

Scottish Food Enforcement Liaison Committee minute

Friday 07 October 2016: 10:00 for 10:30

Venue: Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL.

Tel: 0 1224 285 105

Members present

William Hamilton (Chair)	Scottish Food Enforcement Liaison Committee, Chair
Catherine Ferro (Secretariat)	Scottish Food Enforcement Liaison Committee, Secretariat
Chris McGuigan (CMcGuigan)	Consultant Public Health Medicine
Helen Henderson (HHenderson)	East of Scotland Food Liaison Group
Lindsay Matthew (LMatthew)	Convention of Scottish Local Authorities & Vice Chair
Joe Harkin (JHarkin)	West of Scotland Food Liaison Group
Paul Bradley (PBradley)	Scottish Food Enforcement Liaison Committee, Honorary Secretary
Jane Couper (JCouper)	Food Standards Sub-Committee Chair
Andrea Carson (ACarson)	North of Scotland Food Liaison Group
Andy Morrison (AMorrison)	Food Safety Sub-Committee Chair
Lorna Murray (LMurray)	Food Standards Scotland, Enforcement Delivery
Rachel Mirfattahi (RMirfattahi)	Institute of Food Science and Technology
Douglas Scott (DScott)	Scottish Federation of Meat Traders Association
Ian McWatt (IMcWatt)	Food Standards Scotland, Director of Operations
Alan Morrison (AMorrison)	APSE / Society
Frank Feechan (FFeechan)	APSE / Society
Bryan Campbell (BC)	Food Standards Scotland
Lynsey Gray (LG)	Food Standards Scotland
Graham Forbes (GF)	Food Standards Scotland
Steve Hardie (SH)	Food Standards Scotland
Samantha McKeown (SMcK)	Food Standards Scotland
Calum Yule (CY)	Food Standards Scotland

1. Chairman's welcome and apologies for absence

The Chair opened the meeting by welcoming the Committee, speakers and guests to this October 2016 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Aberdeen. He noted the packed nature of the agenda and that the meeting may run longer than usual.

Approved minute

It was noted the theme for the meeting was resources. Chair ran through the house keeping arrangements and advised the meeting would be recorded only to aid the writing of an accurate minute.

He welcomed guests Alan Morrison and Frank Feechan who would be speaking as a representatives of the Society of Chief Environmental Health Officers in Scotland and also of APSE and then the several FSS staff covering a range of topics would be speaking during the meeting.

Apologies were recorded for; Craig Easson: East of Scotland Food Liaison Group, Andy Paterson: Scottish Government Cross Compliance, Craig Smith: Lothian and Borders Liaison Group. Representatives Derek Oliver: Society of Chief Officers of Environmental Health in Scotland, Jane White: Association of Public Analysts and, Martin Keeley: Royal Environment Health Institute of Scotland.

2. Minutes and matters arising &

3. Actions outstanding

The Chair advised that the draft minutes of the meeting held in Stirling on 03 June had been circulated, and proposed that the Committee go through the minutes page by page, first for accuracy (A) and then matters arising (MA).

- There were no matters for accuracy.

Actions and matters arising were covered together here;

- June / Agenda item 8 – LMurray will provide details under the FSS update – Completed – see October 2016 / Agenda item 8.
- June / Agenda item 9 – Completed – Chair updated the last SFELC document was sent from SG to Ministers some time ago, the document was currently being considered about a fortnight ago (late September 2016).
- June / Agenda item 9 – Ongoing – Chair to liaise with RDillon regards an attendee of the feedingstuff subcommittee attending SFELC meetings.
- June / Agenda item 10 – Completed – Secretariat amended SFELC agenda FLG update moved from exception reporting and, now sits in main to section of the agenda.
- June / Agenda item 12i – MA – ongoing – to hold a teleconference meeting with FLG Chairs, SFELC Chair, Society rep and Secretariat in advance of each SFELC meeting.

The February 2016 minute that was brought to this meeting for ratification was agreed, there were neither matters of accuracy nor for matters arising.

Full details are available in the separate actions document, "SFELC - Papers – Action Points – date".

4. Presentations & Current Items

4.1 Code of Practice: Annex 5 review

Chair welcomed the first of the FSS speakers Bryan Campbell (BC) to give an update on the Code of Practice: Annex 5 review.

BC explained noted that Scudamore recommendation 57 was the reason for this review, he detailed the team involved, the objectives and, the outcomes of the project before he gave an overview of the work to date. He highlighted that the pilot had recently begun and had a good representation (10 of 32) of Scottish authorities involved.

- Chair started the questions by asking whether there is a projected end date for the whole process, annex 5 and the wider code of practice review.
- BC noted the working group had purposefully not included specific time scales in the project so as not to prejudice any aspects and, to allow the model to be fully developed and time for full data analysis. Adding, the earliest possible would be 1 April 2018 and the latest being 1 April 2019, consistent with the timeframes of the FSS regulatory strategy.
- PBradley asked about the consequential items (actions arising as an outcome eg resources) of the project.
- Chair stated he intends to initiate a new working group under SFELC, “Interventions Working Group” to look at all these outcomes and, while acknowledging a working group is a big challenge, asked for volunteers and a chair for the working group.
- LMatthew asked whether authorities with a number of unrated premises and could use an alternative intervention strategy as a desk top audit exercise? BC responded in terms of the desk top exercise one of the training tools developed for the pilot local authorities is a set of scenarios – BC added he would be happy to share wider. It was designed for the pilot participating LAs.
- Following on from this, LMurray explored the bigger picture stating there would need to be a method for transition from the pilot exercise into the full implementation of the work, whatever form this takes LMurray anticipates that in itself will be quite a big bit of work and added any on action taken here would likely have an impact elsewhere. She added FSS will want suggestions and ideas from those involved on how to do this, it will be hugely important.
- AlMorrison asked what criteria would be used to assess the effectiveness of the pilot, while confident the highest risk premises would fall into the right category he asked about the impact of resources and cost. BC answered he had been conscience of this since the beginning of the project adding ultimately what LAs do as part of their intervention inspection strategies in their service plan will depend on their resources. On paper merging hygiene and standards together could look like enforcement officers are doing less but, this isn't the case. This will be a consequential to be looked at by the interventions working group. He echoed LMurray adding a proper transition between schemes is absolutely critical.
- Throughout discussions FSS attendees at the meeting all mentioned several points. Because this is going to be a wholesale change in the work for enforcement officers, pilot authorities should be key in evaluating the impact of the project; officers on the ground should be key in determining how transition between pilot, review and full implementation occurs; ensure there be consistent evaluation between authorities, that it not be a top down approach; that this project is fully reality checked and evaluated. As such this should be considered significant work in progress.
- LMurray then added the final code of practice would go to the Minister for signing off, as such there would have to be a full impact assessment from an LA and also

a business perspective, which would mean intensive engagement to understand the full impact of the new code.

- Dialog moved on to engagement with business, LMatthew asked whether the software providers are on board with the project? To which FSS responded yes, all software providers had been given plenty notice of the development works they need to do and, as this will be deemed to be a national change there would be any expected cost to the local authorities.
- Chair then asked a series of questions; to BC for the definition of sustained compliance and it's implications? BC noted sustained compliance is band A premises within the scheme, a businesses requiring lowest intervention frequencies. Chair followed up asking DScott whether industry value inspection? For which the answer was yes inspections are useful for maintaining their own standards and, businesses would be disappointed if for example there were visited only once in three years.
- Chair thanked BC for his presentation, the working group for their work and, the committee for the discussion then invited BC back to future meetings as necessary.

20.2016: ACTION SECRETARIAT add code of practice annex 5 review to unassigned items on SFELC work plan, to update as required.

21.2016: ACTION CHAIR & FLG CHAIRS to put forward names of individuals for the Interventions Working Group.

4.2 SFELC web page

When beginning item 4.2 Chair welcomed Secretariat and, Lynsey Gray (LG) from FSS.

Secretariat scrolled through the new front page on the website and explained the new diagrammatic layout, showing how with only a few clicks users could access lists of members of the Committee, Subcommittees and, Groups. She then asked how users would like to navigate to items like meeting papers, reports and other key documents. Consensus being to have links to these near the top of the page. LG then spoke about the technical aspects of the page including the search function and, the timeline for the new site replacing the current site. Discussion then followed on the log in section.

- In response to a question from Chair, LG stated there will be a log in user testing phase before the new site it turned on and, this will co-ordinate with other FSS teams requesting log in sections.
- IMcWatt asked whether all Local Authority staff or just SFELC attendees would have a log in to the FSS pages. LG answered that depending on each individuals' interaction with FSS will depend what they see. For example Chair noted the concept of the specialist officer network would be hosted here, it would not be public facing but all LA officers would need access.
- In response to a question from DScott, LG answered the site is live just he log in section will occur at a future point.
- LMurray explained the intention that in future, the meeting papers would be found accessible through the sign in section. Secretariat would send an email with a web link to let members know when papers are available, but would not send

papers themselves by email. Also beneficially this would mean a reduction in memory size of emails.

- PBradley noted all individuals would need to be aware of where any particular document is going to be located, whether in the log in or public access section of the website, and would need to be disciplined with regard to writing style of documents. Perhaps future minutes will be checked for accuracy, matters arising and suitability for the website. All other documents ratified and cleared for publication on the web. LG noted there is guidance available on this.
- Chair thanked the speakers and added the site is looking great then, went on to introduce item 4.3.

22.2016: ACTION SECRETARIAT & LG to continue website development

23.2016: ACTION SECRETARIAT via LG to circulate guidance on writing style of documents to go on the website.

4.3 Information gathering exercise and capacity & capability audit brief

Graham Forbes (GF) explained the next series of audits have a restructured format. Going forward the cycle will be based on capacity and capability as opposed to the previous core and focused audit style. He noted [EU Regulation 882/2004](#) is the legislative reason for this change and added he would circulate the audit brief and plan document shortly after the meeting.

- Chair started the questions by asking FSS what would be the escalating scale of sanctions for those not performing? This began a discussion between Chair and FSS.
- IMcWatt noted FSS is aware of this issue and would welcome engagement with LAs going forward, also noting that FSS have a variety of provisions available under the Food (Scotland) Act that have not yet been used and are hoping the more legal / statutory approach to the audit process and now communicating at the senior level to CE are hopeful it will trigger more of a rapid response / action. There is the opportunity for Direction but it has not been used to date. This is used by a number of Regulators across SG. It is however a lever / route FSS would prefer not to have to follow.
- Chair noted the stronger legal basis he could see a potential impasse between FSS and some LAs and, would watch the first few weeks of the new system with interest.
- GF noted several issues raised through audits in the past have been due to resource of people or time. Adding the objective for this audit is to support LAs and evidence where shortfalls in resource occur on the front line. This should raise the profile of the service with the LA chief executives in a positive way.

Chair thanked GF and then as a result of the length of today's agenda proposed a 5 minute comfort break.

24.2016: ACTION SECRETARIAT to circulate the audit brief and plan document to the Committee.

25.2016: ACTION ALL on receipt of document to liaise with Audit team with comments on areas for possible improvement.

On resuming the meeting Chair introduced Alan Morrison and Frank Feechan speaking as representatives of the Society of Chief Environmental Health Officers in Scotland and also of APSE.

4.4 APSE benchmarking – “performance measures and their role in service management and improvement”.

FFeechan began by giving a brief overview of APSE (Association for Public Service Excellence), the aim of benchmarking, some statistics and introduced local government benchmarking framework (LGBF) report. He also added this APSE project gathers information on inputs such as staff and financial resources as well as outputs and outcomes thus we are able to look at cost indicators and work activity per FTE.

AlMorrison continued by adding the service needs the evidence to demonstrate the impact it has, the measurements in the report have been developed and could yet be fine-tuned. He noted these measurements are not for ‘league tables’ but will be a useful tool for authorities to see the challenges and complexities across different authorities and therefore to learn lessons. Ultimately it would be an opportunity to make the service more effective and ultimately protect resources / get more resources. In conclusion they asked SFELC to work with this benchmarking project.

- IMcWatt opened the question and answer session with an observation on the synergy between this and the FSS Scottish National Database project then asked; (1) how is this framework going to improve the resourcing situation if the level is already strained? He noted from experience accountants can be content with a greater appetite to absorb risk, as such councils may be happy to remain at a lower end of the performance scale, then stated a way to prevent such an occurrence would be to link this APSE data with SND data and audit outcomes as well.
- AlMorrison and FFeechan discussed the question and agreed this framework is a starting point or a tool to test the position at the moment.
- They gave examples that if councils know how much current services cost and, knowing whether there is a gap between what is currently done and what should be done by the service, councils will have an opportunity to consider, understand and, close the gap.
- In addition to this there is a study needed on what is actually working in comparison to whether or not a pattern can be seen of inspections being done, corrected, then occurring again at the next inspection which would suggest a need to look at culture.
- Some performance measures drive priorities, but bad performance measures drive resources, so this framework is an opportunity to work on and improve measures and improve the service from there.
- LMurray added to IMcWatt earlier point explaining LAEMS has data but unless you have the meta data behind the figures it may not make sense. You’ve got to have the meta data explain the reasons.
- Chair concluded the discussions by accepting the offer for SFELC to engage with this APSE project, specifically for SFELC to look at what the EH service can get out of the project and, what would be ideal performance measures going forward. Noting the difference between coping to do the required work and striving.
- IMcWatt also asked if the metrics in the presentation slides were the full set of data.

- Finally IMcWatt explained that the LAEMS system would soon be replaced by the SND allowing FSS to obtain more valuable data on a more timely basis and, then summarised need to have good contextualised data.
- Chair then thanked the speakers and suggested it would be good to invite them back to discuss this topic at future RWG meetings or, for someone to attend the APSE project team meetings. At which point AIMorrison and FFeechan departed from the meeting.

26.2016: ACTION SECRETARIAT via AIMorrison to circulate all the food metrics / data to the Committee.

27.2016: ACTION CHAIR / RWG to liaise with AIMorrison and FFeechan regards interested parties attending the APSE project team meeting on performance measures.

Standing items

5. Intelligence gathering – safe spaces

Chair asked members of the committee if there were any items to be raised under agenda item 5. There was no items raised.

6. Resources Working Group Update

LMatthew gave the update from the RWG meeting the previous day. The following topics were raised;

- Item 1: The refresh of the document, "[Food Law Enforcement in Scotland: A Report on the Administrative and Enforcement Arrangements](#)" last published in 2011 would be taken forward by Chair, Hon Secretary and Secretariat. The aim would be to have this updated document ready for approval at the February 2017 SFELC meeting. Please see embedded link as this was only circulated to RWG before the meeting.
- Item 2: The next meeting for Operation Opson VI would take place shortly which led onto;
- Item 3: FSS SFCIU and partnership with LAs. It was noted there had been a meeting where a misunderstanding of what FSS had said which had caused tensions between individuals. The miscommunication had not been deliberate. It was considered however after an amount of time a way forward would be facilitated.
- Item 4: Following on from the two (2) approved establishments consultations that ran earlier in 2016, it was considered the approved establishments Scottish National Protocol document would progress, not in tandem, but ahead of the Verification of FSMS document. The Scottish National Protocol would be prepared for ratification at the December 2016 SFELC meeting, while the Verification of FSMS document would be brought to the same meeting as a draft for comments.

28.2016: ACTION SECRETARIAT to send the 2011 Food Law Enforcement in Scotland document to the Committee and, relevant individuals for their comments.

29.2016: ACTION FOOD SAFETY SUB COMMITTEE to have the Protocol and FSMS verification documents ready for ratification and discussion respectively by the December 2016 SFELC meeting. (b) SECRETARIAT to add to December 2016 agenda.

7. Committee work plan

Over the period between the last meetings it emerged the December meeting theme would be on nutrition and would contain updates from various people in the Diet Nutrition and Health working group. Items for February 2017 would include an update from the specialist / artisan cheesemakers working group.

8. Food Standards Scotland update

Following on from the workplan stating the December meeting would have a nutrition flavour, LMurray gave a brief update on MenuCal. The project is progressing well and, it is key that LAs are involved with and understand the web tool because they will be key getting FBOs on board. She advised she would circulate via Secretariat a weblink to MenuCal.

30.2016: ACTION SECRETARIAT via LMurray to circulate MenuCal weblink.

She acknowledged the FSS speakers updating at the meeting today on; code of practice annex 5 review; the SFELC web pages; the new audit capacity and capability format; regulatory strategy and; an update on the FHIS review.

In addition LMurray noted the FSS Board would be meeting on 19 October in Pilgrim House and invited SFELC to attend. Furthermore there is intention for Board members to attend upcoming SFELC meetings to learn more about the work involved and, would also be interested to go on visits with LAs.

31.2016: ACTION CHAIR / SECRETARIAT liaise with FSS board members on whether they would like to go on visits with LA staff.

9. Regulatory Strategy

Chair introduced Steve Hardie (SH) to give an update on FSS regulatory strategy.

Following his last update to SFELC and the regular updates given by LMurray he began by highlighting two papers that had been considered by the FSS Board in June and August on the principles of official control delivery and the key elements of an effective and sustainable system of regulatory oversight. In particular, in summing up the paper on effective and sustainable regulatory controls the Board made clear that there is a need to balance the costs of the regulatory system with costs to industry as well.

Additionally the update at working level is FSS are continuing to informally consult with stakeholders on the developing regulatory strategy, engaging with consumers, industry and trade bodies and, are in the process of lining up sessions with LAs and the food liaison groups for later 2016. A formal 12 week public consultation is due to be launched shortly.

Following on from earlier engagement there are emerging views and themes which are; to align FSS with the SG broader better regulation approach and, to support the wider Scottish food and drink policy specifically reputation of Scottish foods. This also touched on a lot of the profile projects FSS is working through compliance,

licencing, fixed penalties, registration, approval, and alternative forms of gaining assurance of businesses. The next steps are a formal public consultation on the draft strategy document that the board considered earlier this year (2016).

Chair thanked Steve and added this topic is an interesting area that will be on SFELC agenda at every meeting before introducing Sam McKeown with her topic of the FSS FHIS review.

32.2016: ACTION FSS to line up sessions with FLGs on the regulatory strategy.

10. FHIS review

Sam McKeown (SM) quickly ran through her presentation on the current FHIS system, drivers and aims of the review. She then opened the meeting asking for opinions on what if anything needs to change, how many tiers the system should have and other thoughts and view.

- Local Authorities suggested there should not be too many tiers to the scheme, but there should be a differentiation between businesses that have a good rating, because they are and want to be compliant, compared to those that have a good rating because they have had many interventions to bring them up to the required level.
- Also asked whether there had been any comments on the mandatory / voluntary status of the scheme? And what had been learned from FSA Wales making the scheme mandatory.
- FSS responded businesses had not responded strongly either in favour or against mandating the scheme, but would continue to watch developments in Wales.
- Industry compared the scheme to a quality assurance scheme for retail butchers across the UK. This scheme now uses the food hygiene rating scheme (FHRS) for which only a 4 or a 5 star award equates to the business being included in the assurance scheme. However had no real preference for scheme being voluntary or mandatory.

11. Sub- Committees

Food Safety Subcommittee

Chair explained the last meeting was cancelled due to operational issues. Instead the group has focussed on the approved establishment work. The consultations were launched in June and have received around a good response from local authorities and industry, most of which were positive and there were a number of policy issues passed back to FSS for direct response to the consultee. He referred to the RWG update where the Scottish National Protocol will be brought to SFELC for agreement in December 2016 with the intention of it going live from January 2017.

The group has been asked to look at;

- hygiene of wild game specifically at the stage of hunting and at the game larder. If there are sufficient controls regards contamination of carcasses coming into the system.
- handling of (un)pasteurised cheeses at catering establishments and,
- the [consultation](#) on foods contaminated with STEC.

Food Standards Subcommittee

Chair noted there had been several meetings since the SFELC in June. A large part of their discussions have covered specific labelling questions and queries requiring detailed answers and have also;

- tasked themselves to put together sector specific guidance to food standards and will look to the FLGs for help to pull this together.
- Started to review and update the food sampling toolkit, which will need to be taken back to SFELC for approval.
- Regards labelling they have looked at issues surrounding the mandatory nutrition labelling that comes into force in December 2016.
- And finally added the sampling and surveillance working group will meet in November to discuss the next UK FSS report which will be discussed at SFELC December 2016.

Questions for the Subcommittee Chairs included;

- do you see a future where individuals put questions up on the website that can then be addressed, or would that cause a lot of additional work while the tried and tested system of raising to a liaison group is still sound? The agreed response was there may be a need for it, but would be difficult to manage and emphasised the current system still works.
- Chair followed up with would it be possible to compile a list of Q&A and have that hosted on a website rather than only finding an answer by searching old minutes? It was agreed this would be good and, has synergy with action needed to host the Specialist Officers Network on some accessible web page.
- FSS added the Scottish National Database will have a portal section and this could be incorporated into future development of the portal.
- Discussion returned to mandatory nutrition labelling. Industry wanted to know if any, what sort of businesses would be exempt from these requirements and what support would be available for the smaller business that wants to compete with the industry. FSS and Food Standards Chair explained the webtool MenuCal currently only provides support to determine allergen and calorie details of products, but could have modules developed in future to tackle this labelling issue.

No representatives from Feedingstuffs Subcommittee or the National Food Crime advisory group. Chair moved on then to agenda item 12 asking the group Chairs to raise items either mentioned or not mentioned in the circulated minutes.

12. Food Liaison Groups

North of Scotland

Chair noted the authorities within North of Scotland FLG are struggling with their staffing resource and as a liaison group are now only meeting quarterly, and noted she was aware it wasn't an issue unique to their FLG.

No other groups had updates. As such SFELC Chair reiterated the attempt to get FLG Chairs around a teleconference before the next SFELC meeting.

Approved minute

Following on from the June 2016 East of Scotland FLG minute, agenda item 9, DScott added some thoughts regards a restaurant using “steak stones”. His understood of the concern raised at the FLG was over the visual appearance of the product, whereas his concern would have been the issue of handling of the product. Conclusion at the liaison group was the restaurant would sear the product on all sides before taking to the table and the business were happy to comply.

Information papers

13. Review of action points

The Secretariat ran through the action points raised throughout this meeting. As noted in bold red throughout this document.

14. AOCB

There were no items raised under AOCB. Chair thanked everybody for their contributions at this meeting and noted;

- the date and venue for the next SFELC being Friday 9 December 2016 in at the Hallmark (formerly Menzies hotel) Glasgow.

Chair then closed the meeting.