
PPP Covid19 Response and Recovery Update

Committee considering report:	Joint Public Protection Committee
Date of Committee:	28 th September 2020
Report Author:	Sean Murphy

1. Purpose of the Report

- 1.1 To provide the Joint Public Protection Committee with an update on the service response to Covid19 as well as an update on interim service delivery arrangements.

2. Recommendations

- 2.1 The Committee NOTES the role PPP are playing across the Councils with respect to Covid19 response.
- 2.2 The Committee NOTES the status of ongoing service recovery / delivery arrangements.
- 2.3 The Committee NOTES the effect of additional Covid related workload on the ability to perform certain functions.
- 2.4 The Committee RESOLVES to receive a further update at its December 2020 meeting on progress.

3. Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The Covid19 pandemic has presented a number of financial challenges for the service particularly with respect to income from licensing. Many sectors of the licence trade including hospitality, taxi and private hire, street trading and licensed animal establishments have been significantly hit by the combination of the Covid19 business restrictions and the restrictions around essential travel. This has resulted in a number of licences being surrendered or not renewed.</p> <p>At the time of writing the impact in terms of lost income from licence receipts is estimated to be around £36K for the period April – August 2020. The matter of emerging financial pressures is dealt with elsewhere on this agenda.</p> <p>In relation to the new duties the PPP has obtained has accessed a total £169K of the local outbreak response grant. The commitment to this has been shared across the three PPP Councils.</p>

<p>Human Resource:</p>	<p>As stated in the report the new service delivery arrangements too effect at the beginning of August 2020. This includes some recruitment which has also now taken place. Three people (1 internal) have been appointed to the private sector housing function as this continues to develop as a priority for the Councils.</p> <p>We are planning to start two more (existing) staff on the Regulatory Service Officer Apprenticeship scheme in the coming weeks and in due course intend to recruit one further entry level trainee. The two existing trainees (Apprentices) should qualify in the next six months.</p> <p>The service has put itself forward to be a ‘trailblazer’ authority for the level six trading standards apprenticeship and we are playing our role in the development of the standard.</p> <p>Since the last meeting of the Committee we have appointed a permanent Lead Officer – Training and Development (part time combined with another professional role) having seen the value over the last eighteen months. We will be looking to appoint to the Lead Officer – Safeguarding role on a permanent p/t basis in the next few weeks.</p> <p>There are three vacant posts within the service being held open to manage risk around licensing income. We have a number of temporary staff in partnership support, local outbreak and environmental quality work. These are either covering vacancies, new duties or long term absence including maternity leave.</p> <p>There are also a number of temporary staff involved in investigations. These are grant funded.</p>
<p>Legal:</p>	<p>The service is the primary enforcement body for all three councils with respect to Covid legal controls.</p> <p>At the moment these controls fall into two categories. The first deals with business restrictions of which very few still exist. These can be re-introduced as a result of so-called local lockdowns.</p> <p>The second category relates to controls on Premises, Events (gatherings) and Public Spaces where the Councils have powers to issue directions and prohibitions.</p> <p>These are enforced on delegate authority from the secretary of state or through the existing delegations to officers.</p> <p>It is a statutory duty to enforce many of the provisions in place to tackle Covid19 at local level.</p>

Risk Management:	<p>We will continue to manage risk in line with the prevailing situation and corporate policies.</p> <p>Financial risk is managed elsewhere within this report and the budget report on this agenda.</p> <p>Other risks around staffing are subsiding with recent ability to recruit significantly improved.</p> <p>The major risk is around the balance of existing statutory duties with new workloads arising from Covid19 and other risk areas such as Brexit.</p> <p>JMB will be kept informed of any service changes and adjustments and any consequences arising from these will be notified.</p>			
Property:	<p>There are no direct implications arising from these proposals. Each Council is taking its own approach to property issues.</p> <p>The service will also need access to physical property for a variety of functions including licensing, investigations and legal case management work. Where we can this is being managed through the PPP office at Theale.</p> <p>In due course we need to return to the issue of reducing our property footprint. There are many things we have learnt around remote working that will be employed when the time comes to deliver services locally without necessarily having the need for a fixed local delivery set arrangement.</p>			
Policy:	<p>The role of the Joint Committee includes consideration of reports relating to service delivery matters. This report addresses that requirement by setting out the approach to service recovery.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		<p>This is not a decision report.</p> <p>The report does however set out the steps taken to protect vulnerable staff and address community need during this period.</p>

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		The level of service will be improved with competent and appropriately qualified staff delivering to our customers, from initial contact through to enforcement action. Staff will also have the opportunity for personal development and self-worth.
Environmental Impact:	x			There has been an unquantifiable environmental impact from the new service arrangements as travel has been significantly reduced. Longer term it is anticipated that this impact will be maintained as new ways of working are embedded in service delivery.
Health Impact:	x			The proposals create no direct health impacts on staff. They do however set out community based health protection measures.
ICT or Digital Services Impact:	x			The use of ICT on service delivery has been transformational. Telephone conferencing, MS Teams and Zoom have all been employed in the day today running of the service but also in the delivery of democratic decision making. Staff have engaged in planning meetings remotely and all three PPP authorities have held virtual licensing panels where the technology has delivered effectively.
PPP Priorities :	x			The proposed to maximise the use of resource to deliver against the JPPC priorities particularly around health protection, protection of vulnerable people and environmental protection on a risk led basis. The priority relating to effective and efficient service delivery has been at the core of arrangements.
Data Impact:		✓		None
Consultation and Engagement:	Managers and JMB have been involved in the development of the service recovery proposals. Discussions will take place with staff to ensure their competences and knowledge will be employed to deliver the best outcome for residents, businesses and the partner Councils.			

4. Executive Summary

- 4.1 In June 2020 the JPPC received two reports. The first set out the role PPP had served in the local response to Covid19. The second set out the proposals around recovery. The Committee resolved at that time to receive an update report to this meeting.
- 4.2 The report before Committee sets out our ongoing involvement in local the response (including any new duties); the return to 'business-as-usual' and the challenges this presents and finally looks at an update on two specific areas namely the work of the Case Management Team and the communications elements of our response.

5. Service Structure Update

- 5.1 As indicated at the meeting in June 2020 there was an intention to move to the new interim structure from the 1st August to meet the conflicting demands of response (reactive) workload, specialist service delivery areas and new and emerging duties primarily relating to Covid19.
- 5.2 As of the 1st August the new service took effect which is a combination of a traditional regulatory service function and the specialist units that PPP has developed to manage demand and local priorities. The structure is appended to this report at Appendix A.
- 5.3 The following summarises the functions of each of the new teams:

Team	Functions
Trading Standards and Community Response	<p>Trading Standards including – product safety, fair trading, second hand cars, package travel, estate agents and letting agents, intellectual property, scams and fraud, tobacco and alcohol control, road traffic (overloading and weight restrictions), Covid business control enforcement, Support with Confidence, Buy with Confidence, weights and measures, consumer and business advice.</p> <p>Community response including – domestic nuisance, non-complex housing matters, animal warden service, pests, fly-tipping, abandoned vehicles (BFC).</p> <p>The team also delivers the fraud victim support functions as well as the youth tobacco, alcohol and nutrition public health work in schools and Community Alcohol Partnerships.</p>
Partnership Support	<p>This includes three areas of work crucial to supporting the wider service:</p> <p>Customer services: first line response</p> <p>Applications: all licensing applications</p> <p>Finance: orders, invoicing and reconciliation</p>

Private Sector Housing	<p>This team deals with all inspection work relating to private sector housing as well as Housing in Multiple Occupations (HMOs) and caravan sites. Oversight of private sector housing and enforcement strategy and all associated licensing matters.</p> <p>Investigation of complex housing matters.</p>
Environmental Quality	<p>This team delivers:</p> <p>Planning application review / responses / discharge of conditions.</p> <p>Commercial nuisance</p> <p>Air quality including action plans, monitoring and annual status report.</p> <p>Private water supplies</p> <p>Environmental permitting</p>
Commercial	<p>This team delivers:</p> <p>Food safety enforcement</p> <p>Food standards</p> <p>On farm animal health and welfare</p> <p>Animal feed controls – also for Oxon, Hants and others</p> <p>Health and safety enforcement</p> <p>Primary Authority / business advice</p> <p>Metrology in commercial premises</p> <p>Petroleum and Explosives</p> <p>Licensed treatments e.g. piercings etc.</p> <p>In addition this team also manages:</p> <p>Food borne infectious disease control</p> <p>Covid local outbreak investigations</p> <p>Covid compliance checks at commercial premise</p> <p>Enforcement – Covid (No3) Regulations</p>
Licensing	<p>Enforcement function relating to licensing and events including:</p> <p>Taxi and private hire</p> <p>Animal welfare establishments</p> <p>Licensing Act 2003 / Gambling Act 2005</p> <p>Street trading</p> <p>Charity collections / lotteries</p> <p>Scrap metal dealers</p> <p>Safety Advisory Group</p>
Investigations	<p>This team delivers:</p> <p>Complex investigations</p> <p>Intelligence functions</p>
Case Management	<p>This team delivers:</p> <p>Case management functions for PPP, Oxfordshire TS and Fire and Royal Berkshire Fire and Rescue Service.</p>

	Financial investigation functions – also for Reading BC.
--	--

Certain cross cutting functions are delivered from within this team structure including communications, safeguarding and training and development.

6. Local Covid19 Response

6.1 **Service Requests:** Since that last report we have continued to receive a high volume of service requests. These were around 40% higher in quarter than the same period in 2019/20. This dropped to around 15% higher in July but rose again to 35% higher in August. Key points include:

- (a) 690 enquiries relating to Covid
- (b) 688 service request relating to bonfires (312% increase)
- (c) 349 Licensing enquiries (18% increase)
- (d) 1049 noise complaints (16% increase)

Other significant areas of increase included pest complaints 239 (up 23%), fly tipping referrals for investigation at 74 (up 236%); animal health 62 (up 107%).

Areas such as food safety referrals fell as many businesses in the hospitality sector were closed for the first quarter.

6.2 Since the last report there has been a shift in the nature of requests. In the early start of Covid response there were significantly increased numbers relating to enforcement of Covid business closures, fly-tipping as well as domestic nuisance including bonfires. As businesses have re-opened there has been a return to normal levels in other areas like trading standards and food controls whilst we are now seeing a big increase in enquiries relating to business re-opening and alleged breaches of safe operations requirements.

6.3 **Outbreak Planning and Local Outbreak Investigation:** Each Public Health Authority (all three Councils) were required to deliver a local outbreak plan by the end of June 2020. The service contributed significantly to both the development of the plan including:

- Advisory visits to Care Homes (West Berkshire)
- Monitoring and review of all Covid notifications from PHE as well as 'soft intelligence' notifications from businesses, employees and members of the public.
- Being 'Subject Matter Experts' with respect to commercial premises as well as advising in other subject areas
- Monitoring of compliance at commercial premises including provision of advice, advisory and compliance visits and following up public concerns.

- Develop enforcement procedures for new local powers relating to premises, events and public spaces and providing training for relevant staff within authorities and the Police. Liaison with the police and public health on implementation.
- Investigation of outbreaks in workplaces and advising public health teams, liaising with PHE and advising businesses on areas for improvement.

6.3 **Events and Gatherings:** The current regulations that permit gatherings require organisers to produce both Health and Safety and Covid risk assessments. This is in addition to any other requirements pre-existing around licensing, noise management etc.

6.4 In July 2020 local authorities were given powers to issue directions with respect to premises, events and public spaces. The reality of this has meant that we now find ourselves reviewing all events and gatherings in our areas to ensure adequate assessments are in place. This is a significant increase in workload as everything from running events to festivals, fairs to parades have to be reviewed. We are also currently working through assessments with public health colleagues with respect to other types of premises and gathering such as amateur sports settings and Newbury Racecourse.

6.3 Once an event has been assessed there is also the policing of the event / gathering to ensure risk assessments are being complied with but also to provide confidence to attendees and residents as well as to get a picture of the event delivery to aid any outbreak investigation should one be needed. We are working very closely with partners in public health as well as other long-standing partners such as police and fire safety officers.

6.4 **Support for the Economy:** Supporting businesses and local economic recovery is a significant priority for all three Councils. We continue to respond to request for advice from businesses. Prior to re-opening none essential retail in June and hospitality in July we participated in video advice sessions and responded to individual requests for advice including pre-opening visits. This continued as other sectors re-opened for business and was backed up by pro-active advisory / re-assurance visits designed to create business and consumer confidence. Where non compliances are identified by members of the public or through spot checks these are followed up with advice in the first instance. Serious or persistent breaches could ultimately lead to directions or prohibitions on trading.

7. Business as Usual

7.1 Some aspects of the service never stopped even through lock-down. These included enforcement of Covid businesses restrictions, enforcement of environmental protection measures, private water supplies, animal health and welfare on farms, investigations, licensing and licensing service requests, doorstep crime matters, scam investigations and victim support, public health response and pro-active work, air quality monitoring, planning advice, animal warden service etc. Other work was curtailed or stopped e.g. food premise inspections, health and safety audits etc. The staff from these areas were put into Covid response work or business and community support. More recently this has included local outbreak investigation and event planning and policing.

7.2 At this time most remaining aspects of the service are now running at or close to pre-lockdown levels. There are however significant challenges ahead. Food inspections to

high risk and low compliance premises re-commence this month as do some none reactive farm visits. This is against a backdrop of continuing high levels of service requests and other high demand areas such as local outbreak investigation and assessing and monitoring gatherings and events. It is clear that within current resource we will not be able to return to pre-Covid inspection rates whilst maintaining the Covid response at current levels. We will always be guided on national advice on risk based approach to prioritisation and we will use the additional funding provided by the Councils for outbreak control to best effect with additional staffing and resource.

- 7.3 Meanwhile other areas of work are also on the increase. The number of fly-tipping investigations has risen significantly and we are also seeing a return of trading related crime including doorstep crime and fraud related matters. Another area of the service that is facing particular challenges at the moment is the Joint Case Management Unit.
- 7.4 **Case Management Unit:** In March all non-urgent Crown and Magistrate Court hearings were adjourned. In terms of the Magistrates Court all matters were adjourned until 30th June and all new matters listed after this date. We continued to have hearings in the Crown Court for matters like case management and POCA but all substantive hearings and sentencing matters were adjourned.
- 7.5 As has been previously explained the Case Management Unit is hosted by PPP but shared with Oxfordshire CC – Trading Standards and Fire and Rescue and Royal Berkshire Fire and Rescue. It therefore attends three Magistrates and two Crown Courts for hearings. At the time of writing the unit is dealing with some 48 cases already within the Court system. There are a further 37 investigations and some 50 road traffic cases (overloading and weight restrictions) at any one time. This is a significant workload given the complexity of some of the matters. Many are serious and are matters before the Crown Court.
- 7.6 In addition the unit manager also manages the Financial Investigations function under the Proceeds of Crime Act which deal with both money laundering and confiscation matters. We also provide this function to Reading BC and Wokingham BC planning enforcement through a shared arrangement.
- 7.7 In order to manage the workload we are recruiting temporary support resource to free up lawyer time for case management and court work. Since courts started to ease restrictions we have managed to get a number of matters through court to sentencing including:
- Wokingham Based Rouge Trader sentenced to 66 weeks custody in relation to 4 offences under the Fraud Act and 2 Consumer Protection from Unfair Trading Regulations offences. £33,432 recovered in compensation for the 6 victims.
 - Bracknell IP case – 2 defendants convicted of one count of applying trademarks to unbranded goods; one count of having in their possession over 7600 counterfeit branded items and one count of money laundering namely the possession of criminal property of £30,940.03. In addition, one defendant found guilty of 5 further counts of money laundering namely being in possession or transferring criminal property relating to funds totalling £324,102.05. One defendant handed a 9 month prison sentence suspended for 24 months. This is conditional on him doing 30 days of Rehabilitation Activity Requirement, and 80 hours of unpaid work. Second defendant was

sentenced to a 24 month community order based on 25 days of Rehabilitation Activity Requirement. All financial orders have been adjourned to be dealt with in Confiscation proceedings under the Proceeds of Crime Act 2002.

- Bracknell IP Case – trader convicted in relation to the possession, offer and sale of counterfeit goods. Sentenced to 80 hours unpaid work and 20 days Rehabilitation activity requirement days. Confiscation proceedings are ongoing under the Proceeds of Crime Act.
- West Berkshire rogue trader case - guilty pleas to 2 x professional diligence offences and failure to provide cancellation rights. Sentenced at Reading Crown Court to 6 Months Custody, Suspended for 12 Months, 100 Hours Unpaid Work, 15 RAR Days, Compensation of £1500.

7.8 It is proposed to report all cases of note relating to the PPP authorities to this Committee on a six monthly basis.

7.9 CMU have also played a significant role in reviewing procedures in the face of new Covid related legislation as well as advising officer on matters such as notices and directions.

7.10 **Communications:** Communication is a key element of the service response. This is delivered in two ways. Firstly by the service to identified key audiences namely:

- Businesses
- Residents
- Elected Members and Parish Councils
- Other Council Services
- Delivery partners
- Staff

Secondly we have sought work with Council communications teams to deliver on key corporate messages around public health, community protection and business support issues.

7.11 A range of communication channels have been deployed since the last update. These have included:

- Further staff briefing notes and whole staff briefings
- 2 further Members Bulletins (No4 and No5) – Appendix B
- Materials for businesses and residents distributed directly to businesses or corporate communication channels
- PPP website – Update at Appendix C
- Social Media – Update at Appendix C
- News releases – available on PPP website
www.publicprotectionpartnership.org.uk/news

7.12 **In Conclusion:** This continues to be a challenging period for the service. We continue to meet a broad range of requirements placed up on the service but as Covid related work streams increase and combine with high levels of service requests then the ability to carry out routine inspection work will inevitably prove challenging and almost certainly not at pre-Covid levels.

- 7.13 There is significant uncertainty around workload and income and this will be monitored and mitigated where at all possible. There are however significant risks in terms of workload namely:
1. Local Outbreak Investigations – at the time of writing outbreaks / numbers of reported cases nationally and locally are rising.
 2. Impact of new legislation
 3. Consideration and policing of events and gatherings
 4. The impact of increased community infection on our ability to deliver ‘business as usual services’
 5. Brexit
- 7.14 The main areas currently affected by staff redeployment onto Covid related duties are those relating to food and health and safety enforcement. These areas are significantly impacted and it is highly likely food inspection programmes will not be completed. Serious accidents, food related infections and outbreaks, allegations of food or health and safety risk will continue to be investigated.

8. Appendices

Appendix A – Service Structure

Appendix B – Members Update Bulletins 4 & 5

Appendix C – Website / Social Media Update