

Scottish Food Enforcement Liaison Committee minute

Friday 16 April 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 Craft Butchers
Bobbi-Lee Ross (B. Ross)	Scottish Government
Carrie Cooper (C. Cooper)	Allergens WG
Cat Hay (C. Hay)	Food and Drink Federation Scotland (FDFS)
David Thomson (D. Thomson)	Food and Drink Federation Scotland (FDFS)
Gordon King (G. King)	Scottish Craft Butchers
Grainne Gilson-Smith (G. Gilson-Smith)	Food Standards Scotland
Hazel Stead (H. Stead)	Food Standards Scotland
Helen Henderson (H. Henderson)	East of Scotland Food Liaison Group
Jane Couper (J. Couper)	Food Standards Subcommittee Chair
Jennifer Howie (J. Howie)	Food Standards Scotland
Jill Barber (J. Barber)	Scottish Government
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
Nicola Gibb (N. Gibb)	Scottish Government
Rachel Mirfattahi (R. Mirfattahi)	Institute of Food Science and Technology (IFST)
Sara Eccles (S. Eccles)	Scottish Government
Scott Anderson (S. Anderson)	Scottish Bakers
Sophie Yule (S. Yule)	Food Standards Scotland
Stephen Hendry (S. Hendry)	Food Standards Scotland
Tanja Low (T. Low)	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 April 2021 Scottish Food Enforcement Liaison Committee (SFELC) meeting. He then ran through the virtual house keeping arrangements.

The *Chair* welcomed guest speakers *G. Gilson-Smith* and *S. Hendry* (section 4.1), *J. Barber* (section 4.2), and *J. Howie* (section 4.3). The *Chair* also welcomed Scottish Government representatives *S. Eccles*, *N. Gibb* and *B. Ross*, as well as *D. Thomson* from Food and Drink Federation Scotland (FDFD), *H. Stead* from Food Standards Scotland, and the SFELC Allergens WG Chair *C. Cooper*.

Apologies were recorded by the *Secretariat* for Chris McGuigan (NHS Fife), David McGhie (SCOTTS Lead Feeds Officer and Feedstuffs Sub-Committee Chair), Ian McWatt (Food Standards Scotland), Karen Wardrope (West of Scotland Food Liaison Group and Specialist Cheesemakers Guidance WG Chair), and Lisa Ackerley (British Hospitality Association).

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 05 February 2021 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 3.2021 – The *Chair* and *C. Hay*

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. **COMPLETE**

Action 2.2021 – The *Chair*

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

Action 1.2021 – The *Chair*

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

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. **COMPLETE**

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

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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. **COMPLETE**

Action 10.2020 – The Chair

The *Chair* to liaise with the Approvals WG to progress work on approvals. **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 07.2019 – The Chair

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

4. Presentations and Current Items

4.1 Allergens by Grainne Gilson-Smith and Stephen Hendry

S. Hendry began the presentation by stating that previous consultation work on foods prepacked for direct sale (PPDS) and allergen information for consumers took place in 2019 across the UK, with four potential options. The fourth option of the name of the food, full ingredients listing and highlighting allergen information was chosen as the preferred option. *S. Hendry* noted that following this, the FSS Board and Scottish Ministers agreed that more work is needed with Stakeholders in Scotland, and so carried out informal engagement during late 2019 and early 2020. This was followed by a formal consultation which took place from October – December 2020 based on this fourth option, with discussions also taking place at the FSS Board meeting in January 2021. Advice was then provided to Scottish Ministers with considerations for the impact of Covid-19 and the impact on small businesses, but the FSS Board members concluded that although these considerations are important, this didn't change the reason for improving the labelling of PPDS food and suggested that any delay to this work would delay the benefits of consumers having more information on ingredients and allergens. *S. Hendry* added that the FSS Board also looked at the possibility of exemption for smaller businesses, but decided that this would likely be too confusing for consumers, businesses and enforcement officers. Following this FSS Board meeting, Scottish Ministers were then updated and the Scottish Statutory Instrument went through Parliament in February 2021, and is now due to come into force on 01 October 2021.

S. Hendry continued by noting that the interpretation of food sold PPDS is consistent across the UK and covers food that is packed on the same premises or site that it was prepared on, including any premises that is offered for sale from a moveable and/or

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temporary premises such as marquees, market stalls or mobile sales vehicles. *S. Hendry* stated that the main requirement for labelling of these foods is that it contains the name of the food as well as the full ingredients list with an emphasis on allergens present within the ingredients. Quantitative ingredients labelling had been consulted on, but the FSS Board was content that this did not affect allergens or ingredient information to consumers, so there is no change to this. *S. Hendry* added that the next steps will be to develop a decision tree to help businesses determine when labelling is required for their products, as well as to develop a specific guide to cover allergens and labelling in general. There is also scope for more specific guidance for food PPDS that covers the name of the ingredients information and allergens to help businesses (especially those that are new to labelling) know what they need to prepare for. Online training tools will also be available, with the existing online module for allergens being updated, as well as the MenuCal tool to help businesses standardise their ingredients list to ensure accurate labelling.

G. Gilson-Smith continued the presentation by stating that the plan is to create an allergen hub on the FSS website which will include an interactive labelling decision tool for businesses and local authorities (LAs). *G. Gilson-Smith* added that along with the guidance, FSS will be reviewing and updating the allergen insert for CookSafe as well as the allergen training tool to include any changes. Additionally, *G. Gilson-Smith* confirmed that FSS are looking to amend MenuCal to make it more useful for users to use in terms of PPDS labelling. *G. Gilson-Smith* added that the aim is to have these training tools live on the FSS website and ready for businesses to use in June, with a communication plan to look at the best way to communicate this information to businesses and how to interact with smaller businesses via social media platforms. *S. Hendry* is also working with the Scottish Grocers Federation to establish industry guidance.

G. Gilson-Smith noted that from an enforcement point of view, FSS are planning to run an allergen-specific MenuCal virtual training session in the summer of 2021, with the aim to provide officers with confidence to speak to businesses about the MenuCal tool. Raymond Pang from FSS is working on penalties and sanctions, looking to bring compliance notices for allergens into force for October 2021 to support the enforcement of these legislative changes.

To highlight work post-October, *G. Gilson-Smith* added that the FSS Allergens Cross-Office WG is continuing to work well, and will be looking to review the new FSS strategy and corporate plan to ensure the work is aligned with this. Once the work around PPDS is complete, FSS will need to map and implement any changes to other relevant guidance such as the Farmers Market Guidance and the Cross-Contamination Guidance, from the point of view of allergens. *G. Gilson-Smith* added that work is ongoing with the public analysts on sampling guidance, with lots of research opportunities also arising with the University of the West of Scotland. In addition to this, work on how consumer roles and messaging for allergens is taking place with the FSS Communications team, ensuring that everyone has a role to play with allergens, and it is not just the responsibility of the business. *G. Gilson-Smith* added that FSS will continue to work with the SFELC Allergens WG to engage with LAs to identify gaps in enforcement knowledge or how this knowledge is applied with regards to allergens.

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S. Hendry concluded by highlighting the ongoing work on UK common frameworks, noting that a provisional common framework has been developed and published for information only at this stage, with the intention to hold a stakeholder event in Scotland within the next few months. This framework sets out the ways in which we work together across the UK regarding labelling and composition standards, in which FSS work alongside FSA and DEFRA. *S. Hendry* added that the framework will then go for Parliamentary scrutiny later in the year.

Q&A

The *Chair* thanked *S. Hendry* and *G. Gilson-Smith* for their presentation, acknowledging that this is a huge area with a vast amount of work being done to bring in these changes.

The *Chair* asked if we are on track to prepare industry for June and ensure all changes are in place for the October deadline. *S. Hendry* noted that we are on track in terms of the guidance material, with the intention to liaise with stakeholders and get comments on this material as it develops, as FSS are keen to work with industry to ensure the guidance is fit for purpose. *G. Gilson-Smith* added that different teams within FSS are leading on this work, with the support from the Communications and Marketing team, and are conscious that we want to give LAs sufficient time to communicate this information to their businesses ahead of the October deadline.

B. McCall noted that the current lack of physical visits taking place will likely have an impact of rolling this information out to businesses, adding that it would also be beneficial to have the allergen insert added to ButcherSafe. *G. Gilson-Smith* confirmed that the allergen insert will be added to the CookSafe Suite, which covers CookSafe, ButcherSafe and RetailSafe.

A. MacLeod noted that he would be interested, from the LA side, about the process of verification between a label and what is in the products, as this relates to traceability and how LAs will deliver this verification on the ground. *C. Cooper* added that the Allergens WG will be liaising with other WGs such as the Interventions WG to look at the labelling assessment as part of the inspection programme, but also looking back to what ingredients are coming in to products.

G. King asked *S. Hendry* if there was any information that could be shared from the case study that was done with a Scottish Craft Butchers member on how effective this was and whether the impact of this could be measured for an average size butcher shop. *S. Hendry* noted that he is going to liaise with the particular butcher that was involved in this case study, and would be happy to organise a presentation for the members of the Scottish Craft Butchers.

4.2 EU Imports by Jill Barber

J. Barber started her presentation by introducing her colleagues *B. Lee-Ross*, *N. Gibb* and *S. Eccles*, stating that they will be working on the border control post (BCP) programme specifically in relation to LA resource. *J. Barber* noted that in March 2021

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there were UK Government announcements about the phasing of the border operating model that deals with direct imports from the EU to the UK. Therefore, the original deadlines of April and July 2021 were moved to October 2021, January and March 2022. *J. Barber* added that the October deadline is for the movement of pre-notification and export health certification for products of animal origin (POAO) and high risk foods that are not of animal origin. Additionally, documentary checks will start in October for imports that are being pre-notified and present an export health certificates (EHCs), as well as the implementation of physical ID checks and sampling that will take place at the BCP. *J. Barber* added that the January deadline will see a requirement for imports to enter the UK through a BCP.

J. Barber noted that Scottish Government (SG) are working closely with DEFRA, UK Government and Welsh Government on this, with ongoing policy discussions about documentary checks and whether there is scope for a soft launch of this starting with 10%. *J. Barber* added that there is more time now to prepare and look at the charging mechanisms, so there is hope for a higher amount of documentary checks to be achieved, with the expectation of 100% which is written into the legislation, but SG are aware that LAs need to be paid for this work and therefore might not be possible right away. Additionally, there are still some issues to address such as charging for documentary checks even when there is no physical element to it, which will likely deter people from pre-notifying. *J. Barber* noted that the Cairnryan port is affected by UK Government's commitment to unfettered access policy and commitments, but SG understand that there is still the intention to lead further legislation in the second half of this year and are expecting further announcements in June that will directly affect goods arriving from Northern Ireland.

From January 2022, there will be a full suite of cost recovery available to BCPs, with charging done on a cost-recovery basis. *J. Barber* noted that there is a Scottish short-term WG for BCPs that works with the affected LAs to consider resourcing at BCPs for submitting applications for POAO. The assessment of resource plans will commence shortly, with the potential for some element of contingency planning for this. *J. Barber* added that there is some money available within the animal health and welfare budget to assist with start-up costs, and whilst checks and controls should be done on a cost-recovery basis, SG recognises that there will be an element of some charging mechanisms not being available.

With regards to training, *J. Barber* stated that SG have negotiated access to training materials that are being developed by DEFRA and will be delivered by Capita Learning. For official veterinarians (OVs) and environmental health officers (EHOs) carrying out import controls of POAO, checks should be overseen and completed by an OV, with the only exception for checks of fishery products for human consumption where an EHO can solely carry out this check. *J. Barber* added that there is no pre-existing training course for import controls of POAO, but the modules are being developed for this alongside the BCP manual that is now being rewritten to highlight the different roles and responsibilities.

J. Barber updated on trader readiness, noting that a letter was sent out to the ports on 31 March 2021 regarding the delays to timelines and establishing how much time it takes to set-up a BCP. A letter to industry is currently being drafted that will go out

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either today or early next week detailing the list of existing and expected new BCPs, asking for applicants for importers to start thinking about which trade routes they are going to be using, as it is important for the ports to know their expected volumes in advance. *J. Barber* added that there will also be a table of additional commodity approvals in this letter to industry, and a copy will be provided to LAs once this has gone out. *J. Barber* stated that the next part of trader readiness will be import seminars taking place from August 2021, with an aim to work towards the improvement of paperwork for imports. Work is also ongoing with the Imports 2022 project that is looking at import physical ID checks that were agreed for EU goods, and looking at how this works against goods imported from the rest of the world. There is an expectation that this work will be completed by January 2022, with a slightly different level of physical ID checks, but this work is ongoing with SG, DEFRA, Welsh Government and FSS. *J. Barber* also noted that the UK Office for SPS Trade Assurance have taken on the task of assessing import assurance for public and animal health, with the potential for a role to look at future BCP audit and assurance once the BCPs are up and running.

J. Barber summarised that the next steps in terms of EU imports will be the final push for BCP messaging to ensure there is an exact programme to deliver for Scotland to support trade and protect animal and public health. SG will be assessing LA resource plans to see what this looks like across Scotland, and will progress the technical designation programme alongside the operational programme to produce something that is both functional and operational. With regards to training, *J. Barber* stated that the focus is on training for the October launch, with online e-learning taking place for documentary checks via the IPAFFS system. Additionally, border readiness testing will need to go through the entire system, and so *J. Barber* noted that SG will be looking at this soon by taking one commodity and testing it through the whole system, similar to what was done for exports.

Q&A

The *Chair* thanked *J. Barber* for her presentation, adding that this is another extensive area of work that is moving at a fast pace to ensure it is done in time.

The *Chair* asked if we have an idea of the quantities coming through the ports. *J. Barber* noted that we do have a relatively good idea for most ports as the majority of ports for fish and feed know what they are handling as they have existing commercial arrangements, but there are some ports that are speculative of their expected volumes as they don't have any existing trade. The *Chair* asked whether feed imports will fall to trading standards colleagues rather than OVAs, noting that it is important to ensure they have access to relevant training alongside EHOs and OVAs if so. *J. Barber* stated that feed of animal origin will need to be checked by OVAs, but other animal feed doesn't have this same requirement, so there will be many people involved, with an aim for future work to make this process more efficient.

M. Keeley noted that there is an immense body of work to be done for inland ports and the planning process, as this is a complex regulatory landscape. *J. Barber* stated that there will only be one inland port in Scotland to service the port of Cairnryan, but inland ports are discouraged unless geographical constraints make it impossible to have a

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BCP at the point of entry. *M. Keeley* asked whether deferred checks would take place in Scotland for goods coming in at a port in England or Wales. *G. Barber* added that anything entering England or Wales must go to an inland facility if it is unable to enter via a BCP, because it must be cleared by that BCP.

4.3 Future Consultation Framework Agreements by Jennifer Howie

J. Howie started her presentation by stating that the UK Government took on a mapping exercise to identify areas of policy that intersect with EU law and devolved responsibilities, in which Ministers agreed across the UK that frameworks covering how we interact with these areas post-EU exit is required. As a result, a set of principles were decided in 2017 on how these frameworks would be developed. *J. Howie* noted that frameworks are ways of working agreements, and the common frameworks themselves have been developed in accordance with the principles decided in 2017 and in line with collectively agreed central guidance. Additionally, frameworks enable functioning of the UK internal market as well as recognising responsibilities and accountabilities with the ability to have different policy where appropriate. *J. Howie* added that the frameworks wouldn't get in the way of any trade agreements as the intention was to maintain the same flexibilities that were available under EU rules previously and were developed on that basis.

J. Howie stated that the purpose of the Food and Feed Hygiene Framework is to promote collaboration agreements in ways of working across the UK and to encourage early engagement on emergent risks and issues. The purpose of this framework is also to have a consistent UK-wide approach to policy where appropriate and to form an agreement to any divergent approaches to ensure they are evidence-based. *J. Howie* continued that matters of amendment to what is now retained EU law would fall in scope of this framework, such as official control regulations in relation to food. However, things that are not directly affected by statutory change arising from EU exit, such as the approach to enforcement that LAs will take or incident management, would fall outside of the scope for this framework. *J. Howie* summarised frameworks by noting that the risk analysis process is at the centre, which has been jointly agreed between FSS and FSA and comprises risk management, risk assessment and risk communication. Additionally, joint processes are required for divergence management, and all framework agreements must include a dispute resolution process with governance arrangements that provide reassurance that processes are being followed.

J. Howie noted that the risk analysis process within a framework needs to consider if it is appropriate to progress the issue first via a 4-country agreement, and then look to gather evidence and develop options to evidence and consider before a formal decision is made to change the law, which requires Ministers approval. *J. Howie* added that frameworks are intended to fully recognise devolved accountabilities, whilst looking to achieve a consistent approach where appropriate and to provide evidence for any divergent approaches across the UK. *J. Howie* stated that there are two different types of dispute within that may arise within the dispute resolution procedure for a framework; one might be on policy and one might be on the framework process. An example of a policy dispute would be where all due process agreed to in the

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framework has been followed, but a legitimate decision was taken by one of the parties to which the other parties disagreed to. However, an example of a framework process dispute would be where a part of the due process hasn't taken place e.g. a decision was made on behalf of the four UK countries, but only three countries were present at the meeting where the decision was made. *J. Howie* added that if a dispute cannot be resolved at the official level, then it will be escalated to Ministers.

Continuing with the risk analysis process, *J. Howie* noted that LAs are key stakeholders and key consultees in terms of the policy development, with consultation and engagement being an intrinsic part of the policy development process as a whole. *J. Howie* stated that there will be a frameworks management group established within FSS and FSA to oversee the process functioning of frameworks. This group will produce an annual report that will be made available to Parliament and stakeholders, and will be complimentary to (but not the same as) the joint annual report on food standards that FSS and FSA have also been tasked to produce.

In terms of the Internal Market Act (IMA), *J. Howie* stated that the key elements of the Act that affect food law are the market access principles which comprise mutual recognition and non-discrimination. The Act means that Scottish law is inapplicable to products produced elsewhere in the UK where the standards differ to Scotland. *J. Howie* noted that provisions existing in one-part of the UK but no-where else before the Act came into force would be preserved e.g. the Raw Milk Ban was unique to Scotland only so is exempt from the Market Access Principles. However, there is no exemption for legislation that applied in common across all 4 UK countries before the commencement of the Act i.e. retained EU law. Exemption can also apply to movement of unsafe food and feed where there is a serious risk to public health, and any animal feed regulations made under Section 74A of the Agriculture Act 1970. *J. Howie* added that the IMA defines principles as attaching themselves to the good as it is sold, provided it is unaltered on its journey to the final consumer. However, if the good is used to create a new good, then local law would apply to this new good and if it is not compliant with local law, enforcement action could be taken.

With regards to next steps, *J. Howie* noted that further Parliamentary engagement is needed to complete the food labelling framework. Additionally, there was a belated addition made to the Act which meant that where the Secretary of State agreed, certain provisions within scope of a framework could be excluded. This and other cross-cutting issues (such as the Northern Ireland Protocol) needed to be considered before frameworks could be finalised and signed off. *J. Howie* added that final framework agreements need to be signed off by Ministers.

Q&A

The *Chair* thanked *J. Howie* for her presentation, noting that this is a widespread area of work.

The *Chair* asked whether all four UK countries have an equal voice with regards to the frameworks. *J. Howie* noted that yes they do, as the frameworks have been developed with this in mind.

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M. Keeley noted that there are issues with the enforcement community knowing where a product has been made when there is no requirement to declare it. *J. Howie* stated that the IMA provides that the Secretary of State will provide guidance in relation to what compliance is, with the intention to further consult with key parties on this issue. *J. Barber* added that SG saw the framework process as all that was needed to manage policy governance and potential divergence within Great Britain / UK, and that the Act was wholly unnecessary.

D. Thomson noted that from the point of view of food manufacturers, it is recognised that there is a need for respect of devolution and are pleased to see this work on common frameworks, adding that businesses will likely have to now confront things that they had never thought of. The *Chair* asked whether these frameworks will slow things down. *J. Howie* noted that frameworks are already provisionally agreed and operational currently. *J. Howie* added that the frameworks are intended to manage how people change the law, but the ability to do it unilaterally is still there.

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

Nil.

6. The SFELC Executive update

M. Keeley informed the committee that the SFELC Executive continue to meet on a fortnightly basis, and met on 15 April 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 Exec meeting:

- *M. Keeley* stated that the SFELC Executive discussed the National Food Crime WG, with a meeting taking place next week with the FSS Food Crime and Incidents Unit to discuss novel foods and indicators of food crime. Additionally it was discussed how there will soon be a transfer of intelligence systems, moving from the Memex system to the new Clue system.
- *M. Keeley* noted that the CookSafe Suite was discussed, as well as mobile street traders now being on SND, Allergens and also Imports.
- *M. Keeley* added that the SFELC Executive reviewed the SFELC membership structure to ensure all WGs have a Chair of that group, and adding any newly formed WGs to the structure.
- The SFELC Executive also decided that it would be beneficial to hold a SFELC Committee meeting in August 2021 due to the high volume of work this year.

7. Committee work plan

11 June 2021 – Microsoft Teams

- LA Recovery (WILLIAM HAMILTON)
- CookSafe Suite Update (CHRIS SEYFRIED)

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06 August 2021 – Microsoft Teams

- Distance-selling and Home Production of Foods (TBC)
- Novel Foods, committee structure AFFF (GEORGINA FINCH & GRAINNE GILSON-SMITH)

08 October 2021 – Microsoft Teams

- Allergens (GRAINNE GILSON-SMITH)
- Imported Foods (PAT SMYTH)
- Sampling and LA Recovery Restart (TBC)

03 December 2021 – TBC

04 February 2022 – TBC

UNASSIGNED ITEMS

- Risky Foods (LORNA MCCOULL AND GRAEME CORNER)
- 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
- Deposit Return Scheme (SG REPRESENTATIVE - TBC)
- Out of Home Strategy (GILLIAN PURDON)
- Food Crime Clue System Refresh (DUNCAN SMITH)

Action 4.2021

Secretariat to set-up a SFELC meeting for 06 August to discuss distance-selling, home production of foods and novel foods including CBD.

8. Food Standards Scotland update

L. Murray stated that FSS have a new strategic plan that has gone through a consultation process and will be published mid-May. This strategy outlines five strategic outcomes that FSS will be working towards across the next five-years; food is safe and authentic, consumers have healthier diets, responsible food businesses

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are enabled to thrive, consumers are empowered to make positive choices about food, and FSS is trusted and influential. *L. Murray* added that FSS are also working on a corporate plan to embed more detail on what work will be taking place over the next three-years to achieve these aim, which will also be published mid-May. Additionally, *L. Murray* noted that FSs have been discussing and finalising their internal governance structure, as over the past 18-months, FSS have been working in transition with a new structure that enabled the accommodation of new responsibilities after leaving the EU. A new structure has therefore been decided on for FSS to ensure they are being as effective as possible with these new responsibilities.

L. Murray noted that from 01 April 2021, the instrument that defers responsibility to FSS as the lead on feed official controls came into force, meaning FSS now has responsibility for feed official controls. However, the majority of activity will be delegated to LAs to work alongside FSS to deliver these official controls on the ground, which will be funded by FSS for any activities undertaken. *L. Murray* added that FSS are still working on finalising the framework for this, which will cover 26 LA areas with feed responsibilities, and the remaining five LAs will have FSS feed officers conduct the feed activities. Recruitment is currently being undertaken to support this function.

The Scottish National Database (SND) continues to be developed, and *L. Murray* stated that there is now a tab for mobile street traders alongside the pre-existing tabs for importers, exporters, approved establishments and fishing vessels. *L. Murray* noted that formation of a SFELC WG on SND Development will be a great way to further develop SND. In addition to this, *L. Murray* stated that FSS have been looking to revamp the CookSafe Suite (inclusive of CookSafe, ButcherSafe and RetailSafe), looking to modernise this material and make it more accessible. Chris Seyfried from FSS is leading on this work, and will present at the June SFELC meeting, with input and support from the SFELC Committee seen to be crucial.

L. Murray concluded her update by stating that the LA Recovery process is getting ready to launch following the relaxation against the code of practice due to Covid-19, with inspections looking to restart in Autumn 2021. LAs are working towards the planning of this restart process, with work led by William Hamilton from FSS with the help of the LA Recovery Process WG, namely the Chair Paul Birkin and the sub-group Chairs Karen Wardrope, Izzy Childs, Andy MacLeod and Andrea Carson.

9. Sub – Committees: including working groups

Food Safety Sub-Committee

Nil.

Food Standards Sub-Committee

J. Couper noted that the Food Safety Sub-Committee met recently for the first time in over a year, with most of the meeting taken up with discussions on PPDS and allergens, and much of this work will be taken forward by the Allergens WG.

Feedstuffs Sub-Committee

Nil.

Fishing Vessels WG

The *Chair* stated that the Fishing Vessels WG has now finished, with one final summary meeting of this WG scheduled for early May, after which the WG will cease to exist and any future work will be undertaken by the wider Exports WG.

Matter of Record – The *Chair* expressed thanks to the Fishing Vessels WG for their hard work and for establishing an inspection regime that has facilitated the export of goods to the EU.

Attestations WG

The *Chair* noted that the Attestations WG continue to meet to ensure any issues with documentary checks are resolved to support the export of goods to the EU.

The *Chair* added that invites will be going out shortly for the new SFELC WGs; the Additional Methods & Techniques WG to support the OCV process, a Novel Foods WG, as well as the reconvening of the CookSafe WG and the Street Traders WG.

10. Food Liaison Groups

Lothian and Borders FLG

M. Eccles stated that a range of topics were discussed at the last Lothian and Borders FLG meeting:

- Covid-19 activity, visiting supermarkets and HSE-enforced premises.
- Carrying out spot-checks on takeaways.
- City of Edinburgh has been working with Scottish Government on the development of quarantine hotels for visitors arriving through Edinburgh airport.
- Edinburgh have experienced problems with CBD oil with high levels of THC, stating that a National agreement on how this is handled needs to be made.
- East Lothian have been doing work on attestations and have now inspected all of their fishing vessels.
- Midlothian have experienced issues with counterfeit Wonka Bars and also food businesses operating from home via social media platforms.
- The Scottish Borders have been busy signing EHCs which has been taking more time than anticipated, with a need to evaluate resources for this, especially once food interventions resume in September. Additionally, all of their fishing vessels have now been inspected.
- The next meeting is scheduled for 28 April.

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North of Scotland FLG

A. Carson noted that a range of similar topics were discussed at the North of Scotland FLG recently, including Covid-19, EHCs, planning for LA recovery, allergens and imports.

West of Scotland FLG

M. Keeley provided an update from the recent West of Scotland FLG meeting:

- Sampling and surveys were discussed, alongside imports and exports, and the issue of inland ports.
- Discussion on approved premises that do not export but continue to be on the export list and are therefore subject to intervention by the EU Commission.
- There was a composite product exporter sourcing ingredients from a non-approved establishment which was queried as an export item.
- Resource calculation for LAs ahead of restarting food law programmes, and any ongoing Covid-19 work.
- LAs will continue for Covid-19 according to the Scottish Government budget which is 6-months long, but testing is likely to continue for the full calendar year.
- Training for official controls and approved premises, including HACCP Level 4 training being progressed.
- Novel foods and CBD to be discussed with the Incidents and Food Crime unit, and the market matrix as an indicator of fraud.
- Food crime and cross-contamination.
- The next meeting is 17 May 2021.

East of Scotland FLG

H. Henderson confirmed that the East of Scotland FLG had also discussed all items listed above, and the next meeting is 20 April 2021.

11. Update by Non-Enforcement member(s)

R. Mirfattahi stated that IFST had recently responded to recommendations of an NHS hospital review that was published in October 2020 by the UK Department of Health and Social Care. IFST strongly supported the recommendation for every NHS trust to have a nominated food safety specialist and the need for national professional standards with mandatory career-long professional development, including appropriate compulsory food hygiene and allergen training. R. Mirfattahi added that IFST suggests extending these recommendations to not only NHS trust catering, but to every food business operator (FBO), and positively supports the need for competent food technical professionals and high standards of food risk management and verification in the food supply chain, providing confidence that safety and contractual requirements are being met. IFST has an active register of food safety professionals in place, underpinned by the food safety competency framework, and will be collaborating with the UKRI Knowledge Transfer Network on understanding food

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sector skills and needs for creating food career resources for schools, FEHE and other food career advisors. *R. Mirfattahi* noted that there is an interesting short blog on the future trends on food and drink, adding that the intern at IFST is now building on scoping this work.

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

C. Cooper queried the lack of a food safety sub-committee member on the Allergens WG. The *Chair* noted that the food safety sub-committee has not been meeting, but a discussion is needed to see how this can be progressed.

Action 5.2021

The Chair and C. Cooper to discuss the need for a food safety sub-committee member to attend the Allergen WG meetings and how to progress this.

Forthcoming meetings

11 June 2021 – Microsoft Teams

06 August 2021 – Microsoft Teams

08 October 2021 – Microsoft Teams

03 December 2021 – Microsoft Teams

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.