

# ‘Stock-take’ Meeting Summary Report



<b>Report to:</b>	Scottish Food Enforcement Liaison Committee (SFELC)
<b>Report from:</b>	SFELC Chair
<b>Date :</b>	14 October 2014
<b>Report by:</b>	Craig Brown – Chair
<b>Subject:</b>	June 2014 ‘Stock-take’ Meeting

## 1. Purpose of Briefing Paper / Discussion Document

The purpose of this report is to summarise the feedback received at The Committee’s June 2014 stock-take meeting and make recommendations on how to create an action plan to take forward the issues raised. It was agreed this report would take the place of the SFELC annual report for 2013-2014 and 2014-2015.

## 2. Summary of Recommendation(s) / Actions Required

The Committee is asked to approve the recommendations and actions listed in section 7.

## 3. Background

The Stock-take meeting was an event organised by the Scottish Food Enforcement Liaison Committee (SFELC or “The Committee”), held on Wednesday 4 June 2014 in Perth. Invitations were sent to all SFELC members, LA representatives from the Food Liaison Groups (FLG), representatives of the SFELC working groups and individuals who have been involved with aspects of food safety enforcement in recent years. Representatives were present from 21 Scottish local authorities, the 3 SFELC subcommittees, the Royal Environmental Health Institute of Scotland (REHIS), the Convention of Scottish Local Authorities (COSLA), Science and Advice for Scottish Agriculture (SASA), Society of Chief Officers of Trading Standards in Scotland (SCOTSS), Society of Chief Officers of Environmental Health in Scotland (SoCOEHS), National Farmers Union Scotland (NFUS), the Scottish and Northern Ireland Fish and Shellfish Working Group, the Sampling and Surveillance Working group, Scottish Bakers and Scottish Food Advisory Committee (SFAC) at the event.

The principal reasons for this event were to consider:

- SFELC’s output in recent years;
- The implications of the Regulatory Reform Act in relation to food safety; and
- The transition from the Food Standards Agency in Scotland (FSAS) to Food Standards Scotland (FSS) and reflect on the Scudamore Expert Advisory Group (EAG) recommendation on the role of SFELC.

The format of the meeting comprised of three workshop groups in the “World Cafe” style facilitated by Paul Bradley, William Hamilton and Craig Brown. Delegates were split between the groups with each having representation from the four FLGs. Discussions were prompted by the facilitator and delegates wrote their comments on ‘post-it’ notes which were collated on flipcharts. The comments are all recorded in Appendix 1 of this report.

The meeting was chaired by Craig Brown Chair of SFELC. The SFELC Secretariat and Chair produced this report with input from the delegates’ notes and others who could not attend but provided written comments.

#### **4. Summary of the pure data from the workshop groups**

The pure data from the workshops (the text from the post-it notes) is written up in full in Appendix 1. The comments have been listed under the broad topics of each workshop and grouped according to the key themes that evolved from the workshop sessions. The general themes are summarised below:

##### **4.1 SFELC Guidance**

It was clear that guidance to support enforcement staff and managers was valued and continues to be needed. Indeed many suggestions were made for areas where new guidance could be required.

Comments received give a clear indication that some of the guidance needs to be reviewed to see if it is still appropriate. Suggestions were made that all guidance should have an automatic review date to ensure the continuing relevance of the guidance.

A significant number of comments were made in relation to the importance and status of the guidance. A number of comments suggested that the guidance should be incorporated into the Food Law Code of Practice (CoP) or Practice Guidance.

Accessibility of documents is an issue and it is clear from the comments made that SFELC documents need to be made easier to access. Numerous suggestions were made in relation to improving the web site and communication arrangements in general.

Resourcing issues and changing work practices were highlighted as the reasons that easy access to current guidance was required.

##### **4.2 Better Regulation**

###### **4.2.1 Primary Authority:**

Positive comments in relation to a Scottish Primary Authority (PA) Scheme were few and far between. Although there was a common aspect to the comments made in that there could be a role for Food Standards Scotland in ensuring the effective implementation of the scheme.

Some comments raised concerns on consistency and resourcing issues around a Scottish scheme.

The majority of comments received actually posed questions about the scheme and how it would operate. This suggests that clear guidance will be required for the successful operation of the Scottish Scheme.

#### 4.2.2 Scottish Regulators Code of Practice

A variety of comments were received with ensuring consistency being mentioned as an issue and again resources highlighted.

#### 4.2.3 General Comments

The benefits of Fixed Penalty Notices (FPNs) and also licensing of food businesses were raised in general discussion.

#### 4.2.4 Food (Scotland) Bill & Liaison Arrangements

This workshop considered the future of liaison under FSS and the new powers in the Bill. In particular;

- do we want to lobby for any of the new powers to be implemented and which ones?

#### 4.2.5 Mandatory Food Hygiene Information Scheme (FHIS)

The comments from all three groups showed broad support for a mandatory scheme incorporating the display of certificates. These comments were qualified in some cases to in relation to any scheme being consistently implemented and that the existing scheme is reviewed.

#### 4.2.6 Enforcement Powers

Again there was broad support for the introduction of Fixed Penalty Notices from all three groups. FPN's are seen as being useful particularly for food standards offences. Comments highlighted consistency of application would be a key element to their introduction. Similarly, Compliance Notices were welcomed for food standards issues.

#### 4.2.7 Licensing & Registration of Food Businesses

Licensing of food businesses was raised by two of the three groups and was suggested as a way to address the failings of the current food registration arrangements. In particular, comments suggested that licensing would help identify the food business operator.

- Is the current liaison network sustainable, will people still be able to commit their time and will their employer allow them?
- All three groups recognised that resourcing the existing and future liaison arrangements would be challenging.
- Is there anything that needs to be improved in relation to liaison?
- The comments identified the benefits of SFELC and the need to have a similar committee when Food Standards Scotland is established. Delegate comments highlighted that this would be a good time to review the remit of SFELC and its successor.

## **5. Discussion**

### **5.1 SFELC Guidance**

Typically guidance issued by SFELC arose from within the Food Liaison Groups and came to SFELC via the Sub-committee structure. In recent years there has been a shift to creating guidance based on identified needs stemming from meetings with senior local authority staff or in support of FSA initiatives. The common factor has always been the involvement of LA officers actively involved in food safety service delivery and management.

Comments received at the workshop have highlighted 13 areas where guidance may be required and in addition it was identified that the existing guidance needs to be reviewed. These comments portray the food safety enforcement community in a very positive light; reflecting a desire to ensure consistency. However, some of the comments raise a concern that there is an unrealistic understanding of the resources SFELC has to prepare and issue guidance. (“SFELC needs to produce guidance...” and “SFELC should still produce...”) These views are consistent with discussions at the Resources Working Group (RWG) that there is less guidance coming from within the liaison group network and an increasing expectation that SFELC will provide guidance.

A comment was made concerning Local Government Regulation (LGR) (formerly known as LACORS) during one of the sessions and this is very relevant in terms of understanding the context in which the requests for guidance have been made. LG Regulation and its predecessor bodies did produce some excellent guidance, some of which is still used today. Since the demise of LACORS there has not been a central point for the provision of advice to local authority services. In Scotland the obvious route to go to try and fill the gap left by LACORS is to SFELC. SFELC has attempted to plug some of the void left by LACORS, however it is unreasonable to expect SFELC to take over that role completely. Crucially it must be remembered that LACORS received funding from local government and employed staff to provide the guidance and advice for local authorities.

The comments relating to the importance and status of the guidance are interesting when considered in the same context that LACORS no longer exists. SFELC is an advisory committee to FSA in Scotland and aims to provide a forum to ensure consistent enforcement of food safety legislation. With FSS replacing FSA in Scotland from April 2015, it is an appropriate time to consider what role a Committee such as SFELC should have under FSS. In order to address the questions that have been raised in relation to the status of SFELC advice, it will be important to have clearly defined Terms of Reference and corporate governance arrangements. More importantly, there will need to be a willingness from within local authorities to support SFELC or a similar Committee in the future.

### **5.2 Better Regulation**

The comments received suggest that the successful implementation of the Scottish Primary Authority Scheme will need to be supported by clear guidance on how the scheme should operate. The need for consistency was mentioned both in relation to the Primary Authority Scheme and also the Regulators Code of Practice. The provision of clear guidance should help prevent inconsistent operation of the scheme.

The existing liaison arrangements at regional and national levels will assist in providing consistency in the application of the Regulators Code of Practice.

Again the recognition for the need to be consistent should provide encouragement to FSA and the Scottish Government that the Primary Authority Scheme could operate effectively once additional clarification is provided.

### 5.3 The Food (Scotland) Bill

The comments received indicated broad support for a mandatory food hygiene information scheme and the introduction of fixed penalty notices. It is interesting to note that despite the voluntary scheme operating in all Scottish local authorities, there was a clear view that the basis of a mandatory scheme needs to be carefully considered. The current voluntary scheme could be used to identify any issues that a proposed mandatory scheme would need to overcome. It may even be the case that the national coverage provided by the voluntary scheme negates the need to introduce a mandatory scheme in the future.

Consistency of application and interpretation was discussed and will be vital for the successful implementation of a mandatory Food Hygiene Information Scheme (FHIS) and application of Fixed Penalty Notices (FPNs). The Food Liaison Groups and the forums provided by SFELC will be ideal to provide consistency if new enforcement powers are introduced. For any liaison network to operate effectively it needs to be adequately resourced. The largest resource required is the time commitment from the members of the liaison groups, committees or working groups. Finding the time to commit to liaison activities will be one of the biggest challenges facing local authorities and FSA / FSS in the coming years. If liaison group members are able to give their time to liaison activities, participate in national committees and working groups then the guidance which helps engender consistency should continue to be provided.

Licensing of food businesses was raised in two different workshops and was suggested as an alternative to the existing food registration system. Identifying the Food Business Operator (FBO) can sometimes be difficult and anecdotally it was suggested that changing the registered FBO was a tactic used to avoid formal action. The introduction of licensing could be an alternative to a mandatory FHIS, in the same way that butchers licensing maintained the standards required to obtain the licence.

## **6. Conclusions**

The volume of feedback received has demonstrated the value for SFELC in hosting this type of event. Workshop meetings have been held periodically and provide a valuable opportunity for SFELC to hear a variety of views from enforcement officers in particular. This style of meeting is beneficial to attendees and provides an opportunity to express their views directly to SFELC members.

Feedback from the June 2014 meeting has confirmed that local authority staff value the work SFELC does in providing guidance and recognised the benefit of the SFELC structure to provide consistency and co-ordination. It is also very clear that things could be improved in relation to maintaining the currency of guidance, easy access to guidance and in respect of governance arrangements for SFELC and any successor body.

The introduction of FSS in April 2015 provides an ideal opportunity to attempt to address some of the issues raised at the meeting. The governance arrangements need to be considered soon, if SFELC is to continue (even in an interim basis) from April 2015. SFELC is currently an advisory committee to FSA, and FSA will not exist in Scotland from April 2015. The creation of a new national competent authority for Scotland will involve a great deal of work and creating a new committee is potentially further down the list of priorities. Keeping SFELC going would provide a degree of continuity during a period of change. If this was an interim arrangement it would give an opportunity for the FSS Board and Chief Executive to consider any long term arrangements they would like to put in place for liaison with local authorities, food businesses, consumers and other interested parties. An interim arrangement would also be beneficial to provide a reasonable period of time to consider the questions that have been posed in relation to the status of guidance provided by SFELC or any successor body.

The biggest challenge facing SFELC is being able to resource the expectation to maintain the co-ordination role and provision of guidance in relation to food safety. SFELC has provided a forum for FSA to liaise directly with local authorities via COSLA and SOCOEHS members to co-ordinate enforcement activity. The effectiveness of this was perfectly demonstrated during the response to the horse DNA incident. It is therefore in the interests of local authorities and FSS to take the time to consider how existing liaison arrangements can be maintained, improved and sustained in the future.

Examples exist from previous co-ordination bodies such as LACORS (now LGR) and from other enforcement disciplines such as the local authority unit within the Health and Safety Executive (HSE) that could inform the process to build upon SFELC's success. Significantly, both these bodies were funded and it could be difficult to justify the additional costs that would come from establishing a similar system for food safety in Scotland. However, local authorities will need to consider whether the benefits outweigh the costs of releasing officers for liaison activity. Additionally, FSS will need to consider if it can continue to expect local authorities to give their officer's time free of charge. Critically, local authorities and FSS will need to consider whether it is realistic to expect that officers will continue to give their personal time to SFELC or its successor.

It is important therefore that all parties take the time to reflect on the comments that have been received at the June meeting and determine how the benefits SFELC has provided can be continued under FSS.

## **7. Recommendations**

SFELC is asked to endorse the following recommendations:

- 1 The Sub-committees and Working Groups that generated the guidance issued by SFELC, should review the comments received at the June meeting and determine if any amendments are required to their guidance by February 2015.
- 2 The Resources Working Group review the comments received, prioritise the items and determine the actions required to make progress.
- 3 The Chair should discuss a joint letter with the Society of Chief Officers of Environmental Health in Scotland be sent to the FSS Programme Board or relevant Project Board to discuss plans to establish liaison arrangements with FSS.
- 4 SFELC should seek to maintain a degree of continuity of the existing arrangements during the establishment of FSS.
- 5 SFELC should suggest to FSS that the website is preserved as a library for guidance and that development of the website is a priority for FSS.
- 6 SFELC should pass a copy of the report to the FHIS Implementation Group to advise the group of the comments relating to a mandatory scheme.

## **8. List of Papers Attached**

Appendix 1 – Attendees comments.

### **Key:**

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Where there are asterisks at the beginning of the comment these were considered by the meeting delegates to be of importance.

under lined

Where items are underlined, these were comments that we were unsure of the exact meaning.

Appendix 2 – List of acronyms

## APPENDIX 1

### Workshop 1 – Paul Bradley – SFELC Guidance

#### Specific Guidance: Cross Contamination

1. Cross contamination strategy – what next
2. \*\*\*\*\* Cross contamination guidance excellent document and was fully adopted. Officers have appreciated having the opportunity to work with higher risk businesses to get change instead of visiting lots of low risk business. Was positively revived by business and has achieved effective change. Would hope that similar guidance is produced for future projects / changes.
3. Cross contamination strategy guidance – good in principle – should deal with businesses until risk managed – managing / monitoring by flags etc a challenge but principle could be simplified.
4. Implementation of cross contamination guidance is too complex and needs reviewed and simplified.
5. Cross contamination strategy was not practicable with limited resources but a useful baseline.
6. SFELC Cross contamination strategy was seen as very complex and onerous to implement.

#### Competence Matrix

1. More direction required for Lead Food Officer terms of reference for delivery of food controls.

#### Sampling Programme Guide

1. Sampling guidance is good and welcomed

#### Training Guide

1. Training enforcement matrix – next element should be to start detailing the actual “courses”, - resources, training time required for each stage.

#### Article 5

1. Article 5 document should be reviewed in terms of still being fit for purpose.
2. SFELC – Article 5 guidance → redraft so that it is more → not got or → do this → doing this

#### Gaps in current guidance:

1. New guidance. Enforcement policy.
2. Need for follow-up cross contamination guidance
3. \*\*\*\*\* SFELC Guidance / Template needed for interventions. Each LA requires to have an intervention policy. Refer to old LACORS document as a starting point. This guidance was a very useful document for officers and particularly students.



4. \*\*\*\*\* Greater consistency between officers in Annex 5 scoring is needed. \*Clear definition of baseline for what is accepted as a minimum for Article 5 compliance\*.
5. SFELC need to produce guidance on enforcement practices
6. Provide guidance on food standards for specific sectors
7. Work previously done by LACORS – not clear what happens for food complaints – Knowledge Hub or FSS?
8. Industry guide (1) sandwich manufacturers (2) labelling guidance to include modified atmosphere packing.
9. Additional guidance for Approved Premises. (1) new CoP guidance (2) use of Northern Ireland food group IVS guidance is used regularly. (3) use of RAN's – examples of contravention & remediation.
10. RAN Guidance and guidance about mobile traders is required.
11. Guidance / Industry Guides required for the trade on FIR / labelling generally – FSS website?
12. SFELC should still produce guidance for managing food services along with guidance on practical implications.
13. SFELC guidance should also be developed from industry.

#### General Comments: Drafting Guidance -

1. What about cross-contamination useful as allowed quality time with businesses, would be good to have other topics dealt with the same way. Detailed focus Scotland wide over set time period. If this happens allow planning and implementation time. Communication improved.
2. Look at good practice from other groups within the UK + worldwide
3. Essential to have good secretariat function with it.
4. Administration an issue within SFELC

#### Status / Importance of guidance -

1. SFELC guidance well received generally by all
2. FSA would not have delivered substantial areas of policy development and implementation without SFELC.
3. Could training guidance, competency matrix + sampling guidance be included in the Practice Guide. Would also enable update when practice guide reviewed.
4. SFELC guidance → Training can it get linked to CoP / practice guidance → an enforcement policy from either SFELC or FSS tool to help consistency
5. SFELC work on Cook**Safe** / butchersafe and FHIS is not acknowledged but needs to be. This work was possibly the two biggest areas of SFELC delivery
6. SFELC Guidance – rebrand them as “Practice Guidance” “Best Practice Guidance” or similar so it chimes in with the CoP.
7. Should guidance be produced that allows for an opt in / opt out arrangement?
8. Status of SFELC decisions need clarified

9. Status of SFELC & guidance produced needs to be clarified & also re enforced with front line staff.
10. The term "Guidance" is too weak and tends to be disregarded by officers on the ground.
11. Increasing demand for SFELC Guidance due to → fewer experienced officers → less specialisation of EHOs in LA's → officers home working.

#### Review of guidance -

1. \*\*\*\*\* Each item of guidance should → have a review timetable → have a status in relation to FSS depending on content (eg included in practice guide)
2. Guidance must be accessible & current
3. Training guidance should be reviewed. All doc's should be reviewed / updated regularly.
4. Needs to be a timeframe against documents produced to ensure appropriate review.

#### Communications (website!):

1. \*\*\*\*\* need a Scottish version of Knowledge where SFELC has a section and LAs can put documents / policies / procedures onto. Allow browsing of available info – maybe FSS could host such a system.
2. Need for (1) a means of accessible information exchange e.g. secure intranet / extranet (2) more visible branding where SFELC has contributed or published (website).
3. SFELC website needed with closed (LAs only) & open (public) parts.
4. SFELC awareness FSS to write out to LAs chief Exec / Heads of Service re importance of SFELC (or replacement) guidance.
5. A Scottish Knowledge Hub. A better website for guidance, ref, contacts in other LAs groups, links to other agencies even a secure part for discussion boards
6. SFELC awareness (or what comes after March '15) → need for LA snr manager out with EH to know what SFELC is to give guidance doc etc. the acknowledgement / support required (inc budget / resources) → FSA / FSS endorsement inclusion in CoP / Guidance
7. Use of liaison groups for training based on SFELC guidance doc.
8. Web structure needs to be reworded to make docs easily searched – look at HSE site. [<http://www.hse.gov.uk/>]
9. Formal process of using liaison groups to respond to draft SFELC guidance + use groups to provide training on finally issued guidance
10. Branding of information (eg HSE / LAC / HELA)
11. Need to ensure guidance developed with wider enforcement community – use of social media?
12. SFELC website should have all guidance easy to find. Current.
13. Need a central storage / reference point for guidance developed by SFELC – current weakness in communication to frontline officers

14. FSA website and FSS website to be more easily searchable.
15. Website – update required for access.
16. Access to SFELC. Not easy to find documentation etc. better web access would be helpful.
17. Examples of good practice (not just guidance) should be better promoted through SFELC – held at a central point for officers to access.
18. Communication issues. from field  $\leftrightarrow$  liaison groups  $\leftarrow \rightarrow$  SFELC  $\leftarrow$  SFSA
19. Website issues – more information required on SFELC pages – ie docs.
20. Better sharing of “good practice” from liaison groups SFELC endorsement.
21. SFELC. Hiding in plain site?
22. Guidance documents to be more easily accessible and downloadable on SFELC website – central point of reference required identifying status of important documents.
23. Improve understanding about what SFELC does
24. Communication – between groups poor.
25. SFELC Guidance Documents readily available to download from SFELC section of FSA website.
26. Use of FSA enforcement newsletter to communicate SFELC guidance.
27. Provide a central access point for controlled documents and make legal status of document clear.
28. Consider providing a single computer system for all LAs to use.

## **Workshop 2 – Billy Hamilton – Primary Authority scheme & Scottish Regulators code of practice**

### **Primary Authority: Pros –**

1. FSS could fulfil the role of BRDO [better regulation delivery office] in relation to food. [<https://www.gov.uk/government/organisations/better-regulation-delivery-office>]
2. There are benefits to having a single point of contact dealing with a specific business. Role of the FSA to audit primary authority to ensure consistent standards.
3. Scottish “Primary Authority” to be centralised – section of Food Standards Scotland funded by business.
4. FSS role as administrator / arbiter of Primary Authority scheme – honest broker who can independently audit.

### **Primary Authority: Cons –**

1. Primary authority cheap consultancy unfair for small business none competitive.
2. Primary authority capacity issues
3. Public perception is LA's are being “paid off”?
4. Discomfort about other LA affecting Enf decisions.

5. Primary authority arrangements are anti-competitive they allow big boys to squeeze smaller traders. Eg Arnold clark.
6. Primary authority arrangements danger substitution of core funding with external funding new duties no additional resource.
7. Consider collegiate approach across LAs. Generally don't agree with scheme – conflict of interest
8. Primary Authority major resource implication for the Authority
9. Is there a risk of lack of consistency between PA – higher expectations and lower expectations between different PAs & businesses.

#### Queries

1. Primary authority → and / or do we still need to utilise home authority principle.
2. Clarity required as regards Scottish LA accessing English PA dispute process
3. SFELC should explore options for multi-site business regulation in Scotland that would exist regardless on Primary Authority scheme.
4. Need to recognise grey areas in compliance when giving advice. Eg what would be “misleading”.
5. Does a primary authority business have a competitive advantage over smaller businesses? Is this anti-competitive.
6. Will there be compulsion to take part in a Primary Authority Scheme?
7. Will Scottish LAs have resource available to drive support PA scheme?
8. Who will administer funding, need for target.
9. Prescription vs outcome. Standards vs risk assessment.
10. Impact of referendum
11. Liaison Groups could become Primary Authorities? Paid to examine HACCP records, etc.
12. There must be provision for LA to take action where PA agreement is in force but problems still exist.
13. Primary Authority agreement should be approved centrally for credibility (honest broker).
14. Who determines the “competency” of primary authority in determining compliance etc?

#### Scottish Regulators Code of Practice:

1. Need to ensure that there is sufficient resourcing across Scotland to ensure consistency.
2. The Strategic Code of Practice is aimed at Local authority level first, not ...
3. Conflict of interest danger of undermining the regulator.
4. Regulators code – the importance the Scottish Economy places on quality food reinforces need for robust compliance management → may push greater amount of enforcement activity.
5. Regulators code is what we do anyway and have done for years.

6. Emphasis on rationale is more focussed on business facilitation rather than the protection of public health.
7. Regulator Code – EH are not just enforcement – that is a tool we can use. We ensure public health.
8. Look at changing title of EHOs to advisory + environmental officers

#### General Comments:

##### Fixed Penalty Notices [FPN]

1. The public thinks we have greater enforcement powers than we do.
2. Why can you get a fixed penalty for dropping a crisp packet but have to go to court for lack of a wash hand basin.
3. Fixed penalty notices. Huge consistency implications.
4. FPNs [fixed penalty notices] to be considered.

#### Licensing

1. Why do you need a licence for a pet shop but not a takeaway?
2. Fresh look at what we do and whether licensing of food premises should be considered.
3. Licensing changes business' expectation because they pay for it. Approval would be better.
4. Pre requisite requirement for food businesses to have trained food handlers and facilities before they open.
5. Pre-approval / licensing necessary

### **Workshop 3 – Craig Brown – Food Standards Scotland**

#### Food (Scotland) Bill: FHIS

1. Mandatory display of FHIS award is essential. LAs have done all the work yet Improvement Required's are often hidden.
2. Group (minus one) felt that mandatory scheme for FHIS (displaying certs) was good idea
3. FHIS consistency issue – needs to be addressed given implications of improvement required.
4. Mandatory Display of FHIS certificate. → I clearly would like mandatory scheme, but with the big companies not displaying pass, would we enforce this.
5. Need to consider options for FHIS display. Eg offence only for non-display of "improvement required". Effect of Improvement Required (IR) could be closure
6. FHIS → probably worth waiting for effect of eg fixed penalties
7. Scope of FHIS to be wider to include other non-hygiene related issues – speciation, food colours, ...
8. Is the consequences on businesses pulto get improvement required proportionate to M+E food safety risk ie repeat coutans.

9. Make it mandatory to display improvement required.
10. If FHIS is mandatory does the current scheme require a refresh? Is enforcing the display of certificates an effective use of resources.
11. Why are FSA auditing LAs on the FHIS when this is voluntary and has no legislation behind again?
12. Need to review the FHIS before adopting powers to require.
13. Should FHIS also include food standards issues and possibly be linked to a licensing scheme.
14. Mandatory FHIS should not equate repeated minor with food critical contraventions
15. Mandatory FHIS consistent enforcement approach required.
16. Would mandatory FHIS have an impact on frequency of inspection by LA's – if premises were new or missed C, D etc. Would LA have to visit within timescale to rate?

Enforcement powers – [Fixed penalty notices] FPNs / Compliance Notice / Food Information Detention

1. Agree with Fixed penalty notices especially for food standards. Would like to see an escalating financial penalty for repeat offenders like Trading Standards re display of Tobacco notice.
2. FPN [fixed penalty notices] within food bill changes should be considered inc FPN increasing scale & 3 strikes → banning order similar to tobacco issues
3. Food standards detention notice a priority – would allow situations like horsemeat to be dealt with ie no food safety risk.
4. Provides equality in terms of standards and safety
5. FPN are there issues with non-payment and the recovery of same?
6. Fixed penalty notices would be useful for lower level contraventions, repeat contraventions especially with regard to food standards matters but also are appropriate in early stages of food safety problems
7. Support for fixed penalties - but careful consideration of level of fines and how escalated.
8. FPN – payments to LA not to state.
9. Merge remedial action & improvement notices (and HEPN?) into one compliance notice
10. Powers of cost recovery where LA does work eg disposal of seized materials
11. FPNs could be used in showing graduated enforcement approach.
12. Strict criteria for issue of fixed penalty notices to ensure consistency
13. Fixed penalty notice sanction does not really negate workload of local authorities. However does remove “criminal sanction” element of Procurator Fiscal [PF] report and prosecution.
14. FPNs would be less burdensome on LAs than reporting to PF – but collecting the money might cause LAs problems.
15. Fixed penalty notices huge implications for consistency. SFELC guidance?

16. Most consistent fixed penalty notice approach would be non-display of mandatory FHIS certificate.
17. Welcome the detention and seizure of foods for food standards contravention & labelling. Simple process should be introduced – straight forward – used in labelling problems, illegal additives etc.

#### Licensing & Registration of FBOs

1. \*\*\*\*\* Current registration arrangements are a critical weak link.
2. \*\*\*\*\* Licensing scheme for food businesses – a good option, gives additional options for regulating out with PF [procurator fiscal] – local licencing committees. Powers for this already exist. Could replace FHIS as licence. Would need to be displayed. Include all business.
3. Would like to see licencing of food premises to ensure prior approval before Trading. Would want the scheme to cover all food businesses, not just those interacting direct with public.
4. Licensing (power already existing via FSA Act 1990) is viewed favourably by group.
5. We need greater powers of investigation with respect to who owns a food business
6. Why is it so easy to register a food business – the information requirements are pretty minimal compared to what are needed to open a bank account for example

#### SFELC liaison / remit and successor Committee to NFB

1. \*\*\*\*\* (1)SFELC + subgroups remits reviewed moving fwd (2) liaison groups → remits need revisited and revitalised, potential. (3) FSS attendance @ liaison groups all / some meetings?
2. Need to re-visit SFELC sub-group / LG relationship / FSA relationship + remits
3. SFELC greater focus on achieving a national response to issues when required.
4. Inconsistency in terms of new food body representation at meetings
5. An advisory committee similar to SFELC will be crucial to maintain continuity + ongoing improvement. Distinction between advice / enforcement
6. Is there merit in linking the liaison groups directly with SFELC
7. For the next FSA newsletter – a picture of how the various sub groups fit into and report to SFELC
8. SFELC as a recognised scientific / advisory group established by the new body
9. SFELC – enforcement / would have concerns about this having industry representation – the new body should have a different body for industry collaboration
10. Liaison Group structure works well – central point for dissemination of minutes etc eg SFELC website.
11. Liaison Groups not as productive as previously – more ideas need to be getting fed into SFELC.
12. New code of practice post Food Standards Scotland must recognise successor SFELC group.

13. SFELC “style” arrangements must continue with Food Standards Scotland.

Continually told it is recognised as something worthwhile.

14. Hierarchy standard of advice → best practice → guidance

#### Improving Liaison

1. \*\*\*\*\* SFELC liaison arrangements require greater central support and LA commitment to the duties of representatives & greater focus on outcomes
2. All food officers should be encouraged to sign up to individual e-mail alerts that take them to a web based information point.
3. Where do minutes of the Food Liaison Group get posted?
4. Central point for accessing SFELC guidance / documents
5. Liaison Group minutes available via SFELC section of FSA website. Access to SFELC documents to be easier.
6. Consider the introduction of a SFELC “sharefile” web based document management system. All food officers notified of new documents.
7. SFELC engagement with Food Officers. Traditionally via liaison group members – is there a better way? - via FSA newsletter email food officers directly.

#### Resourcing Liaison

1. More difficult to provide time commitment for productive outputs from time resource → liaison groups & FSWG
2. SFELC needs to ask serious questions about succession planning – who is there to recruit into the various roles as the profession gets older?
3. If SFELC is going to be supported with LA resources it must be productive and demonstrate a benefit to the officer time committed.



## APPENDIX 2

Acronym	Acronym in full
<b>BRDO</b>	Better Regulation Delivery Office
<b>CoP</b>	Code of Practice
<b>COSLA</b>	Convention of Scottish Local Authorities
<b>EAG</b>	Scudamore Expert Advisory Group
<b>EHO</b>	Environmental Health Officer
<b>FBO</b>	Food Business Operator
<b>FHIS</b>	Food Hygiene Information Scheme
<b>FIR</b>	The Food Information (Scotland) Regulations 2014
<b>FLG</b>	Food Liaison Groups
<b>FPN</b>	Fixed Penalty Notices
<b>FSAS</b>	Food Standards Agency in Scotland (or FSA in Scotland)
<b>FSS</b>	Food Standards Scotland
<b>HACCP</b>	Hazard Analysis and Critical Control Point
<b>HELA</b>	Local Authority Circular (or LAC / HELA)
<b>HEPN</b>	Hygiene Emergency Prohibition Notice
<b>HSE</b>	Health and Safety Executive
<b>LA</b>	Local Authority
<b>LGR</b>	Local Government Regulation (formerly known as LACORS)
<b>NFUS</b>	National Farmers Union Scotland
<b>PA</b>	Primary Authority
<b>PF</b>	Procurator Fiscal
<b>RAN</b>	Remedial Action Notice
<b>REHIS</b>	Royal Environmental Health Institute of Scotland
<b>RWG</b>	Resources Working Group
<b>SASA</b>	Science and Advice for Scottish Agriculture
<b>SCOTSS</b>	Society of Chief Officers of Trading Standards in Scotland
<b>SFAC</b>	Scottish Food Advisory Committee
<b>SFELC</b>	Scottish Food Enforcement Liaison Committee (or The Committee)
<b>SoCOEHS</b>	Society of Chief Officers of Environmental Health in Scotland

