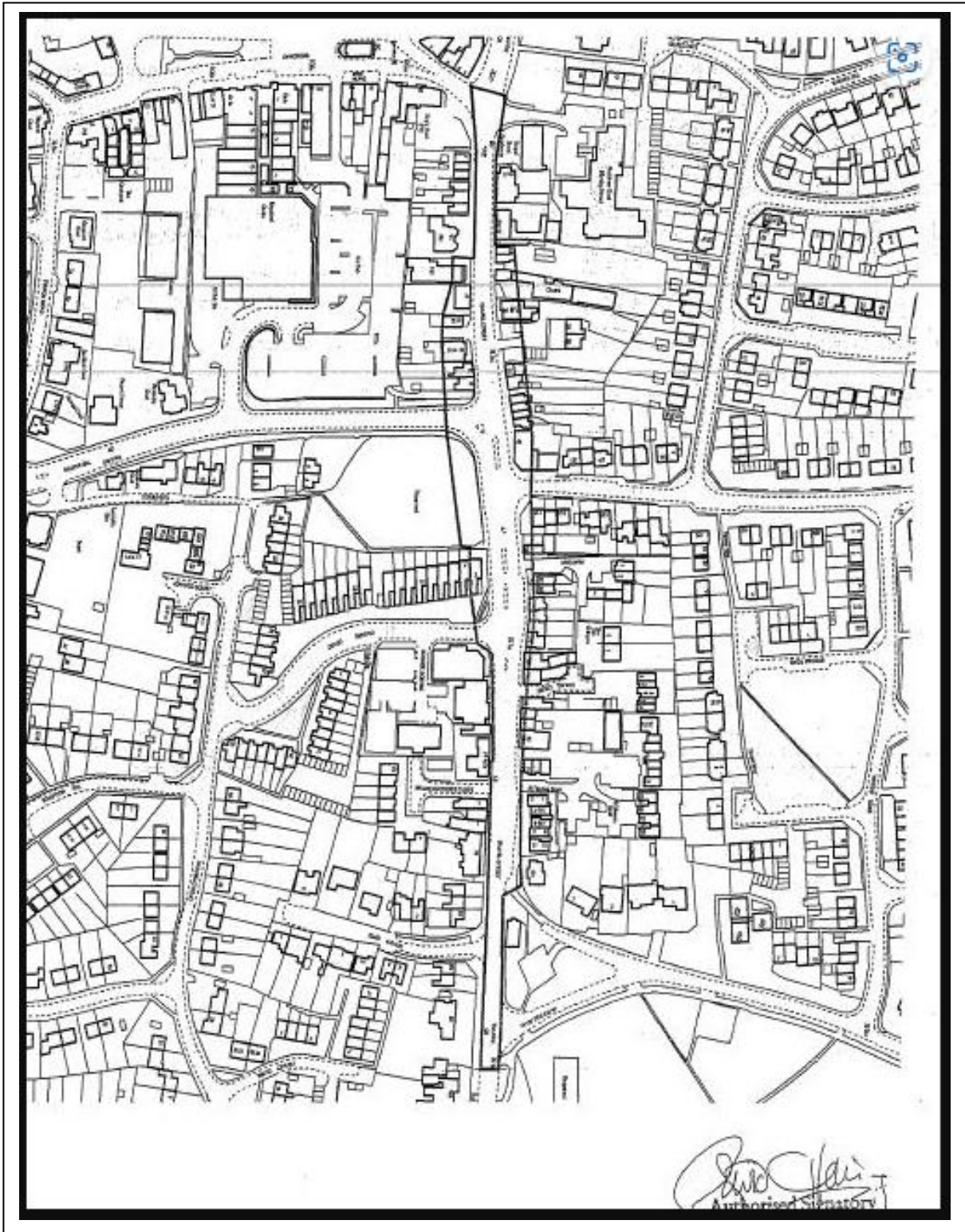
- **West Berkshire Council Annual Status Report (June 2023)**, by Charlie Fielder.  
[Air Quality Monitoring - PPP \(publicprotectionpartnership.org.uk\)](https://www.publicprotectionpartnership.org.uk)
- **Air Quality Management Areas (AQMAs) (DEFRA October 2023)**  
[Local Authority Details - Defra, UK](#)
- **Local Air Quality Management Technical Guidance LAQM.TG (22) (August 2022)**.  
Published by Defra in partnership with the Scottish Government, Welsh Assembly Government and Department of the Environment Northern Ireland.  
[LAQM-TG22-August-22-v1.0.pdf \(defra.gov.uk\)](#)

## Appendix A

### Map 1: The Newbury AQMA

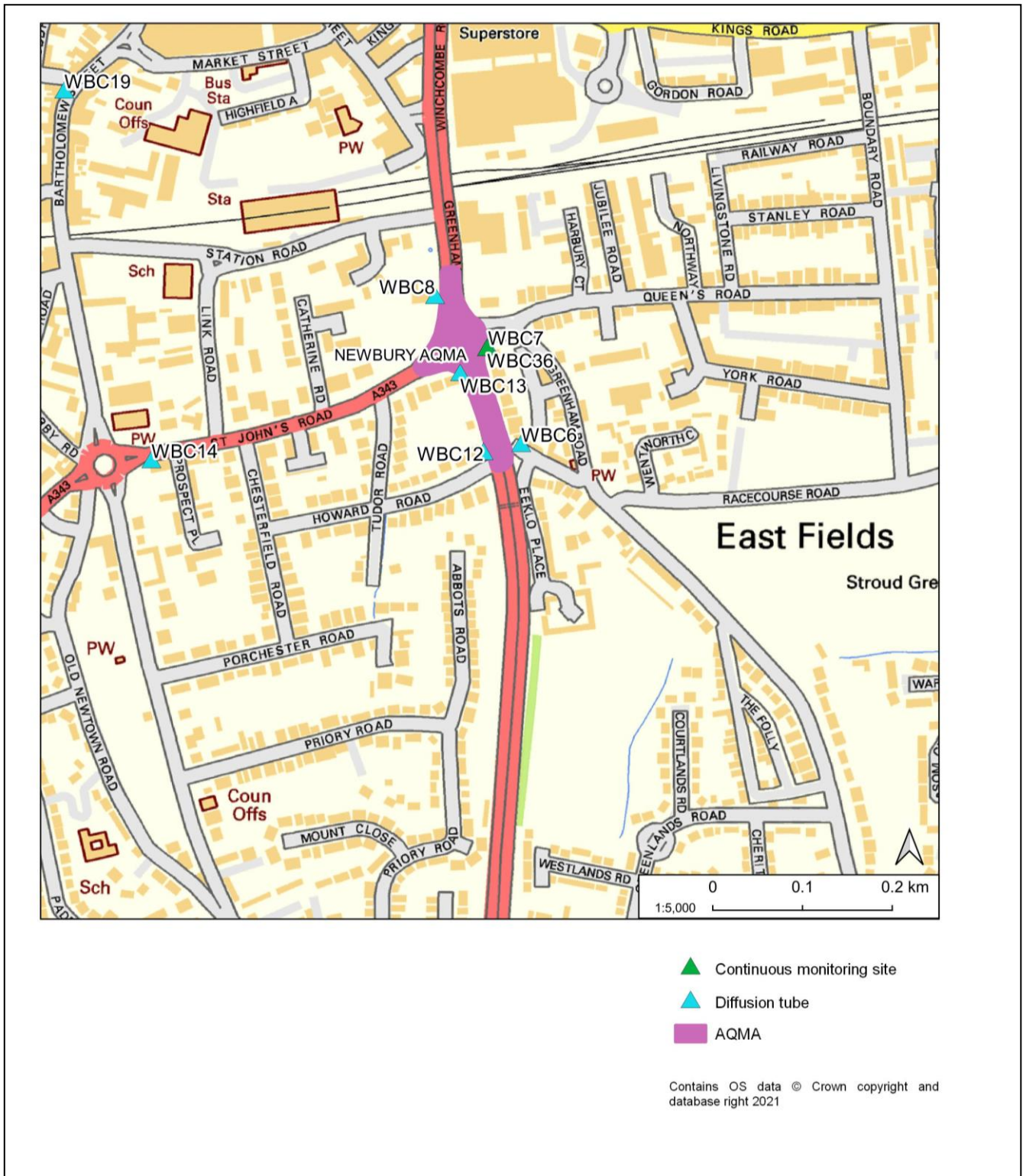


**Map 2: The Thatcham AQMA**

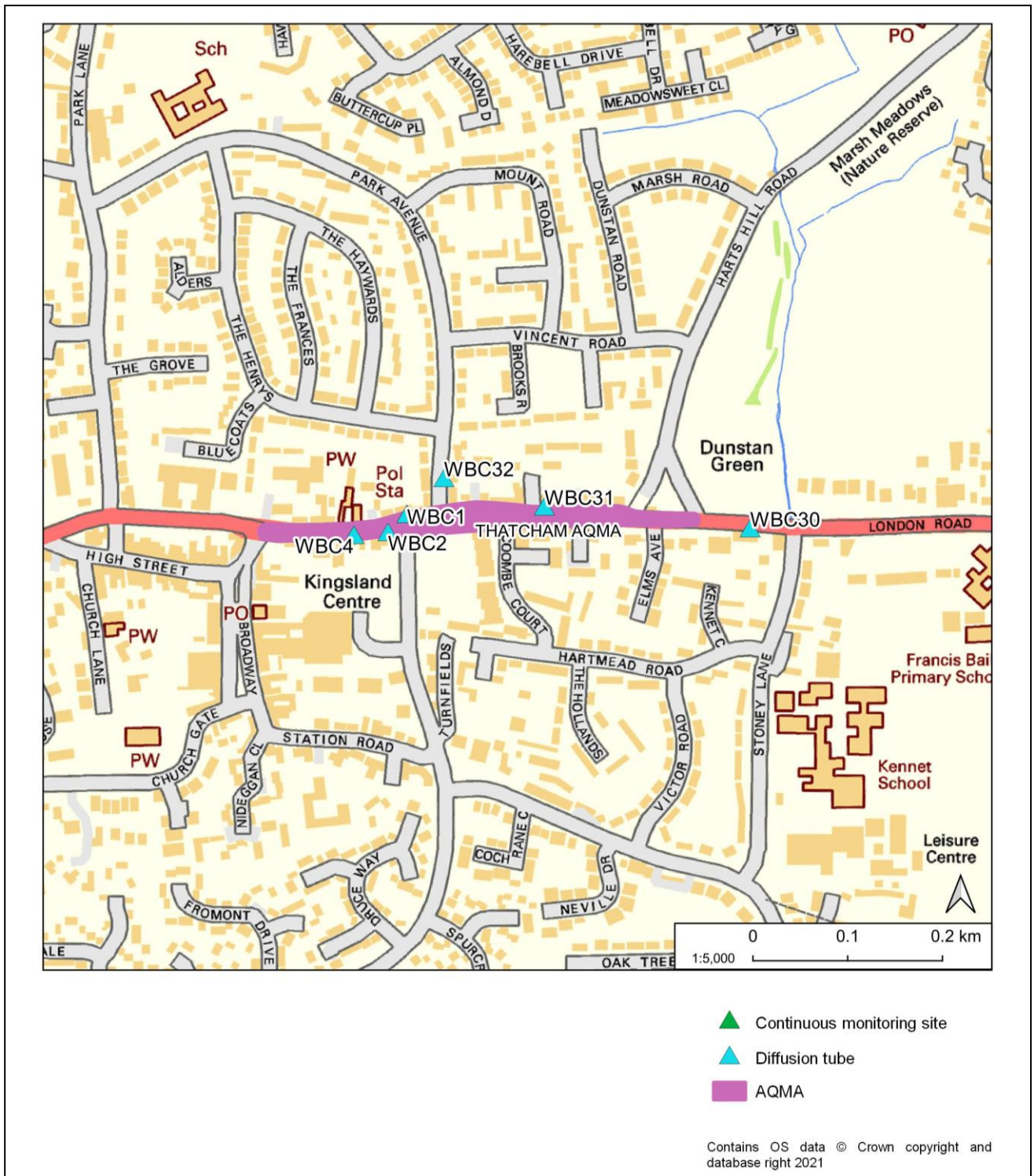




**Map 3: The Newbury AQMA diffusion tube and continuous monitoring locations**



Map 5: The Thatcham AQMA diffusion tube monitoring locations





## Appendix B:

### QA/QC for the Diffusion Tubes and Continuous Monitor

#### QA/QC Diffusion Tubes

West Berkshire Council uses GRADKO as the supplier used for diffusion tubes and the method of preparation, e.g. 20% TEA in water. The monitoring that has been completed for the past 5 years+ is in adherence with the 2022 DEFRA Diffusion Tube Monitoring Calendar ([NO2 Diffusion Tube Monitoring Calendar | LAQM \(defra.gov.uk\)](#)).

The Workplace Analysis Scheme for Proficiency (WASP) is an independent analytical performance testing scheme, operated by the Health and Safety Laboratory (HSL). WASP formed a key part of the former UK NO<sub>2</sub> Network's QA/QC and remains an important QA/QC exercise for laboratories supplying diffusion tubes to Local Authorities for use in the context of Local Air Quality Management. The laboratory participants analyse four spiked tubes and report the results to HSL. HSL assign a performance score to each laboratory's result, based on their deviation from the known mass of nitrite in the analyte. The Performance criteria are due to be changed, at present the criteria are based on the z-score method, and equates to the following:

**GOOD:** Results obtained by the participating laboratory are on average within 13% of the assigned value. This equates to a Rolling Performance Index (RPI) of 169 or less.

**ACCEPTABLE:** Results obtained by the participating laboratory are on average within 13-26% of the assigned value. This equates to an RPI of 169 - 676.

**WARNING:** Results obtained by the participating laboratory are on average within 26 – 39% of the assigned value. This equates to an RPI of 676 - 1521.

**FAILURE:** Results obtained by the participating laboratory differ by more than 39% of the assigned value. This equates to an RPI of greater than 1521.

However, from April 2009, the criteria has been based upon the Rolling Performance Index (RPI) statistic and will be tightened to the following:

**GOOD:** Results obtained by the participating laboratory are on average within 7.5% of the assigned value. This equates to an RPI of 56.25 or less.

**ACCEPTABLE:** Results obtained by the participating laboratory are on average within 15% of the assigned value. This equates to an RPI of 225 or less.

**UNACCEPTABLE:** Results obtained by the participating laboratory differ by more than 15% of the assigned value. This equates to an RPI of greater than 225.

West Berkshire Council use Gradko International for the supply and analysis of the nitrogen dioxide diffusion tubes for their non-automatic monitoring programme. Gradko's performance for AIR PT please see Table C.2. Nitrogen Dioxide AIR PT 2019.

### Diffusion Tube Bias Adjustment Factors

The diffusion tube data presented have been corrected for bias using an adjustment factor. Bias represents the overall tendency of the diffusion tubes to under or over-read relative to the reference chemiluminescence analyser. LAQM.TG22 provides guidance with regard to the application of a bias adjustment factor to correct diffusion tube monitoring. Triplicate co-location studies can be used to determine a local bias factor based on the comparison of diffusion tube results with data taken from NO<sub>x</sub>/NO<sub>2</sub> continuous analysers. Alternatively, the national database of diffusion tube co-location surveys provides bias factors for the relevant laboratory and preparation method.

A summary of bias adjustment factors used by West Berkshire Council over the past five years is presented in Table . The site which was used was Newbury in the AQMA. Gradko International Ltd of St Martin's House 77 Wales Street Winchester Hampshire is the supplier and analyst of the nitrogen dioxide diffusion tubes. The tubes are analysed by U.V. spectrophotometry. The limit of detection is 20% TEA/Water.

**Table 3 – Bias Adjustment Factor**

Monitoring Year	Local or National	If National, Version of National Spreadsheet	Adjustment Factor
2022	National		0.82
2021	Local	-	0.84
2020	Local	-	0.99
2019	Local	09/20	0.91
2018	Local	-	1.0

### QA/QC of Automatic Monitoring

TRL carry out the QA/QC on behalf of West Berkshire Council below is their QA/QC procedure.

## **Site operation**

Routine instrument calibrations are conducted approximately once a month, which involve zero and span checks, a written record of the gas analyser diagnostics and a general visual inspection of all equipment is undertaken. There is a written operating procedure, and a calibration record sheet is completed at every site visit.

## **Data retrieval and daily data checking**

Data from the monitoring station is retrieved and processed on a Campbell CR10x data logger as 15-minute mean data. The logger was interrogated via a Siemens TC35i GSM modem at 8-hourly intervals by the ENVIEW 2000 software hosted at TRL. This was used to retrieve, check and archive data. TRL's internal QA/QC procedures require all data to be backed up on a secure server and all documentation associated with each site to be uniquely identified and securely stored to provide an audit trail. Daily data inspections are undertaken during office hours using the facilities of the Data Management System. Initial observations of the Management System indicate whether the site has been contacted during its nominated 'poll time' overnight. If this has not been successful a manual poll of the site may be required. If this is not successful further investigation of the communications integrity will be required to establish contact with the site modem and data logger. Three-day plots of recorded data are viewed for the requested site, and these are inspected and assessed for continuity, validity, minimum and maximum values, date and time, power failures and general integrity. All anomalies are recorded on the Daily Check sheet, as required. Any anomalies or queries arising from daily inspection of data, or system operation, are brought to the attention of the Project Manager who will evaluate the situation and initialise any necessary action. In the event that the PM is not available, contact will be made with the next available senior person within the monitoring team. Any issues identified with equipment operation will be referred to the client for attention within 24 hours (excluding weekends). On a weekly basis, data are examined using summary statistics and outlier analysis to establish data validity. If unusual data episodes are recorded, these would be routinely examined over longer data periods to establish their impact on trends but would also be cross referenced with data peaks and troughs recorded at other national monitoring stations. In addition, integrity and validity of data logger clock times are checked, and any significant errors recorded in the Data Management System logbook. All site data recorded through the Data Management System is archived on TRL's Network. The data is backed up daily, and the TRL IT Department maintains these data within their long-term and secure archives. This secures all data in the event of any system failure.



### **Data calibration and ratification**

Data is ratified as per AURN recommended procedures. The calibration and ratification process for automatic gas analysers corrects the raw dataset for any drift in the zero baseline and the upper range of the instrument. This is done using Evista software-based calibration and ratification process which incorporates the zero and span check information from the calibration visits. The zero reading recorded during the calibration visits is used to adjust any offset of the baseline of the data. The difference between the span value obtained between one calibration visit and the next visit is used to calculate a factor. This change is assumed to occur at the same rate over the period between calibrations and as such the factor is used as a linear data scaler. This effectively results in the start of the period having no factor applied and the end of the period being scaled with the full factor with a sliding scale of the factor in-between. After applying the calibration factors, it is essential to screen the data, by visual examination, to see if they contain any unusual measurements or outliers. Errors in the data may occur as a result of equipment failure, human error, power failures, interference or other disturbances. Data validation and ratification is an important step in the monitoring process. Ratification involves considerable knowledge of pollutant behaviour and dispersion, instrumentation characteristics, field experience and judgement. On completion of this data correction procedure, the data set is converted to hourly means and a summary of the data is provided to West Berkshire Council at quarterly intervals and a calendar year annual report is prepared.

### **Independent Site Audits**

In addition to these checks an independent site audit is carried out every 12 months to ensure the monitoring equipment is operating correctly. The audits that are carried out utilise procedures that are applied within DEFRA's National Automatic Air Monitoring Networks Quality Control Programme. The efficiency of the analyser's convertor is checked, and the analyser is also flow and leak tested. The gas bottle used for calibrations on site is also checked against the auditor's gas bottle to ensure the stability of the gas concentration.

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## Appendix G

### **Quarter 1 – end of June 2021**

Air Quality Officer- external advertisement for the fixed term post commenced in May and recruitment planned for early Q2. Post filled and AQ officer to start in August.

Procurement for PM2.5 monitoring – commenced in May in conjunction with Commissioning and Legal teams of West Berkshire Council to ensure quality, innovation and best value adhering to the Procurement Strategy. As value is in excess of £10k procurement to be carried out through e-Tendering (In-Tend) portal.

Idling – Cough Cough switch it off signs at rail/canal crossings, also leaflet produced and provided to the school. Schools for Clean Air Day were asked to sign up to an AQ pledge to help the environment, and send out all information to the parents.

### **Quarter 2 – end of September 2021**

Air Quality Officer – successful recruitment of an Officer has been completed, with the post holder having been in place from mid-August. The Air Quality Officer has now settled into the team and has contributed toward the progression of different projects under the grant.

Procurement for PM2.5 monitoring – release of procurement was delayed due to workload issues, and breakdown of communications between different departments. Since additional resource has been available for the project, PM2.5 procurement activities have advanced and a tender pack is due to be released via the In-Tend procurement portal October 11<sup>th</sup>. Although the procurement for PM2.5 monitoring equipment and associated reporting had been delayed, there will be no impact on the deliverability of the project to the previously agreed timescales, but the commencement of PM2.5 monitoring has been pushed back from starting in the autumn term to the winter term in the New Year.

Idling Bumper Sticker Competition – final drafts of the information pack to be released to schools have been completed, and will be released to schools on October 8<sup>th</sup>. In Q3 bumper sticker entries will be judged by a combination of PPP staff and engaged schools, before announcing a winner and having stickers printed.

### **Quarter 3 – end of December 2021**

Following progress in Quarter 2 the procurement of PM<sub>2.5</sub> monitoring equipment and reporting was released via the In-Tend portal on 11<sup>th</sup> October as planned. With many suppliers expressing interest in the project a total of 8 tender returns were received. The evaluation exercise undertaken was successful and a winning bid was identified. Following the notification of award to bidders, one challenge was received in respect of the phrasing of one particular aspect of the procurement documentation – which had an impact on how tenders were scored. This challenge was resolved by holding a virtual meeting with the tenderer in question, to discuss their scoring and how they may interpret similar procurement exercises in the future. This provided a good opportunity for both parties to better understand the procurement process, with lessons learned recorded for future activities.

As of December 31<sup>st</sup> 2021 PPP have not yet signed into contract with the winning supplier, whilst both parties work to agree on an appropriate pricing schedule, within the terms agreed in the procurement documents released. We hope to be signed into contract in the very near future so that monitoring can commence in the first term back of the New Year.

Over the autumn term schools across the PPP region were provided with materials and guidance to enter into the bumper sticker competition, designing a sticker to encourage the driver waiting in traffic behind to switch off their engine when stationary and safe to do so. A total of 348 entries were received, which have been narrowed down to a shortlist for voting. Schools and the PPP Environmental Quality team will be voting for the winning design in early January. The winning design will then go to the graphics team for a digital touch-up to ensure its visibility on the roads, and for the appropriate PPP and Defra logos to be added. The winning design will then be printed using an external supplier and made available to schools and through various other outlets.

During Quarter 3 procurement plans and documentation for the Behaviour Change Specialist have reached their final drafts, and will be uploaded to the In-Tend procurement portal in January.

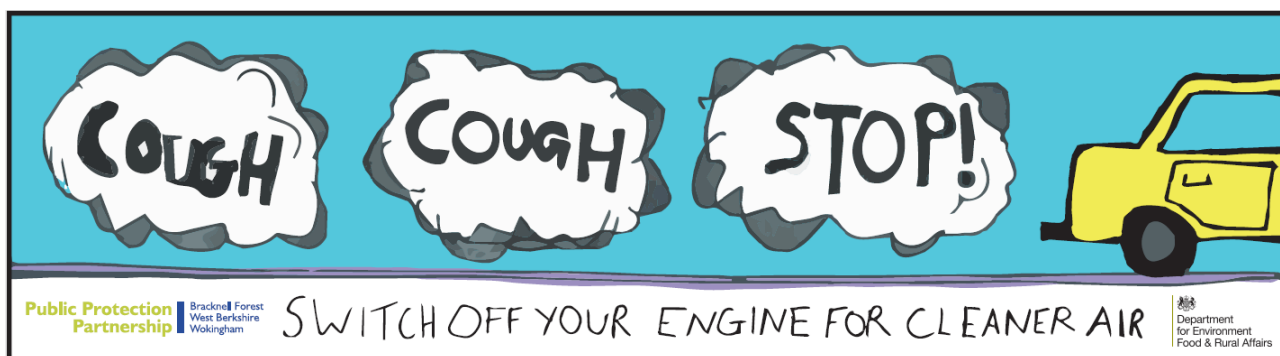
To help increase the understanding of the diffusion tube monitoring carried out in the borough, PPP have produced smart sticker to be located next to the tubes on Council property so the public can again access to more information via a QR code. These will be in place in Q4.

#### **Quarter 4 – end of March 2022**

Following procurement of PM<sub>2.5</sub> Monitoring Equipment and Reporting, PPP successfully contracted at the beginning of this reporting period. After sealing the contract after negotiation between each parties' legal services AECOM held an inception meeting with PPP to identify key personnel, and agree a timeline for the works based on some minor changes to the original plan proposed by AECOM in their tender submission. 11 PM<sub>2.5</sub> monitoring devices accompanied by weather stations have been installed this quarter to begin recording data which will be used to construct reports at a total 42 school across the duration of the project. PPP and AECOM have held meetings every two weeks to ensure the successful delivery of monitoring and reporting and to address and issues which may arise. AECOM have produced a final draft of the report which will be used to inform contributing factors of local PM<sub>2.5</sub> concentrations at schools', and how they could be addressed. The first completed reports (42 total) are expected to be received throughout the next quarter.

Having received a total 348 entries from school children across the PPP authorities, a winner was voted by participating schools and the PPP Environmental Quality team. The winning design came from Ascot Heath Primary School in Bracknell Forest. Copies of the sticker have been sourced through the West Berkshire Council print room and are being distributed to local schools, parish councils, libraries, and any other organisation/individual who has expressed an interest in receiving a window sticker. In the upcoming quarter PPP will be undertaking a photoshoot with the competition winner and local councillors to help publicise the stickers and raise the profile of the project. The Wokingham MyJourney team, who we are closely collaborating with, have

also requested a bulk order of the bumper stickers to be offered to local schools. A copy of the winning design is pictured below:



In January final versions of the procurement documentation for a Behaviour Change Specialist were produced, and released via the In-Tend procurement portal on 4<sup>th</sup> February 2022 for Quotation Responses. In the following two week window PPP received clarifications from multiple organisations interested in submitting quotes for the work, however a formal bid was only received from one company for review. The review exercise proved the bidder submitted a worthy application for the works, and they are due to be sent a contract offer next week (first week of the next reporting quarter). This will allow PPP to begin progressing the behaviour change elements of the project, including targeted awareness campaigns to tackle engine idling.

Finally, batches of diffusion tubes were procured to begin collecting baseline data for the upcoming 'NO<sub>2</sub> Biggest Loser' competition, which will be launched with schools later in the year.

### **Quarter 5 – end of June 2022**

Having successfully installed 11 PM2.5 monitors with accompanying weather stations during the previous quarter, reports for 7 of these studies have now been received by AECOM following the decommissioning of equipment at the end of May. These reports have identified that of all schools monitored so far, there are no specific sources of high particulate concentrations. General measures have been identified which schools could adopt to help ensure that particulate concentrations are kept to an absolute minimum, however later reports for the remaining 35 school sites may reveal more specific action is required.

PPP entered into contract with WSP for the provision of behaviour change guidance at the beginning of this reporting quarter. WSP have been tasked with completing a work package in multiple stages which aims to bring together research on engine idling across the PPP area, and propose interventions to reduce vehicle engine idling and in turn improve air quality. So far WSP have completed a 'Baseline Research Report' which provides an understanding of current views towards engine idling, findings on the presence of idling drivers across the boroughs, identifies hotspot areas for targeted signage etc, reviews the success of previous anti-idling schemes and so on. WSP are now working with us to finalise a suite of 'designs' for their proposed intervention options which includes road signage, business toolkits, radio ads etc. It is expected that we will begin to see this material from September 2022 onwards.

Diffusion tubes have been installed outside 42 schools for monitoring of the 'NO<sub>2</sub> Biggest Loser' competition and continue to be changed alongside LAQM activities.

### **Quarter 6 – end of September 2022**

A further 7 reports have been received from our monitoring partner AECOM this quarter, bringing the current total reports received to 14 with a further 4 reports anticipated to be received early in the next quarter. The reports received during this quarter follow a similar theme to those received before, and all indicate that at those schools monitored PM<sub>2.5</sub> concentrations are well within the newly proposed PM<sub>2.5</sub> targets and the guidelines set by WHO. Communication with all stakeholders involved in the PM<sub>2.5</sub> project is ongoing to ensure the successful continuation of the monitoring programme at all 42 schools. At this stage no unique actions have been identified to address any local point sources close to schools because the monitoring undertaken so far has not highlighted any issue areas. To ensure that we are still acting upon the monitoring plans are being made to contact key school personnel to discuss next steps they could take to ensure pollutant concentrations are maintained at low levels or further improvements could be made.

Having completed a baseline research report, workshop, survey, literature review, and behavioural analysis, WSP have produced a suite of signage designs to address idling throughout the three boroughs. Approval is currently being sought from the boroughs to have signs installed during Q3. Following installation, WSP will be conducting progress reports at defined intervals to evaluate the impact of the signage and suggest any further adjustments. Some examples of the signage are included below, subject to change.



At this stage in the project it should be noted that there has been significant delay in receiving approvals for the designs of signage from the authorities, and this has impacted the timeline for having signs installed. It is now anticipated that installations of signs will take place over the winter period.

Triplicates of diffusion tubes continue to monitor NO<sub>2</sub> concentrations at those same 42 schools included under the PM<sub>2.5</sub> monitoring programme. The results from this monitoring will be used for the 'NO<sub>2</sub> Biggest Loser Competition' which is due to commence in 2023 once a years' worth of data has been collected to calculate a baseline annual mean. The competition will encourage schools to take action to reduce concentrations around their school – by implementing a school street for example.

## **Quarter 7 – end of December 2022**

### **PM<sub>2.5</sub> monitoring at schools**

After successfully procuring a supplier (AECOM) for the monitoring and reporting of PM<sub>2.5</sub> concentrations at 42 schools, we have been underway with the first and second tranches of a three tranche monitoring programme. AECOM have so far provided reports for 28 schools, with all showing compliance with the PM<sub>2.5</sub> annual mean limit set in Defra's Air Quality Objectives. Two schools have shown a minor exceedance less than 5% above the PM<sub>2.5</sub> guideline set by the World Health Organization (WHO), which is much stricter than Defra's objective, but not enforced in the UK. It should be noted that these comparisons against the annual mean objectives have been made using 3 months' worth of data so should be considered only as indicative. Monitoring at the remaining schools in the programme have now all commenced by the end of Q3, and contact will be made with school representatives to consider any appropriate next steps, for example, improving school travel plans or undertaking targeted action to address engine idling.

### **Anti-idling training in Bracknell Forest**

PPP visited the Bracknell Forest Civil Enforcement team at the beginning of October to deliver anti-idling training, focused on collecting information about the location and occurrence of idling vehicles in Bracknell when CEOs are out conducting their usual duties. The aim is to address idling through behaviour change and to encourage drivers to switch off their engines where appropriate. Leaflets have been produced with information to explain the dangers of idling, and to help dispel some common myths about the topic. Data collected from the initiative will help us to better understand the problem and be used to tailor behaviour change measures, like best locations to place new signage.

### **Behavioural Change**

The schools pack has been received, having been reviewed by a teacher who thought it fitted well – general enough to not be too boring and focused enough to cover the main issues in a relatively entertaining way. This includes a pledge for children to sign with their parents to encourage behaviour change. The idling counts have been carried out during this quarter at 14 locations. The signage was finalised and order raised in December with delivery early January.

## **Quarter 8 – end of March 2023**

### **PM<sub>2.5</sub> monitoring at schools**

During this quarter the final tranche of PM<sub>2.5</sub> monitoring at schools was complete. The full set of reports have now been received for all 42 schools involved in the project. Working alongside our monitoring and reporting partner AECOM, we are in the stages of making final assessments and clarifications on the report contents so that we can begin discussing the results directly with schools. In the next quarter all schools involved in the project will be contacted, and encouraged to consider next steps to maintain and further improve particulate matter concentrations at their school. In the 3 month indicative monitoring periods reported for each school, all have been compliant against the national air quality objectives for pollutants PM<sub>2.5</sub> and PM<sub>10</sub>. There have

been some very minor exceedances of WHO guidelines, which were observed during particular cold weather where higher concentrations are to be expected.

### **Behavioural change**

Having received delivery of anti-idling signage in January, signs were installed in a number of locations across the three boroughs. WSP are scheduled to conduct their next round of surveys in April, where key locations where signage has been installed will be visited to observe idling behaviour now that signs are present. The observations from these survey counts will be used to understand the effectiveness of the new signage, and to help decide and necessary next steps.

### **Quarter 9 – end of June 2023**

#### **PM<sub>2.5</sub> monitoring at schools**

All reports and an explanatory covering letter was sent to the schools at the beginning of the quarter.

#### **Behavioural change**

The intermediate counts and the final took place in this quarter. The final report due early next quarter. The signage will be removed at the end of July.

This quarter saw the completion of education tool kit. This was made up of: Air Quality Toolkit, Letter to Parents, Primary School Air Quality Presentation and School Pledge on Air Quality. By the end of June 5 schools visited for an assembly and workshop and 3 more booked in for July as part of the school engagement program. Feedback so far is that the program has been well received by both staff and pupils. Due to poor take up schools from the 42 in the project area an additional 36 schools close to the AQMAs were contacted to offer the in person education package and sent the toolkit. An additional over 140 schools were sent the toolkit. This work coincided with Clean Air Day (CAD) and as a direct result of the social media put out an additional school signed up to the assembly and workshop offer.

#### **Anti-idling training in Bracknell Forest**

Update and training of new civil enforcement officers in Bracknell Forest took place on CAD. They go out and patrol and assist in our anti idling work. An A frame temporary sign to be ordered to assist in awareness raising.

### **Quarter 10 – end of September 2023**

Increase project work carried out inhouse and the contractors now leading on the engagement with schools for the anti-idling campaign. This consisted of:

- Contacting schools to gauge interest, determine the format and schedule the package of schools engagement
- Emails and phone calls to schools to secure interest/assembly and workshop dates
- Delivery of 5 x assemblies and 3 x assemblies plus workshops
- Creation and delivery of an air quality toolkit to schools within the PPP's area
- Time associated with obtaining feedback on the workshops and/or Toolkit



The toolkit was distributed to all 42 schools which were part of the PM2.5 monitoring project as well as all the additional Wokingham Air Quality project schools. Due to the low take up of the in person engagement the invitation to additional schools was made. Positive feedback was received by those schools which fully engaged.



Behavioural change campaign report received and concluded that the surveys had been inconclusive. It is proposed to extend by more in depth monitoring and evaluation in 3 locations, 1 in each LA area, in Q11.

The NO2 Biggest Loser monitoring continues and monitoring will be completed at the end of Q11.

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## Public Protection Partnership Service Update and Q2 Report for 2023/24

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	11 December 2023
<b>Chair of Committee:</b>	Councillor Lee Dillon
<b>Date JMB agreed report:</b>	20 November 2023
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	JPPC4275

### 1. Purpose of the Report

- 1.1 To inform the Committee of the performance of the Public Protection Partnership in line with the operating model and business plan and provide an update setting out performance during the second quarter of 2023/24.

### 2. Recommendations

The Committee:

- 2.1 **NOTES** the 2023/24 Q2 performance for the Public Protection Service.
- 2.2 **NOTES** the Service Update since the last meeting.

### 3. Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>The service is currently predicting an end of year budget outturn of zero. Although there is an underlying underspend (arising from vacancies and last year's carry forward) this is being deployed to offset in-year pressures faced by both Councils.</p> <p>The service has a predicted income shortfall of £80K in 2023/24. This is also being mitigated by vacancies in licensing and other areas of the service combined with reduced spend on agency staff.</p> <p>West Berkshire currently has strict controls in place where expenditure is incurred and is focused on the delivery of essential services only and these include restrictions on agency spend, recruitment and overtime.</p>
<b>Human Resource:</b>	<p>Clearly the combination of vacancies and restrictions on the use of agency staff has the risk of increasing pressure on existing staff. We are constantly reviewing the service to ensure that resource is targeted in high priority areas and areas where there is greater risk of detriment to residents. There is some</p>

	<p>engagement of agency staff, but this is limited and linked primarily to grant funded areas where there is not the resource to conduct the work e.g., level 3 investigation work and private sector housing work.</p> <p>A great deal of effort has gone into re-balancing the service through the delivery of a <a href="#">workforce strategy</a> focussed on a 'grow our own' ethos by investing in apprenticeships, post graduate professional qualifications and post-entry training for both new and existing officers. This workforce strategy is underpinned by the <a href="#">Training and Development Plan</a>.</p> <p>We have had some success in terms of recruitment to business-critical areas and these are set out in the body of this report.</p>
<b>Legal:</b>	<p>There are no direct legal implications arising from this report. The Inter-Authority Agreement (IAA) charges the Joint Public Protection Committee with the responsibility to oversee service delivery and performance including financial performance. This report discharges this responsibility.</p>
<b>Risk Management:</b>	<p>We will continue to manage risk in line with the prevailing situation and corporate policies. The service maintains both a strategic and operational risk register.</p> <p>The strategic risk register is regularly scrutinised by the Joint Management Board (JMB) which meets fortnightly. The JMB considers the red risk action plans at these meetings.</p> <p>The operational risk register is routinely monitored by the Principal Policy Officer Group with concerns being escalated to the Joint Management Team.</p> <p>The first critical risk currently facing the service is the failure to retain or recruit business critical staff which would result in the Service being unable to fulfil our statutory obligations. This risk is being managed through the carefully executed workforce strategy.</p> <p>The second critical issue is budget in respect of the loss of income and the legacy budget pressures arising from the decision by Wokingham BC to leave the shared service.</p> <p>We have also included some information in the report about a potential risk to the service around kennelling provision for stray dogs.</p>
<b>Property:</b>	<p>There are no direct property implications arising from this report although it is to be noted that the 'Transformation Programme' at West Berkshire is looking at rationalising the use of the estate. This may have an impact on the PPP use of Theale Gateway</p>

	with some sharing of the building proposed on a trial basis from February 2024.			
<b>Policy:</b>	<p>There are no direct policy implications arising from this paper. It should be noted that the Inter-Authority Agreement (IAA) places a responsibility on the Joint Public Protection Committee (JPPC) to determine service policies and priorities and to maintain oversight of performance. This report addresses that requirement by setting out the current performance levels and the approach to ongoing service recovery.</p> <p>The revised service priorities were agreed at the <a href="#">March 2023</a> JPPC meeting. The Delivery Plan will be agreed at the March 2024 meeting which will assist with monitoring progress against the priorities whilst providing context about how the priorities are being delivered on a day-to-day basis.</p>			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No implications
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No implications
<b>Environmental Impact:</b>	✓			<p>It is anticipated that the revised ways of working will continue to deliver reductions in travel for the team.</p> <p>In addition, one of the aims of the Partnership is to deliver better outcomes for the environment and for residents of Bracknell Forest and West Berkshire</p>

<b>Health Impact:</b>	✓			The proposals create no direct health impacts on staff. They do however set out progress against community-based health protection and improvement measures and initiatives.
<b>ICT or Digital Services Impact:</b>	✓			<p>The use of ICT on service delivery has been transformational. Telephone conferencing, MS Teams and Zoom continue to be employed in the day today running of the service.</p> <p>The JPPC will continue to meet in accordance with the decisions made by West Berkshire Council, as the host authority, about meeting arrangements. The Licensing Committees will be conducted under the meeting arrangements of their individual authorities.</p> <p>The Service will continue to make use of the website, and social media platforms to improve the customer journey and keep residents and businesses informed.</p>
<b>PPP Priorities :</b>	✓			<p>This information sets out how the Service has maximised the use of resources to deliver against all the JPPC priorities as set out below:</p> <ol style="list-style-type: none"> <li>1. Alcohol and Tobacco Harm Reduction</li> <li>2. Animal Welfare</li> <li>3. Cost of Living</li> <li>4. Environmental Protection</li> <li>5. Food Safety and Standards</li> <li>6. Health and Safety Enforcement</li> <li>7. Housing Standards in the Private Rental Sector</li> <li>8. Impact of Nuisance on Residents and Communities</li> <li>9. Improved Air Quality</li> <li>10. Licensing</li> <li>11. Nutrition and Childhood Obesity</li> <li>12. Service Improvement</li> <li>13. Tackling Fraud</li> <li>14. Unsafe Consumer Goods</li> </ol>
<b>Data Impact:</b>		✓		None

<b>Consultation and Engagement:</b>	There is regular engagement with staff as well as senior officer and Member briefings in each of the authorities that form the PPP.
<b>Other Options Considered:</b>	None. It is a requirement of the IAA to report on the performance of the service.

## 4. Executive Summary

- 4.1 The Committee is mandated by the Inter-Authority Agreement (IAA) to keep under review the performance and activity of the Public Protection Service including the financial performance and outputs of the service. Throughout the year the Committee receives updates on aspects of performance and any emerging issues, achievements, and priorities. This report also sets out progress and risks in key strategic areas of the business i.e., Finance, HR, ICT, Property and Legal.
- 4.2 The summarised Quarter 2 (July to September) performance data is set out in **Appendix A** to the report. Some data is unavailable due to the systems transition.
- 4.3 The narrative in this report sets out the steps and interventions that the service performs across all partner authority areas to protect both residents and businesses.

## 5. Finances and Resources

- 5.1 As at the 30<sup>th</sup> November 2023 the Service is reporting a zero outturn which includes management of an estimated £80K shortfall in income which has arisen primarily in the licensing service.
- 5.2 The Service continues to seek access to grant funding. In the year to date the service has made successful grant funding applications exceeding £300K for level 2 and 3 investigations. There has been a further award to support level 2 investigations of £43K recently. These grants are used to fund costs for expert witnesses, staff costs, agency costs and legal costs.
- 5.3 We are also accessing a range of public health funding relating to housing standards and links to health, tobacco and alcohol control including the development of Community Alcohol Partnerships. Other grant funding sources relate to supporting scam (fraud) victims with interventions to reduce the risk of harm and detriment. Some examples of this work can be found elsewhere in this report and on this agenda.
- 5.4 The service received a grant allocation of £13.33K to look for on-line test purchases of vapes as part of national surveillance programme.

## 6. Customer Satisfaction Rates, FOI's etc.

- 6.1 The Service continues to explore ways to improve data capture on customer satisfaction for businesses and residents interacting with the service. All documentation issued by the service now have a QR code that links to a short on-line survey.
- 6.2 During Q2 81% of respondents to these surveys confirmed that that they were fairly, very or exceptionally satisfied with the service that they had received.

- 6.3 During Q2 the team dealt with a total of 89 Freedom of Information requests which took around 66 hours to process. The number of requests increased by around 12% when compared to the same period in 2022/23 where 78 Fols were processed. The number of FOIs processed in Q2 is exactly the same as Q1 but took around 10% longer to process. The team also processed 37 enquiries from Councillors and the local MPs. This represented a significant increase when compared to the 22 (68% increase) that were dealt with in Quarter 2 of the previous year.
- 6.4 Three service complaints were received, one more than during the same period of 2022/23. This amounts to less than 0.1% of the total number of service requests that were received.
- 6.5 Quarter 2 Data for Past 4 years (Wokingham Data Removed for Comparator Purposes):

	2020/21	2021/22	2022/23	2023/24
<b>Fols</b>	106* (41 hrs)	71	78 (43.3hrs)	87 (66)
<b>MP/Cllr Enquiries</b>	20	16	22	37
<b>Complaints</b>	8	10	2	3

\* there was a surge in Covid related Fols at this time.

## 7. Human Resources:

- 7.1 Since the last meeting of the JPPC we have:
- Appointed 1.5 licensing officers. We were seeking 3.0 FTE
  - Attempted to recruit to a Trading Standards Officer vacancy without success.
  - Lost a Senior ECO (housing) to another Berkshire council.
- 7.2 The key training and development updates are:
- Fireworks training delivered by Andy Hubble, Star Fireworks Ltd was undertaken by sixteen of our officers;
  - Twelve officers attended hoarding training provided by external trainer;
  - L4 and L6 apprentices attended a regional Trading Standards session for apprentices arranged through Trading Standards South East (TSSE).
  - Pest Technology Conference attended;
  - Internal Training provided for apprentices and new starters on using the Intelligence Database;
  - Lighting and noise training undertaken through the Chartered Institute of Environmental Health (CIEH)
  - 2 Officers attended ILM Caravan Site Licensing Training
  - One Licensing Administrator is attending Professional Licensing Practitioners Qualification training.
  - Artificial lighting training -whole EQ team and 3 of the apprentices.
  - CIEH Noise conference – majority of the EQ team



## **8. ICT**

- 8.1 Since the last meeting a significant amount of progress has been made on the 'single system' database implementation. The number of outstanding actions has reduced significantly with the links to all external databases such as Citizens Advice and the Food Standards Agency all now functioning.
- 8.2 The next step for the service is to roll out the use of the portal for both the public to register service requests and for those seeking services such as applicants for licences to apply and pay on-line.
- 8.3 Further training has been delivered on the use of the new 'single system' and more is planned.

## **9. Property and Assets**

- 9.1 The key property highlights are as follows:
- West Berkshire's ongoing transformation programme is looking at property. Theale Gateway is the home to many staff including all central teams such as licensing and customer delivery. It is proposed by West Berkshire that this become a shared facility on a limited basis with up to six desks allocated for non PPP staff. A trial starts in February 2024.
  - Property (evidence) storage is also being considered with a long-term demand for increased storage capacity particularly around larger-scale seizures of counterfeit goods.
  - The service has now disposed of one animal warden van which was surplus to requirements.

## **10. Operational Delivery – Measures of Volume**

- 10.1 The key measures of volume data are set out in Appendix A to this report and the key highlights in terms of team activity is set out below.

## **11. Communication, Consultation and Engagement**

- 11.1 Since the last report to Committee:
- The Lead Communication Officer has left the service and some limited alternative arrangements have been put in place to continue to deliver this important area of work. Regrettably, this post now appears in the list for deletion elsewhere on this report. It is clear that the loss of this post has damaged the ability of the service to deliver against its stated delivery model which includes high levels of public information with a view to preventing harm.
  - Officers have dealt with eight press enquiries and the PPP has been mentioned in numerous online articles and multiple print articles. Including national coverage of a rogue trader case.
  - Officers have published 28 articles on the website.

- Officers have attended three water safety partnership events over the summer holidays (July/August)
- The Summer Parish poster was distributed and there have been two topic specific briefings for Members including the 'single use plastics ban' and how we support the planning process.
- In August the whole of PPP came together for a whole team meeting and safeguarding training session with Thames Valley Police.

Target	2022/2023 Outturn	Q2
Facebook – No of New Followers *	265	57
Facebook – No of Posts	358	118
Twitter – No of New Followers	29	7
Twitter – No of Tweets	311	84
Website – No of Visits	88,872	24,150
Website – No of Articles	110	28

- 11.2 Q2 consultations, -- During Q2 we have undertaken a consultation on the [knowledge test in Bracknell](#) and have consulted on the [Statement of Licensing Policy in West Berkshire](#).
- 11.3 During Q2 the service worked with colleagues from Thames Valley Police and the Royal Berkshire Fire and Rescue Service to support [Water Safety Partnership](#) events as set out below:
- 26th July – Warfield Family Fun Day
  - 10th August – Winkfield Family Fun Day
  - 24th August – Binfield Family Fun Day
- 11.4 The Policy and Governance Principal Officer continues to work closely with West Berkshire and Bracknell Forest communication teams and liaises with them on a regular basis regarding our campaigns. For example, the Water Safety Partnership in West Berkshire and Bracknell and the anti-fly tipping campaigns in Bracknell Forest. We also share our press releases for their distribution, as well as both continuing to share relevant posts on each other's social media platforms.
- 11.5 The Lead Officer – Crime Prevention and Health retired during Q2 and a new member of the team commenced in role in August, taking forward aspects of community health work. Despite this change in staffing a significant amount of work has been undertaken to support health harm reduction during this quarter.
- 11.6 Owing to the school summer holidays falling during Q2 and the beginning of the new school year, no schools' performances were undertaken, nevertheless since the start

of the new academic year, schools have been keen to book in presentations, especially in respect of vaping, to be delivered in the coming months. The schools attitudinal survey in regard to smoking, vaping and alcohol use was conducted in July. The 2365 responses were analysed, and findings report published in September. The report highlights the reduction in smoking amongst children, however a significant increase in vaping.

- 11.7 In July, the [Community Alcohol Partnership](#) expanded to cover the whole of West Berkshire. As a result of this, a project with Newbury College to reduce health harms associated with alcohol and substances amongst their students was started and a project within the Nightingales estate of Greenham is being set up. In addition, a Challenge 25 operation is being organised for the new year.
- 11.8 Two responsible retailer training sessions have been undertaken during Q2. In addition, a further football club joined the '[Smokefree Sidelines](#)' initiative running in conjunction with the Football Association to reduce smoking by adults when spectating at children's football matches.
- 11.9 The provision of five Scams awareness stands took place within West Berkshire, offering advice to members of the public and from these a number of investigations have been generated.
- 11.10 The service continues to support residents needing support through the [Support with Confidence scheme](#).
- 11.11 Thatcham Community Larder operates on a weekly basis, it currently has 75 members and not only provides food but also advice on various subjects such as housing, debt management, rogue traders, healthy eating, illegal money lending, fraud and scam prevention whilst also being a social hub.
- 11.12 The PPP were successful in bidding for grant funding from the Office of Product Safety Standards (OPSS) to [deliver free electric blanket and portable heater testing](#) across Bracknell, West Berkshire and Wokingham in October along with delivering presentations and safety advice on the safe use and storage of these items. We worked closely with our partners in the Royal Berkshire Fire and Rescue Service on this initiative. 18% of electric blankets tested failed safety requirements.

## 12. Community and Trading Standards (including Customer Services)

- 12.1 The following is a summary of some of the work undertaken by the Community and Trading Standards Team:
- Over the last quarter officers undertaking food standards inspections have found issues with food products being sold past their use by date across food establishments. Mostly the products are only a day or two past the date and in small numbers and so are being dealt with by way of advice and warning notices on the day with re-visits planned over the coming weeks. Further breaches may lead to formal action.
  - A comprehensive food sampling programme is taking place this year. This quarter has seen officers' sample glazed meats (for illegal colours), chocolate desserts (for undeclared Soya) and frozen chicken (for excess undeclared water). Quarter 3 will see officers testing take away meals (for artificial colours),

fish and chips (for species and acrylamide) as well as following up any failures accordingly.

- Trading Standards Officers have been busy conducting a number of interviews under caution in relation to several non-compliant vapes seized during Operation Tanoak. Officers have also been test purchasing disposable vapes as part of a national project looking at market surveillance as part of Operation Joseph. This work is expected to continue until the end of December.
- In response to a cluster of product safety notifications for children's toys, several samples were purchased and sent to an independent test house to check that the products met recognised standards. Results are pending. In addition, Officers have received unusual service requests as part of business as usual. For example, a complaint relating to an unroadworthy horsebox, which will require examination, reports of repetitive offending for unsafe building work and several fraud scam reports which have been included in mid-year scams reports to colleagues within TVP.
- As part of general inspections over 40 explosives visits were undertaken on all premises registered to keep explosives (mainly fireworks) across the PPP area. Officers identified some minor issues relating to the conditions set by the licence around safe storage and quantity. Advice was provided to correct safe storage conditions, and licences varied to bring premises into compliance. This is an improvement on last year where two premises were found to have major breaches and were subsequently investigated for health and safety breaches.
- Visits concerning Animal Health and Animal Feed are ongoing. As part of the compliance checks being carried out, officers attended The Newbury Show in September, this being the first show since covid. The Team was pleased to note that there were no issues identified and officers were on hand throughout the event to provide advice to show organisers and stall holders as appropriate.
- Those same officers are also working with Animal and Plant Health Agency (APHA) and planning colleagues investigating a farm within the area who are dealing with fallen stock taken from other farms for processing without the correct authorisations or planning permissions in place.
- The trading standards service supported Thames Valley Police on a child sexual exploitation operation to look at sales of alcohol to minors as well as permitting minors to book hotel rooms with adults without suitable checks taking place.
- Nuisance complaints remain a significant element of service requests received by the team, and there are several ongoing investigations concerning noise from sources such as cockerels, domestic appliances, water pumps and human behaviour in addition to the usual nuisance of music. Quarter 2 produced around 200 domestic related complaints of this nature; most of which are dealt with through officer dialogue, but some result in abatement notices where the nuisance is considered to be an unreasonable interference with a neighbouring property.
- Officers have dealt with two hoarding and one high hedge case requiring action to enforce their notices in order to clear a substantial amount of material from premises to ensure harbourage of pests is removed. A long-standing high hedge complaint has now been resolved with the removal of the hedge.
- Overall, pest related service requests remain relatively static. Ordinarily, this type of complaint would affect one or two properties at a time. However, officers have been dealing with an infestation at a row of shops – this led to the closure

of a takeaway within that row, and a co-ordinated pest control effort was put in place to resolve the issue.

- Our dog warden work continues with the picking up of strays, and we are preparing for the changes in legislation relating to XL Bullies. We are already supporting responsible owners with any advice they might seek as we learn what these changes might look like. This issue has also opened up challenges the service has regarding kennelling facility availability and how we continually seek to house larger dogs we collect as strays. More to follow on how this change in the law might impact on day-to-day operations.

### **13. Commercial (Food Safety and Health and Safety)**

13.1 During Quarter 2 the Team dealt with:

- 144 Food hygiene service requests;
- 108 Routine food hygiene inspections;
- 156 infectious disease notifications
- 69 Health and safety at work service requests
- 25 reported workplace accidents considered

13.2 Food hygiene cases of interest include three voluntary closures of restaurants/takeaways and service of a hygiene improvement notice at a takeaway for pest, waste and drainage issues.

13.3 Officers have investigated a minor electric shock sustained by a member of the public at a hospitality premises and investigation of hygiene and safety complaints at two nail bars.

13.4 Two Safety Advisory Groups have been held.

13.5 Health and safety visits have been carried out at 11 large public events including at Newbury Racecourse, Wasing Park and Englefield House.

13.6 In Q2 the team undertook a full review of safety management arrangements for 26 large scale events and 15 smaller events including currently operating Lapland UK and next year's D Day 80th anniversary event.

### **14. Licensing (Including Applications and Licensing Governance)**

14.1 The service has managed to successfully recruit 1.5 additional licensing officers since the last JPPC meeting. This is still short of the three vacancies we were looking to fill. Work on recruiting to the remaining vacancies is ongoing following the late withdrawal of a successful candidate following the last recruitment activity.

14.2 Several taxi matters have been resolved including one about a private hire operator subcontracting work to Transport for London after their records were checked and a licence has been revoked after a driver was caught plying for hire without the appropriate licence. Another private hire drivers' licence was recently refused on the grounds that the person was not 'fit or proper'.

14.3 We have dealt successfully with a complaint regarding the unlicensed breeding of Colourbulls and have dealt with a complaint about an unlicensed dog breeder.

Working alongside the Thames Valley Dog unit some of the dogs were removed from the premises.

14.4 Officers have visited around 50 pubs and off licences over the summer carrying out compliance checks to ensure they are meeting the requirements of their licences.

14.5 The following licensing panel/subcommittee meetings have taken place in Q2:

Type of Application	Applicant	Outcome
<b>Bracknell Forest</b>		
None		
<b>West Berkshire</b>		
Application for a Premises Licence	Saptal Singh Madhan Racecourse Food & Wine	Approved with Conditions
Application for a Premises Licence	Nigel Hopes Awberry Barn, Awberry Farm	Adjourned
Two further meetings were cancelled as a result of the application being withdrawn or successful mediation after the agendas were published.		

14.6 During Q3 we have seen an increase in activity around licensing hearings. To date a further five hearings have been arranged in West Berkshire.

Type of Application	Applicant	Outcome
<b>West Berkshire</b>		
None		
New Premise Licence	Boxford Restaurant Ltd The Boxford, Roodhill, Boxford RG20 8DD	Approved with Conditions
New Premise Licence	Eng Retails Ltd Newbury Premier, 3 Monument Close, Essex Street, Newbury RG14 6QW	Approved with Conditions
New Premises Licence	Nigel Hopes Awberry Barn, Awberry Farm Beenham	Hearing scheduled on the 8 <sup>th</sup> December 2023
New Premise Licence	Let's Eat Trading Ltd Coriander Club, 98 Royal Avenue, Calcot, Reading, Berkshire, RG31 4UT	Hearing scheduled for 13 <sup>th</sup> December 2023
New Premise Licence	Reloaded Nightclub 7-9 Wharf Road Newbury	Hearing scheduled for 03 January 2024

Licensing Hearings Data for last three years.			
Authority	2021/22	2022/23	2023/24

Bracknell Forest	0	2	0 to date
West Berkshire	6	0 (2 cancelled after agenda publication)	7 to date (with a further 5 cancelled or adjourned after agenda publication)

## 15. Environment Health Housing

- 15.1 The annual caravan site inspection programme is ongoing. Officers continue to review and monitor sites under the [‘fit and proper person\(s\) regulations’](#). Site licence conditions are also reviewed to ensure sites are safe and risk-free for residents. Two officers are currently being trained to assist with the inspection programme and investigation of complaints.
- 15.2 Following the execution of a warrant earlier in the year the service secured a conviction under the Caravan Sites and Control of Development Act 1960 for operating a regulated site without a licence. The site also did not have planning permission.
- 15.3 The team have secured evidence against the operator of a House of Multiple Occupancy (HMO) with a trial planned in Q4.
- 15.4 Work continues with the Commercial to Residential Conversion Project. All inspections are carried out jointly with the Royal Berkshire Fire and Rescue Service. The project has identified a number of issues including, but not limited to, compartmentation, excess heat, water ingress into residential flats due to faulty/poorly maintained roofing. A report will be produced for the Committee on findings once the project is completed.
- 15.5 ‘Homes for Ukraine’ inspections have slowed down significantly. The team have carried out inspections on properties proposed as asylum accommodation. One of these properties put forward has proved to be unsuitable due to an excess heat hazard experienced during the summer months.
- 15.6 The service provided advice as part of a corporate response by Bracknell to proposed temporary asylum accommodation.
- 15.7 The service is responding to an increase in the number of complaints from tenants in social housing. Disrepair varies but often includes faulty leaking roof/guttering, resulting in damp and mould. These are often complex with a breakdown in the relationship between landlord and tenant.
- 15.8 As before, the team have experienced an increase in the need to progress cases to enforcement. Landlords are sharing cases of hardship due to the cost of living and rise in mortgage rates. The trend in disrepair being higher cost repair works such as roofing, central heating and building maintenance.

## 16. Environmental Quality



16.1 The team have continued to undertake work to protect the health and wellbeing of our residents through focused projects, planned inspections and responding to complaints particularly from noise from pubs this quarter. Some key activity undertaken during Q2 included:

- Noise monitoring of seven events took place.
- Officers attended two planning committee meetings for West Berkshire to provide specific noise and contaminated land advice.
- Officers served two Private Water Supply Notices due to the presence of E Coli.
- The number of complaints from pubs was higher than expected over the summer months.
- The Air Quality Annual Status Reports feedback has been received Local Authorities which recommend that some of the Air Quality Management Areas are revoked (see separate agenda item at this meeting).
- A review of the anti-idling behavioural change project has resulted in a recommendation that the project be extended and that this work will be carried out in Q3.
- 2023/24 DEFRA Air Quality Grant application submitted on behalf of the three Local Authorities for a domestic burning behavioural change project.
- Members of the team have been involved with a West Berkshire emergency planning exercise and attended the Bracknell Forest climate change summit.
- Members of the team have kept up to date with CIEH annual noise conference, DEFRA Air Quality symposium, DWI Private Water Supply updates, changes to the Planning and Commercial Kitchen Guidance, and Institute of Lighting guidance on lighting.

## **17. Emerging Issues - Dog Kennelling Provision**

17.1 Local Authorities have a duty to take ownership of stray dogs for up to seven days whilst looking to reunite them with their owners. These stray dogs have to be homed in properly built and supervised kennels. The provision of these facilities is challenging as most kennels do not wish to house dogs with no medical history, no previous knowledge of temperament or those that exhibit aggressive behaviours with either other dogs or dog handlers. These dogs also have to be kept in isolation which means that the provision takes up more space.

17.2 In addition, there can also be security risks associated with alleged owners turning up unannounced which many kennels are not properly equipped to deal with. As a result, competition for these spaces amongst local authorities is high.

17.3 The expected changes to the dangerous dogs act 1991 to increase the scope of banned breeds and changing market demands has resulted in our regular kennelling providers ceasing to take in aggressive dogs, larger dogs, or dogs of a certain type (XL bully's, or other banned breeds) with immediate effect.



- 17.4 Having reviewed a number of local and regional kennelling providers, the closest (and only) provider identified as currently accepting kennelling for the type of dogs listed above is based in Surrey.
- 17.5 The provider has informed us that the cost of this space will be an annual charge of between £10k and £30k depending on factors such as whether sharing arrangements can be agreed with neighbouring authorities. In 2022 the kennelling costs arrangements totalled circa £10k for PPP for all types of dogs. Costs can vary between £15 and £20 per night depending on which kennel is used, and whether longer stays are required.
- 17.6 The number of large dogs which would be 'banned' from the ordinary kennelling provision comprises around 28% of the total number (99) housed since January 2023 by the PPP to date. Where dogs are not able to be rehomed and cannot be reunited with their owners it can be necessary in some situations to euthanise them. This procedure costs around £600 per dog. It is unlikely that banned breeds collected after December 31st 2023 will have much opportunity of being rehomed.
- 17.7 Where dogs are reunited with their owners the costs are ordinarily sought to be recovered from the owner. Given the profile of the ownership of these animals this is not always achievable.
- 17.8 The service will therefore need to find alternative space for larger dogs, possible banned dogs and possibly all other dogs collected as strays given the shortage of kennelling available. As indicated above this is likely to result in increased costs to the service. Officers are currently looking into options to reduce costs as far as is practicably possible. Given the emotive nature of this subject, the current legislative changes that are being proposed and the current media interest in this area of our work it was felt appropriate to keep the Committee informed about progress.

## **18. Governance**

- 18.1 The [Fee and Food Standards Controls Service Plan 2023-24](#) and the [Food Hygiene Enforcement Service Plan 2023-24](#) were considered by the Joint Management Board where they were agreed, adopted and published in October 2023.
- 18.2 Further discussions have taken place with Wokingham about how we can involve Wokingham Members more in aspects of the services shared with Bracknell and West Berkshire.
- 18.3 The Service Lead for Public Protection continues to lead on the Cost of Living response for West Berkshire Council.

## **19. Investigations and Case Management**

- 19.4 The Case Management Unit continues to be busy working on cases and providing advice across PPP and also to partner organisations. Currently the team have oversight of some fifty PPP criminal investigations (excluding a significant volume of road traffic matters). A number of these are at file stage or in the court system. New investigations are commencing all the time.

- 19.5 The National Crime Agency Accredited Financial Investigators currently have conduct of fifteen investigations relating to money laundering and confiscation under the Proceeds of Crime Act 2002.
- 19.6 The Investigations Team have 15 ongoing investigations involving a significant number of suspects.
- 19.7 The team also educate and assist companies that do not comply fully with legislation. In the last three months three companies have agreed to comply with the legislation in future.
- 19.8 In terms of the Case Management Unit cases are continuing to be heard in both the Magistrates Court and the Crown Court however significant delays are still being encountered with trial listings in the Crown Court. Some recent case examples are below –

1. Fraudulent builder sentenced to 4 years and three months immediate custodial sentence after pleading guilty to three offences of fraudulent trading contrary to section 993 (1) of the Companies Act 2006. This case concerned a number of consumers who had contracted with the defendant in relation to building work. Large deposits were taken with further demands for additional payments being made due to 'unforeseen issues'. If the amounts were not paid the defendant threatened to leave the job unfinished, a threat that was carried out on numerous occasions, leaving a large amount of work unfinished. In addition to the custodial sentence an amount of £58,000 was recovered in compensation for the consumers.
2. Fraudulent Builder sentenced to 40 months imprisonment after defrauding a Wokingham couple aged 89 and 91. Over a period of approximately three months, paid the defendant in excess of £43,500 for works they had not commissioned, and which were, in the main, unnecessary, vastly overpriced and completed to an extremely poor standard.
3. Locksmith company convicted of overcharging consumers – the company were fined £6000 and ordered to pay £1881.40 in compensations and £6206.80 towards the prosecution costs.
4. Resident convicted of trademark offences after the Public Protection Partnership were informed that multiple pallet loads of potentially counterfeit clothing, including T shirts, polo shirts, tracksuits, jeans, trousers, shirts, and dresses were at a storage facility in Hampshire, and that the owner of the goods was a company based in West Berkshire. The items were branded with trademarks such as Tommy Hilfiger, G-Star, Ralph Lauren, Diesel, and Levi.

Officers attended the storage facility and seized the items. The entire shipment composed of 10 pallets. The officer then liaised with the relevant trademark holders who confirmed the items which were counterfeit. Neither the Company or its director had been authorised or permitted to use, sell, or distribute goods bearing the trademarks.

The company and its director appeared before Reading Crown Court and the director was sentenced to 14 months imprisonment, suspended for 18 months,

with 150 hours of unpaid work requirement, and 40 days of Rehabilitation Activity Requirement to be undertaken with probation. The same applied to the other 6 offences to run concurrently. Proceedings under the proceeds of crime act are ongoing.

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## Appendices

**APPENDIX A – 2023/24 Performance Framework**

**APPENDIX B – Q2 Communications Update**

**APPENDIX C - Service Compliments**

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### Background Papers:

None

### Subject to Call-In:

Yes:  No:

The report is to note only.

**Wards affected:** All Wards

### Officer details:

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## Service Requests Data

Table 1: Environmental Health and Licensing for PPP

Public Protection Partnership   Bracknell Forest West Berkshire	2023/24			Comments
	Bracknell	West Berkshire	PPP	
	Q2	Q2	Q2	
Envirocrime	227	0	227	
Flytipping	22	0	22	
Food Hygiene Related	59	85	144	
Health and Safety (including accidents reported)	17	31	48	
Housing	74	62	136	
Licensing	41	52	93	
Other (e.g. other nuisances, cont. Land, private water supplies, burials, enclosed smoking)	12	27	39	
Planning	55	85	140	
Ukraine Accommodation Check	1	6	7	
Anti-Social Behaviour	103	139	242	
Dog Warden (stray dog collection only)	5	13	18	
Noise - Non-commercial	61	145	206	
Noise - Commercial	32	86	118	
All Bonfire/Smoke	36	23	59	
<b>Grand Total</b>	<b>745</b>	<b>754</b>	<b>1499</b>	

\* The 2021/22 data includes figures for Wokingham too

**Table 2: Trading Standards Service Requests (includes) commissioned services.**

 Bracknell Forest West Berkshire Wokingham	2023/24				Comments
	Bracknell	West Berkshire	Wokingham	PPP	
	Q2	Q2	Q2	Q2	
Animal Health	2	5	3	10	
Door Step/Scam/No cold calling zones	8	15	14	37	
Food Standards	11	6	10	17	
Misleading Description	5	7	7	17	
Other (e.g. counterfeit goods, under age sales)	15	39	21	75	
Unsafe goods	4	6	8	18	
What are my rights? (Business)	3	3	1	7	
What are my rights? (Consumer)	58	77	101	236	
Trading Standards Notifications	160	248	199	607	52 Vodafone notifications for West Berkshire
Weight Restrictions	2	68	14	84	
<b>Grand Total</b>	<b>268</b>	<b>474</b>	<b>376</b>	<b>1118</b>	

**Measures of Volume – No targets as they are cumulative measures of volume**

Measure	Q1		Q2		Q3		Q4		2023/24 Outturn		
	BFC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
Number of Fols Processed*	145	43	43	43	44						
Time Taken to Process Fols to nearest hour	112	31	27	37	28						
Number of Service Complaints *	9	2	5	3	0						
Number of Councillor and MP Enquiries*	30	14	24	10	27						
Number of operations conducted based on intelligence relating to age restricted products*	1	3	3 (1 per authority)								
Number of PPP articles and press releases published on the PPP website	21		36								
Number of page views on PPP Website	22307		24150								
Number of PPP Facebook posts	101		118								
Number of PPP Twitter Tweets	58		84								
Number of new PPP Twitter followers	0		7								
Number of Facebook New Followers	47		57								
Number of caravan site visits (programmed and reactive) *	1	1	2	3							
Number of food inspections carried out (includes those by alternative enforcement strategy) *	47	51	59	37							
Number of new food businesses registered*	23	58	30	56							
Number of HMO licenses issued*	2	0	9	6							
Number of housing visits carried out (excl Ukraine)*	38	18	Data N/a	Data N/a							
Percentage of Food Premises that have scored 0 (Urgent Improvement Necessary) in accordance with FHRS * (shown as denominator and numerator)	Data N/a	Data N/a	0/674 (0%)	0/1116 (0%)							
Percentage of Food Premises that have scored 1 (Major Improvements Necessary) in accordance with FHRS * (shown as denominator and numerator)	Data N/a	Data N/a	5/674 0.7%	7/1116 0.6%							
Percentage of Food Premises that have scored 5 (Very Good) in accordance with FHRS * (shown as denominator and numerator)	Data N/a	Data N/a	549/674 82%	960/1116 86%							

Measure	Q1		Q2		Q3		Q4		2023/24 Outturn		
	BFC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
Percentage of Licensing Applications under the Licensing Act 2003 that proceed to a hearing* (shown as denominator and numerator)	0/ Data N/a	0/ TBC	1/ TBC	0/ TBC	2/ TBC						
SAG Events Processes	64		33	49							

\* will be reported by authority

### Trading Standards Data

Product	Q1			Q2			Q3			Q4			23/24 Outturn
	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	PPP
	Pass/ Visit	Pass/ Visit	Pass/ Visits	Pass/ Visit	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits
Alcohol	11/11	3/4	0/0	0	0	0							
Tobacco	-	-	-	0	0	0							
Spray Paint	-	-	-	0	0	0							
Knives	-	-	-	0	0	0							
Fireworks	-	-	-	0	0	0							
Solvents	-	-	-	0	0	0							
E-Cigs	-	-	-	6/7	9/9	7/8							
		Quarter 1			Quarter 2			Quarter 3		Quarter 4		23/24 Outturn	
Food Samples Passed/Failed		10 (alcohol) - 5 unsatisfactory.			15 (glazed meats) - 6 unsatisfactory.  8 (chocolate desserts) – all satisfactory.								



	Q1			Q2			Q3			Q4			23/24 Outturn
Product	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	PPP
	Pass/ Visit	Pass/ Visit	Pass/ Visits	Pass/ Visit	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits
					8 (frozen Chicken) – awaiting results								
No of Counterfeit and Unsafe Good Seized		We've received 3 complaints re counterfeits, food, cigarettes and gas safety valves but none seized  4 complaints of unsafe goods.  (1 from OPSS about unsafe strollers/buggies - ongoing 1 about unsafe teats on a baby feeding bottle which we are investigating 1 re Leicestershire TS have stopped a consignment of 500 USB Chargers, unbranded Apple Wireless Phone & Watch Chargers at East Midlands Airport, Leics TS is having them		<b>Counterfeit Goods</b> WBC – 0 seizures but 10 complaints dealt with  Bracknell 0 seizures or complaints  WOK – 10 test purchases made (clothing/footwear - not seized) 7 items confirmed counterfeit Investigations ongoing. 6 complaints dealt with  <b>Unsafe Goods</b> WBC 1074 disposable vapes seized and 4 safety complaints dealt with  Bracknell 88 disposable vapes seized and 2 safety complaints dealt with  WOK = 406 disposable vapes seized and 6 safety complaints dealt with									

	Q1			Q2			Q3			Q4			23/24 Outturn
Product	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	PPP
	Pass/ Visit	Pass/ Visit	Pass/ Visits	Pass/ Visit	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits	Pass/ Visits
		tested and will come back to us 1 re Unsafe vapes- but complaint not justified)											
		Request for advice: 1 re baby grows											
Amount of Money Recovered for Victims													Will be reported at year end

## Key Performance Indicators Public

Type	Measure	2022/23 Outturn		Q1		Q2		Q3		Q4		2023/24 Outturn	
		BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
IAA	% of service users satisfied with the Public Protection Partnership	80% good or excellent		13/15 = 87%		17/21 = 81%							
Local	% of Trading Standards requests for advice from business responded to within 3 working days	Data unavailable due to challenges in migrating CAB connector to IC – Duty officer in place to ensure timely response.		Data unavailable due to challenges in migrating CAB connector to IC – Duty officer in place to ensure timely response		Data unavailable due to challenges in migrating CAB connector to IC – Duty officer in place to ensure timely response							
IAA	Management of income to within 5% of budget	£98k shortfall		-£200k used to mitigate budget pressures in partner authorities		See Budget comments in report							
Statutory	% of valid TEN's and Late TENS processed for consultation within 3 working days	Data N/a		Data N/a	Data N/a	Data N/a	Data N/a						
Local	% of Premise licensing applications (New and Variations) processed within 28 days or 56 days if they proceed to a hearing	Data N/a		Data N/a	Data N/a	Data N/a	Data N/a						
Local	% of valid Taxi licensing applications and renewals	Data N/a		Data N/a	Data N/a	Data N/a	Data N/a						

Type	Measure	2022/23 Outturn		Q1		Q2		Q3		Q4		2023/24 Outturn	
		BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
	processed within five days												
Local	% of valid general licensing applications and renewals processed within five days	Data N/a		Data N/a	Data N/a	Data N/a	Data N/a						
Statutory	% of local authority pollution prevention and control (LAPPC) inspections, that are due, carried out	14/14 completed		0/5 completed	2/21 completed	1/5 completed	7/21 completed						
Local	% of inspected food businesses that score at least 3 on the food hygiene rating scale during reporting period	Data N/a		Data N/a	Data N/a	663/674 98%	1092/1116 97.8%						

\* This would not include caravans or HMOs

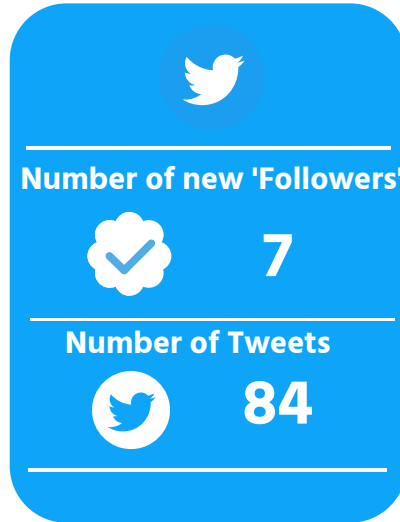
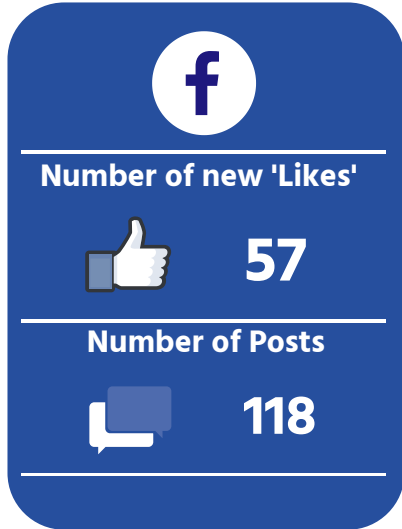
### Annual Key Performance Indicators Public

	Measure	2022/23 Outturn	2023/24 Outturn	
IAA	Management of budget to within 1% of baseline	£148k underspend	Will be reported in Q4	
Statutory	Submit Annual Air Quality Reports to DEFRA by 30 June	All 3 submitted to DeFRA on the 27 June 2022	All 3 submitted to DeFRA on the 15 June 2023	Green
Statutory	Submit to JMB the Annual Food Safety, Food Standards and Feed Service Plan in accordance with the Food Standard Agency Code of Practice	Annual Food Standards and Feed Service Plan have been submitted to JMB by August 2022	Agreed by JMB and Published on the website in October 2023	Green

	Measure	2022/23 Outturn	2023/24 Outturn	
Local	Four During Performance Inspections carried out on high profile events per annum	6	Q1 = 3 Q2 = 8	
Local	% of caravan sites due an inspection inspected within the reporting period	BF 100% WB 100 %	Will be reported in Q4	
Local	% of food hygiene inspections completed, that are due, as per FSA recovery plan	FSA RECOVERY PLAN 22 23 All A, B, C and non Broadly Compliant D to be done  All unrated to be prioritised and high Priority inspected.  A premises – 100% (3 premises) B premises – 100% (24 Premises) C premises – 100% (155 premises)  In addition, over and above the FSA targets D 131 visits done  Unrated – all prioritised and 226 visits done (8 high risk to be carried out	Will be reported in Q4	
Local	% of food standards inspections completed, that are due, as per FSA recovery plan	BF  High risk - 100% Med risk – 75% Low – Response only/AES *Unrated – 78 premises assessed, prioritised & Inspected as necessary (2 new high risk programmed for inspection carried over)	Will be reported in Q4	

	Measure	2022/23 Outturn	2023/24 Outturn	
		WB High Risk – 100% Med Risk – 74% Low – Response only/AES *Unrated – 348 premises assessed, prioritised & inspected as necessary (3 new high risk programmed for inspection carried over)		
Local	% of food premises rated as 0 or 1 on the FHRS at the start of the year that are broadly compliant (3 score or above) by their next full inspection visit (subject to pending enforcement action) for premises with inspections due in reporting period	WB 7 premises in scope 3 of these ceased trading 4 of these improved One remained a 1 score Therefore 50% reached score 3 or more BF 6 premises in scope 1 of these ceased trading 4 improved to BC One remained a 1  Therefore 80% reached score 3 or more	Will be reported in Q4	

## PPP Comms Summary Q2 - 2023/24



### Top Facebook and Twitter Post of the quarter

#### Facebook

Walking your dog on Public Rights of Ways? As dog owners know, there is something special about explorin...  
Published by Lisa Barnes · 23 August at 16:53 ·

Post impressions	Post reach	Post engagement
3,963	3,578	111

#### Twitter

**Public Protection Partnership** @PublicPPUK · Aug 11  
Fraudulent builder sentenced to 4 years and 3 months immediate custodial sentence.  
A fraudulent builder from Swindon who left work unfinished after pressuring victims to pay more than the agreed price has been sentenced at Reading Crown Court today.  
[publicprotectionpartnership.org.uk/news-articles/...](https://publicprotectionpartnership.org.uk/news-articles/)

Trading Standards Service

Bracknell Forest West Berkshire Wokingham

West Berkshire Wokingham

2 replies, 1 like, 1,024 views

	New Followers	No. Posts
July	18	50
August	22	35
September	17	33

## Top 3 Performing Facebook Posts in Q2



Walking your dog on Public Rights of Ways? As dog owners know, there is something special about explorin...

Published by Lisa Barnes · 23 August at 16:53 ·

Post impressions

**3,963**

Post reach

**3,578**

Post engagement

**111**



If you're Warfield Parish council summer fun day today please do come and say 'Hi' to us.

Published by Lisa Barnes · 26 July at 11:21 ·

Post impressions

**2,429**

Post reach

**2,418**

Post engagement

**18**



Last week officers were out noise monitoring at an event at Wasing - The Mount. All was compliant with the nois...

Published by Lisa Barnes · 5 July ·

Post impressions

**2,090**

Post reach

**2,090**

Post engagement

**27**





	New Followers	No. Tweets
July	5	29
August	-1	30
September	3	25

## Top Performing Twitter Posts in Q2



**Public Protection Partnership**  
@PublicPP\_UK  
Fraudulent builder sentenced to 4 years and 3 months immediate custodial sentence.  
A fraudulent builder from Swindon who left work unfinished after pressuring victims to pay more than the agreed price has been sentenced at Reading Crown Court today.  
<https://publicprotectionpartnership.org.uk/news-articles/fraudulent-builder-sentenced-to-four-years-and-three-months-immediate-custodial-sentence/> ... [pic.twitter.com/ChETwRd9gB](https://pic.twitter.com/ChETwRd9gB)

Impressions	1,025
Total engagements	29
Detail expands	15
Link clicks	9
Retweets	2
Media engagements	1
Likes	1
Profile clicks	1



**Public Protection Partnership**  
@PublicPP\_UK  
Have Your Say...  
**@WestBerkshire** Council are reviewing the Statement of Licensing Policy. This has to be reviewed every 5 years and the review includes a statutory consultation process.  
  
Find out more and have your say via the link below:  
  
<https://www.westberks.gov.uk/draftsolp2023>  
[pic.twitter.com/LONcGnOLnk](https://pic.twitter.com/LONcGnOLnk)

Impressions	559
Total engagements	7
Retweets	3
Link clicks	2
Likes	1
Detail expands	1

**Public Protection Partnership** @PublicPP\_UK  
Have you ever received a text message that you weren't quite sure about? Maybe it asked you to "verify" your personal or financial details? You can report suspicious text messages by forwarding them to 7726. #CyberProtect  
<https://twitter.com/actionfrauduk/status/1693570956319506786>  
...

Impressions	259
Total engagements	5
Retweets	2
Likes	2
Detail expands	1

Month	Visitors	Articles Published
July	7,734	13
August	8,895	6
September	7,521	9

## Social Platforms Traffic

Number of views to website from social media posts.

	Facebook	Twitter
July	147	2
August	183	11
September	179	4

## Other Media Coverage

Number of press enquires to PPP in Q2 - 8

Number of press releases sent out from PPP in Q2 - 8

Number of radio interviews with PPP in Q2 - 0

Number of TV programmes with PPP coverage in Q2 - 0

Number of article's published online mentioning PPP, excluding PPP website in Q2 - 10

Number of articles published on PPP website in Q2 - 28

## Quarter 2 Selection of Service Compliments

Email passed on by our Planning Enforcement Colleagues from a resident after some joint work (Elizabeth is one of our Environment Control Officers):

"Thank you for all your efforts, the reported activity has ceased thanks to your departments efforts. I especially want to thank Elizabeth Gordon for pushing the matter and being supportive and compassionate during our distress"

---

From a resident after one of our Environment Health Officers looked into a noise complaint that they had made:

"Good Afternoon Ms McLaughlin, Many thanks for looking into this matter, it is much appreciated."

---

From one of our councillors after an Environment Control Officers looked into a matter on behalf of a resident:

"Thank you very much Elizabeth for this very comprehensive response. I am very impressed by this and I hope the resident is too."

---

A thank you from one of our colleagues in Bracknell Forest Council's Dementia Services:

"I just wanted to thank you again for all your support with the Dementia Forum last Friday. You really were a star."

---

From a resident after one of our officers dealt with a commercial noise complaint

"Thank you again to you and your team for all of your help and support with this matter. We have really valued your hard work and diligence with this."

---

From a resident who had contacted the Licensing Team about a taxi that was emitting a lot exhaust fumes:

"Thank you for letting me know. I'm very impressed with the way this has been dealt with. It gives me the confidence to report this kind of issue again. "

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## Revenue Budget 2024/25 Update

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	11 <sup>th</sup> December 2023
<b>Chair of Committee:</b>	Councillor Lee Dillon
<b>Date JMB agreed report:</b>	20 November 2023
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	N/a

### 1. Purpose of the Report

- 1.1 To update the Committee on the proposals to deliver a balanced budget for 2024/25 with respect to the shared Public Protection Service.

### 2. Recommendations

The Committee:

- 2.1 **NOTES** the budget position of each partner Council
- 2.2 **NOTES** the proposals set out in this report to deliver a balanced budget including the impacts and associated risks;
- 2.3 **CONSIDERS** any further budget representations to the partner Councils;

### 3. Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	The financial implications are set out in the body of the report.  Any costs arising from further need for service changes will be met within the terms set out in the Inter-Authority Agreement.
<b>Human Resource:</b>	The report sets out proposals to delete a number of vacancies along with the implications of doing so.  Should the Bracknell final budget position be as set out in the report then it is likely that further service adjustments will be needed to balance the budget.  Any changes will be made in accordance with West Berkshire Council change management and HR policies.

<b>Legal:</b>	<p>The IAA (Inter-Authority Agreement) that set up the Partnership effectively delegates responsibility for the strategic direction of the PPP to the Joint Public Protection Committee. The responsibilities of the Committee are set out in Schedule 1 to the agreement.</p> <p>Included is the responsibility to propose a fee structure and annual budget to the partner Councils and agree any variations to the budget.</p> <p>The budget was considered by the Committee at its meeting on the 02<sup>nd</sup> October 2023. The proposed contribution by each Council was as set out at 5.6 below.</p> <p>The implications arising from that report and discussions with the partner authorities in the intervening period are set out in this report.</p> <p>The Committee is now asked to note those implications and advise whether any further representations be made to the partner authorities.</p>			
<b>Risk Management:</b>	<p>The implications for the proposed reduction in posts and the nature of the posts to be deleted are set out in this report.</p> <p>The risks associated with service disinvestment in Bracknell is a matter for Bracknell Forest Council alone.</p>			
<b>Property:</b>	<p>There are no direct property implications arising from this report.</p>			
<b>Policy:</b>	<p>The Committee has responsibility for setting the strategic direction and policy of the PPP. This includes the maintenance of financial oversight to ensure sound financial management. More specifically the Committee has responsibility for recommending to the Councils a budget that meets its needs with respect to service delivery.</p> <p>Updates on the financial position are presented to the Committee as part of the quarterly performance monitoring regime.</p>			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision,		<b>x</b>		Where any decisions are made to change service provision individual impact assessments will be undertaken. There are

including how it is delivered or accessed, that could impact on inequality?				currently no proposals to disinvest from any services already provided.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		<b>x</b>		None
<b>Environmental Impact:</b>	<b>X</b>			The service plays a significant role in the protection of the environment including air quality, land contamination, planning considerations and enforcement of green energy claims. The proposals in this report if accepted will maintain capacity in this area.
<b>Health Impact:</b>	<b>X</b>			A significant number of the Partnership's Service Priorities relate to protecting and improving health. These included food safety and standards, health and safety, tackling fraud, air quality and private sector housing. If this activity continues to be funded there will be a continuing positive impact on the health of residents and visitors to Bracknell Forest and West Berkshire.
<b>ICT or Digital Services Impact:</b>		<b>x</b>		None Albeit that the Service will continue to promote initiatives on its social media platforms and website.
<b>PPP Priorities :</b>		<b>x</b>		PPP Priorities:  <ol style="list-style-type: none"> <li>1. Alcohol and Tobacco Harm Reduction</li> <li>2. Animal Welfare</li> <li>3. Cost of Living</li> <li>4. Environmental Protection</li> <li>5. Food Safety and Standards</li> <li>6. Health and Safety Enforcement</li> <li>7. Housing Standards in the Private Rental Sector</li> <li>8. Impact of Nuisance on Residents and Communities</li> <li>9. Improved Air Quality</li> <li>10. Licensing</li> <li>11. Nutrition and Childhood Obesity</li> <li>12. Service Improvement</li> <li>13. Tackling Fraud</li> </ol>

			14. Unsafe Consumer Goods The work of the PPP will support the Council priorities in both the partner authorities.
<b>Data Impact:</b>		X	This decision about budget setting will not have a significant impact on the rights of data subjects
<b>Consultation and Engagement:</b>	<p>The fees for Taxis and Private Hire Vehicles and Private Hire operators proposed at the last meeting are currently subject to statutory consultation.</p> <p>The remainder of the fees and charges will be subjected to any budgetary consultation exercises undertaken by the partner authorities.</p>		
<b>Other Options Considered:</b>	The Councils are currently still considering their wider revenue budgets for 2024/25. Should either of the Councils seek to disinvest in this area of service there is a methodology agreed (by JPPC) for doing so.		

## 4. Executive Summary

- 4.1 The Inter-Authority Agreement (IAA) between the Councils sets out the functions that are delegated to the Joint Public Protection Committee (JPPC) under the terms of the agreement. To deliver these functions for the Councils they are requested on an annual basis to allocate a budget to the service and with the oversight of JPPC.
- 4.2 At its meeting on the 02<sup>nd</sup> October 2023 the Committee considered its budget requirements in the context of two significant pressures. The first being a salary pressure arising from the decision of Wokingham to leave the Partnership at the end of March 2022. The second related to a systemic pressure on income arising primarily from loss of licensing income. The salary pressure for 2024/25 is £291K and income pressure stands at £98K (although this may reduce dependent on the fees consultation). The total pressure therefore being £387K.
- 4.3 The service management was required by the Committee to look at options for achieving a balanced budget for 2024/25. Discussions have now taken place with partner Councils as part of the budget setting process and this report sets out the proposals to balance the budget along with associated risks. It is important to note that for the first time since its inception the proposals in this report will mean that there will be differing levels of service in each partner Council area.
- 4.4 In preparing this report it is important to stress that all budget decisions are provisional at this stage and will not be finalised until the spring when final allocations are determined and fees and charges are set. Also, at the time of writing the income situation is showing some signs of improvement.



## 5. Supporting Information

### Shared Salary Pressure

- 5.1 At the meeting on the 2<sup>nd</sup> October 2023 the Committee were updated that the salary pressure arising from the decision of Wokingham to leave the partnership in March 2022 had risen to £291K in 2024/25. This was initially £249K in 2022/23 and has been managed by a combination of one-off support from partner Councils as well as grant funding for Homes for Ukraine work and Wokingham compensation. It was always understood that it was likely in 2024/25 that this pressure would need to be met from savings within the service. To this end a series of actions were taken which included service re-configuration by replacing some posts with trainee posts and by holding vacancies as they arose.
- 5.2 The expenditure has now been identified that will close the funding gap with respect to the £291K. To do so it is proposed to delete the following 6.6FTE of vacancies to deliver the commensurate savings:

Post	Role	Saving / FTE	Risk
Fair Trading Officer	Reduction in trading standards input into SR and inspection work	£13.91K 0.4FTE	<b>Medium.</b> There is rising demand within trading standards. This will reduce ability to deliver food standards programme
Trainee Victim Support Officer	Victim Support	£13.76K 0.5FTE	<b>Negligible</b> as we currently have four trainees
Senior / Environmental Health Officers	Food Safety, Housing, Environmental Protection	£82.89K 1.7FTE	<b>Medium</b> The main impacts in this reduction will fall in the areas of food safety and private sector housing. We currently are unable to deliver the full food safety programme and housing demand is rising.
Criminal Investigator	Conducting criminal investigations – usually Trading Standards	£45.5K 1.0 FTE	<b>Medium.</b> No doubt that levels of reports of unfair trading and fraud are rising. This will lead to some not getting investigated that otherwise may have done.
Support Posts	1 FTE in customer service and 0.5 FTE in licensing applications	£47.62K 1.5 FTE	<b>Medium:</b> Loss of resilience. More administrative work undertaken by qualified

			professional and technical officers
Lead Officer – Community Engagement	Communications and Community Engagement	£52.3K 1.0FTE	<b>Medium:</b> This will significantly reduce our ability to deliver the ‘prevent’ part of the delivery model, reduce numbers of press releases, articles, website updates and social media. Risk of receiving less intelligence leading to being unable to assist residents and respond to crime.
Animal Warden	Collection of stray dogs, engagement with dog owners, dangerous dogs and enforcement	£21.7K 0.5FTE	The primary impact will be on engagement and enforcement re chipping, dog fouling etc. This will leave us with one animal warden who is going on maternity leave shortly. Collections will be contracted out with a cost impact.

5.3 The proposals above if accepted by the Committee will deliver £271K of the £291K required savings. It is proposed the remaining £20K is delivered from managing vacancies in year.

5.4 There are a small number of other vacancies in the service that we are trying to fill as they are business critical or which are needed to manage other financial risks.

### Income Shortfall

5.5 At the meeting on the 02<sup>nd</sup> October 2023 it was reported to Committee that there was an income shortfall at that time of £98K. The split of this shortfall was Bracknell Forest - £40K and West Berkshire - £58K.

5.6 Since that meeting, discussions have taken place on the shortfall and a provisional decision has been taken by West Berkshire to treat its share as a pressure and build into the base budget from 2024/25.

### Base Budget

5.7 At the meeting the following base budget was proposed:

Authority	% split	Base Budget 2024/25	Wokingham Salary Pressure	Investment Bid Income Pressure	Total Budget 2024/25
Bracknell Forest	39.25%	£ 1,233,603	£ 114,217	£ 40,000	£ 1,387,820
West Berkshire	60.75%	£ 1,909,327	£ 176,783	£ 58,000	£ 2,144,110
Wokingham	-	£ 515,990	-	-	£ 515,990
Total Budget 2024/25	100.00%	£ 3,658,920	£ 291,000	£ 98,000	£ 4,047,920

- 5.8 West Berkshire have confirmed that £1,909,327 has been allocated to the service for 2024/25 and that the income pressure of £58K has been met.
- 5.9 Bracknell have now considered the request for £1,233,603 as set out above and have notified that this has created a pressure of £90K. Additionally, the provisional decision by West Berkshire to fund its share of the income shortfall i.e. £58K would mean that to maintain parity of budgets a pressure bid of £40k would need to be funded.
- 5.10 At the time of writing Bracknell are still considering options around these pressures and we will update JPPC on any implications for service delivery as the budget process progresses.

## 6. Concluding Observations

- 6.1 This is a challenging time for local authority funding. It was inevitable the decision of Wokingham to leave the partnership in March 2022 would lead to reductions in front line operational resource if we were to maintain the levels of expertise at operational management levels. The expertise within the service is at the core of our ability to deliver the range of functions that this Committee are familiar with and of which examples are set out elsewhere on this agenda.
- 6.2 Service Management has worked closely with Joint Management Board and with each Council to reduce the impact of the proposals set out in this report. Nevertheless, there will inevitably be an impact. Over time as our investment in apprenticeships and training and development comes to fruition, we will lessen that impact.
- 6.3 Officers will produce further updates for the Committee should there be any change in the proposed budget position and should any further impacts develop.

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## 7. Appendices

- 7.1 None

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## 8. Background Papers:

- 8.1 JPPC Budget Report – 02 October 2023

### Subject to Call-In:

Yes: X No:

The item is due to be referred to Council for final approval

X
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### Wards affected: All Wards

Name: Sean Murphy  
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## Martyn's Law (Protect Duty)

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	11 December 2023
<b>Chair of Committee:</b>	Councillor Lee Dillon
<b>Date JMB agreed report:</b>	20 November 2023
<b>Report Author:</b>	Fiona Hargreaves
<b>Forward Plan Ref:</b>	N/a

### 1. Purpose of the Briefing

- 1.1 To provide Members with an update on progress being made with the Terrorism (Protection of Premises) Bill) as was requested at the October Committee meeting.

### 2. Implications and Impact

Implication	Commentary
<b>Financial:</b>	The financial implications associated with the enactment of the Bill will be clearer once more detail is known.
<b>Human Resource:</b>	The resource implications associated with the enactment of the Bill will be clearer once more detail is known.
<b>Legal:</b>	The legal implications associated with the enactment of the Bill will be clearer once more detail is known.
<b>Risk Management:</b>	It is anticipated that the introduction of the legislation will assist with reducing the risk of harm at venues with a capacity of 100+ and events attended by more than 800 people.
<b>Property:</b>	There are no property implications associated with this report.
<b>Policy:</b>	Adjustments will be made to relevant policies affected by legislative changes including the Licensing Policy.
<b>Consultation and Engagement</b>	Regular updates on the progress of this legislation are discussed at the Safety Advisory Group. The Draft Bill has been scrutinised by the Home Affairs Select Committee More information on the Government's Response to the Consultation on the Protect Duty can be found here: <a href="https://www.gov.uk/government/consultations/terrorism-protection-of-premises-bill">Government response document - GOV.UK (www.gov.uk)</a>

### 3. Background

- 3.1 There have been 14 terrorist attacks in the UK since 2017. One such attack took place on the 22<sup>nd</sup> May 2017 as people left the Ariane Grande concert at Manchester Arena. Martyn Hett was one of twenty-two people who lost their lives along with many more suffering serious and life changing injuries.
- 3.2 Martyn's mother, Figen Murray, along with the Martyn's Law Campaign Team, campaigned for a new duty to require venues to take steps to improve public safety, with a range of measures dependent on the size of the venue and the activity taking place.
- 3.3 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.
- 3.4 Currently, private sector organisations work with police to take steps to mitigate against terrorist risk on a voluntary basis. Whilst the private sector has generally been willing to accept advice, difficulties have arisen when it is unclear where responsibility lies, or where mitigations require significant expenditure.

#### The Government Response

- 3.5 In May 2023 the government published the [Terrorism \(Protection of Premises\) Bill](#), also known as Martyn's Law. The Bill proposes a series of legal duties to identify terrorism risks at certain premises and to implement proportionate protective measures to deter attacks.
- 3.6 Which premises will the bill apply to?  
As currently drafted the bill will apply to premises that:
  - have a capacity of 100 people or more; and
  - are open (wholly or partly) to the public; and
  - are used for specific purposes, including retail, hospitality, entertainment, sports and visitor attractions; and
  - may be a building or outdoor location with a readily identifiable boundary.
- 3.7 Premises will have to comply with either "standard" or "enhanced" tier measures, depending on capacity and activity. Standard tier venues are defined as those holding 100-799 people, while enhanced tier have a capacity of 800 people.
- 3.8 The Bill also makes provision for qualifying public events of more than 800 people, where there is an identifiable boundary and express permission to attend (for example, a ticket). These events will have to meet duties similar to those in the enhanced tier.
- 3.9 The new duties will fall on those who have 'control of the premises', noting that often this will be an organisation rather than an individual.
- 3.10 Acknowledging that security is often a service that is contracted out and that many premises will have more than one occupier, the Bill also requires co-operation between duty holders.

- 3.11 Standard-tier premises will need a terrorism evaluation, to be reviewed annually and to provide relevant workers with terrorism protection training.
- 3.12 Those in the enhanced tier will also have to complete an enhanced terrorism risk assessment and then implement reasonably practicable security control measures. They will also need to prepare and maintain a security plan.
- 3.13 The draft Bill requires premises in scope to register with a regulator, which is likely to assist them in prioritising inspections. We do not yet know who the regulator will be. The Home Office is considering a range of options, including extending the remit of an existing regulator or creating a new standalone body. The identity of the regulator will be confirmed either before the Bill is presented to Parliament or in the text of the final Bill itself.
- 3.14 There is much in the draft Bill that is familiar to those already involved in health and safety work, particularly those already used to managing premises risks, such as fire and asbestos.
- 3.15 The draft Bill outlines, investigatory powers, notices (Contravention notices and Restriction notices) and fixed penalty notices (schedule 2)
- 3.16 Schedule 3 outlines amendments to the licensing of premises at heightened terrorism risk.

#### **4. Current Status**

- 4.1 The draft Bill has been subject to pre-legislative scrutiny by the Home Affairs Select Committee, which heard evidence from a range of stakeholders.
- 4.2 Issues raised included the financial impact on businesses, application to the voluntary sector, and the absence of any provision for large unticketed outdoor events, such as Christmas Markets and marathons.
- 4.3 The Committee reported to the Home Office just before the summer recess. We expect a response from the government this autumn, following which the final text of the Bill will be presented to Parliament to begin its journey onto the statute books. There is cross-party support for the Bill, so we expect it will become law.
- 4.4 The Home Office is also catering for a transition period if the Bill becomes an Act, meaning there will be further time for organisations to achieve compliance.
- 4.5 The Terrorism (Protection of Premises) Bill was one of 21 Bills mentioned in the King's Speech on 7th November, signalling the Government's intention to pass it into law in the coming year.

#### **5. Implications for Local Authorities**

- 5.1 There are a number of implications for local authorities as providers of venues and organisers of events, The Local Government Association has made representations to the government regarding funding and implementation timescales but following the King's Speech broadly welcomed the Bill in its current format and scope.
- 5.2 In terms of the implications for the Public Protection Service these are not clear. The Service currently oversees the multi-agency Safety Advisory Group which includes

partners from inside and outside the Councils including Thames Valley Police, South Central Ambulance and Royal Berkshire Fire and Rescue Service. Working with organisers the group reviews risk assessments and event plans from all aspects and where it feels changes are needed advice is provided to venue owners and event organisers.

- 5.3 It is through the Safety Advisory Group that we will work with organisers to ensure that they are aware of their legal obligations of the 'prevent duty' and that they are taking steps to comply. Ultimately the enforcement powers will rest with the 'responsible authority'. We will ensure that reference to the requirements are included in the Event Management Template that the SAG uses. Initial discussions about its inclusion have taken place with colleagues in Emergency Planning.
- 5.4 In addition, there may be the need for changes to the premise licences / safety certificates for relevant premises and also each the Licensing Act 2003 policy for each council, but this is not known at this stage.
- 5.5 It is proposed that the JPPC will be kept up to date on the passage of the Bill, role out and implications for local authorities and the Public Protection Service.