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<b>REPORT TO</b>	Cabinet Council
<b>DATE:</b>	14 December 2005 1 March 2006
<b>DEPARTMENT:</b>	Environment Overview and Scrutiny Commission
<b>REPORTING OFFICER:</b>	Chairman of the Environment Overview and Scrutiny Commission Councillor Heather Adderley
<b>SUBJECT:</b>	<b>GM FOOD</b>
<b>WARDS AFFECTED:</b>	All
<b>FORWARD PLAN REF:</b>	N/A

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## **1.0 PURPOSE OF REPORT**

- 1.1 In June 2003 Friends of The Earth requested Harrogate Borough Council to adopt a policy to become GM Free and in particular to commit to the following:
- To adopting a GM-free policy for all goods and services for which the council is responsible
  - To ensuring that no GM crops are grown on land over which it has control
  - To considering each prospective Genetically Modified Organism (GMO) Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission requesting that a condition under Article 19(3)(c) of 2001/18/EC be added to such marketing consent so as to exempt the Harrogate District from the scope of such consent
- 1.2 This request was then referred by the Cabinet Member for Environmental Health to the Environment Overview and Scrutiny Commission who requested that it undertake an investigation into whether Harrogate Borough Council should become a Genetically Modified (GM) Free Council. At its meeting held on 16 February 2004 The Environment Overview and Scrutiny Commission agreed to undertake this review.

1.2 This report is therefore the Final Report of the Environment Overview and Scrutiny Commission and details the work undertaken and relevant Findings.

## **2.0 RECOMMENDATION/S**

2.1 It is recommended that Cabinet support the Findings of the Commission (detailed in 7.0) based on the request from Friends of the Earth.

## **3.0 RECOMMENDED REASON/S FOR DECISION/S**

3.1 To enable the Commission to address the request by the Cabinet Member for Environmental Health to consider the issue

3.2 To enable the Commission to advise Cabinet/Council on the issue of Genetically modified (GM) Food and incorporate relevant amendments to Council policy.

3.3 To enable the Council to address the original request and proposals from Friends of the Earth regarding GM Food.

## **4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION**

4.1 Not to consider the issue of GM Food was not considered for the following reasons:

a) It would not address the request by the Cabinet Member for Environmental Health to consider the issue

b) It would not enable the Council to consider the issue of GM Food and incorporate relevant amendments to Council policy

c) It would not address the original request and proposals from Friends of the Earth regarding GM Food

## **5.0 THE REPORT**

### **Review Process**

**5.1 Details of the work undertaken by the Commission is attached at APPENDIX A.**

5.2 The Commission agreed that it would undertake the review over a number of meetings. The first stage in this process would be to consider appropriate background information to provide the Commission with appropriate documentation regarding GM food. It then agreed to invite organisations for and against GM food to speak at a public meeting with other organisations and members of the public also invited to attend. Each proposal by Friends of the Earth was then considered at separate meetings to enable it to agree

appropriate Findings on these issues. A copy of the scope is also attached at **APPENDIX B**

- 5.3 Details of the information received by the Commission and the public meeting regarding GM food is attached at **APPENDIX C**.
- 5.4 The proposals from Friends of the Earth were then considered at specific Commission meetings

**Adopting a GM-free policy for all goods and services for which the council is responsible**

- 5.5 At its meeting held on 20 June 2005 the Commission received evidence from the Corporate Improvement officer (Governance) regarding research undertaken on an overview of the types of catering supplies, key suppliers involved and their stated position in relation to GM supplies. Details of the consideration by the Commission is attached at **APPENDIX D**
- 5.6 At the meeting held on 12 September 2005 the Commission received evidence from the Scrutiny Officer concerning restricting the use of GM food on Council-controlled land, to considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission and declaring the Harrogate District a GM free zone.
- 5.7 The evidence consisted of information from Departments within the Council and also work undertaken by other Councils including East Riding of Yorkshire Council who had also investigated these issues. Details of the Commissions' consideration of these issues is attached at **APPENDIX E**

**6.0 COMMISSION MEETING 24 OCTOBER 2005**

- 6.1 At the Commission meeting held on 24 October 2005 the Environment Overview and Scrutiny Commission considered all the evidence that it had received concerning GM food. It based its discussions on the commitments that Friends of the Earth had requested the Council to undertake.

**Adopting a Policy to become GM Free**

- 6.2 The Commission agreed that the Council could not practically adopt a full GM free policy but did support the principle. It therefore agreed that the Council should commit as far as possible to become GM free by encouraging the use of GM free products

**Adopting a GM-free policy for all goods and services for which the council is responsible**

- 6.2 The Commission recognised that there were a number of issues relating to existing supplier information and their ability to be completely GM free and supply chains and monitoring (See **APPENDIX D**).

- 6.3 It was noted that if this proposal was adopted it would be practically un-enforceable and that a more practical approach could be to have a policy that promoted GM free products throughout the Council accepting that it could only be actively considered where the Council had, or was intending to have, a contractual relationship with the supplier

**Ensuring that no GM crops are grown on land over which the Council has control**

- 6.4 The Commission noted that the evidence indicated that in all agreements where existing tenancies are in place the Council does not effectively have the legal power to impose on tenants a requirement that they do not grow GM crops (See **APPENDIX E**)
- 6.5 There was also some uncertainty as to whether the Council could introduce a requirement that no GM crops are to be grown in new tenancies or in existing tenancies by agreement (See **APPENDIX E** ).
- 6.6 The Commission agreed with the view that there would be no scope for banning Council house tenants growing GM plants in their gardens as the ban would be effectively un-enforceable. Tenants could be given information about GM crops and the Council's stance on this issue, and then asked not to use GM plants in their gardens
- 6.7 The Commission agreed that it would not recommend that further legal opinion was sought to ascertain if the Council had the power to include restrictions on the growth of GM crops in new tenancies or in existing tenancies by agreement.
- 6.8 The Commission agreed that the Council could write to all tenants promoting GM free crops/products.

**To considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission requesting that a condition under Article 19(3)(c) of 2001/18/EC be added to such marketing consent so as to exempt the Harrogate District from the scope of such consent**

- 6.9 The Commission agreed that the evidence received indicated that such a condition would be beyond the powers of this Directive (See **APPENDIX E**) and therefore concluded that there was no justification to seek such an exemption for each prospective GMO Marketing Consent.

**Declaring the Harrogate District to be a GM Free Zone**

- 6.10 The Commission considered that the evidence indicated that the Directive above does not give the Secretary of State power to declare areas GM free

and there was no power to declare that GMO's should never be used in a particular area (See **APPENDIX E**).

6.11 The Commission considered what declaring the Harrogate District to be a GM free zone could mean to the public taking into account the limitations on any potential Council action (See **APPENDIX E**).

6.12 The Commission agreed that in light of the evidence received it could not recommend that the Council declared that the Harrogate District was GM free but did agree that "encouraging GM free in the Harrogate District" would be more appropriate.

## **7.0 SUMMARY OF FINDINGS**

7.1 (1) The Commission agreed the following based on the request from Friends of the Earth.

### **Adopting a Policy to become GM Free**

a) The Council cannot practically adopt a full GM free policy but should support it as far as possible by encouraging the use of GM free products

### **Adopting a GM-free policy for all goods and services for which the council is responsible**

b) This proposal cannot be adopted in full but the Council should have a policy that promotes GM free products throughout the Council accepting that it could only be actively considered where the Council had, or was intending to have, a contractual relationship with the supplier ie where practical

### **Ensuring that no GM crops are grown on land over which the Council has control**

c) This proposal cannot be adopted but the Council should support it as far as possible by writing to all tenants (including Council house tenants) promoting GM free crops/products

**To considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission requesting that a condition under Article 19(3)(c) of 2001/18/EC be added to such marketing consent so as to exempt the Harrogate District from the scope of such consent**

d) This proposal should not be adopted

### **Declaring the Harrogate District to be a GM Free Zone**

- e) The Council cannot declare that the Harrogate District was GM free but should support it as far as possible by “ encouraging GM free in the Harrogate District”

- (2) The Commission agreed that the report be referred to Cabinet and Council

**8.0 CONCLUSION**

8.1 In June 2003 Friends of The Earth requested Harrogate Borough Council to adopt a policy to become GM Free and in particular to commit to a number of proposals.

8.2 The Commission agreed that it would undertake the review over a number of meetings. The first stage in this process would be to consider appropriate background information to provide the Commission with appropriate documentation regarding GM food. It then agreed to invite organisations for and against GM food to speak at a public meeting with other organisations and members of the public also invited to attend. Each proposal by Friends of the Earth was then considered at separate meetings to enable it to agree appropriate Findings on these issues.

8.3 The Commission agreed that in light of the evidence received it could not recommend that the Council declared that the Harrogate District was GM free but did agree that “ encouraging GM free in the Harrogate District” would be more appropriate. It also agreed that the Council could not practically adopt a full GM free policy but did support the principle. It therefore agreed that the Council should commit as far as possible to becoming GM free by encouraging the use of GM free products this included writing to all tenants (including Council house tenants) promoting GM free crops/products

8.8 The Commission agreed that the report be referred to Cabinet and Council

**Background Papers** – Copies of all documents detailed in the report are available on request.

**OFFICER CONTACT:** Please contact Mr M Codman, Scrutiny Officer if you require any further information on the contents of this report. The officer can be contacted at the Council Offices Crescent Gardens Harrogate HG1 2SG by telephone on 01423 556153 or by Email – mark.codman@harrogate.gov.uk

**SUSTAINABILITY ASSESSMENT / POLICY CONSIDERATIONS**

		Implications are		
		Positive	Neutral	Negative
A	Economy		✓	
B	Environment	✓		
C	Social Equity		✓	
i)	General			
ii)	Customer Care / People			

iii)	with Disabilities Health Implications			
D	Crime and Disorder Implications		✓	

If all comments lie within the shaded areas, the proposal is sustainable.