

Scottish Food Enforcement Liaison Committee minute

Friday 20 April 2018: 10:00 for 10:30

Venue: FSS Buildings, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL. Tel: 01224 285 105 or 07881 281 206.

Members present

William Hamilton (Chair)	Scottish Food Enforcement Liaison Committee
Catherine Ferro (Secretariat)	Scottish Food Enforcement Liaison Committee
Douglas Scott (DScott)	Scottish Federation of Meat Traders Association (SFMTA)
Helen Henderson (HHenderson)	East of Scotland Food Liaison Group Chair
Elaine Davies (EDavies)	Speaker, Aberdeen City Council
Andrew Morrison (AMorrison)	Food Safety Subcommittee Chair
Paul Bradley (PBradley)	SFELC Honorary Secretary
Jacqui Angus (JAngus)	Food Standards Scotland
Graham Forbes (GForbes)	Speaker, Food Standards Scotland
Cat Hay (CHay)	Food and Drink Federation Scotland (FDFS)
Joe Harkin (JHarkin)	West of Scotland Food Liaison Group Chair
Chris McGuigan (CMcGuigan)	Consultant Public Health Medicine (CPHM)
Andrea Carson (ACarson)	North of Scotland Food Liaison Group Chair
Lindsay Matthew (LMatthew)	SFELC Vice Chair & Convention of Scottish Local Authorities
Martin Keeley (MKeeley)	Royal Environment Health Institute of Scotland
Ian McWatt (IMcWatt)	Food Standards Scotland

By Tele Conference

Izzy Childs (IChilds)	Lothian and Borders Food Liaison Group Chair
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1. Chairman's welcome and apologies for absence

The *Chair* opened the meeting by welcoming the Committee and speakers to the April 2018 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Aberdeen which was delayed slightly due to a train breakdown south of Aberdeen.

Chair ran through the house keeping arrangements and advised the meeting would be recorded only to aid the writing of an accurate minute.

He welcomed speakers; *Graham Forbes* (#4.1) from FSS and *Elaine Davies* from Aberdeen City Council (agenda item 4.2) presenting at today's meeting.

Apologies were recorded for; *Derek Oliver*, SOCOEHS rep & Food Crime Working Group Chair; *Jane Couper*, Food Standards Subcommittee Chair; *John Armour*, NFUS, *Maureen McLarty*, Feedingstuffs Subcommittee Chair; *Rachel Mirfatahhi*, IFST; *Jane White*,

Association of Public Analysts and *Andy Paterson*, SG. It was also noted that *Jacqui Angus* is attending in place of *LMurray*, FSS.

2. Minutes and matters arising

The *Chair* advised that the draft minutes of the meeting held in Edinburgh on 16 February 2018 had been circulated, and proposed that the Committee go through the minutes page by page, first for accuracy (A) and then matters arising (MA).

There were neither corrections for accuracy nor any matters arising ([link](#)).

3. Actions outstanding

Secretariat noted that all outstanding actions had been completed since the last meeting.

- Action 01.2018 – February 2018 – regards LAs joining the FSS CLIO pilot project – COMPLETED
- Action 02.2018 – February 2018 – *Ryan Bruce* (FSS) to send papers concerning Efficacy of Recalls to *Secretariat* to upload to KHub – COMPLETED
- Action 03.2018 – February 2018 – *Secretariat* advise *Ryan Bruce* (FSS) of LAs that would like to join the FSA Efficacy of Recalls working group project – COMPLETED
- Action 04.2018 – February 2018 – *FLG Chairs* to provide names of representatives for the new short term imports / exports working group – COMPLETED
- Action 05.2018 – February 2018 – *FLG Chairs* to provide names of representatives for the new short term additional official controls working group – COMPLETED
- Action 06.2018 – February 2018 – regards the Food Crime Advisory Group memorandum of understanding (MOU) – ACTION OBSOLETE
- Action 07.2018 – February 2018 – *FLG Chairs* to advise their group members there is a Specialist Officers Network (SON) KHub page ([link](#)) – COMPLETED

Full details of all actions completed prior to this meeting are available in the separate actions document, “SFELC - Papers – Action Points – date”. And in the KHub library ([link](#)) under, “SFELC - Complete set of meeting papers”.

4. Presentations & Current Items

4.1 FSS Audit Update ([link](#)).

GForbes began his presentation by noting that FSS Audit team is to be audited by Sante F (formerly FVO) in 2018, that the audit FSS will be subject to will be similar to the process FSS obliges/requires Local Authorities to undertake. He added FSS along with FSA believe themselves to be in a good position in advance of this audit because they have good interworking with the FSA audit teams and they follow the commission decision 2006/667 ([link](#)). He went on to explain the paperwork, “the audit universe” they have, and discussed the merits of whether to share with SANTE F a “good / substantial” or a “bad / insufficient” FSS LA audit report.

GForbes then went onto discuss the audit themes covered since 2009, those being Regs 853, 852, Imported feed, Dairy, shellfish sampling before the current capacity and capability audit series.

GForbes noted the current series of audits has raised more interest from council CEOs and, highlighted the “reality check” section of each audit and emphasised the great work being done by each authorised officer. Both of which FSS consider to be a good thing. *GForbes* concluded FSS is not carrying out the capacity and capability audit to pick holes in the service, but is there to guide and offer ideas before inviting questions.

LMatthew and *GForbes* discussed whether a root cause analysis (RCA), part of the FSS “Audit Universe” needs to be carried out following a green “substantial” award and if so who writes the document. The answer being the RCA is only required if the audit uncovers problems and that the Local Authority writes the document, that is the lead officer &/or head of service &/or senior management team discuss the document and it is for the LA to decide who signs off the RCA.

The discussion moved onto whether this audit process has led to ring fencing and budgets. *GForbes* advised there is no hard evidence of budget being ring fenced for the food / environmental health service following audits. *MKeeley* and *PBradley* added that ring fencing would increase stability of staffing levels and, noted a concerning hypothetical situation that where an authority with a green “substantial” result could be deemed high performing when yellow “adequately” performing would suffice, could lead to department cuts. *GForbes* advised a solution to this potential situation could be for LA to show FSS documentation detailing its need to maintain staffing thus to maintain results.

Chair referred back to *GForbes* use of the word “disaster” and asked how the service has fared over the last decade given the regular cuts to which *GForbes* replied officers are effective, and generally better and sharper where the LA service has found new ways to adapt to support of the officers. Which *Chair* noted is good to hear.

4.2 ‘Fishy Business’ An Investigation Into Food Fraud.

Chair welcomed *Cat Hay* and *Joe Harkin* on their arrival following their extended train / bus journey this morning and then introduced *Elaine Davies* who began by explaining the presentation slides will not be available for circulation but will be happy to talk to anyone who would like to discuss the case with her.

EDavies noted the food fraud investigation recently concluded at Aberdeen Sheriff Court and while a very challenging piece of work, she learned a great deal including; the benefits of partnership working; investigation skills; having a project manager (SIO); practical skills including, seizing, logging & analysing evidence, schedule 8 forms, interviewing under caution, deciding charges and disclosure. She also kindly offered help/advice to anyone on these areas.

AMorrison also added detail from his experience of the case from his view point from Food Standards Agency in Scotland (as was).

They then summarised their thoughts on whether all the work was worth the outcome before asking if there were any questions. *IMcWatt* asked what / if anything she might have done differently to which *EDavies* & *AMorrison* responded it was a different world then, with no FSAS food crime team, as such they could not confidently say how things might have changed, however *EDavies* noted she would definitely have started on writing her statement sooner. *IMcWatt* also asked if they had been involved in aspects of the plea bargaining to which the answer was no, the PF took control of all that.

Chair thanked the speakers, adding it was a very impressive piece of work. At which point he segued onto the next item of the agenda item 5 “safe spaces”.

Standing items

5. Intelligence gathering – safe spaces

A topic was raised but not noted here.

6. Resources Working Group (RWG) Update

MKeeley gave a brief overview of the previous day’s RWG meeting including;

- the forthcoming work plan detailing a draft agenda for SFELC meetings up to and including December 2018 detailed in agenda item #7 below;
- that the SFELC terms of reference and annual report are both due review and will be brought to the June 2018 meeting for ratification this will be done on via KHub ([link](#)).
- discussions around whether the Sub Committees would need to reinstate the HACCP working group in order to update the CookSafe document with the latest acrylamide guidance, and whether the FHIS working group would need to be reinstated going forward. It was considered no actions were required.
- on a note from the Artisan Cheesemakers working group Highlight Report which asked SFELC to be aware that learning points from the “Incident Management Team report : Outbreak of E. coli o157 2016” remains outstanding. **This is a RWG action that an FSS representative will bring this up at the next Food Standards Sub Committee meeting.**
- the need for *SFELC Chair* to have oversight of all the umbrella Groups and Committees, which led to discussion around a possible name change of the RWG (or future name) so it can be identified more as a project oversight board. A new standing item on the “RWG” agenda will be to review each Highlight Report. **An action was taken (i) for Secretariat to add a poll ([link](#)) to the KHub pages, (ii) and for all group members to vote on the name that will best represent the “SFELC Resources Working Group” (as is currently) going forward.**

NB. Full details of all RWG actions are recorded in the RWG actions log which are available in the separate actions document in KHub ([link](#)), “SFELC Resources Working Group > Library > year month”.

7. Committee work plan

As mentioned in the RWG update, *Chair* noted the work plan has been provisionally agreed until December 2018, all of which can be viewed in KHub ([link](#)) and is to include;

- June 2018 (Perth) the Code of Practice / Annex 5 review / SND; the Food Crime Investigation LA/FSS MoU; the Mobile Street Traders; and ratification of SFELC terms of reference and annual report.
- October 2018 (Aberdeen) Brexit, Imports & Exports, the Nutrition “Out of Home strategy” consultation.
- December 2018 (Glasgow) UK FSS, Approved Establishments, Official Control Verification document, SFELC elections.

8. Food Standards Scotland update

JAngus gave a brief overview of the FSS profile projects including;

- identifying priorities in the development of the programme of work for Brexit and the Regulatory Strategy.
- the progress of the Official Control Verification courses, currently going through evaluation, with future procurement options being considered, and discussions ongoing with the SQA.
- A note that 29 of 32 LAs have completed the SND training, and a timeline was issued regarding the 2017/18 Scottish Food Enforcement Annual Return (SFEAR).
- the Code of Practice consultation would issue shortly and details of the Annex 5 training.
- Regards Feed: that FSS is to progress with the procurement exercise to source service delivery for a centralised model of official controls and enforcement.
- Also a note that new acrylamide regulations came into force on 11 April and BHA has published interim guidance on the same topic.

9. Sub- Committees

After the FSS update *Chair* move on to ask the Sub Committee Chairs present for their updates.

- For the Food Safety Sub Committee *AMorrison* explained they had held their first meeting following a gap that had a long agenda, as it had updates from all 13 of the working groups that reports to it adding this is a large number of working groups to be reporting to a single Sub committee. He added the group is still seeking further volunteers to join the Efficacy of Recalls working group, and as per the RWG meeting noted it might be worth considering the reinvigorated of the FHIS working group.
- In the absence of the Food Standards Sub Committee Chair, *PBradley* outlined the situation noted in the Artisan Cheesemakers highlight report where the outstanding action to look at the learning points from the “Incident Management Team report : Outbreak of E. coli o157 2016” will be considered by FSS and will be taken to the next Food Standards Sub Committee meeting.
- Apologies were given for *MMcLarty* of the Feedingstuffs Sub Committee although to note the FSS update regarding progress in the procurement exercise to source service delivery for a centralised model of official controls and enforcement.

10. Food Liaison Groups

All Food Liaison Group Chairs were present and had nothing additional to add over the content of their submitted highlight reports / minutes ([link](#)).

11. Update by Non-Enforcement members

There were no items scheduled for this agenda item however *CHay* of Food and Drink Federation Scotland noted she would be happy to update at a future meeting.

Information papers

12. Review of action points

Secretariat then ran through the action points and matters of record raised throughout this meeting. Action points are noted in bold red and, matters of record noted with green highlight throughout this document.

Full details of all actions completed prior to this meeting are available in the actions document in eRDM, "SFELC - Papers – Action Points – date".

Additionally actions for RWG are noted in the RWG actions log in eRDM, "SFELC - Resources Working Group - Papers - Action points – date".

13. AOCB

There were several items raised under AOCB at this meeting.

1. *IMcWatt* informed the Committee that, following some recent serious non-compliance issues and fraudulent activity in cold stores and cutting plants that FSS and FSA will jointly undertake a review of all meat cutting plants and cold stores, industry wide, across the UK, whether approved or not. He added the majority of the businesses operating in that sector are compliant but that from a public perspective the industry is only as strong as its weakest link. He gave detail of the nine (9) workstreams that will be involved in the review and noted he will be seeking for help from the LAs and therefore from SFELC during the process of the review.

Following this item; *AMorrison*, *IMcWatt* and *Chair* discussed and clarified that only cold stores and cutting plants are in scope of the review, whether approved or not, and that this review is not a mapping exercise of the entire meat supply chain. Also that all legislative framework and guidance; policies, procedure and processes would be considered; along with the respective roles and responsibilities of all actors in the meat supply chain to the cold stores and cutting plant establishments.

2. *IMcWatt* went on to discuss a current Scotland specific issue concerning the game sector, noting that there are some practices going on which FSS believe are cause for concern regarding; fraud, the public health, hygiene and standards issues. One specific concern being instances where game larders are carrying out processes that are meant only for approved establishments, adding therefore that the risk profile for the game sector has significantly changed. He asked *Chair* to support SFELC and LA colleagues to take forward.

AMorrison mentioned the Food Safety Subcommittee had discussed the Game Larders and the conclusion of the subcommittee would be that to help FSS progress this issue would need help targeting premises. To which *Chair* noted he was sure all LAs would eagerly progress this task on receipt of written instruction.

3. The final AOCB item was raised by *DScott* about GDPR (General Data Protection Regulations). Several butchers represented by the SFMTA have been asked by their LAs for their list of bigger scale customers. *DScott* asked (i) whether LAs have a right to ask that information and (ii) how safe is that in a personal / commercial light being as it is sensitive data and could that request then be subject to an FOI?

To the first question the Committee the answer was yes that this question is allowed to be asked under the Food Scotland Act ([link](#)), specifying that the Competent Authority has the right to ask for any information pertaining to food law. Then in answer to the second question personal data has an absolute exemption from FOIs and commercial sensitive data would be subject to a stringent review before being included in an FOI. As such on the occasion FOIs are received for this type of data they are invariably rejected.

Chair thanked all for attending this SFELC and advised the next meeting would be held on 22 June in the Mercure Hotel in Perth ([link](#)). He then closed the meeting.

Forthcoming meetings

22 June 2018: Meeting to be held in Perth (Mercure hotel)

05 October 2018: Meeting to be held in Aberdeen (Pilgrim House)

07 December 2018: Meeting to be held in Glasgow (Atlantic Quay)

08 February 2019: Meeting to be held in Edinburgh (St Andrews House)

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