

**MINUTES** of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 15 July 2014 at County Hall, Matlock

**PRESENT**

Councillor D Allen – Cabinet Member

Also in Attendance – Councillors C A Hart and P J Smith

Apologies for absence were submitted on behalf of Councillor E S Wilcox

**62/14** **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 17 June 2014 be confirmed as a correct record and signed by the Cabinet Member.

**63/14** **DOORSTEP CRIME ENFORCEMENT ACTIVITY 2013/14**  
Derbyshire Trading Standards Division worked closely with the Citizens Advice Consumer Service (CACS) who received contact from members of the public who were dissatisfied with something that they had bought and wanted to know their legal rights. The Division sought to support older consumers, and had a system of fast tracking complaints from older residents who could have been the victim of a doorstep criminal. During 2013/14, the Division had received 246 complaints about doorstep crime incidents. Not all had required an immediate response, but when necessary, trading standards officers had attended local residents on receipt of a complaint. Many of the contacts had come from concerned relatives.

The problem of doorstep crime was not a new one, and it had been a local, regional and national priority for trading standards services for many years. This had led to an increasingly closer working relationship with other enforcement authorities and other care agencies that supported older residents. In tackling the problem, the Division had adopted the National Intelligence Model.

Details were provided of the activities undertaken by the Trading Standards Division during the previous financial year to tackle doorstep crime. Making local residents aware of the potential hazards associated with agreeing to have work carried out by someone who arrived on the doorstep was achieved through a variety of means. Six press releases and 15 alerts had been issued during the year, and trading standards staff had distributed 1,500 'No Cold Calling' stickers.

Many rogue doorstep traders traded under bogus names and addresses, and it was therefore vital that as much information as possible was obtained and shared. Such information was recorded on a database, and during the past year, 37 items of intelligence had been recorded. Ensuring

that partner agencies were aware of the relevant legislation was also important, and during 2013/14, training had been provided for just under 300 Police staff.

Derbyshire Trading Standards had participated in an annual initiative to raise awareness about doorstep criminals called Operation Rogue Trader, and this involved a range of enforcement agencies working together to engage businesses in the home maintenance sector to ensure that they were working legitimately. Operation Rogue Trader had also identified breaches of trading standards requirements resulting in appropriate enforcement action.

A range of enforcement action had been undertaken in response to complaints and intelligence received. It was not always possible to take formal action against rogue traders, but the Division had successfully intervened in connection with 18 doorstep crime incidents and had managed to recover or prevent payment of nearly £70,000. Derbyshire Trading Standards had also supported a successful prosecution involving rogue traders who had targeted consumers living in park homes, and was involved in three on-going criminal investigations.

**RESOLVED** to note the activities undertaken to address doorstep criminals operating in Derbyshire in 2013/14.

**64/14      SUBSTANCE MISUSE S256 BUDGET EXPENDITURE** In 2013, a Section 256 agreement had been brokered between statutory partners Derbyshire Primary Care Trust and Derbyshire County Council in order to successfully carry forward a forecast underspend accumulated since 2010/11. In developing the areas for expenditure, prioritisation had been given to:-

- The need for further investment in peer led recovery services in Derbyshire
- The limitations and opportunities of non-recurrent funding
- The development of Mutual Aid and peer led services
- Localism and supporting the Voluntary Sector in Derbyshire
- Purposeful funding with clear, tangible outcomes which add significant value to mainstream treatment service provision
- Developing better integration of drug and alcohol services
- Identifying areas of currently unmet need and/or inequality in provision or access

The underspend currently stood at approximately £800,000, and eight broad categories for expenditure had been identified – programme infrastructure to support commissioning, harm reduction, supporting and enhancing recovery services across the county, addressing inequalities, addressing training and underperformance, integrating alcohol services, housing and supported provision, and increasing employability. Within these

categories, an initial suite of specific costed projects suitable for grant funding had been proposed, and these were presented. Further proposed resource deployment within the eight headline areas would be developed over the coming months, and subsequent reports would be prepared for authorisation of expenditure.

**RESOLVED** that the Cabinet Member (1) approves the proposed expenditure as grants outlined in Appendix 1 from the S256 Substance Misuse Budget; and

(2) agrees to receive subsequent reports with updated plans for further expenditure of the Budget within the headlines identified.

**65/14      TRADING STANDARDS CONTRIBUTION TO TOBACCO CONTROL 2013/14**

The trading standards division made a significant contribution to tobacco control, and details were provided of activities undertaken during the previous financial year to support both the Council's ambition to make Derbyshire a Safer and Healthier place and also to contribute to the Department of Health's 'Healthy Lives, Healthy People – Tobacco Control Plan for England'. The Tobacco Control Plan for England set out six strands with regard to tobacco control, and the main areas of activity that had involved the Division and which contributed to at least four of the strands included preventing under-age sales of tobacco, ensuring that the advertising and labelling of tobacco products complied with legal requirements, responding to safety concerns about E-cigarettes and associated products, and tackling the significant increase in the supply of illegal tobacco throughout the county.

The Authority was required to consider and approve an enforcement programme under the Children and Young Persons (Protection from Tobacco) Act 1991. Together with the Children and Young Persons Act 1933, the legislation sought to protect children from the health risks associated with smoking tobacco. For a number of years, the Division had had a programme of visits to local retailers to provide advice and information on the requirements of age-restriction legislation and what training and procedures stores could adopt to minimise the risk of making an illegal sale.

After a period of relatively high compliance, 2013/14 had seen a marked decline. However, it should be noted that although there had been six sales to under age volunteers, three of these had been from the same premises and two of the businesses had also been found to be selling illegal cigarettes. Of slight concern had been that when an exercise was conducted to see if local retailers had been complying with their own Challenge 21 or Challenge 25 policies, many had sold to volunteers who were aged 18.

There were a range of sanctions available to the authority when breaches were uncovered, ranging from a letter of warning or 'formal' caution through to prosecution in the Magistrates Courts. The three businesses that had made under-age sales were currently under investigation with a view to prosecution. It was proposed that the Division continued with an annual programme of business advice, test purchase checks and market surveillance to seek compliance with the Children and Young Persons Protection from Tobacco Act.

The Health Act 2009 contained measures to minimise the exposure of tobacco products when sold by retail. The relevant legislation had been 'phased-in' and from 6 April 2012, the provisions relating to large retailers had come into force. Those applying to smaller retailers were scheduled to come into force in April 2015. Currently, a proposal for cigarettes to be sold in unbranded packaging was also under consideration. There had been no issues reported regarding breaches by the larger retailers.

There had been a significant increase in concerns about the safety of the recharging of e-cigarette batteries, and during 2013/14, the Division had received 34 complaints about e-cigarettes. At least a third of these had related to the safety of the battery component. There had also been concern about the packaging and labelling of the nicotine solution and the availability of e-cigarette products to young people under 18. E-liquids had to comply with packaging and labelling requirements such as child resistant closures and have suitable warnings about the toxicity of the contents. In response to the concerns, the Division had made test purchases of a variety of e-cigarettes and associated products from local retailers and had submitted them for testing against current legal requirements. Of ten electronic cigarette kits purchased, five had passed and five had failed, with three failing in safety critical ways. Eight separate wall chargers had been purchased, and three had passed and five had failed – four had failed in safety critical ways. Fourteen e-liquids had been purchased, and three had passed and eleven had failed with one serious failure. Appropriate follow up action had been taken to ensure that no-complying products had been removed from sale, and appropriate warnings had been issued to the public.

Although the rise in the number of complaints about illegal cigarettes had slowed, there had still been a significant number during 2013/14, reflecting the continued presence of shops selling illegal cigarettes. The Trading Standards Division, with support from Public Health and other enforcement agencies, continued to prioritise this activity for a number of reasons, and these were highlighted. During 2013/14, the Division had conducted 18 test purchase checks, which had resulted in raids to 16 different retail outlets throughout the county and to eight associated storage facilities in Derby. A total of 878,000 cigarettes and 794kg of hand rolling tobacco had been seized. This had been higher than the previous year, and was

equivalent to a high street value of £0.65m. Trading Standards staff were currently investigating 13 stores and five prosecutions had been completed during the year against shops.

One of the issues facing the Division was that the businesses selling illegal tobacco only kept a small stock on the premises. Consequently, not only was it more resource intensive to take enforcement action, it also meant that often the business was operating again shortly afterwards. As well as taking enforcement action through the courts, one strategy that had proven effective had been to identify and work with property owners to evict the persons conducting the illegal business, and during 2013/14, five shops had successfully been closed in this way. In light of Derbyshire's experience with tackling illegal tobacco and having contributed to supporting the control of tobacco for a number of years, the Division had identified a number of issues which it was felt would support that control, and these were detailed.

The Anti-social Behaviour Act 2003 created an offence for anyone to sell aerosol paint products to persons under the age of 16. When the Act was introduced, the use of spray paints had been widely reported, but this had since declined. As with previous years, because of a lack of intelligence to suggest that there was a current problem with under age sales of aerosol paints, it was proposed that no proactive enforcement of this legislation be undertaken during the year unless the Division received any significant complaints. No such complaints had been received in 2013/14.

**RESOLVED** to note the steps taken by the Trading Standards Division to reduce smoking prevalence and to agree to the proposed programme of enforcement to prevent under age sales of tobacco and aerosol paints.

**66/14      COLLECTIONS MANAGEMENT** Significant work had been undertaken at Elvaston Castle since 2001 to resolve outstanding museum collections management issues dating from the 1990s. This work had been undertaken in line with the Museums Association Code of Ethics and latterly guided by its Disposal toolkit. The process had been overseen by regional Museum Development Officers and, with regard to artefacts carrying grant aid, the awarding bodies.

The collection had previously been reduced to approximately 7500 items, and all the objects had been catalogued on the MODES database. The majority had been removed from storage in the Castle to a single location in the Coach Block, although some items remained in the Castle and a small number remained in buildings in the Museum yard. Objects had been packaged to museum standards and, where necessary, protected from light, dust etc. A review in 2013 using the MA Collections Link's Benchmarking Assessment for Accreditation had found that while the building, storage and environment control benchmarks were adequately met, work was needed to

meet benchmarks for environmental monitoring, housekeeping and emergency preparedness. Progress was being made to resolve this where possible.

Since 2012, staff had been undertaking a review of the collections using the MA Assessing Significance Toolkit. There was a need to undertake a further review, to highlight objects that did not fit with the museums collecting policy or were in such a condition that they could not be displayed. So far, over 300 objects had been marked for transfer or disposal, and it was estimated that the collection would be reduced to 4500 objects, all of which would have relevance to the collection.

There was now a further tranche of material to be disposed of in line with MA guidance by being offered first to local accredited museums and then through the MA 'Find an Object' online portal. Donors who had donated objects prior to 1994 would not be approached in the process, but every effort would be made to contact donors who have given material since 1994 in order to offer the objects back to them. Should there be no interest from accredited museums, the disposal would be either by transfer to non-accredited museums and heritage organisations, or through public auction or permanent disposal. Any disposal would be in line with the MA Code of Ethics and each item would be recorded and the records retained.

Ultimately, the collection that was housed at Elvaston would be of reasonable museum quality and have function and purpose within the county's collections. When the review process began, it had been likely that there would be an interpretation facility at Elvaston relating to the development and management of the historic garden, so collections which seemed relevant had been retained. Other collections had merit as having good Derbyshire provenance and had been used in library exhibitions, at Buxton Museum and had been lent to independent museums. The remaining collection would need to be managed, stored and used for the long term, and options for the future use of the collection would be the subject of a further report.

The MA Code of Ethics recommended that any monies raised as a result of disposal should be applied 'solely and directly for the benefit of the museum collections' and this had previously been followed by the County Council. It was unlikely that any item of value would be considered for disposal. Should items be considered sellable, then following the agreed procedures, an appropriate auction house would be sought in line with recommendations from County Procurement and suitable terms agreed. There would be a retained collection and support for its long term preservation and storage needed to be resolved.

**RESOLVED** to (1) note the report; and

(2) agree to the relocation and disposal of items from the collection at Elvaston in accordance with the Museum Association Guidelines.