

**Notice of a public
Decision Session - Executive Member for Environment and Climate
Emergency**

To: Councillor Kent (Executive Member)
Date: Tuesday, 15 October 2024
Time: 10.00 am
Venue: West Offices - Station Rise, York YO1 6GA

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 **4:00 pm** on **22 October 2024**

*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 Services, Climate Change and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm** on **Friday, 11 October 2024**.

1. Declarations of Interest

(Pages 1 - 2)

At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

2. Minutes (Pages 3 - 6)

To approve and sign the minutes of the Decision Session held on 16 July 2024.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Friday, 11 October 2024.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Food Service Plan 2024-2025 (Pages 7 - 46)

This report seeks approval for the council's Food Service Plan 2024-25 in compliance with the requirements of the Food Law Code of Practice.

5. York Green Streets - Progress and Next Steps (Pages 47 - 60)

This report sets out progress towards finalising City of York Council's tree planting proposals for the 2024/25 tree planting season as part of the York Green Streets initiative. The report also seeks Executive Member approval to engage the market to help identify likely costs of tree supply, installation, and aftercare and grant delegated authority to the Director of City Development in consultation with the Director of Finance and Director of Governance to award delivery contracts subject to grant funding being secured.

6. Urgent Business

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

Interim Democratic Services Manager: Louise Cook

Telephone: 01904 551031

Email: louise.cook@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer 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.

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

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

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Environment and Climate Emergency
Date	16 July 2024
Present	Councillor Kent
Officers in Attendance	Mike Southcombe, Environmental Protection Manager Lucie Watson, Contaminated Land Officer

1. Declarations of Interest (10:01 am)

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests she might have in respect of the business on the agenda. None were declared.

2. Minutes (10:02 am)

Resolved: That the minutes of the Decision Session held on 27 February 2024 be approved and signed by the Executive Member as a correct record.

3. Public Participation (10:02 am)

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

4. Contaminated Land Strategy 2024 (10:02 am)

The Executive Member considered a report seeking approval for the adoption and publication of the Council's updated Contaminated Land Strategy, dated May 2024.

The Environmental Protection Manager and the Contaminated Land Officer provided an overview, noting that:

- A consultation process on the strategy agreed in February had now concluded, incorporating feedback from the UK Health Security

Agency (UKHSA) and Historic England. This was York's fourth contaminated land strategy and the first since 2016.

- York's industrial history had left a legacy of potentially contaminated land which could impact upon human health and the environment. The Council had a statutory duty under Part 2A of the Environmental Protection Act 1990 to identify contaminated land and secure the clean-up of sites where it was found. The Council also had a legal duty to produce a contaminated land strategy stating how this clean-up would be achieved.
- Since the withdrawal of central government grant funding for the proactive investigation of contaminated land in 2014, the Council had been reliant upon the planning process to fulfil its responsibilities. Hundreds of sites in York had been investigated and remediated in this way.
- The strategy took a proportionate approach to risk based on current and future land use and the cost of remediation. There were over 3,600 potentially contaminated sites in York; the 88 highest priority Category A sites had all been investigated and none posed an unacceptable risk to health or the environment; while many others had been cleaned-up through the planning process.
- There were several major development sites in York with previous industrial use, and if York was to achieve its housing and economic development targets, the safe remediation of contaminated land would be essential.

In response to the Executive Member's questions it was noted that:

- Severus Hill in Holgate was a Site of Importance for Nature Conservation (SINC). While any issues in SINC's would be looked at they were not listed in the statutory guidance.
- Climate change, including flooding and extreme weather, was an important consideration in ensuring that remediation measures for sites being redeveloped were effective in future decades. All major sites would have a Construction Environmental Management Plan (CEMP) to control pollution and carbon emissions.
- Many current industrial processes were regulated through Integrated Pollution Prevention and Control and inspected by the Environmental Protection team with the Environment Agency carrying out this work at larger sites.

The Executive Member thanked officers for their work in ensuring these sites were made safe for York residents now and in the future.

Resolved: That the Contaminated Land Strategy 2024 be approved.

Reason: To enable the council to fulfil its duty to formally adopt and publish a written contaminated land strategy and keep it under periodic review. The updated strategy incorporates recent changes in contaminated land guidance and provides an update on progress made to date.

Cllr Kent, Executive Member

[The meeting started at 10.01 am and finished at 10.09 am].

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Meeting:	Decision Session - Executive Member for Environment and Climate Emergency
Meeting date:	15/10/2024
Report of:	James Gilchrist, Director of Environment, Transport and Planning
Portfolio of:	Cllr Jenny Kent, Executive Member for Environment and Climate Emergency

Decision Report: Food Service Plan 2024-2025

Subject of Report

1. This report seeks approval for the council's Food Service Plan 2024-25 in compliance with the requirements of the Food Law Code of Practice.
2. The council is required to produce an annual food service plan to satisfy the statutory requirements within the Food Law Code of Practice which is overseen by the Food Standards Agency (FSA).
3. It is recommended that the service plan is approved at a level which ensures local transparency and accountability.

Benefits and Challenges

4. In approving the Food Service Plan 2024-25 Members, residents, visitors and businesses will have assurance that the council is planning to fulfil its statutory obligations in relation to food businesses as recommended by the FSA. It will ensure all premises due an inspection or other type of intervention will receive one.
5. Not approving the plan leaves the council in a position of reputational risk of adverse publicity e.g. by the FSA.

Policy Basis for Decision

6. The plan demonstrates how the Council will fulfil the duties placed upon it by the Food Law Code of Practice

Financial Strategy Implications

7. Delivery of the Food Service Plan 2024-25 can be undertaken within existing budgets.

Recommendation and Reasons

8. The Executive Member is asked to:

- i) Approve the food service plan.

Reason: To provide assurance that the council has a plan to fulfil its obligations under the Food Law Code of Practice.

Background

9. The FSA has a key role as the 'Central Competent Authority' in overseeing official feed and food controls undertaken by Local Authorities and ensuring their activities meet the requirements of the Food Law Code of Practice. It also seeks to work in partnership with local authorities to help them to deliver official feed and food controls.
10. Service plans are seen as an important part of the delivery process to ensure that national priorities and standards are delivered locally.
11. 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,
 - 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.
12. 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 can be audited. The results of these audits are published in the public domain.
13. The FSA are not prescriptive on who should approve the service plan, but suggests it is approved at a level that ensures local transparency and accountability.

Consultation Analysis

14. The service plan in Annex A reviews last year's performance and considers service delivery for the year ahead. As our service delivery for the year ahead is prescribed by the Food Law Code of Practice consultation is not considered necessary.

Options Analysis and Evidential Basis

15. The options available are:
- (a) Approve the food service plan.
 - (b) Approve the food service plan with amendments
 - (c) Not approve the food service plan
16. Options (a) and (b) will ensure that the council fulfils its obligation to have a food service plan and will ensure we meet our statutory obligations. It will ensure all premises due an inspection or other type of intervention will receive one.
17. Option (c) would leave the council in a position of reputational risk and possibly subject to adverse publicity e.g. by the FSA.

Organisational Impact and Implications

18. Report implications:

- **Financial**, the proposals set out can be delivered within existing resources. The impact of changes to the food hygiene and standards intervention programme will need to be assessed.
- **Human Resources (HR)**, there are no HR implications.
- **Legal**, the council has a legal duty to fulfil its obligations under the Food Law Code of Practice. In delivering this plan, the council will meet these obligations. Failure to deliver a food service in accordance with our obligations could result in both ministerial intervention and the FSA taking over delivery of the council's food service.
- **Procurement**, there are no Procurement implications.
- **Health and Wellbeing**, implementation of the Food Service Plan works towards ensuring every resident enjoys the best possible health and wellbeing throughout their life.
- **Environment and Climate action**, staff undertaking food safety work are encouraged to consider the environmental impact of how they travel around the city.
- **Affordability**, included in the inspection programme are food banks and other premises serving low-income groups or those otherwise under financial pressure in the current economic climate to ensure that food is safe and what it says it is.
- **Equalities and Human Rights**, the service deals with a wide range of customers, including various ethnic groups. The service adapts its provision to meet the needs of different groups. An Equalities Impact Assessment is included in the Annexes.
- **Data Protection and Privacy**, as there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a DPIA.
- **Communications**, there are no Communications implications.
- **Economy**, the way in which the food service plan assists food businesses, which play a significant role in the local economy, is outlined in the plan. It includes:

'To provide support, assistance, training and advice to local businesses, thereby enabling them to produce and market products that comply with legal requirements and best

practice. In the process of this support, help businesses survive the cost of living crisis and those which want to grow, grow...'

- **Specialist Implications Officers**, not applicable.

Risks and Mitigations

19. The risks associated with the food service plan and the steps to manage them through a regular review of performance indicators are highlighted above.

Wards Impacted

20. All

Contact details

For further information please contact the author of this Decision Report.

Author

Name:	Matthew Pawson
Job Title:	Environmental Health and Trading Standards Manager
Service Area:	Public Protection
Telephone:	01904 555505
Report approved by:	James Gilchrist, Director of Environment, Transport and Planning
Date:	04/10/2024

Background papers: N/A

Annexes

- Annex A – Food Service Plan 2024-2025
- Annex B – Equalities Impact Assessment (EIA)

Abbreviations

FSA – Food Standards Agency

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**Transport, Environment and
Planning Directorate**

Food Service Plan 2024/2025

**Drawn up in accordance with the
Food Standard Agency's Framework Agreement**

FOREWORD

Under the statutory Food Law Code of Practice, City of York Council (the Council) is required to produce an annual service plan that covers their various food functions.

The Public Protection team carry out many of the Council's regulatory functions particularly those relating to Environmental Health, Trading Standards and Licensing and are responsible for the all the Council's duties in relation to food and feed. For clarity, this includes (i) food hygiene matters i.e. that food is safe to eat, (ii) food standards matters i.e. that food is what it says it is and (iii) similar provisions in relation to animal feed.

This service plan sets out our aims and objectives for 2024/2025 and also looks at what demands are placed on the team and what resources are available to meet those demands. It also reviews our performance over the last year. To this end, any variance between the 2023/2024 planned and actual performance is highlighted as well as any service improvements.

This plan illustrates the effective use of existing resources to target the highest risk businesses, while maintaining a balanced enforcement mix.

The current system of ensuring food hygiene and standards has its roots in the Food Law Code of Practice introduced in 1990. The Food Standards Agency (FSA) is currently reviewing the way this activity is delivered, and there may be changes to the role Local Authorities play in the coming years.

1. SERVICE AIMS AND OBJECTIVES

1.1 Aims and objectives

The Council strives to achieve the following in its various food related functions: -

- To approve and register food/feed premises as prescribed by government;
- To operate a comprehensive regime of interventions, for example inspections, sampling, advice and other approaches, including formal enforcement action, to ensure that food and animal feed is safe and is what it says it is;
- To rate food hygiene within businesses in accordance with the FSA's Food Hygiene Rating Scheme;
- To provide support, assistance, training and advice to local businesses, thereby enabling them to produce and market products that comply with legal requirements and best practice. In the process of this support, help businesses survive the cost of living crisis and those which want to grow, grow. There may be a charge for these services;
- To act as a Primary Authority and Originating Authority, and deal with enquiries referred to us by other agencies;
- To investigate complaints about the labelling, composition, safety and fitness of food, feeding stuffs and the operation of food premises;
- To take prompt and effective action in response to food hazard warnings and other threats to food safety in York;
- To investigate cases of communicable disease notified to the Authority;
- To share intelligence obtained in the course of our work with the police and other law enforcement agencies to help wider social issues such as tackling modern slavery and disrupting organised crime gangs.
- Through all of the above, ensure the health and well-being of residents and visitors to the city.

1.2 Links to corporate objectives and plans.

The City of Yorks Council Plan 2023-2027¹ sets out the council's vision: *'Over the next 4 years, we will establish the conditions that would make the city of York a healthier, fairer, more affordable, more sustainable and more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations'*

There are seven priorities

- priority a) **Health and wellbeing:** A health generating city, for children and adults
- priority b) **Education and skills:** High quality skills and learning for all
- priority c) **Economy and good employment:** A fair, thriving, green economy for all
- priority d) **Transport:** Sustainable accessible transport for all
- priority e) **Housing:** Increasing the supply of affordable housing
- priority f) **Sustainability:** Cutting carbon, enhancing the environment for our future
- priority g) **How the council operates:** A customer focused organisation

1. Furthermore, the council plan lays out the 'Four Core Commitments' which underpin how we do things.

- **Equalities and Human Rights:** We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone. We will stand up to hate and work hard to champion our communities.
- **Affordability:** We will find new ways so everyone who lives here benefits from the success of the city, targeting our support at those who need it most, supporting communities to build on their own strengths and those of the people around them.
- **Climate:** We know the race to net zero is more urgent than ever and we will understand the impact our actions have on the environment. We will prepare for the future, adapting our city to extreme climate events and enhancing our environment for future generations to enjoy.
- **Health:** We will improve health and wellbeing and reduce health inequalities, taking a 'Health in All Policies' approach, with good education, jobs, travel, housing, better access to health and social care services and environmental sustainability. We will achieve better outcomes by targeting areas of deprivation, aiming to level opportunity across the city.

1.3 Public Protection managers review the demands across the whole service annually and refresh a Public Protection service plan which describes all the activities we will undertake during the course of the year to support the priorities listed in the Council plan. This includes delivering this specific food service plan to ensure that food businesses are meeting their legal obligations.

2. BACKGROUND

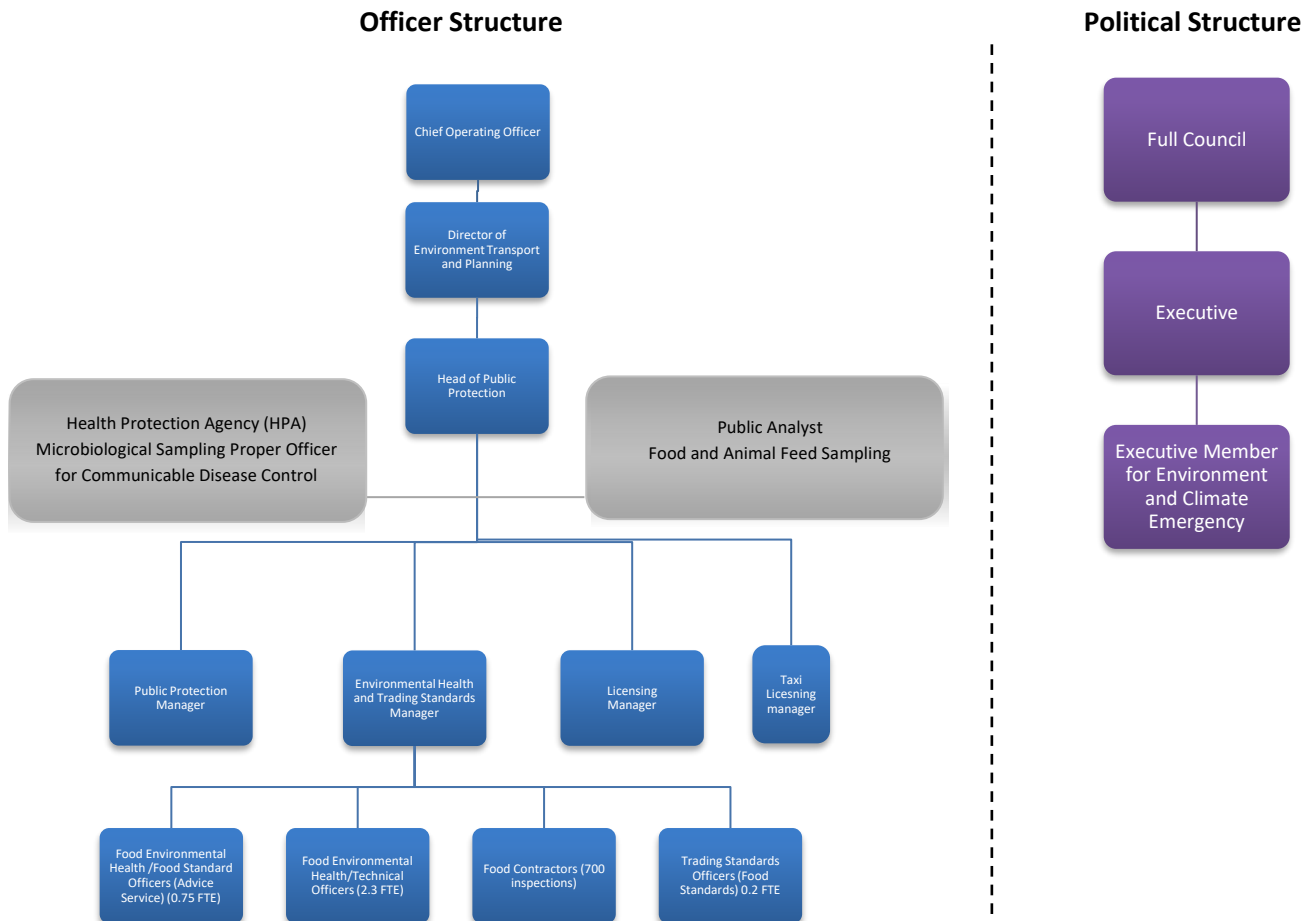
2.1 Profile of the council

City of York Council is a unitary authority, with a population of 202,800 (according to the 2021 census) 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. Studies show that food and drink is the largest area of spend for tourists.

2.2 Organisational structure

The following diagram shows how those responsible for managing and delivering food and animal feed activity fit into the Council’s overall structure and also the political structure.



Other specialist support services include:-

- Public Analyst services for food are provided under contract by 'The Public Analyst Service Ltd'. Feed samples are analysed under the North Yorkshire Council contract for animal health and feed.
- Microbiological food examination is carried out under a service level agreement with the United Kingdom Health Security Agency (UKHSA) laboratory service.

2.3 Scope of the food and feed service

The Public Protection team has responsibility for all the council's food hygiene, food standards and animal feed activities (including 'primary production' activities).

The structure charts above, show that in relation to food matters the team comprises of both environmental health and trading standards professionals, in addition to technical support staff. Some officers have dual qualifications and are therefore able to deal with both food hygiene and food standards matters. We have additional support from specialist food safety contractors to deliver routine inspections and North Yorkshire Council delivers our animal feed activity under a contract for services.

On a day-to-day basis, officers are involved in the following specific activities:

- A programme of interventions focusing on food and feeding stuffs. This primarily consists of inspections for food safety matters conducted in accordance with a risk assessment (as described in the Food Code of Practice).
- 'Scoring businesses' after an intervention in accordance with the Food Hygiene Rating Scheme. We also deal with appeals and re-score visits (a charge is made for businesses wishing to be re-scored on a 'cost recovery' basis).
- Investigation of complaints from consumers and reacting to intelligence from other sources.
- Investigation of food poisoning and infectious disease notifications.
- Promotion and education/advice for businesses and the public. For example, we provide pre-food hygiene rating inspections for businesses, on a cost recovery basis, to help raise standards locally.
- Sampling of food and animal feed.
- Sharing intelligence obtained in the course of our work with the police and other enforcement agencies to help tackle wider social issues including modern slavery and organised criminal activity.
- Signposting growing businesses to the help available through the Local Growth Hubs.

Our Environmental Health Officers also have responsibility for Health and Safety duties in certain business premises (those outside of the scope of the Health and Safety Executive). They also occasionally assist in other areas of Public Protection work including support with trading standards prosecutions – in particular disclosure of unused material.

2.4 Demands on the food team

The Council'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. We have a relatively small number of farms.

Table 1 - Breakdown of food premises by FSA category (from Civica records).

FSA Category	Number on 1 April 2023
FSA Primary Producer	10
Manufacturer & Packer	44
Importer/Exporter	3
Distributor/Transporter	20
Retailers Other	80
Restaurants/Cafe/Canteen	543
Supermarket/Hypermarket	64
Small Retailer	268
Hotel/Guesthouse	118
Pub/Club	209
Takeaway	213
Caring Establishment	122
School/College	91
Mobile Food Unit	61
Restaurant/Caterers - Other	246
Total	2092

The number of food premises fluctuates year on year, but is typically around the 2,000 mark. As can be seen, 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.

As a result of the current economic situation we have seen an increased turnover of business ownership in the food sector, and anticipate that this will continue in the year ahead. This 'business churn' places a strain on the team's resources due to the requirement to undertake inspections of these new premises upon opening.

Under the product specific Regulation (EC) 853/2004, there are four premises that are currently 'approved' by the food team, these being two egg packing centres, one dairy processing plant and one fish processing plant.

The team works in accordance with the principles of the Primary Authority scheme, which is promoted by the Office of Product Safety and Standards (part of the

Department for Business, Energy & Industrial Strategy or 'BEIS' as it is commonly referred to). We have developed Primary Authority Partnerships with a number of local businesses.

The service is primarily delivered from council offices at the Eco Depot, Hazel Court, York, but the majority of officers now work at home for around three days a week.

The council's hours of operation for the general public are 08:30 -17:00, Monday to Friday. Given the number of restaurants and takeaways, a lot of our interventions, such as inspections, are conducted outside of these hours.

2.5 Regulatory Policy

The Public Protection team follow an enforcement policy which ensures we operate in accordance with the Regulators' code. The formal enforcement action taken under the enforcement policy is reviewed by Members annually.

3. SERVICE DELIVERY

3.1 Interventions at Food and Feed Establishments

The term 'intervention' is used to cover the broad range of controls that we use when dealing with food businesses to verify compliance with food law. Interventions are classified as either 'official controls' or as 'other interventions'. The following definitions are taken from the Code of Practice:

Interventions that are 'official controls' include:

- inspections;
- monitoring;
- surveillance;
- verification;
- audit; and
- sampling - where analysis/examination is required these are to be carried out by an Official Laboratory.

Other interventions, i.e. those which *do not* constitute official controls include:

- education, advice and coaching (including where businesses pay for this advice); and
- information and intelligence gathering (this can include sampling for information gathering purposes, obtaining relevant information during visits for other reasons, internet research, telephone surveys, and self-assessment questionnaires).

All food premises are 'risk rated' to reflect the products they supply and the systems they have in place to ensure compliance. Almost all food businesses must receive an intervention within a defined period of time. In some cases the intervention must be an 'official control' (and in some cases only a certain kind of 'official control' e.g. an inspection). In other cases, generally lower risk businesses, this can be an 'other intervention' which is not an 'official control'.

Examples of high-risk premises are places serving vulnerable people, and/or places serving high risk foods with short 'use by' dates and/or a poor record of compliance. Examples of low-risk premises (providing they have good systems in place and there is good confidence in management) are retailers selling pre-packed foods, pubs/clubs only serving drinks and bar snacks, sweet/chocolate shops and cake manufacturers amongst others.

3.2 Food Hygiene Interventions

Review of last year's food hygiene intervention performance (2023/2024)

Following withdrawal of the Food Standards Agency Covid Recovery Plan on the 31st March 2023, inspection frequencies contained within the Food Law Code of Practice were re-introduced.

The Food Law Code of Practice requires the following interventions.

- all 'A' rated food businesses,
- all 'B' rated food businesses,
- all 'C' rated food businesses,
- all 'D' rated food businesses (can alternate between official control and non-official control),
- all newly registered food businesses, and
- all 'E' rated premises can be subject to an alternative enforcement strategy.

Table 3.1 Food hygiene interventions from 01/04/23 to 31/03/24

High risk ←————→ Low risk

Premises intervention risk rating	A	B	C	D	E	Unrated	New	Total
No. of interventions required by Food Law Code of Practice	31	78	179	546	1	208	164	1,207
No. of interventions required by Public Protection Plan	31	78	179	546	1	208	164	1,207
No. of interventions achieved	31	78	179	386	1	145	164	984
No. of premises where no intervention was achieved	0	0	0	160	0	63	0	223

The outstanding 'D' rated, and 'unrated' premises are those remaining uninspected from the FSA Covid recovery period. This backlog is being gradually cleared through inclusion in the routine inspection programme without recourse to additional resources.

Of the above inspections carried out 93% of the businesses received a broadly compliant food hygiene rating (Scores of 3, 4 or 5), and 76% received a food hygiene rating score of 5.

Across all businesses in York, including those not inspected this past year, 96.9% are rated as broadly compliant and 76.1% have received a food hygiene rating of 5.

Proposed Food Hygiene Intervention Plan (2024/2025)

In March 2023, due to the nationwide progress made by local authorities, the Food Standards Agency withdrew their 'Covid Recovery Plan'. As the proposed new intervention programme has been delayed by the Food Standards Agency, local authorities were asked to revert to the existing Food Law Code of Practice to guide intervention planning.

The Food Law Code of Practice requires the following interventions.

- all 'A' rated food businesses,
- all 'B' rated food businesses,
- all 'C' rated food businesses,
- all 'D' rated food businesses (can alternate between official control and non-official control),
- all newly registered food businesses, and
- all 'E' rated premises can be subject to an alternative enforcement strategy.

Based on the above it is anticipated that the following interventions will be required this financial year, see table 3.2.

Table 3.2 Food hygiene interventions due: 1 April 2024 - 31 March 2025

Premises intervention rating	High risk ←————→ Low risk					Unrated *	Total
	A	B	C	D	E		
No. of premises officially requiring intervention	24	68	212	415	29	127	875
No. of interventions Planned	24 (**48)	68	212	415	0	127	846 (870)

* 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.

** - Six-month inspection frequency for category A premises.

In addition, where intelligence or complaints are received about a business then public protection will consider carrying out an additional food intervention to ensure that food hygiene standards are maintained.

3.3 Food Standards Interventions

Review of last year's food standards intervention performance (2023/2024)

Under normal circumstances Public Protection would inspect premises falling within the High 'A' premises intervention rating category and take an 'intelligence led' approach to food standards for those premises falling within the medium, low or unrated premises intervention rating categories, rather than following the regime specifically set out in the Food Law Code of Practice.

However, the FSA is currently introducing a new Food Standards Delivery Model which will provide a new schedule of inspection frequencies for food premises. Until the new system is introduced, Local Authorities are required to inspect all higher 'A' rated food standards businesses and identify any unrated or new food businesses which would be likely to be classed as 'A' rated businesses.

Table 3.3 below shows a summary of the performance for the period 2023/2024.

Table 3.3 Food standards interventions from 01/04/23 to 31/03/24

Premises intervention rating	High 'A' Risk	Medium 'B' Risk	Low 'C' Risk	Unrated	New	Total
No. of interventions required	14	0	0	75	96	185
No. of interventions achieved	14	167	22	31	96	330
No. of premises closed	0	0	0	0	0	0
No. of interventions not achieved	0	0	0	44	0	44

As can be seen Public Protection managed to inspect all the existing 'A' rated food standards premises.

Proposed Food Standards Intervention Plan (2024/2025)

The Food Standards Agency are in the process of launching a new Food Standards Delivery Model that local authorities will follow when intervention planning. It is currently anticipated that all local authorities will be adhering to this new delivery model by 1st April 2025.

Until the point of transfer, local authorities should inspect all 'A' category premises and consider all new and unrated premises.

In relation to category 'B' and 'C' premises no interventions are required until the new delivery model is ready for implementation, unless intelligence or complaints are received about a business that indicates that there may be issues of concern. This is akin to the approach that we have been taking to Food Standards inspections for a number of years.

Based on the above it is anticipated that the following food standards interventions will be required this financial year (see table 3.5).

Table 3.5 Food standards interventions due: 1 April 2024 - 31 March 2025

Premises intervention rating	High 'A' Risk *	Medium 'B' Risk	Low 'C' Risk	Unrated	New	Total
No. of interventions required in line with FSA guidance.	14	0	0	44	~ 100	158
No. of interventions planned in line with FSA guidance.	14	0	0	44	~100	158

For new businesses registering during the 2024/20225 year, each business will be assessed using a prioritisation questionnaire, and any identified as being likely to fall within a high or 'A' rating will receive a formal inspection as required.

Where intelligence or complaints are received about a business which falls within the 'B' or 'C' risk categories, then public protection will consider carrying out an additional food standards intervention.

In addition to the above our Environmental Health Officers will continue to give advice in relation to food allergens during the course of their food hygiene visits.

3.4 Feeding stuffs/primary production interventions 2023/2024

City of York Council has a total of 198 registered feed premises, as required by Regulation 183/2005, which are involved in the use, manufacture or marketing of feed.

In 2023/2024 a total of 5 programmed animal feed interventions were undertaken by North Yorkshire Council, under the animal health and feed contract, on behalf of City of York Council.

In 2024/2025 a total of 2 programmed animal feed interventions are due to be undertaken on behalf of City of York Council by North Yorkshire Council under the animal health and feed contract.

As well as proving their competence and ability to deliver the service in a customer focussed way, the supplier was asked to demonstrate the ways in which they could contribute towards the council commitment to becoming carbon neutral and help tackle some of the wider concerns around modern slavery and organised crime. Where appropriate we will incorporate primary production hygiene interventions to reduce the burden on farms.

3.5 Food and Feed Complaints

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

In 2023/2024 we received 62 complaints about the safety of food and 105 complaints about the hygiene of premises. We received a further 13 complaints about food standards. These figures are fairly consistent year-on-year, reflecting how busy the food sector is in York and the high awareness of food issues amongst our customers. We anticipate a similar number of complaints in the year ahead.

3.6 Food and feed sampling

The food safety team is primarily concerned with the microbiological safety of food but can also sample food to establish the nature and likely harm arising from foreign body contamination.

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 the United Kingdom Health Security Agency (UHSA) 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 and/or complaints suggest there could be issues.

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 UKHSA, and also sample where local intelligence indicates a need (e.g. where poor food handling practices are observed).

Due to the many competing demands on the service, only one sample was taken during the 2023/2024 period.

3.7 Control and Investigation of Outbreaks and Food related infectious disease

The team investigate all food poisoning notifications and outbreaks of food borne disease in accordance with procedures agreed with the United Kingdom Health Security Agency and our local quality procedures.

In 2023/2024 the team received 56 formal notifications of infectious disease. It is usual to receive approximately 70 notifications per year.

3.8 Food/feeding stuffs safety incidents

We deal with all food alerts from the Food Standards Agency (FSA) in accordance with the Food Law 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.

3.9 Primary Authority Scheme

We are committed to following the principles of the Primary Authority scheme and have entered into Primary Authority agreements in relation to food with seven businesses.

3.10 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 around 300 requests for business advice each year, in 2023/2024 we received 289 requests.

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 anticipate dealing with elevated number of requests for advice in 2024/2025 as a result of the high levels of business churn currently being experienced.

We also receive a large number of requests for advice from businesses interested in improving their rating under the Food Hygiene Rating Scheme. We provide this service for a charge on a cost recovery basis using a Pre-Inspection Audit (PIA).

Last year 113 businesses took up this PIA service, an increase from the 82 undertaken the previous year.

Of the 113 businesses receiving a PIA last year, 72% received a food hygiene rating of 5 and 83% maintained or increased their rating. This demonstrates that these pre inspection advice visits do improve standards.

3.11 Liaison with other organisations

The team will ensure that it is operating in a manner that is consistent with both neighbouring 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 former 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. Due to the importance of this group it has continued to operate following the formation of North Yorkshire Council.

Yorkshire and the Humber Trading Standards Group – Food and Feed

This group is formed by the Yorkshire and Humber Trading Standards Executive Group and meets at least once 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.

United Kingdom Health Security Agency (UKHSA)

The UKHSA food laboratory, based at FERA near York, undertake microbiological analysis of food samples on our behalf. Regular meetings are held to promote coordination 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.

North Yorkshire Police Disruption Panel

The panel exists to share intelligence and undertake activities to disrupt organised crime, including activities connected with food businesses.

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.

3.12 Promotional and project work

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

4. RESOURCES

4.1 Financial allocation

The net Public Protection budget, for all environmental health, trading standards and licensing functions is £1.3m per annum.

4.2 Allocation of staff

As can be seen in the structure chart above, our food officers are shared across two distinct teams i.e., 'Investigations and Compliance' which carries out the bulk of our interventions and enforcement, and 'Regulatory Support and Advice' which provides business advice. The resources are however shared between the two teams as demand requires it.

Full time officers spend approximately 1,200 hours per annum on front line related tasks. Of this time, the majority of the team spend approximately 50% of their time on food related issues i.e. 600 hrs per year per FTE. The technical officer spends ~100% of their time on food.

Therefore, we have 3,660 hours of officer time to deliver the food service, and will be broken down as follows.

Task	Time (hours)
Lead officer role – performance monitoring, service planning, NY food group	120
Intervention programme (in house staff only)	750
Enforcement work (e.g. investigations/prosecutions)	280
Food Hygiene Rating Scheme	60
Food/premises complaints, including business advice, alerts etc.	900
Infectious disease	120
Primary authority/income work	780
Project work	120
Management of food contractors	250
Sampling	150
Officer training	140
TOTAL TIME TO DELIVER SERVICE	3,660

In addition to the above resources there is a budget of £46,000 for contractor inspections which will purchase in the region of 700 inspections.

Animal Feed

Our animal feed/primary production inspections will be carried out on our behalf by competent officers at North Yorkshire Council.

Management

The above figures do not include Management time, which will be undertaken within existing resources.

4.3 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 on technical seminars/courses
- In-house training on specific issues
- Cascade training by staff that have attended relevant courses
- Use of online training resources (e.g. FSA online content)

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

5. QUALITY ASSESSMENT

5.1 Quality assessment and internal monitoring

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 North Yorkshire Council and is in accordance with good practice.

5.2 External monitoring

The Council's activities are subject to periodic monitoring from the Food Standards Agency. The last monitoring visit took place in February 2022 in relation to Food Standards, whereby a plan of action put in place with regard to food standards work. This plan was completed and signed off as complete in March 2022.

In addition to monitoring visits, regular returns detailing the work of the food service are submitted to the Food Standards Agency in line with the Local Authority Enforcement Monitoring System.

6. ENFORCEMENT

6.1 Formal action

The following table 6.1 summarises the level and types of formal enforcement action taken in 2023/2024.

Generally, 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.

Table 6.1 Summary of Public Protection Food Safety/Standards Enforcement 2023/2024

Type Of Action	Numbers Taken / Issued 2023/2024
Voluntary Closures	1
Seizure of detention of foods	1
Emergency Prohibition Notice	0
Prohibition Notices	0
Simple Caution	1
Hygiene Improvement Notice	6
Remedial Action/Detention Notices	0
Prosecutions Concluded	1
Prosecutions Pending	2
Written Warnings	809

7. SUMMARY

7.1 Summary of performance – including key variations from the service plan.

We carried out a food hygiene intervention for the vast majority of all the premises due an intervention in 2023-2024. We have also continued to take firm enforcement action against the poorest performing businesses with 1 business prosecuted for food safety matters.

7.2 Customer Satisfaction

Public Protection survey our business customers and members of the public, to ensure that we are providing a high quality, customer focused service.

In 2021/2022 our surveys found the following, as per table 7.1 below. A renewed satisfaction survey is to be undertaken in 2024.

Table 7.1 Summary of Public Protection Satisfaction Survey Results 2021/2022

Directorate Measure	2021/2022 Result	Target
% of businesses reporting contact with officers was helpful	100%	95%
% of businesses reporting that they were treated fairly	100%	90%
% of business reporting that the visit was useful	100%	95%
% customers satisfied with the overall level of service provided	100%	85%

7.3 Areas of challenge and areas for improvement in 2024/2025

- Supporting businesses through the cost-of-living crisis. Advice will include signposting businesses to those offering grants and other forms of support to help businesses grow.
- Providing advice to increased numbers of new businesses as they open.
- Further improvements to intelligence gathering and sharing, particularly in relation to identifying victims of modern slavery and tackling organised crime.
- Undertake horizon scanning on food related issues.
- Increased public interest and scrutiny of the food hygiene inspections.
- Introduction of the new Food Standards Delivery Model.

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Environment, Transport and Planning		
Service Area:	Public Protection		
Name of the proposal :	Food Service Plan 2024 - 2025		
Lead officer:	Matthew Pawson		
Date assessment completed:	23/09/2024		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Matthew Pawson	Environmental Health and Trading Standards Manger	City of York Council	Environmental Health and Trading Standards

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p><i>City of York Council has a legal responsibility to produce an annual food service plan which sets out the aims and objectives for the year, in relation to food safety and hygiene, food standards, and feed. The plan reviews the performance over the previous financial year, considers the likely demands on the service in the year ahead, and considers the resources available to do this.</i></p> <p><i>The report is submitted to the Executive Member Session for approval.</i></p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p><i>There is a central government requirement for local authorities to comply with relevant legislation, codes of practice, guidance on enforcement priorities and a framework document to produce an annual service plan for food law enforcement. This plan is supplementary to the Public Protection Service Plan.</i></p> <p><i>The plan provides more specific detail on the Service's aims and objectives for the forthcoming year in complying with the current Food Law Code of Practice and Food Standards Agency Framework Agreement with Local Authorities, which embodies the requirements of the legislation.</i></p> <p><i>In addition, the food plan also considers the views and requirements of the Food Standards Agency (FSA) who provide advice and guidance for food and animal feed interventions required by local authorities.</i></p>

1.3	<p>Who are the stakeholders and what are their interests?</p> <p><i>Food producers and retailers in the City</i></p> <p><i>Residents of York, and visitors to York who may visit local food premises, or anyone who consumes food labelled in the district</i></p> <p><i>Elected members</i></p> <p><i>Authorised officers engaged in food enforcement activity</i></p> <p><i>Animal feed producers</i></p>
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Step 2 – Gathering the information and feedback

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</p> <p>Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>	
	Source of data/supporting evidence	Reason for using
	<i>Business customer satisfaction survey results</i>	<i>This survey assesses the effect of interventions undertaken, and how well the advice and service provided is received.</i>
	<p><i>The Council retains a comprehensive database on which details of all inspections / interventions are recorded. The system identifies all known local premises on the basis of risk, and thereby enables a comprehensive risk-based inspection programme to be identified for the subsequent municipal year.</i></p> <p><i>This data is at the heart of the proposed Service Plan.</i></p>	<i>This provides an understanding of the types of businesses inspected and the levels of compliance associated with business types.</i>

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge		Action to deal with this
<i>At this moment it is not known precisely how many food premises are managed by persons from particular ethnic groups, although it is suspected that certain types of food business (e.g. takeaways) are run by and tend to be members of the BME communities.</i>		<i>Further information could be gained on this during the inspection process, when the ethnicity of food premises owners could be gathered. This could be cross referenced against compliance and customer satisfaction levels to help ensure these groups are not disadvantaged.</i>

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Disability	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Gender	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Gender Reassignment	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Marriage and civil partnership	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Pregnancy and maternity	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Race	Language and literacy may add to the challenges of compliance, but information leaflets and translation services are available and our inspections are aimed at helping businesses towards compliance	<i>Positive</i>	<i>Medium</i>

Religion and belief	Officers need to have a wide knowledge of diverse cultures domestically and commercially within the City. This includes knowledge and respect of different religions and faiths that we come into contact with on a day-to-day basis. E.g. knowledge of slaughterhouse rituals and types of foods consumed by different groups	<i>Positive</i>	<i>Medium</i>
Sexual orientation	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Low income groups	<i>Included in the inspection programme are food banks and other premises serving low income groups or those otherwise under financial pressure in the current economic climate to ensure that food is safe and what it says it is.</i>	<i>Positive</i>	<i>Medium</i>
Veterans, Armed Forces Community	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Other	<i>None identified</i>	<i>Neutral</i>	<i>Low</i>
Impact on human rights:			
List any human rights impacted.	<i>No impacts on human rights have been identified as a result of the service plan.</i>		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p>
<p><i>Language and literacy issues may mean that people from BME groups may make compliance even more challenging. The availability of translation services is promoted in our literature and, through use of language line, is available where needed. The training programme on Safer Food and Better Business is designed to improve hygiene standards and reduce the likelihood of enforcement action, and is available in a number of different languages. Applicants are able to carry out food hygiene training in their preferred language.</i></p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
<p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	<i>Throughout the report the only potential equalities issue relates to ethnicity and concern of potential language barriers. Translation of advice is made available to all businesses, in order that they are able to understand the legal requirements for their business in their own language, and so provide safe food for the residents and visitors to York.</i>

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
<i>N/a</i>			

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	Business satisfaction surveys will continue to be undertaken, in order to assess the impact of the food safety, standards and feed work undertaken by Public Protection. Where issues are identified, proactive measures will be implemented to resolve any identified concerns.

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Meeting:	Decision Session - Executive Member for Environment and Climate Emergency
Meeting date:	15 October 2024
Report of:	Claire Foale, Interim Director of City Development
Portfolio of:	Cllr Kent, Executive Member for Environment and Climate Emergency

Decision Report: York Green Streets - Progress and Next Steps.

Subject of Report

1. This report sets out progress towards finalising City of York Council's (CYC) tree planting proposals for the 2024/25 tree planting season as part of the York Green Streets (YGS) initiative. The report asks the Executive Member to consider the risks and opportunities associated with urban tree planting, particularly in relation to sites within a highway setting.
2. The report also seeks Executive Member approval to engage the market to help identify likely costs of tree supply, installation, and aftercare and grant delegated authority to the Director of City Development in consultation with the Director of Finance and Director of Governance to award delivery contracts subject to grant funding being secured.

Benefits and Challenges

3. Trees deliver multiple long-term benefits contributing to climate change mitigation, climate adaptation, nature recovery and health and wellbeing outcomes. Urban treescapes contribute to flood alleviation, urban cooling, improved air quality and reduced noise pollution. They can create green corridors for wildlife and support the shift to sustainable transport as well as attracting inward investment and raising property and asset values.

4. Urban street trees can attain significant asset value in relation to the costed eco-system service benefits they deliver. The Council is currently part of a Department of Environment, Food and Rural Affairs (DEFRA) pilot study looking at how eco-system services value can be monetised to create private sector investment opportunities that serve to bolster net zero carbon and nature recovery objectives.
5. Trees also deliver significant social and cultural value, as recently explored by the University of York's 'Branching Out' research project that gathered the experiences of residents across four cities of the UK, including York. The Council experienced significant community and resident interest in helping plant and care for trees as part of the York Community Woodland project and there is significant opportunity to build on and expand this interest going forward.
6. In some instances, trees within highway verge can serve to prevent verge damage caused by cars parking on them. This could go some way to reducing future highway management and maintenance costs.
7. Significant challenges stand in the way of increasing tree canopy cover in areas like York, where competition for urban space is high. Even when suitable sites free of constraints can be found, the challenge is then one of deliverability, such as securing resident support, accessing grants to fund delivery, and procuring contractors able to deliver within set timescales.

Policy Basis for Decision

8. The Council Plan 2023-2028 set a target to plant 4,000 new trees within York's urban area as part of a wider aim to mitigate and adapt to the impacts of climate change, support nature recovery and improve health and wellbeing outcomes.
9. In May 2021, the Council set a target to increase York's tree canopy cover from a baseline of 10.8% in 2021 to 13% by 2050. This will contribute to the UK government's target to increase the amount of land covered by trees and woodlands in England from 14.5% to 16.5% by 2050 as part of its Environmental Improvement Plan (EIP23).

10. The National Planning Policy Framework (NPPF) Paragraph 136 says ‘trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users’.

Financial Strategy Implications

11. As present, Council tree planting is almost wholly reliant on external grant funding. Grants typically cover tree supply, tree planting, and up to three years aftercare. Grant limits apply, meaning sites costing above these limits are unlikely to be deliverable without match-funding.
12. Subject to a grant award, contractors would be procured in line with the council’s contract procurement rules to deliver the feasible sites.
13. Whilst the long-term asset value and eco-system service benefits of mature urban trees can be significant, this is offset somewhat by ongoing management and maintenance costs and liabilities. This is considered in more detail below.
14. The YGS initiative is managed by the council’s YGS project team, which is fully funded by Forestry Commission grant until 31 March 2025.

Recommendation and Reasons

15. The Executive Member is asked to:
 - i) Approve the categorisation of remaining planting opportunities into distinct planting specification types and a process of market engagement to assess implementation costs – accepting the

risks and opportunities associated with planting trees within York's urban area, particularly on sites within a highway setting.

Reason: To enable effective market engagement to establish accurate pricing of planting proposals, whilst understanding the risks and opportunities if tree planting within York's urban area, especially highways settings.

- ii) Grant delegated authority to the Director of City Development in consultation with the Director of Finance and Director of Governance to award delivery contracts subject to grant funding bids being successful.

Reason: So that contract procurement can proceed swiftly following confirmation of grant funding.

Background

16. In early 2022, the Council secured grant funding to support an opportunity mapping exercise aimed at identifying potential tree planting sites within York. Elected members, parish and town councils, local schools and internal council teams were invited to put forward site suggestions.
17. Groundwork Yorkshire was appointed to evaluate suggested sites and assign a technical feasibility rating to each based on factors including the presence of physical constraints such as underground and overhead utility apparatus. As reported to the Executive Member for Environment and Climate Change in September 2022, Groundwork identified sixty-four technically feasible sites providing outline opportunity for almost 4,000 new trees.
18. In 2023, grant was secured from the Forestry Commission to support additional council officer capacity to take forward these sites. A key focus of this work has included detailed consultation with specialist council teams, identifying grant funding opportunities, submitting funding bids, procuring contractor services, and overseeing delivery.
19. Thirteen sites (including three public open space and ten school sites) were selected to deliver within the 2023/24 tree planting

season. The necessary grant funding was secured and by the end of the planting season all sites were successfully delivered resulting in circa 2,500 new trees being planted.

20. Since then, officers have focussed on the remaining sites for delivery in the 2024/25 planting season. Most of these sites are within the Council's highway verge, presenting a very different set of challenges in terms of risks and costs to sites delivered in 2023/24.
21. Following a recent refresh of utility apparatus data, a second round of ground-truthing, changes to grant funding criteria and further detailed feedback from Council highways teams, some sites originally identified by Groundwork are considered to be no longer feasible.

Next steps

22. Of the remaining sites, officers are proposing an approach that categorises sites based on an assessment of deliverability. So far two broad categories have been identified:
 1. Public realm and open space – currently c.1,300 trees – relatively straightforward planting specification and low risk.
 2. Highway verge – currently c.270 trees – relatively more complex planting specification and higher risk.
23. A further categorisation of the highway verge sites will be undertaken based on planting requirements, such as the need for traffic management whilst planting takes place and engineered root pits or root barriers etc. alongside a further risk assessment. This will be used to produce a supplier specification for each category of site.
24. Supplier specifications are required to obtain accurate market-tested costs, which in turn are needed to support grant funding applications. Costs will be obtained through open procurement following the Council's procurement procedures.
25. It is expected that more sites will fall out of the running during this process, especially sites within the higher specification/higher cost categories. More positively, however, the Council will gain a better

insight into the likely gap-funding required to deliver these more complex and costly sites and can use this information to inform future policy and practice, including discussions with WRF, DEFRA and other grant funding bodies.

Consultation

26. Residents, elected members, parish/town council's and schools and council teams were invited to suggest potential planting sites.
27. As part of the site feasibility assessment, a range of specialist internal teams were consulted including Archaeology, Ecology and conservation, Landscape architecture, Public Realm, Property Assets, Highways, Leisure, and Housing services. Utility companies were also consulted about the presence of utility apparatus and their future plans.
28. As part of the site deliverability assessment, contractors will be invited to cost proposed sites and this information will be used as the basis of grant funding bids to support delivery. Where costs are outside current grant funding limits, further consultation will be undertaken with grant funding bodies to inform future policy and practice.
29. More localised resident consultation will be undertaken, where required, prior to sites being implemented and a requirement for community involvement in tree planting where it is viable and safe to do so will form part of contract delivery.

Options Analysis and Evidential Basis

30. The following options have been considered.

Recommendation (i) - Approve the categorisation of remaining planting opportunities into distinct planting types (specification types) and the process of market engagement to assess implementation costs – accepting the risks and opportunities associated with planting trees within York's urban area, particularly on sites within a highway setting, as set out in the report.

- a) Option 1. Approve: Categorising the remaining sites in this way will help mitigate the risks of deliverability and supplier

engagement by providing a clearer framework of specifications for suppliers to quote against. Whilst some sites within higher specification groups could prove to be undeliverable within existing grant limits, the information acquired through this process could be useful to inform future policy and practice, including ongoing discussions with funding partners.

This option may require additional staff capacity/expertise to identify accurate specification groups.

- b) Option 2. Do not approve: This option could reduce the Council's ability to establish accurate costs to inform grant funding applications, resulting in suppliers unable to deliver within the grant funding allocation.

31. Recommendation (ii) - Grant delegated authority to the Director of City Development in consultation with the Director of Finance and Director of Governance to award delivery contracts subject to the grant funding bids being successful.

- a) Option 1. Approve: This option would enable officers to progress the identified planting opportunities within the deadline for delivery of 31 March 2025. It would enable the Council to capitalise on the current grant offers and dedicated staff resource available to make funding bids.
- b) Option 2. Do not approve: This option would significantly impede progress and result in the deadline for planting not being achieved. There is currently no certainty that grant funding and staff resource will be available to progress sites beyond this deadline.

Organisational Impact and Implications

- **Financial** - The report identifies that there are not expected to be any up-front costs as these will be covered by external grants and no council match funding required. The location of trees may impact future ongoing revenue costs across Public Realm / Highways departments, and this will need to be considered when agreeing where to locate trees.

- **Human Resources (HR)** - Any additional resource identified that may be required should recommendation 1 option 1 be approved, will be established and resourced in line with the council's recruitment and selection policy and procedures. There are no other HR implications contained within this report.
- **Legal** – The Council has a legal duty to manage and maintain all trees planted on Council-owned land.
- **Procurement** – Any proposed works or services will need to be commissioned via a compliant procurement route under the Council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015 (soon to be Procurement act 2023). All tenders will need to be conducted in an open, fair, and transparent way to capture the key principles of procurement. Further advice regarding the procurement routes, strategies and markets must be sought from the Commercial Procurement team.
- **Health and Wellbeing** – There is a significant evidence base that indicates that being close to woods and trees has a positive impact on our health, it does this in many ways including reducing stress levels, improving mood and boosting the immune system. The closer we live to green spaces the more likely we are to use them so boosting physical activity levels, which has positive impacts on our weight, and our cardiovascular health. Being close to green wooded space can be seen as a health boosting, and a positive preventive tool in reducing ill health, so improving quality of life. Public Health fully support the creation of green spaces that are available to all.
- **Environment and Climate action** – Tree planting aligns with the city's climate change objectives, providing both carbon sequestration and adaptation benefits. Trees have the potential to provide urban cooling, shading and natural flood resilience while also enhancing biodiversity and connectivity to nature.
- **Affordability** – The proposals in this report will create green corridors for wildlife and support the shift to sustainable affordable transport as well as attracting inward investment, raising property values and development of green skills and which will support improved life chances for residents.

- **Equalities and Human Rights** – The accessibility to and distance between trees will need to be considered as part of each development, to avoid creating barriers for disabled residents.
- **Data Protection and Privacy** – As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a data protection impact assessment (DPIA). This is evidenced by completion of DPIA screening questions logged under the IG reference AD-09768.
- **Communications** - Communications will be developed to support the YGS project, including media release to keep residents informed on the latest updates to the campaign through social media, as well as promoting the range of benefits that this will bring to the city.
- **Economy** – No direct economy implications identified.

Risks and Mitigations

32. There is no one approach to tree planting. Some sites are more straightforward to plant and maintain than others, such as those within existing public open space, away from utility apparatus and other constraints, unlikely to require road or pathway closures to install and unlikely to pose future risk to nearby hard infrastructure. Other sites, like individual street trees within a constrained highway setting are likely to entail a different approach, in some cases requiring traffic management orders to ensure safe installation and the use of tree pits or root barriers to minimise potential impact on nearby hard infrastructure and utility apparatus over the longer-term. The latter approach generally entails additional cost.
33. Officers have considered National Joint Utilities Group (guidelines (NJUG Volume 4 Issue 2) concerning the planning, installation, and maintenance of utility apparatus in proximity to trees. The guidance notes that damage to utility apparatus from trees is possible where apparatus is within the first 600mm from the tree and has existing defects to joints, cracks etc. The guidance states that intact apparatus is not generally penetrated by roots and that direct damage is rare, as it is usually the root that will distort rather than the apparatus itself. Indirect damage is restricted to shrinking

soils. abrasion to overhead cables and falling branches. The conclusion of the guidance is that the generally low incidence of damage to underground apparatus makes it neither practical nor justifiable to impose absolute limits on the proximity of trees to apparatus.

34. In drawing up planting proposals, the Council has consulted utility companies regarding their existing utility apparatus and future plans. Officers have ensured proposed new trees are sufficiently distanced from utility apparatus to avoid future damage. Where drainage pipes are present officers have planned for a minimum 3m distance and where existing trees are present a minimum distance of 10m has been planned for.
35. In relation to flagged pavements officers have planned for a 1m minimum distance and in relation to street lighting, officers have sought to minimise impacts on light levels hitting the highway through tree placement and species selection. This work is ongoing.
36. In relation to equalities requirements, tree planting proposals have been designed to ensure that minimum access widths are maintained. In relation to future enhancements to transport infrastructure, officers have sought to avoid planting proposals that would constrain options. As part of the planting process contractors would be required to ground scan the planting area prior to work commencing and, in some cases, dig trial pits.
37. It should be acknowledged that more trees, especially in locations where there currently are not any could have cost implications for the council's gully cleaning operations and resources. However, of the highway verge locations currently being considered the majority have existing trees present.
38. Adding to the Council's tree assets entails additional long-term tree management and maintenance liabilities. Over the short-term (1-3 years) management and maintenance (essentially watering and weeding) costs are fully funded by grant, after which it is expected the tree has successfully established. Over the mid-term (5-10 years), there will be a requirement to remove tree guards, supports and temporary fencing. This one-off cost is estimated to be under £1000, and considerably less if the Council harnesses local voluntary action, where it is safe to do so. Over the longer-term

(10+ years), each Council owned tree is subject to a condition inspection once every four years as part of the Council's tree management procedures. The unit cost is relatively small (currently under £4 per tree). The number of trees currently being delivered as part of the Council's YGS initiative is small in relation to council's existing tree asset base so any increase in survey costs will be minimal, especially when off-set against annual trees losses due to disease, old age, extreme weather events. However, it is clearly a factor in the context of constrained council funding. Long-term maintenance costs per tree is hard to predict - maintenance and safety work varies by species and can start anywhere from 20 to 50 years old.

39. In part, the future costs and liability risks set out above can be mitigated by ensuring the Council follows the maxim of 'Right tree in the Right place', ensuring tree species and planting specifications are appropriate for the specific location and site conditions.
40. The Environment Act (2021) imposes a change to the Highways Act (1980) requiring Highways Authorities to hold a full and detailed consultation before trees could be removed, baring a list of exemptions. These exemptions include if the tree has died, become diseased and/or dangerous, is causing an obstruction, needs to make way for a dropped kerb. The duty does not apply to trees with trunks less than 8cm in diameter.
41. To mitigate the potential additional burden this duty places on Highways Authorities, officers have worked to the principle of Right Tree in the Right Place, guided by the initial Groundwork scoping exercise and subsequent detailed consultation with specialist teams. The final bit of this jigsaw will be consultation with residents to ensure community support.
42. Tree planting in 2024/25 remains subject to securing community and stakeholder support, which has still to be tested through localised consultation. Officers will seek to take a flexible approach and address any concerns through scheme re-design and trees species selection where possible, but it remains likely that more sites will be lost during the consultation process.
43. There are risks associated with procuring the services of a supplier/contractor willing and able to deliver the specified works

by 31 March 2025 and within grant funding limits. To mitigate the risks officers will consider packaging sites into different contracts to appeal to different suppliers.

44. The risk of extreme weather events delaying implementation is very real, as officers experience in 2023/24 planting season which was one of the wettest on record.

Wards Impacted

Acomb
 Bishopthorpe
 Clifton
 Copmanthorpe
 Fishergate
 Fulford and Heslington
 Haxby and Wiggington
 Heworth
 Hull Road
 Huntington and New Earswick
 Micklegate
 Rawcliffe and Clifton Without
 Westfield

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Background papers and references:

- Executive Member for Climate Change and Environment report May 2021: York Tree Canopy Expansion Target.
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=870&MIId=12542>
- Executive Member for Climate Change and Environment report September 2022: York Green Streets
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=870&MIId=13499&Ver=4>
- HM Government: Environmental Improvement Plan
<https://assets.publishing.service.gov.uk/media/64a6d9c1c531eb000c64fffa/environmental-improvement-plan-2023.pdf>
- Branching Out – The Social and Cultural Value of Trees – University of York: <https://www.sei.org/projects/branching-out/>

Annexes: None**Abbreviations:**

CYC - City of York Council
DPIA - Data Protection Impact Assessment
DEFRA - Department of Environment, Food and Rural Affairs
EIP - Environmental Improvement Plan
NPPF - National Planning Policy Framework
NJUG - National Joint Utilities Group
WRF – White Rose Forest
YGS - York Green Streets

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