

Scottish Food Enforcement Liaison Committee Terms of Reference

**Version: 6
08 December 2023**

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CONTACT

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Summary

Intended audience:	<ul style="list-style-type: none">• SFELC members• Potential SFELC members• Food Standards Scotland• Scottish Local Authorities• Consumers• Stakeholders• Industry• Media
Which UK nations does this cover?	This document has been developed for Scotland.
Purpose:	<p>This document provides information on how Food Standards Scotland (FSS) regulates the procedure of the Scottish Food Enforcement Liaison Committee (SFELC) and how that Committee supports Food Standards Scotland (FSS).</p> <p>The Committee exists to provide a forum to maintain and develop links with key stakeholders who can provide the necessary expertise to contribute to the development, implementation and maintenance of FSS' policies in respect of its core functions of ensuring the safety of food supplied in Scotland and the protection of consumer interests in food related matters.</p>
Legal status:	SFELC is a Committee established by FSS in accordance with section 12 of the Food Scotland Act 2015.
Key words:	<ul style="list-style-type: none">• Scottish Food Enforcement Liaison Committee (SFELC)• Terms of Reference (ToR)• Membership and working arrangements• co-ordinate food safety enforcement activity• share best practice
Review date:	<p>June 2024.</p> <p>This document will be reviewed every three years prior SFELC elections.</p>

Revision History

If you have any comments on this document, please contact us by email at SFELC@fss.scot

Revision No.	Revision date	Purpose of revision and paragraph number	Revised by
1	1 April 2015	Amendments following review of this document December 2014 to March 2015. Including: <ul style="list-style-type: none"> - Inclusion of FSS logo - Mission statement - Objectives - Remit - Committee membership 	Secretariat
2	22 June 2018	Amendment to the SFELC logo. Amendment of Chair contact details. <ul style="list-style-type: none"> - Sections 2 - 9 - Sections 11 - 13 	Honorary Secretary / Secretariat / Committee
3	07 October 2022	Amendment following review of the document to incorporate the Committee under the remit of FSS.	Committee
4	10 October 2022	Amendment to include Consumer Scotland as a member	Chair
5	08 September 2023	Amendment to include: <ul style="list-style-type: none"> • 2x FSS representatives for the SFELC Executive • Chairs of Working Groups and Sub-Committees are appointed not elected • Removal of the Society of Chief Officers of Trading Standards in Scotland as a SFELC member • Change to deadlines • Removal of feed • Change from Health Protection Scotland to Public Health Scotland 	Secretariat

6	08 December 2023	<ul style="list-style-type: none">• Amendment to change to “Public Analysts in Scotland”• Addition of Scottish Salmon Association SFELC membership	Secretariat
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Mission Statement

SFELC will support the work of FSS by providing information and expert advice in relation to food law enforcement and so contribute to the development and implementation of Strategies and Policies for fulfilling its core functions in respect of food safety and consumer protection.

SFELC helps to co-ordinate food law enforcement activity and provide a forum to share best practice.

Where appropriate, SFELC may research, develop and publish reports and guidance for the enforcement community to assist in the delivery of consistent enforcement throughout Scotland.

1. Objectives

- 1.1 SFELC supports the work of FSS by providing information and expert advice in relation to food law enforcement. The Committee is established to provide an independent recommendation on scientific or technical matters related to regulatory procedures in food law enforcement and or any other issue relevant to the work of the Committee in order to improve the effectiveness and consistency of food law enforcement in Scotland.
- 1.2 SFELC works to support and influence the policies of the Food Standards Scotland in order to improve the effectiveness and consistency of food law enforcement in Scotland. In doing so, the Committee may influence the development of national policies by FSS and Local Authorities which affect enforcement issues by providing advice based on its collective opinion.
- 1.3 The Committee will co-ordinate food law activity and promote best practice in official control service delivery. In doing so, the Committee will establish Working Groups and Task Groups as necessary to identify best practice and effective service delivery models.

2. Remit

- 2.1 The Committee shall;
 - Meet on a regular basis. The Committee shall ordinarily meet no fewer than four times per annum.
 - Contribute to the development of Food Standards Scotland strategies to improve their effectiveness.
 - Promote the consistency of food law enforcement in Scotland.
 - Support diet and nutrition initiatives in Scotland and co-ordinate the involvement of enforcement authorities
 - Assist in the establishment and maintenance of an effective enforcement infrastructure and facilitate communication networks through a secure online platform (currently Knowledge Hub) and the FSS Monthly Enforcement Report.
 - Consider and propose new enforcement mechanisms and approaches and produce recommendations for their implementation.
 - Consider any other issues relevant to the working relationship between Food Standards Scotland, food law enforcement, the food industry and consumers in Scotland.
 - Comment on relevant draft legislation, guidance and reports produced by Food Standards Scotland and other relevant agencies.
 - Support and direct the work of the Sub-Committees, Working Groups, Task Groups and any other bodies set up under the auspices of the Scottish Food Enforcement Liaison Committee.
 - Prepare guidance and other documents for publication on behalf of SFELC by FSS

- Note matters of record where;
 - a policy decision is made,
 - advice or direction is given,
 - A discussion results in a spilt decision,
 - Any document with recommendations is approved,
 - A SFELC document is approved.

3. Membership of the Committee

- 3.1 SFELC is composed of representatives from the membership organisations (See 3.5)
- 3.2 FSS/Scottish Government conflict of interest rules apply to all SFELC members and confidentiality and data protection rules apply to all participants, of the Committee, including observers.
- 3.3 All SFELC members warrants that they have proper authority to share any information or data shared with the Committee or contributed to the work of SFELC, its reports or publications.
- 3.4 All meetings and reports of the Committee shall be confidential unless otherwise agreed by the Committee.

Appointment of the members

3.5 Twenty four members will be selected for their expertise and independence in the field of interest by their organization and will normally be nominated for a period of 3 years, consisting of representatives from:

Public Analysts in Scotland	1 member
Citizens Advice Scotland	1 member
Consultant in Public Health Medicine Group	1 member
Consumer Scotland	1 member
Convention of Scottish Local Authorities	1 member
Food and Drink Federation Scotland	1 member
Food Standards Scotland	2 members
Public Health Scotland	1 member
Hospitality and Retail Sectors (currently) <ul style="list-style-type: none"> • British Hospitality Association • Scottish Retail Consortium 	2 members
Institute of Food Science and Technology	1 member
Local Food Liaison Group Representatives	4 members
National Farmers Union Scotland	1 member
Royal Environmental Health Institute of Scotland	1 member
Scottish Food Industries (currently) <ul style="list-style-type: none"> • Scottish Bakers • Scottish Craft Butchers • Scottish Salmon Association 	3 members
Scottish Government	2 members
Society of Chief Officers of Environmental Health in Scotland	1 member

3.6 Membership should, as far as possible, represent relevant experts from Local Authorities and representative stakeholders from across Scotland.

3.7 SFELC members may propose experts to join SFELC. Membership will be decided by the Committee.

- 3.8 SFELC members must commit to active participation in the activities of the group. Should a member fail to attend less than 50% of the meetings during one year, consideration will be given for a replacement.
- 3.9 Nominated SFELC members may be represented by substitutes where necessary.
- 3.10 Relevant individuals, including FSS Board members may be invited to attend any meetings of SFELC in an observer capacity.
- 3.11 Committee members will be the point of communication between their organisation, the Committee, Sub-Committees, Working Groups and Task Groups.

Meeting frequency

- 3.12 SFELC will meet at least once every quarter or at any other convenient time at the request of the Chair
- 3.13 The dates of meetings are decided on by the SFELC chairperson.

4. Elections of Office Bearers and procedure

- 4.1 The Committee will formally elect;
- A Chairperson
 - A Vice Chairperson
 - An Honorary Secretary
- 4.2 Members of SFELC must elect a Chairperson for the SFELC, a Vice-Chairperson and an Honorary Secretary. FSS must thereafter appoint the Chairperson and the Vice-Chairperson. The Chairperson and Vice-Chairperson of SFELC must be elected for a term of three years, which may be renewed.
- 4.3 Candidatures for Chairperson and Vice-Chairperson should be expressed verbally or in writing to FSS secretariat before or at the start of the SFELC meeting at which the election is to take place. To fulfil the function as chair, the candidate should have a very low potential for conflict of interest with regard to the work of SFELC or FSS.
- 4.4 The election of the Chairperson and the Vice-Chairperson shall be by absolute majority of the members of SFELC. If absolute majority is not reached, the candidate(s) with the lowest number of favorable votes shall withdraw. In case of a tie, another round is organised with two remaining candidates. If, at the decisive round, the candidate with the highest number of votes does not get an absolute majority, a further round of voting is organised with this candidate only, where that person needs favorable votes by at least half of the total number of SFELC members eligible to vote plus one, to be elected Chairperson or Vice-Chairperson, as the case may be.

- 4.5 In the event of resignation of the Chairperson, the Vice-Chairperson shall take the Chair until a new election is convened.
- 4.6 In case of an ad hoc sub expert group meetings, the Chair will be chosen from among the experts at the start of the meeting. To fulfil the function as Chair, the candidate should have a very low potential for conflict of interest with regard to products envisioned to be discussed.
- 4.7 Office Bearers will serve for a period of 3 years but may stand for re-election. Each member of the Committee will be entitled to one vote in relation to the election of Office Bearers. Notice of elections will be given to SFELC members at least 30 days before an election is required. Nominations must be seconded by a SFELC member using a form available from the SFELC Secretariat.
- 4.8 If a successfully elected Office Bearer is not already a member of SFELC that person will automatically become a member of the Committee.
- 4.9 The Chairperson (and it in the absence of the Chairperson, the Vice-Chairperson), is responsible for the efficient conduct of the business of the SFELC and must in particular:
- Manage and ensure proper conduct of SFELC business at meetings;
 - Plan the work of SFELC meetings, together with the FSS secretariat;
 - Monitor, together with the FSS secretariat, that the mandate and rules of procedure are followed;
 - Ensure that at the beginning of each meeting any potential conflict of interest is declared;
 - Assume responsibility for the conduct and running of the meetings;
 - Ensure that all SFELC members have the opportunity to express their views;
 - Before the end of each meeting, summarise the conclusions of SFELC and in a written minute after obtaining the agreement from the SFELC members on the main conclusions. In case consensus cannot be reached, ensure that all the views expressed by SFELC members are reflected and justified;
 - Provide feedback from SFELC discussions including divergent views to when so requested by FSS secretariat.
- 4.10 Meetings will be undertaken through a combination of physical in person meetings, Microsoft Teams meetings and where appropriate Hybrid meetings.
- 4.11 The draft agenda for every meeting must be circulated, together with the relating documents, by the FSS secretariat, in consultation with the Chairperson, in good time before the meeting.

- 4.12 When a member of SFELC is unable to participate in a meeting, part of meeting, or discussion of a topic due to conflict of interest, that person must inform FSS Secretariat and the Chairperson in advance.
- 4.13 A SFELC meeting will be considered quorate if at least 8 of the members or their nominated substitutes are in attendance at a meeting (including via video or teleconference facilities).

5. Standing Sub-Committees and Working Groups

- 5.1 In order that the strategic objectives of SFELC can be implemented, Sub-Committees and Working Groups will provide a supporting structure for the Committee.
- 5.2 Sub-Committees will be augmented by Working Groups established by SFELC as and when required. These Working Groups will meet as required and report back to the Committee as outlined in their Terms of Reference.
- 5.3 The Sub-Committees will be delegated to act on behalf of the Committee in respect of those matters remitted for their attention and / or action. They will meet as directed by SFELC to discuss issues referred to them by the Committee and report back. In particular they should provide expert advice and guidance on issues of strategic importance in the field of enforcement and likely impact of any of the Committee recommendations.
- 5.4 Sub-Committees provide a network to collate good practice identified by Food Liaison Groups, Working Groups and Task Groups and promote uptake nationally.
- 5.5 Sub-Committees will hold meetings regularly and report their work to SFELC by a Highlight Report on the secure platform.
- 5.6 Sub-Committees oversee the work of relevant Working Groups and Task Groups and ensure the work of the Working Groups and Task Groups is reported to SFELC by a Highlight Report on the secure platform. Matters of Record will be recorded as outlined in section 2.1 above.
- 5.7 SFELC must appoint the members of any Sub-Committee, Working Group or Task Group. SFELC will appoint Chairs of the Sub-Committees. The Sub-Committee Chairs will appoint the Chairs of the Working Groups and Task Groups. The members of the Sub-Committees and Working Groups must appoint from its members a Co-Chairperson of that Sub-Committee or Working Group.
- 5.8 The Chair of each Sub-Committee will liaise directly with the SFELC Chair / Honorary Secretary in respect of those items which require the consideration of the Committee to ensure that appropriate recommendations / reports are brought before the Committee for discussion and further action.
- 5.9 The attendance of substitutes for nominated members of the Sub-Committees, Working Groups and Task Groups will be acceptable.

- 5.10 The Terms of Reference of the Sub-Committees, Working Groups and Task Groups will be approved by SFELC and are available on the FSS SFELC website.
- 5.11 Where Sub-Committees and Working Groups wish to communicate with outside organisations, beyond communications covered in 3.5 above, they should liaise with the Honorary Secretary in the first instance.

6. Inspection and Interventions Sub-Committee

- 6.1 The Inspection and Interventions Sub-Committee will normally consist of the following members;
- Chair (appointed by SFELC)
 - Local Food Liaison Groups 1 member each
 - Food Standards Scotland 1 member
 - Public Health Scotland 1 member
 - SFELC Chairperson & Honorary Secretary (ex officio)

7. Strategy and Collaborative Working Sub-Committee

- 7.1 The Strategy and Collaborative Working Sub-Committee will normally consist of the following members;
- Chair (appointed by SFELC)
 - Local Food Liaison Groups 1 member each
 - Food Standards Scotland 1 member
 - Public Analysts 1 member
 - Public Health Scotland 1 member
 - SFELC Chair and Honorary Secretary (ex-officio)

8. SFELC Executive

- 8.1 The SFELC Executive is a SFELC Sub-Committee.
- 8.2 The SFELC Executive will normally consist of the following members;
- Chair (SFELC Vice-chair)
 - SFELC Chair
 - SFELC Hon Sec
 - Chair of Food Inspection and Interventions Sub-Committee
 - Chair of Food Strategy and Collaborative Working Sub-Committee
 - 2x Food Standards Scotland representatives
 - CoSLA representative
 - REHIS representative
 - APAS representative
 - SOCOEHS representative
 - Chair of each Local Food Liaison Group

9. Links with other Bodies

- 9.1 When appropriate SFELC will appoint members to represent its interests on other appropriate bodies.

10. Food Standards Scotland Responsibilities

- 10.1 Provide full Secretariat support to the Committee including maintaining documents, agendas, reports, actions and matters of record.
- 10.2 Publish regular articles in the FSS Monthly Enforcement Report, including collating items from each Sub-Committee, Working Group and Task Group Highlight Report.
- 10.3 Fund the organisational expenses of SFELC in relation to meeting venues as permitted by the Scottish Government Finance Manual.
- 10.4 Support the Sub-Committees with a Secretary to write minutes.
- 10.5 Facilitate SFELC's secure internet platform
- 10.6 Provide legal and regulatory support to SFELC
- 10.7 Prepare and co-ordinate the work of SFELC in consultation with the Chairperson

10.8 Organise meetings of SFELC and ensure timely circulation of meeting documents

11. Business of the Committee

- 11.1 The Committee will agree a Work Plan annually. The plan will be reviewed and updated at each meeting.
- 11.2 The Committee is committed to using electronic communication to allow participation at meetings, facilitate efficient sharing of information and encourage inclusion of all members in SFELC's work. A secure internet platform (currently KHub) is provided for Committee members to share documents. Papers and documents for inclusion on SFELC agendas should be uploaded to SFELC secure internet platform in a timely manner prior to each meeting
- 11.3 The business content of any proposed meeting will be agreed by the Chairperson and Honorary Secretary.
- 11.4 An agenda and meeting papers will be circulated at least one week in advance of any proposed meeting to all Committee members by KHub.
- 11.5 Correspondence with the Committee will be directed to the Chair and/or Honorary Secretary. Where appropriate this will be placed on the agenda for discussion by the Committee.
- 11.6 Members will declare any financial or other interest, not apparent from employment noted in sederunt, at the beginning of each meeting
- 11.7 The business conducted at Committee meetings will be recorded in a minute of proceedings by the Secretariat and copies of the minutes will be uploaded to the SFELC secure internet platform in draft form, for member comments. Final minutes will be uploaded to SFELC secure internet platform prior to each meeting for formal acceptance by the Committee.
- 11.8 Agreed minutes will be posted on Food Standards Scotland's website by the Secretariat.
- 11.9 An "open" group will be maintained on the secure internet platform which will be open to all staff working for organisations represented on SFELC. Office Bearers shall agree the documents to be uploaded to the KHub SFELC open group following each meeting.
- 11.10 Office Bearers shall agree what constitutes a Matter of Record at meetings.

12. Committee Decisions

- 12.1 The Committee will proceed on the basis of consensus view. Where the majority of the Committee is in agreement any member may request that their dissent is noted as a Matter of Record (see 2.1 above).
- 12.2 The Quorum for SFELC meetings is eight members. If less than 8 members are in attendance the Chair may decide to continue the meeting for discussion of agenda items but decisions will be deferred to the next meeting.

13. Expenses

- 13.1 Food Standards Scotland will meet the expenses of individuals representing the Committee on appropriate other bodies, provided these expenses are properly incurred and consistent with the [Scottish Government Public Finance Manual](#).
- 13.2 Individual Local Authorities or other nominating bodies will be required to meet the expenses of members attending the Committee or Sub-Committee meetings.

14. Media Enquiries

- 14.1 When enquiries are received from the media they should be directed via the FSS communications team. The response will be prepared by the Chair in consultation with relevant members of the Committee and the communications team. The draft should also be circulated to the Committee when time allows. The Chair will issue the response on behalf of SFELC to clearly demonstrate that SFELC is independent of FSS.

The Scottish Food Enforcement Liaison Committee is an advisory Committee constituted by Food Standards Scotland in terms of section 12 of the Food (Scotland) Act 2015. The Committee exists to provide a forum for Food Standards Scotland to maintain and develop links with key stakeholders who can provide the necessary expertise to contribute to the development, implementation and maintenance of policies in respect of its core functions of ensuring the safety of food supplied in Scotland and the protection of consumer interests in food related matters.