**Scottish Food Enforcement Liaison Committee minute**Friday 12 February 2016: 10:00 for 10:30  
Venue: Edinburgh Novotel 80 Lauriston Pl, Edinburgh EH3 9DE. Tel: 01316192801

**Members present**

William Hamilton (Chair) Scottish Food Enforcement Liaison Committee, Chair

Catherine Ferro (Secretariat) Food Standards Scotland, Secretariat

Hannah Bulmer (Temp Secretariat) Food Standards Scotland, Secretariat

Craig Smith (CSmith) Lothian and Borders Food Liaison Group

Lindsay Matthew (LMatthew) Convention of Scottish Local Authorities & Vice Chair

Douglas Scott (DScott) Scottish Federation of Meat Traders Association

Joe Harkin (JHarkin) West of Scotland Food Liaison Group

Jane White (JWhite) Association of Public Analysts

Jane Coupar (JCouper) Food Standards Sub-Committee Chair

Lorna Murray (LMurray) Food Standards Scotland

Craig Easson (CEasson) East of Scotland Food Liaison Group

John Sleith (JSleith) Royal Environmental Health Institute of Scotland

Paul Bradley (PBradley) Honourary Secretary

Robbie Beattie (RBeattie) North of Scotland Food Liaison Group

Marion McArthur (MMcArthur) Food Standards Scotland (speaker)

Kevin McMunn (KMcMunn) Food Standards Scotland (speaker)

Rachel Mirfattahi IFST (guest)

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

The Chair opened the meeting by welcoming the Committee, speakers and guests to this February 2016 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Edinburgh. He commented on the many personnel changes recently.

He introduced; Rachel Mirfattahi attending as a guest from IFST; Marion McArthur Head if Audit FSS and Kevin McMunn. Hannah Bulmer, temporary Secretariat to minute the meeting; Jane Coupar, new chair of Food Standards Sub-Committee; Robbie Beattie, North of Scotland Food Liaison Group, and finally Paul Bradley, taking over post as Honourary Secretary from Jim Dickson.

He also noted that the agenda for today is light which is a good thing considering the change of chairmanship and new start.

Apologies were recorded for; Brian Service SG, Andrea Carson North of Scotland Food Liaison Group, Andy Morrison Food Safety Sub-committee chair, Derek OliverSociety of Chief Officers of Environmental Health in Scotland**,** Ian McWatt FSS, Roisin Dillon Feed sub-committee.

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

1. **Minutes and matters arising**

The Chair advised that the draft minutes of the last meeting held in Glasgow on 12 December had been circulated, and proposed that the Committee go through the minutes page by page, first for accuracy (A) and then matters arising (MA).

**ACTION: PBradley highlighted page 4 of previous minutes: UKFSS Report- noted it was finalised yesterday (11th Feb) and complete version of the report with the agreed targets is to be circulated.**

No other matters arising.

**PB. There’s a matter arising under the matters arising. The revised ukfss report with the sampling caveats, was circulated but is having doubts if it was circulated to SFELC members. PB will liaise with CF and JS.**

1. **Actions outstanding**

The Secretariat ran through the outstanding actions;

Secretariat noted that she had reviewed all actions from 2015 as the year was drawing to a close and that all actions were completed.

18. December meeting: Set up Diet & Nutrition Working Group- complete- is arranged for 25th February 2016

19. CFerro to circulate presentation slides from Perth and Kinross Council who presented at December meeting- complete.

21. Election of Office Bearers to hand over to their new incumbents - complete

Circulate copy of SFELC Annual Report 14/15 that was agreed at last meeting to FSS Board- complete

**ACTION: WORK PLAN: request for items for work plan to be sent to Chair or Secretariat.**

1. **Presentations &Current Items**

Chair then introduced Marion McArthur and Kevin McMunn to give their update on FSS Audit Review.

**4.1 FSS Audit Review**

* MMcArthur stated that she wanted this to be informal and for the committee to interrupt and ask questions.
* She then explained that FSS are carrying out a review of Audits for Local Authorities but that it is mainly a review of Official Controls.
* MMcArthur explained that a main reason for this change has been the move to Food Standards Scotland from FSA and the difficulties that this has presented with the framework agreement which is an FSA document; Marion explained this needs to be reviewed as it is no longer applicable.
* Following the summit back in August 2015 Las were asking FSS directly their opinion on the audit schemes, and if they should be reviewed; overwhelmingly people agreed that there was value in it but that it needed to be more robust.
* MMcArthur made a point of emphasising that FSS powers to audit are not new; they are the same now under Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2009 as they were under the Food Standards Act 1999.
* MMcArthur explained that the framework agreement was signed by COSLA, but the document never had any legal standing; the main purpose was to explain how to implement regulations.
* MMcArthur stated that the review is essentially a recalibration of the audit scheme; she explained that it is a case of going back to first principles, and that FSS will be auditing against Regulation (EC) no 882/2004 which is directly applicable both to local authorities and FSS in the work that they deliver.
* MMcArthur noted that 882 will be the new standard in that the various articles of 882 are what FSS will audit against.
* MMcArthur explained that Graham Forbes and Kevin McMunn are involved in work that is currently being done to map 882 against the current food law code of practice and the framework agreement.
* Audits will take place in the form of 882 with reference to the code of practice and to the framework
* MMcArthur noted other changes that could affect audit as, on-sight verification or ‘reality checks’; FSS will now be following how FVO carry out these, which in involved limited, or no warning to local authorities about where the next audit will be taking place.
* MMcArthur also noted that in developing action plans to address any recommendations raised, Local Authorities will be expected to carry out a ‘root cause analysis’ on the reason for the deficiency. MMcArthur explained that this is different to the current system as at the moment FSS record recommendations in terms of non-compliance for corrective action.
* MMcArthur highlighted the main guidance document that the EU have issued which refers to corrective and preventative action; this will be looked at closely which was noted as a fundamental difference, as the main focus up to this point has been to looking where non-compliances are.
* MMcArthur explained that a level of assurance will be given; this will be a four tier level that Scottish Government currently uses which consists of, substantial, reasonable, limited, and insufficient.
* Chair then opened the floor to questions for MMcArthur and KMcMunn.
* JHarkin mentioned reality checks and highlighted that when an audit date was known previously it could affect the workers in the run up to it. MMcArthur explained that from now on the focus will be to look at how official controls are delivered and the fact that little or no notice will be given should prevent that feeling of anxiety among workers.
* CSmith noted that root cause analysis is a council-wide obligation. He asked how FSS are going to engage with the Chief Executives to ensure that they know about these changes. MMcArthur explained that a letter from Chief Executive of FSS, Geoff Ogle will be sent out to all Local Authorities soon. LMurray confirmed that this could be done as early as next week, and it will be a means of drawing attention to Chief Executive’s and Lead Food Officers the statutory obligations Local Authorities have to deliver official controls and that they applied at a risk based frequency.
* MMcArthur then explained that the preventative element will be at a senior level, so if local authorities feel that they do not have the resources to carry out official controls, their Chief Executive’s will be reminded of their statutory obligations.
* KMcMunn highlighted that the root cause analysis will be the responsibility of higher decision- makers, and that the letter to Chief Executives will consider direction and default to make them fully aware of their resources.
* CSmith; asked about planning for upcoming audits and knowing exactly what their statutory obligations are. MMcArthur stated that the letter will explain what is expected from the local authorities.
* KMcMunn noted the role of preventative and corrective measures, and emphasised that local authorities will be advised of any potential issues and how to prevent them, using the example that under the previous audit system, local authorities would explain that they had insufficient staffing etc. whereas now, local authorities will be told, to prevent any potential issues in the future you should look at recruiting more admin support etc. Stated that this should strengthen the role of food teams in local authorities.
* MMcArthur explained that there had been previous questionability regarding the legal status of the framework document, and the move to 882 will ensure that this does not happen again, and it will be more high level and strategic in nature.
* JSleith added that this enhancement of audit and the Chief Executive letter are very welcome, as local authorities are under immense pressures. He added that it is also very timely as we are drawing to the end of the financial year, and so budgets are being drawn up.
* Chair noted that Food liaison Groups have discussed the upcoming changes and have made clear that they want to see local authorities having a clear methodology.
* Chair stated that he has always thought audit was a great thing to happen since it came into force in 2001/2, but thinks it has definitely become less effective in recent years.
* MMcArthur article 4 (6) 882 entails the requirement to audit, and the Commission have developed a guidance document on how this should be done. Commission decision 677/ 2006.

**ACTION: MMcArthur to send Commission decision 677 /2006 to CFerro for circulation to committee.**

* Chair noted that some procedures developed over time through reference to the framework agreement should not be lost.
* MMcArthur explained that this is a mapping exercise; Section 19.1 of the framework agreement refers to internal monitoring, and it simply states ‘refer back to Article (8) 882.’ Important not to lose current procedures that local authorities have put into place under framework agreement because they are mapped.
* KMcMunn highlighted the necessity to ensure the new code of practice is mapped into 882.
* MMcArthur explained that there can be no waiting for a code of practice review, and that this action has to be taken now.
* LMurray stated that mapping is starting now also because of new resourcing within the Enforcement Delivery team at FSS; new Project Manager Robin White is involved with a number of projects including the Scottish National Database. Is working on dissecting the code of practice.
* Chair highlighted that this is an important message for Liaison Group representatives to take back, and noted that a checklist made available online would be immensely helpful.
* Chair then asked about a timescale and MMcArthur explained that the system should be ready by the start of the financial year, and an audit program has to be agreed, but this will not be ready by April. Intention is instead of doing core audits, there will be a focus on particular topics through horizontal audits, similarly to how to FVO work. Emphasised that final say will probably be given by the Audit and Risk Committee.
* KMcMunn asked that the committee consider that there is going to be no prior warning of reality checks, and explained that if the lead officer is not available when the audit is set to take place then another available officer will suffice.
* CSmith noted the differences in practicalities, and MMcArthur explained that during a reality check, if something needs to be done, it should be done and the audit team will step away. MMcArthur then explained that the audits will be taken into account on a case by case basis.
* KMcMunn added that there is also a plan to review the audit report, focussing on making it shorter and sharper.
* Chair asked about the level of assurance, and wanted clarification that this is not a rating.
* KMcMunn explained it is not a rating but it is to provide the audit with an outcome. Substantial assurance: controls are robust and well managed; reasonable assurance: controls are adequate but require improvement; limited assurance: controls are developing but weak; insufficient assurance: controls are not acceptable and have notable weaknesses.
* MMcArthur explained that there is more of a need to focus on the contents of the audit report and not just the grading.
* JHarkin noted that this is a big step forward.
* MMcArthur explained that the plan is to introduce it informally at the moment and to go round Food Liaison Groups
* LMatthew asked how long the audit would last.
* KMcMunn stated that they should be short and sharp but ultimately it depends on what is found during the audit, and if there needs to be focus on particular areas.
* MMcArthur explained that the program will be a risk based audit program with a policy lead.
* MMcArthur stated that there is currently advertisement out to recruit for a new auditor, closing on 7th March.
* DScott asked if this will help with the consistency of inspections
* MMcArthur replied that it should help because there will be a look across all authorities. Looking for consistency of approach through assurance.
* KMcMunn explained the duty to disseminate best practice and said that this should also help to improve consistency.
* PBradley noted that RWG discussed yesterday that this is good opportunity to reboot.
* Chair thanked the speakers for their message and stated he hoped the committee would take this message with them.

**4.2 Settling In**

* Chair stated this is quite a vague item on a light agenda, and stated he wanted to have a conversation about SFELC, and any tweaks and improvements that anyone thinks should be made.
* Chair explained he has decided to make more contact with Liaison Groups, and that Derek, Lorna and Ian will also attend where possible. Chair noted that this could be a means of rebooting associations and links, and getting communications back on track.
* KMcMunn noted that Liaison Groups do not currently discuss the audit process and stated that the purpose of SFELC and Liaison Groups has been somewhat lost.
* Chair stated that there was previously a development of templates for procedures within Liaison Groups and there is no longer and evidence of the good work that is being done.
* Chair noted the importance of the website, and the SFELC web component could be helpful if there was a lot of information there
* LMurray noted there are SFELC legacy documents in cupboards that need to be on the website as some of them are very well written and well researched. Also noted that Lynsey Gray is in place at FSS to take over the website. Noted also that there should be an online library for SFELC documentation.
* CFerro explained she has been working with Lynsey on this, and raised the point that committee should let CFerro know if they think something should be there or they cannot find something.
* MMcArthur noted that the problem is that most people do not even know that these documents exist.
* PBradley stated he had looked up old survey reports and they had been on FSA website, and also some on national archives
* LMurray noted that there is potential for some of these reports to be put into the Scottish National archives if they have potential historic importance or data that will be useful.
* JSleith noted the idea of the road show is useful and emphasised it will be a way of giving the Liaison Groups more support. Noted also that there are new younger members who lack the confidence to step forward to give any comment or useful advice on matters. Also noted that Liaison Groups now all have the same constitution and have the same remit. JSleith noted that there could be more of an effort to invite useful speakers such as Food Crime representatives or the Farmer’s Union representatives.
* Cahir emphasised that there is nothing sinister about the upcoming Liaison Group visits, but that it is a positive thing. Chair noted there are similar issues with sub-committees at present, noting that the Food Safety Sub-Committee has withered somewhat, but Andy and Jane can now take over and hopefully things will change. Chair suggested at the next meeting there should eb a discussion as to what the plans for the committee are for the future.
* Chair noted there should be a more up to date list of membership and it should be known who is involved in what areas of work. Noted that this will give SFELC more context
* JCouper explained there should be an up to date membership list on the website.
* Chair suggested that there is merit in having new faces that will learn from a place on the committee and can contribute fresh ideas and outlooks.
* PBradley noted the growing use of Working Groups and that they are basically permanent as things stand.
* Chair stated that there has been dislocation and people do not know what working groups exist under SFELC. Noted the success of Jerry Fallon’s SFELC working group on Artisan Cheese- making.
* LMurray stated cheese is a perfect example of success being achieved in a short period of time.
* KMcMunn stated that when FSA was the main body, SFELC was the jewel in the crown because it got all of the Scotland representatives in one room. Noted that there was a lot of education required for the numerous working groups and the work that was done was greatly admired.
* LMurray added that this is still the case, using the example of how FSS and working groups have been able to deliver at pace, highlighting the on-going work with Annex 5.
* Chair noted the importance of HACCP project delivered in Scotland as a partnership between local authorities
* Chair highlighted the importance and need to implement a robust work plan for SFELC
* CSmith stated that moving forward there should be more of a taking stock of work streams that are on-going throughout the various working groups and sub-committees.
* JSleith noted that the work being done needs to be made more visible so that the right people can be recognised. Stated that the website could be a fundamental tool used to achieve this.
* JHarkin made the point that in the past after summits the group seemed to be more energised, and the summit was helpful in highlighting work being done and strengthening ties between SFELC and Liaison Groups.
* Chair stated that there needs to be a greater connection with SFELC and Liaison Groups, and this is why the visits will be useful.

**Standing Items**

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1. **Intelligence gathering – safe spaces**

Chair asked members of the committee if there were any items to be raised under agenda item 7. Nothing was raised.

1. **Resources Working Group Update**

JSleith updated the Committee on the updates from RWG. He mentioned;

* FSS plans to re-establish funding for student EHO training which was previously funded by FSA Scotland. £40,000 is to be banked with REHIS. Tripartite protocol to be agreed whereby SOCOEH will administer the fund, accept applications and agree dispersing of the fund to local authorities. Potentially looking at directly funding individual students in the form of bursaries.
* JSleith noted that this is a very generous move by FSS and that as budgets are currently being set for the upcoming financial year, everyone should bear this funding in mind.
* JSleith also stated that the next SOCOEH will be held in Cumbernauld on 3rd and 4th March.

1. **Committee work plan**

* Chair noted that the work plan had been arranged in themes for the year 2015 and had worked well.
* Chair also noted that there is nothing live at the moment, and there needs to be some consulting between now and the meeting.
* CFerro announced the main points that have currently been discussed as potential for part of the work plan/ upcoming agenda items; the role of sub-committees in bringing together the annual report, FSS Board to discuss regulatory strategy in March, so Steve Hardie to attend April meeting to update SFELC, and lastly Port Health could be in a future meeting this year.

1. **Regulatory Strategy for Food Standards Scotland development**

* LMurray noted that the time line is still for consultation March 2016.
* LMurray stated that at the moment FSS is consulting it’s overall strategic plan which will take up until 2019/21, noting also a number of local authorities have been attending various stakeholder events
* LMurray explained that the intention that regulatory strategy will fit in to one of the main elements of the overall strategic plan and that is that responsible businesses flourish and that they are supported
* LMurray explained that the next stage will be taking it to the March Board meeting for approval and debate, and thereafter their recommendations will be considered and the overall approach confirmed.
* LMurray noted that items discussed at the summit such as the use of sanctions have been fed back to Steve Hardie and the regulatory strategy team at FSS so they are aware
* LMurray noted the importance of the industry perspective in this area, specifically focussing on what will motivate business to comply, ensure prolonged compliance, and ultimately how this will incentivise consumers to trust that particular business.
* LMurray noted that annex 5 A is continuing as a working group, which still has a number of original members despite moving from being a SFELC and now an FSS working group. FSS are now responsible for the various calculations involved and are ultimately working to get a pilot off the ground, and to get into a position to assist local authorities in terms of funding for that pilot.
* Chair asked what position the pilot is currently at.
* LMurray responded that Brian Campbell has been speaking with local authorities to try and gauge a general interest, but there will be a more formal approach to find out what local authorities wish to participate but at the moment there has been interest from a number of local authorities.
* LMurray noted that FSS are looking for 6 to 8 local authorities to be part of the pilot, and Robin White the new project manager at FSS will be working on this closely.
* LMurray explained that incentive for the annex review is what will have public health benefit, and Robin will be able to measure the potential impact this will have and measure the frequencies.
* Brian Campbell will be speaking at the annual congress and will have a communication plan thereafter to make sure all who need to be engaged are
* LMurray explained that FSS are working at setting direction and default plan in writing as it has never been documented fully and it will hopefully be finalised by April.
* LMurray highlighted the Board decision that the delivery of feed controls would be centralised, and noted that Jacqui Angus has been taking a lead on this and the intention is to have something in place by April 2017.
* LMurray mentioned the report from the summit that has been cleared by the society, which should be published imminently. Will be sent to all who attended, and all lead food officers and thereafter of the FSS website. Noted there has been discussion about potentially having a similar event in the next financial year, but there is also another proposal to potentially consider having an FSS conference to which various stakeholders would be invited and speakers from a wide variety of backgrounds; would be a very useful networking opportunity and a means of highlighting SFELC’s work.
* LMurray noted that the review of the current cross-contamination guidance is on-going. Progressive have been awarded the contract and will be taking the work for FSS forward. There will be discussions with Industry and the main questions will centre on public health benefits and whether practices are being followed after inspection. Guidance will be taken and reviewed if necessary, and decisions will be made as to how it should be carried forward.
* LMurray noted Andrew Morrison’s replacement Raymond Pang will be starting on 29th February to take over cross-contamination guidance work.

**Exception Reporting**

1. **Sub- Committees**

* Chair noted there was no representative available for Food Safety sub-committee
* Chair asked CSmith if there was anything of note from the recent Glasgow meeting
* CSmith responded that there was nothing particularly of note, but that risky foods and annex 5 were discussed and he updated the committee that the next meeting would be in April.
* Chair asked for an update from the Food Standards Sub-Committee.
* JCouper noted all should have received the Food Standards Sub Committee Report on the composition of Steak Mince, for approval.
* JCouper explained that she is highlighting this due to the new legislation in the form of food information regulations and the standard for fat content in mince.
* JCouper explained that steak mince has always been viewed as a premium product in Scotland, and explained that the question is whether to keep steak mince with the same fat content standard as lean mince
* JCouper noted that PBradley has looked in databases for figures from last year and a high proportion of samples had a fat content that met the standard of seven per cent, and following this the recommendation is that steak mince should continue to be recognised as a customary name of Scotland for mince beef with a lower fat content, and that it should be the same as that set out on the food information regulations
* JCouper acknowledged that there will be a need to work with trade to promote this, noting that a transition period of six month should be allowed.
* Additionally she noted that FSS recently circulated advise on the labelling of minced meat and that there are some contradictions in it, in comparison to what the Food Standards Subcommittee to have put forward in this paper. So that also needs to be considered .
* DScott noted that steak mince is incredibly important to Scottish butchers, and that it is estimated now that over fifty per cent of carcasses are now minced.
* DScott mentioned that the drive for lean mince is customer driven
* DScott noted his full agreement with the recommendations set out in the paper and praised the clarity of the paper
* DScott then noted that there will be a difference in supermarket mince and butcher’s mince, and agreed that FSA’s guidance is not as clear on these issues, noting he would support the situation as much as he possibly could.
* CEasson stated that supermarket steak mince is currently labelled as 15 per cent
* There was no disagreement to this discussion item.

1. **Food Liaison Group**

* Chair noted that no representative from the Feeding Stuffs Sub- Committee
* Chair moved on to Food Liaison Group updates and highlighted the minutes from the West and Lothian groups
* Chair opened to comments from any of the Liaison Group Chairs if there were any specific issues they wanted to raise from their respective meetings
* CSmith had nothing to raise
* RBeattie raised the email from FSS regarding membership and terms of reference for inclusion into the next FSS monthly enforcement report and the 2015-2016 SFELC annual report.
* CFerro responded that a list of SFELC working groups and their Chairs will be fully listed in these documents, which, when cleared will be circulated and published to the FSS website, respectively.
* JHarkin had nothing to raise
* CEasson explained that Ron McNaughton, Head of the Scottish food Crime and Incidents unit attended East of Scotland Food Liaison Group meeting on Tuesday, and had said that he was keen for his intelligence officers, Duncan Smith and Ross Clark, to get around various local authorities to explain more about their work and highlight the particular kind of intelligence Also noted that if anyone wishes to hear from anyone from the SFCIU at their meetings, contact Ron McNaughton
* CEasson also noted he had a meeting on Tuesday with four new representatives for Falkirk, Sterling, Angus and Fife. Noted that if there are changes in membership to groups, it would be beneficial to invite them to attend SFELC or any sub- groups for experience and to gain confidence
* Chair agreed with CEasson’s points and noted that new members need support

**Information papers**

1. **Review of action points**

The Secretariat ran through the action points raised throughout this meeting:

* MMcArthur to send Commission decision 677 /2006 to CFerro for circulation to committee.
* Chair, Derek, Ian and Lorna to attend Liaison Groups in March and April and report back to SFELC
* CFerro to circulate links to legacy documents
* Chair to speak to CFerro and LMurray regarding the website content
* Work plan items to be sent to Chair or Secretariat
* PBradley to circulate complete version of UKFSS report

1. **AOCB**

* JHarkin noted discussion on feed controls that LMurray had raised and highlighted how this is linked to the SFCIU, and noted interest in any potential training for staff
* LMurray stated she will speak with Ryan Bruce, and noted that there is capacity to run a number of training courses and that it will be on-going.
* LMurray stated it would be useful to hear from Duncan Smith and the kind of intelligence that has been gathered to date, and this would show the proof of concept for the SFCIU
* JSleith added an addendum to his student funding point that was raised earlier. Stated that he is keen to have more of a profile for FSS, and there should be more publicity and more engagement with the sponsored trainees with potential for work experience in Aberdeen
* RBeattie asked when the funding will be available
* JSleith stated it would be available from the 1st April 2016 and that all applications will be considered
* LMurray noted that meeting with REHIS last week speaking to Brian Auld, learnt the high number of unattached trainees, working part time and funding own travel
* Chair flagged the SMT decision regarding approved premises. There is a joint approval process based upon the premise that approvals will be granted by FSS
* LMurray stated that the model has been inherited by the FSS team and previous director was keen on this model, but the aim is now to improve consistency
* LMurray explained a paper was put together for Geoff to consider joint approval for joint establishments, and noted that dual visits on all approved establishments would not meet the objective of improving consistency and quality
* LMurray also noted that form a budget perspective, money would be best spent if used to support officers
* Chair mentioned the Approvals Working Group, and the process flow for approvals will be redrafted and circulated by the society when it is finalised, and noted that JSleith had sent a letter to Geoff Ogle about it.
* Chair thanked everybody for their contributions at this meeting, noted the next meeting will be on Friday 15th April 2016 in Malmaison Dundee provisionally, and closed the meeting.