

SCOTTISH FOOD ENFORCEMENT LIAISON COMMITTEE

Friday 10 October 2014

St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ.

Members Present:

Craig Brown (Chair)	SFELC Chair
Catherine Ferro (Secretariat)	Food Standards Agency in Scotland (FSAS)
Joe Harkin (JH)	West of Scotland Food Liaison Group (WSFLG)
Lorna Murray (LM)	Food Standards Agency in Scotland (FSAS)
Lindsay Matthew (LM)	Convention of Scottish Local Authorities (COSLA)
John Sleith (JS)	Society of Chief Officers of Environmental Health in Scotland (SOCOEHS)
Lesley Stanley (LS)	Scottish Food Advisory Committee (SFAC) in place of Bernard Forteath
Paul Bradley (PB)	Food Standards Subcommittee Chair
William Hamilton (WH)	Food Safety Sub Committee Chair
Derek Oliver (DO)	East of Scotland Food Liaison Group (ESFLG)
Jim McCormack (JM)	Scottish Bakers
Bruce McCall (BMc)	Scottish Federation of Meat Traders Association (SFMTA) in place of Douglas Scott
Roisin Dillon (RD)	Feeding-stuffs Subcommittee Chair
George Fairgrieve (GF)	Royal Environmental Health Institute of Scotland (REHIS)
Andrea Carson (AC)	North of Scotland Food Liaison Group (NSFLG)
Mary Lawton (ML)	Scottish Food and Drink Federation (SFDF)
Robbie Beattie (RBe)	Association of Public Analysts of Scotland
Geoff Ogle (GO)	Director, Food Standards Agency in Scotland (FSAS) until 11:30

1 Welcome

The Chair opened the meeting by welcoming the Committee to Aberdeen for this October 2014 SFELC meeting. He welcomed Geoff Ogle, Director FSAS to give an update on Food Standards Scotland (item 6), David Rodgers and Fiona Bruce for (both for item 9 only) to update on the New Food Body and for feedback into how the new website is created. Additionally he welcomed Lorna Murray, Dr Lesley Stanley and Bruce McCall as a member for FSAS, SFAC and SFMTA respectively, and Zoe Jolly an observer from FSAS.

2 Apologies

The Secretariat advised of the following apologies:

Bernard Forteath (BF)	Scottish Food Advisory Committee (SFAC)
Chris McGuigan (CMcG)	Consultant in Public Health Medicine
Craig Smith (CS)	Lothian and Borders Food Liaison Group (LBFLG)
David Lonsdale (DLo)	Scottish Retail Consortium (SRC)
Douglas Scott (DS)	Scottish Federation of Meat Traders Association (SFMTA)
Ian McWatt (IM)	Food Standards Agency in Scotland (FSAS)

Kylie Barclay (KB)

Mary Locking (MLo)

Peter Midgley (PM)

National Farmers Union Scotland (NFUS)

Health Protection Scotland (HPS)

Food Standards Agency in Scotland (FSAS)

3&4 Minutes of Previous Meeting (11 April 2014)

The Chair advised that the draft minutes of the last meeting, in this format, held in Dundee on 11 April 2014 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 notes of amendments of accuracy.

There was a single matter arising under item 8b, "Food Standards (Scotland) Bill SFELC evidence draft". The Chair advised that the report on stage 1 is now available on the SG website, the SFELC written evidence was submitted and quoted in the body of the report under section on the Food Hygiene Information Scheme. Additionally the Stage 1 report discussed the importance of, and need to have, EHOs.

5a Action Points from previous meetings

The Secretariat provided an update on outstanding action points from the April 2014 meeting, item 7, "Training and consistency".

Action 13/2014 was for the Food Safety Subcommittee to consider how training development can be taken forward and use the work of the Approved Premises working group as a pilot. WH advised this action is ongoing as there had not been a meeting since the previous SFELC.

Action 14/20014 was for FSA to determine which trading law managers have offers for shadowing and to inform the Committee of this information. LM advised this was still ongoing.

6 Introduction and update on Food Standards Scotland

Chair introduced Geoff Ogle, Director FSAS who updated the Committee on the internal elements of the Food Standards Scotland. Including; the challenges going forward; the future structure of the New Food Body (NFB); capabilities that FSAS do not currently have that will be required in NFB and, the beginnings of a strategy for the new board to consider. The building move from St Magnus House to Pilgrim House; the HR activity around the Cabinet Office Statement of Practice (COSOP) transfer of staff; Memorandum of Understanding between FSA and FSS and areas where there should still be a whole UK approach eg the Campylobacter programme.

Furthermore GO updated on budget discussions in which the LA settlement will equate to a 1% cut in real terms and that the delivery structure going forward will have to be carefully considered; the ongoing status of the CEO, Chair and Board recruitment. Finally GO advised that having read the draft SFELC Stocktake report he considered SFELC to have played an important role in Scottish strategy development and thus worthwhile keeping SFELC going with its current remit in the short term as it gives FSAS stability and that the remit may have to change in future. There were no questions from the Committee.

7 June stocktake meeting report

Reflecting that GO recognised the benefit SFELC brought to the Agency in stability, Chair explained the draft Stocktake report had been circulated in advance of the meeting for review. At the meeting he asked the Committee whether they felt the report covers the post it notes written at the Stocktake meeting and whether the Committee believed the recommendations were suitable to take forward. The Committee were all in agreement. Issues raised were on the Food Hygiene Scheme and the Fixed Penalty Notices. Committee members agreed to send in their comments by email.

20. ACTION CHAIR to circulate an updated version of the June 2014 Stocktake report, with amendments as agreed in the meeting.

21. ACTION COMMITTEE MEMBERS / FLG & Subcommittee Chairs to circulate to their groups and provide comments to Chair and Secretariat by close of play Friday 14 November 2014 for conclusion and agreement by the December 2014 SFELC meeting.

8 Scottish Government consultation – Becoming a Good Food Nation.

Firstly the Chair set the scene, by explaining he attended a meeting organised by the Food and Health Alliance on 22 September 2014. He explained he had drafted and circulated a response, on behalf of SFELC, attempted to capture comments raised on the day and then opened the meeting up for comments. Including;

LAs are in a good place to influence what happens in businesses as they are regularly in contact however, like the NHS and the voluntary sector, LAs cannot afford to do the extra work put forward in this consultation without additional funding and/or resources. The Committee recognised that LAs are all having difficulties resourcing regular work that falls under their statutory remit, and cannot afford the resource for this potential additional work. The Committee also recognised there needs to be absolute clarity from Ministers on where the priorities are, as there are consequences from any action that may be taken as a result of this consultation.

Furthermore it was agreed that there are existing indicators and measures under the Obesity Action Plan and the Scottish Diet Action Plan, and that these should be used rather than creating new measures, resulting in additional reporting requirements on the public sector.

ML then advised the Committee there is a Cross Party Working Group on Food in Edinburgh on 25 November 2014 at which Richard Lochhead, Cabinet Secretary for Rural Affairs, Food and the Environment and convenors of all parties would be answering questions on how they see Scotland becoming a good food nation. ML advised that everybody is welcome to attend this meeting, however attendance is on a first come first served basis. To be aware the focus of the meeting will be the landscape for food and drink post referendum, including;

- What challenges face Scotland in its aspiration to become “A Good Food Nation” ?
- In what ways could further devolution help address these ?

22. ACTION COMMITTEE MEMBERS to provide comments to Chair and Secretariat by close of play Tuesday 14 October 2014.

23. ACTION CHAIR to submit SFELC consultation response by Friday 17 October 2014.

24. ACTION CHAIR to invite Frances Birch of Food & Health Alliance (<http://www.fhascot.org.uk/Home>) to SFELC in December 2014 or February 2015 depending on her schedule.

##. ACTION ALL to let ML know as soon as possible if you would like a place at this meeting.

9 New Food Body & Food Standards Scotland website update

As the meeting was running ahead of schedule there was a short interval to invite in David Rodgers and Fiona Bruce. Both Geoff Ogle and George Fairgrieve had to leave for other appointments, and took this opportunity to depart. On recommencing, the Chair introduced first Fiona Bruce and then David Rodgers to the Committee.

Fiona spoke about how the new Food Standards Scotland website might look and explained there could be separate sections for example, for; LAs, consumers, industry and the public so that the website could be all things to all people. She asked the following questions on which the discussion followed; 1) what would you like the website to look like, 2) is there an example of a good website and 3) to whom should she send a short questionnaire for LAs feedback on what they would like to see in the LA section of the new website.

In answer to questions 1) & 2) the conclusion of the group was that the Health and Safety Executive (HSE) website was a good example on which to base our new site. In answer to question 3) the conclusion around the table was that the questionnaire should be sent to all LA, Lead Officers for Food and Feed, and also to all LA Chief Executives.

25. ACTION FSAS to send the questionnaire to the above noted parties.

26. ACTION FLGs to advise their members this is happening and to take part.

There was a final comment to ensure the new Food Standards Scotland website is suitable for the visually impaired.

David Rodgers then spoke on the main headlines on three (3) main topic areas for establishing Food Standards Scotland.

- The progress for the New Food Body / Food Standards Scotland is as follows; Stage 1 is on track for delivery, Stage 2 in ongoing and includes the Health and Sport Committee taking a more detailed look at the Bill. Stage 3 should conclude around November 2014 and Royal Assent should be achieved in January 2015 when "The Body" becomes a legal entity.
- Applications for the positions of CEO and Chair have closed and the Minister is expected to make an appointment fairly shortly. The application process for the Board members closes on 20 October 2014. It is therefore hoped that the Governance arrangements will be in place by the end of 2014 and that the Strategic planning phase can commence in early 2015.
- Additionally David advised the work on the move to the new office, its IT systems and branding are all ongoing and fit for purpose.
- LA functions and transfer of some of those recommendations are with the Minister who is keen to accept recommendations on consistency across the country, but advised is also likely to be tied by the financing of the transfers.

Discussions then elaborated around the recommendations the Ministers are being asked to make from the “SFELC 7” group, particularly about Exports, Approvals and Feed Hygiene, however here are no timings available at present as these are dependent on the funding. Another discussion was held on whether the Board or the Minister would make the appointment of the CEO. Again it was agreed that this would depend entirely on timings.

The Chair then thanked Fiona and David for their updates and asked for members to pass this useful information on to their colleagues and staff.

10 SFDF “Are you Label Ready?”

Mary Lawton gave an introduction on the paper she had produced for the meeting, including drawing to attention to particular parts including; what’s going to happen, that there is not yet guidance available on the FIC Regulations, consistency, and how this will be taken forward. Additionally, under food labelling, whether a postcode was a sufficient address to have noted on packaging, and whether over sticking will be allowed on pre-printed cellophane?

27. ACTION FOOD STANDARDS SUBCOMMITTEE to discuss and determine whether postcode is a sufficient address on labelling.

The main discussion then centred on what would be the best enforcement approach going forward given there is at present neither Regulation nor Guidance. There were major concerns from many parties; including SFDF, TSOs, FLGs and the Food Standards Subcommittee, primarily summarised by what information to give to businesses who asked direct question of the LA on this topic.

It was considered that the best approach is to be “pragmatic and reasonable” going forward, highlighting that there is a problem with the labelling and that this will take time to change.

FSAS gave assurances that the Policy team are doing their best to accommodate all requests for information and are working flat out to deliver this guidance by November with worked examples. They are facing delays due to EU Commission negotiations, Member States and Working Groups. It was also noted that there are online training courses available.

28. ACTION SFELC to ratify the verbal note of the Food Standards Subcommittee minute from May 2014 thus endorsing the suggested, “pragmatic and reasonable” enforcement approach and to make this available and visible on the FSAS webpages.

29. ACTION FSAS to make available and publish as much information as possible on the current state of the EU FIC Regulation guidance, in a visible place on the FSAS website.

30. ACTION FLGs to feedback this information to their members.

31. ACTION JOHN SLEITH to put out a note on the agreement made by SFELC with regard to the enforcement approach to take with regard to the EU FIC Regulations.

32. ACTION TRADING STANDARDS OFFICERS to ensure the information is uploaded to the Trading Standards Interlink system.

11 **Feedback from the Global Microbial Identifier conference**

Robbie Beattie updated from the Food Standards Agency sponsored international Global Microbial Identifier conference he attended in York in September 2014. He explained that there was no whole genome sequencing of bacteria accessible to enforcement labs in Scotland, which highlighted there is a gap in Scotland in taking forward this GMI initiative and strategy to develop a global DNA genome database system.

A question was posed whether FSAS / FSS would like to become involved in this work going forward. A suggestion was raised that, when up and running, the united scientific services, NHS, HPS, reference labs and clinical labs would all be good partners for this work going forward. It was also advised that this work be flagged up not just to FSA / FSS but also to Scottish Ministers as this could be a possible means of working toward a world class surveillance system for FSS going forward.

12 **RWG update**

As George Fairgrieve had already departed, Chair gave an update on the discussions from the Resources Working Group the previous day, including;

- Annex 5 working group – the group are making good progress and want to continue to regularly engage with front line staff throughout this process. It's been suggested that WH and PB will give an update at the February 2015 meeting.
- Framework agreement – the RWG agreed to hand over a working draft of the framework agreement to FSAS to progress. The agreed suggestion is that Chapters 1 & 2 in the existing framework agreement on Standards and Service planning are incorporated into a new Food Law Code of Practice for Scotland, and that Chapters 3 & 4 on Auditing & Monitoring will be something for FSS to develop. This is all to be based on existing agreement but strengthened. RWG have offered to act as a sounding board for feedback with FSAS and also to continue to update the Committee at this slot in future meetings.
- Approvals process – was the third item and involved a good discussion. There is a working model that has had initial approval by FSA. The Committee were also asked to note that LA front line staff will be directly involved in the Approvals process going forward. The Society is also planning on circulating this to their members and FLG's.
- Public procurement recommendations from the Scudamore report – the Chair advised the Committee that FSA enforcement letter ENF/S/14/027 published on 15 September 2014 detailed a proposal to develop plans to share sampling information, so that enforcers can see industry sampling results. This will be incorporated into public sector procurement contracts. The Committee are requested to have a look at the letter and respond to Jacqui Angus with comments.
- There was a short discussion on the Sampling and Surveillance Working Group, UK FSS draft 2015 - 2016 sampling report. It was agreed that a draft report would be prepared for approval by the December 2014 meeting and circulated to Local Authorities shortly thereafter so the recommendations allowing adequate time to ensure that the recommendations can be incorporated into the 2015/16 sampling plans.
- Finally there was discussion on the current consultation on exports certificates with a closing date of 24 October 2014. The Chair noted this consultation

contained issues of resourcing, he asked all members, especially FLG chairs and their constituent members, to have a look at and respond to the consultation. There were no questions or comments from the Committee.

13 Intelligence gathering - Safe spaces,

As agreed at the April 2014 meeting, this item would now be a standing item on the agenda. The recording was stopped and the Chair asked the Committee if they had gathered any intelligence. No items were brought forward so the recording and the meeting both recommenced.

14 Exception reporting

FSAS

Lorna Murray drew the Committees attention to a few items from the September Monthly Enforcement Report including; 3 upcoming dairy audits between October and December 2014; that 4 x 2 day enforcement sanctions training courses, which were positively received in March 2014, will be held in March 2015; that the 3rd country audits landscape is changing. Additionally FSAS are gearing up to run a major Campylobacter campaign over the Christmas period, FSA will have a LA toolkit to assist LAs in terms of promotional materials.

Subcommittees

WH advised there had been no Food Safety Subcommittee meeting since the last SFELC meeting. He gave his apologies but noted that many members of the group had been involved in the Annex 5 working group and the Commonwealth Games. He did ask the Committee to be aware there has been lobbying to reconvene the Childminders Working Group, he has a questionnaire to circulate to canvas the views of the LAs on what action to take.

33. ACTION WILLIAM HAMILTON to circulate questionnaire on the Child-minders Working Group.

PB advised that the Food Standards Subcommittee held their last meeting in May 2014 which primarily involved discussions around the EU FIC Regulations guidance. As discussed in item 10 of this meeting.

RD of the Feeding Stuffs Subcommittee advised their last meeting was earlier in October 2014 where the main discussions included; concern being raised over the perceived requirement of officers to spend 50% of their time enforcing feed to be classed as competent, not knowing whether feed will sit in the new food body structure, and issues over the time taken to analyse feed samples.

Food Liaison Groups

None of the food liaison groups represented today had anything to report.

15 AOCB

Derek Oliver asked about approval establishments and in particular brought to the attention of the Committee a quote from an MSP as part the Stage 1 debate at the parliament on the Food (Scotland) Bill.

of an Expert Working Group. “There must be some discussion about inspections because LAs inspections are not to as high a standard” as FSA Ops inspections. DO would like to see evidence to substantiate the claim, and to know what the FSAS stance is on LA inspections.

Chair agreed to raise a question about these comments at the next Audit Advisory Committee on 27 November 2014, this is an appropriate forum to determine whether or not there is any evidence to support this claim. Under the SFELC terms of reference is the consistency and as such if there is no evidence to support the comments then they will need to be challenged.

34. ACTION DEREK OLIVER to send the transcript to Chair to raise in turn at the Audit Advisory Committee on 27 November 2014 and then feedback to SFELC in December 2014.

Chair updated that he had been contacted by a North Lanarkshire EHO who attended a multi-disciplinary Commonwealth Games training event at which Mary Locking had raised concerns that more information could be available to LAs when starting the investigation of food poisoning cases, particularly being provided with the home contact information of a case to make quick contact. Concerns were also raised on the reluctance of some GPs to issue faecal specimen kits. Particular examples given around the table included that there have been suspected cases of food poisoning that have been hospitalised and even then not having faecal specimens taken.

35. ACTION CHAIR to forward this action onto CHRIS McGUIGAN of the CPHM group who may be able to influence GPs.

Chair also raised that South Lanarkshire had been approached to give a talk to the Bield Housing Association catering managers’ annual food safety update on the latest revision of the FSA E. coli cross contamination guidance. They also requested a discussion on inconsistency through their 55 premises across Scotland. In his research before the meeting and in discussion with Bield Housing staff throughout the meeting there were actually no concerns, neither from catering managers nor from HQ staff, raised about inconsistency across the different LAs. This must be considered to be a positive statement showing that while there is often criticism on LA inconsistency, this situation shows a united consistent picture across LAs handling of an industry group. Chair requested that FLG chairs pass this good news down through their members.

FINAL AGREED MINUTE

The Secretariat ran through the many action points raised through this meeting.

17 Date of next meeting and update on SFELC work plan: 5 December 2014 in Edinburgh.

The Chair advised the next meeting will be in Edinburgh on 5 December and summed up several items to be added to the December and February work plans, before giving thanks to all involved and closing the meeting for lunch.