

SCOTTISH FOOD ENFORCEMENT LIAISON COMMITTEE

Friday 20 February 2015

Novotel Glasgow Centre, 181 Pitt Street, G2 4DT

Members Present:

Craig Brown (Chair)	SFELC Chair
Lorna Murray (LMurray)	Food Standards Agency in Scotland (FSAS)
Ian McWatt (IM)	Food Standards Agency in Scotland (FSAS)
William Hamilton (WH)	Food Safety Sub Committee Chair
Roisin Dillon (RD)	Feeding-stuffs Subcommittee Chair
Lesley Stanley (LS)	Scottish Food Advisory Committee (SFAC)
Joe Harkin (JH)	West of Scotland Food Liaison Group (WSFLG)
Robbie Beattie (RB)	Association of Public Analysts of Scotland (APAS)
Douglas Scott (DS)	Scottish Federation of Meat Traders Association (SFMTA)
Craig Smith (CS)	Lothian and Borders Food Liaison Group (LBFLG)
Andrea Carson (AC)	North of Scotland Food Liaison Group (NSFLG)
John Armour (JA)	National Farmers Union Scotland (NFUS)
Lindsay Matthew (LMatthew)	Convention of Scottish Local Authorities (COSLA)
Colin Wallace (CW)	Royal Environmental Health Institute of Scotland (REHIS)
John Sleith (JS)	Society of Chief Officers of Environmental Health in Scotland (SOCOEHS)
Paul Bradley (PB)	Food Standards Subcommittee Chair
Jim McCormack (JM)	Scottish Bakers
Derek Oliver (DO)	East of Scotland Food Liaison Group (ESFLG)
Catherine Ferro (Secretariat)	Food Standards Agency in Scotland (FSAS)

By teleconference for item 1 & 2

Geoff Ogle (GO) Director, Food Standards Agency in Scotland (FSAS)

1 Welcome

The Chair opened the meeting by welcoming the Committee to this February 2015 SFELC meeting in Glasgow, and the Food Standards Scotland (FSS) Chief Executive designate Geoff Ogle by TeleConference from Aberdeen. He explained Geoff Ogle would give an update on FSS as the first item on the agenda. He also noted the agenda would be in a slightly different order from normal at this meeting to allow Geoff to speak before attending the official opening ceremony for the new FSAS offices, "Pilgrim House".

2 Food Standards Scotland update

Geoff Ogle updated that the FSS Chair and Board have now been recruited and are undergoing inductions to learn about the work of the FSS. He noted that FSS has the powers to set up Committees as required and that it would keep SFELC in the current format, as it is considered critical to FSS. FSS are at present considering whether to provide the secretariat support function for the SFELC subcommittees.

Geoff Ogle also update that the legal processes are almost completed, the structure of FSS is still ongoing and as such the employment of key staff; eg Chief Scientist; Intelligence; Diet and Nutrition are also ongoing.

He discussed that the FSS strategic plan will not be ready for the start of FSS, however there will be a business plan for the first year of operation.

The Chair opened the meeting to questions for Geoff.

- Will LAs in Scotland still participate in LAEMS this year (2015/2016)?

Geoff stated that FSS would support an early review of the LAEMS system and as this would take time, because any new system would need to meet EU level reporting requirements, agreed that LAEMS would continue to be used as it is for the coming year.

- What will the relationships be like between FSS and FSA following vesting day. It is suspected that there will still be good working relationships in place once FSAS becomes FSS. Geoff is on the UK Executive and there is an agreed memorandum of understanding in place which will ensure all parties are aware of what the other is doing.

- What will future engagement look like between FSS and LAs, and at what level? Geoff stated that there must be engagement at all levels, he expects that there will be some Summit type meeting in 2015, although the exact agenda is still to be decided.

- What operational activities / functions are FSS taking on post vesting day? It was stated that there is concern over who will carry out feed controls. A good outcome would be that so long as this function is carried out, by someone, this is a good answer for now.

RD, Feeding stuff subcommittee Chair, explained that they are awaiting direction from FSS.

Geoff acknowledged that how we take forward feed controls does need to be looked at and has taken this information on board.

Chair thanked Geoff Ogle for his contribution to the meeting, summarised this agenda item noting with appreciation that SFELC is considered critical to FSAS / FSS and is to be kept on in its existing format; and also that FSAS / FSS consider engagement with LAs and SFELC to be vital. Geoff then dialled out of the TeleConference.

3 Review SFELC remit

Chair then explained discussions that took place at the meeting on 29 January 2015 between SFELC Chair, Society representative, Subcommittee Chairs and FSAS representatives.

He then proceeded to discuss the reviewed SFELC terms of reference document explaining that once the Committee are happy with the document it would be submitted to the FSS Board for consideration. The following points were discussed;

- A. Page 2 "review date" the Committee agreed that this document should be reviewed every three (3) years prior to the election of office bearers.

- B. Page 5 “Mission Statement” the Committee agreed to remove the words “by local authorities” from the second paragraph in the Mission Statement thus including Operation in the scope of SFELC work.
- C. Page 6 “Objectives” again, the Committee agreed to remove the words “by local authorities” from the second paragraph in the Objectives thus including Operation in the scope of SFELC work. IMcW showed his support for this course of action for points B & C.
- D. Page 6 “Remit” the Committee agreed the wording, “no fewer than four times per annum” should remain in the document. Allowing for flexibility for the Committee to meet four or more times per year.
- E. Page 7 “Membership of the Committee” the Committee agreed to extend a place on the Committee to Institute of Food Science and Technology (IFST).
- F. Page 8 “Membership of the Committee” the Committee discussed whether the TOR should list specific bodies in its Membership list or whether it should list categories of food businesses.
 - a. DS advised he was happy to represent the retail butcher sector however advised the limited reach of the SFMTA. He suggested that the abattoir and fish sectors could also be considered for invitation to the Committee.
 - b. JMcC advised that Scottish Bakers are also moving into manufacture and is therefore happy that a generic term be used to describe the sector they represent.
 - c. LS explained the Scottish Food Advisory Committee (SFAC) members had enjoyed their time working with SFELC, but the final SFAC meeting would take place in March 2015 and therefore with apologies there would be no SFAC representative at SFELC from April 2015 onward. She also advised however that a placeholder should be considered for an advisory position to the Committee. FSS should consider who this might be.
 - d. Chair noted the above points and explained he will incorporate them into the SFELC cover letter when sending the agreed TOR document to the FSS Board.
- G. Page 11 “Secretariat” the Committee support FSS providing full Secretariat support to SFELC and its three (3) subcommittees.
- H. Page 11 “Secretariat” the Committee agreed FSS should continue to fund the organisational expenses the Committee (ie the venue).
- I. Page 12 “Expenses” the Committee discussed whether the Chair’s employer should be reimbursed for their support?
 - a. RWG considered this wording be removed from the TOR document.
 - b. CS suggested this issue would be better covered in the Framework Agreement document.

01 ACTION FSS / IMcW / LMurray to consider removing text on reimbursing Chair’s employer from this document and instead incorporating it into the Framework Agreement document.

02 ACTION Chair to make agreed changes to the TOR document as agreed today and send cover letter to FSS before the April 2015 SFELC meeting.

4 Apologies

The Secretariat advised of the following apologies:

Bernard Forteach (BF)	Scottish Food Advisory Committee (SFAC)
Chris McGuigan (CMcG)	Consultant in Public Health Medicine (CPHM)

Mary Lawton (ML)
George Fairgrieve (GF)

Scottish Food and Drink Federation (SFDF)
Royal Environmental Health Institute of Scotland
(REHIS)

5 Minutes of Last Meeting & Matters Arising (5 December 2014)

The Chair advised that the draft minutes of the last meeting held in Edinburgh on 5 December 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).

The December 2014 minute will be amended for accuracy to show that Andrea Carson had noted her apologies.

There were several matters arising from the December minute, including;

- Under item 10, "Better Regulation update". Chair explained that he and WH will meet with Sandra Reid, Scottish Government Better Regulation, on Monday 23 February to find out how Scottish Government intend to progress the national standard for mobile street trader and transferrable certificates of compliance, as in the Better Regulation Bill.

6 Action Points from previous meetings

The Secretariat noted that all outstanding action points from 2014 have been completed since the last meeting;

- Action 29/ 2014, Secretariat uploaded the EU FIC guidance to the FSAS website, guidance pages.
- Action 34/ 2014, Chair raised this issue at the FSAS Audit Advisory Committee (AAC) on 15 January 2015. There were no issues from FSA Audit branch in relation to any wide spread concerns about poor inspections.
- Action 36/ 2014, Secretariat sent invitation to Peter Faassen de Heer who will attend in April 2015.
- Action 37/ 2014, Secretariat also linked the EU FIC guidance to the FSAS SFELC web page to ensure visibility.
- Action 38/ 2014, IMcW raised this issue to the FSS Programme Board.
- Action 39/ 2014, FSS will hold the list of Home Authority agreements once vested. RD agreed Trading Standards Interlink could be a possible interim location for this information.
- Action 41/ 2014, Chair submitted the Private Water Supplies consultation to FSAS.
- Action 42/ 2014, Secretariat uploaded SFELC surveys SF33 & SF34 to FSA website.
- Action 43/ 2014, Secretariat sent invitation to David Barnes who will attend in April 2015. DS updated that following a meeting with Zero Waste Scotland, Claire Moni and Jacqui Angus (FSAS) on 26 January 2015 there might no longer the need to invite David to the April meeting. However there are still areas of ZWS work that will still be of interest to SFELC are the wide variety of waste issues and specifically the separation of food waste.

7 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 to raise in this forum. No items were raised.

Chair suggested that this item may become a more relevant part of the SFELC agenda in the near future when FSS employ a retired detective chief inspector to review their food fraud capability.

8 Resource Working Group (RWG) update

CW updated the Committee on the items discussed previous days RWG meeting. He added most items discussed either have or will be discussed in the duration of this SFELC meeting. Including;

- Preparation for the TC with Geoff Ogle. To determine what information SFELC would like to have confirmed (item 2).
- Terms of Reference review (item 3).
- Resource Working Group outstanding actions are all now completed (item 8).
- Draft Code of Practice Annex 5 document – the working group and co-chairs were commended on their efforts (item 9).
- Regulatory Strategy for Food Standards Scotland Development, which includes both Framework agreement and Code of Practice documents (item 11).

Items not covered elsewhere in this SFELC agenda were items on;

- UK FSS draft report on sampling priorities.
- FSS social media Yammer site, comparable to the Knowledge Hub. It was noted that the progress behind a FSS social media site is inconclusive.

And;

- Glasgow City Council's paper detailing resourcing of their food safety service. Chair advised that the RWG would take forward the discussion of the resource report by Glasgow City Council, given Geoff Ogle's earlier comments on capacity.

JS agreed this would be a useful piece of work for RWG to take forward. He added that during the meeting with Geoff Ogle on 29 January 2015 there had been a commitment to closer collaborative working relationships between LAs and FSS.

On behalf of The Society he asked whether FSS might have a watching brief or an audit mechanism to more easily identify when LAs were reaching a critical stage and genuinely need more resource. If such a system were in place it would enable chief EHOs to go to their Authority, flag up the possibility of reaching a critical stage and use the evidence base to request more resource.

9 Code of Practice – Annex 5 Working Group update

The Working Group Chairs would be keen to have an informed discussion on this but will postpone this until the April 2015 meeting to allow the final paper to be available to all stakeholders, particularly FLGs and industry reps.

The group is clear on two things; the only way forward would be to have a joint food safety and food standards inspection scheme and; that to move forward on this will be complex. Chair added that this document will be a proposal to put to the FSS who will then have to work with others to reach a solution, and that this will not be resolved imminently.

Thanks were extended to the members of the working group and co-chairs for their efforts in taking this forward over the last 12 months, and for helping to find a Scottish solution to a Scottish problem.

PB & WH to circulate papers a fortnight before the April meeting (and hopefully to the next FLG scheduled meetings).

10 **SFELC work plan**

Following confirmation that FSA / FSS is content for SFELC to continue, the Chair discussed the likely options for the forward work plan. The document will be issued with the papers in advance of the April 2015 meeting and is likely to contain the following items and themes;

April – Theme “Diet, nutrition and health” – Edinburgh

- Presentations from Frances Birch – Food and Health Alliance; Peter Fassen de Heer – Scottish Government; David Barnes – Zero Waste Scotland.
- Introduction to Annex 5 led by Paul Bradley and William Hamilton on.

June – Theme “Operations”

- Transition of Operations in Scotland from FSA to FSS presentation by Ian McWatt.

October – Theme “Food fraud and related issues”

- Invite an individual from Police Scotland regards serious organised crime and food fraud.
- Invite the DCI contracted by FSS to review the incidents and fraud capacity.
- Intelligence led approach.
- Food and feed.
- Animal welfare animal health

11 **Scudamore recommendations and actions**

The Chair introduced this item explaining that many of the items discussed by Geoff Ogle today in item 2, link in to the Scudamore recommendations, which are priorities for FSS in the first year.

LMurray updated the Committee on the work for FSA stemming from the Scudamore Expert Advisory Group report; the reason why Scudamore wrote the report; an outline of the report and its recommendations; and a flavour of how FSS will take forward delivering on these recommendations.

The Chair invited the Committee to ask questions;

- IMcW thanked LMurray for her update and noted this is a real opportunity for enforcement and an exciting time for SFELC.
- RB asked how agile is the framework for Scotland Excel public procurement? LMurray explained there are far reaching consequences here; about the current cumin incident; and discussed the term “carryover”. Following a final question by RB, she also updated on the progress of Scudamore recommendation 33, the assessment of capacity and capability of scientific laboratories in Scotland.

- DS asked if there will be guidance to address that 1% carryover is in real situations not always practical. LMurray explained FSS are aware of concerns and explained the intention would be to adopt a pragmatic and workable approach.
- LMatthew asked if there is a procedure in place to identify who from each of the 32 Scottish LAs is the first point of contact for communications, and perhaps whether a documented procedure of their required checklist / actions should be incorporated into the next revision of the Framework Agreement.
- JS asked whether the public sector procurement exercise on 24 February 2015 involved enforcement aspects? LMurray explained the LAs invited are; Renfrew as main contact with Scotland Excel; those LAs who do not use Scotland Excel as their main provider. She explained this is solely a public procurement exercise looking at how an issue in that sector would be handled.

12 Exception reporting

Food Safety Sub – Committee

WH explained a member of the Food Safety Sub had noticed an FSA enforcement letter (ENF-E-14-040) on the E. coli O157 control of cross contamination guidance was circulated to the local authorities in England following a recent review. This letter was not circulated to Scottish LAs. The Sub – Committee reinstated the HACCP working group to look at Cook**Safe** and Butcher**Safe** documents and to ensure they are all still valid. The WG will draft a letter to explain the slight shifts in Scotland and will FSS publish.

Additionally, following a request from child minders the Sub – Committee considered whether to reconvene the Childminders WG. The conclusion was to decline to reconvene the working group because, despite the good work completed the resource is not worth the output.

WH thanked those who responded to the recent questionnaires stating a lot of work is carried out in these areas.

Food Standards Sub – Committee

PB stated the Sub – Committee agreed to continue the pragmatic and reasonable approach to the Food Information for the Consumer Regulations, and would revisit an end point at the next meeting.

Feedingstuffs Sub - Committee

RD explained the Sub – Committee felt in limbo in regard to whether or not feed controls will be brought into FSS. She also noted that Secretariat support would be of great benefit to the Sub – Committee and, are keen to follow the route the competent authority would like. She is glad to have more positive messages to take back to their members.

Food Liaison Groups

There were no updates from any of the four (4) food liaison groups.

PB on behalf of the Sampling and Surveillance working group (SSWG) clarified an item raised in the latest WSFLG meeting minute, under the SSWG, regarding the imposition of sampling surveys. He noted that both the drafting and approval of the recommendations were made in groups in which WSFLG, and all other FLGs, are represented. That is made by SSWG and endorsed by SFELC respectively.

FSAS

There were no further updates from FSAS. However following a question on the absence of FSA support to LAs during Food Safety Week this year LMurray explained FSAS will still support this kind of activity. Just not for this specific occasion this year.

14 AOCB

RB asked about the progress with the review of the Regulation (EC) No 882/2004. IMcW explained the wider review is ongoing and will be 2016 before a substantive response is available. Furthermore Scotland will implement the new OC charging regime from 1 April 2015.

DO received correspondence from Sandra Reid highlighting that the Scottish regulators code of practice went through Scottish parliament on 18 March 2015 and that regulators will be informed regards its implementation.

Additionally, the Committee discussed the recent Which? article, "Food Enforcement in Scotland" <http://www.staticwhich.co.uk/documents/pdf/food-enforcement-in-scotland---which-briefing-394935.pdf>. The consensus opinion was that the conclusions were flawed, and incorrect inferences were drawn. In Scotland the Annex 5 document is used by LAs in accordance with the Code of Practice and all outcomes are based on risk analyses and to a gradual proportionate enforcement policy. As opposed to the report, it could also be reasonable to interpret the league tables as those at the bottom are the more strict and that consumers are well protected in these areas.

The Committee discussed whether FSAS should have made a robust response refuting the article. IMcW explained that while a part of FSA, FSA in Scotland were obliged to stand by the UK line as it was in response to a UK report. Going forward FSS will be responsible for their own Communications and this event will simply will not be repeated. FSA in Scotland recognise and stand by their comment that all the 32 Scottish LAs are delivering the standards of enforcement across the sector on a risk based approach as required, and going forward FSS will be able to make their own strategic decisions that benefit the entire enforcement community.

LMurray noted that conversely some LAs (in England) were happy with the report as in an election year it highlights pressures on authorities. She also added that ironically the community had recently been targeted as being overzealous.

In conclusion the Committee hope that SFELC and FSS will continue to build on the strong relationship built over the years with FSAS which will lead to mutual recognition within the areas of food safety, regulation and feed. Furthermore lessons have been learned by LAs and the Society to be better prepared in advance of media articles in future.

15 Summary of Action Points

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

17 Date of next meeting and update on SFELC work plan:

The Chair advised the next meeting will take place on 17 April 2015, in the Edinburgh Carlton Hotel, North Bridge EH 1 1SD and will have a will have a diet, nutrition and health theme.