

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?

APAS supports extending the scope of the new food body beyond the current scope of FSA if in doing so the new food body will provide improved strategic leadership and better co-ordination of multi-agency service delivery, for example taking on more of a role in the coordination of a Scottish wide sampling and research programme which would enable more effective use of resources both for the sampling and the analysis/examination. APAS supports the new Food Body being involved in food security issues and should establish links with emergency planning organisations.

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?

APAS agrees the arrangements in annex A should continue. APAS agrees that in establishing the new food body clarity should be provided on which organisation takes the lead for diet and nutrition. APAS suggests the improved clarity of roles and responsibilities will ensure better co-ordination and benefit everyone. APAS supports the proposed interface with the education system to bring about changes in our young people.

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.

APAS 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.

APAS suggests that the new food body links into existing agencies and scientific committees in the UK such as HPA, HPS and APAS. This will avoid duplication of effort and recognises the integrated nature of the food supply chain in the UK. Funding of membership of working groups should be considered as budget pressures places constraints on officers getting involved in these essential networks.

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.

APAS 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. APAS suggests that the new food body should access national scientific advisory committees and also contribute to UK wide research. APAS recommends establishing good working relationships with HPS and HPA and APAS (via Official Control Laboratory networks) in respect of research and surveillance. APAS would recommend that the level of research and surveillance activities is maintained at a level such that a skills and investment gap does not develop within the UK.

APAS would recommend that the new food body works with SFELC and local authorities through the food liaison group network to design statistically valid surveys and sampling programmes to provide evidence to inform policy making.

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.

APAS supports the new food body being responsible for food safety research. The APAS would welcome Public Analyst laboratories having a more active role in research projects.

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.

APAS would recommend that the new food body works with SFELC and local authorities through the food liaison group network when developing policy on food safety and standards. SFELC has successfully developed food policies over a number of years and the committee's experience in this respect could be a valuable asset for the new food body. The wide membership of SFELC will also help in establishing the independent nature of the evidence used to develop policies. Links should be strengthened with nutritional experts and the education system.

In addition, APAS would be happy to work with the new food body to assist with the design and co-ordination of statistically valid surveys and sampling programmes to provide evidence to inform policy making. APAS would suggest that to get the maximum benefit from food surveillance

sampling, all samples should be submitted to the UK FSS database. APAS would also recommend that the FSS Research Working Group should continue, which will assist in maximising the available resources for sampling and analysis/examination. The group in conjunction with SFELC Food Standards Sub-Committee will also help in the future development of the database to meet the needs of the new food body, which could mean expansion into other areas of work and /or ensuring the database is the first point of contact for sampling information. The recent food fraud incidents have highlighted the need for accurate, real-time reporting abilities.

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.

APAS would recommend that the new food body considers the Audit Scotland report 'Protecting Consumers' and in particular the need for work-force planning. APAS believes that only by having adequate resources available to deliver effective official controls, will local authorities (including local authority run Official Control laboratories) be in a position to mitigate against the threat to consumers and reputable food businesses from incidents such as the recent food frauds. New powers may be required to secure full cooperation from local authorities.

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.

APAS believes that food standards enforcement should be given attention with respect to widening the scope of fixed penalty notices to produce rapid results and avoid the courts where possible. Safeguards could be provided via an appeals system.

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.

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

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.

APAS believes the existing partnership between local authorities and FSA works well and the successful partnership approach in Scotland should be the building block for the new food body. However, the APAS is extremely

concerned that the current arrangements for the Official Control Laboratories in Scotland (as required under EU Regulation 882/2004) are not sustainable to meet future service delivery needs.

The four local authority operated laboratories located in Aberdeen, Dundee, Edinburgh and Glasgow play an integral role in food enforcement in Scotland. As well as providing Public Analysts, Food Examiners, Agricultural Analysts (chemical analysis and microbiological examination of foods and animal feeds), they also provide representation on SFELC, FSSC, Research Working Group, and all regional liaison groups.

The APAS believes there is an opportunity for the new food body to ensure that an adequate laboratory service is maintained in Scotland.

In 1998, following publication of proposals for a UK Food Standards Agency in a Government White Paper, a Review of Food-Related Scientific Services in Scotland was carried out (Timbury Review). The Timbury Review recommended that a formal network under the policy control and operational direction of the Scottish Executive of the Food Standards Agency be set up. This was fully supported by APAS then and this continues to be our view.

Currently, under the auspices of COSLA and the Society of Local Authority Chief Executives (SOLACE), the second review in 10 years, looking at options for pooling laboratory resources is underway.

This potential new grouping, along with SEPA, has a vision of working in partnership to deliver sustainable, high-quality scientific analysis and advice, which will support regulatory commitments to ensure the safety and quality of food, drink and the natural environment. It would become a modern centre of excellence capable of delivering superior services that promote health and wellbeing, reinforcing the Scottish Government's aspirations for a smart, successful Scotland which remains at the forefront of scientific innovation and creativity.

The APAS believes that the new food body which will have the responsibility as the central competent body to ensure the provision of adequate resources to deliver official controls (which includes the provision of adequate laboratory facilities) should be involved in making this happen. This would require engagement of the FSA in Scotland at an early stage in the process.

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.

APAS recognises the benefits of the current audit arrangements and recommends that this is developed further and formalised. Funding may be required for research and development to support official food control laboratories in providing new services in the future to support emerging

changes to EU legislation.

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.

APAS believes the existing partnership approach adopted by FSA has worked well and recommends the new food body builds on these existing arrangements. The new food body will also need to develop a relationship with the UK FSA, which will be the central competent authority for the UK.

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?

APAS welcomes the consumer focus proposal and the new food body should review local authority engagement mechanisms already in operation.

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.

APAS agrees with the approach to ensuring the new food body's independence from Government and the food industry. APAS believes this is important for the delivery of the Scottish Government's aim to protect public health and maintain consumer confidence. APAS 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?

A review of existing licensing arrangements should be undertaken to improve the protection of consumers and reputable food business operators. Succession planning reviews should be carried out with key stakeholders such as environmental health, trading standards and scientific services in Scotland.