

# Northern Ireland Food Advisory Committee (NIFAC) Update from Director of Regulatory Compliance, People and Northern Ireland to NIFAC 18th January 2023

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## 1. Executive Summary

Attached is the FSA in Northern Ireland Director's update to the Committee for January 2023.

1. No action by members is necessary. Contact: Michael Sewell ([Michael.sewell@food.gov.uk](mailto:Michael.sewell@food.gov.uk))

## Evidence Generator

### Retail Intelligence Surveillance Sampling Programme 2022/23

The retail intelligence surveillance sampling programme commenced at the beginning of December 2022 and will run until April 2023 in Northern Ireland. Sampling priorities for the programme have been developed jointly with the Department for Environment, Food and Rural Affairs (Defra) and Food Standards Scotland (FSS) in order to deliver useful intelligence on the food and feed system, build our evidence base on potential areas of risk and help inform targeting of routine sampling undertaken by district councils (DCs).

Samples have been grouped into two categories: those which will be sampled as part of a one-off targeted surveillance approach and those which will be sampled as part of a targeted 'basket of foods' approach. The FSA will continually review and action results, sharing relevant data with DCs and primary authorities during the course of the survey for information and potential follow up action.

### Food and You 2 Survey Northern Ireland Report

In November, the Science and Surveillance Team in partnership with FSA SERD colleagues published a report on the latest Food and You 2 Northern Ireland data. The

survey measures self-reported consumer knowledge, attitudes and behaviours related to food safety and other food issues amongst adults.

The modules presented in this report include food you can trust, concerns about food, food security, eating out and takeaways, food allergies, intolerances and other hyper-sensitivities, eating at home, food shopping and labelling and healthy eating. Fieldwork for Waves 3 and 4 took place between 28th April and 25th June 2021, and 18th October 2021 and 10th January 2022 respectively.?

The key findings from the Northern Ireland Wave 3-4 report include:

- Respondents were more likely to report confidence in farmers (90%), shops and supermarkets (85%), and restaurants (85%) than in takeaways (68%), and food delivery services (47%)
- The most common concerns about food amongst respondents related to food waste (55%), the amount of sugar in food (54%) and food prices (52%)
- Approximately one in six respondents reported being food insecure (i.e. experienced low or very low food security). Food insecurity levels in NI (18%) were comparable with that in England (18%) and in Wales (17%).

### **Nutritional Standards for Council Catering, Vending and Procurement**

The Dietary Health Team completed a co-creation exercise with the 11 DCs on draft nutritional standards for catering, vending and procurement. The development of nutritional standards in this sector forms part of the strategy to tackle obesity in Northern Ireland. Feedback was gathered via survey monkey software and the response was high for all documents with substantial learning on all aspects.

The results are currently being analysed and a feedback session with DC representatives is planned for February 2023. Plans are also in place to form a steering group with representatives from each DC to further develop the nutritional standards following the co-creation feedback and prepare the standards for formal consultation.

### **Policy Maker**

### **Retained EU Law Bill**

The Retained EU Law (Revocation and Reform) Bill intends to sunset Retained EU Law (REUL) at the end of 2023, unless Ministers agree to preserve, reform or restate individual pieces of legislation, or extend them with a commitment to reform by 2026. As EU food and feed law is directly applicable in Northern Ireland under the terms of the Protocol on Ireland/Northern Ireland, there is no retained direct EU legislation in the remit of the FSA in Northern Ireland

The Bill, in its current form impacts Northern Ireland subordinate legislation which enforces EU requirements or transposes such requirements into domestic law. The FSA intends to preserve our affected legislation in Northern Ireland to provide certainty and

consistency for Northern Ireland industry and consumers. Our priority is to continue to prioritise public health and any decisions taken will be in line with the guiding principles agreed by the FSA Board.

### **Borders Target Operating Model**

The team continues to be heavily involved in the development of the Borders Target Operating Model. This will deliver a modernised border that will ensure that proportionate, effective and efficient border controls that protect consumers to high standards are in place.

The Target Operating Model is being developed by Cabinet Office (CO) with contributions from across other government departments, including the FSA. A draft is planned to be published in February 2023 with final publication in April. Discussions are ongoing with the Devolved Administrations across the UK with the close involvement of the FSA.

### **Regulator**

#### **Incident Handling and Food Fraud Training**

The Consumer Protection Team provided Incident Handling and Food Fraud training to DC partners. This comprised four face-to-face sessions on search warrant training with food officers from the 11 DCs as well as one-to-one sessions on food fraud processes and the creation of three electronic recorded modules on food incident handling for food officers in DCs. This will ensure competent authorities are supported in their handling of complex food fraud and food safety incidents and promote consistency of approach.

#### **October Temperature Check**

Northern Ireland had a 100% response rate to both the food hygiene and food standards October temperature check surveys - implemented to monitor Local Authority performance against the Local Authority Recovery Plan. All DCs reported that they anticipate they will be able to meet the December 2022 milestone and have sufficient resources to meet the Recovery Plan. Whilst flags were raised for a few of the DCs against the performance risk matrices the scores associated with the flags were low in comparison to results for England and Wales. The flags raised were for one or more of the following reasons:

- <75% of the allocated full time equivalent posts were occupied (3 DCs)
- The number of unrated establishments exceeded 100 (1 DC)
- Food hygiene interventions of Category A, B or C establishments were overdue (2 DCs)
- Food Standards interventions of Category A establishments were over-due (2 DCs)
- The number of food establishments prioritised for a visit and still awaiting an inspection was >10 (4DCs).

All DCs with flags raised have been contacted and sufficient assurances given that the DCs have either rectified the issues or have plans in place to address them.

### **Draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023**

The FSA's summary of responses to the consultation on the draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023 was published on FSA's website in November. A total of 18 stakeholders responded to the consultation, their contributions were published alongside FSA's consideration of their views. In the absence of the Northern Ireland Assembly and Executive, the Regulations cannot be progressed at this time. However, the team will continue to engage with stakeholders to encourage online display of Food Hygiene Ratings in line with the manner specified in the pro-posed regulations.

### **Renewal of FSA Fish and Shellfish Official Control Contracts**

The Local Authority Policy and Delivery Team are liaising closely with procurement colleagues to renew several contracts associated with the delivery of the Northern Ireland shellfish official control (OC) monitoring programme.

The contracts up for renewal at end of March 2023 include: biotoxin and phytoplankton analysis of OC samples; collection of OC samples from Belfast and Larne Loughs; sanitary surveys and analysis of wild fish OC samples. The recently completed rationalisation of the shellfish biotoxin OC monitoring programme will be incorporated into the new biotoxin and phytoplankton analysis contract.

## **2023 Shellfish Classifications**

We have recently published the annual shellfish classifications for Northern Ireland. The classification of a shellfish production area determines the treatment required before Live Bivalve Molluscs (shellfish) may be marketed for human consumption. Shell-fish production and relay areas are classified according to the levels of E. coli detected in shellfish flesh.

In Northern Ireland there are currently 31 classified shellfish beds and three dormant beds (unclassified). The breakdown of the 31 classified beds is:

- A classification – 0
- Seasonal A/B classifications – 2
- B classifications – 21
- Seasonal B/C classifications – 0
- C classifications – 8
- Downgrades – 3
- Upgrades - 0

## **Food Standards Delivery Model**

The new Food Standards Delivery Model intends to change the way DCs monitor and enforce compliance with food standards. The proposals within the new model include a risk assessment scheme that DC officers will use to evaluate the risks posed by a food business and a new decision matrix to determine the frequency at which food standards official controls should be delivered in line with the outcome of the risk assessment.

The consultation on the model recently concluded. As part of the consultation on the proposed New Food Standards Delivery Model, the FSA in Northern Ireland held a Food Standards Delivery Model engagement event with representatives from DCs in late November. The engagement event was an opportunity to consider the ongoing consultation, as well as an

opportunity to discuss the next steps and recommendations in relation to the new Food Standards Delivery Model, and an opportunity for DCs to provide feedback in relation to the ongoing consultation.

Colleagues from the Regulatory Compliance Division led the presentations on the new model, the role of intelligence in the model, and a workshop on Key Performance Indicators with respect to Food Standards under the model. As one of the pilot councils, a representative from Armagh City, Banbridge and Craigavon Borough Council provided insights on the 15-month pilot of the new delivery model.

## **Watchdog**

### **Evaluation of Pre-Packed for Direct Sale (PPDS) Legislation**

Following the introduction of the new labelling requirements for pre-packed for direct sale (PPDS) foods – introduced in October 2021 – the FSA is undertaking a formal evaluation of PPDS implementation. As part of the evaluation of PPDS, the FSA has commissioned IFF Research to evaluate the rollout and implementation of PPDS. This research will be taking place throughout December 2022 and January 2023, covering Northern Ireland DCs, FBOs and consumers with food hypersensitivities, looking at awareness and compliance of the new Regulations. The results are expected in early 2023.

## **Convenor and Collaborator**

### **New Obesity Strategy**

Members of the Dietary Health Team have been continuing to engage with Department of Health (DoH) officials on the development of the new obesity strategy for Northern Ireland. Meetings have taken place to identify the FSA programmes which will be carried over to the new strategy along with the various partnership projects. Separate meetings have been planned for January to clarify what dietary health policy will be included and identify the roles and responsibilities for each organisation with

regards to policy development. DoH plan to go out to consult on broad themes for the new obesity strategy in January.

### **Regional Obesity Prevention Implementation Group**

The FSA has become a member of a subgroup of the Regional Obesity Prevention Implementation Group (ROPIG), chaired by the Public Health Agency, to oversee and direct the implementation of a Whole System Approach (WSA) to obesity prevention in three early adopter council sites in Northern Ireland. Six DCs have submitted ex-pressions of interest and will be involved in the project through a phased start, de-pending on their readiness to begin. One of the DCs will begin work on this project in January 2023 with other DCs starting later in the year or in Phase 2 in January 2024. The work of the WSA subgroup will support the implementation of the new obesity strategy.

### **Local Authority Strategic Update Webinars**

As part of the FSA's commitment to engaging with our Local Authority (LA) partners, we have three strategic webinars planned for 2023. The webinars will provide LAs across England, Wales and Northern Ireland with an update on: The value of intelligence in the delivery of food and feed controls (18th January); ABC – Enterprise Level Regulation Workstream (21st February); and ABC – Online Assurance Workstream – the Aggregator's Food Safety Charter and the (online) training Aide Memoire (14th March). All webinars will include a presentation by the FSA project leads, followed by a question and answer session.

### **TRACES systems issues affecting GB to Northern Ireland trade**

The EU's Import Control system TRACES developed a technical issue which inhibited traders from raising pre-notifications (CHEDs) for composite products. This posed an issue for GB-Northern Ireland trade, particularly large retailers due to the frequency of trade and time of year. The Trade Team in the FSA in Northern Ireland were alerted by a major retailer and worked collectively with DCs, DAERA, Defra and EU to develop a technical work around to enable industry to continue importing affected products in compliance with import official controls. Following our engagement directly with the EU, an amendment to TRACES was made, introducing a long-term sustainable solution for this issue.

Whilst resolving one issue, the update to TRACES gave rise to another technical issue inhibiting multiple commodities covered by the same Export Health Certificate from being raised on the same CHED. The team has worked with DCs and DAERA to develop another technical work around to enable trade to continue. A definitive solution for this is being developed by the EU and is expected to be available soon. In the meantime, industry and competent authorities are managing the increased administrative burden as efficiently as possible. In the light of these issues, the FSA convened a meeting with DAERA and affected large retailers to clarify appropriate escalation and resolution routes if similar issues arise in future.

Andy Cole

**Director for Northern Ireland**