



Notice of meeting of

Decision Session - Cabinet Member for Communities and Neighbourhood Services

To: Councillors Looker (Cabinet Member)

Date: Tuesday, 18 October 2011

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Calling In.

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 17 October 2011, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday, 20 October 2011, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

- 2. Minutes** (Pages 1 - 4)
To approve and sign the minutes of the meeting held on 20 September 2011.

3. Public Participation - Decision Session

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **5:00 pm on Monday 17 October 2011**.

Any written representations should be sent to the Democracy Officer for this meeting by **5pm on Friday 14th October 2011**.

Members of the public may speak on item on the agenda, an issue within the Executive Member's remit, or an item that has been published on the Information Log for the current session. There are no items on the Information Log for this session.

- 4. Parking Services Reception** (Pages 5 - 8)
This report asks the Cabinet Member for Communities and Neighbourhoods to approve the closure of Parking Services reception on Saturdays, following an efficiency review.

- 5. Petition - John Street Resurface Request.** (Pages 9 - 16)
This report informs the Cabinet Members of a petition submitted to Full Council by Councillor Boyce, which requests that the Council resurfaces the road on John Street.

- 6. National Service Plans for Environmental Health and Trading Standards** (Pages 17 - 68)
Service plans for food law enforcement, health & safety law enforcement and animal health enforcement are produced on an annual basis in response to national requirements. The purpose of this report is to seek member approval for these plans.

- 7. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Laura Bootland

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

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City of York Council

Committee Minutes

MEETING	DECISION SESSION - CABINET MEMBER FOR COMMUNITIES AND NEIGHBOURHOOD SERVICES
DATE	20 SEPTEMBER 2011
PRESENT	COUNCILLOR LOOKER (CABINET MEMBER)

1. DECLARATIONS OF INTEREST

At this point in the meeting the Executive Member is asked to declare any personal or prejudicial interests she may have in the business on the agenda. None were declared.

2. MINUTES

RESOLVED: That the minutes of the Decision Session held on 15 March 2011 were signed by the Cabinet Member.

3. PUBLIC PARTICIPATION - DECISION SESSION

It was reported that there had been no written representations or any registrations to speak under the Council's Public Participation Scheme.

4. ENVIRONMENTAL SERVICES QUARTER 1 SERVICE PLAN PROGRESS REPORT.

The Cabinet Member considered a report which provided an update on financial performance, progress against service plan improvement actions and performance measures for Environment. Status cards for actions and performance measures were attached at Appendix 1 and 2.

Officers outlined the report and drew the Cabinet Members attention to revised timescales where estimates had slipped.

The Cabinet Member queried the figures for missed bins as detailed at paragraph 9 and Officers advised that the numbers were now back at acceptable levels.

The Cabinet Member commented that Municipal Waste was something that she would like to look at in more detail in the future.

RESOLVED: That the Cabinet Member noted the progress that has been made and agree the revised timescales for those actions that are in progress but where the original estimated timescale has slipped for completion.

REASON: To keep the Cabinet Member informed.

5. RECOVERING THE COST OF HEALTH AND SAFETY REGULATION

The Cabinet Member considered a report which outlined a Health and Safety Executive (HSE) consultation on proposals to allow the HSE and Local Authorities to recover the cost of their regulatory work. The report sought approval for the response to the consultation.

Officers outlined the report, in particular the fact that if cost recovery is introduced it would be a statutory duty and as a consequence, Local Authorities would have no discretion on whether to charge or not. Officers advised that at present they tend to work alongside local businesses to help them comply with and understand legal requirements and a move towards a more formal approach in the first instance may harm relations with businesses.

The Federation of Small Businesses and the York and North Yorkshire Chamber of Commerce had been consulted and both opposed the proposed charges.

The Cabinet Member commented that she agreed with the Officers views and felt that the charge may deter local people and businesses coming to the Council for advice and make the Health and Safety situation worse.

RESOLVED: That the Cabinet Member approved option 21a to respond to the Health and Safety Executive's consultation and not support the proposal to make cost

recovery for Local Authorities
mandatory.

REASON:

To allow the Council's Health and Safety team to continue to provide free support to help local businesses meet health and safety requirements.

Councillor Looker, Chair

[The meeting started at 4.30 pm and finished at 4.45 pm].

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Decision Session – Cabinet Member for Communities and Neighbourhood Services	18 th October 2011
Report of the Assistant Director (Environment)	

Parking Review – Closure of St Leonard’s on a Saturday

Summary

1. This report concerns Parking Services reception at 9 St Leonard’s Place which at present opens on a Saturday. As part of the service review for Parking Services and budget process for 2011/12 the closure of the reception on a Saturday was identified as an efficiency project. The Cabinet Member for Communities and Neighbourhood Services is asked to approve the closure accordingly.

Background

2. During the 2011/12 Service Reviews the closure of St Leonard’s on a Saturday was identified as an efficiency project with potential full year savings of £11K. As a result this budget saving was attributed to the review for this current year dependent on other forms of making payments becoming available such as the payment of Penalty Charge Notices (PCNs) online.
3. At present Parking reception is open on Saturdays from 9.00hr to 12.00hr and 13.00hr to 16.00hr to enable the public to pay PCNs in person, or carry out Respark permit transactions in person. The average number of customers who visit reception on a Saturday varies from week to week. It can be as few as 10 people all day or as many as 30. Some customers will carry out more than one transaction such as obtaining an authorisation card with visitor permits or paying a PCN whilst obtaining permits. Based on the number of transactions over the period from January 2010 to November 2010 the average number calling for visitor permits was 14 people with an average of 4 people paying PCNs. In addition there were customers calling for the purpose of obtaining parking permits. A proportion of these obtain visitor permits at the same time and are included in the headcount for visitor permits described above. The average for those only obtaining a parking permit would be 6 people.

4. In effect on average around 1100 a people a year will visit Parking reception on a Saturday. Given that the cost of opening on Saturday is £11K this equates to a cost to the Authority of £10 per person. The value of each transaction in terms of income collected would average £25 for payment of a PCN and much less than this in respect of the typical number of visitor permits purchased. This represents a high cost per transaction for income collected.
5. Two staff are on duty on a rota basis and take time in lieu during the week in respect of Saturdays worked. This is time that then has to be covered during the week. Staff lieu cover equates to 2 days a week and currently this is being covered by temporary pool staff.
6. Since the rest of the offices at St Leonard's are closed and for the security of the whole of the building payment has to be made to an external contractor to open up and close St Leonards. This costs approximately £3K and is included in the total savings identified in paragraph 2 above.
7. Concerns have also been expressed in relation to the safety of the staff on duty. Whilst they are in a secure reception area most of the time the layout of St Leonard's at the front entrance is such that staff have to open up and close the front door before they can move back to the secure area and at that point they are vulnerable to any customer waiting to come in. These concerns have been raised by staff themselves.

Consultation

8. The subject of Saturday closure of St Leonard's has been discussed with staff. There is no opposition from the staff concerned. Given the numbers of people who visit the reception area and the types of transactions it is believed that staff can be better deployed during the week when work demand is higher and less cover will be needed.
9. Should it be agreed that St Leonard's is closed on a Saturday this will be communicated widely for a period of 4 weeks prior to any such closure. This will advise the public of the alternative options available to them so that they can make any necessary arrangements.

Options

10. The options available to the Cabinet Member are either to accept the proposal in this report to close St Leonard's or to reject the proposal.

Analysis

11. Acceptance of the proposal will produce the necessary budget and deliveries more effective smarter ways of working. The inconvenience that may be caused to a small number of people is outweighed by alternative methods to transact with Parking Services and can be mitigated given sufficient notice being given to the public.
12. Rejection of the proposal will mean that the efficiencies identified and financial savings will not be made which will have a negative effect both on the service and the Authority's financial position.

Council Priorities

13. Closure of St Leonard's on a Saturday supports the Council's priorities (as set out in the Council's Corporate Strategy) in relation to the authority being an Effective Organisation. The proposal supports and develops smarter ways of working both in terms of service efficiency and consequent financial savings. Parking Services contribute to key Council Priorities in the refreshed Council Plan – Get York Moving and Protect the Environment.

Implications

- (a) **Financial:** The proposal to close St Leonard's on Saturdays will achieve necessary financial budget savings once implemented.
- (b) **Human Resources (HR):** Advice from Human Resources will be sought as necessary. At present cover is being provided by temporary pool staff.
- (c) **Equalities:** There are no specific equalities issues arising from the proposals. However should any specific issues be raised during period that the public is notified of the closure of St Leonard's this would be reassessed. The effect of closure on the public is mitigated by the other means available to the public to transact with Parking Services – all transactions can be carried out by post, payments can be taken by phone during the week. PCN

payments online is in the final stages of testing and automated telephone payments are anticipated as future options.

- (d) **Legal:** There are no legal implications arising from this report.
- (e) **Crime and Disorder:** There are no crime and disorder implications arising from this report.
- (f) **Information Technology (IT):** There are implications for smarter ways of working however there are no additional ICT implications than already outlined in this report.
- (g) **Property:** There are no property implications arising from this report.
- (h) **Other:** None

Risk Management

- 14. In accordance with the council's risk management strategy there are no known risks associated with the information in this report.

Recommendations


- 15. The Cabinet Member is asked to consider the report and agree the recommendation of the Parking Review, namely closure of St Leonard's on a Saturday.

Reason: To deliver the service efficiency savings identified in the 2011/12 Parking Service Review.

Contact Details

Author:	Chief Officer Responsible for the report:			
Elizabeth Levett Head of Environmental Enforcement and Parking Services <i>Tel No. 553101</i>	John Goodyear Assistant Director (Environment)			
	Report Approved	✓	Date	<i>3rd October 2011</i>
Specialist Implications Officer(s)				
Wards Affected:			All	✓
For further information please contact the author of the report				

Background Papers: None

 CITY OF YORK COUNCIL	
Decision Session – Cabinet Member for Communities and Neighbourhood Services	18 th October 2011
Report of the Assistant Director (Environment)	

Petition requesting the City of York Council to resurface the road on John Street in the ward of Heworth

1. This report is in response to a petition submitted to full Council by Councillor Boyce on 7 July 2011 and signed by 25 residents of John Street and surrounding area.
2. The petition requests that the Council resurface the road on John Street.

Background

3. A copy of the petition is attached as Annex 1.
4. John Street is a cul-de-sac and is 80 metres long and 4.8 metres wide. The road serves as an access to 7 properties on John Street and 3 in Susan Court. One of the properties on John Street is a vehicle repair business.
5. The annual condition survey in 2010 and 2011 has graded the carriageway as 3 (poor) and was ranked 29th in the unclassified bituminous network list for 2011/12. The ranking was insufficient to be included into this years programme.
6. The surface profile of the carriageway is uneven and there are locations of deep depressions adjacent to No's 18 and 20. There is no evidence of surface cracking which would be evidence of structural failure.

Consultation

7. This report is to advise the Cabinet Member of the receipt of the petition, no external consultation has taken place.

Options

8. Comply with current Council policy procedure and rank the carriageway along with other grade 3 roads for inclusion in the 2012/13 scheme programme.

Analysis

9. It must be noted that if the assessment procedure does not rank the carriageway high enough to be a scheme, funds for refurbishment will have to be taken from the annual scheme programme. This will result in a higher ranked scheme being removed from the programme.

Council Priorities

10. Through the proposed measures Communities and Neighbourhood Services supports delivery of the create jobs and grow the economy, protect the environment themes from the Councils key priorities.

Implications

Financial

11. There are no financial implications.

Human Resources (HR)

12. There are no HR implications identified in this report.

Equalities

13. If a scheme is proposed the work carried out will benefit all highway users.

Legal

14. The City of York Council in its capacity as the local highway authority has a duty under Section 41 of the Highways Act 1980 to maintain the public highway.

Crime and Disorder

15. There are no crime and disorder issues.

Information Technology (IT)

16. There are no IT implications.

Property

17. There are no property implications.

Other

18. There are no other implications.

Risk Management

19. In compliance with the Council’s risk management strategy the main risks that have been identified and measured in terms of impact and likelihood, the risk scores have been assessed at less than 16. This means that at this point the risks need only to be monitored, as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

20. The Cabinet Member is recommended to:

- (i) Note the receipt of the petition
- (ii) Approve option (Paragraph 8)

Reason: John Street to be assessed in accordance with the Council’s procedures and ranked accordingly.

Contact Details

Author:	Chief Officer Responsible for the report:		
Andy Binner Head of Highway Infrastructure Communities & Neighbourhood Services Tel: (01904 553231)	John Goodyear Assistant Director (Environment)		
	Report Approved	✓	Date: 3 rd October 2011
Wards Affected: Heworth			
For further information please contact the author of the report			

Annexes

Annex 1 – Petition

Annex 2 – Photographs of John Street

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Petition

Application for the re-surfacing of JOHN STREET, HEWORTH:

Name

Address

Jill + John Simpson 20 John Street
 Pauline Wheatley 6 John Street
 Paul Wheatley 6 John Street
 Susan Morris 56, Heworth Green,

Jim + Joe Hoggess 34 Heworth Green.
 David + Katherine
 Leechon 62 Heworth Green

Mark + Shan Broad 3 Mill Lane
 Fran Crowther 5. MILL LANE

~~ANANDA SMITH~~
~~JAMIAN CROOK~~ 9 Mill Lane

P. RATHMELL 11 Mill Lane
 P. Rathmell

Joan Corie Blencarna John Street York.

Andrew + Sarah Mair 1 Susan Court, John Street.

~~Deirdre~~ 3 Susan Court Heworth

~~Sophie Rossley~~ 3 Susan Court, Heworth, York.

~~Julia~~ 2 SUSAN COURT, HEWORTH

J Parkis 16 John Street.

Sean Baggan 18 John Street

P.T.O.



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**Decision Session – Cabinet Member for
Communities and Neighbourhoods**18th October 2011

Report of the Assistant Director for Housing and Public Protection

**National Service Planning Requirements for Environmental
Health and Trading Standards Services****Summary**

1. Service plans for food law enforcement, health & safety law enforcement and animal health enforcement are produced on an annual basis in response to national requirements.
2. The purpose of this report is to seek member approval for these plans.

Background

3. In 2001 the Food Standards Agency (FSA) introduced mandatory service planning arrangements for local authority food law enforcement services. In 2002 the government extended service planning regimes into other areas of local authority regulatory work and the Health & Safety Commission (HSC) placed a duty on local authorities to produce a health & safety enforcement service plan.
4. In 2004/05 the Department for the Environment, Food and Rural Affairs (DEFRA) added an additional plan. This plan covers animal health and welfare and was introduced to improve local authority enforcement practices following the national outbreak of foot and mouth disease.
5. The previous national plans were approved by the Executive Member for Neighbourhoods on 22nd June 2010.

6. The purpose of each plan is similar in that they are to contain details of how local authorities are addressing national (FSA, HSC and DEFRA) enforcement priorities and how activities locally work towards meeting local authority corporate objectives and priorities. The guidance for completing each plan (issued by the FSA, HSC and DEFRA) states that it should be submitted to the appropriate member forum for approval.
7. All plans must demonstrate that a local authority is providing core functions and an appropriate 'mix' of regulatory activities. The mix includes:
 - conducting inspections of premises to a risk based inspection programme to ensure compliance with legislation
 - taking samples of food to ensure they are safe and correctly described.
 - investigating complaints.
 - taking formal enforcement action (including prosecution) where necessary.
 - providing an educational, promotional and advisory programme to raise standards.
 - working in partnership with business and other enforcement agencies.
8. The plans are extensive in nature and their format prescriptive. They will be available on the council's web site during the week before the meeting and can be accessed through the Meeting agenda at <http://democracy.york.gov.uk>. Alternatively, copies can be obtained by contacting Laura Bootland, Democracy Officer, by telephone on (01904) 552062, or by email on laura.bootland@york.gov.uk Copies of the plans will also be available at the meeting.

Reporting and Monitoring

9. The council is required to submit an annual monitoring report on each plan. The FSA have used these reports to 'name and shame' poor performing local authorities and to target their audits of local authority enforcement services. The HSC has indicated that they may use their default powers to take over a local authority's health and safety enforcement responsibilities in circumstances where insufficient resources are allocated to this function.

10. The 2011/12 food and health & safety plans include performance variances with targets set in the 2010/11 plans. Reporting these variances is a requirement of the national bodies.

Consultation

11. Staff in environmental health and trading standards have been involved in the development of their respective plans and consulted on the targets that have been incorporated into the supporting work programmes. The activities set out in the animal health plan have been agreed with the DEFRA Divisional Veterinary Manager.

Analysis

12. Each of the plans represents an appropriate mix of enforcement, educational and advisory work required of modern local authority environmental health and trading standards services. Approval of the plans by members is a requirement of the FSA, HSC and DEFRA.
13. It is not known what action will be taken against the council if any of these plans does not receive member approval although it is likely to result in close scrutiny of the council's ability to provide the relevant service.

Council Priorities

14. Enforcement activities in the Health and Safety Enforcement Service Plan, Food Law Enforcement Service Plan and Animal Health Plan support the council priorities to 'Create jobs and grow the economy'. The Health and Safety Enforcement Service Plan supports 'Protect vulnerable people'.

Financial Implications

15. The work programme outlined in the 2011/12 plans can be resourced from existing budgets. DEFRA are currently directly funding additional animal health and welfare enforcement. This funding is conditional on submission of a service plan that is acceptable to DEFRA.

Legal Implications

16. It is a legal requirement to set a service plan for food law enforcement and health and safety enforcement (Food Safety

Act 1990 and Health and Safety at Work etc Act 1974) respectively.

Human Resources (HR) and Other Implications

17. There are no HR, or other implications associated with this report.

Risk Management

18. In compliance with the Councils risk management strategy. There are no risks associated with the recommendations of this report.

Recommendations

19. That the Cabinet Member approves the plans and recommends that they are referred to Cabinet for approval.
20. Reason: In order that the council can discharge its statutory obligations in regard to service planning for environmental health and trading standards services.

Author:

Colin Rumford
Head of Environmental
Health and Trading
Standards

Phone: 551502

**Chief Officer Responsible for the
report:**

Steve Waddington
Assistant Director Housing and Public
Protection

Phone: 554005

**Report
Approved**

Date 15
September
2011

Specialist Implications Officer(s)

None

Wards Affected:

AI
I

For further information please contact the author of the report

Copies of the national service plans will be available on the council's web site for the week prior to the meeting – they can be accessed through the Meeting agenda

Background Papers:

Food Standards Agency Framework Agreement on Local Authority
Food Law Enforcement
Health and Safety Commission Section 18 HSC Guidance to Local
Authorities
DEFRA Framework Agreement

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COMMUNITIES AND NEIGHBOURHOODS DIRECTORATE

ANIMAL HEALTH SERVICE PLAN 2011/12

1. FOREWORD

1.1. The Animal Health and Welfare Framework (the Framework) is designed to help co-ordinate the activities of local and central government agencies for all animal health and welfare enforcement activities (including 'Animal Health', the Department for the Environment, Food and Rural Affairs' (DEFRA) executive agency primarily responsible for ensuring that farmed animals in Great Britain are healthy, disease-free and well looked after).

1.2. The 6 specific intended outcomes referred to in the Framework are to:

1. effectively reduce the risk of animal disease incursion and spread, thereby protecting public and animal health;
2. improve animal welfare;
3. promote a joined-up approach between all agencies involved in animal health and welfare;
4. improve provision of management information to local and national government on the delivery of animal health and welfare services, and to allow the UK to fulfil its obligations to the European Union;
5. meet the objective of *Delivering and enforcing standards*, of the Animal Health and Welfare Strategy; and,
6. protect local communities, including the effects on the local economy.

1.3. The City of York Council are required to complete the Framework on an annual basis to describe the activities we intend to take to achieve the above outcomes.

1.4. The council is required to discuss and agree the Framework with our Regional Veterinary Leads (RVL) (from 'Animal Health') so that understanding is reached regarding what can be realistically achieved. The following Framework has been discussed with the RVL and will be acceptable to DEFRA if Members approve its content.

1.5. The council is also required to complete and submit a 'Local Authority Profile' to the RVL. The profile is detailed in paragraph 2.0.

2.0 Local Authority Profile

Name of LA : City of York Council Financial year: 2011 / 2012

1. Staffing

	(FTE)
Field Staff	2.3
Data input staff	0.1
TOTAL	2.4

2. Data input

Local Authority database used : Flare

Interface with AMES installed? Yes Interface with Ames functional? Yes

If not installed are there plans to do so? (date) N/A

If not please give reasonN/A

3. Work Load – Critical Control Points (CCPs)

a) with defined work patterns

Type of CPP	No	Operating pattern (markets) or Throughput (slaughterhouses)
Markets, Collection Centres & Assembly Centres	1	Fatstock Monday, Store. Thursday Horses. Monthly + additional days through the year. Fur n feather monthly.
Slaughterhouses	1	5 days cattle
Shows, sales and one-off events	2	2 X rare breed shows/sales

b) without defined work patterns

Type of CPP	No.
Ports	0
Dealers	2

4. Total risk assessed premises including CCPs

According to risk assessment by local authority

	High Risk	Medium Risk	Low Risk
No. of premises (including 3(a) & (b) above)	3	16	208

Local Authority: City of York Council

Service Delivery Plan for year: 01/04/2011 to 31/03/2012

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)

Local Authority Planned Level of Service Delivery

A1. Planning the Delivery of the Local Authority Animal Health Function

A1.1 Risk Assessment

Premises risk assessed in accordance with national risk scheme detailed in Section 4

Risk based inspection programme

Outcomes 1, 2, 5 and 6

All premises risk assessed in accordance with national scheme and scores documented.

Inspection programme based on locally determined frequency according to risk.

Attempts are made and documented to ensure inspection programmes are coordinated with partner agencies.

Risk assessment reviewed as part of planned visit.

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery

A2. Training and Development

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A2.1 Training for new officers</p> <p>On-going professional development</p>	<p>Officers are authorised to enforce all relevant legislation.</p> <p>All enforcement staff to hold recognised qualification or have equivalent professional experience i.e. ‘Grandfather rights’ or undertake to achieve such qualifications as soon as possible</p> <p>It is recognised that in emergency situations i.e. outbreaks of disease, there may be a need to call upon non animal health qualified officers to assist in carrying out animal health and welfare duties.</p> <p>Time and resources allocated to keep up to date on appropriate Animal Health and Welfare legislation, codes of practice, guidance etc – e.g. by accessing LG Regulation website</p> <p>Outcome 5</p>	<p>New officers to undergo internal induction training on Animal Health and Welfare.</p> <p>Existing staff hold recognised qualifications/grandfather rights.</p> <p>Continuing professional development – Minimum 10 hours based on the principles of CPD. Include training on new legislation and procedures relevant to animal health and welfare.</p> <p>All enforcement staff have access to full legal reference and guidance.</p> <p>Staff review and development programme.</p>
A3. Licensing Activities		
<p>A3.1 Recording of Animal Movements</p> <p>Sheep, Goats, Deer and Pig movement data capture and recording of</p>	<p>All movement documents received to be date stamped or otherwise identified as to date received. (The 3 day timescale commences on the day following receipt of the movement document by the authority). Data entry on to the Defra AMLS2 database of all sheep, pig and deer movement documents received</p>	<p>Recording of 95% of live movements and 80% of slaughter movements within two working days from day of receipt.</p> <p>Action to be initiated within three working days where errors are detected that require follow up.</p>

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
exemptions	Action to be taken where errors are detected that require follow up resolution Outcomes 1 and 4	
A3.2 Issuing of specific animal movement licences on AMLS2	Specific licences (on AMLS2) issued for those individuals prohibited by the Minister from operating under the general licence Receipt of licence applications Assessment and issue of specific licences Issue of animal movement licences manually where approval given Outcomes 1 and 4	Issue of all licences within one working day of receipt where no pre-movement inspection required.

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A3.3 Investigation of specific (AMLS2) movement licence refusals</p>	<p>Initial investigation of (AMLS2) licence application refusals; resolve if possible, otherwise co-operation with AHRO to achieve resolution</p> <p>Outcomes 1 and 4</p>	<p>Resolution of all licence refusals as soon as possible.</p>
A4. Enforcement activities to maximise Animal Health and Welfare compliance (CCPs)		
<p>A4.1 Attendance at Critical Control Points - Livestock markets, Sales, Collection Centres and Assembly Centres</p>	<p>Highly visible preventative enforcement presence. Attendance at markets and other premises licensed for sales, and Collection Centres and Assembly Centres to ensure compliance, in particular with:</p> <ul style="list-style-type: none"> • Biosecurity (vehicles, premises and people) • Livestock identification • Central Point Recording Centre approval conditions and contingency • Welfare • Transport 	<p>Visible Local Authority presence at Livestock markets and Collection Centres attended by local authority enforcement officers during operating hours.</p> <p>Attendance times varied to include times when animals are being loaded/unloaded.</p> <p>Local risk assessment and intelligence used to determine attendance (large market animals moving in & out nationally)</p>

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
	<ul style="list-style-type: none">• Licensing and record keeping• Specific pre movement licensing• All other relevant legislation <p>Exact attendance levels and times according to status of gathering</p> <p>Outcomes 1, 2, 5 and 6</p>	

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A4.2 Attendance at Critical Control Points - slaughter houses <i>All these activities with regard to the transport unloading and identification of livestock should normally occur outside of the slaughterhouse production area. This service delivery function does not require Local Authority officers to enter the slaughterhouse production area, or undertake enforcement in relation to the slaughterhouse operation itself. The MHS are responsible for enforcement in the slaughterhouse itself, and Local Authorities should liaise with MHS with regard to any need to enter the slaughterhouse production area.</i></p>	<p>Attendance at slaughter houses (high and low through put, red meat and poultry(white meat) in liaison with MHS to ensure legislative compliance, in particular with:</p> <ul style="list-style-type: none"> • Biosecurity (vehicles, premises and people) • Livestock identification • Central Point Recording Centre approval conditions and contingency • Welfare • Transport • Licensing and record keeping • Specific pre movement licensing • All other relevant legislation <p>Outcomes 1, 2, 5 and 6</p>	<p>All slaughter houses attended in accordance with risk.</p> <p>Established communication links with Food Standards Agency (FSA) Operations at the abattoir with regard to reporting of anomalies.</p>
<p>A4.3 Attendance at Critical Control Points - Dealers</p>	<p>Identification of Dealers</p> <p>Visits/inspections to verify legislative compliance</p>	<p>List of known dealers visits/inspections planned according to risk.</p> <p>Inspection programmes co-ordinated with other agencies and local authorities.</p> <p>Written report given at time of inspection.</p>

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
	<p>Outcomes 1, 2, 5 and 6</p>	<p>Major non compliances found during inspections reported to relevant agencies Re-visit when actionable infringements have occurred</p>
<p>A4.4 Attendance at Critical Control Points - Ports (excluding BIPs)</p>	<p>Attendance at Ports to ensure legislative compliance, in particular with:</p> <ul style="list-style-type: none"> • Biosecurity (vehicles, premises and people) • Livestock identification • Welfare • Transport • Import/export documentation • All other relevant legislation <p>Outcomes 1, 2, 5 and 6</p>	<p>N/A</p>
<p>A4.5 Attendance at Critical Control Points - High risk Farms (Other than dealers)</p>	<p>Visits/inspections to verify legislative compliance</p> <p>Outcomes 1, 2, 5 and 6</p>	<p>Planned inspection programme. Risk re-assessed following visit/inspection. Inspection programme takes into account other agency inspections to avoid duplication and joint visits arranged where necessary. Checks from AMLS2/AMES data. Written report given at time of inspection. Major non compliances found during inspections referred to relevant agencies. Re-visit when actionable infringements have occurred</p>

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
A4.6 Stand by and on call arrangements	Emergency interagency contact regarding disease and other enforcement incidents Outcomes 1, 2, 3, 4 and 6	Emergency out of hours contact procedure in place. Relevant agencies to be aware of contact procedures.
A5. Partnership working and intelligence driven enforcement		
A5.1 Identified Infringements	Identified breaches of legislation, including biosecurity, licensing, welfare, livestock identification, standstill breaches, illegal imports, by products, and other disease control work. Irregularities found on documentary checks followed up Outcomes 1, 2, 5 and 6	Investigated and appropriate action taken in accordance with the local Enforcement Policy. Follow up checks on suspected irregularities identified on AMLS2/AMES
A5.2 Intelligence / Information and systems	Provision and collection of Intelligence Information Outcomes 1, 2, 5 and 6	Set up and ongoing maintenance of intelligence system. Established procedures and protocols necessary to capture and report animal health activities including movements and enforcement action. Share intelligence with other local authorities and operational partners.
A5.3 Intelligence led actions	Infringements or suspected infringements reported from external enforcement sources or identified by use of data interrogation or intelligence sources; members of the	Investigated and appropriate action taken in accordance with the local Enforcement Policy

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
	public/complaints Outcomes 1, 2, 5 and 6	Intelligence used to drive delivery including development of local and regional enforcement.
A6. Post enforcement reporting and AMES data entry activities		
A6.1 Animal Health and Welfare Management and Enforcement System (AMES)	Entry of data on to AMES system (or via electronic data transfer from local systems to AMES) recording Local Authority enforcement activities, results and actions. (The relevant timescale commences on the day following the date on which the activity took place). Use of AMES for management information and report generation Recording of data on infringements Outcomes 1, 2, 3, 4, 5 and 6	Recording of 90% of enforcement data within 3 working days. Designated AMES supervisor, familiar with AMES good practice guide, data quality and auditing procedures, process instructions and FAQs. Internal procedures in place to ensure quality data entered. Electronic data transfer system operational.
A6.2 Management information	Collation of management information data for internal use and provision to Animal Health, Defra and Welsh Assembly Government.	Timely provision of information, in particular submission of statutory returns e.g. Welfare of Animals Transport Order (WATO).

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
	<p>Outcomes 3, 4 and 5</p>	<p>Record enforcement action on AMES.</p>
A7. Contingency planning and emergency action		
<p>A7.1 Animal Health/Defra/Welsh Assembly Government and local authority emergency preparedness</p>	<p>Planning and contributing to emergency preparedness plans with Animal Health/Defra/Welsh Assembly Government and other agencies as appropriate</p> <p>Outcomes 1, 3, 5 and 6</p>	<p>Plans drawn up which are consistent with the Defra. Animal Health generic plans for disease outbreaks.</p> <p>Local authority contact details on the LG Regulation master contact list are up to date.</p> <p>Review plans and update annually.</p> <p>Respond to notification of disease outbreaks.</p>
<p>A7.2 Testing and Training</p>	<p>Testing, training, practising and evaluating activities in relation to the emergency plan</p> <p>Outcomes 1, 3, 5 and 6</p>	<p>Contribution with others in planned exercises.</p> <p>Internal and external contact details reviewed annually.</p>

PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
A8. Additional Activities to reflect National Priorities		
A8.1 National Priorities	Provide details of identified priorities as discussed with the RODs, Defra and the Welsh Assembly Government, as appropriate. Outcomes 1,2,5 and 6	As discussed with RODs and Defra

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COMMUNITIES AND NEIGHBOURHOODS DIRECTORATE
FOOD LAW ENFORCEMENT SERVICE PLAN 2011/12

FOREWORD

Under Food Standards Agency's Framework Agreement, City of York Council is required to produce an annual service plan that covers their various food functions.

The food team, which is part of the food and safety unit, is responsible for food law enforcement. This service plan reviews our performance over the last year, sets out our aims and objectives for 2011/12, and also looks at what demands are placed on the team and what resources are available to meet those demands.

Variance between the 2010/11 planned and actual performance is highlighted. Where necessary, corrective action is recommended and incorporated into the 2011/12 plan.

Resources in the team are limited. However, this plan illustrates the effective use of existing resources to target the highest risk food businesses, while maintaining a balanced enforcement mix.

1. SERVICE OBJECTIVES, AIMS AND POLICIES

1.1 **Our vision:**

To deliver the highest standards of protection of health, environmental and economic well-being to the people of York, through the provision of a quality customer focused service.

1.2 **The objectives of Environmental Health and Trading Standards Services (which include the Food and Safety Team) are to:**

- Protect residents and local businesses from unfair and unsafe business practices
- Protect residents and our environment from pollution and other public health and safety hazards
- Help local businesses achieve compliance with their legal obligations
- Promote healthy living in the city
- Reduce noise nuisance and make an effective contribution to reducing anti social behaviour in York

1.3 **Aims the food team are:**

- To operate a comprehensive regime of interventions (eg inspections), sampling, advice and other approaches as appropriate, to ensure the safety, correct composition, description and labelling of foods and animal feeding stuffs and to prevent adulteration and fraud in the production and sale of these products.
- To ensure the health and well-being of consumers by the above methods and through promotional activities.
- To promote best practice in food and animal feeding stuffs production and sale in the City of York.
- To provide support, assistance, training and advice to local businesses, thereby enabling them to market products that comply with legal requirements and best practice.
- To investigate cases of communicable disease notified to the Authority.
- To promote food safety and standards issues to the public through a variety of activities.
- To investigate complaints about the labelling, composition, safety and fitness of food, feeding stuffs and the operation of food premises.
- To act as a home authority and originating authority and deal with enquiries referred by other agencies.

- To approve and register food/feed premises as prescribed by government.
- To enforce the provisions of food and animal feeding stuffs legislation, and take appropriate and proportionate action to secure compliance.
- To take prompt and effective action in response to food hazard warnings and other threats to food safety in York.

1.4 Council priorities:

The Council Plan covers the period 2011-15. The food service contributes to the following priorities contained in the plan:

- Create jobs and grow the economy
- Build strong communities
- Protect vulnerable people

1.5 Enforcement policy and customer service:

The team operates to an enforcement policy that meets the needs of the Statutory Code of Practice for Regulators'. In addition, we have implemented a "Customer Service Standards" policy, which sets out the minimum service standards we aim to achieve when providing our services.

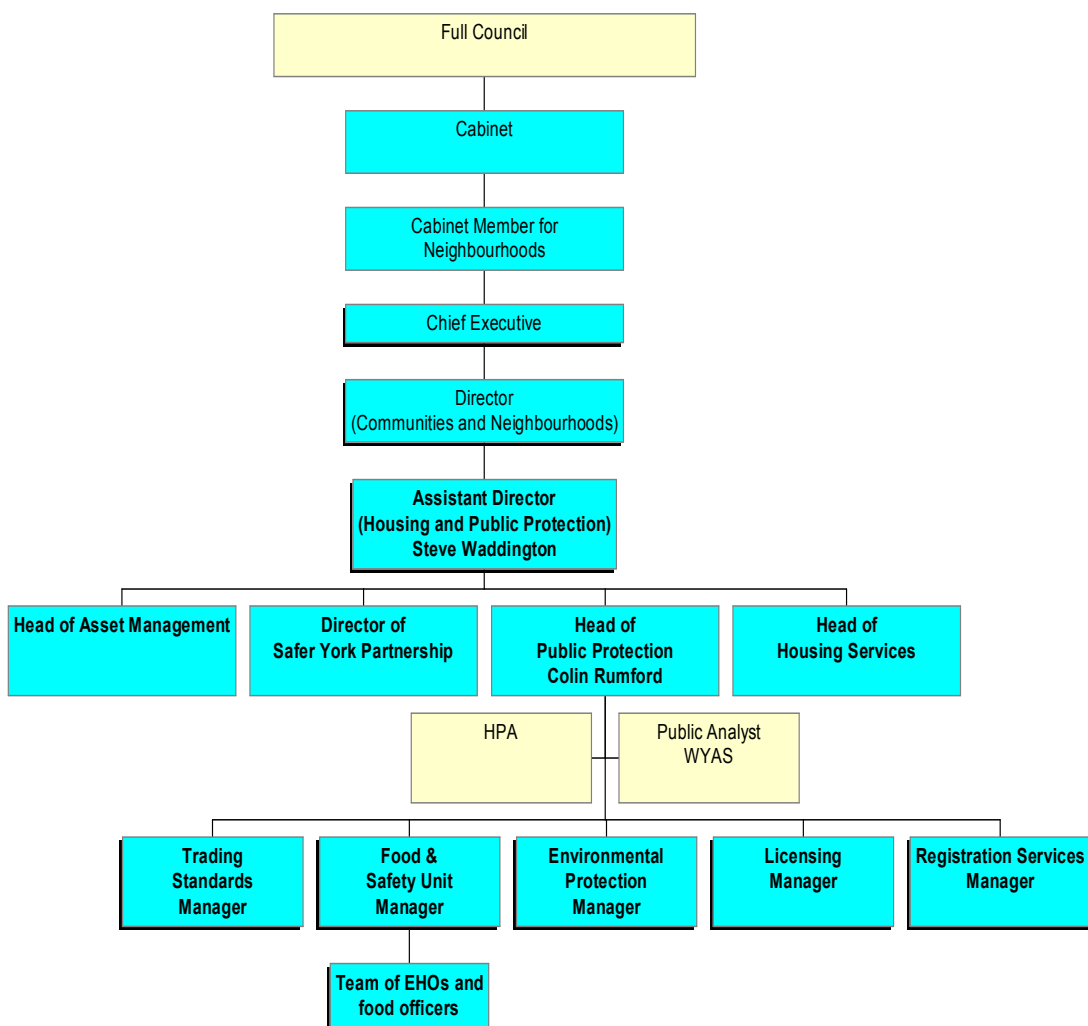
2. BACKGROUND

2.1 Profile of the council

City of York Council is a unitary authority, with a population of approximately 200,000 and an area of 105 square miles (27,250 hectares). The majority of the electorate (60%) are located in the urban city area, with the remainder resident in the outlying towns and villages.

The area is predominantly urban, covering the historic city with the associated tourism, hospitality and catering activities.

2.2 Organisational structure



2.3 Provision of specialist services

- Public Analyst services covering food and animal feeding stuffs are provided under contract by West Yorkshire Analytical Services, Morley, Leeds.
- Microbiological food examination is carried out under service level agreement with the Health Protection Agency (HPA) laboratory service, based in Leeds.

- The proper officer for communicable disease purposes is the Consultant in Communicable Disease Control at the HPA.

2.4 Scope of the food team

As a unitary authority, City of York Council is responsible for the full range of food law enforcement activities.

The food team has responsibility for food safety, food standards, animal feeding stuffs and primary production activities. The team is part of the public protection group of services, which sits within the Communities and Neighbourhoods Directorate

The team comprises of both environmental health and trading standards professionals, in addition to technical support staff. Some officers have dual qualifications and the team also carries out health and safety checks in food premises.

The service involves the delivery of the following:

- A programme of interventions focusing on food and feeding stuffs.
- Investigation of complaints from consumers and the like.
- Investigation of food poisonings/infectious disease notifications.
- Promotion and education/advice for businesses and the public.
- Health improvement promotion (e.g. healthy eating awareness).
- Sampling of food and animal feeding stuffs.

2.5 Demands on the food team

The authority's area contains a mix of manufacturing, retail and catering premises; hospitality and catering are the dominant sectors. There is a large international confectionery manufacturer, a district hospital, various large academic institutions and a racecourse.

The profile of food premises in York is heavily biased towards restaurants and caterers, which is a reflection of the city's status as a major tourist destination.

We continue to see a high turnover of business ownership in this sector. This has placed a strain on the team's resources due to an increased demand for advice visits, and the subsequent inspection of these premises.

Under the product specific or "vertical" EU Directives, there are two premises that are approved by the food team.

Additionally, the team acts as “home authority” for the businesses that have a base in the City, but trade regionally or nationally. Under this role we provide a link between other food authorities and the companies, resolving issues where appropriate.

Local customer consultations carried out in 2009, via the “Talk About” residents’ panel, indicate that food remains a concern for residents. Indeed, out of all the services provided by environmental health and trading standards services, respondents thought that inspecting food businesses was the most important function we perform.

This view echoes the findings of the FSA’s Food and You Survey 2010, which considered consumer attitudes. The survey found that 63% of consumers rated cleanliness and hygiene as the most important factors when considering where to eat out.

An earlier FSA survey in 2005 showed that the top 4 consumer concerns about food were the amount of salt in food, the amount of fat in food, food poisoning, and the amount of sugar in food respectively.

Consumers were found to be increasingly concerned about the accuracy of food labels, which appears to be part of an increasing awareness and concern about healthier eating. The level of comprehension of food labels by consumers has not improved and remains quite low.

2.6 Premises profile

The high proportion of restaurants and takeaways in York means that officers are often required to work out-of-hours in order to gain access to these premises. Officers must also be sensitive to the needs of ethnic minorities. In the past the team has been the subject of an equalities impact assessment, leading to a number of service improvements, including the provision of food hygiene training tailored and made accessible to Turkish, Chinese and Indian restaurants operators/employees.

Table 1 - Breakdown of food premises by FSA category as at 1 April 2011.

FSA CATEGORY	Number
Primary Producer	8
Manufacturer & Packer	43
Importer/Exporter	2
Distributor/Transporter	18
Retailers Other	88
Restaurants/Cafe/Canteen	343
Supermarket/Hypermarket	46
Small Retailer	235

Hotel/Guesthouse	185
Pub/Club	233
Takeaway	166
Caring Establishment	166
School/College	91
Mobile Food Unit	45
Restaurant/Caterers – Other	196

2.7 Service delivery point

The service is delivered from an office based at 20 George Hudson Street, York. The council's hours of operation are 08:30 -17:00 Monday to Friday, although officers work outside of these hours as where necessary.

2.8 Review of interventions carried out from the 2010/11 Programme

2.8.1 Food hygiene interventions

Premises rating	A	B	C	D	E
No. of planned interventions at 1/4/2010	15	76	510	46	264
No. of interventions achieved	15	76	506	46	252
No. of interventions <u>not</u> achieved	0	0	4	0	12

In addition to the above figures, 73 unrated premises were subject to interventions during the year. These are newly registered food premises that are required to receive an inspection and be risk-assessed.

Interventions were carried out at 100 % of our category A and B premises and 99% of our category C premises (the Local Performance Indicator is 100%). These figures are very similar to our performance last year.

The lowest risk premises in category E do not receive physical visits, unless we receive intelligence, such as a complaint, that there may be problems at the premises. These premises are assessed using alternative approaches, such as the business owner completing a questionnaire (see section 2.8.4).

2.8.2 Food standards interventions

Premises Rating	High	Medium	Low
No. of planned interventions at 1/4/2010	5	576	549
No. of interventions achieved	4	-	-
No. of interventions <u>not</u> achieved	1	-	-

We achieved an 80% intervention rate for our high-risk food standards premises (access issues at one premises prevented us achieving 100%).

We no longer have the resources to inspect 100% of our medium and low risk premises. This has led us to reconsider how we regulate the area of food standards; further details can be found later in this service plan.

2.8.3 Feeding stuffs/primary production interventions

During 2010/11, we outsourced this area of work to a neighbouring authority. The authority visited 34 of our registered animal feed premises that were due for an intervention that year (100% intervention rate). The authority also carried out primary production interventions at 21 premises. These primary production visits were combined with animal feed visits where possible.

2.8.4 Alternative Enforcement Strategies (AEA)

As mentioned, we do not have a programme of physical visits for our lowest risk premises.

A risk assessment framework determines the frequency at which food premises are visited. In order to direct our resources away from low risk premises, we do not include them in our annual programme of interventions. Instead, these businesses receive a questionnaire, which seeks to check that the businesses remains low risk, whilst providing information relevant to food law. There are a number of advantages to this arrangement, not least the fact that officers can concentrate on those premises which pose a greater risk or where the service can have a greater impact.

In 2010/11, the team issued 264 food safety AEAs. No food standards AEAs were issued as the teams resources are being used to focus on higher risk premises.

3. PLANNED ENFORCEMENT ACTIVITY 2011/12

3.1 Food safety interventions due 1 April 2011 - 31 March 2012

Premises rating	A	B	C	D	E	Unrated
No. of premises due an intervention	12	69	421	91	157	73*
No. of programmed interventions	12	69	421	91	157	73

* - This is the number of unrated premises at the start of the year. There will be more premises during the year as new businesses open etc.

3.2 Food standards interventions due 1 April 2011 - 31 March 2012

Premises rating	A	B	C	Unrated
No. of premises due an intervention	2	479	483	260
No. of programmed interventions	2	-*	-*	-*

* - For 2011/12 we are focusing our resources on intelligence led project work.

3.3 Feeding stuffs/primary production interventions due 1 April 2011 - 31 March 2012

A total of 22 programmed animal feed interventions are due to be carried out this year. As with last year, we are outsourcing this work. Where appropriate, we will incorporate primary production hygiene interventions to reduce the burden on farms in line with Hampton principles.

3.4 Food and feeding stuffs sampling

The team sample foods and feeding stuffs in accordance with national guidance. We participate in nationally co-ordinated sampling programmes (such as those organised by the HPA) and also sample where local intelligence indicates a need (eg where poor food handling practices are observed).

Both the food standards and feeding stuffs sampling programmes have been produced in consultation with the authority's public analyst/agricultural analyst. The food standards team co-operates with other regional authorities to co-ordinate sampling initiatives, such as imported food, so as to avoid duplication and to optimise the statistical soundness of results data.

We are currently recording our food standards and food safety samples on the national Food Surveillance System.

3.4.1 Food and feeding stuffs sampling programme

	2010/11 Samples programmed	2010/11 Samples taken	2011/12 Samples programmed
Food standards samples	120	108	119
Feeding stuffs samples	5	1	5
Food safety samples	226	304	170

3.4.2 Comments on sampling performance

Sampling is an important tool for food standards, food safety and animal feed.

The food safety team is primarily concerned with the microbiological safety of food, but also samples food to establish the nature and likely harm arising from foreign bodies and the like.

The sampling programme tends to focus on areas of past non-compliance, premises that are failing to meet minimum standards and emerging priorities such as butchers and food at large outdoor events.

Each year the Health Protection Agency undertakes microbiological analysis of the samples we provide, most of which are done without charge under a credits system.

Our food standards samples look at the description, composition and labelling of food, to ensure that legal requirements are being met. Samples are normally targeted at areas where problems are regularly found, or where intelligence, such as complaints, suggests there could be issues.

3.5 Education and information programme

3.5.1 Advice to businesses/customers

The team provide high levels of support and assistance to businesses operating or intending to operate in the City of York area.

It is estimated that the team will receive over 400 requests for advice this year, quite a number of which will require a visit to the business premises.

Advice is often requested by prospective businesses seeking advice before they commence trading. The recession does not seem to have affected York's food sector, as we are seeing many new premises opening and new business proposals being considered.

We also receive a large number of requests for advice from businesses interested in improving their 'scores on the doors' star rating.

3.5.2 Promotional and project Work

The team continues to raise consumer and business awareness of food matters by way of talks, press releases and other promotional activity. However, due to demands on the service, we are having to cut back in this area so that we can fulfil our obligations in other areas, such as inspections.

4. ENFORCEMENT ACTIVITY

4.1 Formal action

The following tables summarise the level and types of formal enforcement action taken in 20010/11. We believe that to be effective, the full range of enforcement

options should be used, from informal letters offering advice, through to prosecutions where this course of action is considered appropriate.

Food safety

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2009/2010	NUMBERS TAKEN/ISSUED 2010/11
Prosecution	2	0
Simple Caution	3	3
Prohibition Notice	0	0
Hygiene Improvement Notice	47	34
Formal written warning *	5	4

* – These are written warnings issued by CYC to businesses where prosecution is not the most appropriate course of action. They are not written warnings as defined by the FSA.

Food standards and feeding stuffs

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2009/2010	NUMBERS TAKEN/ISSUED 2010/11
Prosecution	0	1
Simple Caution	3	5
Formal Written Warnings	19	13

4.2 Food complaints

Investigation into food and feeding stuffs complaints is carried out in accordance with procedures in our quality management system.

In 2010/11, 802 complaints and requests for service were received. This high figure is consistent year-on-year, reflecting how busy the food sector is in York and the high awareness of food issues amongst our customers.

4.3 Home Authority & Primary Authority

City of York Council subscribes to the home authority principle, and currently has an agreement with Nestle, which is for food standards in relation to confectionary.

The team liaise with other local authorities about our national and regional companies. We support small/medium and new companies by giving advice on matters such as changes in the law. In 2010/11 the team received 11 referrals from other local authorities and a similar number can be expected in 2010/11.

We are committed to following the principles of the Primary Authority scheme, which is expanding.

4.4 Control and investigation of outbreaks of food related infectious disease

The team investigate all food poisoning notifications and outbreaks of food borne disease in accordance with procedures agreed with North Yorkshire District Control of Infection Committee and our local quality procedures.

In 2010/11, the team received 361 formal notifications of infectious disease, although some of these related to mumps, rather than food poisoning.

4.5 Food/feeding stuffs safety incidents

It is the policy of the authority to handle all food alerts from the FSA in accordance with the FSA Code of Practice and our local quality procedure. Notifications are received from the FSA by e-mail and mobile phone, and an appropriate course of action is taken in each case.

The reactive nature of this task makes it difficult to estimate the likely level of activity. Although alerts can be issued by the FSA for information only, some require a formal response. A formal response might involve issuing a local press release or contacting food businesses directly, which has resource implications.

It is expected that a similar or greater number of food alerts will be received in 2011/12.

5. OTHER AGENCIES - REFERRALS AND LIAISON

5.1 Liaison with other organisations

The team will ensure that it is operating in a manner that is consistent with both neighbouring and national local authorities and other agencies. Various methods will be used to facilitate this, including benchmarking, peer review and liaison with: -

North Yorkshire Food Liaison Group

The food liaison group works under the wing of the North Yorkshire Chief Environmental Health Officers Group. All eight North Yorkshire local authorities are represented on both of these groups. Of particular relevance is the food safety quality management system (QMS), which is accredited to the quality standard ISO 9001 (this is discussed later in Section 8 – Quality Assessment).

Yorkshire and The Humber Trading Standards Quality Standards Technical Group

Following a review of regional priorities, the Quality Standards Technical Group is now a virtual group.

A Food Fraud group has been established, which meets on a quarterly basis and seeks to promote best practice and consistency in food enforcement in the region.

The group also considers emerging intelligence and looks at joint projects to detect food fraud across the region.

West Yorkshire Analytical Services

This is the Public and Agricultural Analyst for the City of York Council, used predominantly for food standards and animal feed analysis.

Health Protection Agency

The HPA food laboratory, based in Leeds, undertake microbiological analysis of food samples on our behalf. Regular meetings are held to promote co-ordination and good sampling practice across the region.

North Yorkshire District Control of Infection Committee

This is a multi-disciplinary group of public health consultants, consultant microbiologists, environmental health officers, infection control nurses, general practitioners and associated professions. It meets on a quarterly basis to discuss infection control issues and set policies in relation to their investigation and control.

5.2 Referrals to other organisations

Where the team receives a food related complaint that does not fall within its enforcement remit or geographical enforcement area, it refers the person concerned to the correct body or forwards the item of work to the relevant authority without delay.

6. CONSULTATION

We survey our business customers and members of the public on a regular basis to ensure that we are providing a high quality, customer focused service. We have recently been re-awarded the Customer Service Excellence award, which demonstrates our commitment to providing a customer focused service.

7. RESOURCES

7.1 Financial allocation

The overall level of financial allocation to food safety and standards enforcement activity for the year 2009/10 and 2010/11 is as follows:

	2010/11 Actual £k	2011/12 Estimate £k
Staffing costs	310.3	309.7
Support costs	96.1	96.1
Supplies & services (inc transport)	51.4	56.3
Analytical & sampling costs	8.5	12.6

Income	-36.9	-28.5
Overall Expenditure	429.4	446.2

7.2 Allocation of staff for 2011/12

Food Safety

- 3.5 Senior EHOs – fully competent to enforce food hygiene law.
- 1 Food Officer – holds environmental health degree, working towards EHORB registration.
- Contractors will be employed to undertake food safety interventions at low risk, broadly compliant and unrated premises.

Food Standards

- 0.8 Senior Food Officer – fully competent to enforce food standards law
- 1 Food Officer – fully competent to enforce food standards law

Animal feed inspections and hygiene at primary production level will be carried out by officers from a neighbouring authority.

The team is managed by the food and safety unit manager, lead officer for food safety and standards.

7.3 Staff development plan

Staff development needs are identified on an ongoing basis, through the team's quality management system. We also hold annual Performance Development Reviews with individual officers, where the training needs are considered in accordance with corporate policy. Identified training needs will be met by: -

- Training to achieve specific qualifications
- Attendance of technical seminars/courses
- In-house training on specific issues
- Cascade training by staff that have attended relevant courses.

Training records show that officers consistently achieve the required levels of CPD training required by the Food Law Code of Practice.

8. QUALITY ASSESSMENT

8.1 North Yorkshire Food Quality Management System

The food team operates within the North Yorkshire Food Liaison Group's quality management system (QMS)

The QMS, which is independently accredited to ISO 9001, includes a rigorous system of controlled documents that state the minimum standards for our food enforcement activities. It includes internal monitoring within the authority and is

further enforced by inter-authority auditing. The system is also subject to external monitoring by ISOQAR, an accredited certification body.

The system ensures the delivery of high quality enforcement activity across the City of York, which is consistent with the other North Yorkshire authorities and is in accordance with good practice.

The Environmental Health and Trading Standards service is also proud to hold the Customer Service Excellence award, which demonstrates our commitment to putting the customer at the heart of everything we do.

9. Review of last year's performance

The team performed very well in respect of its inspection targets for high and medium risk food hygiene premises.

In 2008/09, National Indicator 184 (NI 184) was introduced – “Food establishments broadly compliant with food hygiene law”. At the end of 2008/09 our figure for this indicator was 88%, which is lower than we had anticipated. This dip in performance came about because premises that were unrated at the end of the year (eg new premises due an inspection), were counted as being not broadly compliant with food hygiene law.

By the end of 2010/11, our figure for NI 184 had improved to 92%, which was the target set in the department's service plan. This improvement was due to us focusing on poorer premises, and taking a graduated approach to enforcement where advice/education was not successful in improving standards.

Our food standards officers focused on high risk and unrated premises during 2010/11. We continue to have a back log of overdue inspections in this area due to limited resources.

10. Strategy for 2011/12

During 2011/12, our officers will continue inspecting our high risk businesses, and premises not broadly compliant with food law. We feel this makes the most effective use of our limited resources.

A member of the food safety team is on maternity leave. Due to a lack of resources we have not been able to back-fill this post. The absence is having a significant impact on the inspection performance of the team.

We had already considered not inspecting our D and E (lower risk) rated premises during 2011/12. However, it has become clear that we also do not have the capacity to inspect some of our medium/higher risk businesses.

To address this, instead of using agency staff to inspect existing medium risk premises, they will be used to inspect unrated premises. We feel these unrated premises should be inspected over our medium premises, as their level of risk is unknown (ie they could be high risk). This is not an ideal situation, but considering the position the team finds itself in, this would appear to be the most appropriate

approach. It should be noted that this approach puts the council at risk, as inspections carried out this year have shown standards in some medium risk premises have dropped significantly.

Our approach of using a graduated enforcement approach with poor performing premises is proving to be effective in improving standards.

We have also found that our scores on the doors scheme, launched in June 2009, has been an effective tool that has helped to encourage improvements. The FSA is keen for all local authorities to adopt its Food Hygiene Rating scheme, so that there is a single national scheme. We are considering moving to the FSA scheme in April 2012.

There continues to be a large number of unrated premises for us to deal with. We have struggled to inspect these premises within the timescales suggested by the FSA. As mentioned, we intend to use agency staff to inspect these premises and we will keep this approach under review.

We do not have sufficient resources to undertake all of our food standards inspections in accordance with the requirements of the Food Law Code of Practice. Therefore, for 2011/12 we will continue to inspect our high risk premises and undertake project work to focus on known issues (eg counterfeit alcohol). We will not routinely inspect our medium or low risk premises, unless we receive complaints or similar which indicate there is a problem.

In 2011/12 we are continuing with our version of the 'Retail Enforcement Pilot'. Food safety officers will take the lead for all REP inspections and will gather data for other regulatory teams as part of their visit. We feel this approach maintains the importance of food safety, whilst also making effective use of our resources and reducing the regulatory burden on businesses.

A programme of animal feed and primary production inspections are planned for 2011/12. These will be delivered on our behalf by an appropriately qualified and experienced officer from a neighbouring authority.

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COMMUNITIES AND NEIGHBOURHOODS DIRECTORATE

THE HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2011/12

FOREWORD

Section 18 of The Health and Safety at Work etc. Act 1974 requires local authorities to make adequate arrangements for enforcing health and safety legislation. To achieve this duty, City of York Council must produce a service plan setting out its priorities and plan of interventions for the forthcoming year. These must take into account:

- The Health and Safety Executive's (HSE) priorities
- National and regional priorities, targets and plans
- Locally derived objectives
- Relevant guidance and policies.

The Section 18 standard, which is mandatory, requires every enforcing authority to have the operational, managerial, administrative, legal and political resources (both staff and infrastructure) to contribute to improving health and safety outcomes.

City of York Council must target its interventions:

- To maximise its impact in improving health and safety outcomes
- To securing action by duty holders to manage and control the health and safety risks of their work activities
- On the duty holders who are best placed to control the risks whether they be employers or others
- On other organisations and stakeholders that can influence risk reduction
- On activities that give rise to serious risks or where the hazards are least well controlled
- To stop those that seek economic advantage from non compliance
- In accordance with national guidance on interventions and priority programmes.

This services plan sets out the aims and objectives of the service for 2011/2012, based on the demands placed upon the service and the resources available. In a time of limited resource, the Council is not able to achieve all of the desirable aims for health and safety enforcement. However, this service plan makes the best use of existing resources to provide a risk-based mix of enforcement approaches.

1 SERVICE OBJECTIVES, AIMS AND POLICIES

1.1 Our vision:

To deliver the highest standards of protection of health, environmental and economic well-being to the people of York, through the provision of a quality customer focused service.

1.2 The objectives of Environmental Health and Trading Standards Services (which include the Food and Safety Team) are to:

- Protect residents and local businesses from unfair and unsafe business practices
- Protect residents and our environment from pollution and other public health and safety hazards
- Help local businesses achieve compliance with their legal obligations
- Promote healthy living in the city
- Reduce noise nuisance and make an effective contribution to reducing anti social behaviour in York

1.3 Aims of the Health and Safety team

To ensure that workplace health and safety is given sufficient priority, and contributes to providing a safe human environment, the health and safety team aims are:

- To manage the risk in high risk, poor performing and/ or rogue trader businesses (targeted approach in line with the better regulation agenda).
- To investigate major injury incidents and fatalities (national justice agenda and used to assess and target poor management in line with better regulation).
- To seek to reduce work related ill health and accidents, and to protect the health, safety and welfare of people at work and to safeguard others (principally members of the public) who may be exposed to risks from the way work is carried out.
- To carry out an annual targeted programme of health and safety inspections and enforcement for all local authority enforced premises in the city, in accordance with statutory requirements, approved codes of practice and guidance.
- To support the annual inspection programme with targeted promotional advice and educational initiatives in line with HSE enforcement strategies.
- To respond to all complaints and requests for advice promptly.

- To carry out sampling when necessary to provide accurate information to identify workplace hazards.
- To be accessible, open and fair when taking proportionate enforcement action against health and safety law offenders.
- To promote and provide health and safety information and advice to businesses and members of the public.
- To carry out registration of premises operating skin-piercing activities as prescribed by government.
- To deal with enquiries referred by other agencies and refer enquiries to the health and safety executive and to other bodies when necessary.
- To continue to work in partnership with the Health and Safety Executive

1.4 Enforcement policy and service standards

The team operates to a comprehensive, documented enforcement policy in accordance with Section 18 standards. In addition there are service standards for environmental health and trading standards.

1.5 Council priorities

The Council Plan covers the period 2011-15. The health and safety service contributes to the following priorities contained in the plan:

- Create jobs and grow the economy
- Building strong communities
- Protect vulnerable people

2. BACKGROUND

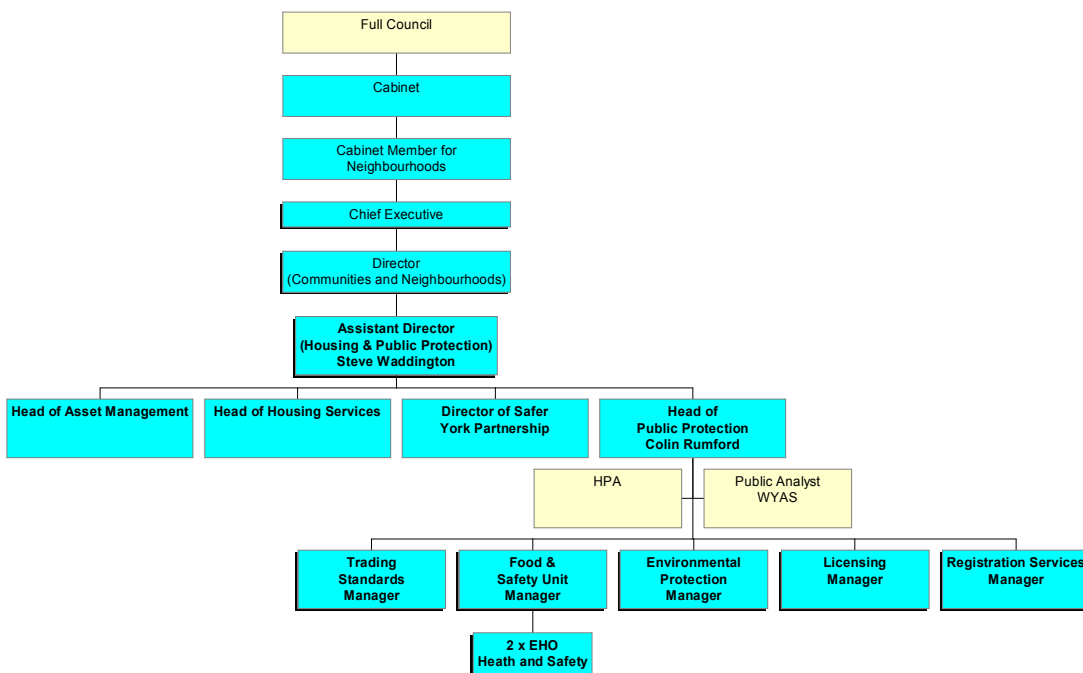
2.1 Profile of the Local Authority

City of York Council is a unitary authority, with a population of approximately 200,000 and an area of 105 square miles (27,250 hectares). The majority of the electorate (60%) are located in the urban city area, with the remainder resident in the outlying towns and villages.

The area is predominantly urban, covering the historic city with the associated tourism, hospitality and catering activities.

2.2 Organisational Structure

2.3



Provision of specialist services

The team makes use of the following specialist services:

- Asbestos sampling and other environmental monitoring is carried out in conjunction with AH Allen, 6 Waterside House, Maritime Business Park, Livingstone Road, Hessle, Hull
- Micro-biological examination is carried out under service level agreement with the public health laboratory service (HPA) based in Leeds, e.g. for swimming and spa pool water sampling and Legionella in water systems

2.4 Scope of the health and safety enforcement team

The team is part of the food and safety unit and deals with all health and safety issues in non-food and food premises. The officers undertake a programme of health and safety inspections and investigations in response to complaints and accidents. In addition to its enforcement role, the service also provides information

and advice to members of the public, businesses, professional bodies and organisations. It provides education, training and a variety of promotional work.

2.5 Demands on the health and safety team.

The local authority enforced sector mainly comprises of catering, retail, wholesale, offices, leisure, catering, places of worship and premises including hotels and guesthouses and residential care homes.

An external factor impacting on service delivery is the large number of visitors who use the city's facilities.

2.6 Service delivery point

The service is delivered from an office based at 20 George Hudson Street, York. The council's hours of operation are 08:30 -17:00 Monday to Friday, although officers work outside of these hours where necessary.

3 PLANNED ENFORCEMENT ACTIVITY

3.1 Programmed health and safety inspections

Inspections are carried out in accordance with a risk-based programme. This year our priority will be to inspect B1 rated premises.

The inspections focus on activities in the workplace that the HSE have identified as contributing to the highest rates of accidents/incidents and ill-health at work. The key topics being covered this year are:

- Injuries from the use of compactors/bailers
- Exposure to dust and fumes in nail bars
- Asbestos in the workplace
- Fish spas
- Tattooists
- Petting farms
- LPG installations (in partnership with HSE)

In adopting the topic based inspection approach, the team will maximise its resources by focusing on these areas, rather than completing all-encompassing inspections.

In previous years we have worked to the standards outlined in HSE guidance LAC 67/1(Rev 3) "Advice to local authorities on intervention programmes and an inspection rating system". This document has been withdrawn by HSE and has been replaced by LAC 67/2. This document reduces the number of premises into which premises can be classified from six to four. The new priority rating system is as follows:

Old LAC 67/1	New Category	Description	Inspection Frequency
A	A	Highest Risk	12 months

B1	B1	Medium Risk 1	18 months
B2 & B3	B2	Medium Risk 2	No rigid inspection regime
B4 & C	C	Lowest Risk	No rigid inspection regime

This priority rating scheme came into operation in April 2010.

Categories B2 and C premises, which under the new system require no rigid inspection regime, will be subject to other forms of intervention e.g priority topic works or questionnaires.

The total number of health and safety premises enforced by the team at 01 April 2011 was 4991.

Type	Number of premises	Inspections in work plan
High Risk Category A	0	0
Medium Risk1 Category B1	163	163
Medium Risk2 Category B2	2120	424 (20%)
Lowest Risk Category C	2435	0
Unrated	273	

The team estimates that 30 revisits to premises will be carried out in the year.

3.2 Comments on past and projected performance

In 2010/11, the team achieved the total number of programmed A-risk inspections (8) and B1 inspections (54), thus meeting the local performance measure for those categories of premises. In addition, another 158 inspections were carried out on the priority topics.

The team comprises of two officers, who have to carry out the number of inspections required under the HELA risk rating system. This has led to a large backlog of outstanding inspections for the lower risk premises. However, the HSE have shifted the emphasis away from comprehensive, programmed inspections, onto more resource-efficient and focused enforcement activities.

The York Health and Safety Forum was set up in partnership with the Health and Safety Executive. Although the forum proved popular, it is unlikely that it will continue in the future due to cut backs at the HSE.

As part of the partnership agreement with HSE, officers in the team have been trialling a flexible warrant initiative. Officers have been authorised by the HSE to enter and exercise their powers on premises which are normally enforced by HSE and vice versa. This initiative has been very successful and provides a more efficient way of working (eg. officers from both inspectorates can take immediate action to stop dangerous activities).

The flexible warrant scheme will continue in 2011/12 and the HSE has recently re-launched the scheme on a national scale. The flexible warrant scheme is highly praised and now is an indicator of excellence in the Section 18 standard.

3.2.1 Advice to businesses

The team provides support and assistance to businesses operating, or intending to operate in York. Research has found that small and medium businesses particularly value the advice we provide to help them comply with health and safety requirements.

The council is lead authority on health and safety for Aviva, providing advice that is disseminated to the company's other UK offices.

4 REACTIVE ENFORCEMENT ACTIVITY

4.1 Formal action taken

The following table summarises the level and types of formal enforcement action taken in the previous year.

Type of action	Numbers taken / issued 2009/2010	Numbers taken/issued 2010/2011
Prosecution	0	0
Formal Caution	0	0
Prohibition Notice	2	2
Improvement Notice	9	4

4.2 Health and safety complaints/service requests

During 2010/11 the team received 387 complaints and service requests of all types.

It is estimated that future demands on the team are likely to increase as a result of growing awareness of health and safety at work amongst our customers, resulting in an increase of the number of complaints and service requests.

4.3 Reports of accidents and dangerous occurrences

The team receives reports of accidents and dangerous occurrences from a variety of sources and is required to access the RIDDOR reporting centre at Caerphilly for notifiable injuries within the City of York Council area. Some of these reports are statutory notifications required to be made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

In 2010/2011 the team received 316 statutory notifications, all of which had to be assessed to determine what follow up action was required (eg accident notification).

4.4 Notification of work with asbestos

The team is notified about certain types of asbestos removal work. This requires site meetings with asbestos removal contractors in order to ensure they are complying with all relevant health and safety legislation.

During 2010/2011 the team received 16 notifications as opposed to 10 for 2009/2010.

5 OTHER AREAS OF SERVICE DELIVERY

5.1 Partnership working

The team aims to continue its role in providing an holistic approach to health and safety, by ongoing partnership working with other organisations including the HSE, Care Quality Commission, Health Protection Agency, the York Hospitality Association and other business organisations.

City of York Council supports the principle of lead authority and has signed up to a partnership agreement with Aviva.

6 REFERRALS TO AND LIAISON WITH OTHER AGENCIES

6.1 Liaison with other organisations

It is the policy of the team to take all reasonable steps to ensure that it is operating in a manner that is consistent with both neighbouring and national local authorities. Various methods are adopted to facilitate this including benchmarking and liaison with:

- The Health and Safety Executive Local Authority Unit
- North Yorkshire health and safety liaison group
- North Yorkshire Chief EHO training group
- North and West Yorkshire health and safety local authority liaison group
- North Yorkshire Fire and Rescue Service

- North Yorkshire Police
- Planning/building control/licensing departments of the council

6.2 Referrals to other organisations

Where the team receives a health and safety related service request that does not fall within its enforcement area, it will refer the person concerned to the correct body or forward the request to the relevant authority within one working day of receipt.

7 RESOURCES

7.1 Financial allocation

The overall level of financial allocation to health and safety enforcement activity for the year 2011/2012 is as follows.

	Actual 2010/11 £k	Estimate 2011/12 £k
Staffing Costs (inc direct employee expenses)	77.5	85.5
Support Costs	25.9	25.9
Supplies & Services (inc transport)	2.6	5.2
Income	-5.1	-1.5
Overall Expenditure	100.9	115.1

7.2 Staffing allocation

The health and safety service is delivered by two senior environmental health officers who carry out all functions relating to health and safety in those premises for which the team has responsibility.

7.3 Staff development plan

The training development needs are identified both on an ongoing basis and by annual review.

Last year the HSE launched their Regulators Development Needs Analysis tool. This is an online tool that is completed by each officer with their manager. This has identified training needs for the officers. The results of this were fed back to the HSE partnership manager who has identified training needs in the region.

Training needs will be met by:

- Attendance on seminars/courses. Partnership working with the Health and Safety Executive has resulted in a considerable amount of training provided by HSE specialist inspectors.
- In-house training on specific issues.
- Cascade training by staff who have attended relevant courses.

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