

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION RECORD

27 June 2011

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Gerard Hall (Adult's Services and Public Health Portfolio Holder)

Officers: John Lovatt, Head of Service
Jane Kett, Principal Environmental Health Officer (Commercial Services)
Jeff Mason, Head of Support Services
Angela Armstrong, Principal Democratic Services Officer

1. Health and Safety Service Plan 2011/12 (*Assistant Director (Regeneration and Planning)*)

Type of decision

Non key.

Purpose of report

To consider the Health and Safety Service Plan 2011/12, which is a requirement under Section 18 of the Health and Safety at Work etc Act 1974.

Issue(s) for consideration by Portfolio Holder

The report set out details of the Health and Safety Service Plan for 2011/12 and included a summary of the main issues raised in the plan. The Service Plan for 2010/11 had been updated to reflect last year's performance. It was noted that during 2010/11 a total of 349 health and safety inspections had been undertaken equating to 73% of the inspection programme. The outstanding 134 inspections had been brought forward for inclusion in the 2011/12 inspection programme.

In addition to the programmed health and safety inspections, it was noted that during the Tall Ships event, a total of 112 additional inspections and 16 revisits were undertaken within the Tall Ships site and surrounding marina

area, with a further 20 inspections being undertaken at the Headland Carnival which was also taking place. Having recently signed up to the Tees Valley Flexible Warrant scheme, officers were armed with their flexible warrants during these inspections but as there were no major incidents, no formal enforcement action was necessary.

The Portfolio Holder acknowledged that carrying forward outstanding inspections inevitably added to the workload and pressure for officers in a time of reducing resources. However, the importance of undertaking the inspections was noted to ensure that health and safety responsibilities remained a priority for all businesses. The Portfolio Holder was concerned at the reference to businesses failing to carry out essential maintenance/repairs due to the credit crunch, which had resulted in a number of contraventions found. In a time when all businesses and organisations were financially challenged, it was noted that regular monitoring of any such incidents should be undertaken.

The Service plan sets out the resources determined necessary to deliver the health and safety service in 2011/12. The Portfolio Holder was encouraged that the policy aimed to identify needs first and then examine what was required to fulfil those needs as opposed to tailoring resources to what can be undertaken.

In response to a request for further information on the Flexible Warrant Scheme, the Principal Environmental Health Officer confirmed that this was a joint agreement between the Health and Safety Executive and other neighbouring authorities within the Tees Valley with the exception of Darlington Borough Council. It enabled local authorities to call on the relevant specialist officers' support from participating local authorities when necessary such as when major incidents occur. In addition to this, the scheme allowed officers to deal with certain health and safety enforcement requirements without the need to rely on the involvement of the regional Health and Safety Executive.

Clarification was sought by the Portfolio Holder on the progress of the promotional work around noise issues in the workplace in particular pubs and clubs. The Principal Environmental Health Officer confirmed that research had been undertaken in conjunction with the Health and Safety Executive in relation to identifying the best hearing protection and this was being promoted with all businesses affected by noise issues. The Portfolio Holder was asked to note that generally on subsequent visits to these premises, more employees were wearing hearing protection. In cases where hearing protection was not made available to employees, enforcement action could be undertaken to ensure an assessment was complete and protection made available.

In conclusion, the Portfolio Holder was pleased to note that the responsibility for public health had been transferred to the local authority and noted the importance of all relevant agencies working together.

Officers were requested to notify the Portfolio Holder should any budgetary pressures be placed on this area in particular during future budget consultation proposals.

Decision

The Health and Safety Service Plan for 2011/12 was approved.

2. Public Protection Enforcement Policy (*Assistant Director (Regeneration and Planning)*)

Type of decision

Non key.

Purpose of report

To seek the Portfolio Holder's approval of an over arching Public Protection Enforcement Policy. The purpose of the policy was to consolidate and update the various enforcement policies which were in existence in relation to the functions carried out within the Public Protection service. (These include the Food, Health and Safety, Trading Standards and Noise, Pollution & Pest Control enforcement policies.)

Issue(s) for consideration by Portfolio Holder

The report set out the requirements placed on the Council to review its enforcement policies in relation to various Public Protection functions. It was proposed that the existing policies should be consolidated into a single Public Protection Enforcement Policy. This policy had been produced to reflect the Regulatory Reform Agenda so it is in full compliance with official guidance including the Regulators' Compliance Code. A summary of the main issues raised in the Policy was included within the report.

The Portfolio Holder questioned the background and need for the policy. The Principal Environmental Health Officer indicated that the Government had requested that local authorities review their enforcement policies in particular to reflect the Regulatory Reform Agenda which aims to reduce the administrative burden on businesses. This policy was aimed at striking the balance between enforcement and ensuring a risk based and graduated approach was in place. In addition to this request, guidance also indicated that it was best practice to periodically review enforcement policies. As the Council's policy was last reviewed in 2005, it seemed timely to review all enforcement policies and bring them together to ensure consistency was in place. It was noted that whilst there is a desire to reduce the burden on businesses by taking proportionate action, the

importance was stressed of ensuring that all businesses were aware of their responsibilities in relation to health and safety with appropriate arrangements in place and the consequences for any breaches of the health and safety regulations.

Decision

The Public Protection Enforcement Policy was approved.

3. Regeneration and Neighbourhoods Departmental Plan Monitoring Report – April 2010 to March 2011 (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non key.

Purpose of report

To inform the Portfolio Holder of the progress made against the Regeneration and Neighbourhoods Departmental Plan 2010/11 over the period April 2010 to March 2011.

Issue(s) for consideration by Portfolio Holder

The progress against the key actions and performance indicators, along with latest position with regard to risks contained in the Regeneration and Neighbourhoods Departmental Plan 2010/11. The Head of Support Services highlighted that all six actions and two performance indicators included within the Plan had been completed. In relation to the risks identified in the plan, detailed information was provided that indicated that both risks were being managed satisfactorily.

The Portfolio Holder commended the officers involved for maintaining standards, especially in view of the additional workload placed upon them during the Tall Ships event last year. Clarification was sought on recruitment and retention of environmental health officers. The Principal Environmental Health Officer acknowledged that this had been an issue in the past but confirmed that the staffing structure within the environmental health section was stable at the moment.

In relation to the Out of Hours Service noise monitoring service, the Portfolio Holder questioned how this service was currently operating. The Principal Environmental Health Officer confirmed that in view of the recent budget cuts in this area, a weekend service was currently in place. However, it was noted that this may potentially be a service that could be

under threat during the forthcoming budget process as it was not a statutory service.

In response to a question in relation to noise disturbance, the Principal Environmental Health Officer confirmed that should a complaint be received where it was likely to be a one-off occurrence, the property would be visited and the occupiers asked to reduce the disturbance. However, an enforcement notice could be issued if there was no improvement. Commercial premises were dealt with similarly but any licences required for the operation of that premises could be granted conditionally of keeping windows and doors closed to prevent noise disturbance to the surrounding area. If there was an ongoing problem with noise disturbance at a commercial property with such a licence, the licence could be called in for a review by the Licensing Act Sub-Committee with the ultimate resort being enforcement action.

Decision

The key actions and latest position with regards to risk in the Regeneration and Neighbourhoods Departmental Plan were noted.

4. Food Law Enforcement Service Plan 2011/2012

(Assistant Director (Regeneration and Planning))

Type of decision

Budget and Policy Framework

Purpose of report

To consider the Food Law Enforcement Service Plan for 2011/12, which was a requirement under the Budget and Policy Framework.

Issue(s) for consideration by Portfolio Holder

The report set out details of Hartlepool's Food Law Enforcement Service Plan 2011/12. The plan was a requirement of the Food Standards Agency and formed the basis on which the Authority may be monitored and audited to verify whether the service provided was effective in protecting the public. The plan set out the Council's aims in respect of its food law service. Whilst focussing on 2011/12, it also identified longer term objectives as well as a review of performance for 2010/11.

A discussion ensued on the difference between the national Food Hygiene Rating Scheme (FHRS) and the Tees Valley Food Hygiene Award Scheme. It appeared that the national scheme would provide food premises with a

higher rating than they did under the existing scheme. In addition to this, the new FHRS system had a requirement to offer a re-inspection for free, which would have a manpower implication for the local authority. The Principal Environmental Health Officer indicated that representations had been made to the Government outlining the concerns with the national scheme. However, the Foods Standards Agency was currently undertaking a review of how food safety regulations were enforced in the United Kingdom and had announced it was pursuing the introduction of legislation to require local authorities to adopt the national scheme.

The Portfolio Holder congratulated all local businesses who had achieved a 4 or 5 star rating and was dismayed to note that local authorities were encouraged to adopt a rating scheme that seemed to be inferior to the one already used. It was proposed that should the national scheme be enforced on local authorities, that any food premises who had consistently achieved 5 stars, which was very challenging, under the Tees Valley scheme should be acknowledged.

Decision

The Portfolio Holder's comments be noted as above.

5. Hartlepool Safeguarding Vulnerable Adults Board – Quarterly Statistics and Update *(Director of Child and Adult Services)*

Type of decision

None.

Purpose of report

To present the Safeguarding Vulnerable Adults quarterly statistics covering the period from January to March 2011, and an overview of statistical information for the full year. Also to report on the progress of the Hartlepool Safeguarding Vulnerable Adults Board: Safeguarding Action Plan.

Issue(s) for consideration by Portfolio Holder

The report provided information concerning Safeguarding Vulnerable Adults quarterly statistics for the final quarter of the 2010/11 reporting period and provided an overview of statistical information covering the full year. It also outlined information relating to progress with the Safeguarding Action Plan covering the same period. It was noted that during 2010/11, 397 referrals had been received with 145 requiring further investigation. Of the 252 referrals that did not require any further action, they were dealt with through

social work and care management teams or commissioned services teams or advice and guidance was provided at the Duty point.

The Portfolio Holder noted the high profile given to adult safeguarding recently and the Head of Service gave a reassurance that action will be taken when officers become aware of any safeguarding issues in an effective and timely manner.

In relation to the number of Deprivation of Liberty Safeguards (DoLS), the Head of Service indicated that a lot of work had been undertaken with the Lead Officer and service providers to raise awareness of their responsibility in relation to DoLS, which had resulted in an increase in referrals. In addition to the above awareness raising, work was also progressing on establishing the Dignity and Care Champions initiative.

The Head of Service confirmed that the informal feedback received from the recent Safeguarding Peer Review had been positive. The Safeguarding Board would look at this review in more detail as well as last year's analysis in September as part of a development day.

Decision

The report was noted.

The meeting concluded at 11.19 am.

P J DEVLIN

CHIEF SOLICITOR

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