

MINUTES of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 26 May 2015 at County Hall, Matlock

PRESENT

Councillor D Allen – Cabinet Member

Also in Attendance – Councillors C A Hart and E S Wilcox

47/15 **MINUTES RESOLVED** that the minutes of the meeting of the Cabinet Member for Health and Communities held on 14 April 2015 be confirmed as a correct record and signed by the Cabinet Member.

48/15 **UNFAIR TRADING PROJECT REPORT 2014/15** The Trading Standards Team was responsible for enforcing a wide range of legislation that was intended to ensure that consumers were protected from unfair and unsafe trading practices. The range of sanctions available to the Trading Standards Division ranged from internal advice to local businesses through to formal undertakings under the Enterprise Act and enforcement action leading to prosecution in the criminal courts. Trading Standards was required to monitor complaints lodged with the Citizens Advice Consumer Service and to engage with local businesses that were generating complaints to encourage them to improve their relationship with their customers. If insufficient improvement was evident, the Division could apply to the County Court for the business to give an 'Undertaking' to improve, and failure to comply with this could warrant contempt of court, which could ultimately result in imprisonment.

Much of the work of the Fair Trading Team was to provide advice to local businesses and to assist those local consumers who were considered to be vulnerable. In the past twelve months, approximately £100,000 of consumer redress had been identified as a result of interventions, and the overall benefit to Derbyshire consumers as a result of intervention amounted to £2million.

RESOLVED to note the activities of the Fair Trading Team to support local consumers and businesses.

49/15 **FOOD AND ANIMAL HEALTH ENFORCEMENT ACTION** Details were provided of the outcome of two recent animal welfare and food safety enforcement actions – one relating to potentially unfit meat and the other relating to animal disease risk.

With regard to the potentially unfit meat, although there had been a number of potential offences, enforcement options for trading standards had been limited, and although there could have been breaches of the food labelling controls, in the majority of cases the only remedy now available was

to issue an Improvement Notice. By working in partnership with the other regulators, the business owner had been persuaded to remove from sale and have destroyed all the meat that could not be verified as being safe. Although no further enforcement action was pending, Derbyshire consumers had been protected from a potential supply of unfit meat and local businesses had not had to face unfair competition.

In relation to animal disease risk, the purpose of the Animal By-Products (Enforcement)(England) Regulations 2013 was to prevent the spread of diseases by providing for the proper disposal of carcasses. There had been concerns in this case that the carcasses left in the farm yard could have contaminated the animal feed and subsequently entered the human food chain. In view of the findings, a case had been brought before Derby Magistrates and the two brothers who operated the farm had been prosecuted for breaches of the Regulations. The Court had imposed a fine of £3,500 on each brother and had ordered them to make a contribution of £750 towards the prosecution costs.

RESOLVED to note the report.

50/15 TRADING STANDARDS DIVISION FEES FOR FINANCIAL YEAR 2015/16 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 had fallen between 2007 and 2013, mainly as a result of more businesses using the private sector for verifications and because of the closure of a Chesterfield based water-meter manufacturer. However, there had been a significant increase to over £25,000 for 2014/15. This had been largely due to the increased activity of a local business placing weighing instruments mounted on road vehicles onto the market. Re-verification of automatic rail weighbridges sited in quarries had also increased income.

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 working 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 which were determined by individual local authorities had been set out. The authority had followed guidance provided by the Association of

Chief Trading Standards Officers (ACTSO) on setting fees which should be on a cost recovery basis. ACTSO had recommended that there be an increase in the fees charged for weights and measures verification services in line with inflation at 1.9% for March 2015. The fees income from weights and measures activity was largely dependent on the submissions from a local business and was therefore subject to variation.

RESOLVED to agree the fees recommended for the financial year 2015/16.

51/15 DOORSTEP CRIME REPORT 2014/15 The number of Doorstep Crime complaints had increased during 2014/15. The Division worked with a variety of partners to raise awareness amongst the public about the potential threat from unsolicited approaches from traders, and raising awareness amongst key partners as to how they could help protect older residents from Doorstep Crime was also a key part of the strategy.

The Division worked closely with the Police and Community Safety colleagues and had access to the Derbyshire Alerts system, which enabled the Division to issue alerts to key community groups about reported incidents. Nineteen alerts had been sent out last year, two press releases had been issued, 2,600 No Cold Calling stickers had been sent to partner agencies to distribute to local residents, training had been provided to 300 police colleagues, and a presentation had been given to an OAP club.

It was vital that information about alleged offenders was shared, as rogue traders did not just operate in a single local authority area. There were a variety of different secure intelligence databases, and authorities within the East Midlands used a system called Patriarch. This recorded details of complaints from the public and other sources. 98 incidents of potential doorstep crime had been recorded during 2014/15, and the Division had taken part in a national survey which was intended to improve detection rates of doorstep criminals.

In terms of enforcement, examples of current investigations and concluded prosecutions were given.

RESOLVED to note the activities of the Fair Trading Team to support local consumers and businesses.

52/15 DERBYSHIRE DOMESTIC ABUSE SERVICES The County Council currently grant funded four third sector providers to provide medium risk domestic abuse outreach services across the county. These were funded from the Public Health ring-fenced budget and Community Safety funding. Three of the four services were working beyond current capacity, and in total

the services had received 1145 referrals in 2014/15, which equated to 516 referrals over the contracted targets.

The County Council also funded domestic abuse refuge provision across the county through the Public Health ring-fenced budget. In December 2014, the County Council had made a successful bid to the Department of Communities and Local Government for refuge funding totalling £186,964 to offset, at the time, an anticipated 22% cut to the Council's funding for refuge provision. Only a 10% cut had been applied to the Public Health funding for refuge provision, leaving a surplus of £101,981 in the DCLG funding. However, the terms of the bid were that the funding must be spent on refuge provision for 2015/16.

It was therefore proposed to re-allocate £101,981 of the Public Health ring-fenced budget to provide additional one off funding for 2015/16 to three of the four medium risk outreach providers. The funding would be split between Next Steps (£25,495), Crossroads (£12,850), and Derbyshire Domestic Violence and Sexual Abuse Service (£63,636). Funding for 2016 onwards would be determined through the integrated re-commissioning of all domestic abuse services by the County Council, which was already underway.

RESOLVED that the sum of £101,981 be re-allocated from the Public Health ring-fenced budget currently allocated for refuge provision to provide additional one off funding for medium risk domestic abuse outreach services.

53/15 PUBLIC HEALTH LOCALITY PROGRAMME Locality Public Health teams had worked with Local Area Committees and local partners to develop, implement and monitor Locality Plans for the eight district based localities. The plans directed investment that had been allocated to each locality, as previously approved by Cabinet. A range of achievements from each locality had been highlighted for the period August 2014 – February 2015.

RESOLVED to receive the report and to note the progress that has been made across the county to improve the health and wellbeing of local people and tackle health inequalities.

54/15 DERBYSHIRE HEALTH AND HOUSING GROUP – PROPOSED GRANTS Approval was sought for grant funding to four local organisations to deliver housing related projects which had a positive impact on health.

The current budget from the Public Health Ring Fenced grant was £35,608. There had been an underspend of £8,600 due to Derbyshire Domestic Violence Sexual Abuse Service declining the funding allocated due to a successful bid elsewhere. Approval was sought to carry over the underspend, making a grant of £44,208 for 2015/16. It was proposed that this

would be allocated to new or innovative health and housing projects. Following an application and prioritisation screening procedure, the Derbyshire Health and Housing Group proposed a range of projects for consideration and approval.

The funding was allocated for one year only, and the award process required the organisation to sign the Grant Agreement, provide outcomes monitoring data quarterly and to produce an evaluation report.

RESOLVED to approve the allocation of the grant budget for four health and housing projects, at a cost of £44,208.

55/15 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 consider the exempt report of the Director of Public Health on Extension of the Resource and Marketing Service Contract and Children's Safety First Scheme Contract (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))