

## 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?

Fife Council (FC) would support extending the scope of the new food body beyond the current scope of FSA if in doing so the New Food Body would provide improved strategic leadership and better co-ordination of multi-agency service delivery. In respect of the areas mentioned in paragraph 20 of the consultation FC would comment as follows:

Alcohol – FC supports a multi-agency approach to dealing with health and societal problems associated with alcohol consumption. The new Food Body would have an important part to play in national strategies to tackle these problems, but FC believes the lead should come from health professionals/NHS in this area.

Obesity – FC would support the new food body being actively involved in this area. The new Food Body, working with other partners, would be well placed to deliver improvements in obesity levels in Scotland. The new food body would be in a position to influence the food industry on food composition and portion size, influence local authorities on the outcomes of food standards inspection and sampling programmes, build service delivery partnerships with NHS colleagues and where appropriate highlight to the Scottish Government the need for legislation.

Environment – FC recognises the impact the environment can have on food quality and safety and how adverse environmental conditions can affect human health. FC believes the new Food Body would work in partnership with other organisations, in particular local authorities and SEPA, on environmental factors that relate to food safety and quality.

Food poverty – FC believes this is another legitimate area for the new Food

Body to be involved in. Again, the new Food Body would be working with partners to track and measure food poverty and would be ideally positioned to initiate projects or programmes to tackle food poverty.

Food advertising – regulation in respect of health claims and advertising currently sits with local authorities and FC would recommend that this position is maintained to avoid any issues around dual enforcement in respect of food labelling and presentation. FC would support the new Food Body being actively involved in promotional activities to improve consumer awareness and to assist consumers in making healthier food choices.

Provenance – FC recognises that provenance is an important food labelling issue and has significant benefits for the Scottish food industry. FC would support the new Food Body being involved in this area and feels it sits well with the food standards remit and helps to support the Scottish economy by promoting Scottish produce.

Sustainability – FC recognises that this is an overarching consideration for every policy area and the new Food Body should consider sustainability issues.

Food Security – FC would support the new Food Body being involved in this area. The new Food Body should establish links with emergency and contingency planning organisations. The new Food Body will want to be satisfied that for food there is a security of supply and the supply chain is protected from terrorism.

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?

FC agrees the arrangements in annex A should continue. FC would support the new Food Body working with NHS & LA's to link into community planning partnerships. FC also agrees that in establishing new food body

clarity should be given on lead for diet and nutrition. FC suggests the improved clarity of roles and responsibilities will ensure better co-ordination and benefit everyone.

FC would also support the proposed interface with the education system and feels this is the correct age group to work with to bring about societal change.

FC would also support the new Food Body taking the lead in the areas outlined in paragraphs 34 and 35.

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.

FC feels the areas suggested in the consultation document are the appropriate functions for the new Food Body.

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.

FC recommends that the new Food Body links into existing scientific committees and educational/research institutions etc. in the UK. This will avoid duplication of effort and recognises the integrated nature of the foods supply chain in the UK. FC suggests the new Food Body also establish links with international organisations, this is important due to the global nature of the food industry; as it is important that the new food body is aware of developments at an international level.

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.

FC recommends that the new Food Body should deal with both areas as food businesses link into the UK food supply chains and this is a significant part of the Scottish economy. FC suggests that the new Food Body should access national scientific advisory committees and educational/research institutions etc then the new Food Body should contribute to UK wide research.

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.

FC supports the new Food Body being responsible for food safety research, but would suggest the new Food Body works in partnership with the NHS on public health nutrition research.

In respect of the profile as a research funder, FC would recommend using existing links to academic institutions and international network for overseas research.

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.

FC would recommend that the new Food Body works with SFELC (Scottish Food Enforcement Liaison Committee) and local authorities through the Food Liaison Group network to design statistically valid surveys and sampling programmes to provide evidence to inform policy making. The wide membership of SFELC will also help in establishing the independent nature of the evidence. FC would suggest that to get the maximum benefit from food surveillance sampling, all samples should be submitted to the UK FSS database. The new Food Body will need to make arrangements to have access to this system.

FC would suggest the new Food Body will need to consider what arrangements it will make to record and monitor service delivery in respect of food safety, food standards and nutrition. Currently local authorities submit their performance data into the UK wide LAEMS database. FC is aware that some local authorities have called for a national data management system over the years and the creation of the new Food Body provides an opportunity to consider if this is a viable option.

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.

FC would support additional enabling powers being available to the new Food Body.

FC would recommend that the new Food Body considers the Audit Scotland report 'Protecting Consumers' and in particular the need for work force planning. FC believes that consumers and reputable food businesses can be protected from incidents such as the recent food frauds through adequate resources being available to deliver effective official controls.

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.

FC believes there is a lack of options available to deal with food standards contraventions. FC would suggest the new Food Body consider introducing a range of notices that would fill the gap between informal action and reporting contraventions to the Procurator Fiscal. FC would also support research into the potential to introduce fixed penalty notices for food safety and food standards contraventions.

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.

FC believes the establishment of the new Food Body provides an opportunity to take stock of the roles and responsibilities of all organisations involved in food and feed official controls. FC would suggest that any changes are based on the following principles:

1. Rationalisation of controls to ensure that, to the greatest extent possible, every individual establishment has one food authority for regulating both food hygiene and food standards; with the resulting inspection regimes based on risk.
2. Centralisation of specialised Official Controls and specialised/complex activities which are very low in number and thinly dispersed geographically.
3. Centralisation of land and sea-based controls that may be difficult to allocate and deliver in terms of local authority boundaries.
4. Centralisation of particular controls highlighted by the European Commission's Food and Veterinary Office and of controls relating to international trade.
5. Provision of central support to local authorities where centralised provision is likely to be more efficient and fairer to individual local authorities.

In making any changes to existing roles and responsibilities FC recommends that any change should be designed to improve public health and address any gaps in the existing arrangements.

FC considers it vital that the current holistic nature of environmental health services should not be jeopardised through any consequent reorganisation of delivery of Food Controls. In particular, changes that would result in the significant transfer of staff from local authority services to a centralised delivery body are likely to have a detrimental effect on the viability of environmental health services. FC supports official control delivery remaining with local authorities as the food safety service is an integral aspect of the environmental health function and staff involved in the food safety service may be responsible for delivering a range of other environmental health functions at food businesses e.g. health & safety,

licensing (various), smoking ban etc.

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.

FC believes the existing partnership between local authorities and FSA works well and this successful partnership approach in Scotland is the building block for new body. In respect of the bullet points in paragraph 48 FC comments as follows:

Approval of food and feed establishments –

FC agrees with the consultation proposal as it will ensure consistency within the approval process. The proposal will also remove the existing anomaly where local authorities deal with unapproved establishments, even though they would not be responsible for enforcement once the establishment was approved.

FC supports delivery of official controls remaining with local authorities for establishment where they currently deliver these controls.

Via SFELC and the various meetings, stakeholder events etc where this consultation has been discussed FC is aware that a number of local authorities have misgivings about this proposal. In particular there are concerns about how the proposal will work in practice, especially where the range of products requiring approval can change regularly. Some local authorities have also expressed concern relating to the qualifications of the staff undertaking the approval of businesses that produce ready to eat food. FC believes these concerns can be addressed if this proposal is implemented.

Food standards and FSA ops –

FC agrees that food standards should be delivered by the new Food Body where they also deliver food hygiene official controls. FC supports this proposal as it removes an area of dual enforcement.

#### Coordination of export certification –

FC agrees with this proposal in respect of the co-ordination of certification requirements. However, FC recommends that the actual service delivery remains with local authorities.

#### Import controls at ports of entry –

FC recognises the benefits this could give in respect of consistency and may provide greater efficiency. However, given the small number of establishments this affects it is important to consider the impact any change would have on the local authorities involved. FC would suggest this could be an area where the flexibility to transfer enforcement responsibility could be utilised.

#### Delivery of official controls relating to animal feed hygiene and standards –

FC would suggest that SCOTSS are best placed to comment on the wider impact this proposal would have on the Trading Standards service at local authorities. FC is aware of the Audit Advisory Committee's concerns in this area and the Audit Scotland report 'Protecting Consumer' which highlighted concerns relating to the resources available to deliver Trading Standards services. FC does recognise that the proposal could create a single enforcement organisation for the farming sector in respect of food and feed. FC would recommend that any changes in this area are considered carefully and do not adversely affect the delivery of the wider trading standards function by local authorities.

#### Delivery of all official controls and related monitoring activity during primary Production –

FC recognises that this proposal will create a single enforcement authority for the primary food production sector and is consistent with the Scottish Government's Scotland's Environment And Rural Services project. FC believes the proposal could bring economies of scale and address gaps in the current arrangements. FC would recommend that any changes in this area are considered carefully and do not adversely affect the delivery of the



wider environmental health and trading standards functions by local authorities.

Delivery of official controls relating to the supply and manufacture of materials and articles in contact with food, food additives and processing aids –

FC agrees with this proposal as it will provide consistency and address any gaps in the current arrangements.

Recognition of natural mineral water sources –

FC agrees with this proposal as it will provide consistency.

Para 49: technical and professional training –

FC agrees with this proposal and believes it would be useful. FC recognises the potential to establish a similar role in relation to training for the new Food body to that of HSE in providing specialist support to local authorities on occupational health and safety enforcement.

Para 50: Formalise SFELC through legislation –

The value of SFELC lies in the broad membership, the willingness of members to commit their time to the work of the Committee and the ability to create working groups to take forward specific areas of work. FC believes the current arrangements are consistent with Schedule 2 of the Food Standards Act 1999 and that SFELC meets the requirements of a joint committee as detailed in section 8 of this schedule. FC would support legislation that is similar to the existing provisions to allow the new Food Body to establish joint committees.

FC believes there is an area where more formalised recognition would be beneficial and this relates to the status of the guidance produced by SFELC. SFELC guidance is generally designed to promote consistency and it would be beneficial if it was recognised in the same way as the Code of Practice or Practice Guidance and ultimately the guidance could be incorporated into

these documents. FC is aware of the Scottish Government plans for Better Regulation legislation and see a definite role for SFELC in producing national standards for food safety.

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.

FC recommends the new Food Body prepares a Scottish Framework agreement similar to the framework agreement that currently exists. FC would also recommend that the existing Food Law Code of Practice and Practice Guidance are replicated to detail the delivery of official controls. FC recognises the benefits of the current audit arrangements and would recommend the existing arrangements are retained.

FC is aware that the new Food Body will have the responsibility as the central competent body to ensure the provision of adequate resources to deliver official controls. Given the current concerns relating to work force planning the new Food Body may find benefit in establishing service level agreements with local authorities to have the assurance that official controls will be delivered adequately and consistently across Scotland

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.

FC believes the existing partnership approach adopted by FSA has worked well and recommends the new Food Body builds on these existing arrangements.

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?

FC welcomes the consumer focus proposed for the new Food Body and would recommend engagement is via the existing networks.

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.

FC agrees with the approach to ensuring the new food body's independence from Government and the food industry. FC believes this is important for the delivery of Scottish Government's aim to protect public health and maintain consumer confidence. FC would recommend the existing liaison arrangements are continued as these can deliver a means of communicating effectively with Government and the food industry without compromising the independence of the new Food Body.

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?

- No