

# Minutes of the themed meeting of the Welsh Food Advisory Committee held on 12 July 2023

Hybrid themed meeting - the important role of Local Authorities (LAs) in regulating food businesses including current and future challenges

## Present

### Welsh Food Advisory Committee (WFAC) members attending:

- Peter Price, Chair
- Alan Gardner
- Dr Philip Hollington
- Christopher Brereton OBE
- Georgia Taylor
- Dr John Williams

### Food Standards Agency (FSA) officials attending:

- Anjali Juneja – Director of UK and International Affairs
- Nathan Barnhouse - Director for FSA in Wales
- Sioned Fidler – Head of Communications, Welsh Language and Business Support
- Lucy Edwards – Senior Business Manager
- Sarah Aza – Head of Local Authority Delivery
- Carmel Lynskey – Head of Achieving Business Compliance Programme
- Jonathan Davies – Head of Standards Policy and Consumer Protection
- Owen Lewis – Head of Regulatory Policy and Local Authority Partnerships

### Observers:

- Representatives from Wrexham
- Representatives from Monmouthshire CC

### Presenters:

- Ceri Edwards, Chair of Environmental Health Wales
- Judith Parry, Chair of Trading Standards Wales
- Sarah Aza, Head of Local Authority Delivery, FSA in Wales
- Carmel Lynskey, Head of Achieving Business Compliance Programme

## 1. Introductions, apologies and minutes of the last meeting

1.1 The Chair welcomed all attendees to the meeting. Apologies were noted from Jessica Williams and Helen Taylor (for part of the meeting). The minutes of the May 2023 meeting were agreed.

## **2. Declaration of interests**

2.1 No interests were declared.

## **3. Local Authority (LA) Operations**

### **3.1 Environmental Health delivery**

The presentation recapped on the last three years and the pressures and demands that Environmental Health officers faced during the pandemic including supporting care settings and the most vulnerable, supporting businesses, dealing with changes to the Code of Practice and responding to consultations as well as dealing with the consequences of EU exit and responding to food related emergencies.

The presentation then detailed how the FSA Recovery Plan and temperature checks impacted LA s. During the pandemic focus shifted to high-risk premises but this has now left a backlog of inspections for low-risk premises now that LAs have reverted to business as usual. Ceri explained that LAs previously reported data through Local Authority Monitoring Enforcement System (LA EMS) and that this has been replaced by the temperature check surveys and that there has been some desire to revert back to using LAEMS as there are concerns that some critical data used to track trends and inform LA delivery may be lost. As the last official data report from LAEMS was 2018-2019 there are also concerns that the Achieving Business Compliance programme is based on outdated data. Ceri explained that as data from the latest temperature check survey has not yet been published by Environmental Health Wales and the Welsh Local Government Association have pulled together raw data from LAs which shows a much-improved situation and demonstrates that LAs have in the main returned to business as usual.

Ceri highlighted data on staff resource, reactive enforcement, sampling, food hygiene interventions, food business registration/approval and enforcement actions and explained what actions were being taken as a result. Ceri informed that during the recovery phase LAs have found that it is taking longer to complete inspections and that more enforcement actions are being required, this is due to falling standards and business challenges i.e. rising fuel costs, staff shortages. Ceri advised that LAs welcome the recent Ministerial statement and that they are ready to work with the FSA and Welsh Government to develop a holistic regulatory approach.

3.2 There were discussions around LAEMS and the temperature check surveys. Ceri explained that LAs welcome the new approach but feel there is a need for additional data now to track trends and having LAEMS reinstated until a new reporting tool is launched would help. There were questions around staffing and training. Ceri advised that there is difficulty in recruiting into the roles but there is some flexibility now for practical training for students and LAs are reaching out to academia to work with them to be able to provide an alternative approach to training. There was a discussion around on-site interventions and the need to visit lower risk premises. A question was asked in relation to changes for licensing of businesses and how this may impact the relationship between LAs and food business operators (FBOs). Ceri advised that LAs would like to see this change introduced and hoped that it would not impact the good relationships that LAs have worked hard to build with businesses and referred to the experience LAs have had with Butcher licences and how well that has worked.

3.3 A representative from Wrexham LA informed that they feel that the temperature check surveys are more time consuming than LAEMS return as the LA systems management

information systems are not quite corresponding with the questions being asked in the surveys so it's more of a manual process to obtain the data needed. Ceri's point about the difficulty in recruiting officers was also echoed. A point was also made on the movement of premises between categories and more problematic businesses being found which shows that some businesses aren't able to self-regulate.

### **3.4 Trading Standards Delivery**

The presentation gave an overview of what Trading Standards officers (TSOs) experience currently and the challenges throughout the pandemic. Judith explained that TSOs are currently working to the amended Code of Practice (COP) from the FSA that was based very heavily on direction for Environmental Health (EH) but very little for TS and food standards demands as it was predominantly looking at new business that were being notified during the pandemic. Most LAs were able to meet standards that were required of them, but this has left a backlog. Most authorities are looking at targeting high risk and medium risk in line with COP and are trying to get back on reasonable footing to ensure sustainable delivery going forward. Judith explained that since the pandemic businesses have been operating differently and TS are still seeing lots of diversification rather than businesses returning to previous operations and this has led to more advice needing to be given in relation to how businesses operate and allergens. Judith also explained that previously the LA could estimate and forecast the number of new businesses for the year ahead, but they are now seeing the same number of new food business per month that they used to see per year. There are also trends with some businesses restarting to get a new rating when they've previously had a lower rating.

Judith informed that TS hasn't gained from the same funding benefits as EH throughout the pandemic. In terms of the workforce Judith advised that TS training doesn't involve a degree and LAs operate an in-house training programme delivered through the Chartered Trading Standards Institute. This means that there are officers in post whilst training and it is a good system with a hands-on approach which includes job shadowing. It can take on average 3 years for someone to be qualified as officers have to go through full TS framework and costs up to £15,000. Judith explained that the TS remit covers a vast range including allergens, labelling, contaminants, additives, product specific standards, GM, materials and articles contact with food, substitution, unfair trading regulations as well as the Fraud Act and the Trademark Act. This allows for more resilience and reallocation of staff when there is a food incident. Judith informed that there is currently work ongoing with Welsh Government on an apprenticeship scheme.

Judith explained that having this apprenticeship scheme in Wales could help significantly and LAs in England have already benefitted from an apprenticeship scheme which has allowed two cohorts of apprentices through which has dramatically reduced the number of vacancies that the English LAs have.

3.5 Judith then touched upon the challenges faced by TS, these are regulatory reform, less flexibility in TS with the Code of Practice, there is no fixed criteria when assessing allergens etc. Legislative changes, for example, the food waste reduction agenda and supermarkets moving away from use by dates create challenges in making sure the consumer is protected. Provided advice to food waste and food crisis services, i.e., WRAP, FairShare, food banks working with these organisations and supporting them to ensure they comply with legislation. Other challenges are open trade within the UK, single use plastics, salt and sugar contents, ensuring safety of products with a high consumer demand and identifying counterfeit products.

Judith informed that a challenge for the foreseeable future is food aggregators and ensuring that the information that they are supplying in relation to allergens and FHRs is correct. Judith advised that there has been a higher number of incidents recently and many relate to imported food for example, lots of American confectionary contains illegal additives, businesses are trying to diversify and are sourcing new and in demand products but there is a lot of work in supporting

business to know what they can do legally so that it saves investment all round. There are also implications for labelling of these products in relation to allergens.

Judith also explained that due to contamination of fields in the Ukraine with shrapnel there will be a need to investigate the amount of heavy metals in feed stuffs produced with the grain. LAs don't have a large sampling budget anymore to be able to carry out a high level of testing.

3.6 There was a discussion around resourcing for food standards work and the consumer protection qualification potentially moving towards a more modular based qualification which could alleviate pressures when outbreaks or incidents occur, and staff could be trained in accordance with demand and allow LAs to redeploy staff. There was a discussion around sampling budgets, and it was explained how FSA issue bids for sampling funding and LAs work regionally to coordinate sampling programmes to get a broader picture as there aren't sufficient sampling budgets in individual authorities.

### **3.7 How the FSA in Wales works with LAs**

The presentation outlined the work areas of the team and how the LA Partnership team works with LAs in Wales. Sarah explained that the team ensures that when policy is being developed and advice and guidance is being considered that it is done from a delivery perspective. The team cover many different work areas, including general food hygiene, approved premises, less than thoroughly cooked burgers, fishing vessels, all delivery aspects such as compositional standards, food supplements, allergens and food contact materials. Animal feed is slightly different in Wales as the FSA holds a ring-fenced budget for the delivery of feed official controls and oversees the feed programme and provide the funding to LAs ensuring that the feed programme is delivered in line with the Food Law COP, working closely with the feed governance group. The team also review and update the food and feed law COP and other statutory guidance that LAs use ensuring that as legislation changes so does the guidance. Sarah explained that the team also undertakes performance management functions, reviewing data sent in by LA's and contacting them to discuss any anomalies in order to establish if there are trends or areas where support can be provided if needed, this is tailored to each LA. The team also work with LAs and Welsh Government to ensure the policy for the delivery the Food Hygiene Rating Scheme. Another area of responsibility is Shellfish Official Controls, the team works with 6 LAs who cover 10 harvesting beds across Wales. The team also feeds into the Achieving Business Compliance Programme to ensure that the position in Wales is reflected within the different workstreams.

Sarah explained how the team use the Smarter Communications platform to communicate and provide guidance to LAs, this is done bilingually. The team also respond to direct enquiries and consider requests from LAs to fund particular areas of work, an example of this is the request from Caerphilly TS to assist with translation of a training presentation and also the work with the Greater Gwent food group assisting with actors and translation of training materials into 13 different languages. The team also provides training for LAs and over the past few years have delivered training on varied range of topics including Food Hypersensitivities, Imported Foods, FHRS consistency, general food law, shellfish purification amongst others. Funding to upskill officers has also been provided. Grant funding is available to LAs to enable them to undertake specific sampling programmes, this has allowed for 696 samples to be taken over the past three years which has then led to formal action being taken. Sarah explained that the team engages with LAs through various platforms and groups including FSA/LA working groups on the Hygiene Delivery Model, KPI/Data, ABC forum, RaFB, National FHRS steering group, Wales Shellfish group, Export Working group and engagement through the Safe, Sustainable, Authentic Food Wales group, Directors of Public Protection Expert Panels and specific Wales workshops.

3.8 There was a question posed around the additional funding that LAs can bid for and Sarah explained that this funding is to supplement the LA programmes already in place, and the purpose is to try to make sampling more risk based and targeted.

A comment was made that there seems to be good engagement with LAs but is there anything else that can be done of making engagement and outcomes more successful especially for policy making. In response the recent Ministerial statement was quoted and FSA colleagues expressed how this is a great opportunity for WG, LAs and the FSA to work together to drive through change and work collaboratively.

## **4. Panel and committee discussion**

4.1 Carmel Lynskey gave an overview of the objectives of the ABC programme explaining that the food landscape has changed dramatically in the last 30 years as a result of technology and consumer demand. The ABC programme was established to develop a set of smarter regulatory approaches that help delivery partners and target available regulatory resources at areas that do pose the highest risk to consumers, but also to improve compliance across the whole system. Carmel explained that since January 2023 the programme is now slightly different since the merger of the transformational element of the Operational Transformation Programme into the ABC programme, this means that it's covering the whole food system in relation to regulation and not just the areas where regulation is delivered by local authority partners, but also the meat, dairy and wine industry, where regulation is directly delivered by FSA delivery partners. The FSA have had to reframe the programme to think about resources and how we prioritise across the whole system. The aim is to help modernise the delivery of LA regulations and try new approaches to enable a design of a new future blueprint that takes into account how the food system will change and adapt over the next 20-30 years.

Carmel informed that there are lots of challenges around trade and the ABC programme is working closely with other policy teams to ensure that the programme does not undermine trade regulations or make things more difficult for businesses. Carmel explained that the programme team are liaising with international food regulators, food businesses and other key players to inform and share best practices, this is being done through interviews, workshops and visits.

Carmel addressed 5 key things that she'd heard from the earlier presentations. Resource – understand that this is key issue for LA's and for meat hygiene officials and official Veterinarians. Carmel mentioned the Local Authority capacity and capability project that Sarah had referred to and the positive engagement that has resulted but there is a role for the FSA in determining where we can support and make improvements. Data and IT – know that LAEMS is no longer available but wanted to assure that FSA are looking for a replacement system, and are committed to finding a single solution, currently testing an alpha system at the moment and looking at whether this could work and an update should be available later this year. Registration and permit to trade – Carmel informed that the programme has just instigated a discovery into what these requirements are which could possibly lead to a project in this space which could be specific to Wales given the desire for this. Education – the FSA are working on guidance to assist smaller businesses – Safer Food Better Business and communications guidance and are looking at how we can best update these, so they are of maximum value to small businesses. Enforcement – really keen to understand more on this for the future blueprint work stream, where the FSA are looking at future legislative strategy and how simple sanctions can make all the difference when out on the frontline. The more we can learn about this and what would work for LA's will benefit the programme for the better.

4.2 Ceri commented that Carmel mentioned working with other partners and HSE were mentioned but wanted to highlight that their delivery mechanism is different from food world and would stress not to use this as a basis for the delivery model. A representative from Monmouthshire Council commented that they were pleased to hear of the of the discovery into the permit to trade in Wales and would be keen to work collaboratively with the FSA on a pilot scheme for this. A committee member commented that we need to be clear on the Ministerial statement and get a better grasp on listening, consulting and coproducing and what this means in

terms of successful engagement going forward.

4.3 In summary, the Chair thanked the presenters and attendees for their presentations and insights into a very complex work area and commented that it is reassuring that there are opportunities being sought out for Wales to lead the way and pilot some of the areas of change and the committee looks forward to receiving updates on how the work of the ABC programme is developing over the next few months.

## **5. Chair's report (Paper 23/07/02)**

5.1 The Chair gave an oral update on his report which detailed the Board meeting held in Belfast in June 2023.

## **6. Director's report (Paper 23/07/03)**

6.1 The Director gave an oral update on his report which included details of an Executive level engagement programme at this year's Royal Welsh Show.

## **7. Any other business**

7.1 It was noted that this was the last meeting for both Peter Price and Alan Gardner, secretariat and committee members wish them both well in future endeavours and thanked them for their time serving on the committee.

7.2 Alan Gardner commented that he was privileged to serve two terms as a WFAC member contributing to the extremely important work of the FSA. He gave thanks to the secretariat for support and to the other FSA staff who have provided valued presentations and information to WFAC and to Peter for his time as Chair.

7.3 Peter Price gave his thanks to Alan for his contribution to the committee over the past 6 years, noting his valuable experience in primary production. Peter also gave thanks to the FSA team in Wales with special thanks to the WFAC secretariat for the support during his time as Chair.

7.4 Members noted that the next themed meeting would be in Aberystwyth in October.

The Chair closed the meeting.