

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 15 June 2015 at County Hall, Matlock

PRESENT

Councillor D Allen – Cabinet Member

Also in Attendance – Councillor Julie A Hill

57/15 **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 26 May 2015 be confirmed as a correct record and signed by the Cabinet Member.

58/15 **TACKLING ILLICIT TOBACCO 2014/15** Details were provided of action taken by the Trading Standards Division to tackle the sale and supply of illicit tobacco in Derbyshire during 2014/15. Although the rise in the number of complaints about illegal cigarettes had slowed, there had still been a significant number during 2014/15, reflecting the continued presence of shops selling illegal cigarettes throughout the county. The Trading Standards Division continued to prioritise the activity.

During the previous financial year, the Division had visited 30 retail outlets, storage units and domestic premises throughout the county. A total of 821,000 cigarettes and 108kg of hand-rolling tobacco had been seized. One of the issues facing the Division was that the businesses selling illegal tobacco only kept a relatively small stock on the premises. As a consequence, not only was it more resource intensive to take enforcement action requiring the services of sniffer dogs and the support of Derbyshire Police, it also meant that often the business was operating again within days. As well as taking enforcement action through the courts, one strategy that had proven effective was to identify and work with property owners to evict the persons conducting the illegal business. During the previous year, seven shops had successfully been closed in this way.

With financial support from the Public Health Resource Fund, the Division had been able to maintain the prioritisation of tackling illegal tobacco. To date, the Division had been involved in the seizure of approximately 1.7million sticks of cigarettes and 910kg of hand-rolling tobacco. Activities to disrupt and take enforcement action against those engaged in the sale and supply of illegal tobacco, and the estimated value of seized tobacco, were summarised. Following investigations into the supply and sale of illegal tobacco, fourteen prosecutions had been concluded during the last financial year. The activity would remain a priority for 2015/16.

RESOLVED to note the steps taken by the Trading Standards Division to reduce illegal tobacco.

59/15 INTELLECTUAL PROPERTY CRIME REPORT 2014/15 Details were provided of activities undertaken by the Fair Trading Team to tackle intellectual property crime in Derbyshire.

Although tackling intellectual property crime remained a local, regional and national priority, the available resource to respond to complaints and take action with regard to counterfeit goods had been reduced. Regionally and nationally, priority had been given to those products that might cause harm to health. The Division assessed all complaints that had been received to determine the strength of evidence, the volume/value of goods involved, the type of consumer/business detriment, the location of the seller and/or counterfeit goods and the method of sale, whether the perpetrator was identified and if so whether the person was known and/or part of an organised group.

Depending on an assessment of the intelligence about counterfeiting activity, there was a range of actions that the Division could take. In most instances, it was important that the information was captured and recorded on departmental databases and logged in a way that could be shared with other law enforcement agencies. The Division utilised a secure system which allowed information to be shared so that patterns of criminal activity could be identified. Where a notification about counterfeiting activity exceeded the priority threshold, action was taken to obtain evidence to support a criminal conviction. Depending on the level of offending, sanctions ranged from letters of warning, issuing a Formal Caution, or instigating legal proceedings.

During the past twelve months, the Division had received over 100 complaints about counterfeit goods, which represented a reduction in the previous upward trend. There had been fewer complaints about counterfeit goods being sold at markets and car-boot sales, but more about internet based sales. Due to the low level of counterfeit goods being offered for sale by individual internet traders and the high level of resources required to investigate, relatively little enforcement action leading to prosecution for counterfeit products other than cigarettes or alcohol had been taken. Details were provided of the type, volume and estimated high street value of counterfeit goods seized in Derbyshire during the past financial year.

RESOLVED to note activities undertaken to tackle intellectual property crime.

60/15 RESULTS OF DERBYSHIRE TRUSTED TRADER MEMBERSHIP SURVEY The Derbyshire Trusted Trader Scheme had been set up in 2008, and one of the objectives of the scheme was to enable older residents to live independently for longer in their own homes by identifying traders that could be trusted. The fee structure had not been set at a cost

recovery rate originally, but due to the reduction in funding for local authorities it had been necessary to review the amount charges and to seek to recover more of the costs from Trusted Trader Members. It had previously been agreed to rationalise the fee structure and to increase the membership fee from September 2015. Current membership of the scheme was 1,294.

An annual survey of members was conducted and the Division sought to respond positively to suggestions and address problems raised by scheme members. 471 of the businesses had responded and some of the key points from the most recent survey were highlighted. Individual comments from scheme members had also been very positive.

RESOLVED to note the positive feedback from a recent survey of members of the Derbyshire Trusted Trader Scheme.

61/15 **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 confirm the exempt minutes of the meeting of the Cabinet Member for Health and Communities held on 26 May 2015.

62/15 **EXEMPT MINUTES RESOLVED** that the exempt minutes of the meeting of the Cabinet Member for Health and Communities held on 26 May 2015 be confirmed as a correct record and signed by the Cabinet Member.