

# DRAFT

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

## JOINT PUBLIC PROTECTION COMMITTEE

### Minutes of the meeting held on

**MONDAY 2 OCTOBER 2023**

### **COUNCIL CHAMBER COUNCIL OFFICES MARKET STREET NEWBURY**

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

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

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

## PART I

### 12 Minutes

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

### 13 Outstanding Actions from Previous Meetings

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

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

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

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

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

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

## 14 **Declarations of Interest**

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

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

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

No public questions were received.

## 16 **Forward Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor Dillon congratulated the officers concerned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Environmental Quality** – update noted.

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

Councillor Dillon thanked officers for their comprehensive report.

**RESOLVED that:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### RESOLVED that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **RESOLVED that:**

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

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

**CHAIRMAN** .....

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

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