

# Notice of Meeting

## Joint Public Protection Committee

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

**Monday 7 October 2024 at 7.00pm**

Venue: Council Chamber Council Offices Market Street  
Newbury

**Note:** This meeting will be streamed live here:

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

**To:** Councillors Nick Allen (Bracknell Forest Council), Jeremy Cottam (West Berkshire Council), Iskandar Jefferies (Bracknell Forest Council), Justin Pemberton (West Berkshire Council), Cherise Welch (Bracknell Forest Council) and Howard Woollaston (West Berkshire Council)

### Part I

		Page No.
1	<b>Apologies</b> To receive any apologies for absence.	1 - 2
2	<b>Appointment of the Vice-Chairman</b> To appoint the Vice-Chairman of the Committee for the remainder of the 2024/25 Municipal Year.	3 - 4
3	<b>Minutes</b> To approve as a correct record the Minutes of the meeting of this Committee held on 10 June 2024.	5 - 10
4	<b>Outstanding Issues From Previous Meetings</b> To consider any outstanding matters from previous meetings.	11 - 12

**Public Protection Partnership Agenda - Monday 7 October 2024** *(continued)*

- 5 **Declarations of Interest** 13 - 14  
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.
- 6 **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.
- 7 **Forward Plan** 17 - 20  
To detail future items that the Committee will be considering.
- 8 **Public Protection Partnership Service Update and Q1 Report for 2024/25 (JPPC4618)** 21 - 58  
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 first quarter of 2024/25.
- 9 **Public Protection Priorities 2025 - 2028 (JPPC4619)** 59 - 70  
To consider the outcome of the discussions within the partner authorities and agree a way forward.
- 10 **Revenue Budget 2025/26 including proposed Fees and Charges Schedule (JPPC4620)** 71 - 108  
To set out the Public Protection Partnership's (PPP) draft revenue budget for 2025/26 including discretionary fees and charges for 2025/26 and seek approval of the amendments to the Asset Recovery Incentivisation Scheme.

**Public Protection Partnership Agenda - Monday 7 October 2024** *(continued)*

- 11 **PPP Nuisance Policy 2024 - 2027 (JPPC4451)** 109 - 158  
To consider the outcome of the consultation on the draft policy and adopt the policy subject to any changes agreed at the meeting.

**Contact Officer:**

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JPPC – 7 October 2024

## **Item 1 – Apologies for absence**

Verbal Item

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JPPC – 7 October 2024

## **Item 2 – Appointment of the Vice-Chairman for the Remainder of the Municipal Year**

Verbal Item

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## JOINT PUBLIC PROTECTION COMMITTEE

### Minutes of the meeting held on MONDAY 10 JUNE 2024

### BRACKNELL FOREST COUNCIL, TIME SQUARE, MARKET STREET, BRACKNELL

**Present:** Iskandar Jefferies (Chairman), Nick Allen, Jeremy Cottam, Cherise Welch, Howard Woollaston and Iain Cottingham (Substitute) (In place of Lee Dillon)

**Also Present:** Narinder Brar (Wokingham Borough Council), Moira Fraser (Public Protection Partnership), Damian James (Assistant Director – Contract Services), George Lawrence (Team Manager - Residential), Sean Murphy (Service Lead - Public Protection), Suzanne McLaughlin (Senior Environmental Health Officer), Councillor Jordan Montgomery (Wokingham Borough Council) and Stephen Chard (Democratic Services Manager)

**Apologies for absence:** Councillor Lee Dillon (Vice-Chairman)

#### PART I

#### 1 Election of the Chairman

**RESOLVED** that Councillor Iskandar Jefferies of Bracknell Forest Council be elected as Chairman of the Joint Public Protection Committee for the 2024/25 Municipal Year.

#### 2 Appointment of the Vice Chairman

**RESOLVED** that Councillor Lee Dillon of West Berkshire Council be elected as Vice-Chairman of the Joint Public Protection Committee for the 2024/25 Municipal Year.

The Committee agreed to suspend standing orders for the duration of the meeting in order to allow Councillor Jordan Montgomery, from Wokingham Borough Council, to speak.

#### 3 Minutes

The Minutes of the meeting held on 11 March 2024 were agreed as a true and accurate record and signed by the Chairman.

#### 4 Outstanding Items from Previous Meetings

Sean Murphy (Service Lead – Public Protection) gave an update on the outstanding action points from previous meetings:

**Item 1 – Revenue Budget 2024/25 (Fees and Charges Schedule)** - An update would be circulated following the discussions held at Berkshire Leaders and with the Berkshire Group of Officers.

Mr Murphy would also follow up on progress being made with the letter to be sent on behalf of the Licensing Chairs.

**Item 2 – Water Safety Annual Report 2023/24** - The actions had been completed.

## JOINT PUBLIC PROTECTION COMMITTEE - 10 JUNE 2024 - MINUTES

**Item 3 – Service Update and Q3 Performance Report** - A breakdown of the activities provided within the shared service arrangement for the relevant partners was included at Appendix C of the annual report.

**Item 4 – Young People and Vaping** – This would be actioned when the item was next brought to the Committee.

### 5 **Declarations of Interest**

Councillor Iain Cottingham declared that he had a personal interest in Agenda Items 10 and 11, by virtue of the fact that he was a non-executive Director of the Trading Standards Institute and ITSA Limited, and the Chairman of Thatcham Town Cricket Club which was a licensed premises. As his interest was personal and not prejudicial, he determined to take part in the debate and vote on the items.

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

No public questions were received which related to either a general issue concerned with the work of the Public Protection Partnership or to an item on the agenda.

### 7 **Forward Plan**

**RESOLVED** that the Forward Plan be noted with the following addition to be included:

- The annual vaping report would be scheduled for the Committee meeting on 10 March 2025.

### 8 **JPPC Terms of Reference (JPPC4370)**

Moira Fraser presented the Terms of Reference (Agenda Item 9) and noted that this was a standing agenda item at the first meeting of each Municipal Year.

While there had been substantial changes in the previous year, including an update of the membership of the Committee to include a Member of the Opposition from each of the authorities on the Committee, there were no proposals to change the Terms of Reference for the coming year.

**RESOLVED** that the Terms of Reference be noted.

### 9 **Public Protection Partnership Service Update and Q4 (Outturn) Report for 2023/24 (JPPC4371)**

The Committee considered the report (Agenda Item 10) which updated Members on the work of the Service in Quarter Four and which reported the end of year performance outturn.

Authority was sought from the Committee to carry forward the revenue underspend from 2023/24.

#### **Finances and Resources**

A deficit position continued in relation to income, creating a shortfall in the region of £100,000 in the 2023/24 financial year. It was necessary to hold vacancies in order to manage this shortfall.

However, at the end of the financial year there was an underspend of £61,000, made primarily of a £38,000 grant received at the very end of the previous financial year.

The report proposed that the underspend be carried forward into the 2024/25 financial year. This proposal had been discussed with Bracknell Forest and West Berkshire Councils.

### **Customer Satisfaction Rates and Information Governance Data**

There had been a reduction in customer satisfaction. The sample size was however very low, and in one quarter there had been no returns. Officers were reviewing how best to collate data moving forward.

Sean Murphy (Service Lead – Public Protection) reported that the number of vacancies was a contributing factor in terms of customer satisfaction.

A high number of Freedom of Information requests had been received by the service (an increase from the previous year to 371 requests).

The significant increase in the number of Member enquiries and MP enquiries was viewed positively as it showed the Service was getting the message out about the important work it did.

### **Human Resources**

The Licensing Teams would soon be fully staffed following successful recruitment. This included a trainee becoming a full member of the team.

Three of the Level Four apprentices had successfully completed their qualifications. The fourth (and remaining) apprentice was also expected to complete shortly. The aim was for the apprentices to become full members of the Service.

### **ICT Update**

Progress had been made since the previous meeting and the Service had been assigned more project support with the supplier. There was a plan in place to get the portal online, which would be used for temporary event notices, and then rolled out subject to it being successful.

### **Community and Trading Standards**

George Lawrence (Residential Team Manager) provided an update on the work of the community and trading standards team, highlighting the following points:

- 2000 service requests had been processed in the last quarter.
- Scam intervention work had been successful. This work had helped 85 victims and potential victims of scams save money totalling approximately £43,000. Further savings had been achieved following work with banks.
- Successful funding bids had funded awareness campaigns regarding the safe use of scooters and electric bikes.
- Work on the delivery of food inspection and food sampling continued. All high risk food standards inspections had been completed.
- Officers had tested many products including vape products. Work on underage sales had included the purchase of lottery tickets.
- The most complained about sector was second hand car dealers. Officers were looking to engage with businesses of concern to try and achieve improvements for customers.
- The disease surveillance programme had been rolled out and there had been no invasive mosquitos in the area. However, work would continue after the identification of some yellow fever mosquito eggs along the M4 Corridor.

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

All high risk inspections for Category A, B and C food premises had been undertaken, 44% of D premises and 15% of the lowest risk premises. An increase to these percentages was limited by the level of resource and other competing priorities.

### **Licensing**

The Bracknell Taxi and Private Hire Policy had been adopted. Consultations on gambling policies of West Berkshire and Bracknell were ongoing.

The report also listed the number of licensing hearings held in the past quarter. While the number had increased, it was currently at a manageable level.

### **Environmental Health Housing**

A rise in the number of complaints from tenants of Registered Social Landlords (RSLs) had continued. Officers had been working with the RSL sector, holding regular case conferences.

### **Environmental Quality**

The Air Quality Action Plan for Crowthorne had been agreed by Central Government. The Action Plans for Bracknell, Newbury and Thatcham had been revoked as resolved at the last meeting.

### **Investigations and Case Management**

Section 16.5 of the report outlined a summary of the criminal cases since the last meeting and the legal actions that had been taken.

### **Questions**

Officers were then asked a number of questions, and responses were provided as follows:

- Mr Murphy explained that where there were vacancies, efforts were made to cover them by utilising the available resource across the different teams. This helped to widen the experience of officers including trainees.
- The use of agency staff was restricted by cost, taking into consideration the premiums charged by agencies. Finances were constrained across the three local authorities. However, while this was the case, there had been no indication from the local authorities that the money could not be used to backfill posts, which was the intention.
- Efforts had been made to raise the profile of the service to Members. This had increased the number of Member enquiries and this was invaluable in terms of collating intelligence.
- Moira Fraser acknowledged that FOIs took a significant amount of resource. However, mitigation methods were being put in place, such as putting more information on the Council websites so FOI replies could be completed via the provision of a link to the website.
- Damian James added that the service was attempting to utilise and mobilise Members in liaising with residents and assisting with their issues. This could include meeting with RSLs on behalf of residents.
- ICT – data transfer had been completed for one of the authorities' systems which included the retention of legacy data. Remaining data transfer was ongoing.
- Regarding e-scooters, the service had been working with the Police and retailers in response to a recent legislative change in terms of improving safety. Damian James stated that Bracknell Forest had recently recruited town centre ambassadors, paid for



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through central government funding. A role of these ambassadors was to seek to reduce incidents of anti-social behaviour and this could include the impact felt from the use of e-scooters in the town centre.

- George Lawrence stated that the work of petroleum inspections had gone well and was aware of no issues of non-compliance. However, he agreed to confirm this point and provide further details to Councillor Jordan Montgomery.

Councillor Iain Cottingham commended officers on all their hard work for residents, covering a wide range of activity. He felt the PPP's work made them worthy of a nomination to the Chartered Institute annual awards for Trading Standards. Sean Murphy agreed to explore that point.

### **RESOLVED that:**

- The 2023/24 Q4 and year end data for the Public Protection Service be noted.
- The update on service delivery be noted.
- £61.69K of revenue funding be carried forward to the 2024/25 financial year.

## **10 Public Protection Partnership Strategic Assessment 2024 - 2027 (JPPC4372)**

The Committee considered the PPP Strategic Assessment (Agenda Item 11). The Strategic Assessment served to identify the key service functions, activities and priorities, and identify the resource challenges for the Service.

The Strategic Assessment also mapped the Service against local, regional and national priorities and risks.

Sean Murphy presented the report and highlighted the following points:

- Much of the work on the report was completed prior to the General Election, it was therefore the case that some priority areas may no longer be taken forward.
- The report set out all known demands on the service, however it was noted that the demands on the service were constantly changing. I.e. recently announced priorities in relation to knives and the sale of knives.
- The document set out the breadth of the work undertaken by the PPP, the demands placed upon it and the available resource.
- The Strategic Assessment would form the basis for the future prioritisation of work. Future discussion would take place at Committee post a period of consultation.
- It contained a number of cross cutting priorities as well as the inclusion of the more local priorities held by the PPP.

Councillor Iskandar Jefferies gave thanks to officers for all their hard work in the production of the Strategic Assessment. He fully acknowledged the difficult task of balancing the many priority areas and this was an area requiring further work.

Councillor Iain Cottingham queried the sharing of intelligence with other relevant agencies, i.e. HMRC, and whether funding could be accessed in order to increase this area of work.

In response, Sean Murphy explained that officers held a broad range of powers as investigators. This, and the growing access to data, was greatly assisting investigations.

Information sharing protocols were in place, for example with the HMRC, and there was a shared intelligence database accessed by many relevant organisations. The PPP had made a number of intelligence submissions in the past year.

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The Service had been able to access national trading standards funds for conducting cross border investigations.

**RESOLVED that** the updated Strategic Assessment would form the basis of the PPP priority setting for 2024/25 through to January 2027.

**11 Draft Nuisance Policy 2024 - 2027 (JPPC4451)**

The Committee considered the Draft Nuisance Policy 2024-27 (Agenda Item 12). Suzanne McLaughlin, Senior Environmental Health Officer, introduced the report and raised the following points:

- The Policy would enable the continuation of nuisance related work within the Service, both reactive and proactive, that benefited both residents and businesses. The work undertaken strove to improve the quality of life and the health of residents.
- There were a significant number of reactive complaints received in the last financial year, but proactive work was also undertaken to try to resolve areas of concern. For example, guidance was offered on the Council’s website and made available through social media.
- The proposal was for the draft Policy to go out to public consultation for a period of six weeks. A report would then be provided to the next meeting of the Committee in October outlining the findings of the consultation together with the final Policy that would be proposed for formal adoption.

**RESOLVED that:**

- The draft Nuisance Policy 2024-2027 be approved for consultation.
- The Service Lead: Public Protection be authorised to proceed with a public consultation for a six week period between the 8 July 2024 and the 19 August 2024.
- Any comments on the draft Policy be brought to the 7 October 2024 Committee for discussion prior to the Policy being formally adopted.

*(The meeting commenced at 7.00pm and closed at 7.55pm)*

**CHAIRMAN** .....

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

## Joint Public Protection Committee Actions Arising from Previous Meetings

Ref	Meeting Item	Action	Officer	Update
1.	11 March 2024  <b>Water Safety Partnership Annual Report 2023/24</b>	Jon Winstanley to include any data on 'near misses' in the 2024/25 report.  Jon Winstanley to include any information on work in schools in the 2024/25 report.	JW  JW	Will be included in the 2024/25 report if available.  Will be included in the 2024/25 report
2.	11 March 2024  <b>Young People and Vaping</b>	Future annual reports to include information around failure rates.  Articles or social media posts to be produced about what consumers should be looking out for when purchasing vapes in terms of compliance.	GL  GL	
3.	10 June 2024  <b>Q1 Performance Report</b>	Officers agreed to provide Councillor Montgomery with more information about petroleum inspections.	GL	Information was emailed to Councillor Montgomery on the 20 June 2024

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## **Item 5 – Declarations of Interest**

Verbal Item

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## **Item 6 – Public Speaking and Questions**

Verbal Item

There were no questions submitted

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## JPPC Forward Plan December 2024 to December 2025

No.	Ref No	Item	Purpose	Lead Officer	Comments
<b>JPPC 16 December 2024 – BFC</b>					
1.		Public Protection Partnership Q2 2024/25 Performance Report	To consider the Quarter 2 Update and Performance Report.	Sean Murphy/Moira Fraser	
2.		Air Quality Status Reports	To set out the response received from DEFRA	Suzanne McLaughlin	
3.		Outcome of the PPP Peer Review	To set out the findings of the peer review of the PPS in terms of input, output, delivery, resources, governance, structure and value for money.	Sean Murphy	
4.		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.	Theresa Bashford	
5.	JPPC4277	PPP Delivery Plan Update 2024-2027	To agree the delivery plan in light of the revised priorities for the service.	Sean Murphy & SMS	
<b>JPPC 10 March 2025 – WBC</b>					
6.		Public Protection Partnership Q3 2024/25 Performance Report	To consider the Quarter 3 Update and Performance Report.	Sean Murphy/Moira Fraser	
7.		Water Safety Partnership	To provide an annual update of the work of the Partnership.	Jon Winstanley	
8.		Young People and Vaping	Item for information to update Members on the work we are doing to promote smoking and vaping cessation for young people and update Members about any legislative changes.	Theresa Bashford	

No.	Ref No	Item	Purpose	Lead Officer	Comments
9.		Business Plan 2025 to 2027	To agree any revisions to the Existing Business Plan in light of the outcome of the Peer Review.	Sean Murphy	
<b>JPPC June 2025 – BFC (Date TBC)</b>					
10.		Election of the Chairman and Appointment of the Vice-Chairman for the 2025/26 Municipal Year.	To elect a Chairman from West Berkshire Council and a Vice-Chairman from Bracknell Forest Council for the 2025/26 Municipal Year, if necessary	Verbal Item	
11.		JPPC Terms of Reference	To note the terms of reference of the Committee.	Moira Fraser	
12.		Public Protection Partnership Q4 2024/25 Performance Report	To consider the Quarter 4 Update and Performance Report.	Sean Murphy/ Moira Fraser	
13.		Service Plan 2025/26.	To identify the relevant details of the Inter Authority Agreement (IAA) and set out how the PPP intends to operate through the delivery of the Service Plan.	Sean Murphy & Strategic Mgrs	
14.		Communication and Engagement Strategy 2025-2027	To update the existing Strategy and adopt any modifications made to it.	Moira Fraser	
15.		WBC RIPA Powers 2025-2028	To provide Members with an oversight of the measures in place and actions being taken by the Councils including policy and guidance and social media policy	Sean Murphy	
16.		Strategic Assessment 2024-2027	To review the current Strategic Assessment and update it based on intelligence received.	George Lawrence	
<b>JPPC October 2025 – WBC (Date TBC)</b>					
17.		Public Protection Partnership Q1 2025/26 Performance Report	To consider the Quarter 1 Update and Performance Report.	Moira Fraser	

No.	Ref No	Item	Purpose	Lead Officer	Comments
18.		Revenue Budget 2026/27 Including Proposed Fees and Charges Schedule	To set out the draft revenue budget for 2026/2027 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	
19.		PPP Delivery Plan Update	To set out progress has been made against the PPPs agreed priorities as set out in the Service/Delivery Plan.	Sean Murphy & SMs	
20.		Private Sector Housing Policy 2025 - 2028	To review and where appropriate update the existing Policy.	Rosalynd Gater	
<b>JPPC December 2025 – BFC (Date TBC)</b>					
21.		Public Protection Partnership Q2 2025/26 Performance Report	To consider the Quarter 2 Update and Performance Report.	Sean Murphy/Moira Fraser	
22.		Air Quality Status Reports	To set out the response received from DEFRA	Suzanne McLaughlin	
23.		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.	Theresa Bashford	
24.		Workforce Planning Strategy 2026 - 2027	To update the existing strategy.	George Lawrence	
25.		Training and Development Plan 2026 - 2027	To update the existing Plan.	Moira Fraser	

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## Public Protection Partnership Service Update and Q1 Report for 2024/25

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	7 October 2024
<b>Chair of Committee:</b>	Councillor Iskandar Jefferies
<b>Date JMB agreed report:</b>	23 September 2024
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	JPPC4618

### 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 first quarter of 2024/25.

### 2. Recommendations

The Committee:

- 2.1 **NOTES** the 2024/25 Q1 data for the Public Protection Service set out in Appendix A.
- 2.1 **NOTES** the update on service delivery.

### 3. Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>Since the last meeting that service revenue budget has been reprofiled. There is an income shortfall of £196K. Of this £144K is shortfall in licensing income from profile.</p> <p>In year this has been reduced through holding vacancies and by the carry forward of £60K from last year.</p> <p>We are however facing a further pressure of £39.25K if the proposed salary settlement is implemented leaving a total pressure of £55K.</p> <p>Managing the income deficit and pressures created by use of agency staff, casual staff etc. has been achieved by holding open key vacancies.</p>
<b>Human Resource:</b>	<p>The combination of vacancies and deletions of posts (6.7 fte) to balance the budget has the risk of increasing pressure on existing staff and there is no doubt in some areas the staff and the service are under significant pressure.</p> <p>In addition, some posts have been held to cover income shortfall and agency / casual staff costs and a further four staff are in</p>

	<p>maternity leave. We are seeking maternity cover and have moved staff within service to cover gaps and backfill.</p> <p>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. The Strategic Assessment brought to the June 2024 meeting will be used to assist Members with priority setting for the team.</p> <p>There is some very limited engagement of agency staff, but this is linked primarily to grant funded areas where there is not the resource to conduct the 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. The is starting to bear fruit, with all Level 4 apprentices completing their regulatory compliance officer training, but there is still some way to go until the service can rely on 5 upskilled L6 professional officers (3 EHO and 2 TSO) as a resource as training is midway for those involved. This workforce strategy is underpinned by the <a href="#">Training and Development Plan</a>.</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> <p>The governance arrangements with Wokingham are managed through Joint Management Board as per the current agreement.</p>
<b>Risk Management:</b>	<p>JMB and the management team meet regularly to consider the risks for the delivery of the service. The current key risks relate to operational and management capacity due to the number of vacancies across the service and the financial pressure which affects the ability to cover off those resource gaps. To mitigate the risk, the service has taken several steps. It is currently advertising for 2 environmental control officers and moving work across teams where capacity impact is less severe. However, finances and the market availability are such that it is not yet able to recruit additional professional officers or agency resource. Attempted recruitment to one of the vacant management posts has not been successful due to the lack of applicants.</p> <p>Due to the finite resource service management are taking a risk-based approach in all its activity's ranging from routine interventions and criminal investigations to how formal investigations are dealt with. The service is also maintaining its approach as being intelligence led in dealing with reactive</p>

	<p>requests that are not a risk to life or limb. This does create additional risk around perceptions of levels of response which require the management of those expectations.</p> <p>There is an item elsewhere on this agenda that explains this in more detail.</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 with some sharing of the building proposed.</p>			
<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.</p> <p>The revised service priorities were agreed at the <a href="#">March 2023</a> JPPC meeting. The Strategic Assessment was adopted at the <a href="#">June 2024</a> meeting and will assist with setting new priorities and monitoring progress against them. The revised priorities will be agreed at this meeting as a separate agenda item.</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>		✓		
<b>Health Impact:</b>		✓		
<b>ICT or Digital Services Impact:</b>		✓		
<b>PPP Priorities:</b>				The report will impact on the following PPP Priorities (delete those that are not appropriate) <ol style="list-style-type: none"> <li>1. Building Safer Communities</li> <li>2. Improved Living Environment</li> <li>3. Protecting Consumers from Fraud</li> <li>4. Reducing Harm in Young People</li> <li>5. Protecting and Informing Consumers</li> <li>6. Protection of the Environment</li> <li>7. Promoting Animal Welfare</li> <li>8. Safety in the Workplace</li> <li>9. Safe and Healthy Food Chain</li> </ol> Business as Usual Activity is supported too.
<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 Joint Public Protection 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 key outturn measures of volume and data for Quarter 1 (April to June) is set out in Appendix A to the report.
- 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. As was agreed when the Strategic Assessment was agreed in June 2024, we have adjusted the layout of this report to reflect the targeted priority outcomes set out in that document.

## 5. Finances and Resources

- 5.1 Since the last meeting that service revenue budget has been reprofiled. As a result, an income shortfall of £196K. Of this £144K is shortfall in licensing income from profile. Some of this shortfall is historic but it has been exacerbated by Covid and income is still below pre-pandemic levels. It is proposed that we raise the issue again with Government of statutory licensing fees that have now fallen 72% behind inflation since 2005 when they came into effect.



- 5.2 In year this has been reduced through holding vacancies and by the carry forward of £60K from last year. The posts being held are over and above the 6.7FTE deleted to manage the deficit created by Wokingham leaving the PPP.
- 5.3 We are however facing a further pressure of £39.25K if the proposed salary settlement is implemented leaving a total pressure of £55K. The service management will work to reduce this pressure in year and is currently exploring options, but it is likely holding vacancies will be the main response and service levels will reduce further as a result.
- 5.4 Away from staffing budgets there is likely to be a pressure on fees for external Counsel as we are seeing a significant increase in cases being referred to Crown Court because of their seriousness or defendants electing this mode of trial.
- 5.5 The service has been successful in attracting over £250K in grants covering public health, investigations, fly tipping and legal fees.

## 6. Human Resources

### Recruitment

- 6.1 The Service has, since the June JPPC meeting, been successful in recruiting to the Lead Licensing Officer role. The licensing team is now fully staffed. The following posts are currently out to advert or by the time of the meeting recruited too:
- Enforcement Officer – Age Restricted Products (1 year fixed term – grant funded)
  - Environmental Control Officer – (1 year fixed term – maternity cover)
  - Senior / Environmental Control Officer – (Full Time / Permanent)
  - Programme Manager – Health and Community (100% grant funded)
- 6.2 During Q1 the following officers have left the Service:
- Principle Officer: Housing
  - Strategic Manager: Case Management Unit
- 6.3 Both these posts are currently vacant despite attempts to fill the case management post.
- 6.4 In addition, we have the following vacancies:
- 1 Environmental Health Officer
  - 1 Trading Standards Officer
  - 1 Trading Standards Investigator
  - 1 Case Manager
- 6.5 Finally, three trading standards staff have indicated that they wish to retire or reduce hours in 2024. The impact of this will be a further 2FTE vacancies before the end of the current financial year.

### Training and Development

- 6.6 All four of our Level 4 Apprentices have now completed their apprenticeship. The three Level 6 apprentices have all completed the first year of either their Trading Standards

or Environment Health courses. Our two team members undertaking their MSC's in Environmental Health are progressing well (entering their final year) and our environmental health graduate trainee is continuing to progress well with the practical element of his course.

- 6.7 Once the budget is confirmed we will start to look at phase two of the apprenticeship programme in line with our Workforce Strategy and Training and Development Plan.
- 6.8 One officer passed the accreditation assessment and two passed the initial training course to carry out the statutory private water supplies sampling.
- 6.9 Six officers carried out the Institute of Licensing Responsible Authority training course.
- 6.10 One officer has just been awarded her ILM level 3 award in management.
- 6.11 There is a whole team away day scheduled for the 22 October 2024 which will focus on the customer journey and improving customer experience.
- 6.12 Five officers have undertaken the necessary training and have passed a CILEX criminal disclosure course, and two officers are attending age restricted product enforcement training in September.
- 6.13 Five officers have completed the Institute of Licensing Professional Licensing Practitioners Qualification.

## 7. ICT Update

- 7.1 JMB continue to meet with the supplier of the PPP single system database on a monthly basis.
- 7.2 We are now in the final stages of implementation as the on-line portal is rolled out to the licensing trade in stages.

## 8. Governance

- 8.1 The [Feed and Food Standards Controls Service Plan 2024- 2025](#) was signed off at the Joint Management Board meeting on the 12 August 2024.
- 8.2 Two consultations have been undertaken by the Service since the June meeting. The consultation on the Nuisance Policy ran from the 08 July to 26 August 2024 and the West Berkshire Council Statement of Gambling Policy consultation was undertaken between the 18 July and the 12 September 2024. Over fifty responses have been received on the Nuisance Policy and there are likely to be changes to the draft presented to Committee in June 2024.
- 8.3 The Peer Review of the shared service arrangements will commence in September and report before the end of the year. The focus will be on the effectiveness of governance arrangements, management, inputs and resourcing, outputs and the future. All documents required by the review team have been compiled.
- 8.4 During Q1 the team dealt with a total of 102 Freedom of Information requests which took around 72 hours to process. The number of requests increased by 14.5% when compared to the same period in 2023/24 where 89 Fols were processed. The Fols also took significantly more time to process (around 61 hours in Q1 of 2023/24). This is

in part due to the complexity of the requests and the new processes introduced in Bracknell Forest

8.5 The team also processed 60 enquiries from Councillors and the local MPs, 29 of those were in West Berkshire and 31 in Bracknell Forest. This represented a significant increase when compared to the 38 (58% increase) that were dealt with in Quarter 1 of the previous year.

8.6 In terms of complaints, the service received 11 complaints which equates to 0.37% of the service requests that the team has dealt with. Of the 11 complaints (2 in BFC and 9 in WBC) received three were upheld and the matters were rectified and apologies were issued. One of the stage 1 complaints, which was not upheld, was the subject of a stage 2 complaint which was also not upheld. Three complaints related to response times, three about the service received, four about the decision made and one was dealt with as a service request.

## 9. Building Safer Communities

9.1 With the onset of the event season Noise Management Plans have been checked and noise monitoring carried out. The Service has considered 108 event management plans (42 in Bracknell and 66 in West Berkshire) as part of the [Safety Advisory Group](#) process.

9.2 The following licensing panel/subcommittee meetings have taken place in Q1:

Type of Application	Applicant	Outcome
<b>Bracknell Forest</b>		
None		
<b>West Berkshire</b>		
New Premise Licence	Hungerford Park Estate, Hungerford Park, Hungerford, West Berkshire, RG17 0UU	grant the licence, with conditions

9.3 During Q2 of 2024/25 to date the following applications have been heard:

Type of Application	Applicant	Outcome
<b>Bracknell Forest</b>		
Street Trading Consent	Mr Mustafa Karaduman at Priory Lane Field Car Park, Warfield, Bracknell.	grant consent with the standard conditions for one month initially
New Premise Licence	The Vault, 19 High Street, Crowthorne, Bracknell, RG45 7AD	grant the licence, with conditions
<b>West Berkshire</b>		
None		

Licensing Hearings Data for last three years.			
Authority	2022/23	2023/24	2024/25 To Date
<b>Bracknell Forest</b>	1	3	2
<b>West Berkshire</b>	0 (2 cancelled after agenda publication)	8 (with a further five cancelled or adjourned after agenda publication)	1

- 9.4 Operation Albion is underway which deals with corrosive substances that are caught under the Offensive Weapons Act 2019. The project will encompass both enforcement and education directed at the trade. The team has consulted with colleagues within youth offending teams and other interested partners. Premises will be targeted based on intelligence. The project is expected to be completed by end of Q3.
- 9.5 Operation Joseph - Following on from initial testing, a 3<sup>rd</sup> phase of testing is underway, and on-line test purchasing is taking place. We will be submitting seven test purchases to our test house shortly and will await results.
- 9.6 Licensing officers continue to work with Thames Valley Police in the project to reduce violence against women and girls and have undertaken joint visits to premises as part of this initiative.
- 9.7 Licensing officers have sought compliance from illegal scrap metal sites and dealers and have served a closure notice in respect of one premise.
- 9.8 During Q1, officers issued three seizure of dog notices (alongside a number of collected strays) and two Prevention of Damage by Pest Act Notices following inaction by the owner or occupiers of land that presented with rat infestations.
- 9.9 All funeral directors in West Berkshire and Bracknell have now received confirmation / advice visits by Environmental Health as requested by the government following the incidents in East Riding of Yorkshire. Compliance was found to be high.

## 10. Improved Living Environment

- 10.1 Officers are continuing to receive high numbers of service requests regarding disrepair in tenants' homes and on caravan sites. These are dealt with by Housing Officers who triage, and risk assess the information coming in as part of the Duty Officer role. These are then assigned to Officers for action. This can involve full HHSRS Inspections (Housing Health and Safety Rating Scheme), ensuring landlords are fulfilling their duties and ensuring defects are corrected or assistance being given to the tenant.
- 10.2 HMO (House of Multiple Occupation) renewals are ongoing. It is over five years since new legislation came into effect which changed the definition of an HMO, and this meant that many more HMOs were licenced by the team. Each licence is renewed every five years and so the team are now working on these renewals. This involves ensuring that all documentation is up to date (e.g. Electrical and gas safety certificates)

and an inspection to ensure that the property is operating within the conditions of the licence and are in good repair.

10.3 Alongside this we continue to monitor the areas for unlicensed HMOs and monitor where landlords have not renewed their licences to ensure it is now under the occupancy required to be adjudged an HMO.

10.4 Work is ongoing on the Quality Management System to ensure consistency and efficiency of approach.

10.5 In terms of service requests around housing:

	Total request for service housing	Of these number of complaints regarding house condition	Of these number that were Registered Social Landlords
WB October to December 2023	82	60	34 (57%)
WB January to March 2024	104	80	49 (61%)
WB April to June 2024	90	71	32 (45%)
BF October to December 2023	92	62	31 (50%)
BF January to March 2024	74	63	30 (48%)
BF April to June 2024	78	49	20 (41%)

10.6 The team dealt with 140 service requests in respect of pest control and 99 service requests which related to domestic nuisance. This in addition to the significant number of phone calls from worried residents wanting information and help with pest control measures and types of treatment.

10.7 Three Abatement Notices were issued following failures to ensure compliance through informal measures. There were also four littering notices, and one abatement notice issued for rubbish accumulation.

10.8 Energy Efficiency and Non-compliance, tenants' rights and letting Agents, housing condition survey (WB) - Operation Sapphire has been set up to assess properties being let that are not compliant with the Energy Performance Certificate (EPC) rating. This project will involve a large amount of research time to create a database of non-compliant premises, which are then followed up for the purposes of assessing compliance.

10.9 This is work being carried out as part of a joint Environment Health and Trading Standards initiative to improve standards of living. According to a recent housing condition survey carried out in West Berkshire, the proportion of properties within the non-compliant (F-G) category was 11.8% of all privately rented stock, compared to 5% nationally. The housing condition survey has not been carried out in Bracknell, so the initial pilot will be carried out within West Berkshire.

10.10 We are reviewing our nuisance protocol with respect to sewage discharges and will be working with respective highways teams.

## **11. Protecting Consumers from Fraud**

### **Fraud Victim Support**

11.1 During Q1 the scams team have achieved the following across Bracknell Forest, West Berkshire and Wokingham:

- Received and dealt with 21 fraud complaints
- Fitted seven call blockers saving each resident an estimated £1000 per year
- Delivered six scam / fraud presentations
- Commenced three bank challenges
- Set up one No Cold Calling Zone
- Undertaken campaigns on Holiday Scams and Used Cars
- Returned nearly £15,000 of money lost through scams back to residents

11.2 The scams team have been in regular communication with colleagues in Bracknell Forest to improve referral pathways into PPP for Bracknell Forest residents who are suspected victims of scams.

### **Illegal Money Lending**

11.3 The PPP received training from the Illegal Money Lending Team (IMLT) in respect of illegal money lenders and Loan Sharks during the Team Away morning in April. The training has subsequently been offered and delivered to colleagues in Bracknell Forest and West Berkshire Housing Teams, Adult and Children's Services, Public Health and Libraries.

11.4 The PPP supported the IMLT in the promotion of their Stop Loan Sharks week in May through the sharing of communications over our social media platforms.

11.5 The PPP were successful in bidding for £3,000 funding from the IMLT to deliver awareness raising session to residents within Bracknell Forest, West Berkshire and Wokingham. These sessions are planned to take place during November in conjunction with Boom Community Bank and the Southeast Regional Organised Crime Unit (SEROUCU).

11.6 In June, the PPP applied for and were awarded partnership status with the IMLT and a referral protocol is now in place. The service will continue working to raise awareness and education amongst the community.

### **Unfair Trading and Fraud**

11.7 Officers continue to inspect weights and measures equipment (e.g. Optics, scales, beer measures). During Q1, 156 pieces of equipment have been examined or tested with seven being found to be incorrect and removed.

11.8 Enquiries are on-going following reports of counterfeit gas safety valves being sold on-line. Further test purchases of gas safety valves have been conducted for on-line sales to obtain evidence under the Trademarks Act (and Product Safety).



- 11.9 Illicit products and excise breaches - The team continue to work to progress the signing of the Memorandum of Understanding with the HMRC in order to gain access to the application that can be used to identify illicit tobacco products.
- 11.10 The service has been receiving a high number of complaints about car traders in the area, relating to consumer statutory rights. In response to this, Operation Tabitha was set up and has been underway since March in a bid to drive down the number of complaints through trader advice. Continuing breaches and complaints against these traders will escalate to action under the Enterprise Act. To date 34 advice letters have been sent, and 12 business have been visited as part of the follow up and further matters relating to undertakings being considered.
- 11.11 The investigation team have taken on all Doorstep Crime incidents reported via Consumer Advice and Thames Valley Police. The Service have seen a sudden rise in incidents in the last three months. This is due to a couple of factors, firstly the spring and summer period is the busiest time of the year for home repairs and as a result there is usually an increase in activity from those seeking to take advantage of vulnerable older people. Secondly the team are carrying out unannounced days out with the police to catch offenders whilst they are working. A number of suspects have been identified by officers who would not have been reported by the victim. Between the 1<sup>st</sup> of April and 30<sup>th</sup> June 2024 there has been a total of 38 rapid response live incidents.
- 11.12 The total reported money lost by victims totals £250,999. (Bracknell residents £98,929, Wokingham residents £65,366 and West Berkshire residents £86,704.) The money saved by early intervention by the service totalled £23,050. The
- 11.13 The team have 15 ongoing investigations across Bracknell, Wokingham and West Berkshire.
- 11.14 A planned two days of action was undertaken which involved officers patrolling areas where intelligence pointed to 'hot spots for rogue trader activity'. This resulted in six interventions where three written warnings were issued and signed by the trader instantly. The remaining incidents are still under investigation.

## **12. Reducing Harm in Young People**

### **Schools Work**

- 12.1 During Q1 ten presentations have taken place within three schools within West Berkshire and Newbury College. Four presentations were in respect of alcohol, five informed on vapes and one discussed scams.
- 12.2 The PPP's Senior Officer, Community Protection and Health has supported Bracknell Forest's Public Health Team in drafting their young people's vaping action plan.

### **Attitudinal Survey**

- 12.3 The annual schools attitudinal survey launched across West Berkshire Secondary Schools on 15<sup>th</sup> April and closed on 26<sup>th</sup> June. The survey seeks to identify the smoking, vaping and alcohol use habits of secondary school pupils across the Local Authority. 4406 pupils completed the survey. This is the highest completion figure in the nearly 20 years the survey has been running and is testament to the positive relationships the PPP have built with our Public Health and Secondary School

colleagues within West Berkshire. The survey data will be anonymised and analysed over the summer. A report detailing the findings and action plan based on these will be ready to be sent to schools and other relevant professionals and forums for the beginning of the new academic year in September.

### **Tobacco Control Alliance**

- 12.4 The PPP's Senior Officer, Community Protection and Health represents both the PPP and West Berkshire Public Health at the Tobacco Control Alliance and owing to sickness absence within Public Health, is also managing West Berkshire Council's Local Stop Smoking Service (LSSS) contract and the spending of the Local Authority's allocated Local Stop Smoking Service and Support Grant funding.
- 12.5 During Q1, PPP's Senior Officer, Community Protection and Health, on behalf of West Berkshire Public Health applied for and secured funding from the Office for Health Improvement and Disparities (OHID) for up to 150 vape started kits to be given out by the LSSS to clients within West Berkshire wishing to quit smoking. In addition, she has supported the contract variation to allow the LSSS to provide vapes and attended contract management and extension meetings for the LSSS.
- 12.6 Public Health received their first payment on the Local Stop Smoking Service and Support Grant in April. The PPP's Senior Officer, Community Protection and Health has started to seek to procure additional stop smoking services, insights and evaluation work and recruit a Project Officer to support with work to be funded through the grant.

### **Community Alcohol Partnership**

- 12.7 As part of the ongoing work of the Community Alcohol Partnership, a Challenge 25 test purchasing operation commenced during Q1 and will continue into Q2. The focus of the project is testing rurally located and independent retail premises across West Berkshire. A twenty-year-old volunteer has been recruited and two test purchasing days haven taken place. The retail premises visited have all received letters advising of their involvement in the operation, whether they passed or failed and providing information on Challenge 25 and responsible retailer training.

### **Underage Sales**

- 12.8 The team conducted 15 vape test purchases, and two alcohol test purchase. There were no sales. The team are currently reviewing its approach to carrying out increased work in this area and are seeking to employ a dedicated officer solely for test purchasing and under-age sale activity.
- 12.9 A recruitment campaign is also underway to recruit more volunteers for under age sale test purchasing.

## **13. Protection of the Environment**

- 13.1 An eight day proactive odour and noise monitoring exercise was carried out to determine if a statutory nuisance exists at a commercial property.
- 13.2 The Nuisance Policy was subject to consultation from the 08 July to 26 August 2024 and the outcome is included as a separate item on this agenda.



- 13.3 The Team have been providing support to Wokingham Borough Council for the new Air Quality Action Plan for Wokingham Town Centre.
- 13.4 Officers have continued to provide support to Planning Committees including attending a meeting where a high profile housing development was discussed to provide advice in relation to air quality. Officers also attended a number of sessions to provide evidence at the West Berkshire Local Plan Inquiry.
- 13.5 During Q1 the Team dealt with 245 reports relating to abandoned vehicles and 52 fly tipping service requests. Officers have been highlighting the issues with littering around the 39 community recycling centres in Bracknell Forest on social media and via press releases. A number of fixed penalty notices have been issued to residents and a number of larger scale investigations are ongoing.
- 13.6 During Q1 63 checks were made in relation to potential breaches of weight restrictions and overloaded vehicles.
- 13.7 Case management will now be considering a number of cases arising from unpaid fixed penalties where prosecution could follow.

## **14. Protecting and Informing Consumers**

- 14.1 During Q1 Officers have dealt with seven press enquiries, issued seven press releases and published eight articles on the website. The Principal Officer - Policy and Governance continues to work closely with West Berkshire, Bracknell Forest and Wokingham Borough's communication teams and liaises with them on a regular basis regarding our campaigns. 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.
- 14.2 In addition a series starring Billy Bingham (ex- SAS Officer) recently aired which showed our Trading Standards Officers in action: [SAS: Catching the Criminals - Series 1: Episode 12 - BBC iPlayer](#).
- 14.3 In terms of social media activity Officers have supported a number of relevant national public campaigns including deadlines for getting cats microchipped, ant-idling and clean air day, buying a used car, water safety messaging including the Royal Life Saving Society's drowning prevention week, bird flu and blue tongue virus messaging, quitting smoking and stop loan sharks week.
- 14.4 Officers have also attended the following community events over the summer:
- Victoria Park Fun Day (19<sup>th</sup> May 2024)
  - Pangbourne Fete (08 June 2024)
  - Thatcham Fun Day (30 June 2024)
  - Sandhurst Summer of Fun (02 August 2024)
  - Great Hollands Summer of Fun (07 August 2024)
  - Binfield Summer of Fun (21 August 2024)
  - Bracknell Summer of Fun (28 August 2024)
  - Thames Valley Police Open Day (07 September 2024)

## **Assured Care and Support**

- 14.5 During Q1 a workshop was held with scheme funders and potential funders. During this meeting it was agreed that the Assured Care and Support (ACS) scheme would only support micro providers who are ineligible to register with Care Quality Commission (CQC). At the end of Q1 the scheme had 59 members. Four new applications are being processed.
- 14.6 The PPP has sought external legal advice regarding the following the publishing of a report, questioning the employment status of personal assistants in the care sector. That advice has cleared our own scheme to proceed in its current format.

## **Community Larder**

- 14.7 The Thatcham Community Larder has over 100 members and a dedicated team of volunteers supporting the setting up and running of the larder. There is a weekly craft table, 'knit and natter', chair exercises and information and support available regarding various other PPP functions. A funding bid has been made to West Berkshire's Public Health Team. A decision is anticipated to be made at the next Health and Wellbeing Board meeting in September.

## **15. Promoting Animal Welfare**

- 15.1 During Q1 Officers undertook 77 animal health visits.
- 15.2 The service have been promoting the new requirements relating to the registration of captive bird flocks which have now been extended to cover all outdoor birds whether kept commercially or residentially.
- 15.3 Licensing visits to premises involved in boarding, breeding, performing animals, riding schools, pet shops and zoos are regularly undertaken and investigations are ongoing to identify illegal businesses and seek compliance.

## **16. Safety in the Workplace**

- 16.1 The Team has dealt with 66 Health and safety at work service requests during quarter 1 and 24 workplace accidents were reported.
- 16.2 We have an ongoing investigation into a workplace accident that occurred in West Berkshire.
- 16.3 Legal proceedings have been instituted following an serious incident in 2022 involving the storage and discharge of explosives.

## **17. Safe and Healthy Food Chain**

- 17.1 Inspections relating to Risk Assessments and sampling of Private Water Supplies continue, with four supplies served with Notices for nitrate and or E Coli failures. In addition to the new requirements for dealing with Private Distribution Systems, some of which is being highlighted through events.
- 17.2 During Q1 131 food standards inspections were carried out and five animal feed inspections were undertaken.

17.3 Officers completed the the foodsampling programme for Q1. Two service requests in respect of allergens were received. The Service also received 29 service requests relating to food labelling and claims.

17.4 Officers have completed 205 Food hygiene inspections during Quarter 1 and have dealt with 144 Food hygiene service requests.

17.5 The table below sets out the premises overdue and due in 2024/25:

	Premises Rating	PROVISIONAL EST Food inspections due 24 /25 and overdue	CORRECTED	CORRECTED	Corrected TOTAL due and OD	Corrected TOTAL due and OD
			BF DUE 24 25	WB due 24 25	BF	WB
BF and WB	A	2	1 (2)	3 (6)	1 (2)	3 (6)
	B	41	23	20	23	20
	C	160	53	103	53	103
	D	525	66	111	168	355
	E	782	77	185	348	433
	Unrated				74 OD and 120 est = 200	196 OD and 200 est = 200

17.6 One notice was served to seize and detain illegally imported food stored at a warehouse in West Berkshire in accordance with Regulation 19 of the Trade in Animals and Related Products (TARP) Regulations 2011. This was because the food had arrived in the UK without the correct food safety documentation. The owner of the food was required to export or destroy the food.

17.7 Two premises, both in West Berkshire, undertook voluntary closures following inspections as a result of pest activity and a complaint about poor hygiene practices.

17.8 The Service received 126 infectious disease notifications during Q1.

## 18. Investigations and Case Management

18.1 The Joint Case Management Unit continues to be busy working with new investigations commencing all the time across PPP. The loss of the Stategic Manager has reduced staff capacity with some cases taking longer to progress.

18.2 The service has part funded a shared trainee post with West Berkshire legal team.

18.3 With 37 live PPP matters under investigation and/or in the court system (excluding a significant volume of road traffic matters as well as a number enviro crime cases). Many of these are complex and involve multiple defendents and victims. Currently over half of PPP cases end up being dealt with in the Crown Court due the seriousness of the alleged offending.

18.4 The two National Crime Agency Accredited Financial Investigation Officers are fully occupied with ten investigations relating to money laundering or confiscation under the Proceeds of Crime Act 2002. Whilst the majority of these are for the PPP there are two investigations being conducted in conjunction with Reading Borough Council under an agreed protocol. The Service Lead is also qualified to have oversight financial investigations but following the loss of the Strategic Manager – Case Manement we will need to seek accreditation for another senior manager.

18.5 Examples of some cases that had concluded in the last quarter are:

- (a) **Two Builders Sentenced for Unfair Trading.** These builders started work in 2019 for a Bracknell family to convert a loft, but the relationship deteriorated, and the work was not completed. The investigation found workmanship was unacceptably poor with the cost of repair exceeding the cost of the original works. The first defendant was sentenced to a 12-month Community Order, with a requirement to undertake 220 hours of Unpaid Work and ordered to pay compensation in the sum of £15,000. The second defendant was sentenced to a 12-month Community Order, with a requirement to undertake 150 hours of Unpaid Work, and to pay compensation in the sum of £5,000.
- (b) **Restaurant Owner Sentenced for Food Law Breaches.** In 2022, a customer suffered a serious allergic reaction after buying a curry which contained peanuts despite requesting that their meal be free from nuts. The defendant was sentenced to pay total fines and costs amounting to £4,272 which included a victim surcharge of £506 and a £2,500 contribution towards the prosecution costs.
- (c) **Company Sentenced for Unfair Trading together with two of its former sales representatives.** The company offered a range of services relating to solar panel installation but misled consumers with false testimonies and misleading various claims. The defendant company was fined £464,000 together with two of its representatives. One representative was sentenced to 2 years' imprisonment suspended for 18 months with 8 sessions of rehabilitation activity and a fine of £2500. The other representative was sentenced to 4 months' imprisonment suspended for 18 months with 10 sessions of rehabilitation activity and a victim surcharge.
- (d) **Unlicensed Dog Breeder convicted of fraud.** After discovering an online puppy seller was selling litters without a license, further investigation found different aliases for the same seller. He was handed a fifteen-month custodial sentence for fraud, two months custodial sentence for unfair trading and one month for trading without a licence. All sentences were to run concurrently and were suspended for eighteen months. He was also ordered to complete 20 days rehabilitation activity requirement, pay £1000 compensation and £1000 towards prosecution costs.

## 19. Concluding Observations

19.1 The service started this year with some significant challenges following the loss of 6.7FTE of operational resource. This has been compounded by the loss of two key

managers and the need to hold posts open to cover income deficit. The demands on the service continue to grow and the gap between demand and resource widens.

19.2 Elsewhere on this agenda Members are asked to review the priorities for the service. This will be critical going forward if no funding is available to reduce pressures.

19.3 On the positive the service remains risk-based, focussed and innovative in delivery and the results continue to show this. The workforce strategy has been an undoubtable success and we will now move to the next stage by bringing in new entry level trainees whilst investing in our existing officers.

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## 20. Appendices

20.1 Appendix A – Q1 Performance Data

20.2 Appendix B – Compliments

20.3 Appendix C – Activity by Authority

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## 21. Background Papers:

21.1 None

### Subject to Call-In:

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

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	2024/25			2023/24			2024/25
	PPP	Bracknell	West Berkshire	PPP	Bracknell	West Berkshire	PPP	PPP YTD
	Outturn	Q1	Q1	Q1	Q1	Q1	Q1	
Envirocrime	963	247	0	247	252	0	252	
Flytipping	126	51	0	51	19	0	19	
Food Hygiene Related	539	54	89	143	58	73	131	
Health and Safety (including accidents reported)	184	21	33	54	12	14	26	
Housing	656	336	86	422	98	55	153	
Licensing	394	36	77	113	38	53	91	
Other (e.g. other nuisances, cont. Land, private water supplies, burials, enclosed smoking)	251	24	30	54	15	30	45	
Planning	466	53	93	146	36	76	112	
Ukraine Accommodation Check	25	0	9	9	0	1	1	
Anti-Social Behaviour	879	114	162	276	73	159	232	
Dog Warden (stray dog collection only)	57	10	13	23	1	7	8	
Noise - Non-commercial	644	79	110	189	60	139	199	
Noise - Commercial	329	30	51	81	37	68	105	
All Bonfire/Smoke	173	38	43	81	22	27	49	
<b>Grand Total</b>	<b>5683</b>	<b>1098</b>	<b>791</b>	<b>1889</b>	<b>714</b>	<b>702</b>	<b>1416</b>	

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



	2023/24	2024/25			2023/24				2024/25	
	PPP	BFC	West Berks	Wok	PPP	BFC	West Berks	Wok	PPP	PPP YTD
	Outturn	Q1	Q1	Q1	Q1	Q1	Q1	Q1	Q1	
Animal Health	39	0	8	2	10	1	5	2	8	
Door Step/Scam/No cold calling zones	208	8	23	8	39	11	24	12	47	
Food Standards	144	15	16	23	54	9	11	3	23	
Misleading Description	68	4	14	4	22	10	7	1	18	
Other (e.g. counterfeit goods, under age sales)	230	10	32	6	48	7	26	6	39	
Unsafe goods	82	2	5	2	9	15	9	14	38	
What are my rights? (Business)	25	0	2	1	3	3	0	2	5	
What are my rights? (Consumer)	1019	63	97	94	254	96	80	106	282	
Trading Standards Notifications	2489	165	297	169	631	152	271	152	575	
Weight Restrictions	410	1	35	14	50	6	76	11	93	
<b>Grand Total</b>	<b>4724</b>	<b>268</b>	<b>529</b>	<b>323</b>	<b>1120</b>	<b>310</b>	<b>509</b>	<b>309</b>	<b>1128</b>	



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

Measure	2023/24 Outturn		2024/25 Q1		2024/25 Q2		2024/25 Q3		2024/25 Q4		2024/25 Outturn To date	
	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
Number of Fols Processed*	188	170	47	52								
Time Taken to Process Fols to nearest hour	129	103	25	44								
Number of Service Complaints *	6	11	2	9								
Number of Councillor and MP Enquiries*	36	100	31	29								
Number of operations conducted based on intelligence relating to age restricted products*	11 in total		23									
Number of PPP articles and press releases published on the PPP website	94		10									
Number of page views on PPP Website	87,123		39,559									
Number of PPP Facebook posts	602		232									
Number of PPP Twitter Tweets	497		0									
Number of new PPP Twitter followers	37		0									
Number of Facebook New Followers	162		36									
Number of caravan site visits (programmed and reactive) *	19	21	0	1								
Number of food inspections carried out (includes those by alternative enforcement strategy) *	234	246	88	90								
Number of new food businesses registered*	123	212	34	51								
Number of HMO licenses issued*	14	8	0	0								
Number of housing visits carried out (excl Ukraine)*	93	76	50	25								
Percentage of Food Premises that have scored 0 (Urgent Improvement Necessary) in accordance with FHRS * (shown as denominator and numerator)	0/ 673 (0%)	2/ 1081 (0.18 %)	0/688 (0%)	2/1066 (0.19 %)								
Percentage of Food Premises that have scored 1 (Major Improvements Necessary) in accordance with FHRS * (shown as denominator and numerator)	2/ 673 (0.3%)	7/ 1081 (0.6%)	1/688 (0.1%)	7/1066 (0.66 %)								

Measure	2023/24 Outturn		2024/25 Q1		2024/25 Q2		2024/25 Q3		2024/25 Q4		2024/25 Outturn To date	
	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
Percentage of Food Premises that have scored 5 (Very Good) in accordance with FHRS * (shown as denominator and numerator)	559/ 673 (83%)	924/ 1081 (85%)	578/68 8 (84%)	908// 1066 (85%)								
Number of Licensing Applications under the Licensing Act 2003 that proceed to a hearing*	1	8	0	1								
Number of Licensing Applications under the Gambling Act 2005 that proceed to a hearing*	0	0	0	0								
Number of Other Licensing Applications that proceed to a hearing*	0	0	0	0								
Number of Hackney Carriage/ Private Hire/ Operator/ Home to School matters that proceed to a hearing*	1	0	0	0								
SAG Events Processes	90	195	42	66								

\* will be reported by authority

### Trading Standards Data

	23/24 Outturn	2024/25 Q1			2024/25 Q2			2024/25 Q3			2024/25 Q4			24/25 Outturn
Product	PPP	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	PPP
	Passes/ Visits	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	16/17			1/1										
Tobacco	0/0													
Spray Paint	0/0													
Knives	0/0													
Fireworks	7/7													
Solvents	0/0													
E-Cigs	43/47	2/2	4/4	10/10										
	23/24 Outturn		2024/25 Q 1			2024/25 Q 2			2024/25 Q 3		2024/25 Q 4		23/24 Outturn	
Food Samples Passed/Failed	118 sampling exercises across PPP.  33 Unsatisfactory  Remaining either satisfactory, spoilt or results pending		3 samples (1 from each area) for coffee in June  Results pending											
No of Counterfeit and Unsafe Good Seized	Counterfeit  Unsafe		Counterfeit = 0  Unsafe = 0			Counterfeit  Unsafe		Counterfeit  Unsafe		Counterfeit  Unsafe		Counterfeit  Unsafe	Counterfeit  Unsafe	
Amount of Money	£255,597		£23,050 TS have recovered											

	23/24 Outturn	2024/25 Q1			2024/25 Q2			2024/25 Q3			2024/25 Q4			24/25 Outturn
Product	PPP	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	Wok	BFC	WBC	PPP
	Passes/ Visits	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
Recovered for Victims			Wok = £10519.12 Newbury £1000 Awaiting data from Bracknell											

## Key Performance Indicators Public

Type	Measure	2023/24 Outturn		2024/25 Q1		2024/25 Q2		2024/25 Q3		2024/25 Q4	
		BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
IAA	75% of service users satisfied with the Public Protection Partnership	94/135 = 70%		26/47 = 54%							
IAA	Management of income to within 5% of budget	£98k shortfall		£196k shortfall							
Statutory	No of valid TEN's and Late TENS processed	239 rec 2 wdrwn 1 invald 3 rejctd 2 rfsd	567 rec 1 wdrwn 0 invald 1 rejctd 13 rfsd 7 cxd by applicant	85 received  2 invalid 1 refused	171 received  1 invalid 3 rejected 1 refused 1 withdrawn						
Local	Number of licensing applications (New and Variations) processed	35 rcd & granted	192 rcd & granted	10 received  1 in progress	40 received & granted						
Local	Number of valid Taxi licensing applications and renewals processed	388 Rcd  11 Wdwn  17 ivld	503 Rcd  6 Wdwn  3 ivld	72 received  18 in progress	103 received  18 in progress						

Type	Measure	2023/24 Outturn		2024/25 Q1		2024/25 Q2		2024/25 Q3		2024/25 Q4	
		BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC
		6 in prgs 354 vld	10 in prgs 482 vld								
		353 gtd 1 rfsd	482 gtd 1 rfsd								
Local	No of valid general licensing applications and renewals processed	165 rcd & grtd	212 rcd & grtd	43 received 9 in progress	41 received 6 in progress						
Statutory	% of local authority pollution prevention and control (LAPPC) inspections, that are due, carried out	21/21	100% completed	4/12	3/28						
Local	% of inspected food businesses that score at least 3 on the food hygiene rating scale during reporting period	667 /673 (99%)	1059/1081 (98%)	684/688 (99%)	1046/1066 (98%)						

\* This would not include caravans or HMOs

## Annual Key Performance Indicators Public

	Measure	2023/24 Outturn	2024/25 Outturn	Comments
IAA	Management of budget to within 1% of baseline	£61.96k underspend	Will be reported in Q4	
Statutory	Submit Annual Air Quality Reports to DEFRA by 30 June	All 3 submitted to DeFRA on the 15 June 2023	All 3 reports submitted by 14/6/24	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	Taken to the 09 September JMB	Will be reported in Q2	
Local	Four During Performance Inspections carried out on high profile events per annum	Q1 = 3 Q2 = 11 Q3 = 0 Q4 = 0	Q1 = 1 (noise) Q2 = Q3 = Q4 =	
Local	% of caravan sites due an inspection inspected within the reporting period	BF 100% WB 100%	Will be reported at year end	
Local	% of food hygiene inspections completed, that are due, as per Food Standards Agency Code of Practice	A premises – 100% (5 premises) B premises – 100% (37 Premises) C premises – 100% (157 premises) D premises - 44% (270 premises)  Unrated – all prioritised and 210 visits done (47%)	Q1 = 205 Food hygiene inspections completed	
Local	% of food standards inspections completed, that are due, as per	BF High risk – 100% (4) Others - 185  WB	Will be reported at year end	

	Measure	2023/24 Outturn	2024/25 Outturn	Comments
		High risk – 100% (13) Others – 281		
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	<b>WB</b> 4 premises in scope 1 of these ceased trading 3 of these improved Therefore 100% still trading reached score 3 or more  <b>BF</b> 3 premises in scope 1 of these ceased trading 2 improved to BC Therefore all reached score 3 or more	Will be reported at year end	

### Local Indicators for Bracknell Forest Council

Measure of Volume	2023/24 Outturn	2024/25 Q1	2024/25 Q2	2024/25 Q3	2024/25 Q4	Comments
<b>Fly Tipping / Waste Duty of Care Incidents</b>						
Number of fly tipping / waste 'duty of care' incidents referred to PPP	126	50				
Number investigated	112	26				
Number of warnings issued	5	3				
Number of formal cautions issued	0	1				
Number of Fixed Penalty Notices issued	23	6				
Number of Prosecutions	7	0*				
<b>Waste Carriers</b>						
Number of vehicles checked for waste carriers licence	65	0				
Number of compliant waste carriers	39	0				
Number of non-compliant waste carriers	3	0				
<b>Abandoned Vehicles</b>						



Measure of Volume	2023/24 Outturn	2024/25 Q1	2024/25 Q2	2024/25 Q3	2024/25 Q4	Comments
Number of abandoned vehicles reported and actioned	931*	236				Of which 197 not deemed abandoned **
Number of abandoned vehicles traced	168	123				
Number of abandoned vehicles removed from highway	25	5				
Number of vehicles gone	N/a	31				

\* 2 files being prepared for S33 cases

\*\* in order for a vehicle to be abandoned it usually has to be the following: out of road tax, remained in the same place for in excess of 28 days, no obvious owner, flat tyres, vandalised, insecure, contains waste, burnt out. If a DVLA trace shows the vehicle has a local keeper then it cannot be considered as abandoned.

### Local Indicators for West Berkshire Council

Measure of Volume	2023/24 Outturn	2024/25 Q1	2024/25 Q2	2024/25 Q3	2024/25 Q4	2024/25 Outturn to date	Comments
<b>Weight Restrictions</b>							
Number of observations made	273 59 WB, 5 BFC, 15 Wok	41 28 WB, 6 BFC, 7Wok					
Number of breaches of restrictions observed	269 76 WB, 0 BFC, 7 Wok	30 27 WB, 1 BFC, 2 Wok					
Number of warnings issued	7	0					
Number of Prosecutions concluded	83	12					

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### **Quarter 1 Selection of Service Compliments**

Comment from an organisation after our Fraud Victim Support Officer undertook a presentation at one of their meetings:

“Dear Malcolm, Thank you so much for coming to the WISE meeting today. Everyone was very appreciative of what you were conveying to them!”

---

Compliment from a resident after one of our officers supported them with a noise complaint arising from a neighbouring business:

“I am so grateful to you for your efficient and effective service. Without your intervention, I am pretty sure that nothing would have happened, despite such a straightforward solution being available. So many thanks indeed!”

---

A thank you from a Councillor after one of our Housing Officers had visited a resident to look into a matter the Councillor had raised with us:

“I wanted to thank you for the time you spent on Monday as I felt it was a difficult visit and you handled it very well.”

---

A thank you from a neighbouring authority Officer to one of our Community Health Officers:

“Thank you for completing and returning the monitoring report. Its good to see all the good work that your team are doing for us around TS and fraud. “

---

A thank you from a resident after one of our Environmental Health Officers worked with a property owner to get a pile of waste removed:

“Hi Kate,

I just wanted to say thank you for all your effort and help with clearing rubbish bags away from XXX . The site looks much clearer and we are all really grateful for your support with this issue.”

---

An email sent to an Officers manager after he did a presentation on scam advice for a group of residents:

“I wish to commend Malcolm Philips for his work. As the Fraud Victim Support Officer the style of delivery was relaxing and reassuring on what could essentially be disconcerting to people above a certain age range who perhaps take life at face value; who do not live or work in the world of guile ; whose life education did not have on its agenda the methods of the underworld fraudsters and scammers who target the vulnerable as a way of life.

The comments that were addressed to me, by those who attended, were open and honest with their recognition of how up to date and educational Malcolm had been. The content was wide in its scope bringing through simple yet true life examples of how the fraudsters use the information they glean, from innocent responses, against those who proffer friendship or who perceive themselves to be dealing with legitimate businesses.

The sense of hopelessness that we, the vulnerable, can feel was counteracted by simple yet proactive methods to help to protect ourselves from the barrage of underhand, coercive or pressured communications that fraudsters and scammers use as their tools of trade.

The thoughtful reassurance that was evident in the audience's reactions was palpable and I can only request that such alerting and well-prepared talks continue. As the fraudsters and scammers work furiously to counteract the efforts of such organisations as yours that offer invaluable education, it is obvious that guidance and help must continue and be supported so that the huge financial loss and cost to the public is reduced, and that the battle must continue through education and awareness raising.

Thank you again for having such a committed officer trying to counteract the behaviours of prowling fraudsters and scammers.”

---

A thank you from a relative of a victim of fraud sent to our Fraud Victim Support Officer:

“Dear Malcolm,

...I really want to say just how much I appreciate everything you have been doing for E (redacted) over the last months and longer! Your input does not just have positive effects for the victim, E in this case, but also for others around them, friends and family.

As you know, victims get sucked in and the resultant attitude to their friends/family (that we become the ones not to be trusted) is really painful.. one feels helpless, sad, extremely frustrated and it can be hard to maintain the relationship.

I can only tell you again what I said when we first spoke 'you are the Hero!'.

When we finally met at E's just after Easter to give you the phone... I was even more impressed by your way of working with her, and me... adapted to both of us individually and very inclusive, clear and reassuring. And patient! and excellent humour when needed!

I would give you a glowing reference any day!

the work you do is truly invaluable, and I thank you again!”

---

An extract from an email sent to one of our Environmental Health Officers following a meeting that she attended in order to resolve noise complaints directed towards an existing licensed premise.

“Hi Charlie

...I wanted to take a moment to express my sincere gratitude for your valuable advice and assistance during our meeting on Wednesday, Your insight has been

instrumental in helping us address the concerns raised by our neighbours regarding the music noise.”

---

A thank you from a resident after one of our managers and the Ward Member managed to work with an RSL to get a fence erected between their property and that of their neighbour:

“Dear Jenny & Rosalynd,

Thank you, thank you a thousand times thank you for your support and assistance in finally getting a replacement fence, resolving safety and privacy issues at a stroke.

..... Thank you so much again for your involvement in this without which, I feel sure, we'd have been battling ineffectually for many years to come.”

---

A compliment that was sent to one of our Officers via the PPP online form:

“I want to say a huge thank you to Honor Ryan for all her help during a recent case. She is fantastic and provided my partner and me with great confidence and advice in reaching a resolution. Her expertise, professionalism, and dedication were truly impressive, and her support made all the difference. We couldn't have done it without her. “

---

An email sent to the Manager of our Fraud Victim Support Officer

“Just a quick line to let you know how impressive I think Mr Malcolm Phillips is. He was helping a friend of mine and kindly gave a safety talk on identifying scams and how to try to keep ourselves safe and secure.

We learned so much from him and if I may say he is a shining example to trading standards and he has set the bar quite high for those who will follow in his footsteps. His knowledge, compassion to helping victims and preventing and detecting crime are second to none.

Mrs H is ever so grateful to Mr Phillips as are the residents of X.

Please pass on our gratitude and thanks to him and please acknowledge he's done a Stirling job. “

---

A thank you to one of our Trading Standards Enforcement Officers after a presentation to a social group of ladies in Hungerford who meet up once a month:

“Hello Mark a big thank you from our ladies for a very interesting and informative talk this morning. We appreciate you taking the time to come and see us.”

---

After one of our Officers had assisted following a bereavement.

I feel absolutely compelled to write this email with regards to Mr Jason Hagerty who, is your Environmental Control Officer.

On the 5th July 2024 my estranged brother passed away very unexpectedly. Now I won't go into the issues I've had with dealing with his death but what I will say that, these dealings put me in touch with Jason Hagerty. Jason has been outstanding with his help, advice and direction not to mention his patience with me. The shock of my brother's death has been overwhelming to my sisters and I. We all live in {redacted} so we have the added difficulty of the distance between us and Newbury along with, all the issues associated with his death. Jason has been extremely helpful, very, very understanding to our situation. Nothing but nothing has been too difficult for Jason to deal with. He has openly shown a very caring and empathetic manner towards me which has helped me enormously.

Jason Hagerty is without doubt a real credit to West Berkshires Council. You should be very proud to have such a person in your employment. Hang in to this guy as he'll always shine a never ending light on your council. "

---

"I am the branch leader of our Mothers' Union, at All Saints Church, in Wokingham.

Malcolm Phillips came and joined us this afternoon, to give us all a talk on Scams and I wanted to say how grateful we are of this! Malcolm did a fantastic job and gave us some very insightful information, that will hopefully put us all in good stead for the future.

Many of our ladies talked about how they have been, or nearly have been scammed, and so we really appreciated Malcolm's wisdom and him answering many of our concerns.

Thanks again and please keep up this vital work of spreading the news of how to report, but hopefully avoid getting scammed!!"

---

From a social worker in Wokingham Borough Council who had shadowed our Fraud Victim Support Officer

"I spent most of yesterday with Malcolm Phillips, accompanying him to several visits and observing a presentation to a group to raise awareness of potential risks they could be exposed to.

The day was very informative and gave me a good understanding of Malcolm's role and the customers that could benefit from this support within Wokingham. It was clear from those we visited, how much they appreciated and valued what he had done and was continuing to do for them."

---

A thank you received after one of our officers resolved a long standing neighbour dispute:

"XX was removed this morning, fantastic we are very happy.

It wouldn't have happened without your help. Thank you, the matter is now closed."

---

A thank you from a resident in a block of flats whom colleagues in Environment Health assisted with a light pollution issue from a nearby shopping centre:

“Hi Phumzile,

Thank you very much for your professionalism and speedy response to this issue. I must admit at the beginning I was sceptical that the council would do anything at all, but you have proved me completely wrong.

I hope that you are given due credit for a job well done.”



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



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## Appendix C Activity Undertaken by Authority

	BFC	WBC	WOK
Abandoned vehicles	•		
Air quality management	•	•	•
Animal warden	•	•	
Alcohol licensing and controls	•	•	
Assured Care and Support		•	•
Health and Safety at Work	•	•	
Health promotion		•	•
Animal welfare licensing	•	•	
Animal Health and Welfare on farms	•	•	•
Buy with Confidence	•		
Case Management	•	•	•
Contaminated land	•	•	
Communicable diseases	•	•	
Community education		•	
Community mediation	•	•	•
Consumer advice	•	•	•
Consumer credit	•	•	•
Criminal Litigation (non road traffic)	•	RTA	•
Doorstep crime	•	•	•
Environmental nuisance protection	•	•	
Explosives storage	•	•	
Fair trading	•	•	•
Financial investigations	•	•	•
Fraud and counterfeiting	•	•	•
Food Safety and Food Hygiene Rating Scheme	•	•	
Food Standards and Feed Standards	•	•	•
Fly Tipping and Enviro Crime	•		
Gambling	•	•	
Industrial pollution	•	•	
Licensing (alcohol and regulated activity)	•	•	
Metrology	•	•	
Money laundering and Confiscation (POCA)	•	•	•
Overloaded vehicles and weight restrictions	•	•	•
Offensive weapons controls	•	•	•
Pest and vermin enforcement	•	•	
Petroleum storage	•	•	
Planning advice	•	•	
Primary Authority	•		
Private sector housing	•	•	
Product safety	•	•	•
Private water supplies	•	•	
Public health funerals	•	•	
Scams and on-line fraud	•	•	•
Scrap metal dealers	•	•	
Smoking cessation oversight		•	
Street trading	•	•	
Taxi and private hire licensing	•	•	
Underage sales	•	•	•
Unfair trading	•	•	•
Workplace accidents	•	•	

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## PPP Strategic Priorities 2024 - 2027

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	7 October 2024
<b>Chair of Committee:</b>	Cllr Iskander Jefferies
<b>Date JMB agreed report:</b>	23 September 2024
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	JPPC4619

### 1. Purpose of the Report

- 1.1 To update the Committee on the priority setting process.
- 1.2 To approve methodology for setting priorities and to identify key local priorities identified by Members.

### 2. Recommendations

The Committee:

- 2.1 **NOTES** the outcome of the priority setting discussions with partner councils.
- 2.2 **RESOLVES** that the MoRiLE (Management of Risk in Law Enforcement) methodology forms the basis of operational risk.
- 2.3 **RESOLVES** that those matters identified as priority areas for the councils set out at in paragraph 5.10 be weighted accordingly in risk / priority calculations.

### 3. Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>The service provisions set out in the Strategy will be met from the base revenue budget or from specific grants.</p> <p>Where appropriate, grants such as support for public health related work, national and regional campaigns and support for activity associated with legislative changes or investigations will be sought and used to deliver some of the key work streams set out in this report.</p> <p>Working with other authorities as part of shared working arrangements to deliver efficiencies and effectiveness will also feature as a key priority.</p>
<b>Human Resource:</b>	<p>Re-prioritisation of the Service within the methodology proposed may see staff assigned to different work areas within the terms of their roles. Some roles are highly specialised limiting the opportunity for re-deployment to other areas. There will also be</p>

	<p>a requirement for any changes to drive changes through the Training and Development Plan to identify more staff in priority areas.</p> <p>Joint Management Board will consider the most effective structure to deliver against the priorities.</p>
<b>Legal:</b>	<p>The functions delegated to the Joint Public Protection Committee by the Councils have their basis in statute. In this respect many are statutory duties placed on the Councils. In some areas (such as food safety and standards, health and safety etc.) there is a high level of prescription about how elements of the Service are delivered.</p> <p>The Council's apply the Code for Crown Prosecutors in respect of all enforcement matters.</p>
<b>Risk Management:</b>	<p>Project Management Methodology will enable early identification of operational risks. The bi-weekly tactical tasking meetings are used to allocate resources to high-risk areas.</p> <p>The Service has a Strategic Risk Register which is considered by the Joint Management Board (JMB) on a monthly basis and the Operational Risk Register is discussed on a monthly basis at the Principal Officer's meeting.</p> <p>The Service is currently carrying a number of red risks at Strategic and Operational levels. These primarily track back to staffing levels. The Service is currently carrying 6FTE vacancies including the Strategic Manager for the Joint Case Management Unit and the Private Sector Housing Team Manager. Beyond this there are three more posts due to come vacant in the coming months including one senior Trading Standards Officer, one Environmental Health Officer and one Enforcement Officer. On top of the 6.7FTE deleted posts this is a significant risk to service delivery.</p> <p>Some mitigations are in place with some casual staff being employed but budget pressures have meant some posts have had to be held and others have not been recruited to despite attempts to do so.</p>
<b>Property:</b>	<p>No implications specifically arising from these proposals. The issue of accommodation and rationalisation of accommodation remains a priority for the Service. As Bracknell and West Berkshire move to a rationalised property strategy and have implemented new working styles the Service is focussed more on central delivery to drive efficiencies e.g. licensing applications, customer services etc.</p>

<b>Policy:</b>	It is a key responsibility of the Joint Public Protection Committee (JPPC) as set out in the Inter Authority Agreement (IAA) to set the strategic direction and priorities for the Service.			
	<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		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>	x			<p>One of the stated aims of the IAA is the protection of the environment and this aim has been re-affirmed as one of the local priority outcomes in the revised Assessment.</p> <p>Building Safer Communities, Improved Living Environment, Protection of the Environment, Promoting Animal Welfare, Safety in the Workplace and a Safer Food Chain should contribute to improvements to the local environment.</p>
<b>Health Impact:</b>	x			<p>One of the stated aims of the IAA is Protecting and Improving Health.</p> <p>Local priority outcomes include the reduction of harm in young people, improved living environment and protecting and informing consumers.</p>
<b>ICT or Digital Services Impact:</b>				The PPP's website and social media platforms will be used to promote the Service's Priorities.
<b>PPP Priorities:</b>				To be agreed if the report is adopted.

<b>Data Impact:</b>			<p>The Partnership is committed to its duty under the General Data Protection Regulation and other data protection laws and guidance provided by law or from the Information Commissioner.</p> <p>All personal data held by the Service will be handled in accordance with our <a href="#">Privacy Statement</a>.</p>
<b>Consultation and Engagement:</b>	<p>The report was considered by Corporate Board and Operations Board in West Berkshire and at CMT and the Executive Briefing in Bracknell Forest before being presented to the Joint Public Protection Committee.</p> <p>In addition an all Member event was held in early September in Bracknell Forest to discuss member priorities</p> <p>The Strategic Assessment has been shared with colleagues in Wokingham Borough via the Joint Management Board and internal Public Protection Managers at Wokingham have been briefed in full.</p>		
<b>Other Options Considered:</b>	None		

## 4. Background

- 4.1 At the meeting of the Joint Public Protection Committee (JPPC) in June 2024 the Committee considered and approved the PPP Strategic Assessment for 2024/27. This document was an evidenced based assessment of demand consisting of reactive demand including service requests, licensing applications, intelligence reports etc, and proactive demand based in statute law such as food safety and standards inspections. The Assessment, which is an organic document will be updated in line with legislative changes and will be updated following the King Speech (see Appendix A). The latest version can be found here: [20240617-ppp-strategic-assessment-24-27.pdf](https://publicprotectionpartnership.org.uk/20240617-ppp-strategic-assessment-24-27.pdf) ([publicprotectionpartnership.org.uk](https://publicprotectionpartnership.org.uk))
- 4.2 It was determined at the meeting of the Committee in June 2024 that the Service should undertake a consultation with partner authorities to identify those local priorities in order that adjustments could be made on a risk-based basis to identify those local priorities. This has now been done although considerations around budget are ongoing that could drive re-prioritisation as could staffing levels and vacancies. The Committee will be kept up to date through the regular quarterly service briefings.
- 4.3 The next stages will be to adjust the work programme in line with the identified priorities as well as to adjust the training and development plan and workforce strategy to ensure the right staff with the right training are in the right place to deliver. This may require re-profiling some vacancies to different roles and will almost certainly see an expansion of our 'grow our own' approach given the challenges of recruitment.

## 5. Operating Model

- 5.1 The Public Protection Partnership (PPP) is a shared service delivering Environmental Health, Licensing and Trading Standards functions on behalf of two authorities (Partners), Bracknell Forest Council and West Berkshire Council. It also has a shared service with Wokingham Borough Council for trading standards and related elements of the Service including case management, intelligence and financial investigations.
- 5.2 The Strategic Assessment considered by the Committee in 2024 set out all identified demands on the Service and included them under a range of strategic themes:
- Building Safer Communities
  - Improved Living Environment
  - Protecting Consumers from Fraud
  - Reducing Harm in Young People
  - Protection of the Environment
  - Protecting & Informing Consumers
  - Promoting Animal Welfare
  - Safety in the Workplace
- 5.3 The operating model for the Service is to be intelligence led. Through the effective use of intelligence from a variety of sources including Members, parish councils, businesses and residents and partner agencies officers then seek to protect the community with a range of preventative and enforcement activities as well as responding to emerging issues and demands.
- 5.4 This has allowed the Service to be both agile and responsive. Linked closely to this are the community engagement strategy, workforce strategy and training and development plan that ensure the Service is delivering the right activities through an appropriately trained and competent workforce.

### **Balancing Resources and Risk**

- 5.5 Very few council services (if any) are able to conduct every activity to a level which is desirable or to which the residents may wish to receive them. In the case of public protection residents receive many services that they may not have regular regard to including licensing activities, food safety and standards, air quality, contaminated land, planning or work around animal health and welfare. Whilst there is a degree of direct public engagement with the Service over these key work areas there are areas for which there is much higher demand such as domestic and commercial nuisance, pests, unfair trading, environmental crime etc. Nevertheless, all form part of a matrix of protections.
- 5.6 The Service has been well supported by the partner councils since its foundation. However, the gap between demand and resource has widened. Some of this arises from loss of capacity redeployed during Covid whilst other has arisen by new policy focus arising from government or locally. These include areas such as product safety, vaping products and sales, offensive weapon sales, changes in the Houses of Multiple Occupancy (HMO) licensing regime and the requirements around animal licensing.

The Team also has occasional short-term projects such as the visits to funeral directors required by government.

5.7 In the context of resource constraints, the Service needs to prioritise activity based on risk. The model used by the Service in this respect is the Management of Risk in Law Enforcement Model (MoRiLE). More on MoRiLE can be found here: [www.college.police.uk](http://www.college.police.uk) This model takes account of three attributes as follows:

- **Harm:** Individual; Community; Public Expectation; Environmental; Financial; Organisational; Economic
- **Likelihood:** Frequency; volume
- **Organisational:** Capacity; capability

5.8 With respect to enforcement this model is very effective and would naturally take the Service in the direction of those areas of highest risk / impact e.g. doorstep crime, category 1 housing risks and health and safety breaches. There are areas of lower risk that nevertheless remain high on the priorities of communities including anti-social behaviour (ASB), nuisance and environmental crime. This has been demonstrated with the relatively high engagement with the consultation of the nuisance policy which appears elsewhere on this agenda. The model is capable of weighting these factors. In order to establish these community factors engagement of elected members has been critical.

5.9 At an operational level resource is managed through a Tactical Tasking Group process (TTG) that looks at priority jobs and resourcing need as well as cross-cutting issues. TTG meets fortnightly and urgent matters are tasked between meetings.

### **Engagement with the Councils**

5.10 Engagement sessions have taken place with officer / members in each authority to identify local priorities. There was much commonality with some local variation. In summary the priorities identified included:

**Private Sector Housing:** with focus on Houses of Multiple Occupation (HMO), poor housing standards, unlicensed HMO's, damp and mould, registered providers and caravan site standards.

**Food Safety and Standards:** with focus on achieving the food safety and standards inspection programmes and delivering against any backlog of inspections.

**Protecting Consumers from Unfair Trading and Fraud:** with focus on high value and prevalent crime prevention and detection as well interventions to support victims using the cross-cutting safeguarding theme.

**Community Matters:** with the emphasis on ASB, domestic and commercial nuisance, licensing, dog fouling, pests related issues etc.

**Protection of Young People and Communities:** with emphasis on the sale of age restricted products such as alcohol, fireworks, knives and vapes etc.

**Environmental Crime (Bracknell Priority):** Including fly tipping, fly posting etc. *Note in West Berkshire this work is not undertaken by PPP.*

5.11 It proved more challenging to identify areas for disinvestment in order to focus on these priority areas. However, to do so the Service will need to move some resource between



functions and in areas such as food and housing there will be a need for some staff to undertake additional training. The PPP has a number of vacancies and a comprehensive apprenticeship programme these routes will also be used to target resource.

- 5.12 It was also agreed that that the Service should be driven by a risk-based approach such as MoRiLE including for the management of individual cases where demand is very high such as consumer related unfair trading and fraud. There were even questions about whether further investment in developing the existing intelligence function (1.5FTE) should be considered.
- 5.13 Further work will be undertaken with the Councils and the Committee to review priorities should new duties and new areas of policy focus dictate. These include those matters identified in the Kings Speech briefing as set out as Appendix A to this report.

## **6. Next Steps**

- 6.1 The Service Management Team and Joint Management Board will now consider the Strategic Assessment in the context of the consultations that have taken place and will focus resource accordingly and build these findings into the MoRiLE profile for these priority areas. The vast majority would have scored highly in any case.

## **7. Concluding Observations**

- 7.1 The Service faces unprecedented demands. Finding the appropriate cross-over on the supply and demand curves is critical. This has to be risk based. Prevalence, impact, personal, environmental and societal risks all come into play. The Service is about protecting people, communities, economic development, public health and the environment. Good legislation appropriately applied is beneficial for people, communities, businesses and the environment.
- 7.2 In order to strike the right balance between demand and resource the Service needs to be intelligence led and manage risk appropriately. Members represent the communities they serve and are well placed to assist the Service in this process. The PPP will continue to keep under review our engagement with Members in order to work together to manage risk and address local needs and impacts. Officers will also seek ways to engage the town and parish councils in these processes.
- 7.3 The 'horizon scanning' elements of the assessment give some indication of known new duties down the line as does the briefings on the Kings Speech. Demands will constantly change, and unprecedented demands caused by once in a generation events such as animal or human disease outbreaks can have lasting effects.
- 7.4 Resourcing remains an issue as does recruitment. There are vacancies that cannot be filled. These factors also have to be managed but with our comprehensive workplace strategy the coming months and years should see many gaps filled.
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## **8. Appendices**

- 8.1 Appendix A – Updates to the Strategic Assessment arising from the King's Speech and Legislative Changes

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## 9. Background Papers:

9.1 [Key policies and documents - PPP \(publicprotectionpartnership.org.uk\)](http://publicprotectionpartnership.org.uk)

### Subject to Call-In:

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

**Wards affected:** All Wards

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# Updates to the Strategic Assessment arising from the King's Speech and Legislative Changes

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Committee considering report:	Joint Public Protection Committee
Date of Committee:	7 October 2024
Chair of Committee:	Councillor Iskandar Jefferies
Date JMB agreed report:	23 September 2024
Report Author:	Sean Murphy
Forward Plan Ref:	JPPC

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## 1. Purpose of the Report

- 1.1 To provide Members and JMB Officers with proposed changes to the Strategic Assessment arising from the King's Speech and subsequent legislative changes.

## 2. Background

- 2.2 The updated [Strategic Assessment](#) was presented to Members at the June JPPC meeting.
- 2.3 It was noted in the concluding observations of the covering report that 'The 'horizon scanning' elements of the assessment give some indication of known new duties down the line. However, with the dissolution of Parliament the future and timing of these proposed measures is uncertain.'
- 2.4 On 17 July 2024, the King's Speech took place for the newly elected Government. There were 39 measures set out in this King's Speech and a number of them will impact on the work undertaken by the shared service. The government has also published additional information since the speech was made. These are as follows:

### Product Safety and Metrology Bill

- 2.5 The proposed Product Safety and Metrology Bill will update product safety regulation, supporting businesses and ensuring that consumers are protected. Product safety and metrology (weights and measures) are enforced by trading standards.
- 2.6 This Bill will apply UK-wide, and will:
  - **Respond to new risks and opportunities, such as AI and fire risks of e-bikes and lithium-ion batteries**, with new powers given to tackle these issues.
  - **Identify new and emerging business models in the supply chain and ensure that their responsibilities are clear**, such as with online marketplaces; this will enable the Government to protect consumers and encourage consumer confidence.

- **Ensure that laws can be updated where necessary** to recognise new or updated EU product regulations, including CE marking, to prevent additional costs for businesses and provide regulatory stability.
- **End recognition of EU product regulations where necessary** that will be beneficial for UK businesses and consumers.
- **Enable improvements to compliance and enforcement** reflecting the challenges of modern, digital borders. The Bill will enable greater sharing of data between regulators and marketing surveillance authorities, and ensure that the Regulator has enough capacity, and is able to provide national leadership on product safety and metrology issues.

2.7 As noted in the King's Speech, products in the scope of this Bill are used by every person in the UK, covering nearly all manufactured goods, and it is estimated that at least 220,000 UK businesses are currently affected by product safety legislation.

### **Tobacco and Vapes Bill**

2.8 The Government has announced a Tobacco and Vapes Bill with a view to improving health and life expectancy and reduce the number of lives lost to the biggest killers, including cancer.

2.9 The Bill will include:

- A progressive smoking ban to gradually end the sale of tobacco products across the country, (including herbal smoking products and cigarette papers). Children born on or after 1 January 2009 will never be able to legally be sold cigarettes.
- The stopping of vapes and other consumer nicotine products from being deliberately branded and advertised to children, meaning they are only available to assist in quitting smoking.
- Strengthen enforcement activity, allowing Trading Standards to take swifter action to enforce the law and close loopholes, preventing underage sales of tobacco and vapes by providing enforcement authorities in England and Wales with the power to issue Fixed Penalty Notices for the underage sale of tobacco and vaping products.
- On the 29th August the government confirmed that they were considering extending the smoking ban to cover a number of outdoor areas such as outdoor dining, pub gardens, football stadiums and hospitals. This would have implications for both environmental health and licensing.

### **Renters' Rights Bill**

2.10 The Government have stated that they value the contribution made by responsible landlords who provide quality homes to their tenants and believe they must enjoy robust grounds to gain their property back. They have however said that they will level the playing field between landlord and tenant by providing renters with greater security. This Bill is likely to provide additional duties for trading standards and the private sector housing team.

2.11 This Bill will therefore:

- **Abolish section 21 evictions** and move to a simpler tenancy structure where all assured tenancies are periodic – providing more security for tenants and

empowering them to challenge poor practice and unfair rent increases without fear of eviction. The new system will be implemented in one stage, giving all tenants security immediately.

- **Ensure possession grounds are fair to both parties**, giving tenants more security, while ensuring landlords can recover their property when reasonable. The Bill introduces new safeguards for tenants, giving them more time to find a home if landlords evict to move in or sell, and ensuring unscrupulous landlords cannot misuse grounds.
- **Provide stronger protections against backdoor eviction** by ensuring tenants can appeal excessive above-market rents which are purely designed to force them out. Landlords will still be able to increase rents to market price for their properties and an independent tribunal will make a judgement on this, if needed.
- **Introduce a new Private Rented Sector Landlord Ombudsman** that will provide quick, fair, impartial and binding resolution for tenants' complaints about their landlord. This will bring tenant-landlord complaint resolution on par with established redress practices for tenants in social housing and consumers of property agent services.
- **Create a Private Rented Sector Database** to help landlords understand their legal obligations and demonstrate compliance (giving good landlords confidence in their position), alongside providing better information to tenants to make informed decisions when entering into a tenancy agreement. It will also support local councils – helping them target enforcement activity where it is needed most. Landlords will need to be registered on the database in order to use certain possession grounds.
- **Give tenants strengthened rights to request a pet in the property**, which the landlord must consider and cannot unreasonably refuse. To support this, landlords will be able to require pet insurance to cover any damage to their property
- **Apply the Decent Homes Standard to the private rented** sector to give renters safer, better value homes and remove poor-quality homes in local communities.
- **Apply 'Awaab's Law' to the sector**, setting clear legal expectations about the timeframes within which landlords in the private rented sector must take action to make homes safe where they contain serious hazards.
- **Make it illegal for landlords and agents to discriminate against prospective tenants in receipt of benefits or with children** – helping to ensure everyone is treated fairly when looking for a place to live.
- **End the practice of rental bidding by prohibiting landlords and agents from asking for or accepting offers above the advertised rent.** Landlords and agents will be required to publish an asking rent for their property, and it will be illegal to accept offers made above this rate.
- **Strengthen local authority enforcement** by expanding civil penalties, introducing a package of investigatory powers and bringing in a new requirement for local authorities to report on enforcement activity.
- **Strengthen rent repayment orders** by extending them to superior landlords, doubling the maximum penalty and ensuring repeat offenders have to repay the maximum amount.

## **Crime and Policing Bill**

- 2.12 This Bill will deliver on the Government's mission to 'take back our streets' and is designed to reduce serious violence and increase confidence in policing and the Criminal Justice System. It will give the police the powers they need to deal with crime and anti-social behaviour, whilst introducing new reforms to ensure that law enforcement agencies perform to the highest standards expected by the public and focus on front-line policing.
- 2.13 The Bill will also set out early measures to help deliver on the Government's mission to take action to tackle knife crime and violence against women and girls.
- 2.14 This Bill is likely to have implications for licensing and trading standards.

## **Terrorism (Protection of Premises) Bill**

- 2.15 The Bill will deliver the Government's manifesto commitment to bring in Martyn's Law and strengthen the security of public events and venues.
- 2.16 This Bill will have implications as part of our role overseeing even safety through Safety Advisory Group and will also have implications for the licensing service,
- 2.17 The full briefing note that accompanied the King's Speech can be read on the [Government website](#).

## **3. Next Steps**

- 3.18 Officers will amend the relevant part of the Strategic Assessment in line with the legislative changes as and when they come into effect and will continue to update the horizon scanning element of the document.

## **4. Conclusion**

- 4.19 The shared public protection services will have new responsibilities in protecting the health, wellbeing and safety of residents. This adds to the extensive range of existing duties and responsibilities. The update to the Strategic Assessment will reflect the proposals and how they contribute to the cross-cutting and specific priorities set for the service by the partner authorities.

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## **5. Appendices**

- 5.20 None.
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## Revenue Budget 2025/26 Including Proposed Fees and Charges Schedule

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<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	7 October 2024
<b>Chair of Committee:</b>	Councillor Iskandar Jefferies
<b>Date JMB agreed report:</b>	23 September 2024
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	JPPC4620

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### 1. Purpose of the Report

- 1.1 To set out the Public Protection Partnership's (PPP) draft revenue budget for 2025/26 including discretionary fees and charges for 2025/26.
- 1.2 To seek approval of the draft budget and 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).
- 1.3 To agree the figure for the basis of the recharge to Wokingham Borough Council with respect to the services shared with Wokingham Borough Council under the shared service agreement effective on the 1<sup>st</sup> April 2022.
- 1.4 To seek approval of the amendments to the Asset Recovery Incentivisation Scheme.

### 2. Recommendations

The Committee:

- 2.1 **CONSIDERS** the draft revenue budget including the fees and charges set out in this report.
- 2.2 **RECOMMENDS** to partner Councils that the contributions set out in column three of the table at 5.27 form the basis of the 2025/26 net revenue budget contributions.
- 2.4 **RECOMMENDS** to partner Councils the fees and charges set out in Appendix A.
- 2.5 **APPROVES** the contribution request from Wokingham Borough Council to be as set out in column three of 5.27 below.
- 2.6 **APPROVES** the revised Asset Recovery Incentivisation Scheme and notes that this funding does not form part of the revenue budget and that any recovered grant is allocated in accordance with this policy.

### 3. Implications and Impact Assessment

Implication	Commentary
<p><b>Financial:</b></p>	<p>The base budget requirement to fund the service is set out at 5.27 below.</p> <p>The fees and charges proposed are set out in Appendix A to this report. These are either statutory fees where any variance will have been set by law or discretionary fees. In respect of the discretionary fees these are based on the principle of full cost recovery agreed previously by this Committee.</p> <p>For the avoidance of doubt any grant funding received under the Proceeds of Crime Asset Recovery Incentivisation Scheme <b>does not form part of the PPP revenue budget</b>. This has previously been agreed by the Committee at the 14 March 2017 meeting.</p>
<p><b>Human Resource:</b></p>	<p>The base budget funding set out at 5.27 will be required to maintain the structure agreed at the October 2024 meeting where 6.7fte was removed from the structure in order to produce a balanced budget.</p>
<p><b>Legal:</b></p>	<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>The IAA with Wokingham requires that we indicate the level of contribution required from Wokingham early enough for it to feed into their budget setting cycle.</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 Committee also has the responsibility to set out a proposal for the agreed percentage figures for each authority. The agreement requires that these should be submitted by 30th November in the year preceding the effective implementation date or other such date agreed by the Councils.</p> <p>It remains at all times the responsibility of the partner Councils to set their own budgets including fees and charges having received the recommendation of the Committee.</p> <p>There are statutory consultation requirements associated with the fees and charges for hackney carriage and private hire drivers, vehicles and operators. These are set out in Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976. Any variations to these fees will be consulted on in</p>



	accordance with the legislation and will be discussed at the licensing committees of the partner organisations prior to recommendations being made to the Budget Council meetings of the two authorities.			
<b>Risk Management:</b>	<p>Any risks associated with the recommendations will be captured as part of regular Joint Management Board briefing process and will be escalated as per the IAA and Committee approved Business Plan.</p> <p>The service is currently carrying a number of red risks at Strategic and Operational levels. These primarily track back to staffing levels. The service is currently carrying 6FTE vacancies including the Strategic Manager for the Joint Case Management Unit and the Private Sector Housing Team Manager. Beyond this there are three more posts due to become vacant in the coming months including one senior Trading Standards Officer, one Environment Health Officer and one Enforcement Officer. On top of the 6.7FTE deleted posts this is a significant risk to service delivery.</p>			
<b>Property:</b>	There are no direct property implications arising from this report.			
<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 along with a proposal for fees and charges.</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, including how it is delivered or accessed, that could impact on inequality?		x		Where any decisions are made to change service provision individual impact assessments will be undertaken. There are currently no proposals to disinvest from any services already provided.
<b>B</b> Will the proposed		x		None

decision have an impact upon the lives of people with protected characteristics, including employees and service users?				
<b>Environmental Impact:</b>	X			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>	X			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 of and visitors to the partner authority areas.
<b>ICT or Digital Services Impact:</b>		X		None, albeit that the Service will continue to promote initiatives on its social media platforms and website.
<b>PPP Priorities:</b>				The report will impact on all the PPP Priorities: <ul style="list-style-type: none"> <li>1. Building Safer Communities</li> <li>2. Improved Living Environment</li> <li>3. Protecting Consumers from Fraud</li> <li>4. Reducing Harm in Young People</li> <li>5. Protecting and Informing Consumers</li> <li>6. Protection of the Environment</li> <li>7. Promoting Animal Welfare</li> <li>8. Safety in the Workplace</li> <li>9. Safe and Healthy Food Chain</li> </ul> Business as Usual Activity is supported too.
<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 will be 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>	<p>The Councils are currently still considering their wider revenue budgets for 2025/26. Should either of the Councils seek to disinvest in this area of service there is <a href="#">a methodology</a> agreed (by JPPC) for doing so.</p>

## 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 the Committee is required to allocate a budget on an annual basis for which the service will be held accountable by the JPPC.
- 4.2 The process for doing so is that a budget is proposed by the Committee along with a proposed schedule of fees and charges, usually at the October meeting. As part of this proposal the total net revenue budget for the service is shared between the Councils in accordance with the agreed percentages. The budget proposals are required to be notified to the partner organisations by the 30th November each year.
- 4.3 At all times it remains the responsibility of the partner Councils to set their own budgets including fees and charges, having received the recommendation of the Committee. All partner Councils are facing unprecedented pressures on revenue budgets both in year and in future years. This report is being prepared in both the context of the in-year pressures and the fact that we are at an early stage in the 2025/26 budget setting cycle at a time of significant uncertainty and challenges.
- 4.4 This report sets out the allocations needed to maintain the current service / staffing levels along with mitigating identified pressures.
- 4.5 The revenue budget and fees and charges are then subjected to the budgetary consultation and agreement processes of the individual authorities. Additionally, the proposed fees and charges for hackney carriage and private hire vehicles and operators are subject to the consultation requirements in Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976. Prior to statutory consultation the licensing fees and charges will be subject to consideration by the respective licensing committees prior to the commencement of the consultation. The Committees will then be asked to consider any responses early in the new year before recommending a final set of fees and charges to each Executive and Full Council.
- 4.6 In 2017 the Committee agreed the policy on the use of grants received under the Asset Recovery Incentivisation Scheme. These grants arise from post-conviction confiscation proceedings undertaken by the Service where serious offences have been committed. This policy has been updated and is set out in **Appendix B** of this report. It is important to note that any such grants **do not** form part of the service revenue

budget. It is to be noted that the policy specifically focuses on confiscation in the form of compensation for victims.

## **5. Supporting Information**

### **Introduction**

- 5.1 The funding arrangements for the service are set out in two Inter-Authority Agreements (IAA's). The agreement of the 6th January 2017 sets out the arrangements for the West Berkshire (WBDC) and Bracknell Forest (BFC) budget contributions and the fee setting processes. The IAA of the 1st July 2022 sets out the delivery arrangements for those services shared with Wokingham Borough Council.
- 5.2 Both agreements set out an array of statutory functions to be delivered jointly. In the case of Bracknell Forest and West Berkshire these include private sector housing, nuisance, environmental protection, licensing, trading standards, case management, financial investigations, intelligence, food safety and standards and health and safety. In the case of the Wokingham IAA the services covered include trading standards, case management, financial investigations, and air quality.
- 5.3 The two IAAs also identify the key priority areas for the delivery of the services. In the case of the BFC and WBDC agreement these are community protection; protection and improving health; protection of the environment; supporting prosperity and economic growth and partnership working. A separate report on this agenda sets out the updated priorities for the service as proposed by Members.
- 5.4 To discharge these functions, the partner councils are requested on an annual basis to allocate a budget to the Committee. That budget is proposed by the Committee along with a proposed schedule of fees and charges. In the case of BFC and WBDC the total net revenue budget for the service is then divided between the Councils in the agreed percentages. Those agreed percentages are based on workload split which is linked to a range of factors including population and number of businesses liable to regulatory activity.
- 5.5 The percentages for 2025/26 are as follows:
  - (a) Bracknell Forest 39.25%
  - (b) West Berkshire 60.75%
- 5.6 The IAA with Wokingham Borough Council is linked to their share of the costs of those services delivered on a shared basis across the three authorities as set out in 5.2 above.

### **Preparation of the 2025/26 Budget**

- 5.7 The IAA sets the budget requirements of each authority based on the principle of 'agreed percentages'. The proposed percentage splits are set out in paragraph 5.5 above. The only variation from the percentages is licensing income where the losses are close to 50% of total loss in each authority.
- 5.8 The net revenue budget for 2025/26 required if all of the pressures were met is set out in column 6 of the table at 5.27. This includes the Wokingham contribution. In preparing its recommended budget the Committee is required to consider the following matters:

- The previous expenditure of the PPP and the service levels achieved,
- Any proposals for the development of the PPP and the services it offers,
- Any material changes to the activities of the PPP,
- Any other matters relevant from time to time,
- Development and impact of any efficiencies that could lead to reduced costs, and
- Consider any investment required to realise these efficiencies.

5.9 The net revenue budget for 2025/26 has been calculated taking into account:

- Salary cost of living rises expected in 2025/26 and any additional impacts of 2026/27.
- Staff incremental points effective at 1st April 2025;
- Any pension and NI adjustments arising from the cost-of-living and other salary increases.

5.10 Any changes in year due to recruitment, staff qualification and progression or maternity leave cover etc. will be managed within the budget allocated by the Councils. Any new grades allocated due to progression will be funded from reduced expenditure elsewhere.

5.11 There is one contract inflationary increase proposed and that relates to the collection of stray dogs where the contractors' costs have risen significantly including fuel, staff costs and distance to kennels. This increase equates to approximately £15k.

### **Budget Pressures and Mitigations**

5.12 In building the 2024/25 budget a decision was made by the Committee to manage the budget deficit caused by the departure of Wokingham from the partnership by an establishment reduction of 6.7FTE. These posts have now been deleted.

5.13 This deficit which reached £291K in 2024/25 was in part exacerbated by the fact that there was a systemic income shortfall which had increased significantly as a result of Covid. In 2024/25 our income is still lower than 2019/20 in real terms despite inflationary rises in discretionary fee charges.

5.14 A major exercise has been undertaken to rebuild the budget around realistic income targets. This has seen some £180K of income targets removed from the budget. Of this around £140k related to licensing income. This in turn has been mitigated by reducing staffing by a further 0.5FTE in licensing and plans to bring in-house inspections under the animal establishment regulations as a licensing officer has recently successfully completed the training required.

5.15 There has also been an in-year budget pressure as a result of the proposed 2024/25 salary settlement. The 2024/25 budget was built based on a cost of living universal uplift of 3.5%. The subsequent 2024/25 proposal included a flat uniform increase of £1290 below scale ScP 44 and an increase of 2.5% for all other grades. Given the profile of staffing in the service i.e. most staff are below ScP44, this created an additional in-

year pressure of £39.25K. It is proposed that this be managed through vacancies in year but has been built into the base for 2025/26.

- 5.16 The service has managed this in year by holding open other vacancies and reducing spend on agency staff. Inevitably there has been some agency spend but this has primarily been in licensing and private sector housing and was funded by vacancies in those service areas. We have successfully recruited a number of casual staff who operate on a time sheet basis. These include three staff in partnership support and two in environmental health. This is significantly cheaper than use of agency staff. We have also picked up some of the backlogs in audit and inspection work through overtime and again this is cost effective compared to agency.
- 5.17 In addition to the general revenue there are a number of 'out of scope' budgets relating to grant funded functions. These include scams and victim support, public health and investigations. Sources of funding include the Department for Business, Energy and Industrial Strategy (BEIS) via National Trading Standards Board and Trading Standards South-East, public health and community safety funds including Police and Crime Commissioner funding. These equate to around £250K in 2024/25. Where staff are engaged on this work their time is charged to these budgets.

### **Fees and Charges**

- 5.18 In December 2017 the JPPC determined that as a matter of principle that all discretionary fees and charges should be set on the basis of full cost recovery, and this would be reflected in the service 'hourly rate' which would be the basis of fee setting. The hourly rates set year on year were:
- 2018/19 - £55
  - 2019/20 - £57
  - 2020/21 - £57
  - 2021/22 - £59
  - 2022/23 - £64
  - 2023/24 - £67
- 5.19 For the financial year 2025/26 the proposed hourly rate is £69. This is based on an inflationary increase of 3% in the cost base which is entirely salary related.
- 5.20 In calculating this hourly rate, a range of factors have been considered including the wide variety of council support service costs, staffing and associated costs, democracy and governance, policy development, contracts, systems and the necessary training to maintain a competent workforce.
- 5.21 Over the last few years discretionary fees and charges have been reviewed and are now aligned across Bracknell and West Berkshire to reflect the fact that licensing procedures and systems are largely similar.
- 5.22 A new IT system has been procured and is largely implemented. All licensing records are now maintained on one cloud-based system meaning all relevant staff can access records regardless of base or which council provides network access. In due course the system is expected to deliver efficiencies and improved communication for service users with automated reminders and a one stop application process via an on-line portal. The implementation for licensing has been problematic particularly around data transfer but we are resolving matters. In 2022/23 some fees were reduced to reflect

this. For example, the time allocated for a taxi / private hire vehicle was reduced from five to four hours with the commensurate saving.

- 5.23 Taxi and private hire vehicles and private hire operator fees are subject to statutory consultations which will be conducted in both areas should any change be agreed by the Councils. The nature of those consultations will be agreed by the relevant licensing committee but will include the publication of public notices and direct consultation of drivers, owners and operators.
- 5.24 A fee-based remittance scheme in respect of hackney carriage and private hire vehicle licences for both electric and hybrid vehicles was introduced on the 01 April 2023 in West Berkshire. This scheme, which will initially remain in place for three years, is funded by the Council as part of the wider environmental agenda.
- 5.25 A decision was previously made to charge out the midterm inspections for Home Borders separately. In all other animal establishment fees e.g. kennels the midterm inspections is included in the grant fee. It is now proposed that we revert to the original position of including the midterm fee in the grant fee. The reason being is that a midterm inspection is legally required (and the fee inevitable) and this would reduce the administrative burden of separate invoicing.
- 5.26 The fees and charges set by Regulation / Statute in the schedule are highlighted in green and are as of 09 September 2024. These will be adjusted in year as any variations are made in legislation. It should be noted that in respect of the Licensing Act 2003 charges have not increased for over a decade which has also added to the growing gap between costs and income. They are now significantly behind inflation in the same period.

## Proposals

- 5.27 The proposed revenue budget for 2025/26 is as follows:

Authority	% Split	Proposed Net Revenue Budget 2025/26
Bracknell Forest	39.25%	£1,361,360
West Berkshire	60.75%	£2,107,080
Wokingham	-	£526,310
<b>Total Budget 2024/25</b>	<b>100%</b>	<b>£3,994,750</b>

- 5.28 Although the staff and budgets are hosted by West Berkshire Council it is important to note that these inflationary pressures would have been experienced by the individual partner Councils had the services been hosted individually including pension deficit contributions.
- 5.29 At the Committee meeting on the 7th November 2019 the Committee approved a methodology for local service reduction should any partner authority wish to propose this. The methodology recognised the nature of the partnership and the need to maintain 'agreed percentages' and cover the costs of shared resource with respect to

core service delivery costs. Any disinvestment will be managed through this methodology.

- 5.30 The proposed fees and charges for 2025/26 are set out in Appendix A. The fees comprise both discretionary and statutory fees and charges. The discretionary fees are based on a cost recovery model with an hourly rate set at £69. The statutory fees are included for ease of reference and will be updated in line with any published amendments.
- 5.31 Statutory consultations for variations to taxi and private hire vehicles and private hire operator fees will be undertaken in accordance with Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976.

### **Asset Recovery Incentivisation Scheme**

- 5.32 The current iteration of the Asset Recovery Incentivisation Scheme has been updated to reflect relevant legislation and operating practices. Although any grant funding received under the Proceeds of Crime Asset Recovery Incentivisation Scheme **does not form part of the PPP revenue budget** it is a matter for the Committee to approve any allocations policy in line with the terms of the scheme.

## **6. Concluding Observations**

- 6.1 It is a key responsibility for the Committee to recommend a revenue budget including a fees and charges structure. The Committee also has a responsibility to keep under review the budget and consider the outturn and any variance.
- 6.2 The Joint Management Board has considered the budget. Whilst it remains the view that the integrity of the PPP is best maintained by delivering any savings collectively as has happened in previous years the methodology is there to make local adjustments and local prioritisations of service.
- 6.3 It has been a consistent view of Joint Management Board and Committee that cost recovery forms the basis of all decisions relating to the setting of discretionary fees and any other charges or cost recovery levied or otherwise to deliver the service e.g. recovery of court costs, applications for grant funding etc.
- 6.4 The recommendations aim to meet the requirements of the IAA, the approved priorities plan and current indicated budget position of the partners.

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## **7. Appendices**

- 7.1 Appendix A – Proposed Fees and Charges 2025/26
- 7.2 Appendix B – Asset Recovery Incentivisation Scheme

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## **8. Background Papers:**

- 8.1 None
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**Subject to Call-In:**

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

**Wards affected:** All Wards or State Specific Wards

**Officer details:**

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# PUBLIC PROTECTION PARTNERSHIP FEES AND CHARGES 2025/2026

The Public Protection Partnership (PPP) provides chargeable services on behalf of two authorities, Bracknell Forest Council and West Berkshire Council. Where Services are provided to Wokingham Borough Council the applicable fees will be levied.

Fees effective from 1 April 2025

Please Note:

- All Statutory Fees and those linked to national schemes are based on fees published on 16 September 2024 and may be subject to change by Central Government or the management of the schemes.
- The Hourly rate is **£69 ph** for 2025/26, if there is a minimum number of hours or it is capped it is indicated in the text below.
- Class A Statutory Fees are marked with **Green** and Class B Discretionary Fees are headed **Blue**
- There are some additional fees which will be due when making an application, these are listed separately (if known) and with a note if varied amounts
- If you have any questions regarding our fees and charges please contact PPP Customer Delivery team using our [Make an enquiry form](#).

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# LICENCES, REGISTRATIONS AND CONSENTS

## Pre Application Advice

We provide chargeable pre-application advice for the following licenses and consents:

License/Consents	2024/25 Fee	2025/26 Fee
Gambling Act	£67ph	£69ph
Licensed Premises Notifications	£67ph	£69ph
Licensing Act 2003	£67ph	£69ph
Scrap Metal	£67ph	£69ph
Sex Establishments	£67ph	£69ph
Skin Piercing & Dermal Treatments	£67ph	£69ph
Street Trading Consents	£67ph	£69ph

## Animal Licences

Animal Licences – (Class A – Fee Discretionary)			
*The granting fee includes initial inspection and mid-term inspection totalling 4 hours (unless stated differently). Inspections required beyond this due to additional visits and aborted visits will be charged at an additional fee **Additional vets fee payable		2024/25 Fee	2025/26 Fee
NEW - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£201	£207
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	<b>Total Fee (minimum)</b>	<b>£469 minimum</b>	<b>£483 minimum</b>
RENEWAL - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£167.50	£172.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276
	<b>Total Fee (minimum)</b>	<b>£435.50 minimum</b>	<b>£448.50 minimum</b>
NEW - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£134	£138
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	<b>Total Fee (minimum)</b>	<b>£402 minimum</b>	<b>£414 minimum</b>
RENEWAL - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£100.50	£103.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	<b>Total Fee (minimum)</b>	<b>£368.50 minimum</b>	<b>£379.50 minimum</b>
NEW - Home boarder	Application Fee	£134	£138
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	<b>Total Fee (minimum)</b>	<b>£402 minimum</b>	<b>£414 minimum</b>
RENEWAL - Home boarder	Application Fee	£100.50	£103.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	<b>Total Fee (minimum)</b>	<b>£368.50 minimum</b>	<b>£379.50 minimum</b>

NEW - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£134	£138
	Granting Fee	Per inspection at hourly rate	Per inspection at hourly rate
	Total Fee (minimum)	<b>£134 + host inspection fee</b>	<b>£138 + host inspection fee</b>
RENEWAL - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£100.50	£103.50
	Granting Fee	Per inspection at hourly rate	Per inspection at hourly rate
	Total Fee (minimum)	<b>£100.50 + host inspection fee</b>	<b>£103.50 + host inspection fee</b>
Assessment of hobby host as part of a franchisee licence	Host inspection fee	£134	£138
NEW - Dog Day Care	Application Fee	£201	£207
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£469 minimum</b>	<b>£483 minimum</b>
RENEWAL - Dog Day Care	Application Fee	£167.50	£172.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£435.50 minimum</b>	<b>£448.50 minimum</b>
NEW - Dog Breeding Establishment (**excluding vet fee)	Application Fee	£201	£207
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£469 minimum</b>	<b>£483 minimum</b>
RENEWAL - Dog Breeding Establishment	Application Fee	£167.50	£172.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£435.50 minimum</b>	<b>£448.50 minimum</b>
NEW - Dog Breeding Establishment (in domestic dwelling)(**excluding vet fee)	Application Fee	£134	£138
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£402 minimum **</b>	<b>£414 minimum**</b>
RENEWAL - Dog Breeding Establishment (in domestic dwelling)	Application Fee	£100.50	£103.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£368.50 minimum</b>	<b>£379.50 minimum</b>
NEW - Pet Vending / Sale of pets	Application Fee	£134	£138
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£402 minimum</b>	<b>£414 minimum</b>
RENEWAL - Pet Vending / Sale of pets	Application Fee	£100.50	£103.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£368.50 minimum</b>	<b>£379.50 minimum</b>

NEW - Animal for Exhibition	Application Fee	£201	£207
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£469 minimum</b>	<b>£483 minimum</b>
RENEWAL - Animal for Exhibition	Application Fee	£167.50	£172.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£435.50 minimum</b>	<b>£448.50 minimum</b>
Riding Establishment - Inspections are carried out annually, regardless of the star rating or length of licence, by a qualified Veterinarian Officer. **Vets fees will be recharged separately.			
NEW - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£134	£138
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>£402 minimum**</b>	<b>£414 minimum**</b>
RENEWAL - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£100.50	£103.50
	Granting Fee	Minimum 4 hours at £268*	Minimum 4 hours at £276*
	Total Fee (minimum)	<b>368.50 minimum**</b>	<b>£379.50 minimum**</b>
Fee per horse, for the first 10 horses		£16.75	£17.25
Fee per horse, for next 11-50 horses		£11.50	£11.75
Fee per horse, for every horse 51 & over		£9.50	£9.70
<b>Other Fees</b>			
Additional mid licence visit		£134	£138
Variation to the licence fee (inclusive of one visit)		£201	£207
Replacement licence fee (lost or stolen paperwork, change of name, etc.)		£33.50	£34.50
Re-evaluation of star rating (inclusive of one visit)		£134	£138
Transfer due to death of licensee	Admin cost	£33.50	£34.50

## Wild Animals and Zoos

Wild Animals & Zoos	Duration	2024/25 Fee	2025/26 Fee
NEW - Dangerous Wild Animal Consent (** excluding vets fee)	2 years	£536	£552
RENEWAL - Dangerous Wild Animal Consent (** excluding vets fee)	2 years	£335	£345
NEW and RENEWAL - Zoo Licences Periodical inspections (** excluding Vets Fees)	Up to 6 years	£2345	£2415

## Explosives Licences – Statutory

Description	Duration	All Council Areas
Licence to store explosives where a separation distance is required by law e.g. over 250kg hazard class 4 fireworks	1 year	£202
	2 years	£266
	3 years	£333
	4 years	£409
	5 years	£463
Renewal of licence to store explosives where a separation distance is required by law e.g. over 250kg hazard class 4 fireworks	1 year	£94
	2 years	£161
	3 years	£226
	4 years	£291
	5 years	£357
Licence to store explosives where no minimum separation distance is required by law e.g. up to 250kg hazard class 4 fireworks	1 year	£119
	2 years	£154
	3 years	£190
	4 years	£226
	5 years	£260
Renewal of licence to store explosives where no minimum separation distance is required by law e.g. up to 250kg hazard class 4 fireworks	1 year	£59
	2 years	£94
	3 years	£132
	4 years	£166
	5 years	£202
Varying the name of licensee or address of site		£40
Any other kind of variation		Cost Recovery
Transfer of licence		£40
Replacement Licence		£40
Full year registration for sale of fireworks (capped fee)		£500.00

## Gambling Act 2005 – Statutory

Description	Type	All Council Areas
<b>Casinos (regional)</b>	New Application	£15,000
	Provisional Statement	£15,000
	Application with Provisional Statement	£8,000
	Variation	£7,500
	Transfer/Reinstatement	£6,500
	Annual Fee	£15,000
<b>Casinos (large)</b>	New Application	£10,000
	Provisional Statement	£10,000
	Application with Provisional Statement	£5,000
	Variation	£5,000
	Transfer/Reinstatement	£2,150
	Annual Fee	£10,000
<b>Casinos (small)</b>	New Application	£8,000
	Provisional Statement	£8,000
	Application with Provisional Statement	£3,000
	Variation	£4,000
	Transfer/Reinstatement	£1,800
	Annual Fee	£5,000
<b>Bingo Clubs</b>	New Application	£3,500



	Provisional Statement	£3,500
	Application with Provisional Statement	£1,200
	Variation	£1,750
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
<b>Betting Premises</b>	New Application	£3,000
	Provisional Statement	£3,000
	Application with Provisional Statement	£1,200
	Variation	£1,500
	Transfer/Reinstatement	£1,200
	Annual Fee	£600
<b>Tracks</b>	New Application	£2,500
	Provisional Statement	£2,500
	Application with Provisional Statement	£950
	Variation	£1,250
	Transfer/Reinstatement	£950
	Annual Fee	£1,000
<b>Family Entertainment Centres</b>	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£950
	Variation	£1,000
	Transfer/Reinstatement	£950
	Annual Fee	£750
<b>Adult Gaming Centres</b>	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£1,200
	Variation	£1,000
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
<b>Lotteries &amp; Amusements</b>	New Application	£40
	Annual Fee	£20
<b>All licences</b>	Notification of change	£50
	Copy of licence	£25
<b>Club gaming or machine permit</b>	New Application	£200
	Existing holder	£100
	Renewal	£200
	Annual Fee	£50
	Variation	£100
	Copy of licence	£15
<b>Club Gaming or Machine Permit (holds a club Premises Certificate under Licensing Act 2003)</b>	New Application	£100
	Renewal	£100
<b>Licensed Premises Notifications</b>		<b>All Council Areas</b>
<b>To make available up to 2 gaming machines on premises which hold on-premises alcohol licence</b>	Notification of intention	£50
<b>Gaming Machine Permit (more than 2 machines) on-</b>	Application (existing holder)	£100
	New Application	£150
	Annual Fee	£50

<b>premises which hold on premises alcohol licence</b>	First Annual Fee (payable within 30 days of date permit takes effect)	£50
	Variation	£100
	Transfer	£25
	Change of name	£25
	Copy of permit	£15

## Hackney Carriage and Private Hire Licences

Vehicle Licences		Bracknell Forest 2024/25 Fee	West Berkshire 2024/25 Fee	All Council Areas (where applicable) 2025/26 Fee
Hackney Carriage Vehicle – NEW		£301.50	£301.50*	£310.50*
Hackney Carriage Vehicle – RENEWAL		£268	£268*	£276*
Private Hire Vehicle – NEW		£301.50	£301.50*	£310.50*
Private Hire Vehicle – RENEWAL		£268	£268*	£276*
Home to school – NEW and RENEWAL		£167.50	-	£172.50
Private Hire Vehicle with Dispensation - NEW		£301.50	£301.50*	£310.50*
Private Hire Vehicle with Dispensation - RENEWAL		£268	£268*	£276*
Temporary Vehicle Licence	Up to 3 months	£268	£268	£276
<b>Driver Licences</b>				
Driver – NEW	3 year Includes initial tests, safeguarding and disability trainings	£340	£340	£348
Driver – RENEWAL	3 year Includes tests, safeguarding and disability trainings	£306.50	£306.50	£313.50
Home to school – NEW & RENEWAL	3 year Includes initial tests, safeguarding and disability trainings	£233	-	£237.60
Conversion of driver licence to another type	1.5hrs (inc retaking tests)	£100.50	£100.50	£103.50

\* It was agreed at the Executive meeting on the 22 September 2022 that West Berkshire Council would offer a fee based remittance scheme, subsidised by the Council and that it be introduced from 01 April 2023 for both electric (100%) and hybrid (50%) vehicles that met the agreed criteria.

## Private Hire Operators (PHO)

Private Hire Operator	Number of Vehicles	2024/25 Fee	2025/26 Fee
<b>NEW</b>  Per vehicle calculation of 3.5 hours (at £69.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	1	£502.50	£517.50
	2	£586.25	£603.75
	3	£670.00	£690
	4	£753.75	£776.25
	5	£837.50	£862.50
	6	£921.25	£948.75
	7	£1005.00	£1035
	8	£1088.75	£1121.25
	9	£1172.50	£1207.50
	10	£1256.25	£1293.75
	11	£1340.00	£1380
	12	£1423.75	£1466.25
	13	£1507.50	£1552.50
	14	£1591.25	£1638.75
	15	£1675.00	£1725
	16	£1758.75	£1811.25
	17	£1842.50	£1897.50
	18	£1926.25	£1983.75
	19	£2010.00	£2070
	20	£2093.75	£2156.25
	20+	£2093.75	£2156.25
Private Hire Operator	Number of Vehicles	2024/25 Fee	2025/26 Fee
<b>RENEWAL</b>  Per vehicle calculation of 1.5 hours (at £69 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles	1	£368.50	£379.50
	2	£452.25	£465.75
	3	£536.00	£552
	4	£619.75	£638.25
	5	£703.50	£724.50
	6	£787.25	£810.75
	7	£871.00	£897
	8	£954.75	£983.25
	9	£1038.50	£1069.50
	10	£1122.25	£1155.75
	11	£1206.00	£1242
	12	£1289.75	£1328.25
	13	£1373.50	£1414.50
	14	£1457.25	£1500.75
	15	£1541.00	£1587
	16	£1624.75	£1673.25
	17	£1708.50	£1759.50
	18	£1792.25	£1845.75
	19	£1876.00	£1932
	20	£1959.75	£2018.25
	20+	£1959.75	£2018.25

## Other Private Hire & Hackney Carriage Charges

Other charges		2024/25 Fee All Council Areas (where applicable)	2025/26 Fee All Council Areas (where applicable)
Transfer of vehicle to new owner		£67	£69
Change of vehicle		£83.75	£86.25
Replacement Licence		£33.50	£34.50
Replacement Badge		£33.50 + Badge Costs (£5)	£34.50 + Badge Costs (£5)
Replacement Vehicle Licence Plate		£33.50 + Plate Costs (£26)	£34.50 + Plate Costs (£26)
Knowledge Test	First attempt included in initial fee	£83.75	£86.25
Missed Appointment		£33.50	£34.50
Disclosure and Barring Service Check (DBS)		At cost	At cost
Advertising on a Hackney carriage - NEW	Bracknell Only	£67	£69
Advertising on a Hackney Carriage - RENEWAL	Bracknell Only	£33.50	£34.50
Change of address (PH & HC)		£16.75	£17.25
Backing Plate		£26 at cost	£26 at cost
Medical Exemption		£33.50	£34.50
Refund Processing Fee		£33.50	£34.50
Change of vehicle registration	Including	£33.50 + sticker and licence costs (£31)	£34.50 + sticker and licence costs (£31)
Pre-application advice, hourly rate	Min 1 hour	£67	£69

## Hairdresser Registration

Description	2024/25 Fee All Council Areas (where applicable)	2025/26 Fee All Council Areas (where applicable)
Hairdresser/barber registration	£33.50	£34.50

## Licensing Act 2003 – Statutory

Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)	PPP Areas
Band A – RV up to 4,300	£100
Band B – RV 4,300 to 33,000	£190
Band C – RV 33,001 to 87,000	£315
Band D – RV 87,001 to 125,000	£450
Band E – RV 125,001 and above	£635
Pre-application advice, hourly rate	£69

<b>Premises Licence – Annual Fee (Class B – Statutory Fee)</b>	
Band A	£70
Band B	£180
Band C	£295
Band D	£320
Band E	£350
Personal Licence - (Class B – Statutory Fee)	£37
Temporary Event Notices (TENS) - (Class B – Statutory Fee)	£21
Application for copy licence	£10.50
Application to vary DPS/transfer licence/interim notice	£23
Application for making a provisional statement	£315
Minor variation	£89
Application to disapply mandatory DPS condition	£23
<b>Pre-application work, hourly rate</b>	<b>£69</b>

## Petroleum Licences – Statutory

Petroleum Licences	2024/25 Fee	2025/26 Fee
Not exceeding 2,500 litres	£48	£48
Not exceeding 50,000 litres	£65	£65
Exceeding 50,000 litres	£137	£137

## Scrap Metal

Description		2024/25 Fee	2025/26 Fee
Scrap Metal site –NEW	3 Years	£536	£552
Scrap Metal site - RENEWAL	3 Years	£502.50	£517.50
Scrap Metal mobile collector - NEW	3 Years	£268	£276
Scrap Metal mobile collector - RENEWAL	3 Years	£234.50	£241.50
Scrap Metal - Variation of Licence		£268	£276
Scrap Metal - change of site manager		£67	£69
Scrap Metal - copy of licence		£16.75	£17.25
Scrap Metal - Change of Name		£33.50	£34.50

## Sex Establishments – Statutory

Description	Type	All Council Areas
<b>Sex Establishments - (Class A – Fee Discretionary)</b>	Cinema	min £3,100 to max £5,150
	Shop	min £3,100 to max £5,150
	Entertainment Venue	min £3,100 to max £5,150

## Skin Piercing & Dermal Treatments

Description	Type	2024/25 Fee	2025/26 Fee
<b>Skin piercing Registrations (one off registration) - (Class A – Fee Discretionary)</b>	Individual (4hrs)	£268	£276
	Premises (5hrs)	£335	£345
	Joint application (7hrs)	£469	£483
<b>Pre-application work, hourly rate</b>	<b>Min. 1 hour</b>	£67	£69

## Street Trading Consents

Description	Type	Bracknell Forest	Bracknell Forest	West Berkshire	West Berkshire
		2024/25 Fee	2025/26 Fee	2024/25 Fee	2025/26 Fee
	Daily	£67	£69	£67	£69
<b>Street Trading Consents - (Class A – Fee Discretionary)</b>	1 Week	£163.50	£172.50	£163.50	£172.50
	Monthly Rate	£275	£276	£275	£276
	3 months	£732.50	£759	£732.50	£759
	6 months	£917	£948.75	£917	£948.75
	Annual Fee	£1558.50	£1604.25	£1558.50	£1604.25
	6 months max. 2 trading days a week incl. Fri, Sat & Sun	£732.50	£759	N/A	N/A
	6 months max. 2 trading days a week Mon-Thurs only	£550	£569.25	N/A	N/A
	Ice cream van (per van) 6 month	£818.50	£851	£917	£942.50
	Ice cream van (per van) 1 month	£212	£221	£275	£282.90
<b>Variation fee</b>		£100.50	£103.50	£100.50	£103.50
<b>Refund for Street Traders</b>	In the event that following consultation the application is refused or deemed withdrawn by officers, a sum of 50% of the application fee is payable as a refund. If the application is refused by a Panel, no refund of the application fee is payable.				
<b>Pre-application work, hourly rate</b>	Min. 1 hour	£67	£69	£67	£69

## ENVIRONMENTAL PROTECTION

### Abandoned vehicles – Statutory

Description		Bracknell Forrest Only
Removal (prescribed fee)	Less than 3.5 tonnes	£150
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20
Enforcement Disposal costs (prescribed fee)	Less than 3.5 tonnes	£75
Fixed Penalty Notice	Reduced to £120.00 if paid within 7 days	£200
Enforcement invoice costs		£77

## Fly Tipping Environment Protection Act 1990

		Bracknell Forest Only	Bracknell Forest Only
Description		2024/25 Fee	2025/26 Fee
Section 33 of the Environmental Protection Act 1990	Fixed Penalty Notice	£400	£400
Section 34 of the Environmental Protection Act 1990	Fixed Penalty Notice	£300	£300

## Anti-Social Behaviour Act

Description		2024/25 Fee	2025/26 Fee
Anti-Social Behaviour Act	High Hedges Fee (Class A – Fee Discretionary)	£1373	£1414.50

## Dog Warden Services

Description	2024/25 Fee	2025/26 Fee
Stray Dogs – not taken to kennel	£83.75	
Stray Dogs – taken to kennel	£83.75 plus Cost recovery and Vets fees separate.	
Kennels cost	Recharge based on cost	Recharge based on cost
Dog fouling fixed penalty charge	£75	£100
Miscellaneous stray dog activities e.g. taxi, relocating, microchipping	Cost recovery charged at £67ph	
* Debit and credit card payments to Noah's Ark	Cost recovery currently £45	Cost recovery currently £45

## Environmental Permitting Regulations 2016 – Statutory

Scheduled Processes – (Class B – statutory Fee)		All Council Areas
Standard Process		£1,650
Additional fee for operating without a permit		£1,188
Service Stations (PVR 1 & PVR II combined)		£257
Service Station (PVR 1)		£155
Dry Cleaners		£155
Vehicle Refinishers		£362
Mobile Screening & Crushing Plant for each of the 1 <sup>st</sup> and 2 <sup>nd</sup> applications		£1,650
Mobile Screening & Crushing Plant for the 3 <sup>rd</sup> to 7 <sup>th</sup> applications		£985
Mobile Screening & Crushing Plant for the 8 <sup>th</sup> and subsequent applications		£498
<b>Substantial changes (variation)</b>		
Standard Process		£1,050
Standard process where substantial change results in a new PPC activity or any other solvent emission activity		£1,650
Reduced Fee Activities		£102

<b>Annual Subsistence Charge (Statutory)</b>		
Standard Process or any other solvent activity	Low	£772
	Medium	£1,161
	High	£1,747
Service stations PVR II	Low	£113
	Medium	£226
	High	£341
Vehicle Refinishers and other reduced fees	Low	£228
	Medium	£365
	High	£548
Dry cleaners/PVR1	Low	£79
	Medium	£158
	High	£237
Mobile Screening & Crushing Plant	Low	£626
	Medium	£1,034
	High	£1,551
Mobile Screening & Crushing Plant for 2 <sup>nd</sup> permit	Low	£646
	Medium	£1,034
	High	£1,551
Mobile Screening & Crushing Plant for 3 <sup>rd</sup> to 7 <sup>th</sup> permit	Low	£385
	Medium	£617
	High	£924
Mobile Screening & Crushing Plant for the 8 <sup>th</sup> and subsequent permits	Low	£198
	Medium	£314
	High	£473
Late payment charge	If invoice issued & not paid within 8 weeks	£52
Payment in 4 instalments		Additional £38
<b>Transfer and Surrender</b>		
Transfer		£169
Partial Transfer		£497
Surrender		£0
Transfer Reduced fees		£0
Partial Transfer Reduced Fees		£47

## Private Sector Housing

Description	2024/25 Fee	2025/26 Fee
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)	£456	£476
Enforcement Notices served under Housing Act 2004	Hrly Rate	Hrly Rate
HMO Licence NEW - assisted application	£1340	£1380
HMO Licence RENEWAL	£907	£931.50
<b>Caravan Site Licences</b>		
Site licence new (plus additional fee per pitch)	£502.50	£517.50
New licence additional fee per pitch	£18	£18.50
Transfer of licence	£201	£207
Alteration of conditions	Hrly Rate	Hrly Rate
Annual inspection fee –per pitch	£16	16.50
Enforcement action -per hour	Hrly Rate	Hrly Rate
Deposit, vary or deleting site rules	£134	£138
<b>Mobile Homes Regulations 2020</b>		
Application Fee –Fit and Proper Test	£134	£138



(any application taking more than two hours to process will be charged at an additional hourly rate of £67/ph or part thereof)		
Annual Check Fee – Fit and Proper Test	Hrly Rate	Hrly Rate
Where the authority has to assist with appointing a site manager the costs will be specified in the agreement between the parties		

## Private Water Supplies

Description		2024/25 Fee	2025/26 Fee
Risk assessment (for each assessment)	Every 5 years. Min. charge 1 hour, simple risk assessment and report typically 5 hours	At Hrly Rate	At Hrly Rate
Sampling visit (for each sampling visit) *	Charge for a visit, taking a sample and delivery to the laboratory. Typically 2.5 hours	At Hrly Rate	At Hrly Rate
Investigation	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.	At hrly rate	At hrly rate
Regulation 9 Supply Analysis of Group A Parameters		Laboratory Costs **	Laboratory Costs **
Regulation 9 Supply Analysis of Group B Parameters		Laboratory Costs **	Laboratory Costs **
Regulation 10 Supply Parameters		Laboratory Costs **	Laboratory Costs **
Analysis of Single Dwelling Supplies (upon request)		Laboratory Costs **	Laboratory Costs **

\* A local authority should not charge for the Officer time for a sample that is taken and analysed solely to confirm or clarify the results of a previous sample. A local authority can charge for a sample visit to verify the effectiveness of improvements, e.g. following completion of actions specified in a Notice.

\*\* Laboratory fees set annually

## Other Fees

	Hourly rate applies minimum of 2 hours	2024/25 Fee	2025/26 Fee
Environmental Information Request - Individual, Non-Commercial	Hourly rate applies minimum of 2 hours	£134 minimum	£138 minimum
Environmental Information Request - Commercial and Government	Hourly rate applies minimum of 2 hours	£134 minimum	£138 minimum

Civil Actions (Class A – Fee Discretionary)		£134 minimum	£138 minimum
Safety Certification and administration	Hourly rate applies minimum of 2 hours	£134 minimum	£138 minimum
Pre-Application Advice, hourly charge		£67	£69

## TRADING STANDARDS

### Buy with confidence

Description	Employee numbers	2024/25 Fee	2025/26 Fee
Application Fee (set nationally by Buy with Confidence scheme)	1-5 employees	£145	£149.50
	6-20 employees	£200	£206
	21-49 employees	£250	£257.50
	50+ employees	POA	POA
Annual fee (set nationally by Buy with Confidence scheme)	1-5 employees	£270	£278
	6-20 employees	£405	£417
	21-49 employees	£540	£556
	50+ employees	POA	POA
Members before 2017/18 Annual Fee (Bracknell Forest legacy members only)	1-5 employees	£136	£140
	6-20 employees	£206	£212
	21-49 employees	£274	£282

\* West Berkshire & Wokingham schemes administered by Hampshire County Council

### Primary Authority

Description	2024/25 Fee	2025/26 Fee
Primary Authority Work hourly chargeable rate	£67 Hourly Rate	£69
Annual charge - previous year usage 10 hours or less	£603	£621
Annual charge - previous year usage 20 hours	£1206	£1242
Anything likely to be in excess of 20 hours	Individually assessed	Individually assessed

### Assured Care and Support (West Berkshire and Wokingham)

Description	Employee numbers	2024/25 Fee	2025/26 Fee
Membership Fee	1-5 employees	£100	£103
	6-20 employees	£200	£206
	21+ employees	£500	£515

## Weights and Measures

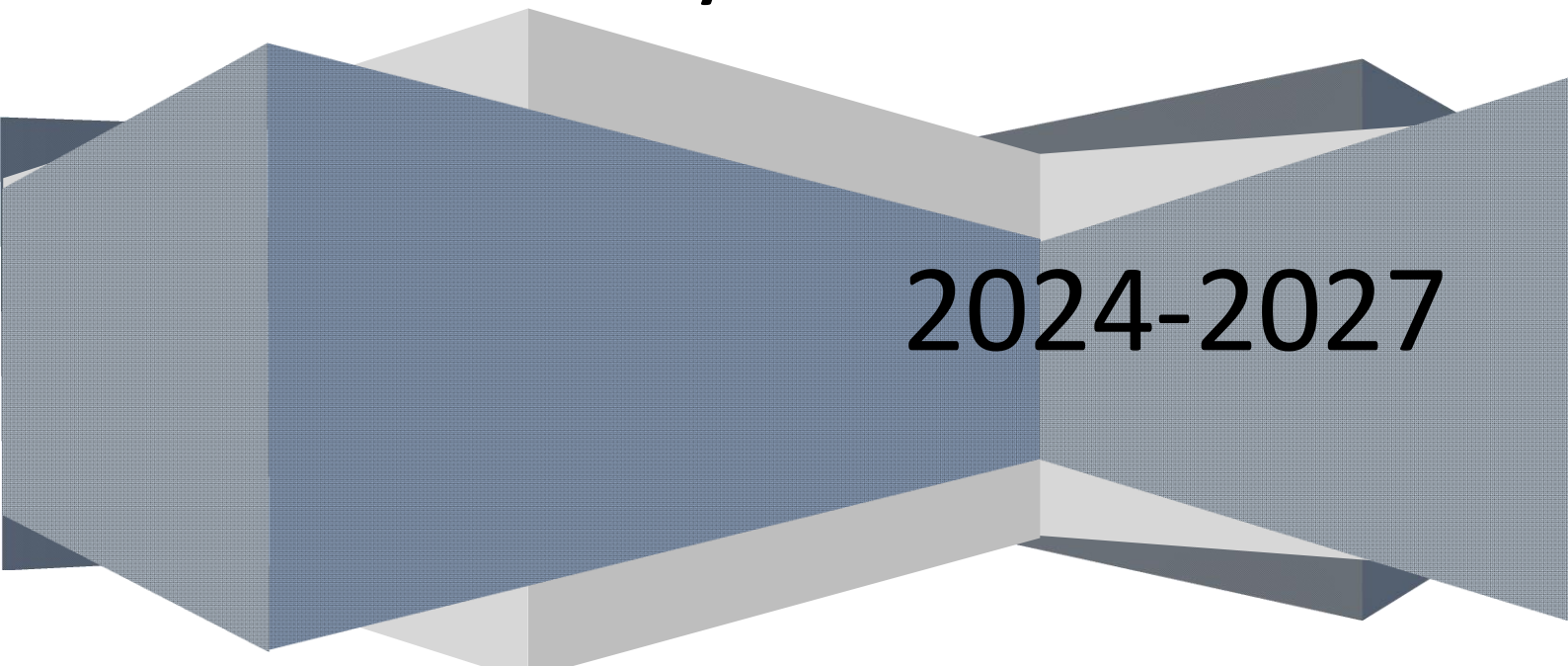
Description		2024/25 Fee	2025/26 Fee
Weights and Measures Fees	Includes the cost of maintaining calibration of equipment annually (Based on ACTSO guidance)	£67 p/h	£69 p/h

## Other Fees

Description		2024/25 Fee	2025/26 Fee
Food export certificates	Full cost recovery based on hourly rate	£67 minimum	£69 minimum
Food Hygiene Rating Scheme rescore	2 hours	£134	£138
General Business Advice (Non-Primary Authority)	Hourly rate (first 30 minutes free)	£67	£69
Resident Request for Advice	Hourly rate	£67	£69

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# **The Proceeds of Crime Act 2002 and Asset Recovery Incentivisation Scheme**



**2024-2027**

## Document Control

<b>Document Ref:</b>	Proceeds of Crime Act and Asset Recovery Incentivisation Scheme	<b>Date Created:</b>	August 2024
<b>Version:</b>	V1	<b>Date Modified:</b>	
<b>Revision due</b>	October 2027		
<b>Author:</b>	Moira Fraser	<b>Sign &amp; Date:</b>	
<b>Owning Service</b>	Public Protection Partnership		

## Change History

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Change ID</b>
1			
2			
3			

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## 1. Background

- 1.1 It was the will of Parliament, at the time the [Proceeds of Crime Act 2002 \(POCA\)](#) (the Act) was enacted, that those that operate outside of the law by committing criminal offences should not benefit from their criminal activity.
- 1.2 The purpose of this policy is to explain how any proceeds of crime recovered will be allocated under the Asset Recovery Incentivisation Scheme (ARIS). This scheme was set up and is promoted by the Home Office.
- 1.3 This policy should be viewed in the context of the Inter Authority Agreements which forms the basis of the partnership between the partner authorities (Bracknell Forest, Wokingham and West Berkshire Councils) and the suite of policies associated with the partnership and in particular the Enforcement Policy that engages the Code for Crown Prosecutors as the basis for decision making.
- 1.4 Protecting Consumers from Fraud and Protecting and Informing Consumers are two of the agreed priorities for the Service. In addition, one of the Service's cross cutting themes sets out the intention to look for opportunities to tackle consumer and business detriment caused by eCrime across all its themes, priorities and projects. Protecting vulnerable adults and children remains a key priority for the PPP.
- 1.5 Additionally, the PPP recognises that the utilisation of the powers provided by the Act can make a significant contribution to the disruption of criminal enterprises that are harmful to our residents and businesses. The primary criminal activity that the PPP engaging powers under Act consists mainly of the suite of money laundering offences often in conjunction with substantive investigations into fraud, consumer protection legislation and Trade Marks Act offences etc.
- 1.6 When investigating these criminal cases, the PPP will consider whether asset recovery proceedings are appropriate within the legal framework set out under the Act together with relevant guidance. The opening paragraph of the Crown Prosecution Service (CPS) guidance confirms that asset recovery is designed '*to deprive offenders of the proceeds of their criminal conduct; to deter the commission of further offences; and to reduce the profits available to fund further criminal enterprises. (See R v Rezvi [2002] UKHL 1 and R v Waya [2012] UKSC 51).*' Where appropriate any confiscation proceedings can be conducted with a view to achieving compensation for the victims identified and that the defendant was convicted of.
- 1.7 Where assets are recovered through confiscation, the investigating body and the PPP receives a proportion of those assets under the [terms of the ARIS](#). This is a scheme set up and promoted by the Home Office to encourage agencies to take the benefit out of crime by allowing some of the money recovered back to the agency to be allocated for specific purposes. The purpose of this policy is to agree how any monies received are to be allocated.

## 2. Legislative Context

- 2.1 The legal basis within which this policy operates can mainly be found in the Proceeds of Crime Act 2002. The Act is the most common method for seizing/denying and recovering proceeds of crime but there is other legislation that



may be used in addition or instead of the Act. Such actions are always considered in line with this policy and the policies mentioned in **Error! Reference source not found.****Error! Reference source not found.**

### **3. General Principles**

3.1 In considering the need for utilising the powers under the Act, the following should be taken account of:

- the legal framework as mentioned above under the Act, relevant guidance and the policies as mentioned in 1.3 above,
- the possibility of compensation for consumers/victims,
- the contribution to local crime and disorder strategies and other corporate priorities as set out in the Bracknell Forest Borough Council (BFBC) 2023 to 2027 Council Plan and the West Berkshire Council 2023 to 2027 Council Strategy,
- the need to consider pre-conviction orders as part of the prosecution process in connection with money laundering investigations and the need to consider post-conviction orders as part of confiscation investigations,
- the disruption and investigation of 'lifestyle criminals' such as counterfeiters, persistent perpetrators of property maintenance and repair fraud, fraud more generally and those who have benefitted financially from their crimes.
- the need to ensure that crime does not pay and is seen not to pay, and
- helping to meet the expectations of legitimate businesses and consumers.

3.2 The PPP makes use of financial investigations as an integral part of criminal investigations and where acquisitive crime is perpetrated. Acquisitive crime describes offences where the perpetrator derives material gain from the crime, known as criminal benefit. Criminal benefit is any property (including currency) or [pecuniary advantage](#) obtained as a result of conduct that is an offence in England or Wales or would be an offence if it occurred in England and Wales.

3.3 When a person has benefited from their crime, the first objective is to secure a criminal conviction. A successful prosecution can lead to confiscation, which is not just for serious crimes but also applies in most cases where a criminal benefit has been obtained.

3.4 Confiscation proceedings will, if possible, remove the benefit of that crime and dissuade offenders and others from trading illegally or committing further crimes.

3.5 Officers are directed to seek advice from a financial investigator when a PPP investigation is started to determine whether a parallel financial investigation is appropriate. Officers should consider, as the investigation progresses, whether the suitability of a financial investigation may become appropriate. Referral of investigations to the financial investigators can result in the true extent of the criminal activity being uncovered, the correct perpetrators being prosecuted and enable recovery of assets and criminal benefit, thereby enabling the deterrent aspect of the Act.

### **4. Implementation of ARIS**

4.1 After a confiscation and recovery of benefit or assets is completed, the Home Office retains 50% of all seized assets, the other 50% is divided as follows:

- Investigation – 18.75%
- Prosecution – 18.75% and
- Enforcement (through the courts) – 12.5%.

It should be noted that the final law enforcement/prosecution allocation loses a further circa 5% 'topslice'.

- 4.2 The PPP has set up a separate cost centre to hold all monies received from the Home Office under ARIS. There is no income target associated with the cost centre, thereby protecting its integrity for the purpose intended i.e. preventing, reducing and tackling crime. It is expected that the PPP can account for its use of incentive payments on an annual basis and as required, to provide a return to the Home Office setting out in detail how the money is spent and making declarations to that effect of required.
- 4.3 Based on published guidance from the Home Office the clear intention is that these payments are to be used to 'further drive-up performance on asset recovery and, where appropriate, to fund local crime fighting priorities for the benefit of the community'.
- 4.4 The nature of the PPP service will inevitably lead to costs being incurred to investigate primarily criminal activity. These costs range from barrister fees and expert witnesses through to sampling and product testing. In the concluding stages of an investigation, it is normal practice for the service to advise legal representatives of their costs so that in court, lawyers request recovery of these costs from the defendant and they are referred to as 'Disbursements'.
- 4.5 It is not always possible to recover the full amount for these disbursements and therefore in the first instance the existing POCA reserve has been allocated to pay disbursements where costs are not recovered fully in court proceedings. This is in addition to funding already identified in existing revenue budgets and money recovered through regional and national grant funding. The mechanisms for dealing with exceptional costs as set out in the Inter Authority Agreement apply should this matter need to be revisited.
- 4.6 The ability to recover costs or assets and the existence of any reserve shall have no bearing on the decision to prosecute. Each case will be treated on its merits and considered against the [enforcement policy](#).
- 4.7 Once the disbursement reserve has been set aside, it is proposed that any money from the existing reserve is allocated to the following priority areas:
- Additional Accredited Financial Investigator resource;
  - Communications to reduce crime through prevention and increased reporting;
  - Trading Standards or Environmental Health professionals who are deployed on specific crime related matters e.g. a Fraud Victim Support Officer post assisting victims.

## 5. **Applicability**

- 5.1 The PPP will conduct a financial investigation in cases where there are alleged offences of money laundering.

5.2 Officers will consider confiscation investigations where there is (or likely to be) convictions of offences that meet the thresholds within the Act with a view to making an application to a court for a confiscation order to be made to the value of the benefits derived from the crimes. This is done in consultation with PPP's lawyers in the Case Management Unit (CMU).

5.3 The Service Lead for Public Protection, in consultation with CMU, ensures that all referrals under the Act are fully investigated and, where appropriate, confiscation or forfeiture of assets is applied for.

## **6. Implications of the Policy**

### **Financial Implications**

6.1 A proportion of the amounts confiscated under the Act is returned to the PPP under ARIS. Any funds received through the scheme must be used for the further prevention or reduction in crime or further asset recovery. This money is ringfenced and is not used as a revenue or capital funding stream by the partner authorities outside of this policy.

### **Staffing and training**

6.2 There are safeguards to ensure that financial investigations cannot be commenced without authority to do so.

6.3 All Financial Investigators receive training from the Proceeds of Crime Centre (POCC), part of the National Crime Agency. This training and subsequent workbook / portfolio of evidence must be completed before full accreditation is awarded.

6.4 Accreditation is maintained through the completion of Continuing Professional Development (CPD) and provision of evidence to POCC which is uploaded via the Financial Investigation Support System (FISS) website.

6.5 Financial Investigation awareness training should form part of the routine training and development programme for relevant members of the Service.

## **7. Roles and Responsibilities**

7.1 The overall responsibility for overseeing the Act within the PPP sits with the Service Lead for Public Protection.

7.2 The responsibility for day-to-day management of activity under the Act throughout the PPP rests with the Strategic Manager Case Management Unit. They are also responsible for maintaining this policy and for providing advice and guidance on its application.

7.3 The Service works with a number of other law enforcement agencies that conduct financial investigations to ensure it maximises the effective use of the powers provided by the Act including:

- Thames Valley Police (TVP)
- National Crime Agency (NCA)
- His Majesty's Revenue and Customs (HMRC)

- The Consumer and Markets Authority (CMA)
- Other local authorities (Corporate Fraud)
- Department of Work and Pensions (DWP)
- UK Border Agency (UKBA)
- UK Financial Intelligence Unit (UKFIU)
- Asset Confiscation Enforcement Team (ACE)

7.4 The Inter-Authority Agreement (IAA) charges the Joint Public Protection Committee with the responsibility to oversee service delivery and performance including financial performance. The JPPC is charged with considering any revisions to the Asset Recovery Incentivisation Scheme policy and is asked to note on an annual basis, as part of the budget setting cycle, that this funding does not form part of the revenue budget and that funds are allocated in accordance with this policy.

## **8. Review**

8.1 This policy will be reviewed to respond to any changes and at least every three years and will consider any changes to legislation, legal challenges and any discrepancies raised with regards to the policy.

8.2 The Joint Public Protection Committee, in accordance with the Inter-Authority Agreement will be responsible for reviewing and approving any changes to this Policy.

## PPP Nuisance Policy 2024 - 2027

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	7 October 2024
<b>Chair of Committee:</b>	Councillor Iskandar Jefferies
<b>Date JMB agreed report:</b>	23 September 2024
<b>Report Author:</b>	Suzanne McLaughlin
<b>Forward Plan Ref:</b>	JPPC4451

### 1. Purpose of the Report

- 1.1 There is a high demand from service users to respond to requests for the Public Protection Partnership (PPP) to resolve nuisance complaints. The purpose of this policy is to set a framework that will help the PPP ensure the continuation of a consistent and transparent approach to both reactive and proactive work on nuisance issues.
- 1.2 A consultation on the draft policy was undertaken between the 08 July 2024 and the 26 August 2024 and Members are asked to consider the comments received and the ensuing changes proposed.
- 1.3 The Policy, once adopted, will form part of the suite of key policies that the PPP uses to deliver the Service.

### 2. Recommendations

The Committee:

- 2.1 **CONSIDERS** the responses received during the consultation as set out in **Appendix B** and the officers' comments on the responses received as set out in **Appendix C**.
- 2.2 **APPROVES** the Nuisance Policy 2024-2027 as set out in **Appendix A**, subject to any additional changes agreed at the meeting.
- 2.3 **AUTHORITY BE DELEGATED** to the Service Lead - Public Protection, in consultation with the Chairman and Vice Chairman of the Committee, to make any minor amendments to the policy once adopted.

### 3. Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>There are no financial implications associated with the adoption and implementation of this Policy.</p> <p>However, as with all enforcement activities undertaken by regulatory services legal challenge may result in legal expenses.</p> <p>Where the PPP takes legal action or defends legal challenge the PPP will seek to recover its costs through this process.</p>

<p><b>Human Resource:</b></p>	<p>There are no specific HR implications associated with this report.</p> <p>The consultation was undertaken within existing resources and the policy will be delivered within the current staffing structure although competence is managed and delivered through our training and development plan.</p> <p>It is business critical that to manage risk, staff who undertake these functions have adequate training in the law and its application and that this is kept under review. The process for this is set out in the <a href="#">Service Training and Development Plan</a>.</p>
<p><b>Legal:</b></p>	<p>The relevant legal issues are addressed within the report and policy. The statutory nuisance regime is set out in Part III (sections 79-82) of the Environmental Protection Act 1990, as amended by the Clean Neighbourhoods and Environment Act 2005.</p> <p>Construction site noise is dealt with under the Control of Pollution Act 1974.</p> <p>Where specific types of complaints are not dealt with by the PPP, appropriate signposting has been set out in the policy.</p> <p>The Environmental Protection Act 1990 places a statutory duty on the local authority to inspect its areas from time to time to detect and respond to any statutory nuisance as defined in law.</p> <p>Where a complaint of statutory nuisance is made, the local authority must take reasonably practicable steps to investigate the complaint.</p> <p>The Act specifies what is a statutory nuisance is but does not specify what constitutes 'reasonably practicable'. The policy specifies what the local authority considers to be a reasonable investigation.</p> <p>The policy also takes into consideration the Clean Neighbourhoods and Environment Act, 2005 which extends the statutory nuisance regime.</p>
<p><b>Risk Management:</b></p>	<p>As with all enforcement activities undertaken by regulatory services there is a risk of legal challenge to any action taken or not taken.</p> <p>To ensure that the partnership maintains high standards and to minimise the risk of successful challenge, Officers adhere to standards set out in internal procedure notes and adhere to a quality management system. Both are the subject of regular updates.</p>

	<p>One of the key risks in providing an effective service dealing with nuisance is the financial pressure that local government is experiencing. In response, the partnership needs to be as cost effective as possible in managing nuisance issues.</p> <p>One of the most critical risks identified in the Service Risk Register is the failure to retain or recruit business critical and suitably trained staff which would result in the Service being unable to fulfil our statutory obligations. Nationally there is a shortage of suitably qualified staff.</p> <p>This risk is being managed through the carefully executed workforce strategy which seeks to ensure that staff have the necessary competencies in place to undertake the enforcement activity associated with nuisance.</p>			
<b>Property:</b>	There are no property implications associated with this report.			
<b>Policy:</b>	<p>The policy has been drafted to take into account the Bracknell Forest Borough Council (BFBC) 2023 to 2027 Council Plan and the West Berkshire Council 2023 to 2027 Council Strategy.</p> <p>It also takes into account a number of the PPP's key plans and strategies as set out in Section 2 of the draft document. The policy accords with the PPP's vision to protect and support residents and legitimate businesses through the successful use of information and intelligence, delivering safe and healthy neighbourhoods.</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		<p>In reviewing the draft policy, we did not identify any detriment to any protected group as a result of implementing it. Each service request or service complaint is assessed individually and dealt with in accordance with relevant procedures and legislation.</p> <p>No equality issues were raised during the consultation period.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics,		x		See above

including employees and service users?				
<b>Environmental Impact:</b>	X			<p>Where the statutory nuisance relates to smoke nuisance, the aim of the action is to regulate smoke from premises which are prejudicial to health or a nuisance.</p> <p>Planning conditions are applied to control noise, dust and smoke nuisance in some instances.</p>
<b>Health Impact:</b>	X			<p>The Policy is designed to improve our residents' quality of life, which enables people to live well by resolving matters which impact detrimentally on the wider determinants of health.</p>
<b>ICT or Digital Services Impact:</b>		x		<p>The PPP website includes a lot of information and self-help guides and leaflets to assist and inform residents and businesses about what constitutes a statutory nuisance, options for informal resolution and what to do if this does not work.</p>
<b>PPP Priorities:</b>				<p>The report will impact on the following PPP Priorities:</p> <ol style="list-style-type: none"> <li>1. Building Safer Communities</li> <li>2. Improved Living Environment</li> <li>3. Reducing Harm in Young People</li> <li>4. Protecting and Informing Consumers</li> <li>5. Protection of the Environment</li> <li>6. Safety in the Workplace</li> </ol> <p>Business as Usual Activity is supported too.</p>
<b>Data Impact:</b>				<p>All data obtained in dealing with Service Requests and complaints is and the consultation was dealt with in accordance with the <a href="#">PPP - Privacy Notice</a></p> <p>Where personal data is being processed or shared, the Service will ensure that the necessary data protection requirements are in place, such as a Data Protection Impact Assessment, Privacy Notice, Information Sharing Agreement (where relevant) and the Register of Processing Activity (ROPA) is updated as necessary.</p>



<b>Consultation and Engagement:</b>	A seven-week consultation was undertaken in accordance with the West Berkshire Council Consultation Policy.
<b>Other Options Considered:</b>	Not to consult on the adoption of the Nuisance Policy.  Not to adopt a Policy on how the Service manages nuisance. This may lead to more complaints against the service, where there is no understanding of the partner councils' duty and procedures with respect to nuisance investigation.

## 4. Background

- 4.1 Dealing with nuisance is a core function of the Public Protection Partnership. The purpose of this new policy is to set a framework for PPP staff to ensure the continuation of a consistent and up to date best practice approach to both reactive and proactive work on nuisance issues. It will also set a framework for our interaction with residents on nuisance matters. In addition, it will set realistic expectations about matters which the service can legitimately deal with and provide signposting to other agencies where the PPP is not the enforcing body.
- 4.2 The PPP is responsible for investigating statutory nuisance on behalf of the two partner authorities (Bracknell Forest Council and West Berkshire Council). The Environmental Protection Act 1990 (The Act) sets out in legislation what constitutes statutory nuisance.
- 4.3 The [report and draft policy presented to the June 2024 Committee](#) set out the legislative framework for the policy, the powers of the PPP to enforce it, options available to residents outside of the Act, areas where the PPP has powers to investigate and where it cannot do so, preventive action that can be taken by the Service, informal resolution routes and the processes that will be followed when a nuisance is investigated.

## 5. Key Findings of the Consultation

- 5.1 The draft policy was subjected to a seven-week consultation process between the 08 July 2024 and the 26 August 2024. The detailed outcome of the consultation and the process followed is set out in Appendix B.
- 5.2 The consultation was posted on the West Berkshire and Bracknell Forest Council's Consultation Hubs and on the Public Protection Partnership's website. A notification was also sent out to the 2483 people on the West Berkshire Community Panel and a press release was issued and a number of social media messages were posted.
- 5.3 The PPP received 68 responses to the consultation via the consultation hub and one response was emailed directly to Officers. Of those responses six were from parish or town councils or councillors, 52 were from residents, six were from officers, two were from businesses, two were from community groups and one from an educational establishment.

5.4 The key findings of the consultation are summarised below.

- 90% of respondents believe that the draft policy is clear and easy to understand.
- 72% of respondents either agreed or strongly agreed that the draft policy identified what a statutory nuisance is.
- While 29% neither agreed nor disagreed 66% of respondents stated that the policy identified the proactive steps undertaken by the PPP to reduce statutory nuisance.
- 73% of respondents agreed or strongly agreed that the policy was clear about how statutory nuisance complaints would be dealt with.
- 71% of respondents agreed or strongly agreed that draft policy explained what tools were available to the PPP to resolve issues, both formally and informally.
- 70% of respondents either agreed or strongly agreed that the policy clearly set out the types of complaint that the PPP cannot deal with.
- 16 respondents opined that there were areas missing from the policy.

5.5 The consultation suggested that the draft policy needed to address the following additional issues:

- Bamboo
- The Budget
- Cannabis Smoke
- Smoke from Charcoal Barbeques and Fire Pits
- Motorbikes in parks and open spaces
- What levels of dog barking are acceptable
- Clarity on what constitutes a nuisance in terms of number of occurrences, levels etc
- Stronger punitive measures
- Loose drain covers
- Definition of music
- How anonymous, vexatious and prolific complaints would be dealt with
- High Hedges
- Drainage
- Nuisance created at school drop off and collection points
- Bonfires
- Constant ringing of doorbells
- Proactive steps other than planning
- CCTV complaints
- Fence/ boundary disputes

- Noise from DIY activity
- Noise associated from working from home

5.6 Additional clarity was needed on:

- How noisy parties should be dealt with
- Children playing with balls in the street
- Expectations around response times
- What happens if people continue creating nuisance
- What a private matter means
- Why household noise was not considered a statutory nuisance.
- A clearer definition of the term 'reasonable'.

## 6. Key Changes Made to the Draft Policy

6.1 A theme of several of the comments made in response to the consultation was a wish for the policy to contain more detail in relation to specific nuisances and how the PPP responds. The purpose of the policy is to “set out a framework that will help the PPP ensure the continuation of a consistent and up to date best practice approach to both reactive and proactive work on nuisance issues”. It is “not intended to be a detailed operational guide, the partnership has a well-developed series of procedure notes” (introductory section of the draft policy). In view of this, officers have amended the policy where they believe a comment received during the consultation will enhance the aims of the policy. Officer comments on other responses received are referred to in **Appendix C** of this report.

6.2 As a result of the consultation officers have made the following changes to the draft policy. The changes are shown, as track changes, in red, in the document at **Appendix A**, titled ‘Proposed Nuisance Policy’.

- Several of the comments received referred to aspects of noise nuisance and what the PPP can and cannot do in response to complaints. To provide clarification, additional wording has been included in Section 3 of the policy.
- In response to the query as to what a ‘private matter’ is, a comment has been added in Appendix 2.
- A reference to anonymous complaints has been added in Section 5.

6.3 Officer responses to other comments are set out in **Appendix C**.

## 7. Concluding Observations

7.1 Living with nuisance has a severe impact on quality of life and in some cases health and wellbeing. The service has not previously set out its approach in one policy document that sets expectations for all parties.

7.2 There are also issues that can evolve as priorities from time to time. An example of this would be the sewage discharges over the winter / spring of 2023/24.

7.3 The policy has also been developed in order to maintain the profile of this important area of work and link it to our high-level priorities of protecting, promoting and

improving the health and environment of the area and all its people through education, guidance and enforcement.

7.4 We believe that carrying out these functions in a fair, consistent, independent and practical manner will help to promote a thriving local economy by balancing a range of risks that may affect our individual and collective living space.

7.5 The PPP would like to thank everyone that took the time to respond to the consultation.

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## 8. Appendices

Appendix A – Proposed Nuisance Policy 2024-2027

Appendix B – Outcome of the Draft Nuisance Policy Consultation (2024 – 2027)

Appendix C – Officer comments on responses to the consultation

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## 9. Background Papers:

9.1 None

### Subject to Call-In:

Yes:  No:

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

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

**Wards affected:** All Wards or State Specific Wards

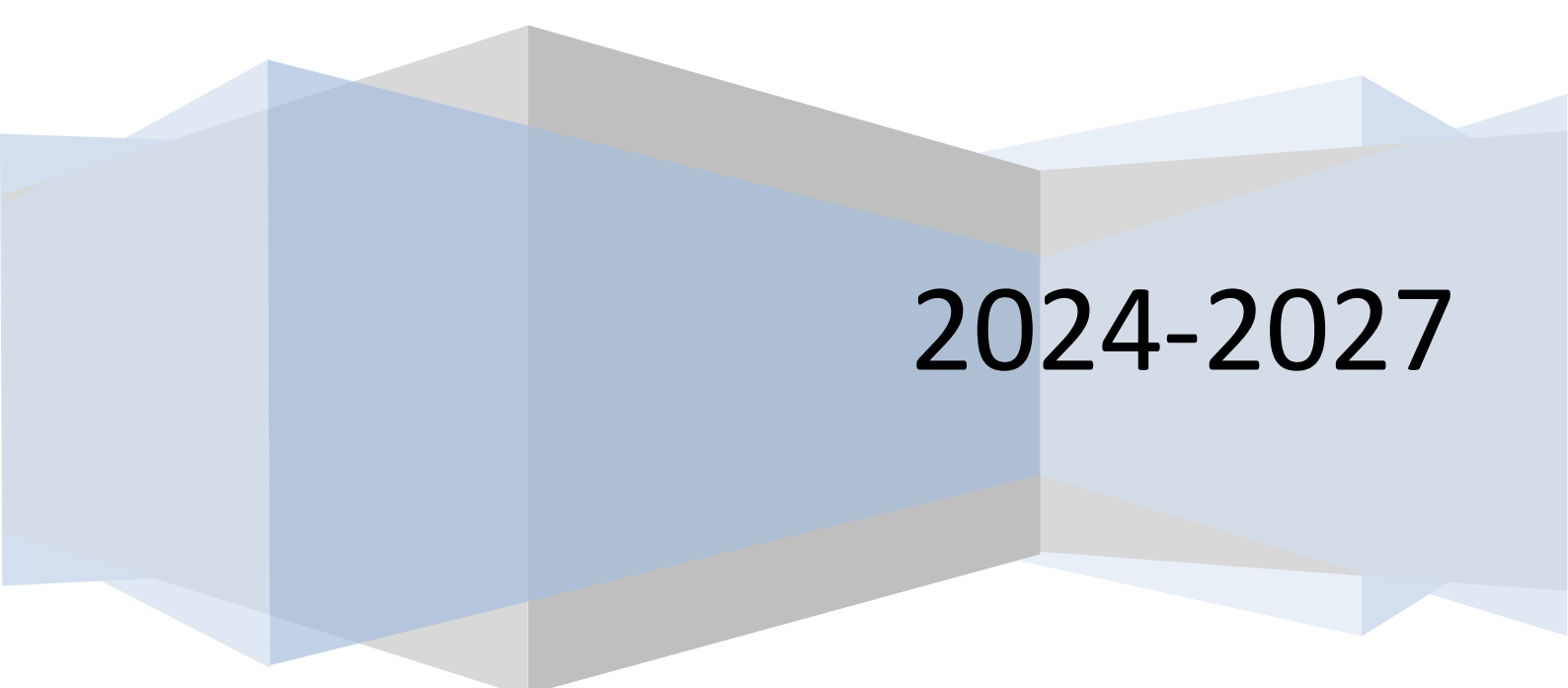
### Officer details:

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# Draft Nuisance Policy

October 2024



2024-2027

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## Foreword

The Public Protection Partnership handles in excess of 10,000 service requests every year. A significant proportion of these complaints relate to domestic and commercial nuisance.

The Service is committed to protecting the environment, and the health of our residents, from the effects of statutory nuisances. We recognise that nuisance can affect our residents and businesses in many ways including from noise, odour, insects, fumes, gases, accumulation of refuse and artificial lighting.

Nuisance is complex in that the Council and its officers are applying a series of objective tests to what is effectively a subjective issue. In order to determine if a matter is a statutory nuisance objective standards set out by legal precedent have to be applied. This can mean that something a resident may feel is an annoyance or a nuisance may not be defined as a statutory nuisance when the relevant legal tests are applied. This policy seeks to set out what may or may not amount to statutory nuisance.

This policy provides information on how the PPP deals both proactively and reactively to complaints of statutory nuisance and acts as a guide for those who have made or are considering making a request for this service. It also helps to signpost our residents to the appropriate organisations when the PPP is not the enforcing body for a particular type of nuisance.

This policy will provide an effective, trusted, fair, and consistent approach to support the residents and businesses across Bracknell Forest and West Berkshire.

**Councillor Iskandar Jefferies**  
**2024-25 Chairman of the JPPC**

## 1. Introduction

The Public Protection Partnership (PPP) is a shared service delivering Environmental Health, Licensing and Trading Standards functions on behalf of two authorities, Bracknell Forest Council and West Berkshire Council. It also delivers a range of commissioned services to other organisations including Wokingham Borough Council.

Dealing with nuisance is a core function of the PPP. The purpose of this policy is to set a framework that will help the PPP ensure the continuation of a consistent and up to date best practice approach to both reactive and proactive work on nuisance issues. The policy is not intended to be a detailed operational guide, the partnership has a well-developed series of procedure notes relating to nuisance which officers will refer to. The Nuisance Policy reflects the aims of the partnership to protect and support residents and communities and is mindful of the changing post-pandemic 'complaint environment', for example, noise issues and the changes in home working. Nuisance is dealt with in two ways. Proactively, taking steps to prevent a nuisance occurring and reactively in response to complaints.

## 2. Background

### Council Priorities

The effective management of nuisance contributes to all three of [the Bracknell Forest Borough Council \(BFBC\) 2023 to 2027 Council Plan](#) priorities, namely, 'engaged and healthy communities', 'thriving and connected economy' and 'green and sustainable environment'. BFBC commission the PPP to deliver the management of nuisance issues. The Bracknell Forest Delivery Directorate operational priorities include (at paragraph 7.212) "the implementation of the PPP business plan in line with decisions from the Council".

West Berkshire Council (WBC) oversee the management of the PPP and is the host authority. The [WBC 2023 to 2027 Council Strategy](#), Priority 1, "Services we are Proud Of", refers to good customer service, operational excellence and transparent and accountable decision making. Priority 4, "A prosperous and resilient West Berkshire" includes proactively engaging with business. These elements of the Council Strategy contribute to and shape the standards the PPP works to.

### RELEVANT PPP POLICIES

The [PPP Strategic Assessment](#) (2021-2024 (updated March 2023 and June 2024)) identifies the impact of nuisance on residents and communities as a priority.

The [PPP 2023/24 Service Plan](#) sets out the partnership wide operational approach under the headings of prevention, intelligence, and enforcement. It sets out also, values of objectivity, acting with both the best of intentions and a professional approach. The operational



approach and values set the context in which the delivery of services in relation to nuisance takes place.

The [PPP Delivery Plan \(2021-2023\)](#) sets out the planned output of the service using a prevention/intelligence/ enforcement model for each priority. The outputs required for each of the three categories in relation to nuisance work are shown in Figure 1. To achieve these outputs, the PPP has a series of procedure notes to guide officers when dealing with nuisance.

Work in relation to nuisance is guided also by the [PPP Communications and Engagement Strategy \(2022-2024\)](#), and the PPP Enforcement Policy (see [Appendix 1](#)) which set further parameters for officers to work within.

## GOVERNMENT GUIDANCE

There is a range of Government guidance that deals with nuisance including:

- noise in general.
- noise from transport.
- bonfires.
- smells.
- artificial light.
- and high hedges.

The PPP procedure notes follow this guidance.

## NATIONAL INTELLIGENCE MODEL

The service is intelligence led with all matters being considered by the PPP Intelligence Team with a view to identifying trends, emerging issues and in the case of nuisance potential sources.

The model requires us to look at issues from the point of view of

- Prevention:
- Intelligence Gathering:
- Enforcement

The following table sets out in broad terms that approach with respect to Nuisance: This policy builds on this with more detail.

Prevention	Intelligence	Enforcement
<ul style="list-style-type: none"> <li>• Active media campaigns</li> <li>• Seek to attach conditions to construction and demolition sites</li> <li>• Seek to impose conditions to licenced premises where appropriate</li> <li>• Identify events with a risk of creating noise nuisance and develop noise management plans</li> </ul>	<ul style="list-style-type: none"> <li>• Work with partner agencies</li> <li>• Encourage reporting from those suffering from the impact of commercial and residential nuisance including noise</li> <li>• Make reporting noise easier by using the Noise App.</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake a range of statutory nuisance enforcement actions and licensing investigations</li> <li>• Pro-actively monitor events that meet agreed risk criteria</li> <li>• Pursue licence reviews for problematic premises/events</li> <li>• Provide dedicated case management support for nuisance and licensing investigations</li> </ul>

Figure 1 – planned outputs for the service priority ‘impact of nuisance on communities including noise’ (PPP Delivery Plan 2021-2023)

### 3. Nuisance

The concept of nuisance has been part of English law since the thirteenth century. Statutory nuisance is defined in [the Environmental Protection Act, 1990 \(the Act\)](#), [the Clean Neighbourhoods and Environment Act, 2005](#) extends the statutory nuisance regime. A statutory nuisance is defined in the Act as an activity of a party that unreasonably and substantially interferes with the use or enjoyment of a home or premises or is injurious to health or be likely to injurious to health (being prejudicial to health) or a nuisance. <https://publicprotectionpartnership.org.uk/environmental-health/neighbourhood-concerns/smoke-and-bonfires/>

[The House of Commons Library Briefing Paper ‘Nuisance Complaints’ \(number 8040, March 2018\)](#) provides a guide to nuisance. It notes that Local Authorities have a duty to monitor potential nuisance and to investigate complaints of nuisance made by residents. They have a duty to act to stop or prevent the nuisance if they deem an activity to be a statutory nuisance. The Environmental Protection Act also makes provision for a resident to take private action through a magistrates’ court. In addition, residents have a recourse in common law. Section 79 of the Act outlines the different types of nuisances which can be dealt with as statutory nuisance. To be considered a nuisance, an activity must be ongoing or repeated, a one-off event would not usually be considered under the Act.

Causing a statutory nuisance is not an offence in itself, but not complying with an abatement notice or court order without reasonable excuse is.

The types of nuisances the PPP deals with most frequently are:

- Domestic Noise - such as from barking dogs, music, car and house alarms.
- Commercial Noise - such as entertainment from public houses or larger events, refrigeration and extraction units at food premises.
- Construction site noise is dealt with under [the Control of Pollution Act, 1974](#).
- Artificial Light such as security lighting on a house, floodlighting of a sports pitch. However, there are specific exemptions based on security and safety, such as bus stations, prisons and streetlighting.
- Dust, steam, grit, effluvia (odour) from industrial, trade or business premises only.
- Smoke from [bonfires](#).
- Insects from industrial, trade or business premises only.
- **Discharge of potentially harmful substances onto land e.g. sewage**

Nuisances can be from:

- Premises.
- Any accumulation or deposit.
- Any animal kept in such a place or manner, as to be prejudicial to health or a nuisance.

The assessment of nuisance is not entirely objective, the judgement of the case officer who is witnessing an alleged nuisance is subjective.

There are also types of complaint that the PPP cannot deal with because legislation relating to the issue refers to another body. These types of complaint are set out in [Appendix 2](#) along with exemptions from statutory nuisance set out in S79 of the Act.

Some household noises are not considered to be a statutory nuisance and cannot be investigated. These include:

- the sound of footsteps
- slamming doors or cupboards
- dropping objects or moving furniture
- children and babies crying
- children playing (including playgrounds)
- talking or laughing coming from inside a home or garden
- the reasonable use of noisy garden equipment such as lawnmowers or leaf blowers
- the reasonable use of washing machines, vacuum cleaners, or kitchen appliances.

Noise assessments will vary according to the source of noise (music, machinery, equipment, etc.) and the way people are exposed to it, for example, in their homes, late at night and the frequency of exposure. It is difficult to provide advice that will apply to all circumstances.

The main issues that result in complaints are loud music, barking dogs, shouting, banging doors and DIY/construction activities, and noise from commercial or industrial premises.

No house or flat is totally soundproof, and everyday living gives rise to noise from time to time. It is normal to hear some noise from neighbours, and they from you, but sometimes this can go beyond what is 'normal'. Usually, noise will need to be coming from private land or property to allow the PPP to act, but there are some exceptions to this, for example, car alarms from cars parked in the road.

Nuisance could be described as an unreasonable interference with the normal enjoyment of a property. It will usually be something that is occurring regularly and/or continuing for a period of time that makes it unreasonable.

The following are unlikely to be a statutory nuisance:

- a one-off party
- neighbours arguing
- a lawnmower being used
- a baby crying or dogs barking occasionally

Noise that the PPP have no control over includes:

- road traffic/engine noise on the public highway
- people shouting/laughing or screaming on a public road or footpath
- air traffic noise

There is no maximum noise level (decibel level) that relates to noise nuisance. Each case is judged on what might be reasonable and normal for the situation. Factors taken into consideration include:

- when the noise is happening (noise can be a nuisance at any time of the day or night)
- the duration of the noise
- how often it is happening
- the type of noise
- whether there is social acceptance (for example, bonfire night or church bells)

Unfortunately, there is no added protection for shift workers or people who are studying or ill and may want or expect a degree of peace and quiet in the day than might be the norm.

## 4. Prevention of Nuisance

Prevention of nuisance, as set out in the PPP Delivery Plan (Figure 1), is carried out through work both within the PPP and with a range of other services within the two Councils.

Although the PPP is not a statutory consultee on planning applications, in both authorities the PPP is consulted on applications to ensure measures to prevent nuisance are put in place at the earliest opportunity. The aim is to ensure that the impact of development is minimised for both existing and future residents.

This proactive approach to planning applications provides the opportunity to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure the most appropriate and cost-effective solutions are identified at the outset. An example would be if the use of a premises involved a commercial activity on the ground floor with residential use above. If the proposed commercial activity had the potential to cause a nuisance, recommendations could be put forward to attempt to mitigate the problem at the design stage. In making recommendations, where appropriate, the relevant PPP procedure notes are referred to.

The legislation for dealing with sound in the environment is concerned with controlling noise (only). Dealing proactively with planning applications gives the PPP opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure the most appropriate and cost-effective solutions are identified from the outset.

The Welsh government's land use planning policy now includes consideration of creating appropriate soundscapes. This refers to the 'right acoustic environment in the right time and place'. In terms of proactive management of noise nuisance this is something that may be appropriate for inclusion in future guidance in England.

The PPP works with entertainment event organisers to ensure that both licensing obligations and environmental protection laws are complied with. The PPP oversees [the Safety Advisory Group \(SAG\)](#) which provides guidance to event organisers. The group consists of representatives from the PPP, police, fire and ambulance authorities and the civil contingencies and highways services in Bracknell and West Berkshire Councils.

The group aims to ensure that entertainment events are safe for all parties involved. Guidance is provided on emergency planning, traffic and noise management, event management, licensing and food standards requirements and health protection. This work helps prevent the occurrence of nuisance during an event. It also enables the PPP to decide whether monitoring of an event for nuisance is required.

To prevent and minimise nuisance the PPP, where appropriate working with the planning services, attaches conditions to activity on construction and demolition sites using the

Control of Pollution Act 1974. The PPP recommends the addition of Construction/Environmental Management Plans for planning applications.

The Local Authority Licensing functions for both Councils sit within the PPP albeit that each partner authority retains its individual Licensing Committee and sets licensing related policy and monitors performance through those Committees. Licensing conditions are set for premises as appropriate to prevent nuisance.

The Licensing and Environmental Health teams work together closely to ensure appropriate conditions are applied. The Prevention of Public Nuisance is the role for the Responsible Authority (and for PPP this is the Environmental Quality Team). Environmental Health is a statutory consultee on applications, consideration is given to issues of noise, litter and waste, odour and lighting.

The PPP, wherever possible, works to establish a close and positive relationship with local businesses. This is not just to prevent nuisance arising but also to help businesses succeed as part of the drive in both Councils to encourage a prosperous local economy. The success and learning from working with businesses post-Covid have advanced the skills within the PPP in this aspect of its work. An example of this would be attendance at local Pubwatch meetings.

The partnership works closely with external organisations that are involved in nuisance such as the police, housing associations and the Environment Agency.

The communication of advice to residents, businesses and partners is an important part of preventing a nuisance. Advice is provided on the PPP website and social media accounts. In addition, advice and training is provided to Councillors to assist them when undertaking ward work.

## 5. Complaints

To manage demand and to avoid incurring the resource required to undertake investigations and manage formal proceedings, the PPP website in relation to [‘nuisance neighbours’](#) and [‘commercial nuisance’](#) (which includes nuisance from commercial premises and construction sites) advises residents on how they might deal with and solve any problem themselves before contacting their respective Council.

The website provides detail relating to nuisance issues, not just for complainants but also for those involved in activities that could give rise to nuisance. The objective is to help all parties avoid either causing or being subject to nuisance.

In the 2023-2024 year the PPP Service Plan records that the partnership received 1,146 service requests in relation to noise (both commercial, 329 requests and non-commercial,

644 requests) and bonfires (173 requests). A low number of 'other nuisances' service requests were also received but these were not recorded separately.

Service request trends and resource allocation are reviewed bi-weekly at the PPP 'tasking meeting'. Through this mechanism the partnership is not only aware of demand but can take steps to ensure adequate resourcing. 95% of service requests receive a response within two days. The PPP Joint Management Board and the Joint Public Protection Committee oversee performance via the quarterly performance monitoring reports.

Two teams within the PPP deal with nuisance service requests, the Community Team for domestic cases, and the Environmental Quality Team for commercial cases. The process followed in their investigations is set out in [Appendix 3](#).

There is a duty officer system in place to manage incoming service requests. Each investigation is different and there is a commitment to responding with the flexibility necessary to resolve each issue. Officers use log sheets as a basic record of each case, an example of a log sheet is attached at [Appendix 4](#). The use of Geographic Information Systems (GIS), noise apps, noise monitoring, and the provision of advice or enforcement action vary according to the requirements of each case. Actions are guided by procedure notes to ensure a consistency of approach and reduce the risk of any potential maladministration.

Anonymous complaints are logged onto the PPP IT system. Such complaints are often difficult to investigate if the address of the complainant is not known and an officer is unable make an assessment from the premises experiencing an alleged nuisance. However, all such complaints will be considered as potential intelligence for problem profiling.

## 6. Resolution of issues

The preferred outcome to a service request regarding nuisance is an informal solution. In some cases, this may involve a [mediation](#) process which the PPP will arrange. Where all parties agree to try an informal approach to remedy a concern, the PPP will make a referral to our third-party agents, Resolve Mediation Service.

Important to the success of the partnership in managing nuisance is allowing staff to develop a local, on the ground knowledge of the people and businesses in the area.

There will be some issues that require formal action. The partnership has an Enforcement Policy, and its work includes the provision of other regulatory functions, for example, Trading Standards. It has a depth of expertise and a successful track record in progressing formal action. In the 2023/24-year nine Control of Pollution Act notices and ten Environmental Protection Act notices (nine in relation to domestic cases and one in relation to a commercial case) were served.



## 7. Competency

To ensure that the partnership maintains high standards, not only to deliver a quality, responsive service but also to avoid successful challenge, there are in place a set of procedure notes and a quality management system. Both are the subject of regular updates.

Staff development is key. The partnership has an extensive performance management system in place. In addition to monitoring performance the system enables appropriate staff development. Officers dealing with nuisance undertake not only mandatory corporate training but also individual development programs. These programs range from short courses, such as those run by professional institutions, through to post graduate degrees. There is also interaction with other local authorities, for example, regional professional groups.

Equipment, used, for example, to monitor or measure noise, is regularly maintained, calibrated and staff are updated on how to use it. This is important to avoid a successful challenge to evidence.

## 8. Risk Management

The key risk in providing an effective service to deal with nuisance is the financial pressure that local government is experiencing. In response, the partnership needs to be as cost effective as possible in managing nuisance issues.

Staff retention is a risk to service provision. Nationally there are shortages of appropriately qualified staff. The partnership provides development opportunities to staff, as set out in the [Workforce Planning Strategy](#) and [Training and Development Plan](#), as well flexible working arrangements in order to continue to be an employer of choice.

There is always a risk of a successful challenge, particularly in relation to enforcement action. In order to minimise the risk procedures are updated on a regular basis and the competency of officers maintained through ongoing training and learning.



## Appendix 1: Enforcement Policy

The Inter-Authority Agreement of the 6th January 2017 states the enforcement policy of the services is as follows:

Enforcement Policy: The following Enforcement Policy will apply:

- (1) the Regulators Code will form the basis for the general approach to delivery of the Service; and
  - (2) the Code for Crown Prosecutors (as amended from time to time) will be the policy basis for decisions on institution or otherwise of legal proceedings
-

## Appendix 2: Types of Nuisance not dealt with by the Service

Types of complaint that the PPP cannot deal with, and who may be able to assist:

Complaint	Who Could Assist	Contact
Traffic noise from motorways and major trunk roads	Highways England	<a href="#">National Highways - National Highways</a>
Defects in, or construction of, local roads	Council Highways Teams	<a href="#">Roads   Bracknell Forest Council (bracknell-forest.gov.uk)</a>  <a href="#">Report a Problem - West Berkshire Council</a>
Noise from moving motorbikes and cars	Thames Valley Police	<a href="#">Vehicle nuisance involving cars, bikes and mopeds   Thames Valley Police</a>
Aircraft noise	Civil Aviation Authority	<a href="#">Civil Aviation Authority (caa.co.uk)</a>
Anti-Social Behaviour from a neighbourhood event or activity, or a person's unreasonable behaviour	Council ASB or Community Safety teams	<a href="#">Crime and community safety   Bracknell Forest Council (bracknell-forest.gov.uk)</a>  <a href="#">Anti-Social Behaviour (ASB) - West Berkshire Council</a>
Odours from domestic properties (such as from cooking smells or smoking)	a private matter, see comment below*	
Unightly or untidy homes	may be for Planning Enforcement	<a href="#">Make a planning enforcement complaint   Bracknell Forest Council (bracknell-forest.gov.uk)</a> <a href="#">Planning enforcement - West Berkshire Council</a>
Commercial or trade waste burning	this is only permitted if the operator has a waste exemption certificate from the Environment Agency	<a href="#">Environment Agency - GOV.UK (www.gov.uk)</a>
Bonfire smoke drifting across a road	Thames Valley Police	<a href="#">Report antisocial behaviour   Thames Valley Police</a>
Dark smoke from a chimney serving a	Environment Agency	<a href="#">Environment Agency - GOV.UK (www.gov.uk)</a>

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



Complaint	Who Could Assist	Contact
furnace or boiler or industrial plant		
Smoke from a steam train	Not covered by nuisance laws	
Pollution of a canal	Canal and Rivers Trust	<a href="http://canalrivertrust.org.uk">Canal &amp; River Trust (canalrivertrust.org.uk)</a>
Pollution of a watercourse, a river or lake	Environment Agency	<a href="http://www.gov.uk">Environment Agency - GOV.UK (www.gov.uk)</a>

\*A private matter is an issue that does not fall within the remit of a formal body with enforcement powers, such as a Local Authority. These issues could be dealt with by, for example, the impacted party attempting to resolve an issue directly with a neighbour, approaching the Citizens Advice Bureau or a solicitor.

### Appendix 3: The Service Approach to Investigating Nuisance

For investigations into an alleged nuisance from domestic and commercial premises, the teams assess one or more of the following:

- Whether it interferes with the use of the complainant's property.
- Whether it may affect the complainant's health.
- How it is likely to affect the average person (unusual sensitivities are not included, such as shift workers)

This will be determined by the following:

- How often it happens
- How long it lasts
- When it happens

The above determines whether or not a statutory nuisance exists, may occur, or recur.

To progress an investigation, the PPP needs residents to register a complaint directly with the appropriate team and provide evidence of the impact the nuisance is having on them. The PPP can be [contacted](#) by telephone, email and via the online portal. A Ward Member, Member of Parliament or Town/Parish Councillor cannot act on behalf of the resident as the investigation must consider the effect of the alleged nuisance on the resident and a judgement will be made of whether there is a statutory nuisance.

In order to provide evidence, a resident would be asked to complete diary sheets (filled in for 2-4 weeks depending on the frequency of the alleged nuisance) and/or submit noise recordings via the [NoiseApp](#). Sound level meters can be installed in a resident's property to allow them to make recordings over a period of time, usually a week. Officers will also endeavour to visit during events, to witness the nuisance and assess the impact on the resident.

In the early stages of an investigation, the PPP does not provide details of who has complained. If a statutory nuisance is occurring or likely to happen in the future or is likely to recur, then the PPP must serve an Abatement Notice. This would require the person(s) responsible, or the owner or occupier of the land, to cease the nuisance or abate the nuisance within a given timescale.

Should the investigation proceed to the serving of an Abatement Notice and enforcement action being taken, the PPP would need complainants to provide evidence and/or witness statements for any breaches of the Notice, which may be presented to the Magistrates Court.

If there is insufficient evidence and witnessing does not indicate a statutory nuisance, the case will be closed. However, the complainant can take their own action under section 82 of the Environmental Protection Act. In addition, Mediation is a valuable tool, particularly in dealing with domestic matters which do not meet the threshold for a statutory nuisance. The PPP can offer this service by making a referral to the Resolve Mediation Service, where all parties agree to try an informal approach to remedy the concern.

More information on website at [Environmental Health - PPP \(publicprotectionpartnership.org.uk\)](http://Environmental Health - PPP (publicprotectionpartnership.org.uk))

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## Appendix 4: Example Log Sheet

### Public Protection Service

Theale Library, Church Street, Theale Berkshire RG7  
5BZ Tel: 01635 503242 Fax: 01635 519172

Complaint Ref:
----------------

Please read numbered notes overleaf

1. Your Name:	2. Your Address and Postcode:	3. Telephone Number: Email address:
4. The name of the person or company causing the problem:	5. Their Address:	
6. Your description of the noise and how it affects you:		
7. Please outline what you have done to solve the problem yourself:		
8 (a) I understand my problem may be referred to "Resolve", a free mediation service (see note 8a). 8 (b) I understand that should this matter go to court, I may be required to give evidence. (see note 8b).		
Signed:		Date:

See numbered notes overleaf

**FOUR WEEK LOG**

9. Date:	10. Time: Start /Stop		11. Description of Nuisance:	12. How you were affected:

Please continue overleaf if necessary



**NOISE LOG CONTINUED**

9. Date:	10. Time:		11. Description of Noise:	12. How you were affected:
	Start	Stop		

## **NOTES:**

**Please write clearly, using block capitals.**

**Answer all questions, failure to do so will result in your log being sent back to you.**

1. Please let us have your full name. If there are other people in your household who are not affected, please let us know.
2. Please check we have your correct address and postcode.
3. Please enter your telephone number and email address if you have one.
4. You may not know this information exactly. If so, please provide whatever information you can.
5. If you do not know the exact address here, please give the best description you can of where the noise is coming from.
6. Feel free to describe the noise using your own words. Also include here a description of how the noise affects you in your home.
7. Please let us know what steps you have taken to solve the problem yourself. For instance, have you spoken to them about this?
8. Please make it clear if this is part of an on-going dispute.
9. We have enclosed some literature about "Resolve".
10. In the unlikely event of us having to take this to court your evidence may be essential.

## Outcome of the Draft Nuisance Policy Consultation (2024 – 2027)

### *Background*

Dealing with nuisance is a core function of the Public Protection Partnership (PPP); a shared service delivering Environmental Health, Licensing and Trading Standards across Bracknell Forest Council and West Berkshire Council. The purpose of this new policy is to ensure a consistent approach to both reactive and proactive work on nuisance issues.

We have a duty to take reasonable steps to investigate complaints of statutory nuisances. The Environmental Protection Act 1990 (The Act), as amended by the Clean Neighbourhood and Environment Act 2005, sets out in legislation what constitutes statutory nuisance. In addition, the Control of Pollution Act 1974 is relevant for dealing with noise from demolition and construction activities.

The types of nuisances the PPP deals with most frequently are:

- domestic noise, e.g. barking dogs, music, car and house alarms.
- commercial noise, e.g. entertainment from public houses or larger events, and refrigeration and extraction units at food premises.
- artificial light, e.g. security lighting on a house, floodlighting of a sports pitch. There are specific exemptions based on security and safety, such as bus stations, prisons and streetlighting.
- dust, steam, grit, effluvia (odour) from industrial, trade or business premises only.
- smoke from bonfires.
- insects from industrial, trade or business premises only. For the issue to count as a statutory nuisance, it must unreasonably and substantially interfere with the use or enjoyment of a home or other premises, or injure health, or be likely to injure health.

Some household noises aren't considered to be a statutory nuisance and can't be investigated. These include:

- the sound of footsteps
- slamming doors or cupboards
- dropping objects or moving furniture
- children and babies crying
- children playing (including playgrounds)
- talking or laughing coming from inside a home or garden
- the reasonable use of noisy garden equipment, e.g. lawnmowers or leaf blowers
- the reasonable use of washing machines, vacuum cleaners, or kitchen appliances.

The preferred outcome to a service request regarding a nuisance made to the PPP is an informal solution. In some cases, this may involve a mediation process which the PPP will arrange. Where all parties agree to try an informal approach, the PPP will make a referral to our third-party agents, Resolve Mediation Service.

For issues that require formal action, we may issue an abatement notice on those responsible for the nuisance, or on a premises owner or occupier if this is not possible. This may require whoever's responsible to stop the activity, or limit it to certain times,

to avoid causing a nuisance and can include specific actions to reduce the problem. If someone doesn't comply with an abatement notice they can be prosecuted and fined.

## Why We Wanted Your Views

We'd like your views on our draft policy. It's by hearing from local people that we can make the changes needed to ensure our policy is fit for purpose and reflective of the needs in our local area.

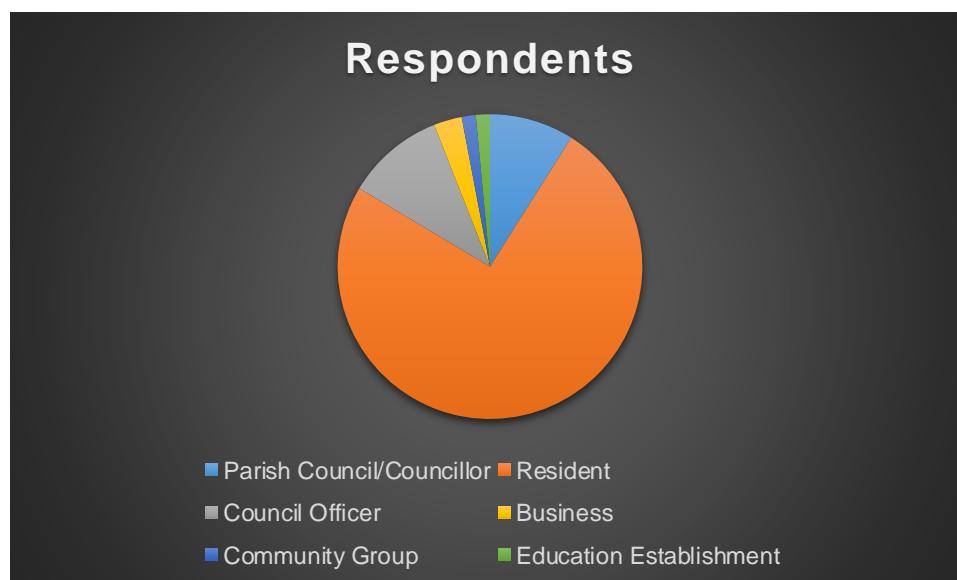
## Who and How we Consulted

- The consultation was posted on the West Berkshire Council's Consultation Hub on the 08 July 2024, on the Bracknell Forest Council Consultation Hub on 14 August 2024 and on the Public Protection Partnership's website on the 09 July 2024.
- A notification was also sent out to the 2483 people on the West Berkshire Community Panel on the 18 July 2024
- Facebook messages were posted on the 09 July 2024 and 06 August 2024.
- A press release was issued on the 09 July 2024
- The consultation ran from the 08 July to 26 August 2024. The consultation period was extended by a week as a result of the delays in uploading it onto the Bracknell portal.

## What you Told Us

The Council received 68 responses to the consultation via the consultation hub and one response was emailed directly to Officers.

The Graph below sets out the respondents identified themselves:



## Comments on Clarity

The responses show that 90% of the respondents believe that the draft policy is clear and easy to understand. The comments submitted are set out below.

Comments
It's written in clear English and not legalise!
In so far as it goes, yes. But the examples of nuisance are limited.
It is very basic and there are numerous potential issues that haven't been set out.

The whole process/procedure is damage limitations to ensure that there is no challenge back on WBC. The interests of the complainant dont appear to count for much
Far too long... most people wouldn't bother reading it all.
But is always open to interpretation
But you don't go far enough, what about vehicle noise, racing cars and motorbikes, exhausts that they make back fire
Clear in identifying the difference between nuisances which can be moderated and those that can't.
'SLAMMING DOORS OR CUPBOARDS NOT A NUISANCE' I was shocked that the 'household noise' "slamming doors or cupboards" is 'not considered a statutory nuisance so cannot be investigated.' This, to me, is most inhumane. These kinds of sharp 'impact type' sounds can be the most distressing to someone's mental state - not to mention horribly startling. It's shocking to hear that this particular 'household noise' can be so trivialized in this way This 'household noise' can badly impact on one's enjoyment of one's OWN home, so therefore can become most injurious to health and wellbeing.

### Comments on Defining Statutory Nuisance

Of those that responded to the question as to whether the draft policy identified that a statutory nuisance is 72% either agreed or strongly agreed that it did, 12% neither agreed nor disagreed and 16% disagreed or strongly disagreed.

Comments
It doesn't identify the nuisance of bamboo. While bamboo isn't covered by legislation for hedges (as it is a grass), there is legislation which covers damage to boundaries (fences, walls), if the damage is repeated and the neighbour does nothing. So, getting off my hobby horse, yes it does identify what a statutory nuisance is, but it isn't comprehensive and if communications activities are to be based on the policy, it needs to be more specific
Definition of a smoke nuisance needs to be extended to include charcoal BBQ's
It's not clear if a neighbour having a noisy party - inside or outside - is considered a statutory nuisance or if the police would need to be called.
I would add in the discharge and ingress of children into and from school, using unsafe and bad practice, poor road safety and the like as well as by parents leaving engines running, droppping litted whilst parked waiting for said children.
It doesn't cover a lot of nuisances such as bonfires etc
It should include behaviours like constant ringing of doorbells to disrupt householder peace
No mention of loose drain covers outside residence that thump everytime someone drives over it night and day
Two big nuisances that haven't been mentioned are smoke from charcoal BBQ's and smoke from charcoal firepits - both of which are unbearable to neighbours. The definition of a statutory nuisance needs to reflect more the actual issues
Should include children playing with balls in the street
As previously stated you don't include vehicle noise on a public road where local housing is, we cannot sit and enjoy our gardens
Visual ones e.g like flags that are placed in the view of a home could be noted

## **Comments on Proactive Activity Undertake by the PPP**

66% of the respondents stated that the policy identified the proactive steps undertaken by the PPP to reduce statutory nuisance, 29% neither agreed nor disagreed and 5% disagreed.

<b>Comments</b>
Absolutely no proactive steps other than Planning
But again - it doesn't cover all nuisances
Based on personal experience, the assigned investigation officer take their time in responding as there is no SLA in the policy that mandates when they are to respond. This allows the disturbing people to continue with their disturbance until they are ready to stop and move on to something else.
Good to see an understandable and logical process for something where emotion is often in play!
The problem is that without intervention nuisance quickly becomes anti-social behaviour, which is a problem faced in the area that I live in and it would appear that despite reports to the police, there is nothing being done about it

## **Clarity on How Statutory Nuisance Complaints Will Be Dealt With**

73% of respondents agreed or strongly agreed that the policy was clear about how statutory nuisance complaints would be dealt with, 11% nether agreed nor disagreed, while 6% disagreed with the statement.

<b>Comments</b>
It is a clear policy but designed to protect WBC against a potential challenge rather than understanding the complaint and trying to resolve
It needs SLA to be clear and for officers to respond promptly. And what happens if people continue to do the wrong thing? There are not strong enough punitive measures
Agree only as long as these are consistently and timely implemented.

## **Clarity on Tools Available for Informal or Formal Resolution**

Although 23% of respondents neither agreed nor disagreed with this statement 71% agreed or strongly agreed that draft policy explained what tools were available to the PPP to resolve issues, both formally and informally. Six percentage of respondents disagreed with this statement.

<b>Comments</b>
What do you mean when it states 'a private matter' in the section where complaints are not dealt with by the PPP?
takes forever to get any sort of resolution

## **Clarity on Complaints the PPP Cannot Deal With**

70% of respondents either agreed or strongly agreed that the policy clearly sets out the types of complaint that the PPP cannot deal with? 15% disagreed with the statement and 15% neither agreed nor disagreed.

<b>Comments</b>
Garden nuisance - it's not just hedges and leylandii. I couldn't see where one would go for help with these matters.

nothing about cannabis smoke, which is very strong smelling and prejudicial to health of those with lung conditions as well as being illegal
The complaint types are very limited, which may put residents off from complaining when they actually a justifiable cause.
This is an area where there will always be things to add and delete. Nonetheless this is a strong list, hard to disagree with.
List of things not dealt with should probably include CCTV complaints,
Fence/Boundary disputes,

## Additions Needed to Policy

48% of respondents that answered this question (16 people) opined that there were areas missing from the policy.

Comments
BAMBOO. Particularly when it is planted next boundary in a garden approx 13ft x 20ft (both gardens are this size). it's irresponsible and inconsiderate. Also - and I'm not sure if this is considered anywhere else, support that considers the personal situation, e.g. single people having to deal with couples (two can be a crowd) and single women having to deal with "assertive" men. You need back up.
The budget and expenditure to see how the money is spent.
cannabis smoke
Smoke from charcoal BBQ's - whilst the smoke doesn't go on for ever, the effects of the smoke do. It limits the ability of a neighbour to enjoy their own garden, and for those asthma, causes health issues that continue long after the BBQ has ended. With the focus on Climate change I cannot understand why charcoal BBQ's are allowed to continue, they are a major nuisance to those unfortunate enough to have to suffer them.
Motorbikes in Parks and other public open spaces...
As noted before, I would consider the dropping off and collection of school children a nuisance and H&S risk, Children making there own way from school also need to be included as this is a majopr nuisance and risk.
It states that dogs barking for example are considered a nuisance.... Yet children crying is fine? But doesn't detail anywhere the level of dog barking that is acceptable and what isn't acceptable. As a responsible dog owner, I would like to know what actions are taken under what circumstances. I hasten to add that my dog barks only when someone knocks at the door or they hear fireworks). However I know of other dogs that bark consistently throughout the day.
I think that although it is draft policy then there is a need for a clear, binding interpretation of "Nuisance"and how it is dealt with. For example if we look at noise, will one occurrence of "Nuisance Noise" be enough for action or will it need, for example, 6 occurences? How loud does noise have to be to be a "nuisance" ?
SLA to respond Stronger punitive measures for offending people
Loose drain covers see above
Music is stated as being a nuisance but no definition of music is given. Is this music played loudly from a radio, hi-fi or television or does it include the playing of music instruments for practice and personal entertainment?
There is no reference to anonymous complaints, of which we get a significant number of nuisance complaints via the on-line forms/email.
Policy needs to set out how prolific or vexatious complainants are dealt with
High Hedges/denial of light. ?? not sure if this is covered by nuisance
Drainage – not sure if neighbours drainage issues are covered by “nuisance”?

Noisy vehicles that have been altered 'souped' up to make them noisy on acceleration around homes
People working from home in hot weather with doors/ windows open running loud meetings etc. Destroys peace in a garden
Power tools. With so much home improvement and house building locally, more noise intrusion is homing from power tools like angle grinders, chain saws, woodworking tools. Guidance on suitable times to use these would be useful.
Household noise' such as 'slamming doors and cupboards' - or any impact-type sounds heard through walls and floors - being counted as a 'statutory nuisance' and therefore worthy of being investigated.
Page 5, "Intelligence", Fig 1 I would want the PPP to - Offer some training to town and parish clerks and councillors about what the PPP can and cannot do on this and other subjects - Proactively treat town and parish councils as sources of intelligence I would like to see an attempt at a definition of "Reasonable", as used in - "the reasonable use of noisy garden equipment such as lawnmowers or leaf blowers" - "the reasonable use of washing machines, vacuum cleaners, or kitchen appliances". o And to me noise from DIY should also be covered. I write as someone who used to come back from my office job at say 7 or 8 pm, get something to eat and then start on the DIY. It was not quiet and I would not wish to foist my younger self on others now! "Reasonable" here would relate to timing. o Page 9 – "Resolution of issues" – you write "Important to the success of the partnership in managing nuisance is allowing staff to develop a local, on the ground knowledge of the people and businesses in the area." I entirely agree with the statement but I would have hoped for reference to working with towns and parishes in this respect.

### Additional Comments

Comments
I would like to see a bit more detail included so when an issue arises the policy can shown to the offender straight away, giving them chance to stop causing a nuisance before any formal action is taken.
Generally Clear. I hope the full list of PPP and other contacts will also be listed in your West Berks Council web site (if not already).
No question the Draft Policy has been written by professionals for professionals , they have tried to cover all potential legal challenges to ensure that WBC is not found to be at fault but does very little to address the real issue. It ensures that for majority of possible claims , someone else should be responsible e.g Police
Its far too long and needs to be much clearer as to the steps taken with any complaints.
This shouldn't be too difficult to implement. It's also very fair to both sides in any such dispute
Next steps if it doesn't work?
Preventing nuisances from developing into anti-social behaviour.
Household noise' such as 'slamming doors and cupboards' - or any impact-type sounds heard through walls and floors - being SHOULD be counted as a 'statutory nuisance' and therefore SHOULD be worthy of being investigated. 'Second hand noise' of this type can be most injurious to mental health and feeling secure in one's OWN home. PLEASE consider making this issue a SERIOUS statutory nuisance.



## ***What We Are Proposing To Do***

Your feedback will be used to inform the final policy before it is submitted for consideration by elected members at the [Joint Public Protection Committee on Monday, 7 October 2024.](#)

Once approved, the final strategy will be published on our Strategies, policies, and plans [webpage.](#)

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## Officer comments on responses to the consultation

Ref	Comment	Response
Q2 - 1	It's written in clear English and not legalise!	Noted – thank you
Q2 - 2	In so far as it goes, yes. But the examples of nuisance are limited.	This is a high-level policy and it would not be possible to identify all examples of nuisance. Where specific issues have been raised as part of the consultation that it is thought should be included, we have made amendments to the draft policy
Q2 - 3	It is very basic and there are numerous potential issues that haven't been set out.	It is not intended to be an exhaustive list of all types of statutory nuisance. Where specific examples have been raised during the consultation we have addressed them in this document or the policy itself.
Q2 - 4	The whole process/procedure is damage limitations to ensure that there is no challenge back on WBC. The interests of the complainant don't appear to count for much	The purpose of the policy is to set a framework that will help the PPP ensure the continuation of a consistent and up to date best practice approach to both reactive and proactive work on nuisance issues.
Q2 - 5	Far too long... most people wouldn't bother reading it all.	Noted
Q2 - 6	But is always open to interpretation	Noted
Q2 - 7	But you don't go far enough, what about vehicle noise, racing cars and motorbikes, exhausts that they make back fire	This would be a matter for the Police – see Appendix 2
Q2 - 8	Clear in identifying the difference between nuisances which can be moderated and those that can't.	Noted – thank you
Q2 - 9	'SLAMMING DOORS OR CUPBOARDS NOT A NUISANCE' I was shocked that the 'household noise' "slamming doors or cupboards" is 'not considered a statutory nuisance so cannot be investigated.' This, to	The amended draft policy notes that no house or flat is totally soundproof and everyday living gives rise to noise from time to time. It is unusual for neighbours to slam doors repeatedly/deliberately. Each case is likely to be different and

Ref	Comment	Response
	me, is most inhumane. These kinds of sharp 'impact type' sounds can be the most distressing to someone's mental state - not to mention horribly startling. It's shocking to hear that this particular 'household noise' can be so trivialized in this way This 'household noise' can badly impact on one's enjoyment of one's OWN home, so therefore can become most injurious to health and wellbeing.	other factors may need consideration. The first response to such a complaint would be dependent on circumstances but is often to suggest a conversation with the neighbours.
<b>Q3 - 1</b>	It doesn't identify the nuisance of bamboo. While bamboo isn't covered by legislation for hedges (as it is a grass), there is legislation which covers damage to boundaries (fences, walls), if the damage is repeated and the neighbour does nothing. So, getting off my hobby horse, yes it does identify what a statutory nuisance is, but it isn't comprehensive and if communications activities are to be based on the policy, it needs to be more specific	Bamboo does not come under provisions relating to invasive weeds or those relating to high hedges. As such, issues with bamboo would be classed as a private matter.
<b>Q3 - 2</b>	Definition of a smoke nuisance needs to be extended to include charcoal BBQ's	Smoke from barbeques is responded to by the service in the same way it responds to bonfires. Frequency and severity would be relevant in assessing nuisance.
<b>Q3 - 3</b>	It's not clear if a neighbour having a noisy party - inside or outside - is considered a statutory nuisance or if the police would need to be called.	The policy addresses noise nuisance in section 3. There is procedural guidance that officers follow in relation to noise nuisance from domestic and commercial premises. A one-off party is not usually considered to be a statutory nuisance. The police would be likely to refer a complaint about a noisy party to the Local Authority unless there were issues, other than noise, that they considered required a direct police response .
<b>Q3 - 4</b>	I would add in the discharge and ingress of children into and from school, using unsafe and bad practice, poor road safety and the like as well as by parents	Congestion issues are dealt with by the Highway Services in both West Berkshire and Bracknell Forest Councils. Vehicle idling is not considered to be a statutory nuisance. Problems at

Ref	Comment	Response
	leaving engines running, dropping litter whilst parked waiting for said children.	school drop off are often best addressed, initially, by approaching the school directly.
<b>Q3 - 5</b>	It doesn't cover a lot of nuisances such as bonfires etc	Smoke from bonfires is referred to in section 3 of the policy.
<b>Q3 - 6</b>	It should include behaviours like constant ringing of doorbells to disrupt householder peace	This would be classified as anti-social behaviour and West Berkshire residents with such a problem should contact the Council's Building Communities Together Team. Information about how anti-social behaviour is dealt with at Bracknell Forest Council can be found <a href="#">here</a> .
<b>Q3 - 7</b>	No mention of loose drain covers outside residence that thump everytime someone drives over it night and day	These are dealt with either by the Highways Authority (West Berkshire Council or Bracknell Forest Council) or the appropriate utility company.
<b>Q3 - 8</b>	Two big nuisances that haven't been mentioned are smoke from charcoal BBQ's and smoke from charcoal firepits - both of which are unbearable to neighbours. The definition of a statutory nuisance needs to reflect more the actual issues	Smoke from barbeques is responded to by the service in the same way it responds to bonfires. Frequency and severity would be relevant in assessing nuisance.
<b>Q3 - 9</b>	Should include children playing with balls in the street	This is not considered to be a nuisance in law.
<b>Q3 - 10</b>	As previously stated you don't include vehicle noise on a public road where local housing is, we cannot sit and enjoy our gardens	Appendix 2 of the draft policy notes that traffic noise is a matter for either National Highways or Thames Valley Police depending on the category of road concerned.
<b>Q3 - 11</b>	Visual ones eg like flags that are placed in the view of a home could be noted	This would be a planning matter.
<b>Q4 - 1</b>	Absolutely no proactive steps other than Planning	It is considered that section 4 of the policy does cover proactive work. It refers to planning, including construction sites; licensing; the safety advisory group in relation to events; relationships with local businesses; work with other organisations and how advice can be accessed through the PPP website and social media. Section 5 of the policy also

Ref	Comment	Response
		notes that the PPP website provides information on how to avoid causing nuisance.
<b>Q4 - 2</b>	But again - it doesn't cover all nuisances	The policy is not intended to be an exhaustive list of all types of statutory nuisance. Where specific examples have been raised during the consultation we have addressed them in this document or the policy itself.
<b>Q4 - 3</b>	Based on personal experience, the assigned investigation officer take their time in responding as there is no SLA in the policy that mandates when they are to respond. This allows the disturbing people to continue with their disturbance until they are ready to stop and move on to something else.	Section 5 of the policy notes that 95% of service requests receive a response within 48 hours. The duty officer system allows any service request that appears to be urgent to receive an appropriate response.
<b>Q4 - 4</b>	Good to see an understandable and logical process for something where emotion is often in play!	Noted thank you
<b>Q4 - 5</b>	The problem is that without intervention nuisance quickly becomes anti-social behaviour, which is a problem faced in the area that I live in and it would appear that despite reports to the police, there is nothing being done about it	Noted
<b>Q5 - 1</b>	It is a clear policy but designed to protect WBC against a potential challenge rather than understanding the complaint and trying to resolve	Noted
<b>Q5 - 2</b>	It needs SLA to be clear and for officers to respond promptly. And what happens if people continue to do the wrong thing? There are not strong enough punitive measures	Section 5 of the policy notes that 95% of service requests receive a response within 48 hours. The duty officer system allows any service request that appears to be urgent to receive an appropriate response. The measures available to the PPP are determined by legislation, and by the courts should a matter proceed that far.

Ref	Comment	Response
<b>Q5 - 3</b>	Agree only as long as these are consistently and timely implemented.	The policy and associated processes are designed to set in place a consistent approach and timely interventions.
<b>Q6 - 1</b>	What do you mean when it states 'a private matter' in the section where complaints are not dealt with by the PPP?	This is now described in Appendix 2 of the strategy.
<b>Q6 - 2</b>	takes forever to get any sort of resolution	Some matters are complicated, and it can take time to investigate and resolve them.
<b>Q7 - 1</b>	Garden nuisance - it's not just hedges and leylandii. I couldn't see where one would go for help with these matters.	The most common issues such as the reasonable use of noisy equipment, for example, lawn mowers and leaf blowers are not considered to be a statutory nuisance. There may be cases involving exceptional issues which the service might investigate.
<b>Q7 - 2</b>	nothing about cannabis smoke, which is very strong smelling and prejudicial to health of those with lung conditions as well as being illegal	Cannabis smoke is treated by the service as tobacco smoke and is not usually considered to be a statutory nuisance.
<b>Q7 - 3</b>	The complaint types are very limited, which may put residents off from complaining when they actually a justifiable cause.	This is a high-level policy and it would not be possible to identify all examples of nuisance. Residents are able to contact the service to find out if the matter they are concerned about can be looked into or not. Where another organisation is the enforcing body we would signpost the resident to the appropriate organisation.
<b>Q7 - 4</b>	This is an area where there will always be things to add and delete. Nonetheless this is a strong list, hard to disagree with.	Noted
<b>Q7 - 5</b>	List of things not dealt with should probably include CCTV complaints,	It is not clear what the comment is referring to. Complaints about the CCTV system itself would not be dealt with by the PPP.
<b>Q7 - 6</b>	Fence/Boundary disputes,	These are a private matter.

Ref	Comment	Response
Q9 - 1	BAMBOO. Particularly when it is planted next boundary in a garden approx 13ft x 20ft (both gardens are this size). it's irresponsible and inconsiderate. Also - and I'm not sure if this is considered anywhere else, support that considers the personal situation, e.g. single people having to deal with couples (two can be a crowd) and single women having to deal with "assertive" men. You need back up.	Bamboo is does not come under provisions relating to invasive weeds or those relating to high hedges. As such, issues with bamboo would be classed as a private matter.  The service provides guidance on approaching a neighbour directly about a problem.
Q9 - 2	The budget and expenditure to see how the money is spent.	The policy is intended to provide an operational framework; budget matters are determined elsewhere. More information on budget setting can be found at the October meetings of the <a href="#">Joint Public Protection Committee</a>
Q9 - 3	cannabis smoke	This is treated by the service as tobacco smoke and is not usually considered to be a statutory nuisance.
Q9 - 4	Smoke from charcoal BBQ's - whilst the smoke doesn't go on for ever, the effects of the smoke do. It limits the ability of a neighbour to enjoy their own garden, and for those asthma, causes health issues that continue long after the BBQ has ended. With the focus on Climate change I cannot understand why charcoal BBQ's are allowed to continue, they are a major nuisance to those unfortunate enough to have to suffer them.	This is responded to by the service in the same way it responds to bonfires. Frequency and severity would be relevant in assessing nuisance.
Q9 - 5	Motorbikes in Parks and other public open spaces...	It is expected that these would be regulated if they were part of a specific event or function. Otherwise, usually they would be the responsibility of those owning or managing the park or open space. Access restrictions are often used to prevent problems.
Q9 - 6	As noted before, I would consider the dropping off and collection of school children a nuisance and H&S risk,	Congestion issues are dealt with by the Highway services in both West Berkshire and Bracknell Forest Councils. Problems



Ref	Comment	Response
	Children making there own way from school also need to be included as this is a majopr nuisance and risk.	at school drop off are often best addressed, initially, by approaching the school directly.
<b>Q9 - 7</b>	It states that dogs barking for example are considered a nuisance.... Yet children crying is fine? But doesn't detail anywhere the level of dog barking that is acceptable and what isn't acceptable. As a responsible dog owner, I would like to know what actions are taken under what circumstances. I hasten to add that my dog barks only when someone knocks at the door or they hear fireworks). However I know of other dogs that bark consistently throughout the day.	This is referred to in the revised text of section 3 of the policy.
<b>Q9 - 8</b>	I think that although it is draft policy then there is a need for a clear, binding interpretation of "Nuisance" and how it is dealt with. For example, if we look at noise, will one occurrence of "Nuisance Noise" be enough for action or will it need, for example, 6 occurences? How loud does noise have to be to be a "nuisance" ?	<p>Clarity on what constitutes a nuisance – the revised text in section 3 of the policy seeks to clarify this point. The draft policy notes that: “there is no maximum noise level (decibel level) that relates to noise nuisance. Each case is judged on what might be reasonable and normal for the situation. Factors taken into consideration include:</p> <ul style="list-style-type: none"> <li>• when the noise is happening (noise can be a nuisance at any time of the day or night)</li> <li>• the duration of the noise</li> <li>• how often it is happening</li> <li>• the type of noise</li> <li>• whether there is social acceptance (for example, bonfire night or church bells)”</li> </ul>
<b>Q9 - 9</b>	SLA to respond Stronger punitive measures for offending people	The measures available to the PPP are determined by legislation and by the courts should a matter proceed that far.

Ref	Comment	Response
Q9 - 10	Loose drain covers see above	These are dealt with either by the Highways Authority (West Berkshire Council or Bracknell Forest Council) or the appropriate utility company.
Q9 - 11	Music is stated as being a nuisance but no definition of music is given. Is this music played loudly from a radio, hi-fi or television or does it include the playing of music instruments for practice and personal entertainment?	As far as the PPP is aware there is no legal definition of music in relation to nuisance. The approach set out in section 3 covers loud noise.
Q9 - 12	There is no reference to anonymous complaints, of which we get a significant number of nuisance complaints via the on-line forms/email.	Anonymous complaints are referred to in the revised version of the policy.
Q9 - 13	Policy needs to set out how prolific or vexatious complainants are dealt with	West Berkshire Council. As the host authority, has corporate policies that relate to unsubstantiated, abusive, and prolific/persistent complaints against the Council. Depending on the nature and history of the complaint and the complainant, the PPP may use the approach taken in the corporate guidance in order to manage vexatious or prolific complaints relating to nuisance.
Q9 - 14	High Hedges/denial of light. ?? not sure if this is covered by nuisance	Problems with high hedges are not covered by nuisance legislation. The government sets out guidance for local authorities on how they should deal with the issue under the Anti-Social Behaviour Act, 2003. Before a complaint can be accepted by the PPP, the aggrieved party must evidence attempts to engage with the owner of the problem hedge. There is an initial administrative fee required from the complainant.
Q9 - 15	Drainage – not sure if neighbours drainage issues are covered by “nuisance”?	Private drainage issues are covered under Public Health legislation and the Building Act.
Q9 - 16	Noisy vehicles that have been altered 'souped' up to make them noisy on acceleration around homes	This would be a matter for the Police – see Appendix 2

Ref	Comment	Response
Q9 - 17	People working from home in hot weather with doors/windows open running loud meetings etc. Destroys peace in a garden	The draft policy notes that talking or laughing from inside a home or garden is not considered a statutory nuisance. Initial advice, if the noise from meetings was frequent and unusually loud, would be to approach the neighbour directly.
Q9 -18	Power tools. With so much home improvement and house building locally, more noise intrusion is homing from power tools like angle grinders, chain saws, woodworking tools. Guidance on suitable times to use these would be useful.	Construction sites are regulated using powers under the Control of Pollution Act, 1974. Noise from DIY or domestic building works is subject to the same principles as other noise nuisance. Section 3 of the draft policy sets out how PPP approach such issues and assess whether there is a nuisance. Advice may include suggesting that work is not undertaken, for example, late into the evening.
Q9 -19	Household noise' such as 'slamming doors and cupboards' - or any impact-type sounds heard through walls and floors - being counted as a 'statutory nuisance' and therefore worthy of being investigated.	The amended draft policy notes that no house or flat is totally soundproof and everyday living gives rise to noise from time to time. It is unusual for neighbours to slam doors repeatedly/deliberately. Each case is likely to be different and other factors may need consideration. The first response to such a complaint, dependent on circumstances, is often to suggest a conversation with the neighbour.
Q9 -20	Page 5, "Intelligence", Fig 1 I would want the PPP to - Offer some training to town and parish clerks and councillors about what the PPP can and cannot do on this and other subjects - Proactively treat town and parish councils as sources of intelligence I would like to see an attempt at a definition of "Reasonable", as used in - "the reasonable use of noisy garden equipment such as lawnmowers or leaf blowers" - "the reasonable use of washing machines, vacuum cleaners, or kitchen appliances". o And to me noise from DIY should also be covered. I write as someone who used to come back from my office job at say 7 or 8 pm, get something to eat and then start on the DIY.	This could be included as an item at a future district parish meeting for West Berkshire and at the meetings that are held with the Parish and Town Councils in Bracknell Forest. Parish and Town Councils and Councillors as well as Ward Members are a valuable source of information, and they are encouraged to interact with the PPP and raise matters of concern. There is no definition for reasonable as each circumstance is different. In some examples case law may be helpful. The amended draft policy notes that "there is no maximum noise level (decibel level) that relates to noise nuisance. Each case is judged on what might be reasonable and normal for the situation. Factors taken into consideration include:

Ref	Comment	Response
	<p>It was not quiet and I would not wish to foist my younger self on others now! “Reasonable” here would relate to timing. o Page 9 – “Resolution of issues” – you write “Important to the success of the partnership in managing nuisance is allowing staff to develop a local, on the ground knowledge of the people and businesses in the area.” I entirely agree with the statement but I would have hoped for reference to working with towns and parishes in this respect.</p>	<ul style="list-style-type: none"> <li>• when the noise is happening (noise can be a nuisance at any time of the day or night)</li> <li>• the duration of the noise</li> <li>• how often it is happening</li> <li>• the type of noise</li> <li>• whether there is social acceptance (for example, bonfire night or church bells)”</li> </ul> <p>Noise from DIY or domestic building works is subject to the same principles as other noise nuisance. Section 3 of the draft policy sets out how PPP approach such issues and assess whether there is a nuisance. Advice may include suggesting that work is not undertaken, for example, late into the evening.</p>
Q10 - 1	<p>I would like to see a bit more detail included so when an issue arises the policy can shown to the offender straight away, giving them chance to stop causing a nuisance before any formal action is taken.</p>	<p>The policy is intended to provide an overarching framework. It is neither a procedure/guidance note nor an advice leaflet. The PPP website includes general information relating to nuisance. It is unusual for formal action to be taken as the first response. In general, the PPP provides advice and allows an individual or organisation the opportunity to mitigate any issues.</p>
Q10 - 2	<p>Generally Clear. I hope the full list of PPP and other contacts will also be listed in your West Berks Council web site (if not already).</p>	<p>Noted - please see this page: <a href="http://www.publicprotectionpartnership.org.uk">What we cannot consider - PPP (publicprotectionpartnership.org.uk)</a></p>
Q10 - 3	<p>No question the Draft Policy has been written by professionals for professionals , they have tried to cover all potential legal challenges to ensure that WBC is not found to be at fault but does very little to address the real issue. It ensures that for majority of possible claims , someone else should be responsible e.g Police</p>	<p>Noted</p>
Q10 - 4	<p>Its far too long and needs to be much clearer as to the steps taken with any complaints.</p>	<p>Noted</p>

Ref	Comment	Response
<b>Q10 - 5</b>	This shouldn't be too difficult to implement. It's also very fair to both sides in any such dispute	Noted
<b>Q10 - 6</b>	Next steps if it doesn't work?	Section 6 of the policy refers to formal action. Formal action is taken in line with the PPP Enforcement Policy. If a formal notice is served on an individual or organisation and the requirements set out in that notice are not complied with, for example, a nuisance continues, then prosecution may be considered.
<b>Q10 - 7</b>	Preventing nuisances from developing into anti-social behaviour.	The draft policy and supporting guidance, together with the PPP Enforcement Policy are intended to enable the PPP to manage nuisance. If there is an issue of anti-social behaviour this would be dealt with in West Berkshire by the Council's Building Communities Together Team. Information about how anti-social behaviour is dealt with at Bracknell Forest Council can be found <a href="#">here</a> .
<b>Q10 - 8</b>	Household noise' such as 'slamming doors and cupboards' - or any impact-type sounds heard through walls and floors - being SHOULD be counted as a 'statutory nuisance' and therefore SHOULD be worthy of being investigated. 'Second hand noise' of this type can be most injurious to mental health and feeling secure in one's OWN home. PLEASE consider making this issue a SERIOUS statutory nuisance.	The amended draft policy notes that no house or flat is totally soundproof and everyday living gives rise to noise from time to time. It is unusual for neighbours to slam doors repeatedly/deliberately. Each case is likely to be different and other factors may need consideration. The first response to such a complaint would be dependent on circumstances but is often to suggest a conversation with the neighbours.

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