

Scottish Food Enforcement Liaison Committee minute

Friday 05 February 2021: 10:30 – 13:30

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
Andrea Carson (A. Carson)	North of Scotland Food Liaison Group
Andrew MacLeod (A. MacLeod)	Seafood Official Control WG
Bruce McCall (B. McCall)	Scottish Federation of Meat Traders Association (SFMTA)
Cat Hay (C. Hay)	Food and Drink Federation Scotland (FDFS)
David McGhie (D. McGhie)	SCOTSS Lead Feeds Officer and Feedstuffs Sub-Committee Chair
Helen Henderson (H. Henderson)	East of Scotland Food Liaison Group
Jane Couper (J. Couper)	Food Standards Subcommittee Chair
Jane White (J. White)	Association of Public Analysts in Scotland and Chair of Sampling and Surveillance WG
Jill Barber (J. Barber)	Scottish Government
Karen Wardrope (K. Wardrope)	West of Scotland Food Liaison Group and Specialist Cheesemakers Guidance WG Chair
Lorna Murray (L. Murray)	Food Standards Scotland
Martin Keeley (M. Keeley)	Royal Environment Health Institute of Scotland (REHIS)
Mark Eccles (M. Eccles)	Lothian and Borders Food Liaison Group
Patrick Smyth (P. Smyth)	Food Standards Scotland
Rachel Mirfattahi (R. Mirfattahi)	Institute of Food Science and Technology (IFST)
Sandy McDougall (S. McDougall)	Food Standards Scotland
Scott Anderson (S. Anderson)	Scottish Bakers
Sophie Yule (S. Yule)	Food Standards Scotland
Tanja Low (T. Low)	Food Standards Scotland
William Hamilton (W. Hamilton)	Food Standards Scotland

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1. Chairman's welcome and apologies for absence

The *Chair* opened the meeting by welcoming the Committee, guests and speakers to the February 2021 Scottish Food Enforcement Liaison Committee (SFELC) meeting. He then ran through the virtual house keeping arrangements.

The *Chair* welcomed guest speakers *Sandy McDougall* (section 4.1), *P. Smyth* and *J. Barber* (section 4.2), and *W. Hamilton* (section 4.3).

Apologies were recorded by the *Secretariat* for Lisa Ackerley (British Hospitality Association) and Kevin Matheson (Scottish Government - Food, Drink and Rural Communities Division).

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 04 December 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 13.2020 – *P. Birkin*

P. Birkin to raise the potential to add a new tab for Street Traders on SND at the SND WG. **ONGOING**

Action 12.2020 – *P. Bradley, J. Couper and J. White*

P. Bradley, J. Couper and J. White to liaise with Kasia Kazimierczak and Faith Chung on the potential to establish a new SFELC WG for the SFSD Interactive Dashboard. **ONGOING**

Action 10.2020 – The *Chair*

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

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 07.2019 – The *Chair*

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

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4. Presentations and Current Items

4.1 EU Exit – Experience at the Hubs by Sandy McDougall

S. McDougall began his update by noting that nearly 1,000 Export Health Certificates (EHCs) have been signed within the first 5-weeks of the Hubs being operational, with certifying officers being able to sign almost every consignment that has come through. *S. McDougall* added that many of the 11 certifying officers did not start until the 10th January 2021, and so the first week of January was reliant on minimal staff to operate the Hubs.

S. McDougall stated that there has been some issues with the level of rework required for some certificates, in which anywhere between 30 – 100% of certificates received at the Hubs were incorrect and rejected before they could be reworked and signed off. The average time taken per EHC varies between Hubs, dependent on the accuracy and level of rework presented. *S. McDougall* noted that this has caused challenges with being able to predict demand, with management looking at the weekly demand pattern, as well as the daily demand pattern to allow precision over staff being deployed across the week and the day. *S. McDougall* added that the decision has been made to deploy the same staff levels every day of the week at present until there is a clearer view on demand patterns at the Hubs. FSS have also been engaging with the Scottish Manufacturers Advisory Service (SMAS) who will assess the processes at the Hubs with a view to implementing measures to improve the turnaround time for EHCs, and reduce the levels of rework required.

S. McDougall continued that there are still a number of issues being worked through. The main issue this week is surrounding Norwegian salmon, with Norway refusing to provide veterinary evidence of the approved establishment the consignments have come from, meaning certifying officers at the Hubs are refusing to certify these products. *S. McDougall* added that there are further issues with the certification of scallops, with whole live scallops currently being certified on the basis that health conditions are being met because they are covered by local authority (LA) attestation. However, *S. McDougall* advised that the position of the Hubs on this matter is likely to change soon to require evidence with the supplier declaration of the food business operator's (FBO's) own test results for toxins. *S. McDougall* also touched on the current issue with the export of Class B live bivalve molluscs (LBMs), noting that fortunately this issue is not really impacting Scotland, but is subject to discussion between Scottish Government (SG), UK Government and the Commission. APHA have issued some new guidance on the issues that emerged in mid-January around stamping and the use of different inks for EHCs. *S. McDougall* stated that FSS' position on this is that the Hubs will not make changes in advance of formal revised guidance being issued until they are presented with evidence in either the notes for guidance, OV notes or FCCO notes.

With regards to looking forward, *S. McDougall* noted that one of the larger Hubs will be moving into a larger office space which will allow the ability to improve work flow around EHCs, and FSS will continue to train staff to improve their confidence with signing EHCs. *S. McDougall* also stated that there is hope to start building a better relationship with the Boulogne BCP, as Seafood Scotland have embedded a member

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of their staff in Boulogne, which will hopefully serve as a good point of contact for Scotland if any consignments get held up in Boulogne.

Q&A

The *Chair* asked whether the Hubs are experiencing the same issues with the EHC online system, with it leaving a lot of additional work for certifiers to do. *S. McDougall* noted that the system is not fit for purpose as it is not designed for mass processing, adding that they have registered a requirement with APHA to make the necessary amendments, one of which being for the system to have mandatory fields. These issues were raised with the APHA Veterinary manager 2-weeks ago, but no response has been received yet. *A. MacLeod* echoed that Argyll & Bute have been experiencing the same issues with the EHC online system.

C. Hay stated FDFS are aware of the burden placed on certifying officers and noted that FDFS are happy to do what they can to add weight to the concerns raised with APHA. The *Chair* noted that Aberdeenshire have volunteered as part of the LA involvement in the process mapping exercise. *S. McDougall* stated that the work will likely be contracted out to SMAS to help industry find the right source of information, as many in the seafood and meat sector don't know where to find basic information.

4.2 EU Exit – Imports and Exports by Patrick Smyth and Jill Barber

Imports

P. Smyth introduced *J. Barber* who is leading on the Border Control Post (BCP) application process for Scottish Government (SG). *P. Smyth* began his presentation by updating the Committee on EU imports, noting that whilst Scotland had previously relied heavily on other EU member states and other ports in Great Britain (GB) and Northern Ireland (NI), this is now beginning to change. Some ports across Scotland have expressed an interest in becoming a BCP, with the likelihood that there will be two key ports in Scotland; one on the East coast (Grangemouth) and one on the West coast (Cairnryan).

P. Smyth noted that there are three phases of the import control process:
Please note, these dates have now changed since this meeting took place. The new dates are reflected alongside in brackets.

- Phase 1 – 01 January – 30 March 2021 (*01 January – 30 September 2021*)
- Phase 2 – 01 April – 30 June 2021 (*01 October – 31 December 2021*)
- Phase 3 – 01 July 2021 onwards (*01 January 2022 onwards*)

We are currently in phase 1 of this process, meaning all imports currently coming directly to GB from the European Union (EU) is going through CO import checks, in which there are no documentary ID checks and less physical checks, as UK legislation is still currently aligned with EU legislation. However, *P. Smyth* stated that this would come to an end on 01 April 2021 as the UK enters phase 2 of the import process, where documentary checks and ID checks will be introduced. The final phase of the process, phase 3, will see full SPS checks including physical checks. *P. Smyth* added

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that it is unlikely that the port of Cairnryan will be ready by the beginning of phase 3 (01 July 2021), with concern over what will happen if this is the case. *P. Smyth* noted that one possibility would be to move the start date for phase 3 back, although this would have consequences in terms of an extended risk of food fraud. Another option would be for import checks to be moved further inland, with inland local authorities (LAs) being responsible for the official controls (OCs). As part of finding a solution to this, *P. Smyth* confirmed that Scotland have been inputting into different strands of work being run by the UK Government, including LA representatives (particularly colleagues from Dumfries & Galloway LA) inputting into the Cairnryan project. *P. Smyth* then handed over to *J. Barber* to provide an additional update on imports.

J. Barber stated that the UK Government Boards Operating Model outlined this phased approach, and it was legislated with a delay for export controls and a phasing-in of import controls. *J. Barber* added that Scotland are now past the first phase of the imports process, with big changes for LAs likely to be from April – July 2021 with the requirement of EHCs for products of animal origin (POAO) introduced from April, and then the need for ID checks and physical checks at BCPs from July onwards.

J. Barber noted that approximately 80% of SPS imports are arriving from ports on the South coast, with 16 expressions of interest (17 including Cairnryan) for new or extended BCPs. These expressions of interest are currently being progressing, with LAs to be contacted next week to inform them of the requested BCPs within their area. *J. Barber* clarified the responsible body for each type of import at BCPs, as outlined in the table below:

Type of Import	Responsible Body
Live Animals	Animal and Plant Health Agency (APHA)
High Risk Foods (Not of Animal Origin)	Food Standards Scotland (FSS)
Plants and Plant Products	Science and Advice for Scottish Agriculture (SASA)
Wood and Wood Products	The Forestry Commission
Products of Animal Origin (POAO)	Local Authorities – Veterinary Resources or Environmental Health Officers where related to Fishery Products

J. Barber continued that from April, SG are looking to have a proportion of EHCs generated for POAO (approximately 10%), with this slowly increasing to achieve 100% by July. *J. Barber* added that work is currently undergoing to look at what will be done if the BCPs are not ready by July, noting that whilst Scotland do not have to do what England and Wales choose to do, it is important to include them in the decision when looking at GB as a whole. For example, if DEFRA / UK Government chose to do point of destination checks on goods coming in, and the destination is Scotland, then Scotland would need to carry out the checks despite England being responsible for enforcement, which could create issues, and is therefore important to work together on this. *J. Barber* also noted that Cairnryan are on a different timeline as there is a reliance on the definition of qualifying NI good, with the UK Government changing this, but no details of when or what will be changed have been provided yet. *P. Smyth*

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reiterated the importance of keeping Scottish Ministers apprised of what is happening with regards to the UK Government's proposal for first point of destination checks.

Q&A

The *Chair* thanked *P. Smyth* and *J. Barber* for their presentation on imports, noting that it will be beneficial for LAs to be aware of the capacity of work expected to come in, and to also consider resources and training for possible inland checks.

A. MacLeod noted that there is concern over where the resources will come from for inland checks, and what will the impact of this be on official controls in public health, adding that this is an additional challenge to the 'project restart' following the current pandemic.

D. McGhie asked what APHA's expectations will be of LAs in relation to animal health, and whether this will be down to APHA or if there is an expectation on LAs to be delivering this as well for animal health. *J. Barber* noted that APHA are heavily involved in assessing and providing advice on applications for live animals and POAO, but within the regulations, the enforcement for live animals and POAO lies with LAs. Therefore, the responsibility for animal health on POAO sits with the LA (in particular a vet or EHO). *D. McGhie* followed up by asking whether the expectation to deliver controls in relation to the welfare of animals and statutory controls around notifiable disease lies with LAs. *J. Barber* specified that the ultimate responsibility for live animals at BCPs is APHA, including these welfare checks, but with the expectation that if there was any enforcement action to be taken, the LA would be involved but not ultimately responsible at the BCPs. *J. Barber* added that one-to-one meetings will be set-up with ports and LAs to look at the expected volume and need for LA resource on the basis of the expressions of interest for BCPs. *P. Smyth* noted that there is a lot of operational work being established for LAs ahead of 01 April 2021, including access to IPAFFS.

P. Bradley noted that in terms of inland checks, controls for this in the past have been quite scarce, especially with deferred consignments by which these were done on a one-by-one basis rather than an overall decision. *P. Smyth* added that clarification is still needed on the proposed timeline for inland checks, with uncertainty on whether these would subside when the BCPs are fully operational, or whether there is an intention for this to become part of the future plan to encompass inland checks.

M. Keeley asked whether the logistical side of the infrastructure for the authorisation process of inland checks has been considered, given the large volume of goods that come in. *J. Barber* noted that the biggest issue is that there is no single data source that has the ability to track the routes of POAO, and so DEFRA established a priority points of entry based on assumptions of volumetric data in England. This data was used to process the Report Infrastructure Fund, with a purpose to support current trade volumes going through ports, but this doesn't account for future trade volumes. *J. Barber* added that discussions are ongoing as to whether BCPs will be ready and the potential of delaying the July deadline. The main concern is that the UK Government decides on an Import Policy that puts responsibility on Scotland to do something that Scotland have never done before, and would therefore be unprepared for, with *J.*

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Barber adding that this will be the first real test of UK Government's working together. *P. Smyth* noted that in terms of areas of reserve (such as Customs), discussions are needed with HMRC on what is happening to consignments that go directly from the port to their first point of destination without having to go through Customs.

Exports

P. Smyth echoed *S. McDougall's* update by agreeing that it is important to be sharing experiences at the Logistics Hubs. *P. Smyth* continued that fishing vessel inspections have been a success, with over 1,600 vessels in Scotland now registered and inspected. However, data from Marine Scotland states that there are currently 2,046 vessels in Scotland, and so *P. Smyth* suggested that it would be beneficial for this list to be contrasted and compared to the Scottish National Database (SND) to target the missing vessels, and inform LAs of these vessels in their authority area to be contacted. *P. Smyth* noted that whilst the Ministerial Submission stated that any consignments that go for export to the EU (either directly or indirectly) must have their vessel(s) registered and inspected by the competent authority from 01 January 2021, FSS have decided to accept the risk up to 31 March 2021. However, from 01 April 2021 onwards, catch will not be able to be exported to the EU if the vessel is not registered and inspected.

P. Smyth continued by noting that Scotland currently have approximately 900 food businesses on the UK National Listing, which is a database of all food businesses that are able to trade directly with the EU. Supermarket chains such as Tesco, Sainsbury's and Asda, each have a unique identifier which allows them to ship and export from their own retail distribution hubs to their own premises within the EU. *P. Smyth* added that all of these food businesses had to be uploaded onto the Traces System by DEFRA, but there have been some issues with the establishment categories and codes used. For example, on the Approved Premises application form, the initials 'DC' were being used to mean 'Depuration Centre', when in fact they actually stand for 'Dispatch Centre', and the initials for 'Depuration Centre' are 'PC' (Purification Centre). As a result, *P. Smyth* noted, when the consignments reach the BCPs in the EU, the data doesn't match the system and the consignments can be rejected. *P. Smyth* stressed the importance of informing businesses of the need to ensure their approval information is correct on the forms, as otherwise their consignments could be stopped and rejected.

P. Smyth stated that all LAs should now be signed up to share data on SND, with the SND Dashboard now fully operational and fit for purpose.

Q&A

M. Keeley asked how approved premises that don't export are delisted from the National Listing. *P. Smyth* noted that whilst the first policy decision was for the National Listing to be an 'opt-in' system, this was changed to an 'opt-out' system after the rest of the UK didn't receive significant interest from businesses. As part of the 'opt-out' system, all Regulation 853/2004 premises would be entered onto the National Listing, unless specifically stating otherwise. *P. Smyth* added that it might be beneficial for LAs

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to contact businesses again to check the accuracy of the list, as businesses will not be able to export to the EU if they are not on the National Listing.

L. Murray noted that there is work to be done on approvals as they have always been linked with the ability to export freely, but as this is no longer the case, it should be re-evaluated as to how this is considered going forward. *L. Murray* added that discussions are needed with Food Standards Agency (FSA) on this to establish a unified UK position. *A. MacLeod* agreed and noted that approval appears to be in relation to exports at present, with OCV currently presented in terms of approved manufacturers, but this needs to be re-evaluated also. The *Chair* suggested that an approach would be to separate approvals into three categories; approvals for export, approvals for manufacturing on a regional/national scale, and businesses that only trade locally and would opt-out of the approvals system entirely. *A. MacLeod* noted that there is too much focus on POAO, and more focus should be allocated to the broader food safety risks such as allergens, and The *Chair* agreed that manufacturing is an area that requires attention as opposed to POAO.

P. Smyth stated that the word 'approval' is used interchangeably for both approval for Regulation 853/2004 premises, and approval to export, which can lead to a lot of confusion. *L. Murray* noted that this needs to be aligned with FLRS, as the more businesses that are potentially taken into an OCV cycle, this assists in determining the actual intervention period rather than the FLRS scoring matrix. The *Chair* added that all the work programmes run into each other as they have many interdependencies, and so all implications need to be considered for this area of work.

4.3 LA Covid-19 Recovery Plan Project by William Hamilton

W. Hamilton gave a short update on the LA Covid-19 Recovery Plan Project by recapping the fact that all Food Law Interventions in Scotland came to a halt on 23 March 2020 which was then ratified by the Minister, with this Ministerial exemption extended as necessary throughout the pandemic. Therefore, the impact of this on LAs restarting their interventions is hugely problematic. *W. Hamilton* stated that in response to this, the SFELC Covid-19 LA Recovery Plan Project WG produced a proposal and guidance document on how LAs should restart their interventions. This guidance document was issued alongside an Enf letter from FSS on 09 December 2020, requiring LAs to undertake the steps listed within the guidance document by 28 February 2021 (for steps 1 and 2), and the 31 March 2021 (for steps 3 and 4).

W. Hamilton noted that given the ongoing commitment of LAs to Covid-19 suppression, there is now a clear understanding that this work cannot be done by the proposed deadline of 28 February. Therefore, FSS have made the decision to revisit this deadline and to give a clear steer to LAs with regards to a likely restart date for future interventions. *W. Hamilton* added that the new restart date will likely be sometime in the autumn, but agreement from FSS senior management is required, followed by approval from the Minister.

Q&A

The *Chair* thanked *W. Hamilton* for his update, and noted that recognition from FSS that the dates need to move will relieve a lot of worry for LAs.

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

The *Chair* stated that the REHIS Food Safety Officers consultation proposing that the three existing higher certificates are to be collated into one general certificate covering the entirety of food law was responded to. The consultation response was that SFELC are supportive of this approach as it no longer makes sense to have separate qualifications when the authorisation requires the individual to have the full remit.

6. The SFELC Executive update

M. Keeley informed the committee that the SFELC Executive continue to meet on a fortnightly basis, and met on 04 February 2021 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* stated that the SFELC Executive discussed SFELC representation at the Horizon Scanning WG and the Food Crime WG, along with LA Recovery Plan, work on Exports and Imports and issues with Shellfish.
- *M. Keeley* added that the SFELC Executive discussed the Competency Matrix for professional officers and agreed that they will review and feedback on this to the *Chair*.

7. Committee work plan

16 April 2021 – Microsoft Teams

- Allergens (GRAINNE GILSON-SMITH AND STEPHEN HENDRY)
- Future Consultation Framework Agreements (JENNIFER HOWIE)
- EU Imports (PAT SMYTH)

11 June 2021 – Microsoft Teams

- EU Imports (PAT SMYTH)
- LA Recovery (WILLIAM HAMILTON)

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)

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- 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 have been spending a lot of time working on LA recovery, exports and imports, with a number of FSS teams involved in work on imports (including a risk assessment team and international teams) to ensure it runs smoothly. *L. Murray* also noted that FSS are putting together a coherent strategy on imports that will feed into the SFELC Imports WG to look at a potential imports code of practice as part of the guidance package for officers working at the BCPs.

In terms of Covid-19, *L. Murray* noted that FSS continue to be involved in numerous discussions and meetings, with a lot of press interest over the last month surrounding the difficulties some meat plants have had in terms of Covid-19 outbreaks, which led to suspension of business as usual at some plants. *L. Murray* added that whilst not all plants are back to 100% staff capacity yet, staff are largely back to work now with business as usual resuming as soon as possible.

L. Murray continued to update the Committee on allergens, stating that there is going to be a large project of work on the domestic front, and FSS will continue to keep the SFELC Committee informed. *L. Murray* added that it is important to ensure businesses have an effective support system in place to ensure that there is an effective, consistent and proportionate application of allergen labelling requirements. FSS have written to the Minister seeking views on packaging measures to be taken forward, and the Minister is currently considering the type of model to be applied. Grainne Gilson-Smith will provide a detailed update on Allergens at the April SFELC meeting, with the SFELC Allergens WG now back up and running to take on this work.

As part of this allergens work, *L. Murray* noted that there is a recognised importance on having sanctions to deal with any non-compliance in this area. FSS are pushing ahead with compliance notices to ensure these are in place to be used as a ready sanction for this purpose. *L. Murray* added that FSS had also considered fixed penalty notices, but this is a slightly more complex area, and therefore won't be pushed forward yet. In response to these sanctions, *L. Murray* stated that there will be further training requirements for LAs on this work, with an additional potential to also offer a refresh on the more general penalties and sanctions training as a whole. With regards to LA Training, *L. Murray* noted that Advanced HACCP (Level 4) training is currently undergoing, in partnership with the FSS Operations team, which aims to plug the gap that some LAs had identified earlier this year.

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Action 1.2021

The Chair to liaise with the Allergens WG to progress work on allergens.

9. Sub – Committees: including working groups

Food Safety Sub-Committee

Nil.

Food Standards Sub-Committee

Nil

Feedstuffs Sub-Committee

D. McGhie noted that the Highlight Report provides an update on the ongoing impact of Covid-19 on a proactive approach to feed, with LAs still trying to respond as best they can to any reactive situations. *D. McGhie* added that the constitution of this sub-committee is still needing to be assessed, with the *Chair* adding that this needs to be tied in with the changes coming in on 01 April 2021 for the new feed regime.

Imports and Exports WGs

The *Chair* stated that SFELC are looking at a new WG structure for imports and exports. There are currently at least 3 different WGs for exports (Export Certification WG, Fishing Vessels WG and Attestations WG), and 1 small WG looking at BCPs for imports. The *Chair* added that there is a need for a new Exports WG to look at the introduction of guidance in terms of exports, as well as a new Imports WG to look at imported foods. Invites for members and Chairs for these WGs will be going out soon.

Action 2.2021

The Chair to issue invites for the new Imports and Exports WGs.

10. Food Liaison Groups

Lothian and Borders FLG

M. Eccles provided a written update on the last Lothian and Borders FLG meeting:

- Covid-19 Activity – All LAs involved in PAGs and IMTs relating to outbreaks in food establishments, visiting premises mostly licensed to offer advice and guidance. Enforcement action taken, PNs served – some have been challenged resulting in Court of Session and judge preferring compromise situation rather than ruling in any side favour, other PNs withdrawn as regulations changed. Remote interventions with food premises due inspections.

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- Discussed issue with Just Eat contacting FBOs on improvement required and telling them to contact LAs to have rating changed to pass so they can sign up to Just Eat. Group agreed this would never happen unless the FBO could demonstrate improvements required were carried out and sustained.
- FSS Update – note guidance issued re changes to Health Mark, official control plan to be in place for feed controls by 1/4/21, consultations out for implementation of improved allergen controls and a revised wild game guide, wet sales guidance to be circulated soon, unregistered food businesses on Facebook – colleagues in SFCUI to discuss at next Tactical Tasking meeting.
- Reports from LAs – fishing vessel inspections completed, RAN served stopping operations an unapproved meat cutting plant, general staffing issues due to staff leaving, retirements, secondments. Issues with Facebook businesses – some LAs considering EH Facebook page to contact the businesses – something for FSS food crime to consider? Next meeting 23rd or 24th Feb.

North of Scotland FLG

A. *Carson* stated that the North of Scotland have been focusing on Covid-19 and EU Exit.

West of Scotland FLG

K. *Wardrope* noted that the West of Scotland FLG met last month to discuss EU Exit and LA Recovery. There were also discussions on Group 3 premises in terms of FLRS, as well as legal references on letters going forward now the UK have left the EU.

East of Scotland FLG

Nil.

11. Update by Non-Enforcement member(s)

Scottish Bakers

S. *Anderson* updated the Committee on the takeaway guidance for bakeries, noting that they have been working alongside SG to ensure members and bakery employers follow the correct guidelines. S. *Anderson* added that there has been some confusion over what is classified as a baked good, and for the avoidance of doubt, bakeries in Scotland can continue to trade as part of the retail sector where their primary function is the sales of baked goods. As a result, some institutions have ceased takeaway operations during this time and only use drive-through or delivery methods. S. *Anderson* added that the Scottish Bakers are happy to answer any questions that LAs might be receiving surrounding bakeries, and that all guidance documentation has been posted to the SFELC KHub page.

S. *Anderson* added that Scottish Bakers are looking at a Deposit Return Scheme, but this will not start until July 2022 and will therefore need to be discussed at a future

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SFELC meeting. *M. Keeley* stated that this scheme is likely to have a significant impact on businesses, but there is also a significant potential demand for the regulator. *L. Murray* noted that FSS are aware of various issues with respect to this proposal, and have recently been approached seeking clarification of the potential number of businesses that will be in scope for this scheme. *L. Murray* added that around 17,000 businesses are being considered as in scope, with the potential to ask each LA for clarification as to how many businesses are in scope, or to use SND for clarification.

Scottish Federation of Meat Traders Association (SFMTA)

B. McCall thanked *L. Murray* for providing answers to questions from members recently. *B. McCall* continued to raise concerns from their members over customers being abusive towards staff when they are refused entry by the FBO for not wearing face coverings. If customers cannot wear a face covering for health reasons, then they must provide an NHS badge, but if they do not provide this, then the FBO has the right to refuse entry. However, *B. McCall* noted that the concern lies with the fact that these badges can be falsely downloaded online. The *Chair* stated that this is an ongoing issue across the whole retail sector, and the Equalities and Human Rights Authority has written to the Chief Executives of Supermarkets stating that they need to make arrangements for customers that are exempt from wearing face coverings. The *Chair* added that SFELC is represented on a WG of Environmental Health and Trading Standards, who meet with other regulators and SG on a weekly basis, noting that he will raise this concern over meat trader's staff being treated badly by customers refusing to wear face coverings.

B. McCall added that there is a recent article in the Times that mentions carbon meat tax to Europe.

Food and Drink Federation Scotland (FDFS)

C. Hay stated that the Reformulation for Health programme by Joanne Burns is now in the final stages of doing the evaluation report, and this will be shared with the SFELC Committee once SG have signed off on this. *C. Hay* noted that despite the Covid restrictions, Joanne has managed to engage with over 450 businesses as part of this programme, but the funding for this is due to end at the end of March. Therefore, a proposal is being put forward to SG to continue the funding for this programme, and *C. Hay* noted that any letters of support from SFELC Committee members or from the SFELC Diet & Nutrition WG to support the continuation of this programme would be very helpful.

Institute of Food Science and Technology (IFST)

A. Purkis provided the below update on behalf of Rachel Mirfattahi:

The world of food science and technology is focussed on how to produce food in smarter ways. **IFST Spring Conference 2021 'Thinking Smart, Acting Smart'** will inform and inspire with case studies showcasing smart science and technology across a wide range of disciplines. This virtual event will be hosted across two weeks from **26 April - 7 May 2021**. Check out the line-up of speakers here: <https://www.ifst.org/events/1011/ifst-sc21---food-science-and-technology->

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[thinking-smart-acting-smart](#) and you can register your interest by mailing events@ifst.org.

Action 3.2021

The Chair and C. Hay to liaise on letters of support from SFELC encouraging the continuation of the Reformulation for Health programme by Joanne Burns.

12. Review of action points

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

13.AOCB

The *Chair* stated that he is attending meetings on behalf of SFELC with FSS, SG and the supermarkets in relation to Covid-19 controls, with the next meeting scheduled for Tuesday. The *Chair* will provide updates on this meeting to the SFELC Committee via email.

Forthcoming meetings

16 April 2021 – Microsoft Teams

11 June 2021 – Microsoft Teams

08 October 2021 – TBC

03 December 2021 – TBC

04 February 2022 – TBC

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.