



NOTICE OF MEETING

CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY DECISION MEETING

WEDNESDAY, 6 JULY 2016 AT 4.30PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: jane.didino@portsmouthcc.gov.uk

CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY DECISION MEETING

Councillor Rob New (Conservative)

Group Spokespersons

Councillor Dave Ashmore, Liberal Democrat

Councillor Julie Swan, UK Independence Party

Councillor Stephen Morgan, Labour

(NB This agenda should be retained for future reference with the minutes of this meeting).

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Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

AGENDA

- 1 Apologies for Absence**
- 2 Declaration of Members' Interests**
- 3 Waste Trial (Pages 1 - 26)**

Purpose.

To obtain agreement from the portfolio for a time-limited and area-limited trial for the provision of wheeled bins for refuse. The report outlines the reasons for the proposal, the proposed length and area for the trial, what will be measured during the trial, the costs of the trial and how the information will be made available for subsequent decisions.

Recommendations.

1. That a trial be undertaken as described, in the chosen area, for residents to be provided with wheeled bins for refuse. The trial will last up to six months.
2. That during the trial refuse will continue to be collected on a weekly basis only from the bins provided.
3. That officers provide feedback to residents during the trial about the changes in recycling rates.

4 Assessment of Air Quality in the City (Pages 27 - 118)

Purpose.

To update the Cabinet Member for Environment & Community Safety on the:

- Review and assessment of air quality in Portsmouth and the publication of the 2016 air quality progress report.
- Changes implemented by the Department of Food and Rural Affairs (DEFRA) to the annual reporting of air quality and the Government's expectations of local authorities in relation to improving air quality.
- Need to continue to explore options and strategies in order to improve air quality in Portsmouth.
- Installation and requirement for new DEFRA co-ordinated air quality monitoring in Portsmouth.

Recommendations

That the Cabinet Member for Environment & Community Safety acknowledge the:

- a. **Prescriptive statutory changes to the annual air quality reporting processes.**
- b. **Increased need to monitor and reduce the impact of particulate matter with an aerodynamic diameter of 2.55µm or less (PM2.5)**
- c. **Conclusions of the 2016 air quality progress report and approves the publication of the 2016 report attached as Appendix 1;**
- d. **Importance of, and supports the installation of, a DEFRA-funded air quality monitoring station in Victoria Park;**
- e. **Relevance of clean air zones in Portsmouth.**

5 Food Premises Inspection Plan 2016/ 17 (Pages 119 - 178)

Purpose.

The purpose of this report is to:

- Update the Cabinet Member for Environment and Community Safety on the current level of food business hygiene compliance in Portsmouth;
- Set out the programme of inspection during 2016 / 2017;
- Highlight service risks and non-compliances with the Food Law Code of Practice (FLCofP).

Recommendations

That the Cabinet Member for Environment and Community Safety:

- a) **Approves the continuation of a risk-based approach to the statutory and regulatory inspection and enforcement of food business**

operators;

- b) Acknowledges the reasons for the increasing levels of enforcement and reduction in inspection rates, and the public health importance of this service;**
- c) Approves the Food Operating Plan 2016 / 2017 as described in Appendix 1 of this report;**
- d) Approves the revisit inspection regime as detailed within section 7.35 and section 7.36.**

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Agenda Item 3



Portsmouth
CITY COUNCIL

Title of meeting:	Environment & Community Safety Decision Meeting
Date of meeting:	6 th July 2016
Subject:	Waste Trial
Report by:	Paul Fielding
Wards affected:	Cosham
Key decision:	No
Full Council decision:	No

1. Purpose of report

1.1. To obtain agreement from the portfolio for a time-limited and area-limited trial for the provision of wheeled bins for refuse. The report outlines the reasons for the proposal, the proposed length and area for the trial, what will be measured during the trial, the costs of the trial and how the information will be made available for subsequent decisions.

2. Recommendations

- 2.1. That a trial is undertaken as described, in the chosen area, for residents to be provided with wheeled bins for refuse. The trial will last up to six months.
- 2.2. That during the trial refuse will continue to be collected on a weekly basis only from the bins provided.
- 2.3. That officers provides feedback to residents during the trial about the changes in recycling rates.

3. Background

3.1. The council has an obligation under the Environmental Protection Act 1990 (EPA 1990) to collect and dispose of household waste. The treatment and disposal of waste is undertaken, on behalf of the council, by Veolia through the Project Integra arrangement, which determines how materials are treated, recycled or disposed of. It also determines what materials are can be collected at the kerbside through the current recycling service. The items which can be collected are for recycling are:

- 3.1.1. Paper
- 3.1.2. Card & cardboard
- 3.1.3. Plastic bottles
- 3.1.4. Aluminium and steel cans

3.1.5. Aerosols

- 3.2. The operation of collecting household waste is currently undertaken, on behalf of the council, by Biffa who have an open book contract with the council until 2019.
- 3.3. This report concerns the methods in which household waste is collected from the household, and does not propose any changes in the type of material can be recycled. However the method of collection has a direct impact on the volume and quality of recycling.
- 3.4. The council collected 56,935 tonnes of waste and recycling from the kerbside in 2015/16, of which 8,766 tonnes was recycling. This gives a kerbside recycling rate of approximately 15%. Analysis of black bag waste suggests that there is another approximately 8,000 tonnes of potential recycling currently goes into the black bag refuse.
- 3.5. The council has tried a number of different approaches in recent years aimed at encouraging residents to recycle more. This included the Portsmouth BIG recycle, launched in 2013, which offered financial incentives to residents. Whilst it has seen a minor change in recycling rates, Portsmouth has a low recycling rate compared to other authorities, being 345 out of 352 on Letsrecycle.com's overall performance for 2014/15.
- 3.6. Disposing of waste in the refuse, rather than recycling it, costs the Portsmouth taxpayer. If all of the potential recyclables currently going into the city's black bag refuse stream were diverted to recycling, it is estimated that up to £500,000 per annum could be saved (subject to market values).
- 3.7. A comparison between Portsmouth and other authority areas in Hampshire is shown in Appendix 5

4. Waste Management intervention

- 4.1. In January 2016 the waste management service started a systems-thinking intervention. Using the established Portsmouth model, this began with a Check phase to establish the current system. Following Check, it was agreed by senior managers that the service would proceed into Redesign to discover how the system can be improved.
- 4.2. The intervention team has established a proper, customer focussed purpose ('Enable recycling and remove waste on due collection day') and identified the steps in the system that are valuable to the customer.
- 4.3. During Redesign it was recognised that to achieve the purpose more changes may be necessary and these would need to come from a change to the actual collection method.
- 4.4. It has also been recognised that there is a strong customer desire for wheeled bins to be used for refuse. In the 2014 'Lift the lid on your service' survey, when

residents were asked what changes they would like to see to the service 34% of the respondents wanted wheeled bin for refuse.

4.5. An assessment by the intervention team in four different parts of the city was undertaken to establish the number of black bags of refuse currently being produced by residents. This showed that across the city the average number of black bags presented by each household was just below three, with the range being from one to eight or more bags per week. Overall, our assessment showed that 83.17% of households produce four or fewer black bags per week. However the remaining 16.83% of households produce 36.38% of all the black bags of refuse. See Appendix 1.

5. Trial of collecting refuse from wheeled bins

5.1. In response to the purpose of the service to enable recycling, and the feedback from residents about wheeled bins for refuse it is proposed that a trial takes place to provide some residents with a wheeled bin for refuse collection.

5.2. This trial will be limited to a single collection round area and take place for up to six months. The first three months will establish the impact of the change. The trial will continue for up to another three months whilst the council decides how it wishes to proceed based upon what is learned from the trial.

5.3. During the trial all of the properties in the chosen area will be provided with a 140ltr wheelie bins for refuse. The first bin will be provided for free, with a charge being made for any replacement bin which is lost or damaged (except where the damage is caused by Biffa during collection). The highlights of the service change during the trial are as follows:

5.3.1. Keep weekly collections. During the trial refuse will continue to be collected on a weekly basis. Recycling will continue to be collected on a fortnightly basis from the wheeled bins or boxes already provided.

5.3.2. One bin per household. Each property will be provided with a 140ltr wheeled bin, enough to contain 3-4 black bags of refuse. The size and weight of the bin are shown in Appendix 3.

5.3.3. No side waste. Residents will be required to place all of their refuse for collection in the wheeled bin provided (with the lid closed) and place it at the front boundary, next to where they currently place their recycling bin.

5.3.4. Impacts on street cleansing. A potential additional benefit may be the impact on street cleansing and litter as it is known that black bags can be split before or during collection, leaving litter on the highway. By using bins to contain refuse it will remove the opportunity for split bags.

5.3.5. All other waste services, such as what can be recycled, provision of bring banks and garden waste services will remain unaltered during the trial.

5.3.6. Flexibility will need to be retained by council officers to respond to individual circumstances as they arise.

5.4. If the trial is agreed officers will arrange for wheeled bins to be procured through the contract with Biffa, and for letters to each household to be printed and distributed.

5.5. Council officers will visit each property, delivering information and answering any questions residents may have about the trial. They would also be available at public events for any questions.

5.6. Wheeled bins would be delivered one or two weeks before the first use of the wheeled bin. The date from which bins could first be used would be Friday 16 September 2016. This date is subject to change depending upon operational factors.

5.7. The proposed date when the first refuse collection from the wheeled bins would take place on Friday 23 September 2016. This date is subject to change depending upon operational factors.

6. Trial area

6.1. When deciding in which part of the city to undertake the trial, officers considered a wide range of factors, including:

- 6.1.1. Overlap of existing refuse and recycling rounds
- 6.1.2. Stability of the current refuse and recycling system
- 6.1.3. Ability of properties to have a bin for refuse

6.2. It is proposed that the Highbury estate in Cosham is the area for the trial. A list of roads within the trial area, and a map, are attached in Appendix 2.

7. Communications

7.1. A comprehensive communication plan will support the trial, making sure residents are made aware of the changes, updated throughout the six months and also have the opportunity to feedback any comments.

8. Measures of the trial

8.1. It is important that the council gets a full and detailed understanding of the impacts of the trial. This will require collecting a range of data so future decisions about the service can be made.

- 8.1.1. Volumes of kerbside refuse and recycling collected. This will be data collected from the weighbridge tickets
- 8.1.2. Financial impact on collections and disposal contracts. This will be based on the costs seen during the set up and operation of the trial, and any changes in disposal costs as a result of increased recycling and reduced refuse.
- 8.1.3. Residents' use of bins will be monitored as part of how the city council supports the implementation of this trial. There will also be surveys undertaken to understand the satisfaction of residents towards the trial.

- 8.1.4. Street cleanliness. This will be undertaken by the council's highway department in conjunction with the PFI contractor and will take place before and during the trial.
- 8.1.5. Impact on the Portsmouth Recycling Centre and fly tipping. Any change in fly tipping incidents will be monitored through the existing measures, along with usage and tonnage at the recycling centre in Port Solent.
- 8.1.6. Use of bring banks. Tonnage data from bring banks in the area will be monitored before and during the trial.

8.2. These measures will form part of an assessment of the trial which will be reported back to the Portfolio after the first 12 weeks.

9. Costs of undertaking the trial

9.1. The costs of undertaking the trial have been estimated by Biffa. If the trial is approved the council would work with Biffa, through the open book contract, to ensure that it only pays for the actual costs of providing the services. Therefore the costs are indicative and based upon a worst-case scenario. Part of the measures of the trial will be in understanding the actual on-going costs of providing a wheeled bin for refuse service. All other costs will come from within the existing cash limit.

9.1.1. Wheeled bins. The market cost for 140ltr bins fluctuates between £15 and £18. As there are 1388 properties which need bins, this is a cost of up to £25,000. It is anticipated that if the trial was not successful, and therefore did not proceed on a permanent basis, these bins would be reused and therefore the costs would be recouped.

9.1.2. Vehicles. To collect waste from wheeled bins requires a bin lift mechanism on the waste collection truck. All of the trucks with this mechanism on the existing fleet are currently utilised on the collection of recycling. Therefore it is proposed that a suitable vehicle is hired for this task. The estimated cost is up to £1,200 per week. For the initial 12 weeks of the trial period this would cost £14,400.

9.1.3. Operations. There will be costs in delivering the bins to the households. This is estimated to be a maximum of £6,400.

9.1.4. Communications. A full marketing plan to keep residents regularly updated throughout the six months includes letters to every property, bin stickers and feedback leaflets and has been estimated at £2,000.

9.2. It is proposed that all the costs from the trial are funded from within portfolio reserves.

10. Reasons for recommendations

10.1. The waste intervention needs to find all areas within the system where ineffective processes happen. Having undertaken some work to date, it can be seen that to make a major impact upon the recycling rate and costs of the system a major change will be required.

- 10.2. The most recent survey of residents' attitudes towards waste and recycling indicated that there are a large number of people who would like to have a wheeled bin for refuse. This trial will help to discover if that is possible, and the impacts of providing such a service.
- 10.3. At this current time there is no proposal being placed before Members regarding frequency of collection of refuse. Therefore weekly refuse collections are retained during this trial.
- 10.4. A three-six month trial will provide enough time for the residents, operations and council to find out how using wheeled bins for refuse works in practice
- 10.5. Once the impacts of the trial have been fully assessed a report will be brought to the portfolio on the outcomes, along with any proposals for next steps. This would also provide an opportunity for officers to provide a more detailed report on the issue.
- 10.6. While it is known that some authorities have provided 140ltr wheeled bins for weekly collections (Basingstoke & Deane BC), the impact upon the city could not be fully assessed from desktop studies alone. This is because there would a large number of variables to the success or failure of such a scheme (communications, demographics etc). Therefore only by undertaking a trial in Portsmouth will it be possible to fully assess the value to the resident of making such a change.

11. Equality impact assessment

- 11.1. As this is a trial for a limited period, a Preliminary Equality Impact Assessment (EIA) has been carried out. Feedback has been gained from the waste survey of residents carried out in 2014, and more information about any impact on equality groups would be discovered during the trial.
- 11.2. It is anticipated that the impacts upon any households with protected characteristics will be learned during the trial, and will form part of a future full Equality Impact Assessment if required.

12. Legal implications

- 12.1. Waste collection is a function carried out by local authorities, as prescribed in Sections 45 and 45A of the Environmental Protection Act 1990 (EPA 1990).
- 12.2. Section 46 of the EPA 1990 relates to receptacles for the placing of household waste for collection (most commonly refuse sacks or wheeled bins). Section 46(1) provides that "*Where a waste collection authority has a duty...to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.* The council will rely on this report together with the additional written communications outlined, as meeting the statutory requirement to give notice of the change. The receptacle for collection to be specified in the notice to occupiers is a wheeled bin of 140ltr or larger as deemed appropriate by the council.

- 12.3. During the trial, Section 46(3)(a) of the EPA 1990 will be applied, in that the wheeled bin will be provided free of charge. All wheeled bins will remain the property of the council and the council retain the right, at any point before, during or after the trial, to remove them from the properties. In the event of loss or damage to the wheeled bin, the council will rely on Section 46(3)(b) to require the resident to pay for a replacement wheeled bin.
- 12.4. Under Section 46(4) of the EPA 1990 the council is able to include in the notice to occupiers provisions relating to the placing of the receptacle for emptying and the substances or articles which may or may not be put into them. These are covered in Appendix 3.
- 12.5. Under Section 46(5) of the EPA 1990 the council is required to obtain consent from the relevant highway authority for the wheeled bins to be placed on the highway and arrangements must be made as to the liability for any damage arising out of them being so placed. This issue will be discussed with the highway authority and the PFI contractor and permission obtained before any trial takes place.

13. Director of Finance's comments

- 13.1. The anticipated costs of the proposed Waste Trial are as follows:

13.1.1.	Purchase of Wheeled Bins	£25,000
13.1.2.	Hire of Collection Vehicle (assuming 6 months)	£31,200
13.1.3.	Cost of Delivery	£6,400
13.1.4.	Cost of Communications	<u>£2,000</u>
13.1.5.	Total cost of Waste Trial	£64,600

- 13.2. Although the waste collection service underspent in 2015/16, savings already committed to be delivered in 2016/17 has meant that it is unlikely that an underspend will be repeated, and as a result the costs of this trial are unlikely to be met from the existing waste collection cash limit. As a result it is proposed that the anticipated cost of the trial be funded by a contribution from the Environment and Community Safety Portfolio Reserve.
- 13.3. The current balance on the Environment and Community Safety Portfolio Reserve is approximately £1m.
- 13.4. Any use of Portfolio reserves must be approved by the relevant Portfolio Holder in consultation with the Director of Finance and IS and its use is limited to the funding of one off pressures and spend to save projects. The waste trial fits these criteria as it tests a new way of working that aims to deliver ongoing savings for the council.

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Signed by:
Director of Property & Housing

Appendices:

- Appendix 1 - Information on volume of refuse produced
- Appendix 2 - Map of proposed area for trial and list of roads involved
- Appendix 3 - Bin details
- Appendix 4 - Preliminary EIA
- Appendix 5 - Waste service comparison between Portsmouth and other Hampshire waste collection authorities.

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Environmental Protection Act 1990	http://www.legislation.gov.uk/ukpga/1990/43/contents
Letsrecycle.com league tables	http://www.letsrecycle.com/councils/league-tables/201415-overall-performance-6/
Basingstoke & Deane Borough Council waste page	https://www.basingstoke.gov.uk/waste#elem_23358

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

.....
Signed by:
Portfolio holder for Environment & Community Safety

Wheeled bins for refuse
report - Appendix 1

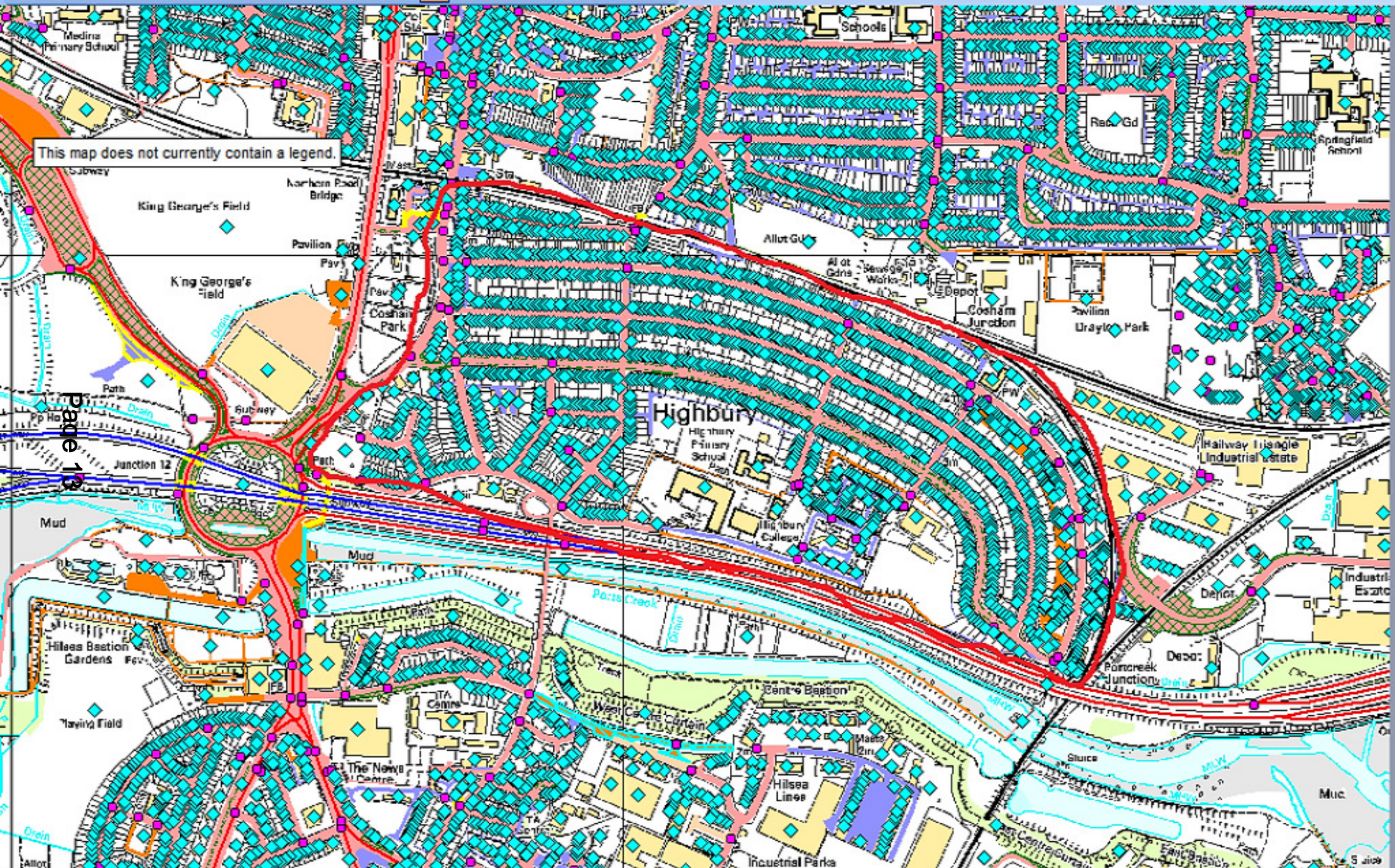
Number of black bags of refuse	1	2	3	4	5	6	7	8	total	average bags per property	% properties producing 2 bags or less	% properties producing 3 bags or less	% properties producing 4 bags or less	% properties producing 5 bags or less	% properties producing 6 bags or less
Properties in Eastney & Craneswater producing this number of black bags of refuse															
	178	198	158	92	65	25	11	37	764	average bags per property					
% of total	23.30%	25.92%	20.68%	12.04%	8.51%	3.27%	1.44%	4.84%			49.21%	69.90%	81.94%	90.45%	93.72%
Total number of bags	178	396	474	368	325	150	77	296	2264	2.96					
Properties in Cosham producing this number of black bags of refuse															
	252	323	184	132	59	16	4	19	989	average bags per property					
% of total	25.48%	32.66%	18.60%	13.35%	5.97%	1.62%	0.40%	1.92%			58.14%	76.74%	90.09%	96.06%	97.67%
Total number of bags	252	646	552	528	295	96	28	152	2549	2.58					
Properties in Southsea producing this number of black bags of refuse															
	137	165	110	69	54	26	9	59	629	average bags per property					
% of total	21.78%	26.23%	17.49%	10.97%	8.59%	4.13%	1.43%	9.38%			48.01%	65.50%	76.47%	85.06%	89.19%
Total number of bags	137	330	330	276	270	156	63	472	2034	3.23					
Properties in Paulsgrove producing this number of black bags of refuse															
	214	186	159	102	42	39	13	60	815	average bags per property					
% of total	26.26%	22.82%	19.51%	12.52%	5.15%	4.79%	1.60%	7.36%			49.08%	68.59%	81.10%	86.26%	91.04%
Total number of bags	214	372	477	408	210	234	91	480	2486	3.05					
Total properties producing this number of black bags of refuse															
	781.0	872.0	611.0	395.0	220.0	106.0	37.0	175.0	3197.0	average bags per property					
% of total	24.43%	27.28%	19.11%	12.36%	6.88%	3.32%	1.16%	5.47%			51.70%	70.82%	83.17%	90.05%	93.37%
Total number of bags	781	1744	1833	1580	1100	636	259	1400	9333	2.92					

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Appendix 2 - Location of trial

Road	No. of properties
Windsor Road	61
Hawthorn Crescent	268
Chatsworth Avenue	371
Portsmouth Road	36
Highbury Way	4
Highbury Grove	343
Dovercourt Road	25
The Old Road	29
Donaldson Road	34
Tudor Crescent	63
Old College Walk	46
Elgin Road	20
Pitreavie Road	33
Edglerly Gardens	27
Jasmond Road	26
Total	1386

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465,440 m, 104,630 m

Editing: None

Selecting: None

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Appendix 3 - Wheeled bin details

Photos of wheeled bin. These are illustrative only. Actual bins will have different logos, and possibly be in different colours



Bin dimensions

	cm	In
Height	110	43
Width	50	19
Depth	60	22

Weight (empty) = 10.7kgs

Maximum safe weight when full = 70kgs

Bins can only accept household waste. Refuse which is unacceptable includes

- soil and rubble
- garden waste
- builders waste
- waste electrical and electronic equipment

- hazardous waste

The bins are made from plastic and are maintained by the city council. As with recycling bins, the council will not provide a cleaning service for refuse bins.

Residents will be expected to place bins at the boundary of their property and the pavement or highway for collection. The bins will be returned to this location once emptied.

Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Director of Property

**Function e.g. HR,
IS, carers:**

Waste Management

Title of policy, service, function, project or strategy (new or old) :

Refuse Bin Trial

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

To provide refuse bins for the kerbside collections in a trial area (Highbury, Cosham).
To limit the refuse capacity through use of bins - no side waste will be collected.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

For the trial, an area covering approx 1,300 households in Cosham (Highbury estate).

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pregnancy and maternity

Other excluded groups

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

Q7 - How have you come to this decision?

Waste survey 2014 - 34% of respondents to our satisfaction survey indicated they would like wheelie bins for their refuse.

We acknowledge that there may be an impact on groups who struggle to put their black bag waste out, but the mitigation is that we will provide an assisted collection service to anyone who requires one. This is currently in place for the recycling bins and we consider that this would be exactly mirrored in any wheelie bin service for refuse.

We do have a list of all of the current people in that area who have an assisted collection for recycling (12 properties) and we will be directly in touch with them, before and during roll out, to discuss getting an assisted collection for refuse.

It is also possible that some residents who don't get/need an assisted collection for recycling currently may need an assisted service for refuse. We will find this out by our knocking campaign, and by any calls which come in.

The purpose of this trial is to understand the problems that arise, and none of those could be fully anticipated or understood in advance.

If this trial was to prove a success, any city-wide roll out would require a full EIA and wider consultation.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Stacey Grant - Waste Compliance Officer

This EIA has been approved by: Collette Hill, Assistant Director of Property and Housing (Environment)

Contact number:

Date:

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

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Authority	Residual Waste			DMR						Collection arrangements in flats		Recycling rate 2015/16	Other Authority info					
	Collection frequency	Container	Side Waste Policy	Collection frequency	Tonnages 2015/16	Container	Side Waste Policy	Households covered	Contamination rate 2015/16	Containers	Frequency		No of households	Political control	Contractor	Contract length	Contract commencement and expiry date	Links to further info
Basingstoke and Deane Borough Council	Weekly	240 litre grey wheeled bins or black sacks but new properties will be provided with 140l bins	No side waste	Fortnightly	9154.73	240 litre green wheeled bins	Can collect extra	73559	8.02%	1100 litre bins. Hard wearing bags to empty DMR into shared recycling bins	Weekly	26.27%	73559	No overall control	Veolia	7 years plus 7 years extension	1st October 2011 - 31st September 2018	Recycle for Hampshire, Recycle now, Project Integra, Real Nappies, Brita, The Community Furniture project, Dove Recycling, Pro Grow, Veolia, Great Green Systems, getcomposting.com, Love Food Hate Waste
East Hampshire District Council	Fortnightly	240 litre green wheeled bin	No side waste	Fortnightly	7833.72	240 litre black wheeled bin	Can collect extra in cardboard box or clear sacks. More bins can be provided.	51238	9.02%	Kerbside alternate weekly collection individual 240 litre wheeled bins or 1100 litre bins. 240 litre wheeled bin for glass also available	Alternate weekly collection and monthly collection for glass	32.72%	51238	Conservative	Biffa	8 years (with a possibility of extension of a further 8 years)	October 2011 Commencement Expires September 2019	Project Integra, getcomposting.com, Environment Law, Love Food Hate Waste, WRAP, Recycle Now, Recycle for Hampshire
Eastleigh Borough Council	Fortnightly	140 litre (1-2 residents per hh) / 180 litre (3+ residents) black wheeled bins	No side waste	Fortnightly	7747.14	240 litre green wheeled bins	Can collect in clear sack or cardboard box next to wheeled bin	54180	10.07%	AWC collection 1100 litre wheeled bin for residual waste with black lid for shared usage; 1100 litre wheeled bin for recyclable waste with green aperture lid for sharde usage. 240 litre wheeled bin for mixed glass.	Fortnightly	40.22%	54180	Lib Dem	In house - DSO			Recycle for Hampshire, Recycle now, Love Food Hate Waste, WRAP, Waste data flow, Environment Agency, CIWM, Valpak

Authority	Residual Waste			DMR						Collection arrangements in flats		Recycling rate 2015/16	Other Authority info					
	Collection frequency	Container	Side Waste Policy	Collection frequency	Tonnages 2015/16	Container	Side Waste Policy	Households covered	Contamination rate 2015/16	Containers	Frequency		No of households	Political control	Contractor	Contract length	Contract commencement and expiry date	Links to further info
Fareham Borough Council	Fortnightly	180 or 240 litre green wheeled bin	No side waste except first collection after Christmas	Fortnightly	7104.18	180 or 240 litre blue lidded wheeled bin	Accepted in clear plastic sacks or cardboard boxes. Additional recycling bins freely available.	48930	8.37%	Wheeled bins 240 or 340 litres for recycling. A mix of 1100 and 340 litre bins for refuse.	Fortnightly recycling. Most are fortnightly refuse; a few are weekly refuse where no room for extra bins.	31.77%	48930	Conservative	In house DSO	n/a	n/a	Love Food Hate Waste, Project Integra, Green Cone Company, Original Organics, Garden Organic, getcomposting.com, Brita, Recycle Now, Real Nappies, Jamie's Computers, IT Green, Maixtech, Green Magnet
Gosport Borough Council	Fortnightly	240 litre black wheeled bin or black sack	No side waste	Fortnightly	4502.74	240 litre green lidded black bin or clear plastic sacks	No side waste	36819	10.13%	Large wheeled bins and reusable bags provided to store DMR	Fortnightly	21.75%	36819	Conservative	Urbaser	10 years with option of 5 year extension	Start 1.4.2011, end after 10 years 31.3.2021	Project Integra, Pro Grow, Real Nappies, Recycle for Hampshire, getcomposting.com, Love Where You Live
Hart District Council	Fortnightly	Black wheeled bin	No side waste - only accepted at Xmas	Fortnightly	6208.91	Blue wheeled bin	Can collect extra items	38116	9.98%	1100 litre bins or those with access issues plastic sacks	Alternate Weekly	37.45%	38116	Conservative	Veolia	7 years plus 7 years extension	1st October 2011 - 31st September 2018	Project Integra, Love Food Hate Waste, Recycle for Hampshire, Veolia, Real Nappies, Envocare, Women's Environmental Network,

Authority	Residual Waste			DMR						Collection arrangements in flats		Recycling rate 2015/16	Other Authority info					
	Collection frequency	Container	Side Waste Policy	Collection frequency	Tonnages 2015/16	Container	Side Waste Policy	Households covered	Contamination rate 2015/16	Containers	Frequency		No of households	Political control	Contractor	Contract length	Contract commencement and expiry date	Links to further info
Havant Borough Council	Fortnightly	240 litre wheeled bin	No side waste	Fortnightly	8058.92	240 litre wheeled bin	Yes or additional bin	53580	9.99%	In the main 1100 bulk bins for refuse and 1280 and 1100 for recycling (some 940 and 660 litre)	Weekly rubbish , AWC new dev and recycling fortnightly	28.58%	53580	Conservative	Joint venture with Norse 10 years + 10 (begun April 2016)	n/a	n/a	Recycle Now, Project Integra, Recycle for Hampshire, Salvation Army, Pro Grow, Veolia, Air Ambulance, TRAIID, European Shoe Company, British Heart Foundation
New Forest District Council	Weekly	Black sacks	No side waste but can purchase extra sacks	Weekly	10404.91	Clear sacks	No side waste but can purchase extra sacks	80910	8.81%	Bin stores with either individual dustbins, drop fronted 1100 litre bins or sacks just placed on the ground.	Weekly	29.10%	80910	Conservative	In house - DSO	na	na	Recycle now, getcomposting.com, SCRATCH, Dorset Reclaim, British Heart Foundation, Oxfam, Action Aid, Computer Salvage Specialists, Jamie's Computers, Brita
Portsmouth City Council	Weekly	Black sacks	N/A - black sack collections, no limit to how many	Fortnightly	8766.30	140, 180, 240 litre wheeled bins, or 1-3 x 55 litre boxes	Can collect extra	90889	8.12%	Larger bulk bins	Weekly sometimes more often	23.15%	90889	No overall control	Biffa	8 year + 2 years contract	Oct-11	Project Integra, Environment Agency, Freecycle, Freegle, Pro Grow, Environmental Media Solutions, GHS Recycling, Love Where You Live, Defra, Biffa, Veolia, Waste Data Flow, WRAP

Authority	Residual Waste			DMR						Collection arrangements in flats		Recycling rate 2015/16	Other Authority info					
	Collection frequency	Container	Side Waste Policy	Collection frequency	Tonnages 2015/16	Container	Side Waste Policy	Households covered	Contamination rate 2015/16	Containers	Frequency		No of households	Political control	Contractor	Contract length	Contract commencement and expiry date	Links to further info
Rushmoor Borough Council	Weekly	140 litre green wheeled bin	No side waste	Fortnightly	4700.39	Blue wheeled bin	Can request larger bin or extra sacks	39196	11.04%	Large blue recycling bins and reusable plastic bags to store DMR, purple wheeled glass bins	Residual collected weekly, DMR fortnightly	25.85%	39196	Conservative	Veolia, renewal 2017	7 + 7 + 1	April 2002, Exp. Mar 2017	Project Integra, Recycle for Hampshire, getcomposting.com, WRAP, Freecycle, Pro Grow, Phyllis Tuckwell Hospice, Salvation Army, British Red Cross,
Southampton City Council	Weekly	240 litre green wheeled bins or black sacks	No side waste	Fortnightly	11165.92	240 litre blue lidded wheeled bins or clear sacks	No side waste	103560	11.88%	Larger bulk bins	Residual and DMR collected weekly	27.34%	103560	Labour	In house - DSO			Recycling your mobile, Recycle Now, Recycle4Southampton, BBC Action Network, Jamie's Computers, Recycle More, Lets Recycle.com, SCRIB, Recycle Zone, Recoup Recycling, Alupro
Test Valley Borough Council	Fortnightly	240litre black wheeled bin	Only collect in Christmas period	Fortnightly	8142.79	240 litre brown wheeled bin	Will collect in box	52376	8.88%	1100 litre wheeled bins	Mostly collected alternately - black bins one week and recycling the next. Some flats have black bins emptied weekly due to space issues.	32.56%	52376	Conservative	In house	N/A	N/A	Great Green Systems, Garden Organic, Project Integra, Recycle for Hampshire, Love Food Hate Waste, WRAP, Recycle Now, Recycle More
Winchester City Council	Fortnightly	240 litre black wheeled bin	No side waste	Fortnightly	7718.02	240 litre green wheeled bin	Collect extra in cardboard box or clear sack	51000	8.75%	green sack	Fortnightly	34.50%	51000	Conservative	Biffa	8 years (with a possibility of extension of a further 8 years)	October 2011 Commencement Expires September 2019	getcomposting.com, Environment Agency, Love Where You Live, Keep Britain Tidy,

Agenda Item 4



Title of meeting:	Environment and Community Safety Portfolio Decision Meeting
Date of meeting	6 th July 2016
Subject:	Assessment of Air Quality
Report by:	Director of Regulatory Services and Community Safety
Wards affected:	All
Key decision:	No
Full Council decision	No

1. Purpose of report

1.1. To update the Cabinet Member for Environmental and Community Safety on the:

- review and assessment of air quality in Portsmouth and the publication of the 2016 air quality progress report;
- changes implemented by the Department of Environment Food and Rural Affairs (DEFRA) to the annual reporting of air quality and the Government's expectations of local authorities in relation to improving air quality;
- need to continue to explore options and strategies in order to improve air quality in Portsmouth;
- installation and requirement for new DEFRA co-ordinated air quality monitoring in Portsmouth.

1.2. Although the conclusions presented within the 2016 air quality progress report relate to monitoring data collated prior to the publication of the 2015 detailed assessment of air quality, they are highly relevant to the ongoing and continual assessment of air quality within Portsmouth. The publication of the 2016 progress report is a statutory requirement and has been specifically requested by DEFRA.

1.3. As the public health impacts of poor air quality are well documented, DEFRA expects the highest level of support from local authorities to ensure that all parts of a local authority are working effectively together to deliver cleaner air.

1.4. DEFRA suggests that the public are given confidence that the work being taken forward to tackle air quality is supported at the highest level through

engagement in and the sign-off of annual reports by officers and members at the highest levels of council administration and governance.

2. Recommendations

2.1. That the Cabinet Member for Environment & Community Safety acknowledges the:

- a) prescriptive statutory changes to the annual air quality reporting processes;**
- b) increased need to monitor and reduce the impact of particulate matter with an aerodynamic diameter of 2.5µm or less (PM2.5);**
- c) conclusions of the 2016 air quality progress report and approves the publication of the 2016 report attached as Appendix 1;**
- d) importance of, and supports the installation of, a DEFRA-funded air quality monitoring station in Victoria Park;**
- e) relevance of clean air zones in Portsmouth.**

3. Reason for the recommendations

- 3.1. Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions.
- 3.2. The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion.
- 3.3. In 2014, the European Union commenced legal action against the UK for failing to meet the limit values for Nitrogen Dioxide (NO₂) in 16 of 43 air quality zones, one of which is the Portsmouth Urban Area agglomeration. The air quality directive required that each zone met the limit value by the end of 2015 but most cities' plans created by DEFRA, including Portsmouth's, show that compliance will only be achievable by 2020, or in the case of London, 2025.
- 3.4. Any legal action will take many years, but if limit values continue to be exceeded then the Government faces legal action and potential fines of up to £300m. The Government has already signalled that it believes provisions in part 2 of the Localism Act 2011 allow some or all of this fine to be passed down to local authorities. For Portsmouth, where limit values are currently exceeded, it would therefore be prudent for us to demonstrate that a range of options are being pursued to reduce levels of NO₂, quite apart from the pressing need to improve air quality to ensure peoples' health is not being compromised.
- 3.5. In December 2015, to help demonstrate that appropriate action is being taken to reduce NO₂ levels the Government published a number of air

quality plans to achieve compliance with the EU limit value. The relevant one for Portsmouth is the Portsmouth Urban Area agglomeration zone action plan, which encompasses land within the administrative boundary of PCC as well as that of East Hampshire District Council, Fareham Borough Council, Gosport Borough Council, Havant Borough Council, and Winchester City Council.

- 3.6 The Government has stated that the EU limit value was exceeded in 2013 but is likely to be achieved by 2020 as a result of local measures listed and national initiatives. The local initiatives include 85 actions contributing to the delivery of clean air in Portsmouth submitted by PCC.
- 3.7 This area plan does not remove the requirement for PCC to produce, maintain and update its air quality action plan; however the Government has revised the framework for local air quality management.

4 The new reporting framework

- 4.1 From 2016 the Government require an Annual Statement Report (ASR) to be produced each year. The ASR must include the following:
- a public-facing executive summary;
 - a clear statement of improvement measures being taken;
 - an update on progress;
 - information on how the main pollutants are being measured, modelled and assessed;
 - how air quality links with transport and public health activities and to identify any new hot spots of pollution.
- 4.2 The ASR must be published by 30 June 2016 and thereafter by 30 April each year.
- 4.3 On completion of the ASR, PCC is required to submit its report to the Secretary of State for consideration, who will provide comments back in a timely manner, and to which it is expected to have regard. It is also expected that we make the ASR available all statutory consultees which include the public, local stakeholders, the Environment Agency, Highways England and other relevant departments / stakeholders.
- 4.4 The production of the ASR replaces the reporting procedure under the former system. It maintains the key elements of the previous approach whereby, if we identify a risk that an air quality objective is or will be exceeded at a relevant location, we are required to move to declaring an air quality management area.

5 The emerging importance of monitoring PM2.5

- 5.1 In 2016, DEFRA published new Policy Guidance (LAQM.PG16) which details how PCC is expected to work towards reducing emissions and / or concentrations of PM2.5. There is clear evidence that PM2.5 has a significant impact on human health, including premature mortality, allergic reactions and cardiovascular diseases.

- 5.2 Within the forthcoming ASR PCC will be required to demonstrate what measures are being taking to address emissions of PM2.5. This has not previously been required and therefore is a new requirement.
- 5.3 Within Portsmouth emissions from road vehicles are an important source of PM2.5. Consequently, levels of PM2.5 close to roadsides are often much higher than those in background locations and can result in short term episodes of high pollution which might have an impact on health, particularly on those sensitive to high pollution.
- 5.4. There is no regulatory standard applied to the new measures to address levels of PM2.5 specifying the action required to reduce emissions or concentrations of fine particulate air pollution, although actions to tackle PM10 / oxides of nitrogen usually contribute to this. The European Union Ambient Air Quality Directive does however set out air quality standards for PM2.5 including an exposure reduction obligation, a target value and a limit value, which may act as a guide in how we choose to interpret our role.
- 5.5 In May 2016, PCC renewed its contract to maintain our existing air quality monitoring stations. Within the contract added value to the existing network of stations has been achieved at two roadside stations by updating the equipment to include the monitoring of PM2.5. These stations are located at the southern end of Mile End Road and on London Road (between Stubbington Avenue and Chichester Road). This new ability to report upon levels of PM2.5 will enable us to better inform the ASR reporting requirements and assess the effectiveness of any measures introduced to reduce their creation.

6 The 2016 progress report on air quality

- 6.1 The 2015 air quality progress report is a statutory requirement under the local air quality management regime. It provides an update on local air quality, particularly highlighting the levels of pollutant between the publication of the previous progress report in 2011 and the publication of the 2015 detailed assessment of air quality.
- 6.2 It is acknowledged that this report should have been completed prior to the publication of the 2015 progress report and that DEFRA have specifically requested that the data it is missing be provided. The submission of this data was delayed as a result of the publication of the detailed assessment of air quality and the optimisation of road traffic management control systems report in 2015. DEFRA have been informed of our progress in terms of supplying the data contained within the 2016 progress report and has not reacted negatively.
- 6.3 Analysis of the 2013, 2014 and 2015 monitored data enables PCC to:
- review the accuracy of the predictions made within the 2015 detailed assessment;
 - assess trends in pollutant levels.

6.4 The 2013 NO₂ monitoring concluded that:

- The NO₂ levels for 2013 did not exceed the National Air Quality Objectives (NAQO) at any of the four continuous air quality monitoring stations.
- The NO₂ NAQO was exceeded at four other locations.

6.5 The 2014 NO₂ monitoring concluded that:

- The NO₂ levels for 2014 increased across the four air quality monitoring stations compared to that of 2013. The London Road station exceeded the NAQO as it recorded 45.68µg/m³. This demonstrated a worsening in local air quality as it increased by just under 6µg/m³ compared to the levels recorded in 2013.
- The diffusion tube survey (DTS) levels increased compared with those of 2013 at 65.51% of the monitored locations across the City.
- The DTS also concluded that NO₂ annual mean levels were in excess of the annual mean NAQO in 2014 at seven monitored locations.

6.6 The 2015 DTS concluded that:

- the NO₂ levels for 2015 decreased compared to that of 2014 at levels that did not exceed the NAQO at any of the four continuous air quality monitoring stations. This represented an improvement in local air quality. The maximum recorded concentration was again at London Road station (38.4 µg/m³) which was close to breaching the NO₂ NAQO.
- The DTS levels decreased compared with those of 2014 at 72.41% of the monitored locations across the city demonstrating an improvement of air quality.
- The most significant improvements were registered at Addison Madden (Hampshire Terrace), 117 Kingston Road, Market Tavern (Mile End Road), 103 Elm Grove, Anchorage Road (Column 6), 221 Fratton Road, Larch Court (Church Road (Corner)), 2 Victoria Road North, 7 Velder Avenue, and 4 Milton Road, with decreases of 12.95, 10.39, 9.81, 5.81, 4.40, 4.18, 3.25, 2.74, 2.16, and 1.99ug/m³ respectively.
- The highest increases were recorded at 88 Stanley Road, Queen Street, The Tap public house in London Road, 106 Victoria Road North, and Montgomery Way with increases of 11.21, 2.57, 2.32, 2.20, and 1.76µg/m³ respectively.
- The NO₂ annual mean levels were exceeding the annual mean NAQO in 2015 within the following air quality management areas:
 - 117 Kingston Road
 - The Tap public house London Road
 - Montgomery Way

- 88 Stanley Road (it is important to note that the Stanley Road location recorded DTS data for only two months)
 - The recorded NO₂ levels in 2015 feel to levels which were slightly lower than those recorded in 2013.
- 6.7 The 2014 annual mean concentrations measured across each of the four continuous air quality monitoring stations increased from 2013 levels before dropping back in 2015 to slightly lower levels than those recorded in 2013. The trend emerging from each of the four continuous monitoring stations exhibits a downward trend in NO₂ annual mean levels in the last three years. Hence we can conclude that local air quality management has improved in the last three years in Portsmouth.
- 6.8 A closer look at the DTS data for Portsmouth revealed a downward trend that recorded at 55.17% of the monitored locations in the last three years, hence an improvement in local air quality.
- 6.9 The DTS data demonstrated that 2014 NO₂ levels were exceptionally high compared to those of 2013 and 2015. On average DTS data over the three years data exhibited no change overall.
- 6.10 It is not possible to categorically state why the levels of pollutant in Portsmouth increased during 2014 and decreased in 2015 as a multitude of factors influence pollution levels. Localised influences such as route popularity or road changes / roadworks may be two of the causes, while others may be of a regional nature perhaps dictated by the meteorological conditions.
- 6.11 The monitored levels to be published in the 2016 progress report have revised the predicted levels published in the 2015 assessment, as these anticipated that there were unlikely to be any exceedance of the national air quality objectives in 2015. The 2015 assessment did however highlight the inexactitude of predictions and the possibilities that inaccuracies may be present.
- 6.12 Despite showing four exceedances of the objectives' levels, the monitored results as presented in the report are however highly encouraging and demonstrate a general improvement in the levels of NO₂.

7 Why is a new DEFRA-funded air quality station in Portsmouth to monitor NO₂ so important?

- 7.1 Any new station would be affiliated to the AURN (Automatic Urban and Rural Network) of air quality monitoring stations. AURN is the UK's largest automatic monitoring network and is the main network used for compliance reporting against the Ambient Air Quality Directives.
- 7.2 These networks:
- are required by law;

- underpin DEFRA's assessment of policy and the effectiveness of locally implemented mitigation measures;
- are fundamental to enabling UK epidemiology and health effects studies;
- support business and growth through consulting and planning processes;
- inform DEFRA's own dispersion modelling adjustments.

7.3 The major objectives of the network are:

- checking if statutory air quality standards and targets are met;
- informing the public about air quality;
- providing information for local air quality review and assessments;
- identifying long-term trends in air pollution concentrations; and
- assessing the effectiveness of policies to control pollution.

7.4 In late 2015 Bureau Veritas wrote to PCC in its capacity as Central Management and Co-ordination Unit for the UK AURN on behalf of DEFRA and the devolved administrations in respect of the implementation of proposed changes to the AURN network following a recent Air Quality Assessment Regime Review for the Ambient Air Quality Directive 2008/50/EC.

7.5 Bureau Veritas advised that a review of the UK's statutory air quality monitoring networks had been undertaken in accordance with the requirements of Articles 5 and 9 of the Ambient Air Quality Directive. This review concluded that changes in monitoring across a number of metrics are required and DEFRA are embarking on a programme to enhance the network to ensure continued compliance with the directive.

7.6 Bureau Veritas is currently delivering Phase 2 of a network expansion programme which is focusing on NO₂ and particulate matter monitoring at urban traffic locations and has identified that a new urban traffic monitoring station is required within the Portsmouth urban area.

7.7 Its requirements for a monitoring site are one which is within 10m of a high NO₂ and PM₁₀ modelled or measured road and where there is exposure to the general public. In addition each monitoring station location must meet with the Directive siting criteria, which are being not located within 25m of a junction, being representative of 100m of road length, and allowing for free-flow around housing.

7.8 Bureau Veritas, identified a location within the grounds of Victoria Park which meets the Directive requirements for the monitoring station.

7.9 Following a site visit, Bureau Veritas confirmed that this is the only suitable site which fully meets the Directive requirements within the Portsmouth area.

7.10 There is a less compliant location on the footpath on Anglesea Road outside the boundary of the park. The Project Director of UK AURN has however written to PCC stating that he would welcome any intervention that we could provide in order that Bureau Veritas site the installation within the park.

8. Effectiveness of clean air zones for Portsmouth

- 8.1 Clean Air Zones (CAZ) are areas where the cleanest vehicles are encouraged (through the use of vehicle emission standards) and action is focussed to improve air quality. They are geographically defined areas allowing action and resources to be targeted to deliver the greatest health benefits. Requirements of CAZs can vary, with most unlikely to impact upon privately owned vehicles.
- 8.2 The intention of these zones is to encourage businesses (who bulk purchase vehicle fleets, goods vehicles and passenger vehicles) to choose cleaner vehicles. Vehicle owners will be required to pay charges if they enter a CAZ which has a standard for their type of vehicle and the vehicle does not meet that standard.
- 8.3. Following the court ruling highlighted in section 3, the UK Government will legislate to require the implementation of CAZs in five cities (Birmingham, Leeds, Nottingham, Southampton and Derby) by 2020. However, other local authorities can adopt CAZ strategies as a way of focussing their actions to improve air quality.
- 8.4 These proposals have been criticised by some campaigners as a 'plan for plans by others', which passes responsibility to local authorities, without further funding or new powers. This is particularly pertinent because of the Localism Act 2011 and the Government's discretionary powers to pass all or part of any fines on to local authorities deemed responsible for breaches of EU legislation.
- 8.5 Information from the Greater London Authority highlights the fact that results from London (following the introduction of their CAZ) have been mixed. While there has been a reduction in PMs, levels of NO₂ have not fallen significantly.
- 8.6 PCC is currently in the process of developing an air quality strategy. If within this strategy we are to consider the adoption of CAZs the necessary application of a cost benefit appraisal will not be a straightforward task. Appraisals elsewhere have been undertaken to establish whether these represent good value for money. Costs include set-up costs of the scheme, ongoing enforcement costs and the costs to operators of compliance or paying the charges. The major benefits come from the air quality improvements achieved by the scheme.
- 8.7 A consideration is not whether the costs incurred by schemes were worth the value of the air quality benefits but rather, given the statutory requirement to reduce air pollution, would the introduction of a zone be an effective way of improving air quality and whether it may be cheaper to achieve externally set targets this way rather than others.
- 8.8 A better suited approach therefore would be to carry out a cost effectiveness appraisal. Cost-effectiveness compares different ways of achieving the same objective. This analysis aim would be to identify the

cheapest package of measures, whether applied to the transport sector or other areas, which would ensure that the mandatory targets are met.

- 8.9 Using a cost-effectiveness approach to evaluate the zone proposal would still require detailed work on the effects of introducing such a scheme, but rather than comparing the costs of the scheme with a valuation of the benefits, the issue would be the amount of pollution reduction achieved and associated health benefits for the cost of doing so, and a comparison of the economic efficiency of this way of reducing pollution against the economic efficiency of alternative measures.
- 8.10 Any consideration of implementing CAZs in Portsmouth must therefore be carefully deliberated and assessed.

9 Equalities Impact Assessment

- 9.1 A full equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010. The provisional EIA is attached as appendix 2.

10 City Solicitor's comments

- 10.1 The timetable for Review and Assessment Reports is provided in Box 1.3 of the Local Air Quality Management Technical Guidance 2009. PCC acknowledges that it has not complied with the timetable as prescribed by not providing DEFRA with the information contained within the 2015 progress report. PCC has fully engaged with DEFRA with respect to the delays in publishing this report.
- 10.2 The aim of the assessment of air quality is to identify with reasonable certainty whether or not a likely exceedance of the national air quality objectives will occur. The Air Quality (England) Regulations 2000 (SI 928) and The Air Quality (England) (Amendment) Regulations 2002 (SI 3043) make it clear that likely exceedances of the objectives should be assessed in relation to the quality of the air at locations which are situated outside of buildings or other natural or man-made structures, above or below ground, and where members of the public are regularly present. It is particularly important that our assessments focus on those locations where members of the public are likely to be regularly present and which are likely to be exposed for a period of time appropriate to the averaging period of the objective.

11 Head of Finance comments

- 11.1 The costs of continuing to review and assess air quality in Portsmouth will need to be met from within existing budgets. The 2016 procurement of a three year contract to provide the air quality monitoring services within Portsmouth has been funded (with an ability to extend for a further two years should further funding be secured). Upon the cessation of this contract, the Directorate identified that it will not have sufficient funding to continue to provide these services at this level.

.....
 Signed by: Rachael Dalby, Director of Regulatory Services and Community Safety

Appendix 1: 2016 Air Quality Progress Report

Appendix 2: Equality Impact Assessment

Background list of documents: The following list of documents discloses facts or matters, which have relied upon to a material extent by the author in preparing this report:

Title of Document	Location
Parliament uk Air Quality - dated 25 April 2016	http://www.publications.parliament.uk/pa/cm201516/cmselect/cmenvfru/479/47902.htm

The recommendations set out above in 2.1 above were approved / approved as amended / deferred / rejected by the Cabinet Member for the Environment and Community Safety on 6th July 2016

.....
 Signed by: Councillor Robert New, Cabinet Member for Environment and Community Safety

Local Air Quality Management
Pollution Control Team – Environment Health Service

www.portsmouth.gov.uk



Air Quality Progress Report 2016

Local Air Quality Management – Progress Report 2016

Executive Summary

The 2016 Air Quality Progress Report (PR) is a statutory requirement under the Local Air Quality Management (LAQM) regime. It is an update on Local Air Quality (LAQ) issues within the boundary of Portsmouth. The report has been undertaken in accordance with Department of Environment Food and Rural Affairs (DEFRA) Progress Report Technical Guidance LAQM.TG(09).

This PR covers:

- all NO₂ data for 2014 and 2015 and assesses the data against the National Air Quality Objectives (NAQOs)
- any development changes that may have an impact on LAQ
- updates on the Review and Assessment (R&A) process and any relevant strategy and/ or policy changes
- progress on Air Quality Action Plan (AQAP)
- updates on the publication of Portsmouth air quality strategy (AQS)

Monitoring of NO₂ in 2013 concluded that:

- NO₂ levels for 2013 did not exceed the NAQO at any of the four continuous air quality monitoring stations
- the NO₂ NAQO was exceeded at four other locations:
 - Lord Montgomery Way Air Quality Management Area (AQMA) 7
 - 221 Fratton Road (AQMA 6)
 - The Tap Public House, London Road (AQMA 6)
 - Addison Madden, Hampshire Terrace (Adjacent to AQMA 7).

Monitoring of NO₂ in 2014 concluded that:

- The NO₂ levels for 2014 increased across the four AQM stations compared to that of 2013. The London Road station exceeded the NAQO as it recorded 45.68µg/m³. This demonstrated a worsening in LAQ as it increased by just under 6µg/m³ compared to the levels recorded in 2013
- The Nitrogen Dioxide Diffusion Tube Survey (NDDT) levels increased compared with those of 2013 at 65.51% of the monitored locations across the city. The highest increases were recorded at 17 Kingston Road (AQMA 6), Addison Madden, Hampshire Terrace (adjacent to

AQMA7), 7 Velder Avenue (AQMA 9), 4 Merlyn Drive, Market Tavern (Mile End Road, AQMA 11), 103 Elm Grove, Larch Court (Church Road (Corner) adjacent to AQMA 11), 121A High Street, Anchorage Road, 116 Albert Road, and 2 Victoria Road North with increases of 13.49, 12.46, 7.15, 5.60, 5.30, 4.48, 3.84, 3.57, 3.00, 2.29, and 2.11 $\mu\text{g}/\text{m}^3$ respectively

- The NDDS also concluded that NO₂ annual mean levels were in excess of the annual mean NAQO in 2014 at the following seven monitored locations:
 - Lord Montgomery Way (AQMA 7)
 - London Road (AQMA 6) continuous monitoring station
 - 221 Fratton Road (AQMA 6)
 - 117 Kingston Road (AQMA 6)
 - Market Tavern Mile End Road (AQMA 11)
 - The Tap public house London Road (AQMA 6)
 - "AM" Hampshire Terrace (Adjacent to AQMA 7)

The 2015 NDDTS concluded that:

- the NO₂ levels for 2015 decreased compared to that of 2014 at levels that did not exceed the NAQO at any of the four continuous air quality monitoring station. This represented an improvement in LAQ. The maximum recorded concentration was again at London Road station (38.4 $\mu\text{g}/\text{m}^3$) which that was close to breaching the NO₂ NAQO
- the NDDT levels decreased compared with those of 2014 at 72.41% of the monitored locations across the city signifying an improvement in air quality
- the most significant improvements were registered at Addison Madden (Hampshire Terrace), 117 Kingston Road, Market Tavern (Mile End Road), 103 Elm Grove, Anchorage Road (Column 6), 221 Fratton Road, Larch Court (Church Road (Corner)), 2 Victoria Road North, 7 Velder Avenue, and 4 Milton Road with decreases of 12.95, 10.39, 9.81, 5.81, 4.40, 4.18, 3.25, 2.74, 2.16, and 1.99 $\mu\text{g}/\text{m}^3$ respectively
- the highest increases were recorded at 88 Stanley Road, Queen Street, The Tap Public House in London Road, 106 Victoria Road North, and Montgomery Way with increases of 11.21, 2.57, 2.32, 2.20, and 1.76 $\mu\text{g}/\text{m}^3$ respectively
- The NO₂ annual mean levels was exceeding the annual mean NAQO in 2015 at:
 - 117 Kingston Road (AQMA 6)
 - The Tap public house London Road (AQMA 6)
 - Montgomery Way (AQMA 7)

- 88 Stanley Road (AQMA11) (it is important to note that the Stanley Road location is represented with NDDT data for only two months that was subjected to all necessary corrections)
- The NO₂ levels for 2015 decreased to levels lower than those reported in 2013

The 2014 annual mean concentrations measured across each of the four continuous air quality monitoring stations increased from 2013 levels before dropping back in 2015 to slightly lower levels than those recorded in 2013.

The trend emerging from each of the four continuous monitoring stations exhibits a downward trend in NO₂ annual mean levels in the last three years. Hence we can conclude that LAQ improved in the last three years in Portsmouth.

A closer look at the NDDTS data for Portsmouth revealed a downward trend that was recorded at 55.17% of the NDDT monitored locations in the last three years, hence an improvement in LAQ.

NDDT data demonstrated that 2014 NO₂ levels were exceptionally high compared to those of 2013 and 2015.

On average NDDT data exhibited no change overall.

It is not possible to categorically state why the levels of pollutant in Portsmouth increased during 2014 and decreased in 2015 as a multitude of factors influence pollution levels.

Factors are wide ranging and complex. Localised influences such as route popularity or road changes / roadworks may be two of the causes, while others may be of a regional nature perhaps dictated by the meteorological conditions. National or international stimuli such as a requirement for improved vehicle emissions technologies are also likely to play a part.

Glossary

AADT	Annual Average Daily Traffic (vehicles per day).
AQMA	Air Quality Management Area
AQA	Air Quality Assessment
AQAP	Air Quality Action Plan
AQS	Air Quality Strategy
AURN	Automatic Urban and Rural Network
CHP	Combined Heat and Power
DA	Detailed Assessment.
DEFRA	Department of Environment Food and Rural Affairs
DTS	Diffusion Tube Survey
EIA	Environmental Impact Assessment
EPUK	Environmental Protection UK
FA	Further Assessment
TfSH	Transport for South Hampshire
HDV	Heavy Diesel Vehicles
HGV	Heavy Goods Vehicles
LA	Local Authority
LAQ	Local Air Quality
LAQM	Local Air Quality Management
LAQM.TG(09)	Local Air Quality Management. Technical Guidance (2009)
LDF	Local Development Framework
LTP3	Local Transport Plan 3
NAQO(s)	National Air Quality Objective(s)

NDDT	Nitrogen Dioxide Diffusion Tube
NDDTS	Nitrogen Dioxide Diffusion Tube Survey.
NETCEN	National Environmental Technology Centre Network (UK)
NO ₂	Nitrogen Dioxide
NO	Nitric oxide
PCC	Portsmouth City Council
PM ₁₀	Particulate Matter with diameter less than 10µm
PAAZ	Portsmouth Urban Area Agglomeration Zone (UK0012)
PR	Progress Report
QA/QC	Quality Assurance / Quality Control
R&A	Review and Assessment
SO ₂	Sulphur dioxide
SED	Solvent Emissions Directive
SPD-AQ	Supplementary Planning Document for Air Quality
TEOM-FDMS	Tapered Element Oscillating Microbalance- Filter Dynamics Measurement System
TRC	Tipner Regeneration Company
USA	Updating and Screening Assessment
µg/m ³	Micrograms of the pollutant per cubic metre of air (x10 ⁻⁶ g/m ³)

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1 An introduction to progress reporting

1.1 Project background

Although the conclusions presented within this progress report (PR) relate to monitoring data collated prior to the publication of the 2015 Detailed Assessment (DA), this report is relevant to the ongoing and continual assessment of air quality within Portsmouth.

Despite the changes to the reporting process as required by the Department of Environment Food and Rural Affairs (DEFRA) and the need to produce an Annual Status Report (ASR) in 2016, this report is considered necessary to comment upon the quality of air in Portsmouth since the creation of the previous assessment completed in the 2011 PR.

Part IV of the Environment Act 1995 places a statutory duty on Portsmouth City Council (PCC) to periodically review and assess (RA) the LAQ within Portsmouth.

The publication of this PR is a statutory requirement.

1.2 Scope and Methodology of the PR

The main aim of this report is to report progress on:

- LAQM within Portsmouth
- The implementation of air quality related remedial actions as identified in the 2010 air quality action plan (AQAP)

The R&A processes were introduced to provide greater continuity and a longer-term vision to LAQM. R&A allows LAQ monitoring data, and any changes due to development within an area that may impact on air quality, to be assessed. R&A also informs discussions in relation to measures required to improve LAQ.

To undertake this PR, monitoring data was collated from our monitoring sites. Where long term monitoring has taken place (normally considered as five years or longer) evidence of trends has been taken into consideration.

Data has been collated on local developments to provide an update on those that impact sources or receptors that may affect LAQ e.g. industry, developments granted (or applying for) planning permission, or traffic management schemes.

Within this PR an update is provided on existing developments where further information has become available e.g. industrial upgrade programmes, emissions monitoring results, or recent complaints.

This PR has been structured in accordance with the Checklist¹ provided in PR Guidance (LAQM. PRG (03)):

- New monitoring results
- New local developments
- Planning and policies
- Local transport plan and strategies
- Action Plans update (where appropriate)
- Local air quality strategy (LAQS) update

1.3 Summary of LAQM reporting since 2009

The 2009 Updating Screening Assessment (USA) concluded the following:

- based on the monitoring data, it was assumed that air quality is improving in Portsmouth, and that PCC should start considering revoking air quality management areas (AQMAs). PCC's road traffic management unit however suggested that the 2008 road traffic flows dropped significantly as result of the economic downturn and therefore the data may not be conclusive
- there was no need to identify a need to implement a DA for any of the pollutants covered by the report

The 2009 FA identified the need to consider the following actions:

- revocation of eight AQMAs (AQMA 1, 2, 3, 4, 5, 8, 10, and 13) based on 2008 monitoring data as labelled in black on *map 1, appendix A*
- retention of five AQMAs as labelled in red on *map 1, appendix A*
- continued assessment of AQMA 6 and 11 based on the predicted breach of the NO₂ annual mean NAQO
- continued assessment of AQMA 7 and 9 based on the monitored breach of the NO₂ annual mean NAQO
- continued assessment of AQMA 12 based on a lack of historical monitoring data to justify a revocation
- a review of the geographical extent of AQMA 11 based on the 40µg/m³ contour line of the 2007 base-line dispersion modelling output.

The 2009 FA also identified the following:

- that based on monitoring data, the 24-hour mean particle matter with diameter less than 10µm (PM₁₀) was in excess of 50 µg/m³ at all monitored stations in 2007 and 2008. However, as the number of

¹ Box A.1, Appendix A Checklist, Progress Report Guidance (LAQM. PRG (03))

exceedances was not in excess of the 35 annual exceedance allowance, and the 2008 monitored PM₁₀ annual mean levels at all stations were not in excess of 32µg/m³, it was considered unlikely that there would be future exceedances of the PM10 24-hour mean NAQO. PM10 monitoring at Mile End Road, London Road and Gatcombe Park stations continues and PM10 pollutant levels continue to be reviewed

The 2007 draft AQAP was revisited and updated according to the 2009 FA findings to focus on AQMAs that were retained (AQMA 6, 7, 9, and 11).

On the 23rd March 2010 PCC revoked eight AQMAs (1, 2, 3, 4, 5, 8, 10 and 13), retaining four AQMAs (6, 7, 9 and 12) and re-designating AQMA 11. The five remaining AQMAs are as follows:

- AQMA 6: Extending north along Fratton Road; from Fratton Bridge into Kingston Road, continuing into London Road until the roundabout junction with Stubbington Road and Gladys Avenue. This area was retained as a result of predicted breaches of the NO₂ annual mean NAQO for a further six years. In addition monitoring data is exhibiting NO₂ levels in excess of the NAQO
- AQMA 11: Redesigned in March 2010, AQMA 11 extends from Rudmore roundabout south to Church Street roundabout. This area was retained as a result of predicted breaches of the NO₂ annual mean NAQO for a further two years
- AQMA 7: Focusing on Hampshire Terrace and St Michaels Road gyratory. This area was retained as a result of monitored breaches of the NO₂ annual mean NAQO
- AQMA 9: Focusing on the southernmost section of Eastern Road from Sword Sands Road south into Velder Avenue and its junction with Milton Road. This area was retained as a result of monitored breaches of the NO₂ annual mean NAQO
- AQMA 12: Encompassing the greater part of Queen Street from The Hard to St James's Road. This area was retained, as there is insufficient historical monitoring data to justify the revocation at this stage

On 11 January 2011 PCC adopted an AQAP, which was annexed to the LTP 3.

In late 2011 PCC published an air quality PR assessing the data collected in 2010.

2. Legislation and Policy

2.1 European Air Quality Directives

The Air Quality Framework Directive (96/62/EC)² on ambient air quality assessment and management defines the policy framework for 12 air pollutants known to have a harmful effect on human health and the environment. Ambient concentration limit values for the specific pollutants are set through a series of Daughter Directives.

Following the Daughter Directives, Council Directive 2008/50/EC³ on ambient air quality and cleaner air for Europe came into force in 2008, and was transposed into national legislation in 2010⁴. It consolidated existing air quality legislation and made provisions for member states to postpone limit value attainment deadlines and allow an exemption from the obligation to meet limit values for certain pollutants, subject to strict conditions and assessment by the European Commission (EC).

2.2 National Air Quality Legislation

The provisions of Part IV of the Environment Act 1995 establish a national framework for air quality management, which requires all LAs to conduct local air quality reviews.

Section 82(1) of the Act requires these reviews to include an assessment of the current air quality in the area and the predicted air quality in future years. Should the reviews indicate that the objectives prescribed in the UK Air Quality Strategy⁵ (AQS) and the Air Quality Standards Regulations 2010 will not be met, the LA is required to designate an AQMA. Action must then be taken at a local level to ensure that air quality in the area improves.

The UK AQS identifies nine ambient air pollutants that have the potential to cause harm to human health. These pollutants are associated with local air quality problems, with the exception of ozone, which is instead considered to be a regional problem. Similarly, the Air Quality Regulations 2010 set objectives, but for just seven of the pollutants that are associated with local air quality. These objectives aim to reduce the health effects of the pollutants to negligible levels.

The air quality objectives and limit values currently applicable to the UK can be split into two groups. Each has a different legal status and is therefore handled differently within the framework of UK air quality policy. These are:

- UK air quality objectives set down in regulations for the purposes of local air quality management; and

² Air Quality Framework Directive (96/62/EC) on ambient air quality assessment and management

³ Council Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe

⁴ The Air Quality Standards Regulations 2010 Statutory Instrument 2010 No. 64

⁵ Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland

- European Union (EU) limit values transcribed into UK legislation for which compliance is mandatory.

2.3 Current compliance with EU standards

The EU Ambient Air Quality Directive sets legally binding limits for ambient concentrations of certain pollutants in the air. For NO₂ there are two limit values for the protection of human health. These require Member States to ensure that:

- annual mean concentration levels of NO₂ do not exceed 40µg/m³; and
- hourly mean concentration levels of NO₂ do not exceed 200µg/m³ more than 18 times a calendar year

Member states were required to meet these limits by 1 January 2010 unless an extension was granted for up to five years to 1 January 2015.

The UK assesses compliance with these limits through a UK wide system of over 145 air quality monitoring stations known as the Automatic Urban and Rural Network (AURN), together with a Pollution Climate Mapping (PCM) model.

The UK is required to report air quality data on an annual basis. In 2013 seven zones exceeded the limit value for annual mean NO₂ concentrations, but were within the annual mean limit value plus margin of tolerance. Portsmouth Urban Area has been identified as one of these zones.

2.4 Background information on NO₂ - the pollutant of main concern in Portsmouth

With reference to the objectives highlighted above, meeting the annual mean objective has been and is expected to be considerably more demanding than achieving the one-hour objective.

The annual mean objective of 40 µg/m³ is currently widely exceeded at roadside sites throughout the UK, with exceedances also reported at urban background locations in major conurbations. Exceedances are associated almost exclusively with vehicle emissions.

There are considerable year-to-year variations in the number of exceedances of the hourly objective, driven by meteorological conditions which give rise to winter episodes of poor dispersion and summer oxidant episodes.

Analysis of the relationship between one-hour and annual mean NO₂ concentrations at roadside and kerbside monitoring sites indicates that exceedances of the one-hour objective are unlikely where the annual mean concentrations are less than 60µg/m³.

NO₂ and nitric oxide (NO) are both oxides of nitrogen, and are collectively referred to as NO_x. All combustion processes produce NO_x emissions, largely

in the form of NO, which is then converted to NO₂, mainly as a result of its reaction with ozone in the atmosphere. Therefore, the ratio of NO₂ to NO is dependent on the concentration of ozone and the distance from the emission source.

3 PCC's AQAP

3.1 PCC's AQAP

In 2010, PCC reviewed the 2007 draft AQAP to target the remaining 'hotspot' areas. The revised AQAP set out measures in pursuit of achieving the national objectives to deliver cleaner ambient air. Although aiming to deliver city wide improvements in air quality, the primary purpose of the AQAP was to explore measures which would combat the areas of poor air quality within Portsmouth's remaining five AQMAs.

As part of the 2009 FA, a source apportionment study was undertaken. This concluded that:

- in 2007, the predominant source of NO_x emissions was determined to be Heavy Goods Vehicles (HGVs), closely followed by car emissions; and
- in 2010, the influence of cars and background concentrations was greater than those of 2007 but HGVs remained the highest polluter comparatively when considering the number of each type of vehicle.

The results of the source apportionment study enabled PCC to identify the sources causing the highest level of pollution and those upon which the AQAP should focus and prioritise.

The following were considered to be priorities of the AQAP:

Priority 1:

- **HGVs:**
In 2010, HGVs were predicted to contribute between 23.2% and 24.5% of the NO_x within AQMAs 6 and 11. Therefore any percentage decrease in HGVs passing through these areas would have a significant beneficial impact upon local air quality. Another factor is the effect of HGVs' reduced speed, as the very lowest speeds are disproportionately more polluting. Congestion impairing HGV movement is therefore highly significant and needs to be reduced. Furthermore, HGVs contribute directly to the problem of congestion when making deliveries. This is particularly relevant on the London Road / Kingston Road / Fratton Road corridor (AQMA 6).
- **Mitigation measures:**
 - applying a weight restriction to prevent HGVs entering London Road, south of Stubbington Road, to ensure that Stamshaw Avenue is not used as an alternative route by HGVs;
 - improving traffic light signals to speed traffic movement at the junction of Kingston Crescent and London Road. These are more responsive to vehicle demand and are able to immediately react to

changing vehicle flows, reducing queuing and congestion and leading to an improvement in air quality;

- removing the on-street parking bays to the north of the junction with Kingston Crescent to improve the movement of traffic; and
- improving signage to car parks. Currently Stubbington Avenue car park is only operating at around 40%–50% capacity, so a review of pricing policies, and improving signage, lighting and security in order to increase take up of this underused facility may help.

Priority 2:

- **Car traffic:**

In 2010, cars were predicted to contribute between 24.3% and 32.0% of NO_x emissions within AQMAs 6 and 11.

Reducing congestion across the road network is therefore essential if air quality is to improve.

- **Mitigation measures:**

- the introduction of new traffic management systems at key locations to reduce congestion and pollution, such as the use of MOVA (Microprocessor Optimised Vehicle Actuation);
- junction improvements on the St Michael's Gyratory as during the afternoon peak hour, large queues form on Hampshire Terrace due to the large number of vehicles exiting Portsmouth, and the pedestrian crossing signals. Traffic signal control should be introduced to improve traffic flow on Hampshire Terrace;
- the introduction of the Park-and-Ride scheme and a review of parking charges.

Priority 3:

- **Buses**

In 2010, buses were predicted to contribute between 4.9% and 14.4% of the NO_x emissions within AQMA 6 and 11.

The continued introduction of bus priority measures and introduction of improved bus exhaust technology therefore play an important part in ensuring public transport can offer a realistic and sustainable alternative to the private car.

- **Mitigation measures:**

- targeted schemes to improve bus services, to increase usage and reduce emission levels in co-ordination with bus operators and partner authorities.

Priority 4:

- **Domestic, commercial and background sources**

As background concentrations are influenced by pollution generated from outside Portsmouth's boundaries, emissions are difficult to specify or control. The AQAP states that wherever possible, PCC needs to encourage a reduction of unnecessary discharges from residential and industrial premises and encourage the use of more efficient heating systems.

Priority 5:

- **Shipping sources**

The Further Assessment confirmed that the emissions from shipping did not exceed 10% of the total NO_x contribution in AQMA 11. This contribution is relatively small given the economic importance of shipping to Portsmouth.

Priority 6:

- **Industrial sources**

In 2007, industrial sources were found to contribute between 0.2% and 0.4% to the NO_x levels in AQMA 6 and 11.

Priority 7:

- **Continuous improvement**

Although the current legal limits on ambient air quality are now met across the majority of Portsmouth, the remaining NO₂ 'hotspots' within the 5 AQMAs mean that exposure in these areas is still highly significant. Even where the objectives have been achieved, effort is needed to maintain air quality given pressures from Portsmouth's increasing population and demands on transport and land use.

4 Progress on LAQM

As part of the LAQM process, in 2013 PCC carried out a desktop feasibility study "Optimisation of Road Traffic Management Control System(s)" (ORTMCS). This project looked at how road traffic management control system can be optimised to be employed for the purpose of local air quality improvement. In addition PCC carried out a DA of air quality. The findings of both these projects were published in 2015.

4.1 ORTMCS Project

ORTMCS was a desk top study set up by PCC to explore possible improvements road traffic management controls for the purpose of achieving possible local air quality improvement.

This was a pioneering project focusing on testing ways to regulate and improve road traffic flow management to achieve an improvement in local air quality without creating new air pollution hotspots.

A key measure adopted in the AQAP was to review the existing traffic management control systems in Portsmouth in order to ensure that road traffic is 'maintained at maximum fluidity to keep transport-related pollution to a minimum'. ORTMCS successfully delivered this action.

The project comprised three consecutive packages:

- extensive road traffic surveys at pre-selected junctions
- vehicle micro-simulation modelling based traffic impact assessment of each proposed scenario and analysis of instantaneous road emission (AIRE) modelling to produce estimates of road traffic emissions
- air Quality Impact Assessment (AQIA) to test various proposed scenarios using more advanced dispersion modelling

The domain study was confined to the road networks in five separate areas identified as corridors and were not confined to the five remaining AQMAs (AQMA 6, 7, 9, 11, and 13).

The proposed scenarios consisted of a set of four models developed for each corridor. The first two model runs were considered as baseline models and the other two as scenarios put forward for assessment. Corridor 4 was an exception as one baseline model was considered followed with three proposed model runs:

- Base Year Scenario (BYS) 2013
- Do-Minimum Scenario (DMS): includes all changes implemented or planned between the base year (2013) and assessment year (2015)
- Do-Something 1 Scenario (DS1S)

- Do-Something 2 Scenario (DS2S)
- Do-Something 3 Scenario (DS3S) [Only for corridor 4]

In general the conclusions of the ORTMCS study demonstrated a consistency throughout the three packages.

The performance analysis of various scenarios on the five corridors illustrated that:

- the annual mean NO₂ objective will not be exceeded at any modelled sensitive receptor location in 2013 or 2015 should additional traffic management measures not be implemented. However, the predicted annual mean NO₂ concentrations, particularly for the 2013 DMS, were close to the annual mean objective at several modelled receptor locations
- any revocation of AQMAs should consider both the predictions made throughout the corridors via the contour maps and local monitoring data
- the proposed traffic management measure scenarios are unlikely to result in significant changes in ambient air quality in Portsmouth
- the predicted changes in annual mean NO₂ concentrations at all modelled sensitive receptor locations are negligible

It was therefore not possible to make any air quality based recommendation for any scenario, in any corridor, that would result in a significant improvement in local air quality.

ORTMCS concluded however that should a decision be made to address road traffic congestion, air quality should be considered a material consideration regardless of significance determined by the AQIA:

✓ Corridor 1

- DMSc1: To incorporate the following changes to the network, which have either already been implemented on site, or are due to be implemented shortly:
 - signalisation of the Rudmore roundabout, bus lane and bus gate along the southbound (SB) off slip and alterations to lane allocations
 - the merge of traffic from Rudmore roundabout SB on slip with the M275 flyover has been altered so that the slip road traffic merges with the nearside lane of the flyover, resulting in a lane drop
 - extending the existing bus lane along Mile End Road southbound through the Church Street roundabout,

Commercial Road and Marketway roundabout to join up with the current bus lane along Marketway, with lane alterations and signal time changes at the Church Street roundabout

- signalising Anglesea Road approach and opposing circulatory to allow pedestrian facilities, and altering the Cambridge Road triple crossings to run in isolation at St Michael's gyratory
- DS1Sc1: To utilise the DMS model layout with alterations made to the Holbrook Road / Lake Road roundabout. Two flares have been introduced on the Church Street and Lake Road (E) approaches for left turning traffic only to provide more capacity for the ahead and right turning traffic.
- ✓ Corridor 2
 - DMSc2: To modify several signalised junctions throughout Corridor 2
 - DS1Sc2: To amend bus stops throughout the network (where possible)
 - DS2Sc2: To improve junction in line with the recommendations made within the South East Hampshire Bus Rapid Transit (BRT) highway design priorities study undertaken in February 2014.
- ✓ Corridor 3
 - DMSc3: This scenario consists of the following planned improvements
 - signalisation of London Road / Northern Parade junction. This improvement includes prohibiting southbound to northbound U-turn manoeuvres. As a result, southbound vehicles originating from the Portsbridge roundabout or Military Road intending to go north along Northern Parade will be routed through the London Road / Copnor Road circulatory
 - geometric improvements and installation of MOVA at the Milton Road / Goldsmith Avenue junction. The geometric improvement includes reconfiguring of the northbound approach to provide one through lane and one left turn lane, along with provision of signalised pedestrian crossings
 - installation of MOVA at the Milton Road / Velder Avenue junction
 - optimisation of signal timing and stage sequence at the Milton Road / St. Mary's hospital entrance junction

- optimisation of signal timing and stage sequence at the Copnor Road / Stubbington Avenue / Burrfields Road junction
 - DS1Sc3 This scenario included the following:
 - Replacement of on-street bus stops with laybys at the following locations:
 - Norway Road Eastbound, East of Copnor Road
 - Copnor Road Southbound, south of Stubbington Avenue / Burrfield Road
 - Milton Road Northbound, north of Locksway mini-roundabout
 - Milton Road Northbound, south of Priory Crescent
 - Milton Road Southbound, south of Priory Crescent
 - additional parking/loading restrictions on the southbound section of Milton Road between Dover Road and St Mary's roundabout
 - DS2Sc3: To construct southbound right turn lane into the fuel station located approximately 50m north of the Copnor Road / Stubbington Avenue / Burrfields Road junction. Currently, traffic turning right into the fuel station blocks the southbound through traffic resulting in excessive delays for the SB movement at this junction. The right turn lane will provide storage for the right turning traffic without blocking the southbound through traffic.
- ✓ Corridor 4
 - DS3Sc4: To alter the lane allocation to allow a double right turn to A3 Southampton Road. Therefore, the middle lane will be to travel right or ahead and the nearside will be a left or ahead lane as it has also been assumed that the widening of the approach has taken place as per DS1S. The bus gate has not been included in this scenario.
- ✓ Corridor 5
 - DMSc5: This scenario proposes the removal of stage 3 from the signalised junction of Victoria Road, Outram Road and Elm Grove, converting the right turn movement from Victoria Road South to Outram Road to gap seeking during stage 2, and reducing the number of northbound lanes to 1 to accommodate a cycle lane;

- **DS1Sc5:** The conversion of the bus stops on the carriageway into bus laybys where it is considered feasible;
- **DS2Sc5:** The removal of the on street parking provision at locations where it impedes two way traffic flows.

4.2 Detailed Assessment 2015

Local authorities have a statutory obligation to review and assess local air quality from time to time to determine whether it is likely to meet the NAQO set out in the Air Quality (England) Regulations 2000 (as amended).

Where these objectives are not expected to be met, the local authority must declare AQMA and draw up an AQAP to assist in moving towards compliance with the NAQOs.

PCC produced the 2015 DA report to satisfy our obligations under Part IV of the Environmental Act 1995. The DA aimed to:

- Carry out a DA of NO₂
- Review the extent of predicted exceedance of NO₂ annual NAQO in the AQMAs (AQMA 6, 7, 9, 11, and 13)

The information used the DA was sourced from both the road traffic micro-simulation modelling and the AQIA sections of the ORTMCS report.

As NO₂ remains the main pollutant of concern locally annual mean NO₂ concentrations were predicted using the regional dispersion model AAQuIRE at sensitive receptor locations within five individual route corridors.

This was completed for the BYS and for the DMSs for the assessment years of 2013 and 2015. The potential impacts associated with each of the DMS were then assessed.

This DA report covered the three following tasks:

- development of a BYS air quality dispersion model using the pre-collected road traffic data from the extensive traffic surveys. The BYS model is developed to predict the annual mean NO₂ concentrations for 2013 and used for model verification purposes
- development of DMS air quality dispersion model for all corridors with the exception of Corridor 4 using the road traffic micro-simulation predictions to predict the annual mean NO₂ concentrations for assessment years, 2013 and 2015
- prediction of NO₂ concentrations at sensitive receptor locations and to produce contour plots of predicted NO₂ concentrations.

The 2015 DA concluded that:

- there are no predicted exceedances of the annual mean NO₂ NAQO at any modelled receptor location in any of the five route corridors in the BYS, DMSs (2013) and DMSs (2015)
- the maximum predicted annual mean NO₂ concentration in the DMSs (2013) was 39.1µg/m³
- the maximum predicted annual mean NO₂ concentrations in the DMSs (2013) by route corridor at sensitive receptors were
 - Corridor 1: 39.1µg/m³
 - Corridor 2: 37.0µg/m³
 - Corridor 3: 35.0µg/m³
 - Corridor 4: 34.4µg/m³ (BYS result as there is no DMS for Corridor 4)
 - Corridor 5: 34.2µg/m³
- the maximum predicted annual mean NO₂ concentration in the DMSs (2015) was 37.8µg/m³
- the maximum predicted annual mean NO₂ concentrations in the DMSs (2015) by route corridor are:
 - Corridor 1: 37.8µg/m³
 - Corridor 2: 35.7µg/m³
 - Corridor 3: 33.0µg/m³
 - Corridor 4: 33.2µg/m³ (projected base year result)
 - Corridor 5: 34.2µg/m³

4.3 Conclusions of the DA

1. The DA results indicate that the annual mean NO₂ NAQO would not be exceeded at any modelled sensitive receptor location in 2013 or 2015 should additional traffic management measures not be implemented
2. The predicted annual mean NO₂ concentrations, particularly for the DMSs (2013) are close to the annual mean objective at several modelled receptor locations
3. Due to inherent uncertainties within the dispersion modelling process, where predicted concentrations are within 10% of annual mean NO₂ NAQO, it is possible that exceedance of the annual mean NO₂ NAQO would occur

4. Within the corridors and at the sensitive receptors six annual mean NO₂ concentrations were predicted to be within 10% of the annual mean objective
5. Any revocation of an AQMA should consider both the predictions made throughout the corridors via the contour maps and local monitoring.

5 New monitoring results

There has been no change to PCC's air quality monitoring program within the period 2009 to 2016.

NO₂ and PM₁₀ are still being monitored continuously at four AQ monitoring station in addition to a NO₂ diffusion network across the city.

5.1 Continuous NO₂ Monitoring Data

Emphasis in Box 1.4 in the LAQM.TG (09) has been placed, for the annual mean NAQO, on monitoring and assessing non-occupational near-ground level outdoor locations, where the public might be regularly exposed. These include:

- residential facades
- schools, hospitals and library facades

PCC NO₂ and PM₁₀ monitoring programmes are annually assessed to ensure that the LAQ monitoring requirements of the R&A process are met.

Continuous monitoring has been carried out in accordance with the Quality Assurance and Quality Control method (QA/QC) documented in *appendix B*.

Continuous monitoring station locations are shown on *map 3 appendix A*.

All continuous monitoring stations, with the exception of C6 are fitted with both NO₂ and PM₁₀ analysers. They are located as follows:

- **Station C4:**
An Automatic Urban and Rural Network (AURN) station located in an urban background location at Gatcombe Park Primary School, Curtis Mead (*see map 4, appendix A*)
- **Station C2:**
This is a fixed kerbside station set up to monitor NO₂ and PM₁₀ generated by the road traffic along London Road (*see map 5, appendix A*). This station is located in a narrow busy roadside shopping area where large numbers of pedestrians are present (with pavements in places approximately only 2 metres). This location is within AQMA 6. Buildings in the immediate vicinity are predominantly commercial. However, residential units are located further north and south of the site typically at first floor level above retail outlet units. This shopping location has some of the characteristics of a street canyon with slow moving road traffic often causing congestion
- **Station C6:**
This is a fixed roadside station established in April 2007 to monitor NO₂ and PM₁₀ generated by the road traffic along Burrfield Road (*see*

map 6, appendix A). This station is located at a junction area with large numbers of pedestrians and residential properties. Buildings in the immediate vicinity are a mixture of both commercial and residential. This station was mainly set up to monitor emissions generated from road traffic related pollution generated from the adjacent Burrfield Road / Copnor Road junction within AQMA 3

- **Station C7:**

This is a fixed Roadside station established in April 2007 to monitor NO₂ and PM₁₀ generated by the road traffic along Mile End Road and the southern end of the M275 into the City (*see map 7, appendix A*). It is located within AQMA 11 approximately 6.5 metres from Mile End kerbside in a residential area. Buildings in the immediate vicinity are all residential.

The locations and characteristics of all continuous monitoring sites are summarised in *table 3, appendix C* and the NO₂ continuous monitoring data for 2013, 2014 and 2015 are presented on *table 5, appendix D*.

The NO₂ continuous monitoring program for the period stretching between 2013 and 2015 concluded that:

- the NO₂ levels for 2013 did not exceed the NAQO at any of the four continuous air quality monitoring station. The maximum recorded concentration was at London Road station (39.68 µg/m³) that was close to breaching the NO₂ NAQO
- the NO₂ levels for 2014 increased across the four AQM stations compared to that of 2013 to exceed the NAQO at London Road station as it recorded 45.68µg/m³. This translated in a worsening in LAQ. This is a kerbside station
- the NO₂ levels for 2015 decreased compared to that of 2014 at levels that did not exceed the NAQO at any of the four continuous air quality monitoring station. This translated in an improvement in LAQ. The maximum recorded concentration was again at London Road station (38.4 µg/m³) that was close to breaching the NO₂ NAQO
- the 2014 NO₂ annual mean increased by just under 6µg/m³ compared to the levels recorded in 2013 before dropping by 7.28µg/m³ in 2015
- the 2014 annual mean concentrations measured across the four continuous air quality monitoring stations increased from 2013 to 2014 before dropping back to slightly lower levels than the 2013 in 2015
- the NO₂ levels for 2015 decreased at levels lower to those of 2013
- the trend emerging from each of the four continuous monitoring stations exhibits a downward trend in NO₂ annual mean levels in the last three years. Hence LAQ improved in the last three years in Portsmouth

5.2 Passive Monitoring Data

The continuous NO₂ monitoring program is supplemented by a non-automatic passive monitoring survey using an extensive NO₂ diffusion tubes survey (NDDTS) since 2004.

These are located mainly near busy junctions, at kerbside and roadside locations, at relevant exposure as defined in Box 1.4 of the LAQM.TG(09) guidance. This monitoring program is primarily focused in AQMAs.

The NDDTS covers 40 locations across the City. Four of these locations are dedicated to collocation studies. Data generated from DTS have been subjected to both bias correction, and where monitoring had been carried out for less than twelve months, yearly projections as prescribed in Box 3.2 of LAQM.TG(09).

The locations of all non-continuous NDDTS monitoring sites and site characteristics for each monitoring location are summarised in *table 4*, *appendix C* and illustrated on *map 8*, *appendix A*.

NDDTS has been conducted in accordance with the QA/QC method documented in *section 2 of appendix B*.

The results from the NDDTS were initially adjusted for bias using the factors generated from the local collocated study. This involved the exposure of three NDDTs at station C2 (kerbside site), C6 (roadside site), C4 (urban background site), and C7 (roadside site).

The data generated from this exercise were used to generate bias correction factors following the approach described in Box 6.4 of LAQM.TG (03) using the calculating precision and accuracy spreadsheet.

The NDDT collocation study for 2014 generated the following bias correction factors:

- tubes exposed at the London Road Station (kerbside station) generated 0.84 as the bias correction factor
- tubes exposed at both Mile End Road and Burrfield Road stations (both roadside stations) generated 0.94 and 1.02 respectively as the bias correction factors
- tubes exposed at the Gatcombe Park Station (urban background station) generated 0.9 as the bias correction factor

The 2014 NDDTS results were bias adjusted using 0.925 as the average of all above bias correction factors generated from the 2014 NDDTS local collocation studies.

The NDDT collocation study for 2015 generated the following bias correction factors:

- tubes exposed at the London Road Station (kerbside station) generated 0.8 as the bias correction factor
- tubes exposed at both Mile End Road and Burrfield Road stations (roadside stations) generated 1 and 1.04 respectively as the bias correction factors
- tubes exposed at the Gatcombe Park Station (urban background station) generated 1.03 as the bias correction factor

The 2015 NDDTS results were bias adjusted using 0.967 as the average of all above bias correction factors generated from the 2014 NDDTS local co-location studies.

Where the results were only available for a period of less than 12 months in any calendar year, a further seasonal adjustment was carried out to project annual means following the approach recommended in Box 6.5 of LAQM TG (03) using 2010 urban background monitoring data from Bournemouth, Portsmouth and Southampton.

Most of 2013, 2014 and 2015 NDDTS results were subjected to bias adjustment only, while others were subjected to a 2-stage adjustment so that they could be directly compared to the NAQO:

- NDDT location with less than 12 month data was projected for 12 months first
- secondly data was bias corrected using local co-location bias correction factor

Two NDDTS locations were however subjected to a further adjustment as the monitoring points at these locations are distant from the façade of the nearest relevant exposure. These data is represented in green in *table 8, appendix C*.

This was carried out using the calculator that was made available by 'Air Quality Consultants'. This tool is provided to local authorities to predict the annual mean NO₂ concentration for a location ("receptor") that is close to a monitoring site, but nearer or further to the kerb than the monitor.

The two locations are:

- 106 Victoria Road North
- Anchorage Road

The adjusted NDDTS data as prescribed above for all monitored sites in the city are presented on *table 8, appendix C*.

The 2013, 2014, and 2015 adjusted NO₂ data show that all exceedances are concentrated predominantly in the declared AQMA with the exception of

Addison Madden location on Hampshire Terrace, where the 2014 NO₂ annual mean concentration exceeded the NAQO. This monitoring site is located close to one of the busiest junctions in Southsea that centres AQMA 7. However, the NO₂ long-term trend over the last three years at this location exhibited downward trends since 2013.

The 2013 NDDTS survey concluded that:

- The NO₂ NAQO was exceeded at four locations:
 - Lord Montgomery Way (AQMA 7)
 - 221 Fratton Road (AQMA 6)
 - The Tap" London Road (AQMA 6)
 - Addison Madden Hampshire Terrace (Adjacent to AQMA 7)

The 2014 NDDTS survey concluded that:

- the NO₂ levels increased compared with those of 2013 at 65.51% of the monitored locations across the City
- the highest increase was recorded at 17 Kingston Road location along (AQMA 6), Addison Madden (Hampshire Terrace adjacent to AQMA7), 7 Velder Avenue (AQMA 9), 4 Merlyn Drive, Market Tavern (Mile End Road AQMA 11), 103 Elm Grove, Larch Court (Church Road (Corner) adjacent to AQMA 11), 121A High Street, Anchorage Road, 116 Albert Road, and 2 Victoria Road North with an increase of 13.49, 12.46, 7.15, 5.60, 5.30, 4.48, 3.84, 3.57, 3.00, 2.29, 2.11µg/m³ respectively
- the NDDTS also concluded that NO₂ annual mean levels were in excess of the annual mean NAQO in 2014 at the following seven monitored locations:
 - Lord Montgomery Way (AQMA 7)
 - London Road (AQMA 6) continuous monitoring station
 - 221 Fratton Road (AQMA 6)
 - 117 Kingston Road (AQMA 6)
 - The Market Tavern Mile End Road (AQMA 11)
 - The Tap public house London Road (AQMA 6)
 - Addison Madden Hampshire Terrace (Adjacent to AQMA 7)

The 2015 NDDTS concluded that:

- the NO₂ levels decreased compared with those of 2014 at 72.41% of the monitored locations across the City resulting in an improvement of air quality
- the most significant improvement was registered at Addison Madden (Hampshire Terrace), 117 Kingston Road, Market Tavern (Mile End Road), 103 Elm Grove, Anchorage Road (Column 6), 221 Fratton Road, Larch Court (Church Road (Corner)), 2 Victoria Road North, 7 Velder Avenue, 4 Milton Road with a decrease of 12.95, 10.39, 9.81, 5.81, 4.40, 4.18, 3.25, 2.74, 2.16 and 1.99 respectively

- the highest increase was recorded at 88 Stanley Road, Queen Street, the Tap Public House in London Road, 106 Victoria Road North, and Montgomery Way with an increase of 11.21, 2.57, 2.32, 2.20, and 1.76 $\mu\text{g}/\text{m}^3$ respectively
- the NO₂ annual mean levels were in excess of the annual mean NAQO in 2015 at:
 - 117 Kingston Road (AQM6)
 - The Tap" London Road (AQMA 6)
 - Montgomery Way (AQMA 7)
 - 88 Stanley Road (AQMA11) (It is important to note that Stanley Road location is represented with NDDT data for only two months which was subjected to all necessary corrections)

A closer look at the NDDTS data for Portsmouth reveals that a downward trend emerged at 55.17% of the NDDT monitored locations in the last three years since 2013, hence an improvement in LAQ.

NDDT data demonstrated that 2014 NO₂ levels were exceptionally high compared to those of 2013 and 2015.

On average NDDT data exhibited no change overall monitored locations. It is not possible to categorically state why the levels of pollutant in Portsmouth increased during 2014 and decreased in 2015 as a multitude of factors influence pollution levels.

Factors are wide ranging and complex. Localised influences such as route popularity or road changes / roadworks may be part of the cause. Others may be of a regional nature perhaps dictated by the meteorological conditions. National or international stimuli such as requirement for improved vehicle emissions technologies are also likely to play a part.

6 New local developments

There are many developments that are either already under construction, committed, or planned in Portsmouth in the next 5 to 10 year period: examples are:

- Somerstown regeneration: A number of planning permissions have been granted and some schemes have been completed / under construction which will result in the creation of a new community centre (spanning Winston Churchill Avenue) and a net gain of 64 new homes over the next 5 years
- The Hard Interchange: Under construction due to be complete and operational by the end of 2016
- North Harbour / Lakeside: Phased development (for which various planning consents have been granted) for a series of buildings planned along the 14 acre lake, including 185sqm to 7,155sqm of office space; statement office buildings providing 2,325sqm to 7,435sqm of Grade A corporate headquarters; a courtyard area with a particular focus on office use and SMEs; a 7,710sqm medical facility and a 150 bedroom hotel
- Fratton Park (Portsmouth Football Club): Planning permission granted and construction is completed for a new Tesco Superstore (10,475sqm) and petrol filling station on land adjacent to Fratton Park, accessed from Fratton Way
- Tipner interchange (M275) - now complete
- Tipner interchange regeneration - the site is now cleared and ground remediated and planning process is already underway for residential, light industrial and commercial developments
- Tipner interchange Park and Ride is completed and fully operational
- Port Solent - The Portsmouth Plan allocates the site for an additional 500 homes and 3.4 ha for marina related operations (a mixture of retained and new marina operations / employment space) to be delivered in the later part of the plan period (2020 - 2027)
- 'City Deal Sites' - Tipner (East and West) and Horsea Island. PCC is working with other landowners, including the Homes & Communities Agency (HCA) and the Tipner Regeneration Company (TRC) to transform these derelict sites into a thriving new community and gateway for the city. These sites currently have conditional outline planning permission for the construction of just over 600 homes. HCA's land has been remediated and house building is expected to commence in 2016 together with land remediation of the TRC land.
- through the Government's City Deal program, Portsmouth City Council has secured £48.75m to help enable development of Tipner West &

Horsea Island (including a new bridge access to Horsea Island). The City Deal includes the transfer of MOD land at Tipner Firing Range and part of Horsea Island to the city council for development

- **City Centre regeneration:** PCC city center master plan (adopted in 2013) identifies 20 development opportunities / sites to be delivered by 2027. A number of the sites have permission or are under construction. This includes:
 - Robert Gamlen Homes has secured planning consent for a 16-18 storey hotel (228 rooms) on 8 Surrey Street (site 7 within the city center masterplan)
 - Knightsbridge Student Housing Ltd has secured planning consent for the conversion and extension to the former Zurich House for 1,000 bed student halls of residence (parts of sites three and four within the city center masterplan). This is currently under construction due to be complete by September 2017
 - Premier Inn has secured planning consent for a six-storey hotel (84 rooms) with ground floor café (Class A3) and shop (Class A1) uses, (part of site 11 within the city center masterplan). This development has been completed
 - Unite have secured planning consent for a part 7 / part 9 / part 17 / part 25 storeys building comprising a halls of residence for students containing 836 study / bedrooms and the construction of 1,249sqm (13,445sqft) of floor space for use as storage units (Class B8) on part of ground floor (Site 14 within the city center masterplan). This is currently under construction due to be complete by September 2016
- HM Naval base Trafalgar Gate link road - completed in 2011 and is fully operational
- newly proposed Aldi Food Store at Southampton Road, Paulsgrove. The site is brownfield and was previously occupied by an industrial unit which has recently been demolished. The proposals include the construction of a 1,804sqm food store, with 124 car parking spaces and provision for cycle parking

All the above developments have been identified as requiring a detailed AQA as their construction is anticipated to impact on local air quality. This has to be addressed as part of the planning application process to demonstrate they conform to the AQAP, SPD-AQ and the Local Development Framework (LDF).

HM Naval base Trafalgar Gate link road is in operation. It is considered as being a major highway restructuring development located within AQMA 11. It has been identified as the only major committed development, which may

have a remedial impact on LAQ. The EIA's AQA concluded that the development would have a minor positive impact on LAQ.

7 Industrial processes

Some industrial facilities could harm the environment or human health unless they are controlled. The environmental permitting regime requires operators to obtain permits for some facilities, to register others as exempt and provides for ongoing supervision by regulators.

The aim of the regime is to:

- protect the environment so that statutory and Government policy environmental targets and outcomes are achieved
- deliver permitting and compliance with permits and certain environmental targets effectively and efficiently in a way that provides increased clarity and minimises the administrative burden on both the regulator and the operators
- encourage regulators to promote best practice in the operation of facilities
- continue to fully implement European legislation

A list of all premises currently subject to permitting control under the Environmental Permitting Regulations 2010 is provided below:

	PROCESS	Name	Address
1	Active Part B Powder Coating	LBL 2 (Tomburn)	Gunstore Road, PO3 5HL
2	Active Part B Melting	SELEX ES	Neville Shute Road, PO3 5RT
3	Active Part B Coating of Metal	BAE Systems Surface Ships Ltd	Portsmouth Naval Base, PO1 3AQ
4	Active Part B Cement Batching	Hope Construction	Tipner Wharf, PO2 8QA
5	Active Part B Cement Batching	K.R.M. Concrete Ltd	Kendalls Wharf, Eastern Road, PO3 5LY
6	Active Part B Solvent Degreasing	Queensbury Shelters Ltd	Fitzherbert Road, PO6 1SE
7	Active Part B Cement Batching	Cemex UK Materials Limited	Walton Road, PO6 1UJ
8	Active Part B Carbon Black	GKN Aerospace Services Ltd (invoice to FPT Industries)	Airport Service Road, PO3 5PE
9	Active Part B SED Adhesive / Textile	GKN Aerospace Services Ltd (invoice to FPT Industries)	Airport Service Road, PO3 5PE
10	Active Part B Crusher	Hughes Waste Ltd	Ackworth Road PO3 5NS

11	Active Part B Crusher	Portsmouth Demolition & Salvage	419 Victory Business Centre, Somers Road North, Portsmouth, PO1 1PJ
12	Active Part A2	Multi Packaging Solutions	Limberline Road, PO3 5JF
13	Active Respray Part B	Adams Morey	Burfields Road, PO3 5NN
14	Active Respray Part B	Nationwide Crash Repair Centres Ltd	Portfield Road, PO3 5FJ
15	Active Respray Part B	ERB	Claybank Road, PO3 5NH
16	Active Respray Part B	Apollo Motor Group	Unit 6 Fitzherbert Road PO6 1RU
17	Active Respray Part B	A & J Lawrence Vehicle Repairs	Unit A, The Kinard Centre, Northarbour Road, PO6 3TF
18	Active WOB Part B	Welfare Garage Ltd	Portsmouth Naval Base, PO1 3HH
19	Active WOB Part B	Fairway Garage	4-6 Bourne Road Paulsgrove PO6 4JS
20	Active WOB Part B	Richmond Cars Ltd - Mr Clive Griffiths	Fitzherbert Road Portsmouth PO6 1RU
21	Active Dry Cleaners Part B	Solent Cleaners Ltd, 31 Market Parade, Havant, Hants PO9 1PY	44B High Street, PO6 3AG
22	Active Dry Cleaners Part B	Look smart	149 Copnor Road, PO3 5BS
23	Active Dry Cleaners Part B	Guestcare Hotel Valet Services Ltd	145 Albert Road, PO4 0JW
24	Active Dry Cleaners Part B	Impress (Palmerston Rd)	72 Palmerston Road, PO5 3PT
25	Active Dry Cleaners Part B	Washeteria	279 London Road, PO2 9HF
26	Active Dry Cleaners Part B	Smarty pants	36 London Road, PO2 0LN
27	Active Dry Cleaners Part B	Kingston Cleaners Ltd.	35 Kingston Road, PO2 7DP
28	Active Dry Cleaners Part B	Solent Cleaners Ltd, 31 Market Parade, Havant, Hants PO9 1PY	253 Albert Road, PO4 0JR
29	Active Dry Cleaners Part B	Impress	169 / 171 Albert Road, PO5 3PT
30	Active Dry Cleaners Part B	Solent (Farlington), Solent Cleaners Ltd, 31 Market Parade, Havant, Hants PO9 1PY	Unit 5 Mountbatten Business Park, Jackson Close, PO6 1UR

31	Active Dry Cleaners Part B	Impress	98A London Road, North End, PO2 0LZ
32	Active Dry Cleaners Part B	Hilsea Laundry & Dry Cleaning Centre	309 Copnor Road, PO3 5EG
PETROL STATIONS			
33	Active Part B	All Saints Service Station, Commercial Road	
34	Active Part B	Green Road Service Station Ltd, Green Road	
35	Active Part B	Texaco, Eastern Road Service Station	
36	Active Part B	Tesco Stores Ltd, Northarbour, Clement Atlee Way	
37	Active Part B	Shell Victory, Kettering Terrace	
38	Active Part B	J Sainsburys Petrol plc, Fitzherbert Rd	
39	Active Part B	Portsbridge Service Station Limited, Portsmouth Rd	
40	Active Part B	Esso, Milton Road	
41	Active Part B	Tesco Copnor Esso Express, Copnor Rd	
42	Active Part B	Malthurst Fuels Ltd, Northern Road	
43	Active Part B	White Heather Transport Ltd, Richmond Road	
44	Active Part B	Esso, Kingston Road	
45	Active Part B	Shell Farlington, Eastern Road Service Station	
46	Active Part B	Shell Bastion, London Rd	
47	Active Part B	ASDA Stores Ltd, Bridge Centre	
48	Active Part B	Shell Fratton, Goldsmith Avenue	
49	Active Part B	Tesco, Fratton Way	

8 Portsmouth Local Transport Plan (LTP)

In 2011 PCC produced and adopted the 3rd Local Transport Plan (**LTP3**) for the city.

The LTP3:

- sets out PCC's transport policies and their relation with national and local policy objectives within a single document
- takes into account an increasing emphasis on maintenance and road safety, the need to support Portsmouth's economy, emerging LDF priorities, sustainability and the worsening public finance outlook
- is a corporate document, relevant to Portsmouth but meets government expectations on content
- provides guidance on transport issues for LDF but leaves open the possibility of an early 'refresh' should funding allocations change significantly from expected levels
- contains two key components - a strategy and an implementation plan. The LTP3 long-term strategy covers the period from 2011 - 2031 supported by a three year implementation plan which will detail planned transport improvements. The long-term strategy will be developed jointly by the constituent authorities of Transport for South Hampshire (TfSH)

The long lifespan of the LTP3 will help ensure consistency with the timescale for the new Regional Strategy and the LDF. The longer timeframe will also enable PCC to set, and help deliver, longer-term strategic priorities.

9 Air Quality Action Plan (AQAP)

In addition to the work conducted at a national and sub-regional level, in accordance with the overarching objectives in the LTP3 to improve and increase the use of sustainable modes, a comprehensive program of improvements is underway.

Under Section 84(2) of the Environment Act 1995, PCC is required to submit an AQAP stating the strategy adopted by the council.

The AQMA aims:

- deliver cleaner air within and around the declared AQMAs
- maintain clean air across Portsmouth
- move toward attainment of the annual mean NAQO through policy measures

A holistic approach to cleaner air is being considered, however priorities will be also achieved through projects designed to specifically target poor air quality within hotspots such as AQMA 6 and AQMA 11.

PCC annexed the AQAP to the LTP3 given that the road traffic is the major contributor to LAQ exceedances of the NAQOs within AQMAs. Both documents have been adopted and become effective since the 1st of April 2011.

10 Progress on air quality action planning

Improving the air in Portsmouth with its high population and limited space is going to be no easy challenge, especially as trans-boundary harmful pollutants are also blown into Portsmouth from sources beyond our direct control and influence.

At the core of the proposals within AQAP is the message that everyone therefore needs to play their part to take steps to improve air quality, and as vehicular traffic is the main contributor, wherever possible we should endeavour to use a less polluting and more sustainable form of transport.

PCC set itself a number of priority areas to meet aims of the AQAP. Our progress on delivering these particular measures is summarised in the tables that follow within the next pages (*see pages 39 to 50*).

In December 2015 DEFRA additionally published the Portsmouth Urban Area agglomeration zone (UK0012) (PUAAZ) updated air quality plan for the achievement of the EU air quality limit values for NO₂.

This is an update to the air quality plan published in September 2011 (<http://uk-air.defra.gov.uk/library/no2ten/>).

This plan presents the following information:

- general information regarding the PUAAZ
- details of the NO₂ exceedance situation within the PUAAZ
- details of local air quality measures that have been implemented, will be implemented or are being considered for implementation in the PUAAZ, including an updated list of all actions being implemented by PCC

The assessment undertaken for the PUAAZ indicates that the annual limit value was exceeded in 2013 but is likely to be achieved before 2020 through the introduction of measures included in the baseline.

Details of measures that address exceedances of the NO₂ limit values within PUAAZ includes both measures that have already been taken and measures for which there is a firm commitment that they will be taken.

The extent to which it has been possible to incorporate the impacts of these measures into the baseline modelling carried out for this assessment is clarified within the report.

This air quality plan for the PUAAZ should be read in conjunction with the separate UK overview document and the list of UK and national measures. The UK overview document sets out, amongst other things, the authorities responsible for delivering air quality improvements and the list of UK and national measures that are applied in some or all UK zones.

The measures presented in the PUAAZ plan, the accompanying UK overview document and the list of UK and national measures show how the UK will ensure that compliance with the NO₂ limit values is achieved in the shortest possible time.

This plan should also be read in conjunction with the supporting UK Technical Report which presents information on assessment methods, input data and emissions inventories used in the analysis presented in this plan. The document can be found via:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485702/aq-plan-2015-portsmouth-urban-area-uk0012.pdf

Measure	Update on progress - Non traffic related measures (background emissions)	Progress to date	Progress in last 12 months	Estimated completion date
Review and assess air quality	<p>CITY WIDE</p> <p>Review and assess the air quality in the city using four continuous monitoring stations and numerous diffusion tubes. Produce annual action plan progress reports to assess implementation against indicators</p>	Adoption of AQAP in 2010	Publication of Detailed Assessment in 2015. New contract agreed to ensure maintenance of equipment for a further four years. Additional abilities to monitor PM2.5 also secured	On going
Regulation of industrial processes	<p>CITY WIDE</p> <p>Regulation of industrial emissions through integration of air quality considerations into local authority regulation of Pollution Prevention and Control Regulations. Reduction of organic solvent emissions in accordance with the solvent emission regulations</p>	On going	See section 7	On going
Domestic heating emissions	<p>CITY WIDE</p> <p>Control of replacement gas fired boilers through building control and private sector housing teams – careful consideration of CHP</p>	On going	On going	On going

Measure	Update on progress - Non traffic related measures (background emissions)	Progress to date	Progress in last 12 months	Estimated completion date
Energy saving measures	<p>CITY WIDE</p> <p>Promotion of energy saving measures leading to reductions in combustion emissions across the city. To be conducted through PSAG. Continued implementation of Portsmouth climate change strategy to reduce energy use for both organisations and housing across the city</p>	On going	All partners of PSAG are working towards reducing their carbon footprints. An annual Green Fair is held which promotes energy saving measures to the residents of Portsmouth. Climate change strategy actions are being delivered	On going
Workplace travel plans (WPTP)	<p>CITY WIDE</p> <p>Work continues - WPTP required as part of planning process</p>	On going	<p>40 WPTP in total 1 signed off in 2010-11. 2 in development for 2011-12.</p> <p>Between 2012 and 2015 there have been a further 9 Travel Plans. The majority of the travel plans are subject to a monitoring fee over a 5 year period. There are more travel plans expected but they have not yet been agreed. The SignPOST Travel Forum has been replaced by the easitPortsmouth network which meets 3X a year. Easit offers a range of benefits including discounts on peak train travel, cycling, and electric vehicle for employees of those organisations that are members. The BIG Green Commuter Challenge has been superseded by the My Journey Commuter Challenge. PCC are developing a travel plan monitoring tool</p>	On going

Measure	Update on progress - Non traffic related measures (background emissions)	Progress to date	Progress in last 12 months	Estimated completion date
Promote walking	<p>CITY WIDE</p> <p>Work continues – audit of walking routes commenced – development of ‘walking map’ linking places of interest. Work continues to improve safety in regional shopping areas with traffic engineers to identify and improve pedestrian crossing facilities. Raise public awareness of issues relating to AQ</p>	<p>Draft map completed - web based walking route planner in place for city (www.walkit.com).</p>	<p>Walking and cycling map reprinted and reissued. It has proven very popular. Further redesign of the map is required and will be taken forward</p> <p>Works in conjunction with ramblers and Portsmouth friends of the earth continues</p>	On-going
Promote cycling	<p>CITY WIDE</p> <p>Work continues – reduction of speed – cycling strategy being implemented as part of LTP programme. Schemes continue to promote the advantages of cycling as well as ensuring routes and secure storage provisions are enhanced. Raise public awareness of issues relating to AQ</p>	<p>LSTF funding (2012-2015) successful in providing opportunities for residents to mode shift away from cars and into cycling</p>	<p>Active Travel Strategy in place and being used in conjunction with other schemes / departments notably Public Health</p>	<p>On-going</p> <p>LSTF ended in 2015. PCC have reverted to LTP funding and potential external funding opportunities</p>

Measure	Update on progress - Non traffic related measures (background emissions)	Progress to date	Progress in last 12 months	Estimated completion date
AQ information	<p>CITY WIDE</p> <p>Provision of information regarding AQ, including real time monitoring data and information regarding assessments of AQ to enable public awareness of issues and success of actions implemented</p>	On going	On going	On going
School travel plans	<p>CITY WIDE</p> <p>Reduce single-pupil journeys and encourage alternatives to car travel such as route improvements, walking buses, cycle storage. Raise AQ awareness in schools</p>	<p>Small scale travel planning is taking place. Benefits from Safer Routes to School capital programme and the new partnership between Transport Environment and Business, Public Health and members of the Cycle Forum toward working with more schools</p>	On going	On going

Measure	Update on progress - Traffic related measures – Transport schemes	Progress to date	Progress in last 12 months	Estimated completion date
Creation of PCC transport manager	CITY WIDE In place - January 2010 – ensuring all council vehicles are pooled to maximise sharing; all vehicle purchasing (including improving emissions), rationalisation of the vehicle fleet with the elimination of spare capacity	Completed	Completed	Late 2010 - now on going
High occupancy vehicle lanes	CITY WIDE Assess specific routes and consider feasibility of locations. Develop and undertake feasibility study. Implementation linked to TfSH traffic management strategy	None	None	None
Park and Ride (P&R)	AQMA11 Through redevelopment / regeneration of Tipner and Horsea Island. P&R facility offering 663 spaces together with a fast low emission bus service running regularly to city centre, Gunwharf and Southsea	Completed	Completed	April 2014 - now on going

Measure	Update on progress - Traffic related measures – Transport schemes	Progress to date	Progress in last 12 months	Estimated completion date
Traffic control southbound M275 slip	<p>AQMAs (6 & 11)</p> <p>Consider feasibility and introduction of priority signalling at M275 slip on to roundabout to prevent / control peak hour queuing, preventing 'queue jumping' AQMA11 and additional associated impacts upon Kingston Crescent and AQMA 6</p>	Completed	Completed	January 2014
Traffic control Mile End roundabout	<p>AQMA11</p> <p>Introduction of measures to improve southbound traffic by introducing signals at Church Street, preventing traffic accessing Church Street from Hope Street. Elimination of 'queue jumping' by making All Saints Street one way (west)</p>	Completed	AQMA 11. Introduction of measures to improve southbound traffic by introducing signals at Church Street, Elimination of 'queue jumping' by making All Saints Street one way (west)	January 2011

Measure	Update on progress - Traffic related measures – Transport schemes	Progress to date	Progress in last 12 months	Estimated completion date
Junction improvements	<p>AQMA 6.</p> <p>Possible improvements to traffic controlled junctions throughout AQMA 6 (all 3 sections). Co-ordination of signal operation through MOVA (or similar). Particular attention paid to: London Rd / Stubbington Rd roundabout; London Rd / Kingston Crescent; Kingston Rd / New Rd; Fratton Rd / Arundel St; roundabout at Fratton Rd – Victoria Rd North – Goldsmith Ave; Review all junctions citywide, starting with AQMAs, to increase effectiveness and prevent unnecessary congestion</p>	Completed	Traffic Signal Review submitted in March 2011	2011-2015
Variable message signs (VMS)	<p>CITY WIDE</p> <p>Several already in place – further to be rolled at car parks and providing route guidance</p>	On going	On going	On going

Measure	Update on progress - Traffic related measures – Transport schemes	Progress to date	Progress in last 12 months	Estimated completion date
Freight quality partnership	AQMA6 (6, 8, & 11) Working closely with freight suppliers (particularly local) to ensure the most appropriate routes are undertaken through AQMA6 and via PIGY and particularly AQMA 6 (Norway Road – Continental Ferry Port)	None	None	None
Regeneration of North End shopping area Traffic initiatives	Northern section of AQMA6 Combination of above and complex proposals designed to facilitate regeneration, improved road safety and to improve AQ	Weight Restriction Adopted by the Council and to be implemented from April 2011	Completed and implementation started since the End of April 2011	Completed - review implemented
Hampshire Terrace junction with St Michael's gyratory	AQMA 7 St Michael's gyratory The introduction of traffic signal controls	Study showed no improvement through changing roundabout priority.	Carried out in 2014	Not to be implemented
Queen Street junction with Anglesea Road	AQMA 12 Traffic management improvement at lights – linked to above scheme	On going	Implement SCOOT signal control with plan to fully refurbish and modernise the junction within 2016	2016

Measure	Update on progress - Public Information – Enforcement – Public transport patronage	Progress to date	Progress in last 12 months	Estimated completion date
Public transport initiative I	<p>CITY WIDE</p> <p>Re-development of The Hard gateway and Portsmouth & Southsea interchange. Providing improved links to rail and ferry services and improving pedestrian, cycle links to Gunwharf Quays and city centre principal shopping areas</p>	Delivery taking place	Under construction	2016-2017
Public transport initiative II	<p>CITY WIDE</p> <p>LTP to deliver improved & integrated network of public transport services. Continue to improve transit systems, increase opportunities for interchange between the public transport network & all other modes of transport and promote demand-responsive transport services to sectors & areas with low accessibility</p>	Most of the individual historic schemes have now been completed	<p>Summary of completed schemes in last 12 months:</p> <ul style="list-style-type: none"> • Weight restrictions at Anchorage Road • Speed reduction at Henderson Rd • All bus stops in the city now have raised kerbs <p>Improvements in traffic signalling (reducing waiting times)</p>	2010-2016

Measure	Update on progress - Policy / Technology	Progress to date	Progress in last 12 months	Estimated completion date
Idling engines	Identification of locations for the introduction of signage at key location where drivers should be encouraged to switch off engines when stationary for more than a minute or 2	On going	Poster and signage designed and appropriately positioned All taxi drivers advised of scheme through leafleting	Completed - now on going
VOSA emission testing /	CITY WIDE Undertake 4 emissions tests per year and publish the results on the <i>portair</i> website	VOSA no longer run the scheme	This initiative has been dropped	Not to be implemented
Vehicle testing / emission requirements - taxis	Introduce policy in relation to taxi fleet emissions	Completed	Recommendation contained within statement of licensing policy April 2016	On going
Bus transport & patronage	CITY WIDE. <ul style="list-style-type: none"> increase vehicle miles and bus patronage and deliver increased punctuality upgrade fleet and improve emission technologies deliver improvements in ticketing, implement public information systems and increase use of website continue to work towards improvements to zip routes – particularly through AQMA 6 	Low floor buses Smart card ticketing/ SMS/ texting / bus timetable downloads Improved Shelters	85 real-time passenger information units have been installed in bus shelters and all bus stops (623) have had raised kerbs installed - completed in 2015. All First Bus & Stagecoach services have 100% low floor buses in Portsmouth	On going

Measure	Update on progress - Non traffic related measures (background emissions)	Progress to date	Progress in last 12 months	Estimated completion date
Implementation / incorporation of AQAP	<p>CITY WIDE</p> <p>Inclusion of AQAP into national and regional policies and strategies to deliver the NAQO</p>	<p>AQAP was produced and adopted by the council as part of LTP3</p>	<p>AQAP was adopted by the council as part of LTP3</p>	<p>2010 - now on going</p>
Planning / service liaison initiatives beyond SDP	<p>CITY WIDE</p> <p>Development of stronger focused policy to deliver cleaner air / development of clearer links between climate change and AQ. A SPD was adopted in 2006 for air quality and air pollution. This is seen to be at the forefront of such guidance. Review SPD (or similar) taking account of impact and national, regional and local guidance. Consider the inclusion of guidance on financial contributions to address AQ issues</p>	<p>A draft of AQ-SPD has been produced</p>	<p>Discussions in progress with PCC planners</p>	<p>End of 2016</p>

Measure	Update on progress - Non traffic related measures (background emissions)	Progress to date	Progress in last 12 months	Estimated completion date
Variable parking charges / CPZ	CITY WIDE Consider implementation of reduced cost parking for less polluting vehicles; Consider implementation of Control Parking Zones (CPZ) for all on street parking / or all parking within 500m of train stations / priority bus routes / regional retail centers	None	Subsequently rejected by Members - subject to review pending direction of DEFRA	Not to be implemented
Explore new technology	CITY WIDE Undertake research into new technologies to reduce levels of NOx and consider their potential use within future strategies	On going	None	On going

11 Portsmouth Air Quality Strategy

Portsmouth City Council is in the process of preparing the ground work for the publication of a new strategic policy document, "Portsmouth Air Quality Strategy" (LAQS) will be evolved around the following:

"Portsmouth City Council is committed to work collaboratively seeking to improve and maintain a healthy air quality in the City in order to protect public health and the environment".

This is a key policy document that will identify the importance of clean ambient air to the public health. It also provides a roadmap that focuses on the implementation of a more effective cross-departmental collaboration and communication.

The overriding aim of such policy document will remain the protection of public health through various implementation of a number of strategic measures.

Such strategy will also constitute the drive to maintain the updating of Portsmouth Air Quality Action Plan (PAQAP).

13 Conclusions

The 2013 NO₂ monitoring concluded that:

- the NO₂ levels for 2013 did not exceed the NAQO at any of the four continuous air quality monitoring stations
- the NO₂ NAQO was exceeded at four locations:
 - Lord Montgomery Way (AQMA 7).
 - 221 Fratton Road (AQMA 6)
 - The Tap" London Road (AQMA 6)
 - Addison Madden Hampshire Terrace (Adjacent to AQMA 7)

The 2014 NO₂ monitoring concluded that:

- the NO₂ levels for 2014 increased across the four AQM stations compared to that of 2013 to exceed the NAQO at London Road station as it recorded 45.68µg/m³. This translated in a worsening in LAQ as it increased by just under 6µg/m³ compared to the levels recorded in 2013
- the NDDT levels increased compared with those of 2013 at 65.51% of the monitored locations across the City. The highest increase was recorded at 17 Kingston Road location along (AQMA 6), Addison Madden (Hampshire Terrace adjacent to AQMA7), 7 Velder Avenue (AQMA 9), 4 Merlyn Drive, Market Tavern (Mile End Road AQMA 11), 103 Elm Grove, Larch Court (Church Road (Corner) adjacent to AQMA 11), 121A High Street, Anchorage Road, 116 Albert Road, and 2 Victoria Road North with an increase of 13.49, 12.46, 7.15, 5.60, 5.30, 4.48, 3.84, 3.57, 3.00, 2.29, 2.11µg/m³ respectively
- the NDDS also concluded that NO₂ annual mean levels were in excess of the annual mean NAQO in 2014 at the following seven monitored locations:
 - Lord Montgomery Way (AQMA 7)
 - London Road (AQMA 6) continuous monitoring station
 - 221 Fratton Road (AQMA 6)
 - 117 Kingston Road (AQM6)
 - Market Tavern Mile End Road (AQMA 11)
 - The Tap public house London Road (AQMA 6)
 - Addison Madden Hampshire Terrace (Adjacent to AQMA 7)

The 2015 NDDTS concluded that:

- the NO₂ levels for 2015 decreased compared to that of 2014 at levels that did not exceed the NAQO at any of the four continuous air quality monitoring station. This translated in an improvement in LAQ. The maximum recorded concentration was again at London Road station (38.4 µg/m³) that was close to breaching the NO₂ NAQO

- the NDDT levels decreased compared with those of 2014 at 72.41% of the monitored locations across the City resulting in an improvement of air quality
- the most significant improvement was registered at Addison Madden (Hampshire Terrace), 117 Kingston Road, Market Tavern (Mile End Road), 103 Elm Grove, Anchorage Road (Column 6), 221 Fratton Road, Larch Court (Church Road (Corner)), 2 Victoria Road North, 7 Velder Avenue, 4 Milton Road with a decrease of 12.95, 10.39, 9.81, 5.81, 4.40, 4.18, 3.25, 2.74, 2.16, and 1.99 respectively
- however, the highest increase was recorded at 88 Stanley Road, Queen Street, The Tap public house in London Road, 106 Victoria Road North, and Montgomery Way with an increase of 11.21, 2.57, 2.32, 2.20, and 1.76 $\mu\text{g}/\text{m}^3$ respectively
- the NO₂ annual mean levels was exceeding the annual mean NAQO in 2015 at:
 - 117 Kingston Road (AQMA6)
 - The Tap public house London Road (AQMA 6)
 - Lord Montgomery Way (AQMA 7)
 - 88 Stanley Road (AQMA11) (It is important to note that Stanley Road location is represented with NDDT data for only two months which was subjected to all necessary corrections)
- The NO₂ levels for 2015 decreased at levels lower to those of 2013

The 2014 annual mean concentrations measured across each of the four continuous air quality monitoring stations increased from 2013 to 2014 before dropping back to slightly lower levels than the 2013 in 2015.

The trend emerging from each of the four continuous monitoring stations exhibits a downward trend in NO₂ annual mean levels in the last three years. Hence LAQ improved in the last three years in Portsmouth.

A closer look at the NDDTS data for Portsmouth revealed a downward trend that immersed at 55.17% of the NDDT monitored locations in the last three years since 2013, hence an improvement in LAQ.

NDDT data demonstrated that 2014 NO₂ levels were exceptionally high compared to those of 2013 and 2015.

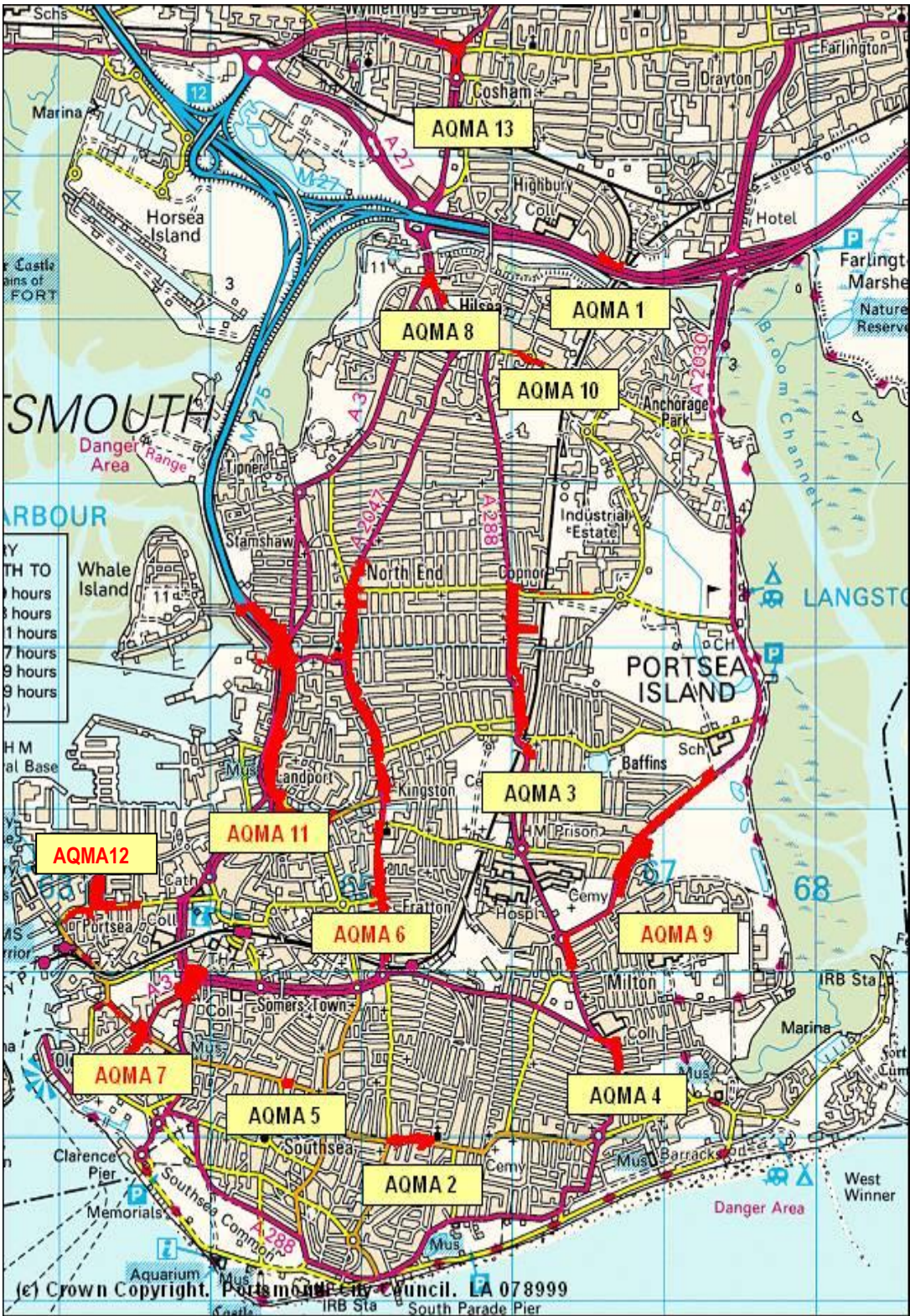
On average NDDT data exhibited no change overall monitored locations.

It is not possible to categorically state why the levels of pollutant in Portsmouth increased during 2014 and decreased in 2015 as a multitude of factors influence pollution levels.

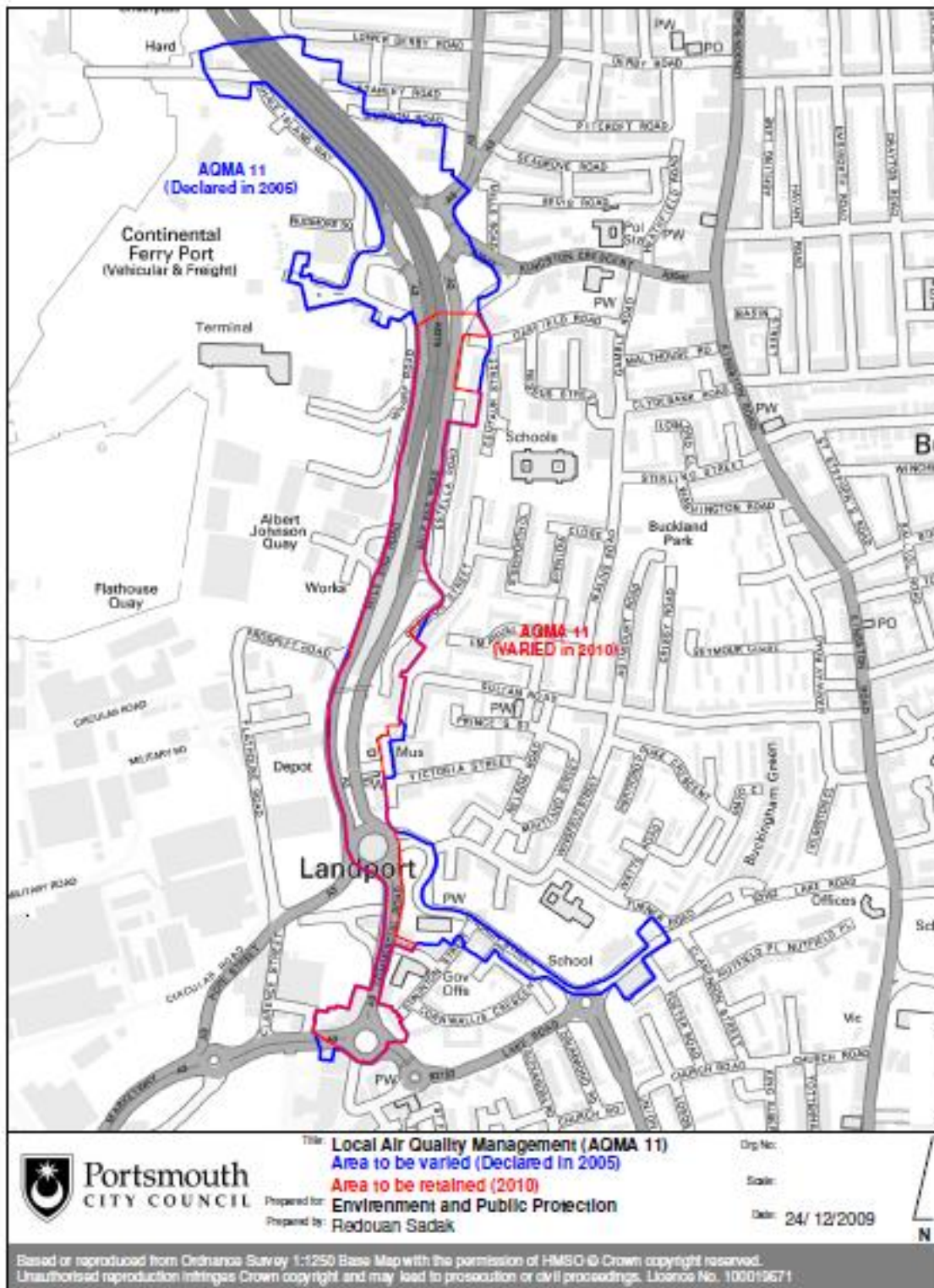
Factors are wide ranging and complex. Localised influences such as route popularity or road changes / roadworks may be part of the cause. Others may be of a regional nature perhaps dictated by the meteorological conditions. National or international stimuli such as requirement for improved vehicle emissions technologies are also likely to play a part.

Appendix A: Maps

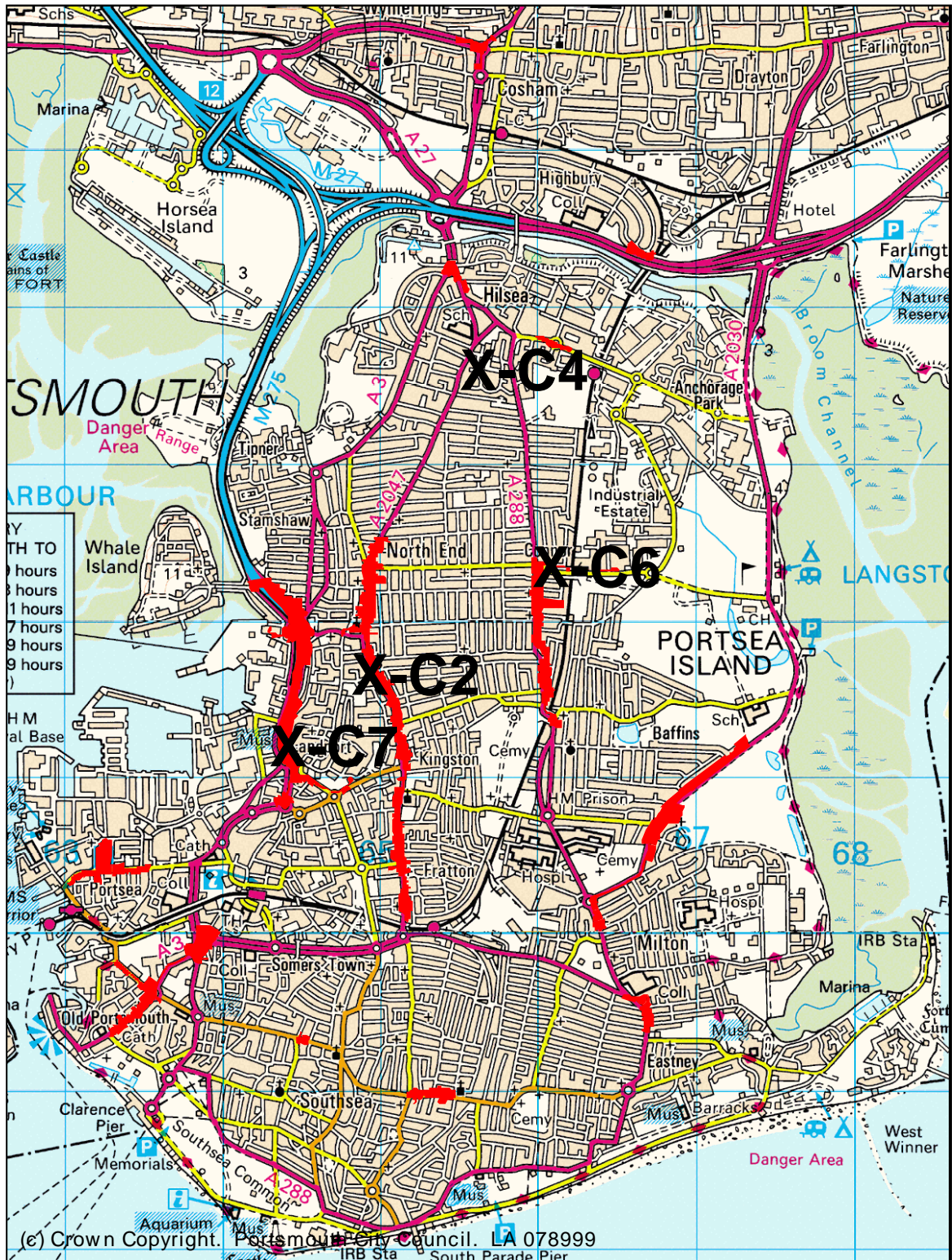
Map 1: The location of Portsmouth's Air Quality Management Areas



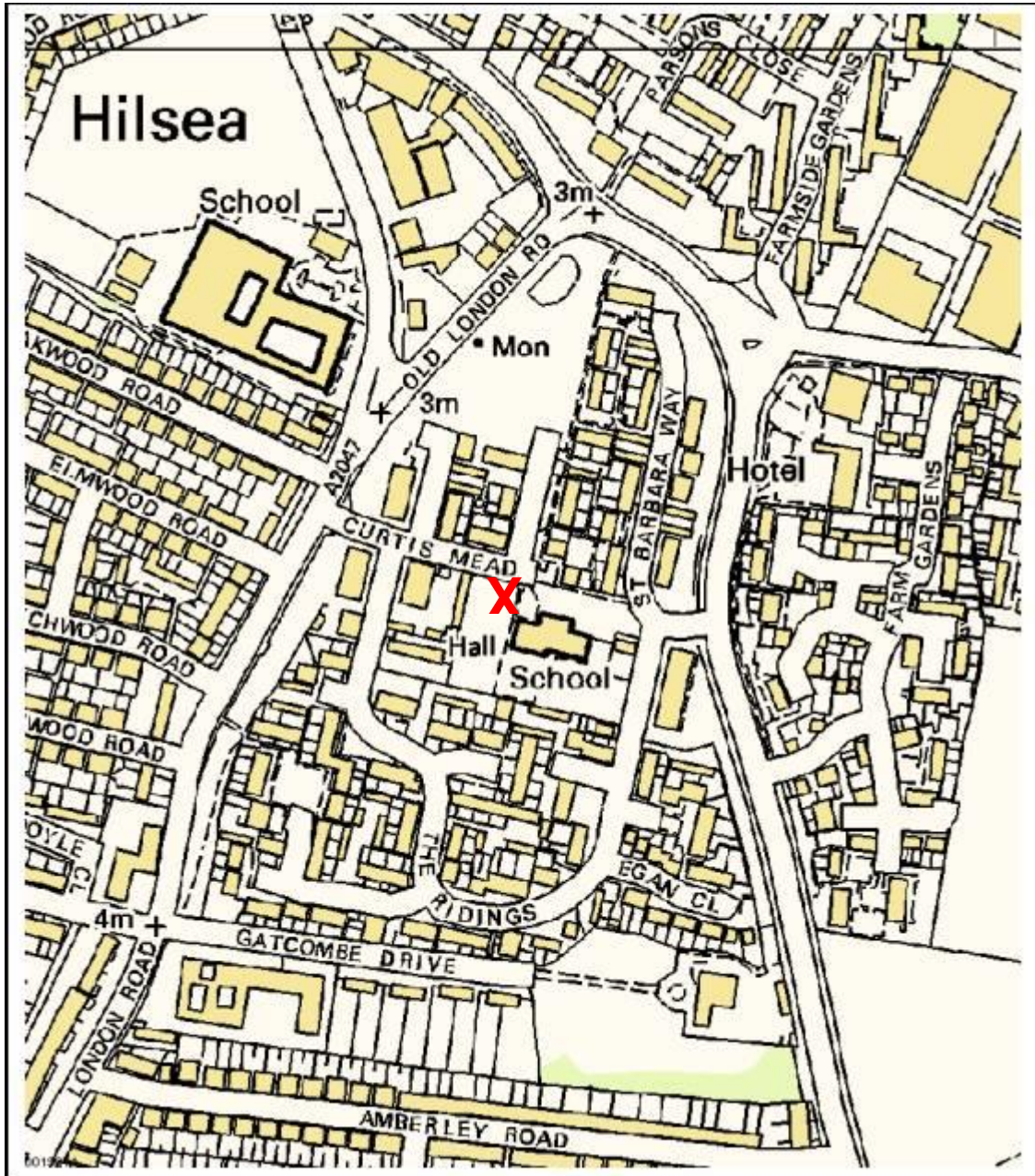
Map 2: The geographical representation of AQMA 11



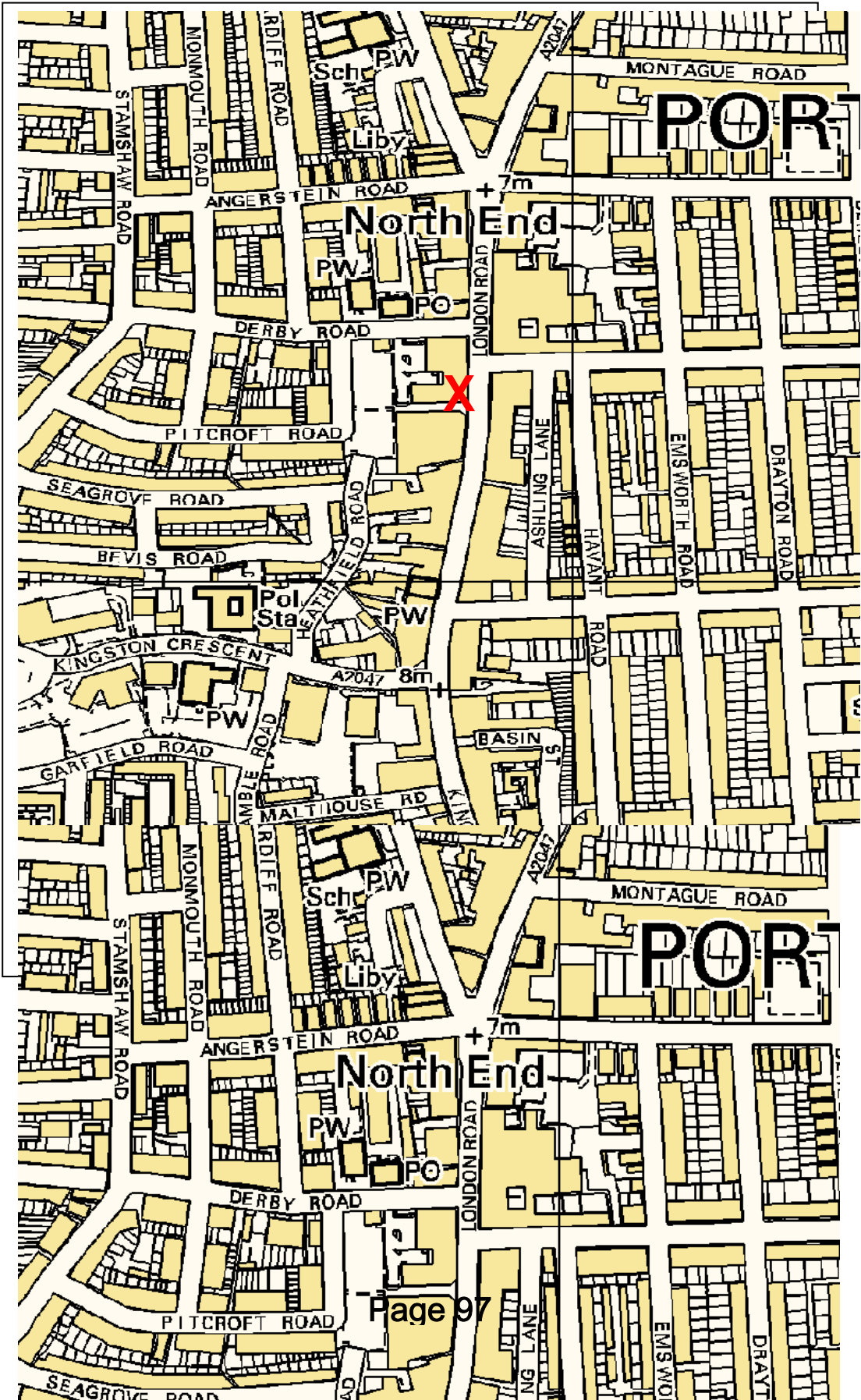
Map 3: The locations of the continuous monitoring stations C2, C4, C7 and C7 (with reference to the location of the AQMAs)



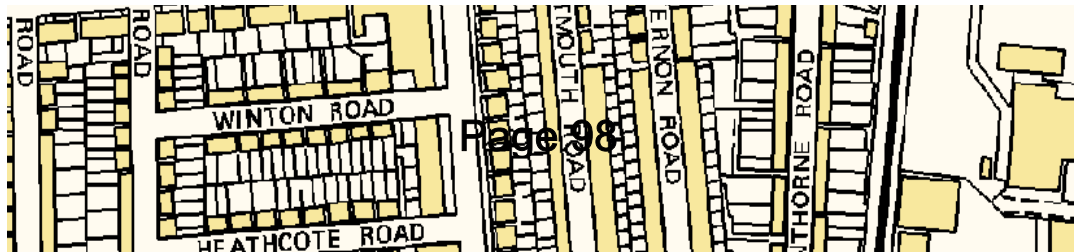
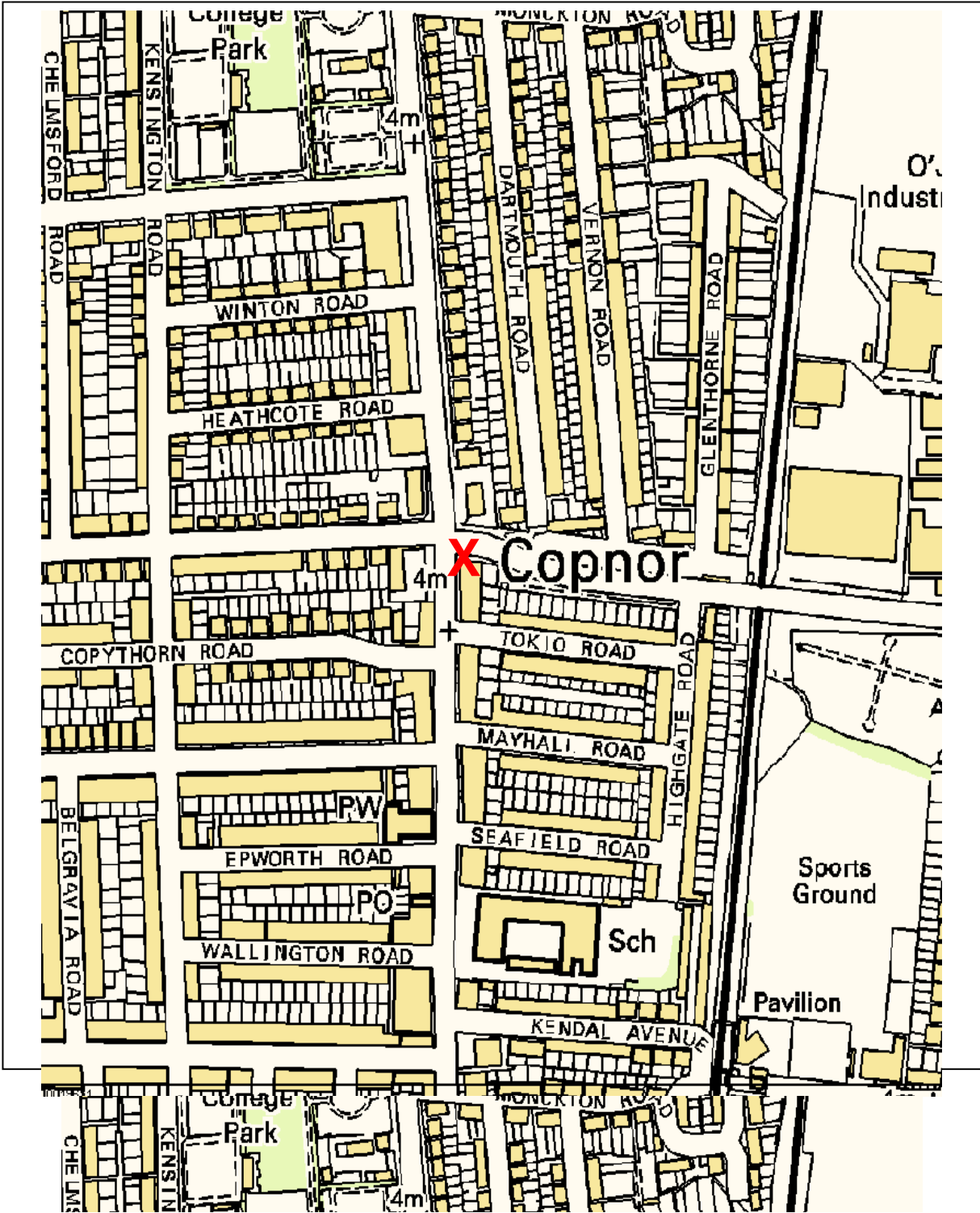
Map 4: C4 - AURN, Gatcombe Park Primary School urban background station at Curtis Mead, Hilsea



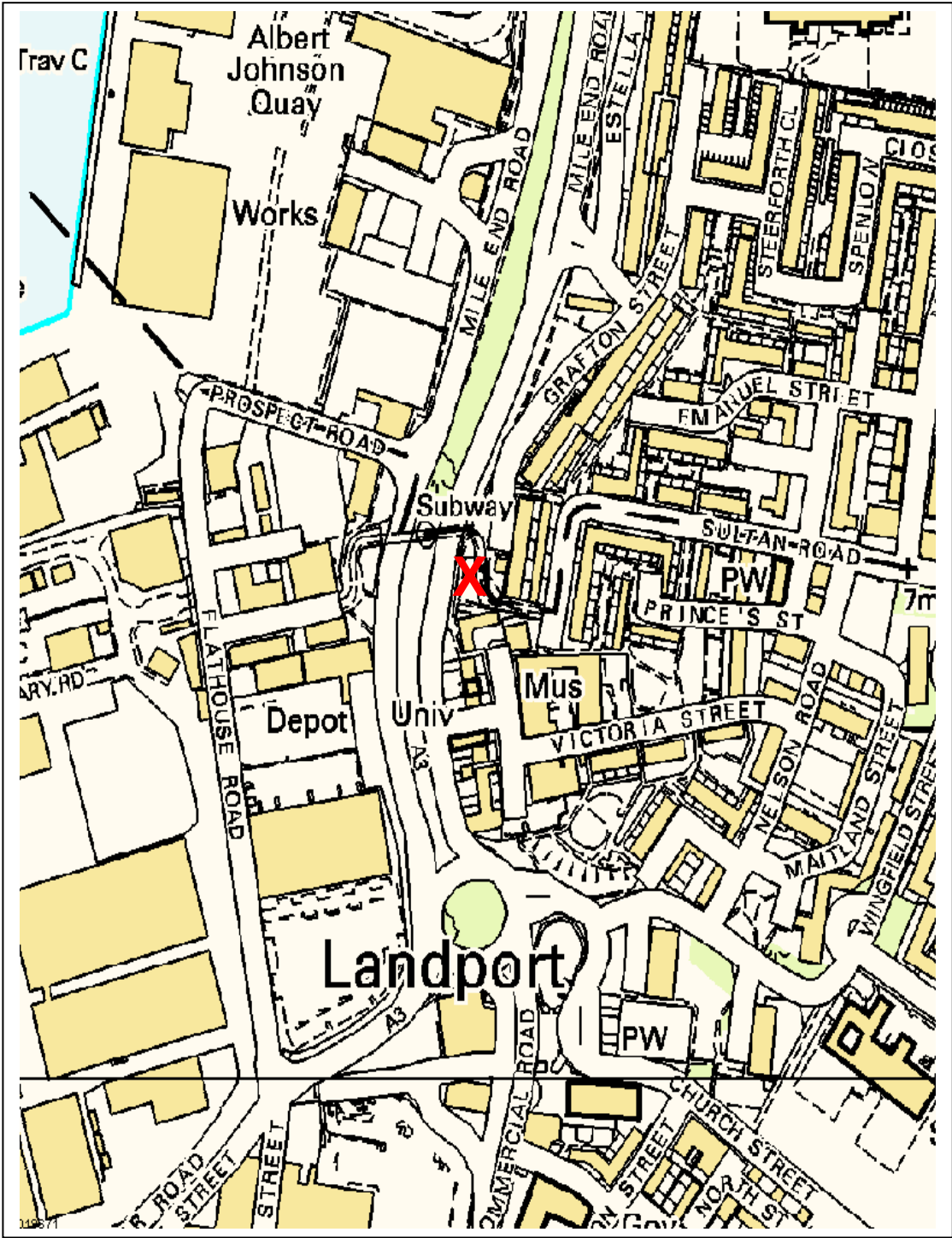
Map 5: C2 - London Road kerbside station, North End



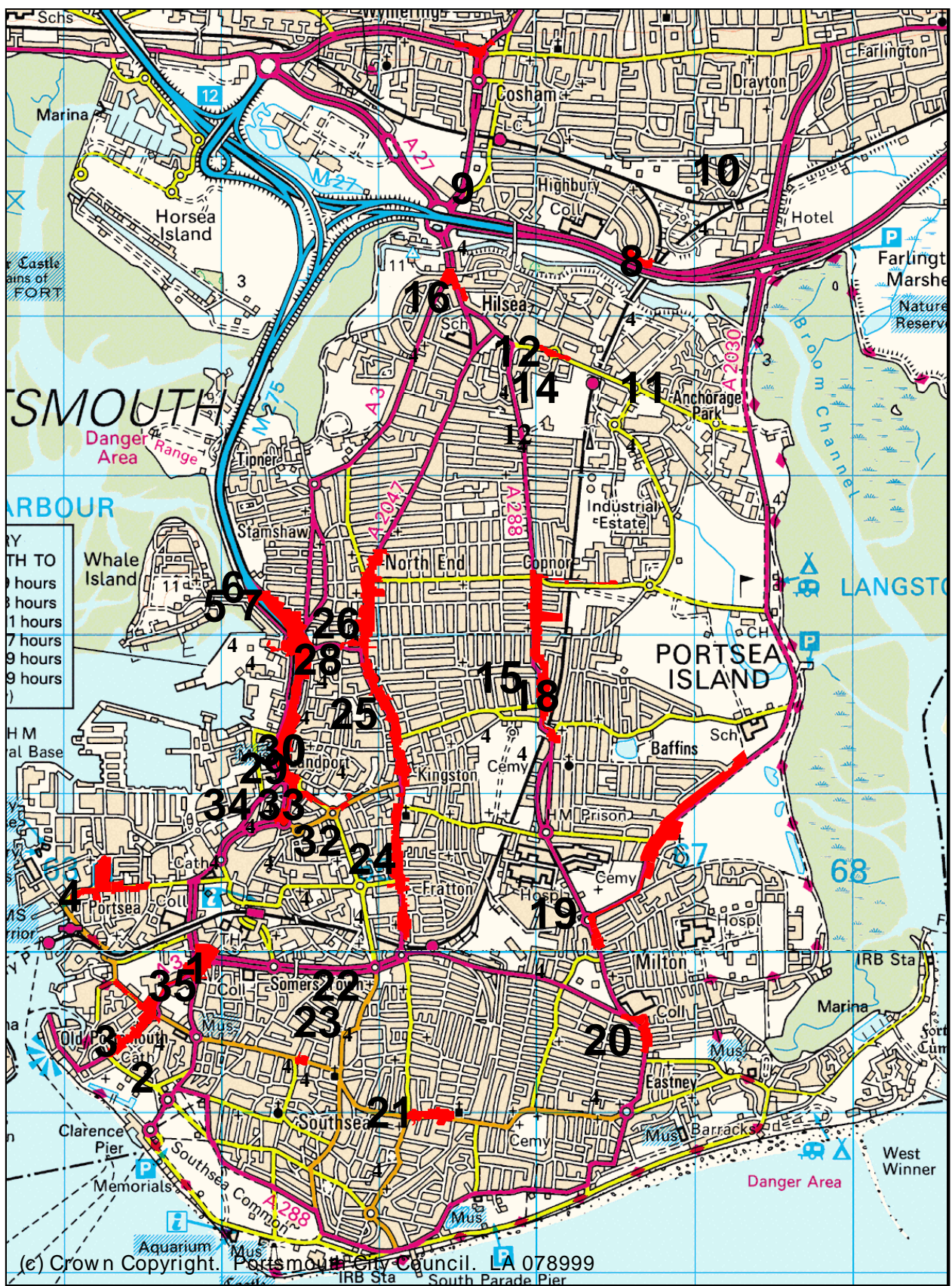
Map 6: C6 - Burrfields Road roadside station, Baffins



Map 7: C7 - Mile End Road roadside station, Buckland



Map 8: Approximate Nitrogen Dioxide Diffusion Tube Monitoring Locations



Appendix B: QA / QC Data

1 QA / QC of Automatic Monitoring

1.1 Continuous Air Quality Monitoring, Quality Assurance and Quality Control

PCC manages four air quality-monitoring stations. These are all fully equipped with PCC DEFRA / NETCEN approved real-time automatic continuous monitoring analysers. These are sophisticated automatic monitoring systems housed in purpose built air-conditioned enclosures. These analysers measure and record in real-time a combination of NO₂, PM₁₀ and PM_{2.5}.

PCC compiled continuous air quality monitoring data for the Further Assessment using Horiba's APNA-370, NO₂ based on the chemiluminescent analysis method.

1.2 Routine Site Operations

PCC employs dedicated staff to operate the network of continuous air quality monitoring stations. These are trained in all aspects of the monitoring processes including routine site operations, field calibrations and data ratification. These are also the NETCEN trained Local Site Operator (**LSO**) for the local affiliated AURN station. This is to ensure that both a high-level of accurate data and an acceptable percentage of data capture are obtained.

All automatic monitoring equipment has both routine remote calibration check and routine (fortnightly) on-site checks. They also have maintenance visits, which follow documented procedures that stem from equipment manuals, manufacturer instructions and the UK Automatic Network Site Operators Manual.

Routine visits include:

- visual inspection of the station
- regular inlet-filter changes
- regular sampling head-cleaning and airflow
- a two-point calibration of the NO₂ analyser using a zero-air scrubber and a Nitric Oxide (NO) gas on-site
- AIR LIQUIDE supplies the NO_x span gas with the concentration certificate. This gas is traceable to national standards.

All equipment fitted within each station's enclosure (e.g. sample meteorological sensors, pumps, air conditioning units, modem etc.) is subject to independent routine maintenance and support via a service contract with Horiba. This includes:

- six-monthly minor service and equipment check visits by the manufacturer for Horiba's analysers, and approved engineers covering all non-Horiba

equipment following national protocols and traceable QA/QC procedures. Horiba is ISO 9001 accredited and carries out similar or identical support work for a number of AURN network stations across the UK.

- six-monthly major service where a full multi-point calibration is carried out on the NO₂ analyser, using zero-air, NO and NO₂ span gas (again traceable to national standards) meaning the analyser data slope and offset factors are reset. In addition to multi-point calibration the following checks are carried out:
 - linearity
 - noise
 - response time, leaks and flow
 - converter efficiency
 - stability of the on-site gas calibration cylinder

The local AURN station is also subject to external audit. Site Inter-calibration checks carried out by National Environmental Technology Centre Network engineers prior to each Horiba's major service.

Horiba also carries out non-routine site visits in response to equipment failure to the same standards. Contract arrangements ensure that visits are carried out within two to three days of the notification of call-out in order to minimise data loss. However, Horiba tends to respond within 24 hours.

All routine and non-routine site visits are fully documented and detail all works carried out, including any adjustments, modifications and repairs completed.

1.3 Calibration Check Methods

The calibration procedure for NO_x for sites C2, C6 and C7 is based on a two point zero / span calibration check being performed at intervals of two weeks. The calibration procedure for the NO_x analyser of the C4 AURN network is based on three points, the third being span NO₂ to check the NO₂ Converter. The methodology for the calibration procedure is followed according to the manufacturers' instruction handbooks:

- pre-calibration check - the site condition and status of the analyser is recorded prior to the zero / span check being conducted
- zero check – the response of the analyser to the absence of the gas being monitored. The stations are fitted with an integrated scrubber system incorporating a set of scrubbers, hopcalite, activated charcoal, purafil and drierite, to generate a dried gas with none of the monitored pollutants. All are changed at least every six months but hopcalite is changed more frequently due to the high levels of humidity in Portsmouth. The stations are also fitted with synthetic air cylinders supplied by Messer UK Ltd
- span check – the response of the analyser to the presence of the gas of a known concentration. Traceable gases are used for calibration checks supplied as part of the maintenance contract

- post calibration check - the site condition and status of the analyser upon completion of all checks
- all Horiba's APNA-370 analysers have their own built in data storage facility. They are built in a multi-drop set up. The calibration checks are done directly through the front panel. Each analyser zero / span check is fully documented with records being kept centrally.

1.4 Automatic Data Handling

All the stations are remotely accessible from a desktop computer at the civic offices via a telemetry linkage by either landline or GSM system. The telemetry linkage software used is 'Data Communication Server'. It is set on a daily auto-dial collection mode for data retrieval. It is also set to run calibration checks every three days.

Once the connection is established, the 'Data Communication Server' software retrieves the overnight auto-calibration first and stores it in a temporary database and a calibration factor is generated according to the following steps:

- instrument span, $F = C/(V_s - V_z)$ and
- pollutant concentration (ppb) = $Fx(V_a - V_z)$ where:
 - C is the set gas value on the gas certificate
 - V_s span value
 - V_z zero span value
 - V_a is the sample value as recorded by the analyser

Raw measured data retrieved from the station data logger(s) is then subject to the calculated correction factors and stored in the final database as corrected. The latter is then made readily available to be queried via the 'IDAZRW Central Station', database access software.

Instrument status and internal auto-calibration data can be viewed in addition to the corrected collected measured monitoring data.

The air quality data ratification is carried out manually from this station.

1.5 Manual Data Handling

All collected data is screened or validated by visual examination to see if there are any unusual measurements. The affected data is then flagged in the database. Any further remaining suspicious data, such as large spikes, 'flat-lines' and excessive negative data is flagged for more detailed investigation. 'IDAZRW Central Station' is capable to trace back any change made at all times with the administrator's name. An original raw dataset is always kept in the data processing software.

When data ratification has been completed the data is then made available for further statistical and critical examination for reporting purposes.

Air quality monitoring data can be imported manually into a Microsoft Excel spreadsheet. This scaled data (where values are above the lower detectable limit is considered to be valuable data) is then further converted to generate data in the National Air Quality Objective format to enable direct comparison to the standards. A file of raw data is always kept for reference in the database.

2 QA / QC of Diffusion Tube Monitoring

2.1 Monitoring Technique

The continuous NO₂ monitoring network is complemented by a secondary network of passive NO₂ tubes that are located in suspected air quality hot spots. In addition, tubes are located at the relevant continuous monitoring sites to enable data adjustment. At a selection of sites three tubes are exposed simultaneously and the data compared. Where the data is consistent, the results are averaged. Where the tubes results show significant differences the data is discounted.

This method provides a cost-effective means of monitoring a wide range of monitoring locations. The accuracy of tubes however is variable depending on the tube handling procedures, the specific tube preparation, adsorbent mixture and the analysing laboratory. These tubes are supplied and analysed by Gradko International Ltd (GIL).

PCC's NO₂ diffusion tubes are prepared by the supplier using 50% Triethanolamine (TEA) in acetone. These tubes were exposed for one-month periods in accordance with LAQM.TG (09) guidance [5].

2.2 Tube Handling Procedures

Once received by post, NO₂ tubes are stored in cool location within the supplied packaging until use. The tube end caps are not removed until the tube has been placed at the monitoring location at the start of the monitoring period. The exposed tubes are recapped at the end of the monitoring period and returned as quickly as possible to a clean cool storage environment then sent to GIL for analysis.

2.3 Laboratory QA / QC

GIL is a UKAS accredited company for the analysis of NO₂. GIL take part in the WASP scheme on a quarterly basis. An inter-comparison of results from other laboratories demonstrates that GIL's performance is good in terms of accuracy and precision.

2.4 Data Ratification

Once analysed, the NO₂ diffusion tubes results which, were significantly within the documented limit of detection, were laboratory blank corrected.

The returned results are closely examined on a monthly basis to identify any spurious data (e.g. very high or very low data).

The data is subjected to a further series of corrections for the monitored period under consideration:

- firstly, PCC use the data from the local collocation study of NO₂ diffusion tubes to calculate the bias following the approach prescribed in Box 6.4 of LAQM TG (09) using the appropriate continuous monitoring data from the local air quality monitoring network for individual NO₂ monitored site according to the site criteria
- secondly, the estimation of the NO₂ annual mean is deduced for individual NO₂ diffusion tube monitored locations following the approach prescribed in Box 6.5 of LAQM TG (09) using data from both Portsmouth and Southampton AURN stations
- the corrected results are then reported and used for comparison only, i.e. not for verification processes in the Further Assessment (Review and Assessment process)

Appendix C: Tables

Table 1: National Air Quality Objectives (NAQOs), as included in the Regulations for the purpose of Local Air Quality Management in England

Pollutant	Air Quality Objective		Date to be achieved by and maintained thereafter
	Concentration	Measured as	
Benzene All authorities	16.25 µg/m ³	Running Annual Mean	31.12.2003
Benzene Authorities in England and Wales	5.0 µg/m ³	Annual Mean	31.12.2010
1,3-Butadiene	2.25 µg/m ³	Running Annual Mean	31.12.2003
Carbon Monoxide	10.0 mg/m ³	Maximum Daily Running 8-hour Mean	31.12.2003
Lead	0.5 µg/m ³	Annual Mean	31.12.2004
	0.25 µg/m ³		31.12.2008
NO ₂	200 µg/m ³ not to be exceeded more than 18 times a year	1 Hour Mean	31.12.2005
	40 µg/m ³	Annual Mean	
Nitrogen Oxides (for the protection of vegetation)	30 µg/m ³	Annual Mean	31.12.2000
Particles (PM ₁₀) (gravimetric)	50 µg/m ³ not to be exceeded more than 35 times a year	24 Hour Mean	31.12.2004
	40 µg/m ³	Annual Mean	31.12.2004
Particles (PM _{2.5}) Exposure Reduction	25 µg/m ³	Annual Mean	2020
Particles (PM _{2.5}) Exposure Reduction UK Urban Areas	Target of 15% reduction in concentrations at urban background	Annual Mean	Between 2010 and 2020
Sulphur Dioxide	266 µg/m ³ not to be exceeded more than 35 times a year	15 Minute Mean	31.12.2005
	350 µg/m ³ not to be exceeded more than 24 times a year	1 Hour Mean	31.12.2004
	125 µg/m ³ not to be exceeded more than 3 times a year	24 Hour Mean	31.12.2004

NB: ^a 25 µg/m³ is a cap to be seen in conjunction with 15% reduction.

Table 2: Air Quality EU Limit Values

Pollutant	Objective	Measured as	Date to be achieved by and maintained thereafter
Benzene	5 µg/m ³	Annual Mean	1 January 2010
Carbon Monoxide	10.0 mg/m ³	Maximum Daily 8-Hour Mean updated hourly	1 January 2005
Lead	0.5 µg/m ³	Annual Mean	1 January 2005
NO ₂	200 µg/m ³ not to be exceeded more than 18 times per year	1 Hour Mean	1 January 2010
	40 µg/m ³	Annual Mean	
Nitrogen Oxides (assuming as NO ₂)	30 µg/m ³	Annual Mean	19 July 2001
Ozone (Target)	120 µg/m ³ not to be exceeded more than 25 times per year	Maximum Daily Running 8-hour Mean updated hourly	1 January 2010
Particles (PM ₁₀) (gravimetric)	50 µg/m ³ not to be exceeded more than 35 times per year	24 Hour Mean	1 January 2005
	40 µg/m ³	Annual Mean	1 January 2005
Particles (PM _{2.5}) Exposure Reduction UK except Scotland	Target value 25 µg/m ³	Annual Mean	2010
Particles (PM _{2.5}) Exposure Reduction UK urban areas	Target of 20% reduction in concentrations at urban background	Annual Mean	Between 2010 and 2020
Sulphur Dioxide	350 µg/m ³ not to be exceeded more than 24 times per year	1 Hour Mean	1 January 2005
	125 µg/m ³ not to be exceeded more than 3 times per year	24 Hour Mean	1 January 2005
	20 µg/m ³ (for the protection of vegetation)	Annual Mean	19 July 2001

Table 3: Details of automatic monitoring sites

Site Name	Site Type	OS Grid Ref	Pollutants Monitored	In AQMA?	Relevant Exposure? (Y/N with distance [m] to relevant exposure)	Distance to kerb of nearest road (N/A if not applicable)	Worst-case Location?
C2: London Road, Somersfield	Kerbside	X 464925 Y 102129	NO ₂ & PM ₁₀	Y	Y (1.8 m of the kerbside further to the south of the station)	1 m	Y
C4: Gatcombe Park AURN	Urban Back-ground	X 465403 Y 103952	NO ₂ & PM ₁₀	N	Y (This station is located within a school perimeter)	119 m From London Road	N
C6: Burrfields Road	Roadside	X 466004 Y 102348	NO ₂ & PM ₁₀	Y	Y (Less than 0.5 meters)	4.5m of Burrfields Road & 5.5m of Copnor Road	Y
C7: Mile End Road	Roadside	X 464397 Y 101270	NO ₂ & PM ₁₀	Y	Y (2m)	6.5m	N (Worst Case location is at 1.8m West)

Table 4: Details of non-automatic NO₂ diffusion tube monitoring sites

*RS = roadside / UB = Urban background / KS = kerbside

Site Number	Site Name	Site Type*	OS Grid Ref	In AQMA?	Relevant Exposure?	Distance to kerb (N/A if not applicable)
1	Lord Montgomery Way	R S	463872 99874	AQMA 7	On the façade	3.7m
2	12 Chadderton Gardens	U B	463705 099371	National Network	Y (Urban Background)	N/A
3	High Street	R S	463408 099460	AQMA 7	On the façade	3.1m
4	Queen Street	R S	463190 100390	AQMA 12	N (0.25m)	3m
5	119 Whale Island Way	R S	464230 102194	AQMA 11 (18.5m)	On the façade	16.23m
6	88 Stanley Road	R S	464331 102197	AQMA 11	On the façade	9.88m
7	138 Lower Derby Road	U B	464291 102279	AQMA 11	On the façade	37.57m
8	492 Hawthorn Crescent	U B	466690 104355	AQMA 1	On the façade	34m
9	6 Northern Road	R S	465621 105528	AQMA 13	On the façade	5.43m
10	20 Stroudley Avenue	U B	467107 104850	Special	Y (Urban Background)	N/A
11	Anchorage Road	R S	466869 103457	National Network	N (11.76m)	6.56m
12	2 Hobby Close	R S	466074 103747	AQMA 10	On the façade	10.11m
14	4 Merlyn Drive	R S	466109 103736	AQMA 10 (10m)	On the façade	11.26m
15	29 Milton Road	R S	466120 101324	AQMA 3	On the façade	7.04m
16	Parade Court, London Road	R S	465474 104205	AQMA 8	N (5.32m)	5.15m
18	4 Milton Road	R S	466097 101332	AQMA 3	On the façade	6.13m
19	7 Velder Avenue	R S	466392 100226	AQMA 9	On the façade	4.44m
20	136 Eastney Rd	R S	466712 099415	AQMA 4	On the façade	6.23m
21	116 Albert Road	R S	465209 098964	AQMA 2	On the façade	2.36m
22	2 Victoria Road North	R S	464778 99306	Special	On the façade	5.53m
23	106 Victoria Road North	R S	464974 099766	Special	N (2.37m)	2.42m
24	221 Fratton Road	R S	465111 100737	AQMA 6	On the façade	4.21m
25	117 Kingston Road	R S	465036 101547	AQMA 6	On the façade	2.46m
26	The Tap London Road	K S	464900 101976	AQMA 6	On the façade	1.91m
28	65 Kingston Crescent	R S	464825 101933	AQMA 6	On the façade	9.21m
29	Estella Road	R S	464551 101787	AQMA 11	On the façade	20.04m
30	Market Tavern (Mile End Rd)	R S	464478 101457	AQMA 11	On the façade	12.73m
32	Larch Court, Church Rd	R S	464559 100980	AQMA 11	On the façade	5.84m
33	Hallowell House, Commercial Rd	R S	464425 100861	AQMA 11	On the façade	10.97m
34	Sovereign Gate, Commercial Rd	R S	464425 100893	AQMA 11	On the façade	4.40m
35	Hampshire Terrace	R S	463837 099759	AQMA7	On the façade	4.9m to 10.74m

Table 5: 2013, 2014 and 2015 NO2 automatic monitoring results

	2013 (Levels $\mu\text{g}/\text{m}^3$ / Data capture %)	2014 (Levels $\mu\text{g}/\text{m}^3$ / Data capture %)	2015 (Levels $\mu\text{g}/\text{m}^3$ / Data capture %)
Gatcombe Park AURN station (C4)	20.27 / 83.85	22.17 / 74.34	18.78 / 91.8
London Road Station (C2)	39.68 / 91.56	45.68 / 66.87	38.4 / 94.24
Burrfields Road (C6)	33.52 / 93	35.93 / 71.27	32.81 / 98.13
Mile End Road Station (C7)	35.94 / 88	36.51 / 70.31	30.25 / 95.67

Monitored data highlighted in red represents an exceedence of NAQO

The AURN data highlighted in green was subjected to correction as data capture was less than 75%

Table 8: 2013, 2014 and 2015 NDDTS results

Reference	Address	2013	2014	2015
FST	1 St HREV, Montgomery Way	41.90	42.57	44.33
CG-12	12 Chadderton Gardens	16.50	16.55	15.74
HS-121A	121A High Street	22.10	25.67	24.07
QS-Column 29	Queen Street (Column 29)	31.51	27.97	30.54
WIW-119	119 Whale Island Way	27.49	28.93	27.53
SR-88	88 Stanley Road	38.29	34.85	46.06
LDR-138	138 Lower Derby Road	30.00	26.53	26.05
HC-492	492 Hawthorn Crescent	27.22	28.37	28.43
NR-6	6 Northern Road	31.95	33.88	34.98
SA-20	20 Stroudley Avenue	17.66	16.66	16.48
AR Col 6	Anchorage Road (Column 6)	29.54	33.29	28.27
HH-4	Holloway House	33.44	30.91	-
MD-4	4 Merlyn Drive	21.61	27.21	26.87
MR-29	29 Milton Road	28.15	27.57	26.21
LR-PC	Parade Court, London Road	33.98	32.32	32.01
MR-4	4 Milton Road	27.80	28.90	26.91
VA-7	7 Velder Avenue	30.10	37.24	35.08
ER-136	136 Eastney Road	27.42	28.90	27.58
AR-116	116 Albert Road	32.88	35.18	35.28
VRN-2	2 Victoria Road North	28.69	30.80	28.06
VRN-106-Col3	106 Victoria Road North (Column 3)	30.40	28.80	31.00
FR-221	221 Fratton Road	42.48	40.49	36.32
KR-117	117 Kingston Road	38.69	52.18	41.79
TAP	The Tap, Public House London Rd	50.93	40.81	43.12
MT-Pub	Market Tavern (Mile End Road)	38.83	44.12	34.31
CR-Corner	Larch Court, Church Road (Corner)	31.09	34.93	31.68
UF-CR	314 Sovereign Gate, Commercial Rd	34.65	35.52	34.65
AM	Addison Madden. Hampshire Terrace	28.96	41.42	28.48
EG-103	103 Elm Grove	30.33	34.81	29.00

Monitored data in red represents exceedences of NAQO

Monitored data in green represent locations whose data was subjected to correction to represent levels at the building façade.

Environment Health Service
Pollution Control Team

Civic Offices
Guildhall Square
Portsmouth PO1 2AL

Email: public.protection@portsmouthcc.gov.uk

www.portsmouth.gov.uk

You can get this
Portsmouth City
Council information
in large print, Braille,
audio or in another
language by calling
023 9284 1121.



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Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Director of Regulatory Services and Community Safety

**Function e.g. HR,
IS, carers:**

Environmental Health

Title of policy, service, function, project or strategy (new or old) :

Assessment of air quality

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

The aim of the policy is to report upon the:

- review and assessment of air quality in Portsmouth and the publication of the 2016 air quality progress report
- changes implemented by Department of Environment Food and Rural Affairs (DEFRA) to the annual reporting of air quality and the governments expectations of local authorities in relation to improving air quality
- need to continue to explore options and strategies in order to improve air quality in Portsmouth
- installation and requirement for a new DEFRA coordinated air quality monitoring in Portsmouth

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

Benefits: Positive health impacts for all. It is recognised that poor air quality is a contributing factor in the onset of heart disease and cancer. Air pollution particularly affects the most vulnerable in society: children and older people and those with heart and lung conditions.

Detrimental impacts: Any consideration of implementing clean air zones in Portsmouth must be carefully deliberated and assessed. A cost-effectiveness approach to evaluate zone proposals would be required to assess the effects of introducing such a scheme (valuation of the benefits - the amount of pollution reduction achieved and associated health benefits for the cost of doing so together with a comparison of the economic efficiency of introducing zones as a way of reducing pollution against the economic efficiency of alternative measures).

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

Q7 - How have you come to this decision?

Improving air quality is positive in terms of protecting human health irrespective of equality group.

The government have produced numerous reports detailing these positive impacts and quantifying the benefits in terms of increased life expectancy and reduced costs (£) in terms of delivering health care.

As the data clearly demonstrates that improved air quality will be a benefit to all it is unnecessary to seek specific data in relation to impact upon any specific equality group.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Environmental Health practitioners specialising in air quality

This EIA has been approved by: Richard Lee, Environmental Health Manager

Contact number: 023 9283 4857

Date: 1 June 2016

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

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Agenda Item 5



Title of meeting:	Environment and Community Safety Portfolio Decision Meeting
Date of meeting:	6 th July 2016
Subject:	Food Premises Inspection Plan 2016 / 2017
Report by:	Director of Regulatory Services and Community Safety
Wards affected:	All
Key decision:	No
Full Council decision:	No

1 Purpose of report

1.1 The purpose of this report is to:

- update the Cabinet Member for Environment and Community Safety on the current level of food business hygiene compliance in Portsmouth;
- set out the programme of inspection during 2016 / 2017;
- highlight service risks and non-compliances with the Food Law Code of Practice (FLCofP).

2 Recommendations

2.1 That the Cabinet Member for Environment and Community Safety:

- a) approves the continuation of a risk-based approach to the statutory and regulatory inspection and enforcement of food business operators;**
- b) acknowledges the reasons for the increasing levels of enforcement and reduction in inspection rates, and the public health importance of this service;**
- c) approves the Food Operating Plan 2016 / 2017 as described in Appendix 1 of this report;**
- d) approves the revisit inspection regime as detailed within section 7.35 and section 7.36.**

3 Reasons for recommendations

3.1 To protect public health and contribute to a healthy community in Portsmouth by ensuring the safety, wholesomeness and quality of food through education and appropriate enforcement.

4 Background

- 4.1 Food businesses are inspected by means of a risk-based programme. The frequency of inspection is prescribed by the statutory FLCofP.
- 4.2 The FLCofP sets out the framework under which the Environmental Health Business Support Team (BST) must carry out its statutory functions to protect the public in respect to food hygiene and food safety. It requires every local authority to have a Food Operating Plan and prescribes the manner in which it is formatted.
- 4.3 The BST is required under legislation to have regard to the FLCofP when discharging its duties. Should the BST fail to have regard to relevant provisions of this Code, decisions and actions of the team are likely to be successfully challenged, with evidence gathered during a criminal investigation being ruled inadmissible by a court and formal action being instigated against the city council by the Food Standards Agency (FSA).
- 4.4 Since 2011 the BST has implemented the national 'Food Hygiene Rating Scheme' (FHRS) which is run in partnership with the FSA.
- 4.5 The FHRS is intended to offer guidance to consumers in choosing where to eat out or shop for food by giving them an enhanced level of information about the hygiene standards in restaurants, cafés, takeaways, hotels and food shops. The FHRS is also intended to actively encourage businesses to improve their hygiene standards.
- 4.6 Under the FHRS, officers from the BST inspect food businesses to ensure that they meet the requirements of food hygiene law. Subsequently these officers risk rate the hygiene standards found at the time of inspection. At the bottom of the scale is '0' which means the standards require urgent improvement. At the top of the scale is '5' which means the hygiene standards are very good.
- 4.7 The 2016 / 2017 Food Operating Plan outlines how food safety will be monitored and controlled. The service plan covers a wide range of topics including:
- food team aims and objectives;
 - authority background;
 - service delivery;
 - resources;
 - enforcement protocols;
 - quality assessment;
 - service plan and operational plan review;
 - approved premises controls at approved premises; and
 - food sampling.

5 Key characteristics of enforced self-regulation and risk-based approaches to food law enforcement - what are these and how do they work?

- 5.1 Hazard Analysis and Critical Control Point (HACCP) is an amalgam of enforced self-regulation and risk-based approaches (RBAs). HACCP forms the foundation of how Food Business Operators (FBOs) demonstrate the effective management of

delivering food which is safe to eat. It is a preventative risk-based approach to food safety which seeks to minimise risks but cannot eliminate them.

- 5.2 The HACCP approach requires that FBOs plan what needs to be done to maintain food safety, to write this down, to follow the plan and to monitor and verify that the plan has been followed. HACCP systems only work when the FBO and the workforce are fully committed to their implementation. Adequate training is of fundamental importance for effective HACCP programmes.
- 5.3 RBAs to food safety regulation seek to ensure that greater emphasis is placed upon FBOs managing their own risks, and in so doing reserve our attention for the worst offenders. This approach does however make assumptions about the capacity of businesses to appreciate and manage attendant risks, which we have found can be particularly difficult for smaller businesses.
- 5.4 RBAs attempt to minimise the regulatory burden on businesses through cost justifications and comply with the UK Government's 'better regulation' agenda, namely transparency, accountability, targeting, consistency and proportionality.
- 5.5 The only means the BST has to establish compliance levels is through inspection. Such inspections are the only way to advise and educate small businesses in relation to food law and good practice. The importance of timely regular inspections is therefore of some critical importance, as the less time we spend with FBOs the greater the likelihood of falling standards, non-compliance with the law and an increased need for more in-depth education and enforcement - all of which has a negative impact upon resource.
- 5.6 The focus of responsibility is on FBOs to manage the risks generated, and ours is to intervene only where businesses clearly fail to do this. Our experiences over the last four years suggests that, despite our interventions, not all businesses are equipped to manage their own risks, and more recently, as a result of available resource, we are less able to identify and assist FBOs and act preventively in a timely manner.

6 FBO compliance with food law

- 6.1 Overall the level of food hygiene compliance within Portsmouth is good. However there are a significant number of businesses which fail to comply with food law requirements. The reasons for this are complex and may include any of the following:
 - consider it to be more profitable not to comply than to do so;
 - comply because it is seen as the 'right thing to do' or because the regulations fit with their own reading of the law;
 - not necessarily see that there is anything wrong in the way that they operate despite the fact that they are not complying with the law;
 - misunderstand or be misguided in their understanding of their legal duties or resort to opportunistic conduct and react negatively to control where the regulations are perceived as illogical or wrong;

- experience particular difficulties complying with legal obligations as a result of insufficient resources (financial or technical) to understand what the law requires of them;
- equate compliance only to what they are told during an inspection;
- be ignorant of the risks associated with their activities;
- not understand that poor standards and enforcement impacts upon a business's reputation.

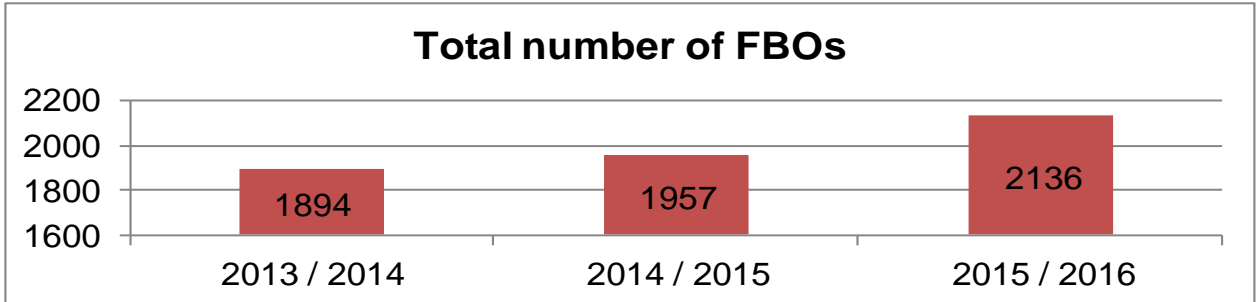
- 6.2 The BST is integral in food safety regulation. Our approach does not take enforcement of the law to simply refer to legal action; it permits a wide array of informal enforcement techniques such as education, advice, explanation, persuasion and negotiation.
- 6.3 Securing food which is safe to eat is our main objective, both through the remedy of existing problems and the prevention of others. Our preferred methods to achieve these ends are co-operative and conciliatory.
- 6.4 Where compliance is poor and there is good reason for it being so, persuasion, negotiation and education are the primary enforcement methods. Accordingly, compliance is not necessarily regarded as being immediately achievable; rather it may be seen as a long-term aim.
- 6.5 The use of formal legal methods, especially prosecution, is regarded as a last resort, something to be avoided unless all else fails to secure compliance.
- 6.6 The BST enforcement style is focused around our relationship with FBOs. Through offering support and advice we are attempting to be integrated with the business community. Our officers endeavour to be familiar with those they regulate, as we hope that in so doing we will be better able to assist and advise rather than regulate. Rapport building is however time consuming and requires suitable resources to be available.
- 6.7 With enforced self-regulation, RBAs and better regulation there may be a temptation to use these initiatives to reduce resources. The BST is however directed by the FSA's statutory and informal guidance and is subject to their audit. The FSA has authority to set performance standards, monitor performance, demand information from us and inspect our food enforcement resources.
- 6.8 Food safety regulation, like all other risk regulation, is subject to a variety of tensions and contradictions which are not unique to this domain but which may be exacerbated by the nature of the retail and hospitality sectors and by some features of the legal and institutional arrangements for food safety. The inspections of FBOs are considered to be a priority in terms of public confidence in the local authority, the reputational standing of the authority and in terms of public health benefit.

7 Analysis of service delivery

- 7.1 The number of FBOs registered with PCC since 2012 / 2013 is depicted within **graph 1**. The increase equates to a 13% rise in food businesses over this three year period.

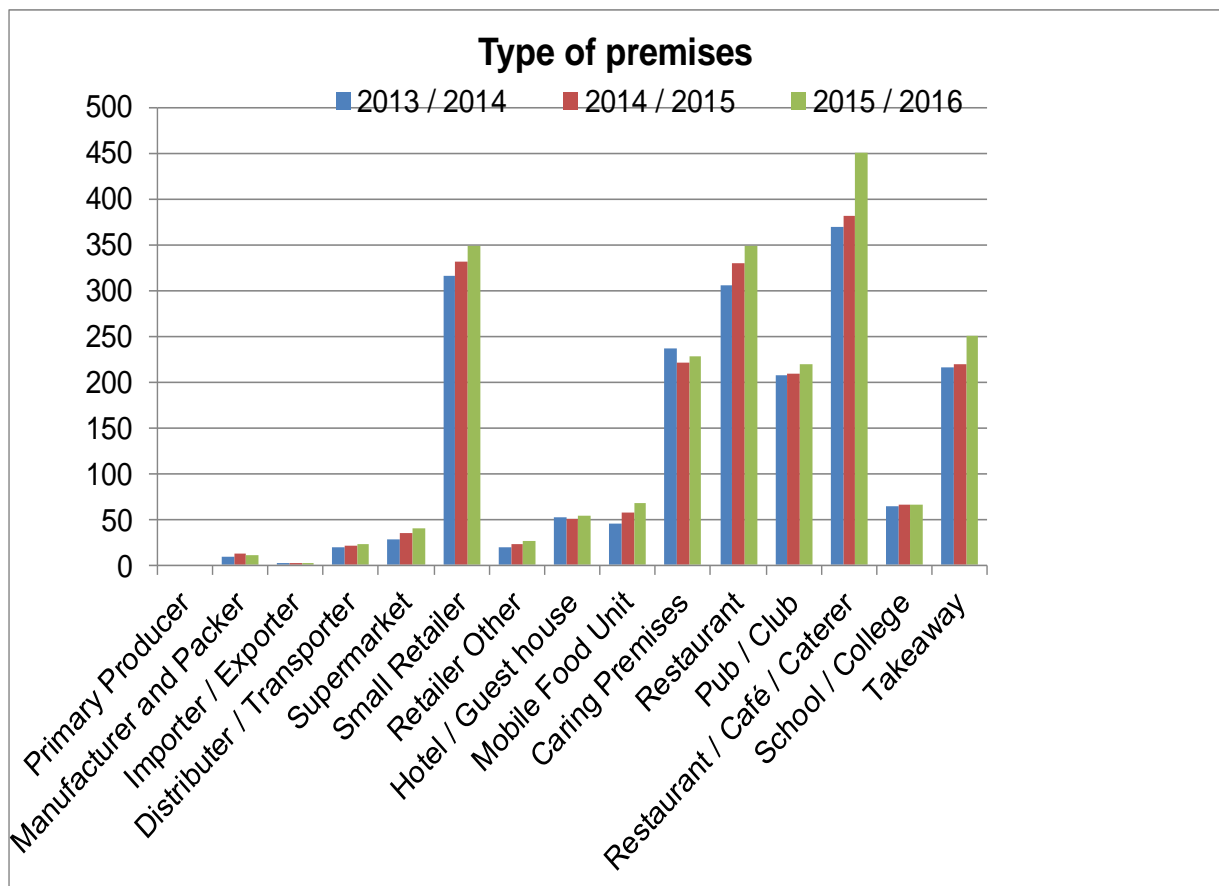
7.2 The impact of such an increase in terms of service compliance within the prescriptive FSA inspection timetables, whilst resources over the same period have decreased, is considered significant.

Graph 1



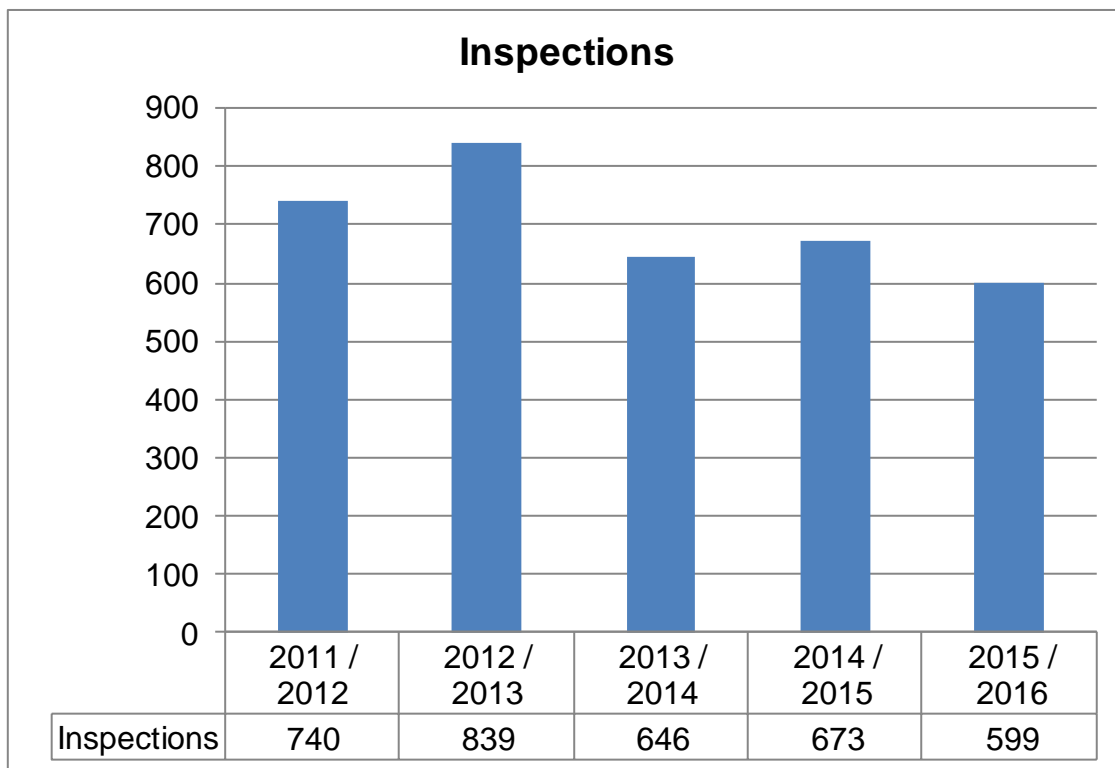
7.3 The number and type of FBOs over the last three years is depicted in **graph 2**. The category 'restaurant / café / caterer' recorded the highest increase at 21%.

Graph 2



7.4 The total number of inspections carried out in the last three years is shown in **graph 3**.

Graph 3

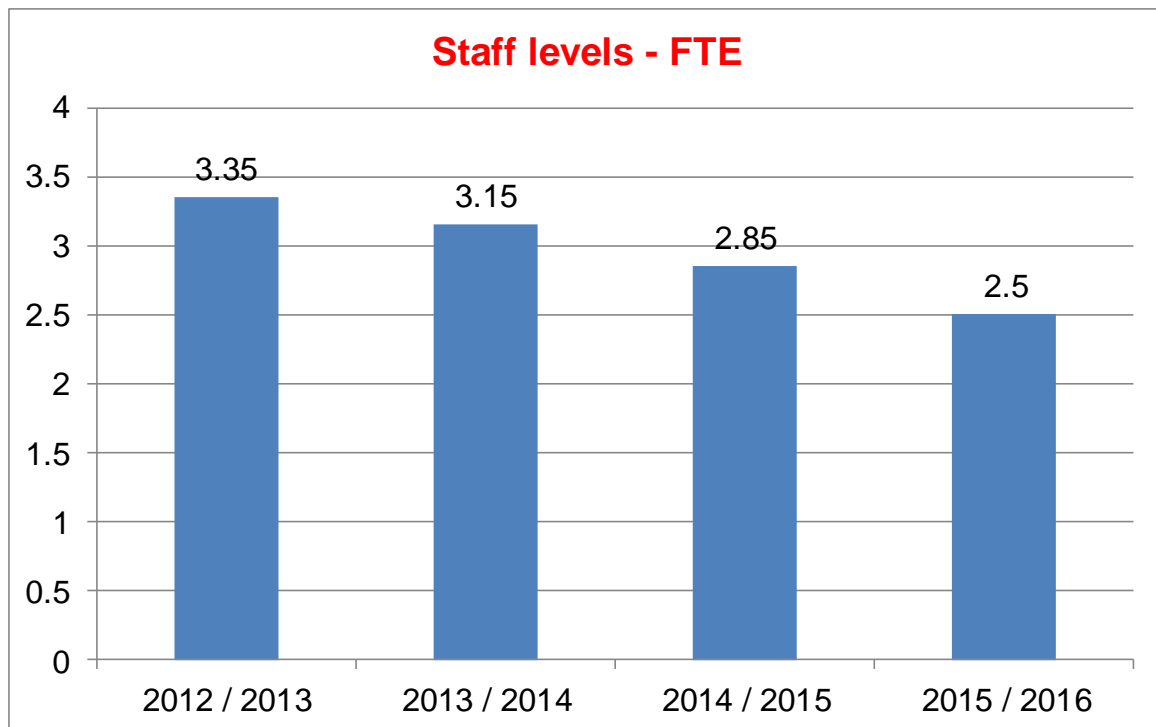


7.5 In 2015 / 2016 the inspection rate was the lowest recorded, being 28% lower than the highest achieved in 2012 / 2013.

7.6 It is worth noting that estimates made following an audit of our processes by the FSA in 2013 suggested that an inspection rate of 600 per annum could be achieved with the level of resource available at that time (3.35 FTE). This equated to approximately 180 inspections being carried out by each officer each year. Since 2013 the FTE posts engaged in this specific inspection activity has fallen to 2.5, with the general cause of this decline being increasing demands made on staff resource in other service functions. Whilst difficult to precisely explain, the decline in inspection rates is highly likely to be reflected in the growth of FBO inspections of restaurants / caterers which generally take longer than businesses of lower risk, such as retailers.

7.7 The levels of staff resource available to inspect food businesses since 2012 / 2013 are demonstrated in **graph 4**. The reduction equates to a 25% decrease in staff in this area.

Graph 4

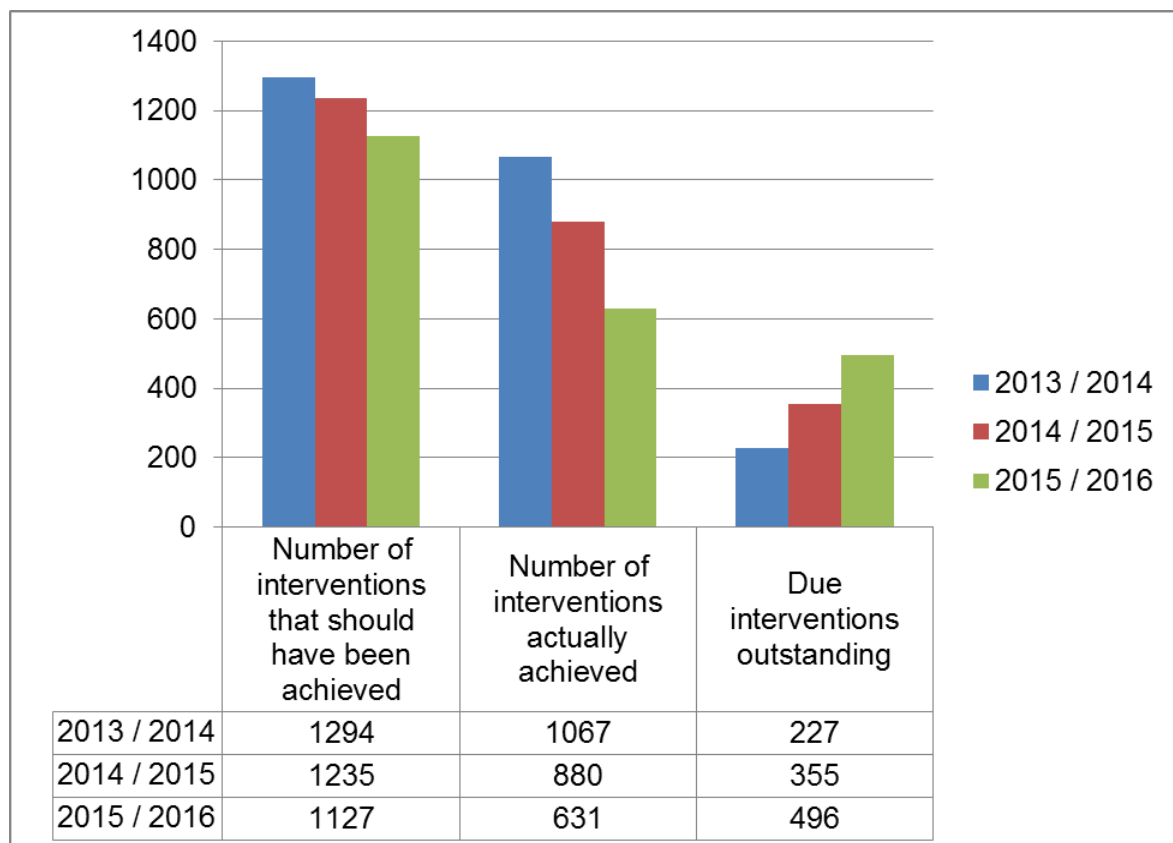


- 7.8 In 2015 / 2016 the level of staffing resource available for inspections would, with reference to the 2013 FSA criteria, equate to approximately 450 inspections being undertaken. The level of inspection actually achieved, 599, although falling, therefore remains higher than that envisaged by the FSA with the level of resource available. This level of inspection has been achieved through various means, including effective management of the function, and streamlining delivery processes and support to officers.
- 7.9 The falling level of inspection has resulted in non-compliance with the FLCofP. Intervention performance is shown within **graph 5**. The service has failed to deliver interventions in accordance with the FLCofP prescriptive timetable. Whilst intervention compliance has been a concern in previous years, the level of compliance in 2015 / 2016 has risen to a very high risk and has been identified as an area to which resources should be provided.
- 7.10 In 2014 / 2015, 880 interventions, which equates to 71%, were delivered on time. This was a reduction of 11% on the 2013 / 2014 figure. In 2015 / 2016 this had fallen to 44% of inspections being delivered within the specified criteria set out within the FLCofP. This equates to a reduction of 27% in intervention performance since 2013 / 2014.
- 7.11 For clarity, interventions include: inspections; monitoring; surveillance; verification; audit; and sampling where the analysis / examination is to be carried out by an Official Laboratory.
- 7.12 The problems in keeping pace with the levels of intervention as required have occurred as a direct result of an increased level of the BST staff resource being

assigned to areas which have not resulted in direct inspection work. The most obvious examples are our enforcement activities, compliance with other areas of the FLCofP, and food sampling requirements. Statutory functions of the team, in relation to animal welfare, infectious disease control, port health and health and safety have however undoubtedly contributed to the backlog in visits.

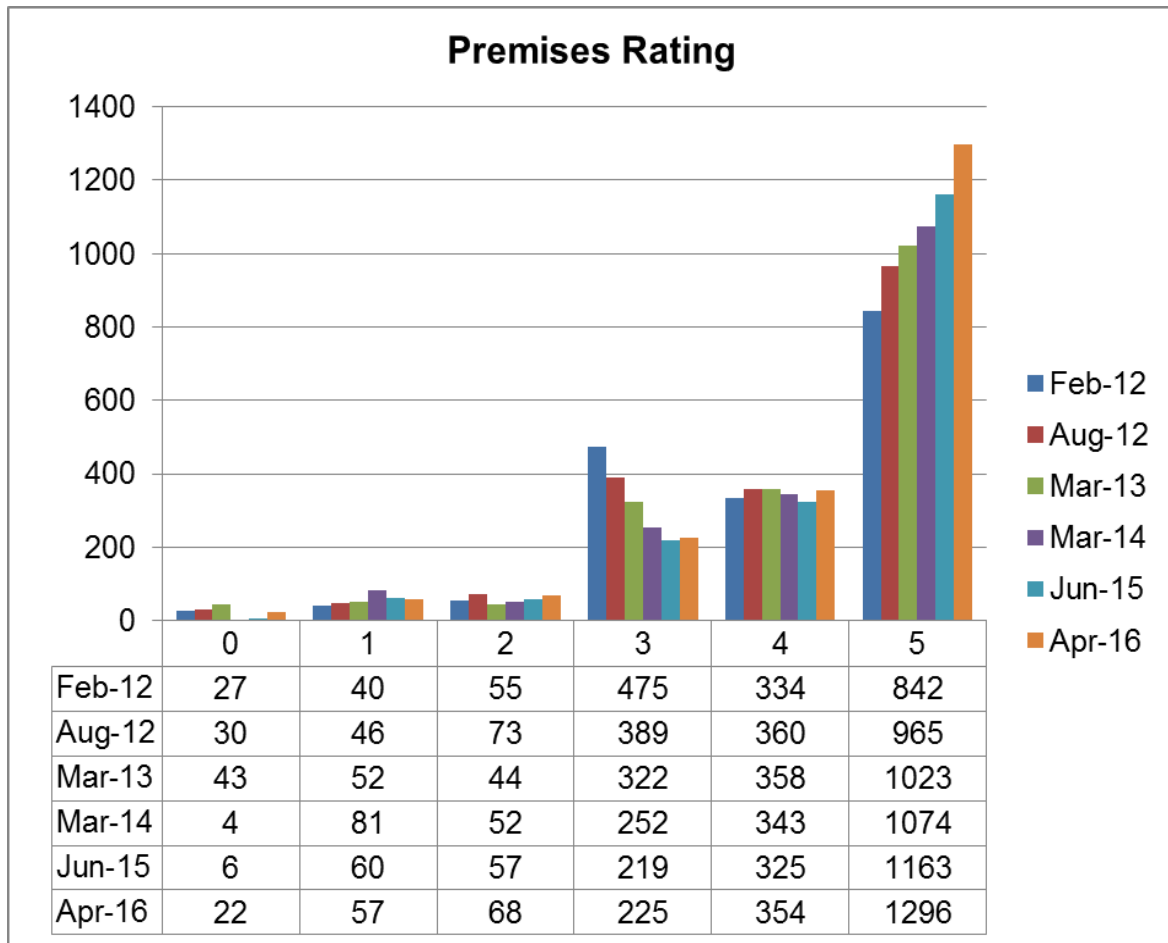
- 7.13 Despite assigning nearly 40% of all available resource to the food inspection function (2.5 FTE of 6.5 FTE) the service is not meeting its targets for inspection compliance.

Graph 5



- 7.14 The numbers of premises rated '0', '1', '2', '3', '4', or '5' as of February and August 2012, March 2013, March 2014, June 2015 and April 2016 are highlighted in **graph 6**.
- 7.15 Although the number of interventions has gone down, those that have been carried out have been targeted towards those of higher risk (A, B and non-compliant Cs) which are inevitably more time-consuming in terms of the inspections themselves and also in the follow up actions necessary to deal with poor performance and non-compliance.
- 7.16 The decline in intervention rates has also been caused by the increase in enforcement action against a significant number of businesses with poor hygiene histories which have not responded to our informal approach. The time necessary to prepare a prosecution case and present the matter in court is extremely resource-intensive.

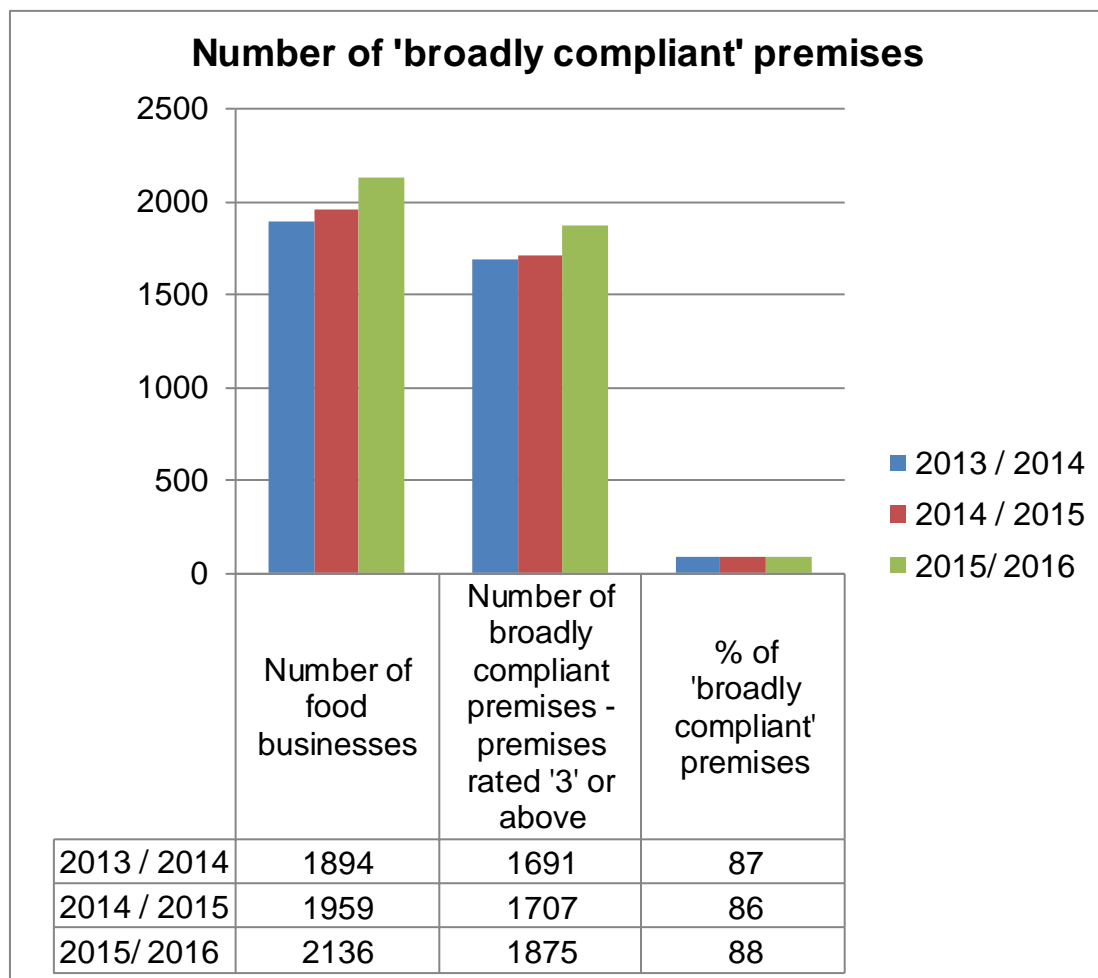
Graph 6



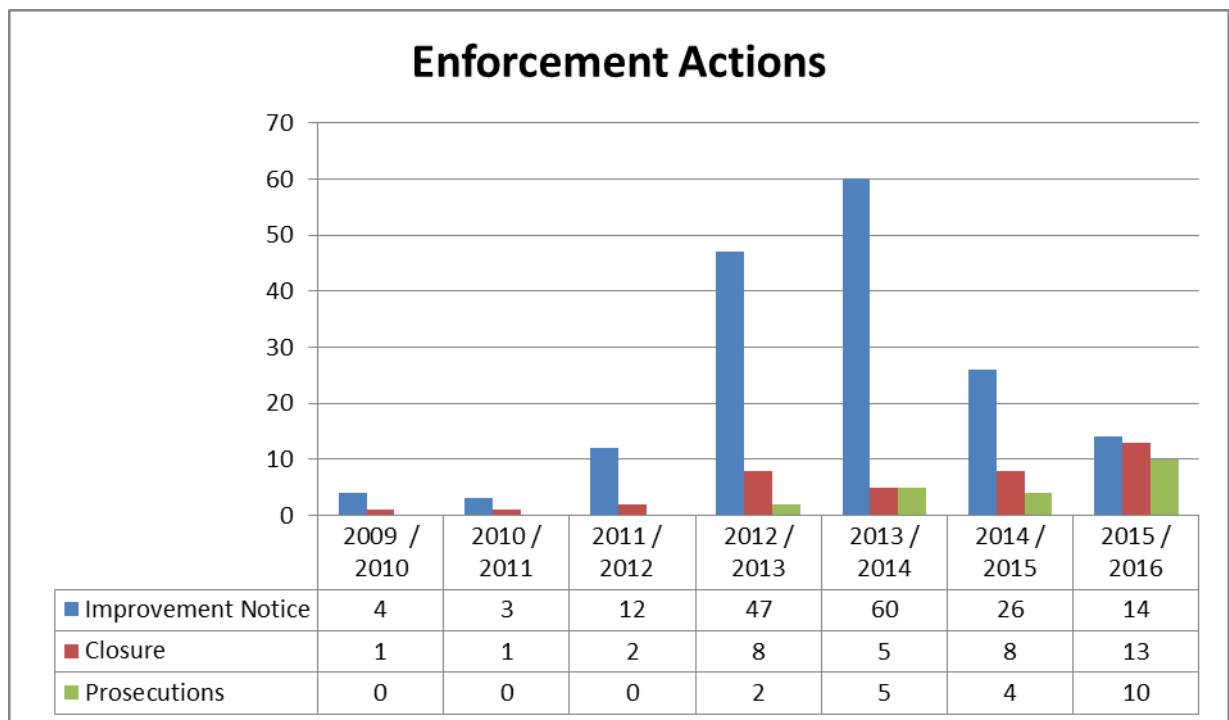
- 7.17 **Graph 6** demonstrates that the number of premises achieving the highest '5' rating is continuing to improve. Additionally, the number of premises within the lowest ratings '0', '1' and '2' remains low and static.
- 7.18 Each time a business is inspected a new rating is provided with the level of improvement or decline in hygiene standards dictating the new rating score. The frequency of inspection is determined by the risk to people's health: the greater the risks to health, the more frequent the inspection.
- 7.19 As the rating of each of the inspected premises may have changed (positively or negatively) following inspection it is difficult to provide direct comparisons with the level of improvement or decline in the quality of food being offered by the businesses in the city (i.e. it's not possible to say that the reduction in '3' rated premises directly reflects the increase in '5' rated premises), but it is clear that the general standard of premises is continuing to improve.
- 7.20 The number of 5 rated premises is 54% higher now than it was in February 2012. 61% of all registered premises are rated '5'.

- 7.21 All current food business ratings are reported on the FSA's website, which is freely available to the public and businesses alike - no indication of the previous performance is necessary within the scheme. Businesses rated '0', '1' or '2' are given priority for action to secure improvement in hygiene standards. Irrespective of the original rating, if during inspection hygiene standards are very poor, or there is an imminent risk to health, appropriate enforcement action is taken to make sure that consumers are protected. This can include the proprietor agreeing to voluntarily close the premises with our advice.
- 7.22 All FBOs are given feedback following an inspection. Officers will provide improvement advice and how any problems identified can be avoided and rectified. Where improvements are required, inspectors will issue a comprehensive written report clearly explaining precisely what is required to comply with the law. Where problems are acute or persistent, appropriate enforcement action is taken.
- 7.23 The number of broadly compliant premises (those premises rated '3', '4' or '5') has remained static, as demonstrated within **graph 7**.

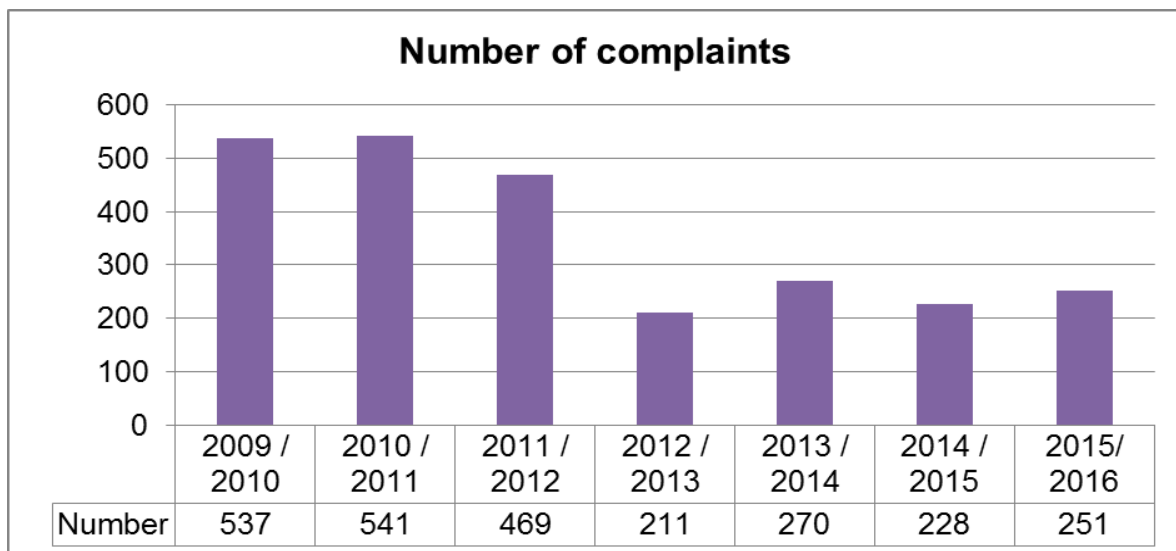
Graph 7



- 7.24 The number of enforcement actions taken during the last six years is recorded in **graph 8**.

Graph 8


- 7.25 Immediately after the introduction of a revised risk-based inspection programme in 2012, the number of Improvement Notices served upon premises requiring a prompt and timetabled improvement in standards dramatically increased.
- 7.26 The number of Improvement Notices has fallen since that time. However, the number of premises closed pending improvement as a result of an imminent risk to public health being identified during inspection, and the number of premises prosecuted for serious legislative breaches, has increased.
- 7.27 In 2015 / 2016 the levels of closure were the highest recorded, being 63% higher than in 2014 / 2015. The number of prosecutions has consequently increased.
- 7.28 We encourage customers to take an active role in reporting food businesses within Portsmouth that have poor food safety practices, and investigate issues raised by them in the appropriate manner. Complaints are typically received in relation to:
- sighting of vermin or pests on food premises;
 - poor levels of cleanliness in kitchens, store rooms or preparation rooms;
 - poor food handling practices;
 - contaminated food e.g. food containing foreign bodies or that is out of date.
- 7.29 The number of complaints received in 2015 / 2016 is consistent with the significant reduction (50%) achieved in 2012 / 2013 and is a further reflection of how standards of food businesses have improved since that time. The number of complaints relating to food businesses is shown in **graph 9**.

Graph 9


7.30 Following the 2013 FSA audit of the BST operating procedures, some changes were made to the intervention programme and its delivery. The BST is required to inspect all registered food premises within Portsmouth as part of a planned programme. How frequently officers routinely inspect will depend on the type of business and its previous record: the better the record the greater the period between inspections. The rating given to premises after each inspection determines the length of time until the premises are inspected again. Premises are then rated and inspected according to the following **table 1**.

Table 1

Rating Category	Inspection Rating	Minimum Inspection frequency
A	92 or higher	6 monthly
B	72 - 91	12 monthly
C	52 - 71	18 monthly
D	31 - 51	2 yearly
E	0 - 30	Alternative enforcement strategy

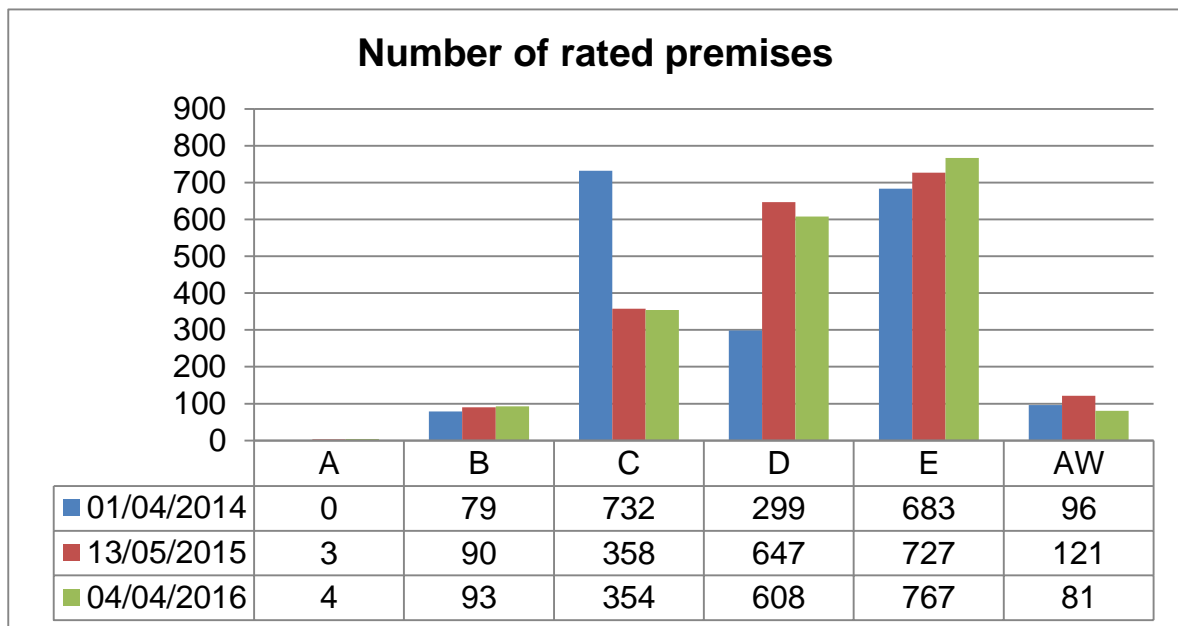
7.31 The risk rating system considers the type and size of business, the level of food safety management and conditions noted during the inspection. In addition, premises providing food to vulnerable groups, for example children or the elderly, are subject to an additional weighting which will result in more frequent visits.

7.32 Whilst it is not normal practice to give prior notification of inspection, some visits will be carried out by appointment, particularly if the visit is primarily to look at documentation or practices, or if discussions are required with a specific employee or the business proprietor. Officers have the right to enter and inspect food premises at all reasonable hours.

7.33 The appropriate control for each premises will be considered on an individual basis by an appropriately qualified officer. The officer may decide to reclassify any premises that were the subject of an alternative enforcement strategy for a full

inspection, for example premises where the operation has changed significantly or catering is undertaken.

- 7.34 In previous years low risk category E businesses have been subject to an alternative enforcement strategy. When these premises are due for inspection, if the premises have been subject to a formal inspection within the previous inspection period, the FBO will be sent an appropriate initial letter together with a low risk self-assessment questionnaire to complete. On return of the completed questionnaire the information will be reviewed to determine whether there have been any changes to the business since the last inspection which may present an increased risk to food safety. If a questionnaire is not returned within the 28-day limit, the business will be contacted to establish if a further copy is required.. If the replacement questionnaire has not been received after a further 14 days, the food business may be subject to a food hygiene inspection.
- 7.35 Currently, in view of the demands placed upon officer time and the backlog of inspections, although we will aim to deliver this strategy for all E rated premises during 2016 / 2017, it is extremely unlikely that this will be achieved. Currently no regard is being given to E rated premises, even by means of alternative enforcement. This is unlikely to change unless additional resources can be found. This is considered to be a major non-compliance with the FLCofP and a high-risk strategy.
- 7.36 In 2016 / 2017 we are likely therefore to have no alternative but to deviate from the FLCofP concentrating on the inspection of the highest risk premises. We will achieve the following:
- 100% of A rated premises;
 - 100% of B rated premises;
 - 100% of C rated premises;
 - 100% of the initial inspections of all premises awaiting a rating;
 - D rated premises are unlikely to be routinely inspected;
 - E rated premises will only be inspected where resources allow.
- 7.37 The number of 'A' 'B' 'C' 'D' and 'E' rated premises as of 1 April 2014, 13 June 2015 and 4 April 2016 are shown in **graph 10**.
- 7.38 It is clear from graph 10 that there has been a significant improvement in the number of premises obtaining a lower (and therefore "safer") risk rating. The improvement is particularly noticeable within the premises rated D and E. The number of D rated premises has increased by 103% since 2014, with the number of E rated premises increasing by 12% during the same period.
- 7.39 The numbers of premises awaiting inspection (AW) having submitted a registration form is higher than would be preferred. This is a further reflection of the level of resource available in this service.

Graph 10


8 What do the FSA and the Chartered Institute of Environmental Health (CIEH) say about falling inspection rates?

- 8.1 Following an analysis of food law enforcement across the UK the FSA board is aware of the growing concern at the sharp decline in food safety interventions. Enforcement data for 2014/15 demonstrates that PCC is not alone in struggling to carry out interventions at the required frequencies against a background of increasing numbers of new businesses, consumer complaints and other service demands.
- 8.2 The CIEH has reported that food hygiene interventions have fallen by nearly 7% and food standards interventions have fallen by 6%. Budget restrictions have also affected the amount of staff tasked to inspect food law enforcement - staffing has fallen by 17%. Overall, this has contributed to a fall in food standards of 38% nationally.
- 8.3 Statistics show that there is a direct relationship between the fall in the number of interventions where there is suspected food crime, and the sudden rise there has been in complaints within the food supply chain and retail arena. Representatives at the FSA have stated that the matter is likely to worsen over the next few years as it is unlikely there will be sufficient available budget.

9 Equality impact assessment

- 9.1 The inspection criteria have been subject to an equality impact assessment, attached as **appendix 2**. Implementation will not affect the concept of fairness established under the adoption of the FHRS in 2011, which ensures that all food establishments are being inspected and enforced equally in all premises regardless of ethnicity or cuisine type. However further information in relation to the impact of services upon food businesses is required.

10 Legal implications

- 10.1 Legal Services has previously confirmed that the requirement to carry out periodic food inspections of food premises using a risk-based approach is derived from and in accordance with 'EC Regulation 882/2004' and the 'Framework Agreement on Food Law Enforcement' in respect of legislation relating to England and Wales.
- 10.2 Legal Services has also previously confirmed that the 'Food Law Code of Practice (England)' enables the replacement of the inspection-focussed approach to food law enforcement with a more flexible one, whereby local authorities can use a wider range of interventions to monitor support and increase business compliance. The Food Standards Agency has acknowledged that the aim of this revision was to partly ensure that resources are directed at those food businesses that present the greatest risk to public health and consumer protection.

11 Director of Finance's comments

- 11.1 The activities proposed within the Food Operating Plan 2016 / 2017 and summarised in this report will be funded from the existing service portfolio budgets, as approved by Full Council.

.....
 Signed by: Rachael Dalby - Director of Regulatory Services and Community Safety

Appendices:

Appendix 1: Food Operating Plan 2016 / 2017

Appendix 2: Equalities Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following list of documents discloses facts or matters, which have relied upon to a material extent by the author in preparing this report:

Title of Document	Location
NIL	NIL

The recommendations set out above in 2.1. above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for the Environment and Community Safety on 6th July 2016.

.....
 Signed by: Councillor Robert New - Cabinet Member for Environment and Community Safety

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Regulatory Services and Community Safety

Business Support Team

Food Operating Plan 2016 / 2017

Approved by

Rachael Dalby, Director of Regulatory Services and Community Safety

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1. Introduction

1.1. This Operating Plan has been produced as required by and in accordance with the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law enforcement.

1.2. It has been developed in broad accordance as prescribed by the FSA, its purpose being to demonstrate that Portsmouth City Council (PCC), in its role as the designated authority, has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety.

1.3. The Business Support Team (BST) within PCC is designated as the competent food authority under the European Communities Act 1972, the Food Safety and Hygiene (England) Regulations 2013 and the Food Safety Act 1990.

1.4. This places a statutory duty on the BST to enforce the Acts. The delegated Authority to do this lies with the Director of Regulatory Services & Community Safety (RS&CS), who has further delegated authority to staff within the BST.

1.5. This plan covers the following:

- An outline of Portsmouth and the organisational structure and business plans relating to PCC and BST
- A profile of the BST, its approaches to enforcement and its resources;
- The responsibilities and objectives of the BST Food Service;

- The inspection of food businesses and enforcement of food law;
- The sampling of food to ensure compliance with food standards law;
- Safeguarding protocols to ensure compliance with legislative requirements and consistency of approach.

2. A snapshot of Portsmouth

- Population: Estimated 207,000 residents
- Area (sq km): 40
- Population density: Highly urbanised city
- Food Business Operators (FBO): 2136
- Business premises: >6800

3. Food within the City of Portsmouth

3.1. Its south coast location has made it a UK and European gateway city. The Portsmouth International Port is Britain's best connected port, providing eight freight and passenger routes to France, Spain and the Channel Islands and receiving food imports from the European Union (EU) and countries such as the Dominican Republic, Costa Rica, Morocco, Trinidad and Tobago, Granada, and Jamaica.

3.3. Gunwharf Quays, situated at the mouth of Portsmouth Harbour, is a £200 million, 500,000 sq ft mixed use development, which has re-launched Portsmouth as one of the most significant waterfront retail and leisure destinations in Europe. Alongside 90 retail stores Gunwharf has 30 bars and restaurants serving tens of thousands of meals per week.

Other high concentrations of food operators can be found in Palmerston Road, Osborne Road, Albert Road, Commercial Road, Kingston Road, Fratton Road, London Road and the High Street Cosham.

4. Portsmouth City Council - organisational structure and corporate priorities

4.1. PCC is run by an Executive, supported by a Scrutiny Board and review panels.

4.2. The Council is composed of 42 Councillors with one-third elected three years in four. All Councillors meet together as the Council to decide the Council's overall policies and set the budget each year.

4.3. The Council appoints the Leader of the Council and the Executive Members (together known as the Cabinet), upon recommendation from the Leader.

4.4. Decisions in the Executive may be collective or they may be taken by individual Executive members with a specific remit. The Executive is the part of the Council which is responsible for most day-to-day decisions.

4.5 The Executive is made up of a Cabinet of not more than nine Councillors including the Leader of the Council. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

4.6. There are two standing and other ad hoc overview and scrutiny committees (known as Policy and Review Panels) who support the work of the Executive and the Council as a whole. These allow citizens to have a greater say in Council matters by examining in detail matters of local concern. They lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.

4.7. The Policy and Review Panels also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

4.8. The political make-up of the council at May 2016 is:

- 15 Liberal Democrat
- 1 Non-Aligned Independent
- 19 Conservative
- 4 UKIP
- 3 Labour

4.9. The environmental health team of the RS&CS service falls under the responsibilities of the Cabinet Member for Environment and Community Safety. The Food Safety function is undertaken by the BST. The RS&CS Director is the officer responsible for the Food Safety Service delivery, with the Environmental Health Manager (EHM) responsible for the

day-to-day management of the team and the service, supported by a Team Leader and various Lead Officers. The RS&CS Director reports directly to the Chief Executive Officer.

4.10. PCC has eight priorities that are driven by the needs of the city and the desire to improve. These are shared goals for the organisation that help to focus services' work and resources.

4.11. The eight priorities are:

- i. Increase availability, affordability and quality of housing
- ii. Protect and support our most vulnerable residents
- iii. Improve efficiency and encourage involvement
- iv. Raise standards in English and maths
- v. Regenerate the city
- vi. A cleaner and greener city
- vii. Improve public transport

4.12. The RS&CS service contributes to these priorities in various ways particularly with regard to priority v. and vi.

5. [RS&CS - An explanation of service and its contribution to PCC corporate priorities](#)

5.1. RS&CS brings together a diverse team to deliver a range of services to the community so that everyone can enjoy safer and healthier lives.

5.2. Service responsibilities include:

- environmental health

- hate crime
- domestic violence
- civil contingencies
- anti-social behaviour
- trading standards
- dog kennels.

6. RS&CS - Introduction to our business position

6.1. The future of environmental health functions remains uncertain and subject to national political dynamics that are, at this stage, impossible to predict with any degree of confidence.

6.2. What is certain is that RS&CS needs to respond flexibly to changing circumstances. Whilst all functions within environmental health will aim to fit with the medium-term financial strategy, in terms of reducing the council's dependence on central government grant, reducing the need among the population for services and increasing efficiency, the next few years represent a period of considerable uncertainty. Statutory functions however need to endure regardless of changes in budget, structure and policy.

6.3. Since the 2010 / 2011 financial year, budget reductions have arguably graduated to a level above 'risk' and are now the central overriding reality of our ability to deliver services and react to changing demands. The requirement to continue to deliver substantially the same services while reducing the cost by more than 10% every year is such a dominant issue that it now defines our strategic objectives and service delivery models.

7. Regulation and its relationship with "systems thinking"

7.1. The regulatory intervention approaches used by BST are prescriptively set out within the Food Law Code of Practice (FLCofP). These are part of a broader comprehensive approach to the regulation of food businesses.

7.2. These regulatory policies may impose burdens on business initially but, when designed and implemented properly, the burden of regulation is minimised and enforcement is limited to that which is necessary and proportionate to the policy objectives of the FLCofP they are designed to achieve.

7.3. Delivering improvements through regulation when it is properly undertaken ensures that improvement is gained whilst ensuring that no significant adverse impact is created elsewhere.

7.4. The FSA measures the regulatory outcome to determine whether the system of regulation as defined in the FLCofP delivers the improvement in the correct manner. The FSA Board continues to develop dynamic and adaptive interventions to deliver improvement and is currently deliberating the future of food safety enforcement.

8. The cost benefits of regulation

8.1. The BST believes that relationships between businesses and regulatory services reflect shared goals of public protection, supporting enterprise and growth and developing a sustainable future. Law and practice underpins and promotes these goals.

8.2. Well-written law, proportionately and consistently applied, forms the foundation for public protection and is good for the economy, society and the environment. The law needs to be clear about the duties of care applying to individuals, the state and businesses. The starting point for BST is that the public and businesses in the main intend to be in compliance with the law.

8.3. A positive regulatory environment contributes significantly to economic development and sustainable growth, improves the openness of international markets and creates a less constricted business environment for innovation and entrepreneurship. It protects compliant businesses by enabling fair competition and provides business with the confidence to invest, grow and create new jobs. Businesses can benefit from positive experiences of regulation.

8.4. The BST supports a regulatory system that is founded on research, and that is risk-led and evidence-driven. Our effectiveness is defined less by a set number of inspections and more by the quality of the relationships established between those involved in ensuring compliance.

8.5. Collaboration leads to focus on interventions that are founded on sound evidence with resources targeted where they are most needed.

8.6. The BST enforcement strategy protects people and communities from harm, safeguards against public health risks and contributes to improved quality of life for all. Through using advice, education and regulation, environmental health professionals are able to support economic development and sustainable growth, both through the nature of the interventions they select and the way that they interact with businesses in the course of their work.

8.7. To the business, environmental health interventions and support can provide:

- reductions in business costs associated with dealing with the consequences of non-compliance and consequential reputational damage;
- ensure fair competition and a level playing field;
- information to business to enable confident decision making and investment;
- protection to customers and enhanced customer confidence;
- a safe trading environment;
- better management control of risks to the business;
- business and consumer trust in open and fair markets;
- wider public health and environmental benefits.

8.8. In addition, it is important to recognise that BST functions are also critical within businesses and to acknowledge the direct contribution of environmental health professionals working within commercial enterprise and industry.

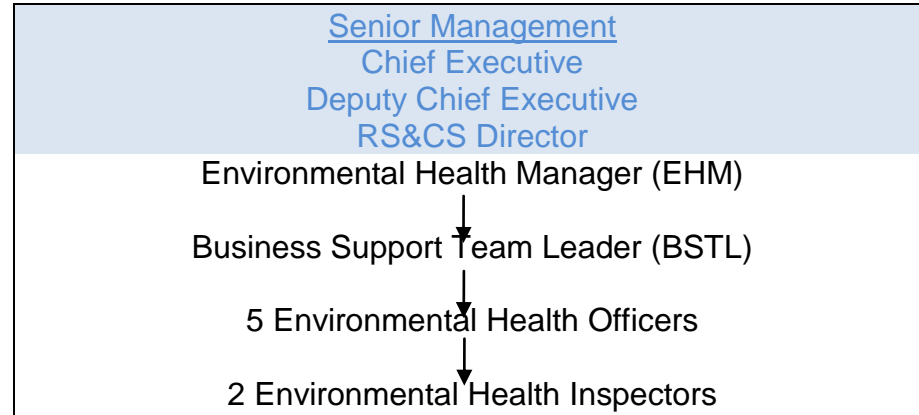
8.9. When businesses are able to demonstrate that they have in place and use appropriate systems for ensuring compliance, they are able to earn recognition of this and regulatory oversight can be adjusted accordingly.

8.10. Businesses needing support to achieve compliance can rely on the BST to support them to become compliant, but those unable or deliberately intending not to comply will rightly be targeted for appropriate enforcement interventions as the public and other businesses should not have to bear the cost of incompetence, negligence or wilful non-compliance.

8.11. Different FBO needs call for a range of differentiated interventions but, in their delivery, BST always seek to be fair, consistent and transparent with the degree of intervention required being determined, in part, by the degree of interaction between the business and the BST so that the latter can properly evaluate the level of confidence held in the business.

9. Structure and financial position

9.1. The BST team structure is as follows:



9.2 Sufficient budgetary provisions have been made available in 2016 / 2017 to maintain this level of staffing provision.

10. An Introduction to the BST

10.1. The BST is structured so that each core service function is led by an officer with specialist knowledge, the appropriate level of qualification and a technical understanding of the designated function.

10.2. It is expected, along with our team partners in the pollution and pest control teams, that we provide a single 'environmental health service' to our diverse customer base, which is effective, efficient and professional. The structure of the team aids the delivery of such a service, taking advantage

of the team's experience and competency across the wide range of responsibilities and functions.

10.3. The 2016 / 2017 Operating Plan will continue to advance the excellent work which has taken place in previous years. The BST management team will continue to take a strong enforcement stance to breaches of food law and develop a more consistent approach to inspection protocols and enforcement actions, supporting a tougher more robust attitude to serious or persistent failings.

10.4. Reviews with respect to process were implemented in 2014 / 2015 to address the weaknesses identified within existing policies particularly with regard to inspection regimes, monitoring and reporting and succession planning.

10.5. BST officers in leading roles, constructed to ensure that resources and expertise are shared or combined to strengthen officer and team development, distribute knowledge and promote best practice, will continue to ensure service delivery is effective and delivered in accordance with the FLCofP.

10.6. All officers continue to develop their skills and expertise and take an active role in all service functions. This is supported by a continuing development programme.

11. BST service functions

11.1. The BST, in addition to undertaking the Food Safety function, also has a wide range of other responsibilities particularly for Health and Safety, Infectious Disease Control, Animal Health, Licensing enforcement and Port Health. The

number of statutory powers delivered by the BST has steadily increased, resulting in over 150 statutory powers currently being administered across 10 function areas.

11.2. Following the inspection of FBOs, the second most resource-intensive area for which the BST is responsible is the International Ferry Port where we have a significant range of responsibilities with respect to disease control, ship sanitation certificates, foodborne diseases, ship disinfection, potable water supplies, norovirus controls on vessels, food import control and the importation of animals.

11.3. The BST also currently regulates four premises which are required to be formally approved under specific EU legislation due to the increased risk posed by their particular food activities.

11.4. A list of the enactments for which the BST is responsible can be found in **Appendix 1**.

12. BST Lead Officers and food law enforcement officers

12.1. Lead officer roles and FTE time is detailed within **Table 1**.

Table 1

Roles Requiring Lead	Equivalent FTE in area
Food Safety ^{***}	3.55
Food Standards	0.25
H&S	0.7
Port Health	0.6
Infectious Disease / Animal Welfare	0.4
Primary Authority / Approved Premises	0.2
Policy, Business Planning, Management	0.6
Shellfish / Sea Water	0.3
Sampling	0.1
APP super-user	0.4
Total Resource	7.1**

*Food safety includes dealing with food hygiene complaints as well as food complaints and food premises inspections. (Qualified officers assigned to inspection regime = 2.5 FTE) - 1.0 FTE assigned to food lead responsibilities, delivery of enforcement, assigned to liaison tasks

**Total does not include 0.3 FTE for the Environmental Health Manager

+ An EHO will be unavailable in 2016 / 2017 as a result of maternity leave

12.2. Three officers (1.4 FTE) are not currently in a lead position included in the equivalent FTE in each area.

12.3. Officers with specific responsibilities for respect to Food Law Enforcement are detailed within **Appendix 2**.

12.4 Lead officers responsibilities are highlighted within **Appendix 3**.

13. Scope of the BST Food Service

13.1 The food service consists of the following elements:

- ensuring that all food premises are identified and inspected on a risk-assessed basis and any necessary action is taken to secure the required food safety standards;
- maintaining the National Food Hygiene Rating Scheme (FHRS);
- reviewing, planning and building control applications to ensure that food hygiene requirements are considered at the design and build stages of development;
- providing advice to food businesses and members of the public on issues relating to food safety;
- investigating all complaints relating to food and food safety and taking appropriate enforcement action to prevent potential outbreaks of food poisoning;
- undertaking sampling in order to determine the quality and fitness of food and to inform proactive initiatives to secure food safety;
- minimising the spread of incidents of infectious diseases, including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

14. Service pressures and risks to service delivery

14.1. The BST has been under increasing pressure to reduce costs whilst still having a duty to deliver many statutory

services as well as make arrangements to secure continuous improvement.

14.2. Over the last six years the BST has been particularly tested in respect to how we have responded to this challenge as significant levels of savings have been required, and been delivered, annually during this period.

14.3. The scale of cost reductions required has meant that we have had to look beyond the immediate short-term and think more radically about how to reduce costs and how to sustain this in the longer term whilst still improving services.

14.4. Throughout this period the required reductions have enabled Environmental Health to undertake strategic overviews of service areas in order to avoid an erosion of service quality in priority delivery areas.

14.5. Successfully, BST has prioritised which services matter most, based on an accurate, realistic assessment of the costs, benefits and risks of the options to reduce spending.

14.6. Despite service streamlining and delivering frontline and back-office efficiencies, the impact of reduced resources has impacted upon our ability to deliver statutory obligations. Whilst clear rationales for selecting service functions for review have been devised and implemented, it is clear, following our most recent assessments, that increased demands upon officers and cumulative statutory obligations have caused BST to reach a level of service that scarcely meets, and in some notable areas falls below, the minimum acceptable level.

14.7. It is highly likely that, unless preventative actions are implemented, in 2016 / 2017 it will be difficult for BST to meet all the statutory duties expected of it and it will not be possible for the service to take on any new statutory duties that protect the public and the environment. Additionally, should the demand for services continue to increase there is a significant risk that the BST will be unable to maintain the quality and performance of the services it currently provides.

14.8. Analysis of demand and resource suggests that BST services are at a tipping point and that we need to take new strategic choices and find more efficient and effective ways of working. Whilst designing this new more sustainable approach and reviewing possible wider internal service merger opportunities, it may be difficult to remain reactive to the increasing problems we are likely to face in the near future.

14.9. Many of the decisions we have made to date have been based around the need to develop improvements in efficiency and to stretch resources in order to balance budgets. Consequently, all the comparatively easy-to-deliver reductions such as deleting vacant posts and reducing operating budgets such as training, equipment and office supplies have long been explored and implemented.

14.10. A focus on service reductions and improvements through the reorganisation of teams and functions, improving back office procedures and managerial support, whilst increasing income, have all made a successful contribution to maintaining effective delivery of statutory obligations.

14.11. The BST only delivers services which are formally required and demanded. All delivery of functions not satisfying regulations or duties have been eliminated.

14.12. Although streamlining and service improvements will continue, and are expected to deliver further positive conclusions, the overall reductions of staff in all areas has resulted in emerging and growing concerns about our abilities to future-proof services, meet our statutory responsibilities and maintain an effective reactive response to issues of public health concern.

14.13. A provisional strategic overview to avoid an erosion of service quality in priority delivery areas has identified several key areas of concern. Whilst the BST continues to prioritise which services matter most, based on an accurate, realistic assessment of the costs, benefits and risks, these areas have reached precarious levels which when unavoidable departures of highly experienced and effective staff occur, together with increased legislative demands, will cause significant service delivery complications and impact income generation.

14.14. We therefore need to be clear about our long and short-term strategic environmental health intentions and focus on making even better and smarter choices that prioritise interventions and service decisions based on a cost benefit impact. This will better allow the BST to identify the relative effect of decisions when receiving budgets and be clear what the impact of these decisions will be on strategic and operational outcomes.

15. BST Food Service - Priorities

15.1. Our foremost priorities in 2016 / 2017 are:

- compliance with the FLCofP in regard to the inspection of high and medium risk premises;
- delivery of our statutory duty to enforce legislation relating to food;
- maintaining political and customer awareness of food standards and food safety issues;
- identifying and educating FBOs in relation to the preparation and cooking of high risk foods.

15.2. The FLCofP sets out the framework under which the BST must carry out its statutory functions to protect the public in respect to food hygiene and food safety. It is the FLCofP which requires this Food Operating Plan to be created and the manner in which it is formatted.

15.3. The BST is required under legislation to have regard to the FLCofP when discharging its duties. Should the BST fail to have regard to relevant provisions of this Code we are likely to find our decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court and formal action being instigated against us by the FSA.

15.4. The FLCofP provides guidance to local authorities on their approaches to official controls at food business establishments. The Code was last updated 7 April 2015. The changes included:

- revised arrangements for food establishment registration and inspection of mobile food establishments, ships and aircrafts;
- revised competency and qualification requirements for authorised officers.

15.5. The FSA and the FLCofP provides some flexibility to introduce a mixture of interventions and encourages the BST to provide a greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone.

15.6. In improving and developing our strong enforcement priorities it is incumbent upon us to have regard to the Framework Agreement on Local Authority Food Law Enforcement. This Framework Agreement sets out what the FSA expects from us in our delivery of official controls on food and food law.

15.7. Certain governmental reviews such as Hampton, and legislation such as the Regulatory Enforcement and Sanctions Act 2008 have placed responsibilities upon us to ensure that our inspections tackle key issues, but reduce administrative burdens. The BST has considered such recommendations to devise effective inspection protocols for high risk groups.

15.8. The inspection of all food businesses has regard to current FSA guidance. With respect to enforcement the BST is mindful of the Regulators' Compliance Code 4 and the Legislative and Regulatory Reform (Regulatory Functions) Order 2007. This Code is a central part of the Government's Better Regulation agenda as it aims to embed a risk-based, proportionate and targeted approach to regulatory inspection

and enforcement and is reflected in the decision making process when formal action is considered against FBOs.

15.9. Full compliance with the FLCofP requirements will remain the objective and failure to achieve these will be reported periodically, as necessary, to the Director and Cabinet.

16. Key characteristics of enforced self-regulation and risk-based approaches to food law enforcement

16.1. Hazard Analysis and Critical Control Point (HACCP) is an amalgam of enforced self-regulation and risk-based approaches (RBAs). HACCP forms the foundation of how Food Business Operators (FBOs) demonstrate the effective management of delivering food which is safe to eat. It is a preventative risk-based approach to food safety which seeks to minimise risks but cannot eliminate them.

16.2. The HACCP approach requires that FBOs plan what needs to be done to maintain food safety, to write this down, to follow the plan and to monitor and verify that the plan has been followed. HACCP systems only work when the FBO and the workforce are fully committed to their implementation. Adequate training is of fundamental importance for effective HACCP programmes.

16.3. RBAs to food safety regulation seek to ensure that greater emphasis is placed upon FBOs managing their own risks, and in so doing reserve our attention for the worst offenders. This approach does however make assumptions about the capacity of businesses to appreciate and manage

attendant risks, which we have found can be particularly difficult for smaller businesses.

16.4. RBAs attempt to minimise the regulatory burden on businesses through cost justifications and comply with the UK Government's 'better regulation' agenda, namely transparency, accountability, targeting, consistency and proportionality.

16.5. The only means the BST has to establish compliance levels is through inspection. Such inspections are the only way to advise and educate small businesses in relation to food law and good practice. The importance of timely regular inspections is therefore of some critical importance, as the less time we spend with FBOs the greater the likelihood of falling standards, non-compliances with the law and an increased need for more in depth education and enforcement - all of which has a negative impact upon resource.

16.6. The focus of responsibility is on FBOs to manage the risks generated, and ours is to intervene only where businesses clearly fail to do this. Our experiences over the last four years suggests that, despite our interventions, not all businesses are equipped to manage their own risks and more recently, as a result of available resource, we are less able to identify and assist FBOs and act preventively in a timely manner.

17. FBO compliance with food law

17.1. Overall the level of food hygiene compliance within Portsmouth is good. However there are a significant number

of businesses which fail to comply with food law requirements. The reasons for this are complex and may include any of the following:

- consider it to be more profitable not to comply than to do so;
- comply because it is seen as the 'right thing to do' or because the regulations fit with their own reading of the law;
- not necessarily see that there is anything wrong in the way that they operate despite the fact that they are not complying with the law;
- misunderstand or be misguided in their understanding of their legal duties or resort to opportunistic conduct and react negatively to control where the regulations are perceived as illogical or wrong;
- experience particular difficulties complying with legal obligations as a result of insufficient resources (financial or technical) to understand what the law requires of them;
- equate compliance only to what they are told during an inspection;
- be ignorant of the risks associated with their activities;
- not understand that poor standards and enforcement impacts upon a business's reputation.

17.2. The BST is integral in food safety regulation. Our approach does not take enforcement of the law to simply refer

to legal action; it permits a wide array of informal enforcement techniques such as education, advice, explanation, persuasion and negotiation.

17.3 Securing food which is safe to eat is our main objective, both through the remedy of existing problems and the prevention of others. Our preferred methods to achieve these ends are co-operative and conciliatory.

17.4. Where compliance is poor and there is good reason for it being so, persuasion, negotiation and education are the primary enforcement methods. Accordingly, compliance is not necessarily regarded as being immediately achievable; rather it may be seen as a long-term aim.

17.5. The use of formal legal methods, especially prosecution, is regarded as a last resort, something to be avoided unless all else fails to secure compliance.

17.6. The BST enforcement style is focused around our relationship with FBOs. Through offering support and advice we are attempting to be integrated with the business community. Our officers endeavour to be familiar with those they regulate, as we hope that in so doing we will be better able to assist and advise rather than regulate. Rapport building is however time consuming and requires suitable resources to be available.

17.7. With enforced self-regulation, RBAs and better regulation there may be a temptation to use these initiatives to reduce resources. The BST is however directed by the FSA's statutory and informal guidance and is subject to their audit.

The FSA has authority to set performance standards, monitor performance, demand information from us and inspect our food enforcement resources.

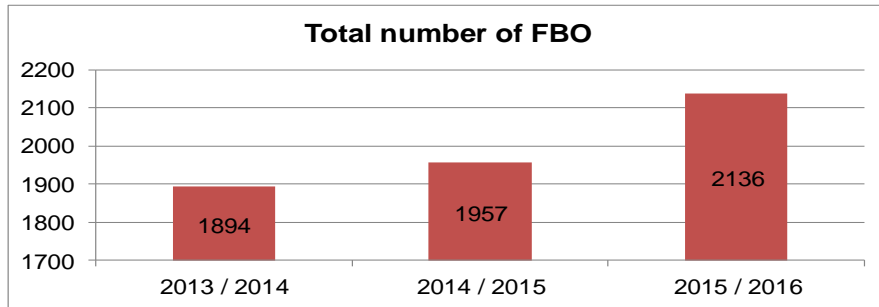
17.8. Food safety regulation, like all other risk regulation, is subject to a variety of tensions and contradictions which are not unique to this domain but which may be exacerbated by the nature of the retail and hospitality sectors and by some features of the legal and institutional arrangements for food safety. The inspections of FBOs are considered to be a priority in terms of public confidence in the local authority, the reputational standing of the authority and the terms of public health benefit.

18. Analysis of service delivery 2015 / 2016

18.1. The number of FBOs registered with PCC since 2012 / 2013 is depicted within **graph 1**. The increase equates to a 13% rise in food businesses over this three year period.

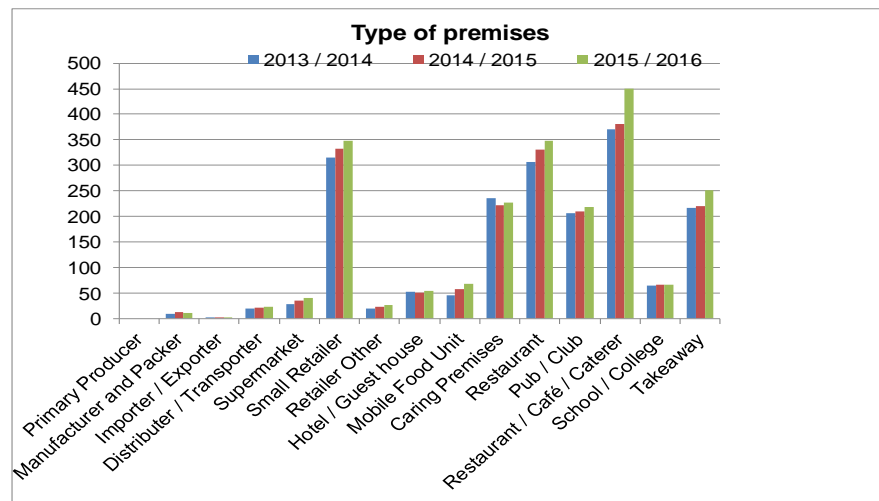
18.2. The impact of such an increase in terms of service compliance within the prescriptive FSA inspection timetables, whilst resources over the same period have decreased, is considered significant.

Graph 1



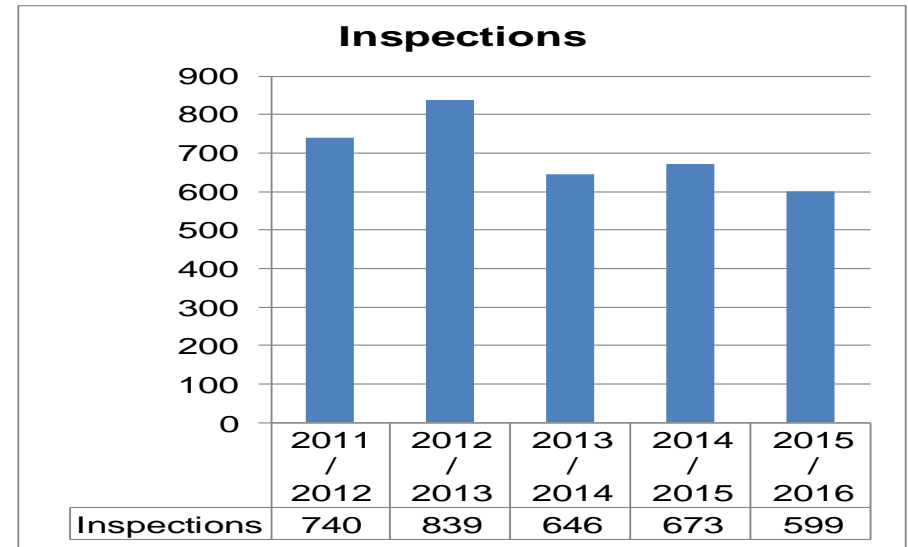
18.3. The number and type of FBOs over the last three years is depicted in **graph 2**. The category 'restaurant / café / caterer' recorded the highest increase at 21%.

Graph 2



18.4. The total number of inspections carried out in last three years is shown in **graph 3**.

Graph 3



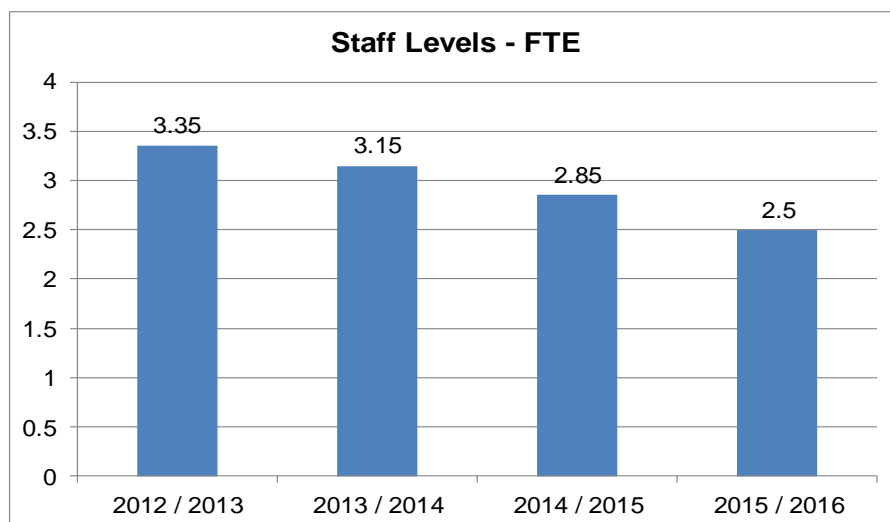
18.5. In 2015 / 2016 the inspection rate was the lowest recorded, being 28% lower than the highest achieved in 2012 / 2013.

18.6. It is worth noting that estimates made following an audit of our processes by the FSA in 2013 suggested that an inspection rate of 600 per annum could be achieved with the level of resource available at that time (3.35 FTE). This

equated to approximately 180 inspections being carried out by each officer each year. Since 2013 the FTE posts engaged in this specific inspection activity has fallen to 2.5, with the general cause of this decline being increasing demands made on staff resource in other service functions. Whilst difficult to precisely explain, the decline in inspection rates is highly likely to be reflected in the growth of FBO inspections of restaurants / caterers which generally take longer than businesses of lower risk, such as retailers.

18.7. The levels of staff resource available to inspect food businesses since 2012 / 2013 are demonstrated in **graph 4**. The reduction equates to a 25% decrease in staff in this area.

Graph 4



18.8. In 2015 / 2016 the level of staffing resource available for inspections would, with reference to the 2013 FSA criteria, equate to approximately 450 inspections being undertaken. The level of inspection actually achieved, 599, although falling, therefore remains higher than that envisaged by the FSA with the level of resource available. This level of inspection has been achieved through various means, including effective management of the function, and streamlining delivery processes and support to officers.

18.9. The falling level of inspection has resulted in non-conformance with the FLCofP. Intervention performance is shown within **graph 5**. The service has failed to deliver interventions in accordance with the FLCofP prescriptive timetable. Whilst intervention compliance has been a concern in previous years, the level of compliance in 2015 / 2016 has risen to a very high risk and has been identified as an area to which resources should be provided.

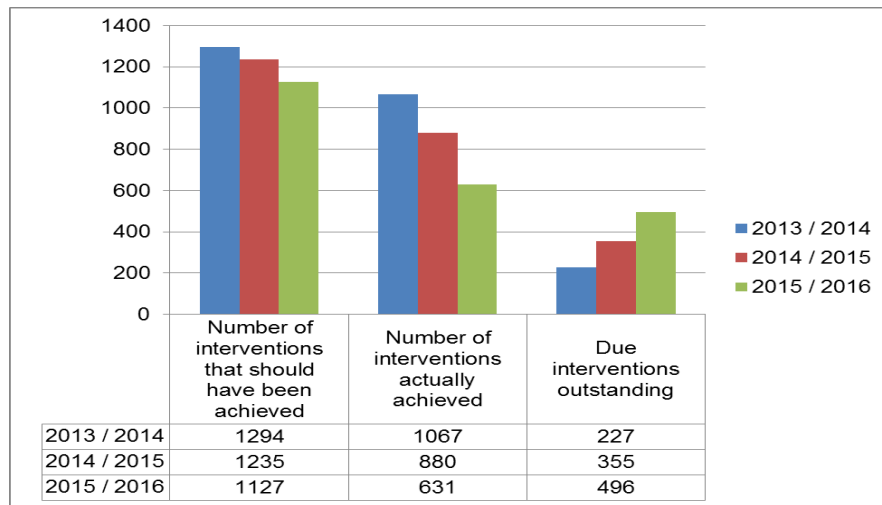
18.10. In 2014 / 2015 880 interventions, which equates to 71%, were delivered on time. This was a reduction of 11% on the 2013 / 2014 figure. In 2015 / 2016 this had fallen to 44% of inspections being delivered within the specified criteria set out within the FLCofP. This equates to a reduction of 27% in intervention performance since 2013 / 2014.

18.11. For clarity, interventions include: inspections; monitoring; surveillance; verification; audit; and sampling where the analysis / examination is to be carried out by an Official Laboratory.

18.12. The problems in keeping pace with the levels of intervention as required have occurred as a direct result of an increased level of the BST staff resource being assigned to areas which have not resulted in direct inspection work. The most obvious examples are our enforcement activities, compliance with other areas of the FLCofP, and food sampling requirements. Statutory functions of the team, in relation to animal welfare, infectious disease control, port health and health a safety have however undoubtedly contributed to the backlog in visits.

18.13. Despite assigning nearly 40% of all available resource to the food inspection function (2.5 FTE of 6.5 FTE) the impact of resources is currently at a critical level in terms of inspection compliance.

Graph 5

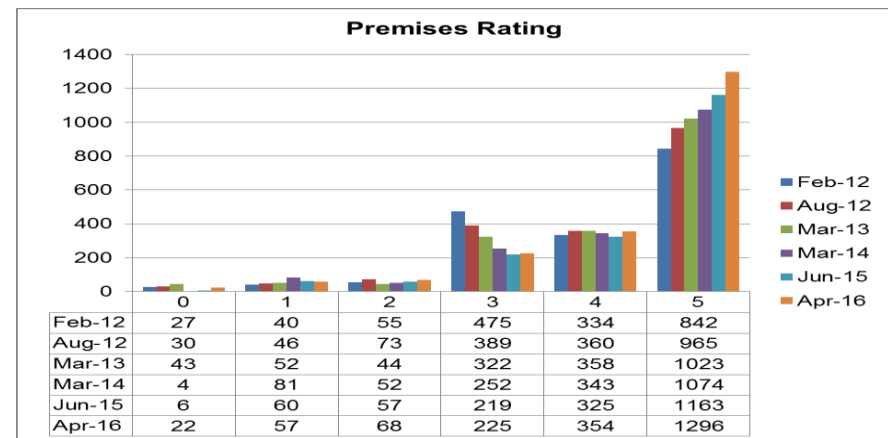


18.14. The numbers of premises rated '0', '1', '2', '3', '4', or '5' as of February and August 2012, March 2013, March 2014, June 2015 and April 2016 are highlighted in **graph 6**.

18.15. Although the number of interventions has gone down, those that have been carried out have been targeted towards those of higher risk (A, B and non-compliant Cs) which are inevitably more time-consuming in terms of the inspections themselves and also in the follow up actions necessary to deal with poor performance and non-compliance.

18.16. The decline in intervention rates has also been caused by the increase in enforcement action against a significant number of businesses with poor hygiene histories which have not responded to the informal approach. The time necessary to prepare a prosecution case and present the matter in court is extremely resource intensive.

Graph 6



18.17. **Graph 6** demonstrates that the number of premises achieving the highest '5' rating is continuing to improve. Additionally, the number of premises within the lowest ratings '0', '1' and '2' remains low and static.

18.18. Each time a business is inspected a new rating is provided with the level of improvement or decline in hygiene standards dictating the new rating score. The frequency of inspection is determined by the risk to people's health: the greater the risks to health, the more frequent the inspection.

18.19. As the rating of each of the inspected premises may have changed (positively or negatively) following inspection it is difficult to provide direct comparisons with the level of improvement or decline in the quality of food being offered by the businesses in the city (i.e. it's not possible to say that the reduction in '3' rated premises directly reflects the increase in '5' rated premises), but it is clear that the general standard of premises is continuing to improve.

18.20. The number of 5 rated premises is 54% higher now than it was in February 2012. 61% of all registered premises are rated '5'.

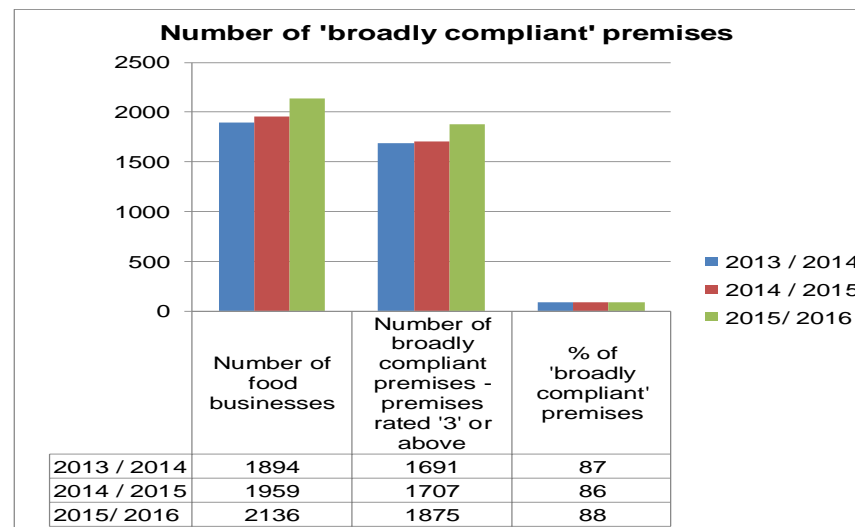
18.21. All current food business ratings are reported on the FSA's website, which is freely available to the public and businesses alike - no indication of the previous performance is necessary within the scheme. Businesses rated '0', '1' or '2' are given priority for action to secure improvement in hygiene standards. Irrespective of the original rating, if during inspection hygiene standards are very poor, or there is an imminent risk to health, appropriate enforcement action is

taken to make sure that consumers are protected. This can include the proprietor agreeing to voluntarily close the premises with our advice.

18.22. All FBOs are given feedback following an inspection. Officers will provide improvement advice and how any problems identified can be avoided and rectified. Where improvements are required, inspectors will issue a comprehensive written report clearly explaining precisely what is required to comply with the law. Where problems are acute or persistent, appropriate enforcement action is taken.

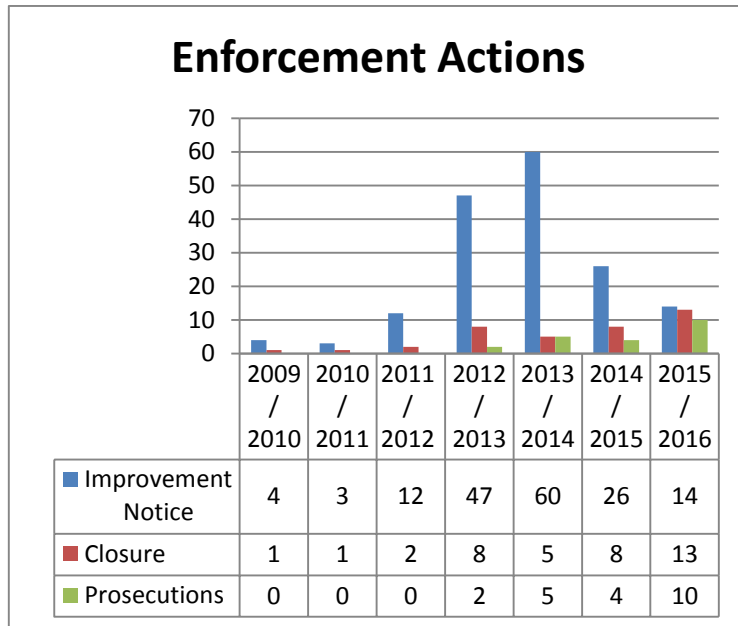
18.23. The number of broadly compliant premises (those premises rated '3', '4' or '5') has remained static, as demonstrated within **graph 7**.

Graph 7



18.24. The number of enforcement actions taken during the last six years is recorded in **graph 8**.

Graph 8



18.25. Immediately after the introduction of a revised risk-based inspection programme in 2012, the number of Improvement Notices served upon premises requiring a prompt, and timetabled improvement in standards dramatically increased.

18.26. The number of Improvement Notices has fallen since that time. However the number of premises closed pending improvement as a result of an imminent risk to public health being identified during inspection, and the number of premises prosecuted for serious legislative breaches, has increased.

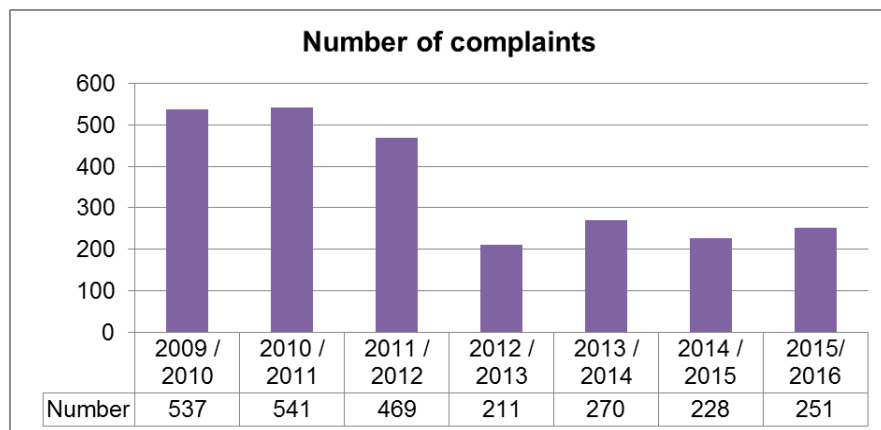
18.27. In 2015 / 2016 the levels of closure were the highest recorded, being 63% higher than in 2014 / 2015. The number of prosecutions has consequently increased.

18.28. We encourage customers to take an active role in reporting food businesses within Portsmouth that have poor food safety practices and investigate issues raised by them in the appropriate manner. Complaints are typically received in relation to:

- sighting of vermin or pests on food premises;
- poor levels of cleanliness in kitchens, store rooms or preparation rooms;
- poor food handling practices;
- contaminated food e.g. food containing foreign bodies, or that is out of date.

18.29. The number of complaints received in 2015 / 2016 is consistent with the significant reduction (50%) achieved in 2012 / 2013 and is a further reflection of how standards of food businesses have improved since that time. The number of complaints relating to food businesses is shown in **graph 9**.

Graph 9



18.30. Following the 2013 FSA audit of the BST operating procedures, some changes were made to the intervention programme and its delivery. The BST is required to inspect all registered food premises within Portsmouth as part of a planned programme. How frequently officers routinely inspect will depend on the type of business and its previous record: the better the record the greater the period between inspections. The rating given to premises after each inspection determines the length of time until the premises are inspected again. Premises are then rated and inspected according to the following **table 3**.

Table 3

Rating Category	Inspection Rating	Minimum Inspection frequency
A	92 or higher	6 monthly
B	72 - 91	12 monthly
C	52 - 71	18 monthly
D	31 - 51	2 yearly
E	0 - 30	Alternative enforcement strategy

18.31. The risk rating system considers the type and size of business, the level of food safety management and conditions noted during the inspection. In addition, premises providing food to vulnerable groups, for example children or the elderly, are subject to an additional weighting which will result in more frequent visits.

18.32. Whilst it is not normal practice to give prior notification of inspection, some visits will be carried out by appointment, particularly if the visit is primarily to look at documentation or practices, or if discussions are required with a specific employee or the business proprietor. Officers have the right to enter and inspect food premises at all reasonable hours.

18.33. The appropriate control for each premises will be considered on an individual basis by an appropriately qualified officer. The officer may decide to reclassify any premises that were the subject of an alternative enforcement strategy for a full inspection, for example premises where the operation has changed significantly or catering is undertaken.

18.34. In previous years low risk category E businesses have been subject to an alternative enforcement strategy. When these premises are due for inspection, if the premises have been subject to a formal inspection within the previous inspection period, the FBO will be sent an appropriate initial letter together with a low risk self-assessment questionnaire to complete. On return of the completed questionnaire the information will be reviewed to determine whether there have been any changes to the business since the last inspection which may present an increased risk to food safety. If a questionnaire is not returned within the 28-day limit, the business will be contacted to establish if a further copy is required. If the replacement questionnaire has not been received after a further 14 days, the food business may be subject to a food hygiene inspection.

18.35. Currently, in view of the demands placed upon officer time and the backlog of inspections, although we will aim to deliver this strategy for all E rated premises during 2016 / 2017, it is extremely unlikely that this will be achieved. Currently no regard is being given to E rated premises, even by means of alternative enforcement. This is unlikely to change unless additional resources can be found. This is considered to be a major noncompliance with the FLCofP and a high risk strategy.

18.36. In 2016 / 2017 we are likely therefore to have no alternative but to deviate from the FLCofP concentrating on the inspection of the highest risk premises.

18.37 In 2016 / 2017 we will achieve the following:

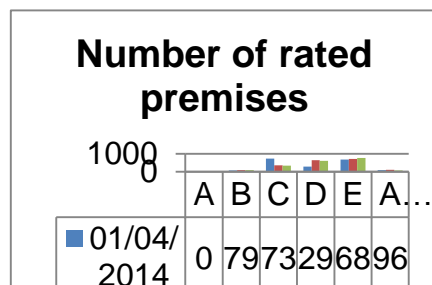
- 100% of A rated premises;
- 100% of B rated premises;
- 100% of C rated premises;
- 100% of the initial inspections of all premises awaiting a rating;
- D rated premises are unlikely to be routinely inspected;
- E rated premises will only be inspected where resource allow.

18.38. The number of 'A' 'B' 'C' 'D' and 'E' rated premises as of 1 April 2014, 13 June 2015 and 4 April 2016 are shown in **graph 10**.

18.39. It is clear from graph 10 that there has been a significant improvement in the number of premises obtaining a lower (and therefore "safer") risk rating. The improvement is particularly noticeable within the premises rated D and E. The number of D rated premises has increased by 103% since 2014, with the number of E rated premises increasing by 12% during the same period.

18.40. The numbers of premises awaiting inspection (AW) having submitted a registration form is higher than would be preferred. This is a further reflection of the level of resource available in this service.

Graph 10



19. Qualifications and experience

19.1. Qualification and training provisions are set out within Regulation (EC) No. 882/2004 on official controls (Regulation 882/2004). It should be noted that these requirements do not directly apply to the EHM as this officer has only indirect managerial responsibility for food law enforcement. Officers qualifications and experienced are detailed in **Appendix 4**.

20. Approved premises

20.1. Regulation (EC) No 853/2004 requires that food business establishments handling food of animal origin that fall under the categories for which Annex III lays down requirements must, with some limited exceptions, be approved by the competent authority.

20.2. Compliance with relevant requirements of Regulation 853/2004 is required in addition to full compliance with Regulation (EC) No. 852/2004. Registration under Article 6(2) of Regulation (EC) No. 852/2004 is not required for establishments that are subject to approval.

20.3. The BST currently regulates four Approved Premises. These are:

- Quattro Foods - 8 The Nelson Centre, Portfield Road, Portsmouth PO3 5SF;
- Viviers (UK) LTD - Shed 9 The Camber - White Hart Road, Portsmouth PO1 2JX;
- Johnsons Enterprises Limited - 4 Norway Road, Portsmouth, P03 5HT;
- Solent Fish - Marshlands Road, Farlington, Portsmouth, PO6 1ST

21. Food complaints

21.1 It is the responsibility of the BST to enforce the provisions of the Food Safety Act 1990 for complaints

concerning non-compliance with food safety requirements i.e. food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.

21.2. In 2012 and 2014 BST investigated a number of complaints relating to food which had 'not been of the nature or substance demanded by the purchaser' which led to two criminal prosecutions against businesses failing in their responsibilities to ensure their customers received precisely what they ordered. In 2016 / 2017 we will continue to have increasing regard to such issues.

21.3. The BST also enforces the provision of the Food Labelling Regulations 1996, which relates to 'Use-by' date labelling and quality issues. The BST carries out this function rather than our colleagues within the trading standards authority. Despite the introduction of the Food Information Regulations in 2014 (repealing the Food Labelling Regulations 1996) and all food businesses being required to declare if any of 14 identified allergenic ingredients are used in non-prepacked or loose foods that are sold or provided, the number of complaints relating to such remain exceedingly low.

21.4. All food complaints are investigated in accordance with guidance issued from Local Government Regulation 'Guidance on Food Complaints' and Codes of Practice.

21.5. Initial investigations into food complaints are given high priority, since these can give an indication of where the food supply chain has broken down. Such breakdowns may be one-offs or can indicate a problem that, if left unattended, could have serious consequences. Arrangements are in place

to contact the FSA where food complaints may have wider implications.

21.6. Where companies involved are unable to provide a satisfactory defence that they take all reasonable precautions and exercise all due diligence to prevent such a complaint, legal proceedings may be instigated. The decision to prosecute is taken at the recommendation of the officer concerned, in consultation with the Food Lead, through the BSTL, EHM and Director.

21.7. Whether to prosecute is a formalised procedure which is followed in all cases where prosecution or formal cautions are recommended. Only when 'in service' approval has been obtained will the Council's legal representative become involved.

21.8. A 'ramped approach' to enforcement is taken unless the incident is so serious that an immediate prosecution is the only appropriate course of action. In all cases the company / business and complainant are kept informed as to the progress of the complaint.

22. Primary authority

22.1. In April 2009 the Regulatory Enforcement and Sanctions Act introduced the Primary Authority Scheme. This is an arrangement where a Local Authority agrees to provide specialist advice to a company regarding its Food Safety arrangements and acts as a point of contact for other local authorities where its food may be sold.

22.2. The Primary Authority is usually where the head office for a company is situated. The Originating Authority is the authority where the unit which manufactured a product is situated. In principle any authority shall have regard to any information or advice it has received from any liaison with home and / or originating authorities and any authority, having initiated liaison with any home and / or Originating Authority, shall notify that Authority of the outcome.

22.3. In 2011 / 2012 the BST entered into Primary Authority agreements with the Southern Co-operative Limited and the Royal Navy. These relationships will continue in 2016 / 2017.

23. Advice to business

23.1. Although the BST is taking a stronger stance in relation to serious or persistent failings we, of course, realise that where food businesses break the law, it is often due to ignorance rather than intentional acts or omissions.

23.2. As a consequence, our strategy is to provide advice to business as the first step to improvement. This is at the core of our function.

23.3. In addition to the inspection regime, in 2016 / 2017 officers of the BST will write to / inform FBOs how they can achieve the highest possible FHRS score or comply with procedural advice offered by the FSA. An example is the FSA guidance which has been provided through 2015 and 2016 about their concerns over FBOs safely serving rare / undercooked burgers and the need to ensure food service

outlets do not cause avoidable food poisoning incidents because they have insufficient control measures in place.

23.4. BST has provided an increased level of information to 180 FBOs particularly in relation to new and forthcoming changes in legislation / best practice advice. In 2016 / 2017 the BST intends to continue this work and potentially deliver a FBO forum by which its members will be informed of, and be able to discuss, new initiatives and their implications.

23.5. An example of where such work is necessary is nutritional labelling, which became mandatory this year. The importance of this work is highlighted by the requirements of the regulations.

23.6 To sell food and drink products, the label must be:

- clear and easy to read;
- permanent;
- easy to understand;
- easily visible;
- not misleading.

23.7 For products sold loose or in catering businesses there is a requirement to show:

- the name of the food;
- if any of the ingredients have been irradiated, or have come from genetically modified sources;
- certain warnings;
- any supplemental food additives ;
- allergen information.

23.8 If food is packaged directly by an FBO all packaging must be suitable for food use. Suitable packaging is marked 'for food contact' or has a symbol on it that looks like a wine glass and a fork. There are special rules for using plastics, ceramics or cellophane for packaging. An FBO must have written evidence that they have kept to them.

23.9. BST officers will also provide advice on an ad hoc basis for businesses depending on need.

23.10. Resources to do not permit formal food hygiene training to be delivered by our officers. There are however many local providers. Advice is provided on training courses offered throughout Hampshire and the Isle of Wight by other authorities and training centres and particularly for courses offered in ethnic minority languages.

23.11. All new food businesses are assessed and if appropriate will, when possible, be inspected within 56 days of being identified. On registration an information pack containing advice on food standards, food safety and other relevant legislation will be supplied to the business offering a communication channel between the BST and the business. The initial visit will be undertaken to establish the scope of the businesses activity, identify its compliance with food standards legislation and determine the level of support required. An intervention programme will then be designed to reflect the needs of the business and be reviewed after one year. Interventions will then be programmed based on the risk assessment in accordance with the adopted plan.

24. Food sampling

24.1. The BST understands that a proactive, point of sale, food sampling programme provides useful information about the microbiological fitness of food for sale.

24.2. The Sampling Lead participates in the Portsmouth and South East Hampshire sampling group which has a co-ordinated food-sampling programme based on Food Standards Agency guidance, local government regulation and agreed local priorities.

24.4. As a result of governmental funding cuts our proactive sampling programme in 2016 / 2017 is likely to be reduced. The possible reduction in funding and sampling initiatives is likely to be felt nationally. Where sampling is undertaken it will be in accordance with:

- participation in local government regulation / Public Health Laboratory Service sampling initiatives;
- participation in European Union initiatives, when they occur;
- participation in local initiatives devised by the local sampling group (Wessex Environmental Monitoring Service (WEMS) User Group (East)) or by problems highlighted within Portsmouth.

24.5 Our work aims to inform policy makers and to provide better information to assist in future sampling programmes as well as determining levels of compliance with areas of concern. Available FSA funding covers the cost of sample collection and analysis, and finances additional work over and

above that which we are expected to carry out; however any non-compliance highlighted by the sampling results are expected to be followed up by us.

24.6 The 2015 / 2016 monitoring programme, amongst other foodstuffs, related to the "quality" of kebab meat, ready-to-eat salads and mincemeat.

24.7 The level of non-compliance can be found in **table 4** below. Of the 32 samples in relation to these foods 81% were found not to be of the nature demanded and warranted follow-up action.

Table 4

Type	No. of samples taken	No. of adverse samples
Ready to eat salads (chemicals):	2	2
Minced meat from butchers (quality and species)	20	17
Meat products from restaurants (kebab - species)	10	7

24.8. The provisions made for specialist services to assist with the analysis of our sampling regimes are:

- **Food Examiner:**
Hampshire Scientific Service, Hyde Park Road,
Southsea, Hampshire, PO5 4LL;

- **Food Analyst:**
Public Health England Microbiological Services, FW&E
Microbiology Laboratory - Porton, Salisbury, Wiltshire,
SP4 0JG.

25. Control and investigation of outbreaks and food related Infectious disease

25.1. The measures to be taken to control the spread of infectious diseases are contained in various Acts of Parliament and their associated Regulations. This legislation includes the control of food poisoning and food- and water-borne diseases.

25.2. Although the number of cases reported in Portsmouth is low, we acknowledge that the vast majority of cases are likely to go unreported. As a result of previous first-hand experiences we are extremely aware that a single case may lead to the discovery of an outbreak and could lead to a further outbreak if the person concerned is a food handler. We therefore give food poisoning cases the highest possible priority.

25.3. All investigations will follow those procedures laid out in the Hampshire and Isle of Wight Health Protection Unit Joint Outbreak Control Plan and associated procedures and guidance issued by the Health Protection Unit and the Communicable Disease Surveillance Centre.

25.4. All such investigations will be overseen by Food Lead, BSTL and EHM, and liaison will take place with Public Health England (PHE) based at our location in the Civic Offices.

25.5. The BST supports the Portsmouth and South East Hampshire Infectious Disease Forum and the Portsmouth Water Company Liaison Groups, which exist to promote best practice and consistency of approach between the neighbouring local authorities.

26. The Public Health Agenda

26.1. To ensure excellent liaison is maintained with PHE, members of the BST continue to participate in the joint working group.

26.2. Factors such as education, employment, environment, transport, planning, housing, and leisure services are crucial determinants of people's physical and mental wellbeing and impact on their life expectancy and this is why the EHM and BSTL are members of the group.

26.3. These wider social factors generally lie outside of the NHS and fit more closely with the work of the Environmental Health Service, so it is logical that we continue to have closer associations with PHE.

26.4. The 2010 Marmot Review 'Fair Society, Healthy Lives' gives more information about the impact of social factors on physical and mental wellbeing. Under the 2012 reforms, the Executive will work on the three key domains of public health: health improvement, health protection and health services.

26.5. In addition to having a general duty to improve local public health, PCC have taken on specific responsibilities for

commissioning a list of services, some of which (such as initiatives to tackle smoking, alcohol and drug misuse, obesity, increase physical activity and improve nutrition) are already part of our collective work.

26.6. In 2016 / 2017 the BST will engage further with Public Health in the delivery of the new public health agenda. Much of the work of the BST is unseen, for although it underpins the very fabric of public health it frequently only becomes visible when there is a problem. It is therefore necessary to maintain our capacity to respond effectively to real life- threatening problems, and our ability to respond to the growth agenda for business and the growing problem of health inequalities.

26.7. Working alongside PHE the BST will raise its profile and our importance to maintaining health. PHE has recently demonstrated a strong commitment to addressing many of the public health issues that we face in Portsmouth and to improving health and wellbeing.

27. Food alerts

27.1. Food alerts are received from the Food Standards Agency and directly to the BST by email.

27.2. The EHM, BSTL and Food Lead decide upon appropriate action in each case. Such actions may include mail shots, visits, local press releases etc. or an assessment that no further action is required.

27.3. The resource implication for alerts is unknown, as this depends upon the nature and type of alert, but existing resources usually perform this work as and when required.

27.4. In 2015 / 2016 in excess of 140 alerts and associated email correspondence were received from the FSA by the BST.

28. Training records

28.1. Officers keep copies of certificates of registration, qualifications and documents, and record on-going and revision training undertaken. These are managed by the BST Liaison Officer.

29. Staff development plan

29.1. Training has recently been centralised and a training plan for all employees has been developed by the centralised Learning & Development Team in consultation with each section. This plan recognises the need for professional officers to meet Continuing Professional Development (CPD) requirements.

29.2. The basic principles and ideals are:

- a duty to ensure that the team can meet all the demands that are placed upon it;
- an obligation to develop the potential of all its employees;
- regular and continual training and updating of skills in order to undertake officer responsibilities as necessary;

- a commitment to continual development of employees and services to ensure they are properly equipped to deal with future challenges;
- to ensure workforce and succession planning;
- to ensure all staff receive appropriate and mandatory customer service, governance and data protection training, to enable services to be designed and delivered to meet customer needs;
- to ensure officers attending training courses cascade information to the wider team.

29.3. This training may be provided through attendance of externally-organised courses and seminars or through in-house training activities.

29.4. The BST will carry out its own training of officers six times a year during two-hour meetings to cover the latest developments in legislative and regulatory advice. All training received will be documented as part of the Council's central training plan.

29.5. The BST is committed to providing ongoing CPD 20 hours per year as required by the FLCofP, and providing sufficient levels of training and experience to ensure we meet the requirements of Chapter 4, Section 4.7 of the FLCofP relating to qualifications and experience of staff.

30. Quality assessments

30.1. The Food Safety Act Code of Practice on Food Hygiene Inspections requires the BST to have an internal monitoring

system. The BST therefore has developed a series of Food Safety Procedures aimed at meeting the requirements of the FLCofP and official guidance. This is reviewed periodically and is used to ensure consistency and improvements in service delivery.

30.2. The Hampshire and Isle of Wight Food Advisory Committee utilises a system of Inter Authority Auditing (IAA). Engagement through the IAA will continue in 2016 / 2017 particularly in relation to competence compliance.

31. Service delivery monitoring

31.1. Together with the BSTL the FL monitors and assesses the BST to ensure a consistent approach to all service delivery tasks.

31.2. A revised protocol was devised in 2013 / 2014. In summary this comprised the FL accompanying officers on inspections (three per officer per year), and devising a new food inspection programme six times per year. The APP super-user designed an FBO intervention spread sheet in accordance with 'Making Every Inspection Count' and FSA auditing advice, to scrutinise irregularities in scoring, registration, inspection rates etc. This protocol will continue in 2016 / 2017.

32. Quality assurance systems

32. These consist of:

- daily support provided by Lead Officers / BSTL / EHM as required;
- monitoring of Notices prior to service / counter signatures required except in agency situations;
- further on-going review of 'standard' documentation (there is however no requirement for authorised officers to seek approval for such documents prior to delivery);
- random post-inspection checks of records and enforcement decisions by the FL and as necessary by the BSTL;
- occasional 'one per month' accompanied inspections by the FL with each member of staff. Details of these visits are recorded upon APP. Generally, unless there are specific H&S issues or enforcement action is imminent officers are expected not to carry out joint visits. All specific H&S issues / pending enforcement cases must be notified to Food lead / BSTL at the earliest opportunity;
- weekly team meetings, alternating between 'case issues' and training for CPD processes, and EHM attends one each month;
- annual one-to-one work review / supervision meetings to discuss casework with BSTL;
- annual PDR Performance Management and Development review meetings between EHM / BSTL;
- attendance at training / seminars and other exercises, which are organised to aid consistency and cascade training, and occasional briefings to aid consistency totalling 20 hours per year.

33. Food business establishment records

33.1. The BSTL, Food Lead and the APP 'Super User' (SU) maintains the database of food business establishments which have been registered, approved or conditionally approved.

33.2. In 2013 / 2014 it was necessary to review the manner in which records were kept and the transition from the paper to electronic filing system had never been undertaken. The transition is complete.

33.3. It is recognised that a complete, up-to-date and accurate database is essential in order to identify data inconsistencies and errors, and to enable inspection programmes to be delivered.

33.4. The BSTL, Food Lead and APP SU ensures that all premises are recorded, duplicates are removed, and the move from paper to electronic records was managed and recorded, to ensure all necessary information is now recorded and retrievable.

33.5. Routine monitoring and data management checks will be devised in order to maintain an effective system.

33.6 In 2016 / 2017 BST is exploring the use of alternative databases in a cost-saving exercise. This is likely to include the delivery of a new database in 2017 / 2018 following the transfer of historical records.

34. Proportionality and consistency to enforcement

34.1. The BST BSTL ensures that enforcement action taken by authorised officers is reasonable, proportionate, risk-based, and consistent with good practice and that account is given to the full range of enforcement options.

34.2. These include educating food business operators, giving advice, informal action, sampling, detaining and seizing food, serving Hygiene Improvement Notices / Improvement Notices, Hygiene Prohibition Procedures / Prohibition Procedures and prosecution procedures.

34.3. Except where circumstances indicate a significant risk, officers are required to operate a graduated and educative approach (*the hierarchy of enforcement*) starting at the bottom of the pyramid (i.e. advice / education and informal action) and only move to more formal action where the informal action does not achieve the desired effect.

35. Food law enforcement policy

34.1. The BST has reviewed our documented Food Law Enforcement Policy and have acknowledged that a more centralised consistent approach is required.

35.2. The BST Food Enforcement Policy was last reviewed in 2013 / 2014. Departures from this Policy will be exceptional and the reasons for any departure will be recorded.

35.3. In deciding the type of enforcement action to take, an authorised officer will have regard to:

- the nature of the breach and the history of compliance of the food business operator; or
- in the case of new businesses, an assessment of the food business operator's willingness to undertake the work identified by the officer.

35.4. It is important that the full range of enforcement options remains open to authorised officers. We have not adopted policies where the number of hygiene improvement notices served or the number of other legal processes, such as prosecution or formal caution, is an indicator of performance. All correspondence will continue to identify each contravention and the measures which, in the opinion of the officer, could be taken in order to secure compliance and will contain an indication of the time scale suggested for achieving compliance.

36. [Operating plan review](#)

36.1. The EHM will further review the 2016 / 2017 Operating Plan in 12 months.

Appendix 1 - List of enactments - BST responsibilities

Public Health Act 1936 and 1961
Public Health (Ships) Regulations 1979 (as amended)
The Food and Environment Protection Act 1985
Public Health (Control of Disease) Act 1984
The Health Act 2006
Prevention of Damage by Pests Act 1949
Pet Animals Act 1951
Animal Boarding Establishments Act 1970
Riding Establishments Act 1970
Breeding of Dogs Acts 1973 and 1999
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Dangerous Wild Animals Act 1976
Sunday Trading Act 1994
Zoo Licensing Act 1981
Food Safety Act 1990, Section 5
Section 9 - Authority to inspect, detain, seize
Section 10 - Authority to serve Improvement Notices
Section 12 - Authority to serve Emergency Prohibition Notices
Section 29 - Authority to take samples
Section 30 - Authority to submit samples for analysis
Section 32 - Authority to enter premises at all reasonable hours, detain and seize documents.
Any regulations or orders made thereunder or having effect by virtue of the European Communities Act 1972 relating to food safety or animal feedstuff and any amendment or re-enactment of the foregoing and including the following:-

Food Safety and Hygiene (England) Regulations 2013
The Official Feed and Food Control (England) Regulations 2009
The Products of Animal Origin (Third Country Imports)(England) Regulations 2006 (as amended)
Animal By-Products Regulations 2005
The Products of Animal origin (Import and Export Regulations 1996 (as amended)
The Organic Products (Imports from Third Countries) Regulations 2003
All applicable EU emergency control regulations currently in force

Appendix 2 - Officers and responsibilities

Name and job title	Date appointed	No. of years' experience	FTE on food enforcement 2013 / 2014	Qualifications	Areas
Richard Lee EH Manager	1 st July 2010	-	Management only	Various - in multiple functions across service	-
Steven Bell BSTL	1 st July 2010	21+	0.5	Diploma in Consumer Affairs (DCA) inc Food paper Diploma in Trading Standards (DTS) Higher Certificate in Food Premises Inspection (Pending)	All areas relating to Food Standards
Christopher Larkin EHO	1 st Sept 2012	7+	0.7	Diploma in Environmental health. Masters Degree in Environmental health Law	All Areas

Donna Harvey EHO	1 st May 2013	10+	0.7	Degree in Environmental health	All Areas
David Jones EHO (Port Health)	4 th Jan 1977	31+	0.5	Diploma In Environmental health	All Areas
Aimee Cartwright EHO	2 nd Aug 2004	11+	0.4	Degree In Environmental health	All areas
Tina Dowell-Lucas EHO	4 th Oct 2004	11+	0.2	Degree In Environmental health	All areas
Debra Jones EH Inspector	30 th Nov 1981	21+	0.3	Ordinary Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice
Stephen Lucking EH Inspector	24 th Feb 1992	21+	0.5	Higher Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice

Appendix 3 - BST Lead officer responsibilities (food related)

Business Support Team Leader is responsible for coordinating:

- the feasibility, implementation, delivery, monitoring, review and assessment of operational and business plans, service delivery policies and strategies with respect to the core service functions; food, health and safety, port operations, sampling, infectious disease and animal welfare;
- the development and execution of robust, consistent approaches to service delivery;
- the appraisal of, and compliance with the requirements of the Food Standards Agency, Public Health England and the Health and Safety Executive and other governmental regulators/consultants/partners;
- the team's judicial arrangements, inspection/intervention and enforcement protocols;
- our statutory obligations including evaluation and adoption of legislative changes, and the authorisation of enforcement actions;
- service liaison, engagement and involvement with local, regional and national stakeholders where possible in parallel with lead officer responsibilities;
- the delivery of 'primary authority' relationships (overseeing / monitoring);
- the administration and delivery of statutory returns, audits and operational frameworks (Memorandums of Understanding/Service levels Agreements);
- the management of income streams;

- data collection and data storage;
- equipment needs, staff training/safety and support, succession development and contingency planning.

Food Standards Lead is responsible for coordinating the:

- legal requirements covering service enforcement responsibilities in terms of assessing compliance with the relevant legislation in regard to the quality, composition, labelling and presentation of food and the advertising of food materials and articles in contact with food;
- activities involving animal feed including sampling and post sampling procedures.

Food Safety/Hygiene Lead is responsible for coordinating:

- service delivery with respect to food businesses and their compliance with food hygiene regulations;
- organising the delivery and overseeing/monitoring inspection and interventions of food businesses in accordance with service plans and in accordance with FLCofP requirements;
- the provision of best practice advice and information to fellow officers and food business operators;
- the investigation of food poisoning and food complaints;
- the promotion of good hygiene practices in commercial and domestic premises;
- food business operators compliance with their legal obligation to provide the general public with food products that are safe to eat;

- the consistency and quality of inspection protocols.

Port Operations Lead is responsible for coordinating:

- ship inspections on board cruise liners, ferries, merchant vessels, small passenger vessels and pleasure craft to ensure compliance with UK and international standards for food safety, hygiene and sanitation;
- infectious disease control on incoming vessels and partnership ship inspections with the Consultant in Communicable Diseases Control and the Health Protection Agency;
- the investigation and control of food poisoning incidents on incoming vessels and from food premises located within the port;
- the monitoring of the quality of water supplies supplied to vessels;
- the inspection of vessels for rodent activity and the issue of certificates;
- the monitoring and compliant disposal of waste foodstuffs from vessels;
- the monitoring and maintenance of a system of imported food surveillance through the pre-notification of imported foods not of animal origin from third countries by forwarding agents and partnership working with Her Majesty's Revenues & Customs;
- physical examinations of products not of animal origin imported from third countries and checking authenticity of mandatory papers of those classified under specific Emergency Controls to ensure compliance;

- the monitoring of imports of food not of animal origin from third countries and inspect and take samples of new, unusual, suspect, incorrectly labelled and/or controlled foodstuffs;
- the verification of certificates of organic produce;
- the response to and notification of Rapid Alerts to interested parties to ensure suspect foodstuffs to be adequately controlled;
- the sampling programme of imported foods to ensure that is safe and wholesome and of the quality and composition demanded;
- the sampling of food products to ensure consumers are protected in accordance with the requirements of the FFA (surveys, identification of poor hygiene practices, verifying food safety management systems).

Sampling Lead is responsible for coordinating the:

- preparation of a sampling programme and devising our intended food sampling priorities;
- sampling concerned with the investigation of complaints about food and in response to local or national food hazard warnings or incidents;
- delivery of effective monitoring and enforcement of standards relating to the safety, composition and quality of foods;
- actions necessary to ensure that foods meet the relevant legal requirements and comply with relevant legislation.

Infectious Diseases Lead is responsible for coordinating the:

- investigation of outbreaks of infectious diseases and food poisoning;
- collection of samples and their analysis;
- delivery of general advice on infectious disease control, in particular the precautions to be taken to prevent further spread of infectious disease;
- investigation of complaints about the fitness of food linked to infectious disease cases;
- communication, liaison and investigation with G.P.s and the Consultant in Communicable Disease Control with regard to food-borne infections and resultant actions.

Shellfish Control and Seawater Sampling Lead is responsible for coordinating the:

- collection and analysis of shellfish to ensure bivalves meet the appropriate food safety standards for processing;
- classification, opening and closure of beds (and notification of such) as necessary;
- monitoring of shellfish movement documents issued to fisher persons harvesting bivalves as necessary;
- delivery of an on-going sampling programme to monitor the condition of bathing water and assessment of potential contamination streams.

13.8. Primary Authority Relationship Lead is responsible for coordinating the:

- advice and guidance to the business in respect of the regulated functions within the scope of any partnership;
- advice and guidance to other local authorities in relation to how the other authorities should exercise their enforcement functions in respect of that business.

Appendix 4 - Officer qualifications and experience

Sampling

Samples for microbiological examination or chemical analysis are only taken by authorised officers who are properly trained in the appropriate techniques and competent to carry out the duties assigned to them. Sampling in accordance with the provisions of the Food Hygiene (England) Regulations 2006 or the Food Safety (Sampling and Qualifications) Regulations 1990 and this Code of Practice is only undertaken by officers meeting the relevant requirements. These requirements do not apply where no formal action would be taken following sampling.

Food hygiene

Food hygiene and safety after primary production / at primary production, and those associated operations listed in Annex 1 of Regulation 852/2004 are undertaken by suitably qualified and experienced EHOs. Any EHO can take any necessary enforcement action in respect of the establishments in which these processes are carried out.

Officers authorised to undertake food hygiene and safety official controls, with the exception of sampling, will hold one of following:

- Certificate of Registration of the Environmental Health Registration Board;
- (EHRB) or Diploma in Environmental Health (or its antecedents) awarded by EHRB or the Royal

Environmental Health Institute of Scotland (REHIS) or The Higher or Ordinary Certificate in Food Premises Inspection.

Officers inspecting food business operators' procedures based upon HACCP principles will be able to demonstrate the following competencies:

- identify, by means of an audit, the need for improved food safety control in establishments having regard to the nature and size of the business;
- assess the quality of food safety hazard identification in a food business;
- assess the quality of CCP identification in a food business;
- assess the suitability of controls in place and their monitoring at CCPs;
- assess the verification and review by business operators of procedures based on HACCP principles;
- promote and support the implementation of procedures based on HACCP principles appropriate to the nature and size of the business;
- explain the principles of hazard analysis to food business operators or managers in terms appropriate to the nature and size of the business;
- specify targets for improved control of food safety hazards;
- provide advice on carrying out hazard analysis and implementing controls in terms appropriate to the nature and size of the business;

- explain, where appropriate, the relationship between HACCP systems (based on Codex) and other procedures based on HACCP principles;
- secure compliance with procedures based upon HACCP principles as required in legislation, appropriate to the nature and size of the business;
- explain the legal requirements in relation to procedures based on HACCP principles;
- secure progress towards compliance by discussion and persuasion;
- secure compliance by the issue of notices;
- secure compliance through the courts (and gather and preserve evidence in a form usable in court).

The following establishments should be inspected only by an EHO holding the Higher Certificate in Food Premises Inspection:

- All establishments which attract a minimum intervention frequency in accordance with the FLCofP.

In accordance with the FLCofP "Chapter 4 - Qualification and experiences" officers will process the relevant baseline qualifications, and the FL, BSTL and EHM will consider the relevant competence needed for all food roles building these into officers' personal development reviews to enable full compliance of Chapter 4 as soon as possible after 6th April 2016.

The BST has worked hard to ensure compliance with the requirements of Chapter 4 over the last six months and seeks to ensure complete compliance within 2016 / 2017.

Authorisation / Delegated Authority – EHM responsibilities:

- Under PCC Standard Orders the Director for RS&CS can authorise staff in accordance with this procedure on the recommendation of the EHM;
- In view of the various staff changes and the consistently higher level of enforcement action taken since 2012 / 2013, a review of the necessary authorisations has recently been completed and these will continue to be periodically reviewed in the future;
- to ensure staff are authorised in accordance with this procedure after establishing that the required qualifications and competencies have been met;
- to ensure that no member of staff is authorised to carry out food hygiene inspections, serve notices or inspect, detain or seize food unless they are competent, suitably qualified and have relevant experience as specified in the FLCofP;
- to ensure that the authorisation documents held by the individual officers comply with current legislation. Where the EHM is satisfied that the member of staff meets the requirements of the FLCofP and other relevant guidance, he arranges for the necessary

authorisation documents to be drafted and then signed by the Head of RS&CS;

- to ensure that officers will not be authorised to serve Hygiene Improvement Notices unless they can demonstrate a working knowledge of:
 - the principles of HACCP;
 - general inspection procedures;
 - appropriate legislation;
 - food safety act FLCofP;
 - former LACORS advice on the drafting of notices;
 - Departmental enforcement policy;
 - Departmental procedure for the service, withdrawal and extensions of notices;
 - PACE.

In addition, the EHM certifies that officers will not be authorised to serve Hygiene Emergency Prohibition Notices unless they can demonstrate they are able to:

- define 'imminent risk of injury to health;
- explain the circumstances in which the prohibition notice may be appropriate;
- draft a Hygiene Emergency Prohibition Notice, Notice of application for Emergency Prohibition Order, Notice of Continuing Risk to Health and Certificate that there is no longer a risk to health;
- explain the correct procedure and sequence of events relating to the service and follow up action required for Notices, Applications and Orders as required by the legislation, FLCofP and departmental procedures.

The EHM has no direct managerial responsibility for the inspection of FBOs in accordance with FLCofP. EHM is however responsible for all other aspects of service delivery.

EHM ensures that authorised officers receive relevant structured on-going training in accordance with FLCofP.

Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Director of Regulatory Services and Community Safety

**Function e.g. HR,
IS, carers:**

Environmental Health

Title of policy, service, function, project or strategy (new or old) :

Food Operating Plan 2016 / 2017

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

The aim of the policy is to:

- update the Cabinet Member for Environment and Community Safety on the current level of food business hygiene compliance in Portsmouth
- set out the programme of inspection during 2016 / 2017
- highlight service risks and non-compliances with the Food Law Code of Practice (FLCofP)

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

The policy highlights a reduction in programmed food hygiene inspection rates, which could have a detrimental effect on Food Business Operators (FBOs)

Food hygiene inspections give businesses a opportunity to seek advice and education in relation to food law and good practice

Less inspections will mean FBOs will have reduced opportunities to acquire advice which could result in greater likelihood of falling standards in food hygiene and non-compliances with the law

Officers will inspect businesses less so imminent risks to health may not be identified. This could result in more risk to public health and an increase in food poisoning across the city

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other excluded groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sexual orientation

Religion or belief

Pregnancy and maternity

Other excluded groups

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

Q7 - How have you come to this decision?

It is unclear if the policy will have a negative impact on members of equality groups
It is unclear if the policy will help promote equality for members of equality groups
There no current feedback from equality groups that is available to influence, affect or shape the policy

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Environmental Health practitioners involved with the inspection of FBOs

This EIA has been approved by: Richard Lee, Environmental Health Manager

Contact number: 023 9283 4857

Date: 01 June 2016

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

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Equality Impact Assessment

Full assessment form v5 / 2013

www.portsmouth.gov.uk

Directorate:

Director of Regulatory Services and Community Safety

**Function e.g. HR,
IS, carers:**

Environmental Health

Title of policy, service, function, project or strategy (new or old):

The Food Operating Plan 2016 / 2017 - includes an inspection plan for food business operators (FBOs) 2016 / 2017

Type of policy, service, function, project or strategy:

New / proposed

Changed

Existing

Lead officer

Richard Lee

People involved with completing the EIA:

Richard Lee
Aimee Cartwright

Introductory information (Optional)

The statement of purpose for the Food Operating Plan is:

To protect public health and contribute to a healthy community in Portsmouth by ensuring the safety, wholesomeness and quality of food through education and appropriate enforcement

Implementation will not affect the concept of fairness established under the adoption of the prescriptive inspection procedures produced by the government in 2011. These ensure that all food establishments are inspected and enforced equally regardless of ethnicity or cuisine type

Step 1 - Make sure you have clear aims and objectives

What is the aim of your policy, service, function, project or strategy?

The aim of the policy is to:

- update the Cabinet Member for Environment and Community Safety on the current level of food business hygiene compliance in Portsmouth
- set out the programme of inspections during 2016 / 2017
- highlight service risks and non-compliances with the Food Law Code of Practice (FLCofP)

Who is the policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

The implementation of the food operating plan could potentially interact with all parts of the community

Officers provide services that benefits all businesses / organisations and all individuals that reside, visit or work in Portsmouth

The policy highlights a reduction in programmed food hygiene inspection rates, which could have a detrimental effect on FBOs

Food hygiene inspections give businesses a opportunity to seek advice and education in relation to food law and good practice

Less inspections will mean FBOs will have less opportunity to acquire this advice. This could result in increased likelihood of falling standards in food hygiene and non-compliances with the law

Officers will inspect businesses less so imminent risks to health may not be identified. This this could result in greater risk to public health and an increase in food poisoning across the city

What outcomes do you want to achieve?

To protect public health and contribute to a healthy community in Portsmouth by ensuring the safety, wholesomeness and quality of food through education and appropriate enforcement

What barriers are there to achieving these outcomes?

FBO compliance with food law
An increase in the number food businesses within Portsmouth
Reduction in the total number of food hygiene inspections carried out per year
Reduction in the levels of staff resource and number of full time equivalent officers

Step 2 - Collecting your information

What existing information / data do you have? (Local or national data) If you don't have any data contact the Equalities and diversity team for some ideas

The number of FBOs registered with PCC
The types of food businesses registered with PCC
The total number of food hygiene inspections carried out per year
The number of broadly compliant food hygiene premises per year
The number of enforcement actions taken against food businesses per year
The number of complaints received regarding food businesses per year

Using your existing data, what does it tell you?

The number of FBOs registered with PCC since 2012 / 2013 has increased by 13%
The food business category 'restaurant / café / caterer' increased at the greatest rate - 21% since 2012/2013. It is not known what equality groups are included in each food business category
The total number of food hygiene inspections carried out per year has reduced. It is not known what impact this may have on different equality groups
The number of broadly compliant premises (those premises rated '3', '4' or '5') has remained static since 2013
In 2015 / 2016 the levels of voluntary closure of a food business requested by an officer were the highest recorded, being 63% higher than in 2014 / 2015
The number of prosecutions against food businesses has increased since 2013. It is not entirely known what equality groups are prosecuted against
The number of food hygiene complaints regarding food premises has significantly reduced since 2012 (50% reduction). It is unknown the equality groups of customers making complaints

Step 3 - Now you need to consult!

Who have you consulted with?

None

If you haven't consulted yet please list who you are going to consult with

More information is needed to cover all the equality groups. There is a need to ensure that risk-based approach to the statutory and regulatory inspection

and enforcement of food business operators addresses all equality groups. If enforcement action is taken against a specific equality group and why

Need to consult FBOs

Please give examples of how you have or are going to consult with specific groups or communities e.g. meetings, surveys

When customers are completing food registration forms - legal requirement upon opening

Possibly, during food hygiene inspections (need to gather equality data on language, disability and ethnicity status of service recipients)

Step 4 - What's the impact?

Is there an impact on some groups in the community? (think about race, gender, disability, age, transgender, religion or belief, sexual orientation, pregnancy and maternity and other socially excluded communities or groups)

Generic information that covers all equality strands (Optional)

Ethnicity or race

Language - officers being unaware of FBOs preferred first language

Currently information concerning the first language of the recipients of food hygiene inspections is recorded on inspection form - this information is not however submitted to the database (APP) so analysis of data / demand is difficult

Language - City Help Desk likely to be unaware of customers preferred first language when making a complaint regarding a food business

The lack of awareness of the City Help Desk within the different communities

Gender including transgender

Unlikely to be relevant to the food operating plan and inspection regime

Age

Lack of understanding of issues / requirements affecting individuals accessing services

Disability

Lack of understanding of issues / requirements affecting individuals accessing services

Lack of data regarding disability in relation to use of / or satisfaction with the service

Religion or belief

Lack of data in relation to religion or belief - use of / or satisfaction with the service - types of foods prepared / requirements in relation to food preparation

Sexual orientation

Lack of data in relation to the use of the service - unlikely however to be relevant to the food operating plan and inspection regime

Pregnancy and maternity

Reduction of inspection frequency and identified possible deterioration in standards may possibly impact upon this group

Other socially excluded groups or communities e.g. carers, areas of deprivation, low literacy skills

Take up of the services and advice by socially and / or economically excluded individuals, such as people with low literacy skills unknown - links to an understanding of the food hygiene law, understanding of food hygiene report forms and the compliance requirements that are expected to meet - could led to non-compliance and increased risk of prosecution

Health Impact

Have you referred to the Joint Needs Assessment (www.jsna.portsmouth.gov.uk) to identify any associated health and well-being needs?

Yes No

What are the health impacts, positive and / or negative? For example, is there a positive impact on enabling healthier lifestyles or promoting positive mental health? Could it prevent spread of infection or disease? Will it reduce any inequalities in health and well-being experienced by some localities, groups, ages etc? On the other hand, could it restrict opportunities for health and well-being?

The continuation of a risk-based approach to the statutory and regulatory inspection of food businesses could create a positive impact on enabling healthier lifestyles (through nutrition advice given during inspections) and could possibly prevent the spread of food poisoning and disease

Conversely the reduction in the number of inspections could result in restricting opportunities for health and wellbeing

Health inequalities are strongly associated with deprivation and income inequalities in the city. Have you referred to Portsmouth's Tackling Poverty Needs Assessment and strategy (available on the JSNA website above), which identifies those groups or geographical areas that are vulnerable to poverty? Does this have a disproportionately negative impact, on any of these groups and if so how? Are there any positive impacts?, if so what are they?

Deprivation and income equalities may impact upon the nutritional quality of the food consumers purchase / the manner in which in is prepared. These issues are however unlikely to be relevant to the food operating plan and inspection regime

Step 5 - What are the differences?

Are any groups affected in a different way to others as a result of your policy, service, function, project or strategy?

Environmental Health aims for all communities and groups to have access to their services. Currently, the inspection of FBOs requires ratings to be published on the FSA national website. Any possible future requirement for the mandatory display of hygiene ratings at the food business premises will further reduce inequalities to those who do not have access to the internet. Having a food hygiene rating displayed at food establishments that can be easily seen by the consumer is an effective way of ensuring that all have equality of access to information. The equality of access to information also has a positive impact on age discrimination as the level of internet use falls with age and the elderly are more vulnerable to food borne disease. To meet impacts on race equality, the 2016 / 2017 delivery of the inspections require consideration of a variety of languages. For the enforcement of the scheme, where inspections need to be carried out in languages other than that of the inspecting officer provision in advance of the planned inspection may be required. The Human Rights Act 1998 has been considered as part of the screening equality assessment and articles 6 (right of fair trial), 7 (no punishment without law) and rights contained within 13 (right to an effective remedy) are of some relevance but overall the policy for 2016 / 2017 is not thought to adversely affect human rights legislation. We have no evidence to indicate a differential impact for Gender and Gender Reassignment, Religion and Belief and Non-Belief, Sexual Orientation, Pregnancy and Maternity or Civil Partnerships.

Does your policy, service, function, project or strategy either directly or indirectly discriminate?

Yes No

If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

Step 6 - Make a recommendation based on steps 2 - 5

If you are in a position to make a recommendation to change or introduce the policy, service, project or strategy clearly show how it was decided on

There has been an increase in demand for the service due to a rise in the number of food business operators within Portsmouth since 2015, whilst staff resources over the same period have decreased

The number of food hygiene inspections carried out per year has reduced

The number of food premises closed as a result of an imminent risk to public health identified during an inspection. The number of premises prosecuted for serious legislative breaches of has increased

What changes or benefits have been highlighted as a result of your consultation?

[Empty text box for consultation changes]

If you are not in a position to go ahead what actions are you going to take?

(Please complete the fields below)

Action	Timescale	Responsible officer
Acquire information in relation to groups as identified in respect to inspection of premises	12 months	Businesses Support Team Leader
Investigate the need to acquire / produce / test success of delivering key literature in alternative formats		

How are you going to review the policy, service, project or strategy, how often and who will be responsible?

The manager will have responsibility for future monitoring by:
data collection and analysis
annual review of the service
assessment of complaints

Step 7 - Now just publish your results

This EIA has been approved by: Richard Lee, Environmental Health Manager

Contact number: 023 9283 4857

Date:

01 June 2016

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your full EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

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