

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION SCHEDULE



16th January 2013

at 9.30am

in Committee Room A, Civic Centre, Hartlepool

Councillor John Lauderdale, Cabinet Member responsible for Adult and Public Health Services will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

No items

3. ITEMS FOR INFORMATION

- 3.1 Quarterly Update Report for Public Protection – *Assistant Director (Regeneration and Planning)*
- 3.2 Winterbourne View Final Report – *Assistant Director Child and Adult Services*

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items



ADULT AND PUBLIC HEALTH PORTFOLIO

Report to Portfolio Holder

16th January 2013



Report of: Assistant Director (Regeneration & Planning)

Subject: QUARTERLY UPDATE REPORT FOR PUBLIC PROTECTION

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key Decision

2. PURPOSE OF REPORT

- 2.1 To update the Adult & Public Health Portfolio Holder on Performance and progress across key areas of the Public Protection service

3. BACKGROUND

- 3.1 The Public Protection section consists of three discrete teams: Commercial Services, Environmental Protection and Trading Standards & Licensing.
- 3.2 The Commercial Services Team carries out inspections, complaint investigations and sampling to ensure that food is safe and fit to eat and that workplaces are safe.
- 3.3 The Environmental Protection Team is involved with noise and pollution related matters as well as providing a comprehensive service for pest control and managing and promoting the open market.
- 3.4 The Trading Standards & Licensing Team ensures that the business sector complies with a wide range of trade and consumer legislation. The team also issues and carries out enforcement relating to a large variety of licences, including Alcohol, Entertainment, Takeaways, Taxis, Gambling and Fireworks.

- 3.5 This report provides an update on performance and progress across key areas of the Public Protection service for the second quarter of 2012/13

4. OUTLINE OF WORK

- 4.1 The work carried out by the Public Protection Service falls into three distinct areas:
1. Planned work. This consists predominately of programmed interventions, sampling and projects.
 2. Reactive work. This involves responding to matters such as accident notifications, complaints and infectious disease notifications.
 3. Licensing. The processing and issue of licenses and permits.

5. PROGRAMMED WORK

- 5.1 The majority of the work programmed for 2012/13 for the Food, Health & Safety at Work and Trading Standards service areas is detailed in their respective service plans.
- 5.2 Planned Work. All interventions carried out by the service are risk based in accordance with national guidance. The table below details the number of inspections carried out in each area of work.

Interventions	Q1	Q2	Q3	Q4	Total
Food Hygiene	108	102			201
Food Standards	64	60			124
Feed Hygiene	0	6			6
Animal Health	0	7			7
Health & Safety	46	54			100
Trading Standards	27	150			177
Licensing	22	30			52
Prescribed Processes	0	0			0
Smoke Free	107	176			283

- 5.3 The intervention programmes are generally on target. In certain areas, such as Trading Standards and Health & Safety we are slightly behind target at this time however we expect to achieve our targets by year end.
- 5.4 A programme of sampling to assess the microbiological quality and composition & labelling of food and water has been carried out in accordance with the Food Law Enforcement Service Plan.

The table detailed below provides the details of the samples taken.

Sample Details	Q1	Q2	Q3	Q4	Total
Microbiological Water *	49	43			92
Microbiological Food & Environmental	63	73			136
Food Labeling & Composition	23	30			53
Water Chemical	5	4			9

* Microbiological water samples are taken from swimming pools, spa pools, private water supplies & mains supplies.

5.5 The following projects are being carried out this year.

- **Consumer credit advertising;** Officers have been monitoring the local press and have only found a small number of advertisements from companies in Hartlepool offering credit. One problem was identified and the company contacted. A guidance leaflet is being prepared to send out to companies.
- **Weighing equipment in shops taking in goods for recycling;** Test Purchasing underway.
- **Air conditioning units;** Project ongoing.
- **UV protection in children's clothing;** A number of items of children's clothing claiming to have UV protection have been sampled and all were found to be compliant.
- **Trade Association Membership;** Project ongoing.
- **Olympic logos:** Retail and media observations revealed very little Olympic related marketing in Hartlepool. During the Olympics and Paralympics there was very little Olympic merchandise offered for sale, what was offered was found to be genuine. Following the end of the games Olympic merchandise has been seen in bargain bins etc which appear to be genuine
- **Keep It Out Campaign:** Publicity material has been issued to all tobacco retailers in Hartlepool in conjunction with local radio advertising. Following the campaign two crime stoppers reports of illegal tobacco sales in Hartlepool were received.
- **Training for Police on doorstep crime;** Project ongoing.
- **Digital switchover:** A press release was issued prior to the first switchover date. We have not found any evidence of sharp practices with regard to aerial upgrades or received any consumer complaints.

5.6 Legislation came into force on 6th April 2012 prohibiting the public display of tobacco products in large shops. There are 3 premises in Hartlepool to which

the legislation applies and all have been visited in quarter 1 and found to be compliant.

- 5.7 Underage Sales work. During this quarter 12 attempts were made by underage volunteers to purchase alcohol, one was successful.

6. REACTIVE WORK

- 6.1 The reactive work carried out by the Public Protection service is in the main complaint related. Other reactive work relates to accident & infectious disease notifications. Details of all reactive work are given in the table below.

Number of Complaints by Service Area	Q1	Q2	Q3	Q4	Total
Food	17	21			38
Health & Safety at Work	8	5			13
Pest Control - Rats	211	187			398
Pest Control - Mice	73	52			125
Pest Control - Insects	104	218			322
Noise - Commercial	1	7			8
Noise - Domestic	115	205			320
Air Pollution	15	25			40
Trading Standards	82	154			236
Accident Notifications	18	13			31
Licensing	11	12			23
Infectious Disease Notifications	36	43			79

- 6.2 **Sandwich investigation** Following a complaint alleging a cockroach in a sandwich bought in Hartlepool, an officer visited the shop in question and found that the sandwiches concerned were labelled as being made in Middlesex. This seemed suspicious and an internet search could not confirm the existence of this business. Several attempts to contact Ealing Borough Council met with no success.
- 6.2.1 Other retailers in Hartlepool were visited over the following days and any which caused concern were purchased for further investigation. The FSA Food Fraud Unit was contacted but no relevant information was held in connection with these premises.
- 6.2.2 Some of the sandwiches were being supplied by a business in Middlesbrough and the labelling was inadequate in several respects. Officers worked with EHOs at Middlesbrough Council to resolve this issue.
- 6.2.3 Sandwiches were also sent away to the lab for microbiological testing, with those from outside the Teesside area all proving satisfactory. However, listeria was detected in some of the Middlesbrough sandwiches and this resulted in further work with their EHOs to resolve the issue. Follow up samples were all clear.

- 6.2.4 An EHO at Ealing Council were contacted at this point and was able to confirm that manufacturers in London were producing up to 14,000 sandwiches a day, which are taken to 'distribution hubs' where other companies take over the deliveries. Sandwiches are delivered all over England in this manner. An officer intercepted a delivery vehicle in Hartlepool and was able to confirm that a professional operation was being run, with appropriate labelling and temperature control.
- 6.2.5 During the course of the investigation, some sandwiches were discovered with very long shelf lives, labelled as 'modified atmosphere' and made in Preston. Chorley Council were contacted and were able to produce a fact sheet concerning this process, the only manufacturer of its type in Britain. Samples were submitted and came back all clear.
- 6.3 **Out Of Hours Noise.** The Public Protection Division provided an out of hours noise service between 10:00pm and 3:00am every Friday and Saturday night from Friday 1st June 2012 through to Sunday 2nd September 2012. The service dealt with a total of 115 calls over the three month period. The majority of the calls concerned noise from party's and amplified music. Most of the complaints were resolved informally with the individuals concerned. Two of the visits resulted in the service of noise abatement notices.

7. LICENSING

- 7.1 The number of licenses & permits issued by the service are detailed in the table below. The majority are issued under delegated powers, however if an objection is received during the consultation process or the applicant does not meet the necessary criteria the application will be determined by a Licensing Sub Committee.

Number of Licenses / Permits Issued	Q1	Q2	Q3	Q4
HC / PH - Drivers	96	118		214
HC / PH - Vehicles	73	109		182
Operators Licenses	3	1		4
New Licensing Act Applications	4	7		11
Licensing Act - Variations	2	2		4
Licensing Act - Personal licenses	10	12		22
Licensing Act - Temporary Events Notice	39	58		97
Licensing Act (Other)	54	36		90
Street Trading applications	5	14		19
Other	7	22		29

8 ENFORCEMENT

- 8.1 During the first quarter 2 Health & Safety Prohibition Notices were served. They related to the inadequate guarding of a band saw. In the second quarter 4 Food improvement Notices were served 3 for the provision of hot water and 1 for the provision of a wash hand basin.

9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 9.1 There are no implications under Section 17

10. RECOMMENDATIONS

- 10.1 That the Portfolio Holder notes the content of the report and the progress made across key areas of the Public Protection service.

11. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 11.1 There are no appendices to this report

12. BACKGROUND PAPERS

- 12.1 There are no background papers

13. CONTACT OFFICER

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ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
16 January 2013



Report of: Assistant Director of Child & Adult Services

Subject: WINTERBOURNE VIEW FINAL REPORT

1. TYPE OF DECISION/APPLICABLE CATEGORY

No decision required – for information only.

2. PURPOSE OF REPORT

- 2.1 On 10 December 2012 the government published its final report into the events at Winterbourne View Hospital and set out a programme of action to transform services so that vulnerable people no longer live inappropriately in hospitals and are cared for in line with best practice.

3. BACKGROUND

- 3.1 In June 2011, the Care Quality Commission (CQC) stated that they would carry out a programme of unannounced inspections of services providing care for adults with learning disabilities and challenging behaviours.
- 3.2 This was in direct response to the BBC Panorama programme (May 2011) which exposed the abuse that had taken place at Winterbourne View Hospital – a service provided by Castlebeck Care near Bristol for adults with learning disabilities and complex needs / challenging behaviours.
- 3.3 The national overview report provided an analysis of the findings of 145 inspections across England and highlighted the key areas of concern.
- 3.4 These findings (including a summary of the implications for Hartlepool) were reported to Adult & Public Health Portfolio on 24 October 2012.
- 3.5 The Department of Health has subsequently produced a full report of the findings together with a concordat report signed by 50 leading health and social care bodies.

- 3.6 The report aims to provide information on key milestones for Health and Care commissioners which are proposed to improve the safety and quality of care for adults with learning disabilities or autism and mental health conditions or behaviour described as challenging.

4. FINDINGS

- 4.1 The final report into the events at Winterbourne View Hospital states that staff routinely mistreated and abused patients, and management allowed a culture of abuse to flourish.
- 4.2 The warning signs were not picked up, and concerns raised by a whistleblower went unheeded.
- 4.3 The report also reveals weaknesses in the system's ability to hold the leaders of care organisations to account.
- 4.4 In addition, it finds that many people are in hospital who don't need to be. People with learning disabilities or autism, who also have mental health conditions or challenging behaviour can be, and have a right to be, given the support and care they need in the community, near to family and friends.

5. PROPOSALS

- 5.1 The programme of action includes a list of targets to achieve within a set timescale, including:-
- by spring 2013, the department will set out proposals to strengthen accountability of boards of directors and senior managers for the safety and quality of care which their organisations provide
 - by June 2013, all current placements will be reviewed, everyone in hospital inappropriately will move to community-based support as quickly as possible, and no later than June 2014
 - by April 2014, each area will have a joint plan to ensure high quality care and support services for all people with learning disabilities or autism and mental health conditions or behaviour described as challenging, in line with best practice
- 5.2 As a consequence, there will be a reduction in hospital placements for this group of people, the Care Quality Commission will strengthen inspections and regulation of hospitals and care homes for this group of people, including unannounced inspections involving people who use services and their families
- 5.3 A new NHS and local government-led joint improvement team will be created to lead and support this transformation

- 5.4 This program is backed by a concordat signed by more than 50 partners, setting out what changes they will deliver and by when. The government will publish a progress report on these actions by December 2013.

6. RISK IMPLICATIONS

- 6.1 The Learning Disability Programme Board, chaired by the Minister for Care and Support, will lead delivery of the programme of change by measuring progress against milestones, monitoring risks to delivery and challenging external delivery partners to deliver to plan, regularly publishing updates;
- 6.2 The Department of Health will publish a follow-up report by December 2013 and again as soon as possible following 1 June 2014, to ensure that the steps set out in this Concordat are achieved.
- 6.3 The strong presumption will be in favour of supporting this with pooled budget arrangements.
- 6.4 The approach will rely on joint and collaborative commissioning by local authorities and Clinical Commissioning Groups to support these objectives.
- 6.5 There will be an expectation that Directors of Adult Social Services provide assurance to the Joint Improvement Programme that they are making progress in these areas and are commissioning safe and appropriate care.

7. LOCAL IMPLICATIONS

- 7.1 Locations affected by the review include all NHS & Private Hospitals where people with a learning disability or autism are receiving assessment and treatment, or where they are residing inappropriately.
- 7.2 All individuals will require a review of their care and an individualised service design to meet their needs to support a potential transfer to community care placements.
- 7.3 A number of challenges face Local Authorities including commissioning appropriate placements close to home, commissioning suitably skilled services and identifying suitable accommodation.

8. RECOMMENDATIONS

- 8.1 That the Portfolio Holder notes the contents of the report and notes the local impact.

9. REASONS FOR RECOMMENDATIONS

- 9.1 To inform the Portfolio Holder on the Government's final report into the events at Winterbourne View Hospital and note the impact on local provision.

10. BACKGROUND PAPERS

- 10.1 Copies of the report can be found at the following link:

<http://www.dh.gov.uk/health/2012/12/final-winterbourne/>

[http://www.hartlepool.gov.uk/egov_downloads/24.10.12 -
Adult and Public Health Services Portfolio Agenda.pdf](http://www.hartlepool.gov.uk/egov_downloads/24.10.12_-_Adult_and_Public_Health_Services_Portfolio_Agenda.pdf)

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