



<b>Title of Report:</b>	<b>Consultation on proposed changes to the Food Law Code of Practice (NI) in relation to the new Food Standards Delivery Model</b>
<b>Committee Report Submitted To:</b>	<b>Environmental Services Committee</b>
<b>Date of Meeting:</b>	<b>13<sup>th</sup> December 2022</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
<b>Strategic Theme</b>	Resilient, Healthy and Engaged Communities
Outcome	Provide a consultation response
Lead Officer	Head of Health & Built Environment

<b>Budgetary Considerations</b>	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals		
Section 75 Screening	Screening Completed:	Yes/No N/A	Date:
	EQIA Required and Completed:	Yes/No N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No N/A	Date:
	RNA Required and Completed:	Yes/No N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No N/A	Date:
	DPIA Required and Completed:	Yes/No N/A	Date:

## **1.0 Purpose of Report**

1.1 The purpose of this report is to provide a Causeway Coast and Glens Borough Council response to the consultation.

## **2.0 Background**

2.1 The Food Law Code of Practice (NI) (the Code) is issued under Article 39 of The Food Safety (Northern Ireland) Order 1991, written by the Food Standards Agency (FSA) and issued by the Department of Health (DOH). It sets out how District Councils should carry out official controls and other official activities in order to enforce the requirements of food law.

2.2 The FSA is proposing to introduce a new Food Standards Delivery Model for the delivery of food standards official controls for District Councils. Food Standards is the legal requirements covering the quality, composition, labelling, and presentation of food. The new model is designed to address the shortcomings in the current approach, namely that it is no longer fit for purpose and that it fails to support District Councils in targeting resources at the areas of greatest risk in the food chain.

2.3 The new delivery model has been developed to allow District Councils flexibility to better target resources at food businesses presenting the greatest risk and has been piloted in seven District Councils including one in Northern Ireland. The pilot results showed that the new approach is effective.

2.4 The key proposals include:

- the modernisation of the approach to food standards delivery specified within the Code, in particular the incorporation of a new Food Standards Intervention Rating Scheme, and a Decision Matrix to determine the appropriate frequency of Official Controls based on the risk posed by a food business; and
- changes to sections of the Code relating to the delivery of interventions and enforcement to support the principles of the new food standards delivery model.

2.5 The full consultation pack including a draft of the new revised Food Law Code of Practice can be found at the link below:

<https://www.food.gov.uk/news-alerts/consultations/consultation-on-proposed-changes-to-the-food-law-code-of-practice-northern-ireland-in-relation-to-a-new-food-standards-delivery>

2.6 Attached as Appendix 1 is a suggested response to the consultation. The closing date for submission of responses to the FSA is 9<sup>th</sup> January 2023.

## **3.0 Recommendation**

It is recommended that Council endorses and submits the response.

# Consultation response template



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**Question 1. Does the layout / presentation of the proposed revisions to the Code facilitate consistent interpretation? If not, how could they be improved?**

Causeway Coast and Glens Borough Council agree that the presentation and layout of the revisions of the Code facilitate consistent interpretation.

**Question 2. Do you agree that the proposed changes to the food standards intervention rating scheme provide DCs with the ability to deploy current resources more effectively by improving the way in which the levels of risk and compliance associated with a business are assessed? If not, why not? (Please specify any aspects of the new model which require further consideration, and why).**

Causeway Coast and Glens Borough Council agrees that the proposed changes to the food standards intervention rating scheme does provide District Councils with the ability to deploy current resources more effectively as the proposed matrix will enable focus on non-compliant businesses. The proposed scheme provides for a more realistic assessment of risk by assessing inherent risk and business compliance separately which provides for a more proportionate and targeted enforcement regime.

**Question 3. Do you agree that the proposed frequencies for official controls, specified in the decision matrix, within the new food standards intervention rating scheme are appropriate based on the levels of risk and compliance associated with the business? If not, please identify any concerns you have with the proposed frequencies.**

Causeway Coast and Glens Borough Council is of the opinion that the proposed frequency of 6 & 10 years is too long a period to leave a business uninspected as business activities could significantly change in this time. Causeway Coast and Glens Borough Council also believe that the priority intervention frequencies of 1 month will be onerous especially as these require an inspection, partial inspection or audit. The FLCOP should be clear if a rescore can be undertaken after assessment of the non-compliance identified in the priority intervention rather than completing a full inspection, partial inspection or audit provided other areas of the businesses activities have remained the same.

**Question 4. Do you foresee any problems with the proposals under consultation? If yes, please outline what these problems are and what, if any, solutions we should consider?**

Causeway Coast and Glens Borough Council foresee problems in the mapping of data for the new FS model and subsequent implementation. Causeway Coast and Glens Borough Council are concerned regarding the mapping of data from the current scheme as some of the required fields in the risk assessment have not been scored previously in this format. Management information systems (MIS) will require significant revisions, that will take considerable time and verification to ensure the data has mapped correctly. Causeway Coast and Glens Borough Council also anticipate a large volume of premises will require an inspection in the initial period of operating the new model, which will put additional resource pressures on Council's Food Team. Causeway Coast and Glens Borough Council are aware that a number of proposals such as the Scenario rule (page 91) and the additional compliance risk factor for allergen information (page 90) were not included in the pilot and therefore the impact on workload has not been assessed. Causeway Coast and Glens Borough Council would anticipate a significant increase in priority interventions resulting from these changes and would request that the impact of these changes are evaluated. Causeway Coast and Glens Borough Council also anticipate difficulties with food service planning due to the reactive nature of the new model. It will be difficult to estimate the numbers of planned interventions as a premises requiring a priority intervention may require multiple interventions in year. In addition this will be further complicated due to the intelligence element of the model.

**Question 5. Do you agree with our assessment of the impacts on DCs and our assumptions on familiarisation resulting from the proposed changes to the Code? If not, why not?**

Causeway Coast and Glens Borough Council do not agree that the assessment on impacts accurately reflect the true costs of implementation of the proposed scheme. The assessment specifies FTE of 31 officers. This is a significant underestimation of officers due to the fact that officers in NI undertake combined FH and FS work so the true number should be a combination of FH and FS FTE figures. Causeway Coast and Glens Borough Council do not believe that 1.7 hours per officer will be sufficient for familiarisation. The FSA should include ongoing consistency exercises during the initial role out and implementation of the revised scheme to ensure consistency in application across Northern Ireland. There is an unknown cost specified for updating of MIS and mapping data to the new model. Causeway Coast and Glens Borough Council anticipates that this will be a major cost, both in terms of officer and IT resource, and would appreciate clarification on financial support available for this.

**Question 6. Do you foresee any other impacts from the implementation of the main proposals detailed beyond those we have identified? Where possible, please explain your views and provide quantifiable evidence (for example, costs associated with updating existing procedures, the benefits of greater flexibility to allocate staff to activities).**

Causeway Coast and Glens Borough Council do not foresee additional impacts other than those noted in the previous questions.