

CONSULTATION QUESTIONS

1: Should the scope of the new food body extend beyond the current scope of the FSA in Scotland? If yes, what specific extensions of scope would you suggest, and why?

The core focus of the new food body must continue to be around food safety and standards, but there may well be scope to extend its work around broader public health issues such as obesity, and also sustainability issues around food security, encouraging locally grown food with advice and information to businesses, consumers, allotment holders etc.

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2: Should the new food body and the Scottish Government continue the arrangements for independent and partnership work on diet and nutrition set out in Annex A? If not, what changes would you suggest, and why?

- None

3: Are there any additional roles, responsibilities or functions in respect of diet and nutrition that you think the new food body could take on to help deliver an improvement to the health of the people in Scotland? Please give details and reasons.

- Comments: None

4: What steps do you think could be taken to ensure the new food body is able to access the best available independent expert advice it needs to underpin its work on food safety and public health nutrition in Scotland? Please give reasons.

- Comments: None

5: Do you consider that the new food body should focus its research and surveillance activities on issues that are particularly pertinent to Scottish citizens or should it also contribute to science and evidence programmes on wider issues which have relevance to the UK as a whole? Please give reasons.

Comments

The new food body should focus on Scottish questions whilst contributing to, and benefiting from, wider scientific studies. This should not however be limited to studies from within the UK, studies from around the world are also likely to benefit the new food body.

6: Do you agree that the new food body should be responsible for the coordination of all Scottish Government funded research on food safety and public health nutrition? What steps could be taken to raise the profile of the new food body as a research funder across the UK and beyond? Please give reasons.

- Comments

Should it be decided that the new food body is to hold responsibility for nutrition within public health then it follows that it would also be beneficial for the new food body to coordinate research in this area. Access to the relevant experts and research in these fields by the new food body may require the transfer of resources, and possibly experts, into the new food body.

7: Do you have any further suggestions for how the new food body could establish a strong independent evidence base for food safety, food standards and nutrition policy? Please give reasons.

- Comments : None

8: Do you consider that the new food body would require any further statutory powers, in addition to those that the FSA already has, to equip it to deal effectively with incidents such as the recent horse meat substitutions, and to prevent such incidents happening? Please give reasons.

Comments :

Consideration should be given to giving the new Food Body powers to investigate food fraud and impose civil penalties (eg similar Financial Services Agency; Office of Fair Trading powers etc) on food businesses involved in significant food malpractice.

Food standards legislation, with very few exceptions, (and in contrast to Food Safety with statutory notice procedures) offers enforcement officers prosecution as the only recourse to those businesses that do not respond to an initial informative and educational approach. Formal enforcement options for food standards issues, other than prosecution, should be considered as part of the enabling legislation to set up the new Food Body. Examples for consideration would be powers to serve notices in relation to food standards contraventions, there may also be scope for fixed penalty notices/ administrative fines.

9: Do you have any further comments about how the new food body might ensure that it can deal effectively with contraventions of food standards and safety law? Please give reasons.

- Comments :

It is evident from the general reaction to recent events involving horse meat being falsely described as other meats that the correct labelling of food is high on the political and public agenda. There may be scope for the new food body

to have powers to financially penalise food businesses involved in such activities.

10: Should the new food body take on any roles and responsibilities not currently fulfilled by the FSA in Scotland? If yes, please give details and reasons.

- Comments

There is a concern that if all the areas outlined in paragraph 44 were taken on the new food body could become too large and lose its core focus. The inclusion of Public Analyst functions would only be appropriate in relation to food matters and not the other functions undertaken by most Public Analysts. There is currently a review of laboratory service provision co-ordinated by the Improvement Service on behalf of Scottish Local Authorities and SEPA – this work should be taken into account in the new Food Body considerations.

If any additional roles and responsibilities are taken on by the new Food Body, where this impacts on local service delivery of these functions eg by local authorities the availability and capability of enforcement officers ‘in the field’ to offer at least the same level of advice and enforcement as is currently offered in relation to Food Safety and Standards matters must be addressed.

11: Please tell us your views about these suggestions for changes to the delivery of official food and feed controls. Do you think that the new food body should work in a different way with local authorities? Please give reasons.

- Comments

The issue of changes to the delivery of food and feed controls is potentially a complex one. It could be argued that a national body responsible for the delivery of all food and feed controls would bring with it certain economies of scale, national consistency and a focus on food issues. On the other hand it is reasonable to state that local authorities currently deliver a good service with local accountability and importantly, local knowledge and long standing relationships supporting local business to achieve compliance with food safety legislation.

Some of the peripheral areas of food and feed enforcement may be better delivered if transferred between local authorities and the new food body. These include the Imports of Food (including Border Inspection Posts and Designated Points of Entry), Novel Foods, the delivery of official controls relating to Animal Feed hygiene and Standards and also Primary Production, approved premises etc. This could be done by providing small national teams with appropriate expertise and/ or formalising lead local authority arrangements for a group of local authorities.

Regardless of what is, or is not, transferred between local authorities and the new food body to ensure consistency, and avoid confusion for business operators, all official controls relating to food within a single premise should be delivered by one enforcement body.

As stated earlier, this is a potentially complex issue and will require detailed consideration. There may be lessons for the new food body to learn lessons from the recent creation of a national police force in Scotland. It is reasonable to assume that the issues of economy of scale, potential loss of local accountability etc could in some way be qualified and quantified with the experience gained in the creation of this national police force.

The FSA currently works with LAs in a very directive/ controlling way – eg adherence to framework agreement and auditing thereof. This has had benefit to LA food safety services, in terms of better profile and resource availability. LAs will be radically reviewing how they deliver services in the future principally in response to budget pressures. Similar pressures will no doubt be on the new food body. This all requires better use of existing (or fewer) resources. LAs may not be in a position to deliver all the current framework agreement arrangements, the Food Body will need to recognise this and allow a more flexible approach to resource deployment around local and national priorities.

12: Do you have any views on how the new food body should assure delivery of official controls and meet the relevant EU obligations? Please give reasons.

- **Comments**

The existing arrangements, such as audits, ensure the effective delivery of official controls. However, should the new food body take over the direct delivery of official controls the question of an independent audit of those functions would need to be addressed.

13: Are there any additional or alternative relationships that you would suggest that would help the new food body achieve the Scottish Ministers' objective of longer, healthier lives for the people of Scotland? Please give details and reasons.

- **Comments**

Practical advice should be easily accessible to small food businesses to help them assess their menus, the ingredients used, and consider practical alternatives which will not be to the detriment of their business. Low cost sampling should be available to introduce small businesses to the analysis of their meals / foods on offer, for nutritional content.

14: Do you have any suggestions about how the new food body can engage effectively with consumers, both in developing policy and providing information and advice?

- **Comments**

Scientific research and evidence based results must be simplified into layman terms for consumers and the business community. The value of new advice will depend greatly on how easily that advice can be understood and put into practice.

15: Do you agree with the suggested approach to ensuring the new food body's independence from Government and the food industry? Do you have any further suggestions for how the new food body could best establish and maintain its position as an arms length part of Government? Please give reasons.

- Comments

There is broad agreement with this approach to ensuring the independence of the new food body and, in particular, the ability to 'publish its advice to ministers' as being essential for transparency.

16: Do you have any further comments, or suggestions, on the creation of a new food body for Scotland that are not covered by any of the previous questions?

- Comments

None