

# JOINT PUBLIC PROTECTION COMMITTEE

## Minutes of the meeting held on MONDAY 11 MARCH 2024 COUNCIL CHAMBER COUNCIL OFFICES MARKET STREET NEWBURY

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

**Also Present:** Rosalynd Gater (Team Manager - Commercial), George Lawrence (Team Manager - Residential), Sean Murphy (Service Lead - Public Protection), Clare Lawrence (Executive Director - Place), Suzanne McLaughlin (Senior Environmental Health Officer) and Jon Winstanley (Service Director (Environment)), Moira Fraser (Public Protection Partnership), Damian James (Assistant Director - Contract Services) and Stephen Chard (Democratic Services Manager)

### PART I

#### 30 Minutes

The Minutes of the meeting held on 11 December 2023 were agreed as a true and accurate record and signed by the Chairman.

#### 31 Outstanding actions from previous meetings

The following updates were noted on the outstanding action points from previous meetings:

**Item 1 – Hunting Trophies Bill** – the impact of the enactment of the legislation would be considered as part of the priority setting process for the Public Protection Partnership.

**Item 2 – lobbying the Government on statutory fees** – this work continued to be in progress.

#### 32 Declarations of Interest

During discussion of agenda item 8 (Public Protection Partnership Service Update and Q3 Report – Housing update), Councillor Lee Dillon declared a personal interest by virtue of the fact that he worked for a Registered Social Landlord (Sovereign Network Group), they were not however named in the report. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate.

#### 33 Notice of Public Speaking and Questions

No public questions were received.

#### 34 Forward Plan

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

#### 35 Water Safety Partnership Annual Report 2023/24 (JPPC4335)

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Councillor Lee Dillon opened the item with a reflection on the reasons the Water Safety Partnership was formed. On 13 March 2021, three year old Dylan Milsom tragically died after falling into the Kennet and Avon Canal near Victoria Park in Newbury. The Committee gave its heartfelt condolences to Dylan's family and friends.

The Committee considered the annual report detailing the activities of the Bracknell and West Berkshire Water Safety Partnership (the Partnership) (Agenda Item 7).

Jon Winstanley (Service Director, Environment) presented the report. Following the tragedy of March 2021, the Partnership was formed by a number of key partners including West Berkshire Council, the Canal and River Trust, emergency services and Bracknell Forest Council. Meetings were also attended by representatives from Wokingham Borough Council and the Royal Borough of Windsor and Maidenhead.

Key objectives of the Partnership included the sharing of best practice and knowledge across Berkshire, promoting and developing water safety initiatives, promoting awareness of risks, and the provision of a targeted approach to water safety with the ultimate aim of minimising, as far as possible, incidents of accidental drowning across Berkshire.

However, Mr Winstanley reported the further extremely sad news that there had been an accidental drowning in the past year, which occurred along the Kennet and Avon Canal at night time. This was investigated by the Partnership and while they found that no reasonable physical measures could have prevented this incident, conversations were held with street pastors and representatives of the nighttime economy in Newbury to help highlight the dangers of being near the water at night. Physical measures were however being considered in some other areas.

The Partnership had been and would continue to be involved in a number of activities. Future activities were captured in the events calendar which was appended to the report. Examples included educational activity, introducing additional water safety cabinets, adding information to the PPP website, and running events/raising awareness in hot spot areas.

Councillor Guy Gillbe described a near miss he experienced as a seven year old child. Fortunately, he survived, but this was something he still remembered quite vividly. He was pleased to see this being rightly treated as a highly serious matter to prevent the tragedy that had occurred three years ago.

Councillor Gillbe highlighted the importance of following the Water Safety Code. He acknowledged it was extremely difficult to keep a 100% constant eye on children but such incidents could happen in a matter of seconds. The Code highlighted the absolute importance of staying close to children at all times when near the water.

Councillor Iskandar Jefferies was pleased to note the addition of QR codes which gave the ability to access information on water safety. This would help make the information more accessible to young people.

Councillor Gillbe questioned whether it was possible to record near misses. Mr Winstanley acknowledged this was difficult in that there was reliance on receiving reports from members of the public. West Berkshire Council did receive data from the Royal Berkshire Fire and Rescue Service (RBFRS), and Mr Winstanley agreed to query this matter with them.

Councillor Gillbe queried what direct action was being taken to provide advice to families and young people, i.e. within schools. Mr Winstanley explained that awareness raising events were held at locations where there was a level of risk. The RBFRS did some work within schools and Mr Winstanley agreed to provide further information on that to Councillor Gillbe.

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Moira Fraser, Principal Officer – Policy and Governance, added that the Partnership would go out on the road during the summer, which included attendance at parish events.

Councillor Dillon referred to recent incidents of flooding and he queried if communications would be issued in relation to this and the need to exercise caution with flood water and higher water levels. Mr Winstanley advised that this was a topic of discussion at the Partnership meeting held that day. Messages would be issued by the RBFRS and by local authorities.

Councillor Dillon then referred to his own experience as a three year old child when he fell into his next door neighbour's pond. Fortunately, no harm was done but Councillor Dillon queried whether advice was provided to residents with ponds and private swimming pools. Mr Winstanley agreed to take that point away for discussion with the Partnership.

Councillor Dillon concluded the item by giving thanks to Mr Winstanley and the members of the Water Safety Partnership for all their hard work.

**RESOLVED** that the report be noted.

### 36 **Public Protection Partnership Service Update and Q3 Report for 2023/24 (JPPC4333)**

The Committee considered the report (Agenda Item 8) which informed Members of the performance of the Public Protection Partnership, in line with the operating model and business plan, during the third quarter of 2023/24. The Committee worked through the different sections of the report.

#### **Finances and Resources**

Sean Murphy, Public Protection Service Lead, explained that the Service was reporting a zero outturn which included the management of an estimated £95k income shortfall, predominantly arising from an income shortfall from licensing.

The Service had been managing an underspend in the region of £200k to assist both local authorities with their significant financial pressures. In the main, this came from managing vacancies that had been offered for deletion.

In response to a query from Councillor Iskander Jefferies, Mr Murphy explained that a number of successful grant applications had helped to offset some costs. However, the majority of the underspend was achieved from managing vacancies.

Councillor Nick Allen felt that the report would have benefited from explaining that the income shortfall had been met by not recruiting to some posts.

Mr Murphy noted this point and would reflect on it for future versions of this report.

Damian James, Assistant Director for Contract Services, added that the position would be much clearer for the Quarter Four report.

#### **Customer Satisfaction Rates, FOIs etc**

Moira Fraser explained that there had been a decline in the overall satisfaction rate during Quarter 3 to 52%. However, it was still the expectation that the target for the year (75%) would be met as the satisfaction rating was tracking at 72% for the year to date. Moira added that the relatively small number of responses received per quarter meant that small changes in the figures could impact the percentages significantly.

Only one complaint had been received in the past quarter as well as some compliments, examples of which were contained within the appendix to the report.

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### **Human Resources**

Sean Murphy reported that while seven posts were proposed for deletion, recruitment was ongoing in an attempt to fill some vacancies, with interviews to be held shortly.

Recruitment of qualified staff remained a challenge and there was therefore a focus on staff development and succession planning. Level 4 apprentices were anticipated to complete their qualifications in the near future and were being allocated to teams within the service. There were also three apprentices working towards Level 6 qualifications.

Councillor Lee Dillon passed congratulations on behalf of the Committee to the qualifying apprentices.

Councillor Phil Barnett queried if the service remained able to fulfil its mandatory functions when considering the number of vacancies. Mr Murphy confirmed this was the case and was made possible with staff working in areas of highest priority and/or risk. Mr Murphy praised the willingness of staff to work in different teams.

Councillor Guy Gillbe noted the longer term strategy and that the short term held challenges. He therefore gave thanks to officers on behalf of the Committee for their excellent work under challenging circumstances.

### **ICT**

Operational functionality was in place for the new single system with the majority of issues resolved. The next stage was the implementation of the customer portal.

In response to a question from Councillor Dillon, Damian James explained that it was difficult to pinpoint an exact date for the portal to be in place. However, meetings were held on a monthly basis with the supplier to ensure that progress was being made. Councillor Dillon requested further detail on this matter, as a Part II report if necessary. Damian James agreed to provide further updates outside of the meeting.

Councillor Jefferies queried the timeline for testing the portal and training on its use. Moira Fraser explained that training was being rolled out to Customer Service teams in both authorities and the system would be tested as part of that. This would follow for external customers.

Councillor Jefferies then sought assurance that there had been no loss or corruption of data as part of the data transfer. Sean Murphy advised that no such loss had been identified. He added that a significant level of hard work had been put into the data transfer, it had been challenging and time consuming but the data, from three systems, had been transferred.

Councillor Gillbe commended the progress made to date, particularly with the challenges being faced.

### **Property and Assets**

Members noted the progress made in this area.

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

Councillor Howard Woollaston pointed out that no envirocrime or fly tipping was shown in the report in West Berkshire in Q3. Sean Murphy explained that the PPP was not responsible for these areas in West Berkshire, they were managed by the Waste Team. However, he offered to include this information for completeness if available.

Councillor Jefferies queried whether data could be captured on hotspot areas, i.e. for fly tipping. Damian James advised that an officer was responsible in Bracknell Forest for fly tipping enforcement and held such data. This had resulted in some investigations and the issuing of fixed penalty notices.

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Councillor Allen noted that the PPP had been awarded funding by the Police and Crime Commissioner for the purchase of additional CCTV cameras in Bracknell Forest.

### **Communication, Consultation and Engagement**

Moira Fraser confirmed that social media activity had increased (there had been a decrease after the departure of the lead communications officer). Members were invited to suggest areas for wider promotion via social media.

Sean Murphy agreed to look at including readership data in future reports, as requested by Councillor Jefferies.

Officers continued to work in schools as part of the education programme.

### **Community and Trading Standards (including Customer Services)**

George Lawrence, Residential Team Manager, added to the point on education. As well as work with schools, this was undertaken in collaboration with Berkshire Youth and Public Health teams. The focus was on the risks of vaping, tobacco and alcohol.

Enforcement work included on illegal/unsafe products and underage sales.

Anti-fraud and anti-scam work was ongoing. Support was provided to victims of scams in liaison with Thames Valley Police. Officers also worked with residents on issues such as noise nuisance.

The team also held responsibility for stray dog collections. Recent legislative changes relating to XL Bullies had been taken on board and was promoted through the website and social media accounts.

Councillor Phil Barnett requested further detail on how the food sampling programme was implemented. Mr Lawrence advised that this covered a range of different products and settings. Products were tested within a laboratory and results fed back to the service.

### **Commercial (Food Safety and Health & Safety)**

Councillor Allen noted that sickness absence was highlighted as an issue in this team and he queried the length of time it would take to catch up on work such as food inspections.

Rosalynd Gater, Commercial Team Manager, explained the team were getting back on track with this work. It had been necessary to catch up on food inspections following Covid and the focus had been on higher risk/higher category premises. These inspections were due to be completed by year end. The recovery programme in respect of lower risk premises was ongoing and would be rolled forward into 2024/25 for completion.

In terms of staffing, an officer had been on long term sick leave and, as a result, an apprentice had been allocated to provide some support to the team and would be starting training in September to gain the necessary qualifications to undertake food hygiene work. Two casual members of staff had been recruited to help with the catch up work.

A reducing level of compliance had been found for some premises, resulting in extra work to ensure the necessary compliance. Factors behind this included Covid and cost of living pressures.

Sean Murphy agreed to provide, post year-end, a report detailing where catch up work remained to take place.

### **Licensing (including Applications and Licensing Governance)**

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Members noted that an updated Hackney Carriage and Private Hire Licensing Policy had been adopted in Bracknell Forest Council. West Berkshire Council had adopted an updated Statement of Licensing Policy.

A number of licensing hearings had been held in Q3, with more scheduled for Q4.

Councillor Barnett noted the high level of preparation required for licensing hearings. However, it was often the case that matters were resolved pre the hearing. With that being the case he queried if there was an alternative approach that could be followed.

Sean Murphy explained that there was a set process to be followed with licensing hearing paperwork. He added a similar issue with the preparation required when a case came to trial, but a guilty plea had come through before the case was heard.

Moira Fraser added that there was a prescribed period for licensing hearings to take place. Hearings were scheduled towards the end of that period to allow time for mediation and if this was successful the hearings would be cancelled.

Councillor Dillon queried if there were any lessons to learn from some hearings. Moira agreed to look into that point but explained that each case was unique, with negotiations possible in some but not all cases.

### **Environmental Quality**

Suzanne McLaughlin, Principal Officer for Environmental Quality, reported that the primary focus had been on air quality (the subject of a separate report on this agenda).

The private water supplies annual return had been submitted on time for West Berkshire Council to the Drinking Water Inspectorate.

Noise/other nuisance complaints had been received and responded to. This included in relation to an industrial premises and this resulted in an abatement notice being served.

Inspections were continuing for pollution prevention control, with the necessary inspections scheduled to be completed on target.

### **Environmental Health Housing**

Rosalynd Gater reported that reports of damp and mould have remained high throughout the year and much reactive work was needed as a result.

The team was working through a high number of licence renewals for Houses of Multiple Occupancy (HMOs). Officers with prior housing experience from other teams were being involved with this work to increase resilience.

Housing related cases had become more complex, often resulting in enforcement action needing to be taken.

Councillor Dillon asked if a list of HMOs could be provided by ward for Members together with a briefing note. Rosalynd advised of the intention to map HMOs and so would provide this information.

Councillor Woollaston queried if a briefing note could also be provided to Members in relation to damp and mould issues. In particular the advice that could be given to concerned residents. Rosalynd agreed to circulate a leaflet on this matter together with a briefing note.

Clare Lawrence, Executive Director for Place, commented that not all HMOs were subject to regulation and not all required planning permission. This information needed to be added to the briefing note.

### **Investigations and Case Management**

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Sean Murphy advised that delays were being experienced within the crown court system. He added that the high volume of complex investigations was a challenge for officers.

### **RESOLVED to note:**

- The 2023/24 Q3 performance for the Public Protection Service.
- The Service updates since the last meeting.

### **37 Crowthorne Air Quality Action Plan and Air Quality Management Area Revocations Update (JPPC4485)**

The Committee considered the report (Agenda Item 9) which sought approval for the revised Crowthorne Air Quality Action Plan (AQAP) following the statutory consultation; and for the revocation of the Air Quality Management Area (AQMA) in Bracknell (A322 Downshire Way), Newbury (A339) and Thatcham (A4) following the consultation process.

Suzanne McLaughlin presented the report. She explained that consultation processes had been undertaken as agreed by Committee at its December meeting. Consultation responses were outlined in the report as were next steps. This included the revised AQAP for Crowthorne which was proposed for approval.

It was also proposed that the AQMAs in Bracknell, Newbury and Thatcham be revoked.

Councillor Guy Gillbe advised that this matter had been a key concern for Crowthorne residents. They would be assured that targets were being met and that an AQAP would be in place to maintain this progress.

Councillor Phil Barnett queried the usage of electric vehicles. He noted that pre Covid-19 usage was at 37.1% of vehicles on the road, but this had reduced to 28.2%. However, Councillor Barnett questioned if there had been an overall increase in numbers.

Sean Murphy advised that the number of electric vehicles had increased and there had also been a gradual improvement in emissions from non-electric vehicles.

Suzanne added that improvements reflected changes post Covid-19. As well as those outlined by Mr Murphy, people had been living their lives a little differently in terms of work habits etc. This had helped ease congestion and reduce pollution.

### **RESOLVED that:**

- The Crowthorne AQAP be approved.
- The AQMAs for Bracknell, Newbury and Thatcham be revoked.

### **38 Young People and Vaping (JPPC4483)**

The Committee considered the report (Agenda Item 10) which provided an updated on the work being undertaken by the Public Protection Partnership to reduce the consumption of vaping products by young people across the Partnership area.

George Lawrence outlined that while vaping was substantially less harmful than smoking it was not risk free and vaping by young people was of particular concern. Vapes were an age restricted product and were addictive as they contained nicotine. The number of young people vaping had grown and the marketing of vapes was of concern as this was felt to make vaping appealing to youngsters.

Central Government had looked to take action. Single use vapes were to be banned and tax laws were to be tightened to help fund enforcement action.

Responsible disposal of vapes was also being promoted.

Work undertaken by the PPP had been successful but areas of non-compliance remained. The PPP would continue to have a role in this area in line with Government

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legislation. Government funding was being made available for enhanced enforcement work.

Councillor Iskandar Jefferies requested further information on seized products (as outlined in paragraph 3.22 of the report). He queried if they were seized post testing or based on labelling of products.

George Lawrence explained that products were collected on the basis of intelligence gathered, but labelling was also a factor. Sean Murphy added that officers needed to have grounds to seize products on suspicion of non-compliance and labelling was a starting point. The distribution of products to retailers was also looked at to ensure this was legitimate.

Councillor Lee Dillon noted from the report a non-compliance failure rate of 70%. This high percentage was very concerning and he queried whether information would be provided to the public on this.

George Lawrence explained that the products in question had been approved by the regulator and there was therefore concern in relation to quality assurance and control at the manufacturing stage. The PPP was part of a regional approach with other local authorities and relevant organisations working together on this matter.

Councillor Dillon requested that this become an annual item to keep Members informed. It would be useful for future versions of the report to contain, for example, further detail on non-compliance rates.

George Lawrence confirmed that the 70% failure rate concerned the contents of legal products. This was separate to the seized (illegal) vapes referred to earlier in the debate.

Councillor Dillon queried when the public would be made aware of offending premises. Sean Murphy advised of recent publicity after a successful prosecution case, with other cases under review by the Case Management Team. The public could be made aware if there was a conviction, beyond that publicity was restricted.

Councillor Dillon followed this by questioning if publicity was possible should a premises receive a warning. He felt this was important for public protection. Sean Murphy agreed to pursue this with officers in Legal. He added that future reports would include options available in this regard.

Councillor Guy Gillbe sought assurance that the messages being delivered within schools on the risks of vaping were appropriate and served to discourage rather than potentially encourage use of vapes. Sean Murphy described the extensive history of work in educational settings on age restricted products. A key aspect was making young people aware of the risks involved with vaping.

**RESOLVED** that the report be noted and that this matter become an annual agenda item.

*(The meeting commenced at 7.00pm and closed at 8.40pm)*

**CHAIRMAN** .....

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