

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 7 June 2018 at County Hall, Matlock.

PRESENT

Councillor C Hart – Cabinet Member

Also in Attendance – Councillor S Swann

An apology for absence was received from Councillor D Allen.

22/18 **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 8 March 2018 and 14 May 2018 be confirmed as a correct record and signed by the Cabinet Member.

23/18 **BUDGET MONITORING MONTH 9 2017-18** The budget monitoring report for month 9 2017-18 was received at the 8 March 2018 meeting, however an amendment to clarify section 2.1 first paragraph was required.

The 2017-18 controllable net budget for the Health and Communities portfolio was approximately £3.631m. This figure included the Public Health Ring-Fenced base budget of £41.618m which was fully funded by the Ring-Fenced Public Health Grant. This results in a net base budget of zero for Public Health.

The latest budget monitoring was projecting an underspend for Public Health of £0.724m with the remainder of the portfolio showing a forecasted underspend of £0.106m. This results in a total projected underspend of £0.830m for the portfolio.

RESOLVED to note the position on the 2017-18 Revenue Budget.

24/18 **DERBYSHIRE SCHOOL HOLIDAY FOOD PROGRAMME**

The Derbyshire School Holiday Food Programme was a very successful countywide programme addressing national concerns on the extent and causes of hunger amongst children during school holiday periods. 19 projects were established in 2016 and a further 12 projects have subsequently been established and funded by FareShare.

FareShare was a UK charity ensuring surplus food reaches vulnerable groups by redistributing good food to frontline services. Currently Public Health at Derbyshire County Council funded the annual subscription fee to FareShare of £11,818 to supply 19 projects with healthy, nutritious, in-date food. A proportion of the £11,818 annual subscription fee has already been secured

(£6,018) and the additional amount of £5,800 was being requested and has been identified from the Public Health budget.

RESOLVED to approve the award of £5,800 from the Public Health budget to FareShare.

25/18 GRANT TO DERBYSHIRE GYPSY LIAISON GROUP

The Derbyshire Gypsy Liaison Group was asking for support for its work over the current financial year with traditional Romany Gypsies and Irish Travellers. It plays an extremely important role in supporting the three Council owned Traveller sites in Derbyshire. The group also co-ordinate and delivered public events which raised awareness of relevant and important issues. The Group relied on small annual grants to cover the baseline running costs and the County Council awarded a grant of £3,500 in 2016/17.

RESOLVED that the Derbyshire Gypsy Liaison Group be awarded £3,500 for the year 2017-2018, subject to the County Council's standard conditions of grants.

26/18 COMMUNITY SAFETY FUNDING Derbyshire County Council has historically committed funding towards a number of Community Safety Partnership posts across the County. These posts were employed through the Council's statutory partners and, as such, approval was requested for funding.

Approval for funding towards the following posts was requested:

- Eight Community Safety Officers employed by the district and borough councils and funded by Derbyshire County Council, Derbyshire Police and the district/borough councils (£62,824)
- Multi Agency Risk Assessment Conference (MARAC) Administration Officer employed by Derbyshire Police and jointly funded by Derbyshire Police, Derby City Council and Southern Derbyshire Clinical Commissioning Group. (£30,000 per year)
- Safer Derbyshire Research and Information Team (SDRI). These posts were funded by Derbyshire County Council, Derbyshire Police and the eight district/borough councils. (£35,040 per annum)

Funding was also sought for the "Your Space" Pre-National Referral Mechanism (Pre-NRM) project which would provide support, advice and short term accommodation (max 3 night) for victims of modern slavery and exploitation and would be delivered by the relevant provider.

RESOLVED to approve (1) £125,648 for two years funding (2018/19, 2019/20) towards the salaries of eight Derbyshire district and borough Community Safety Officers, (£7,853 per district and borough per annum);

(2) £60,000 for two years funding (2018/19, 2019/20) towards MARAC Administration;

(3) £70,080 for two years funding (2018/19, 2019/20) towards the SDRI Team; and

(4) £10,000 for two years funding (2018/19, 2019/20) towards the provision of awareness raising and Pre-NRM support, advice and short term accommodation.

27/18 ENFORCEMENT OF ROAD WEIGHT RESTRICTIONS IN DERBYSHIRE 2017-18 The Cabinet Member was informed of action taken during the previous year to enforce weight restrictions which limit the access of heavy goods vehicles to certain locations.

Road Traffic legislation, specifically the Road Traffic Regulation Act 1984, made it an offence for Heavy Goods Vehicles (HGVs) with a maximum gross weight of more than 7.5 tonnes to breach an environmental weight restriction. There were many weight restrictions in place on the County's roads to protect local communities from the disruption and damage caused by goods vehicles travelling along unsuitable routes.

Unlike other trading standards legislation, there was no duty placed on the Authority to enforce the legislation. However, given the impact on local communities, the Trading Standards Division has continued to respond to complaints from members of the public alleging breaches of weight restrictions by HGVs. The Division worked closely with Police and Highway Division colleagues to ensure that complaints were captured and responded to where resources allowed.

The Division received 858 complaints about breaches of weight restrictions during 2017-18 which represents an increase of 378 (78.75%) compared to the previous year (480 complaints). A total of 112 breaches were investigated during the year, compared to 64 during the previous year which represents an increase of 48 (75%). Of these, 36 resulted in prosecution (14 of which were awaiting results at the end of the year) and five cautions, 32 letters of warning and two Police cautions were issued. Six have been reported and are awaiting a decision, 12 are currently under investigation and 19 resulted in no further action.

The County Council has a range of sanctions available to it following the discovery of a breach of legislation, which includes letters of warning to both vehicle driver and operator through to prosecution. 29 prosecutions were concluded during the year (including seven outstanding from 2016-17) resulting in the Courts imposing fines totalling £5,452 and awarding some £3,335 prosecution costs.

RESOLVED to note the report.

28/18 MODERNISING CONSUMER MARKETS GREEN PAPER

On 11 April 2018 the Secretary of State for Business, Energy and Industrial Strategy (BEIS) published a Green Paper seeking views on how to ensure that the regulatory, competition and enforcement regimes were suitable for the modern economy and the modern consumer.

The Paper was in five chapters and Chapter 4 - Improving enforcement of consumer rights, was of most relevance to Trading Standards Services. BEIS were seeking views on how to improve consumers' awareness of alternative dispute resolution and their experience of the process; how to improve consumer access to alternative dispute resolution; and how to support local and national enforcers to work together to protect consumers. Chapter 4 also addressed the need to strengthen the system of public enforcement. The elements of this chapter were detailed in the report.

The final part of Chapter 4 sets out the Government's intention to introduce legislation to give civil courts the power to impose financial penalties on companies for breaches of consumer law. This was seen as an alternative to instigating proceedings through the criminal courts with the expectation that it would speed up the process of bringing businesses into compliance and also reduce costs. There was also a commitment to improve cross border enforcement.

The deadline for responses to the consultation was 4 July 2018.

RESOLVED to (1) note the publication of the Modernising Consumer Markets Green Paper; and

(2) approve a formal response to the Government consultation on proposals to modernise consumer markets.

29/18 DERBYSHIRE TRUSTED TRADER MEMBERSHIP FEES

Approval was being sought for an increase in membership fees for the Derbyshire Trusted Trader Scheme.

The last increase in September 2015 to £70 for sole traders/ social enterprises and £100 for larger businesses resulted in a 16% reduction in membership numbers from 1,340 at 31 March 2013 to 1,132 at 31 March 2018. The total income from membership fees has increased by over 50% over the same period. It was likely that an increase in fees would result in a further reduction in the number of members of the scheme, however, providing the drop-out rate is less than 10% there should be an increase in income.

It was suggested that a relatively moderate but progressive increase in membership fees was desirable to reduce the gap between income and the cost of operating the Trusted Trader Scheme. An increase in Membership fees of £5 per year over the next four years for sole traders / social enterprises and £10 per year for larger businesses was proposed. This would equate to a percentage increase of between 6% and 7% for smaller businesses and between 8% and 10% for the larger businesses. The Authority was obliged to give three months' notice to Trusted Trader Members of any proposed increase in Membership Fees. This would mean that any proposed increase in membership fee would not be applicable until after 7th September 2018 and would only take effect when members renewed their annual subscription. It was also proposed that the notice period in the current code be amended to from 3 months to one month.

To put the proposed fee increase into context, comparisons have been made with two similar schemes that were supported by other authorities in the East Midlands. 'Buy with Confidence' has an initial application fee of between £125 and £208 and then an annual fee of between £250 and £500. 'Checkatrade' has a current membership fee of £800 (plus VAT) for a web-based membership and £1,040 (plus VAT) for full membership.

RESOLVED to approve increases in the Annual Membership Fees for the Derbyshire Trusted Trader Scheme from 7 September 2018 as outlined in the report.

30/18 WEIGHTS AND MEASURES ACT 1985 – FEES FOR FINANCIAL YEAR 2018/19

The local authority had a statutory duty to enforce the provisions of weights and measures legislation, and one of the purposes of the legislation was to ensure that weighing and measuring equipment was fit for use for trade and that errors of measurement were within prescribed tolerances. All prescribed equipment to be used for trade had to be verified as being fit for use.

The County Council's verification income has changes significantly over the last 10 years. There have been periods of higher income due to manufacturers of innovative measuring instruments setting up in the county. However, circumstances change and the manufacturers have either moved production to places where labour costs were lower, or have moved to self-verification. The income from verification of bin lorry mounted weighing instruments in 2016/2017 was £30,000, however no instruments have been submitted from this business after March 2017, hence the significant drop in income for the current financial year.

Trading Standards received significant income from reverification of automatic weighing instruments to weigh empty and loaded trains at quarries. A second officer has been trained to ensure competent officers were available

throughout the year. The calibration facility operated at Chatsworth Hall had yielded almost £4,400 income during 2017/18.

The fees approved for weights and measures verification work included a surcharge for work done outside normal working hours. It was proposed that the additional overtime fee charged for verification work outside the normal 07:00 to 19:00 Monday to Friday hours continued at the rate of standard charge plus 33%, and for bank holidays to standard charge plus 50% to cover any additional overtime costs where authorised.

The fees were determined by individual local authorities and were set out in Appendix to the report. The authority has reviewed the guidance issued by the Association of Chief Trading Standards Officers that recommends increasing fees by 2.2% in order to account for an increase in officer salaries. The value of work from weights and measures verification and calibration activities in 2017-18 to the end of January was £16,900. The fees income from weights and measures was largely dependent on the submissions from a local business which was of a reactive nature and was therefore subject to variation.

RESOLVED to approve the fees, detailed in Appendix A to the report, for the testing and verification of weighing and measuring equipment under the Weights and Measures Act 1985 and regulations made under the European Communities Act 1972.

31/18 **EXCLUSION OF THE PUBLIC** **RESOLVED** to exclude the public from the meeting during the consideration of the remaining item 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

32/18 **EXEMPT MINUTES** **RESOLVED** that the exempt minutes of the meeting of the Cabinet Member for Health and Communities held on 14 May 2018 be confirmed as a correct record and signed by the Cabinet Member.