

Report on	Food Standards Agency - Memorandum of Understanding in relation to potential food fraud activities
Date of Meeting	9 th February 2021
Reporting Officer	Fiona McClements, Head of Environmental Health

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To inform Council of a request received from the Food Standards Agency for a Memorandum of Understanding (MOU) to be established and agreed, in relation to food fraud activities, between Local Authority teams in England, Wales and Northern Ireland and the Food Standards Agency's (FSA's) National Food Crime Unit (NFCU).
2.0	Background
2.1	This Memorandum of Understanding (MOU) agrees the relationship between Local Authority Food Teams, the Association of Chief Trading Standards Officers (ACTSO) and the National Food Crime Unit, which is part of the Food Safety Agency, referred to as "the parties" throughout the MOU. In Northern Ireland, there will be 11 separate MOU documents as opposed to one MOU to cover the region. District councils in Northern Ireland have food teams that jointly cover both food safety and food standards. These food teams are integral to front line delivery to enforce food safety and standards.
2.2	In 2015, the FSA set up the NFCU. Following the Kenworthy review in 2017, the NFCU was expanded in 2018. This included an uplift in its investigative capability and capacity. In respect of its investigation function, the purpose of the NFCU is to identify and investigate offences of food crime, particularly food fraud. The NFCUs enhanced 4P (Prevent, Protect, Pursue, and Prepare) capability now includes a Pursue strand that will enable it to lead on a limited number of food crime/fraud investigations.
2.3	The NFCU has the remit within the FSA for tackling serious fraud and related criminality within food supply chains. It will normally investigate offences appropriate for prosecution under the Fraud Act 2006 or as conspiracy to defraud under Common Law. The NFCU covers England, Wales and Northern Ireland, but not Scotland.
2.4	The NFCU will lead on a small number of the most serious and complex investigations each year, and they will have some capacity to support and co-ordinate investigations led by partners, where appropriate.

2.5	Food Teams are defined for the purposes of this MOU to be those teams within Local Authorities that enforce Food Safety and/or Food Standards related matters. In Northern Ireland, these teams will continue to have powers to take enforcement action in respect of The Food Safety (Northern Ireland) Order 1991 and Food Regulations offences including food fraud.
3.0	Main Report
3.1	<p>This Memorandum of Understanding (MOU) sets out the high-level framework of how “the parties” will co-operate to assist one another and prevent duplication of work in relation to food crime. It is not intended to set out in detail precisely what work will be taken forward by any party, as that level of prescription is unlikely to lead to effective food regulation. Each case will need to be dealt with based on the facts of the individual case, resource implications, and the relevant legal and policy position of any affected party. The MOU covers the following areas:</p> <ul style="list-style-type: none"> • Information sharing • Co-operation and Co-ordination • Enforcement and agreeing primacy • Instances where NFCU becomes aware of an issue and wishes to act • Instances where Food Teams become aware of an issue where the NFCU is likely to have an interest and/or the Food Team seeks support from the NFCU or to refer it to them • Review of Memorandum of Understanding
3.2	More detail in each of the areas listed is contained within the full MOU. The MOU is attached to this report for consideration with respect to agreeing the establishment of a MOU between Mid Ulster District Council and the National Food Crime Unit.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	It is recommended that Council note the content of this report, and agree the draft Memorandum of Understanding (MOU) in relation to potential food fraud activities.

6.0	Documents Attached & References
6.1	Appendix 1 – ‘Memorandum of Understanding (MOU), in relation to food fraud activities, between Local Authority Food Teams in England, Wales and Northern Ireland and the Food Standards Agency’s (FSA’s) National Food Crime Unit (NFCU).’