

Notice of a public

Decision Session - Executive Member for Environment and Climate Change

To: Councillor Widdowson (Executive Member)

Date: Monday, 7 October 2019

Time: 5.30 pm

Venue: The Auden Room - Ground Floor, West Offices (G047)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00pm** on **Wednesday 9 October 2019**.

*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 Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm** on **Thursday 3 October 2019**.

1. Declarations of Interest

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

- any personal interests not included on the Register of Interests
 - any prejudicial interests or
 - any disclosable pecuniary interests
- which he might have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 2)
To approve and sign the minutes of the Decision Session held on 2 September 2019.

- 3. Public Participation**
At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday 4 October 2019**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809

- 4. Food Service Plan 2019-2020** (Pages 3 - 28)
This report seeks approval for the council's Food Service Plan for 2019-2020, in compliance with the requirements of the Food Law Code of Practice.

5. Highway Weed Control (Pages 29 - 34)

This report provides an update on the service performance in relation to highway weed control and outlines options for improvements to that service.

6. Urgent Business

Any other business which the Executive Member considers 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 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.

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 میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Environment and Climate Change [previously Executive Member for Environment]
Date	2 September 2019
Present	Councillor Widdowson

1. **Declarations of Interest**

The Executive Member confirmed that she had no personal interests not included on the Register of Interests, nor any prejudicial or disclosable pecuniary interests, to declare in the business on the agenda.

2. **Minutes**

Resolved: That the minutes of the Decision Session of the Executive Member for Environment held on 11 March 2019 be approved and signed by the Executive Member as a correct record.

3. **Public Participation**

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

4. **York 5 Year Flood Plan Update**

The Executive Member considered a report which provided an update on progress against the York Five Year Flood Plan in York. An officer from the Environment Agency (EA) was in attendance to present the update and answer questions.

Annex 1 to the report detailed work carried out by the EA since the last update, to the Executive Member for Environment, on 11 March. It included a summary of city-wide activities, an update on work in each flood cell, current plans for public engagement up to December 2019 and a briefing note on flood cell prioritisation. The EA had awarded funding to the council to develop a property flood resilience pathfinder project, details of which were attached at Annex 2.

The EA officer gave a further update on activities within individual flood cells, and council officers expanded on the information provided in Annex 2. During these updates, and in response to questions from the Executive Member, it was confirmed that:

- In cell B4 (Scarborough Bridge to Ouse Bridge), work was progressing well towards completion before Remembrance Sunday.
- In cell B8 (Clementhorpe & South Bank), the EA was examining alternatives to the closure of Terry Avenue and working with the council's Communications team to improve engagement with South Bank residents.
- In cell B12 (Scarborough Bridge to Lendal Bridge), it was planned to put temporary measures in place pending the start of work on the embankment through Museum Gardens
- On the Foss Barrier, it was hoped to replace the barrier itself in late 2019.
- There was a need for active community engagement in Skeldergate, based on the successful approach in New Walk, to ensure that residents were aware of the benefits of differing solutions to flood risk.
- Consideration would be given to engaging with local colleges on their potential involvement in the pathfinder project.

The Executive Member commented favourably on the work being carried out and the format of the information provided, and

Resolved: (i) That the update report, and the additional information provided at the session by the Environment Agency (EA) and council officers, be noted.

Reason: To confirm that the Executive Member is aware of the current position regarding progress on the 5 Year Flood Plan.

(ii) That the EA, with the support of council officers, be asked to consider further engagement with the residents of Skeldergate regarding their concerns about property resilience as a solution.

Reason: So that residents can be properly informed on, and involved in, flood prevention measures in their area.

Cllr P Widdowson, Executive Member
[The meeting started at 5.30 pm and finished at 6.00 pm].



Decision Session – Executive Member for the Environment and Climate Change**7 October 2019**

Report of the Corporate Director of Economy and Place
Portfolio of the Executive Member for Environment and Climate Change

Food Service Plan 2019/2020**Summary**

1. 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).
2. It is recommended that the service plan is approved at a level which ensures local transparency and accountability.

Recommendations

3. The Executive Member is asked to:

- 1) Approve the food service plan

Reason: This will ensure that the council has a plan to fulfil its obligations under the Food Law Code of Practice.

Background

4. 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.
5. Service plans are seen as an important part of the delivery process to ensure that national priorities and standards are delivered locally.
6. The FSA advises that a service plan should include the following information about the services they provide;
 - the means by which they will provide those services

- the means by which they will meet any relevant performance targets or performance standards; and
 - a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.
7. Local Authorities are subject to a programme of audits by the FSA. As part of these audits, the FSA would expect to find a service plan in place on which the Local Authority can be audited. The results of these audits are published in the public domain.
 8. 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.
 9. It is also worthy of note that the FSA are undertaking a fundamental review of the way that Local Authorities regulate food businesses through their 'Regulating Our Futures' programme.

Consultation

10. The service plan 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

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

Analysis

12. Options (a) and (b) will ensure that the council fulfils its obligation to have a food service plan, and will ensure we meet our statutory obligations. It will ensure all premises due an inspection or other type of intervention will receive one.
13. Option (c) would leave the council in a position of reputational risk and possibly subject to adverse publicity eg by the FSA.

Council Plan

14. The food service plan contributes to the corporate council priorities in the Council Plan as follows:
- **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.
 - **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. We respond to complaints from members of the public and investigate cases of food borne illness in the community.
 - **An open and effective Council:** We work as an open, transparent and accountable organisation, in partnership with key stakeholders, to deliver on residents priorities. We help and support businesses.

Implications

15. **Financial** - The proposals set out can be delivered within existing budgets
16. **Human Resources (HR)** - There are no HR implications.
17. **One Planet Council / Equalities** – The work contained in the food service plan has to be delivered in accordance with the Food Law Code of Practice. However, there are clear overlaps with a number of the One Planet Council principles, including health and happiness, equity and local economy and culture and community. Our services, particularly the pre-inspection consultancy advice visits, are designed to help local businesses thrive and grow.
18. The service deals with a wide range of customers, including various ethnic groups. The service already adapts its service to meet the needs of different groups.
19. **Legal** - 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.

- 20. **Crime and Disorder** – The work programme is aimed at ensuring businesses are meeting their legal obligations and can link to the disruption of wider criminal activity including modern slavery and organised crime gangs.
- 21. **Information Technology (IT)** – There are no IT implications.
- 22. **Property** – There are no property implications.
- 23. **Other** – There are no other implications.

Risk Management

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

Contact Details

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Chief Officer Responsible for the report:
Neil Ferris
Corporate Director of Economy and Place

Report **Date** 2 September 2019
Approved

Specialist Implications Officer(s) List information for all

N/A

Wards Affected: List wards or tick box to indicate all **All**

For further information please contact the author of the report

Annexes

Annex 1 – Food service plan 2019/20

List of Abbreviations Used in this Report

Food Standards Agency (FSA)

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DIRECTORATE OF ECONOMY AND PLACE

FOOD SERVICE PLAN 2019/2020

**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 2019/2020 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 2018/2019 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 routes in the Food Law Code of Practice introduced in 1990. The Food Standards Agency (FSA) is currently reviewing the way this activity is delivered through its 'Regulating Our Futures' programme, 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 system;
- 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 those businesses who 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 tackle 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 Council's draft Plan for 2019-2023 includes the following 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 'Control Strategy' (or business 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.

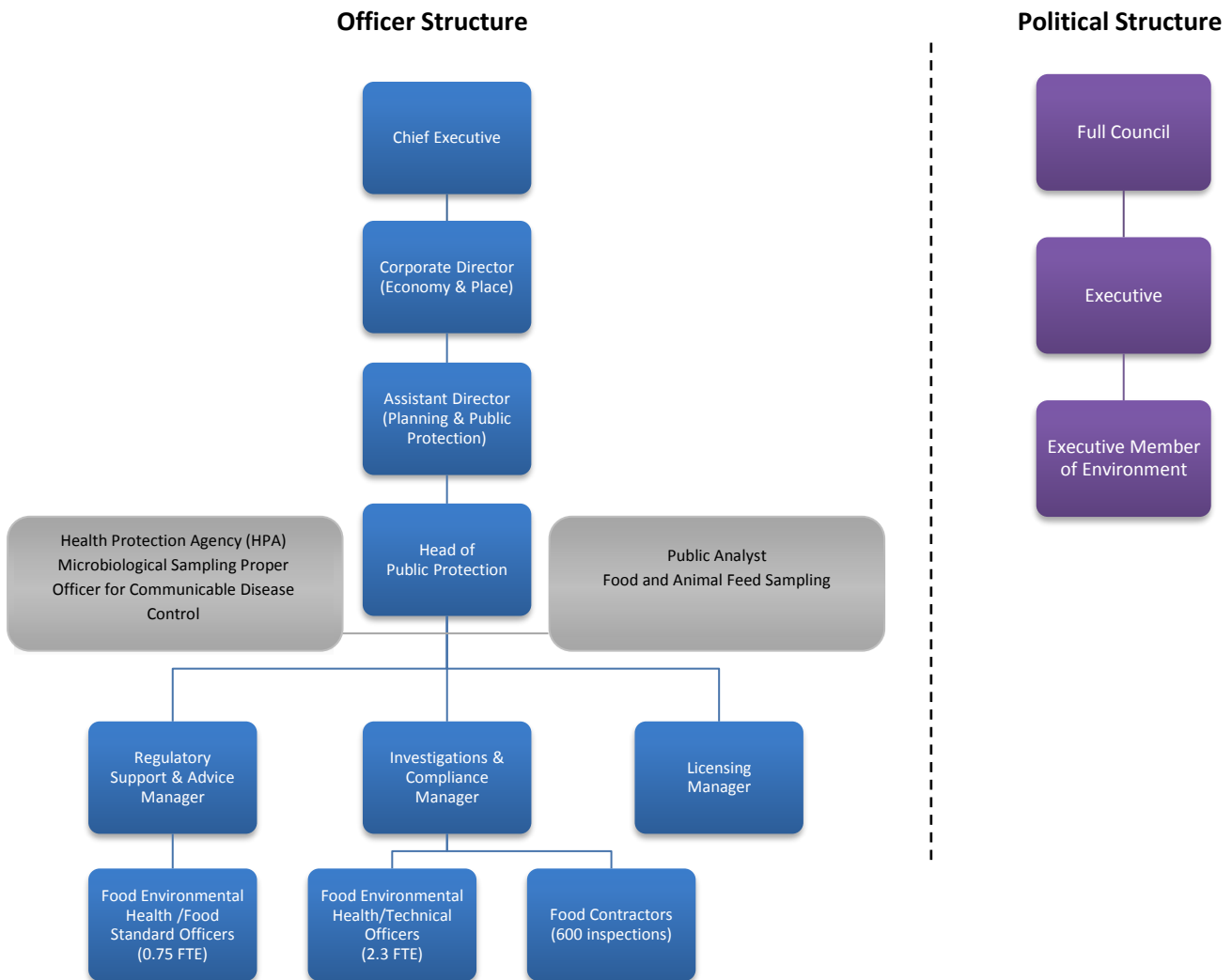
2. BACKGROUND

2.1 Profile of the council

City of York Council is a unitary authority, with a population of approximately 208,000 and an area of 27,250 hectares. The majority of the electorate are located in the urban city area, with the remainder resident in the outlying towns and villages. The area is predominantly urban, covering the historic city with the associated tourism, hospitality and catering activities. 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. Please note that this contract will be subject to re-procurement in 2019/20.
- Microbiological food examination is carried out under service level agreement with the Health Protection Agency (HPA) laboratory service.

2.3 Scope of the food and feed service

The Public Protection team has responsibility for all of 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 conducted 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 Ratings 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 poisonings/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 Offices 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 2019
FSA Primary Producer	10
Manufacturer & Packer	41
Importer/Exporter	1
Distributor/Transporter	18
Retailers Other	88
Restaurants/Cafe/Canteen	194
Supermarket/Hypermarket	56
Small Retailer	238
Hotel/Guesthouse	131
Pub/Club	226
Takeaway	183
Caring Establishment	128
School/College	92
Mobile Food Unit	44
Restaurant/Caterers - Other	484
Total	1934

The number of food premises fluctuates year on year, but is typically around the 2000 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. We continue to see a high turnover of business ownership in this sector. This 'business churn' places a strain on the team's resources due to the subsequent inspection of these new premises.

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

The team works in accordance with the principles of the Primary Authority scheme, which is promoted by the 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 delivered from council offices at the Eco Depot, Hazel Court, York.

The council's hours of operation for the general public are 08:30 -17:00, Monday to Friday. 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 the Council Executive 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 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.

Food hygiene interventions due: 1 April 2019 - 31 March 2020

High risk ←————→ Low risk

Premises intervention rating	A	B	C	D	E	Unrated *	Total
No. of premises due an Intervention (Civica)	8	61	244	372	47	19	751
No. of interventions Planned (Civica)	16**	61	244	372	173 ***	19	885

* 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.

** Each high risk premises receives two interventions.

*** To help even out the number of inspections required each year, 126 'E rated' interventions which were due to be undertaken in 2020/2021 have been brought into the 2019/2020 inspection year.

We are committed to completing 100% of the interventions due during 2019/2020.

To achieve this we will make full use of the full range of intervention options allowed under the Code of Practice. Our higher risk premises will be subject to an inspection (either full or partial), whilst our lower risk premises, such as our 'D' and 'E' Risk rated premises, will be subject to interventions that are not official controls (eg advice/education, information and intelligence gathering by other officers) where permissible. A 'follow up' full inspection will be made if deemed necessary.

We will continue to provide food hygiene ratings to businesses following our interventions to help consumers make informed choices about where to eat out.

Food standards interventions due: 1 April 2019 - 31 March 2020

Premises intervention Rating	High or A	Medium or B	Low or C	Unrated
No. of premises due an intervention	1	466	552	907
No. of planned interventions	1	-*	-*	-*

* In line with the approach taken by other Councils, we plan to follow the trading standards 'Intelligence Operating Model' in delivering our food standards activity. This means we will deploy our resources where intelligence, complaints and other information highlights the risk of non compliance. We will only routinely inspect our 'high risk' premises, and our Environmental Health Officers will give advice in relation to food allergens during the course of their food hygiene visits. We have risk assessed this approach using the 'Management of Risk in Law Enforcement' tool and it provides an acceptable risk in line with other trading standards activity.

We are also planning to take a small programme of inspections and activity looking to establish whether there may be emerging issues (identifying intelligence gaps).

Feeding stuffs/primary production due 1 April 2019 - 31 March 2020

A total of 7 programmed animal feed interventions are due to be carried out. This work is currently out-sourced to North Yorkshire County Council under the animal health and feed contract but will be re-procured during the course of the year. Where appropriate we will incorporate primary production hygiene interventions to reduce the burden on farms.

3.2 Food and Feed Complaints

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

In 2018/2019 we received 107 complaints about the safety of food and 97 complaints about the hygiene of premises. We received a further 45 complaints about food standards and 4 complaints about animal feed. This figure is 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.

3.3 Primary Authority Scheme

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

3.4 Advice to businesses/customers

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

We typically receive over 300 requests for business advice each year.

Advice is often requested by prospective businesses before they commence trading. We are seeing many new premises opening and new business proposals being considered.

We also receive a large number of requests for advice from businesses interested in improving their rating under the Food Hygiene Rating Scheme. We provide this service for a charge on a cost recovery basis. Last year 71 businesses took up this service which is in line with the figure for the previous year, Some 63% of businesses taking up a pre-inspection advice visit had a score of 5 before taking up the advisory visit, and this increased to 69% after the formal inspection demonstrating that they do improve standards.

3.5 Food and feed sampling

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

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

The sampling programme tends to focus on areas of past non-compliance, premises that are failing to meet minimum standards and emerging priorities such as cross contamination in connection with *E.coli*.

Each year Public Health England undertakes microbiological analysis of the samples we take, most of which are done without charge under a credits system.

Our food standards samples look at the description, composition and labelling of food, to ensure that legal requirements are being met. Samples are normally targeted at areas where problems are regularly found, or where intelligence 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 Public Health England, and also sample where local intelligence indicates a need (eg 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.

	2018/2019 Samples taken
Food standards samples	2
Feeding stuffs samples	2
Food safety samples	78

3.6 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 2018/2019 the team received 51 formal notifications of infectious disease, with a similar number of notifications anticipated in the coming year.

3.7 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.

3.8 Liaison with other organisations

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

North Yorkshire Food Liaison Group

Our regional food liaison group works under the wing of the North Yorkshire Chief Environmental Health Officers Group. All eight North Yorkshire local authorities are represented on both of these groups. Of particular relevance is the food safety quality management system (QMS) which the group maintains.

Yorkshire and the Humber Trading Standards Group – Food and Feed

This group is formed by the Yorkshire and Humber Trading Standards Executive Group and meets twice a year to discuss food standards issues. They look at regional projects where intelligence indicates there are emerging issues, for example counterfeit alcohol or meat substitution.

Public Health England (PHE)

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

3.9 Promotional and project work

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

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 ie 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 County 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 of technical seminars/courses
- In-house training on specific issues
- Cascade training by staff that have attended relevant courses
- Use of on line training resources (eg 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 the other North Yorkshire authorities 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 on 23-25 May 2016, with a follow up visit on 13 June 2016. The resulting improvement plan was completed and signed off as complete on 1 May 2018.

6. Review

6.1 Review of last year's performance (2018/2019)

6.1.1 Food hygiene interventions from 01/04/18 to 31/03/19

High risk ←————→ Low risk

Premises intervention rating	A	B	C	D	E	Unrated	New
No. of interventions planned	18 (2 visits at 9 premises)	76	227	324	29	75	0
Total No. of interventions achieved	18	76	227	324	29	74	185
No. of premises where no interventions was achieved	0	0	0	0	0	1	0

We carried out interventions at every premises due an intervention in 2018-2019, apart from one where we were unable to carry out an intervention due to the premises being closed on each occasion we visited. Included within the above figures are a number of new food premises to York which received an initial intervention following their registration with the Council.

Some other statistics of note arising from these interventions are:-

- 93 % of business in York are broadly compliant with food hygiene law (target 90%).
- 65 % of food businesses in York have a food hygiene rating score of 5 out of 5 (April 2019).

6.1.2 Food standards interventions

Premises intervention rating	High	Medium	Low
No. of interventions planned 1/4/2017 – 31/3/18	1	--	--
No. of interventions achieved	1	--	--
No. of interventions not achieved	0	--	--

As described above, we take an 'intelligence led' approach to food standards activity, rather than following the regime set out in the food law code of practice. We carried out a routine inspection at our highest risk premises. We also carried out work focussing on undeclared allergens (which we are continuing in this financial year).

6.1.3 Feeding stuffs/primary production interventions

As stated above, during 2018/2019, we outsourced this area of work to North Yorkshire County Council. The authority visited 7 of our registered animal feed premises that were due an intervention that year in accordance with the FSA National Trading Standards model

6.1.4 Formal action

The following tables summarise the level and types of formal enforcement action taken in 2018/2019. We believe that to be effective, the full range of enforcement options should be used, from informal letters offering advice, through to prosecutions where this course of action is considered appropriate.

Food safety

Type Of Action	Numbers Taken/ Issued 2018/2019 (Businesses)
Prosecution	17
Simple Caution	3
Emergency Prohibition Notice	0
Hygiene Improvement Notice	6
Written Warnings	763

Food standards and feeding stuffs

Type Of Action	Numbers Taken/ Issued 2018/2019 (Businesses)
Prosecution	2
Simple Caution	0
Written Warnings	1

6.1.5 Consultation

We survey our business customers and members of the public on a regular basis to ensure that we are providing a high quality, customer focused service.

Our surveys found:-

- 96.8% of businesses visited found our contact helpful
- 98.1% of businesses said they were treated fairly.

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

We carried out a food hygiene intervention at all the premises due an intervention in 2018-2019. We have also continued to take firm enforcement action against the poorest performing businesses with 17 businesses and directors being prosecuted for poor food hygiene and 2 businesses for food standards matters.

6.3. Areas for improvement in 2019-2020.

- Further improvements to intelligence gathering and sharing, particularly in relation to identifying victims of modern slavery and tackling organised crime.
- Provide advice and information on the help and support available to growing businesses
- Undertake horizon scanning on food related issues.
- Renew the animal health and feed contract.
- Improve our Proceeds of Crime capability – particularly amongst Environmental Health staff.
- Continue to support the Food Standards Agencies ‘Regulating Our Futures’ review with the secondment of one of the service managers to the programme.



**Decision Session – Executive Member for
Environment and Climate Change****7 October 2019**

Report of the Director of Economy and Place

Highway Weed Control**Summary**

1. This report provides an update of the service performance in relation to highway weed control and options for improvements to that service which will need to be developed and costed and considered by Executive and Council as part of the budget setting process.

Recommendations -

- 2 It is recommended that all the reviews are undertaken as outlined in the options:
 - Option 1 – Review the following areas of the street cleansing service
 - Option 2 – Review and amend the contract
 - Option 3 – Use of third party resources
 - Option 4 – Alternatives to GlyphosateReason: Because this will respond to residents and member concerns.

Background

- 3 Highway weed control is undertaken as part of a two year contract (we are currently in year one) by a private company, which has been the case since the early nineties, as it is financially and operationally more efficient than using in house resources.
- 4 The contract includes for three applications a year, the timing of which is dependent on the weather, but generally these take place in May/June, July/August and September/October.
- 5 The area treated includes kerb lines, footpaths, wall bottoms, traffic islands and back lanes.

- 6 The type of weed killer used is Glyphosate which is a contact weed killer, with no residual effect, so it only kills weeds present at the time of application, this for environmental reasons is industry practice.
- 7 The chemical is applied via a quad bike in most cases, but is followed up by using hand held equipment if areas are not accessible due to parked cars or narrow access.
- 8 It is not immediately obvious when weed killer has been applied as it takes a week for the weed killer to take effect. Council officers do undertake monitoring, but also rely on reports from ward councillors and the public to report areas that have not been treated which the contractor then needs to retreat.
- 9 This year has been very problematic due to the weather, the chemical is washed off if it rains within half an hour of application. This not only delayed the start of the first application, but also interrupted the programme on many occasions, leading to a delay in application, poor take up of the weed killer and therefore weeds have been very visible in parts of the city.
- 10 Climate Change the UK is predicted to expect warmer and wetter summers we can expect this year's issues and more vigorous weed growth to increase.
- 11 The acceptability of chemical, mechanical sweeping and burning of weeds which will all have negative environmental and carbon impacts needs to be considered by the Executive Member.
- 12 Performance and contract management meetings have been held with the contractor. Communication from our contractor has not been as timely as we expect in line with the contract, with delays in us receiving the daily list of streets treated, this has led to two formal notices of non-compliance to the contract being issued.
- 13 In response the contractor has deployed additional supervision and resource to the contract, at their own cost.
- 14 The final application of weed killer commenced on 16th September. Given the first two applications have not been as effective as the contract mandates the council has formally requested a plan from the contractor to remove the weeds, from locations to be agreed, once they are dead after the final application.

- 15 The council will consider next year's contract based upon the effectiveness of the final application of weed killer.
- 16 The Council has also deployed additional resource to focus on removing detritus which collects in kerb lines, particularly on the offside of traffic islands where sweeping is more difficult and less effective. The detritus build up is greater when weeds are present.
- 17 As part of preparing this report consideration of further reviews of the service has taken place which has identified that a number of streets were not included within the contract, nor were rural locations such as bus stops.

Options for Consideration

- 18 In response to this year's experiences the following options can be considered and proposals developed for consideration into next year's budget.
- 19 Option 1 – Review the following areas of the street cleansing service:
 - The frequency of mechanical sweeping in order to ensure less detritus in which the weeds can grow.
 - Adding an annual manual clean of all traffic islands by mechanical and manual means to our planned work each spring.
- 20 Option 2 – Review and amend the contract following:
 - A review of the locations treated, including the current list of streets and the addition of areas in rural locations, where kerb lines may not be present generally, but there are areas of kerb line near bus stops.
 - A change to the contract to allow for different and specific products to be used for specific weeds, this would still entail the use of a contact weed killer and a Glyphosate based product.
 - Re-let the contract in light of any changes made to the specification.
 - Some councils only undertake 2 applications of glyphosate per year. The normal application rate is 3 applications a year. A fourth application could be considered.
- 21 Option 3 – Use of third party resources

- Consider encouraging the use of volunteers to remove weeds from designated areas, as an extension to the current volunteering programme which includes tasks such as snow clearing and litter collection.
- Seek the use of resources from the Community Payback team and other similar groups.

22 Option 4 – Alternatives to Glyphosate

- Glyphosate is licensed for use by the European Union and the UK Government. But glyphosate has been the subject of legal challenges around the world and the amenity landscape industry is starting to look at alternatives to glyphosate usage. Trials of foam, heat and steam have taken place.
- The council could trial an alternative treatment process in a specific ward.

Consultation

23 Should a review of the contract take place in terms of those locations treated and the selection of a trial Elected members will be consulted on the list of streets to be treated in their particular wards

24 Volunteers groups will be consulted with regards to what and where they are able to assist with.

Council Plan

25 The above proposal contributes to the City Council's draft Council Plan of:

- Of a greener and cleaner city

26 Implications

27 This report has the following implications:

Financial – The weed control contract is part of the overall budget for Public Realm of £2.8m. The costs associated within the report for 2019/20 will be able to be contained within the current budget. Any changes to the weed control contract or associated works that have an increase in overall costs for future years will need to be approved by Executive and Council through the 2020/21 budget processes.

Legal - Any changes to the current weed control contract will be recorded in accordance with the terms of the contract. Any re-procurement of the

contract will be undertaken in accordance with the Council's Contract Procedure Rules.

Land – None

Other – None

Risk Management

28 . No known risks are identified at this time.

Contact Details

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Wards Affected:

All Yes

For further information please contact the author of the report.

Background Papers: None.

Annexes:

None

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