



Northern Ireland
Assembly

Committee for Health, Social Services and
Public Safety

OFFICIAL REPORT (Hansard)

Horse DNA in Meat Products/
Food Hygiene Rating Scheme:
Food Standards Agency Briefing

23 January 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Sue Ramsey (Chairperson)
Mr Roy Beggs
Ms Paula Bradley
Mr Mickey Brady
Ms Pam Brown
Mr Gordon Dunne
Mr Samuel Gardiner
Mr Kieran McCarthy

Witnesses:

Ms Kathryn Baker Food Standards Agency
Ms Maria Jennings Food Standards Agency

The Chairperson: We now move on to the evidence session from the Food Standards Agency (FSA) on the proposed food hygiene rating scheme legislation. Maria and Kathryn, you are welcome.

Ms Maria Jennings (Food Standards Agency): Good afternoon, Chair. Thank you very much for the opportunity to speak to you all. Before we start to talk about the food hygiene rating scheme, I understand that you made some enquiries about the horse meat in burgers incident last week. If you wish, I am more than happy to give you an oral update on that incident before we start the evidence session. The Committee has asked for a written update, which we will provide in due course.

On Monday 14 January, the FSA was alerted by the Food Safety Authority of Ireland to a survey that it had undertaken of meat products. The results of the survey were announced at 5.00 pm on 15 January. The study tested for the presence of horse and pig DNA in meat products purchased from a number of retailers. Out of the 27 beefburger products that were tested, 10 were positive for horse DNA and 23 for pig DNA. In all but one of the horse DNA cases, the levels were very, very low, but, as you know, in the tenth case, it was widely reported that, in one of the burgers, 29% of the meat was horse meat. The affected products were produced by two meat-processing plants in Ireland and one in the UK — Dalepak in Yorkshire. The products had been distributed to a number of outlets in Ireland and to Tesco and Iceland stores in the UK. Following the Food Safety Authority of Ireland's announcement, many major retailers decided to remove products from the shelves.

On 16 January, the Prime Minister asked the Food Standards Agency to carry out a full investigation of the incident, and, later that day, we met a number of representatives from food processors, manufacturers and retailers across the UK. We set out a four-point action plan to deal with the incident. The action plan was, first, to continue with a very urgent review into the traceability of food

products identified by the survey; secondly, to explore further, in conjunction with the Food Safety Authority, the methodology that it used for the survey and to understand more clearly the factors that may have led to the low level cases of cross-contamination; thirdly, to consider with the local authorities and the Food Safety Authority whether there was any legal action appropriate in the circumstances; and, fourthly, to work with the Department for Environment, Food and Rural Affairs (DEFRA), the devolved Departments and the local authorities across the UK to carry out a full study of food authenticity in processed meat products. We have since started to pursue each strand of that action plan.

On 16 and 17 January, enforcement and trading standards officers visited the plant in Yorkshire, took samples and carried out further testing. On 17 January, ABP, the group that owns Silvercrest Foods, announced the immediate suspension of production at that plant. Further testing by the Department of Agriculture, Food and the Marine in the South of Ireland showed that it had taken a number of positive samples in addition to the original samples.

I will touch on the Food Standards Agency's approach. I want to draw to your attention a couple of features. First, as you know, we are committed to working in an open and transparent way, and, in our organisation, there is a relentless focus on consumers' interests. The Prime Minister has asked the Food Standards Agency to lead on the investigation, which ensures that consumers' interests will be the single and most critical consideration in our approach to resolving the incident. It has been the subject of intense public interest. Through our channels of communication, we have tried to keep the public informed of what we have been doing. We have dealt with hundreds of media enquiries and will continue to do that. We need to ensure that consumers can have confidence in the steps we have taken to deal with the situation, and, to do that, we have to provide that information flow and to deal accurately and effectively with enquiries.

Secondly, we need to work in partnership with the rest of government, locally in Northern Ireland and across the UK and Ireland, to resolve the situation in consumers' interests. What matters to consumers is that we all work closely and effectively together, and we will continue to work with DEFRA, the authorities in Ireland and the relevant local authorities in the UK to make sure that we deliver on that.

In 2010, when the coalition Government took power, the Food Standards Agency's previous work on food labelling, composition and authenticity moved to DEFRA, but the FSA in Scotland, Wales and Northern Ireland retains responsibility for that work and for responding to these incidents.

As I am sure you can appreciate, close co-operation is required with the Food Safety Authority and the Department of Agriculture, Food and the Marine in Ireland, but ensuring food safety and protecting the health of consumers is our absolute priority. I stress that nothing has been found in any of the samples that would mean that they were unsafe to eat. The Food Safety Authority undertook additional testing on the burgers to ensure that they did not contain phenylbutazone (bute), which is a veterinary medicine and one of the main risks associated with horse meat. The FSA did not find any evidence of bute being present in any of the samples, but we remain vigilant. If there is any indication that the incident potentially creates a risk to consumer safety, we will act on that. Irrespective of safety, of course, it is completely unacceptable for a product labelled as a beefburger to have horse meat at 29% of its meat content, as was the case in one burger. We will consider carefully what that tells us about the effectiveness of the controls that are in place.

I am more than happy to take questions.

The Chairperson: Maria, thank you. I have a couple of points.

I do not think that saying that nothing that was found in the samples made the products unsafe to eat goes down very well. I understand what you are saying, but people who bought burgers were not expecting them to contain horse meat. If the packaging states that they are horse burgers, people can choose whether to buy them. We need to be careful about the way in which we address that.

In your presentation, you seemed to say that a lot of samples had been taken and the outcomes were known very quickly. However, we still have not got to the end of the situation at Flicks restaurant. We had our own scare before Christmas. Am I being cynical in thinking that, because David Cameron says that he wants an inquiry into the matter, we now have samples and results while we are still waiting for questions about Flicks restaurant to be answered?

An evidence session is not about me, but it is today. I have food allergies. When I read a product label, I expect that product to contain what it says it contains on the label. We need to be very careful about that.

You referred to a four-point action plan and legal action being considered. You talked about tracing food products and other methods. What action can be taken to ensure that if companies are not doing things right, there is punishment at the end of it? From my little knowledge of the outworkings of situations such as this, it seems that some companies know that they will simply get a fine. Are there any actions that you can take in that regard?

I have specific questions about the FSA that I can ask you now because they probably tie into this matter more generally. Your briefing paper states that, in the UK, there are 20,000 hospitalisations and 500 deaths annually as a result of food-borne illnesses. What is the breakdown for here? What do you mean by hospitalisations? What are the main causes?

Five hundred deaths annually is a lot of deaths. Does that fit into what we have just witnessed in the horse meat scenario? Your briefing paper refers to a mandatory approach to food hygiene. Will all that happen sooner rather than later on the back of the inquiry that has been set up by David Cameron?

Ms Jennings: I will cover a couple of your points. Perhaps the food hygiene rating scheme presentation will tease out a few more of the issues for you.

There are a number of ways in which people can get sick from eating food. The things that jump out at people — the things that people know about — are the bacteria that cause food poisoning, such as salmonella, E coli, listeria and campylobacter. The main way in which people get sick is through consuming those pathogenic bacteria in their food. That accounts for most food-borne illnesses and deaths across the UK.

We have broken down the equivalent figures for Northern Ireland in the briefing paper. The number of people who fell ill following the event at Flicks restaurant is accumulated with the rest of the people who had been ill with food poisoning.

The authenticity of meat is a different issue, in that chemical tests can be used to identify particular species of meat in food. If, for example, people were trying to sell a cheaper fish instead of cod for a cod supper, we would be able to identify that cheaper fish and be able to take action, because the retailer is not selling the product that he is saying that he is selling.

We have to work through the court system. When a contravention such as that is identified, a district council will prosecute a business. That will go to a Magistrates' Court, and it will be up to a magistrate to decide what penalty to impose on the food business. To a certain extent, when it gets to that stage, it moves outside the control of the Food Standards Agency or a district council that has taken the prosecution on our behalf.

The Chairperson: Some people have viewed the horse meat issue as a joke, and all sorts of jokes have been flying around. However, when you think about the 500 deaths annually, you realise that it is not a joke. I cannot see in the briefing paper how you broke that down for the comparison here.

Ms Kathryn Baker (Food Standards Agency): There are figures for Northern Ireland. The figure you quoted is for the UK. The equivalent annual figures for Northern Ireland are as follows: there are approximately 48,500 food-borne illness cases and about 20 deaths.

The Chairperson: Are those the annual figures?

Ms Baker: Yes. There are also 450 hospitalisations a year in Northern Ireland.

The Chairperson: Is there a breakdown of what caused those 20 deaths? You might not have that information with you, but you can send it to us.

Ms Baker: Those figures are approximated for Northern Ireland, so we do not know the exact cause of those deaths. From the infectious intestinal diseases study that was done in England and Wales, we know that every case in which a person ends up going to a GP and a faecal sample goes to a lab becomes a reported laboratory case of food-borne illness. That is how we know the figures for food-

borne illness in the UK. However, the study has shown us that, for every one of those cases, there are 148 cases in the community that go unreported. Therefore, many people get ill but do not necessarily go to their GP and have a sample taken for laboratory analysis. That is what the study did. We can work back from the laboratory cases in Northern Ireland and through the infectious intestinal study to equate what the figures — not the reported figures — would be in a real sense for Northern Ireland. That is how those figures are arrived at.

The Chairperson: The fact that there are, on average, 20 deaths a year does not make the horse meat jokes funny.

Ms Jennings: From our point of view, it certainly is not in any way funny. We are putting very robust plans in place to make sure that we carry out a UK-wide programme of work to ensure that we know the exact extent of the issue across the industry. As you know, horse meat is a more than acceptable product to eat in other countries across Europe. From what we know of this event, the companies in question purchased meat products from across Europe, and that is the very likely cause for the low-level cross-contamination. It does not explain, however, why one burger was 29% horse meat, and we need to get to the bottom of that.

The Chairperson: Will you keep us up to date on where things are with the four-point plan?

Ms Jennings: We certainly will. We can come back to the Committee.

Mr Gardiner: I have four questions for you. You can just note them and then give me your reply.

First, exactly how expensive are the genetic tests that determined that there was horse meat in those burgers?

Secondly, has the Food Standards Agency any way of making supermarkets or their suppliers financially accountable for such tests? If not, do we need to amend legislation to achieve that?

Thirdly, is there any way that the Food Standards Agency could make food content labels easier to read, particularly for senior citizens? I know that this is out for consultation until 12 March.

The Chairperson: Do you want to declare an interest?

Mr Gardiner: Yes, I will. I get the pension and wear glasses — *[Laughter.]* — so this is a concern for me.

Finally — you will be pleased to hear — how many restaurants or eating establishments has the Foods Standards Agency found to be unsatisfactory or downgraded in the past year?

Ms Jennings: The test is expensive, and we are looking at costs at the moment. We will go out to public tender on a UK-wide survey that incorporates a large number of samples and gives us bulk lot. The cost per test is in the region of £200 or £300.

Mr Gardiner: How soon are you going out to tender?

Ms Jennings: We are working with DEFRA to make sure that the methodology is robust and acceptable. We hope that that will be finalised in the next month or so. The procurement process may take some weeks, but it will happen.

Supermarkets do a range of tests continually. I am sure that this event has focused their minds in relation to faeces testing. We cannot shy away from the fact that it is the retailers' responsibility to present food to the customer that is labelled correctly. They use any method, testing and other traceability information that they can to make sure that that happens. It is also checked by a very robust regime of testing by our environmental health officers and their routine inspections.

We will be coming back to the Committee to talk about the new food-labelling rules from Europe, which we will be enacting in Northern Ireland. As you rightly say, that is out to consultation as we speak.

If it is OK, we can pick up the premises that have been downgraded when we move to talking about the food hygiene rating scheme.

Mr McDevitt: To come back to the statistical question: you are basically saying that you do not know for certain how many people die in Northern Ireland each year as a result of food poisoning.

Ms Baker: The figures that we have provided are based on the information that we have; namely, the number of laboratory cases of food-borne illness. When somebody presents to their GP with symptoms of food poisoning, a sample is taken from that person, and that goes to the laboratory. When there is a positive result, it is reported officially. That is how we gather our official food-poisoning statistics in the whole of the UK. The figures that we have hugely under-represent food-borne illness in the UK, because most people do not go to their GP and just bear it out at home.

Mr McDevitt: If there is a death as a result of some severe gastric episode, the chances are that that death will require further investigation. Or, are you suggesting that we just randomly bury everyone?

Ms Jennings: No. That is right, and that does happen —

Mr McDevitt: So, is there not a toxicology test carried out at autopsy?

Ms Jennings: There are tests.

Mr McDevitt: Therefore, you should know.

Ms Jennings: The difficulty, Mr McDevitt, is that people may also have very serious underlying conditions. So, sometimes it is difficult for the doctor to decide whether food poisoning was a contributing factor in a death or the primary cause of death. There are other complications.

Mr McDevitt: I will move on to the statement about the horse meat situation. This is a devolved matter; is it not?

Ms Jennings: Food labelling?

Mr McDevitt: Yes.

Ms Jennings: Yes.

Mr McDevitt: And food safety?

Ms Jennings: Yes.

Mr McDevitt: So why is there a reference in your statement to what the Prime Minister did or did not do? Frankly, it is academic to me what the Prime Minister thinks about this matter. I want to know what the Health Minister here, the Agriculture Minister here and the devolved institutions have asked you to do. What have they asked you to do?

Ms Jennings: We have not been asked directly by either the Agriculture Minister or the Health Minister to do anything in addition to what we have been doing. We have been keeping the Health Minister informed about this incident on a daily basis.

Mr McDevitt: So, even though this is a devolved matter, you are acting on the instructions of someone who, technically, has no authority over the matter in Northern Ireland.

Ms Jennings: The Food Standards Agency is a UK-wide organisation, and we work collectively —

Mr McDevitt: I understand that.

Ms Jennings: — across the UK.

Mr McDevitt: But you are a devolved agency in Northern Ireland, and these are devolved matters.

Ms Jennings: The legislative responsibility is devolved to the Assembly; that is right.

Mr McDevitt: Therefore, it is a devolved matter.

Ms Jennings: Yes.

Mr McDevitt: So, why are you acting on the authority of someone who has no jurisdiction in that matter here?

Ms Jennings: The Food Standards Agency is taking that action across the UK.

Mr McDevitt: So, the Food Standards Agency in London can tell the Food Standards Agency in Northern Ireland to do something even if it relates to a devolved matter and — say, hypothetically — the Health Minister, the Agriculture Minister or the Northern Ireland Executive have a different view.

Ms Jennings: No. The Food Standards Agency in England can take a decision for England and contain that within England, or the Food Standards Agency can make a decision that an issue like this will be better dealt with across the UK and in partnership with the work that is being done in Ireland. There are certain circumstances in which it would be appropriate to take action in just one of the countries of the UK, but sometimes —

Mr McDevitt: The Food Standards Agency did not take the decision to do anything. The Prime Minister told it to do something, as far as I understand it from what you are telling me.

Ms Jennings: The Prime Minister has asked the Food Standards Agency to carry out a full investigation.

Mr McDevitt: It seems a bit strange. I just want to be clear: no Northern Ireland Minister has asked you to do anything.

Ms Jennings: We have not been instructed by either Minister.

Mr McDevitt: How many plants does ABP have here?

Ms Jennings: In Northern Ireland?

Mr McDevitt: Yes.

Ms Jennings: ABP has two plants here.

Mr McDevitt: Are they being investigated?

Ms Jennings: ABP in Northern Ireland produces cuts of meat. There is a daily presence of Agriculture Department vets and meat inspectors in those premises when slaughtering is taking place.

Mr McDevitt: You made reference to what you described as a UK-wide survey or investigation; I cannot remember the exact phrase used. To what extent, and where, does that investigation have feet on the ground here?

Ms Jennings: That investigation will be carried out by our environmental health officers. They are working in every district council in Northern Ireland as we instruct them. We do that in any investigation that we conduct.

Mr McDevitt: Finally, Safefood Ireland is an all-island body established under the framework of the Good Friday Agreement. It has responsibility for quite a number of matters with regard to the promotion of food safety. What conversation have you had with Safefood Ireland about this episode? What action are you co-ordinating with it?

Ms Jennings: The primary objective of the Food Safety Promotion Board, known as Safefood, is to give messages to the public. It has been very proactive and has put messages for consumers on its website. The three organisations on the island have worked out and agreed that messaging together. We work very closely with Safefood. We talk to it on an almost daily basis.

Mr McDevitt: OK. Thank you.

Mr Brady: Thanks very much for the presentation. It seemed that the message was got out very quickly that this was not really a public health risk. The Chair mentioned the fact that people found it funny, and maybe that is people's way of dealing with it. It was not like BSE; it was in a different context. My neighbour is a meat inspector for the Agriculture Department. He explained to me at length what they do in going in and testing meat, and so on. It is quite a rigorous process.

Apart from the British aspect of it, the discovery was made in the South. There was some criticism that the information may not have been passed on quickly enough. Could this lead to closer co-operation? The British did not identify it. They came to it by accident almost. It was discovered in the Twenty-six Counties. Could this lead to closer co-operation and better liaison? That seems important. You would assume that they would have been doing these kinds of tests in Britain on a fairly regular basis, but apparently not. Maybe this will bring it to public attention that more needs to be done.

Ms Jennings: Maybe I could bring it back to the dioxin in pork incident, when there was a lot of criticism of the co-operation between the two organisations. We put in place very detailed plans and a memorandum of understanding between the two organisations to work very closely together. We have regular contact with the Food Safety Authority, and we meet formally. We met on 23 November. The Food Safety Authority has, all along, kept us informed in a very general way about its work in that area and what it was attempting to do, which was to develop the methodology for this work. It has kept the Food Standards Agency informed all along on the action that it has taken. In this case, we were as well informed as we could be. That was because we learned lessons from the dioxin incident.

Mr Brady: I just heard on the radio on the way down that Silvercrest is going to destroy 10 million burgers, which is about 1,000 tons of food. That was being quoted as 0.04% of the food that is wasted annually, but it seems like an awful lot of food. The point has been made that there is no public health risk, so you just wonder sometimes.

Ms Jennings: Consumers have the right to know what they are eating. The damage to the company comes from the effect on consumer confidence. Consumers vote by spending their money where they choose to.

Mr Dunne: Thanks very much, ladies, for coming along this afternoon. A number of issues have been covered. I want to go back to the matter of controls and management procedures and how quality and hygiene are managed in the factories. Did you give us the four points of your plan, or are they still being developed?

Ms Jennings: I hope I did. Maybe I did not.

Mr Dunne: I may have missed them. Maybe I was talking at the time. Maybe you could clarify the points again and explain how they will deal with the various issues. It is obviously based on risk-management and how risk is controlled. How are you going to give the public assurance that there will be no recurrence of this situation? How, through the management of your structures, which obviously you oversee, can you give the assurance that this situation will not reoccur? The risk obviously has increased. If the risk has increased, surveillance, inspection and audit need to increase. How can you give us an assurance that that will happen? That is the first issue.

Secondly, the value of horses locally has declined. With the recession, people cannot afford to keep horses. A number of them are being slaughtered in meat factories. Is there a risk that that meat could get into the food chain locally? Has that issue been considered?

Thirdly, we hear a lot about the quality assurance with locally produced meat. Is that system robust enough to ensure that locally produced meat is not compromised by horse meat? Is the system that we have in place effective and robust enough to ensure that we are meeting the standards that are required?

Ms Jennings: A lot of what you have spoken about, Mr Dunne, concerns fraud and the opportunity for fraud, whether it is horse meat or meat from any other kind of illegal trade. We are fighting that day and daily in our processing plants. A lot of that revolves around the traceability information that comes with the meat. So, the Department of Agriculture and Rural Development (DARD) has a very robust computerised traceability system called APHIS, which has been tested in real time by us when we have been tracing product and putting holds on certain animals moving within the system.

The issue with the horse trade is a very difficult one and requires a very robust passport system for live horses that are being transported for food. Horses do get transported. There are four abattoirs in the South of Ireland. We have an abattoir in Northern Ireland that kills horses, and there are four abattoirs that do so in England. So, there are horses being moved around for food, and that horse meat mainly goes to continental Europe. Our sale of horse meat tends to go to Italy. Within all of that, the controls have to be very robust, so the vets and the meat inspectors and the transporting of that meat all have to be very well controlled. There is always the opportunity for fraud, and we have to be very aware of that and be vigilant about it. We have processes and systems in place where we make those checks and carry out that surveillance regularly.

Our own quality assurance system runs in the industry itself. When we sat down with our industry last week, we were told by the industry how well its controls work. The difficulty that the industry faces is that it is only as good as its weakest link, so it is within the industry's control and interest to ensure that it has robust quality-assurance measures in place. We are certainly on the same page as the industry on this one on the need to ensure that that type of fraud does not occur.

Mr Dunne: Do you agree that the devaluing of horses generally increases the risk of horse meat getting into the food chain?

Ms Jennings: It does. We are also concerned about horses that would not necessarily enter the food chain other than for the purposes of selling them on. People maybe cannot feed them anymore, and they then get into the food chain. There is a whole other bit of work around the horse passport system and trying to tighten up on that system, because there is no doubt that weaknesses have been identified in the passport system.

Mr Dunne: Has that been recently?

Ms Jennings: There are ongoing issues with the horse passport system, and DARD has been working with DEFRA and the Agriculture Department in the South of Ireland to try to ensure that those systems around the movement of horses are as robust as possible.

Mr Dunne: OK. Thank you very much.

Mr Beggs: It was touched on earlier that Northern Ireland has a very high level of traceability, perhaps the highest in the world. However, rogue traders and processors, whether in Europe or elsewhere, have put a bit of doubt in some minds at a cost to legitimate businesses. Do you agree that one of the ways of reducing risk factors is to keep the food chain as short as possible and that, to a degree, that means buying from a trusted local butcher?

Ms Jennings: Mr Beggs, we have to look at the whole global food system, and we have to operate with what we have. We have to put checks and controls in place in that system to ensure that food can move around the world in the way that it needs to in order to feed people. To feed Northern Ireland consumers, we need to bring in food from all parts of the world. We work in the European Union to ensure that the border checks are in place for food coming in from third countries, and then there is free movement in the European Union. Those are the systems and controls that are in place, and we work with those controls.

Mr Beggs: Is the highest risk to consumers locally more likely to be imported food, where there is not the degree of traceability that exists with locally produced food? Will you be concentrating your effort on that?

Ms Jennings: A lot of effort is put into controlling imports. The European Union has its own inspectors who go out to third countries to carry out audits of individual processing plants so that those plants are authorised to put food into the European Union and move within the EEC. Those checks are in place, and we work with those. More locally, as I said, vets, meat inspectors and environmental

health officers carry out checks daily in our own processing plants and of our retailers and manufacturers. So, there are layers upon layers of controls there that should protect consumers.

Mr Beggs: I have a final question. I understand that, in England, DEFRA had responsibility for the genetic testing of meat, but that was devolved to local councils. I take it that responsibility remains with you, in Northern Ireland. How many such tests were carried out in the past year?

Ms Jennings: When the Food Standards Agency carried out this work across the United Kingdom, we generally carried out UK-wide surveys. In the past, we have looked at salamis, for example, and we have identified horse and donkey meat there; we have looked at different species of fish; and we have looked at rice, the selling of lower quality rice and such things. It is fair to say that, since the responsibility in England moved to DEFRA, there has been a shift in the money and the programme to DEFRA, which means that, when we go to carry out a UK-wide survey now, DEFRA leads on it and we provide top-up funding for that work. For the past couple of years, the focus of the Food Standards Agency has been on food safety issues. We are having those discussions with DEFRA at the moment, and the planned programme will, of course, obviously, shift to this issue.

Mr Beggs: You have not answered my question. Were no tests carried out last year in Northern Ireland?

Ms Jennings: No. There were no tests on speciation carried out in Northern Ireland. Sorry.

Mr Beggs: Do you agree that even some random testing would create a higher level of risk for those trying to dupe the system and to profit at the expense of others?

Ms Jennings: Definitely. This has obviously focused our attention on to that; there is no doubt.

The Chairperson: I know that we have touched on why you are here, but do you want to briefly go through it?

Ms Jennings: I will be brief. I will take a couple of minutes to summarise why we have come to you today with a proposal to change the food hygiene rating scheme from a voluntary scheme to a mandatory scheme.

As we have talked about, we estimate that food-borne illness costs the Northern Ireland economy approximately £83 million a year. Reducing the level of food-associated illness is a strategic priority for the Food Standards Agency. We believe that the food hygiene rating scheme is a real and simple way of encouraging businesses to comply with food hygiene law. As you know, the premises are scored on a scale of nought to five. Nought means urgent improvement is necessary, and five means full compliance with the law. Currently, the scheme is voluntary in Northern Ireland, and businesses are not required to display the score that they get. Our research has shown that the success of the scheme depends on consumers making informed choices about where they eat. To be able to do that, they need access to the score. If scores are not displayed, consumers can find the information by using a smartphone app or by looking up a list on our website. However, we know that only 34% of adults in Northern Ireland own a smartphone and about 30% of households do not have access to the internet. We also know that the majority of people make decisions about where they eat out quickly and when they are out and about, so they would not necessarily be able to look it up on a computer.

We feel that the display of the score on the window or door of the food business is the most effective way to influence consumer decisions. At the moment, 38% of businesses are displaying their rating. When we look at the 800 premises that have scored nought, one or two, we see that only about 22% of them are displaying their score. We feel that a mandatory approach to that would greatly strengthen the scheme and increase its potential to improve public health protection. It will require the introduction of primary legislation. To fully assess the impact of a statutory scheme, we are preparing a formal 12-week consultation. That consultation will go out between February and April 2013. In conjunction with the consultation, we will carry out a range of stakeholder engagement activities and events. All the comments that we receive will be fed back into the final impact assessment, after which the FSA will seek Executive approval to draft a Bill. We would very much welcome the Committee's comments and suggestions at this point, but we will come back to you after our formal consultation to tell you what we heard from people and from businesses. We will then take the discussion further in due course.

The Chairperson: OK. Thanks for that. It is just unfortunate, given the way that things have happened over the past couple of days, that we have spent maybe 40 minutes talking about other things. However, based on the previous discussion that we had prior to Christmas on recent outbreaks, you will not get any argument from me about making this requirement mandatory in the legislation.

In a previous life, I was a chef and there was nothing to hide; you did not care who came in to look at things. I am glad that it is going out to consultation. It is important that people buy into it, but it will also be important to note how it works out, considering that some of the responsibilities fall to councils. I do not have any questions because you will not get any arguments from me, but a couple of members have some points to make.

Mr Brady: In a way, you have answered my question. If you do not have to display a score, I cannot imagine anyone putting up a nought, one, three or whatever. It would not be good for business. Obviously, you have said that that is why legislation is required to make it mandatory. From a purely common sense point of view, that would only make standards higher and, presumably, it would make for more competitiveness.

Mr McCarthy: I read the summary that you sent to us. Earlier, you said that food-borne illnesses cost some £1.9 billion across the UK with an equivalent cost of £83 million for Northern Ireland. That seems to me to be a very high figure. It has been done on a voluntary basis for so long. Why have you suddenly decided to make score displays mandatory? Obviously, it is to reduce that figure of £83 million.

Ms Jennings: The scheme has taken a long time to develop. Although it seems simple and straightforward, we have been on a difficult and rocky road to bring all the parties that are involved along with us to finally reach a position where all the councils in Northern Ireland are willing to roll the scheme out for us.

As I said, it has been voluntary, but we carried out in-depth research along the way that is telling us what we probably knew, which is that the only way to help consumers to make those choices is to make the display of the score mandatory.

Mr McCarthy: Have local councils been carrying out their duty to the best of their ability and to your satisfaction?

Ms Baker: Yes. The scheme operates on the existing controls that are exercised by the local authorities. They are required to ensure that food businesses that are operating in their areas are safe. The councils have a programme of inspections. It is basically on the back of the inspection that they generate the rating, which is based on the evidence that they gather at the time. It does not impose an additional burden on councils because it is already part of the work that they do.

Mr McCarthy: So, there is no further cost. As a local councillor I know that, particularly when there is pressure from this place, there is always a cost to councils, which comes back to you and me and the ratepayers.

Ms Baker: We want to consult on that with the councils and make it clear. Rightly, there are safeguard measures built into the scheme for businesses. If somebody is not happy with their rating, they have a right to appeal it. They also have a right to request a re-rating inspection at some point after the original inspection is carried out.

It is obvious that local councils will incur costs in delivering that other inspection. One of the proposals is that the cost would be charged back to industry. So, when a business asks to have an inspection to, perhaps, improve its rating, the local authority could charge for the cost.

You are quite right: it is not entirely cost-free. Obviously, there will be penalties for people who do not display their score, and it is the local councils that would have to enforce that. We will certainly ask the councils for information on the likely cost of that during the consultation.

Mr McCarthy: The cost will be to the businesses themselves. There will be a cost somewhere, and someone will have to pay for it, eventually. If it makes our food safer, I suppose that it is worth it.

Ms Baker: If it reduces the number of food-borne cases by even 1%, the net benefit is quite large in comparison with the upfront costs.

The Chairperson: Where did you say that people can access the points system? Do they go to the restaurant or to your website?

Ms Baker: The website. It is www.food.gov.uk/ratings, and there are also a number of commercial phone apps that you can use to get the information.

The Chairperson: Right, I will come back with something when I get this app up on my phone.

Ms Jennings: We can let you download the app.

The Chairperson: Is it free?

Ms Jennings: It is.

The Chairperson: Did Flicks restaurant have a rating?

Ms Jennings: I should have said, Chair, that we will come back and give you an update on the Flicks investigation. The last time we were at the Committee, we said that it was quite difficult for us to talk about that outbreak because Belfast City Council is still considering the action that it needs to take.

The Chairperson: That is fair enough, but did it have a rating?

Ms Jennings: Yes, it did. It scored 4 and was downgraded to 3 following the work that the city council did in its premises in August 2012.

The Chairperson: That was prior to the recent outbreak.

Ms Jennings: It was prior to the big outbreak in October.

The Chairperson: Did it display that rating?

Ms Jennings: I cannot answer that because I am not sure, but I will find out for you.

Ms Baker: I am not sure either.

The Chairperson: I know that you are due to give us an update on that. Members, I am not opening up the meeting for another discussion on Flicks. I have some questions, too, which I will leave until the witnesses come back to us on that. I was just trying to make a comparison.

Mr McDevitt: I presume that the proposals that you plan to consult on are in appendix 2 of your papers.

Ms Baker: Yes, they are.

Mr McDevitt: They include proposals on appeals. How many times do you propose to allow an appeal to take place so that a business would not be able to take permanent advantage of avoiding the duty to display because its case was under appeal?

Ms Baker: A business has one appeal. A business has to receive its rating within a set period after the inspection. It then has an opportunity to think about that rating and decide for itself whether it thinks that it is unjust or unfair. If it does, it has 14 days to appeal that rating. It should receive a determination on that appeal from the local council within seven days.

Mr McDevitt: Will this all be in the Bill?

Ms Baker: Yes, the Bill will contain that information. Wales has already gone through the process of introducing a Bill. Its final scrutiny meeting was yesterday.

Mr McDevitt: I am asking this politely: are you proposing that our legislation is pretty much a read across?

Ms Baker: At this stage, we do not consult on a draft Bill; we consult on proposals. The Bill in Wales has stuck to a voluntary scheme in how it is structured and how the scheme is delivered. The only difference between what we have now and what we would have with a mandatory scheme is that businesses would have to display. We imagine that there will be a lot of similarities between the two Bills.

Mr McDevitt: You talked about the display of the sticker, and everyone's view was that the voluntary scheme was a great success where it was working well. You talked about the sticker being displayed on the door or the window, but, given that it is a significant policy priority of many local authorities to promote what is euphemistically referred to as a café culture, where a consumer would never get to the door or window of a premises but simply take a seat in an outdoor area, will you think more about where the rating should be displayed? Should it be displayed on menus, for example? Should it be displayed at point-of-sale or table level? What are your thoughts on that?

Ms Baker: Quite interestingly, this has been discussed and considered in Wales. On the online information and literature that businesses would produce, there will be a requirement for businesses to refer to the website in an online format so that consumers can click through and see their rating. You are quite right to ask about where businesses display the rating. That is quite an important question. Take, for example, a food court. Where do you display the rating so that it is easy to distinguish that it reflects the standards of a particular unit? We will have to think very carefully about that. We have purposely left the proposals quite wide, in that we have said "in a prominent position". All those issues will have to be consulted on with the industry and others.

Mr McDevitt: We will have to tease out those issues, too, when the Bill comes back to us.

Finally, I want to talk about offences and penalties. What sort of penalty framework are you thinking about? Would it just be fixed notices? Would it be a withdrawal of licence? How serious an offence do you intend to make the failure to comply?

Ms Baker: We imagine something potentially similar to the Welsh scheme. Where somebody fails to display, a fixed penalty notice could be issued. Obviously, that is much more cost-effective than a court appearance. Only when that is not effective, or when somebody refuses to accept a fixed penalty notice and display their rating, would legal proceedings be instigated through the courts. It is a level 3 fine in the Welsh scheme.

Mr Beggs: Thank you for your presentation. I certainly support the scheme. I see it as empowering customers and enabling them to encourage businesses to drive up their standards in order to attract more customers. I have a couple of things to say about making the scheme compulsory. My sense is that ratings have been around as part of a voluntary scheme for at least two or three years and that 25 councils — or is it all 26 councils? — have already adopted them.

Ms Baker: Currently, 25 councils have done so, and the remaining council will launch the scheme in March.

Mr Beggs: So, essentially, the scheme is already running, there is buy-in and I have heard good reports of it. Given that, do you agree that it could be made compulsory within a relatively short period? Sometimes, when legislation comes through, it can be two years before it is enacted on the ground. Do you accept that, given the buy-in already by local government, it would be relatively easy to make it mandatory within a short period?

Ms Baker: Yes. We have done research with consumers, industry and the local authorities. We know that local authorities and consumers are very supportive of a mandatory scheme. In the industry, as you would expect, views are mixed. When we speak to businesses, those that have a good rating are really keen for it to be mandatory because they want a spotlight to be shone on businesses that compete with them but do not comply. There are still some issues that need to be ironed out. Mr McDevitt asked, for example, where the rating would be displayed, and Mr McCarthy mentioned the cost of enforcement. We need to make sure that all parties can live with those issues and that it is doable. However, we think and hope that we could do something quite quickly.

Ms Jennings: However, it will be primary legislation. Therefore, we are obliged to work through the processes set in place for that.

Mr Beggs: I have one final question. Although a five-star award is not an absolute guarantee, it is a good indication of a safer place in which to buy food. When you follow up complaints of food poisoning, etc, are you able to relate the number of complaints to the number of stars that premises have?

Ms Jennings: That is all taken into account. When inspectors are standing in premises, they will have at their fingertips the number of complaints from customers and all the sampling that has been carried out on those premises. They will be able to use all that intelligence to make an assessment of the overall hygiene rating of the premises.

Ms Brown: Thank you very much for your presentation. Today has been very interesting. As everybody has mentioned already, food hygiene ratings are an excellent idea and really should be mandatory. My first thought was that, if you sat an exam and got a really bad result, there is no way that you would post it on your window.

The Chairperson: I hid mine.

Ms Brown: I know that I certainly would.

Conall talked about where the ratings would be displayed. You touched on the online requirement, but did you say whether they would have to be displayed on websites and other related food or ordering sites? I do not want to mention the company, but a pizza company recently announced an increase in sales. Despite the recession, it is still getting more sales than in the previous year. It said that over half its sales happened online. None of those customers had been near the building, so they could not have seen any food rating. It is very important that food hygiene ratings are available through modern technology.

The whole thing has been good because it has made people more aware. The horse meat issue has, in a strange way, probably been good, because it has made the public aware. Many years ago, I do not think that anybody would have even queried what was in a burger. When you start to think about what you are consuming, I am sure that, health-wise, horse meat would be the least of your worries.

If the Deputy Chair were here, he would be advocating no meat at all, which he claims will give him seven extra years of life. In a strange way, this could be a good thing because it raises awareness. People might stop and ask themselves, "What is in this?". It is wrong that we do not know exactly what is in some of these products.

The public need to be aware that when they eat any kind of processed meat, they really must look at the contents and, hopefully, understand what is written on food packaging. Even if your eyesight is good enough to read the contents, you still need to know what the items are and what that means. That is an important point. We all know what kind of stuff, such as additives, is in processed meat. We should all be aware of that. It could almost be seen as a good thing because it raises awareness and means that people will check what they are eating.

Ms Jennings: Certainly, the least that we would ask businesses to do is have an online link to the scores on the website.

Ms Baker: The website is the best source of up-to-date data. We very much welcome the Committee's support on the issue. That is key to us pushing this forward. Thank you.

The Chairperson: We have used up just over an hour. There are people in the visitors' gallery, and it is important that they see that the Health Committee does not always concentrate on the acute sector. This is an issue of public safety and public concern. The issue that Pam raised is about public health. So, sometimes, we do get into the nitty-gritty issues.

Mr Gardiner: I will, very briefly, change tack and congratulate both of you on your responses to questions and on the in-depth knowledge of your agency. So often, witnesses look through their papers and then say, "We will take a note of that and write back to you". That has not been the case

today, so I have to say congratulations and well done. I wish you every success. Thank you for your presentation.

Ms Jennings: Thank you very much.

Mr Gardiner: I am very impressed.

The Chairperson: Will you keep you us updated, especially on the four-point plan, the issues that members raised and Flicks?

Ms Jennings: Yes, definitely. We are more than happy to do that.