

Scottish Food Enforcement Liaison Committee minute

Friday 05 October 2018: 10:00 for 10:30

Venue: Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL. Tel: 01224 285105 or 07881 281 206.

Attendees

William Hamilton (Chair)	Scottish Food Enforcement Liaison Committee
Lindsay Matthew (L. Matthew)	SFELC Vice Chair & Convention of Scottish Local Authorities
Paul Bradley (P. Bradley)	SFELC Honorary Secretary
Tanja Low (Secretariat)	Scottish Food Enforcement Liaison Committee
Jane Couper (J. Couper)	Food Standards Subcommittee Chair
Douglas Scott (D. Scott)	Scottish Federation of Meat Traders Association (SFMTA)
Eilidh Paton (E. Paton)	Diet and Nutrition Working Group Chair
Catherine Boyd (C. Boyd)	Society of Chief Officers of Environmental Health in Scotland (SOCOEHS)
Cat Hay (C. Hay)	Food and Drink Federation Scotland (FDFS)
Andrea Carson (A. Carson)	North of Scotland Food Liaison Group Chair
Lynne Bissett (L. Bissett)	East of Scotland Food Liaison Group representative
Izzy Childs (I. Childs)	Lothian and Borders Food Liaison Group Chair
Joe Harkin (J. Harkin)	West of Scotland Food Liaison Group Chair
Rachel Mirfatahhi (R. Mirfatahhi)	Institute of Food Science and Technology (IFST)
Martin Keeley (M. Keeley)	Royal Environment Health Institute of Scotland
Chris McGuigan (C. McGuigan)	Consultant in Public Health Medicine
Hazel Stevenson (H. Stevenson)	Aberdeen City Council
Lorna Murray (L. Murray)	Food Standards Scotland
Bryan Campbell (B. Campbell)	Food Standards Scotland
Jackie McCann (J. McCann)	Food Standards Scotland
Heather Peace (H. Peace)	Food Standards Scotland
Grainne Gilson-Smith (G. Gilson-Smith)	Food Standards Scotland
Patrick Smyth (P. Smyth)	Food Standards Scotland
Mark de Brunner (M. de Brunner)	HM Revenue and Customs (HMRC)

1. Chairman's welcome and apologies for absence

The *Chair* opened the meeting by welcoming the Committee, guests and speakers to the October 2018 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Aberdeen. He ran through the house keeping arrangements.

The *Chair* welcomed guest speaker *M. de Brunner* (agenda item 4.2), *J. McCann* support for *Secretariat*, *L. Bissett* substitute for Helen Henderson, observers *H. Stevenson* and *E. Paton*, speakers *P. Smyth* (agenda item 4.3) and *H. Peace* (agenda item 4.1). He welcomed Catherine Ferro's replacement Tanja Low as the new *Secretariat* as of end of August 2018 and thanked her for her support so far.

Apologies were recorded by the *Secretariat* for; Ian McWatt; FSS, Andrew Morrison; Food Safety Subcommittee Chair, Helen Henderson; East of Scotland Food Liaison Group, Andy Paterson; SG and Scott Anderson; Scottish Food Industry.

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

2. Minutes and matters arising

The *Chair* advised that the draft minutes of the meeting held in Perth on 22 June 2018 had been made available on Knowledge Hub (KHub) ([link](#)) and that the approved minutes will be available from the SFELC website ([link](#)). The Committee went through the minutes page by page, first for corrections and accuracy (A) and then matters arising (MA).

There were no corrections for accuracy, however, as a MA *D. Scott* wanted clarification on the Predictive Modelling and Challenge Testing course. *L. Murray* confirmed that it was a combase training course that would be delivered for LAs by FSS Training programme and more information will be available in due course.

3. Actions outstanding

Action 08.2018

The *Chair* apologised that he did not submit SFELC response to FSS on the consultation of Annex 5 and the deadline has now passed. **COMPLETED**

Action 09.2018 - ALL

The *Chair* noted that the Mobile Street Traders guidance document is now to become a consultation and it will be circulated to all LAs W/C 8th of October, The *Chair* is looking for feedback from ALL. **ONGOING**

Action 10.2018 – The *Chair* and *L. Murray*

The *Chair* and *L. Murray* will to progress the meeting with SFELC Working Groups / Food Liaison Groups and Sub-Committee Chairs once the Partnership Event on 24/25th January 2019 has taken place to discuss how engagement can be enhanced and better organised as well as to promote the SFELC KHub Open page ([link](#)).

ONGOING

Action 11.2018

The *Chair* stated that *C. Hay* has sent details of FDF webinars to *Secretariat* who in turn circulated them to the Committee. **COMPLETED**

The *Chair* noted that The *Secretariat* will be creating new tables to track the action points and matters of record. Full details of all actions completed prior to this meeting are available on KHub ([link](#)) under, “SFELC - Complete set of meeting papers” > “appropriate meeting” > “Item 03 - Action Points”.

ACTION 12.2018

Secretariat to create new action point and matters of record tables for SFELC

4. Presentations & Current Items

4.1. Out of Home Strategy Presentation by Heather Peace

H. Peace began by pre-empting her presentation by giving an overview on what has been going on in diet and health, inclusion the following points:

- A FSS nutrition programme has been established, with governance from a high level board which includes W Hamilton.
- This Nutrition programme does not encompass everything done in the Diet and Nutrition programme, but instead it represents work that is broadly in line with SGs “A healthier future: Scotland’s diet and healthy weight delivery plan” which was published a few weeks ago.
- Department of Health and Social Care in UK (England only) has recently published a consultation on mandatory calorie labelling
- SG has published a consultation on restricting promotions of high fat, salt and sugar foods (HFSS)
- Department of Health and Social Care in England is also due to publish a consultation on promotion of HFSS
- FSS will be publishing a consultation on proposals for consideration in relation to an out of home (OOH) strategy in the next few weeks

Presentation

H. Peace reminded us that as per the Food Scotland Act 2015, FSS has a statutory duty to improve the extent to which the Scottish population have diets conducive to good health.

H. Peace clarified that “out of home” encompasses all food and drink that we consume outside the home. It is estimated that 20-25% of our calorie intake comes from consuming food out of the home, with lunch and “snack time” being the most popular times to eat out. Furthermore, due to lack of labelling it is difficult to know exactly what levels of calories and fat etc. are being consumed OOH. The OOH offerings are skewed towards less healthy options when eating out and evidence shows that in that children are consuming even less healthy items than the adults when eating out. She did emphasise that children do need calories but that the choices available to parents should be healthier and the same can be said about food when on the go e.g. while traveling.

As part of the SG Healthier future delivery plan, FSS is committed to consult on proposals under consideration for an OOH strategy. Future strategy would be discussed by the FSS Board and proposals sent to Scottish Ministers.

H. Peace informed the Committee that a consultation as part of this strategy will have a focus on calorie reduction and it will be launched in November. She encourages us all to put our views forward and she is happy and keen to engage with SFELC and its members now and throughout the consultation period.

Q & A

C. Hay asked when the OOH consultation outcomes will be passed to the FSS board and when it will be passed onto ministers. *H. Peace* indicated that the FSS Board should receive it around June 2019, however, the ministers won't receive it until late summer. These timings may change.

H. Peace mentioned that the public sector should be the exemplar of best OOH practice. She queried if support and recognition schemes such as the Healthy Living Reward are flexible enough. The *Chair* stated that LA could help run reward and recognition schemes and asked *H. Peace* if she thought there was a future for schemes. *H. Peace* stated that the industries have given feedback that they like the schemes and thinks there should be a future for them so long as there is enough support for them.

D. Scott suggested that signposting to healthier options would be welcome. *H. Peace* agreed but made the point that in the past menus, where symbols were used to highlight "healthier" options, these symbols had to be removed due to health claims regulations because they were not supported by nutritional evidence. She is hopeful that more nutritional information will be provided by businesses in the future to support this type of signposting.

The *Chair* stated that as LAs are so different, it is difficult for them to focus on public health issues such as obesity and there aren't even coherent policies within councils and asked if the Scottish Government is going to have to solve this issue. *H. Peace* responded that FSS has been working to support small business under a commitment to work with Early Adopters in the SG Healthier Future Delivery Plan. The 3 Early Adopters (Dundee, North Ayrshire and the East Region Partnership) are committed to championing a whole systems approach to address the challenges in tackling diet and obesity.

H. Peace and *G. Gilson-Smith* then discussed the merits of MenuCal and the role of the Environmental Health Professionals which they were due to present on at the East Region Partnership meeting on the 19th of October. This partnership comprises of Local Authorities, Local Health Boards and Integrated Joint Boards.

H. Peace mentioned that Public Health England is looking at other approaches but she and *G. Gilson-Smith* will keep SFELC updated on the whole system approach.

Action 13.2018

H. Peace and G. Gilson-Smith to keep SFELC updated on the progress with SG on the whole systems approach to address the challenges in tackling diet and obesity.

E. Paton asked how the diet and nutrition group could contribute and feed into the OOH consultation. *H. Peace* said that at the moment there is no specific reference in the consultation to environmental health as its focus is mainly on what industry can do rather than the how. However FSS is planning to arrange a workshop with environmental health representatives during the OOH consultation period.

4.2. Brexit Presentation by Mark de Brunner

M. de Brunner introduced himself as being part of the border delivery group at HMRC. This group gives a cross cutting view on the state of the border as we go through Brexit with a particular emphasis on the possibility of “no deal” and the impact on border controls after 29th March 2019.

Currently the UK does not undertake routine border checks on Products of Animal Origin (POAO) coming directly from the EU and it is suggested that the UK adopt a risk based approach on day 1, “no deal” with no additional border control checks being undertaken. However, currently when “high risk” POAO and Food Not of Animal Origin (FNAO) comes into the EU from the rest of the world, they are checked at the point of entry into the EU at either a Border Inspection Post (BIP) or a Designated Point of Entry (DPE). These checks will continue as is. However, when those “high risk” POAO and FNAO comes into the EU with the UK being the final destination, then all border checks will be undertaken at appropriate BIP’s or DPE’s in the UK.

M. de Brunner finished his presentation by mentioning he now runs a steering group of port health authorities in England and he would like to set something similar in Scotland and is looking for suggestions on how to go about this. The *Chair* thanked *M. de Brunner* and agreed that we could help facilitate this and asked *P. Smyth* how best to go about this. *P. Smyth* was keen to utilise the Imports and Exports Working Group for this task, but recognised that the Working Group would need to formalise it’s approach beforehand to include Non-Disclosure Agreements etc.

ACTION 14.2018

M. de Brunner to meet with the Imports and Export Working Group to set up an equivalent steering group in Scotland as to the one he runs in England and to decide who will have membership of the group.

L. Murray asked for clarification that the steering group would also cover live animals and feed and *M. de Brunner* confirmed that it could, however, the DEFRA technical notice isn’t very clear on live animals and so they might need some special attention. *C. Hay* asked who currently sits on the English port authority group, if they are LA councils or people from industry and *M. de Brunner* clarified that they are purely port authority reps.

M. de Brunner asked for clarification on the identity of the Scottish contact for food Trading Standards.

ACTION 15.2018

The *Chair* to find out who is the Scottish contact for Trading Standards Scotland and pass the information onto *M. de Brunner*

4.3. Imports and Exports Presentation by Patrick Smyth

P. Smyth started his presentation by stating that he would be taking the perspective of a “no deal” as it’s a worst case scenario. Scottish Government however, takes the view point that “no deal” is not an option.

Over the last 10 years, the top 3 products that Scotland is importing are wine, fresh fruit and vegetables. The top 3 products Scotland is exporting are whisky, salmon and cheese.

Imports

UK needs to have their own system for imports and exports. This is the TRACES System (Trade Control and Expert System). DEFRA currently hard at work trying to mirror the EU system for the UK before the 29th of March 2019.

Technical Notices are coming out. DEFRA one is already out whereas FSA one is still to be published

Imported food from non EU countries – Business as usual

- Food leaves a non EU country and docks in the UK
- All documentation and checks will continue to take place in the UK

Imported food from non EU countries – Not business as usual

- Food leaves a non EU country and docks in a EU port before coming to UK as some of the cargo is for other EU countries and the rest is for the UK
- Colleagues in EU would normally have done all checks and documentation on the full cargo. After Brexit, this may now mean that they do not do any checks on the cargo destined for the UK
- Now these goods will come via ro-ro traffic e.g. Dover which is not a border inspection post and would have to go under seal in transit to the nearest border inspection post.
- This would cause a lot of hold ups at ports and potential extra vigilance needed from LAs especially with the high risk items.

Exports

There are about 130,000 Export Health Certificates (EHC) issued per annum within the UK and 4 out of every 5 health certificate leaving the UK is signed by a LA. This number is likely to triple with a “no deal” situation as The EU 27 will require an export health certificate for all high risk foods.

Food businesses are likely to have to register on the existing EU TRACES system if they plan to export to the EU. DEFRA want to claim responsibility on informing this to the businesses. We might get a national list of approved food businesses that are allowed to export to the EU 27. However this raises questions on how do you access the list? And how do you come off the list? And if you do come off the list, how do you re-access it?

APHA have approved a central list of Certifying Officials and Certifying Support Officials and any official signing these EHCs must be on the list. There will be mandatory training and refresher courses every 2 years, however, Grandfather rights for already qualified individuals is being looked into.

Q&A

After *P. Smyth* completed his presentation, *L. Murray* added 2 supplementary points.

1. The charging element of Imports/Exports could potentially overlap with the agenda of the Charging for Additional Official Controls Working Group (Chaired by Jane Dyer) and she recommended *P. Smyth* engages with this group.
2. Due to EU 27 there may be a greater demand on verification and other disciplines and so from a laboratory perspective; the more food we take in, the more samples will have to be taken and the more analysis will be required. Therefore the capacity and funding capabilities will need to be considered.

E. Paton asked what will happen with consignment checks. *P. Smyth* confirmed that it would depend on what the export health certificate looks like as LAs may be required to be onsite to put their name against consignments. However, e-certificates might be available. *E. Paton* then asked if there was going to be a uniform certificate for non-DEFRA certificates. *P. Smyth* clarified that there is FSS/FSA Export Health Certificate Guidance where templates are available in the annexes and it is published on the website.

4.4. Ratify: SFELC annual report

The *Chair* stated that the SFELC annual report for 2017/18 had been cleared for publication during the SFELC Executive meeting on 4 October and asked if anyone on today's committee had any further comments. No further amendments to be made.

ACTION 16.2018

Secretariat to publish the final SFELC annual report for 2017/18 on KHub and the SFELC website

5. Intelligence gathering – Safe spaces

Nil

6. The SFELC Executive update

M. Keeley stated that the SFELC Executive (TSE) met on 4 October and discussed the work plan, FSS update and the SFELC Office Bearers elections (details of these can be found below in the relevant sections). He then gave a brief overview of points discussed at the TSE meeting:

- Bryan Campbell gave an update on Annex 5; an implementation group. He spoke about doctors and a consultation on local practices which is now closed.
- All outstanding TSE actions have been completed
- SFELC web pages are all up-to-date and working
- Highlight reports are great as they are bite sized and give a good over view of all the work that is getting done. Diet and Nutrition will be giving a presentation on Scottish Government price promotion. Street Traders will be sending out a consultation.
- The new chair for the Food Crime Working Group is Martin Keeley and Paul Birkin is the vice chair.

The *Chair* thanked *M. Keeley* for his update and reiterated how important the highlight reports are to make everyone aware of what is going on. He stated that one action to come out from the TSE meeting was that all the chairs of the sub-committees, liaison groups and working groups are going to get together for a session after the Partnership Event to discuss how better to get things “knitted together”. *M. Keeley* interjected that KHub can be used to help with this.

The *Chair* stated that another action that came out of the TSE meeting was that the *Secretariat* is going to write and develop flow diagrams and a Standard Operating Procedure on KHub use and uploads. The *Secretariat* asked the committee to send her any ideas they may have on how better to explain KHub and to clarify any issues users may be experiencing. She also reminded members to upload their highlight reports to KHub and even if there hasn't been a meeting then to please still submit a null report.

7. Committee work plan

The Partnership event (24/25th January 2019) will be on the agenda and discussed at the December TSE meeting

07 December 2018 – Glasgow (Atlantic Quay)

- UK Food Surveillance System report – Kasia Kazimierczak / Alexius Edridge
- Cheesemakers Guidance: “Gerry and the cheesemakers” – Gerry Fallon
- Presentation on labelling – Lorna Murray
- Office Bearer Elections – Secretariat

08 February 2019 – Edinburgh (St Andrews House)

- Approved Establishments working group launching the Official Control Verification (OCV) in Food Manufacturing manual – William Hamilton
- Brexit update

The *Chair* embellished that the OCV manual should be ready in February post the pilot.

8. Food Standards Scotland update

L. Murray informed the committee FSS's Local Authority Training Programme is being rolled out & invites to Local Authorities will be issued shortly for any noted interest.

Audit team are busy planning, scheduling and completing audits. Within their new capacity and capability audit scheme they have completed 14 audits, 12 of which are at the final stages of agreement with 10 reports having been published with a couple more scheduled before Christmas. From an audit perspective, the new method of audit has been well accepted by LAs and during reality visits, there has been a good awareness from the officers in terms of their competence.

There have been 24 responses to the code of practice which includes several from industry partners. *L. Murray* thanked the committee for their comments on it and they are collating all the responses and will respond in due course. The first phase should be complete in the new year and the second phase of reviewing will occur simultaneously.

UK LAEMS report will now only cover England, Wales and Northern Ireland but Scotland's report will be published in November.

There will be a press report imminently by the BBC on meat sampling, specifically on undeclared meat as samples show substitution and/or carry over. FSS have proved a statement to the BBC and interviews have been requested but no LAs have been approached to her knowledge.

L. Murray stated that she will be working closely with *G. Gilson-Smith* on allergen labelling and trying to see what can be done about it. She mentioned that there seems to be an expectation from consumers that lessons are learnt from recent high profile allergen related incidents.

9. Sub – Committees: including working groups

J. Couper was the only sub-committee member present at today's meeting and the Food Standards Subcommittee just met yesterday and she will provide an update in the next highlight report for the December SFELC meeting.

The *Chair* asked what 3 topics the Food Standards Project Group were covering. *J. Couper* clarified that they were butchers guidance, bakers guidance and specialist

breweries / spirits. The butchers guidance is almost ready for publication and the other two will be published soon.

10. Food Liaison Group

The *Chair* reiterated that *L. Bissett* is standing in for Helen Henderson as the East of Scotland Food Liaison Group representative. He further cemented his desire that SFELC needs to enhance its engagement with all its members but especially with the liaison groups as they are critical members of SFELC.

The *Chair* reiterated that he will be hosting a meeting with the chairs of the sub-committee, Liaison and Working Group chairs in the New Year to discuss how engagement can be enhanced and better organised (as per Action point 10.2018 above)

The *Chair* also commented that the long standing secretary (at least 20 years) of the West of Scotland food liaison group, Brian, has retired and asked *J. Harkin* to pass on his thanks and regards.

No further comments were raised from the food liaison group chairs.

11. Update by Non-Enforcement member(s)

Although there was nothing raised today, the *Chair* reiterated that he is keen to promote engagement and wants to encourage other members to come to future SFELC meetings.

ACTION 17.2018

ALL to engage with external members (during sub-committee, Liaison and Working Group meetings) and to encourage more people to attend SFELC meetings and to promote the use of KHub open group ([link](#))

12. Review of action points

Secretariat ran through the action points raised throughout this meeting (in bold red).

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". ([link](#))

Additionally actions for the SFELC Executive are noted in the TSE actions log in KHub, "SFELC Executive (formerly Resources Working Group) > Library > TSE – Papers - year month > Item 02 – TSE – Action points". ([link](#))

13. AOCB

C. Hay stated that there has been a consultation on setting up a new consumer body in Scotland which is focusing on high level consumer issues e.g. high postal charges in the highland and islands. She said their principles are very similar to FSS in protecting consumers from harm and the consumer body will help to fill any gaps that might exist.

ACTION 18.2018

C. Hay to forward to the Secretariat her response to the new consumer body and the Secretariat to then circulate in SFELC

The *Chair* was keen to engage with the new consumer body as SFELC have not had a consumer representation for a long time. *L. Murray* clarified that Food Standards Scotland have been involved but it was not within the enforcement team but rather with the private office.

P. Bradley reminded the committee that there is a SFELC open group on Knowledge Hub (KHub) ([link](#)) which currently has 55 members but we should try and promote membership of it (as per Action Point 10.2018 and 17.2018 above) as it is very helpful platform to share information and to keep members up-to-date on important issues. The *Chair* asked for other ways we could help to promote KHub open group membership. *P. Bradley* stated that when the liaison groups for example are having meetings, the chairs should remind people about the SFELC open group on KHub as once someone is a member of KHub, gaining access to the open group is simple.

D. Scott stated that there is pressure from consumers around Scotland for food businesses to reduce the use of plastic and customers are coming into businesses with their own containers to be filled by the business.

D. Scott queried what the Committee's view should be on this practice. There was a general discussion about the risk of these containers acting as vectors for contamination and that of the Food Business Operators obligation to ensure food is safe to eat versus the consumers desire to reduce plastic use. *P. Bradley* reminded the committee that compliance with the law comes in at the point of sale and therefore you would have to be able to prove that contamination happened at the point when food was put into the customers container which is very hard to prove. The *Chair* concluded this discussion by stating that an answer could not be reached, however, he sympathises with the members raising their concerns.

G. Gilson-Smith stated that there is a Horizon Scanning Group in FSS which looks at different emerging issues and she is happy to bring this issue to the group.

ACTION 19.2018

D. Scott to send the Secretariat documentation on butchers comments regarding customers bringing in their own containers. G. Gilson-Smith to bring the information to the Horizon Scanning Group.

The *Chair* concluded this SFELC meeting by asking for any other further comments. When none came forward, he thanked everyone for their attendance and announced

that lunch would now be served and mentioned that the next SFELC meeting would be on 07th December in Glasgow ([link](#)).

Forthcoming meetings

07 December 2018: Meeting to be held in Glasgow (Atlantic Quay)

08 February 2019: Meeting to be held in Edinburgh (St Andrews House)

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