

DRAFT

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

JOINT PUBLIC PROTECTION COMMITTEE

Minutes of the meeting held on WEDNESDAY, 5 OCTOBER 2022

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

Present: James Cole, Thomas Marino (Chairman), John Harrison and Peter Heydon (Substitute)

Also Present: Rosalyn Gater (Team Manager - Commercial), Sean Murphy (Public Protection Manager), Suzanne McLaughlin (Principal Environmental Health Officer), Stephen Chard (Democratic Services Manager), Councillor John Porter, Moira Fraser (Public Protection Partnership), Kevin Gibbs (Bracknell Forest Council) and Damian James (Chair of the PPP Joint Management Board)

PART I

13 Minutes

The Minutes of the previous meeting held on 13 June 2022 were approved as a true and correct record and signed by the Chairman.

14 Matters Arising

Action 1: Water Safety Partnership – Sean Murphy explained that the installation of defibrillators alongside water safety cabinets was being progressed with the Water Safety Partnership.

Action points 2, 3 and 4 had been completed.

Action 5: Terms of Reference – Moira Fraser confirmed that, following receipt of advice from the Monitoring Officer, the quorum for the Committee could be reduced to two Members. As a result, this had been reflected in the revised Terms of Reference. The document had been presented for approval in the new template for West Berkshire Council Constitution documents.

RESOLVED that the revised Terms of Reference be approved.

15 Declarations of Interest

No declarations of interest were received.

16 Notice of Public Speaking and Questions

No public questions were received.

17 Forward Plan

The Forward Plan was noted with the addition of one further item for the meeting in December 2022:

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An update on Partner Authorities Investigatory Powers (highlighted in the Quarter 1 Performance Report).

18 **Revenue Budget 2023/24 including Proposed Fees and Charges Schedule**

Sean Murphy introduced the report (Agenda Item 7) which set out the Public Protection Partnership's (PPP's) draft revenue budget for 2023/24, including fees and charges for 2023/24.

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

The report also sought agreement of the recharge to Wokingham Borough Council with respect to the services provided to Wokingham under the shared service agreement effective on the 1 April 2022.

The proposed budget was outlined within paragraph 5.17 of the report. The budget, excluding pressure bids, was proposed to increase by 6.54%. This was largely influenced by cost of living and salary increases.

The budget setting process for 2022/23 identified that additional funding would be required to support the current management structure for two years whilst the service was re-configured following the departure of Wokingham. This additional funding would not be needed post this two year period.

One item of service investment identified for 2023/24 was for the appointment of an officer specialising in bringing empty homes back into use. This area of work aligned with the housing priorities of both local authorities.

Funding was also available for crime prevention, detection of crime and to reduce the fear of crime in line with the policy for utilising money recovered from proceeds of crime work.

In response to a query from Councillor Peter Heydon, Sean Murphy explained that the cost of living increase was predicted at 2% for the current financial year with 4% predicted for 2023/24. This figure could be adjusted prior to final budgets being approved by the two Councils in March 2023.

Councillor James Cole sought reassurance, when considering increases to costs, that the financial contribution being sought from Wokingham Borough Council was at a sufficient level. Sean Murphy confirmed that the contribution was proposed to increase in line with the 6.54%. The level of contribution was regularly reviewed.

Fees and charges were either statutory or discretionary and were largely aligned across Bracknell and West Berkshire.

Moira Fraser explained that in order to achieve cost recovery, the generic hourly rate was proposed to increase from £59 per hour (set in 2021/22) to £64 (an 8.5% increase). To clarify, the cost of a service was calculated by multiplying the time taken for an activity with the hourly rate.

It was noted that statutory consultation would take place in relation to the fees and charges for hackney carriage and private hire drivers, vehicles and operators.

Sean Murphy explained that an updated position would be provided at December's meeting. This would include further information on the implications for businesses of lost income following Covid.

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Councillor John Porter raised questions in relation to other Private Hire and Hackney Carriage charges. In response, Moira Fraser explained that the fee proposed for a change of address was £16 as it was a 15 minute verification process. The current charge of £10.50 did not achieve cost recovery. Moira further explained that the time period of 15 minutes was the minimum unit for charging. This was something that could be reviewed if Members felt this was needed.

Councillor Porter voiced concern at the £84 charge for Disclosure and Barring Service (DBS) checks, viewing it as being too high. Moira Fraser advised that this was a discussion point with the taxi trade.

Councillor Porter felt that the charge for the knowledge test should be reduced when considering that drivers had access to satellite navigation systems. Sean Murphy explained that licensees needed to pass a test to evidence their understanding of legal requirements and knowledge of local areas, this incurred a charge. However, officers agreed to explore alternative options as a way of reducing costs and would report back.

Councillor Porter opined that the fees for street trading consents should be standardised across Bracknell and West Berkshire. For example, Bracknell charged for ice cream vans whereas West Berkshire did not. Sean Murphy advised that West Berkshire did levy a charge for ice cream vans, but this was a rare instance of a fee variation between the two local authorities. West Berkshire's annual fee for 2023/24 was proposed at £1,487 (there was not a separate fee for ice cream vans). This fee was almost double that charged by Bracknell Forest for ice cream vans, which was based on a fee set some time ago when ice cream vans began to be considered as street trading. It would likely create difficulties for traders to experience what would be a high increase to bring it up to the West Berkshire fee.

This specific matter and potential alternative options would be discussed further at Bracknell's Licensing Committee being held later in October.

RESOLVED that:

- **The draft revenue budget, including the fees and charges, set out in this report had been considered by the Committee.**
- **The percentage split set out in paragraph 4.3 of the report be agreed.**
- **The contributions set out in paragraph 5.17 of the report be recommended to partner Councils along with the fees and charges.**
- **Partner Councils be asked to consider the investment bid identified in paragraph 5.9 of the report.**
- **The contribution request from Wokingham Borough Council be agreed as set out in paragraph 5.17 of the report.**
- **The policy position in relation to monies received under the Asset Recovery Incentivisation Scheme (which was approved at the 14 March 2017 JPPC meeting) remains the policy to be applied to spend/allocate any monies received under the scheme.**

19 PPP Private Sector Housing Policy

Rosalynd Gater introduced the report which provided an update on the work of the Public Protection Partnership (PPP) within Environmental Health Sector Housing and which highlighted the high level priorities which the Service would undertake over the next three years. She described some of the work that would be undertaken by the team.

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They would handle issues and complaints arising in relation to the private rented sector and Registered Social Landlords (RSLs). Reactive and proactive work would take place with Houses in Multiple Occupancy (HMOs), caravan sites and park homes.

The team continued to be heavily involved in Homes for Ukraine. This included the inspection of the homes in question and welfare checks.

A number of premises had converted from commercial to residential use and it was the intention to be more proactive in inspecting these premises and resolving any issues.

The team would work closely with Building Control, the Royal Berkshire Fire and Rescue Service, and the Government's Joint Inspection Team in relation to the standards of high rise buildings.

The contract for conducting house condition surveys had been tendered in West Berkshire and work would commence soon. Bracknell Forest would follow should they wish to proceed. A combination of virtual surveys and information already held would be used to assess stock and identify where attention was needed.

Efforts would be made to identify and work with unlicensed HMOs and caravan sites, and bring them to compliance.

Liaison was taking place with landlords via the Landlord's Forum held in both local authority areas. The benefits of a landlord accreditation scheme would also be investigated.

In line with the Government's levelling up agenda, officers would be ensuring that private sector housing was at the standard of RSLs with mitigation measures put in place in cases where standards needed to be raised. As part of the cost of living project, the team would be resolving issues of damp and cold. A fuel poverty project was being explored.

Councillor John Harrison commented that this work was very timely. He referred to a Member workshop held in Bracknell Forest for the refreshed Housing Strategy which contained a focus on bringing empty homes back into use as high standard accommodation.

Councillor James Cole queried the number of empty homes. Rosalynd Gater explained that while some information was held, it was hoped to understand the situation much more widely once the housing survey had been conducted.

A typographical error was noted for correction on page nine of the Policy. This should refer to areas of added value.

Councillor John Porter queried what action would be taken for unlicensed HMOs and caravan sites. Rosalynd Gater advised that HMOs would be registered where applicable. She added that formal enforcement action would be taken if necessary by the Case Management Unit.

RESOLVED that:

- **The PPP's role in relation to Housing be noted.**
- **The direction that the PPP are taking in Environmental Health Sector Housing be approved.**

20 Bracknell Forest Council - Contaminated Land Inspection Strategy

Suzanne McLaughlin introduced the report which provided an opportunity for the Joint Public Protection Committee (JPPC) to consider the updated strategy drafted under the Environmental Protection Act 1990 (the Act) in relation to contaminated land which would allow Bracknell Forest Council to discharge the duties placed on it by the Act.

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The JPPC was being asked to make a recommendation to Bracknell Forest Council's Executive to adopt the revised strategy and guidance.

The Strategy was a requirement of the Act. It had been thoroughly reviewed and took account of both legislative updates and relevant Bracknell Forest strategies.

Local authorities were required to undertake an assessment of its area for contaminated land. In cases where a risk was identified to health and/or the environment, it was necessary to undertake remedial action to reduce the risk to an acceptable level.

A prioritisation exercise was undertaken in Bracknell in 2012 which did identify some suspected contamination and remedial action had been taken via the planning process.

The planning process continued to be used for remediation and officers routinely reviewed planning applications and put forward conditions where contamination was a factor to ensure the site was suitable for use. The Strategy included comments from Development Control.

In response to a question from Councillor James Cole, Suzanne explained that it was a requirement for separate strategies to be produced for each local authority area. She expected West Berkshire's Strategy to come forward within this Municipal Year.

Damian James clarified that the Committee was being asked to recommend approval of this Strategy by the Bracknell Forest Executive. The same would happen for West Berkshire in due course.

RESOLVED to recommend to the Bracknell Forest Council Executive that it adopts the revised strategy without modification.

21 **Public Protection Partnership Service Update and Q1 Report for 2022/23**

Sean Murphy introduced the report which informed the Committee of the performance of the Public Protection Partnership, in line with the operating model and business plan, and provided an update setting out performance during the first quarter of 2022/23. Sean outlined the following key points:

Finance – the PPP was currently reporting an underspend of £100k. This was predominantly due to staffing vacancies and staff costs being met by Homes for Ukraine funding.

Further information on income streams would be provided at the next meeting.

Staffing – there had been a number of vacancies in the service at the beginning of 2022/23. Some posts had been filled and others had recently gone out to advert (Environmental Health and Animal Health Officers).

Investment in staff was key. Trainees had been recruited. Initially their training would cover all areas, but individuals could then focus on a specialist area.

A 'grow your own' approach was also being rolled out. Expressions of interest had been received from seven existing members of staff wanting to develop their knowledge base.

ICT – there was optimism that the single system would be in place by 31 October 2022 and a data transfer to the new system was ongoing.

Accommodation checks – this was an addition to the Work Programme and related to Homes for Ukraine. This included reviews of new accommodation for people from Ukraine who had moved onto new accommodation after their initial six month placement had ended.

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Cost of Living – another addition to the Work Programme. The Service had a role in supporting individuals and businesses. This was being worked on across the two local authorities in order to share best practice and offer joint provision.

Engagement events – six very successful events had been held to date and further dates were planned.

Legal – Bracknell Forest and West Berkshire Councils were jointly inspected by the Investigatory Powers Commissioners Office and positive feedback had been reported. A full report would be provided to the Committee.

The report also described recent legal action that had been taken in Bracknell Forest, West Berkshire and Wokingham.

Moira Fraser then provided an update on the format for performance monitoring. This was provided via the new Performance Management Framework agreed last time. In some cases data continued to be collected for new performance measures in order to obtain a full picture. She pointed out that residential and commercial data was now being reported separately. Moira also highlighted that comparisons with previous reports were made difficult by the withdrawal of Wokingham.

Councillor Peter Heydon made reference to a Welfare Steering Group in place in Bracknell Forest and queried if linkages were being made between this and the PPP's work. Sean Murphy agreed to make contact with the lead officer responsible for the steering group to ensure this was happening. He also advised of a similar group in West Berkshire (a sub-group of the Health and Wellbeing Board).

Councillor Heydon then queried whether the underspend would remain with the service or was there a risk of it being used to offset pressures elsewhere. Sean Murphy clarified that it was for the Committee to determine use of any underspend. A carry forward of funds was agreed from 2021/22 and it was likely that the same would be proposed from this financial year. It was often the case that the Service operated with an underspend.

A typographical error was noted within the report. This was corrected to record the underspend of £100k.

Councillor James Cole praised the many positive aspects of the report. He did however query the time taken to establish the new IT system. Sean Murphy acknowledged that this had been time consuming and the new system was overdue. He was however optimistic that the new single system would be in place by the end of October 2022.

Councillor Cole then queried areas of concern. Sean Murphy considered recruitment to be the highest cause for concern. Staff retention was positive but recruitment was a difficulty which was a national issue. Recruitment efforts were ongoing.

Members were asked to comment on the report format which contained a blend of narrative and data. Members were supportive of the format which provided a comprehensive report.

RESOLVED that:

- **The 2022/23 Quarter One performance for the Public Protection Service be noted.**
- **The Service Update be noted.**

22 Air Quality Status Reports 2021

Suzanne McLaughlin introduced the report which informed the Joint Public Protection Committee (JPPC) of the submission and results of the annual air quality reports for Bracknell Forest and West Berkshire Councils. The reports provided the monitoring data and action plan progress for the calendar year 2021. The reports had been provided to

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the Department of Environment, Food and Rural Affairs (DEFRA) and the feedback received was incorporated in the documentation.

The report also informed the JPPC that the annual air quality report for Wokingham Borough Council, written by the PPP, had also been submitted with the results received and passed on to Wokingham Borough Council in accordance with the revised arrangements following their departure from the Partnership.

Covid-19 lockdown periods continued to influence air quality patterns. Air pollution had increased between the 2021 and 2020 reports (as expected), but the 2021 levels were still lower than pre Covid levels. Suzanne added that the overall trend for the last five years was a decrease.

Air quality action plans had been produced for both areas and further work was ongoing with relevant colleagues involved.

Councillor James Cole commended the positive reports. He did however query if further action needed to be taken to encourage schools to participate in anti-idling work. Suzanne advised that schools in higher risk areas were being involved in this DEFRA project. Installation of equipment had been an issue in some cases, but where this was not possible on school sites, the equipment was installed within a close proximity.

Councillor John Harrison was pleased to note the complimentary responses from DEFRA to the reports for both areas. He was also pleased to see air quality improvements as a result of changes that had been made to busy junctions.

Councillor Tom Marino added that he was encouraged by DEFRA's comments.

RESOLVED that:

- **The contents of the two Air Quality Annual Status Reports be noted as set out in the appendices.**
- **The feedback from DEFRA on the reports be noted.**
- **The progress made on the measures to improve air quality, set out in each report, be noted.**
- **The ongoing and planned future maintenance to improve air quality be approved.**
- **The Committee note that the Air Quality Status Report, produced by the PPP on behalf of Wokingham Borough Council, had been submitted to DEFRA, the results received and both had been passed on to the authority for processing under their governance arrangements.**

23 Any other items the Chairman considers to be urgent

None raised.

(The meeting commenced at 7.00pm and closed at 8.15pm)

CHAIRMAN

Date of Signature