

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 11 February 2014 at County Hall, Matlock

PRESENT

Cabinet Member – Councillor D Allen

Also in Attendance – Councillor P J Smith

An apology for absence was submitted on behalf of Councillor C A Hart

14/14 **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 21 January 2014 be confirmed as a correct record and signed by the Cabinet Member.

15/14 **ACTIVE DERBYSHIRE PLAN – VILLAGE GAMES** The Derbyshire Village Games had been set up as a Community Sports Trust in 2010/11 with a grant from Sport England and support from six district councils. The Village Games was a key part of the Active Derbyshire Strategy, and the first three year programme had been a significant success.

Last year, Sport England had invited the Trust to apply for further funding to build on the success and expand the community led approach into new areas of Derbyshire. At the time, Village Games provision had not been available in Chesterfield and Erewash. At the bid stage, a package of funding of £240,000 per annum for three years had been considered to be a realistic minimum based on a split of £80,000 from district councils, £80,000 from Sport England and £80,000 from the County Council. The bid had been successful, and the Village Games model had now been rolled out across all districts. All district councils had contributed to the 2013-16 Programme, thereby collectively matching the County Council contribution.

The first six months of the new Programme had delivered 1,979 new participants attending 12,400 sessions. In addition, Village Games officers were supporting communities to access a range of grants and funding streams. One of the key strands of the Health and Wellbeing Strategy was to encourage more people to take part in active recreation and sport, and the project had proved to be successful.

The County Council commitment was to provide funding of £80,000 per annum for the current Programme, which would end in 2016, and it was proposed that the sum be met from the Public Health budget. The funding would support the Village Games to have a focus on engaging people in the more disadvantaged areas of the county and with groups who were less likely to be physically active. This would contribute to reducing health inequalities.

RESOLVED that (1) the County Council's commitment to fund £80,000 per annum for two years to the Derbyshire Village Games Programme, matching the contributions from district councils and Sport England, be met from the Public Health budget; and

(2) there be a focus on engaging people in more disadvantaged areas of the county.

16/14 CONSUMER ADVICE WHEN BUYING A SECOND HAND CAR

When buying a second hand car, consumers were entitled to a vehicle that was of a satisfactory quality, fit for its intended purpose, as described, and in a roadworthy condition. A breach of the first three criteria could give rise to a breach of contract and entitle the consumer to compensation or a full refund depending on the extent of any fault. The sale of a misdescribed or unroadworthy car was also a criminal offence, and could lead to a trading standards criminal investigation and, if necessary, a prosecution.

The most recent data produced by Citizens Advice had indicated that 500,000 consumers had complained about £3.5billion worth of faulty goods and services in the year ending March 2013. Complaints about second hand cars had been the highest category of complaints. Complaints about second hand cars were also prevalent from Derbyshire residents.

Details were provided about one complaint received by Derbyshire Trading Standards which had resulted in a recent successful prosecution. As well as the charge for the dangerous car, the car trader had faced three other charges under the Consumer Protection from Unfair Trading Regulations 2008. The case had been heard at Derby Magistrates Court in January, and the judge had imposed fines of £1,500, costs of £1,950 and had ordered the trader to pay £500 compensation to the purchaser. The car trader had also ceased trading.

RESOLVED to note the report.

17/14 REGULATORS' CODE The Trading Standards Division enforced a wide range of legislation made by Parliament which the local authority had a duty to enforce. In deciding what action to take, the Division was guided by its own Compliance Policy and any government advice and legal process. As well as the course of action taken, the approach of officers in applying the law was considered and regular feedback sought from businesses. The feedback received was overwhelmingly positive.

Authority to enforce new and amended trading standards legislation was regularly sought. As an externally accredited quality assured service, the Division monitored and reviewed its compliance policy using an internal quality control database. For a number of years, Government had tried to get the

balance right between legislation to protect citizens and avoiding placing too onerous a regulatory burden on business, and an attempt to ensure that regulators were not over-zealous had been the Enforcement Concordat, which had been published in 1998.

In April 2008, Government had introduced the Regulators' Compliance Code, which had supplemented the Enforcement Concordat and had placed a legal requirement on local authority regulators to 'have regard' to the Code when conducting enforcement actions. In July 2013, Government had announced a further revision to the requirements placed on enforcement authorities seeking to ensure business compliance with legal requirements in the form of a new 'Regulators' Code', which was due to come into force in April 2014. The revised code was intended to improve the way regulation was delivered at the frontline.

The new Code was divided into six sections, which now included a requirement to support business growth and avoid imposing unnecessary regulatory burdens. It also specified that regulators should ensure that their officers were competent. Most of the requirements of the new code were already included in the existing Trading Standards Compliance Policy. However, section 6 required the authority to demonstrate how the Division was complying with the Code and to ensure that this information was available to the public. This could require a revision both to the existing policy and also how the information was collated and made available. As the new code was still in draft form, it was proposed that any revision to the current Compliance Policy was considered as part of the existing review of divisional policies. It was also proposed that any changes to the existing policy, and how the division intended to demonstrate compliance, were presented for approval.

RESOLVED to agree to a review of the Trading Standards Compliance Policy in light of a new 'Regulators' Code' due to be introduced in April 2014.

18/14 TEMPORARY CLOSURE OF SWADLINCOTE LIBRARY A major refurbishment of Swadlincote Library was to take place, with all the library shelving being replaced with more modern and more accessible units. The new shelving would be movable and would enable the library to be more easily rearranged. Public IT provision was to be reconfigured, providing a better layout with the opportunity for use by groups. All the planned work would be financed from the Revenue Outturn 2012/13 budget, at a cost of £50,000. Property Services would also re-carpet and repaint the public areas as part of the planned maintenance programme.

In the interests of health and safety, the work could only be carried out if the library was closed to the public. During the period of closure, staff would be redeployed to other libraries in the area, undertake training or development activities or take annual leave for all or part of the period of closure.

RESOLVED to approve the temporary closure of Swadlincote Library from 15 February to 28 April 2014.

19/14 TRADING STANDARDS SURVEY INTO FIRE SAFETY OF UPHOLSTERED FURNITURE AND MATTRESSES There were over 50 upholstered furniture manufacturers and importers in Derbyshire. Derbyshire's upholstered furniture manufacturers and importers were classed as high risk for safety, and the Division visited the majority on an annual or bi-annual basis. Particular emphasis was placed on the need for the businesses to maintain records confirming that the filling and cover materials they used complied with the flammability requirements. This was partly addressed by 'declarations' from the suppliers on delivery notes that the relevant materials were compliant. It was also recommended to the companies that they confirmed this by obtaining test reports from the suppliers on a regular basis. The Division also regularly submitted products on sale in the county for testing against relevant safety standards to ensure that goods on sale were compliant.

Details were provided of the number of samples submitted for testing and the number of failures. The number and percentage of failures (47%) was of concern, and during the course of the investigation, a particular area of concern had emerged. Part of the manufacturing process involved furniture manufacturers sending the fabric to be used in the manufacturing process to a third party to carry out a fire retardant treatment. However, it would appear that in some circumstances, the process had resulted in an inadequate or inconsistent application, this rendering the furniture non-compliant with the relevant safety tests.

During 2012, samples of fabric that were to be used in the manufacturing process had been obtained direct from local furniture manufacturers and submitted for testing. Whilst all of the samples had passed the cigarette test, six of the twenty samples had failed to meet the requirements of the match test. Four of the six failed samples had been reported as producing 'escalating combustion which required forcible extinction' within 60-100 seconds of removal of the butane flame source. Failed samples taken in 2011-12 had resulted in two recent prosecutions, and as a result of the 2012-13 sampling programme, one of the companies previously prosecuted had been prosecuted again in October 2013.

The Division was currently participating in a national survey of intelligence about unsafe furniture commissioned by the National Trading Standards Board and would continue to monitor and test products on sale in Derbyshire.

RESOLVED to note the report.

20/14 2014/15 SMALL GRANTS TO VOLUNTARY SECTOR SEXUAL HEALTH SERVICE PROVIDERS

Sexual health was an important part of both physical and mental health, and was essential to general wellbeing. Good sexual health was aided by access to information and services that helped avoid the risks of late diagnosis of HIV, onward transmission, sexually transmitted infections and of harmful relationships. The Public Health Outcomes Framework 2009-2011 had identified that 59.4% of HIV diagnosis in Derbyshire were presented at a late stage, and the focus therefore had to be on prevention and promotion to increase early diagnosis.

Tackling late diagnosis by ensuring that people were identified sooner was essential, as the majority of people who were diagnosed early could expect a near normal life expectancy. Some groups were at higher risk of poor sexual health, living with barriers that hindered their access to sexual health services. Groups most vulnerable to poor sexual health included people living with HIV, gay and bi-sexual men and men who had sex with men.

Derbyshire Friend and Derbyshire Positive Support were two local voluntary sector organisations that worked directly with Derbyshire residents from the most vulnerable groups. The allocation of one off grant funding of £10,000 to each provider would help in a number of ways.

By awarding the proposed grant funding, neither Derbyshire Friend or Derbyshire Positive Support would be contractually obliged to deliver any particular service, although the Council may be able to claw back the grant if it was unspent or misapplied.

RESOLVED that funding of the provision of grants of £10,000 for 2014/15 be supported for each of the two organisations – Derbyshire Friend and Derbyshire Positive Support.

21/14 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 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 report of the Director of Public Health on Extension of Contract for 'Living with Long Term Conditions' Service with Derbyshire Community Health Trust (contains information relating to the financial or business affairs of any particular person (including the Authority holding the information)).