

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?

Yes, The City of Edinburgh Council considers that all the areas outlined in paragraph 20 of the consultation vis obesity, the environment, food policy, food advertising, provenance, sustainability and security are all legitimate areas for the New Food Body to both exercise influence on and engage in. However in some they need to be represented at the table e.g. obesity, in others their role is leading and pivotal, e.g. food advertising and provenance.

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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?

Yes, the arrangement outlined in Annex A – Diet and Nutrition (Roles and Responsibilities) should continue along with the identified areas of research and related nutrition policy formulation etc set out in Section 34 coupled with the strategic lead responsibilities identified in Section 35.

The City of Edinburgh Council is particularly well placed to participate and support this strategic area of activity having over the last few years supported four food officers to obtain the Royal Society Public Health and Hygiene's Diploma in Health and Nutrition in the Community.

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.

The City of Edinburgh Council believes that proposed roles, responsibilities and functions as stated in the consultation in relation to diet and nutrition are comprehensive.

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.

In addition to access to expert committees NHS dietetic services etc for science based advice the New Food Body should also take cognisance of emerging research and by developing closer links to local authority Public

Analysts and Food Examiner Services to identify both capability and capacity in the field of scientific determination on food in advance of need.

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.

There are food related matters which clearly have a supra Scottish focus e.g. our historical E coli rates and health related issues around alcohol and obesity.

The New Food Body however both needs to engage with and be aware of UK and national research and scientific evidence as there are very few issues that do not have a Scottish dimension. As a research funder / enabler / customer the New Food Body needs to liaise with local authority based Scientific Services providers to satisfy themselves that there is in Scotland the necessary capacity to underpin The New Food Bodies activities.

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.

The City of Edinburgh Council agrees that the New Food Body should lead in issues of research into food safety in Scotland. With Public Health Nutrition being a partnership activity with the NHS who themselves have links with local networks in council areas under Community Health Partnership etc arrangements, which will be crucial in turning policy levers into implementation activities on the ground.

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.

There are in Scotland already well developed inter food authority liaison links based on local liaison groups, including the Scottish Food Enforcement Liaison Committee and its sub committees.

The New Food Body should seek to maintain and enhance these arrangements and employ them to undertake appropriate national and regional surveys to set protocols capable of producing statistically valid results. All food sampling activity undertaken by Scottish local authorities along with the results obtained should be recorded on the Food Surveillance System. The excellent work of the Food Surveillance Research Working Group in identifying apparent trends from the national data set and as a result highlighting issues that may require further consideration should

continue to be supported.

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.

The City of Edinburgh Council would support the introduction of the concept of the administrative penalties and the expansion of detention powers to include food that whilst not considered unsafe should not be sold due to composition or labelling issues. The New Food Body will it is likely continue to rely on the support of local authorities in Scotland to achieve its aims and to deliver the majority of official controls, particularly when dealing with incidents on the ground.

When appropriate the question of Licensing for all food establishments should be considered as part of the administrative arrangements around food safety control.

This support for the agency's role by local authorities can only be adequately discharged if individual local authorities retain sufficient core food safety expertise and capacity. The New Food Body must have the power to direct (and be prepared to invoke it) local authorities to achieve and maintain an acceptable level of food law enforcement capability to ensure that official controls are delivered in an effective and timely manner.

The recent Audit Scotland Report "Protecting Consumers" highlighted the importance of the Food Standards Agency's audit activities in supporting the maintenance of capacity in this area along with the associated need for future work force planning. This is at a time when the training opportunities for Environmental Health Officers and Food Safety Officers are presently worryingly limited.

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.

No.

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.

There clearly are areas where the New Food Body should seek to ensure conformity of approach and enforcement whilst simplifying regulation for businesses e.g. address the existing situation within certain premises where different organisations have responsibility for food hygiene and food standards enforcement due to the legal requirement to enforce veterinary controls at that location.

The enforcement approach to such premises must be risk based. Any changes implemented must however avoid a significant transfer of staff

resources from local authorities to a centralised New Food Body. Similarly those undertaking official controls at approved premises must be trained to a level equivalent to the current requirements for both hygiene and standards issues

Local authority Environmental Health Services are charged with providing a range of public health functions on behalf of their local authority many of which are integrated. In Edinburgh for instance Food Safety and Health and Safety duties are discharged by the same team along with Port Health, Communicable Disease and responsibilities as well as aspects of Civic Government Licensing.

Other areas that the New Food Body may wish to examine include the current provision of services which are high cost for an individual local authority in terms of their administration and the maintenance of officer competence but low volume in terms of actual activity here economies of scale may be achieved by centralisation of official controls.

The current review of Scientific Services is an opportunity for Scottish Government and the Food Standards Agency on behalf of any New Food Body along with local authority partners to ensure that the future shape and organisation of such services is nationally fit for purpose and at the same time avoids unnecessary duplication of capacity.

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.

The City of Edinburgh Council supports the one regulator approach within approved premises where responsibility for hygiene and standards enforcement is currently split.

As an urban authority without a border inspection post and with a limited number of primary production holdings and feed law enforcement activities, the City of Edinburgh Council will leave others best placed on the practical implications for many of the areas identified for discussion to comment.

However recent experience in relation to the refusal to approve a dairy products establishment by City of Edinburgh Council and the subsequent legal challenge by the Food Business Operator including the associated court processes, examination of evidence and costs should strike a precautionary note.

This is a complex process that requires competent people on the ground who understand fully the details of Regulation EC853/2004 and associated legislation, it is not simply an administrative process that can be undertaken at a distance.

Centralisation of all aspects of Approved Premises regulation if that is indeed the option would require to be adequately resourced, both in terms of personnel and finance.

Section 49 "Suggestion": The provision of expanded technical and professional training for authorised food officers on a range of issues. This suggestion is supported.

Section 50 "Suggestion": Placing the Scottish Food Enforcement Liaison Committee (SFELC) on a formal legal footing. This approach is supported.
Section 51 "Suggestion"; Strengthening the audit procedures of the New Food Body in order to support and protect food law enforcement services. This approach is supported.

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.

The suggestion that the New Food Body's audit protocols could be utilised to support and protect local authority food law enforcement services is supported.

The City of Edinburgh Council has sought to maintain its core capacity in this area. This may not be the case nationally for all authorities.

Such a proposed extension to "audit scope" would we believe require the publication of a new Scottish Framework Agreement between the New Food Body and Scottish local authorities setting out revised standards for official control delivery along with amendments to the Food Law Code of Practice(Scotland) to be issued.

Both would we believe require the backing of the Scottish Ministers

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.

There are already a range of partnership arrangements in place which can be built on. In particular the New Food Body and stakeholders may wish to consider whether it would be advantageous to integrate a Health Promotion Role on Diet and Nutrition into a local authority's more mainstream food safety activities. Should this be supported at the local level such initiatives will need to include input from NHS Directors of Public Health and Health Policy and others to ensure targeted delivery and avoid duplication of effort.

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?

The City of Edinburgh Council supports the New Food Body having an enhanced consumer focus and believes this can in the main be built on using existing networks e.g. local food liaison groups could have one meeting a year which is open to representatives from local consumers and businesses.

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.

The suggested governance arrangements for the New Food Body as set out in the consultation paper are supported.

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?

The City of Edinburgh Council would wish the future relationship between the New Food Body in Scotland and the current sole central competent authority to be clarified