



May 1st, 2025

Chairperson: Councillor P Catney

Vice-Chairperson: Councillor G Hynds

Aldermen: J Baird, O Gawith, A McIntyre, S Skillen, J Tinsley

Councillors: J Bamford, S Burns, A Gowan, G McCleave, C McCready, M McKeever,
R McLernon, N Parker

Ex Officio:

The Right Worshipful the Mayor, Councillor K Dickson

Deputy Mayor, Councillor R Carlin

Notice Of Meeting

A meeting of the Environment and Sustainability Committee will be held
on **Wednesday, 7th May 2025 at 6:00 pm** for the transaction of the undernoted
Agenda.

Hot Buffet will be available in Members Suite from 5.15pm for Committee Members.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

- (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
- (ii) pecuniary or non-pecuniary interest (Member to complete disclosure of interest form)

📎 *Disclosure of Interests form Sept 24.pdf*

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3.0 Report by the Acting Director of Environmental Services

3.1 RCV Procurement Timeline

For Noting

📎 *Item 4.1 - Report - RCV Timeline (f).pdf*

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📎 *Appendix 1ADES - RCV Timeline (ff).pdf*

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4.0 Report by the Acting Head of Service (Environmental Health, Risk and Emergency Planning)

4.1 Consultation Response on Proposed Amendments to the Food Law Code of Practice and Practice Guidelines (Northern Ireland)

For Decision

📎 *Item 3.1 - Report - Consultation on the Food Law Code of Practice and Practice Guidance (f).pdf*

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📎 *Item 3.1 - Appendix 1 EH - Consultation response form on proposed amendments to the Food Law Code of Practice and Practice Guidance (Northern Ireland) (f).pdf*

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5.0 Confidential Report from the Acting Director of Environmental Services

5.1 Cemetery Provision Update

For Noting

Confidential due to information relating to financial or business affairs of any particular person (including the Council holding that information)

5.2 Contract for the Waste Transfer and Haulage of Residual Waste

For Decision

Confidential due to information relating to financial or business affairs of any particular person
(including the Council holding that information)

6.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. Pecuniary Interests

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council.

Pecuniary (or financial) interests are those where the decision to be taken could financially benefit or financially disadvantage either you or a member of your close family. A member of your close family is defined as at least your spouse, live-in partner, parent, child, brother, sister and the spouses of any of these. Members may wish to be more prudent by extending that list to include grandparents, uncles, aunts, nephews, nieces or even close friends.

This information will be recorded in a Statutory Register. On such matters **you must not speak or vote**. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, **you must withdraw from the meeting whilst that matter is being discussed**.

2. Private or Personal Non-Pecuniary Interests

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code).

Significant private or personal non-pecuniary (membership) interests are those which do not financially benefit or financially disadvantage you or a member of your close family directly, but nonetheless, so significant that could be considered as being likely to influence your decision.

Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and **you must withdraw from any Council meeting (including committee or sub-committee meetings) when this matter is being discussed**.

In respect of each of these, please complete the form below as necessary.

Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

Private or Personal Non-Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal Non-Pecuniary Interest:

Name:

Address:

Signed:

Date:

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*If you have any queries please contact David Burns, Chief Executive,
Lisburn & Castlereagh City Council*

Committee:	Environmental Services Committee
Date:	7 th May 2025
Report from:	Acting Director, Environmental Services

Item for:	Noting
Subject:	RCV Procurement Timeline

1.0	<u>Background and Key Issues</u>	
	1.1 Members will be aware that two procurement exercises were carried out in the 2024 / 2025 financial year for the purchase of 8 RCV's.	
	1.2 In line with the Terms of Reference of the Environmental Services Committee, Business Cases were prepared and tabled for Members consideration and approval.	
	1.3 The first exercise was commenced in September 2024, with the second exercise being carried out in March 2025.	
	1.4 Members requested that Officers provide a detailed report providing a timeline for the procurement exercise	
	1.5 Attached as Appendix 1 ADES is the documented timeline from the Environmental Services Committee, from the approval in September 2024 until Order in February 2025	
	1.6 The ordering period was quicker following the second agreement by Committee because all of the information had been developed recently for the tender before Christmas.	
2.0	<u>Recommendation</u> It is recommended that Members note the Timeline as attached in Appendix 1 ADES	
3.0	<u>Finance and Resource Implications - NIL</u>	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.	

Appendices:	Appendix 1 ADES - RCV Procurement Timeline
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Refuse Collection Vehicle ref: F24/25-019**Timeline steps from approval at Committee in September 2024.****Original 4 RCV's**

- September 2024 – Approval received from Environmental Services Committee
- September - Engagement with Suppliers commences (pending Council ratification.
- September 2024 – Presented to Environmental Services Committee and Council approval
- October 2024 – Tender Documents developed and signed off, based on supplier feedback
- November – December - Tender goes live
- January 2025 - Tender process closes
- January 2025 - Tender evaluated and contract awarded
- February 2025 - Refuse Collection Vehicles ordered

Additional 4 RCV's

- March 2025 - Presented to Environmental Services Committee, and Council approval
- Week commencing 17th March 2025 - Tender documents issued
- Week commencing 7th April 2025 - Tender evaluated and contract awarded
- 16th April 2025 - Refuse vehicles ordered

Committee:	Environment & Sustainability
Date:	7 May 2025
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Decision
Subject:	Consultation response on proposed amendments to the Food Law Code of Practice and Practice Guidance (Northern Ireland)

1.0	<u>Background and Key Issues</u>
1.1	The Food Standards Agency has launched a Consultation on the Proposed amendments to the Food Law Code of Practice (Northern Ireland) and Practice Guidance. The Consultation closes on 19 May 2025.
1.2	The Consultation documents are available: Consultation on proposed amendments to the Food Law Code of Practice and Practice Guidance (NI)
1.3	The Code sets out instructions and criteria to which District Councils in Northern Ireland must have regard when discharging their duties in relation to the delivery of official food control activities.
1.4	<p>This consultation seeks stakeholders' views on proposed changes to the Northern Ireland Code and Practice Guidance. The key proposals include:</p> <ul style="list-style-type: none"> • an updated risk-based approach to the prioritisation and timescales for undertaking initial food hygiene official controls of new food establishments • enabling, in certain circumstances, an establishment's food hygiene intervention risk rating to be amended following a wider range of official control methods and techniques, including those undertaken remotely • extending the activities that officers who do not hold a specified qualification for food hygiene or standards, can, if competent, undertake • a clarification in approach to interventions at food hygiene establishments that fall into risk category E for food hygiene. • removal of a prescriptive number of hours required for continuing professional development . • other amendments to reflect legislative change, provide clarity, improve consistency, and keep pace with current practices.
1.5	Attached as Appendix 1 EH is a copy of the draft response to be submitted on behalf of the Council.
2.0	<u>Recommendation</u> It is recommended that Members approve the draft response to be submitted on behalf of the Council.
3.0	<u>Finance and Resource Implications</u> The FSA has estimated a familiarisation time of 1.25 hrs per Officer and any additional training will be provided by the FSA at no cost to the Council.

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out	Not applicable
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.	Not applicable

Appendices:	Appendix 1 EH - Consultation response form on proposed amendments to the Food Law Code of Practice and Practice Guidance (Northern Ireland)
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Consultation response form on proposed amendments to the Food Law Code of Practice and Practice Guidance (Northern Ireland)

In relation to proposal 1, an updated risk-based approach to the prioritisation and timescales for undertaking initial official controls of new food establishments:

Question 1a. Do you consider that the approach will provide Competent Authorities with the ability to deploy current resources more effectively? If not, why not? (Please specify any aspects of the proposal which requires further consideration, and why).

Lisburn & Castlereagh City Council acknowledges the introduction of flexibility in relation to the timescales for initial official controls of new food businesses. Lisburn & Castlereagh City Council agrees that this will enable Councils to prioritise initial or due official controls of higher risk premises.

Although the Code provides for an initial official control for lower inherent risk businesses within 3 months of commencing operations the FSA should be aware that Councils will be pressured in providing businesses which are included in FHRS with a rating in a shorter time scale for commercial reasons. The FSA should be aware that Lisburn & Castlereagh City Council's corporate objectives include the economic support of businesses.

The proposals allow the Council to avail of remote official controls in limited low risk premiss which are exempt under the FHRS such as childminders, chemists, certain off licences and food brokers. Within the Lisburn & Castlereagh City Council the number of these types of businesses is low and they do not frequently change ownership, so there is little saving to be made in resources.

LCCC would consider a 'competent person' to be one who meets the qualifications in the current FLCOP. While unqualified staff may be able to gather information a suitably qualified person, as per the FLCOP will be required to make the inherent risk assessment.

Currently the Councils MIS is not set up to accept an inherent risk assessment, therefore further development of the MIS system is required to input data and to extract data. Currently data in respect of the initial risk assessment would not be able to be retrieved or reported on.

Our current MIS defaults to 28 days for a planned initial official control on acceptance of a food registration's proposal to introduce an initial desktop assessment to provide an inherent risk will require additional administration time. Without the appropriate adaptations to the MIS clarity is sought on how this should be recorded.

Due to limited information being provided through RAFFB at the time of registration, it will be necessary to contact businesses to clarify all three elements to accurately assess the "potential hazard". This will require additional staff resources.

The FSA should consider developing additional mandatory fields in RAFB to capture the necessary business information for both Food Hygiene and Food Standards.

There is no confirmation in the consultation that the FSA will cover the costs of the necessary future development of the MIS. This may have financial implications to the Council, and we are seeking confirmation from the FSA that this cost will be covered.

Rather than focussing on changing the approach to initial inspections after registration Lisburn & Castlereagh City Council believes that the introduction of a permit to trade system would be more effective.

Question 1b. It is proposed that, for food hygiene, timescales are provided for initial official controls of all establishments. For food standards, timescales are currently only provided for the highest risk establishments in the Code, with timescales for lower risk establishments provided in separate guidance. Would you agree or disagree with moving the food standards timescales into the Code in the future, so all timescales are in one document? Please describe the main reasons for your answer.

Lisburn & Castlereagh City Council disagree with moving the food standards low risk establishments timescales into the Code. Retaining the low-risk Food Standard timescales in the Practice guide will provide Councils with the flexibility to use their resources effectively and make their inspection programme more efficient. Where there may be different risks associated with food hygiene and food standards at the same premises then Councils will be better able to manage their inspection programmes based on highest risk and priority. Low risk Food standards inspections may be carried out at the time of the due food hygiene inspection.

Question 1c. Proposal 1 relates to the timescales for initial official controls. No changes to the timescales for due official controls are proposed as part of this consultation, these will remain, as currently, at 28 days for all establishments. However, to assist us in planning future policy in relation to the timescales for due official controls, do you agree or disagree with keeping the timescales at 28 days? Please describe the main reasons for your answer.

Lisburn & Castlereagh City Council agree that 28 days should be retained but only for those premises where the greatest risk is identified i.e. A, B and non-compliant C 's. The timescale of three months should be extended to broadly compliant C, D and E categories. This flexibility would assist Councils to address in year activities such as food safety incidents, food poisoning outbreaks etc but still meet the requirements of the Code and ensure the integrity of the FHRS and consumer confidence in the scheme.

In relation to proposal 2, enabling, in certain circumstances, an establishments food hygiene intervention rating to be amended following a wider range of official control method and techniques including those undertaken remotely:

Question 2a. Do you consider that the proposal will enable Competent Authorities to deploy current resources more effectively? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

LCCC acknowledge the benefits to the proposed flexibilities for undertaking of official controls however the mandatory FHRS in NI limits their use. In order to maintain consumer confidence in the integrity of the FHRS scheme it is not a viable option to make use of other official controls in broadly compliant C and D premises, an inspection is always required to revise the rating.

The proposal recognises that establishments within scope of the FHRS can avail of a non-official control which can be undertaken remotely, but the rating cannot be revised. Lisburn & Castlereagh City Council do not agree with this proposal as this would diminish the consumer confidence when it comes to light that premises are legitimately displaying ratings that were issued 3 or 4 years prior.

With lessons learnt during the Covid 19 pandemic, the lack of physical inspections by Food Safety Officers resulted in a decline in food safety standards, including in those premises previously deemed to be in a lower inherent risk category e.g. Category D premises. LCCC found that remote assessments were not a suitable means for applying official controls and could only be used to assist a physical inspection rather a means to adequately risk rate the premises. The time required to set up a remote assessment with the FBO was found to be equivalent to carrying a physical official control.

Consumers have a view that a FHRS rating inspection is carried out at much shorter intervals between primary inspections, this is supported by FSA consumer research which indicates consumers would expect businesses to receive inspection regularly with expectations ranging from a few times a year to every two years. (<https://www.food.gov.uk/research/value-of-fhrs-consumer-research-executive-summary>)

There may be scope to develop the use of partial inspections by qualified officers. Currently, they are seldom used but may save time and still enable a revised risk rating and FHRS rating to be issued. In order to issue a revised rating all three elements of the FHRS scoring would need to be assessed therefore the feasibility of partial inspections would need to be explored further.

There may be inconsistency of approach to official controls between the 3 nations. England does not operate the mandatory FHRS scheme and has the flexibility to avail of a wider range of official controls, including remote assessment.

Lisburn & Castlereagh City Council agree with the proposed approach to E Category establishments were currently an Alternative Enforcement Strategy can be utilised;

the proposal enables Councils to alternate to non-official controls. This proposal would save officer time carrying out follow up activities on non-returned AES questionnaires.

The proposed flexibilities descriptors should be more concise.

Question 2b. If responding on behalf of a Competent Authorities, would you, if implemented, utilise the flexibility to undertake some methods and techniques remotely? If not, why not?

Lisburn & Castlereagh City Council do not agree to the use of remote inspections for C and D establishments. Previous experience of officers within Lisburn & Castlereagh City Council found that remote assessments were not a suitable means for applying official controls and could only be used to assist a physical inspection rather than a means to adequately risk assess the premises. The time required to set up a remote assessment with the FBO was found to be equivalent to carrying a physical official control. In addition, the majority of small businesses do not have the technical ability to facilitate a remote intervention.

As previously stated, Lisburn & Castlereagh City Council would only consider using an official control remotely for E category establishments.

Lisburn & Castlereagh City Council would also consider using remote assessments for the verification of work carried out by a business following a physical inspection.

In relation to proposal 3, extending the activities that officers, who do not hold a 'suitable qualification' for food hygiene or food standards, can, if competent, undertake:

Question 3a. Do you consider that the flexibilities will enable Competent Authorities to deploy resources more effectively? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council do not agree with the utilisation of officers not holding a suitable qualification to undertake official food hygiene and food standards controls in D and E premises and lower risk food standards premises. Official controls should remain with the remit of suitably qualified staff.

The oversight and supervision required by competent officers and lead officers would negate any advantage to the Council.

On page 19 of the consultation document, there is recognition of the fact that Local Authority Officers may undertake food related controls at the "same time as other regulatory activities". We wish to emphasize the point that small businesses benefit from a single officer being able to act as a point of contact or source of advice on different pieces of legislation. Whilst some of the other "regulatory activities" may fall outside of the scope of the FSA, suitably qualified officers are well placed to take a holistic and business-responsive approach, using their discretion and expertise to judge risk.

Lisburn & Castlereagh City Council do however make use of staff without suitable qualifications to carry out other food related duties. The use of such officers to take on administrative duties, informal sampling or low risk service requests allows resources to be used efficiently. Assistance in these areas enables qualified officers to spend more time in the district on physical inspections and carrying out enforcement actions.

In addition, the current MIS does not allow the extraction of data based on specific risk scores and it would therefore not be possible to determine which Cat D premises have a 5 or 10 for type of food/method of handling rendering this proposal impracticable.

Please also see response to question 1 of **Questions in relation to future potential developments – Qualifications**

Question 3b. If responding on behalf of a Competent Authorities, would you, if implemented, utilise this flexibility and authorise officers, if competent, to undertake additional activities, and if so, how many officers would you anticipate authorising? If not, why not?

We currently have one student EHO which is equivalent to 0.1 FTE food safety resource who is authorised as a Regulatory Officer and would not intend to extend their authorisation.

Consideration needs to be given to the current role of regulatory officers and similar in that they have a full range of duties, so they may not have additional capacity to carry out other duties.

In relation to proposal 4, a clarification in approach to interventions at food business establishments that fall into risk category E for food hygiene:

Question 4. Do you consider that the proposed approach will provide clarity and consistency in the frequency of official controls at these establishments? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

In relation to proposal 5, removal of the prescriptive number of hours required for continuing professional development (CPD):

Question 5. Do you consider that the approach will provide Competent Authorities with greater flexibility to determine appropriate levels of CPD and

training that officers undertake? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council disagree with this proposal. The Code of Practice should retain the requirement of a minimum 20 hours CPD with 10 core hours.

As professionally qualified officers there is an expectation that officers will maintain a level of continuing professional development. It is important that this element is protected in the Code.

It is imperative that officers receive regular training including refresher training to support their competency in food related matters. Food legislation and food technology is continually evolving, and regular training is necessary to ensure that officers have the most up to date knowledge. The FSA should recognise that competency and training are mutually inclusive. In court proceedings the officer's expertise may be questioned by the defence and proof of training can support an expert status.

If there is no incentive to provide training for staff, then there is the potential that training budgets may be affected.

In relation to proposal 6, other amendments to reflect legislative change, provide clarity, improve consistency and keep pace with current practices:

Question 6a. Do you consider that the examples of where the additional score of 22 for vulnerable risk groups would not be used, provides further clarity and will improve consistency in the application of the score? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

Question 6b. Do you agree that the inclusion of additional descriptors, regarding food safety culture, in part 3 of the food hygiene intervention rating scheme, will provide clarification in the assessment of food safety culture? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

Question 6c. Do you consider that the clarification within the food hygiene intervention rating scheme about how allergen cross-contamination is taken into account will improve consistency? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree that this clarification will improve consistency in the risk assessment process.

Question 6d. Do you consider that moving the guidance on parts two and three of the food hygiene intervention rating scheme from the FHRs Statutory Guidance to the Practice Guidance will improve clarity as to where the guidance can be found? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

Question 6e. Do you have any objections to the inclusion of the following qualifications within the Code:

- **Trading Standards Professional Apprenticeship with the food module as an appropriate qualification for food standards**
- **Degree in Environmental Health awarded by the Dublin Institute of Technology (awarded from June 2012 onwards)**
- **Degree in Environmental Health awarded by the Technological University Dublin**

If you have any objections, please provide reasons for these. (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

Question 6f. Do you consider that the amendments to the terminology in the Code and Practice Guidance has improved clarity and consistency between the documents? If not, why not? (Please specify which sections and any aspects of the proposal that require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

Question 6g. Do you agree or disagree with the proposal to remove references to the Competency Framework from the Code but retain references to it in the Practice Guidance to enable the revised approach to competency assessment as set out in the draft Code? Please describe the main reasons for your answer. (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

Question 6h. Do you agree or disagree with the removal of references to the Practice Guidance and Framework Agreement from the Code? Please describe the main reasons for your answer. (Please specify any aspects of the proposal which require further consideration, and why).

Lisburn & Castlereagh City Council agree with this proposal.

Additional comments and suggestions

Question 7. Do you have any additional relevant comments or suggestions regarding the draft Code and Practice Guidance?

Lisburn & Castlereagh would seek clarification of the following issues with the Food Standards Risk Assessment Descriptors

Scale of Supply & Distribution

- Definition – Low Hazard. The wording is not correct – it states - Establishments supplying/distributing food locally, with known local suppliers to the business (including small and local food establishments selling ready to eat food such as corner shops, cafes and restaurants)

This factor is in relation to food being supplied by the specific business and the number of their customers. The wording highlighted needs to be changed as the interpretation would indicate that it is food being received into the business from local suppliers.

Secondly why is the statement related to ready to eat food. For example, a local butcher supplies cooked ham to a local café it would be scored as low risk but if they supplied mince steak this activity would not meet the definition of low risk.

Could you please give a reason why the term “ready to eat “is specified.

It would read better as Establishments supplying/distributing food locally to small businesses such as corner shops, cafes and restaurants.

- International, National and Regional

NI Councils would need a definition of international, national and regional supply, particularly in the context of NI on the Island of Ireland and physically separated from the UK.

- Complexity of Supply Chain

The descriptors for Significant and Minor Hazard makes reference to the UK. For NI Councils this definition would need to be amended to consider the NI’s unique position in regard to being in the EU Regulatory regime.

The descriptor for serious hazard references countries outside the UK equivalent regulatory oversight. Could more detail be provided as to what this means – is it 3rd Countries?

- Allergens Information Compliance risk factor

The guidance for scoring the allergen information compliance risk factor includes questions in relation to allergen cross-contamination such as ‘has a risk assessment for allergen cross contamination been carried out?’

The draft FLCOP states ‘It is recommended that controls for any allergen-related cross-contamination, when preparing food specifically for consumers with a food allergy or intolerance, are assessed during a food hygiene official control’.

Having allergen cross-contamination mentioned in both the food hygiene and food standards risk assessments results in confusion and businesses double scored if there are contraventions identified. There needs to be further clarification in the guidance on situations where cross-contamination is to be considered as part of a food standards assessment.

Question 8a. Do you agree or disagree with our assessment of the impacts on Competent Authorities and our assumptions on familiarisation and training resulting from the proposed changes to the Code? Please describe the main reasons for your answer.

Lisburn & Castlereagh City Council agree.

Question 8b. Do you agree or disagree with our assessment of the impacts on Competent Authorities in relation to changes to procedures? Please describe the main reasons for your answer.

Lisburn & Castlereagh City Council agree with this proposal.

Question 8c. If responding on behalf of a Competent Authority, how long would you estimate that it will take to update local policies and procedures if the proposals were implemented? If providing an estimate, please explain which proposal (or proposals) it relates to.

Lisburn & Castlereagh City Council would estimate that 1 hour to review and amend local policies and procedures.

Question 8d. 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, which proposal (or proposals) they relate to, and provide quantifiable evidence (for example, costs associated with updating your administration systems, existing procedures, the benefits of greater flexibility to allocate staff to activities.)

Lisburn & Castlereagh City Council would request confirmation that the FSA will cover the cost of any changes necessary to the Councils MIS.

Questions in relation to future potential developments - Qualifications

Question I. Do you consider that moving the list of FSA endorsed qualifications to the Practice Guidance could provide flexibility to recognise new qualifications more expediently without reducing the professional standards subject to an agreed and published governance procedure being in place? If not, please provide your reasons and evidence of the impact you think this will have.

LCCC are aware that District Councils are experiencing recruitment and retention challenges, particularly since Covid and support the FSA work stream in this area. However, the suggestion to remove the endorsed qualifications from the Code to the Practice Guidance is not a solution. There has already been a reduction in the length of experience required to be fully authorised. The removal of EHRB has also weakened the consistent approach to qualification and competence. Any further amendments to this would jeopardise the integrity of the profession. Public perception is that food safety officers have recognised qualifications and that they are overseen by an official body/competent authority.

We acknowledge that there are existing flexibilities within the Code that recognises equivalent qualifications and therefore this proposal is not necessary.

The move from the Code to PG downgrades the status of the listed qualification to an optional list. The FSA endorsed qualifications contained in the Code have to date provided a consistent benchmark for District Council's to ensure that officers responsible for food and public safety have received the appropriate initial training. To date these qualifications have maintained a high standard of competence throughout the profession. The high level of food safety compliance in the Lisburn & Castlereagh City Council area is due to the quality of the EHO's that have attained these qualifications and been employed by the Council. Removing the need to attain these qualifications has the potential to affect the profession as a whole and Lisburn & Castlereagh City Council would argue that professional standards will be detrimentally affected.

In addition, this may create inconsistencies between Councils on qualification requirements for the recruitment of Food Safety officers, which in turn may create inconsistencies in competence of these officers and inconsistencies in the application of enforcement and regulation. We believe it would also make it more difficult for the FSA to assess officer competence during audits. To date there has never been any concerns raised by the FSA regarding officer competency at audit due to the qualifications.

The endorsed qualifications provide a consistent level that candidates have to achieve. Under the new proposals each individual will be submitting different evidence of qualification and assessed by differing Lead Food Officers. The qualifications are useful for both the profession and employers as it provides a recognised independent level of consistency and removes the burden from the employer to carry out assessments.

Under this proposal lead food officers will potentially not be officers with a suitable qualification. This too will lead to inconsistencies in officer competence, enforcement and regulation. The lead officer role is essential in ensuring the appropriate oversight of the food safety function and should be protected.

Lisburn & Castlereagh City Council strongly disagree with the proposed moving of the FSA endorsed qualifications from the Code to the Practice Guidance.

EHO's have for a long time been essential in ensuring food and public safety through proactive and reactive inspections and investigations, including many emergency situations, one such example being the Flicks E-coli outbreak, where through the diligent work of EHO's across many of the Councils, no deaths occurred. EHO's are vital in enforcing the food information regulations and preventing the sale of unsafe food. The number of high-profile cases that have been taken by EHO's in respect of allergen non-compliance is evidence of the need for suitably qualified officers to undertake the food safety function.

Any downgrading of the qualification status of officers carrying out official controls could leave officers open to legal challenge in respect of their competency. Any legal action that they may take could degrade the expert witness status of those officers in a court and severely impact effective regulation.

EHO's develop a wide skill set, due to the training they must undertake to achieve the appropriate qualification. They are not restricted to the function area they work in and can work across a number of public health functions while carrying out their role in food safety. This enables them to maximise the outcomes from any inspection, investigation or contact with business.

Food safety officers work alone and are required to be able to make the appropriate decision at the time of any visit. They must be able to work unsupervised and be competent to make decisions unaided and sometimes under pressurised or volatile situations. The wide skill set and knowledge gained under the current system of recognised qualifications enables them to make such decisions. While Councils do employ officers without the listed qualifications these officers do not work unsupervised or unaided. It is the EHO that makes the decision on the most appropriate course of action based on the information gathered by the technical assistant or officer. These officers allow DC's to use resources effectively but they do not replace the need for suitably qualified staff.

The move to the PG also removes the robust oversight by FSA and the EU on the qualification of the staff employed to carry out the Food Safety functions. The current oversight is maintaining the high quality of professionals within the food safety function and ensures consistency of recruitment.

EU legislation sets standards for food safety officers, in that food safety units must have a sufficient number of suitably qualified, authorised and experienced staff i.e. have obtained a recognised qualification rather than just training for example the TARP regs make the distinction between Official Fish Inspectors being qualified and assistants being trained. Current legislation also set standards for premises within the City Council area, this proposal could potentially affect premises approved under EU legislation if the EU deem officers in NI as not suitably qualified.

Without independent and consistent oversight, there is the potential for training bodies or private consultants to create training qualifications with no accreditation.

Under this proposal there is the potential for the food safety function to move to private contractors with their own auditors. DC EHO's are vital in providing a neutral

and fair regulatory enforcement programme. They are required to undertake conflict of interest declarations to ensure an unbiased approach to regulation and are vital in providing impartial and fair advice, guidance and where necessary enforcement.

The strong working relationships between the DCs in the eleven Councils would be severely impacted by the introduction of private contractors and auditors. All 11 DC's currently work together to ensure consistency and effective regulation and enforcement across the Districts. This close working relationship ensures that food and public safety is maintained across the country in areas such as food fraud, incidents and product recalls and withdrawals. Private contractors would have no such interest in joint working or the wider food safety remit of District Council officers.

Private contractors and auditors will charge a fee for their services and this removes their impartiality.

The removal of suitable qualifications has huge implications for human resource management within the DC's. This suggestion will result in a mix of staff with different qualifications potentially all able to do the same job but on differing pay grades. District Councils would not be able to manage the range of job descriptions, differing contracts and different grading structure. DC's could potentially be in non-compliance with internal governance procedures in terms of staff recruitment, job descriptions, employee specifications and staff development and progression.

Rather than move the qualifications to an optional requirement it would be better to implement some of the other flexibilities suggested in this consultation and assess their effectiveness first.

District Councils would also welcome the progression of some of the previously suggested solutions that would make our work more efficient and enable DC's to manage their time and resources more effectively e.g. permit to trade, widening the scope of FPNs for other food safety offences.

Recruitment and retention workstreams within the FSA should also continue. Lisburn & Castlereagh City Council currently work with the University of Ulster, who provide the EH degree in NI, to encourage students to consider District Councils as an employer. The Council also provides a student placement annually. Lisburn & Castlereagh City Council will continue to work with colleagues in other Local Authorities to provide lectures and bespoke training for the University. Lisburn & Castlereagh City Council are also working with schools and colleges to promote the profession. Support from the FSA in this regard would be appreciated to enable DC's to put adequate resources to these initiatives. Awareness raising of the important role of food safety officers in protecting food and public safety should be invested in.

Question II. What do you perceive to be the advantages, disadvantages and impacts if we move the list of qualifications from the Code to the Practice Guidance?

Lisburn & Castlereagh City Council would refer you to the answer in Question 1 above.

Question III. Is there an alternative way that we could more expediently update the list of FSA endorsed qualifications from the one presented?

Lisburn & Castlereagh City Council would propose that the FSA explore the viability of a shorter consultation timescale for any amendments to the FSA endorsed qualifications.

The FSA endorsed qualifications are not developed very often and to develop an equivalent would take time. This would give time to provide a consultation before implementation.

If the qualifications are removed from the Code and put in the PG then there is no opportunity for consultation on any amendments.

If qualifications are moved to the PG and qualifications are removed from the list, then there is the potential that existing staff may no longer meet the requirements of their role and the lack of consultation would mean FSA would be unaware of the potential impacts.