

**Notice of a public meeting of**

**Decision Session - Executive Member for Environment**

**To:** Councillor Waller

**Date:** Monday, 14 December 2015

**Time:** 4.00 pm

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

**AGENDA**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democratic Services by **4:00pm** on **Wednesday 16 December 2015**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by at **5.00pm** on **Thursday 10 December 2015**

## 1. **Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

## 2. **Public Participation**

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 at **5.00pm on Friday 11 December 2015**.

Members of the public may register to speak on an item on the agenda or an issue within the Executive Member's remit.

### **Filming, Recording or Webcasting Meetings**

Please note this meeting may be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting. The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at:

[https://www.york.gov.uk/downloads/file/6453/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_council\\_meetingspdf](https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf)

## 3. **Minutes**

(Pages 1 - 6)

To approve and sign the minutes of Decision Sessions held on 18 and 23 November 2015.

**4. Adoption of York's Third Air Quality Action Plan (AQAP3)** (Pages 7 - 20)

This report summarises the response to the pre decision call-in of York's third Air Quality Action Plan (AQAP3) and consideration by the Economic Development and Transport Policy and Scrutiny Committee (EDAT) on 18 November 2015. The report asks the Executive Member to formally adopt the amended AQAP3, as a result of the consultation process, together with some further revisions requested by EDAT.

**5. Food Service Plan 2015-17** (Pages 21 - 54)

This report sets out details of the Council's Annual Food Service Plan, which it is required to produce to satisfy the requirements of the Food Standards Agency (FSA). The Executive Member is recommended to approve the Plan.

**6. Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officers:

Catherine Clarke and Louise Cook (job share)

Telephone No- 01904 551031

Email- [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk)/[louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim (Polish)  
własnym języku.**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

City of York Council

Committee Minutes

---

Meeting	Decision Session - Executive Member for Environment
Date	18 November 2015
Present	Councillor Waller (Executive Member)
In Attendance	Councillors N Barnes, Cullwick, Cuthbertson, D'Agorne, Gates, Lisle, D Myers and Warters

---

## 6. **Declarations of Interest**

At this point in the meeting the Executive Member was asked to declare if he had any personal, prejudicial or disclosable pecuniary interests in the business on the agenda. He declared that he had none.

## 7. **Minutes**

Resolved: That the minutes of the Decision Session held on 10 August 2015 be signed and approved by the Executive Member as a correct record.

## 8. **Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme at this Decision Session.

## 9. **Adoption of York's Third Air Quality Action Plan (AQAP3)**

The Executive Member considered a report which presented him with the final draft of York's Third Air Quality Action Plan (AQAP3), summarised the results of the public consultation and provided an update on new evidence relating to air quality and public health.

The Executive Member formally received the views of the Economic Development and Transport Policy and Scrutiny Committee at a call-in meeting held prior to his decision making session. He appreciated that the Committee was largely supportive of the plan as drafted but that it had made a number of comments which it would like him to take into account before approving the plan.

In view of the significance of the plan, the Executive Member felt that more time was needed to respond to and address the implications associated with the comments made by the Scrutiny Committee. He therefore requested a further report addressing their comments which related to:

economic viability; affordability; green infrastructure; an implementation plan; delivery targets and to various specific issues circulated by Councillor D'Agorne in advance of the meeting.

Resolved: That a further decision session be arranged in December to consider a report addressing the comments set out above made by the Scrutiny Committee, together with any associated implications.

Reason: To enable a full report to be considered reviewing the issues and their implications.

Councillor Waller, Executive Member  
[The meeting started at 6.05 pm and finished at 6.10 pm].

---

Meeting	Decision Session - Executive Member for Environment
Date	23 November 2015
Present	Councillor Waller (Executive Member)

---

## **10. Declarations of Interest**

At this point in the meeting, the Executive Member was asked to declare any personal, prejudicial or pecuniary interests in the business of the agenda. None were declared.

## **11. Public Participation**

It had been reported that they had been one registration to speak on item 3, Promoting Recycling in York, under the Council's Public Participation Scheme.

Mr Waring, representing Friends of St Nicholas Fields (St Nick's), was in attendance to highlight the unique kerbside reuse/recycle service provided by them to 2200 city centre properties. He confirmed:

- they used bicycles and electric vehicles to allow easy access into the city centre ensuring a quiet collection whilst promoting better air quality.
- they provided a regular service with minimal complaints, with over 90% of users rating them very good or good.
- St Nicks would have the capacity to expand and they would continue to work with City of York Council to further increase recycling in York.

## **12. Promoting Recycling in York**

The Executive Member considered a report that presented a series of options that could assist with increasing reuse, recycling and composting levels.

Officers gave an update and informed the Executive Member that recycling and composting rates had plateaued in recent years and the aim was to increase overall recycling levels to over 50 per cent, which as a result would save in Landfill Tax.

Officers highlighted the options in the report and confirmed:

- monitoring work would take place to increase recycling levels in flats and low performing areas.
- existing barriers had been identified and investigated to increase communal recycling.
- bespoke campaigns would be created for low performing areas.
- a consultation process on reuse opportunities would be carried out with existing third party and charity organisations.
- consultation with Yorwaste and St Nicks would take place to consider the potential opportunity to expand to mixed plastics accepted on the kerbside recycling collections.
- ways to expand the garden waste collection service would be explored to improve efficiency of service and to allow further capacity to add more collections.
- the options considered to reduce the number of opportunities available to traders to dispose of their waste free of charge were:
  - a. Reduce the number of permits depending on vehicle size.
  - b. Put expiry dates on the permits so that only one permit could be used per month.
- it had been identified that 5,564 properties could potentially have a wheeled bin and consultation would be required with residents prior to any streets changing from black sacks.
- that due to kerbside recycling services the need for bring banks was currently being investigated and a full review of the bring bank provision was taking place.
- the FAME recycling vehicles were in need of replacement and alternative fuel refuse vehicles were also being considered.

The Executive Member thanked officers for their update and considered all the options presented to him and agreed:

Resolved: That the following areas be investigated to increase reuse and recycling so that officers can bring back a costed action plan:

**(i) Increasing Recycling in Low Performing Areas**

- That monitoring work be undertaken as proposed in Paragraph 8 of the report.
- That an action plan including recycling statistics be considered by the Executive Member on a monthly basis.
- That a Communal Sites programme of interventions be identified and costed.
- That a special email and postal address to allow residents to submit suggestions to promote recycling and address barriers and problems



be established. That suggestions received be placed on the website as part of the workplan.

- That notice boards around the city be utilised to advertise and promote recycling.

**(ii) Campaigns**

- That a costed and monitored campaign be created and to utilise partner organisations knowledge and views in additional campaign strategies.

**(iii) Reuse Opportunities**

- That a report to further assess the potential viability and options for a re-use centre be brought to the Executive Member in 2016.
- That a list of partners who have/will be included in consultation be compiled.

**(iv) Expanding Kerbside Recycling – Mixed Plastics**

- That officers continued to monitor the market and consult with Yorwaste and Friends of St Nicholas Fields (St Nicks) to inform any future decision on the practicality of pursuing a mixed plastic collection.
- That the consultation process be completed within 12 months.

**(v) Garden Waste Collections**

- That a review be undertaken in line with paragraph 34 of the report and properties be added where viable, following consultation with residents, St Nicks and the Street Based Services Board.
- That consultation is undertaken with ward committees about the options available to them to use their ward funding for these purposes.
- That the cost for St Nicks to collect garden waste from per household be received.
- That the consultation process be completed within 6 months

**(vi) Household Waste Recycling Centre Permits**

- Those options be developed and presented in the budget consultation process.

**(vii) Waste Presentation – Bags to Bins**

- That following consultation a detailed proposal be brought back to the Executive Member highlighting the priority properties that could receive a wheeled bin.
- That a clear process be identified for residents or Ward Members to follow should a request be received to move to wheeled bins.

(viii) **Bring Sites**

- That on completion of the bring bank review a report with an action plan be brought back to the Executive Member.
- That no bring banks be removed without consultation with local residents and Ward Members

(ix) **Co-mingling of Recycling**

- That co-mingling should not be pursued at this time.

(x) **Replacement Vehicle Options**

- That a business case for replacement of the FAME vehicles be progressed through the Council's Capital Resource Allocation (CRAM) process, including consideration of alternative fuel arrangements.

Reason: To increase recycling in York

Cllr Waller, Executive Member

[The meeting started at 4.30pm and finished at 5.30pm].



**Decision Session -  
Executive Member for the Environment**

---

14 December 2015

Report of the Assistant Director – Housing and Community Safety

**Adoption of York's Third Air Quality Action Plan (AQAP3) -  
Response to Economic Development and Transport Policy and Scrutiny  
Committee Calling In**

**Summary**

1. On 18 November 2015 York's third air quality action plan (AQAP3) was considered by the Economic Development and Transport Policy and Scrutiny Committee (EDAT), but was first called in by Councillors D'Agorne, Kramm and Craghill. The report was submitted following public consultation.
2. Having listened to the comments and concerns of EDAT members the Executive Member for Environment deferred his Decision Session to allow time for suggested improvements to be assessed by officers and for the information presented at the EDAT meeting to be taken onboard. This report summarises the response to the calling in and to comments and issues raised at the scrutiny committee, outlined in paragraphs 3 to 26.

**National Air Quality Action Plan and potential fines**

3. The UK Government is required by the European Commission infringement proceedings and the Supreme Court ruling of 29 April 2015 to submit a revised National Air Quality Action Plan (NAQAP) to the European Commission by 31 December 2015. The NAQAP must aim to achieve compliance with the EU limit values for Nitrogen Dioxide (NO<sub>2</sub>) as quickly as possible in all UK zones via a new and improved set of air quality improvement measures. DEFRA recently consulted on the draft NAQAP<sup>1</sup>. York has not been highlighted as one of the zones unlikely to comply as NAQAP is based on limited monitoring and modelling information, unlike the detailed monitoring undertaken in York.

---

<sup>1</sup> Consultation on draft plans to improve air quality, Tackling nitrogen dioxide in our cities (DEFRA, September 2015) <https://consult.defra.gov.uk/airquality/draft-aq-plans>

4. The draft NAQAP includes proposals for a national network of low emission zones called Clean Air Zones with entry requirements of Euro IV petrol and Euro VI diesel. These should not be confused with the Clean Air Zone proposed in AQAP3 that is targeted at polluting diesel buses.
5. The draft NAQAP was considered by air quality officers within the Public Protection Regulatory Support and Advice team. DEFRA modelling assumes that Euro VI emission standards will deliver the expected level of emission reduction from new vehicles over the next five years. There is currently limited evidence available on the performance of Euro VI vehicles. However, recent testing of Euro VI diesel cars and other vehicles has shown that many of these fail the emission tests in both the laboratory and real world driving conditions. In addition, the recent VW scandal has demonstrated that reliance on Euro emission standards for delivering air quality improvement is a risky strategy. Higher than expected levels of NO<sub>2</sub> emissions from Euro V diesel vehicles are known to be one of the main reasons for the current continued exceedance of national air quality objectives in York. York submitted a detailed response to the NAQAP consultation<sup>2</sup>.
6. Whilst the UK Government is responsible for ensuring compliance with EU limit values, DEFRA has written to all local authorities warning that infraction fines would be passed on to local authorities using a discretionary power in Part 2 of the Localism Act. No details have been released about how these fines will be imposed, but it is understood they will be recurring annual fines.

### **Reducing emissions from buses – Clean Air Zone**

7. Source apportionment studies in York have identified diesel buses as being a significant contributor to poor air quality in York. Complaints are also received from members of the public about dirty diesel buses. AQAP3 proposes a Clean Air Zone (CAZ) in the city centre with entry requirements based on a combination of bus emission standards and the frequency at which they enter the city centre. The most frequent services (those entering the CAZ more than 10 times a day) would be required to be ultra low emission in the city centre by 2018.

---

<sup>2</sup> <http://www.jorair.co.uk/documents/response.pdf>

8. Although ultra low emission buses are cheaper to operate than diesel fuelled buses they are more expensive to purchase. The council has been very successful in recent years with bids to fund the introduction of electric buses in York, including two of the Park & Ride services, and retro-fitting of diesel buses with electric drive. York has recently submitted a bid to the Office of Ultra Low Emission Vehicles (OLEV) to enable the remaining Park & Ride buses to become ultra low emission. The council will continue to work with bus operators to bid for funds to support the transition to ultra low emission buses in York.
9. Whilst proposals for a CAZ have been discussed with bus operators for several years, the CAZ in York city centre would, subject to an economic impact test, commence in 2018 to allow bus operators sufficient time to upgrade their fleet to ultra low emission buses and to install the associated infrastructure. By this date, 82% of all bus journeys would be made by ultra low emission buses. Ultra low emission buses would be used on around 20 routes including the Park & Ride services and the most frequent bus routes.
10. Less frequent services would be set minimum Euro emission standards with a longer term upgrade programme allowing them to work towards ultra low emission capability. The CAZ could potentially be expanded in the future to include other vehicle types.
11. All the proposals for a Clean Air Zone in the city centre are subject to additional funding, an economic impact test and further consultation.
12. Proposals for a CAZ for buses are on the basis of a number of source apportionment, cost benefit analysis and feasibility studies. Whilst a CAZ could be considered for freight, in tandem with the freight transshipment centre, it would not be practical for cars and light goods vehicles, where a simple Low Emission Zone would be more practical, if desired in the future. In any event, sufficient time would be needed to enable commercial operators to transition their fleet to ultra low emission vehicles.

### **Reducing emissions from buses – anti idling**

13. A CAZ will mean about 82% of city centre bus journeys will be undertaken by ultra low emission buses by 2018, rising to 85% in 2021 and 87% in 2024. Where diesel buses are still in service, AQAP3 proposes a progressive approach to dealing with idling, with measures including working with bus operators to adhere to their existing anti-idling policies; erection of signage, warnings by enforcement officers and

potential fines. The results of the consultation on AQAP3 favoured a more robust approach.

14. The Department for Transport's guidance on dealing with idling vehicles has previously stated "we expect you will need to issue very few (if any) fixed penalties (the vast majority of drivers will agree to switch off their engines when asked)". The anti idling feasibility study of 2014 concluded that emissions could be reduced significantly through anti idling signage, further information and advice to bus operators and some on the street spot checks. This emission reduction was based upon the bus fleet in 2012. A number of potential anti idling zones were identified in the report where anti idling signs could be erected and spot checks undertaken.
15. The costs of signage and enforcement will need to be considered in implementing such a scheme. Previous discussions were around the availability of Better Bus Area Funding for signage with enforcement undertaken by the bus wardens, or potentially parking wardens or community enforcement officers. As the bus fleet transitions to ultra low emission, then bus emissions from idling will become less of an issue.
16. It is recommended that a further report be brought forward to identify the issues around the costs of signage and enforcement and the implications of adopting powers under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002<sup>3</sup> to allow enforcement against idling buses (and other vehicles) in the event that other measures prove unsuccessful.

### **Reducing emissions from development**

17. Low emission planning guidance is applied to all new developments in the city to minimise their emissions and this is currently being developed across the Yorkshire region.

### **Reducing emissions from taxis**

18. A bid to OLEV is planned to enable York to continue our local incentive scheme that encourages taxi drivers to switch to hybrid / electric vehicles. Improvements to the taxi licensing system to further encourage the use of ultra low emission vehicles in the taxi fleet are currently under discussion with the taxi licensing team.

---

<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2002/1808/part/4/made>

## **Walking, cycling and car sharing**

19. Walking, cycling, car sharing and the i-Travel programme are strongly supported in terms of improving air quality and for other reasons, and are mentioned in the report; however, they do not form part of AQAP3 as they are already within York's third local transport plan (LTP3). It is recognised that delivery of many of these measures and measures within the Low Emission Strategy are currently funded via the Local Sustainable Transport Fund (LSTF) that ends on 31 March 2016. If these programmes are to continue they will require funding via new sources such as the Ultra Low Emission Cities (ULEC) bid to OLEV.

## **Freight and fleet**

20. The Eco-Stars scheme gives free advice to commercial and council fleets to improve their fuel efficiency, reduce emissions and save money. There is currently no active recruitment of new members (or indeed support for existing members) of Eco Stars due to funding; the scheme can only continue if additional funding can be obtained. Adoption of Eco Stars as a requirement in all council contracts would be welcomed but will require support from procurement and additional funding.
21. A freight transshipment / consolidation centre with an associated compressed natural gas (CNG) refuelling facility is a major project with significant resource implications. However much of the ground work has already been done in terms of feasibility studies, expert advice, identification of a suitable location and discussions with the private sector for provision of CNG refuelling). The key hurdle for the private sector to take this project further will be to secure anchor contracts within the city and the region, the demand for which is unclear at this time and therefore officers are recommending further development of the business case for the facility.

## **Marketing and communications**

22. Raising public awareness of poor air quality and its impact on public health is a key measure within AQAP3. One measure would be the provision of up to date air quality information to enable people, especially the vulnerable, to make informed decisions about their daily activities including travel, to minimise exposure to pollution. An air quality index is a number used to communicate to the public how polluted the air currently is, or how polluted it is forecast to become. A daily Air Quality Index (AQI) value for all City of York Council's real-time air quality monitoring sites can be viewed at <http://www.airqualityengland.co.uk/local->



[authority/?la\\_id=76](#). This type of technology or similar could be adapted to a phone app in the future. However recent research by Swansea University has shown an increase in emergency admissions to hospital following the introduction of an air alert system.

### **Other measures**

23. A number of comments are listed on page 44 of the AQAP3 report of 18 November 2015. Many of these are the responsibility of the transport department and have been referred to them for consideration. Raising awareness of air pollution and its impact on health forms part of the marketing and communication strategy. The air quality team has reduced resources to deliver these measures and funding of the low emission officer post ends on 31 March 2016. Provision of further electric and ultra low emission buses are supported providing funding allows, but there are no current resources or funding to consider emissions from the NRM road train, large sightseeing boats and the provision of a free electric bus service.
24. The impact of green infrastructure in reducing emissions and its other benefits are covered in the report. However, provision of a Green Infrastructure Strategy is the responsibility of the Planning and Environmental Management team.

### **Diesel emissions**

25. In June 2012 the World Health Organization (WHO) classified diesel engine exhaust as carcinogenic to humans and said everyone should reduce exposure to diesel exhaust emissions. AQAP3 was written on the understanding that diesel emission abatement technology regulation had failed. Recent months have confirmed that the laboratory testing of vehicles does not represent real world driving conditions and even these tests have been cheated by some vehicle manufacturers. Real world testing of Euro VI diesel cars has shown that few comply with the emission standards. AQAP3 is written on the premise that incremental improvement across the wider vehicle fleet through progressive Euro standards has been and will continue to be insufficient to improve air pollution.

### **Monitoring and scrutiny**

26. Nitrogen dioxide (NO<sub>2</sub>), the main pollutant of concern in York, has an annual average air quality objective. DEFRA has just published the results of its final consultation on air quality management. This requires local authorities to produce an "Annual Status Report" on air quality. It



would therefore be appropriate to report progress on air quality to the executive member and scrutiny committee on an annual basis.

## Options

27. **Option 1** - To accept the findings of the AQAP3 consultation and the resulting amendments to the consultation draft AQAP3. To formally adopt the amended AQAP3 presented to the executive member for the environment on 18 November 2015.
28. **Option 2** – To accept the following revisions recommended by EDAT:
- (i) To produce a further report outlining the resources and procedure required to adopt powers under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002<sup>4</sup> to allow enforcement against idling buses (and other vehicles) in the event that other measures are unsuccessful.
  - (ii) To recommend the adoption of Eco Stars to the Executive by further report (or an equivalent scheme) to be a requirement in all council contracts.
  - (iii) To commission a business plan for a freight transshipment / consolidation centre.
  - (iv) To report progress on meeting the air quality objectives and implementing the measures within AQAP3 via an “Annual Status Report” to the executive member and scrutiny committee on an annual basis.
  - (v) Following further consultation with bus operators and others, to produce a report detailing the proposals for implementing a CAZ, including an economic impact test, details of funding and impact on the environment and health.
29. **Option 3** - To reject the findings of the AQAP3 consultation and the resulting amendments to the consultation draft AQAP3. To defer formal adoption of the amended AQAP3 until further consultation / further amendments as requested at this meeting have been completed.

## Analysis

30. Option 1 will ensure York continues to have a robust, current and relevant AQAP based on a strong local emission evidence base. This will facilitate continued delivery of the aims and objectives of the LES. AQAP3 measures will deliver emission reduction and health improvement benefits throughout the city and should deliver the national

---

<sup>4</sup> <http://www.legislation.gov.uk/ukxi/2002/1808/part/4/made>

air quality objectives for NO<sub>2</sub> at most locations in York by 2021. Adoption of AQAP3 will demonstrate to DEFRA that York is continuing to strive to improve air quality in the city and may reduce the possibility of substantial air quality fines in the future. AQAP3 will ensure that York continues to attract low emission vehicles, technologies and associated jobs ahead of other local authorities and having a newly adopted LES based AQAP3 in place will strengthen York's bid to become one of OLEV's designated ultra-low emission cities.

31. Option 2 will strengthen AQAP3, monitoring and scrutiny of its' delivery and progress in achieving the air quality objectives, but has additional funding and time implications.
32. Option 3 will further delay the timetable for formal adoption of a new AQAP for York. This will reduce and slow down delivery of the LES resulting in higher emissions in the city and greater health impacts. This would damage York's reputation with DEFRA as a high achieving authority in relation to air quality and reducing emissions and could make the council vulnerable to substantial fines from DEFRA. Delaying adoption of AQAP3 may result in lost opportunities for attracting low emission vehicles, technologies and associated jobs and will weaken York's ability to attract millions of pounds of ultra-low emission city funding.

## Council Plan

33. The council plan aims to deliver a prosperous city for all. Steps taken to improve air quality will be a key indicator of the progress made in delivering the plan. AQAP3 supports the council plan as follows:
  - **Help residents to live healthier lives so that they can contribute fully to their communities, reach their full potential and retain good quality and well paid jobs** - Good air quality reduces the amount of time off work or away from education due to air quality related illnesses, helping to improve personal attainment and ability to contribute to the wider economy. AQAP3 will contribute to quality of life in York by promoting healthy lifestyles and providing safe, pleasant places to live, learn, exercise and meet. Providing better information and advice on air quality and health impacts will empower individuals to make better lifestyle choices and take steps to reduce their own exposure to air pollutants reducing hospital admissions and costs to the NHS.

- **Encourage and supporting a green economy** – accelerating the uptake of alternatively fuelled vehicles in York will stimulate the market for supply and maintenance of new vehicle technology and refuelling infrastructure. This will attract new manufacturing and service industries to the area creating new ‘green’ jobs and training opportunities. There is also potential for developing a ‘green’ tourism offer based around low emission travel opportunities. Providing alternative vehicle fuel infrastructure is essential to ensure York retains transport links with other cities as alternative technology penetrates the mass vehicle market. The use of alternatively fuelled vehicles can also offer considerable financial savings to local businesses helping them to thrive.
- **Provide efficient and affordable transport links** – AQAP3 will deliver cleaner, more attractive, quieter and reliable public transport in York, resulting in increased patronage and a further reduction in private vehicle trips. The total cost of ownership of low emission technologies can be substantially lower than diesel due to much lower fuel cost. Where initial investments are higher, leasing arrangements can enable financial benefits from the outset. These fuel savings could be used by operators to limit the need for further increases in public transport fares.
- **Help to deliver an environmentally sustainable city** – AQAP3 will help to ensure the city can continue to grow without an unacceptable impact on local air quality, carbon emissions and health. New low emission planning guidance will help to ensure that emissions from new developments are mitigated as far as possible whilst still allowing the creation of new jobs and homes.
- **Help to protect and support York’s unique heritage** – air pollution damages buildings as well as people. Improving air quality will help to protect the city’s many historic buildings and support tourism.

## Implications

34. The various implications of this report are summarised below:

- (a) **Financial** – Implementing the measures within AQAP3 will require both capital and revenue funding. AQAP3 measures are identified as being low, medium or high cost. It is envisaged that all low cost measures (<£40k) will be deliverable from within existing budgets, mainly the LTP3 capital programme and air quality grant funding.

Medium cost measures (£40K to £100k) will require additional funding above and beyond current resources. It is anticipated that the majority of this funding will be obtainable from additional government grant opportunities and private investment. The high cost measures > £100k will need significant additional investment from either the private sector or from grant funding. If successful, the OLEV ultra low-emission city, bus and taxi bids will provide funding to support many of the medium cost measures. If the OLEV bids are unsuccessful most of the high cost measures are unlikely to proceed. Any request for funding will follow the council's budgetary (capital & revenue) process. Approving this report does not commit further funding to support the delivery of the AQAP3.

- (b) **Human Resources (HR)** – The delivery of AQAP3 requires a cross-directorate approach that is currently co-ordinated by the low emission officer with support from air quality, transport and fleet colleagues. The low emission officer post is a temporary post currently funded through the LSTF programme and is due to end in March 2016. Timescales for delivering AQAP3 measures assume that the low emission officer post (and existing staffing levels) will continue until at least 2021. If funding to support current staffing levels until 2021 cannot be found it is likely that some if not most of the measures in AQAP3 will become unachievable or will be delivered later than stated. Specific departmental responsibility for the delivery of each LES measures is clearly identified within the draft consultation LES.
- (c) **Equalities** – A community impact assessment has been undertaken for AQAP3 Older people, children, pregnant women and vulnerable people with respiratory and other illnesses are more likely to be adversely affected by poor air quality. LES measures aim to mitigate the health effects of poor air quality.
- (d) **Legal** - AQAP3 is a statutory document. CYC has a statutory duty to periodically review the air quality within its area both at the present time and as regards future air quality. There is a duty to designate an AQMA where air quality objectives are not being achieved or are not likely to be achieved. Once an area has been designated there is a duty to carry out an assessment and prepare an air quality action plan (AQAP) for the area. DEFRA have issued statutory guidance to which the Council must have regard in exercising these functions. This includes annual reporting on progress with delivery of AQAPs and refreshing of AQAPs when necessary.

The implementation of AQAP3 will involve the use of other legal powers such as traffic regulation and planning powers, and their use will need to be considered on a case by case basis.

Having consulted the public on the contents of AQAP3, in making its decision the Executive Member is under an obligation to pay due regard to the comments received.

- (e) **Crime and Disorder** – There are no crime and disorder implications
- (f) **Information Technology (IT)** – There are no IT implications
- (g) **Property** – There will be a requirement to install electric vehicle recharging infrastructure in some council owned car parks, offices, housing and leisure facilities. There will also be a need to consider in more detail the suitability of biomass technology for use in council owned buildings, particularly schools and residential care homes where vulnerable receptors are likely to be located close to the emission source.
- (h) **Other** – There may be highways implications associated with implementing a CAZ within the city centre. A CAZ will also need the support of the Traffic Commissioner. This will be explored, consulted upon and fully reported to members before any CAZ is established.

The implementation of AQAP3 will include a significant change to the way planning applications are assessed in relation to air quality impacts. Currently most large planning applications are only assessed on the basis of the resultant change in local air quality concentration they are likely to cause. In future, the emphasis will be on the total emissions arising as a result of a new development and how these will be mitigated, both on and off site. The aim is to reduce emission 'creep' across the city arising from the cumulative impact of development. Further consultation on this approach will be needed at a local level to ensure it is fully compatible with the emerging Local Plan.

New technical low emission planning guidance has recently been drawn up for the city with assistance from the Low Emission Partnership. The methodologies are currently being tested on suitable planning applications and the technical note is being converted into a more public facing document prior to a wider

consultation taking place. The methodologies build on the approach to low emission planning already widely adopted in West Yorkshire.

## **Risk Management**

35. In compliance with the Council's risk management strategy, failing to meet the health based air quality targets, considering the likelihood and impact, the current net risk rating is 21 or High. The continued implementation of the LES and adoption and implementation of AQAP3 should reduce the risk to Medium.

## **Recommendations**

36. In light of and having analysed the scrutiny calling-in comments, the Executive Member is advised to:

### **Approve Option 2:**

- (i) Accept the findings of the AQAP3 consultation and undertake the additional actions requested by EDAT as outlined in this report; and as a result:
- (ii) Formally adopt the amended AQAP3, as a result of the consultation process, as York's Third Air Quality Action Plan (subject to any further minor amendments requested at this meeting)

**Reason:** This option will ensure that York continues to have a robust, current and relevant AQAP based on a strong local emission evidence base. This will facilitate continuing delivery of the aims and objectives of the LES. AQAP3 will deliver emission reduction and health improvement benefits throughout the city and by 2021 should deliver the national air quality objectives for NO<sub>2</sub> at most, if not all, locations in York. Adoption of AQAP3 will demonstrate to DEFRA that York is continuing to strive to improve air quality in the city and may reduce the possibility of substantial air quality fines in the future. AQAP3 will ensure that York continues to attract low emission vehicles, technologies and associated jobs ahead of other local authorities and having a newly adopted LES based AQAP3 in place will strengthen York's bid to become one of OLEV's designated Ultra-Low Emission Cities. If successful this bid will attract millions of pounds of investment in low emission vehicles and infrastructure to York from 2016 onwards.

**Contact Details**

**Author:**

Mike Southcombe  
Public Protection Manager  
Public Protection (CANS)  
tel (01904) 551514

**Chief Officers Responsible for the report:**

Steve Waddington  
Assistant Director, Housing and Community  
Safety, CANS

**Report**                    ✓                    **Date** 2<sup>nd</sup> Dec 2015  
**Approved**

**Specialist Implications Officer(s)**

None

**Wards Affected:**

**All X**

**For further information please contact the author of the report**

**List of Acronyms and Abbreviations**

AQAP	Air Quality Action Plan
CAZ	Clean Air Zone
CNG	Compressed Natural Gas
DEFRA	Department for the Environment, Food and Rural Affairs
EDAT	Economic Development and Transport Policy and Scrutiny Committee
EU	European Union
LES	Low Emission Strategy
LSTF	Local Sustainable Transport Fund
LTP	Local Transport Plan
NAQAP	National Air Quality Action Plan
NO2	Nitrogen dioxide
NRM	National Railway Museum
OLEV	Office of Ultra Low Emission Vehicles
ULEC	Ultra Low Emission Cities
WHO	World Health Organization

## Background Papers

Decision Session – Executive Member for the Environment: 18 November 2015 Adoption of York's Third Air Quality Action Plan (AQAP3)

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=870&MId=9131&Ver=4> (agenda and draft minutes)

Other background papers:

- A draft framework for York's Third Air Quality Action Plan (AQAP3) 2014 to 2020 – Decision Session Cabinet Member for Transport, Planning and Economic Development (30 October 2014)
- Air Quality Update - Decision Session Cabinet Member for Transport, Planning and Economic Development (14 November 2013)
- Air Quality Update - Meeting of Cabinet Member for City Strategy and Air Quality (June 2012)
- Adoption of a Low Emission Strategy for York - Cabinet (9 October 2012)
- Low Emission Strategy Consultation -- Cabinet (3 April 2012)
- Air Quality Update – Meeting of Cabinet Member for City Strategy and Air Quality (5 January 2012)
- Draft Framework for York Low Emission Strategy - Executive (15 March 2011)
- Air Quality Update – Executive Member for Neighbourhoods (16 Nov 2010)
- City of York's Local Transport Plan 3 – Draft 'Framework' LTP3 – Decision Session Executive Member City Strategy (5 Oct 2010)
- A Low Emission Strategy for York - Executive Member for Communities and Neighbourhoods (8 June 2010)
- Low Emission Strategies – Using the Planning System to reduce transport emissions – DEFRA Good Practice Guidance (January 2010)





---

**Decision Session –  
Executive Member for the Environment**

14 December 2015

Report of the Assistant Director – Housing and Community Safety

**Food Service Plan 2015-17**

**Summary**

1. The council is required to produce an annual food service plan to satisfy the requirements of the Food Standards Agency (FSA).
2. It is recommended that the service plan is approved at a level that ensures local transparency and accountability.

**Background**

3. The FSA has a key role as the central competent authority in overseeing official feed and food controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them to deliver official feed and food controls.
4. A Framework Agreement issued by the FSA sets out what is expected from local authorities in their delivery of official controls on feed and food law.
5. Service plans are seen as an important part of the delivery process to ensure that national priorities and standards are addressed and delivered locally.
6. The FSA advises that a service plan should include the following:
  - information about the services they provide;
  - the means by which they will provide those services, including the various requirements of the Standard;
  - the means by which they will meet any relevant performance targets or performance standards; and

- a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.
7. Local authorities are subject to a programme of audits by the FSA. As part of these audits, the FSA would expect to find a service plan in place on which the local authority would be audited. The results of these audits are published in the public domain.
  8. The Framework Agreement is not prescriptive on who should approve the service plan, but suggests they are approved at a level that ensures local transparency and accountability.

### **Consultation**

8. The service plan reviews last year's performance and considers service delivery for the year ahead. Our service delivery for the year ahead is prescribed by the Framework Agreement. On that basis, consultation is not considered necessary as there is no flexibility.

### **Options**

9. (a). Approve the food service plan.
10. (b). Approve the food service plan with amendments.
11. (c). Not approve the food service plan.

### **Analysis**

12. Options (a) and (b) will ensure that the council fulfils its obligation to have a food service plan.
13. Option (c) would leave the council in a position of reputational risk and possibly subject to adverse publicity should the authority be audited by the FSA.

### **Council Plan**

14. The feed and food service plan contributes to the corporate council priorities in the Council Plan as follows:
  - A prosperous city for all – we help and support businesses.

- A focus on frontline services – we respond to complaints from members of the public and investigate cases of food borne illness in the community.
- A council that listens to residents – our service holds the Customer Service Excellence award.

### **Implications**

15. **Financial** – The proposals set out can be delivered within existing budgets, however amendments to budgets moving forward as part of the annual budget process may necessitate a review of the service.
16. **Human Resources (HR)** – There are no HR implications.
17. **Equalities** – The service deals with a wide range of customers, including various ethnic groups. Whilst the service already adapts it's service to meet the needs of different groups. An Equalities Impact Assessment accompanies this report.
18. **Legal** – Failure to deliver a food service in accordance with the Framework Agreement could result in the FSA taking over delivery of the council's food service.
19. **Crime and Disorder** – There are no crime and disorder implications.
20. **Information Technology (IT)** – There are no IT implications.
21. **Property** – There are no property implications.
22. **Other** – There are no other implications.

### **Risk Management**

23. There are no risks associated with this report.

### **Recommendations**

24. The Executive Member is asked to approve the Food Law Service Plan for 2015/17.

Reason: To acknowledge last year's performance and agree to the delivery plan for 2015/17.

**Contact Details**

**Author:**  
**Sean Suckling**  
**Public Protection**  
**Manager**  
Tel (01904) 551599

**Chief Officer Responsible for the report:**  
**Steve Waddington**  
Assistant Director, Housing and Community  
Safety - Communities and Neighbourhoods

**Report**  **Date** 1December  
**Approved** 2015

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Annexes**

Annex 1 – Food Law Service Plan 2015/17  
Annex 2 – Community Impact Assessment

**Acronyms used in report and annexes**

CPD Continuing Professional Development  
FSA Food Standards Agency  
FTE Full Time Equivalent  
HPA Health Protection Agency  
PHE Public Health England  
QMS Quality Management System



DIRECTORATE OF COMMUNITIES & NEIGHBOURHOODS

FOOD SERVICE PLAN 2015/17

## **FOREWORD**

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

The Public Protection team is responsible for food law enforcement. This service plan reviews our performance over the last year, sets out our aims and objectives for 2015/17, and also looks at what demands are placed on the team and what resources are available to meet those demands.

Variance between the 2014/15 planned and actual performance is highlighted. Where necessary, corrective action is recommended and incorporated into the 2015/17 plan.

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

## **1. SERVICE OBJECTIVES, AIMS AND POLICIES**

### **1.1 The vision of Public Protection is:**

A cost effective collaboration focused on corporate priorities and responsive to the needs of our communities with skilled and innovative staff dedicated to excellent customer service

### **1.2 The objectives of Public Protection 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

### **1.3 The 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 Primary Authority and Originating Authority, and deal with enquiries referred to us 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 priorities are to ensure

- A prosperous city for all
- A focus on frontline services
- A council that listens to residents

#### **1.5 Enforcement policy and customer service**

The team operates to an enforcement policy that meets the needs of the Regulators' Code. 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.



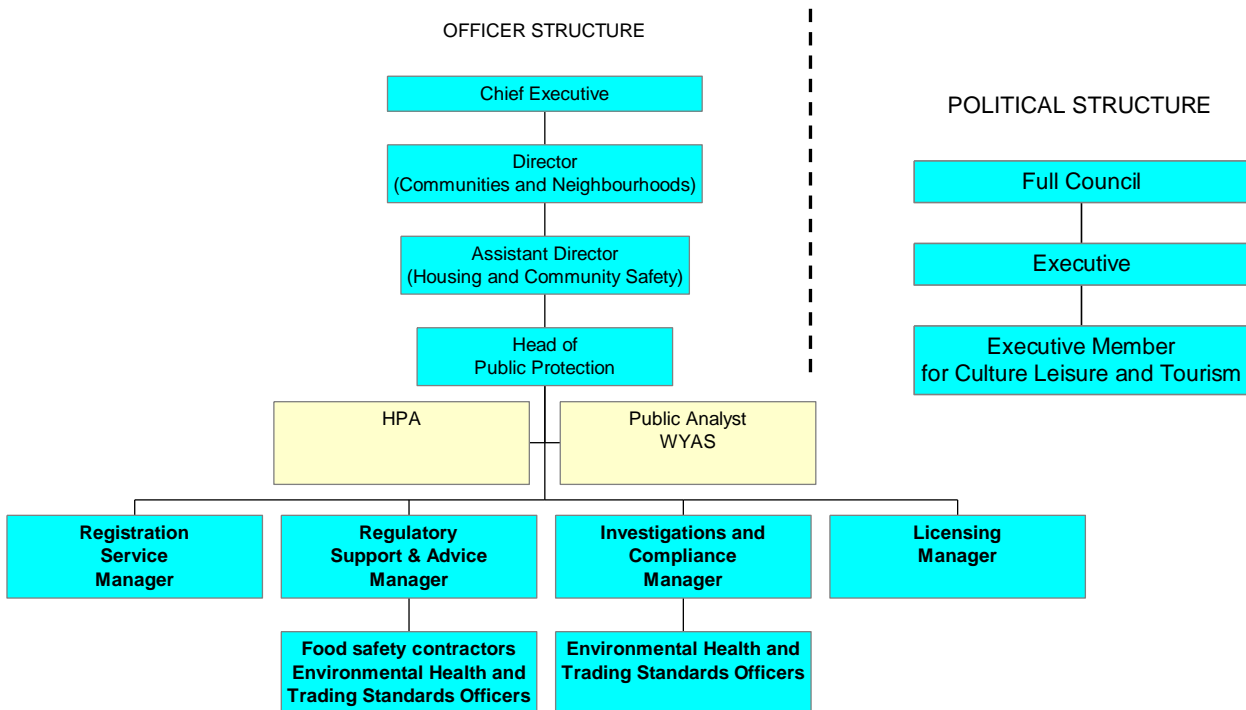
## 2. BACKGROUND

### 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 27,250 hectares. The majority of the electorate 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.
- Microbiological food examination is carried out under service level agreement with the Health Protection Agency (HPA) laboratory service.
- The proper officer for communicable disease purposes is the Consultant in Communicable Disease Control at the HPA.

## **2.4 Scope of the team**

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

The Public Protection team has responsibility for food safety, food standards, animal feeding stuffs and primary production activities. The team 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.

The service involves the delivery of the following:

- A programme of interventions focusing on food and feeding stuffs.
- Investigation of complaints from consumers.
- Investigation of food poisonings/infectious disease notifications.
- Promotion and education/advice for businesses and the public.
- 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 places a strain on the team's resources due to an increased demand for advice visits, and the subsequent inspection of these new premises.

Under the product specific European Union Directives, there are two premises that are approved by the food team.

The team works in accordance with the principles of the Primary Authority scheme, which is promoted by the Better Regulation Delivery Office. We have developed Primary Authority Partnerships with a number of local businesses.

## 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.

Table 1 - Breakdown of food premises by FSA category as at 1 April 2015.

FSA CATEGORY	Number
Primary Producer	13
Manufacturer & Packer	35
Importer/Exporter	1
Distributor/Transporter	25
Retailers (Other)	94
Restaurants/Cafe/Canteen	433
Supermarket/Hypermarket	54
Small Retailer	248
Hotel/Guesthouse	185
Pub/Club	231
Takeaway	183

Caring Establishment	173
School/College	95
Mobile Food Unit	29
Restaurant/Caterers – Other	302

## 2.7 Service delivery point

The service is delivered from council offices at the Eco Depot, Hazel Court, York. The council's hours of operation for the general public are 08:30 -17:00, Monday to Friday.

## 2.8 Review of interventions carried out from the 2014/15 Programme

### 2.8.1 Food hygiene interventions

Premises rating	A	B	C	D	E
No. of planned interventions at 1/4/2014	20	76	242	239	601
No. of interventions achieved	20	76	241	231	1
No. of interventions <u>not</u> achieved	0	0	1	71	600
Percentage achieved	100%	100%	99%	97%	0%

In addition to the above figures, 58 unrated premises were subject to interventions during the year. These are newly registered food premises that are required to be inspected.

The figures above show that we focused our resources on our higher risk premises.

The low risk premises in category E do not normally receive a physical visit, unless we receive intelligence, such as a complaint, that there may be problems at the premises. We would normally monitor these premises by questionnaire, but were unable to complete this during 2014/15 due to other pressures.

### 2.8.2 Food standards interventions

Premises Rating	High	Medium	Low
No. of planned interventions at 1/4/2013	6	583	615
No. of interventions achieved	5	27	0
No. of interventions <u>not</u> achieved	1	556	615

We have not had the resources to inspect 100% of our premises for food standards for a number of years.

As a result, we take an intelligence led and project based approach for food standards issues. Details on this approach can be found later in this service plan.

### 2.8.3 Feeding stuffs/primary production interventions

During 2014/15, we outsourced this area of work to a neighbouring authority. The authority visited 22 of our registered animal feed premises that were due an intervention that year.

### 3. PLANNED ENFORCEMENT ACTIVITY 2015/16

#### 3.1 Food safety interventions due: 1 April 2015 - 31 March 2016

Premises rating	A	B	C	D	E	Unrated
No. of premises due an intervention	13	103	298	294	669	61*
No. of programmed interventions	13	103	298	294	669	61

#### Estimated Food safety interventions due: 1 April 2016 - 31 March 2017

Premises rating	A	B	C	D	E	Unrated
No. of premises due an intervention	13	103	298	294	669	61*
No. of programmed interventions	13	103	298	294	669	61

\* - 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 2015 - 31 March 2016

Premises rating	A	B	C	Unrated
No. of premises due an intervention	3	610	784	611
No. of programmed interventions	3	-*	-*	-*

### Estimated Food standards interventions due: 1 April 2016 - 31 March 2017

Premises rating	A	B	C	Unrated
No. of premises due an intervention	3	610	784	611
No. of programmed interventions	3	-*	-*	-*

\* - For 2015/17 we are focusing our resources on intelligence led project work.

### 3.3 Feeding stuffs/primary production due 1 April 2015 - 31 March 2017

A total of 158 programmed animal feed interventions are due to be carried out each year. As with last year, we are outsourcing this work to a neighbouring authority. Where appropriate, we will incorporate primary production hygiene interventions to reduce the burden on farms.

### 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 Public Health England, 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 liaises 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 United Kingdom Food Surveillance System.

### 3.4.1 Food and feeding stuffs sampling programme

	2014/15 Samples taken
Food standards samples	68
Feeding stuffs samples	8
Food safety samples	120

### 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 cross contamination in connection with E.coli.

Each year Public Health England undertakes microbiological analysis of the samples we take, 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.

We typically receive over 400 requests for advice this year.



Advice is often requested by prospective businesses before they commence trading. 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 rating under the Food Hygiene Rating Scheme.

### **3.5.2 Promotional and project work**

The team continues to raise consumer and business awareness through press releases, particularly following prosecutions.

## 4. ENFORCEMENT ACTIVITY

### 4.1 Formal action

The following tables summarise the level and types of formal enforcement action taken in 2014/15. 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 2013/2014	NUMBERS TAKEN/ISSUED 2014/15
Prosecution	2	3
Simple Caution	11	5
Emergency Prohibition Notice	0	0
Hygiene Improvement Notice	34	27
Written Warnings	635	803

#### Food standards and feeding stuffs

TYPE OF ACTION	NUMBERS TAKEN/ISSUED 2013/2014	NUMBERS TAKEN/ISSUED 2014/15
Prosecution	1	1
Simple Caution	7	4
Written Warnings	70	40

### 4.2 Food complaints

We investigate food and feeding stuffs complaints in accordance with procedures in our quality management system.

In 2014/15, we received 666 complaints and requests for service. 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 Primary Authority & Originating Authority**

We are committed to following the principles of the Primary Authority scheme and are entering into Primary Authority agreements with a number of businesses.

We liaise with other local authorities about companies based in our area.

We support small/medium and new companies by giving advice on matters such as changes in the law. In 2014/15 the team received 16 referrals from other local authorities and a similar number can be expected in the coming years.

### **4.4 Food related infectious disease**

The team investigate all food poisoning notifications and outbreaks of food borne disease in accordance with procedures agreed with Public Health England and our local quality procedures.

In 2014/15, the team received 48 formal notifications of infectious disease.

### **4.5 Food/feeding stuffs safety incidents**

We deal with all food alerts from the FSA in accordance with the FSA Code of Practice and our local quality management system. Notifications are received from the FSA by e-mail and appropriate action is taken in each case.

The reactive nature of these notifications makes it difficult to estimate the likely level of future 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 multiple food businesses directly, which has resource implications.

## **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

Our regional 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 the group maintains.

#### Yorkshire and The Humber Trading Standards Group – Food and feed

This group meets twice a year to discuss food standards issues. They look at regional projects where intelligence indicates there are emerging issues, for example counterfeit alcohol or meat substitution.

#### 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.

#### Public Health England (PHE)

The PHE food laboratory, based at FERA near York, 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 hold the Customer Service Excellence award, which demonstrates our commitment to providing a customer focused service.

## 7. RESOURCES

### 7.1 Allocation of staff for 2015/16

Our food officers are shared across two teams: one which is enforcement focused and one that provides advice. The resources are shared between the two teams as demand requires it.

#### Food Safety/Standards

- 3.0 FTE Environmental Health Officers
- 1.0 FTE Trading Standards Officers
- 2.0 FTE Technical/enforcement officers
- Agency staff are employed to undertake food safety interventions.

#### Animal Feed

- Animal feed/primary production inspections will be carried out by competent officers from a neighbouring authority.

The Officers are split across two teams: the Investigation and Compliance Team and Regulatory Support and Advice team

One officer is nominated as the lead officer for food safety and standards.

## **8.0 Staff development plan**

The Food Law Code of Practice requires that staff achieve at least 20 hours of food related Continuing Professional Development (CPD) each year.

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. 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.

## **9. Quality assessment**

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

The QMS 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 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 Public Protection 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.

## **10. Review of last year's performance**

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

We continue to focus our in house resources on premises that are not satisfactory with regards to food hygiene requirements.

The full range of enforcement powers are used with these premises and any other premises that are found not to be complying with basic hygiene requirements. This approach appears to be effective as we are seeing improvements in most of our poorer premises.

Our enforcement work has been recognised by the FSA, who wrote to us in May 2105 to congratulate us on three recent prosecutions.

Our food standards officers have primarily focused on premises that are not broadly compliant with food standards requirements, or where intelligence indicates that there may be problems. We continued to find problems with under strength spirits and are also seeing problems with cross contamination and speciation (eg beef used instead of lamb).

## **11. Strategy for 2015/16**

During 2015/16, we will continue to focus on high risk and poor performing businesses. We feel this risk based approach makes the most effective use of our limited resources.

Regarding food safety, our in-house team of officers will prioritise the inspection of poor and high risk premises.

We will continue to use agency staff to inspect premises that have a history of being well run and also new premises where appropriate.

We intend to inspect 100% of our A, B, C and D rated premises using a combination of in-house and agency staff.

We are still dealing with a large number of new food businesses. We plan to inspect these premises within the timescales suggested by the FSA.

Our approach of using a graduated, but robust, enforcement approach with poor performing premises is proving to be effective in improving standards; over the past few years we have seen a decrease in the number of poor food premises.

The Food Hygiene Rating Scheme remains popular and continues to encourage poor premises to improve. We are dealing with an increasing number of businesses requesting re-inspections, so they can obtain a better food hygiene rating. These re-inspections do place a burden on our resources, but this appears to be manageable at the present time.

As mentioned earlier, we do not have the resources to undertake all of our food standards inspections in accordance with the requirements of the Food Law Code of Practice. Therefore, for 2015/16 and 2016/17 we will continue to inspect our high risk premises and undertake project work to focus on known issues (eg. cross contamination with allergens). We will not routinely inspect our medium or low risk premises, unless we receive intelligence that indicates there is a problem.

A programme of animal feed and primary production inspections are planned for 2015/16 and 2016/17. These will be delivered on our behalf by a neighbouring authority. This work is being funded by the FSA and administered by the National Trading Standards Board.



## SECTION 1: CIA SUMMARY



## Community Impact Assessment: Summary

**1. Name of service, policy, function or criteria being assessed:**

Food service

**2. What are the main objectives or aims of the service/policy/function/criteria?**

To visit the various food premises across the city for the purposes of carrying out inspections, responding to complaints and taking samples of food. The service considers food safety (eg hygiene) and food standards (eg labelling and composition of food).

**3. Name and Job Title of person completing assessment:**

Sean Suckling, Food and Safety Unit Manager

**4. Have any impacts been Identified? (Yes/No)**

Yes

**Community of Identity affected:**

Race  
Religion/belief

**Summary of impact:**

A significant number of food businesses are run by ethnic groups, who may also have particular religions/beliefs/practices that we need to be mindful of.

**5. Date CIA completed: 6/11/14****6. Signed off by:****7. I am satisfied that this service/policy/function has been successfully impact assessed.****Name:****Position:****Date:****8. Decision-making body:****Date:****Decision Details:**

Send the completed signed off document to [ciasubmission@york.gov.uk](mailto:ciasubmission@york.gov.uk) It will be published on the intranet, as well as on the council website. Actions arising from the Assessments will be logged on Verto and progress updates will be required

## Community Impact Assessment (CIA)

**Community Impact Assessment Title:**

**Assessment of the food delivery service**

What evidence is available **to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect** on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? **For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people.** NB. Lack of financial resources alone is NOT justification!

### Community of Identity: Age

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Carers of Older or Disabled People**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Disability**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Gender**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Gender Reassignment**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Marriage & Civil Partnership**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Pregnancy / Maternity**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

### Community of Identity: Race

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
<p>We deal with all food businesses within the council area. This includes a significant number of food businesses that are operated by people with an ethnic background.</p> <p>With these businesses we need to be mindful of differences in language and culture.</p>		<p>Access to services and employment</p> <p>Productive and valued activities</p> <p>Legal security</p>	<p>None</p> <p>None</p> <p>None</p>	<p>None</p> <p>None</p> <p>None</p>
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date
<p>Language barriers may affect the ability to communicate with the food business.</p> <p>We also need to be respect differences in culture and accommodate these.</p>	<p>No negative impacts</p>	<p>Our visits must be unannounced. In most cases, officers are able to effectively communicate with the business where there are language barriers. This is achieved with the help of members of staff or family members who are also present and can help to translate.</p> <p>If language difficulties can't be overcome during an inspection then we complete</p>	<p>Sean Suckling</p>	<p>6/11/14</p>

		<p>our inspection as far as we can, and return when someone is available to help translate (family member/member of staff etc).</p> <p>We translate letters/advice where this is requested and all our letters carry the language panel.</p> <p>We use interpreters at interviews where legal action is being considered.</p> <p>Regarding cultural differences, the Food Standards Agency runs the course “Working effectively with minority ethnic food businesses” and produces an accompanying handbook. Staff have either been on the course or have read the handbook.</p>		
--	--	--	--	--

<p style="text-align: center;"><b>Community of Identity: Religion / Spirituality / Belief</b></p>			
<p style="text-align: center;"><b>Evidence</b></p>	<p style="text-align: center;"><b>Quality of Life Indicators</b></p>	<p style="text-align: center;"><b>Customer Impact</b> (N/P/None)</p>	<p style="text-align: center;"><b>Staff Impact</b> (N/P/None)</p>
<p>We deal with all food businesses within the council area. This includes a significant number of food businesses that</p>	<p>Access to services and employment</p>	<p style="text-align: center;"><b>None</b></p>	<p style="text-align: center;"><b>None</b></p>

<p>are operated by people various minority religions/beliefs.</p> <p>With these businesses we need to be mindful of differences in religion.</p>		<p>Productive and valued activities</p> <p>Legal security</p>		
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date
<p>There are various potential impacts that we need to respect. For example, staff need to be mindful of Chinese holidays as visits at the wrong time are considered bad luck.</p>	<p>No negative impacts</p>	<p>The Food Standards Agency runs the course “Working effectively with minority ethnic food businesses” and produces an accompanying handbook.</p> <p>Staff have either been on the course or have read the handbook.</p>	<p>Sean Suckling</p>	<p>6/11/14</p>

Community of Identity: Sexual Orientation			
Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)



<b>Details of Impact</b>	<i>Can negative impacts be justified?</i>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>

This page is intentionally left blank