

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 17 June 2014 at County Hall, Matlock

PRESENT

Councillor D Allen – Cabinet Member

Also in Attendance – Councillors P J Smith and E S Wilcox

55/14 **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 27 May 2014 be confirmed as a correct record and signed by the Cabinet Member.

56/14 **BETTER BUSINESS FOR ALL INITIATIVE** The Better Business for All initiative had been established by the Better Regulation Delivery Office (BRDO) after a successful pilot within the Leicester and Leicestershire Local Economic Partnership (LEP). The main objective of the initiative was to open a dialogue between local regulators and businesses to seek to ensure that regulators supported compliance and helped businesses to reduce costs.

The Cabinet Member for Health and Communities had previously agreed to support the initiative, and a partnership of local and national regulators, local businesses, the D2N2 LEP, Derbyshire and Nottinghamshire Chamber of Commerce, and business representatives had been created. A Steering Group had been formed and Derbyshire Trading Standards Division was playing a lead role within the Group and the BBfA initiative which had been launched within the D2N2 LEP region in October 2013. Derbyshire County Council had made a commitment to the objectives of the initiative by signing up to a Charter agreed by the Steering Group.

As well as launching the BBfA initiative within D2N2 and establishing a Steering Group, the partnership had provided awareness training for local regulators and had identified a number of work streams to provide enhanced support for local businesses. The achievements to date were reported.

During the previous financial year, the D2N2 BBfA partnership had benefitted from a co-ordinator provided by BRDO. An Environmental Health Manager from North West Leicestershire District Council had been seconded to BRDO and had supported the D2N2 BBfA programme, but the arrangement had finished at the end of March 2014. The partnership wanted to resurrect the co-ordination support and had identified sufficient funding to support a fixed term post from July 2014 – March 2015. It was proposed that Derbyshire County Council, as lead authority for the D2N2 BBfA initiative, entered into an agreement with North West Leicestershire to secure the services of the Environmental Health Manager.

It was proposed that the post holder would be co-located between Derbyshire County Council, North West Leicestershire District Council, the Derbyshire and Nottinghamshire Chamber of Commerce/D2N2 LEP and the remainder of the time would be working from home and within the D2N2 region. The individual would remain an employee of North West Leicestershire but would be under the supervision of the Head of Trading Standards for the duration of the agreement. Derbyshire County Council, on behalf of the partnership, would be responsible for paying North West Leicestershire for the post holder's salary and on-costs, together with travel and other costs associated with the job role. The funding for the role had been identified by the partnership and included £15,000 from the D2N2 LEP, £10,000 from Derbyshire District Council Environmental Health Services, £14,000 residual BRDO grant held by Derbyshire Trading Standards on behalf of the partnership, and £10,000 from Derbyshire and Nottinghamshire Chamber of Commerce.

Part of the job role would be to seek contributions from other partners and to make recommendations as to the viability of creating a permanent BBfA support role. Another element of the role would be to explore other income streams including seeking payment from businesses for regulatory advice.

RESOLVED to agree to entering into an agreement with North West Leicestershire District Council on behalf of the D2N2 partnership for the services of an environmental health manager to facilitate the development of the D2N2 BBfA programme.

57/14 ENFORCEMENT OF ENVIRONMENTAL WEIGHT
RESTRICTIONS IN DERBYSHIRE 2013/14 Details were provided of action taken during 2013/14 to enforce weight restrictions which limited the access of heavy goods vehicles to certain locations. There were lots of weight restrictions in place on the county's roads to protect local communities from the disruption and damage caused by vehicles travelling along unsuitable routes, and the County Council, as Highways Authority, had the power to impose a structural weight restriction where HGVs might cause damage. There was no duty placed on the authority to enforce the legislation, but for a number of years, the Trading Standards Division had carried out proactive checks and responded to complaints from the public alleging breaches of weight restrictions by HGVs.

The Division had received 469 complaints about breaches of weight restrictions during the last financial year, and had carried out 23 checks which had detected 141 infringements. Full details of enforcement activity conducted during 2013/14 were provided. It was stated that not all HGVs observed in a restricted area would be in breach, and there were a number of exemptions. When a vehicle was observed breaching a weight restriction

without a legitimate reason, both the driver and operator of the vehicle were potentially guilty of an offence. In line with the Division's compliance policy, unless either party had previously been warned, the person responsible would be given a written warning. It was proposed that this policy be endorsed together with the current strategy of targeting those weight restrictions generating the most complaints from local residents.

RESOLVED to note the activity to tackle breaches of weight restrictions in Derbyshire and to endorse the proposed policy towards enforcement.

58/14 TRADING STANDARDS CONTRIBUTION TO ALCOHOL HARM REDUCTION 2013/14 The local authority had a duty to enforce the provisions of the Licensing Act which prohibited sales of alcohol to young people under 18. The Trading Standards Division carried out a range of functions to seek compliance with the legislation.

The first opportunity to engage with businesses wanting to sell alcohol was to consider what steps were in place to prevent sales to young people, and the Trading Standards division was required to assess all alcohol license applications. If it was felt that there were insufficient steps in place, officers would discuss this with the applicant, and if agreement could not be reached, the Division had the power to raise an objection with the licensing authority. The Division had a programme of advisory visits to local off-trader businesses to check what precautions were in place to prevent illegal sales of alcohol. Where there wasn't a sufficient system in place, officers would agree an action plan, and failure to address inadequacies could lead to an application to the local licensing authority to have additional conditions placed on the premises license, and/or a request to suspend or revoke the license if there was evidence of persistent non-compliance. With the assistance of teenage volunteers, test purchase exercises had been undertaken to check for illegal sales of alcohol by local retailers. The Division also worked closely with other agencies who had an interest in or responsibility for preventing alcohol harm.

During the last financial year, a total of 212 licence applications had been received, and there had been 68 applications for premises licenses at off-licences. 27 of the applications were considered to have insufficient arrangements for the protection of children from harm, and it had therefore been necessary to negotiate with the applicant to ensure that appropriate arrangements were put in place. Trading Standards had carried out 123 advisory visits to local businesses selling alcohol, and 49 test purchase checks had been made which had resulted in 5 illegal sales. This was on a par with recent years. The districts with the highest failure rates had been Bolsover and Erewash, although it was noted that the number of test purchase checks had been relatively low compared to previous years and that if a business was found to have made an underage sale, a second attempt was made to ascertain whether the first sale was a one-off. The proportion of

businesses making illegal sales was therefore lower. The total number of premises visited had been 45 of which 4 had made one or more illegal sale, which equated to a compliance rate in excess of 90%.

The Division had a range of sanctions available following the detection of non-compliance. The most appropriate course of action was determined on a case-by-case basis. Formal disposal options available were highlighted, although for premises licensed for alcohol sales, other actions could be applied. Both Trading Standards and the Police would also agree a voluntary Action Plan with the licence holder. As a result of the illegal sales, a range of enforcements action had been taken, and this was detailed. It was reported that a programme of test purchase checks had been undertaken with 18 year old volunteers, the purpose of which was to check whether local retailers were adhering to the Challenge 21 or Challenge 25 procedures. Of concern was that 47 premises out of the 79 tested had sold alcohol without checking that the young person could prove that they were over 18. It was therefore recommended that the Division continued to carry out a range of activities.

RESOLVED to note the contribution to alcohol harm reduction made by the Trading Standards Division and to endorse the continued approach to enforcement.

59/14 MUSEUM DEVELOPMENT EAST MIDLANDS PEER REVIEW ASSISTANCE Buxton Museum and Art Gallery was currently preparing two applications for grant funding to the Heritage Lottery Fund (HLF) – Stage 2 funding for Collections in the Landscape to improve access to the museum’s collection, and funding towards the review of Accreditation status for the museum. Both required presentation of a range of policy and procedural documents which underpinned all the work that the museum did, including a five year forward plan, a collections management portfolio and a visitor service portfolio. These documents were regularly reviewed, but there were changes required from external sources relating to legislation and good practice.

To assist in the preparation of the documents, the museum had successfully applied to Museum Development East Midlands for a grant of £3,000 for a peer review of the museum’s practices, procedures and current documentation, to recommend improvements and to assist in the preparation of new documents. The review would ensure that the documents submitted to HLF and for Accreditation had been peer reviewed, covered the range of activities that the museum delivered, and met the high standard that the museum aspired to. The work that was being undertaken by the museum staff would contribute to match fund the grant. The contract would be advertised on Source Derbyshire, as required by Financial Regulations.

RESOLVED to (1) note the report; and

(2) approve expenditure of the grant from Museum Development East Midlands.

60/14 AWARD FOR FUNDING FROM TREASURE PLUS FOR BUXTON MUSEUM AND ART GALLERY In 2013, Buxton Museum and Art Gallery had acquired, through the National Treasure process, a hoard of silver long cross pennies from the reign of Henry III. This had been an important addition to a small collection of medieval material from the Peak District. In 2013, the Art Fund had announced a new tranche of grants designed to help museums make the most of their treasure and archaeological artefacts, and bring these objects to life. Buxton Museum had submitted an application to conserve, display and interpret the medieval coins, and this application had been successful with an award of £9,000. The project should be completed within the financial year.

The balance for the project would be found from museum budgets and from the Friends of Buxton Museum and Art Gallery, to a total of £11,575. The contracts for the conservation, display and activities would be advertised through Source Derbyshire. The museum intended to deliver two public activities and public lectures to share the information better, and would publish material in local journals and on line.

RESOLVED to note the report and to agree to the expenditure of the grant.

61/14 PUBLIC HEALTH ADVICE TO CLINICAL COMMISSIONING GROUPS As part of the Health and Social Care Act 2012, the local authority had a statutory duty to provide public health advice, information and expertise to Clinical Commissioning Groups (CCGs) in relation to the healthcare services that they commissioned.

A Memorandum of Understanding for 2013/14 had been established prior to the transfer of public health responsibilities to the local authority. This had provided a framework for relationships between the four CCGs and the local authority, and was reviewed on an annual basis. It was not a legally binding document but aimed to clarify the expectations of all parties. The Memorandum of Understanding was supported by a mutually agreed work plan, and the 2013/14 completed work plan was presented. The review of the Memorandum of Understanding and associated work plan for 2014/15 was currently underway and would be presented to a future Cabinet Member meeting.

RESOLVED that the completed work plan delivered by public health to the CCGs be noted.