**Scottish Food Enforcement Liaison Committee minute**Thursday 4 June 2015. Timings: 10:00 for 10:30
Venue: [Apex Hotel, 1 West Victoria Dock Road, Dundee DD1 3JP.](http://www.apexhotels.co.uk/en/hotels/dundee/apex-city-quay-hotel/#sthash.yEGRxE9e.dpuf)  Tel 0845 365 0000.

**Members present**

Craig Brown (Chair) Scottish Food Enforcement Liaison Committee, Chair

Catherine Ferro (Secretariat) Food Standards Scotland, Secretariat

Douglas Scott (DScott) Scottish Federation of Meat Traders Association

George Fairgrieve (GFairgrieve) Royal Environmental Health Institute of Scotland

Andrea Carson (ACarson) North of Scotland Food Liaison Group

John Sleith Society of Chief Officers of Environmental Health in Scotland

Sam McKeown (SMcKeown) Food Standards Scotland

Joe O’Connor (JO’Connor) Scottish Bakers

Paul Bradley (PBradley) SFELC Vice-Chair &

 Food Standards Subcommittee Chair

Sandy McDougall (SMcDougall) Food Standards Scotland

Rita Botto (RBotto) Food Standards Scotland

David Martin (DMartin) Scottish Retail Consortium

Andrea Inchausti (AInchausti) British Retail Consortium

Jane Couper (JCouper) Association of Public Analysts of Scotland

Mary Lawton (MLawton) Scottish Food and Drink Federation

Lorna Murray (LMurray) Food Standards Scotland

William Hamilton (WHamilton) Food Safety Sub Committee Chair

Derek Oliver (DOliver) East of Scotland Food Liaison Group

Lindsay Matthew (LMatthew) Convention of Scottish Local Authorities

**Attendees by Teleconference**

Paul Birkin (PBirkin) West of Scotland Food Liaison Group

1. **Chaiman’s welcome and apologies for absence**

The Chair opened the meeting by welcoming the Committee to this June 2015 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Dundee.

He introduced Sandy McDougall, Rita Botto (both presenting under agenda item 1) and Sam McKeown (presenting under agenda item 6) of Food Standards Scotland. Jane Couper who is attending in place of Robbie Beattie for Public Analysts. He explained that Paul Birkin is present by teleconference in place of Joe Harkin for WSFLG. He also welcomed Joe O’Connor who would from this meeting forward be attending in place of James McCormack as the Scottish Bakers representative.

Finally he said farewell to Mary Lawton who after this meeting would be standing down from the Committee. He gave his thanks on behalf of the Committee for her attendance as initially a consumer representative and also an industry representative. In response MLawton said she had appreciated the help, support and friendship of the Committee members over the years.

He finally covered the housekeeping arrangements and data protection aspects of tape recording the meeting for minute purposes.

1. **Presentations**

Chair began the meeting by introducing LMurray, SMcDougall and RBotto to give their presentation updating the Committee on Food Standards Scotland (FSS) office and field based work.

LMurray began the update for FSS by covering Vision, Objectives, Functions and Organograms. She noted that the aim of the enhanced IIDA team was to therefore be able to have a representative attend all the FLG and Subcommittee meetings to ensure improved engagement from FSS.

Sandy McDougall continued with Organograms of the Operations colleagues, current challenges and operational compliance. Questions were asked on the following themes;

* DOliver asked whether high risk products at co-located establishments are on the FSS radar? SMcDougall advised this in on the FSS radar.
* DScott asked how confident is FSS that the charts in his presentation (slide 7, “how current approved meat establishment performance looks”) are comparable across the UK nations? SMcDougall responded these were the Food Standards Agency figures. However that said a lot of work was put into obtaining consistency of figures and is happy to accept these are graphs contain comparable data.
* LMatthew asked how is carcass contamination assessed, and how does this compare with the other UK countries? SMcDougall answered the main form of check is by visual inspection by meat inspectors. There is also small amount of microbiological assessment. FSS has almost real time information on carcass contamination, there is only a one day lag in obtaining this information following inspection. In comparison the FSA would have this information approximately 7 weeks after the inspection.

Finally SMcDougall offered to come back to SFELC to give an update on what’s happened with carcass contamination and how FSS have delivered this.

Rita Botto then continued by introducing her team and the current challenges for FSS operations since April 2015. Questions to RBotto included;

* DScott asked how much will be charged for the unannounced inspections? RBotto explained that compliant businesses would get inspected once every 18 months, this would not be too costly for the business. Conversely depending a businesses level of non-compliance it could be visited much more frequently. As such their inspections could become much more expensive.
* Chair asked if the Veterinarians have contact with the vets from the Animal and Plant Health Agency (APHA)? RBotto explained that her colleague Elena Gafenco is in the process of building these relationships.

Finally a question put to LMurray;

* Chair asks if there has been any consideration given to FSS replicating the FSAS Audit Advisory Committee? LMurray answered she believes it to have been a worthwhile committee and should continue to exist under FSS. The Board are looking into this question at present.

Both SMcDougall and RBotto departed directly after their presentations and question session.

The Secretariat then advised of the following apologies

Craig Smith Lothian and Borders Food Liaison Group

Ian McWatt (IMcWatt) Food Standards Scotland

Joe Harkin (JHarkin) West of Scotland Food Liaison Group

Mary Locking & Lynda Browning Health Protection Scotland

Robbie Beattie Association of Public Analysts of Scotland

John Armour National Farmers Union Scotland

1. **Minutes and matters arising**

Resuming the normal order of the meeting, the Chair advised that the draft minutes of the last meeting held in Edinburgh on 17 April 2015 had been circulated, and proposed that the Committee go through the minutes page by page, first for accuracy (A) and then matters arising (MA).

The April 2015 minute required neither amendments for accuracy nor matters arising.

1. **Actions outstanding**

The Secretariat discussed the outstanding actions;

* Action 1/ 2015. **Completed.**
* Action 2/ 2015. The SFELC Terms of Reference document was agreed and approved at the April 2015 meeting, but however was since amended to include the Feedstuffs subcommittee structure and members. This was recirculated prior to this meeting. Chair explained the reason the Feed subcommittee had previously been omitted. There were no comments against including this detail to the Terms of Reference document. **Completed. This will be resent to FSS Chief Executive for final approval in due course.**
* Action 3 / 2015. **Ongoing**.
* Action 4 / 2015. **Completed**.

**05 ACTION Secretariat to invite a representative of the Institute of Food Science and Technology (IFST) to take a seat at SFELC.**

1. **SFELC response to the Scottish government Primary Authority consultation**

Chair apologised for not circulating the latest draft of the document in advance of the meeting. He did however raise the key areas he was looking for feedback from the Committee. Including; licencing of street traders; whether a future Audit Advisory Committee under FSS would play a role in the arbitration of disputes, and the most contentious point he raised concerned; whether Primary authorities would have the power to direct other authorities to take specific actions. SFELC does not support this as there are already established appeals mechanisms in place. Discussion followed with the following topics;

* JSleith was concerned about the response to question 7, “the definition of ‘enforcement action’”. He noted there should be clear guidance on what constitutes enforcement, suggesting that ‘Enforcement’ should be defined as being action at a level which is higher than written warnings.
* DMartin noted that if it is not possible for Primary Authorities to be able to direct action over other LAs that no businesses in food sector will have Primary Authority agreements as that is the principal reason for having and paying for the agreement. Responsible and compliant businesses however may still proceed with such arrangements.
* Chair then noted there have been previous occasions when various members of the Committee have had a difference of opinion because of the sectors they represent. In an instance such as this SFELC will note that the local authority representatives of the Committee were against the particular point, while industry were supportive of it, thus allowing Scottish Government to be aware of the diverging views.
* There was concern over the wording of question 8. This was noted.
* PBirkin mentioned the economic impact assessment of the consultation to which Chair responded each LA would be best placed to make comment on the directly as SFELC does not hold the information to answer this point. DMartin supports cost recovery from businesses for Primary Authority relationships. Chair then clarified that an important part of the negotiation process to form a partnership would be the costs for the service and the partnership simply would not occur if there was not agreement between the parties.
* The final discussion was regarding the administration of the service. DMartin explained the [Better Regulation Delivery Office](https://www.gov.uk/government/organisations/better-regulation-delivery-office) (BRDO) already administer the scheme in England and Wales and this could be a good idea whether temporarily, while the Primary Authority scheme is set up in Scotland, or permanently.

**06 ACTION Chair to update the draft based on these comments. For circulation, final agreement and submission before deadline 25 June 2015.**

1. **Integrate FSS healthy living initiatives with LA enforcement officers.**

Chair introduced Sam McKeown, in the Nutrition Strategy and Policy team in Food Standards Scotland (FSS). She began her presentation by; giving a recap of topics covered at the April meeting, detailed why FSS are interested in catering, the health living award, what LAs are doing, what support FSS can provide, and what FSS want to hear about from the LAs. She also explained about the online module the FSS Nutrition team are developing and asked whether SFELC would consider this worth attributing CPD hours to, and whether it would be worth exploring a working group to facilitate and share best practice across Scotland.

Craig thanked Sam for her presentation as the open ended questions give SFELC a lead to continue discussing nutrition initiatives. The following questions / discussions were raised;

* JSleith supported a working group however noted resourcing pressures, discussions involved where such a working group could be facilitated. It was agreed by PBradley that it would be best placed as a standing item in the agenda of the food standards subcommittee.
* LMatthew added that it would definitely be worth attributing CPD hours to the FSS nutrition online training module. MLawton and WHamilton added further information with possible suggested links, advised it is important to get The Society, REHIS and LA Committees involved in this topic to raise your profile within the service.
* AInchausti noted that training modules are all helpful, but was concerned that where there are so many reputable sources of information available online is it possible to make all information consistent conveyed to the public? SMcKeown advised she would take this back to her colleagues.

**07 ACTION Secretariat to circulate all presentation slides to the Committee.**

1. **Resources Working Group update**

GFairgrieve updated the Committee on the discussion from the previous days meeting covering;

* The format of the future SFELC annual reports.
* The resourcing paper – it was agreed it required more work and then would probably be issued through liaison groups for a full trial across Scotland.
* Regards the approvals process – it was agreed SFELC would adopt the protocol document produced by the Society of Chief Officers and would then create a working group to take forward the associated work plan as an ongoing process.
* And finally regards the FSS planning of a food crime unit which would require input from SFELC over a period of time.

**08 ACTION John Sleith to raise at The Society meeting on 5 June 2015 regards developing the methodology for calculating the resources of Authorised staff.**

1. **Committee work plan**

It was agreed that the Committee work plan would look as follows;

* October would have a food fraud theme with Ron, Police Scotland, Home Office Border Agency. All the committee agreed to move the date of the October meeting forward to Thursday 8 October to allow speakers to attend.
* December theme would return to Diet and Nutrition.
* Additionally there was a discussion on FSS hosting a further Stocktake meeting in association with The Society at some point through summer 2015.

Finally Chair reminded the Committee to send ideas for agenda items to either Chair or Secretariat.

1. **Intelligence gathering – Safe spaces**

As agreed at the April 2014 meeting, this item would now be a standing item on the agenda. The Chair asked the Committee whether any member had an item to raise in this forum. No individuals identified they had items to discuss as such the tape recording the meeting was not stopped. Chair then moved onto item 10.

1. **Subcommittees**

The following points were raised through the subcommittees;

* WHamilton noted the Food Safety Subcommittee have set up a short life working group on artisan cheese production.
* PBradley noted two items raised by the Food Standards Subcommittee. (1) The final version of the sampling priorities annual report with the recommendations would be circulated shortly and (2) the subcommittee are continuing to give the same advice with regards to the FIR / FIC legislation, that is for enforcement officers to continue to take a pragmatic and reasonable approach to the Food Information for the Consumer Regulations.

AInchausti added she has useful information on; the sampling and the fat content of minced meat; and food information regulations through her seat in a Commission Advisory Group and would be happy to share that information with the Food Standards Sub.

* In RDillons’ absence LMurray updated on the Committee with details of the recent FSS and SCOTTS meeting on feed. This included productive discussions on how establish effective communications, to take forward the effective delivery of feed statutory functions.
1. **Food Liaison Groups**
* Paul Birkin for WSFLG asked for clarification on the SFELC surveys / Food Standards Scotland co-ordinated sampling strategy?  It was clarified that the LA routine sampling activity is not funded.  The SFELC Sampling and Surveillance Working Group reviews sampling data to identify issues and trends and  highlights sampling priorities for LAs. These are endorsed by SFELC as a way of ensuring the focus and best value from LA resources. The Food Standards Scotland sampling programme is funded separately and offers an opportunity for LAs to augment routine sampling activity.
* No other FLGs raised any comments.
1. **Food Standards Scotland**

LMurray gave the Committee with an update on the FSS Regulatory Strategy including;

* The FSS regulatory strategy is currently being taken forward by Bill Adamson and Morris Fraser. At present they are looking for whether there is potential for any secondary legislation from the [Food (Scotland) Act 2015](http://www.legislation.gov.uk/asp/2015/1/pdfs/asp_20150001_en.pdf/). This information will be communicated to LAs and will also be included into the next version of Code of Practice document.
* LAs will be aware Scotland is updating the cross contamination guidance that was already issued to the rest of the UK. The reason for the delay is to ensure there is no conflict with the [SG VTEC action plan](http://www.gov.scot/Publications/2013/11/8897). We are awaiting formal sign off and will then communication this to you. Thank for your patience on this.
* The FSS Board have discussed a [paper on the FHIS](http://www.foodstandards.gov.scot/fss-board-meeting-22-april-2015). Consensus is support for this scheme, but that it could be improved.
* There was a meeting last week to finalise the [FSS Incident Management Plan, public sector incident protocol](http://www.foodstandards.gov.scot/public-sector-incident-protocol-0). To be aware this is just in relation to incidents relating to procurement and will have minimal effect on daily incident work.
* Finally the ICF will shortly publish their report on what constitutes a world class surveillance system. Having looked at systems around the world headlines in their report will state key items are; an enhanced planning process, the ability to capture information effectively and also to analyse it effectively.

There were no questions.

1. **Review of action points.**

Action points from this meeting were reviewed by Chair.

1. **AOCB**
* AInchausti discussed the FSS enforcement letter [FSS/ENF/15/03](http://www.foodstandards.gov.scot/fssenf15003) on, “Recipe based claims on baked products”. She noted there was a gap in available guidance documents. As such manufacturers (FDF) and retailers (BRC) have produced a document on guidance on “free from” as a claim and will share it with the committee once finalised. The authors hope the relevant agencies will endorse and support the document.
* MLawton drew attention to a [consultation by Zero Waste Scotland](http://www.zerowastescotland.org.uk/content/drinks-cash-deposit-scheme-scotland-%E2%80%93-new-report-explores-options) on a deposit return scheme for recycling drinks bottles and cans in Scotland. She strongly advised that every LAs in addition to COSLA and REHIS should send in a response before the deadline of 16 June 2015.
* DMartin (BRC) and GFairgrieve (REHIS) gave further reasons for these organisations to get their voices heard.
* MLawton also noted there will be a [Cross Party Group on Food](http://www.scottish.parliament.uk/msps/cross-party-groups.aspx) which will be particularly focussed on malnutrition in Scotland. If Committtee members want to attend they should approach her.
* Following the FSS Regulatory Strategy update on cross contamination, DOliver for ESFLG asked what is the best course of action regards the cross contamination strategy until such a time the guidance is finalised and launched. LMurray reiterated the science team had agreed in principal there are no clashes or conflicts between the two documents, and that FSS is ultimately awaiting for formal sign off of the document.

**09 ACTION MLawton to send the links to the Committee regards the Zero Waste Scotland call for evidence to enable all parties to respond.**

1. **Date and venue of next meeting**

The Chair advised the next meeting was originally due to take place on Friday 9 October 2015 however, to enable speakers to attend, will now take place on Thursday 8 October 2015, in Food Standards Scotland, in Pilgrim House, AB11 5RL. It is intended for this meeting will have an Food Fraud theme.