

## **EXECUTIVE MEMBER REPORT TO COUNCIL 17 October 2018**

### **Adult Social Care**

#### **Review of Intermediate Care and Reablement**

1. As Part of the above review, admissions to Middlesbrough Intermediate Care Centre (MICC) ceased on 10<sup>th</sup> September 2018 and contingencies put in place for any new referrals for residential rehabilitation until the new service, based at Aster Care, (Middlesbrough Reablement Centre) goes live on 1<sup>st</sup> October 2018.
2. The service at Aster Care will be supported by an expanded in-house Community Reablement Service and many of the staff from MICC have been redeployed into the Community Reablement Service, which will also replace the Reablement service currently outsource to the Human Support Group with effect from 31<sup>st</sup> October 2018.
3. Training for the staff redeployed to the new service is underway residents coming to the end of their rehabilitation programme MICC are returning home or moving to permanent placements, all will have been discharged by 21<sup>st</sup> September 2018.
4. Several services, including Connect Community Alarm service, Middlesbrough Mobile Adapt & Mend Service (Handyman) and the new Reablement Team will continue to be located in the MICC building until such time as the Phoenix Lodge development comes on stream in mid 2019.

### **Public Health**

#### **Tennis in the park**

5. The National Charity 'Tennis for Free' launched their free, coach led, tennis sessions in Albert Park on Saturday 8<sup>th</sup> September. Tennis for Free sessions are a partnership between the national charity, Middlesbrough Council and Tennis World.
6. The charity aims to provide healthy, vibrant local tennis, for communities, for free, on public park tennis courts, creating new tennis players of all ages and backgrounds and showing that tennis can be enjoyed by all.
7. Tennis For Free supporters include Judy Murray (mother of former World No1 and three-time Grand Slam winner Andy), BBC tennis commentator Andrew Castle and ex Grand Slam winner Pat Cash.
8. The launch on Saturday was a resounding success with over 40 people attending the first session. The session was enjoyed by families and individuals of all ages from young children to older people.

9. The Tennis for Free session at Albert Park runs every Saturday 10am – 11.30am at the parks tennis courts. All are welcome to book on the coached session via <https://www.tennisforfree.com/>

### Salons for Screening – Tyne Tees interview

10. ITV Tyne Tees filmed a short piece for their 6pm news programme (aired on 19<sup>th</sup> September) about the Salons for Screening programme. The feature included an interview with Becky James from the public health team explaining the importance of engaging hair salons across South Tees and the development of the Beautiful magazine to promote the messages around cervical screening in a non-clinical way. Interviews were also included from a local salon owner, NUR fitness to offer insight into barriers to attending screening for BME women and Claire, a local lady with learning disabilities whose story featured in the last edition of the magazine.

### Cancer Awareness Rocks!

11. Tapping into the growing trend of people painting, hiding and hunting for rocks, we have created our own 'Reduce Your Risk' rocks aimed at promoting awareness of screening. The idea is that people find the rocks, post onto our facebook page and hide them again for someone else to find, passing the message on. The Teesside Rocks page has over 6,000 members and this is another way of promoting our messages to a wider audience.



### The Live Well Centre – Attracting Further Interest!

12. The Centre is increasingly attracting interest from a broader range of services, most recently TLWC welcomed the Princes Trust and Ground Work North East and Cumbria's full Youth Employment Initiative Team (YEI). This is on the back of the success of the centre in supporting a more rounded offer for young people transitioning into adult services, and combines: education/training; employment; sexual health and contraception; substance misuse and alcohol; physical activity; a general wellbeing drop-in; and the Care-Leaver 'Fresh Start' programme.

## Stoptober

13. Stoptober 2018 is launching on 20 September across South Tees with a number of events being held in Middlesbrough. The Stop Smoking Service is encouraging smokers to take the 28 day challenge, this is based on the evidence that if a smoker can quit for 28 days they are five times more likely to be able to quit for good. The Stop Smoking Service along with all its partners within The Live Well Centre will be hosting a "Know your CO" day where all service users & staff accessing The Live Well Centre will be offered the opportunity for a free CO Screening. There will also be plenty of Stop Smoking Advisors on hand to offer advice and medication to anyone wanting to Quit.
14. In addition to the "Know your CO" campaign, this Stoptober the Stop Smoking Service is also marking the 6 month countdown to South Tees Hospital Foundation Trust going Smokefree. The Stop Smoking Service have been supporting South Tees Hospital Foundation Trust go Smokefree for 31<sup>st</sup> March 2019, including updating of policies, training for staff & Smokefree Champions, and availability of medication for patients. In addition to all the support available for patients at James Cook University Hospital, the Stoptober campaign will be encouraging Trust Staff to get involved and lead by example. Stop Smoking Advisors will be on hand on 20<sup>th</sup> September, 27<sup>th</sup> September and 2<sup>nd</sup> October in both the main Atrium and Canteen at James Cook University Hospital.

## Illegal tobacco sellers receive strong warning.

15. A long running case against sellers of counterfeit and illicit cigarettes in Middlesbrough was concluded at Teesside Crown Court in August.
16. Two 'foot soldiers' in the operation, Morad Zadah and Shaida Abdulrahman were both sentenced in December 2017. Magistrates deemed Abdulrahman had a "higher" role in the operation than Zadah and he was sentenced to 12 weeks custody, suspended for 18 months. He was ordered to carry out 200 hours unpaid work, pay £200 costs and a £115 charge. Zadah was handed a 12 month community order, with 120 hours unpaid work. He was ordered to pay £400 costs, which was higher because he was in work, and an £85 charge.
17. The owner of the shop Arifi Ahmedi was found guilty in his absence and a warrant was issued for his arrest. On 20<sup>th</sup> April 2018 Ahmedi was remanded in custody as he failed to find representation for himself. After numerous delays On Friday 10<sup>th</sup> August, HHJ Morris sentenced Ahmedi to 2 months imprisonment to run concurrently on each trading offence. Ahmedi had also absconded from bail and was sentenced to 1 month imprisonment to run consecutively, a total of 3 months. Due to the time spent on remand he was released from custody that day.
18. HHJ Morris sentencing Ahmedi stated that "You've only got yourself to blame for being inside, I have no sympathy for you...if you commit anymore offences, you have now got a bad reputation and I would invite Trading Standards not to deal with you at the Magistrates and send you up here where the sentence will be in years next time..."
19. The Public Protection service is working with partners to combat the trade in counterfeit and smuggled cigarettes in Middlesbrough, which undermines all our Public Health aims, provides a route into smoking for children and young people and in addition to defrauding the public purse is unfair competition to legitimate traders.

## **Noise Prosecution**

20. The Environmental Protection team received a noise complaint in July 2017 about a house on Granville Road Middlesbrough. The noise complaint related to shouting, raised voices and impact noises/banging at the property, particularly during the night. Following investigations which included the use of noise recording equipment installed in the complainants' home, a noise abatement notice under the Environmental Protection Act 1990 was served, on one of the occupiers of the property in December.
21. The noise complaints continued following service of the notice, and investigations by officers confirmed that the notice had been breached. Following a decision to prosecute in court, during the first hearing on 31 July 2018 the perpetrator pleaded guilty, and was fined £150 and £200 costs. In mitigation, he claimed that his girlfriend was partially deaf and "had to shout in order to hear herself speak".

## **HMO Licensing**

22. Local authorities have a duty to licence houses in multiple occupation (HMO's). HMO's have been licensable since 2006 where they have three or more storeys with five or more tenants, in two or more households. The licence lasts for up to five years. Currently there are 130 HMO's licensed with Middlesbrough Council. Privately owned student accommodation comes within the definition of a HMO, although those under the management of Universities are exempt.
23. HMO's tend to be properties which are occupied by some of the poorest and most vulnerable people. Generally they offer bedroom accommodation with a shared common areas comprising of the bathroom and kitchen. Due to the living arrangements HMO's are associated with greater risk in terms of hazards including fire. Landlords have to provide certificates for electrical safety, fire alarms, emergency lighting and gas safety certificates. Inspections are carried out to ensure HMO's in Middlesbrough are safe in terms of housing standards and fire safety.
24. From October 1<sup>st</sup> 2018, the law changes and all HMOs with five or more occupants are required to be licensed, irrespective of the number of floors. There are also new national requirements as to room sizes. Work has been ongoing to establish the impact of the new legislation. Whilst exact numbers will not be known until the HMO applications have been received, it is estimated that there will be at least 70 additional properties which will require a HMO licence. All new applications have to be submitted by the 1<sup>st</sup> October 2018, and the properties have to be inspected and licences issued within a reasonable time – this is generally considered to be within 6-8 weeks.
25. Officers will actively seek out HMO's where landlords have not submitted applications and may be avoiding their licensing responsibilities. Work is ongoing to bring the new requirement to the attention of HMO landlords.

## **Modernising Consumer Markets, Green Paper**

26. The Government recently presented a Green Paper on a range of issues in relation to modern consumer markets. There are some key themes of the paper, which it is anticipated will form the basis for future legislative changes.
27. Competition is central to the Government's approach and barriers to competition should be removed when they arise. The Government is also keen to ensure that

consumers should benefit from new technology, with competition and regulation working together in the consumer interest. Consumers should be able to get redress when things go wrong and consumer rights should be effectively enforced.

28. The paper highlights future measures in a number of areas of consumer protection which will affect Middlesbrough residents, including competition law, preparing for the future digital economy and improving protection for vulnerable consumers from bad pricing practices e.g. in the energy markets.
29. The most critical element of the proposals for Local Authority regulatory services is the debate on strengthening our system of public enforcement of consumers' rights. The Government has recently established the new Office for Product Safety and Standards to coordinate enforcement activity on unsafe goods (following the Grenfell enquiry). A similar approach is suggested for all consumer law enforcement whereby a national body with statutory powers and duties could provide leadership and expertise to local authorities. There is no suggestion of additional funding for local authorities.
30. Trading Standards Officers will review any changes in legislation and offer support to Middlesbrough businesses to ensure they are compliant with any consumer protection measures.

### **Shop closed after repeatedly selling counterfeit and illicit cigarettes**

31. A shop in Middlesbrough has been ordered to close after being caught on a number of occasions selling illegal tobacco products. Trading Standards issued a 24-hour closure notice against a premises in Middlesbrough and on the 24<sup>th</sup> July at Cleveland Magistrates' Court a three-month closure order was issued. The premises - Peshmerga on Victoria Road in Middlesbrough - had been visited by Cleveland Police in May 2018 and cigarettes discovered in the shop and a large amount was found in a van parked outside.
32. Officers had initially given notice of intention to apply for a closure order on the premises in June 2018 but with assurances from the landlord that the lease with the tenants had been terminated this was not pursued. This incident confirmed intelligence that has been received about the increasingly sophisticated techniques being used to avoid detection by the operators of this lucrative illegal trade. During the inspection of the empty premises a chute was identified which ran from the flat above into a drawer in the shop; there were some cigarettes located in the chute which showed that the chute had been used to send illicit cigarettes into the shop. The landlord had given an assurance that this would be removed and that the flat and the shop would be leased separately.
33. In July information was received that the shop had reopened and the same people were doing the same thing in the shop. When officers made a return visit, they found the chute was still operational and the man who was present during the previous enforcement action was still there.
34. As no changes had been made to the premises and the assurances from the landlord had not been forthcoming the Council had no option but to apply for the closure order to prevent crime, disorder and nuisance to the community.

## **Food premises found guilty of operating unhygienic food premises**

35. Teesside Magistrates Court found a restaurant guilty of multiple offences which had put customers' health at risk. Environmental Health Officers visited the Bite of China restaurant on Borough Road in August 2017 following complaints from neighbouring businesses about flies.
36. The premises had been operating in an appalling condition. The officers found that there were active and widespread pest infestations (rats, Blue Bottle flies and maggots), food had become contaminated making it unsafe to eat, the premises and equipment were in a filthy condition, there was not hot water and the Chef had insufficient knowledge and awareness of food safety requirements. Emergency closure powers were used to prevent the business trading with immediate effect. This action was later confirmed by Teesside Magistrates Court who granted a court order to keep the premises closed until the health risk conditions had been removed.
37. The restaurant operator JC Chinese Catering Limited were fined £5332 and were ordered to pay Council costs of £946 and a victim surcharge of £170. The premises will now be subject to additional frequent hygiene spot checks until the officers are satisfied that the operators are able to maintain acceptable standards of hygiene.

**Councillor Julia Rostron**  
**Executive Member for Adult Social Care & Public Health**