

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?

- The Moray Council supports the extension of the scope of the new food body beyond that of the existing FSA. Firstly to address provenance issues it is important that the new food body has strategic control of all aspects of food safety and food standards from farm to fork. This should encompass all areas of animal health and welfare legislation from animal by products to TSE controls and beef labelling. The control of these aspects under one body should streamline strategic responsibility, increase public confidence and minimise the potential for future food fraud issues such as the horsemeat scandal.

In the areas of alcohol, obesity and food poverty The Moray Council would support the new food body being involved in these areas, working in partnership with the NHS. The new food body is well placed to deal with the nutritional food and drink aspects of these issues whereas the NHS are well placed to deal with human health aspects. This authority agrees with the Scudamore Review that food safety should not be divorced from nutrition, labelling and standards.

Whilst this authority considers that the scope of the food body be increased as above to ensure strategic consistency throughout Scotland, service delivery should continue to rest with local authorities. The environmental health service is well placed to deal with the new challenges provided that sufficient resources are available to deliver the new services.

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?

- The Moray Council supports the continuation of the partnership work in diet nutrition as set out in Annex A. Roles should be clarified to ensure an effective service providing consistent messages and The Moray Council agrees that there should be an interface with the education system. This authority supports the new food body having strategic control with responsibility for all areas for public health associated with the consumption of food. This authority also supports the new body taking the strategic lead for the Healthy Living Award and similar schemes that promote healthy diet and nutrition.

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 roles and responsibilities defined in Annex A appear to be appropriate but it may be that the new body would wish to have an enhanced role in respect of Annex A paragraph 18.

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.

- The Moray Council considers that the existing scientific advisory committees network be maintained including EFSA. It is important that the new body is kept aware of international issues. In gathering scientific evidence data input from the smaller food business sector should be encouraged to ensure that legislation guidance and procedures are reasonable and practicable based on actual risk.

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.

- The Moray Council considers that the new body must focus on local Scottish issues but must also consider broader international issues which impact on 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.

- The Moray Council considers that Scottish government funded research on food safety and public health nutrition should be carried out in partnership with NHS Scotland.

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.

- The Moray Council considers the existing Scottish Food Enforcement Liaison Committee structure through liaison groups and individual local authorities is well placed to inform policy on food safety and food standards at present. This role could be extended to include diet and nutrition. The Moray Council supports further development of the UKFSS system to provide evidence to inform policy.

As indicated above there should be encouragement for the small business sector to become more fully involved in food policy formulation.

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 Moray Council supports any additional legislation to deter fraudulent activity and supports a review of penalties to ensure that criminal offences for non compliance with food labelling law are dealt with effectively. At present the financial gain outweighs the penalties. The provision of a specialist procurator fiscal for food related matters would be an advantage.

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.

- The Moray Council considers that there should be a greater range of enforcement options for food standards offences so that they can be dealt with in a proportionate consistent manner. Statutory notices similar to those used for food safety or fixed penalty notices would be viable options. As stated above a specialist procurator fiscal service may also be advantageous.
- Food fraud is a cross boundary issue and enforcement may be improved by the new food body taking control of this aspect ensuring the strategic co-ordination of food fraud investigations.

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.

- The Moray Council considers that the delivery of Official Controls should remain with the local authority. Any division of responsibilities will lead to increased bureaucracy and would appear to go against better regulation principles. The transfer of staff from local authorities is likely to undermine the viability of the environmental health service, particularly in the current financial climate. Within Moray substantial expertise in specialist approved processes has been built over the last 20 years and successful partnerships with businesses have been developed. Some of this expertise and rapport will be lost in any transfer of responsibilities.

It may be that the existing audit system could be enhanced to address perceived concerns in relation to consistency.

The Moray Council agrees that the new food body undertakes the co-ordination of export certification and liaison with third countries to ensure a consistent approach across the country and minimising the risk of

international challenges which may jeopardise trade. The issuing of export certificates should however remain with the local authority in view of their local presence and business knowledge. This is particularly important to minimise the risk of potentially fraudulent activity.

For import controls the benefits of enhanced import controls are recognised and a transfer to the new food body may improve effectiveness.

In respect of animal feed the views of SCOTSS should be taken into account.

The Moray Council believes that it may be beneficial to deliver controls relevant to primary production, farming, game larders, fishing and aquaculture by a single body. It may be that service level agreements for transfers could be introduced to ensure that official controls are delivered locally by the most appropriate body.

The Moray Council agrees that the delivery of official controls relating to the supply and manufacture of materials and articles in contact with food, food additives and processing aids be transferred to the new food body.

The Moray Council agrees that recognition of natural mineral waters should be undertaken by the new food body.

The suggestion that in addition to technical and professional training the new body could provide local authorities with specialist advice on food science, food technology and veterinary matters is supported.

The Moray Council supports the formalisation of the SFELC through legislation.

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 Moray Council is of the opinion that consideration should be given to the development of a single nationwide database to improve efficiency, effectiveness, consistency and to assist the gathering of information for audit. Similarly this authority would support the development of standard procedures and systems to ensure consistency across Scotland.

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 existing Food Law Code of Practice and Practice Guidance should be retained. A new Framework Agreement could be developed and the

existing audit system could be enhanced.

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.

- The Moray Council considers that the new food body should promote the role that the environmental health service can bring to the Single Outcome Agreement in achieving the aim of living longer healthier lives.

There should be better liaison with small to medium size businesses in the development of regulations to ensure effectiveness. There should be a conversation with manufacturers particularly in relation to composition and labelling to encourage reductions of salt and fat.

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 Moray Council considers that it is imperative that there is effective engagement with consumers. This can be delivered through 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.

- The Moray Council agrees that the new food body should be independent 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?

- No further comments.