

FRC Food Brexit Briefing

Why Local Authorities should prepare Food Brexit Plans

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Executive summary

The UK's food supply will be affected by Brexit whatever the outcome of the Parliamentary vote on the Draft Withdrawal Agreement. As the 29 March 2019 date for leaving the EU approaches, preparations to ensure we maintain a safe, adequate and sustainable food supply need to start urgently. Local Authorities (LAs) have a vital part to play in these preparations. More guidance, paying attention to the food specifics, is felt to be needed.

LAs have a key role in the UK's food system, with responsibilities including the enforcement of food safety and standards regulation, the control of imported food at ports and airports and the certification of foods for export. They also have unique knowledge of relevant local professionals, institutions, businesses and networks.

This briefing aims to help Local Authorities prepare for Food Brexit. It shows why LAs should prepare Food Brexit Plans, and outlines five courses of action they could consider.

The briefing recommends that Local Authorities:

- Create Food Resilience Teams
- Anticipate and reduce the impact of Food Brexit, particularly on SMEs
- Narrow the information gap and treat the public openly and fairly
- Prepare for public engagement
- Be a local food voice so that central government knows the local realities.

Introduction

The enforcement of food safety and standards regulation is a Local Authority (LA) responsibility. LAs have statutory responsibility for ensuring that food is safe wherever people buy their food. These responsibilities extend to the safety of imported food and for certifying the safety of certain foods being exported. There are changes that will arise, particularly from a 'no-deal' Brexit, that will impact all parts of the food chain; the effects will be evident in all Local Authority areas. There is wide agreement within Local Authorities that some level of preparation is both possible and sensible.

LAs differ in what they can do and are doing. Some large authorities, with high-risk responsibilities such as ports or warehousing, are already conducting regular updates of their Risk Registers. Others might be less engaged.

This briefing is intended to help all LAs prepare. It considers the reasons why LAs should make preparations. It then outlines five courses of action that LAs could consider as part of risk planning. Longer-term considerations are presented in Annexes at the end.

Why Local Authorities should prepare Food Brexit Plans

- *Local Government has many food responsibilities.* These include: school food, food safety, food standards, markets, imported food controls at ports and airports and the certification of the health of certain products for export.
- *Food will be affected by Brexit whatever happens.* While the political processes unfold, the uncertainties about the impact on the food
- *supply chain have increased and are unlikely to be clarified before the exit date of 29 March 2019.*
- *All Brexit options have local food implications.* Whether Brexit is hard or soft, no-deal or as per the 14 November Draft Agreement, significant changes in the UK food system are likely. The implications for some LAs have received attention, notably over the management of the Dover-Calais crossing and Operation Brock (the temporary use of Kent motorways as lorry parks), while others have received less.¹ The UK has many ports through which food flows.
- *Food standards are part of the national Brexit agenda.* HM Government has now acknowledged food sensitivities in Brexit, not just with regard to public concern about chlorinated chicken,² or hormone-treated beef,³ but also some delicacy about longer-term food trade deals.⁴
- *Supply disruptions.* HM Government now accepts that there is the potential for disruption to the food supply chain – particularly in respect of a 'no-deal' Brexit. In September 2018 the Prime Minister appointed a junior DEFRA minister to take responsibility for 'EU Exit Readiness'; whilst the role has no specific powers or additional resources, it acknowledges the importance of food supply for the UK.⁵ Possible impacts range from sterling's exchange rate volatility to export certification challenges.⁶
- *Border delays are likely in a no-deal scenario.* Delays for imports and exports at ports, including at the Ireland/NI border, are a strong probability in the event of 'no-deal'.
- *Warehouse space is limited.* Food companies across the UK are already stockpiling food and ingredients, but by 19 November 2018 all available warehouse space had been contracted with no additional capacity.⁷
- *Freight logistics may be affected.* Depending on the deal or no-deal, there might be a problem of licences for hauliers and logistics personnel to operate in the EU after 29 March 2019.

- *Official HM Government advice is limited.* The Government has published some limited Guidance Notes on a no-deal Brexit.⁸ These are welcome but inadequate. They:
 - Fail to address the implications for LAs;
 - Do not consider the whole food supply chain, just a few parts;
 - Fail to consult or engage with LAs about practical issues and how food businesses and local people might be affected.
- *Consumers.* Brexit could radically change food availability and prices. Food spending is discretionary; for people on low incomes, purchases are balanced with other fixed costs and other priorities. Food prices have already been affected (increased) by the process of leaving the EU, and might be further, thereby adding to food poverty. UK diet-related ill-health is already a national concern.⁹ Local health services could be stretched if Brexit worsens those problems. Food Bank use, for example, has significantly increased since the Referendum, up 13% in March-Sept 2018 compared to 2017.¹⁰
- *Food prices.* These are subject to fluctuations in sterling, because the UK imports at least 40% of its food (30% from EU and 11% from outside the EU but negotiated in EU trade deals).¹¹
- *Standards & safety.* If there is a no-deal Brexit, the UK could drop out of the infrastructure which underpins food safety such as the Rapid Alert System for Food & Feed (RASFF) and the European Food Safety Authority (EFSA), as well as EU co-operation and support in respect of food fraud.¹²

How Local Authorities can prepare for Food Brexit

1. Create Food Resilience Teams

- LAs should set up Food Resilience Teams (FRTs). They will be helpful post-Brexit, whatever form that takes. It is better to initiate FRTs now than in a last-minute crisis.
- These FRTs should include experts from both within the authority (such as EHOs, TSOs, planners, food emergency planning bodies) and people outside the authority with requisite skills (such as NHS-based nutritionists and dietitians),¹³ and with knowledge of local food infrastructure and beyond, such as food-related commercial bodies and chambers of commerce, etc.
- Advice could be sought from national bodies such as the Association of Directors of Public Health, Environmental Health Managers' groups in England, Wales and Northern Ireland, the Chartered Trading Standards Institute, county technical food safety groupings and the Chartered Institute of Environmental Health's Food Advisory Panel.
- Some Local Authorities already have food advisory boards (such as the London Food Board) with a developed or emerging matrix of food planning structures.¹⁴
- UK universities and university consortia have excellent relevant expertise, such as the N8 Food Resilience Programme¹⁵ and the three-university IKnowFood project,¹⁶ as do multi-sector networks such as the Sustainable Food Cities.¹⁷
- Consideration needs to be given to the implications of undertaking additional controls at the border for imported food and feed. Although it is not anticipated that there will be UK-based checks on products imported from the EU, this is possible if there is no deal, and could be

necessary in the future. It is a possibility too that checks at their borders and ports could be instigated by EU member states, thus having a knock-on effect on port and cross-border flows.

2. Reduce the negative impacts of Food Brexit

- LAs cannot solve Brexit's challenge for food but they can try to anticipate and reduce the negative impacts, particularly for SMEs. They are also ideally placed to provide feedback both to elected members and to central Government.
- Established Food Resilience Teams should:
 - Conduct local food audits or assessments, drawing on any existing emergency planning procedures. These should identify possible scenarios and develop appropriate responses, based on risk assessments and/or utilising other methodology such as rapid health impact assessment methods.
 - Anticipate that Brexit will open new opportunities for food fraud and food safety infringements should there be any disruption or suspension of port health inspections.
 - Involve existing bodies and expertise, while ensuring representation of local public interests and food-related professional bodies.
 - Liaise with existing intra-local bodies such as the Local Government Association and professional bodies.

3. Narrow the information gap

- Elected members should be briefed and consulted. Food Brexit is an opportunity for elected members to show they can address the interests of citizens in a calm, evidenced manner.
- The public must be treated openly and fairly. LAs can be confident that, since HM Government itself recognises that Brexit poses risks to

the public interest on food supplies, they have a right and responsibility to try to minimise disruption so far as they are able. That requires preparation in line with Cabinet Office advice for Resilience Forums on when to communicate with the public, using the 'Ten Step Cycle'.¹⁸

4. Prepare public engagement now

- Lead individuals should be selected, trained and empowered to speak to and with the public. Systems of consultation can be utilised. Teams should be assembled consisting of trusted experts such as Directors of Public Health, Environmental Health and Trading Standards Officers alongside elected members.
- The food industry may be close to the point at which it is prepared to speak out publicly about concerns. Food companies do not want to be blamed for disrupted supplies. Whether they set up FRTs or not, LAs should consult representatives of major and SME food companies in their areas to ascertain the strengths and vulnerabilities of local food supply chains.

5. Be a local food voice

- In September 2018, there were press reports that David Rutley MP had been appointed as 'Minister of Food Supplies' at Defra.¹⁹ The appointment is unlikely to be effective unless there is a strong local voice ensuring that central Government knows the local realities.
- Organisations such as the Local Government Association and food-related bodies should ask to meet Ministers, noting that HM Government is in no position to alter the food system in time for the end of March 2019, even if unprecedented powers are adopted.
- The public knows that food companies are stockpiling food, but this is only sufficient for a few days' requirements, since they have cut back on warehousing to operate just-in-time delivery systems. Warehouse and cold store space are already reaching their limits, with the big retailers reported as having football-pitch-sized spaces ready to stockpile, while

suppliers' storage capacity is already taken.^{20 21}The smooth operation of just-in-time EU-wide supply chains and logistics is already being disrupted, it seems, even if the public is not yet affected.²²

Pressures ahead

As the political processes run their course, LAs could face further demands on or affecting their food roles. Longer-term implications are considered in Annexes 1 and 2. More immediate are matters such as:

- *Local Authority budgets.* Any post-Brexit regime, other than remaining in the Customs Union and Single Market, will make increasing demands on LA Environmental Health Officers (EHOs), Trading Standards Officers (TSOs) and Port Health Authorities, even though they are collectively already under-resourced – this is particularly true for England, where resources for EHOs, according to FSA's own LAEMS data, are 50% less than in Wales and Northern Ireland.
- *Maintenance of food Inspections.* One theme within pro-Brexit rhetoric has been that it is an opportunity to deregulate. LAs are mindful of their statutory duties under various Food Acts and EU regulations. In the event of disruption at ports, DEFRA has a fall-back plan to suspend the enforcement of food safety and standards to reduce delays to trucks through ports.²³ This ignores the impact on lorries carrying food exports and it also ignores what may happen to UK-bound freight at ports. This approach raises important considerations which LAs may have to address with regard to food safety impacts and the public's health. Inspections are not there to cause burdens but to protect consumers.
- *Public trust.* Food is dependent on relationships of trust. Since the 1865 Food Act right up to the Food Standards Act 1999, LAs have been given responsibilities to build and maintain public trust that food is safe, comes from where it purports to come from and is as accurately described.
- *Potential for social disorder.* Food supply problems have a long history of leading to disorder. The Government is mindful of this, as are the big retailers, hence the activity with regard to stockpiling. LAs must recognise that just-in-time systems have minimised storage, and that, while some actions can be taken to prevent serious food scarcities and unaffordable prices, there is a limit to what LAs can do. Their public and local role as 'voice' and 'ears' might become more important. Even if an Agreement wins Parliamentary approval, the next few years might well see other occasions and processes in Transition periods where difficulties raised in this Briefing arise. Meanwhile, other long-term structural problems such as food's impact on climate change, inequalities, and obesity raise pressures for other actions.

Annex 1

Food Brexit coincides with a period of restructuring of the LA food regulatory role. This has important implications for LAs:

- Brexit administrative changes. Those LAs already actively preparing for Brexit know the extent of changes on the horizon. If the 14 November Draft Agreement is approved by Parliament, some years of transition are envisaged. For instance, DEFRA intends to introduce a new electronic import notification system to replace the current EU system. Training and skills transfers to accommodate these changes will be needed throughout the food system.
- Brexit's timing is tricky. It is happening at the time that the Food Standards Agency (FSA) is restructuring the specialist role of LAs in food safety, and this in turn is occurring at a time when LAs' finances have been severely cut 2010-18.²⁴
- The FSA's *Regulating our Future* programme proposes important changes to the LA regulatory role in respect of food.²⁵ Whilst many of the proposed changes are welcome, the scale of the change (taking place at a time of Brexit) is presenting an additional layer of uncertainty regarding service planning and resourcing.
- Of particular concern at the moment are the FSA's proposals relating to Primary Authority and National Inspection Strategies. Whilst the FSA may be clear about its objective, much of the detail concerning how the new system as a whole will look and function at a practical level is incomplete. Furthermore, pursuing *Regulating our Future* via an 'open policy-making' project management format would, under different circumstances, be extremely welcome; however, at a time of mounting Brexit uncertainty, this adds uncertainty for LA managers.

Annex 2

There are also longer-term considerations for Local Government and food:

- The modern food system is multi-level. Different responsibilities and actions sit at global, continental (EU), national, sub-national (regional) and local levels, both urban and rural. While Brexit is presented as a national and international matter, the LA consideration has largely been ignored.
- LAs are well placed to be able to provide locally tuned guidance, but Central Government is sometimes felt not to have fully engaged or utilised these local experts.
- Public health functions have been re-allocated to LAs in recent years.
- A 'new' food infrastructure has been created in the last 30 years, mostly run by the big retailers, with their own Regional Distribution Centres or hubs, their own contracts, hauliers and specifications, and their own inspection and assurance systems. These are based at the local level and are known by LAs.
- LAs retain responsibility for some of what is now the 'old' infrastructure of the food system such as markets, roads and food inspections. In big cities like London, Birmingham, Manchester and Cardiff, central markets were created for key foods - fish, meat, fruit and vegetables. Today, these mostly supply SMEs.
- Some large food companies are planning for disruptions. Few SMEs are doing so. There is a risk that big food companies could 'armour-plate' their supply chains (not least to protect their brand reputation) in any Brexit crises, while SMEs could be more severely affected. Food Brexit must not be an opportunity to exacerbate intra-food system tensions.
- HM Government's Guidance Notes do not discriminate between large and SME commercial capacities to 'ride' any Brexit disruptions. LAs will be alive to how disruption could be an excuse to exacerbate commercial inequalities.

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