

# **ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION SCHEDULE**



**13 March 2013**

**at 9.30am**

**in Committee Room C, Civic Centre, Hartlepool**

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

**1. KEY DECISIONS**

1.1 Dementia Day Services – *Assistant Director, Adult Social Care*

**2. OTHER ITEMS REQUIRING DECISION**

2.1 Revision of 2013/14 Fees and Charges – Cemeteries and Crematorium – *Assistant Director (Transportation and Engineering)*

2.2 Revision of 2013/14 Fees and Charges – Public Protection – *Assistant Director (Regeneration and Planning)*

**3. ITEMS FOR INFORMATION**

3.1 Quarterly Update Report for Public Protection – *Assistant Director (Regeneration and Planning)*

**4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

No items



# **ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO**

Report To Portfolio Holder  
13 March 2013



**Report of:** Assistant Director – Adult Social Care

**Subject:** DEMENTIA DAY SERVICES

## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

Key Decision – the impact of the decision affects all wards within the Borough.

Forward Plan Reference No. CAS 003/13

## **2. PURPOSE OF REPORT**

- 2.1 To seek the Portfolio Holder's approval to make an exception to the Contract Procedure Rules in respect of the Day Centre at Gretton Court that provides care and support to sufferers of dementia and provides respite for carers.

## **3. BACKGROUND**

- 3.1 The service has been in place since 1 April 2000, originally with Hartlepool & East Durham Alzheimer's Trust who provided day care services at the Alzheimer's Day Centre from April 2000 to April 2008.
- 3.2 Following the absorption of Hartlepool & East Durham Alzheimer's Trust by the Hospital of God in 2008 the Council has contracted with the Trustees of the Hospital of God since this time to provide Day Centre services for people suffering with dementia. The funding for the service has been shared equally by the Council and Hartlepool Primary Care Trust (HPCT).
- 3.3 The current contract expires on 31 March 2013 and there had been some doubt over the continued joint funding of dementia day services with the Primary Care Trust and emerging Clinical Commissioning Group in discussion with the Council for several months before an interim funding solution was agreed.

- 3.4 The service provides a day centre for older people with mental health problems (dementia) to build on models outlined in the National Service Framework for Older People and supports the principles promoted in Securing Better Mental Health for Older Adults and the Hartlepool Strategy for Older People with Mental Health Needs and their carers.
- 3.5 There are 20 places per day available, 6 days a week for older people with emerging mental health needs, Alzheimer's Disease, primary dementia and dementia related conditions who are ordinarily resident in the Borough of Hartlepool. The service contributes to supporting older people to live as independently as possible in their own homes and community providing social stimulation, personal care, hot and cold beverages and a choice of balanced meals.
- 3.6 The day care provision also provides respite and support to carers. This enables them to pursue activities that may not be possible in their role as a carer.
- 3.7 A review of the service was undertaken in 2012 and confirmed that the service had been well utilised and met the service outcomes and objectives required within the contract. Consultation indicated that service users valued the service with no service user rating the service less than 8 out of a possible 10; the average score being 9.5.

#### **4. PROPOSALS**

- 4.1 Hartlepool PCT, in consultation with the Clinical Commissioning Group (CCG), has agreed to commit to their share of the funding of dementia day services for 12 months, until 31 March 2014. This is on the understanding that a full review of the service be undertaken before October 2013, with options for the future being considered by the Council and the CCG that will include funding levels.
- 4.2 The delay in gaining, and the short term nature of, the CCG's funding agreement means there has been insufficient time to undertake a tender exercise in line with the Council's Contract Procedure Rules.
- 4.3 Given the above, it is proposed that the Council, on behalf of itself and the CCG, enter into a 12 month contract with the current provider, for the continuation of the day service and that a review of the service is undertaken within the first six months. Additionally, possible future options are developed for consideration by the Council and the CCG alongside the review.

## **5. RISK IMPLICATIONS**

- 5.1 The risk involved in not entering into a 12 month agreement for the provision of this valued service, particularly as there are no viable alternatives at present, is the loss of much needed support for people with dementia and their carers.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The current value of the contract is £165,484.20, shared equally between the Council and Hartlepool Primary Care Trust/Clinical Commissioning Group. This equates to £82,742.10 each and the Council's element is within the mainstream budget.

## **7. RECOMMENDATION**

- 7.1 It is recommended that the Portfolio Holder agrees to make an exception to the Contract Procedure Rules for the reasons set out in Section 4 of this report and grant permission to enter into one year agreement with the existing provider.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 If the recommendation in section 8 is agreed it will allow for the continuation of the current day service enabling a full review to be undertaken and possible future options developed for consideration by the Council and the Clinical Commissioning Group.

## **9. CONTACT OFFICER**

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## **ADULT SERVICES AND PUBLIC HEALTH PORTFOLIO**

Report to Portfolio Holder  
13<sup>th</sup> March 2013



**Report of:** Assistant Director (Transportation and Engineering)

**Subject:** REVISION OF 2013 / 2014 FEES AND CHARGES –  
CEMETERIES AND CREMATORIUM

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### **1. TYPE OF DECISION/APPLICABLE CATEGORY**

Non-Key Decision.

### **2. PURPOSE OF REPORT**

- 2.1 To consider the annual review of fees and charges in respect of Cemeteries and the Crematorium.

### **3. BACKGROUND**

- 3.1 The councils Cemeteries and the crematorium are 100% funded from income, mainly from burial and cremation fees.
- 3.2 The Council is currently in the process of installing new cremators which will meet the requirements of reduced mercury emissions as required by European and national legislation. In particular, the conditions of the Secretary of State's Guidance Note PG/5/2 (04) which requires mercury and particulate emissions to be reduced by 50% by 31 December 2012. DEFRA previously indicated it was very likely that Central Government would require mercury emissions to be reduced to 100% by 2020.
- 3.3 The Council took the decision to replace both of its cremators in Stranton Crematorium which would be nearing the end of their useful life in the current year, which was around the 2012 abatement deadline. The capital scheme involving the purchase of 2 new cremators, abatements equipment and alterations to the building, necessary to house the new equipment, has been financed by Prudential Borrowing and the repayment costs made annually principally through increased fees for cremations. The initial revision of cremation fees was implemented in 2010.

- 3.4 Since the previous report there have been further developments which impact on the financial position of the service. In particular, the number of cremations and burials has been less than expected. In addition the service is facing additional cost pressures.

#### 4. FINANCIAL CONSIDERATIONS

- 4.1 The increase in burial and cremation fees has been less the originally forecast. The demographic trends are complex as a result of factors such as an ageing population, the impact of the previous two world wars on three generations and emerging trends such a smaller family units. Although it was envisaged that there would be a temporary reduction in deaths affecting income streams, it appears that overall downward trend is greater than first anticipated. This has resulted in an income budget shortfall of approximately £35,000 per year.
- 4.2 The cost of maintaining graves has increased as a result of the extra 230 new graves created each year which require associated sensitive maintenance. The extra cost in the last three years has increased by approximately £15,000 which has previously been absorbed, unsustainably, within the wider Parks and Countryside and Grounds Maintenance budgets.

#### 5. FEE REVIEW 2012

- 5.1 A review of fees has been undertaken which has identified that the Councils burial and cremations fees are substantially less than those charged by neighbouring local authorities. The table below shows comparative fees for adults:

Location	Cremation Fee *	Average Burial Fee	Average Burial Plot
Darlington	£639	£569	£579
Middlesbrough	£603	£541	£716
South Tyneside	£666	£740	£884
Gateshead	£665	£720	£400
Newcastle	£807	£740	£844
Durham*	£543	£700	£760
Sunderland	£601	£810	£625
	£646	£689	£687
Hartlepool	£610	£430	£466

\* includes environmental surcharge and medical reference

- 5.2 It is proposed that the Council increase fees closer in line with other authorities as follows: The revised fees for Adults are recommended as follows:

Location	Cremation Fee *	Average Burial Fee	Average Burial Plot
Division A	£639	£569	£600
Division B/C		£529	£400
Average	£639	£549	£500

5.3 **Appendix A** lists the complete schedule of fees and charges.

5.4 The increased fees will enable the Council to meet the budgeted income required to fund the annual prudential borrowing costs of the new cremators and additional grave maintenance as outlined above.

## **6. RECOMMENDATIONS**

6.1 That the Portfolio Holder agrees to the recommended charges contained in **Appendix A** and that they are implemented as from 1<sup>st</sup> April 2013.

## **7 EQUALITY AND DIVERSITY CONSIDERATIONS**

7.1 There are no equality or diversity implications.

## **8. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

8.1 There are no Section 17 Implications.

## **9. BACKGROUND PAPERS**

9.1 There are no background papers for this report.

## **7. CONTACT OFFICERS**

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**APPENDIX A**



# **DEPARTMENT OF NEIGHBOURHOOD SERVICES**

## **CEMETERIES AND CREMATORIUM**

### **TABLE OF CHARGES**

IN RESPECT OF

HARTLEPOOL CREMATORIUM

STRANTON GRANGE CEMETERY

WEST VIEW ROAD CEMETERY

NORTH CEMETERY

OLD CEMETERY  
(SPION KOP)

**WITH EFFECT FROM 1 APRIL 2013**



## APPENDIX A

### CEMETERIES

#### **PURCHASED GRAVE SPACES**

1. For the purchase of the exclusive right of burial by a resident in the Borough of Hartlepool:

	<b>Division A</b>	<b>Division B/C</b>
In an earthen grave	£600.00	£400.00

PLEASE NOTE THAT:

- i] These charges are exclusive of the burial fee payable for each interment (see 2 below).
- ii] Double charges will be payable for the exclusive right of burial by a person not resident in the Borough of Hartlepool except in the case when the deceased was a resident at the time of death.
- iii] Exclusive right of burial in a division "A" type grave must be purchased prior to the interment.
- iv] Fees for the preparation of a deed of grant and for the entry of the particulars in the "Register of Purchased Graves" are included in the exclusive right of burial charges.
- v] Fees for the erection of memorials and for the right of placing a second or subsequent inscription on a memorial are included in the above charges.

2. **INTERMENT FEES**

- a) For the burial of the body of a stillborn child in the stillborn communal areas (exclusive right of burial cannot be purchased in this area).

£37.00

- b) For the burial of a stillborn child:

Division A	£164.00
Division B/C	£105.00

- c) For the burial of a child whose age at the time of death did not exceed 12 years:

Division A	£164.00
Division B/C	£105.00

## APPENDIX A

- d) For the burial of the body of a person whose age at the time of death exceeded 12 years:

Division A	£569.00
Division B/C	£529.00

- e) Service in Cemetery or Crematorium Chapel before proceeding to graveside, or for a memorial service.

£87.00

### PLEASE NOTE THAT:

- i] The charges set out in 2 (a), (b), (c) and (d) above relate to the burial of a resident of Hartlepool. The charges in respect of non-residents should be double those stated above.
- ii] The term "Resident" for the purpose of Clause 2 hereof means a person who at the time of his or her death resided within the Borough of Hartlepool or who has been so resident at any time during the twelve months preceding his or her death and includes a person who normally resided in Hartlepool but who, at the time of death, was not in Hartlepool. In the case of a stillborn, the child will be deemed a resident if the parents reside within the said Borough.
- iii] In the event of a body of a child being interred in the same casket as the body of its parent, no fee shall be payable to the Authority in respect of such child.
- iv] Burial fees include the use of grass matting and when necessary the turfing or seeding of the grave during the appropriate season, allowing a reasonable time to elapse so that the ground may be in a suitable condition.
- v] All lawn plot graves are maintained solely by the burial authority. Planting is not allowed. Kerbs, enclosures or flat stones are not allowed on lawn plots.
- vi] At least two complete days notice (not including Saturdays, Sundays or Public Holidays) of any proposed interment must be given at the Cemeteries and Crematorium office in writing, on the form prescribed by the Council.
- vii] Interment times are as follows:
- |                    |  |
|--------------------|--|
| Monday to Thursday | 9.30 am to 3.30 pm (summer)<br>9.30 am to 2.30 pm (winter) |
| Friday             | 9.30 am to 2.30 pm (summer)<br>9.30 am to 2.00 pm (winter) |

## APPENDIX A

### 3. **REGISTRATION AND SEARCH FEES**

- a) For the execution of the transfer of the grant to the exclusive right of burial in a grave space and for the entry of the particulars in the "Register of Purchased Graves".

£27.00

- b) For a search in the "Register of Burials" kept by the Cemeteries Registrar:

£23.00

- c) For a search in the "Register of Purchased Graves" kept by the Chief Executive:

£23.00

### 4. **MEMORIALS, INSCRIPTIONS ETC**

PLEASE NOTE THAT:

- i] All memorials and inscriptions remain the responsibility of their respective owners and are subject to the approval of the Cemeteries and Crematorium Registrar.
- ii] All applications to erect memorials must be completed on the prescribed form and signed by the grave owner and the person who is to carry out the work and delivered to the Cemeteries and Crematorium Office at least 24 hours prior to fixing.
- iii] Maximum size memorial allowed, 4 feet in height and 36 inches x 20 inches at base.
- iv] Wooden or metallic memorials including crosses are not allowed in the cemeteries.
- v] Memorials are not allowed to be erected on any unpurchased ground.

### 5. **PLANTING AND TENDING GRAVES (NOT APPLICABLE TO LAWN PLOTS)**

- |  |        |
|--|--------|
| a) Turfing of grave space and maintenance one year:    | £65.00 |
| b) Each subsequent turfing and maintenance per year:   | £65.00 |
| c) Maintenance only:                                   | £43.00 |
| d) Planting twice yearly with flowers and maintenance: | £67.00 |

## APPENDIX A

### CREMATORIUM

#### 1. CREMATORIUM FEES

- |    |  |         |
|----|--|---------|
| a) | Cremation of foetal remains or a stillborn child or child under five years of age: | £17.00  |
| b) | Cremation of a child aged 5 years and under 16 years of age:                       | £104.50 |
| c) | Cremation of a person aged sixteen years or over:                                  | £639.00 |

PLEASE NOTE THAT:

- 1) The cremation fees include the following:
  - ◆ The medical referee's fees
  - ◆ A copy of the Registrar's or Coroner's Disposal Certificate
  - ◆ The use of the Chapel
  - ◆ The use of the organ (organist's charges are extra)
  - ◆ The temporary storage of cremated remains for one month after the cremation service
  - ◆ A suitable container for the removal of the cremated remains from the crematorium
  - ◆ Environmental abatement costs (applicable to cremations of persons aged sixteen years or over)
- 2) Cremation times:

Monday to Thursday	9.40 am to 4.00 pm (Last Service - Committal Only)
Friday	9.40 am to 3.00 pm (Last Service - Committal Only)

#### 2. ADDITIONAL CHARGES

- |    |  |        |
|----|--|--------|
| a) | Extended service time (additional 20 minutes)<br><b>(This should be ordered at the time of booking, subject to availability)</b> | £87.00 |
| b) | <u>Additional</u> copy of Registrar's or Coroner's Disposal Certificate  | £11.00 |
| c) | Certificate of Cremation (certified extract from any entry in the Cremation Register).   | £11.00 |

## APPENDIX A

### 3. INTERMENT OF CREMATED REMAINS

- |    |                     |         |
|----|---------------------|---------|
| a) | In an earthen grave | £129.00 |
|----|---------------------|---------|

### 4. INTERMENT OF CREMATED REMAINS (SPECIAL PLOTS)

- |    |  |         |
|----|--|---------|
| a) | In the cremated remains special plot   | £129.00 |
| b) | Purchase price of site including deeds | £140.00 |

PLEASE NOTE THAT:

- 1) Exclusive right of burial in a special plot must be purchased prior to the first interment (see 3b above).
  - 2) Double fees apply to non-residents regarding the purchase of sites and for the burial of cremated remains as with full burials.
  - 3) Charges for permission to lay stone and for the right of placing a second or subsequent inscription on a stone are included in the above purchase price of site.
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### 4. INTERMENT OF CREMATED REMAINS (TRIBUTE AREA)

- |    |  |         |
|----|--|---------|
| a) | In the cremated remains tribute area   | £129.00 |
| b) | Purchase price of site including deeds | £240.00 |

PLEASE NOTE THAT:

- 1) Exclusive right of burial in tribute area must be purchased prior to the first interment (see 3b above).
- 2) Double fees apply to non-residents regarding the purchase of sites and for the burial of cremated remains as with full burials.
- 3) Charges for permission to erect memorial and for the right of placing a second or subsequent inscription on a stone are included in the above purchase price of site.
- 4) Overall height of any memorial on Tribute Area should not exceed 3 feet, width should not exceed 3 feet. Depth, which is from back of base to front of base should not exceed 12 inches. Kerbs and enclosures are not allowed in this area, nor is the planting of trees, shrubs or bedding plants.

## APPENDIX A

### 5. INSCRIPTIONS IN BOOK OF REMEMBRANCE

a)	2 line entry (single)	£59.00
b)	5 line entry (double)	£105.00
c)	8 line entry (treble)	£150.00
d)	Badge/floral emblem (including 5 lines)	£207.00
e)	Full coat of arms (including 8 lines)	£249.00

### 6. MEMORIAL CARDS

a)	2 line entry	£31.00
b)	5 line entry	£51.00
c)	8 line entry	£63.00
d)	Badge/floral emblem (including 5 lines)	£168.00

### 7. MISCELLANEOUS CHARGES

a)	Urns to contain remains:	
	i] Polished wood	£60.00
	ii] Plastic container	£11.00
b)	Packing and despatch of remains	£70.00

### 8. STREWING OF CREMATED REMAINS

a)	At reserved time with mourners/minister, or from another cremation authority	£29.00
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### 9. VASE BLOCK TABLET MEMORIALS IN GARDEN OF REMEMBRANCE

a)	Complete memorial	£355.00
b)	Reunited/replacement tablet for above	£129.00
c)	Replacement flower container	£6.00

**ALL CHARGES ARE INCLUSIVE OF VAT**

## ADULT AND PUBLIC HEALTH PORTFOLIO

Report To Portfolio Holder

13<sup>th</sup> March 2013



**Report of:** Assistant Director Regeneration & Planning

**Subject:** REVISION OF 2013 / 2014 FEES AND CHARGES –  
PUBLIC PROTECTION

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### 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key Decision.

### 2. PURPOSE OF REPORT

- 2.1 To consider the annual review of fees and charges in respect of services, licences and registrations undertaken by the Public Protection section of the Regeneration & Planning Division.

### 3. BACKGROUND

- 3.1 Charges for the various services offered by the Public Protection section have been subjected to the annual review. The review has considered both the services provided to clients and the Council's financial position (including the 2013/14 budget process) and charges made for similar services across the Tees Valley.

### 4. PROPOSALS

- 4.1 The suggested charges for 2013 / 2014 are set out as **Appendix 1**, with the current year's figures in brackets.
- 4.2 Suggested increases in charges are based on:
- (i) an average rise of 2.5%; or
  - (ii) a more accurate reflection of staff resources being utilised; or
  - (iii) bringing charges into line with other Authorities.

- 4.3 Charges have generally been rounded off to the nearest pound where appropriate and are exclusive of VAT.
- 4.4 Based on current service operation the increase in fees will achieve gross additional income of £8,900. However, costs including staff costs have also increased in proportion.

## **5 RISK**

- 5.1 There is a risk that the number of licences issued by the Authority may fall due to increased fees, resulting in reduced income and increased enforcement, however, the basis of the charges outlined in section 3.2 represents a reasonable assessment which can be justified to the various service users.
- 5.2 Several of the charges under consideration are statutory fees and therefore increased in line with the national requirement.

## **6 RECOMMENDATIONS**

- 6.1 That the Portfolio Holder agrees the fees and charges for 2013 / 2014 to be implemented from 1 April 2013.

## **7 EQUALITY AND DIVERSITY CONSIDERATIONS**

- 7.1 There are no equality or diversity implications.

## **8. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 8.1 There are no Section 17 Implications.

## **9. BACKGROUND PAPERS**

- 9.1 There are no background papers for this report.

## **10. CONTACT OFFICER**

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**LICENCES, REGISTRATIONS AND SERVICES**

1.	<b><u>PET ANIMALS ACT 1951</u></b>	£129 (£126) plus any veterinary surgeon's fee where such an inspection is considered necessary.
	<b><u>ANIMAL BOARDING ESTABLISHMENTS ACT 1963</u></b>	£129 (£126) plus any veterinary surgeon's fee where such an inspection is considered necessary.
	<b><u>THE BREEDING OF DOGS ACT 1973</u></b>	£129 (£126) plus any veterinary surgeon's fee where such an inspection is considered necessary for 0-5 breeding bitches, £175 (£170) for 6-10 breeding bitches, Pro-rata for over 10 breeding bitches.
	<b><u>SLAUGHTER ACT 1974</u></b>	£50 (£50) Licence to slaughter animals.
	<b><u>RIDING ESTABLISHMENTS ACT 1964 AND 1970</u></b>	£129 (£126) plus any veterinary surgeon's fee where such inspection is considered necessary.
	<b><u>PERFORMING ANIMALS</u></b>	£129 (£126)
	<b><u>DANGEROUS WILD ANIMALS ACT 1976</u></b>	£129 (£126) plus any veterinary surgeon's fee where such inspection is considered necessary.
	<b><u>VARIATION OF LICENCE</u></b>	£60 (£58) plus any veterinary surgeon's fees where such inspection is considered necessary.

2.	<b><u>COPY OF ANY LICENCE</u></b>	£46 (£45) unless cost of copy is a statutory fee.
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3.	<b><u>FOOD SAFETY ACT 1990</u></b>	
	'Export' Certificates	£72 + VAT (£70)
	Food Condemnations	
	- Certificate and removal	£82 + VAT (£80) for up to 1 hour - additional time at £43/hr (£42). Plus the costs incurred by the Department for removal.
	- Certificate only	£65 + VAT (£63)
	Level 2 Award in Food Safety	£56 + VAT (£55) – In line with Adult Services

**FOOD SAFETY ACT 1990 (continued)**

Level 3 Award in supervising food safety in catering	£203 (£198)
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**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982**

Acupuncture, tattooing, ear piercing, electrolysis

- premises	£129 (£126)
- person	£65 (£63)

**6. SEX ESTABLISHMENT**

New licence	£1315 (£1280)
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Renewal	£380 (£370)
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**7. STATEMENT OF FACT**

£112 for up to 2 hours officers time	
Cost /hr thereafter	£57 (£55)

**8. LOCAL GOVERNMENT (MISC. PROV.) ACT 1976****Hackney Carriages and Private Hire Licences:**

Hackney Carriage Vehicle	£260 plus vehicle inspection fee (approx £65) = £325
Hackney Carriage Driver	£70 (£67)
Private Hire Vehicle	As Hackney Carriage
Private Hire Driver	As Hackney Carriage
Dual Driver	£100 (£95)
Transfer of Vehicle ownership	£35 (£30)
Replacement Vehicle	£80 (£70)
Renewal of Backing Plates	£30 (£30)
Knowledge Test Re-test (and non appearance)	£20 (£20)
Replacement drivers badge	£11 (£10.50)
Replacement roundals	£5 each (£5)

**Private Hire Operators**

£320 plus £10 per vehicle Max £550 (£300 plus £10 per vehicle Max £500)

9. **STREET TRADING**

All fees include a £50.00 non-refundable application charge, which will be retained by Hartlepool Borough Council, should an application be refused or withdrawn.

<b><u>Street Trading Consents</u></b>	<b>0500 hrs – 2100 hrs (1800 hrs)</b>		<b>2100 hrs – 0500 hrs</b>	
Annual	£1180	(£1150)	£2360	(£2300)
Half Yearly	£710	(£690)	£1420	(£1380)
Monthly	£185	(£175)	£370	(£350)
Weekly	£125	(£118)	£250	(£235)
Daily	£65	(£60)	£130	(£120)
Seaton Carew Annual	£1700 for 2013/14 Previously agreed by Portfolio Holder			

**Street Trading Licence**

Weekly	£125	( £118)
Daily	£65	(£60)

Where attending Thursday open market, Farmers Market or Maritime Festival, the above fee will not be charged as it is covered in the existing charges.

10. **LICENSING ACT FEES AND CHARGES (Statutory Fees) & Sex Entertainment Venues**

<b><u>Band</u></b>	<b><u>Rateable Value</u></b>	<b><u>Variation Fee and New Applications</u></b>		<b><u>Annual Fee</u></b>
A	No rateable value to £4300	£100		£70
B	£4301-£33000	£190		£180
C	£33001-£87000	£315		£295
D	£87001-£125000	£450		£320

Minor Variation Fee £89

**LICENSING ACT FEES AND CHARGES (Statutory Fees)**

D*	See Note 1 below	£900	£1000	£900	£640
E	£125001 and above	£635	£755	£635	£350
E*	See Note 2 below	£1905	£2025	£1905	£1050

**Note 1:** For premises that have a band D rateable value (as detailed above) and which are used exclusively or primarily for the supply of alcohol for consumption on the premises, the licence fee is doubled.

**Note 2:** For premises that have a band E rateable value (as detailed above) and which are used exclusively or primarily for the supply of alcohol for consumption on the premises, the licence fee is multiplied by a factor of three.

**Note 3:** For large events, where the expected attendance will be greater than 5,000, an additional fee may be payable. Please contact the Council's Licensing Team for more details.

11. **POISONS ACT, 1972**

Initial Registration	£66 (£64)
Re-registration	£39 (£38)
Change of details to register	£31 (£30)

12. **MANUFACTURE & STORAGE OF EXPLOSIVES REGULATIONS 2005**

(Fee set under the Health &amp; Safety (Fees) Regulations 2010) (Schedule 8, Part 2)

Initial Registration of premises	£105 (£105)
Renewal of Registration	£52 (£52)
Initial Licence to store	£178 (£178)
Renewal of Licence	£83 (£83)
Variation, transfer or replacement	£35 (£35)

13. **FIREWORKS ACT 2003**

Licence to Supply	£500 (Statutory Fee)
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14. **PETROLEUM CONSOLIDATION ACT 1928**

Fees set under Health and Safety (Fees) Regs 2010

Fee for less than one year or for two years and three years are pro-rata of the current fee

Licence to keep petroleum spirit of a quantity not exceeding 2,500 litres	£42 (£42)
Licence to keep petroleum spirit of a quantity 2,500 litres, not exceeding 50,000 litres	£58 (£58)
Licence to keep petroleum spirit of a quantity exceeding 50,000 litres	£120 (£120)
Transfer of licence	£8 (£8)

15. **MOTOR SALVAGE OPERATORS LICENCE**

£70 (Statutory Maximum Fee)

16. **LOTTERIES AND AMUSEMENTS (Statutory Maximum Fee)**

Registration Fee	£40
Annual Renewal	£20

17. **SAFETY OF SPORTS GROUNDS**

Issue	£530 (£520) This applies to new safety certificates so only new regulated premises would be affected.
Amendment	£170 (£165)

18. **SHIP INSPECTION CHARGES**  
(Ships Sanitation Certificates Statutory Fees)

APHA recommended standard charging regime – fees as at 1 January 2011.

Gross Tonnage Up to 1,000	£70	
1001 – 3,000	£105	(£105)
3,001 – 10,000	£160	(£160)
10,001 – 20,000	£210	(£210)
20,001– 30,000	£265	(£265)
Over – 30,000	£320	(£320)

With the exception of:

- Vessels with the capacity to carry between 50 and 1000 persons - £ 320 (**£320**)
- Vessels with the capacity to carry more than 1000 persons -£550 (**£550**)

Extra charges may be added for exceptional costs such as launch hire, lengthy journeys to the port or laboratories, out of hours visits and samples taken.

19. **GAMBLING ACT 2005**

Class of Premise	New Application (premises hold a Provisional Statement) Statutory Maximum	New Application	Annual Fee	Variation	Transfer	Licence Reinstatement
		£	£	£	£	£
Bingo	1200	2000 (1590)	750 (690)	1600 (1500)	Max 1200	Max 1200
Adult Gaming Centre	1200	2000 (1590)	750 (690)	1000 Max	1200	1200
Betting (Tracks)	950	2000 (1590)	750 (570)	1250 Max	950	950
Family Entertainment Centre	950	2000 (1590)	600 (570)	1000 Max	950	950
Betting (Other)	1200	2000 (1590)	530 (520)	1500 Max	1200	1200

20. **PEST CONTROL****Domestic Premises**

Rats,	No Charge
Mice	£32 per hour + materials + VAT
fleas (human), bed bugs and cockroaches	£31 (£30) per hour + materials + VAT
Other pests (including, wasps, fleas (animal related), moles, woodlice, silverfish, earwigs, etc):	£32 (£31) per hour + materials + VAT

**Business Premises**

All pest control, regardless of species	£50 (£48) per hour + materials + VAT
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21.	<b><u>THURSDAY OPEN MARKET</u></b>	No change
	Charge for standard pitch. (Plus proportional increases dependent on additional space used by traders).	£25 (£25)
	Charge during January and February for stall-holders with full attendance.	£18 (£18)
	Additional charge for casual traders for the 4 weeks running up to Christmas.	£5
	If holiday is taken or any other absence without notification a service charge will be levied.	£7 (£7)
	If payment is not received at the Civic Centre by 12 noon on market day, an admin charge will be made.	£6 (£6)

## **ADULT AND PUBLIC HEALTH PORTFOLIO**

Report To Portfolio Holder

13<sup>th</sup> March 2013



**Report of:** Assistant Director (Regeneration & Planning)

**Subject:** QUARTERLY UPDATE REPORT FOR PUBLIC PROTECTION

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### **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 service 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.

<b>Interventions</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
Food Hygiene	108	102	95		305
Food Standards	64	60	48		172
Feed Hygiene	0	6	7		13
Animal Health	0	7	1		8
Health & Safety	46	54	63		163
Trading Standards	27	150	213		390
Licensing	22	30	20		72
Prescribed Processes	0	0	0		0
Smoke Free	107	176	157		440

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 whilst we expect Trading Standards to achieve target by year end Health & Safety is expected to have a shortfall.

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.

<b>Sample Details</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
Microbiological Water *	49	43	53		145
Microbiological Food & Environmental	63	73	85		221

Sample Details	Q1	Q2	Q3	Q4	Total
Food Labeling & Composition	23	30	39		92
Water Chemical	5	4	4		13

\* 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.
- **Overloaded Vehicles** Trading Standards Officers are also Weights & Measures Inspectors and in December took part in a multi-agency operation to identify overloaded vehicles using the highway.

On 3<sup>rd</sup> December, five vehicles were stopped and four were found to be overloaded, one by only 7% who was let off with a warning, the other three were significantly over, one scaffolding vehicle and two coal wagons which were over by 450kg, 1270kg and 1610kg respectively.

All were issued with £200 fixed penalty notices by the Police at the time and advised re future conduct and manufacturers maximum plate weights.

On 20<sup>th</sup> December a total of seven vehicles were stopped. Four out of the seven were overloaded at 565kg, 900kg, 950kg and 1260kg. All were issued with £200 fixed penalty notices by the Police at the time and advised regarding future conduct. Due to the success of the operation another date has been arranged for the new year.

- **Halloween & Christmas** Numerous Halloween and Christmas Samples were purchased and tested. No significant faults were discovered but one manufacturer has been advised to amend its labelling.
- **Operation Christmas Spirit 2** Trading Standards & Environmental Health officers visited a total of 28 premises to test alcoholic drinks that were being offered for sale. Each premises had their spirits checked and a cellar safety inspection carried out. The cellar safety check provided officers with a good insight into health and safety compliance and an excellent opportunity to look for counterfeited stock.

One premise was found to be selling either watered down or substituted Smirnoff vodka and a full investigation into this food fraud is now taking place. The bottle was seized and has been sent away for analysis.

The visits were well received by the traders who welcome such inspections as it would help identify any unscrupulous traders who are gaining unfair commercial advantages by retailing counterfeit produce.

- **Takeaway Rice Survey:** 10 samples of plain boiled rice were sampled from Indian takeaways in Hartlepool. Only 1 of these samples was found to be unsatisfactory. Following a visit by an officer, a resample of rice was submitted. This was deemed to be satisfactory.
- **Medical Weighing Instruments** In November, the first visit as part of Trading Standards' project to check the legality of person weighing machines used by the NHS was conducted. The visit was made to the University Hospital of Hartlepool. Visits to Hartlepool based clinics and GP surgeries will be conducted at a later date.

The Non-Automatic Weighing Instruments Regulations 2000 have for the first time brought NHS scales into the remit of Trading Standards who traditionally have a duty to solely inspect scales that are "in use for trade". Given that medication quantities are often linked to a persons weight, it is important to ensure accuracy of such readings.

Trading Standards nationally conducted checks of hospital weighing machines in 2008 and the results were concerning with a large number of non-complying scales found. In light of these previous findings, the hospital was happy for Trading Standards to attend and to check if matters had improved.

The first visit as part of this Trading Standards project revealed that problems have largely been addressed. Of the 70 machines tested at the hospital only eight posed an issue. Typically this was due to some scales being 'old' and wear and tear had resulted in inaccurate readings. Some of these older scales were only 'class 4' whereas a better standard 'Class 3' machine is more suitable for the usage to which they were being put. While usage of a Class 4 scale may be appropriate for less critical usage such as 'record keeping', the risk is that such machines may accidentally get used for more critical uses. As a result of our advice, the hospital removed the problem scales from use.

- 5.6 Legislation came into force on 6<sup>th</sup> 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 30 attempts were made by underage volunteers to purchase alcohol, tobacco, fireworks & intoxicating substances 10 were 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	7		45
Health & Safety at Work	8	5	2		15
Pest Control - Rats	211	187	176		574
Pest Control - Mice	73	52	50		175
Pest Control - Insects	104	218	47		369
Noise - Commercial	1	7	0		8
Noise - Domestic	115	205	83		403
Air Pollution	15	25	12		52
Trading Standards	82	154	90		326
Accident Notifications	18	13	11		42
Licensing	11	12	5		28
Infectious Disease Notifications	36	43	41		120

- 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.

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.

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.

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.

An EHO at Ealing Council was 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.

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 1<sup>st</sup> June 2012 through to Sunday 2<sup>nd</sup> 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.
- 6.4 **Legionella.** Two cases of legionella were reported during the third quarter and both were investigated by officers from the department. No links were established between the two cases and close liaison with the Health Protection Agency was maintained throughout.

- 6.5 **Unsafe Electrical Cabling** Following the receipt of a complaint from a National trade body, Trading Standards Officers investigated the safety of fire safety cabling that was being imported into the EU by a Hartlepool company. Close working between officers, the company concerned and the trade body has ensured that the product now complies with statutory requirements.
- 6.6 **Potentially Unsafe Vodka** Following a complaint about potentially dangerous imported vodka, a visit to a local off-licence was conducted with Trading Standards Officers and HMRC and resulted in the seizure of 2 and a half pallets of alcohol which had not had duty paid. HMRC will issue a financial penalty in due course.
- 6.7 **Tobacco Control** 2 domestic premises were visited by Trading Standards staff and Cleveland Police following the receipt of intelligence. One occupier, a grandfather in his 70's, had approximately 2000 cigarettes seized after he admitted selling to schoolchildren.

The second raid, carried out in December, discovered a quantity of cigarettes hidden in the garden and which had no duty paid. The cigarettes were seized by the Police and the issue passed onto to HMRC.

## 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	Total
HC / PH - Drivers	96	118	152		366
HC / PH - Vehicles	73	109	98		280
Operators Licenses	3	1	3		7
New Licensing Act Applications	4	7	4		15
Licensing Act - Variations	2	2	5		9
Licensing Act - Personal licenses	10	12	11		33
Licensing Act - Temporary Events Notice	39	58	78		175
Licensing Act (Other)	54	36	32		122
Street Trading applications	5	14	2		21
Other	7	22	17		46

## 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. In the third quarter 5 Health & Safety Prohibition Notices were served and one Health & Safety Improvement notice.
- 8.2 **Prosecution for Supply of Unsafe Baby's Dummy** Quest Personal Care, a Bury based company, was successfully prosecuted for an offence of supplying an unsafe baby's soother on 19<sup>th</sup> November 2012. The issue came to light following a complaint that a baby had almost choked on a dummy that had fallen apart whilst being used. A detailed criminal investigation followed during which it was identified that the dummies had been imported into the UK on the strength of a forged safety certificate from the supplier in China. The company pleaded guilty and received a fine of £2000 plus £15 Victim Surcharge and ordered it to pay full costs of £1975 plus the legal costs of £990 incorporating Counsel's Fee (£540 inc VAT). This is also resulted in a significant amount of press coverage.

## 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 for this report.

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