

OFFICIAL

Minute

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For further information please email the SFELC Mailbox SFELC@fss.scot



Scottish Food Enforcement Liaison Committee Minute

Microsoft Teams
02 June 2023 10:00 – 13:00

| Attendees | |
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| Paul Birkin – The Chair | Paul Bradley - Honorary Secretary |
| Tanja Low - Secretariat | |
| Andrea Carson - North of Scotland Food Liaison Group | Andy MacLeod - Seafood Official Control WG Chair |
| Bruce McCall - Scottish Craft Butchers | Cat Hay - Food and Drink Federation Scotland |
| Catherine McFadyen – Midlothian Council | Chris Seyfried - Food Standards Scotland |
| Conor Brolly - Student EHO at East Renfrewshire Council | Devina Sankhla - British Retail Consortium |
| Eva Brahim - Consumer Scotland | Helen Henderson - East of Scotland Food Liaison Group |
| Izzy Childs – Lothian and Borders Food Liaison Group | Jane White - Association of Public Analysts in Scotland and Sampling and Surveillance WG |
| Janine Thoullass - Public Health Scotland | Karen Wardrope - West of Scotland Food Liaison Group and Specialist Cheesemakers Guidance WG Chair |
| Kasia Kazimerczak - Food Standards Scotland | Kirsty McGuigan - Dumfries and Galloway Council |
| Lorna Murray - Food Standards Scotland | Lynne Bissett – Falkirk Council |
| Marjorie Kennie - REHIS Student | Rachel Mirfattahi - Institute of Food Science and Technology (IFST) |
| Rachael Morrison - REHIS Student | Sheena Redmond - REHIS |
| Sophie Yule - Food Standards Scotland | William Gilbertson - Food Standards Scotland |

| Apologies | |
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| Andrew Morrison - Co Vice-Chair | Jane Couper – Food Standards Sub-Committee Chair |
| Lorna McCoull - Co Vice-Chair | Tracey Reilly – Consumer Scotland |

Synopsis

Minutes & matters arising

- SFELC are still seeking volunteers to fill vacant Sub-Committee, Working Group and Task Group posts. Please contact SFELC@fss.scot for notes of interest and further information
- FSS are still seeking help to identify one more business for Jump Research to better understand how businesses find using CookSafe. Assistance from industry members to identify potential businesses would be much appreciated.

Resource Calculation by Chris Seyfried

- Data from the TME will be presented as National average, Group average and LA average
- Excluding travel time, there are differences between LAs for time scales. Inspection times however, are roughly the same between LAs
- It is hoped that the resource calculation will help tackle under resourcing issues. LAs are encouraged to contact Christopher.Seyfried@fss.scot with any suggestions or feedback

LA Food Sampling 2021/22 Annual Report by Kasia Kazimerczak & William Gilbertson

- There has been an increase in sampling of 25.4% since the 2020/21 report
- For microbiology samples, 'Restaurants/caterers' had the highest failure rate
- For chemical samples, 'Manufacturers/processors' had the highest failure rate
- Undeclared allergens were found in some samples
- Thanks was given to LAs for assisting in the sampling programme

SFELC Terms of Reference

- SFELC no longer represents feed

The SFELC Executive update

- The Retained EU Law bill (now referred to as Assimilated Law) will no longer Sunset EU Law at the end of this year, instead the power to preserve will be replaced with a power to remove it from the schedule
- Results of the consumer information scheme social research were that FHIS mandatory display should occur with the style remaining the same or by using the FSA numbered tier rating system
- REHIS's Annual Food Update event is on Wednesday 07 June

Food Standards Scotland & SAFER Update

- The free online allergens training is now live on the FSS website ([link](#))
- Consideration will be given to running more Enforcement Sanctions training courses in 2023/24
- The SAFER update event on 27 and 28 March was well attended and a rolling Q&A document has been compiled which has been circulated to LAs. Any further comments and questions are welcome. Please submit these to Enforcement@fss.scot

Food Liaison Group

- 5K funding is available for businesses via the Healthier Bakery Fund project for reformulating sweet and bakery products

Update by Non-Enforcement Members

- The annual IFST lecture on food fraud is on the 10th of October
- IFST are keen to have satellite events within Scotland. Please contact rlmft@outlook.com if interested in arranging
- Local Authorities will need to create a Good Food plan

Agenda Items

| Item No. | |
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| 1 | Chairman's welcome |
| | <p><u>Guest speakers</u></p> <ul style="list-style-type: none"> Chris Seyfried from FSS - Presenting on the Resource Calculation (Item No. 5.1) Kasia Kazimerczak & William Gilbertson from FSS – Presenting on the LA Food Sampling 2021/22 Annual Report (Item No. 5.2) Jack Taylor from SEPA was due to present on the Deposit Return Scheme, however, due to a change in legislation this has been postponed and the item has returned to the SFELC Workplan <p><u>Observers</u></p> <ul style="list-style-type: none"> Catherine McFadyen - Midlothian Council Conor Brolly – Student EHO at East Renfrewshire Council Kirsty McGuigan - Dumfries and Galloway Council Lynne Bisset – Falkirk Council Marjorie Kennie - REHIS Student Rachael Morrison - REHIS Student <p><u>Other Current Items</u></p> <ul style="list-style-type: none"> SFELC Terms of Reference (Item No. 5.3) |
| 2 | Declaration of potential conflict of interest |
| | None |
| 3 | Minutes & matters arising |
| | <p>Previous minutes from 03 March 2023 were approved</p> <ul style="list-style-type: none"> SFELC are still seeking volunteers to fill vacant Sub-Committee, Working Group and Task Group posts. Please contact SFELC@fss.scot for notes of interest and further information FSS are still seeking help to identify one more business for Jump Research to better understand how businesses find using CookSafe. Assistance from industry members to identify potential businesses would be much appreciated. |
| 4 | Actions outstanding |
| | <p>Actions 14.2019, 03.2022, 15.2022, 01.2023, 02.2023 and 03.2023 were closed</p> <p>Actions 10.2021, 17.2021, 16.2022, 22.2022 and 23.2022 remain ongoing</p> <p>Actions 07.2019, 14.2021 and 04.2022 remain on hold</p> |
| 5.1 | Resource Calculation by Chris Seyfried |
| | <p>Following an adaptation to the resource guidance a Time Management Exercise (TME) commenced. All the data within these spreadsheets have now been collated and data is being analysed. However, there is some uncertainty as to how LAs would prefer the data to be presented. Following a discussion, it was agreed that data from</p> |

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| | <p>the LAs represented will be sorted into: National average, Group average and LA average. As this would take time to collate, there will be a delay on LAs receiving this information.</p> <p><u>Question, Answers & Observations</u></p> <ul style="list-style-type: none"> • Some LAs would welcome individual sets of data as well as combined • There is sparse data on low risk premises • Excluding travel time, there are differences between LAs for time scales, especially with administration as not all LAs have admin resources. Inspection times however, are roughly the same between LAs • It is hoped that the resource calculation will help tackle under resourcing issues. LAs are encouraged to contact Christopher.Seyfried@fss.scot with any suggestions or feedback • With the assistance of FSS data scientist, it is hoped that a report can be produced on the results and interested parties will be informed of these • FSA are considering carrying out a similar resource calculation which would help give a national overview on resources • The tool can be expanded upon to include other Environmental Health responsibilities other than food • This piece of work only captures a snapshot in time, so perhaps it can be repeated to see how LAs have developed over time <p><u>Actions and Matter of Records</u></p> <ul style="list-style-type: none"> • Action 04.2023 - Secretariat to add resource calculation to July Exec agenda so a draft Time Management Exercise report can be presented |
| 5.2 | <p>LA Food Sampling 2021/22 Annual Report by Kasia Kazimerczak & William Gilbertson</p> <p>The 2021/22 annual sampling report shows 25.4% increase in sampling compared to 2020/21. The proportion of satisfactory results for all tests decreased compared to previous year. It is difficult to say how much the latter may have been affected by more targeted sampling or other factors.</p> <p>For microbiology samples, 'Restaurants/caterers' had highest failure rate (17%); an increase from the 9% failure rate in 2020/21, and closer to the pre-pandemic rate of 22%. For chemical samples, 'Manufacturers/processors' had the highest failure rate (18.5%). Restaurant/caterer samples made up 18% of total sampling; proportion remains lower than historical trends.</p> <p>In microbiological testing, majority on unsatisfactory samples failed due to elevated levels on hygiene indicators (213 out of 225 samples), while 11 samples failed for pathogens (<i>L. monocytogenes</i>, <i>S. aureus</i>, Salmonella and <i>B. cereus</i>).</p> <p>In chemical testing, the majority of failures fell under constituent, where salt content was detected to be above the limit in meat products. Undesirable substance above maximum permitted level were also detected in a small number of samples (4): histamine in tuna and cadmium in almond 'milk'. Issues with additives, such as MSG in takeaways meals, colouring matter in sweets and preservatives in meat products were also observed. Undeclared allergens were also found in some samples (20 out of 398, 5%), with egg in oriental style takeaways showing the highest failure rate (22%), followed by milk in dairy-free meals and sandwiches (8%) and peanut in snacks (5%).</p> |

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| | <p>In authenticity testing, (6 out of 108) 5.5% of samples tested were unsatisfactory - beef was detected in 3 samples lamb and lamb dishes at catering, and lamb, pork and chicken were detected in 3 samples of beef sausage meat and beef kebab meat at manufacturing.</p> <p>In labelling, high number of issues with allergen declaration on packaging or at point of sale gives were reported.</p> <p>Overall, detection of the highest risk microbiological and chemical hazards remained very low, but higher rates of other non-compliances give an indication of where further work may be required.</p> <p><u>Question, Answers & Observations</u></p> <ul style="list-style-type: none"> • It is concerning that a drink advertised as a low alcohol drink actually has a higher alcohol content. It would be interesting to determine if any person who has consumed this product has been stopped by police and if the user could prosecute the manufacturer. Further concerns would also be for pregnant women and children consuming the product. This product is being targeted for the 22/23 sampling programme for further research. • Although most of the failing results are due to set legal limits, there are also failures relating to guidance documents for example salt content. However, it is not easy to differentiate those which are from legal limits or from guidance documents. • IFST has a more extensive library of standards and criteria for unsatisfactory results • This report is not accessible to the public and is only circulated to the enforcement community and other external stakeholders for example FSA and DEFRA. However, a public facing document is hopefully going to be developed this year • Thanks was given to LAs for assisting in the sampling programme |
| 5.3 | SFELC Terms of Reference |
| | <ul style="list-style-type: none"> • As SFELC no longer represents feed, there is a proposal to remove feed and any mention of feed from the Terms of Reference. Once this change has been made, a revised Terms of Reference will be brought to the next SFELC meeting for ratification |
| 6 | Intelligence gathering – Consultations, Horizon Scanning and Safe spaces |
| | <ul style="list-style-type: none"> • Nil |
| 7 | The SFELC Executive update |
| | <ul style="list-style-type: none"> • There were updates and discussions on the SFELC Terms of Reference, SAFER, FSS update and all the Food Liaison Groups • A presentation was given on the Retained EU Law. The bill will no longer Sunset EU Law at the end of this year, instead the power to preserve will be replaced with a power to remove it from the schedule. FSS are confident that in regards to food law there is nothing on this list. The reference to Retained EU Law is now referred to as Assimilated Law • A presentation was given on the findings of the consumer information scheme social research. The research focused on FHIS with regards to mandatory display, food standards inclusion and changes to the tier rating scheme. Three stages of research were carried out which included a literacy review, quantitative |

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| | <p>consumer research and a food business survey. The key conclusions were that there was a strong support from both consumers and businesses and within the literature research that mandatory display should occur. Consumers and most businesses have an expectation that food standards would be included. Consumers and businesses preferred the FSA numbered tier rating system as well as the current FHIS rating scheme</p> <ul style="list-style-type: none"> • FSS are currently reviewing the Food Law Code and the Practice Guidance and ensuring these are still fit for purpose and updating if necessary. FSS have developed a survey on the Citizen Portal which will be included in the Monthly Enforcement Report • There have been several enquiries to REHIS from students who are potentially wishing to become food safety officers and EHOs • REHIS's Annual Food Update event is on Wednesday 07 June and everyone is welcome to attend. There will be a section on SFELC at the event • Intelligence is being gathered via the Clue system. The crime unit will be focusing on authenticity, traceability, counterfeit food as well as alcohol and money laundering organised crime. A major concern at the moment is the illegal production of smokies |
| 8 | Committee work plan |
| | <p><u>The SFELC Executive Workplan</u></p> <p><u>06 July 2023 – Microsoft Teams</u></p> <ul style="list-style-type: none"> • Approved Establishments Template Forms – Explanation of TRACES Codes • Resource Calculation's Time Management Exercise draft report <p><u>Main SFELC Committee Workplan</u></p> <p><u>08 September 2023 – Microsoft Teams</u></p> <ul style="list-style-type: none"> • Borders targeting operating model – DEFRA, Trusted Trader Scheme • Carol Evans FSS Board Member • Scottish PCR Testing of GI samples Pilot <p><u>08 December 2023 – Face to Face TBC</u></p> <ul style="list-style-type: none"> • Imports (Depending on DEFRA Sep outcome) • UK Food Safety Research Network "Quadram" • LA Food Sampling Annual Report 2022/23 • Please send in any suggestions for the SFELC Committee work plan to SFELC@fss.scot |
| 9 | Food Standards Scotland & SAFER Update |
| | <ul style="list-style-type: none"> • The free online allergens training is now live on the FSS website (link) • 2022/23 Enforcement Sanctions training is now complete. Consideration will be given to running more courses in 2023/24 • The SSI for compliance notices has been signed and is looking to come into force by the end of June. Guidance and a webinar on this is being developed • New FSS Board members have attended their first Board meeting. • A research report including the consumer information scheme social research will be published in due course • The CBD guidance is still being developed |

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| | <ul style="list-style-type: none"> • Work continues on the SAFER programme, particularly with its governance and project planning • The SAFER update event on 27 and 28 March was well attended and a rolling Q&A document has been compiled which has been circulated to LAs. Any further comments and questions are welcome. Please submit these to Enforcement@fss.scot <p><u>Question, Answers & Observations</u></p> <ul style="list-style-type: none"> • Industry members are keen to learn more about the SAFER programme of work <p><u>Actions and Matter of Records</u></p> <ul style="list-style-type: none"> • Action 05.2023 – Lorna Murray to arrange a meeting with non-enforcement SFELC colleagues to give an overview of the SAFER programme of work |
| 10 | Food Liaison Group |
| | <p><u>Lothian and Borders Food Liaison Group</u></p> <ul style="list-style-type: none"> • Nil <p><u>North of Scotland Food Liaison Group</u></p> <ul style="list-style-type: none"> • Nil <p><u>West of Scotland Food Liaison Group</u></p> <ul style="list-style-type: none"> • A Healthier Bakery Fund project funded by FSS in partnership with the Food and Drink Federation is underway where business can receive funding of up to £5K to assist reformulating their sweet and bakery products <div data-bbox="411 1010 461 1070" data-label="Image"> </div> <p>Bakery Fund (3).pdf</p> <ul style="list-style-type: none"> • There have been reports of children becoming unwell after consuming iced slushies due to the level of glycerol within the product. There currently is no legal limit for the use of glycerol within the product <p><u>East of Scotland Food Liaison Group</u></p> <ul style="list-style-type: none"> • Nil |
| 11 | Update by Non-Enforcement Members |
| | <p><u>IFST</u></p> <ul style="list-style-type: none"> • Week Commencing 05 June is Food Science and Technology week • The annual IFST lecture on food fraud is on the 10th of October. The lecture will be held in London • IFST are keen to have satellite events within Scotland. Please contact rlmft@outlook.com if interested in arranging. A satellite event could be arranged if enough people are interested in attending such an event. <p><u>Scottish Food and Drink Federation</u></p> <ul style="list-style-type: none"> • A draft plan of the “Good Food Nation” is being sent to the Scottish Government. The SFDF are keen to receive any ideas for content. Local Authorities will need to create their own Good Food plans in due course. Plans may contain items such as procurement, food safety, Local Authority resources <p><u>Actions and Matter of Records</u></p> |

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| | <ul style="list-style-type: none"> • Action 06.2023 – Rachel Mirfattahi to create a brief on IFST satellite events with in Scotland which IFST are looking to organise. Secretariat to circulate the brief to the SFELC Committee • Action 07.2023 - All to contact Rachel Mirfattahi if they are aware of a large group of individuals who would be interested in attending an IFST satellite event • Action 08.2023 – Cat Hay to create a brief on the Good Food Nation Plan. Secretariat to circulate the brief to the SFELC Committee • Action 09.2023 – SFELC members to contact Cat Hay highlighting any content they would like to be included in the Good Food Nation plan by end of summer |
| 12 | AOCB |
| | <ul style="list-style-type: none"> • Nil |
| 13 | Review of Action Points |
| | <ul style="list-style-type: none"> • Action 04.2023 - Secretariat to add resource calculation to July Exec agenda so a draft Time Management Exercise report can be presented • Action 05.2023 – Lorna Murray to arrange a meeting with non-enforcement SFELC colleagues to give an overview of the SAFER programme of work • Action 06.2023 – Rachel Mirfattahi to create a brief on IFST satellite events with in Scotland which IFST are looking to organise. Secretariat to circulate the brief to the SFELC Committee • Action 07.2023 - All to contact Rachel Mirfattahi if they are aware of a large group of individuals who would be interested in attending an IFST satellite event • Action 08.2023 – Cat Hay to create a brief on the Good Food Nation Plan. Secretariat to circulate the brief to the SFELC Committee • Action 09.2023 – SFELC members to contact Cat Hay highlighting any content they would like to be included in the Good Food Nation plan by end of summer |