

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

Monday, 12 November 2012 at 12.00 pm or on the rising of the Safer & Stronger Communities Scrutiny Committee, whichever is the later

County Hall, New Road, Oxford

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Tuesday 20 November 2012 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Peter G. Clark
County Solicitor

November 2012

Contact Officer: **Julie Dean**
Tel: (01865) 815322; E-mail: julie.dean@oxfordshire.gov.uk

Note: Date of next meeting: 10 December 2012

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. **Declarations of Interest**
2. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. **Petitions and Public Address**
4. **Trading Standards Service - Age Restricted Products Enforcement Report and Plan**

Forward Plan Ref: 2012/126

Contact: Richard Webb, Acting Head of Trading Standards & Community Safety Tel: (01865) 815791

Report by Director for Social & Community Services (**CMDSSC4**).

There are age restrictions on the sale of certain products which help to protect the health and well-being of young people, protect the environment and improve community safety.

Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 requires local authorities to consider annually the appropriateness of a programme of enforcement actions to prevent sales of tobacco and cigarettes to persons under 18 years of age.

The anti-social behaviour and fear from crime caused by underage drinking and inappropriate use of fireworks, together with the other legal enforcement duties associated with restricting the availability of other goods, makes it appropriate to consider the enforcement strategy relating to all age restricted products when formulating an underage sales enforcement plan.

This report highlights action taken by the Trading Standards Service during 2011/12 to prevent the illegal sale of age restricted products. The report provides the

opportunity to discuss and adapt the work of the Trading Standards Service in relation to preventing sales of age restricted products. The report is also necessary to ensure that the Council is meeting its responsibilities under the Children and Young Persons (Protection from Tobacco) Act 1991. It may be necessary to demonstrate that this procedural requirement is being met in the event that formal action is taken in respect of an illegal sale.

The Cabinet Member for Safer and Stronger Communities is RECOMMENDED to give her approval for the Trading Standards Service to continue to enforce the legislation controlling the supply of age restricted products on the basis set out in the report.

5. Response Standards Report

Forward Plan Ref: 2012/101

Contact: Nigel Wilson, Assistant Chief Fire Officer Tel: (01865) 855206

Report by Chief Fire Officer (**CMDSSC5**).

This report provides the Cabinet Member with details of Oxfordshire Fire & Rescue Service (OFRS) performance statistics for fire appliance response times to emergency incidents during 2011/12

The report provides details of that performance and the actions being undertaken to mitigate risk where because of the location OFRS assets attendance times to incidents have exceeded the 11 and 14 minute targets.

The Cabinet Member is RECOMMENDED to note the contents of this paper as fulfilling the requirement to report annually on the Fire & Rescue Service's performance against the agreed response standards.

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Division(s): All

CABINET MEMBER DELEGATED DECISIONS - SAFER AND STRONGER COMMUNITIES - 12 NOVEMBER 2012

TRADING STANDARDS SERVICE AGE RESTRICTED PRODUCTS ENFORCEMENT REPORT AND PLAN

Report by Director for Social and Community Services

Introduction

1. The Trading Standards Service is the principal body for the enforcement of legal controls over age-restricted products in Oxfordshire. There are a broad range of age controlled products including alcohol, fireworks, knives, lottery tickets, solvents, spray paints, tobacco, videos and video games.
2. The Children and Young Persons (Protection from Tobacco) Act 1991 requires local authorities to consider annually what programme of enforcement action is appropriate to prevent the underage sale of tobacco.
3. This report summarises the work carried out over the last twelve months to enforce age-restricted products legislation and proposes a way forward for the next twelve months.

Exempt Information

4. None

Tobacco

5. The Children and Young Persons (Protection from Tobacco) Act 1991 states that a programme of enforcement should involve all or any of the following:-
 - Proportional enforcement activity, including prosecutions;
 - Investigation of complaints;
 - Other measures intended to reduce the availability of tobacco products to the under 18s.
6. Unlike the sale of alcohol, tobacco is not strictly regulated through a licensing regime. This means any business can sell cigarettes and tobacco and a test purchasing regime is considered necessary to identify and address any non-compliance.
7. In 2011-2012 7 complaints were received concerning premises allegedly selling tobacco to under 18s. In total 37 retail premises were tested through an under-age volunteer attempting to buy cigarettes from the business whilst

being observed by a Trading Standards enforcement officer. In total 9 of these sold cigarettes (24%). In addition licensed premises were visited to check compliance with regard to cigarette vending machines. Of the 4 premises that were visited 2 sold cigarettes (50%). Due to the outlawing of vending machines since 1 October 2011 this particular problem area will no longer be an issue.

8. In April 2012 new legislation was introduced to control the display of tobacco products. This is being introduced in two phases. The initial phase covers the larger retailers with a relevant floor area exceeding 280 square metres and came into force on 6 April 2012. The second phase to cover all other outlets comes into force on 6 April 2015. This legislation makes it an offence to openly display tobacco products. In addition, as well as the offence of selling tobacco products to under age people there is an offence of showing tobacco products to persons under 18 years of age.

Alcohol

9. The Licensing Act states that alcohol test purchases can only be carried out legally under the supervision of a Police Constable or an Inspector of Weights and Measures. Trading Standards can only enforce the provisions of the Licensing Act that relate to the sale of alcohol to under aged persons, while the Police can, in addition, enforce other provisions relating to proxy sales (sales to an over 18 year old who then supplies the product to an under 18 year old) and drinking in public.
10. In 2011-2012 4 complaints were received concerning premises allegedly selling alcohol to under 18s. In total 14 retail premises were tested of which 2 sold alcohol (14%).

Fireworks

11. In 2011-2012 test purchases were carried out at 5 retail premises with no sales taking place. This is encouraging to see and is likely to be due to the fact that, unlike other age-restricted products, fireworks are only sold for a very short period of time and as such staff are more aware of the risks of selling the product. This low level of illegal sales is also an outcome of the Fireworks Partnership which has brought together a range of partners to organise work around the fireworks period to prevent firework misuse and reduce firework accidents.

Knives

12. There has been no intelligence to suggest that there are any local problems relating to under age knife sales. However, with knife crime having a high national profile it is appropriate to test this product. From previous work in this area it appears that retailers are aware of what they consider to be knives that could be used for violence but are ignorant when it comes to less obvious threats such as craft knives.

13. In 2011-2012 3 retail premises were tested and all 3 sold knives.

Solvents

14. There has been no intelligence to suggest that there have been any problems relating to the supply of solvents during the last year.

Proposals

15. The positive contribution that under age test purchasing makes in preventing illegal sales and helping to reduce alcohol fuelled anti-social behaviour, improve the environment and health and wellbeing of the young indicates a need to continue in this area of work. Age restricted sales test purchases are recognised as being an important part of the overall alcohol harm reduction strategy for Oxfordshire by the Oxfordshire Safer Communities Partnership. In addition, actions to enforce product age restrictions also link closely with priorities under the Oxfordshire Health and Wellbeing Strategy, in particular;
 - a. All children have a healthy start in life and stay healthy into adulthood.
 - b. Keeping all children and young people safer.
 - c. Preventing early death and promoting quality of life in later years.
16. It is proposed that the Trading Standards service continues to raise awareness of the issues relating to the misuse of age-restricted products by young people. It is also proposed that the Service continue to undertake business advice visits to retailers to advise on how to best achieve compliance with the legislation relating to the sale of age-restricted products.

Enforcement Approach

17. Under our Enforcement policy, formal legal action is usually the last resort. Normally, unless serious or deliberate malpractice is identified we seek to work with businesses to ensure compliance with age restricted product legislation. Advice is also provided on request, to help businesses establish good systems that should ensure illegal sales of age restricted products do not occur. In the event of a sale during a test purchase exercise we normally employ business advice and warnings before considering any formal action. Once a business has failed a test purchase we will revisit that business on a number of occasions to ensure that our advice has been implemented. In relation to alcohol sales we can also instigate a licence review if this may be necessary to ensure practices are improved.
18. In conducting enforcement work we will continue to have regard to intelligence, whether from partner agencies or the general public. The receipt of information or intelligence concerning a business will normally result in an advisory visit to the business followed by a test purchase. Routine checks on compliance will also be conducted through test purchasing with young volunteers. We do not set a minimum or target number of test purchases. Rather, we respond to any intelligence received before considering what level of test purchasing is required. This is appropriate since an observed test purchase constitutes surveillance under the Regulation of Investigatory

Powers Act 2000 and therefore the necessity and proportionality of the operation must be considered on each occasion.

19. It is proposed to only visit retail outlets to which tobacco display restrictions apply (larger outlets) when we receive information or intelligence to suggest any breaches. These will initially be dealt with by way of business advice and will only be followed up with a test purchase attempt where considered necessary. More work will be carried out in this area, including test purchasing, from April 2015 when the legislation will apply to all premises.
20. Endorsement is sought to continue with this method of enforcement.

Financial and Staff Implications

21. No additional financial or staff implication arise from this proposed course of action. The Trading Standards Service invests resources in actions to prevent age restricted goods being sold illegally each year and these proposals form part of those activities.

Recommendation

22. **The Cabinet Member for Safer and Stronger Communities is RECOMMENDED to give her approval for the Trading Standards Service to continue to enforce the legislation controlling the supply of age restricted products on the basis set out in the report.**

NAME: John Jackson
Director for Social and Community Services

Background papers: None
Contact Officer: Richard Webb, Acting Head of Trading Standards and Community Safety

October 2012

Division(s): All

CABINET MEMBER DECISIONS – SAFER & STRONGER COMMUNITIES - 12 NOVEMBER 2012

FIRE & RESCUE – RESPONSE STANDARDS PERFORMANCE 2011/12

Report by the Chief Fire Officer

Introduction

1. Since April 2005 Oxfordshire Fire & Rescue Service has had local Response Standards for attending emergency incidents in the county. Cabinet approved these standards on 22 June 2006. Additionally, the Chief Fire Officer was required to report annually on the Fire & Rescue Service's performance against these standards and bring forward any recommendations as appropriate.

Response Standards

2. Local Response Standards are as follows:
 - (a) 80% of all emergency incidents will be responded to within 11 minutes
 - (b) 95% of all emergency incidents will be responded to within 14 minutes
3. The above is measured by the time it takes to get the first fire appliance to the scene from the time at which the fire station is first alerted.
4. In addition to the Response Targets for the first attending appliance, the Fire & Rescue Service will send a sufficient number of vehicles and personnel to safely and effectively deal with the type of incident reported as determined by national and local risk assessments.

2011/12 Performance – Response Standards - Monthly Summary

Response Standards monthly summary

April 2011 - March 2012

Quarter 2011/12	Total emergency incidents in scope	Incidents responded to <11mins	% response standards <11mins	Incidents responded to <14mins	% response standards <14mins
April-June	864	726	84%	817	95%
July -Sep	971	792	82%	910	94%
Oct - Dec	867	690	80%	804	93%
Jan-March	938	713	76%	857	91%
Totals	3640	2921	80.5	3388	93.25

Factors potential affecting performance and risk mitigation

5. Travel Traffic management schemes, increased traffic levels and the introduction of more widespread reduced speed limits, have meant that Fire Appliances are required to proceed at a reduced speed. As a result of the changes we reviewed our attendances to ensure that the vehicle sent to an incident would deliver the swiftest response.
6. The access to the motorway is limited via the junctions within the County and the travel distance is dictated by where an incident is in relation to the junction. This has a direct impact on the attendance times for stations that respond to or via the motorway. We have demonstrated an improvement in our attendance times to incidents within 11 minutes, from 79.59% in 2010/11 to 80.5% in 2011/12, thus meeting our target by using the most effective appliance for each incident.
7. The ultimate aim is to utilise an Automatic Vehicle Location System to ensure that we have comprehensive information regarding the precise location of a fire appliance and can mobilise the nearest every time, even when appliances are moving through the County. It is anticipated that this system will be in place by late 2014.

Call clarifying:- Control now tends to ask more questions of the caller to assess the risk and the attendance required.

Drive to arrive policies:- OFRS drivers are required to modify their driving dependent upon the risk to ensure that their attendance is made in a safe and controlled manner, without endangering other road users.

Safety Policies:- all personnel are required to wear full personal protective equipment (PPE) prior to leaving the station. This has added a short delay, but ensures additional safety en route and the ability to deploy more quickly once in attendance.

Weather - Following two recent severe winters and a significant flooding event we have learned many lessons and we have well-rehearsed procedures that are adopted for severe weather events. To date we have ensured a response to all life threatening incidents during these periods of disruption, and offered additional support to other OCC critical services where resources have allowed.

8. The Senior Leadership Team receive a quarterly performance review of the performance against the agreed response times, with the data being analysed to establish the reason behind any under-performance.
9. Our Response Targets remain stretching. However, we have achieved a 0.66% improvement in the 11 minute attendance time from last year's performance and a 0.57% improvement in the 14 minute attendance time).

10. The introduction of officers to encourage the recruitment and retention of retained (part-time) crews is having a continued positive effect on availability, meaning that the nearest appliance is more likely to be available.

RECOMMENDATION

11. **The Cabinet Member is RECOMMENDED to note the performance information contained in this paper and the actions taken to develop the service.**

DAVID ETHERIDGE

Chief Fire Officer

Background Papers: Breakdown by district, area and station

Contact Officer: Nigel Wilson, Operations & Resilience Manager, Tel: (01865) 852171)

October 2012

Annex 1 – Breakdown of response standards for 2011/12 by District and Area

Response Standards by district April 2011 – March 2012

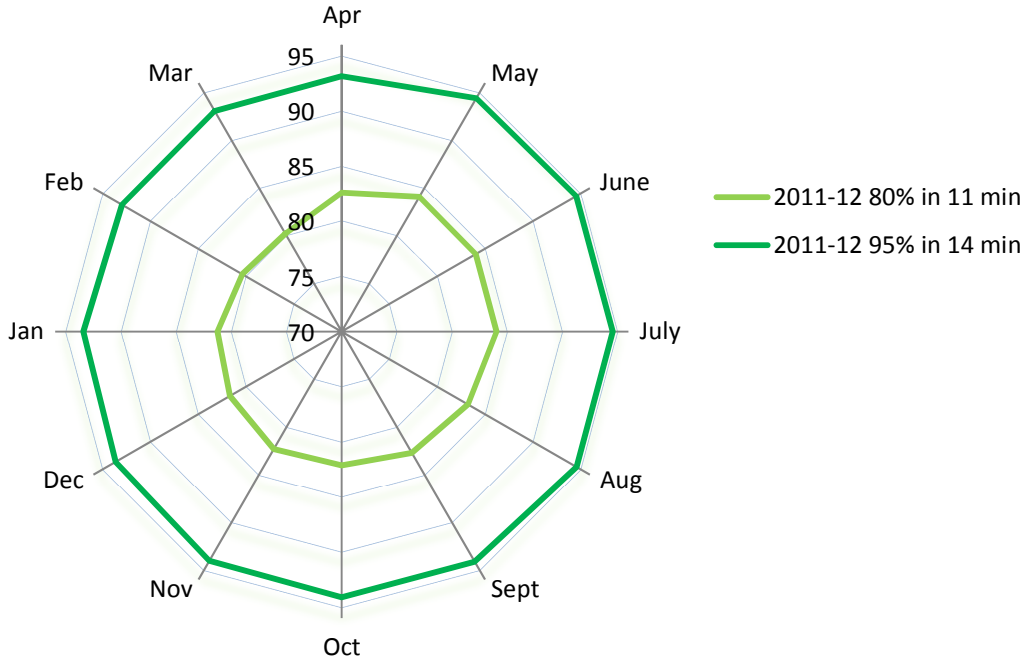
Districts	Total emergency incidents in scope	Incidents responded to <11mins	% response standards <11mins	Incidents responded to <14mins	% response standards <14mins
City	1297	1242	95.76	1287	99.23
West	448	311	69.42	412	91.96
Cherwell	838	634	75.66	757	90.33
South	647	429	66.31	564	87.17
Vale	410	305	74.39	368	89.76

Response Standards by fire risk area April 2011 – March 2012

Areas	Total emergency incidents in scope	Incidents responded to <11mins	% response standards <11mins	Incidents responded to <14mins	% response standards <14mins
City	1390	1302	93.67	1376	98.99
South Vale	1057	734	69.44	932	88.17
West Cherwell	1193	885	74.18	1080	90.53

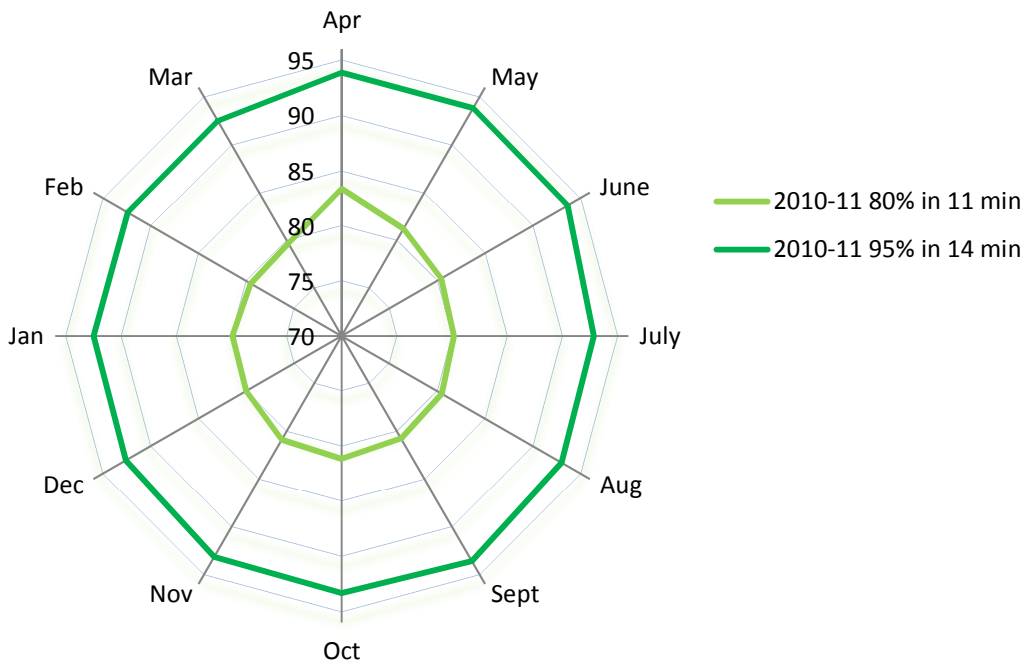
Oxfordshire Fire and Rescue Service Response Standards

Monthly Performance against Response Standards 2011/12



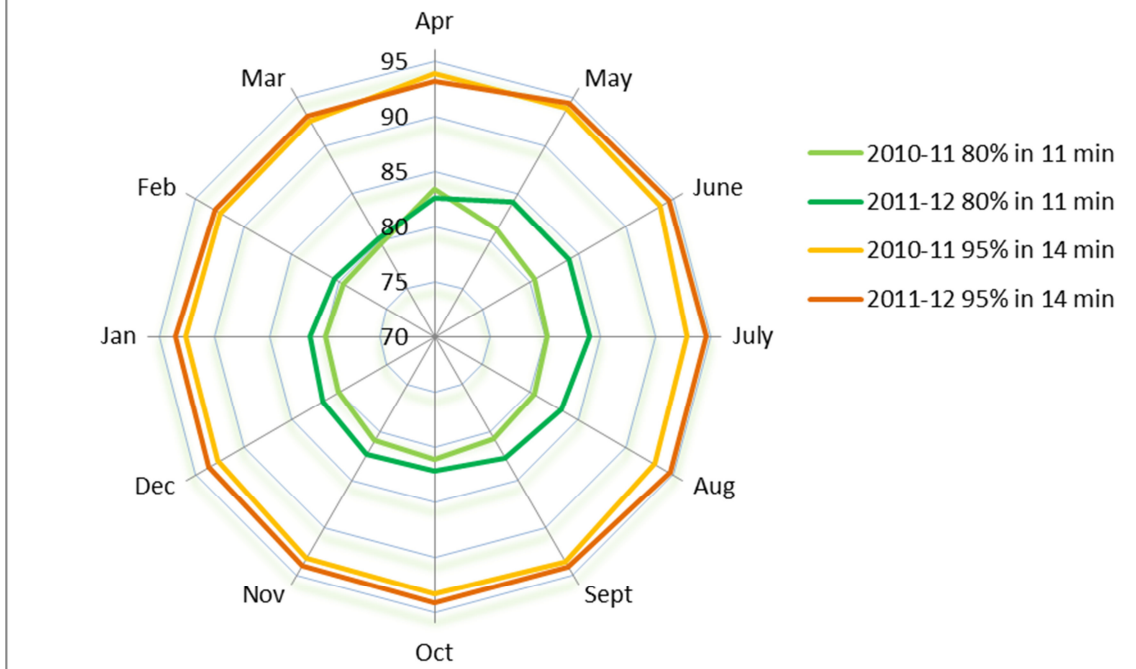
Oxfordshire Fire and Rescue Service Response Standards

Monthly Performance against Response Standards 2010/11



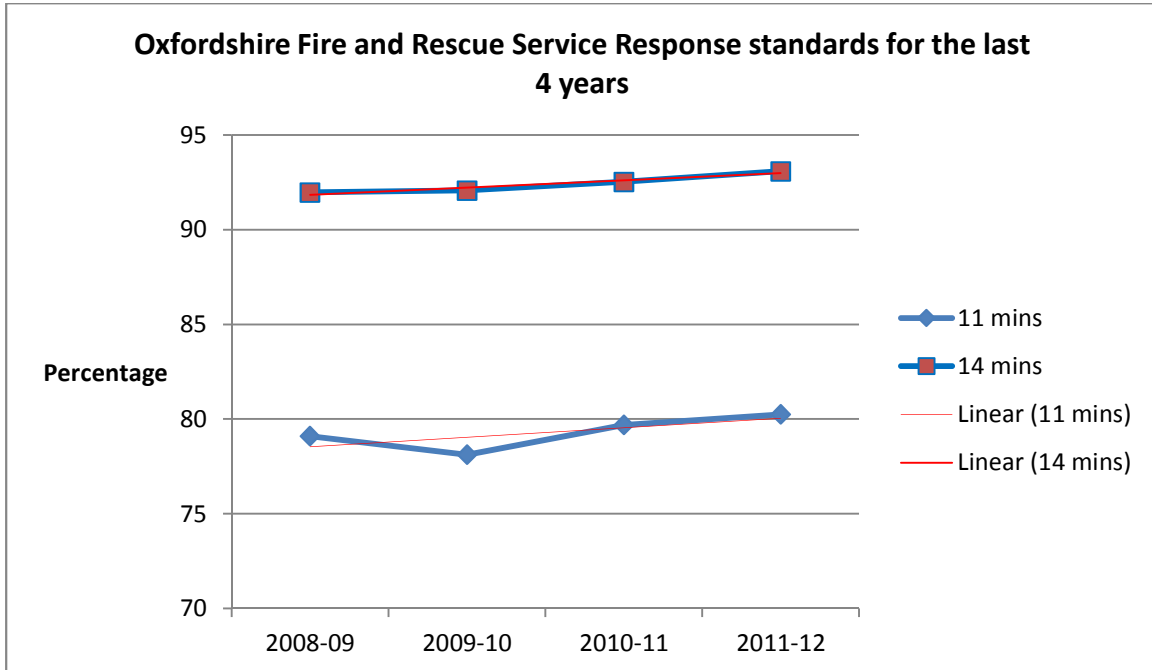
Oxfordshire Fire and Rescue Service Response Standards

Monthly Performance against Response Standards 2010/11 and
2011/12



The Graph above compares the last 2 years Response Standards indicating the improvement that has been made. The figures are the accumulative throughout the year.

Oxfordshire Fire and Rescue Service Response standards for the last 4 years



Annex 2 - Historical Data 2010/11

Response Standards by District

April 2010 - March 2011

Area	Incidents in Scope	Number in 11 minutes	% in 11 minutes	Number in 14 minutes	% in 14 minutes
City	1345.00	1261.00	93.75	1323.00	98.36
West	395.00	293.00	74.18	366.00	92.66
Cherwell	865.00	639.00	73.87	764.00	88.32
South	720.00	493.00	68.47	636.00	88.33
Vale	399.00	278.00	69.67	356.00	89.22

Response Standards by Fire Risk Area

April 2010 - March 2011

Area	Incidents in Scope	Number in 11 minutes	% in 11 minutes	Number in 14 minutes	% in 14 minutes
City	1345.00	1261.00	93.75	1323.00	98.36
West/Cherwell	1260.00	932.00	73.97	1130.00	89.68
South/Vale	1119.00	771.00	68.90	992.00	88.65

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