

Scottish Food Enforcement Liaison Committee minute

Friday 16 October 2020: 13:30 – 16:30

Venue: Virtual (Microsoft Teams)

Tel: 07881 281 206

Attendees

Andrew Morrison (Chair)	Scottish Food Enforcement Liaison Committee (SFELC) and Food Safety Subcommittee Chair
Lindsay Matthew (L. Matthew)	SFELC Vice Chair & Convention of Scottish Local Authorities and substitute for East of Scotland Food Liaison Group
Paul Bradley (P. Bradley)	Honorary Secretary
Abbie Purkis (A. Purkis)	SFELC Secretariat
Andy MacLeod (A. MacLeod)	Seafood Official Control WG Chair
Bruce McCall (B. McCall)	Scottish Federation of Meat Traders Association (SFMTA)
Cat Hay (C. Hay)	Food and Drink Federation Scotland (FDFS)
David McGhie	SCOTSS Lead Feeds Officer and Feedstuffs Sub-Committee Chair
Graeme Corner (G. Corner)	Imports and Exports WG Chair
Jane Couper (J. Couper)	Food Standards Subcommittee Chair
John Grant (J. Grant)	Aberdeenshire Council
Lorna Murray (L. Murray)	Food Standards Scotland
Martin Keeley (M. Keeley)	Royal Environment Health Institute of Scotland (REHIS)
Patrick Smyth (P. Smyth)	Food Standards Scotland
Paul Birkin (P. Birkin)	Local Authority COVID-19 Recovery Plan WG Chair
Rachel Mirfattahi (R. Mirfattahi)	Institute of Food Science and Technology (IFST)
Scott Anderson (S. Anderson)	Scottish Bakers
Sophie Yule (S. Yule)	Food Standards Scotland
William Hamilton (W. Hamilton)	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 October 2020 Scottish Food Enforcement Liaison Committee (SFELC) meeting – the first to be held online. He then ran through the virtual house keeping arrangements.

The *Chair* welcomed the new Food Standards Scotland Administration Officer, and SFELC Administrative Support, *S. Yule*. He welcomed guest speakers *W. Hamilton* and *P. Birkin* (section 4.1), *J. Grant* (section 4.2), and *P. Smyth* and *G. Corner* (section 4.3).

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Apologies were recorded by the *Secretariat* for Andrea Carson (North of Scotland Food Liaison Group), Chris McGuigan (NHS Fife), Claire Brooks (Lothian & Borders Food Liaison Group), Gordon King (Scottish Craft Butchers), Helen Henderson (East of Scotland Food Liaison Group), Ian McWatt (Food Standards Scotland), Jane White (Association of Public Analysts in Scotland and Chair of Sampling and Surveillance WG), Karen Wardrope (West of Scotland FLG and Specialist Cheesemakers Guidance WG Chair), Lisa Ackerley (British Hospitality Association), William MacLeod (British Hospitality Association) and Vanessa Richardson (British Retail Consortium).

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 approved minutes for the SFELC meeting on 07 February 2020 are available on the SFELC website). The Committee went through the minutes page by page, for corrections (C) and accuracy (A) and then matters arising (MA).

3. Actions outstanding

Action 9.2020 – *L. Murray* to speak with FSS statistician and Marion McArthur regarding frequency of FLRS inspections. **COMPLETE**

Action 8.2020 – *M. Keeley* to draft a message out to all LAs advising on changed content of Bacardi products due to removal of sugar, with email being sent from FSS Food Crime Unit. **COMPLETE**

Action 7.2020 – The *Chair* to arrange meeting with Approvals WG for Support Network. **COMPLETE**

Action 6.2020 – *Secretariat* to send questionnaire to LAs who have been using the Cheesemaker's Guidance from SFELC mailbox. **COMPLETE**

Action 5.2020 – The *Chair* to organise the setup of a fishing vessel inspection short term working group and the *Secretariat* to invite the chair of the WG and Pat Smyth to the April SFELC meeting to present on a plan ready for Sante F inspections. **COMPLETE**

Action 4.2020 – *Secretariat* to invite Laura Gunning back to present at a future SFELC meeting, following the discovery phase of the 'Loving Foods @ East Lothian' project, in around 6 months' time. **COMPLETE**

Action 3.2020 – *B. Lawrie* to invite Gerry Fallon to the Allergens WG. **COMPLETE**

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Action 2.2020 – *B. McCall* to send the agendas for the Scottish Craft Butchers meetings to The Secretariat for distribution to the Local Authorities attending the Scottish Craft Butchers meetings. **ONGOING**

Action 1.2020 – The *Chair* to chase Perth and Kinross Council as well as Murray Council for attendance at the Scottish Craft Butchers meetings. **COMPLETE**

Action 15.2019 – The *Chair, L. Murray, J. Scott & D. McGhee*
The *Chair, L. Murray, J. Scott and D. McGhee* to discuss the Feed Sub-Committee role. **ONGOING**

Action 14.2019 – *Secretariat and Honorary Secretary*
Secretariat to send out election forms for the SFELC Food Safety Sub-Committee Chair and *Honorary Secretary* to present at the February SFELC meeting.
Action is on hold until the Committee has had change to discuss and consider item 12 SFELC Structure. **ONGOING**

Action 13.2019 – *L. Murray*
L. Murray to contact Elena Gafenco in relation to IFST registered members. **ONGOING**

Action 07.2019 – The *Chair*
The *Chair* to meet with Uber Eats to discuss LA engagement. **ONGOING**

Action 10.2020

The *Chair* to liaise with the Approvals WG to progress work on approvals.

4. Presentations & Current Items

4.1. Local Authority COVID-19 Recovery by William Hamilton and Paul Birkin

W. Hamilton began his presentation by providing a brief background, and noting that the UK was put into 'lockdown' on 23 March 2020 in response to the COVID-19 pandemic, with hospitality venues forced to close and local authority (LA) workforces instructed to work from home, with the majority of Environmental Health workforce being diverted to COVID-19 work. Following this, the First Minister confirmed that Intervention Programmes at LAs were to be suspended until July 2020 (which was later extended to 31 October 2020). As a result, almost all interventions were stopped on 23 March 2020, therefore generating a backlog of 6-months-worth of interventions work that was not carried out in this time. *W. Hamilton* noted that in order to get workforces back on track, a Recovery Plan was deemed appropriate, with the task of enabling all LAs to deal with this backlog of work. However, *W. Hamilton* noted that there were some other considerations to this, including; some LAs were already carrying a significant backlog before the lockdown, LAs may not have enough resources to carry-out the backlog work alongside business as usual after the 'restart', and the need for new Intervention Programmes to be created. *W. Hamilton* added that another key consideration was the fact that LAs had previously been in the process of transitioning between two risk-rating processes; the old Code of Practice (Annex 5)

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and the new Food Law Rating System (FLRS). The plan was for LAs to transition over a period of 1-2-years, and 're-rate' their premises under the new FLRS.

W. Hamilton noted that in order to propose a solution, LAs were asked to cover the following four requests:

1. Transfer all Annex 5 risk-rated businesses to FLRS (to be done as a desktop exercise, and not on inspection);
2. Build a 'synthetic' Intervention Programme after the 'restart' date, for establishments to be allocated to a future date for inspection;
3. Calculate the resources required to undertake all food law enforcement work;
4. Produce a revised Service plan based on the above requests.

W. Hamilton advised that once the project was established by FSS, a SFELC Working Group (WG) was formed, and all 32 LAs invited to take part. Once this WG was established, there were four work streams created, each with a separate 'work stream lead'.

Work-stream 1 - Desktop Transfer (Led by Karen Wardrope)

W. Hamilton noted that the purpose of this work-stream was to take all businesses that were risk-rated under the Annex 5 system, and transfer them across to be risk-rated under the new FLRS, with no intervention involved. *W. Hamilton* added that this was going to be a time-consuming process for LAs.

Work-stream 2 - Creating an Intervention Programme (Led by Izzy Childs)

W. Hamilton stated that the work by this work-stream was undertaken upon completion of the Desktop Transfer work, and aimed to produce guidance on how to create the Intervention Programme by establishing the rules and parameters for doing so. With all businesses now risk-rated under FLRS (with the exception of the un-rated businesses), with each business programmed for inspection on future dates.

Work-stream 3 - Calculating Resources (Led by Andy MacLeod)

W. Hamilton noted that the aim of this work-stream was to establish a system for all LAs to calculate the necessary resources to undertake the intervention programme. Additionally, this work-stream looked at the resources required by the Food Law Code of Practice to carry-out other interventions, as well as any other work not required by the Food Law Code of Practice, but is still an obligation upon the Food Law team within each LA. *W. Hamilton* added that this work is likely to vary between each LA, with the status of export health certificates (EHC's) needing to be established, with differing opinions as to whether this is an official control (OC) or not.

Work-stream 4 - Drafting a Service Plan (Led by Andrea Carson)

W. Hamilton added that this work-stream took the existing requirements and established which ones would be impacted most by this process. Guidance for LAs was then produced based on this, detailing how to incorporate the changes brought forward by the pandemic, and will present this to the FSS Audit team.

W. Hamilton continued that the next steps in terms of Recovery Project will be to firstly circulate the SFELC report for comment, with a quick turnaround for feedback, and therefore not deemed a formal consultation. Comments will then be reviewed, with the

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final version of the report being published. The report will then be issued to all 32 LAs, alongside a covering ENF letter requiring LAs to undertake the work contained within the report, with a given deadline for this to be done by. *W. Hamilton* added that a 'start date' will need to be specified for the commencement of Intervention Planning, but this will depend on other factors such as the deadline to complete the task and any Ministerial extension given. *W. Hamilton* emphasised that this work will need support and guidance from FSS to LAs, with some challenges likely, but the aim to deliver this as smoothly as possible. (18:12)

P. Birkin noted that a lot of time was spent on the composition of the work-streams to ensure that each one covered people for the different MIS systems, for both large and small LAs. *P. Birkin* added that the Resource Calculation work-stream was originally based on the SFELC resource calculation, the Service Plan work-stream was based on the draft Code of Practice, and the Desktop Exercise was based on FLRS with a synthetic programme for LAs to look at.

W. Hamilton expressed his thanks to *P. Birkin* for all of his hard work so far with the Recovery Project, alongside each of the work-stream leads; Karen Wardrope, Izzy Childs, Andy MacLeod and Andrea Carson.

Q&A

The *Chair* thanked *W. Hamilton* and *P. Birkin* for all their work on the Project, crediting the fact that they have taken a crisis and turned it into a real opportunity. The *Chair* asked if there is a time period for delivering the Intervention Programme, and whether the lowest-risk premises would be inspected all in one cycle. *W. Hamilton* noted that the plan is for premises with a 48-month inspection cycle to be scheduled for 48-months after the start date, despite some potentially being due for inspection before that date. *P. Birkin* added that there is guidance within the Interventions Programme for those that deviate from FLRS frequencies, but they are not looking to change the frequencies, just the ability to programme them in. The *Chair* stated that approved establishments will be removed from Annex 5 and will now sit beside FLRS, with inspections based on an inspection cycle rather than a risk-rating.

M. Keeley noted that the concern with using one-cycle is that people might view this as one intervention year, despite taking full span of inspection frequencies, and so resources need to be established for this. *A. MacLeod* asked if there is any insight for dates. *L. Murray* stated that the intention will be to seek further extension from 31 October 2020 from the First Minister, adding that it is difficult to give a definitive date, but it will have to be dependent on external circumstances and feedback from LAs.

W. Hamilton noted that the report will be going out tomorrow, and urged LAs to get comments back as soon as possible, and *P. Birkin* stated that guidance will be required for developing the report for consistency. *L. Murray* added that FSS will be keeping Food Standards Agency (FSA) up-to-date with this work.

The *Chair* asked what happens if/when the resource calculation identifies a need that is greater than the resource available in Scotland, and whether there will be a robust letter from FSS to the Chief Executives of LAs about providing the resource required

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by the calculation. *L. Murray* noted that it has been agreed with Geoff Ogle (FSS Chief Executive) that the final plan will be accompanied by a letter from Geoff asking the Chief Executives of LAs to ensure that the plan is supported, and will include that all LAs are to deliver against the plan, but also that the Chief Executives have an overview of what the outputs from that exercise are. *A. Macleod* stated that unless there is a gap analysis at the end of this work, with a real requirement to close that gap, the work may not success, and therefore there has to be a requirement to get these resources.

Matter of Record 3.2020

The Chair expressed his thanks to all involved in the COVID-19 Local Authority Recovery Plan work.

4.2. EU Exit – Fishing Vessel Inspections by John Grant

J. Grant began his presentation by noting that there would be significant implications of a no-deal EU-Exit on the export of fishery products to the EU after 1st January 2021, with the requirement for consignments of fishery products to be accompanied by an Export Health Certificate (EHC). *J. Grant* continued that this has therefore prompted LAs to assess how compliant fishing vessels are, whilst also ensuring that they are registered. He added that the most recent available figures from 2018 show that there are just over 2,000 active fishing vessels in Scotland, with about three-quarters of those being under 10-metre boats. *J. Grant* noted that all Scottish vessels have products that end up in the EU, with the majority providing products that goes to fish processors who then export this to the EU. Therefore, part of the process is clearing the border checks when the product reaches the EU, which is why the EHC system is so important. *J. Scott* continued that there are about 700 Aberdeenshire vessels registered, with about 320+ of these having been inspected.

J. Grant noted that Aberdeenshire have had a very positive engagement with the Scottish fishing sector, which is partly down to the reliance on pre-established working relationships and contacts with the fishing industry, allowing quick-access to particular vessels, adding that word-of-mouth has proved to be a very powerful tool also. *J. Grant* stated that the Fishing Vessels WG, under the Chairmanship of *P. Smyth*, has been a great forum for LAs to share ideas and exchange information, allowing for a common and consistent approach to fishing vessel inspections across Scotland. *J. Grant* detailed that there have been two important issues that LAs have had to deal with in terms of health and safety Covid-19 restrictions. The first is that vessel inspections are a new part of the job for most Environmental Health Officers, and once a vessel is registered and the inspection has been arranged, the fundamental part is hygiene compliance with the EU. The second issue relates to the need to facilitate border checks.

J. Grant continued that access to vessels can potentially be problematic due to the transient nature of the fleet and the way they operate, meaning there is a small window of opportunity to conduct the inspection. He added that it is important to look at the working environment on the structure of a vessel, noting that officers have tried to adopt a measured and pragmatic approach that is not overly descriptive about what is compliant and non-compliant.

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Explaining the inspection process itself, *J. Grant* noted that officers look at key points on board a vessel such as temperature management and cleaning regimes, and issue the vessel with a log for them to keep a record of the completion of these tasks. Additionally, a checklist is completed during inspections by the officer, and is cross-referenced with hygiene requirements. This is further supported by photographs and videos taken during the inspection, which is later uploaded onto the LAs database. *J. Grant* added that virtual inspections have also proved useful for vessels that are not available for inspection, such as vessels which are registered to a Scottish LA, but operate out of a port in a different country. In this case, vessels are asked to provide photographic evidence of the conditions on-board, demonstrating the entire process from the fish coming on-board the vessel to landing at the quayside. *J. Grant* stated that once a vessel has been inspected, the skipper is issued with an intervention report detailing the findings from the inspection. *J. Grant* also noted that the transfer of information between the LAs own management system onto the Scottish National Database (SND) is a crucial part of the process, as certifying officers at the Hubs will need access to information about vessels following the end of the EU transition period.

J. Grant concluded his presentation by noting that the vessel inspection process so far has been very positive, with a high level of compliance. *J. Grant* added that they have identified the need for cooperation between the catching and processing sectors, with skippers having an appreciation for food safety. In terms of looking forward, *J. Grant* noted that the first three-months of 2021 will be critical, and will likely be a steep-learning curve for everyone involved.

Q&A

The *Chair* thanked *J. Grant* for his presentation, crediting the sheer volume of work that has gone into this behind the scenes. The *Chair* asked what the implications are for not having all vessels registered, with only 700 of approximately 2,000 currently registered. *J. Grant* stated that if a vessel hasn't been inspected and found to be compliant, an EHC for those goods cannot be issued, with uncertainty on whether there will be any flexibility on this. *P. Smyth* added that fundamentally the attestations on the EHC cannot change, but if a vessel is registered and awaiting inspection, the certifying officer could potentially still sign the EHC for such a vessel. However, *P. Smyth* noted that this would be dependent on the willingness of the certifying officer signing their name on a certificate for a vessel that has not been inspected, with the possibility that different LAs will take different views on this.

4.3. EU Exit – Imports and Exports by Pat Smyth and Graeme Corner

P. Smyth began his presentation by starting with imports, noting that there are some challenges Scotland are still dealing with in terms of imports, the most prominent being Border Control Posts (BCP's) and what this will mean for Scotland. *P. Smyth* noted that Scotland has traditionally relied almost exclusively on ports located elsewhere in the UK to import high risk foodstuffs, and had only one active BCP from a food point of view; Peterhead in Aberdeenshire. He continued that Scotland have

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been looking at how this will affect trade, and are identifying new ports as BCP's, where Scottish LAs will be the port health authority. However, *P. Smyth* added that resources are limited for this, and so a Port Infrastructure Fund has been set-up across 4-weeks in November 2020, with Falkirk Council being looked at in terms of any experienced officers. *P. Smyth* continued that the port of Cairnryan is currently under Northern Ireland protocol, adding that in the event of a no-deal EU exit, there will be a need for Scotland to fulfil the role as central competent authority in terms of importing high risk products from the Republic of Ireland. *P. Smyth* added that Ministerial submission is going to suggest that Cairnryan will be a BCP, which has been accepted by Scottish Ministers, but is still seeking approval from UK Government.

P. Smyth stated that the Border Operating Model will soon be going out for its final draft and is looking at how Scotland will manage and control the border. He added that goods coming directly from the EU via Northern Ireland will only undergo full documentary and identification checks, as well as physical checks on a percentage basis, from the 01 July 2021 onwards. *P. Smyth* noted that as the expectation is for businesses to be fully compliant from 01 January 2021 onwards, there is no heightened risk of potential imported food and feed issues, but there is still some risk for fraudulent behaviour within the first 6-months post-transition-period. *P. Smyth* continued to note that the introduction of the Imports and Products Animal Food and Feed System (IPAFFS) will replace the UK's TRACES NT, and whilst there is expected to be some IT teething issues with it, DEFRA are confident that it will be delivered on time and will be fit for purpose. *P. Smyth* stated that the introduction of this system will require LAs to ensure their own officers are trained and registered to use it.

P. Smyth continued to explain the exports side of the process, noting that once the work of fishing vessel inspections was assigned to LAs, it was determined that there would be approximately 160,000 Export Health Certificate's (EHC's) required for consignments going from Scotland to the EU, and so work was needed to find a way to mitigate this. *P. Smyth* noted that approximately 80% of these consignments involved the fishing industry, with 7 LAs in Scotland responsible for around 83% of the Scottish vessel fleet. On this basis, the idea of establishing Logistics Hubs was formed, with a lot of work going into how these would work and operate. *P. Smyth* added that in order to alleviate the amount of EHC's that LAs will have to handle at the Hubs, recruitment is currently undergoing for Certifying Officer's and Certifying Support Officer's, with the aim to have the Hubs fully functional by 01 January 2021. *P. Smyth* also noted that in an attempt to reach 100% inspections of fishing vessels by the end of the transition period, FSS are working with their Communications and Marketing team to increase the media campaign for vessel registrations, with financial investment supporting this for the use of social media and TV campaigns.

P. Smyth stated that in terms of exporting goods from Scotland to Northern Ireland, DEFRA have introduced the Retail Assurance Movement Scheme (RAMS). This scheme is almost exclusively for larger retailers in the country to export products of animal origin (POAO) from Great Britain to Northern Ireland without the need for an EHC. *P. Smyth* added that there will be working groups established to work through this agreement, as it is currently in a very fundamental and basic state, and

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highlights some potential issues for FSS and LAs. *P. Smyth* also noted that Scottish Government (SG) have confirmed that EHC's will be considered as official controls, and so LAs at the Logistics Hubs would look to reclaim the cost of these on the basis of them being official controls.

G. Corner continued the presentation on imports and exports, looking at it from a SFELC members and LA member's perspective, noting that many LA officers are now members of the Association of Port Health Authorities, with *P. Smyth* securing 2 LA places on the SG Borders Stakeholder Group for Dumfries & Galloway and Falkirk. *G. Corner* added that the Ports are very well represented at this group, meaning they receive information first hand, and are not reliant on information being passed via LA members of SFELC. With regards to EU flagged vessels and the domestic fleet, *G. Corner* noted that EU flagged vessels can land in a Scottish port without needing to pass through an approved establishment, provided there is a provision in place to provide an EHC for that vessel. However, the domestic fleet have to find an approved establishment for its catch to pass through before collecting an EHC, which could cause some issues in terms of the politics of this rule.

G. Corner noted that LAs are finding out more information about activities within the Ports through the BCP's and the North East Atlantic Fishery Commission, adding that it is not an easy process for a vessel to choose a different port to land, as the port needs to be aware of the destinations before accepting fish from different boats. *G. Corner* stated that the Port Infrastructure Fund is only available for 1-month for detailed bids to be submitted, and so it poses a difficult task for ports to decide what they will require to become a BCP, as whilst the requirement for identification checks to be undertaken for goods entering the country from the EU is 1%, this could change meaning there is no future-proofing for ports in their initial investment.

Moving onto exports, *G. Corner* noted that APHA have introduced a new EHC system which is moving the application and distribution process of EHC's online. However, EHC's will still require a physical signature from the certifying officer, and whilst LAs are bound by central Government in terms of how they can operate, the Brexit WG is working to influence the process by mapping the steps involved. The WG has suggested that the certificate should go back to the exporter to fill-out the template and populate the certificate fully before sending to the LA for signing. *G. Corner* also noted that the WG are trying to ensure a flow of information reaches exporting businesses, in order to manage expectations from the likes of SG and APHA, as some exporters are disengaged with the process, and so the WG is trying to rectify this. *G. Corner* continued that there are ongoing discussions within the WG on the potential of charging, as well as the issues surrounding data sharing agreements, with Marine Scotland unable to share the ownership details of vessels with LAs due to GDPR, with reliance on other lines of communication.

G. Corner concluded by noting that the Brexit WG will continue to improve policy and represent their members' interest's to find workable solutions to any problems that arise towards the end of the transition period. *G. Corner* added that the WG want to engage more directly with APHA, DEFRA, SG and Marine Scotland on behalf of all 32 LAs, and to share information gained with the member authorities, as well as

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continuing to have close working relationships with FSS, as this has proved to be invaluable to this project of work.

Q&A

M. Keeley noted that issues were raised at the FSA Exports WG surrounding the prospect of food being accepted from EU flagged vessels and having free movement in the market without the need for an EHC, as the name of the vessel would not be provided, resulting in no determination being made. *P. Smyth* stated that as Great Britain (GB) is just being used as a 'bridge' for some EU flagged vessels, it is understandable why they would not need to pass through an approved premises, but in theory they should still require an EHC as the products are still being exported from GB. *P. Smyth* added that whilst industry are looking for clarity on this area, LAs are currently unable to provide this as there is still a lot to be determined for how the UK will trade post-transition period.

A. MacLeod noted that with regards to the Hubs, it is inevitable that third country EHC's will end up at the Hubs, but LAs have got to be careful with the impact of having built this into their funding scheme, as if this falls through, their official controls will be threatened. *P. Smyth* stated that the Hubs are part of the solution for the management of EHC's, but not the entire solution. *A. MacLeod* agreed, but stated it is important to think of the unintended impact that could occur, as it is important that LAs don't pick up additional work from Hubs. *L. Murray* noted that the attestation role will be key, with some expectation that LAs should be considering charging for this service, as it would be above and beyond the current requirement for official control duties. *G. Corner* added that as the certifying officer will be signing the EHC's on behalf of the Government, it is expected that LAs will be required to review the notes for guidance and lobby to amend them to ensure suitability.

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

Nil.

6. The SFELC Executive update

M. Keeley informed the committee that the SFELC Executive met on 15 October 2020 to discuss the work plan and FSS update (details of these can be found in the relevant sections). *M. Keeley* then gave a brief overview of points discussed at the TSE meeting:

- *M. Keeley* noted that there was some work at the SFELC Executive on the Terms of Reference, but this has been overtaken by the structure review.
- *M. Keeley* provided an update on the National Food Crime Advisory Group, informing the Committee that work is being done on how information will be shared between FSS and LAs in terms of investigation and intelligence.

7. Committee work plan

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04 December 2020 – Microsoft Teams

- EU Exit (PATRICK SMYTH & GRAEME CORNER)
- LA Recovery (WILLIAM HAMILTON AND PAUL BIRKIN)
- Regulatory Strategy and Third Party Assurance (BRYAN CAMPBELL)

05 February 2021 – Microsoft Teams

- EU Exit (PATRICK SMYTH & GRAEME CORNER)
- LA Recovery (WILLIAM HAMILTON AND PAUL BIRKIN)
- FSS position with reference to FSA position on Single Markets (TBC)

UNASSIGNED ITEMS

- Risky Foods (LORNA MCCOULL AND GRAEME CORNER)
- Novel Foods, committee structure AFFF (GEORGINA FINCH)
- FHIS (BILLY HAMILTON)
- LA Sampling Programmes – Update on Current Trends and Future Strategy (JANE WHITE, FAITH CHUNG AND JACQUI MCELHINEY)
- LA Desktop Sampling Audit - Report (MARION MCARTHUR AND JAMES MCLENNAN)
- SND and Scottish Food Enforcement Annual Return (SFEAR) (PAUL BIRKIN, JACQUIE SUTTON AND MARION MCARTHUR)
- Food Recalls (RYAN BRUCE AND IZZY CHILDS)
- Tactical update (ROSS CLARK)
- Food Standards Project Working Group Guidance update (CARRIE COOPER)
- FLRS (SARAH COYLE)
- Zero Waste Scotland
- Loving Food @ East Lothian” project (LAURA GUNNING) – Once Discovery Phase has taken place

8. Food Standards Scotland update

L. Murray informed the Committee that FSS are working to collect the full lists of exporting businesses from each of the Hubs, and will distribute these to LAs as soon as possible to ensure they know where they will potentially need to provide attestations, adding that recruitment for the Hubs is currently ongoing.

In terms of Covid-19 work, *L. Murray* noted that a lot of work has gone into the production of the guidance and risk assessment tool, which is updated as required. *L. Murray* thanked industry bodies and the SFELC Committee for their support and advice on this work. *L. Murray* added that FSS will also be seeking to update the Code of Practice to reflect any changes with regards to the end of the transition period, with this work currently ongoing.

L. Murray stated that with regards to the work on penalties and sanctions, FSS are ensuring compliance notices will be ready for supporting the new food information allergen regulations coming into effect in autumn 2021. Lynsey Scullion is leading on this work alongside Raymond Pang. *L. Murray* noted that a lot of work has gone into ensuring that the regulations will transfer competence to FSS from 01 April 2021 in

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terms of feed, with Jacqui Angus and John Scott leading this work. *L. Murray* added that there have been notes of interest from 20 LAs, and FSS are hoping to progress the service level agreements with these LAs ASAP, as well as looking to appoint a public analyst.

L. Murray confirmed that FSS are looking to establish a new strategy for the period of 2021-2025, and will be looking to consult on this later in the calendar year, whilst also looking to develop a corporate plan which will be published but not consulted on. *L. Murray* noted that FSS have also been able to provide further funding to the Society to support students, and are urging LAs to take on a student if they can. With regards to the new FSS structure, *L. Murray* stated that there was a complete freeze on recruitment during the initial Covid-19 lockdown stages, but priority posts are now being advertised and appointed in preparation for the end of the transition period.

L. Murray noted that Pat Smyth and Bryan Campbell have been successful in obtaining new roles at FSS; Pat is now Head of the Imports and Exports branch, whilst Bryan is Head of the Regulatory Strategy branch. *L. Murray* added that Lynsey Scullion has been appointed permanently within the Enforcement Delivery branch, and Greg Douglas will be joining FSS on a part-time basis for 23-months to assist with the Hubs, as well as imports and exports. Additionally, Thomas Mcgrory has been appointed to fill the maternity position for Amber Souter, and FSS have welcomed their new Deputy Chief Executive Julie Hesketh-Laird on a 23-month appointment.

9. Sub – Committees: including working groups

Feedstuffs Sub-Committee

D. McGhie noted that due to the Covid-19 pandemic, work on feed has not been very active but is kept up-to-date by FSS on the development of service level agreements and the direction of travel for feed authorities. *D. McGhie* added that the constitution of the Feedstuffs Sub-Committee needs to be progressed.

Specialist Cheesemakers Guidance WG

The *Chair* informed the Committee that the questionnaire on the Cheesemakers Guidance was circulated earlier this year, but as no adverse comments were received from LAs or industry, it was decided that the guidance would not undergo review until its next planned review in 2022.

Matter of Record 4.2020

The *Chair* noted that the Cheesemakers Guidance will remain as is until its next planned review in 2022.

10. Food Liaison Groups

East of Scotland FLG

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L. Matthew noted that the East of Scotland FLG met on 06 October 2020, in which two main points were raised. The first involving Falkirk council in which a member of staff is currently studying for an MSc in Environmental Health, but recently received an email from the University stating that the course is no longer accredited by REHIS. *L. Matthew* noted that the staff member has been given the option to quit the course or continue with the course with the understanding that employment would need to be with an authority down South. REHIS has advised the individual to sign up for the Environmental Health Undergraduate course at the University of West Scotland, but this is not an option given that the individual is in full-time employment, and so Falkirk Council are seeking advice for what to do.

L. Matthew stated that the second point raised was to provide feedback on the Clackmannanshire recovery of food law work, as in just one month they have doubled the number of premises on intense interventions to a level they have no dealt with before. This is due to a back log of new businesses not understanding the food law requirements and requiring support, and also those businesses that have been left unchecked for too long.

11. Update by Non-Enforcement member(s)

C. Hay expressed thanks to FSS for their work on the Covid-19 Guidance, noting that it was appreciated by not just industry members but also the wider Food & Drink industry. *C. Hay* also noted that there will be a webinar next Friday on the latest guidance for food and drink manufacturers and producers surrounding Covid-19.

B. McCall echoed thanks to FSS for their support on getting the Risk Assessment documents drawn up for butchers in Scotland, adding that these were issued to members and non-members in Scotland.

Matter of Record 5.2020

***C. Hay* and *B. McCall* expressed thanks to Food Standards Scotland for their work on creating the Covid-19 Guidance and the Risk Assessment Tools.**

Action 11.2020

The Secretariat to circulate the invite to the webinar on Covid-19 Guidance for Food and Drink Manufacturers.

12. SFELC Structure

The *Chair* suggested to the committee that SFELC could take on a new sub-committee structure that is more representative of the current needs. There was general agreement across the whole committee that the structure of SFELC should be reviewed and amended. The *Chair* stated that he will draft a proposed structure and circulate this round the SFELC Executive, ready to present this to the main SFELC committee at the next meeting.

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13. Review of action points

A. *Purkis* 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 > The Exec – Papers - year month > Item 02 – The Exec – Action points and Matters of Record". ([link](#))

14. AOCB

A. *MacLeod* stated that Argyll and Bute have been working with a University to produce a guidance webinar for food manufacturing.

Forthcoming meetings

05 February 2020 – Microsoft Teams

2021 - TBC

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