

## 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?

- No Comment

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?

- No Comment

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.

- No Comment

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.

- No Comment

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.

- No Comment

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.

- No Comment

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.

- No Comment

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.

- SCOTSS is of the view that the most likely way of detecting such problems at as early a stage as possible is by having effective working partnerships with industry, good intelligence gathering and analysis systems, backed up by effective investigation and intervention.

It is unclear what additional powers would be necessary to achieve this.

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.

- Focus less on documented procedures, cyclical inspection and input/outputs, focusing instead on intelligence led/ targeted interventions that have clear regulatory outcomes.

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.

- No Comment

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 –

At a time of ever decreasing resources and clear government direction to reduce unnecessary burdens on business, SCOTSS is of the opinion that the New Food Body needs to ensure that the relationships it has with Local Authorities is designed in such a way to make the best use of the resources available. This would include not placing unnecessary bureaucratic demands on council services and working in partnership with Local Authorities to focus clearly on achieving meaningful and tangible regulatory outcomes, in areas of the feed/ food chain where problems are known or suspected on the basis of the available intelligence to exist and that can be remedied.

To this end the New Food Body should aim to better understand where the strengths of modern Council Trading Standards services lie, i.e. in regulating the commercial supply chain, through intelligence led, investigative work focusing on high risk activities (e.g. ports, large scale manufacturers producing feed for multiple species, premises using former foodstuffs and the use of novel feed ingredients) and working with business organisations to improve their understanding and

compliance with legal requirements, rather than the routine cyclical inspection of lower risk premises.

It is felt that by developing effective intelligence gathering mechanisms tailored to the area of feed production and use, which would facilitate input from all interested stakeholders (Animal Health Officers, Vets, HMRC, Port Authorities Feed Industry, NFA, Crofters etc.); those truly high risk activities or newly developing problem areas that need to be addressed, could be targeted far more effectively than by employing any frequency based cyclical inspection programme.

An effective intelligence system should therefore be supported by the New Food Body to hold information relating to feed incidents, this could be effectively encompassed within the Memex system, which all local authority Trading Standards Departments in Scotland and many in England and Wales currently use along with the FSA for recording food frauds etc.

SCOTSS have been made aware that some barriers to the effective harvesting of intelligence relevant to the feed supply chain may exist and needs to be addressed, with officers having identified that there is very little knowledge of what is entering our ports in relation to feed and feed materials.

Local Authority feed officers do not currently have the powers required to seek information from ports as to what is being landed. It is therefore suggested that this legislative flaw needs to be addressed with equal powers being afforded to feed and food officers.

A lack of detail available from importers of often complex feed materials has also been identified as a potential barrier to effective regulation, but it is recognised that revisiting the legal duties of importers to remedy this may be outwith the remit of this consultation or the power of the new food body

Although some Trading Standards services have successfully managed to adapt their skills to address Feed issues downstream from the point of supply and onto farms; with the exception of those who also deliver Animal Health regulation, this is not their natural operational environment and is one which already appears to be overcrowded by a number of other agricultural specific regulatory bodies/ industry schemes. Consideration could therefore be given to splitting off aspects of the feed chain and allocating the surveillance and regulation of each part to the most appropriate body e.g. with Trading Standards potentially retaining responsibility for Feed Production & Distribution, whilst still calling on their expertise to sample product from anywhere in the feed chain where feed standards are in question.

Such models for this type of delivery of regulatory controls already exists e.g. the control of pesticides under the Food & Environmental Protection Act, achieved the split of regulatory responsibilities formally assigned to Local Authorities in general, by allocating responsibilities for different points in the supply/ use chain in what was effectively a Memorandum of Understanding. A lateral thinking approach to Food and Feed may well offer a more flexible and effective solution.

Discussions on other possible models maximising the use of partnership arrangements between relevant government agencies, Local Authorities and Industry assurance schemes, that would reduce the regulatory footfall on farms, would also be welcomed. This could even have the potential to extend the use of

the investigative skills of Trading Standards being applied to food fraud investigations.

Whatever structures are put in place and wherever the responsibility for the regulation is placed, the resulting demands that are placed on Local Authority Trading Standards services and the resources needed to deliver this should be clearly spelt out and agreed at the highest level within Local Government with direct input from SCOTSS rather than relying on the low levels of representation of Trading Standards and Feed Regulation interests on the Scottish Food Enforcement Liaison Committee (SFELC).

Another strength of Trading Standards, which could be advantageous to the effective regulation of the feed supply chain, are the inter-authority liaison groups which exist for the various regulatory disciplines Trading Standards has responsibility for.

In addition to the benefits such groups bring to consistency of interpretation, sharing of operational experiences that everyone in the group can learn from, many of these groups are tasked by SCOTSS with developing operational projects targeted at known problem areas or raising business awareness of new legal requirements.

Currently there is no such co-ordinated activity for feed regulation, driven mainly by Local Authorities having to focus their available resources on the FSA's demands for documented systems and compliance with inspection programmes.

It is felt that The Central Register of Feed Businesses should be held centrally by the New Food Body rather than delegated to Local Authorities.

The responsibility for Registration and Approval of feed businesses could be the responsibility of the new food body. This would be an additional resource they would need to provide, but the benefit of a single point of contact in these matters, reduces the burden on business, especially if they operate across a number of Local Authority areas and mitigates the excuse that it is difficult to find the right person to talk to.

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 –**

SCOTSS would urge the New Food Body to consider ways other than the setting of overly bureaucratic systems/standards and formal audit, by which to achieve the assurances that the European Commission seeks.

The current system appears to SCOTSS to demand unreasonable levels of resource input possibly by the FSAS and certainly by Local Authority Trading Standards services and is almost entirely process and input/ output driven, rather than focusing on the achievement of tangible and meaningful outcomes. It could also be argued that the current system and audit process as well as being a wasteful use of a scarce and expensive resource, has a demoralising effect on the personnel involved, who rather than focusing on the primary objective of ensuring the integrity of the feed chain end up drowning in

bureaucracy. SCOTSS would as an alternative wish to develop an effective working partnership, focused on delivering the outcomes that could make a real difference to the integrity of the feed chain and concentrate on the areas of EU Obligation felt lacking by the FVO.

To this end SCOTSS would wish to see an early revision of the Code of Practice and Framework Agreement and the development of the kind of partnership described above.

SCOTSS would like to see the review of Official Controls hopefully bringing in measures which give us more control and security of our Borders. Amending legislation to empower feed officers to the same level as food officers at ports should allow for more effective enforcement of third Country Imports and allow for proper surveillance of feed materials entering Scotland.

The Central Register of Feed Businesses could be held centrally by the New Food Body.

SCOTSS are of the view that responsibility for Registration and Approval of feed businesses should be placed with the new food body. This would be an additional resource they would need to provide, but the existing system is far from effective and a single point of contact and reference would benefit regulators and business alike.

Finally to repeat what was said in response to question 11 above that SCOTSS considers it essential that whatever structures are put in place and wherever the responsibility for the regulation is placed, the resulting demands that are placed on Local Authority Trading Standards services and the resources needed to deliver this should be clearly spelt out and agreed at the highest level within Local Government with direct input from SCOTSS rather than relying on the low levels of representation of Trading Standards and Feed Regulation interests on the Scottish Food Enforcement Liaison Committee (SFELC).

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.

- No Comment

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?

- No Comment

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.

- No Comment

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 Comment