

## 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?

- Shetland Islands Council concurs with the comments from SFELC and support the idea that the scope of the New Food Body should be expanded to include issues relating to alcohol, obesity, food poverty, food advertising, food provenance and security.

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?

- Shetland Islands Council supports the continuance of arrangements outlined in Annex A

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.

- As above

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.

- Shetland Islands Council concurs with the comments from SFELC

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.

- Shetland Islands Council concurs with the comments from SFELC, but also believes that there should be special emphasis on research and surveillance issues which are particularly pertinent to Scotland.

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.

- Shetland Islands Council concurs with the comments from SFELC.

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.

- Shetland Islands Council concurs with the comments from SFELC.

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.

- Shetland Islands Council concurs with the comments from SFELC.

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.

- Shetland Islands Council concurs with the comments from SFELC and also that the new food body look to establishing expertise in the Procurator Fiscal Service in respect of food hygiene, safety, standards, feed hygiene and nutritional contraventions and offences.

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.

- Shetland Islands Council is against the blanket transfer of official food controls from local authority delivery to the new food body. Such an approach would have a detrimental effect on the viability of Environmental Health in Scotland and in particular remote areas like Shetland. The current arrangements allow various statutory controls to be delivered according to local needs and intelligence, including for example activities with regard to animal health, infectious diseases, pollution control, smoking, waste management, health and safety and so on, including within food businesses.
- The current relationship between FSAS & LA's is established and is working well. The establishment of a new food body is an opportunity to build in flexibility where official controls would be better delivered by one or the other body but that this must be sympathetic and according to local requirements and conditions.
- It would be prudent to avoid duplication of enforcement for businesses that local authorities retain the majority of their current enforcement role and are the regulator for both food hygiene and food standards.
- Shetland Islands Council believes that the existing partnership arrangements between local authorities and the various committees, liaison groups and the FSAS are working well. These arrangements should form the foundation for the new food body.

- Shetland Islands Council believes that the new food body should have a key role in developing a stronger network of enforcement expertise via the current food liaison networks which would have benefits for both the new food body and local authorities and hence the consumer and businesses.
- Approval of Food And Feed Establishments Shetland Islands Council **strongly disagrees** with the proposal that the new food body takes on responsibility for approval of establishments requiring approval and all processes for the suspension or withdrawal of approvals. This proposal does not appear to be based on any evidence that the current system is not effective and efficient. Local authorities work very closely with businesses needing approval. The majority of the work is in the initial stages where some proposals are filtered out or even abandoned. In addition some businesses slip into the need to be approved due to changes in their customer base which wouldn't necessarily be recognised by a remote body. Businesses need the flexibility to modify and amend approvals quickly to respond to market demand which may be an issue if the responsibility were transferred. We believe that a remote, centralised body would not be able to provide the same level of service as is currently available. Local authorities are best placed for gathering local intelligence and identifying new producers at an early stage whereas a remote body would not be in the same position to identify businesses which need approval. This proposal could be compared with similar arrangements for Animal By Products- the premises are approved by AHVLA but enforcement sits with local authorities. This means that businesses have to deal with two agencies, there is the ability for poor communication to create confusion and duplication of efforts. Local businesses miss the support that local authorities provide in achieving compliance. The level of expertise and knowledge at local authority level becomes reduced and the level of priority placed on enforcement activities in these premises becomes reduced as it is not a primary function of the local authority.
- Food Standards and FSA operations - It is possible that this could be delivered by the new food body where food hygiene official controls are also delivered. However, unless there is clear evidence that the service could be provided more efficiently and effectively than local authorities, the role should be retained.
- Co-ordination of export certification – Shetland Islands Council strongly agrees with this proposal. A co-ordinated approach is needed to deliver this activity. Service delivery should remain with local authorities to maintain efficiency.
- Import Controls at ports of entry Shetland Islands Council can appreciate the benefits of the proposal in terms of efficiency. However unless there are known concerns with delivery, it should be retained by local authorities.
- Delivery of official controls relating to animal feed hygiene and standards Shetland Islands Council believe that unless there are known, insurmountable concerns with delivery it should be retained by local authorities as it may have a detrimental effect on other Trading Standards functions

- Delivery of all official controls and related monitoring activity during primary production. Shetland Islands Council agree that there need to be some changes with so many bodies being involved with primary production and with overlapping and sometimes perverse enforcement functions for example in Animal By-Product legislation and Poultry and Egg production. We feel that any changes should be carefully considered so as not to adversely affect delivery of wider Environmental Health and Trading Standards functions,
- Delivery of official controls relating to the supply and manufacture of materials and articles in contact with food, food additives and processing aids Shetland Islands Council agrees with this proposal to provide consistency.
- Recognition of natural mineral water sources. – Shetland Islands Council agrees with this proposal to provide consistency. Flexibility could be built into the arrangements to make efficient use of local sampling resources for monitoring supplies.  
Para 49 Technical and Professional training Shetland Islands Council agree with this proposal but request additional support for remote rural authorities for travel and accommodation, or the use of alternative training methods such as VC or online training.
- Para 50 Formalise SFELC through legislation Shetland Islands Council agree with this proposal

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.

- Shetland Islands Council is of the opinion that the current successful relationship between Scottish local authorities and the FSA in Scotland should be continued in a similar but enhanced format.

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.

- Shetland Islands Council believe that a similar relationship to the existing the current partnership arrangements should be recommended. We agree with SFELC regarding the preparation of a Scottish Framework agreement similar to the existing UK agreement.
- We believe that local authorities should be provided with suitable and sufficient resources to deliver official controls adequately and consistently.

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.

- Shetland Islands Council believe that the existing networks of engagement between the FSA and local authorities be continued

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?

- Shetland Islands Council recommends that the new food body continue with the existing arrangements.

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.

- Shetland Islands Council agrees with the approach to ensure the new food body's independence from Government and the food industry

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?

- Shetland Islands Council concurs with the SFELC view that some form of licensing or prior approval would protect consumers and reputable food business operators.