

MINUTES OF THE MEETING OF THE FOOD STANDARDS SCOTLAND BOARD HELD ON 20th MARCH 2019 FROM 10.30 AM TO 11.45 AM AT PILGRIM HOUSE, ABERDEEN**Present:****FSS Board**

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

FSS Executive

Geoff Ogle, Chief Executive
Elspeth MacDonald, Deputy Chief Executive
Ian McWatt, Chief Operating Officer
Garry Mournian, Corporate Services Director
Katherine Goodwin, Head of Communications and Marketing
Karen McCallum-Smith, Head of Private Office
Norval Strachan, Chief Scientific Adviser
Hazel Stead, Board Secretary

1 Introduction, Apologies

- 1.1 The Chair welcomed everyone to the Food Standards Scotland (FSS) Board meeting.
- 1.2 No apologies were received.

2 Declaration of Conflict of Interest

- 2.1 The Chair asked for any conflicts of interest to be declared. None were declared.

3 Chair's Report

- 3.1 The Chair had nothing to report.

4 Chief Executive's Report

4.1 The Chief Executive noted that it was the International Day of Happiness on 20th of March 2019. Geoff advised board members that a number of staff movements had taken place within the Scottish Government (SG) Health portfolio, including the Malcolm Wright, who was appointed as the new Director General of Health and Social Care and Chief Executive of the NHS.

4.2 On the 6th March 2019, Geoff attended a meeting with the Specialist Cheesemaker's Association and Scottish Food Enforcement Liaison Committee on the guidance for environmental health officers on the production of cheese made from unpasteurised milk. In attendance were representatives from Scotland Food and Drink and the Scottish Agricultural Organisation Society. After a constructive discussion with all attendees a joint statement, agreed by all parties, was published on the FSS website.

4.3 He explained that no-deal planning for Brexit continues across the SG and FSS participated in Exercise Crossbill, organised by Scottish Government resilience team.

5 Leaving the European Union – Food and Feed Safety Risk Analysis 19/03/01

5.1 The Chair invited Elspeth MacDonald, Deputy Chief Executive to introduce the paper. Elspeth noted that the paper provides the Board with more detail on how risk analysis will work in practice after Brexit. Elspeth explained that the Advisory Forum on Food and Feed would be part of a UK-wide framework on food and feed safety and hygiene, but it is subject to UK and Scottish Minister's agreement. She explained that the paper is considered in

the context of FSS's wider governance, noting that a review of the Code of Governance will need to take place.

5.2 She noted that a forward work plan for the AFFF to identify priorities would be required and agreed by both FSS and FSA. Elspeth explained that at this stage, the UK-wide frameworks are being based on the UK leaving the EU with a deal. She noted that as a contingency, if the UK leaves with EU without a deal, practical arrangements would need to be in place to ensure food and feed safety systems continue to function. Elspeth explained that it was necessary these reflect devolved responsibilities; be non-binding; temporary and must not set binding precedents for the longer term.

5.3 Board members sought and received assurance from the executive that throughout the risk analysis process, consultation with stakeholders would take place and the communication and publication of advice would be at the end of the process. At that stage the advice would be shared with Scottish Ministers for decision making. Board members sought clarity on the definition of a significant and non-significant change in legislation and what would happen if UK officials agree but what would happen if there was a disagreement between UK and Scottish Ministers and what the resolution process would be.

5.4 Board members sought and received clarification from the executive that the AFFF includes food and feed risk analysis as a starting point, but if it proved successful could be extended to other areas of both FSS and FSA remits. Board members acknowledged that the approval of the AFFF is contingent on both FSA and FSS agreeing a revised Memorandum of Understanding (MoU), noting the risks to FSS if this was not in place. The Chair agreed to write to Heather Hancock, FSA Chair and Scottish Ministers to set out the FSS position.

ACTION : Chair to write FSA Chair and Scottish Ministers – 2019/01

5.5 The Board:

- **Agreed** the proposed approach to the risk analysis process and that we continue to work with FSA on the method of interpretation;
- **Agreed** the principle that routine matters do not require to come to the Board before advice is provided to Ministers, but more complex/contentious issues would;
- **Agreed** that FSS approval of the Advisory Forum on Food and Feed (AFFF) be contingent on agreeing a revised Memorandum of Understanding (MoU) between FSS and FSA, with particular reference to access to scientific advisory committees, within six months of agreeing the terms of the AFFF
- **Agreed** that the AFFF be constituted under both the Food Standards Act (1999) and the Food (Scotland) Act 2015, and that FSS will continue to be responsible for providing advice to Scottish Ministers;
- **Agreed** that the proposed amendments to the FSA's Terms of Reference for the AFFF are appropriate for FSS

ACTION : Executive brings forward a paper to the Board outlining the resource requirements in both numbers of personnel, skills and finance – 2019/02

ACTION : Executive establish a short-life working group comprising members of the Executive and two non-executive members to undertake a review of the Code of Governance in the context of EU exit for consideration by the Board, to ensure the Board is assured about how the Executive is discharging new functions that are a consequence of the UK leaving the European Union – 2019/03

6 Question and Answers

6.1 Angus Lowden, representing the Association of Meat Hygiene Inspectors, asked questions regarding what happens post-Brexit, if the UK imports of food from countries outside the EU which have lower food standards. Geoff explained that post-Brexit, food safety legislation would not be lowered as a result of EU exit. He explained that a process of gathering evidence, risk assessment and risk management would be required before recommending any changes to food safety legislation to Scottish Minister's.

6.2 There were no further questions and the Chair closed the meeting.