



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

To: Councillors Kent and Ravilious (Executive Members)

Date: Tuesday, 17 October 2023

Time: 10.00 am

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 **4:00 pm** on **Thursday, 19 October 2023**.

*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, 13 October 2023**.

1. Declarations of Interest (Pages 1 - 2)

At this point in the meeting, the Executive Members are asked to declare any disclosable pecuniary interests, or other registerable interests, 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 - 4)
To approve and sign the minutes of the Decision Session held on 12 September 2023.

- 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 Executive Member.

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, 13 October 2023.**

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 2023-24

(Pages 5 - 46)

This report seeks approval for the council's Food Service Plan 2023-24 in compliance with the requirements of the Food Law Code of Practice.

5. Urgent Business

Any other business which the Executive Members consider urgent under the Local Government Act 1972.

Democracy Officer:

Louise Cook

Telephone No- 01904 551031

Email- louise.cook@york.gov.uk

For more information about any of the following please contact the Democracy 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.

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 własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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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	12 September 2023
Present	Councillors Kent and Ravilious
Apologies	None
Officers Present	Shaun Gibbons, Head of Carbon Reduction

5. Declarations of Interest

The Executive Members were 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 interest they might have in respect of the business on the agenda.

None were declared.

6. Minutes

Resolved: That the minutes of the Decision Session held on 05 July 2023 be approved as a correct record.

7. Public Participation

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

8. Yorkshire & Humber Climate Commission Climate Pledge

The Head of Carbon Reduction presented a report which outlined the proposal for City of York Council to become a signatory to the Yorkshire and Humber Climate Commission's Climate Pledge.

It was

Resolved:

- i. That the City of York Council becoming a signatory to the Yorkshire and Humber Climate Commission's Climate Action Pledge be approved.

Reason: Demonstrate leadership in tackling the climate and nature emergency and reaffirm the council's commitment for York to be carbon neutral.

Cllr J Kent, Executive Member

[The meeting started at 10.00 am and finished at 10.04 am].



Meeting:	Decision session for the Executive Member for Environment and Climate Emergency
Meeting date:	17 October 2023
Report of:	James Gilchrist, Director of Environment, Transport and Planning
Portfolio of:	Cllr Jenny Kent / Cllr Kate Ravilious, Executive Members for Environment and Climate Emergency

Decision Report: Food Service Plan 2023-24

Subject of Report

1. This report seeks approval for the council's Food Service Plan 2023-24 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.

Pros and Cons

4. In approving the Food Service Plan 2023-24 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 its duties under the statutory Food Law Code of Practice.

Recommendation and Reasons

7. The Executive Member is asked to 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

8. 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.
9. Service plans are seen as an important part of the delivery process to ensure that national priorities and standards are delivered locally.
10. 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.
11. 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.

12. 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

13. 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

14. 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
15. 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.
16. 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

17. 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 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 service to meet the needs of different groups. An Equalities Impact Assessment included in 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. This is evidenced by completion of DPIA screening questions reference #194.
- **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:

‘...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 recover from the coronavirus pandemic, survive the cost of living crisis and help those which want to grow, grow..’
- **Specialist Implications Officers**, not applicable.

Risks and Mitigations

18. 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

19. All

Contact details

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

Author

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Job Title:	Public Protection Manager (Investigations and Compliance)
Service Area:	Public Protection
Telephone:	01904 555505
Report approved:	Yes
Date:	02/10/2023

Background papers: N/A

Annexes:

- Annex A – Food Service Plan 2023/2024
- Annex B – Equalities Impact Assessment (EIA)

Abbreviations:

DPIA – Data Protection Impact Assessment

EIA - Equalities Impact Assessment

FSA – Food Standards Agency

HR - Human Resources

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PLACE DIRECTORATE

FOOD SERVICE PLAN 2023/2024

**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 is 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 2023/2024 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 2022/2023 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 'score' food hygiene 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 recover from the coronavirus pandemic, 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.

At the time of writing, the Council Plan for 2023 to 2027 is still in development, However, the Council's Plan for 2019-2023 includes the following eight key priorities:

- **Good Health and Wellbeing:** Every resident enjoys the best possible health and wellbeing throughout their life.

- **Well-paid jobs and an inclusive economy:** High-skilled and better-paid jobs in sustainable businesses, providing opportunities for all York's people in an inclusive economy.
- **Getting around sustainably:** People benefit from the wide range of transport options available to them, including cycling and walking, with the city's roads, footpaths and cycle network prioritised for improvement.
- **A Better Start for Children and Young People:** Families and carers are supported, so that every child and young person has the opportunity to develop, learn and achieve their aspirations.
- **A Greener and Cleaner City:** York's environment is protected and enhanced through investment in the council's frontline services, on the path to sustainable living.
- **Creating homes and World-class infrastructure:** The right housing is affordable and available alongside good quality infrastructure to support communities and business.
- **Safe Communities and culture for all:** People are safe from harm in strong, resilient and supported communities, enhanced by an appealing and inclusive cultural offer.
- **An open and effective Council:** We work as an open, transparent and accountable organisation, in partnership with key stakeholders, to deliver on residents priorities and achieve the Council Plan outcomes for our 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

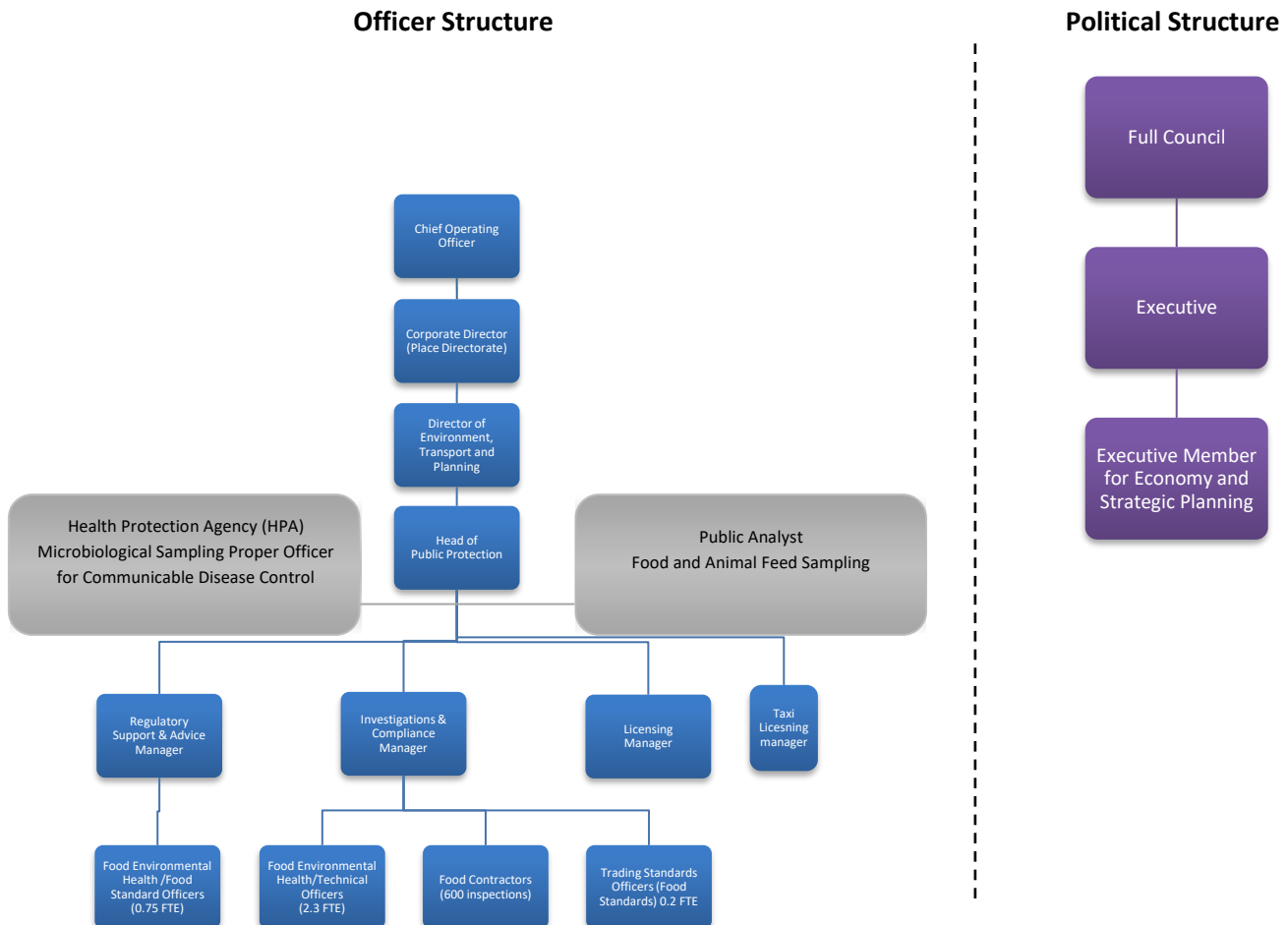
2.1 Profile of the council

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 County Council contract for animal health and feed.
- Microbiological food examination is carried out under 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 County 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) and 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	45
Importer/Exporter	3
Distributor/Transporter	21
Retailers Other	81
Restaurants/Cafe/Canteen	523
Supermarket/Hypermarket	63
Small Retailer	267
Hotel/Guesthouse	118
Pub/Club	209
Takeaway	205
Caring Establishment	122
School/College	90
Mobile Food Unit	59
Restaurant/Caterers - Other	21
Total	1837

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 Coronavirus pandemic and current economic situation we have already 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 requirement to undertake inspections of these new premises.

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.

2.6 Covid-19 Impact

During 2022/2023 the Covid-19 pandemic continued to have a huge impact on the way the world operates.

Guidance issued by the Food Standards Agency during 2021/2022, under the 'Covid Recovery Plan', has been used to help prioritise our service to deal with the greatest risks to public health and safety.

The 'Covid Recovery Plan', see below, was withdrawn by the Food Standards Agency on the 31st March 2023 and local authorities have now reverted back to the Food Law Code of Practice.

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 highest risk premises are places serving particularly vulnerable people, and/or places serving high risk foods with short 'use by' dates and a poor record of compliance. Examples of lowest 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

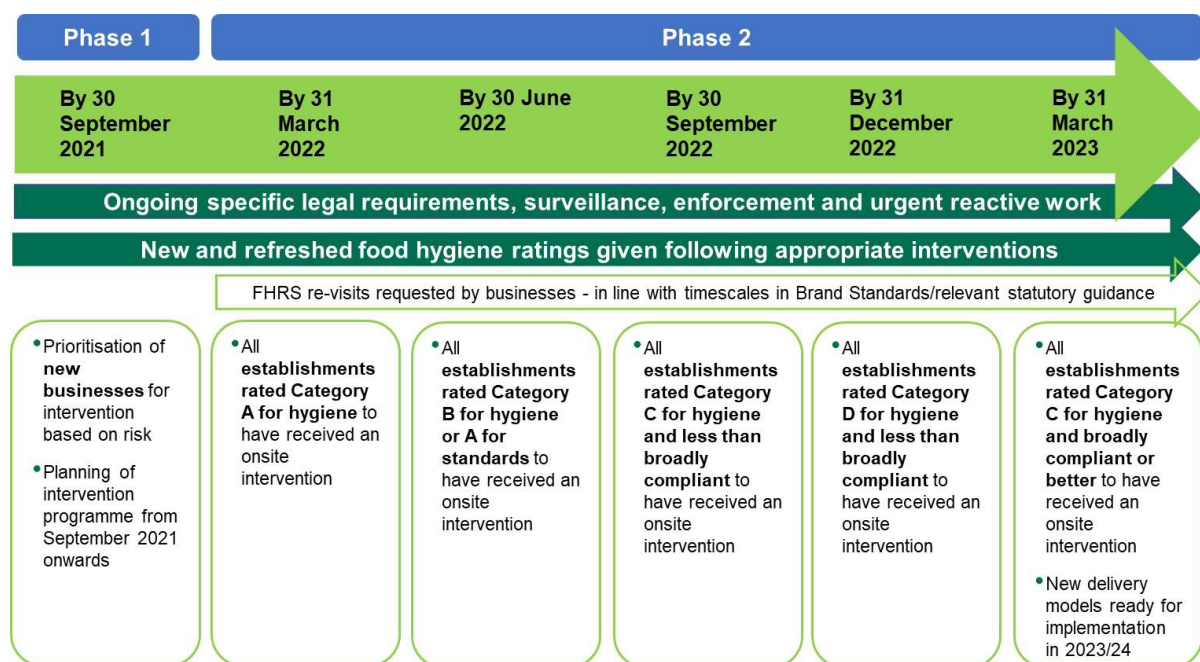
Review of last year's food hygiene intervention performance (2022/2023)

During 2021/2022 Public Protection were unable to carry out all the food hygiene interventions, normally required by the Food Law Code of Practice, due to the ongoing Coronavirus pandemic, businesses being closed, and re-directing resources to deal with Covid enforcement work.

As a result of these issues, which were not unique to York, the FSA issued guidance to local authorities, known as the Covid Recovery Plan, advising they prioritise higher risk food businesses for interventions. The aim of this being to reduce risk of transmission of the virus, reduce the burden on local authority resources being used to combat Coronavirus, but ensure that food hygiene standards were still being met by higher risk or poorer performing food businesses.

The Covid recovery plan, updated in June 2021, required all local authorities to carry out relevant food hygiene interventions as per Figure 1 below, as a minimum.

Figure 1: Outline of the FSA Recovery Plan



However, Public Protection committed to inspect the following in 2022-23

- all 'A' rated food businesses,
- all 'B' rated food businesses,
- all 'C' rated food businesses,
- all non-broadly compliant 'D' rated food businesses,
- all new food businesses

This being above the minimum FSA intervention standard required.

Table 3.1 below shows a summary of the performance against the Covid Recovery Plan for 2022/2023 and also our own targets as set out above.

Table 3.1 Food hygiene interventions from 01/04/22 to 31/03/23

High risk ←————→ Low risk

Premises intervention rating	A	B	C	D	E	Unrated	New	Total
No. of interventions normally required	24	60	215	724	201	18	281	1,523
No. of interventions required by FSA recovery plan	24	60	215	2	0	18	281	600
No. of interventions required by Public Protection Plan	24	60	215	2	0	18	281	600
No. of interventions postponed by recovery plan	0	0	0	653	184	0	0	837
No. of interventions achieved	24	60	215	282	1	18	195	795
No. of premises closed so unable to inspect	0	0	0	0	0	0	0	0
No. of premises where no intervention was achieved	0	0	0	0	0	0	86*	86

* Businesses registered late in 2022/2023 year and moved into 2023/2024 inspection programme

As can be seen – apart from the new businesses who registered late in the year - Public Protection were able to undertake all the interventions required by the FSA's recovery plan, as well as carrying out interventions over and above the requirements of that recovery plan.

Of the above inspections carried out 90.3% of the businesses received a broadly compliant food hygiene rating (Scores of 3, 4 or 5), and 65% received a food hygiene rating score of 5.

Across all businesses in York, including those not inspected this past year, 89.5% are rated as broadly compliant and 69.1% have received a food hygiene rating of 5.

Proposed Food Hygiene Intervention Plan (2023/2024)

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 back 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 2022 - 31 March 2023

Premises intervention rating	High risk ←————→ Low risk						Unrated [*]	Total
	A	B	C	D	E			
No. of premises officially requiring intervention	18	59	215	400	129	86	907	
No. of interventions Planned	18 (**36)	59	215	400	0	93	785 (803)	

* 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 (2021/2022)

As per the food hygiene standards interventions, food standards interventions in 2021/2022 were also affected by the Coronavirus pandemic. Under the FSA's Covid recovery plan, updated in June 2021, all local authorities were required to carry out food standards interventions as detailed in Figure 1 previously shown above.

Under normal circumstances Public Protection would usually 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, under the FSA's Covid Recovery Plan, Local Authorities were 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 against the Covid Recovery Plan for 2022/2023.

Table 3.3 Food standards interventions from 01/04/22 to 31/03/23

Premises intervention rating	High 'A' Risk	Medium 'B' Risk	Low 'C' Risk	Unrated	New	Total
No. of interventions required under FSA recovery plan	10	0	0	204	154	368
No. of interventions achieved	10	26	1	204	126	367
No. of premises closed	0	0	0	0	0	0
No. of interventions not achieved	0	0	0	0	28	28

As can be seen Public Protection managed to inspect all the existing 'A' rated food standards premises and survey 204 of the unrated food premises.

Proposed Food Standards Intervention Plan (2023/2024)

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 2023 - 31 March 2024

Premises intervention rating	High 'A' Risk *	Medium 'B' Risk	Low 'C' Risk	Unrated	New	Total
No. of interventions required under FSA recovery plan	17	0	0	28	~ 100	145
No. of interventions Planned compliant with FSA Recovery Plan	17	0	0	28	~100	145

For new businesses registering during the 2023/2024 year, each business will be assessed using a prioritisation questionnaire or telephone survey, 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 interventions.

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 2022/2023

City of York Council has a total of 207 registered feed premises, as required by Regulation 183/2005, which are involved in the use, manufacture or marketing of feed.

In 2022/2023 a total of 9 programmed animal feed interventions were due to be undertaken, with 6 interventions actually undertaken by North Yorkshire County Council, under the animal health and feed contract, on behalf of City of York Council.

In 2023/2024 a total of 4 programmed animal feed interventions are due to be undertaken, again to be undertaken on behalf of City of York Council by North Yorkshire County 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 2022/2023 we received 61 complaints about the safety of food and 119 complaints about the hygiene of premises. We received a further 14 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 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 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).

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

Due to Food Standards Agency Covid Recovery Plan, only two samples were taken during the 2022/2023 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 Public Health England and our local quality procedures.

In 2022/2023 the team received 35 formal notifications of infectious disease, this was an unusually low number, 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 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 2022/2023 we actually received 359 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 2023/2024 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 82 businesses took up this PIA service, this number is comparable with pre-pandemic figures.

Of the 82 businesses receiving a PIA last year, 63 were existing businesses and 19 were newly registered food businesses. For the existing businesses, 35% of the businesses saw their food hygiene rating score improve when they received their formal food hygiene inspection, 60% saw their food hygiene rating score remain the same (mainly for those with existing food hygiene rating scores of 4 and 5), and 10 businesses saw their score reduce.

For new businesses, 58% of the businesses who had a PIA received a food hygiene rating score of 5 at their formal food hygiene inspection, and 67% received a 'Broadly Compliant' food hygiene rating inspection score.

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 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 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 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 £40,000 for contractor inspections which will purchase in the region of 600 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.

6. ENFORCEMENT

6.1 Formal action

The following table 6.1 summarises the level and types of formal enforcement action taken in 2022/2023.

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 2022/2023

Type Of Action	Numbers Taken/ Issued 2021/2022
Voluntary Closures	1
Seizure of detention of foods	1
Emergency Prohibition Notice	0
Prohibition Notices	0
Simple Caution	2
Hygiene Improvement Notice	5
Remedial Action/Detention Notices	0
Prosecutions Concluded	1
Prosecutions Pending	3
Written Warnings	674

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 2022-2023. We have also continued to take firm enforcement action against the poorest performing businesses with 1 business prosecuted for food standards matters.

7.2 Customer Satisfaction

Public Protection regularly 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.

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 of areas for improvement in 2023/2024

- Supporting business as they continue to recover from the pandemic and support through the cost-of-living crisis. Advice will include signposting businesses to those offering grants and other forms of support to help businesses grow.
- 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.

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Public Protection		
Name of the proposal :	Food Service Plan 2023/2024		
Lead officer:	Matthew Pawson		
Date assessment completed:	26/07/2023		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Matthew Pawson	Public Protection Manager	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
<p><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 members of the BME communities.</i></p>		<p><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></p>

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	<p>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?</p>
	<p>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.</p>

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