

Scottish Food Enforcement Liaison Committee minute

Friday 21 June 2019: 10:00 for 10:30

Venue: Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL

Tel: 07881 281 206 and 01224 285100

Attendees

William Hamilton (Chair)	Scottish Food Enforcement Liaison Committee (SFELC)
Lindsay Matthew (L. Matthew)	SFELC Vice Chair & Convention of Scottish Local Authorities
Paul Bradley (P. Bradley)	SFELC Honorary Secretary
Tanja Low (T. Low)	SFELC Secretariat
Jane Couper (J. Couper)	Food Standards Subcommittee Chair
Andrew Morrison (A. Morrison)	Food Safety Subcommittee Chair
Helen Henderson (H. Henderson)	East of Scotland Food Liaison Group
Andrea Carson (A. Carson)	North of Scotland Food Liaison Group
Karen Wardrope (K. Wardrope)	West of Scotland Food Liaison Group
Lorna Murray (L. Murray)	Food Standards Scotland
Martin Keeley (M. Keeley)	Royal Environment Health Institute of Scotland (REHIS)
Bruce McCall (B. McCall)	Scottish Federation of Meat Traders Association (SFMTA)
Catherine Boyd (C. Boyd)	Society of Chief Officers of Environmental Health in Scotland (SOCOEHS)
Rachel Mirfatahhi (R. Mirfatahhi)	Institute of Food Science and Technology (IFST)
Jane White (J. White)	Association of Public Analysts in Scotland
Cat Hay (C. Hay)	Food and Drink Federation Scotland (FDFS)
Chris McGuigan (C. McGuigan)	Consult in Public Health Medicine
Abbie Purkis (A. Purkis)	Food Standards Scotland
Steve Hardie (S. Hardie)	Food Standards Scotland
Karen Robertson (K. Robertson)	Food Standards Scotland
Jacqui McElhiney (J. McElhiney)	Food Standards Scotland

1. Chairman's welcome and apologies for absence

The *Chair* opened the meeting by welcoming the Committee, guests and speakers to the June 2019 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Aberdeen. He then ran through the house keeping arrangements.

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The *Chair* welcomed the new Food Standards Scotland Administration Officer, and SFELC Administrative Support, *A. Purkis*. He welcomed guest speakers *S. Hardie* and *K. Robertson* (Section 4.1), *J. McElhiney* (Section 4.2).

Apologies were recorded by the *Secretariat* for Ian McWatt (FSS), Laura Gunning (L&BFLG), and Maureen McLarty (Feedstuffs Subcommittee).

Matter of Record 08.2019

The *Chair* gave his thanks to Maureen McLarty and praised her for all her hard work and diligence as the Chair of the Feedstuffs Subcommittee.

The *Chair* advised that the meeting would be audio-recorded only to aid the writing of an accurate minute.

2. Minutes and matters arising

The *Chair* advised that the draft minutes of the meeting held in Stirling on 26 April 2019 have been made available on Knowledge Hub (KHub) ([link](#)) and that the approved minutes will be available from the SFELC website ([link](#)). The Committee went through the minutes page by page, first for corrections and accuracy (A) and then matters arising (MA).

On Page 5 (Section 4.3), the *Chair* suggests that Joanne Burns from the Food and Drink Federation Scotland, becomes a member of the Diet and Nutrition Working Group.

On Page 7 (Section 4.4), the *Chair* asked *K. Wardrope* to update the Committee on Export Certifications. *K. Wardrope* addressed the issue of staff shortages in South Lanarkshire if Certification Hubs were to come in to effect in response to a Brexit “No Deal” scenario. *K. Wardrope* requested assistance from LAs to form a shift rotation and emphasised the charging concerns with this.

3. Actions outstanding

Action 01.2019 – *Secretariat* and the *Chair*

The *Chair* will inform the Society of Chief Officers of Environmental Health in Scotland on Friday 28 June 2019 of the increased workload associated with the initial visit to businesses using OCV **ONGOING**

Action 24.2018 - *L. Murray* and *R. Mirfatahhi*

L. Murray to liaise with Ron McNaughton and Duncan Smith from FSS Food Crime team to liaise with *R. Mirfatahhi* to discuss the false labelling of Scottish Tea issue and to obtain the data gathered by the University of Aberdeen on this matter. **ONGOING**

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Action 20.2018 – The Chair

The *Chair* to liaise with *J. Couper*, *A. Morrison* and *K. Kazimierczak* to find ways to strengthen communication links with the Horizon Scanning Group and Sampling and Surveillance Working Group. **ONGOING**

J. McElhiney informed the Committee that the Scottish Food Sampling Database is being upgraded to incorporate a front-page design that LA's can access. It will contain more detailed information on Horizon Scanning and Sampling and Surveillance Working Group.

Action 09.2018 - The Chair

Revisit database development initiated by the Scottish Government to make it suitable for use with the Mobile Food Traders guidance. Revised timeline for the guidance document is now January 2020. **ONGOING**

4. Presentations & Current Items

4.1. Regulation 625: Official Control Regulation (OCR) by Steve Hardie and Karen Robertson

S. Hardie began his presentation by stating that Smarter Rules for Safer Food (SRSF) is a package which comprises of three main regulations; Animal Health Regulation, Plant Health Regulation and Official Controls Regulation (OCR). Food Standards Scotland (FSS) has a policy responsibility for food and feed elements of OCR, as does Food Standards Agency (FSA) with the rest of the UK, whereas the Department for Environment, Food and Rural Affairs (DEFRA) have the overall UK-wide policy for SRSF package and are putting in formal Governance arrangements for implementation.

OCR was published in the Official Journal in April 2016, but the basic act of the OCR itself will primarily apply from December 2019. However, this implementation of OCR is dependent on whether the UK will be subjected to EU law or not from 31st October 2019, and so the Senior Management in both FSS and FSA made the decision that resources will need to be diverted to start planning for this legislation.

In the basic act of the OCR, there are currently 80 empowerments for the commission to make tertiary legislation, with 26 of these prioritised as either agreed and published, or currently being negotiated before being published. Delegated acts amend non-essential elements of the Basic Act, and don't require to be voted through a standing committee, whereas implementing acts do require to be voted through a standing committee and are put in place to drive a harmonised implementation of official controls.

Regulation 882 is being repealed on the food and feed side, and is being replaced by the Basic Act. Regulation 854 is being revoked in terms of official controls for products of animal origin (POAO). It will be partly replaced by some of the POAO revisions in the Basic Act, as well as replaced by a specific Delegated and Implementing Act under Article 18, which is the key change from a food and feed perspective.

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K. Robertson continued the presentation by stating that Article 18 will be replacing Regulation 854 (2004) on official controls for performance of production of meat products of animal origin and action to be taken by the competent authorities.

New regulations will broadly replicate existing OCR for food and feed, in that it will maintain risk-based controls. When deciding on enforcement action, enforcement officers need to take into account the operators past record of compliance and confidence in the food safety systems.

OCR affects all sectors of the agri-food-chain. A useful document detailing questions and answers on Commission Regulation (EC) No 2017/625 (OCR) is available here: [link](#). The key changes implemented by the OCR include; increased transparency for official controls, more specific roles to target fraud, new provision to protect whistle-blowers, encourage & facilitate the reporting of non-compliance, financial penalties targeting fraudulent behaviour (however these must out-weigh the economic gains of the operator), and cooperation across member states in case of a cross-border non-compliance.

Border-control posts will replace the current border-inspection posts. When all animals and goods come in to these border-control posts, they will undergo documentary checks, as well as identity and physical checks on a frequent basis based upon the risk of animals and goods. There will be the new CHED (consignments from third countries) requirements and training will be required for the use of the IMSOC computerised system.

Despite the uncertainty of Brexit, OCR will be fully implemented along with the Tertiary Legislation. There has been preliminary analysis on all affected areas, but now a more detailed analysis is needed with the joint efforts of FSS and the Scottish Government to ensure tight legislative timetables are met.

A consultation will be released over the summer detailing the key changes relating to OCR.

FSS is mirroring FSA's two work-streams programme board of legislative and operational delivery. The delivery date for this is estimated to be 2020. Further consultations are still ongoing.

Q&A

The *Chair* acknowledged the complexity of OCR. *S. Hardie* agreed and briefly ran through the various changes as outlined above, but also clarified that there will now be new dairy hygiene controls under Article 18 which are to be carried out under veterinary assurances and supervision.

The *Chair* questioned whether there were any changes to the charging of Official Controls due to OCR. *S. Hardie* confirmed that the existing mandatory charges will be carried over to OCR and there will be some minor changes around transparency requirements. However, further analysis is required into how costs are calculated

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which may influence how mandatory charges are calculated. *A. Morrison* declared that member states can apply voluntary charges for all official controls, however, due to the uncertainty with imports/exports requirements, he is unsure what the change will be. *S. Hardie* was unable to provide further information.

M. Keeley stated that there is only one module difference between a Food Safety Officer and Official Veterinarian (OV) and questioned if there were any changes to qualifications specifically those of OV. *S. Hardie* replied that due to the need for vets to carry out Environmental Health Checks, specific training requirements for non-vets are being investigated for the Basic Act.

4.2. Review of Official Laboratories by Jacqui McElhiney

J. McElhiney began her presentation by explaining that the UK-wide review of Official Control Laboratories, led by Food Standards Agency (FSA), has been completed but requires a lot of work regarding the outputs of the review. The review is based on all laboratory services that have a role in undertaking analysis for Official Controls across the UK.

The future resilience of public analyst services has been of concern in Scotland over a number of years, and after a recent project to improve co-ordination through Shared Scientific Services ended unsuccessfully, laboratories are continuing to face increasing pressure. Losing laboratory services presents a serious risk to FSS and to the wider public health strategy. Laboratories are needed for routine controls, surveillance strategy and incident management.

Despite requirements in the OCR for competent authorities to ensure laboratory provision for official controls, and the importance of laboratory services in food surveillance strategies, scientific services for food and feed official controls have not previously been formally reviewed by FSA or FSS. Such a review is now timely in light of the need to ensure capacity and capability for official controls following EU Exit.

Laboratory services in Scotland are currently managed by Local Authorities and their viability is highly dependent on sampling activities undertaken by LAs. However there has been a notable reduction in sampling across Scotland (33% decline since 2011/12; 29% in chemical sampling and 35% in microbiological sampling). Since 2003/04, there has been an overall reduction of 68% (71% in chemical sampling, and 64% in microbiological sampling). This decline has seriously hindered the ability of labs to keep pace with technological advances and maintain the necessary accreditation.

The outcome of the UK review has shown that there is currently sufficient laboratory capability overall across the UK, although in certain areas analytical capability is not easily accessible. The review identified that a more detailed assessment was required in five key areas: strategy and accountability, organisation/co-ordination of services, sampling strategy, assurance, and funding. The findings are currently being

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considered by relevant Government departments across the UK. A presentation to FSA/FSS Board will take place later in the year, and it is likely that a consultation with all interested parties will follow.

Q&A

The *Chair* asked who is ultimately responsible for implementing the findings from this review. *J. Couper* stated that this is a known issue which impacts on all 32 Local Authorities and one of the barriers to resolving it has been the lack of a single representative body to provide strategic oversight. She suggested that raising the profile of the issue to Scottish Government could help to drive action.

J. White declared that it is difficult to ensure a world-class service when funding is limited, for example, not each of the labs have access to the necessary instruments to analyse samples, and it would be more efficient if there were arrangements in place that supported the sharing of resources. *J. Couper* confirmed that her organisation has not had a capital budget for 20 years.

A. Morrison asked if a levy could be charged to industries to fund sampling. *S. Hardie* stated that funding for official controls is being looked at within FSS's regulatory strategy. *L. Murray* reiterated the importance of a sampling system and how important it is to ensure public safety, but noted that not all Local Authorities follow the same guidance documents (e.g. Cooksafe and MenuCal) and funding is allocated to different areas within different Local Authorities. She suggested that the issue of funding should be raised to COSLA, as without this funding, sampling cannot be carried out effectively which poses a risk to public health. *J. McElhiney* stated that there was scope to raise public awareness of the decline in sampling, as food surveillance was a key function that consumers expected FSS and LAs to deliver. Information held on the Scottish Food Sampling Database could be better publicised to highlight the value of sampling and its role in ensuring food safety and standards. *C. Hay* noted the critical role of sampling in ensuring the provenance and quality of Scottish foods and declared that she would raise this funding issue when speaking to Government Officials and Ministers in light of ambitions for growing the Scottish food and drink industry. *J. McElhiney* noted the excellent work done by the labs in spite of limited resources, but stressed that if regular sampling does not continue, and the labs are not supported, there is a significant risk to our ability to manage a food and/or feed crisis. *A. Morrison* agreed, stating that the Scottish labs had provided an excellent service and turnaround time during the horsemeat incident, and stressed the importance of maintaining scientific services to ensure the effective management of future incidents.

At this point in the meeting the *Chair (B. Hamilton)* gave his excuses and had to leave. The *Vice Chair (L. Matthews)* took over the position of *Chair* for the remainder of the meeting.

5. Intelligence gathering – Consultations, Horizon Scanning and Safe spaces

Nil.

6. The SFELC Executive update

M. Keeley stated that the SFELC Executive (TSE) met on 20 June and discussed the work plan and FSS update (details of these can be found in the relevant sections). He then gave a brief overview of points discussed at the TSE meeting:

- The agenda for October is exceptionally busy and will need to be revised
- Preparations for Brexit and the possibility of another SFELC meeting needed to discuss this before October
- The outstanding actions were discussed
- The SFELC web-pages will be updated over the summer
- If there is a change relating to SFELC and its working-groups and committees, then the *Secretariat* must be informed straight away (SFELC@fss.scot). The *Secretariat* then added that it is very difficult to update the SFELC website ([Link](#)) when she is not informed of these changes
- *Secretariat* stated that any technical issues with KHub must be reported to SFELC@fss.scot
- Highlight reports were reviewed
- Discussion on inspection metric with regards to Brexit

7. Committee work plan

04 October 2019 – Glasgow

- Out of Homes Strategy (HEATHER PEACE?)
- Allergens (GRAINNE GILSON SMITH?)
- Price Promotions (COLIN BAIRD)
- Update on Reformulation Project? (JOANNE BURNS)
- OCV Implementation progress report (LORNA MCCOULL / GRAINNE GILSON SMITH?)
- Brexit (BILL ADAMSON TC? AND GRAEME CORNER?)

06 December 2019 – Dundee

- Annual Report (THE CHAIR AND HONORARY SECRETARY)
- Sampling Update (JANE WHITE?)
- Cheesemakers guidance review (KAREN WARDROPE?)
- Food Recalls (RYAN BRUCE? AND IZZY CHILDS?)

UNASSIGNED ITEMS

- SND
- Scottish Food Enforcement Annual Return (SFEAR) – October?
- Food Standards Project Working Group Guidance update (CAROL ANN WALKER?) – October?

8. Food Standards Scotland update

L. Murray informed the Committee that there will be a team handling the implementation of OCR policy. An Interventions Code is still awaiting Ministerial approval, with the intention of it going live on 1st July 2019. There is also an intention to have an Approvals Code of Practice as approved establishments are not currently part of the Interventions Code of Practice.

There has been an increase in queries relating to CPD oils and associated products. This is being investigated by the Enforcement team and advice is being provided. The oils come under normal food regulations, however, the level of cannabis is, in some incidences, above that of legal levels.

9. Sub – Committees: including working groups

J. Couper requested a new representative from the West of Scotland Food Liaison Group for the Food Standards Sub-Committee. *K. Wardope* stated that she was awaiting confirmation from a volunteer.

The *Vice Chair* stated that the *Honorary Secretary* will be seeking a new Chair for the Feeding Stuffs Sub-Committee from SCOTSS.

A. Morrison informed the Committee that the OCV Implementation Working Group Terms of References has been published.

M. Keeley stated that the SFELC/SFCIU Food Crime Symposium will be held in Glasgow on 20th August 2019 (with a potential second future event); details to follow.

10. Food Liaison Group

Nil.

11. Update by Non-Enforcement member(s)

R. Mirfatahhi invited Committee members to attend the IFST event on 2nd July 2019 given by Professor Mike Gibney from the University College Dublin with speaker David Thompson, CEO Food and Drink Federation Scotland.

Action 04.2019

R. Mirfatahhi to email the IFST event invite to the Secretariat for cascading.

C. Hay informed the Committee of a reformulation event on 26th September 2019 in East Lothian.

Action 05.2019

C. Hay to email the reformulation event details to the Secretariat for cascading.

12. Review of action points

Secretariat ran through the Actions and Matters of Record raised throughout this meeting (in bold red and bold green).

Full details of all actions completed prior to this meeting are available in the actions document in KHub, "SFELC - Complete set of meeting papers". Then "appropriate meeting", then "Item 03 – Action Points and Matters of Record". ([link](#))

Additionally actions for the SFELC Executive are noted in the TSE actions log in KHub, "SFELC Executive (formerly Resources Working Group) > Library > TSE – Papers - year month > Item 02 – TSE – Action points and Matters of Record". ([link](#))

13. AOCB

The *Vice Chair* informed the Committee of the potential for another SFELC meeting in August 2019 focusing on Brexit.

Forthcoming meetings

04 October 2019 – Glasgow

06 December 2019 – Dundee

07 February 2019 – Edinburgh

Please advise Tanja Low on SFELC@fss.scot if you are aware of other events that SFELC delegates may attend that clash with these dates.