

Scottish Food Enforcement Liaison Committee draft minute

Friday 17 April 2015. Timings: 10:00 for 10:30

Venue: [Edinburgh Carlton Hotel, North Bridge, Edinburgh EH1 1SD](#). Tel: 0131 472 3000

Members present

Craig Brown (Chair)	Scottish Food Enforcement Liaison Committee, Chair
Catherine Ferro (Secretariat)	Food Standards Scotland
Ian McWatt (IMcWatt)	Food Standards Scotland
David Martin (DMartin)	Scottish Retail Consortium
Andrea Inchausti (AInchausti)	British Retail Consortium
Izzy Childs (IChilds)	Lothian and Borders Food Liaison Group
Paul Bradley (PBradley)	SFELC Vice-Chair & Food Standards Subcommittee Chair
George Fairgrieve (GFairgrieve)	Royal Environmental Health Institute of Scotland
Douglas Scott (DScott)	Scottish Federation of Meat Traders Association
Roisin Dillon (RDillon)	Feeding-stuffs Subcommittee Chair
Robbie Beattie (RBeattie)	Association of Public Analysts of Scotland
Andrea Carson (ACarson)	North of Scotland Food Liaison Group
Peter Faassen de Heer (PFdHeer)	Scottish Government, Public Health Division
Craig Easson (CEasson)	East of Scotland Food Liaison Group
Paul Birkin (PBirkin)	Glasgow City Council, Environmental Health
William Hamilton (WHamilton)	Food Safety Sub Committee Chair
Joe Harkin (JHarkin)	West of Scotland Food Liaison Group
Lindsay Matthew (LMatthew)	Convention of Scottish Local Authorities

1. Chairman's welcome and apologies for absence

The Chair opened the meeting by welcoming the Committee to this April 2015 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Edinburgh, the first SFELC meeting under the auspices of Food Standards Scotland as opposed to the Food Standards Agency in Scotland.

He welcomed David Martin and Andrea Inchausti Scottish and British Retail Consortium members respectively; Paul Birkin (for agenda item 4.1) and Peter Faassen de Heer (for item 4.2). He also explained that Izzy Childs is attending in place of Craig Smith for the Lothian and Borders Food Liaison Group and Craig Easson is attending for Derek Oliver for the East of Scotland Food Liaison Group.

He then gave thanks to the Scottish Food Advisory Committee (SFAC) for all their input to the SFELC over the years, before finally covering the housekeeping arrangements and data protection aspects of tape recording the meeting for minute purposes.

The Secretariat then advised of the following apologies

Jim McCormack	Scottish Bakers
Craig Smith	Lothian and Borders Food Liaison Group
Derek Oliver	East of Scotland Food Liaison Group
Lorna Murray	Food Standards Scotland

John Sleith	Society of Chief Officers of Environmental Health in Scotland
Mary Lawton	Scottish Food and Drink Federation
Chris McGuigan	Consultant in Public Health Medicine
John Armour	National Farmers Union Scotland
Mary Locking	Health Protection Scotland

2. Minutes and matters arising

The Chair advised that the draft minutes of the last meeting held in Glasgow on 20 February 2015 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 February 2015 minute required no amendments for accuracy.

There were several matters arising from the February meeting, including;

- On page 8, under item 14, "AOCB". Following on from the discussion on the Which? article, (<http://www.staticwhich.co.uk/documents/pdf/the-food-enforcement-lottery---which-briefing-394937.pdf>) Chair advised he had been to the Which? Food Law Enforcement Round Table meeting in London on 17 March 2015 and made the point that there is a different approach to dealing with premises where cross contamination is an issue in Scotland in comparison to other parts of the UK. He then continued to give an update of other discussions that took place at the meeting.

3. Actions outstanding

The Secretariat discussed the outstanding actions;

- Action 1/ 2015, Food Standards Scotland (FSS) representatives have raised to FSS Chief Executive considerations from the February 2015 meeting where wording should perhaps be removed from the SFELC Terms of Reference document and instead inserted into the Framework Agreement document. **Completed. This will be raised to the FSS Board and will be fed back through SFELC in future.**
- Action 2/ 2015, Chair finalised the SFELC Terms of Reference document and Secretariat submitted to FSS Chief Executive. **Completed.**

4. Presentations

Chair explained the theme of the meeting today was diet, nutrition and health; that the order of items 4.1 and 4.2 have been reversed to allow for the two speakers to speak in a more logical order. Chair then introduced Peter Faassen de Heer of Scottish Government, Public Health Division.

4.2 Making safe food healthier

Peter Faassen de Heer (PFdHeer) explained that over the last year Scottish Government have been attempting to join up players in making safe food healthier. His presentation covered key areas and policy documents, and was focused on liaising with LA Enforcement Officers. Chair opened the floor up to questions.

- Q1 Andrea Inchausti (AInchausti) stated that industry understand the goal, but asked for clarification on the key priority? For example is the purpose of reducing sugar intake to reduce calorie intake or to reduce prevalence of diabetes?
- A1 PFdHeer stated these questions encapsulate the complexity of the problem. The Scottish dietary goals document has aims, including not to demonise any foods. What previously were considered to be treats (or discretionary foods) are now consumed regularly. He hoped that the enforcement community would be able to work with all parties towards achieving these goals.
- Q2 She also asked whether there is enough information available to SMEs to comply and meet targets.
- A2 PFdHeer and Paul Birkin (PBirkin) agreed that information is available however but it's difficult to determine what is "enough".
- Q3 David Martin (DMartin) asked where responsibility lies for driving forward healthier choices. For example as intake of discretionary foods is on the increase, are both industry (supply) and consumers (demand) being targeted for interventions.
- A3 Ian McWatt answered to determine responsibility is complex as there are many departments with an interest in healthy food. The new Food Standards Scotland (FSS) Board will discuss this at their first meeting on 22 April 2015. PFdHeer added that collaboration is the only answer.
- Q4 Robbie Beattie (RBeattie) asked the opinion of the speakers given that according to a recent study dividing the populace into four (4) categories; underweight; standard weight; overweight and obese that the overweight category were the most healthy.
- A4 PFdHeer explained the media have oversimplified the study and the population should always take two (2) factors into consideration; a healthy weight and to be well nourished.

Chair thanked PFdH for his presentation and the interesting questions raised. He then welcomed Paul Birkin (PBirkin) to give his presentation.

4.1 Influencing healthy food choices

Paul Birkin (PBirkin) covered three (3) key nutrition initiatives that Glasgow City Council (GCC) are involved in; Beyond the school gate; FSS Healthy catering sheets and; GCC Saturated fat project. He then invited comments and questions from the Committee.

- C1 Paul Bradley (PBradley) commented that Glasgow City Council have done a great job raising awareness of healthy schemes and that there are a number of such projects ongoing across Scottish LAs. It was suggested that SFELC should think about where diet and nutrition work plugs into its structures, and should find a forum to bring all the work together.
- C2 Chair commented that Food Standards Subcommittee previously had a representative on the Healthy Living Award working group however now the workload has diminished, Food Standards subcommittee should consider how best to take forward this co-ordination role in sharing best practice and future activities.

- Q1 Craig Easson (CEasson) asked if Beyond the school gate team are aware that in small towns school children congregate around supermarkets, are these food premises being targeted in the scheme?
- A1 PBirkin confirmed retail and convenience sector are included in the scheme.
- Q2 RBeattie asked if members were aware of the anecdotal evidence that some frying oil waste is re-entering the food chain rather than the FBO paying to dispose of it.
- A2 PBirkin answered there is a gap in knowledge if this occurs. Studies are not sure if the motivation for this action traditional or financial? There have been times when waste oil was collected for a charge, to be disposed of, and at other times was collected for free, for use in the bio oil industry.
- Q3 Finally Alnchausti asked if enforcement officers have powers to determine which businesses can open in which locations, ie near schools.
- A3 In short, LA environmental health enforcement officers do not have these powers.

03 ACTION Secretariat to invite GCC back to SFELC in 2016 to update on the committee on progress on these nutrition initiatives.

04 ACTION Secretariat / FSS representative to invite Susan Pryde (Food Standards Scotland, Nutrition Science and Policy Branch Head) to explore the mechanics of this co-ordination role.

Chair thanked the speakers and committee members for the interesting discussions before inviting PBradley and William Hamilton (WHamilton) to give an update on the work of the Annex 5 working group.

4.3 Introduction to Food Law, Code of Practice, Annex 5

WHamilton gave a précis of the reason for this group being set up, the context, history, task, options and next steps for this working group. PBradley went on to discuss each option in more detail, the preferred new Scottish approach, and to ask whether the Committee would grant approval for the report of the working group to be submitted to FSS and that the group work with FSS to take forward a pilot of the preferred option of Annex 5, "The Ladder". In conclusion he stated this is an opportunity to remove the artificial division between food hygiene and food standards. The Chair opened the floor for questions;

- Q1 Andrea Carson (ACarson) supported the new approach for a joint inspection scheme for food safety and standards, but asked how the qualification gap would be resolved?
- A1 A good discussion was raised from this question, it was agreed that REHIS support this change, that councils should do all they can to ensure staff have the necessary qualifications and that changes to the Annex 5 would take time to be adopted, realistically a number of years so there is time to achieve this. Ian McWatt (IMcWatt) stated that before the working group pilot the Annex they will have to work with FSS to draw up and test up an impact assessment and ensure an agreed action plan is put in place. The Committee agreed the process should not drag on unnecessarily.
- Q2 RBeattie asked about the frequency of inspections in the new system.
- A2 WH advised that this was not considered by the group and it would be for FSS to determine in light of any future revision of the CoP.

IMcWatt added the Food (Scotland) Act 2015 <http://www.legislation.gov.uk/asp/2015/1/contents/> does afford us the legislative framework to introduce new powers. FSS will be looking to assess the opportunity to develop these powers going forward.

Q3 Alnchausti asked how this time line takes into account the review of official controls regulation 882/2004? It would be good to launch a good new code rather than to have to be open to review within a short period of time.

A3 IMcWatt responded that it will be 2016 before FSS is likely to get first sight of the review of 882. And that these items should tie in to a time line together.

Chair then summarised the discussions around this agenda item, he gave thanks to the Working Group for the effort they have put in to work up the new option, "The Ladder" for Annex 5.

Chair asked if the Committee are in favour of the report going to FSS with the recommendation and to request how FSS would now take forward the review of Annex 5. The Committee were in favour of this approach.

5. Standing items

5.1 Resources Working Group update

George Fairgrieve (GFairgrieve) updated the Committee on the discussions from the previous days meeting. He added several items considered will be discussed through this SFELC meeting and so covered the other items;

- Glasgow City Council has written a report on the resourcing of their food safety service, including a system to quantify resourcing. The members of the Resources Working Group (RWG) agreed to pilot the scheme and if successful would roll out to all LAs. RWG felt this work could result in an agreed format to determine resourcing requirements for a food safety service.
- RWG also spent time discussing the protocols for the approved premises / approvals process. It was agreed the Missions from other countries are expecting greater detail than is given at present. It is recognised that officers will require further training in the approval process/premises inspection to bridge that gap. RWG will take this forward considering what training is required.

5.2 Committee work plan

This document will be updated with items discussed at the RWG meeting, and circulated before the next meeting. If you have items for the SFELC work plan please do make Chair or Secretariat aware and these too can be scheduled.

5.3 Intelligence gathering – Safe spaces

As agreed at the April 2014 meeting, this item would now be a standing item on the agenda. The Chair asked the Committee whether any member had an item to raise in this forum. No individuals identified they had items to discuss as such the tape recording the meeting was not stopped.

5.4 Regulatory Strategy for Food Standards Scotland Development (formerly known as Better Regulation update including Framework agreement & Code of Practice document)

There were no updates raised under this item.

6 Exception Reporting

6.1 Sub – Committees

- Food safety sub are setting up a short life working group to focus on “risky foods” following the enforcement letter ENF/E/15/004, “concerning an update for enforcement officers following the FSA Board discussion on rare burgers”. This letter has not yet been issued in Scotland as it is subject to amendment from a Scottish perspective.
- The Food standards sub has agreed to continue the current advice of taking a pragmatic and reasonable approach to the Food Information for the Consumer Regulations.
- The Feedingstuffs sub noted they will meet with FSS on 22 May 2015.

6.2 Food Liaison Groups

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

6.3 Food Standards Scotland

IMcWatt gave the Committee the latest update on the structure of the FSS and its Board, the key drivers for why FSS was created. He went on to discuss that FSS; has broader objectives than FSAS had; must operate in a more complex landscape where there are now more agencies with an interest in diet and health. He explained that FSS launched on 1 April 2015 from the trusted platform that was FSAS and going forward will be able to build upon this, now with an absolute Scottish focus.

He then went on to discuss the Executive structure of FSS, current recruitment, temporary resource, and the organisation of the Intelligence, Incidents and Delivery Assurance (IIDA) division, formerly the Enforcement Branch. For full details, please visit the website <http://www.foodstandards.gov.scot/>.

He finally mentioned that FSS has powers under the The Food (Scotland) Act 2015 <http://www.legislation.gov.uk/asp/2015/1/contents/> which gives FSS the legislative framework to introduce new powers, for example to adjust sanctions if considered necessary. (Also see section 4.3 Q&A2).

7.1 Review of action points

The Secretariat ran through the two (2) action points raised through this meeting.

7.2 AOCB

Chair asked all present if they had any items to discuss under AOCB.

RBeattie noted that FSA have issued a corporate food sampling programme late in 2014, do FSS intend to do the same? IMcWatt responded yes. He also added there is a UK project on Campylobacter and while FSS has now separated away from FSA it has just agreed through working level agreement, to continue to support that UK project.

PBradley updated the Committee with the latest news on the food surveillance system outputs / recommendations and offered to circulate the new recommendations around the group next week.

DMartin asked whether the Committee would submit a response to the Primary Authority consultation. Chair responded he will provide a starter response for discussion at the June 2015 meeting.

7.3 Date and venue of next meeting:

The Chair advised the next meeting was originally due to take place on Friday 5 June 2015 however, as that clashes with the SOCOEHS meeting, will now take place on Thursday 4 June 2015, in the Dundee Apex hotel DD1 3JP. It is intended for this meeting will have an Operations transition theme.

Chair added a closing note that he felt the agenda items today are relevant for both enforcement and industry communities, and the areas covered in todays meeting will continue to be relevant to look at over the coming years. Final thanks were given to Peter Faassen de Heer, Paul Birkin, Paul Bradley and William Hamilton, before closing the meeting.