

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 10 September 2013 at County Hall, Matlock

PRESENT

Cabinet Member – Councillor D Allen

Also in Attendance – Councillors C A Hart and E S Wilcox

28/13 **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 20 August 2013 be confirmed as a correct record and signed by the Cabinet Member.

29/13 **SUPPORTING LOCAL CONSUMERS** The first point of contact for consumers who were dissatisfied with something that they had purchased was the Citizens Advice Consumer Service. The majority of problems could be resolved with the vendor via a telephone conversation, but more complex issues that could involve a breach of trading standards legislation were referred to the relevant local authority. There was a wide range of both civil and criminal legislation that regulated the sales of goods and services, and the local authority had a duty to enforce the provisions of most of the legislation referred to as ‘trading standards’. A report had recently been presented to Cabinet and the Regulatory and Licensing Committee which gave authority to the enforcement of the legislation.

Derbyshire Trading Standards played an active role in an area of trading malpractice referred to as doorstep crime, and there was a minority of rogue traders who continued to prey on local householders in this way. The Derbyshire Trusted Trader Scheme had been created, in conjunction with Adult Care and Community Safety, to provide local residents with a trusted alternative to unsolicited doorstep traders. However, the authority continued to get alerts about potential rogue trading activity.

The Trading Standards Division carried out a range of proactive and reactive activities, and these were summarised. Seven direct interventions had been carried out during the last financial year in response to concerns raised by local residents, and this had saved consumers £9,575.

Doorstep crime could be initiated either through a visit to a person’s home or through an unsolicited telephone call. Advice not to deal with telephone cold calls could go unheeded, and the division had become aware of a product which could potentially help the most vulnerable people by screening their calls. Uninvited callers were given a pre-recorded message explaining that the resident had transferred calls to an identified family member, but friends and family could still call the resident directly by entering a code. This could be a way to support older people to live independently in

their own homes. An example was provided of one such product, and it was proposed that the product be trialled for a period of six months and evaluated to assess the benefits. The cost of the product would be approximately £1,000, which could be met from existing funds. As part of the trial, the division would engage with Police, Community Safety and Adult Care to identify a suitable cohort in which to undertake the trial. On completion, a report evaluating the trial would be submitted to the Cabinet Member for consideration, including future development of the scheme if the trial was a success.

RESOLVED to note the contribution that the Trading Standards Division makes to protecting vulnerable consumers from cold-calling and to approve the evaluation of a telephone referral service to protect vulnerable older people from nuisance telephone calls.

30/13 ADOPTING THE 'PRIMARY AUTHORITY' SCHEME The Trading Standards Division enforced a wide range of legislation, on behalf of the Authority, that was designed to protect consumers from unsafe or misdescribed products and unfair trading practices, and to ensure that local businesses could compete on a fair and equitable basis. There was a wide range of sanctions available to the authority when encountering non-compliance, although the vast majority of interaction with local businesses was through advice and information on both the requirements of the legislation and how to comply.

Much of the advice provided to local businesses was as a result of queries from the businesses themselves, or as a result of referrals from other authorities or from issues identified by Trading Standards staff. It could also follow a change in legislation. For many years, local authority Trading Standards services had followed the 'Home Authority Principle' when providing advice to local businesses, and this placed responsibility for advising a business that traded in more than one area of the country on the local authority in which the head office was located. Much of trading standards legislation was highly complex and open to legal interpretation, and to avoid businesses having potentially conflicting advice from a variety of sources, the Home Authority Principle placed the responsibility on a single authority, and other authorities were encouraged to refer minor or technical breaches to the relevant local authority. It was ultimately the role of the court system to interpret the intentions of Parliament when drafting legislation, and to avoid businesses facing differing views about legislation, the Home Authority Principle suggested that the home local authority should take the lead in that area.

Despite the success of the Home Authority Principle, there had still been concerns expressed by some business representatives that there continued to be inconsistencies in interpretation, advice and enforcement. To

address these concerns, Government had introduced the 'Primary Authority Principle'. This gave 'primacy' to an identified local authority to provide the lead for advising a business that traded in more than one local authority area. This did not necessarily have to be the local authority in which the business was based, and unlike the Home Authority Principle, the advice was 'assured', which meant that other local authorities were bound by the advice unless, on referral to the Better Regulation Delivery Office, there was good reason for believing that the advice was incorrect.

The Primary Authority scheme had been given legal status through the Regulatory Enforcement and Sanctions Act 2008, and another development was that local authorities could charge businesses for the advice. Reflecting the more formal arrangement of the Primary Authority Principle, the business and local authority entered into a written agreement, and the terms and conditions of the agreement placed responsibilities on the local authority to ensure that that advice was provided by competent officers and in a timely manner.

When the Primary Authority Principle had first been introduced, local Derbyshire businesses had been quite happy with the current arrangements. However, a request had recently been received from one local business to enter into a Primary Authority relationship. This would necessitate an initial period of time for officers to familiarise themselves with the business, and there would then be a commitment of a minimum of around 12 hours of advice per year at a cost of approximately £65 per hour. Subject to further discussion with the company, it was estimated that the income generated in the first year would be between £1,000 and £1,500, and between £750 and £1,000 thereafter.

The Division regularly sought feedback from local businesses with whom there had been some form of interaction during the year. In previous years, there had been a national 'best value' performance measure for 'Satisfaction of businesses with local authority regulatory services', and the Division felt that this was valuable feedback from local service users. A summary was given of the responses from businesses surveyed during 2012/13. In total, 98.7% of businesses had been either very satisfied or fairly satisfied with the service they had received.

RESOLVED to note the feedback from local businesses that have had contact with the Trading Standards Service and to agree to the authority entering into Primary Authority agreements with local businesses.

31/13 COMPLETED PROSECUTIONS UNDER TRADING STANDARDS LEGISLATION A list of prosecutions which had been completed since November 2012 was presented.

RESOLVED to note the report.

32/13 DERBYSHIRE DANCE ARTISTS' NETWORK The Derbyshire Dance Artists' Network had been set up in 2007, and its principal aim was to support Derbyshire dance artists. The first phase of work had been completed in 2011, with the ending of the original grant funding. Dance artists had been offered specialist training in work with older people, dance with babies and young children, and work with people with disabilities. Monthly technique classes had been held with expert teachers, and annual residencies had been held at Déda, a dance development organisation.

Local authorities had agreed to continue to fund the Network, at a reduced level of activity. Since 2011, there had been quarterly technique classes, the annual residencies had continued, and the Co-ordinator updated the dance pages on the artderbyshire website and sent regular e-newsletters to dance artists. The Dance Network now had more than 200 members.

The current Co-ordinator was leaving the role at the end of 2013, and it was proposed to recruit a new part-time freelance Co-ordinator (1.5 days per month) to continue to manage the Network, following normal County Council procurement regulations. An annual budget of £4,000 covered the Co-ordinator's fees, the quarterly technique classes and an annual residency. This was made up of contributions from district and borough councils amounting to £2,000, plus £2,000 from the approved arts budget. Any other costs would be raised from alternative sources.

RESOLVED to agree to (1) continue support for the Derbyshire Dance Artists' Network; and

(2) the recruitment of a new freelance Co-ordinator on a 'contract for services' basis.

33/13 DERBYSHIRE RECORD OFFICE COLLABORATIVE PHD Lancaster University had achieved funding from the Arts and Humanities Research Council for a collaborative PhD with Derbyshire Record Office entitled 'Re-interpreting the Industrial Revolution: the Derbyshire lead industry c.1750-1850 and the conservation of its heritage and records'. The PhD would run for three years, commencing in October 2013.

The purpose of a collaborative PhD was to enable a university to work in partnership with a non-academic organisation to mutual benefit. This also enabled the PhD student to gain work experience, and the student would carry out unpaid work at the Record Office to improve access to the records.

Lead mining was an important part of Derbyshire's history, and dated back to the Roman occupation. Unique to Derbyshire were the Barmote

courts, through which the lead miners established their own customs and settled disputes. The Record Office had a wealth of archives for the industry, but Record Office staff currently lacked the specialist knowledge to understand and interpret this history and its records.

The partnership with Lancaster University had been established following work undertaken for an undergraduate dissertation, investigating a reckoning book – this had thrown new light on processes of industrialisation and capital investment in the region, and related and little researched processes of industrial diversification and decline. The aim of the PhD was to investigate more fully the collection of reckoning books held in the Derbyshire Record Office as well as related sources, and to examine industrialisation and capital investment in the county at the local level during the crucial period of the 18th century. The benefits of the collaborative PhD to Derbyshire were stated.

RESOLVED to note the report.

34/13 REGIONAL INTELLIGENCE ANALYST ROLE For many years, there had been good regional collaboration between local trading standards services within the East Midlands in order to share best practice and benefit from joint training initiatives. For the last few years, there had also been increasingly close collaboration with local Police and other enforcement agencies in recognition of the fact that criminals had become increasingly organised operating across local and regional boundaries. There had also been developments in professional practices and techniques employed to identify patterns of criminal behaviour to identify those activities that were generating the most consumer detriment and highest levels of fraud.

In recognition of the emergence of Organised Crime Groups, national Government, through the Department of Business Innovation and Skills, had provided a variety of support to local authorities to help tackle the criminals, and this had included funding for regional Scambuster teams and training to understand the role and importance of ‘intelligence’. The East Midlands Scambuster team was currently hosted by Nottinghamshire County Council Trading Standards Service.

The Consumer Landscape Review had identified an enforcement gap between local/regional enforcement and national enforcement of rogue traders. This had led to the Government transferring responsibility for the national lead for tackling trading standards criminals from the Office of Fair Trading to the National Trading Standards Board (NTSB). The Department for Business Innovation and Skills had also provided funding to establish a national trading standards intelligence hub. This was hosted by Suffolk County Council, and had a team of intelligence analysts whose role was to examine information sources.

Liaison between different agencies, and between local, regional and national trading standards groups was essential to ensure that criminal activity was identified and information and intelligence was shared. As well as funding for a national hub, NTSB had agreed to provide funding for a regional intelligence analyst to assist with analysing information and identifying patterns of criminality. Derbyshire Trading Standards Service had established a number of good relationships, and consequently, East Midlands Trading Standards colleagues had requested that Derbyshire took the lead in recruiting a regional intelligence analyst to support the work in the region.

£35,000 had been identified to fund the role of regional intelligence analyst for the region. The grant had only been identified for the current financial year, although there had been an indication that the funding would be available for the following financial year and beyond. However, it would only be possible to advertise the post on a fixed term basis to the end of March 2014. As and when funding for future years was confirmed, it would be the intention to continue the employment of the post-holder in the role, subject to successful performance. As the employer, Derbyshire County Council would be responsible for any redundancy and pension costs which could arise, although these costs would be met by regional funds.

It was understood that any such post would have to go through the internal job evaluation process and would be advertised subject to that process and agreed job and person profile and salary determination. This would subsequently be reported for information.

RESOLVED to agree to Derbyshire Trading Standards Service recruiting and hosting a regional intelligence analyst on behalf of the East Midlands region.

35/13 COMMUNITY SAFETY PROJECTS Requests had been received for funding from five community safety projects – these were detailed.

An intergenerational project had been delivered in Derbyshire since 2005, and it aimed to improve relationships between the generations by involving both young and old in activities together. Previous project work had included an initiative with Probation Community Payback working with a 50+ Forum in Chesterfield. Five new community safety related projects would be developed that would contribute to community safety priorities for Derbyshire and would work with young people with behavioural needs. The £15,000 funding would be used alongside match funding from the Adult Care budget to develop a total of ten new projects.

The Derbyshire Handy Van Network had been established in 2008 and was delivered through a partnership of providers. During the last twelve

months, the network had accepted referrals from victims of domestic abuse to install alarms for high risk victims of domestic abuse, installed specialist alarms for vulnerable adults with sensory impairment, supported the Dusk to Dawn sensor light project, installed door cameras for victims of distraction burglaries and installed specialist anti-arson letter boxes. The £15,000 funding would go towards the procurement and installation of security equipment to prevent burglaries, domestic violence, repeat victimisation and to reduce the fear of crime.

The aim of the Fraud Prevention campaign for vulnerable communities project was to deliver a comprehensive campaign to raise awareness of various forms of fraud, particularly those targeted at the elderly and vulnerable. At the same time, information would be provided to the public enabling them to avoid fraud on their own behalf, act on behalf of others and achieve a higher level of awareness in their community. The initiative was being managed by the Police, but in partnership with the County Council's Community Safety, Adult Care and Trading Standards departments. It would enhance the work already undertaken by Trading Standards, providing a longer joint campaign to raise awareness of the issues. The cost of the campaign and information for the public was £10,000, and the funding would be transferred to the Police for project implementation.

Over recent years, a pilot programme had been developed and delivered with the aim of engaging certain target groups of young people in positive sports and arts activities. The project had aimed to divert young people away from crime and towards positive mainstream sports and arts activities, and had used session paid mentors who had worked intensively with a young person to identify opportunities and facilitate their involvement in positive activities. Evaluation of the project had been very positive. A new 12 week mentoring project would work with young people who were aged 10-17, known to the Youth Offending Service, a young person in care or categorised as a person within the Troubled Families scheme. The mentors would be recruited and managed by Sporting Futures and would work directly with young people. The cost of the new project was £35,700, and would be paid to Sporting Futures.

The Anti-Social Behaviour Education Programme in Schools had been established in 2012, and utilised the Art of Being Brilliant programme focussed on inspiring young people, and had concentrated on developing pro-social thinking habits, attitudes and behaviours towards committing ASB, respecting difference and understanding the impact of alcohol consumption. The programme had been delivered to Year 7 students in nine schools as well as to a group of young people from Children's Homes. Following the programme, the students had been encouraged to share their learning with other students in their schools, as well as their families and communities.

Perception surveys had been carried out before and after the programme, and this had revealed a positive impact. It was proposed that the programme be continued for a further year and worked with ten schools, to be targeted in the same way as previous years. The cost was £35,000.

The cost of the proposals totalled £100,700 and could be met from within existing budgetary provision.

RESOLVED that the sum of £100,700 be awarded from the Communities Budget to support five community safety projects:-

- Bridging the Gap between generations - £15,000
- Derbyshire Handy Van Network - £15,000
- Fraud Prevent Project – £10,000
- Sports and Arts Mentoring Programme - £25,700
- ASB Education Programme in Schools - £35,000.

36/13 BUDGET MONITORING MONTH 3 2013/14 The gross budget for the Health and Communities portfolio was approximately £57m, and the budget monitoring was projecting an underspend for the year of £2.156m, £1.284m of which related to the new Public Health function. This would be transferred into a ring fenced reserve at the end of the financial year, which meant that the true forecast currently was an underspend of £0.872m.

The key variances were reported, and included an underspend in Public Health, Youth Offending Service, and Libraries, Museums, Art and Heritage.

RESOLVED to note the position on the 2013/14 Revenue Budget.

37/13 RE-PROCUREMENT OF SUBSTANCE MISUSE FAMILY AND CARER SERVICES Early support for families and children affected by substance misuse was an important part of the national drug and alcohol treatment strategies, and the Substance Misuse Family and Carer Service was an early intervention approach to support those affected by others' substance misuse. Cabinet had approved the re-procurement of the Service in September 2012. Subsequently, the Drug and Alcohol Action Team (DAAT) had established a steering group, developed the service specification, and had undertaken a full consultation process which had helped redefine the Family and Carer Services specification.

The revised contract scope would include young people affected by parental or sibling substance misuse, and would integrate help for those affected by other people's alcohol use – this was currently a separate service. The changes responded to the recommendations of a recent Serious Case Review investigation and gaps in current service provision identified during

consultation, including Glossop. This aligned with an extension of other Derbyshire Public Health interventions into Glossop.

Adult Social Care had secured Cabinet approval to develop lead commissioner arrangements for all Family and Carer services, and DAAT had met with Adult Social Care to explore options for collaborative commissioning approaches. It had been agreed that Public Health would retain the budgetary and commissioning responsibility for the specialist Substance Misuse Family and Carer Service to ensure key public health outcomes were delivered, while close collaboration with Adult Social Care Family and Carer services commissioning would maximise the benefits for service users by enhancing pathways and resources.

The contract value in year one (2014/15), incorporating resources for young people, Glossop and alcohol services, was £273k. This comprised joint funding intentions of £7k from CAYA, £50k from Community Safety, £126k from Public Health for the children's support element, £40k from Adult Social Care and £50k from Troubled Families. The contract would be awarded on a 2+1+1 year basis, subject to review. The successful provider(s) would be required to provide monitoring and performance information to demonstrate that the service was being delivered fairly, targeting those in need, and achieving positive results for those affected by substance misuse.

RESOLVED to approve the proposals to re-procure family and carer services for substance misuse (including alcohol) for Derbyshire, including Glossop.

38/13 **EXCLUSION OF THE PUBLIC** **RESOLVED** to exclude the public from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING

1. To consider the exempt reports of the Strategic Director – Cultural and Community Services on:-
 - a) Staffing Changes within the Library Service (contains information relating to any consultations or negotiations in connection with any Labour relations matters arising between the Authority or a minister of the Crown and employees of, or office holders under, the Authority)
 - b) Initiated Prosecutions under Trading Standards Legislation (contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime)

2. To consider the exempt report of the Director of Public Health on Supporting Financial Inclusion Work in Derbyshire (contains information relating to any individuals)