

Scottish Food Enforcement Liaison Committee minute

Friday 22 June 2018: 10:00 for 10:30

Venue: Mercure hotel Perth, West Mill Street, Perth, PH1 5QP. Tel: 07881 281 206 or 0844 815 9105.

Members present

William Hamilton (Chair)	Scottish Food Enforcement Liaison Committee
Catherine Ferro (Secretariat)	Scottish Food Enforcement Liaison Committee
Douglas Scott (D. Scott)	Scottish Federation of Meat Traders Association (SFMTA)
Cat Hay (C. Hay)	Food and Drink Federation Scotland (FDFS)
Catherine Boyd (C. Boyd)	SOCOEHs rep
Lindsay Matthew (L. Matthew)	SFELC Vice Chair & Convention of Scottish Local Authorities
Helen Henderson (H. Henderson)	East of Scotland Food Liaison Group Chair
Martin Keeley (M. Keeley)	Royal Environment Health Institute of Scotland
Paul Bradley (P. Bradley)	SFELC Honorary Secretary
Jane Couper (J. Couper)	Food Standards Subcommittee Chair
Andrew Morrison (A. Morrison)	Food Safety Subcommittee Chair
Bryan Campbell (B. Campbell)	Food Standards Scotland
Rachel Mirfatahhi (R. Mirfatahhi)	Institute of Food Science and Technology (IFST)
Izzy Childs (I. Childs)	Lothian and Borders Food Liaison Group Chair
Andrea Carson (A. Carson)	North of Scotland Food Liaison Group Chair
Lorna Murray (L. Murray)	Food Standards Scotland

1. Chairman's welcome and apologies for absence

The *Chair* opened the meeting by welcoming the Committee and speakers to the June 2018 Scottish Food Enforcement Liaison Committee (SFELC) meeting in Perth, and welcomed *Catherine Boyd* who has replaced *Derek Oliver* as the new representative of the Society of Chief Officers of Environmental Health Scotland (SOCOEHS).

The *Chair* gave his thanks to *Derek Oliver* for having contributed to SFELC in many ways over the years; for having been the Chair of the Food Crime Working Group since its inception in 2015 and the SOCOEHs rep at SFELC. He noted Derek's day job since his move to East Lothian has required greater time and wishes him all the best going forward. As such, the Food Crime WG is, therefore, looking for a replacement.

Apologies were recorded for; Andy Patterson; SG, Ian McWatt; FSS, Jane White; Association of Public Analysts, Joe Harkin; West of Scotland Food Liaison Group Chair, Maureen McLarty; Feedingstuffs Sub-committee Chair.

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

He welcomed speakers; Bryan Campbell (agenda item 4.1) from FSS and Andrew Morrison from Aberdeen City Council (#4.2) presenting at today's meeting.

2. Minutes and matters arising

The *Chair* advised that the draft minutes of the meeting held in Aberdeen on 20 April 2018 had been made available on Knowledge Hub (KHub) 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 there were no actions taken at the April meeting and all the outstanding actions had been completed since the February meeting.

Full details of all actions completed prior to this meeting are available in the KHub link ([link](#)) under, "SFELC - Complete set of meeting papers". Then "appropriate meeting", then "item 03 actions".

4. Presentations & Current Items

4.1 Scottish National Database / Annex 5 / Food Law Code of Practice (FLCOP).

B. Campbell began by detailing there are now 29 of the 32 Scottish LAs successfully connected to Scottish National Database (SND) live and a further 2 at testing stage, with the final LA in discussions with FSS. This followed a programme of training in March 2018, noting that it had been a long but worthwhile process.

Then, in terms of Annex 5, he detailed that there are already 10 LAs using the new food law performance rating system, with 2 more interested to start shortly. He added that the implementation date for the project is 1 April 2019.

Finally he explained the 3 phases being undertaken in the FLCOP (Scotland) review (i) the review of the existing consolidated code including the consultation which is open ([link](#)) and will close on 21 September 2018 (ii) updating the code to reflect the new food law performance rating system and finally (iii) any additional revisions to the code itself to cover items raised largely by Brexit.

On completion, the *Chair* began the Q&A session by asking when will FSS know the FLCOP Annex 5 is working as well as it should, whether there are particular milestones that will be accomplished and whether there will be particular pitfalls to

avoid? *B.Campbell* responded that Implementation Working Group have only had to make a few minor refinements to the original document which occurred through the pilot process. It's difficult to know how the chosen intervention frequency will work, but there is the option to adjust the frequency if required.

L. Murray advised that the Annex 5 consultation stakeholder event for the Code Review will take place toward the end of August which could help those who intend to respond to the consultation, to engage with the process and therefore hopefully help to identify / iron out other finer details. *B. Campbell* added it is anticipated this event is not just for regulators, but will have a wider invite list particularly with the size of the change that is coming.

P. Bradley then noted that both the FSS consultation and stakeholder event would close before the next SFELC meeting (October 2018) as such pointed out the Committee would have to draft, agree and submit a response electronically. Following on from which the *Chair* advised FLGs to be aware of the consultation and consider their responses at their next meetings.

Action 08.2018 – The *Chair* to submit SFELC response to FSS

Additional discussions noted that FSA is looking to FSS to see how the FLCOP (Scotland) review progresses, including merging the “Framework Agreement”. The following questions were answered by FSS;

- *C. Boyd* asked whether the plan is to get LAs involved with Annex 5 by phased approach? Answer = Yes, once the LAs have had the 1 day training they can then choose to become early adopters if they wish.
- The *Chair* wanted to know when the issue surrounding Approved Establishments would be resolved? Answer = this was identified as a separate work stream at the very start, however the *AE Working Group* could possibly suggest the frequency for approvals could be set at 12 month intervals. Once the pilot has run its course and been evaluated there may be a better answer. Additionally the EU exit process could have a great influence on this as the approved business are generally trading with EU partners and exporting to third countries.
- *L. Matthew* asked whether the format of the FLCOP is within the scope of the FLCOP (Scotland) review consultation process. Answer = Yes, depending on the outcome of the review the consultation may be a selection of interventions codes with guidance and hyperlinks between documents.

The Chair closed this part of the agenda and thanked all for their contribution.

4.2 Food Crime memorandum of understanding (MoU).

A. Morrison began by speaking about how there had been a need for an MOU between FSS and LAs since the establishment of the Scottish Food Crime and Incident Unit

(SFCIU) in 2015. Key factors in this document are partnership working, decision making, the Scottish food crime model of investigation, intelligence sharing and confidentiality as laid out in the National Intelligence Model (NIM).

He laid out the process for the Scottish Food Crime Model, beginning with information received, how this would be rated, handled, and how intelligence would be developed including the details of where and when this information would be shared. He also stated that when drafting this MOU document, the working group spent a great deal of time determining which organisation would be best placed to lead on certain pieces of intelligence, and discovered underlying this issue was questions about who would get the credit for the work. From there it was decided that any publicity would be jointly branded between all parties involved.

A. Morrison closed his presentation by noting that the MOU document specifies the need for training on all aspects and that the document itself would have a review once in use and after 6 months.

L. Matthew began the discussions by noting that training is required; specifically on what constitutes intelligence; how to rate it and suggested that case studies would help in achieving consistency in rating intelligence. *A. Morrison* reinforced that the working group, including FSS and LAs, would roll out training - which in turn would cover the above points and also help to build relationships and trust between all parties. The key take-home message being “intelligence is suspected or perceived crime”.

M. Keeley noted that there needs to be a mind-set change so that if an officer sees something that does not look right, that he/she should report this information. *B. Campbell* added that within the Food Law Code of Practice review there is a section on food crime and this could be the place to have a section or a form on “suspicious activity” as a prompt to officers.

L. Murray, the *Chair* and *A. Morrison* then broadened the conversation by considering the wider role of intelligence from Scottish LAs and FSS, and how this would play in putting intelligence into the wider UK intelligence picture, including the “Traces” system.

The *Chair* closed of this discussion and suggested a 10 minute break.

4.3 Mobile Street Traders.

On recommencing the meeting, *W. Hamilton* began his presentation on Mobile Street traders, detailing some of the legislation underpinning what is required to be a street trader, the lengthy and expensive process currently undertaken to become a street trader and obtain their licence. He explained that the journey of this working group began in 2011 when an individual FBO approached a Minister with concerns, the solutions were to create a national standard and to change the law so that a single certificate of compliance would be accepted by every Scottish LA. The national standard was duly drafted, a positive step for businesses, and to the satisfaction of the SG better regulation team. He also outlined how this would be a sizeable issue for

food LAs to deal with - requiring a new database, new forms and guidance on the overarching process.

The WG will conduct a consultation on the guidance and then deliver a roadshow to get relevant staff up to speed with the requirement of the change. In the discussions that followed, *C. Boyd* welcomed the reduced number of inspections that would be required and asked whether an effort has been made to determine what time period should be considered as appropriate before an inspection is undertaken by any individual Authority – in the light of pressure on LAs to avoid over-inspection of units. *W. Hamilton* responded that the working group have never tried to define such an inspection time frequency, but that this matter could be explored during the forthcoming consultation.

B. Campbell noted that the new forms and databases required for this new system would all have to comply with the new GDPR regulations and offered his help in support of this. *M. Keeley* commented that this situation relates only to street traders that are licenced for regular work but that there would be a different set of situations for the mobile traders that appear at festivals / events – not under a Street Trading Licence. *W. Hamilton* was aware of both these issues and advised that the WG is considering these complexities.

Action 09.2018 - *W. Hamilton* to circulate Mobile Street Traders guidance document to SFELC and SOCOEHS for approval / matter of record.

4.4 Ratification of the SFELC terms of reference document for 2018.

P. Bradley introduced the item on the 2018 reviewed SFELC Terms of Reference document. He noted there had been a number of contributions added via the review on the Knowledge Hub (KHub) platform and asked the Committee that having read through the review comments, whether they would be happy to accept all the suggested comments? All agreed to this suggestion.

Matter of Record A/2018 – Ratification of the SFELC terms of reference document for 2018. This was agreed, there was no dissent.

Standing items

5. Intelligence gathering – safe spaces

There were no topics was raised at this section of the meeting today.

6. The SFELC Executive (TSE) formerly the Resources Working Group (RWG) Update

M. Keeley gave a brief overview of the previous day's RWG meeting beginning with;

- The agreement for the name change of the Resources Working Group to become The SFELC Executive. The SFELC Executive had long considered that the RWG title did not fully reflect the scope of the work they covered, but that the new title does. There was no disagreement to the name change.

Matter of Record B/2018 – The Resources Working Group (RWG) becomes “The SFELC Executive” (TSE). This was agreed, there was no dissent.

- He explained that the SFELC Executive had reviewed the Highlight Reports that had been submitted, primarily with the aim of bringing more Working Groups to present their outputs at future SFELC meetings so that their work is visible and gives groups the opportunity to work together where areas overlap. In addition, there is the intention to hold a meeting with all the Working Group Chairs to discuss communications, engagement and links between and across the Groups. The *Chair* and *L. Murray* to progress.

ACTION 10.2018 - The *Chair* and *L. Murray* to progress meeting with SFELC WG/FLG/SC Chairs regards engagement.

- *M. Keeley* noted the discussion by TSE of the ongoing discussions around Less Than Thoroughly Cooked Burgers and the agreement that the guidance produced in May 2016 should now be published on the FSS SFELC webpages.
- Finally he added that TSE had discussed FSS's pursuance of a “Food Crime Strategy” work stream and were considering the overlaps / duplications between its remit and that of the Food Crime Working Group. *L. Murray* to progress with FSS colleagues.

NB. Full details of all TSE/RWG actions are recorded in the TSE/RWG actions log which are available in the separate actions document in KHub ([link](#)), “SFELC Executive (formerly Resources Working Group) > Library > TSE – Papers - year month > Item 02 - Actions”.

7. Committee work plan

As mentioned in the TSE/RWG update, The *Chair* noted the work plan had been provisionally agreed up to and including the December 2018 meeting, finer details including speakers were discussed and it is sitting as follows;

- October 2018 (Aberdeen, Pilgrim House) Brexit, Imports & Exports, the Nutrition “Out of Home strategy” consultation.

- December 2018 (Glasgow, Atlantic Quay) UK FSS, Approved Establishments, Official Control Verification document, SFELC elections.

The Chair asked the Committee members if they had any ideas for future agenda items.

8. Food Standards Scotland update

For her update *L. Murray* began by thanking all involved in all the FSS profile projects and noted the work is materialising. She gave details of;

- Feed – The procurement processes to be undertaken for the feed official controls and linking to that how the resulting changes would mean the Feed Law Code of Practice document would become more like the FSS meat official controls document.
- FHIS & Annex 5 – noting there may be a need for a very short term working group to discuss how these will dovetail together and to ensure there is just one FHIS guidance document, in comparison to several that currently exist.
- Cutting plant and cold store review – phase 1 is completed and phase 2 is about to begin. This phase 2 will require all parties to engage and bring ideas for further engagement.
- LA training – *L. Murray* noted (1) it is difficult to determine the availability of funds for training this year due to the unknowns surrounding EU Exit, but FSS will aim to provide training on import/export. (2) the procurement process it underway around the Official Control Verification in Food Manufacturing course following the evaluation of the pilot course and (3) she welcomes views on other training required. She also noted FSS now has a bespoke Predictive Modelling and Challenge Testing course which could be rolled out quite cheaply.

Comments and discussions on this update included *D. Scott* noting industry might appreciate taking this course and, *C. Hay* added she could circulate webinars produced by Food and Drink Federation (FDF)

ACTION 11.2018 - *C. Hay* to send details of FDF webinars to Secretariat who in turn will circulate to Committee.

L. Matthew echoed that Officers do find webinars a good means of learning and would appreciate more availability of webinars, to which *L. Murray* agreed, noting that to date, FSS would like to create a suite of webinars but have not yet had the resource to do so.

9. Sub-committees / Working Groups

AND

10. Food Liaison Groups

On the introduction of these agenda items the *Chair* began by giving thanks to all those involved in the working groups that there are approximately 80 individuals who do not attend SFELC meetings and yet are doing much of the creative thinking. He reiterated his aim of getting the Working Groups, Food Liaison Groups and Sub-committees Chairs together to engage with them and to discuss how best to coordinate all the work that is progressing. He noted that the Highlight Reports have been a good first step toward this goal.

He then moved on to ask the Chairs to provide exception reporting.

Sub-committees - nil

Food Liaison Groups – nil

Working Groups - nil

No Sub-committee, Food Liaison Group or Working Groups Chairs had anything additional to add over the content of their submitted highlight reports / minutes ([link](#)).

Before moving on to the *Cat Hay's* presentation, the *Chair* reiterated that the Food Crime Working Group is seeking a new Chair following *Derek Oliver* having stepped down from that position.

11. Update by Non-Enforcement members

This presentation by *C. Hay* of Food and Drink Federation Scotland (FDFS) started with an update on their new members and moved on to her presentation, “Ten things she has learned about the food industry” since return from her sabbatical.

She began with noting the strong effect television now has on policy-making including celebrity chefs campaigning against obesity at both Scottish and UK Governments. While stating no one is denying obesity is a real problem, she noted that food businesses would rather policies are made based on proportionate evidence as opposed to that based on tabloid headlines.

She went on to discuss that big businesses are continuing successfully with reformulation; how cooking from scratch may help the health of the nation; the sugar levy, good labelling versus too much information and opportunities that arise from this post-Brexit.

C. Hay then explained the phrase, “the blue planet effect” where consumers now seem to expect an almost instant knee-jerk reaction from big business to television programmes - for example the problem of plastic in the oceans - and she detailed a specific example of how one of the FDF Scotland members repackaged a food item. She finally went on to discuss apprenticeship levies and the habits of “Generation Z”. Within all this she put a key question to the forum given this complicated landscape,

“what can be done to make it easier for smaller businesses to trade and export” up to, around and beyond Brexit?

Questions and discussions between *Chair* and *C. Hay* then were;

- Is there anything the manufacturing sector can teach the catering sector about portion control, i.e. business-to-business? *C. Hay* responded ‘yes, FDF Scotland’s members is looking into what can be done, and that there was a backlash over “shrinkflation” which came about through a voluntary calorie cap on snacks that ruled all treats should be less than 250 kcal per portion. Industry believes it is doing good for consumers, but could have done better to positively message the changes and work harder to bring their customers along with them.
- It was also noted that businesses had not been aware of the calorie content of some of their foods until the roll-out of MenuCal at which point they were receptive and keen to play a part in reformulating. LA officers are well placed to transmit these FDFS and IFST messages out to the businesses.

L. Murray added that the best way to get traction on healthier eating is with businesses at the table, all bringing together their own possible solutions. Then, for government departments to work together with Local Authority departments and all other partners including FDF etc, to connect and all be a part of a bigger solution.

The *Chair* thanked *C. Hay* for her interesting presentation and moved on to review the actions points.

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 KHub, “SFELC - Complete set of meeting papers”. Then “appropriate meeting”, then “item 03 actions”. ([link](#))

Additionally actions for the SFELC Executive TSE/RWG are noted in the TSE/RWG actions log in KHub, “SFELC Executive (formerly Resources Working Group) > Library > TSE – Papers - year month > Item 02 - Actions”. ([link](#))

13. AOCB

There were several items raised under AOCB at this meeting.

R. Mirfattahi noted that IFST has an annual lecture ([link](#)) this year on food diet and public health on 27 June in London with a satellite link to Dunfermline. If you are interested in attending to speak to Rachel.

P. Bradley drew attention to the fact that the agenda, approved minutes, presentations and highlight reports for each meeting, beginning February 2018, are all on the SFELC KHub Open Group page ([link](#)), and that this may save emailing of large documents.

M. Keeley reiterated that there is a call-out for a Chair for the Food Crime Working Group since *Derek Oliver* stood down last month.

Finally, the *Chair* announced that this was Catherine's last meeting, before taking a career break. He thanked her for her hard work and invaluable support as Secretariat both to himself as Chair and also to the wider Committee. Specifically, the *Chair* noted her greatest legacy would be the setting-up of the Knowledge Hub groups which will be an advantage to SFELC for many years to come.

The *Chair* thanked all for attending this SFELC meeting and advised that the next meeting would be held on 5 October 2018 at the offices of Food Standards Scotland, in Aberdeen ([link](#)). He then closed the meeting.

Forthcoming meetings

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