

30 October 2020

Centralised Animal Feed Official Controls Delivery Model

Summary report of responses to consultation from stakeholders

Food Standards Scotland (FSS) issued a consultation on the proposed Centralised Animal Feed Official Controls Delivery Model from 13 May to 8 July 2020. The purpose of the consultation was to provide interested parties with the opportunity to comment on the proposal to implement a centralised model for the delivery of animal feed official controls, which will see functions transferred from local authorities (LAs) to FSS, and on the associated partial Business and Regulatory Impact Assessment (BRIA).

1. The key proposals on which the consultation sought views were:

- Amend legislation to transfer feed official control functions to FSS.
- FSS delegates these functions to LAs to enable them to carry out official controls on behalf of FSS, where they are able to do so. Where LAs are not able to deliver feed official controls on behalf of FSS, FSS recruits and trains its own staff and, in the short term, consider working with other Government Departments.

2. The future delivery model requires a Scottish Statutory Instrument (SSI) to transfer LAs' statutory feed law functions to FSS. To achieve this the SSI will amend a range of existing legislation.

3. FSS invited stakeholders to comment on the proposal and the partial BRIA. In particular, stakeholders were invited to note if they agreed with the impact of the proposed model suggested in the documentation provided and if not to submit comments and supporting evidence on any administrative, delivery or cost implications they consider may arise.

4. Questions asked in the consultation are presented below along with a table providing the stakeholders' substantive comments. FSS responses are summarised in the last column of the table. Comments marked** are summarised views from the five respondents who preferred not have their comments published.

5. FSS is grateful to those stakeholders who responded to this consultation - these stakeholders are listed at the end of the document, subject to their agreement. Full responses are published on Citizen Space.

Questions

L1. We invite all stakeholders to provide a view on whether a centralised model, delivered by FSS or delegated to LAs to deliver on behalf of FSS, is required to achieve effective feed safety official controls. Please provide comments as to why you consider such a model should or should not be introduced. If stakeholders consider that alternative model(s) would be effective, it would be helpful to provide evidence to support this.

L2: FSS invites all stakeholders, in particular LAs, views on the proposed transitional arrangements. Do stakeholders agree that official controls functions started or in progress under the existing legislative program be completed by the LA before transferring to FSS, or should they transfer to FSS on day 1, regardless of their status? Please provide examples and evidence to support these views.

1. We would like to hear from all stakeholders with an indication of costs associated with a feed incident in Scotland? Please provide details.

2. To help inform the BRIA, we would like to invite all stakeholders, including LAs and other Government departments, to comment on:

- (a) The benefits of retaining the 'status quo' or 'do nothing' option
- (b) The approximate financial impact, disadvantages/costs and risks of retaining the 'status quo' or 'do nothing' option. Please consider the impact on feed and food safety and animal health on all stakeholder groups.

3. To help inform the BRIA, we would like to invite all stakeholders, including LAs and other Government departments, to comment on: whether they agree with the described benefits of implementing option 2 (to introduce new legislation to give effect to the centralised model of official control delivery and enforcement).

4. Do you agree with the cost assumptions presented in the BRIA in relation to additional time required to allow a new officer to familiarise themselves with the business for the first time, under the proposed model? Any other information on the potential costs to the industry would be welcome.

5. FSS would like to hear from all stakeholders about the potential impact of the proposed feed delivery model on non-feed official controls carried out by LAs or other Government Departments on the feed industry. Please provide data to support these views.

6. FSS would like to receive information from LAs on the impact of the proposed feed delivery model, with supporting evidence, in particular:

- (a) the financial and administrative burden of official feed control delivery to LAs
- (b) the effect on officers' employment terms or conditions in the LAs that will no longer carry out feed control functions.

7. FSS would be grateful to hear views from Analysts about the impact that the proposed model may have on laboratories, particularly in relation to staffing.

Summary of substantive comments to the FSS Consultation – Centralised Animal Feed Official Controls Delivery Model 2020

8. FSS would like to hear from LAs on the following:

- (a) The financial impact and assumptions made on the development of the proposed model. Are there any additional impacts on the LA?
- (b) The financial impact and assumptions made on the familiarisation with the proposed model and training.

9. FSS would like to hear from LAs about whether they agree with the assumptions made in the BRIA to calculate the financial impact of a handover process for the more complex businesses under the proposed model. Please provide data to support these views.

<p>L1) We invite all stakeholders to comment on the assumption that a centralised model, delivered by FSS or delegated to LAs to deliver on behalf of FSS, is required to achieve effective feed safety official controls. If you disagree, please provide comments as to why you consider such a model should not be introduced. If stakeholders consider that alternative model(s) would be effective, it would be helpful to provide evidence to support this.</p>			
Respondent	Method	Comment (summary)	FSS Response
Forth Ports Limited	Citizen Space	I agree, a centralised model would be more effective, especially if the FSS utilised the LAs as agents.	FSS acknowledges support for a centralised model.
Apheya	Citizen Space	<p>A centralised model will allow the delivery of feed safety official controls to be carried out by a smaller team of people who will be qualified and trained to inspect a wide range of feed businesses, and develop their knowledge to become experts.</p> <p>The current model requires individual LAs to identify officers to carry out these controls, and to provide training and resources to facilitate this; evidence shows that financial constraints, limitations on time due to other responsibilities, and a lack of experienced officers has resulted in the feed safety official controls programme not being prioritised within LAs. In my experience, the current LA officers are committed to the feed controls, and are keen to learn more and gain expertise, if resources were available for this. A centralised model would allow officers, or third parties, to focus on the programme and deliver the results required by FSS.</p>	<p>FSS has established an Implementation Group to help design and deliver the proposed new model. The group pulls membership from SCOTSS (The Society of Chief Officers of Trading Standards in Scotland) and LA representatives of each feed specialist group in Scotland. Papers for the implementation group are distributed across all LAs and wider stakeholders.</p> <p>FSS acknowledge the value of the expertise available within LAs and has built into the feed delivery model training programmes to maintain and enhance officer competence.</p> <p>FSS has rolled out a range of training programmes in support of existing TSOs and, subject to LA participation in the delegated model, is considering the potential to contribute funding for the recruitment and training of TSOs across Scotland.</p>
West Lothian Council	Citizen Space	The council supports the proposal for a centralised model as this is method most likely to provide the level of knowledge and expertise required by field officers across the country that will ensure adequate controls.	
East Ayrshire Council	Citizen Space	LA have provided effective control for many years but will require investment in training and staff to continue to do so which will be provided by the proposed centralised model.	

Summary of substantive comments to the FSS Consultation – Centralised Animal Feed Official Controls Delivery Model 2020

		<p>It is only high-risk product safety and weights and measures visits that are routinely undertaken. Feed Hygiene visits are also carried out in relation to direct primary production funding from FSS.</p> <p>... instead of FSS trying to takeover powers from LAs, constructive consultation with Chief Executives ... may have gained better traction. This may have especially been the case in LAs with a large rural economy.</p>	<p>FSS engaged with SOLACE (the Society of Local Authority Chief Executives) in 2015 and were referred to COSLA by SOLACE. To secure the effective use of funding through the transfer of block grant monies to FSS, allowing direct payment for feed services, COSLA required a change in existing legislation to transfer competence from LAs to FSS.</p> <p>Alternative models for future delivery have been considered over the past five years across the wide range of stakeholders. FSS considers the current proposal provides a model that will allow LAs to make a critical judgement on their ability to deliver feed official controls and have confidence in the funding and support that will be available to develop the business models for this.</p>
Angus Council	Citizen Space	<p>... <i>Scottish Ministers have existing powers in The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005;</i></p> <p><i>"32.—(1) If the Scottish Ministers consider that these Regulations, or those provisions of Regulation 178/2002 specified in regulation 15(2) or Regulation 183/2005 have been insufficiently enforced in the area of any enforcement authority they may appoint 1 or more persons to exercise in that area the powers exercisable by authorised officers appointed by the authority, and any expenses certified by them as having been incurred by them under this regulation in respect of that area shall be repaid to them on demand by the authority in question"</i></p>	<p>Retrospective use of powers against LAs under the current legislation creates the potential for delays in addressing concerns around poor performance, increases the costs for both FSS and LAs in delivering solutions to insufficient official controls delivery and would not directly address structural issues relating to funding and resourcing of a consistent national programme.</p>

Summary of substantive comments to the FSS Consultation – Centralised Animal Feed Official Controls Delivery Model 2020

		<p>The ongoing FSS review over the last 5 years has also impacted on Angus Councils staff development and future planning</p> <p>It should however be noted that the same graph does show an increase in controls between 2017/18 and 2018/19... over these periods FSS started to offer training to feed officers and trainee officers. FSS also increased primary production funding, this funding could be directed straight into Services budgets instead of allocation via a central block grant. FSS also worked to re-establish the feed specialist group in the North of Scotland. Combined these actions anecdotally show that if there is constructive consultation and support from FSS to LAs then official control levels can be raised without the need for a centralised model.</p> <p><i>Continuation of the status quo could be supported by increased audits by FSS along with a program of increased internal and peer audits by LAs.</i></p>	<p>FSS appreciate the support for our steps to enhance training and direct budget allocations to LAs for feed services. The new model will continue these practices while providing additional funding and controls (through a delegated service level agreement) to ensure consistency of access, delivery and equitable use of resource.</p> <p>Subject to LA participation in the delegated model, FSS is considering the potential to contribute funding for the recruitment and training of TSOs across Scotland.</p>
AIC	Email	<p>AIC has reservations that the mere act of delegation of powers to FSS to appoint LAs and others to deliver official controls will result in the consistency and quality required of the function</p> <p><i>How are staff to be recruited and trained and what budget will be committed to achieving this?</i></p> <p>The consultation document references the Chartered Trading Standards Institute Workforce Survey Report 2018-191, which describes a significant skills shortage... In addition, the report highlights an aging workforce which risks future capacity to deliver these functions.</p> <p><i>The centralised model must set out clearly how this issue will be addressed.</i></p>	<p>As the competent authority, FSS is responsible for the delivery of official controls. Governance arrangements are under development to underpin the new model in order to provide consistency. LAs will be required to sign up to a Service Level Agreement and meet the requirements of the Feed Manual. Annual training programmes will be rolled out by FSS to ensure consistency.</p> <p>The Feed Manual defines qualification equivalence enabling officers not from a traditional TS background to be eligible to meet the qualification and competency requirements subject to the submission of evidence to FSS.</p>

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CTSI	Email	<p>The official controls for food, feed and animal health are intrinsically linked, as such, this would suggest that it does remain sensible for the infrastructure for the enforcement of the official controls for feed to remain with local government and this would give consistency across the UK. Where a LA either does not have the resource or the expertise in which to enforce in their area, they should be in a position to delegate this work to another LA who does have the appropriate level of competency to deliver the verification of the official controls in accordance with the expectations of Regulation EU 2017/625.</p>	<p>Subject to agreement by the LA, feed, food and animal health official controls could be carried out at the same time. Competence for food primary production is shared between FSS and LAs currently and food PP is under scope of this arrangement to reduce foot fall. Retaining the status quo would not address the issues of LA reprioritisation of funds through the block grant and therefore does not guarantee that funding will be available for feed</p>
Agricultural Analysts	Email	<p>A successful model will include a mechanism to ensure that there is access to a sustainable network of OCLs with the expertise, capacity and capability to deliver the chemical and microbiological testing and legal knowledge that is required to ensure feed quality and safety.</p>	<p>FSS is considering options with regards to its requirement to appoint an Agricultural Analyst, under the Agriculture Act 1970, whilst ensuring the sustainability of a resilient analytical service in Scotland. In order to ensure sustainability, it is intended that FSS provides sufficient funding to enable development and accreditation of methodologies and maintaining the competence of staff.</p>
**		<p>The benefits of centralised model include consistency provided the controls are adequately financed</p>	<p>The new model will be supported by additional financial resources to that currently in place and will be directed to the feed function. A cost model has been developed and shared with LAs.</p>

L2) FSS invites all stakeholders, in particular LAs, views on the proposed transitional arrangements. Do stakeholders agree that official controls functions started or in progress under the existing legislative program be completed by the LA before transferring to FSS, or should they transfer to FSS on day 1, regardless of their status? Please provide examples and evidence to support these views.			
Respondent	Method	Comment (summary)	FSS Response
Moray Council	Citizen Space	I agree that any official controls functions started or in progress be completed by the LA before transferring to FSS. Officers involved will know the situation well and are then best placed to deal with and continue to engage with individuals involved.	FSS acknowledge the responses received. FSS have instructed legal advisors to consider legislative needs for the completion of cases beyond proposed transfer date by LAs.
Forth Ports Limited	Citizen Space	My opinion is that any projects or functions that are incomplete at the point of transition should be completed by the LA because they will have a more complete understanding of the situation. Any delays in completing a project could have a detrimental effect upon a stakeholders business.	FSS will work with local authorities to identify options to provide for sufficient opportunity for the orderly transfer of control functions. This may take the form of addressing schedules for official controls work planned by the LA ahead of 01/04/2021, consistent with the ongoing delivery of the statutory function
East Ayrshire	Citizen Space	Agree – It is more satisfactory for all concerned if official controls are carried out by same staff. It maintains the continuity and consistency of the action. It is difficult to hand over part way through as the person continuing the action won't have complete knowledge of the original issue.	
Glasgow Council	Citizen Space	It makes good sense for control functions already started to be completed by the relevant LA; however, it would seem appropriate for that to be the subject of discussion and agreement between each authority and the FSS.	FSS will engage with the implementation group and wider stakeholder group on the need for assessment/review of ongoing cases, and consideration of complex cases, to ensure appropriate processes are in place to accommodate transition.
AIC	Email	AIC considers that there should be a tiered approach to transition. ... FSS should complete an assessment...Those LAs who are assessed as not delivering to DSLA standards should not continue with official control functions. The centralised model proposal must set out a clear set of timelines for pre-assessment of LAs and a subsequent implementation of the new model.	FSS are seeking advice on data management, data protection and GDPR issues that may arise should ongoing cases be transferred to FSS.
Agricultural Analysts	Email	In considering the transitional arrangements consideration will need to be given to the legal implications of each approach.	

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Apheya	Citizen Space	<p>I believe that it would be a cleaner transition to transfer all official control functions to FSS on day 1. This would make the change clear to the feed businesses, and allow them to understand the new relationship. Some LA's will be carrying out more controls than others, which, if existing functions were completed before transfer, could lead to implementation of the new model at different levels across neighbouring authorities- this may cause confusion to the feed businesses.</p>	<p>All businesses/trade organisations will be contacted prior to April 2021 and advised of the transfer of competence to FSS and the practical implications.</p>
West Lothian Council	Citizen Space	<p>The council believes that all official control functions should be transferred on day 1, regardless of status. There is no evidence within the consultation paper that suggests there will be a large number of controls started or in progress on day 1 and there is no reason to believe that most simple ongoing administrative matters could not be transferred to FSS along with informal handover discussions between the respective LA officers and FSS staff. This authority has little practical experience of more complex issues but would see no reason why they could not be treated on a case by case basis.</p>	
Angus Council	Citizen Space	<p>This Authority feels that given the lack of formal feed enforcement action that is taken (e.g. prohibition notices/orders, withdrawal of authorisation or registration), the number of official control functions in progress is likely to be nil or in single figures and any ongoing matters could be transferred to FSS on day 1. A clear handover from LA to FSS would be required prior to any transfer. Also any FBO affected would need to be given clear information on who the new enforcing body was.</p> <p>An issue maybe if a LA has started a criminal process, e.g. interviewing accused, reporting to the Procurator Fiscal service prior to the date of transfer of powers. To further or complete such an investigation the LA may still need to use legislative powers made under prior legislation. Therefore, some form of saving provision may be required.</p>	

**		General agreement that the functions should remain with the LA until completed. For LAs that do not wish to participate in the delegated model, functions should transfer immediately to FSS.	
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1) Section 5.1(2) of the BRIA addresses cost implications of a "do nothing" option. We would like to hear from all stakeholders with an indication of costs associated with a feed incident in Scotland? Please provide details.

Respondent	Method	Comment (summary)	FSS Response
Forth Ports Limited	Citizen Space	I do not have any information about costs associated with a feed incident in Scotland but it is obvious that the potential could be massive, not just financially but reputationally and physically as well.	FSS acknowledge the direct and indirect cost impacts as raised by respondents.
Apheya	Citizen Space	A theoretical cost of a feed safety incident has been provided and in summaries in the appendix to the BRIA.	These highlight the urgent need to address the insufficient assurance provided by the current feed official controls delivery.
Angus Council	Citizen Space	Nothing to add other than the costs of these incidents could be comparable in Scotland. Figures from the BSE and foot and mouth crisis would also be comparable. Given Brexit the EU maybe more likely to ban imports from the UK or increase official controls at border entry points. Such actions could respectively close a main market for UK food and feed businesses or increase business costs as products await official controls. Also given that the UK will have third country status with the EU, it may be harder for industry and the UK governments to lobby with the EU in relation to reintroducing imports or reducing import controls following such an incident.	The proposed model seeks to mitigate risks by improving a risk based approach and consistency, as well as supporting better intelligence gathering and coordination. Funding to operate this new model, including incident investigation is to be met by FSS.
Glasgow Council	Citizen Space	In the context of being a large mainly urban authority the issue relating to any given incident is not limited to the cost but also the availability and training of officers. In the "do nothing" option the cost of maintaining the competence and training for officers to	

		deal with feed controls is likely to be significantly more than the cost of dealing with a specific incident.	
CTSI	Email	It is not possible to quantify the cost of a feed incident due to the number of variables depending on nature and extent. However local government has a wealth of experience in dealing with major incidents and the execution of contingency plans and are well placed for dealing with such matters subject to appropriate levels of finance being made available.	
Agricultural Analysts	Email	Any examination or analysis of samples taken as part of the investigation into a feed incident will incur costs ranging from less than £100 per sample to more than £1000 per sample depending on the nature of the examination or analysis required.	
**		Costs could be considerable	FSS acknowledge the direct and indirect cost impacts as raised by respondents.

<p>2) Section 5.1 presents an options appraisal for "do nothing"/"status quo". To help inform the BRIA, we would like to invite all stakeholders, including LAs and other Government departments, to comment on:</p> <p>(a) The benefits of retaining the 'status quo' or 'do nothing' option</p> <p>(b) The approximate financial impact, disadvantages/costs and risks of retaining the 'status quo' or 'do nothing' option. Please consider the impact on feed and food safety and animal health on all stakeholder groups.</p>			
Respondent	Method	Comment (summary)	FSS Response
Forth Ports Limited	Citizen Space	<p>The "do nothing" option presents a risk through lack of coordination, inability to quickly identify trends and react to them in good time.</p> <p>LA's should still have an input because they are in effect the 'boots on the ground' and can react quickly. Another advantage is that they have built up a relationship with the feed and food businesses in their area.</p>	<p>FSS recognises the knowledge of LA officers and intends to work with LAs under a delegated model where the LAs are able to do so.</p>
Apheya	Citizen Space	I agree that there are no benefits to consumers to the 'do nothing' option- the risks to food and feed safety will not change.	

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		<p>For the consumers, the 'do-nothing' option does not decrease the risk of a food/feed safety incident and the consequential devastation to the communities involved.</p> <p>The disadvantages to the feed industry may be great... if the 'do-nothing' option increases the risk of a business in an authority without the expertise to carry out effective controls causing an incident, this is devastating to the other feed businesses...</p> <p>And for the LAs and FSS, a feed safety incident in Scotland will result in a loss of confidence in the authorities to carry out effective controls, which could be felt... through a reduction in sales and exports of Scottish feed and food.</p>	<p>FSS shall increase funding levels to enable delivery of this service and provide training to LA staff to maintain competence.</p>
Angus Council	Citizen Space	<p>Knowledge is lost if an LA does not become a delegated authority.</p> <p>Maintaining the current model means that funding can remain with LAs to support their existing functions in food, animal health and weights and measures inspections.</p> <p>As a third-party country the UK and its devolved nations are likely to be exposed to more European Union missions assessing the level and effectiveness of our official feed and food controls. If controls are found to be below the standard required for third countries, then imports into the EU from the UK maybe prevented or be subjected to additional controls at the EU border. Any additional controls could add to feed and food operators' costs.</p>	
East Ayrshire	Citizen Space	<p>LA already has expertise and staff who have developed a good working relationship and visit feed businesses for other purposes. Visits can be combined thus reducing the level of bureaucracy and official visits.</p>	
Glasgow City Council	Citizen Space	<p>The disadvantage of the status quo is that with very limited resources and increasing demand officer/s would need to continue training and competences for activity that requires less resource than that process.</p>	
Agricultural Analysts	Email	<p>At present assurance of the standards, quality and safety of the feeding stuffs being supplied in Scotland is limited and geographically uneven.</p>	<p>FSS is considering options with regards to its requirement to appoint an Agricultural Analyst, under the Agriculture Act 1970, whilst ensuring the sustainability of a resilient analytical</p>

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		<p>It is difficult to estimate the financial impacts of incidents such as contaminated feed entering the food chain, placing the population of Scotland at risk and damaging the reputation of feed exporters. Similarly, with the transmission of salmonella and other pathogens from raw pet food. The financial impact on reputable feed manufacturers and farmers of undetected deficiencies of vitamins and minerals from rogue producers is even more difficult to estimate.</p> <p>If the status quo is maintained it is likely that one or more of the OCLs would no longer be able to provide an analytical/examination service for animal feeding stuffs (see Q7 below). In any case the scope of the provision of appropriately accredited methods is limited and difficult to justify.</p>	<p>service in Scotland. In order to ensure sustainability, it is intended that FSS provides sufficient funding to enable development and accreditation of methodologies and maintaining the competence of staff.</p>
**		<p>The “do nothing” option provides opportunity to carry out other official control functions at the same time as feed. There are already good working relationships with businesses and LAs.</p>	<p>Participating LAs will be able to carry out other OCs at the same time as feed.</p> <p>FSS intends to work with LAs for delivery so that working relationships with businesses may continue</p>

<p>3) Section 5.2 of the BRIA considers the perceived benefits of Option 2 (New Model). To help inform the BRIA, we would like to invite all stakeholders, including LAs and other Government departments, to comment on: whether they agree with the described benefits of implementing option 2 (to introduce new legislation to give effect to the centralised model of official control delivery and enforcement).</p>			
Respondent	Method	Comment	FSS Response
Forth Ports Limited	Citizen Space	I agree with the described benefits of implementing option 2. The benefits of continuing to engage with the LA's and using them as local agents for FSS is crucial in my opinion. Centralising FSS control and coordination is a positive step, however LA's should still have an input and be listened to.	FSS acknowledge supportive statements on the benefits of the new model and the need to maintain the local knowledge and input of LAs in the ongoing delivery of feed official controls.
Apheya	Citizen Space	This will provide consistency of advice across all feed businesses, and will actually reduce the burden on those businesses operating across a number of authorities - for them it will be beneficial to have a single point of contact, and an experienced officer to contact for queries. As we leave the EU, there will be a requirement for clear policies, information sharing and advice; the new model will allow the LAs or third parties delivering feed functions to focus on feed safety, and develop their knowledge and speciality expertise to be able to provide clear, consistent advice and enforcement to all feed businesses.	Discussions will continue through the Implementation Group to ensure the value of LAs is maintained and where possible and appropriately strengthened.
Angus Council	Citizen Space	<p>This Authority would agree that there may be a benefit to having a single point of contact for consumers and industry if controls were centralised.</p> <p>This Authority however believes that some of the other benefits outlined could be achieved by minor non regulatory adjustments to the status quo.</p> <ul style="list-style-type: none"> • FSS could provide training to LA staff to ensure consistency in the delivery of feed controls throughout Scotland. This along with a program of internal, peer and FSS audits of an LA could ensure that there is no regional variation of official controls. The use of intelligence to identify potential incidents could be done using an 	<p>Centralised support, including training, and additional funds would not directly address structural issues relating to funding and resourcing a consistent national programme. Such a model does not provide assurance that funding will be used for its intended purpose as use of funding through the block grant is the decision of Councils based on local priorities. The new model intends to address this.</p> <p>Officers will remain employees of the LA, acting under delegation from FSS, while conducting feed official controls. The</p>

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		<p>intelligence model which LAs feed into using a single point of contact.</p> <ul style="list-style-type: none"> Also, as a LA we already share FSS alerts to relevant FBOs. Again there is no direct need to have a centralised model to maintain this. <p>Of concern to this Authority in relation to a centralised model is the employment status, insurance status and accountability of a delegated officer enforcing FSS functions. If a delegated authority officer is carrying out FSS functions while employed by an LA; is it the LA or FSS who is responsible for insurance of staff, public liability, vehicle insurance, vehicle funding, dealing with complaints about officers' enforcement decisions or actions, disciplinary actions?</p> <p>Also, who is a delegated authority officer reporting to in terms of elected control? The FSS board or LA elected members</p> <p>The BRIA states "FSS will be able to delegate functions to LAs to an area including within or part of an area of neighbouring authorities".</p> <p>This Authority is concerned that the issues noted in the above paragraph become of even greater concern if a LA officer of council area A is tasked by FSS to carry out official controls in council area B.</p>	<p>geographic scope of delegation will be agreed with the LA, and consideration is also being given to a Scotland-wide authorisation in the event that a major incident, for instance, requires significant input.</p> <p>FSS is seeking clarity from the Scottish Government and the insurance market on the appropriate insurances, within the chain of authority, for feed official controls delivery under the new model.</p> <p>FSS will become the Competent Authority for feed within Scotland. While on a day to day basis, under the DSLA, officers will report to their line managers within the local authority they are acting under delegated powers and will therefore be ultimately responsible to the FSS Board.</p>
Agricultural Analysts	Email	<p>We agree with the benefits of implementing option 2; however, there is insufficient detail given regarding the appointment of Agricultural Analysts and the strategy for a planned surveillance and monitoring programme</p>	<p>FSS is considering options with regards to its requirement to appoint an Agricultural Analyst, under the Agriculture Act 1970, whilst ensuring the sustainability of a resilient analytical service in Scotland. In order to ensure sustainability, it is intended that FSS provides sufficient funding to enable development and accreditation of methodologies and maintaining the competence of staff.</p>
**		<p>The benefits of centralised model include consistency provided the controls are adequately financed</p>	<p>Increased funding to be provided</p>

<p>4. Section 5.2(2) of the BRIA addresses the cost assumptions to be made in appraising "new model" option. Do you agree with the cost assumptions presented in the BRIA in relation to additional time required to allow a new officer to familiarise themselves with the business for the first time, under the proposed model? Any other information on the potential costs to the industry would be welcome.</p>			
Respondent	Method	Comment (summary)	FSS Response
Forth Ports Limited	Citizen Space	If the auditors are centralised will travelling costs be passed to the stakeholder, whereas the LA auditors are on the doorstep?	The business will not need to meet the cost of officer travel. Travel is built into the FSS cost model.
Apheya	Citizen Space	5.2 (2) suggests that a disadvantage may exist in that there will be a requirement for a production manager, or business owner, to spend time with a new contact, explaining their processes and business activities. I don't believe this will be seen as a disadvantage - feed businesses (on the whole) want to build strong relationships with their enforcement officer, and I believe will recognise that the new model offers opportunities to consult on legal matters and, in the future, to keep-up-to-date with changing legislation as a result of our withdrawal from the EU.	Noted
Angus Council	Citizen Space	A 1-hour site visit may not be adequate for a complex business. ... Trading Standards officer time for such a hand over would be charged at approximately £92 per hour. Time would also have to be allocated to view and discuss audit documents prior to any site visit.	<p>The figures presented in the BRIA are indicative and FSS has developed and shared the cost model for the delivery of the new model. Discussions are ongoing with LAs.</p> <p>Hourly figures included in the cost model are drawn from the salary points of officers as employed by FSS and the LA cost model is comparable to the FSS model.</p> <p>Complexity of the feed business and planning impacts time taken are addressed in the development of the cost model.</p>

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**		Agree additional time required. Concern that change in officer may cause concern to business due to previously well established relationships. Breakdown of cost for functions provided	These functions are included in the cost model
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<p>5) 5.2(2) of the BRIA considers impacts of adopting the new model on non-feed official controls. FSS would like to hear from all stakeholders about the potential impact of the proposed feed delivery model on non-feed official controls carried out by LAs or other Government Departments on the feed industry. Please provide data to support these views.</p>			
Respondent	Method	Comment (summary)	FSS Response
Moray Council	Citizen Space	<p>The costs would be subject to the areas LA agree to cover and the volume of feed business operators within the area. I would expect if a LA opts to carry out feed work this would have a significant impact on LAs other official controls dependant on volume. Alternatively LA may appoint officers for feed work only and use any money saved from them doing other work to recruit additional officers.</p>	<p>LA will only be eligible to participate in the delegated model provided sufficient competent staff are available to do so. There is not compulsion to participate and the LA decision will depend on factors such as availability for other duties.</p> <p>FSS acknowledges that there may be challenges for LAs in reconfiguring staffing resources to fulfil the requirements of increased official controls work under the new model. FSS will provide a degree of flexibility within the development of inspection planning, taking account of risk profiles, to enable LAs to more effectively plan staffing deployment.</p>
Angus Council	Citizen Space	<p>Regardless of the feed delivery model adopted could visits by the Scottish Government Rural Payments Service, APHA and Inspectors Division of the Agriculture and Rural Delivery Directorate be coordinated to lessen inspection burden on FBOs, especially primary producers. Perhaps an inspection plan like that trialled in the Retail Enforcement Pilot could be used.</p> <p>This Authority feels there should be an increased emphasis on working with trade bodies to enhance FSS/LA intelligence which would better guide any official controls and reduce burden on business.</p>	<p>Under the new model, FSS will arrange and participate in meetings with LA delivery agents, and Government agencies/Departments.</p> <p>Concerns about coordination of other Government Department inspections has been passed on.</p> <p>Working with trade organisations is an integral part of the new model to maintain earned recognition.</p>

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East Ayrshire	Citizen Space	Non-feed official controls are statutory duties which LA require to undertake and will, therefore, continue to be delivered. This will result in an increase in visits to some premises where both LA and FSS staff will be required to carry out separate duties.	FSS consider that those LAs that choose to participate as service providers under the new model may continue to conduct non feed controls work in conjunction with feed controls and to schedule these to minimise footfall. Where LAs do not participate in the new model, FSS appreciate that this may create conditions where footfall is increased at a number of premises and will continue to work with those LAs and businesses to minimise disruption
**		Concern that there may be an increase in footfall in those areas where the LA does not participate in the delegated arrangement.	

6) Section 5.2(3) of the BRIA considers resource and staffing implications for local authorities in adoption of the new model. FSS would like to receive information from LAs on the impact of the proposed feed delivery model, with supporting evidence, in particular:
(a) the financial and administrative burden of official feed control delivery to LAs
(b) the effect on officers' employment terms or conditions in the LAs that will no longer carry out feed control functions.

Respondent	Method	Comment (summary)	FSS Response
Moray Council	Citizen Space	The potential for employees to lose their job if they do feed work only and cannot be redeployed to other roles.	LA will only be eligible to participate in the delegated model provided sufficient competent staff are available to do so. There is no compulsion to participate and the decision will depend on factors such as availability for other duties. If an officer

Summary of substantive comments to the FSS Consultation – Centralised Animal Feed Official Controls Delivery Model 2020

			<p>only does feed work, they may wish to consider participation in this arrangement.</p> <p>FSS acknowledges that there may be challenges for LAs in reconfiguring staffing resources to fulfil the requirements of increased official controls work under the new model. FSS will provide a degree of flexibility within the development of inspection planning, taking account of risk profiles, to enable LAs to more effectively plan staffing deployment.</p>
Angus Council	Citizen Space	<p>This Authority considers that we would still incur management, admin support, payroll costs, along with expenses including travel, procurement, insurance, national insurance and pension costs as financial and administrative burdens in relation to providing delegated feed functions. These costs are hard to quantify but we again would draw attention to our Trading Standards Officers hourly rate of £92 per hour which is calculated to cover these costs.</p> <p>There is unlikely to be any direct impact on permanent staff within our authority. <i>However, ongoing uncertainty is impacting on the recruitment of and training of staff currently on temporary contracts.</i></p>	<p>a) The figures presented in the BRIA are indicative and FSS has developed and shared a cost model for the delivery of the new model with LAs. Discussions are ongoing with LAs.</p> <p>Administrative and “On costs” are considered in this model and are comparable to FSS rates.</p>
Glasgow City Council	Citizen Space	<p>The level of current work on feed controls in this authority is such that it would have a limited impact on the financial and administrative burdens, although the current funding (£1000) would be withdrawn.</p>	<p>FSS acknowledges that there may be challenges for LAs in reconfiguring staffing resources to fulfil the requirements of increased official controls work under the new model. FSS will provide a degree of flexibility within the development of inspection planning, taking account of risk profiles, to enable LAs to more effectively plan staffing deployment.</p>
CTSI	Email	<p>For the training and development and professional competency of members, CTSI has an established formal qualification framework across the whole of the UK, which does include feed to support the requirements of the official controls.</p>	<p>The qualification framework is included in the Feed Manual and lays out the qualification requirements.</p>

**		<p>Would relieve the financial burden on LAs although concern raised that not all elements for feed law function would be covered. Considered not to have an impact on officers' terms and conditions.</p> <p>Concern about meeting the costs of training new officers required to carry out the feed official control functions</p>	<p>All OC function costs, officer training (including time), travel etc. are included in the cost model, currently with LAs for consideration.</p> <p>The responsibility to provide officers that meet the requirements of the DSLA and the Feed Manual lies with the LA. FSS shall provide annual training</p>
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<p>7) Section 5.2(3) of the BRIA considers the impact of the new model on agricultural analysts services. FSS would be grateful to hear views from Analysts about the impact that the proposed model may have on laboratories, particularly in relation to staffing.</p>			
Respondent	Method	Comment (summary)	FSS Response
Angus Council	Citizen Space	<p>Not directly applicable however any agreement reached should consider appropriate turnaround times to allow for effective enforcement and maintenance of animal and human health.</p>	<p>It is the intention of FSS to significantly increase the number of samples taken under the new model.</p>
Glasgow City Council	Citizen Space	<p>To enable the laboratories to maintain [their] status they are required to hold UKAS accreditation and to be accredited for a minimum scope of testing which includes proximates, minerals, heavy metals, mycotoxins as well as the capability for microbiological testing of feeding stuffs.</p> <p>In effect, the LA owners of the labs have been subsidising the Official Feed status by bearing the costs of accreditation, competency of staff, external Proficiency Schemes, purchase & maintenance of equipment and all other associated costs.</p> <p>Glasgow would welcome a planned and structured feed delivery model that could guarantee a minimum level of funding to cover their costs, allow for investment in equipment and training and to provide for a resilient analytical service.</p>	<p>FSS shall met the analysis costs and sample courier centrally.</p> <p>FSS is considering options with regards to its requirement to appoint an Agricultural Analyst, under the Agriculture Act 1970, whilst ensuring the sustainability of a resilient analytical service in Scotland. In order to ensure sustainability, it is intended that FSS provides sufficient funding to enable development and accreditation of</p>

Summary of substantive comments to the FSS Consultation – Centralised Animal Feed Official Controls Delivery Model 2020

Agricultural Analysts	Citizen Space	<p>The four OCLs in Scotland (Aberdeen, Dundee, Edinburgh and Glasgow), designated as Official Feed Control laboratories employ Agricultural Analysts (and Deputy Agricultural Analysts) and other staff working under their direction on required analysis and examination.</p> <p>In the short term, there are sufficient numbers of appropriately qualified and experienced staff in the OCLs to meet current demand and increased demand with the introduction of the proposed model. All Agricultural Analysts are all over 50 and succession planning is becoming increasingly difficult due to the financial situation in LAs. There is an expectation that OCLs hold UKAS accreditation for a range of analyses. This has become a significant cost and overall burden to the laboratories as the numbers of samples received from LAs has fallen. The owners of the OCLs have been subsidising their Official Feed status by bearing the costs of accreditation, participation in external proficiency schemes, purchase & maintenance of equipment and maintaining staff competence.</p> <p>When you consider the number of feed businesses in Scotland this level of surveillance and sampling does not, in our opinion, provide adequate controls or assurances of the quality and safety of the animal feed produced and sold.</p>	methodologies and maintaining the competence of staff.
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<p>8) Section 5.2(3) points (a) through (c) consider the implications to local authorities in funding, development and familiarisation with the new model FSS would like to hear from LAs on the following:</p> <p>a) The financial impact and assumptions made on the development of the proposed model. Are there any additional impacts on the LA?</p> <p>b) The financial impact and assumptions made on the familiarisation with the proposed model and training</p>			
Respondent	Method	Comment	FSS Response
Angus Council	Citizen Space	<p>Any model developed should be created to ensure that funding intended for the delivery of official controls is received directly by the service providing such a function.</p> <p>Would draw attention to this Authorities Trading Standards Officers hourly rate of £92 per hour which is calculated to cover these costs.</p>	<p>The figures presented in the BRIA are indicative and FSS has developed and shared the cost model for the delivery of the new model.</p> <p>Hourly figures included in the cost model are drawn from the salary points of officers as employed by FSS and the LA cost model is comparable to the FSS model.</p> <p>Costs associated with training provided or directed by FSS, including officer time and travel costs, will be met by FSS, under the new model.</p> <p>Funding will be provided directly, rather than through the block grant.</p>
CTSI	Citizen Space	CTSI: UK framework for training, development and professional competency	The qualification framework is included in the Feed Manual and lays out the qualification requirements.
**		<p>The estimates should go beyond officer familiarisation to include management and administration and other council functions such as Legal. LAs required cost recovery</p> <p>The time required for input into development of the model by LAs is insufficient. Hourly rates are too low.</p>	The costs provided in the BRIA have been increased as has the time provided for familiarisation

<p>9. Section 5.2(3) of the BRIA considers the issues on the handover process for the new model. FSS would like to hear from LAs about whether they agree with the assumptions made in the BRIA to calculate the financial impact of a handover process for the more complex businesses under the proposed model. Please provide data to support these views.</p>			
Respondent	Method	Comment	FSS Response
Angus Council	Citizen Space	<p>These costs are hard to quantify but Angus Council again would draw attention to this Authority's Trading Standards Officers hourly rate of £92 per hour which is calculated to cover these costs.</p> <p>We would estimate to provide records would take 30 min per premises. With around 600 premises this could be around 300 hours.</p>	<p>The figures presented in the BRIA are indicative and FSS has developed and shared the cost model for the delivery of the new model.</p> <p>Hourly figures included in the cost model are drawn from the salary points of officers as employed by FSS and the LA cost model is comparable to the FSS model.</p> <p>FSS will allocate time for completion of the task in discussion with individual service providers subject to the number and nature of records held. 30 minutes has been estimated as appropriate for the cost model.</p> <p>FSS has recently completed, with LAs, a process to verify the accuracy of records held on the Feed Premises database.</p>
**		Time estimated for handover period (from LA to FSS for complex businesses) and transfer of records, and hourly rates low.	Increase in the time provided for handover process

Additional Comments		
Respondent	Comment	FSS Response
AIC	<p>AIC would welcome establishing a formal engagement procedure with FSS to review the results of the new delivery model, to consider improvements to the model and to feedback industry comments/suggestions.</p> <ul style="list-style-type: none"> • AIC would welcome some clarity over what data held and managed by FSS will be shared with stakeholders and put in the public domain. • AIC would ask how FSS might share information relating to risks identified (for instance import or use of unsuitable feed materials) with industry partners to ensure that the risks are limited. 	<p>Data will be subject to a Data Sharing Agreement and underpinned by a Data Privacy Impact Assessment to comply with GDPR. FSS will be the Data Controller for all information, which will only be made available as directed in the regulations.</p> <p>Opportunities for sharing of high level information on identified issues exists within the current AIC/ FSS engagement processes.</p>
Agricultural Analysts	<p>Whilst the proposed model will allow for central direction and appropriate allocation of resources for enforcement activities including sampling it does not provide a mechanism to ensure that the competent authority has access to OCLs which meet the requirements of Article 37.4 of Regulation 2017/6251 in the medium to long term. As part of the implementation of this model we would welcome a new approach to ensure that, as competent authority, FSS has access to adequate and sustainable laboratory capacity within Scotland. Consideration could be given to direct funding such a service to ensure that there is a sufficient number of suitably qualified and experienced staff working in appropriate and properly maintained facilities with suitable equipment and instrumentation, able to maintain a suite of accredited methods and scope to undertake any required method development.</p>	<p>FSS is considering options with regards to its requirement to appoint an Agricultural Analyst, under the Agriculture Act 1970, whilst ensuring the sustainability of a resilient analytical service in Scotland. In order to ensure sustainability, it is intended that FSS provides sufficient funding to enable development and accreditation of methodologies and maintaining the competence of staff.</p>

Summary of changes made:	
Comment	Response
Concern raised that cost model not available to understand what activities are covered	Cost model has been shared with LAs and is under consideration by LAs.
Different views obtained on transitional arrangements particularly concerning enforcement action	SSI drafted to accommodate transitional arrangements for the completion of cases beyond proposed transfer date by LAs.

Actions to be implemented:
<p>1. Review of funding and implementation of governance necessary - Cost model for delivery costs developed. These costs form only part of the budget available for feed delivery (to also include FSS centralised costs, analytical costs, equipment etc.). Development of Delegated Service Level Agreement and Feed Manual ongoing.</p> <p>2. Amendment of The Feed Manual is under development to include existing TS Qualification Framework, competency framework and qualification equivalence and concerns about the ability to undertake non-feed official controls as currently when carrying out feed official controls.</p> <p>3. Ensure that there is adequate provision made of a handover of records and knowledge from LAs no longer delivering feed, to FSS or a LA operating under delegation</p> <p>4. FSS is considering options with regards to its requirement to appoint an Agricultural Analyst to provide sufficient analytical capability and capacity in Scotland to support the new model</p> <p>5. FSS is seeking clarity from the Scottish Government and the insurance market on the appropriate insurances, within the chain of authority, for feed official controls delivery under the new model, in response to concerns about liability.</p>

List of Respondents:

Organisation	Publish Response	Publish Organisation
Agricultural Analysts (Scotland)	Yes	Yes
Agricultural Industries Confederation (AIC)	Yes	Yes
Angus Council	Yes	Yes
Apheya	Yes	Yes
Chartered Trading Standards Institute (CTSI)	Yes	Yes
East Ayrshire Council	Yes	Yes
Forth Ports	Yes	Yes
Glasgow City Council	Yes	Yes
Moray Council	Yes	Yes
West Lothian Council	Yes	Yes

In addition to the above named organisations, a further 5 organisations have responded to this consultation. Comments provided by those organisations are summarised in the tables of responses above (as **).