

# Listeria cases being investigated

## Latest update

The multi-agency team investigating cases of listeriosis linked to sandwiches and salads can confirm that, since the last update, there has been another death linked to this outbreak. The total number of deaths linked to this outbreak is 6.

The individual who sadly died was one of the 9 previously confirmed cases. The individual is considered to have acquired listeriosis from Good Food Chain products while at Western Sussex Hospitals NHS Foundation Trust.

Public Health England continues to test all samples of listeria on an ongoing basis to check if they are linked to this outbreak. To date, we have tested 34 samples and none are linked to the outbreak.

There have been no new cases of listeriosis linked to this outbreak. Our investigations continue and the public should be reassured that the risk continues to be low.

## Previous updates

### 26 June 2019

As part of the multi-agency response into cases of listeriosis linked to sandwiches and salads, Public Health England (PHE) is testing all recent samples of listeria to check if they are linked to this outbreak.

To date, PHE has analysed 29 samples from people with listeriosis within the time frame the incident is thought to have occurred. As previously reported, there are 9 confirmed cases linked to this outbreak. The remaining 20 cases are not linked to this outbreak. As part of our routine surveillance work, separate investigations are being undertaken for these cases and, as is standard, PHE will continue to analyse all samples that are sent to our National Infection Service laboratories.

The date of onset of symptoms for the 9 previously confirmed cases falls between 20 April and 2 June and evidence suggests that all individuals ate the affected products in hospitals before the withdrawal took place on the 25 May 2019. No cases of listeriosis linked to this outbreak have been confirmed in people outside of hospital settings and therefore the risk to the public remains low.

Dr Nick Phin, National Infection Service, Public Health England, said:

Swift action to remove the affected products from the supply chain has ensured that there is a low risk to patients and the public. Public Health England is carrying out a thorough genomic analysis

of all listeriosis cases reported in England and can confirm that so far, there are no further cases linked to this outbreak across the UK. Our investigations continue and the public should be reassured that the risk to the public continues to be low.

The multi-agency team has communicated with all relevant local authorities, reiterating guidance for health and social care organisations on reducing the risk of vulnerable groups contracting listeriosis. This is in addition to the clinical advice that was communicated to the NHS following the withdrawal of affected products.

The Food Standards Agency (FSA) is leading the investigation into the food supply chain to identify the source of the listeria strain linked to the hospital cases with the support of local authorities.

For more details see [FSA update](#).

## **17 June 2019**

On 14 June 2019, Public Health England, the Food Standards Agency (FSA) and the NHS confirmed that, following a retrospective analysis of Listeria cases, an additional 3 cases including 2 deaths were linked to this outbreak.

Now that discussions between affected families and NHS clinicians have taken place, we can confirm that the individuals that sadly died were diagnosed and treated at:

- Manchester University NHS Foundation Trust: 2 cases (confirmed on 7 June)
- Aintree University Hospital NHS Foundation Trust (confirmed on 7 June)
- University Hospitals of Derby and Burton NHS Foundation Trust
- University Hospitals of Leicester NHS Trust

The following Trusts have diagnosed listeria cases linked to this outbreak, though with no associated deaths:

- Western Sussex Hospitals NHS Foundation Trust: 2 cases
- Frimley Health NHS Foundation Trust
- East Kent Hospitals University NHS Foundation Trust

NHS England and NHS Improvement and the FSA can confirm that the Good Food Chain supplied affected product lines to the following 43 NHS Trusts, plus one independent provider. The outbreak investigation continues and the public health risk remains low.

- North West Anglia NHS Foundation Trust
- East Suffolk and North Essex NHS Foundation Trust
- The Princess Alexandra Hospital NHS Trust
- Chelsea and Westminster NHS Foundation Trust
- Homerton University Hospital NHS Foundation Trust
- Imperial College Healthcare NHS Trust
- Kings College Hospital NHS Foundation Trust

- Kingston Hospital NHS Foundation Trust
- Lewisham and Greenwich Hospital NHS Trust
- Oxleas NHS Foundation Trust
- Royal Brompton and Harefield Hospital NHS Foundation Trust
- Birmingham Women's and Children's NHS Foundation Trust
- Black Country Partnership NHS Foundation Trust
- Leicester Partnership NHS Trust
- Midlands Partnership NHS Foundation Trust
- University Hospitals Coventry and Warwickshire NHS Trust
- University Hospitals Derby and Burton NHS Foundation Trust
- University Hospitals of Leicester NHS Trust
- University Hospitals of North Midlands NHS Trust
- Worcestershire Acute Hospitals NHS Trust
- Walsall Healthcare NHS Trust
- The Royal Wolverhampton NHS Trust
- Aintree University Hospitals NHS Trust
- Barnsley Hospital NHS Foundation Trust
- Bolton Hospital NHS Foundation Trust
- Calderdale and Huddersfield NHS Foundation Trust
- Doncaster and Bassetlaw Teaching Hospitals NHS Trust
- East Cheshire NHS Trust
- Manchester University NHS Foundation Trust
- Mersey Care NHS Foundation Trust
- North West Boroughs Healthcare NHS Foundation Trust
- Warrington and Halton Hospitals NHS Foundation Trust
- Wirral University Teaching Hospital NHS Foundation Trust
- The Walton Centre NHS Foundation Trust
- Ashford and St Peter's Hospitals NHS Foundation Trust
- Buckinghamshire Healthcare NHS Foundation Trust
- East Kent Hospitals NHS Foundation Trust
- Frimley Health NHS Foundation Trust
- Oxford University Hospitals NHS Foundation Trust
- Surrey and Borders Partnership NHS Foundation Trust
- Western Sussex Hospitals NHS Foundation Trust
- Royal Berkshire Hospital NHS Foundation Trust
- Weston Area Health NHS Trust
- Virgin (Farnham Hospital) – independent provider

As we have made clear from the outset, the health risk to the public remains low and individuals should only seek medical attention if they develop symptoms. Further information on [listeriosis](#).

## **14 June 2019**

Since the multi-agency investigation began into listeria cases linked to sandwiches and salads, Public Health England (PHE) has been analysing previously known cases of listeria from the past 2 months to see if they are linked to this outbreak. Whilst any risk to the public remains low, PHE's Whole Genome Sequencing analysis has identified an additional 3 cases of listeria linked to this outbreak. This brings the total number of confirmed cases to nine. All of the cases of listeria infection were in hospital

patients in England.

Sadly, one of the seriously ill 6 patients PHE confirmed last week has since died.

One of the patients confirmed today as linked to the outbreak had already died. This brings the number of deaths linked to this outbreak to 5.

The affected sandwiches and salads were withdrawn from hospitals when the links to the listeria infections were first identified and the multi-agency team then advised NHS organisations not to provide any Good Food Chain products to vulnerable patients. Evidence suggests that all individuals ate the affected products before the withdrawal took place in hospitals on the 25 May 2019. The food chain investigations continue.

Sandwiches and salads linked to the patients have been withdrawn and the supplier, The Good Food Chain, has voluntarily ceased production while the investigation continues. This business had been supplied with meat produced by North Country Cooked Meats which subsequently produced a positive test result for the outbreak strain of listeria. This business and North Country Quality Foods who they distribute through, have also voluntarily ceased production.

Dr Nick Phin, Public Health England, said:

To date, there have been no patients linked to this incident outside healthcare organisations, but we continue to investigate. Swift action was taken to protect patients and any risk to the public is low. PHE is continuing to analyse all recent and ongoing samples of listeria from hospital patients to understand whether their illness is linked to this outbreak.

PHE is working very closely with the Food Standards Agency, NHS England and Improvement, as well as partner organisations in Scotland and Wales, to investigate this outbreak.

Dr Colin Sullivan, Chief Operating Officer at the FSA said:

Our sympathies remain with the families of the patients who have tragically passed away. We have taken action along with local authorities to minimise the risk based on the evidence so far. The FSA will continue to investigate the cause of the outbreak to prevent a reoccurrence.

Whole Genome Sequencing is a laboratory tool used to investigate the DNA sequence of bacteria. Using this technology, we can identify matches between samples taken from patients with listeria and the food products under investigation to confirm whether patients are linked to the outbreak.

For more on the food investigation, please visit the [FSA website](#).

Further information on [listeriosis](#).

## **7 June 2019**

Public Health England (PHE), The Food Standards Agency (FSA), Public Health Wales (PHW), Food Standards Scotland (FSS), Health Protection Scotland (HPS) and a number of local authorities are currently investigating the source of listeria infections linked to pre-packed sandwiches.

Sandwiches and salads linked to the cases have been withdrawn and the supplier, The Good Food Chain, has voluntarily ceased production while the investigation continues. This business had been supplied with meat produced by North Country Cooked Meats which subsequently produced a positive test result for the outbreak strain of listeria. This business and North Country Quality Foods who they distribute through, have also voluntarily ceased production.

The cases of listeria infection were in 6 seriously ill hospital patients in England. Three of these patients have sadly died. Currently there are no cases in Scotland or in Wales. Listeria infection in healthy people is usually either unnoticed or may cause very mild illness. However, it can have more serious consequences for some people, particularly those with pre-existing health conditions and pregnant women. The health risk to the public remains low and individuals should only seek medical attention if they develop symptoms.

The sandwiches and salads affected are no longer being produced while investigations continue and the affected products were withdrawn from hospitals when the links to the listeria infections were first identified.

Dr Nick Phin, Deputy Director at the National Infection Service at PHE said:

Our thoughts are with the families of those patients who have died. We, along with the FSA, colleagues in local authorities and the NHS have worked quickly to determine the likely cause of this outbreak and taken action to reduce the risk to the public's health.

To date, there have been no associated cases identified outside healthcare organisations, and any risk to the public is low.

Dr Colin Sullivan, Chief Operating Officer at the FSA said:

Our sympathies are with the families of those patients who have tragically passed away.

We have taken action along with local authorities to minimise the risk based on the evidence so far. The FSA will continue to investigate how the outbreak occurred and if further steps are

required to protect vulnerable groups.

## Information on Listeriosis

Listeriosis is a rare infection and for most people, it goes unnoticed or there are mild symptoms of gastroenteritis that usually last a short time without the need for treatment.

The time between exposure to the organism and the development of the illness can be up to 70 days.

Occasionally, a more serious infection develops and spreads to the bloodstream or brain. This can happen in people who have serious underlying health conditions and can also occur in pregnant women. Pregnant women and people with underlying health conditions can find more information on the [NHS website](#).

Severe listeriosis is more likely to affect the elderly, very young babies, pregnant women and those with a weakened immune system. People in these groups should seek immediate medical attention if they experience symptoms of infection. For advice on avoiding listeriosis during pregnancy, please visit the [NHS website](#).

Food products are permitted to be out of temperature control for limited periods, providing there is no risk to food safety, to accommodate the practicalities of transport and storage.

## Background

As of 7 June 2019, the Trusts that have had cases who have died are Manchester University NHS Foundation Trust and Aintree University Hospital NHS Foundation Trust.

We typically see on average 166 annual cases of listeriosis in England and Wales (based on annual case numbers from 2008 to 2018). There was an average of 46 deaths in the preceding six years per year (2010 to 2016).

Following a product withdrawal, PHE and Health Protection Scotland have written to their respective NHS Trusts and Boards to ensure that they are following appropriate food storage and handling protocols and to provide clinical guidance.

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[News story: Low Level Waste](#)

# Repository's landmark achievement

The achievement is equivalent to diverting TWICE the number of containers that it would have taken to fill Vault 9 on the Cumbrian site.

Vault 9 opened in 2010, providing urgently needed waste disposal capacity to support the UK's nuclear decommissioning programme.

When it was built, the specially-engineered vault was designed to hold more than 5,000 ISO containers filled with low level radioactive waste from nuclear sites, medical and industrial facilities across the UK.

LLW Repository Ltd has been working hard to divert and treat waste, saving precious capacity on the site and removing the potential requirement for a second national repository – at an estimated cost of more than £2bn.

Dave Rossiter, LLWR's Head of Waste Management Services, said:

Without our diversion policy, Vault 9 would now have reached capacity and we would no doubt have been more than half way to filling a further vault.

We have embedded Waste Management Services within the business, ensuring a range of alternatives are available for waste destined for disposal at the LLWR.

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## News story: Taking the MRO option – Tied rent considerations

The [advice note](#) relates to express provisions in the Pubs Code which stop POBs from recovering from the tenant any increase in the tied rent during the MRO procedure, or where a MRO option is agreed.

There are further related issues of interest to both tenants and POBs arising from the interaction of the rent assessment process in the Code and the terms of the tied lease. There is no prescribed procedure for assessing the tied rent in the Pubs Code. The parties may have agreed contractual rights in the tied tenancy, including in relation to any dispute. It is therefore necessary to consider these contractual arrangements in the context of the Code.

The Code envisages that a tied tenant can consider the tied rent, and the MRO option and rent, alongside each other. The right to be able to do this helps tenants decide what would be best for their business, although in some cases

a tied tenant may wish to consider the MRO option without also taking steps to identify what the tied rent would be. There are implications for both landlord and tenant here.

Where the landlord triggers a dispute resolution process to identify the tied rent, the tenant may incur delay and cost even where they ultimately choose the MRO option. Alternatively, where the tied rent is not identified but the tenant does not take the MRO option at the end of the MRO procedure, the process of identifying that tied rent can then take more time. There are likely to be a range of other scenarios and further considerations for POBs and tenants in the MRO process concerning the identification of the tied rent.

Next steps

The PCA is always considering how best to present information around the Pubs Code and relevant industry practice in the most effective and useful manner for all stakeholders. We will therefore be seeking a wider understanding of industry views and practice to inform what further steps may be appropriate to support the rent assessment and MRO processes in accordance with the core Code principles.

The PCA has decided that it would be appropriate at this time to withdraw from publication the advice note entitled “Tied Rent Contractual Dispute Resolution Clauses and Calderbank Offer Letters” dated July 2017.

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## **[Press release: Middlesbrough-based company fined £19,000 for odour pollution](#)**

A Teesside firm specialising in anaerobic digestion has been prosecuted by the Environment Agency for odour pollution from its Middlesbrough based plant.

BioConstruct NewEnergy Ltd operating out of Imperial Avenue, South Bank in Middlesbrough were fined in total £19,670 after pleading guilty to offences which occurred in July 2018. The firm was sentenced at Teesside Magistrates’ Court on Thursday 6 June.

Prosecuting on behalf of the Environment Agency, Chris Bunting told the Court that the plant, which produces electricity from various types of waste including food and liquids, had affected the nearby travellers’ site at The Haven through odours drifting from the plant. In July 2018, the plant underwent some maintenance causing up to four days’ misery for the local residents, most of whom decided to move out because of the smell.



Environment Officers visited the plant and were told that overseas contractors were responsible, as the company hadn't known how to properly carry out the maintenance. However said Mr Bunting, the company had to take responsibility as it holds the environmental permit for the site, which requires the company to prevent or minimise pollution.

During the same inspection, officers discovered around 30 large containers of pink liquid which the company were storing illegally. Only after the officers demanded tests be carried out could the company confirm that the liquid was non-hazardous.

Richard Arnot, for the company, apologised on their behalf for the incident and explained that improvements had been made to the company's management systems.

In passing sentence, the court found the company to have been negligent and stressed that the fine needed to have an economic impact upon them. The fines were however reduced to reflect the company's guilty pleas.

Jamie Fletcher, Area Environment Manager for the Environment Agency, said:

We take issues that greatly impact upon the local community very seriously and in the case of BioConstruct NewEnergy Ltd it affected people on a variety of different levels.

The odours emitted were so intrusive that it made families from the nearby registered travelling community site actually leave their homes for over four weeks. We have to act when insufficient maintenance planning results in wide spread disruption and potential hazardous impact on the environment. All of these repercussions were preventable with appropriate management and consideration for people in the surrounding area.

This case also proves how the Environment Agency will bring to court and prosecute companies who don't take permit compliance seriously. These laws are in place for a reason, namely to keep people safe from harm and to protect the environment in which we live.

If you see or are aware of waste crime, you can report it by calling the Environment Agency's incident hotline on 0800 80 70 60 or call Crimestoppers anonymously on 0800 555 111.

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# Press release: Student housing investors jailed after 'Ponzi' scheme defrauds clients

Liam James Collins (45) and David James Robert Bone (37), both from Manchester, appeared at Manchester Crown Court on Friday 7 June.

The pair, who are both subject to extended bankruptcy restrictions\*, were set to start a 5-week trial on 15 May 2019 before entering guilty pleas on the first day.

They were each given a 21-month custodial sentence by HHJ Cross QC having been convicted of one offence of participating in fraudulent business by a sole trader, contrary to section 9 of the Fraud Act 2006.

The court heard that Liam Collins and David Bone had been directors of a number of companies, known as the CBS Group. The enterprise secured funds from investors to purchase and renovate student housing.

In 2009, however, these companies failed and entered into voluntary liquidation, owing over £3 million to investors. But rather than allow the investors to become creditors in the liquidation, the pair gave promissory notes promising to pay back their investments with interest in a number of years.

Liam Collins and David Bone then immediately set-up a new investment enterprise, called the Collins and Bone Partnership (CBP), and from January 2010 offered new investors the opportunity to finance the purchase and refurbishment of student accommodation.

Just a few months later in May 2010, however, Collins and Bone were given legal advice from solicitors after financial regulators claimed that what they were doing was in breach of the law. The financial regulators also advised the directors to warn their investors they wouldn't be able to seek financial redress if things went wrong.

Despite promising to stop accepting new clients and investments, as well as warn their investors, the pair elected to continue sourcing further investments.

Between May 2010 and April 2011, the pair secured approximately £274,000 from new financiers, attracted by exaggerated interest payments and promises that the investments would be safe.

However, investors did not see any returns because instead of using the funds to invest in new property, Liam Collins and David Bone used the money to pay-off their original investors. This included settling debts on 27 properties with negative equity that they had carried over from the previous enterprise – the CBS Group.

Funds were also not ring-fenced and instead paid into David Bone's personal account, before being used on costs to run the defendants' new company and on themselves, including supplementing David Bone's wedding in Las Vegas.

Michael Talbot, Senior Lawyer for the Insolvency Service, said:

Liam Collins and David Bone showed a callous disregard for the investors and sought even more funds, even after being warned that their actions were dishonest.

The court's decision to impose custodial sentences should serve as a stark warning to other rogue directors and traders that The Insolvency Service will strenuously tackle financial wrongdoing in order to protect members of the public.

\*David Bone is subject to a [14-year Bankruptcy Restriction Undertaking](#), ending in July 2027

Liam Collins is subject to a [14-year Bankruptcy Restriction Undertaking](#), ending in July 2027

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

You can also follow the Insolvency Service on: