

**DRAFT MINUTES OF THE MEETING OF THE FOOD STANDARDS SCOTLAND BOARD
HELD ON 14 DECEMBER 2016 FROM 10.30 AM TO 14:35 PM AT PILGRIM HOUSE,
ABERDEEN**

Present:

FSS Board

Ross Finnie, Chair
George Brechin
Marieke Dwarshuis
Heather Kelman
Carrie Ruxton
Sue Walker
Louise Welsh
Anne Maree Wallace

FSS Executive

Geoff Ogle, Chief Executive
Peter Midgley, Director of Policy and Evidence
Ian McWatt, Director of Operations
Norval Strachan, Chief Scientific Advisor
Garry Mournian, Head of Corporate Services
Karen McCallum-Smith, Head of Private Office
Hazel Stead, Board Secretary

External

Dr Julia Allan, University of Aberdeen (Item 7 only)

1 Introduction, Apologies, Declarations of Conflict of Interest

1.1 The Chair welcomed everyone to the Food Standards Scotland (FSS) Board meeting.

1.2 Apologies were received from Elspeth MacDonald.

1.3 There were no conflicts of interest declared.

2 Minutes and Actions arising - 16/12/01 & 16/12/02

2.1 The minutes of the meeting held on 19 October 2016 were approved with corrections.

2.2 The Chair noted that three action points were outstanding, and noted that policy discussions on diet and nutrition with SG are on-going .

3 Chair's Report

3.1 The Chair and the Chief Executive met with Claire Adamson Member of Scottish Parliament to discuss two complaints she had received on the healthy eating campaign. The meeting was very productive and we agreed we would share details of the evaluation once we had it.

4 Chief Executive's Report – 16/12/03

4.1 In addition to his report, the Chief Executive (CE) updated the Board on a number of topics. He advised that a Food Alert for Action for Eat and Go Co. Ltd had been issued on the 13th December 2016. He attended the Food and Drink Federation Christmas reception and had a discussion with with Professor Susan Jebb, who was complimentary on the eating out of home in Scotland report and the work conducted by FSS on diet and nutrition. He agreed to share the detailed analysis of the healthy eating campaign with board members at a future board seminar.

4.2 He advised board members that the full analysis of the staff survey would be made available to them if they wanted to receive it.

- 4.3 He updated board members on the recent Health and Sport Committee meeting on obesity. The Minister for Public Health and Sport spoke about the role of FSS, that it has a national leadership role; is an authoritative source of science and evidence and it is well placed to provide challenge to industry due to its independence; and from an SG perspective reformulation will be considered as part of any strategy. She recognised that there is no silver bullet to obesity and a holistic approach is required. The CE welcomed these comments.
- 4.4 He advised that Catherine Brown, Chief Executive of Food Standards Agency (FSA) had recently announced that she will leave the organisation.
- 4.5 In response to FSS not being called by the Health and Sport Committee to provide evidence at the obesity meeting, the Chair had written to the convenor of the Health and Sport Committee and we are awaiting a response. .
- 4.6 Ian McWatt advised that a Food Alert for Action for Eat and Go Co. Ltd had been issued by Fife Council on the 13th December 2016 and a voluntary recall of all affected products was secured.
- 4.7 In discussion, a board member sought clarification on the stance of the Committee on Advertising Practice (CAP) which will be out of date due to changes in the nutrient profiling model. The CE explained that Peter Midgley had met representatives from both the CAP and Advertising Standards Authority. He explained that whilst FSS welcomes this ban as an initial first step, it needs to go further and on-going engagement with both organisations would continue.

5 Feed Delivery Project – 16/12/04

- 5.1 The Chair invited Ian McWatt, Director of Operations to introduce the paper. Ian highlighted that the intended implementation date of 1st April 2017 will not be achieved due to the delay in transfer of funding and changes required to legislation which need to be implemented. He noted that there is no increase in the level of risk, but the risk remains in regards to lack of delivery of official controls.
- 5.2 The Chair noted that one of the recommendations in the paper was to for him to write to the Minister of Public Health and Sport to reiterate the importance and urgency of the matter as a risk to public health.
- 5.3 In discussion, board members sought clarification including funding; sustainability and resilience of the model; the Settlement and Distribution Committee; transfer of primary production official controls for fresh fruit and vegetables. Ian explained that FSS would receive the funding and would distribute it to Local Authorities (LA's) on delivery of official controls. He explained that the option of LA's sharing delivery and resources had been considered, but the co-ordination role of FSS is critical to ensure delivery, which is supported by Society of Chief Officers of Trading Standards in Scotland (SCOTSS) and Society of Local Authority Chief Executives (SOLACE).
- 5.4 He moved onto explain that the centralised model allows the concentration of skills in delivery and funding by FSS and payment on results allows flexibility to develop other options if required. He moved onto explain the Settlement and Distribution Committee determines the budget that LA's receive and comprises of a political representatives and leaders from 32 LA's. He explained feed delivery is to be discussed and transfer of funding to FSS will require

agreement by that committee. He explained that LA are keen to retain food hygiene inspections at primary production; FSS will continue to audit LA on delivery and the risk of infraction remains as does the reputational risk to the Scottish feed and food sectors.

5.5 The Board :

- **Noted** the progress of the project and the revised implementation date
- **Agreed** that the Chair should write to the Ministers confirm the Board's concerns with regards to feed

ACTION 2016/07 : CHAIR

6 Science, Evidence and Information Strategy – 16/12/05

6.1 The Chair invited Norval Strachan, Chief Scientific Advisor to introduce this paper. He thanked Susan Pryde for her work on this paper. He described the landscape and background and the “explosion” in science and evidence research. He described the strategy and vision and how this had been developed using staff workshops, , two FSS board members and a variety of stakeholders including FSA, Scottish Environmental Protection Agency, European Food Safety Authority, SG Rural & Environment Science and Analytical Science and SG Chief Scientific Advisor.

6.2 In discussion, board members welcomed the strategy and suggested a number of points including; informing risk management be an additional Science, Evidence and Information (SEI) strategic theme; equality impact assessment (EQIA) should not just be included as part of communications and could be separate; sought clarification on how the impact of strategy would be measured and how it is funded.

6.3 Norval explained that there are a number of ways to measure impact, FSS prioritises science projects which includes e.g. assessing the likelihood of impact of science, costs and potential impacts before a project commences and monitoring the project through to completion and beyond . The CE explained that there was a difference between monitoring and evaluation of the SEI strategy and monitoring and evaluation of the science. The executive agreed that EQIA could be included as a separate aspect. Susan Pryde explained that FSS Corporate Services are working with SG Digital Transformation Strategy and are considering the open data strategy and assessing how data is used and made available for others to use. The CE confirmed that the SEI strategy could be clearer on the mechanism for risk assessment and balancing evidence.

6.4 The Board:

- **Agreed** our definition of Science, Evidence and Information
- **Agreed** the five principles upon which the SEI strategy is based
- **Noted** the three SEI strategy themes and approaches and asked for consideration of a fourth theme
- **Noted** the approach and the timeline to publish the Science, Evidence, Information strategy
- **Noted** that the SEI will be supported by a number of operational documents, including an annual current and forward evidence plan, risk management framework, a science governance statement and a science checklist.

7 Behavioural Science – 16/12/06

- 7.1 The Chair welcomed Dr Julia Allan from the University of Aberdeen to the meeting. The CE introduced Julia and invited her to present her paper and presentation.
- 7.2 In discussion, board members welcomed the paper and made a number of suggestions which included; sense checking against the FSS diet and nutrition paper; could labelling have a perverse effect on changing behaviour; recognised that reducing portion size is a key to changing behaviour and working with manufacturers and retailers to encourage change; habit change needs to be understood e.g charity driven campaigns leading to positive behaviour changes in diet .
- 7.3 The Board
- **Noted** the information provided and asked the Executive to reflect on how the findings from the presentation might need to be reflected in FSS work going forward.

8 Audit and Risk Committee Report – 16/12/07

- 8.1 The Chair invited Sue Walker, Chair of the Audit and Risk committee to provide an update on the ARC and to introduce the review of the terms of reference. She explained that the last meeting was held on 29th November 2016, and that prior to the formal meeting, ARC members conducted an effectiveness review. This review was based on the outcomes of a questionnaire survey which had been issued to non-executive members only and completed prior for discussion. She advised that the ARC had concluded that it had effectively discharged its responsibilities, but noted the following desired actions; to continue to develop clarity on respective roles of the board, ARC and executive regarding risk; to develop an induction process; explore opportunities for continuous professional development which specifically focus on how and why ARC's fail; to enquire about the single tender process and how these are reported to ARC; to be further sighted on the whistleblowing policy and consider how whistleblowing incidents are reported and finally to recommend changes to the way ARC provides reports to the board.
- 8.2 The ARC considered a paper on the lessons learned exercise from the 2015/16 annual report and accounts process which the ARC had contributed to and were pleased to see a number of improvements would be made for 2016/17. The ARC received an update on the Internal Audit Plan from SG Internal Audit which is on target; noted two planned audits on incidents and food fraud have been deferred and two alternatives have been selected: review on food safety, science and surveillance and a post-transition review. Follow up audits on assurance mapping, IT security and corporate governance are scheduled in 2017. The ARC received a report from FSA on Official Controls on Animal By Products, which provided limited assurance with a number of high, medium and low risk areas for action involving verification and documentation. The executive have accepted the recommendations and actions to address these are to be in place by the end of February 2017.
- 8.4 The ARC met Elaine Barrowman from Audit Scotland, who outlined the developing plans for the annual external audit which are to be finalised.
- 8.5 The ARC received the first annual assurance mapping highlight report which recorded organisational assurance following a series of management challenge meetings held in August 2016. This report showed a very healthy picture overall, but highlighted some areas

for management attention. The ARC received an update on risk with one high level risk remaining regarding the centralised delivery of feed controls. She noted that progress on the strategic risk register was on-going the register will be populated and distributed at the next ARC meeting. The ARC received reports on health and safety and environmental compliance and welcomed the emphasis placed on health and safety issues and noted that sickness and absence figures are well below that of SG.

8.6 She introduced the revised terms of reference for the board to consider. The board were content with the proposed amendments. It was agreed that the final minutes of ARC meetings are to be shared with board members.

8.7 The Board:

- **Agreed** the amendments to the Audit and Risk Committee terms of reference

9 Financial Performance Update – 16/12/08

9.1 The Chair invited Garry Mournian, Head of Corporate Services to introduce this paper. He highlighted a number of points including the 3% variance against actual spend for the period; and the full year forecast of £15.08m reported against the agreed budget of £15.3m which represents a 1.4% variance.

9.2 In discussion, a board member sought clarification on FSS returning unused funds. The executive confirmed that they are considering this but are bearing in mind liabilities and contingencies. Board members were reassured that initial financial planning for the forthcoming financial year begins in October.

9.3 The Board:

- **Noted** the financial information reported as at 31st October 2016
- **Noted** that work is now being taken forward to develop an FSS Financial Strategy in line with Audit Scotland recommendations
- **Noted** the budget review and reallocation that has been undertaken by the executive as detailed at Annex C

10 Any Other Business

10.1 Anne Maree Wallace advised that on the 9th December 2016, she attended the Scottish Food Enforcement Liaison Committee (SFELC) meeting. The SFELC Chair, Billy Hamilton had extended an open invitation for board members to attend SFELC meetings in 2017 and to visit LA's. It was agreed that the dates of SFELC 2017 meetings would be shared with Board members.

11 Questions and Answers

11.1 There were no members of the public remaining and the Chair closed the meeting.