

Scottish Food Enforcement Liaison Committee minute

Friday 04 December 2020: 10:30 - 13:35

Venue: Virtual (Microsoft Teams)

Lindsay Matthew (L. Matthew)

Karen Wardrope (K. Wardrope)

Tel: 07881 281 206

Attendees

Andrew Morrison (Chair) Scottish Food Enforcement Liaison Committee

(SFELC) and Food Safety Subcommittee Chair SFELC Vice Chair & Convention of Scottish

Local Authorities and substitute for East of

Scotland Food Liaison Group

Paul Bradley (P. Bradley) Honorary Secretary Abbie Purkis (A. Purkis) SFELC Secretariat

Andrea Carson (A. Carson) North of Scotland Food Liaison Group

Bruce McCall (B. McCall) Scottish Federation of Meat Traders Association

(SFMTA)

Bryan Campbell (B. Campbell)
Craig Robertson (C. Robertson)
Faith Chung (F. Chung)
Food Standards Scotland
Food Standards Scotland

Graeme Corner (G. Corner) Imports and Exports WG Chair

Helen Henderson (H. Henderson)

Jane Couper (J. Couper)

Jane White (J. White)

East of Scotland Food Liaison Group
Food Standards Subcommittee Chair
Association of Public Analysts in Scotland and

Chair of Sampling and Surveillance WG

West of Scotland Food Liaison Group and Specialist Cheesemakers Guidance WG Chair

Kasia Kazimierczak (K. Kazimierczak) Food Standards Scotland

Lorna Murray (L. Murray) Food Standards Scotland

Martin Keeley (M. Keeley) Royal Environment Health Institute of Scotland

(REHIS)

Mhairi Malcolm (M. Malcolm) Food Standards Scotland Patrick Smyth (P. Smyth) Food Standards Scotland

Rachel Mirfattahi (R. Mirfattahi) Institute of Food Science and Technology (IFST)

Sophie Yule (S. Yule) Food Standards Scotland

1. Chairman's welcome and apologies for absence

The *Chair* opened the meeting by welcoming the Committee, guests and speakers to the December 2020 Scottish Food Enforcement Liaison Committee (SFELC) meeting. He then ran through the virtual house keeping arrangements.

The Chair guest speakers P. Smyth and G. Corner (section 4.1), C. Robertson (section 4.2), B. Campbell (sections 5.1 and 5.2), and K. Kazimierczak and F. Chung (section 5.3). Apologies were recorded by the Secretariat for Andy Paterson (), Cat Hay (Food and Drink Federation Scotland), David McGhie (), Jacqueline Angus (Food Standards Scotland), Lisa Ackerley (British Hospitality Association), Vanessa Richardson (British Retail Consortium), and William MacLeod (British Hospitality Association).

The *Chair* advised that the meeting would be audio-recorded only to aid the writing of an accurate minute.

2. Minutes and matters arising

The *Chair* advised that the approved minutes for the SFELC meeting on 16 October 2020 are available on the SFELC website. The Committee went through the minutes page by page, for corrections (C) and accuracy (A) and then matters arising (MA).

3. Actions outstanding

Action 11.2020 - Secretariat

Secretariat to circulate the invite to the webinar on Covid-19 Guidance for Food and Drink Manufacturers. **COMPLETE**

Action 10.2020 - The Chair

The Chair to liaise with the Approvals WG to progress work on approvals. ONGOING

Action 2.2020 – *B. McCall*

B. McCall to send the agendas for the Scottish Craft Butchers meetings to The Secretariat for distribution to the Local Authorities attending the Scottish Craft Butchers meetings. **COMPLETE**

Action 15.2019 - The Chair, L. Murray, J. Scott & D. McGhee

The Chair, L. Murray, J. Scott and D. McGhee to discuss the Feed Sub-Committee role. ONGOING

Action 14.2019 – Secretariat and Honorary Secretary

Secretariat to send out election forms for the SFELC Food Safety Sub-Committee Chair and *Honorary Secretary* to present at the February SFELC meeting. Action is on hold until the Committee has had change to discuss and consider item 12 SFELC Structure. **ONGOING**

Action 13.2019 – *L. Murray*

L. Murray to contact Elena Gafenco in relation to IFST registered members. **COMPLETE**

Action 07.2019 – The Chair

The Chair to meet with Uber Eats to discuss LA engagement. ONGOING

4. EU Exit Updates

4.1. Imports and Exports by Pat Smyth and Graeme Corner

P. Smyth began the update on Imports and Exports by noting that applications have been made by Scottish Ports for the Port Infrastructure Fund, with implications expected for LA's as the Port Health Authority when/if there are new Border Control Posts (BCPs) established. *P. Smyth* added that issues also remain with regards to getting licenses for IPAFFS access, with DEFRA only having a finite amount of licenses available. *P. Smyth* noted that Scottish Government (SG) and FSS are working to try and establish the port of Cairnryan as a BCP.

In terms of exports, *P. Smyth* noted that work is ongoing with the available resources to manage the amount of Export Health Certificates (EHCs) required for exports post EU-exit, with DEFRA potentially offering a surge capacity of veterinarians to assist with this work. Additionally, *P. Smyth* stated that good progress is being made with fishing vessel inspections, with over 1,000 vessels having now been inspected. *P. Smyth* added that at the last Fishing Vessels WG meeting, it was decided that all LA's will require access to the dashboard section for fishing vessels of the Scottish National Database (SND), with approval needed from LA's. *L. Murray* confirmed that FSS will provide a letter to LA's requesting consent for access to the dashboard section of SND. *P. Smyth* stated that the National Listing has been updated with all LA approved premises, and is now awaiting the list of FSS approved premises as well as the retail distribution centres, which will provide the full list that the UK will provide to the EU commission as part of the UK's third country status.

G. Corner continued to update the Committee on the work being done by the Brexit WG, noting that the WG has a wide membership from all LA's and is represented by FSS and SG. G. Corner added that the WG is reliant on input from P. Smyth and other FSS colleagues which ensures that all LA members of the WG are kept up-to-date with all relevant developments. The main items of discussion for the WG are on the Port Infrastructure Fund, the Groupage Scheme, and other Gov.uk guidance on EU Exit. G. Corner stated that for the purpose of ensuring consistency within the group, discussions have been held on the official control interventions which are required to support exports in a post-EU environment. G. Corner added that there has been some changes to the EHC online system, with exporters now having the option to apply for a batch of certificates up to 100-EHCs at any one time. G. Corner noted that the Brexit WG continue to make the best use of Microsoft Teams to ensure regular meetings.

<u>Q&A</u>

The *Chair* thanked *P. Smyth* and *G. Corner* for their update on Imports and Exports, adding that the Attestations WG will be finalising the standard operating procedure on how the attestations will work, aiming to submit the attestations to the Hubs from next week.

Matter of Record 6.2020

G. Corner expressed thanks to FSS for their input to the EU Exit/Brexit WG, and for keeping LAs updated on all associated matters.

4.2. Export Health Certification Requirements for Local Authorities by Craig Robertson

- *C. Robertson* started his update by noting that SG are continuing to work to provide the EHC services at the three logistics hubs in Central Scotland; DFDS in Larkhall, Mesguen in Harthill and JDOT in Bellshill. *C. Robertson* stated that recruitment for these hubs has been undertaken by FSS, with the contingency option of trying to utilise existing resources from within FSS, and the possibility of using resources from LA's that are less impacted by the EHC requirements. The aim is to ensure the hubs are fully operational by 1st January 2021. *C. Robertson* added that work has been done to establish the remaining demands for LA's, with LA's providing SG with the expected surge capacity numbers to feed back to DEFRA.
- C. Robertson noted that there is still a lot of uncertainty with regards to EU Exit, and businesses are growing increasingly frustrated with the inability to provide accurate answers to their questions, such as how trade with Northern Ireland will be affected. C. Robertson added that businesses will likely need an EHC when trading to Northern Ireland, also noting that there will likely be traffic delays in Kent but there will be a system in place to prioritise fresh seafood in place. C. Robertson stated that clarity on the likelihood of a deal taking place before the end of the transition period is likely to materialise within the next week or so.

Q&A

The *Chair* thanked *C. Robertson* for his update and all the work that has been done to prepare for EU Exit, adding that whilst Scotland are prepared, there are still some issues that need to be resolved before the 1st January 2021.

5. Presentations and Current Items

5.1 Regulatory Strategy and Third Party Assurance by Bryan Campbell

B. Campbell began his presentation by stating that Regulatory Assurance is commonly used in many other countries in terms of their official control delivery models, adding that work has been done to establish how this approach would work if adopted in Scotland. B. Campbell noted that since taking up his role as Programme Manager in Regulatory Strategy, there have been four key areas established in terms of a new vision to enable business compliance; sustainability, digitalisation and technology, regulatory assurance, and sustainable funding. In terms of regulatory assurance, B. Campbell noted that the proposal is to work with LAs to consider different ways of assessing food business compliance, through the creation of regulatory assurance schemes in partnership with relevant industry partners.

B. Campbell continued by noting that high level discussions have been held with LA colleagues to work on engagement with industry. B. Campbell stated that the two key partners at the moment have been the Shield Safety Group and Marks & Spencer's (M&S). The Shield Safety Group have independent third party auditors who undertake internal monitoring and audits of a number of businesses in the hospitality industry as well as retail and catering. B. Campbell added that the client spread in Scotland has been cross-referenced with the information on the Scottish National Database (SND) to identify and discuss with various businesses that have a significant input in Scotland.

As part of the assurance scheme, *B. Campbell* confirmed that there needs to be a proper means of governance in place. FSS have established a starting point for this, with the proposal that FSS will be the accrediting body for assurance schemes, and will work in partnership with LA colleagues and industry. *B. Campbell* stated that whilst an accreditation process needs to be defined, it is anticipated that there will need to be some form of gap analysis of what a business has in place in terms of third party assurance, and compare this with the existing code of practice requirements. *B. Campbell* added that this would apply initially to multi-national food businesses, in particular those that are within Band A and Band B under the Food Law Rating System (FLRS), as these businesses are highly compliant or sustained compliant.

B. Campbell noted that it would still be possible for LAs to undertake desktop interventions, with the ability to carry out physical interventions as well, adding that the LA is the competent authority and therefore has the power to go in and visit any business if it sees fit. B. Campbell stated that there would need to be a validation and verification process built into any regulatory assurance scheme in which a sample of physical interventions would still take place to ensure the scheme is operating within its parameters. For example, it would be proposed that a sample of M&S stores across Scotland would still be subject to a full FLRS inspection to ensure that the safety management systems are all still working in accordance with the scheme.

In terms of the project so far, *B. Campbell* noted that FSS are in the early stages of a feasibility study with Shield Safety Group to test the use of third-party audits and technology to enable LAs to improve the efficiency of food law intervention programmes. A proposed pilot study would then look to evaluate the reduction in the resource burden for LAs in terms of their overall service plan. *B. Campbell* added that there would need to be a significant benefit in terms of reduction in the overall service plan for LAs for Regulatory Assurance Schemes as a viable concept to be worthwhile. The M&S project will carry out internal audits across all 46 stores in Scotland by third party auditors, and will need to ensure that their audits mirror what is in the code of practice requirements in order for FSS to approve the assurance scheme.

B. Campbell continued that in terms of the LA pilot process for the Shield Safety Group, FSS are looking to seek five LAs that have Shield Safety customers in their areas, with a view to undertaking a wider feasibility study, and then potentially a wider pilot process as well. B. Campbell added that it has been proposed that reality visits would be done as part of the feasibility and pilot process, with the need for a detailed review and analysis of results to assess the potential impact on resources going forward. B. Campbell concluded that FSS are looking to do a wider feasibility study with LA

partners, but are conscious that this might not be immediately possible given the current workload for LAs in light of Covid-19 and EU Exit, but that it was important to present the information to LAs so far.

Q&A

The *Chair* thanked *B. Campbell* for his presentation, noting that whilst this is an inevitable area of work, there are some concerns over the details of the scheme. The *Chair* asked what the current risk ratings are for the 600 Shield Safety Group businesses under either FLRS or Annex 5, and how many of those businesses actually meet the compliance standards. *B. Campbell* stated that all businesses selected are either highly compliant or sustained compliant, and this would be a key part of the feasibility and pilot process going forward.

P. Bradley asked where the cost benefit would be for the enforcement side, noting that M&S premises tend to require very few visits from LAs, and therefore time saved from an LA point of view would be minimal. *B. Campbell* noted that this would be part of the feasibility study, to evaluate the cost benefit and impact on LA resources of Regulatory Assurance schemes, and whether it would make a significant impact in terms of inspection intervention programmes.

5.2 Animal Feed Delivery Project by Bryan Campbell

B. Campbell started his presentation by noting that following a review of animal feed workstream in 2015, an options analysis exercise was undertaken in October 2019 for which the FSS Board decided that the competence for animal feed laws would be transferred from LAs to FSS. B. Campbell added that the reason for this transfer of competence was due to the rapid decline in feed official control figures, concerns raised by FVO audits, and a sharp reduction in resources in LAs. The aim of the project is to bring Scotland in line with the rest of the UK, with England and Wales having addressed similar issues by centralising feed competence and directing funding to where it was required. B. Campbell stated that the SSI was laid in Parliament on 18 November 2020, and will be subject to Parliamentary approval from the Health and Support Committee on 08 December 2020. It is due to be signed off by Ministers of 24 December 2020, with a come into force date of 01 April 2021. B. Campbell added that there was a significant consultation response from LA colleagues, and the responses and final BRIA are now published on the FSS website (link).

B. Campbell noted that the purpose of the SSI will transfer all feed law functions to FSS, but it is not a centralised delivery model so FSS will have the ability to delegate any of these functions to a qualifying third party. B. Campbell added that FSS are working with LA officers to delegate official control functions to them, and FSS are proposing to use their own officers or neighbouring LAs for any LA that does not participate in the delegation. B. Campbell stated that subject to the SSI being approved by Parliament, FSS will be fully accountable for all official controls undertaken for feed, adding that the model will delegate tasks but not responsibility, with LAs still able to carry out official controls. B. Campbell noted that FSS will carry out the enforcement, approvals and incidents investigations, as well as the central coordination and administrative processes, including the annual training programme. Funding will also

go directly to FSS, who will then direct funds to LAs with their Delegated Service Level Agreements.

B. Campbell stated that FSS have had a number of discussions with the four labs across Scotland (Aberdeen, Dundee Edinburgh and Glasgow), with a view to put in place a service level agreement and appointment process for the appointment of an agricultural analyst. B. Campbell continued that in terms of developing the infrastructure for feed, FSS are in discussions with LAs to consider transitional arrangements as well as the Delegated Service Level Agreement, which is also being reviewed by an independent legal advisor. B. Campbell added that FSS are in the process of establishing a new feed manual and procedures, as there won't be a Feed Law Code of Practice from 01 April 2021, but the manual will mirror this information but to reflect the new delivery model. Additionally, there will be a national service plan and enforcement policy, with the intention for FSS to invest further in training of officers in animal feed. B. Campbell noted that FSS will also be looking at their own internal processes in terms of work procedures and feed, with the creation of a new database the feed management information system will allow FSS and LA officers to input inspection information directly via an iPad/tablet.

Q&A

The Chair thanked B. Campbell for his presentation, asking whether officers doing the intelligence gathering would feed into FSS enforcement operations. B. Campbell confirmed that FSS are keen to ensure a working partnership with LAs on this work. The Chair noted that as a lot of 'on farm' feed work is combined with the primary production of food, asking how this would tie into this project. B. Campbell stated that an ENF letter went out to LAs recently proposing that where there is low risk activity, these areas of work could be combined, but this is subject to discussions with LA colleagues. B. Campbell encouraged LA representatives to contact Jacqueline Angus if they wish to participate as part of the delegated service level agreement.

The *Chair* needed to leave the meeting at this point and handed over to *L. Matthew*.

5.3 Prototype of the Scottish Food Sampling Database (SFSD) Interactive Dashboard by Kasia Kazimierczak and Faith Chung

K. Kazimierczak started the presentation by noting that F. Chung has been working with on this 12-week project alongside data scientists to develop a dashboard for reporting from SFSD. K. Kazimierczak stated that whilst the current prototype is being developed with FSS users in mind, FSS would also like LAs to have access to live data on the dashboard. Therefore, FSS will be working with LA colleagues to determine how the data will be presented, and to ensure that the dashboard meets LA requirements.

F. Chung noted that she joined SG's Data Science Accelerator Programme 2020, which is partnered with Public Health Scotland, National Records of Scotland and Registers of Scotland. *F. Chung* stated that the Programme gives a focus period of data science development for one day a week for 12 weeks, with the Prototype ready at the end of the project in December 2020. *F. Chung* continued that the SFSD data

provides a critical intelligence source relating to food safety and quality in Scotland, and so the aim of this project was to monitor these risks in real time through the use of an interactive dashboard. Over the past 12 weeks, *F. Chung* stated that a number of tasks have been carried out:

- Data cleaning removing data that is not available and anonymising data.
- Designed a user friendly dashboard interphase.
- Ensured the automatic update of graphical plots.
- Created an interactive function for users to select and filter data ranges of interest.
- "Click of a button" production of more frequent reports.
- Created an interactive dashboard prototype for using reporting data from 2019/20 sampling data set.

F. Chung ran through an online demonstration of the live SFSD dashboard, showing the interactive capabilities of the site, and noting that the dashboard will be hosted by a secure server containing password protection for users. *F. Chung* noted that the project is now at a point of further work, and is looking to ensure more regular reports from the dashboard as well as PDF reports. *F. Chung* added that they are working through the developmental aspects of the dashboard, and working to ensure that it automatically connects to the SFSD database.

K. Kazimierczak stated that the progress on this project has been limited as F. Chung only had one day a week over 3-months to work on this, and so more work will be going into this dashboard over the next year. K. Kazimierczak stressed that feedback from LAs is welcomed at this stage.

Q&A

- L. Matthew thanked K. Kazimierczak and F. Chung for their presentation, and opened the floor to the Committee for questions.
- P. Bradley asked whether LAs will be able to view sample information for an individual sample. K. Kazimierczak noted that the plan is to be able to pull out a raw data spreadsheet which will enable LAs to view everything, but this has not been established on the dashboard yet. P. Bradley added that it would be useful to have this information on an excel spreadsheet.
- *J. Couper* praised the work on this project, adding that the ability to access data quickly and more efficiently will be highly beneficial.
- *M. Keeley* asked whether LAs will be able to do a data trend by LA, food type and/or variable periods of time, adding that some local manufacturers are more compliant at particular times of year. *F. Chung* stated that this will be available, and encouraged LAs to get in touch if there are any specific trends over the years that they would like included on the dashboard. *K. Kazimierczak* noted that the data would be anonymised, and so information about particular businesses would not be included, but added that the number of the sample could be determined by checking the MIS.

K. Kazimierczak asked whether LAs would be content for the national data set to be divided by LAs on the dashboard, enabling LAs to see the anonymised data sets of other LAs. P. Bradley noted that it would be useful to assess the UK sharing agreement between FSS and Public Health Scotland, adding that the ability to search by trade name and product name is useful. P. Bradley also noted that if officers knew the codes for each LA, they could figure out the sampling authority from the national dataset. K. Kazimierczak added that more discussion is needed on this. L. Murray suggested that there may be scope for another WG on this area of work that would be separate from the SND WG.

Action 12, 2020

- P. Bradley, J. Couper and J. White to liaise with K. Kazimierczak and F. Chung on the potential to establish a new SFELC WG for the SFSD Interactive Dashboard.
- 6. Intelligence gathering Consultations, Horizon Scanning and Safe spaces
 Nil.

7. The SFELC Executive update

M. Keeley informed the committee that the SFELC Executive met on 03 December 2020 to discuss the work plan and FSS update (details of these can be found in the relevant sections). *M. Keeley* then gave a brief overview of points discussed at the TSE meeting:

- M. Keeley stated that the SFELC Executive decided on future SFELC meeting dates throughout 2021 until February 2022, with unassigned items to be attributed to relevant meeting dates.
- *M. Keeley* provided an update on the National Food Crime Advisory Group, noting that the SFELC Executive have an outstanding action to bring together the Horizon Scanning Group and the Tactical Assessment Group.

8. Committee work plan

05 February 2021 - Microsoft Teams

- EU Exit (Patrick Smyth & Graeme Corner)
- LA Recovery Plan (WILLIAM HAMILTON)
- FSS Position on FSA's Competency Framework (TBC)

16 April 2021 - Microsoft Teams

- Allergens (Grainne Gilson-Smith)
- Future Consultation Framework Agreements (TBC)

UNASSIGNED ITEMS

- Risky Foods (Lorna McCoull and Graeme Corner)
- Novel Foods, committee structure AFFF (GEORGINA FINCH)
- FHIS (BILLY HAMILTON)
- LA Sampling Programmes Update on Current Trends and Future Strategy (JANE WHITE, FAITH CHUNG AND JACQUI MCELHINEY)
- LA Desktop Sampling Audit Report (Marion McArthur and James McLennan)
- SND and Scottish Food Enforcement Annual Return (SFEAR) (PAUL BIRKIN, JACQUIE SUTTON AND MARION MCARTHUR)
- Food Recalls (RYAN BRUCE AND IZZY CHILDS)
- Tactical update (Ross Clark)
- Food Standards Project Working Group Guidance update (CARRIE COOPER)
- FLRS (SARAH COYLE)
- Zero Waste Scotland
- Loving Food @ East Lothian" project (LAURA GUNNING) Once Discovery Phase has taken place

9. Food Standards Scotland update

L. Murray informed the Committee that FSS have been working with Scottish Government (SG) to support various Covid-19-related areas of work, such as the Strategic Framework and the Action Plan that sits underneath the Framework. L. Murray noted that with regards to the Action Plan, FSS were tasked with certain aspects of delivery under key objectives, one of which was to consider self-assessment tools for food businesses and food retail establishments. L. Murray added that the intention of these tools was to enable the ability for businesses to demonstrate their ongoing compliance, and an email went out to all Lead Food Officer's to advise them of this. L. Murray also noted that SG are now looking to adapt these tools for other sectors.

L. Murray stated that in terms of the LA Recovery Plan, comments were received from the Chair of Solace in which there were no issues reported. Therefore, FSS are proceeding to publish this report and send it out to LAs as soon as possible, accompanied by an Enf letter.

10. Sub - Committees: including working groups

Food Standards Sub-Committee

Nil.

Specialist Cheesemakers Guidance WG

K. Wardrope noted that the next review of the guidance is scheduled for April 2022, in which there should be more scientific evidence available.

11. Food Liaison Groups

Lothian and Borders FLG

P. Bradley noted that the Lothian and Borders FLG met yesterday, adding that the change of Secretary and Chair of this FLG is scheduled for the start of 2021.

North of Scotland FLG

A. Carson stated that the North of Scotland FLG met this week, with colleagues being kept busy with Covid-19-related work.

West of Scotland FLG

K. Wardrope noted that the last meeting for the West of Scotland FLG was 18 November 2020, with a lot of the discussion being around EU-exit. K. Wardrope stated that there were also some questions raised surrounding the Recovery Plan, namely issues on whether premises previously marked as 'Improvement Required' would be re-assessed under FHIS in order for them to trade on Just-Eat and/or Uber Eats. K. Wardrope added that the decision was made that this would be handled on a case-by-case basis for each LA.

East of Scotland FLG

H. Henderson stated that the East of Scotland FLG met on the 17 November 2020, with the majority of discussions on Covid-19-related work.

12. Update by Non-Enforcement member(s)

Nil.

13. Review of action points

The Secretariat ran through the Actions and Matters of Record raised throughout this meeting (in bold red and bold green).

Full details of all actions completed prior to this meeting are available in the actions document in KHub, "SFELC - Complete set of meeting papers". Then "appropriate meeting", then "Item 03 – Action Points and Matters of Record". (<u>link</u>)
Additionally actions for the SFELC Executive are noted in the TSE actions log in KHub, "SFELC Executive (formerly Resources Working Group) > Library > The Exec – Papers - year month > Item 02 – The Exec – Action points and Matters of Record". (<u>link</u>)

14. AOCB

L. Matthew asked whether it would be beneficial to add a tab on SND for Street Traders. L. Murray noted that this could be discussed at the SND WG.

Action 13.2020

Paul Birkin to raise the potential to add a new tab for Street Traders on SND at the SND WG.

Forthcoming meetings

05 February 2021 - Microsoft Teams

16 April 2021 - Microsoft Teams

11 June 2021 - TBC

08 October 2021 - TBC

03 December 2021 - TBC

04 February 2022 - TBC

Please advise Abbie Purkis on SFELC@fss.scot if you are aware of other events that SFELC delegates may attend that clash with these dates.