

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 18 February 2016 at County Hall, Matlock

PRESENT

Councillor D Allen – Cabinet Member

Also in Attendance – Councillor Julie Hill

An apology for absence was received from Councillor C A Hart

15/16 **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 2 February 2016 be confirmed as a correct record and signed by the Cabinet Member.

16/16 **TRADING STANDARDS MANAGEMENT SYSTEM PROCUREMENT** The current Trading Standards Management System, called Authority Public Protection (APP), was provided by Civica Ltd, and in March 2015, approval had been given to extend the current contract for the supply of Civica APP software for a further four years until 31 March 2019.

At a periodic contract review prior to the annual renewal for 2016/17, it had become apparent that an alternative procurement route under the Crown Commercial Services Local Authority Software Applications (CCS LASA) Framework RM1059 could offer further significant cost savings. Permission was sought to conduct an evaluation of suppliers under the CCS LASA framework to determine whether further cost savings were achievable. The outcome of the exercise would be the subject of a future report.

Protocol 2 of the Council's Financial Regulations allowed for the use of non-council frameworks, such as the CCS LASA framework, where contracted expenditure was over £20,000. The Director of Legal Services had advised that it would be appropriate to renew the contract in this case.

RESOLVED to approve, under Protocol 2 of the Council's Financial Regulations, use of a CCS framework for the supply of a Trading Standards Management System.

17/16 **PROSECUTION OF DERBY TRADER FOR UNFAIR TRADING PRACTICES** Details were provided of a recent investigation which had involved a Derby based company trading as Energysave Midlands Ltd. One of the company Directors, David Argyle, also traded as Aquashield Ltd and previously as Aquacoat Ltd. The investigation had followed complaints from householders from across the East Midlands, and had been referred to the East Midlands Scambuster Team by Derby City Trading Standards Service. Mr Argyle had recently been sentenced to 12 months' imprisonment

(suspended sentence for two years) for each of the twelve charges, and he had also been ordered to undertake 250 hours of community work and disqualified as a company director for seven years. The business he operated had pressurised victims into paying extortionate sums of money for work which had often not been required or was ineffective. It had largely targeted older and vulnerable people who were coerced to pay large sums in advance, and the company often failed to return deposits when victims had decided to cancel. Examples were given of some cases, along with the tactics used by the company.

Derbyshire Trading Standards had previously received complaints about Mr Argyle, when he was director of the company Aquacoat Ltd. The company had been investigated by Derbyshire Trading Standards, and both Mr Argyle and the company had been prosecuted for a range of breaches of trading standards legislation. The company had been fined £8,200 and ordered to pay £2,000 Prosecution Costs, and Mr Argyle had been ordered to pay £2,000 in fines and £1,100 in costs. The company had also been ordered to pay a total of £2,766 in compensation to people who had lost money to the business.

It was feared that victims of the latest fraudulent trading had not been compensated as the company had now gone into liquidation. However, following a complaint from the son of a Derbyshire resident, the Division had successfully intervened to secure the consumer's money back. It was understood that Derby City Trading Standards Service was seeking an 'Enterprise' action against Mr Argyle and other individuals associated with the company.

RESOLVED to note the report.

18/16 REGULATORY SERVICES TRAILBLAZER APPRENTICESHIP SCHEME The County Council was leading a bid to set up an Apprenticeship Scheme for Regulatory Services. Under the new 'Trailblazer Scheme', the Government was encouraging organisations to submit expressions of interest (EOI) to set up an apprenticeship scheme for their sector. A minimum of ten employers had to support the EOI and one had to agree to act as Chair of a representative sectoral group to develop the scheme, if approved by the Department of Business Innovation and Skill. Derbyshire had been asked to Chair the group for the proposed Regulatory Services apprenticeship.

Part of the reason to establish an apprenticeship scheme for Regulatory Services was to address a potential future skills gap. It had not been possible to recruit as when posts became vacant, they had been held and then cut to achieve savings requirements. Consequently, the Division had an ageing workforce. It was unlikely that there would be many opportunities for recruitment into Trading Standards alone as it was a relatively small service,

but the skills and knowledge required to become an enforcement officer were similar regardless of what the basis of the legislation was. It was being proposed to create an apprenticeship scheme that could lead to a career in a range of regulatory or enforcement roles.

It was anticipated that the Regulatory Services Apprenticeship Scheme would include a number of core skills, and trainees would be expected to be able to demonstrate a range of skills, knowledge and behaviours. After the first generic year, apprentices could be given the opportunity to specialise in a regulatory area, and it was hoped that at the end of the apprenticeship scheme, young people would be well placed to pursue a career within a regulatory role and would have a recognised qualification.

Derbyshire had secured the support of Heads of Service from other local authorities and other professional areas, and had formed a steering group to submit the EOI. Members of national agencies were also represented on the steering group, which was being supported through the process by the National Trailblazer Team. The Skills Funding Agency had a monthly deadline for the submission of EOI, and the Regulatory Services EOI had been submitted in January. There followed a period of public consultation, after which if the proposal was agreed by Government, the Steering Group had approximately 12 months to establish the scheme.

RESOLVED to note the report.

19/16 LOCAL GOVERNMENT ASSOCIATION REVIEW OF TRADING STANDARDS The LGA had recently published a review of the Trading Standards Service, which had been initiated in recognition of a significant reduction on Government for local authority services, and in response to a strategic vision published by the Chartered Trading Standards Institute suggesting that due to budget cuts, the trading standards service was becoming unviable. The context of the review had been that, over the lifetime of the 2010-15 Parliament, local government funding had been cut by 40% and that Government projections for 2015-20 were for further significant reductions. It had been suggested that on average, local authority trading standards services had received a cut in budget of 40%, and this could have a significant impact.

The key conclusions following the review had been that trading standards should remain fully integrated within local government; the mechanisms already in place for managing local, regional and national trading standards work could provide a solid foundation for future management of different levels of trading standards work; services managed at scale offered the most sustainable future for local trading standards services; and whatever the future model, there was a need for much more honesty about what was deliverable. The mechanisms referred to related to the national and regional

collaboration of local authority trading standards services. Two recent developments had further enhanced regional working – the recognition of the importance of adopting an ‘intelligence led approach’ to help identify rogue traders and to assist local decision making, and the establishment of a National Trading Standards Board.

It was felt that smaller local authorities would benefit from a greater degree of collaboration and sharing of resource. With the potential of greater autonomy through devolved authority, it was hoped that trading standards would be able to take greater advantage of working across local boundaries. The report also mentioned that many local authorities were seeking to generate alternative sources of income through commercialisation, and the LGA was looking to provide further support in this area. Derbyshire was seeking to charge local businesses for the advice provided to help them comply with legal requirements.

RESOLVED to note the report.

20/16 TRANSFER OF COLLECTIONS Derbyshire Constabulary had previously transferred the ownership of the Derbyshire Police Collection to the County Council, and this had been relocated to Buxton Museum and Art Gallery. At the time, the majority of the larger items had been transferred to other museums, but a Norton Commander motorcycle had been retained and exhibited at Buxton Museum.

With the current redevelopment of the museum, the relevance and appropriateness of some items of the collection were being evaluated. Although the motorcycle had local relevance, it was very large and difficult to exhibit in an appropriate display, and it was not in keeping with other items at the museum. It was desirable for the machine to stay on display in a suitable environment, and it was therefore recommended that it be transferred to the National Motorcycle Museum at Solihull.

In line with other Derbyshire items that had been transferred to alternative museums, the Council would request that should the National Motorcycle Museum be unable to look after motorcycle they should inform the County’s museum service, and should Derbyshire museums wish to borrow the motorcycle, this would be agreed by the National Motorcycle Museum. The provenance of the motorcycle would remain with it, and the National Motorcycle Museum would be asked to credit Derbyshire County Council appropriately alongside the object and all photographs of it.

It was considered best practice that transfers of material between museums did not include any financial transaction. The National Motorcycle Museum would be asked to contribute the cost of transportation to Solihull and to meet further costs, such as conservation of the item.

RESOLVED to give permission for the transfer of the Norton Commander motorcycle from the collection at Buxton Museum and Art Gallery to the National Motorcycle Museum in Solihull.

21/16 TOBACCO CONTROL BUDGET EXPENDITURE Approval was requested for funding to projects associated with reducing the harm caused by tobacco. The Derbyshire Tobacco Control Alliance was responsible for overseeing the delivery of the tobacco control action plan, and two of the areas covered in the action plan included smoke free play areas, and activities to reduce the number of pregnant women smoking at the time of delivery.

Supporting and encouraging smoke free environments was an important tobacco control activity, and establishing smoke free as the norm was an important initiative to support the reduction of smoking prevalence by helping to prevent children from starting smoking. The benefits of smoke free play areas had been identified by the UK Healthy Cities Network, and at a recent tobacco control alliance meeting, partners had been presented with details on the current position of smoke free play areas in Derbyshire, examples of best practice, guidance on how to implement smoke free play areas, and potential costs of implementation. The Alliance had recommended that the project should be taken forward. It was proposed that a proportion of the tobacco control budget be used to grant fund the borough/districts to support them to implement smoke free play areas. Funding would be available for the production of signage, as per the best practice guidance.

Tackling smoking in pregnancy was a key priority. The tobacco control plan contained a number of actions to address the issue and the commissioned Stop Smoking Service provided specialist support for pregnant women. It was essential that midwives were provided with the necessary skills and knowledge to be able to establish smoking status, undertake CO monitoring and refer into the local stop smoking service. It was also important that the necessary systems were in place to enable smokers to be referred into the local stop smoking service, and this could be achieved through Babyclear training for midwives, the provision of CO monitors to allow testing to take place, and establishing an effective electronic referral process to ensure that pregnant smokers were provided with stop smoking support quickly after a referral had been made.

It was proposed that funds from the tobacco control budget be used to provide the Babyclear training and CO monitors to community midwives at Chesterfield Royal, and that an electronic referral system be established to ensure an effective referral system was in place. Procurement of the resources would be using Protocol 8 of the Council's financial regulations, due to the unique nature of the products and services required.

£32,000 would be used for the Smoke free Play Areas initiative, which would provide a grant allocation of £4,000 per borough/district council; and £23,000 in total would be for Smoking in Pregnancy. This would provide funding for carbon monoxide monitors (£7,000), training and resources (£3,000) and the implementation of an electronic referral pathway (£13,000). There remained sufficient resource within the Tobacco Control budget.

RESOLVED to approve funding for the Smoke free Play Areas initiative and Smoking in Pregnancy activities.

22/16 BUDGET MONITORING MONTH 9 2015/16 The gross budget for the Health and Communities portfolio was approximately £56m, and the budget monitoring was projecting an underspend for the year of £3.920m, £3.685m of which related to the Public Health function. This included the effect of an in-year cut of 6.2% in the Ring-Fenced Public Health Grant. In November 2015, the Government had announced further cuts to Public Health budgets from 2016/17 to 2020/21, which would result in a cash reduction in funding of 9.6%. Public Health was currently carrying out a comprehensive review of future commitments in the light of the additional cuts to the Ring Fenced Grant. The remaining portfolio had a projected underspend of £0.235m.

The key variances were reported, and included an underspend in Public Health. The Public Health function was mainly funded by a Ring-Fenced grant of £33.038m, and an additional £5.179m Public Health Ring-Fenced Grant had been received to meet the transfer of responsibility for Children's 0-5 Public Health services. The underspend at year end would be transferred into the Public Health Reserve Fund, and Cabinet had recently committed approximately £2m of the underspend to fund Economy, Transport and Environment and Health and Communities Public Health related schemes over the next two financial years. The key areas of underspend were detailed, and there had been a major re-design/re-procurement of a number of services which had resulted in greater efficiencies. However, additional underspends had been forecasted in 2015/16 due to under-performance in some activity-based services. The new Integrated Children's service had commenced recently, and there would be part-year savings in 2015/16.

The Department's Earmarked Reserves totalled £1.648m, and budget reductions totalling £1.291m had been agreed by Full Council as part of the approval of the 2015/16 budget.

RESOLVED to note the position on the 2015/16 Revenue Budget.