

DRAFT MINUTES OF THE BOARD MEETING, 19 JULY 2007, THE HOLLAND HOUSE HOTEL, CARDIFF

Executive Summary

1. Draft Minutes of the meeting held on 19 July 2007 at the Holland House Hotel, Cardiff are attached.
2. The Board is asked to **confirm** that the Minutes are a true and accurate record of the meeting.

BOARD SECRETARIAT

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DRAFT MINUTES OF THE BOARD MEETING, 19 JULY 2007, HOLLAND HOUSE HOTEL, CARDIFF

OPEN SESSION, 09:00 – 13:20

Present:

Dame Deirdre Hutton, Chair
Ian Reynolds, Deputy Chair
Richard Ayre
Tim Bennett
Chrissie Dunn
Maureen Edmondson
Graeme Millar
Michael Parker
Chris Pomfret
Bill Reilly
Nancy Robson
Sandra Walbran
John Spence

Officials attending:

John Harwood, Chief Executive
Andrew Wadge, Chief Scientist
Joy Whinney, Director of FSA Wales (item 2.2)
Alison Gleadle, Head of TSE¹ Division (items 3.1 and 3.2)
David Carruthers, TSE Division (item 3.1)
Paul Holley, TSE Division (item 3.2)
Geoff Tierney, Programme Manager, Options Review Team for Meat Hygiene Controls (item 3.3)
Steve McGrath, Chief Executive, Meat Hygiene Service (MHS) (item 3.3)
Allan Hutton, Finance Director (item 3.3)
Alick Simmons, Veterinary Director (item 3.3)
Richard Calvert, Director of Strategy and Resources (item 3.4)
Steve Wearne, Head of Regulation, International and Openness Division (item 3.4)
Alastair Cannon, Board Secretary

Others attending:

Peter Jinman, Deputy Chair of the Spongiform Encephalopathy Advisory Committee (SEAC) (item 3.2)

Chair's Introduction

1. The Chair welcomed all observers and invited the Deputy Chair to introduce the meeting.

¹ Transmissible Spongiform Encephalopathies

2. The Deputy Chair reminded those attending and watching the webcast that the FSA Board discussed policy issues in open session as part of its commitment to transparency and accessibility. There would be an opportunity for questions immediately after the formal open session and those watching the webcast could also send questions to the Board.
3. The Chair reminded Board members of their obligation to declare interests before discussion of relevant items.
4. There were two items raised for discussion under Any Other Business:
 - the advertising of eggs (John Spence). It was agreed that this would be covered under the Chief Executive's report;
 - Low Income Diet and Nutrition Survey (Nancy Robson).

Item 1 - Minutes and Oral reports

1.1 - Minutes of Meeting on 14 June 2007, Congress Centre, London

(FSA 07/07/01)

5. The Board agreed the Minutes of the meeting held on 14 June 2007 as an accurate record.

1.2 - Actions Arising

(FSA 07/07/02)

6. In considering the table of follow up actions, the Chair informed Board members of the following changes to deadlines:
 - *Index 15Mar07/O/319* - the intersessional paper on the review of the FSA's audit review, covering methodology and target dates for measuring outcomes and managing transitional risks, would be sent to Board members by end-July (original due date was end-June 2007) due to work pressures;
 - *Index 7Dec06/O/308* - the due date to consider the need to revise the target to reflect changes to reporting on local authority enforcement by the Director of Enforcement and the Risk Committee had been moved to October from July, as this had been dependent on the Board's decision relating to the continuance of the Risk Committee which had been considered the previous day;
 - *Index 7Dec06/O/310* – in respect of the due date to report the outcome of discussion regarding the feasibility of including genotyping in the NDNS, analysis had been moved from end-June to end-August 2007 due to work on LIDNS (Low Income Diet and Nutrition Survey) having to take precedence. The Chair noted the Board would not want any further delay than this;

Action: Rosemary Hignett

- *Index 17May07/O/320* - the research results to evaluate the effectiveness of phase 3 of the salt campaign would be provided by end-July, rather than end-June, and would be expanded to include the evaluation of signpost labelling;
 - *Index 15Jun06/O/290* - the due date for publication of the contingency plan for atypical scrapie had been moved to September 2007 from July 2007. SEAC had discussed this issue at its May meeting, and the FSA was waiting to receive an agreed position statement. A new action had been added (*Index 14Jun07/O/322*) to ensure that the paper was returned to an open session if there were any changes to what had originally been agreed at the June 2006 meeting.
7. The Chair noted that there were valid reasons for all these delays, but asked the Chief Executive to ensure that these actions were progressed to avoid further slippages.
 8. A Board member asked that the revised guidance on including information on sustainability assessments in Board papers (*Index 15Mar07/O/318*) should be circulated to Board members as well as paper authors.

Action: Board Secretariat

1.3 - Chair's Report

9. The Chair reminded Board members that details of her engagements had been provided in the bound papers for this meeting².

Visit to Scotland

10. The Chair informed Board members that she had undertaken a useful visit to Scotland on 3-5 July. She thanked Board member Professor Graeme Millar for organising and facilitating the visit and, in particular, for hosting a dinner which had proved very useful. She also thanked George Paterson, Director for FSA Scotland, for the work and planning undertaken around the visit.
11. The Chair had undertaken a constructive series of meetings whilst there. She had met Shona Robinson, the new Scottish Minister for Public Health and had outlined the strategic aims and objectives of the FSA, as well as its achievements, and the challenges looking ahead. Shona Robinson was particularly supportive of the FSA's position on folic acid fortification and its strategies for reducing salt, fat and sugar consumption. It was suggested that it might be possible to do some joint work on the trans fat situation in Scotland and this was being taken forward. The Chair had also had a lunch meeting with Harry

² standing order paper SO 07/07/04

Burns, the Chief Medical Officer for Scotland; he had also been very supportive of folic acid fortification.

12. The Chair had also visited Macphie of Glenbervie, a major food company in Scotland. This had been interesting and informative. Macphie's was carrying out work to reduce trans fats in foods; however, it was noted that one of the consequences of this was to increase the saturated fat content of those foods.
13. The Chair reported that she had spent a morning shadowing Edinburgh environmental health officers and had also met Gordon Greenhill, the Head of Community Safety at Edinburgh City Council who had been positive about the FSA and the relationships the FSA was trying to build with local authorities. The Chair had been impressed by their work and dedication. The Chair had also met FSA staff and members of the Scottish Food Advisory Committee.

Meeting with Dawn Primarolo (Minister of State for Public Health)

14. The Chair informed Board members that she and the Chief Executive had met with Dawn Primarolo, the new Minister of State for Public health. The Chair had been encouraged by that meeting and the Minister's focus on nutritional issues.

Local Government Association (LGA) Conference: 3-5 July

15. The Chair invited the Deputy Chair to report back on his attendance at the LGA conference. The Deputy Chair informed Board members that the FSA had sponsored this year's LGA conference. The Deputy Chair and the Chief Executive had attended this event, which had been useful in improving the FSA's profile and relationship with local authorities. The Deputy Chair congratulated staff for arranging a successful event.

Item 2 - Reports from the Executive

2.1 - Chief Executive's Report

(FSA 07/07/03)

16. The Chief Executive referred Board members to his written report, and provided the following updates and clarification.

Avian Influenza

17. The Chief Executive updated Board members that there had been three further confirmed outbreaks of avian influenza in wild birds; two in Germany and one in the Moselle region of France. Germany was the worst affected Member State, with four regions currently under restriction. German authorities had also confirmed an outbreak in a backyard flock in a region near to the recent outbreaks in wild birds. 1 goose had been found dead and had tested positive.

Czech Authorities had confirmed 2 more outbreaks involving domestic poultry. The analyses conducted to date on virus isolates from German, French and Czech cases, had indicated that these were similar to viruses isolated in the Middle East, and therefore different to the virus responsible for outbreaks across Europe in 2006 and to the UK/Hungary outbreak earlier this year.

18. The Deputy Chair noted that there was not always a clear demarcation between FSA and Defra³ responsibilities in this area, and asked whether this aspect had been reviewed. The Chief Executive agreed that this was a key issue and the FSA was ensuring that lessons learnt from the H5N1 outbreak earlier in the year would be implemented for future incidents. The Chief Scientist noted that the FSA had completed its own internal review of the handling of the Avian Influenza outbreak. The Avian Influenza contingency plan had worked effectively during the outbreak in that the disease had not spread further. However, given the importance of effective working between agencies, a report had been commissioned on the inter-relationships between the different agencies involved during the outbreak. The findings from this would be reported to the Chief Scientist and to the Chief Veterinary Officer (Debby Reynolds). It would be important to take forward lessons learnt from this review.

Signpost Labelling

19. The Chief Executive updated Board members that since his last report in February 2007, more food retailers and manufacturers were using the FSA's traffic light signpost labelling approach on products. The Board noted that this was impressive work and was pleased that traffic light labelling was being rolled out in this way.

COT Statement: Findings of University of Southampton Study on certain Artificial Food Colours and Sodium Benzoate Preservative on Children's Behaviour

20. The Chief Executive informed Board members that the Committee on Toxicity had discussed the FSA funded study on food additives and children's behaviour and would issue a statement outlining its conclusions. This statement was in the process of being finalised following its meeting on 3 July, and would be published on the FSA website in due course. The research findings from the study had been submitted to a peer review journal for publication. The FSA was currently awaiting a decision from the journal as to whether the paper could be published.

Cadbury's prosecution

21. The Chief Executive updated Board members on the Cadbury's prosecution. Cadbury's had pleaded guilty to all charges made against them and sentencing had taken place the previous week. Cadbury's had been fined a total of £1

³ Department for Environment, Food and Rural Affairs

million, including £500,000 for putting unsafe chocolate on sale, and £100,000 each on two other charges. £115,000 in costs had also been awarded.

22. A Board member noted that this was a significant achievement, particularly the levels of fines, and noted that it would be useful for other local authorities to learn and share best practice on useful prosecutions from Birmingham City and Herefordshire Councils. The Chief Executive agreed that it would be helpful for local authorities to share best practice, and placed on record the FSA's appreciation of the hard work which had been carried out by Birmingham and Herefordshire County Councils which had led to a successful outcome. The Chair suggested that the statements used by the local authorities involved in the successful prosecutions should be circulated to other local authorities as a useful precedent.

Action: David Statham

'Go to Work on an Egg' Advert

23. A Board member asked whether the FSA had been involved in the decision not to revive the advert 'Go to Work on an Egg'. It was important that there was clarity of the FSA's position on issues such as these in the public eye. The Chief Executive responded that the decision to ban this advert had been taken by the Broadcast Advertising Clearance Centre (BACC); the FSA had not been involved in, or consulted on, this decision.

24. The BACC was responsible for approving television adverts and ensuring compliance with the Code of Advertising Standards and Practice. This included implementing Ofcom's rules on the application of the nutrient profiling model. However, the Chief Executive noted that the nutrient profiling model allowed eggs to be advertised to children. This specific case was different in that the BACC had looked at the requirement that "claims of nutritional health or health benefits must be assessed by reference to the concept of a balanced diet"⁴. BACC had an expert panel which advised on technical issues, and its reason for rejecting the advert had been that "the suggestion that you should have a couple of eggs every day was not nutritionally balanced".

25. The FSA's advice was that eggs were a good choice as part of a varied and balanced diet. However the FSA did not advise on the number of eggs people should consume within any period.

2.2 – Report from the Director of FSA Wales

26. The Chair welcomed the Director of FSA Wales to the table and invited her to present her report to the Board.

⁴ British Code of Advertising Practice Rule 8.3.1

27. The Director of FSA Wales gave a presentation to Board members covering the political situation and policy context in Wales; recent achievements of FSA Wales, and current priorities and future challenge. Key points from her presentation were:

- Following the May elections, Wales had a new Welsh Assembly. This consisted of Labour: 26 members; Plaid Cymru: 15 members; Conservative: 12 members and Liberal Democrat: 6 members. The Government of Wales Act 2006 had brought about changes in terms of a formal legal separation between the Welsh Assembly Government (WAG)⁵ and the National Assembly for Wales (NAW)⁶, and by providing the NAW with specific legislative powers to make new provisions and modify existing Acts of Parliament.
- A coalition Labour/Plaid Cymru had been formed, and an announcement on the new Cabinet was expected imminently. The agenda to be followed by the new Government was set out in the “One Wales” partnership document. This did not mention food safety or nutrition, though did mention hospital food and public health improvement.
- FSA Wales had undertaken a range of effective partnership working with local authorities across Wales. This included the Welsh Food Hygiene Award Scheme; the development of the Healthy Option Award Scheme with local authorities, CIEH⁷ and WAG; the Allergen Action Plan for Wales; the Welsh Food Fraud Co-ordination Unit; and close liaison with Directors of Public Protection, with which FSA Wales had agreed a Memorandum of Understanding.
- The Director of FSA Wales acknowledged and thanked local authorities and environmental health colleagues for the useful work they carried out. FSA Wales relied on them to improve food safety and also in disseminating the health eating message.
- FSA Wales was involved in a number of education activities. This included the school curriculum review which related to the joint nutrition strategy for Wales and Food and Wellbeing recommendation about strengthening food topics on the curriculum. This issue had cross-party support. FSA Wales Nutrition Strategy Group had provided input to the consultation which had ended earlier this year, and the outcome was awaited. FSA Wales had particularly highlighted the importance of GCSEs in food studies taking account of the FSA food competences. FSA Wales would have a role in producing education resources to support the new curriculum.

⁵ The executive – comprising the First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General

⁶ The legislature – made up of the 60 Assembly members.

⁷ Chartered Institute for Environmental Health

- FSA Wales had also been involved in the production strategy and action in the “Appetite for Life” consultation on school meals and all food in schools. Action planning was now taking place on a whole school approach and how this linked to learning and the curriculum.
- FSA Wales carried out education activities on food safety and healthy eating in schools, as well as display stands at other public events. In 2006/07, 11,725 children had been visited, and it was estimated that 180,000 adults would have visited a stand at shows in 2006. FSA Wales was formally evaluating the effectiveness of its education activities.
- Future challenges were:
 - the new Quality of Food strategy - this was an overarching strategy under which the FSA’s own strategy “Food and Wellbeing” would fall. It would be important to ensure that the FSA position was clearly understood e.g. on organic food. The Food and Wellbeing Strategy had recently had a mid-point evaluation. This had shown a high level of partnership and commitment from political level down to grass roots. However its impact was difficult to assess due to the lack of good dietary data available. This highlighted the importance of receiving the financial bid to boost the NDNS data for this purpose;
 - “Delivering the Connections”/Beecham Agenda - this would require better engagement with the Welsh Assembly Government around the delivery of public services. The aim of this agenda was to streamline and improve outcomes around public services in Wales;
 - the forthcoming *E coli* Public Inquiry - the local authority prosecution was ongoing and the inquiry was expected to be early next year. FSA Wales had been involved in a significant amount of preparatory and ‘behind the scenes’ work.

28. A Board member asked for further information on the work to strengthen the school curriculum on food issues. The Director of FSA Wales responded that this aimed to make food issues more coherent across the curriculum, and provide a greater emphasis for improved cooking skills. Another Board member commented that it had been useful to hear about the good work in communities on food issues and cooking skills which FSA Wales had supported, such as the Riverside Community Market.

29. The Chair of the Northern Ireland Food Advisory Committee (Maureen Edmondson) noted that devolved and regional offices had a number of creative initiatives to promote food safety and healthy eating. It would be important not to lose these benefits or investments in the public agenda to provide a more unified approach in Wales.

30. The Chair of the Welsh Food Advisory Committee (John Spence) commented that FSA Wales was an effective and active organisation in Wales and had achieved a great deal. However, the issue of resources would be a key factor in continued delivery. FSA Wales had not yet reached the point where it had sufficient resources to carry out the full range of activities, but it was heading in the right direction. There was also a lack of data which FSA Wales could use to plan and evaluate strategies. However, the Director of FSA Wales should be commended for what had been achieved despite these problems. The Chair noted that the new NDNS would address the problem of insufficient data in Scotland, Wales and Northern Ireland so that there was improved data in all parts of the UK.
31. The Chair thanked the Director of FSA Wales for her useful and interesting report, noting that this would be her last one before taking a career break. The Chair thanked the Director of FSA Wales on behalf of the Board for the work she and her team had carried out in Wales.

Item 3 - Discussion Items

[Prior to the discussion items, Tim Bennett declared an interest as a beef farmer in respect of items 3.1, 3.2 and 3.3, and Ian Reynolds declared an interest as having a brother in law that owns a sheep farm in respect of items 3.2 and 3.3. The Chair noted that she had received prior notice of these declarations of interest and had taken legal advice. Given the nature of the decisions the Board was being asked to take, which concerned high level structures and not issues such as charging which would be of economic benefit, the Chair was content that Tim Bennett and Ian Reynolds should participate in the discussions and decisions. However, potential conflicts could arise in relation to future decisions, and the participation of Board members with relevant interests would be reviewed on a case by case basis.]

3.1 - Final Report from the Implementation Review Group on the System for BSE⁸ Testing of Cattle aged Over Thirty Months

(FSA 07/07/04)

32. The Chair welcomed Alison Gleadle (Head of TSE Division), and David Carruthers (Head of OTM Rule Review and BSE Testing Branch, TSE Division), to the table to introduce this item and answer questions.
33. Alison Gleadle reminded Board members that they had agreed that an Implementation Review Group (IRG) should be set up to oversee the implementation of the BSE testing system for cattle aged over 30 months (OTM) for the first 12 months of its operation. This had followed advice from an Independent Advisory Group (IAG) on the requirements for a BSE testing system.

⁸ Bovine Spongiform Encephalopathy

The new system had been put in place with effect from 7 November 2005 and had replaced the ban on over thirty months (OTM) cattle entering the UK food chain. The Board had received an interim report in July 2006 from the IRG on its first 6 months of operation which had indicated that the implementation of the BSE testing regime had proceeded satisfactorily. More recently, the FSA had decided to extend the work of the IRG beyond the planned term of 12 months to take account of a number of failures in the testing controls which had occurred towards the end of the 12 month period. The IRG had now completed this work, and the final report covered the first 18 months in operation of the BSE testing system.

34. At the time the IRG finalised its report, over 660,000 OTM animals had been slaughtered for human consumption in the UK since the move to BSE testing. The IRG had concluded that the system had been effectively implemented, was operating as intended by the IAG and had now bedded in as part of the normal process in abattoirs.
35. During the period under report, 4 failures had been identified (2 in Great Britain and 2 in Northern Ireland) which was a failure rate of 1 in 160,000. Since the IRG report had been finalised, a further failure to test an OTM animal in Great Britain had come to light. The IRG's review of the four earlier failures concluded that human error was the common cause, rather than any gap in the control system itself. The IRG had recommended that, whilst it was important for a very high level of compliance with the testing rules to be achieved, effective enforcement should continue to be a priority.
36. Alison Gleadle noted that details of the other recommendations were outlined in the report, but drew attention to three particular concerns on which the IRG had focused, which were:
 - the continued presentation of cattle born before 1 August 1996 at abattoirs. Though the numbers of these animals presented to abattoirs was now declining, this remained an area of concern to the IRG. Continued vigilance was needed at abattoirs, and the IRG recommended that farmers should be encouraged to dispose of such animals through the Older Cattle Disposal Scheme which was due to end in 2008;
 - cattle identification systems should continue to be monitored and rigorously assessed to ensure effective enforcement of the testing system;
 - whether retrospective checks operating in Great Britain, in particular the monthly cross check against British Cattle Movement Service (BCMS) data was sufficient and timely in taking action against ineligible meat. The IRG had considered the action taken by the MHS to speed up these checks, and also considered the NI live database electronic system. The IRG had concluded that significant change was not recommended in Great Britain and that the

check against BCMS data was a proportionate approach to identify weaknesses in the system.

37. In discussion, Board members raised the following points and questions:

- (a) Future reviews of the audit arrangements by the FSA's internal auditors would need to have sufficiently robust sample sizes to draw conclusions. A concern had been raised by the internal auditors at the Audit Committee that the sample sizes they had been asked to use had not been sufficient to be fully representative.

The Chief Executive had discussed the issue with the internal auditors to ensure that future studies had sufficient sample sizes. The Chief Executive assured the Board that, when OTM testing transferred to the FSA for oversight, robust auditing would be used to make the process valid. The Chair noted that the auditors would always have privileged access to the Chair of the Audit Committee to raise such concerns.

- (b) The IRG conclusion not to move from retrospective checks to a live system was accepted in terms of proportionality, and due to the fact that this was currently low risk. However it was important that further thought was given to allowing live checks in future.

- (c) The Chair of the Northern Ireland Food Advisory Committee (Maureen Edmondson) noted that, overall, her Committee had been congratulatory in respect of the success of the new BSE testing system. However, the Committee thought the Executive should work with other parties involved to find a solution to the continued problem of pre-1996 animals entering the food chain. In addition, the Committee had been disappointed that live checks, as already existed in Northern Ireland, would not replace retrospective checks in Great Britain.

- (d) There had been two failures in Northern Ireland and two in Great Britain. Neither monitoring system used was, therefore, perfect and lessons needed to be learned for both.

Alison Gleadle responded that the cattle registration and identification systems came under the responsibility of Agriculture Departments and were not in the FSA's gift. The lesson of the two failures in Northern Ireland was to introduce a post-slaughter identity check similar to that which already formed part of the GB checks. The Chair noted that the Board would like further exploration of the costs and benefits to consumers of real-time checking in relation to the risks from failures.

- (e) The work of the MHS staff in achieving an effective BSE testing regime was commended, as was the input of MHS Board member, Celia Bennett, to the IRG, in particular in respect of concerns relating to pre-1996 animals.
- (f) It was particularly worrying that pre-1996 animals were still being presented illegally for slaughter. Defra should be urged to continue putting the critical message forward to farmers that allowing such animals to enter the food chain was putting consumers at risk. There were also risks to consider as a result of the Older Cattle Disposal Scheme coming to an end in 2008.
- (g) The Chair of the MHS Board (Ian Reynolds) noted that the issue of pre-1996 animals being presented at slaughterhouses had been considered by the MHS Board many times. The vast majority of these cases were one-offs and due to ignorance. There had been four cases where a producer had consigned a pre-August 1996 animal on a second occasion. In two of these the prosecution route had been followed with only one successful prosecution. The two other cases had received letters from the Local Authority. Prosecution was therefore an ineffective route for dealing with this problem. The MHS Board was seeking a review on this and a policy paper was expected to come to the MHS Board before the end of the Older Cattle Disposal Scheme.
- (h) The Chair of the Scottish Food Advisory Committee (Graeme Millar) noted that his Committee had stressed the importance of publicity to ensure that farmers disposed of their pre-1996 cattle appropriately. The Committee had urged farmers and stakeholders to work in partnership with the Agency to protect consumers. It would be essential to consider with Agriculture departments what should happen once the Older Cattle Disposal Scheme had come to an end.

David Carruthers noted that the RPA⁹ had been talking to farmers' organisations to encourage use of the Older Cattle Disposal Scheme, and been working with the industry to introduce a booking-in service to streamline the processing of animals through the Scheme. The NFU¹⁰ Scotland had been publicising this issue and similar efforts were taking place across the UK.

38. In summary, the Chair noted that the Board had:

- agreed the conclusions of the IRG in relation to the implementation and operation of the testing system;
- agreed the recommendation that responsibility for oversight of the operation of the testing system should revert to the FSA;

⁹ Rural Payments Agency

¹⁰ National Farmers' Union

- requested further exploration with Agriculture Departments on the issues of real-time checking, and action that needed to be taken in respect of pre-1996 cattle, in particular in respect of the impending end of the Older Cattle Disposal Scheme. The Chair asked that the Executive aim to report back to the Board on this in six months' time.

Action: Alison Gleadle

39. A Board member noted that paragraph 15 of the paper indicated that Defra and rural affairs departments would be carrying out a review of the monitoring system for BSE surveillance as a result of a recent change in EU legislation. It would be essential for the Board to be kept informed of any plans which would lead to a reduction in BSE surveillance activity. The Chair agreed that this would be important given the FSA's responsibility for public health.

Action: Alison Gleadle

40. The Chair recorded the Board's thanks to the IRG for its work in producing this report.

3.3 - Review of Delivery of Official Controls in Approved Meat premises: Final Report

(FSA 07/07/06)

41. The Chair welcomed Geoff Tierney, Programme Manager, Options Review Team for Meat Hygiene Controls, to the table to introduce the paper and answer questions. The Chair also welcomed the Chief Executive of the MHS, the Veterinary Director and the Director of Finance to the table to answer questions.

42. The Chair noted that, following publication of the final report, five letters had been received and circulated to Board members from UNISON¹¹, a joint letter from the industry (from the Association of Independent Meat Suppliers, British Poultry Council, Scottish Association of Meat Wholesalers and the British Meat Processors Association), separate letters from the Association of Independent Meat Suppliers and the Scottish Association of Meat Wholesalers; and one from Which?. These letters would be published on the FSA website, subject to agreement from these bodies.

43. Geoff Tierney introduced his report to the Board setting out the current situation of meat regulation and contrasting this against a future vision for a risk-based approach with increased Food Business Operator (FBO) responsibility, improved cost effectiveness and greater contestability. The paper set out the results of Phase 2 of the Programme which had looked in detail at the delivery models available. The recommendations from the final report were set out in the paper from paragraph 15 onwards.

¹¹ The trade union for people delivering public services

44. Geoff Tierney thanked all colleagues, both internal and external who had engaged constructively during the course of the review. He noted that the MHS had been reviewed seven times in the last seven years. It was now important to move forward from the review stage and make positive changes to meat hygiene controls which would protect consumers in a targeted, risk-based and proportionate way that represented value for money for operators, tax payers, consumers and the government.
45. The Chair emphasised that the current system of meat hygiene controls, and its constraints, were in place to comply with European rules. The Chair referred to the briefing session the Board had had the previous day, which had been attended by representatives from the meat industry, vet contractors and others. A note of this would be published on the FSA website. The Chair noted that improvements in meat hygiene controls in recent years were in part due to the increased professionalism of staff in abattoirs and cutting plants. The Chair reported that recent research assessing the microbiological contamination load on carcasses had also backed this up. The Veterinary Director clarified further that this research had shown significant reductions in the microbiological load on cattle, sheep and pig carcasses between the years 2002 and 2006 which could be attributed to the introduction of HACCP-based controls in abattoirs in 2002. The reduction in bacterial load on meat carcasses would improve shelf life and reduce food borne illness.
46. The Chair noted that the Executive had estimated 30% of efficiency savings were achievable under current regulations whereas 70% of efficiency savings could only be achieved by changing EU regulation. Today's discussion would focus on two aspects: changes necessary to policy, and which model would be most effective in delivering this.
47. The Board discussed the recommendations in the order set out in the paper and made the following points.

Decision 1: Our future approach to Regulation

Paragraphs 16 and 18 recommendations

- Clarity was sought on the possibility of changing EU regulations, the likely timescales involved and the appetite of European partners for change.

The Veterinary Director responded that the FSA had been involved in negotiations up to the end of 2004 on changes to food hygiene regulations. This had represented some shift from highly prescriptive regulations to a more risk based approach, although it had not been as flexible as the FSA would have wished. The Veterinary Directorate had been working closely with others in Europe, but the UK was one of 27 Member States, and the European Commission had some concerns about a risk based approach. It

was not possible to estimate the time it would take to effect change, but engagement in Europe over a period of 5-10 years would be needed to move the boundaries.

- There should be proactive engagement with the European Commission and other Member States to press for more flexible and proportionate EU regulations with scope for more FBO responsibility and earned autonomy.
- The FSA should be proactive and start collecting the evidence to justify proposals for more risk-based EU regulations. This could form part of the European better regulation agenda.
- The caveat “wherever appropriate” should be removed from the recommendation in paragraph 16 to adopt a more risk and evidence-based approach to the regulation of food hygiene.

Decision 2: Transformed MHS (TMHS) or Delivery Partner

Paragraph 20 recommendation

- Transforming the MHS would not be easy and would require a culture change as well as challenging targets which were properly monitored.
- The TMHS would need to work in partnership with industry and existing contractors, and there should be flexibility in introducing greater contestability into the market.
- The financial targets outlined in paragraph 20 were the minimum the Board could accept in terms of the savings to be achieved from the MHS transformation project. The Chief Executive should finalise these in consultations with the MHS, and with the benefit of some external scrutiny at what was achievable.
- The recommendation for TMHS could only be supported if there was a “cast-iron mechanism” in place to monitor, review and report on performance against those targets. Clarity was needed on the role of the MHS Board in that process.
- The FSA should provide extra management support for the MHS Chief Executive.

Paragraph 23 recommendation

- The Board noted the recommendation in paragraph 23.

Paragraphs 26 and 27 recommendations

- The Chief Executive of the MHS should be given the flexibility and space to run the TMHS, and in particular to make decisions on operational policy.
- The Executive needed to improve its understanding of the operational implications of its policy, and work constructively with the MHS to design policy which led to an economic and effective outcome.
- An effective audit system needed to be in place to look at the outcomes and not just the processes.
- Although the recommendation in paragraph 27 was for the Executive to decide, the Chair noted that she had some reservations in respect of the proposal to establish a network of regionally based Veterinary Managers.

Paragraphs 28 and 29 recommendations

- The Chair noted that these would depend on the overall decisions taken, and asked the Chief Executive to comment on these recommendations later in the meeting.
- One Board member noted the importance to the success of the TMHS of addressing the non-technical issues highlighted in the Report, specifically culture and morale issues.

Paragraph 30 recommendations

- The structure of the MHS Board would be reviewed at the same time as the governance arrangements for the TMHS.
- Food Business Operators would need to be involved in the forum. It would also be important to look at the whole network of bodies and groups involved, in the FSA and MHS, in the TMHS implementation. An overall map of governance and audit should be prepared to ensure that the systems were complete, coherent and co-ordinated.

Paragraph 31 recommendation

- The periodic report to the FSA Board on the TMHS should take place every six months, rather than on an annual basis, in addition to the quarterly report on progress against transformation targets from the Chief Executive.

Paragraph 32 recommendation

- There was support for the delivery partner model. The FSA should set in train the preparatory work for a pilot in tandem with the MHS transformation model. A report on this would be provided to the Board in May, when a decision would be taken on whether to progress the pilot.

Decision 3 – Charging and Cost sharing

Paragraph 33 recommendation

- The Board had agreed to the principle of a move to full cost recovery. The cost reduction provided in the TMHS should be taken as an absolute minimum. Revenue was more complicated, the relationship between the income from FSA (as customer), Defra, industry and the FSA subsidy, would need to be worked out in the coming months to achieve the right balance in delivery.
- The Maclean formula should be tackled head on with a strong presumption that charging should be time-based rather than headage based.
- The FSA was not a “market support organisation”. Some consideration should be given to supporting vulnerable plants.

Paragraph 35 recommendation

- It was not appropriate at this time to pass responsibility for designing, negotiating, and implementing new charging proposals to the TMHS for political and legal reasons. Instead, the FSA would continue to have policy responsibility for charging and would continue to set the charging framework but would work much more closely with the MHS on all aspects of policy.

Decision 4: Food Business Operator Responsibility in the Poultry Sector

Paragraph 36 recommendation

- This would be an opportunity to gather evidence about the impact of greater FBO responsibility for use in future EU negotiations.

Decision 5: Low Throughput plants and Local Authorities

Paragraph 39 recommendation

- The closure of small, local abattoirs could lead to increased problems of animal welfare and from travelling longer distances.

- Local authorities taking on inspection in slaughterhouses would need appropriate training for staff and support from the FSA.

Decision 6: Working with Animal Health (paragraph 43 recommendation)

Decision 7: Involving Stakeholders (paragraph 46 recommendation)

- These recommendations were accepted. It was agreed that the Advisory Body should include farmer representation.
- Meat hygiene was an area in which consumers did not play an active part in regulation. Therefore it was important to involve consumers in advisory bodies and governance to maintain public trust during a period of change.

48. The Chief Executive informed Board members that the following arrangements would be put in place in the light of a decision for the TMHS model:

- the TMHS internal business plan would be reviewed (paragraph 28 recommendation);
- discussions would need to take place on FSA investment and management support to help the TMHS to deliver (paragraph 23 recommendation);
- the governance arrangements for the MHS Board would need to be reviewed, including responsibility for oversight of the TMHS business and holding TMHS officials to account for delivery (paragraph 29 recommendation);
- a forum would be established, chaired by the Chief Executive and consisting of senior managers from the FSA and the TMHS, to ensure the operational context of policy was considered effectively (paragraph 30 recommendation);
- challenging targets for the TMHS would be set based on gross operating costs, net operating costs and unit cost. The Chief Executive would provide the Board with quarterly report on progress against these targets (paragraph 20 recommendation);
- the FSA would continue to work on the delivery partner pilot, with a decision being taken in May 2008 as to whether the pilot should proceed (paragraph 32 recommendation).

49. In summary, the Chair noted that the Board had agreed the recommendations forming decisions 1-7 (with exceptions relating to those in paragraphs 26, 27, and 35) as follows:

Decision 1: Our future approach to regulation:

- (a) The Board agreed that the FSA should adopt a more risk and evidence based approach to the regulation of meat hygiene, meat inspection activities and enforcement (paragraph 16).

- (b) The Board agreed that the FSA should develop and implement a strategy actively to engage with other Member States, the European Commission and international partners to secure the regulatory changes necessary to adopt a more risk-based, proportionate, targeted and cost-effective approach to meat regulation (paragraph 18).

Decision 2: Transformed MHS (TMHS) or Delivery Partner

- (c) The Board agreed that the MHS should continue to be responsible for the delivery of Official Controls in England, Scotland and Wales so long as it transforms to:
- reduce the total and net costs of its operations over the CSR period by at least the amounts set out in Annex 3;
 - improve productivity, measured by the average cost per livestock unit, to achieve annual targets set by the MHS Board;
 - develop and implement, in consultation with FBOs and other customers, charging systems and arrangements consistent with achieving the savings targets set out in Annex 3;
 - ensure that, by July 2008, there is better integration of OV's and Meat Inspectors in plants and that the TMHS is making full and cost effective use of its independent contractors;
 - take all necessary action to introduce greater contestability into the market by January 2009 (paragraph 20).
- (d) The Board noted that the FSA's ability to proceed with either model depends on agreement to release resources to cover the up front investment costs required over the next two to three years. For the TMHS, these have been assessed as up to £7m in 2007/08, £8m in 2008/09, and £1m in 2010/11 (paragraph 23).
- (e) The Board did not agree the recommendation to accept the TMHS offer to provide an "end to end" service and to take over responsibility from the FSA for operational policy, plant approval and enforcement decisions (paragraph 26), or the recommendation that the FSA redesign its Meat Hygiene and Veterinary Division and establish a network of regionally based Veterinary managers (paragraph 27) on the basis that both these matters were for the Executive to resolve.
- (f) The Board accepted the recommendations that the FSA and TMHS should review the proposed TMHS delivery model in light of the Board decisions in

July 2007 and make any necessary amendments as part of implementation planning (paragraph 28); and that the FSA should review the governance arrangements for the TMHS to ensure that they adequately reflect these new arrangements (paragraph 29).

- (g) The Board agreed that the FSA and TMHS should set up a forum for airing and resolving contractual issues (paragraph 30).
- (h) The Board agreed that there should be a 6 monthly review of TMHS progress and performance (paragraph 31) and that work should continue in parallel on the delivery partner model, including preparing a plan to pilot this approach with groups of plants (paragraph 32).

Decision 3: Charging and Cost-Sharing

- (i) The Board agreed to public consultations on increasing some throughput rates by 1 January 2008, as required by EU legislation, and on increasing other throughput rates by 5% above inflation subject to the views of the TMHS, from April 2008 (paragraph 33 a and b).
- (j) The Board did not agree the recommendation that responsibility for designing, negotiating and implementing new charging proposals should be taken forward by the TMHS working within a framework agreed with the FSA (paragraph 35), because in seeking to reduce the net operating subsidy there is a need to balance gains achieved between the FSA, Defra and the industry in an equitable way as we move toward full cost recovery. Whilst the general proposition was accepted that the policy framework for charging would remain with the FSA and that operational decisions about how to do it effectively would be for the MHS, the FSA Chief Executive was asked to clarify the detail of FSA and TMHS roles and responsibilities in relation to charging.

Action: Chief Executive

- (k) Nevertheless in principle the Board authorised the development, in consultation with stakeholders, of a new charging system for introduction in 2009/10 that would reflect the new arrangements for delivering Official Controls; allow a progressive move towards full cost recovery; introduce appropriate charges for SRM control; permit the more effective targeting of any subsidy; and provide financial incentives to FBOs to comply and to make efficient use of TMHS services (paragraph 33 c).

Action: FSA and MHS Chief Executives

Decision 4: Food Business Operator Responsibility in the Poultry Sector

- (l) The Board agreed that the FSA and TMHS should work with the poultry industry to remove the barriers to the greater use of Poultry Inspection Assistants (PIAs) in approved UK poultry plants (paragraph 36).

Decision 5: Low Throughput plants and Local Authorities

(m) The Board agreed that the FSA should open up the opportunity for local authorities to deliver Official Controls in low throughput premises where there is a sound business case for doing so; that the TMHS and FBOs should review the delivery of Official Controls at low throughput plants and ensure that it is as effective and efficient as possible and makes best use of the flexibilities available under the EU Regulations; and that, by the end of 2007, the FSA should change UK guidance and propose national measures to the European Commission to put in place proportionate, risk based and cost effective controls in low throughput plants (paragraph 39).

Decision 6: Working with Animal Health

(n) The Board agreed that the FSA and TMHS should work jointly with Animal Health, Defra and the Agriculture Departments and other partners to identify ways to improve joint working to promote meat safety and animal health and welfare across the food chain (paragraph 43).

Decision 7: Involving Stakeholders

(o) The Board agreed that the FSA should set up an Advisory Body for the Delivery of Official Controls (paragraph 46).

50. The Chair noted that, in accepting these recommendations, the maintenance of public safety remained essential. The FSA Chief Executive provided assurance that he would inform the Board if at any time he felt that public health was at risk as a result of the implementation of these recommendations and stressed too that the Veterinary Director, the Chief Scientist and the MHS Chief Executive also had duties to raise any concerns, in particular in relation to professional competence.

51. The Chair noted that the Board had agreed the principle of FBO responsibility, which would be a risk based approach and provide earned autonomy.

52. In accepting the transformed MHS model, the Board had noted two issues which would need to be taken forward:

- on improving efficiency in the short and medium term, the targets provided were the minimum which the Board would accept. In order to tighten these targets, the MHS would benefit from some expert, possibly external, financial/economic analysis and support as well as extra senior management assistance. The targets should also take account of gross operating cost, net subsidy and unit cost. Contestability aspects would need to be included wherever possible and real change was expected.

- longer term, on policy, the FSA should have a coherent plan, to reform European policy to allow further efficiencies in MHS operations to be made. The FSA should take the lead in Europe, basing its case on research and evidence and working with other countries.

53. The Board had also noted that improvements were needed in the FSA/MHS interface for the MHS and FSA Meat Policy sections to work together so that the FSA took account more effectively of the operational impact of policy on the MHS. The Board also said that preparatory work by the FSA for the pilot should start straight away to allow a decision on whether to commence the pilot itself to be taken next year (probably May), once details and data were available from the preparatory work and from progress at the MHS.

54. The Board asked the Executive to report back on the co-ordination of the fora, on the general overall architecture of the governance arrangements, and to provide quarterly progress reports covering governance, monitoring of targets and timelines.

Action: Chief Executive

55. The Board noted that the full cost recovery needed to take account of the needs of the FSA, Defra and the meat industry.

56. The Board also noted that the option for delivery of official controls by local authorities in low throughput plants should be pursued, noted that there are issues other than the local economy to consider, and that local authorities would need help and training if they agreed to take this on.

57. The Chair noted that the future of the MHS now lay in its own hands, and that there would be real challenges ahead for both the FSA and for the MHS. The MHS would need to have strong leadership, and the FSA would need to gear up and manage the process in getting support for change in Europe and between UK agencies.

58. The Chair thanked Geoff Tierney and his team on behalf of the Board for their work on the review. In particular, the Chair paid tribute to the way Geoff Tierney had engaged effectively with others throughout the review which had earned their trust and admiration.

3.2 - SRM¹² Supervision: Moving to a Risk Based Audit and Inspection Regime (FSA 07/07/05)

59. The Chair welcomed Alison Gleadle (Head of TSE Division) and Paul Holley (Head of SRM controls Branch, TSE Division) to the table for this item. The Chair also welcomed Peter Jinman (Deputy Chair of SEAC) to the table to answer questions on the scientific evidence and views of this Committee.

¹² Specified Risk Material

60. Alison Gleadle noted that the paper proposed a principle of moving towards a risk based audit and inspection regime for the supervision of SRM controls for the under thirty month (UTM) slaughter of cattle, sheep and goats. The context for this was the significant decline in the incidence of BSE in cattle, and changes in EU legislation which now required official control, audit and inspection of SRM controls. This level had been set in 1996, when concerns of BSE in cattle and the impact on human health had been at its peak. It was important to note that as well as the levels of official supervision (indicated in Annex A to the paper), the frequency of checking was also very high.
61. The MHS had introduced a system of double stamping of carcasses in Great Britain. This consisted of a health mark stamp, as required under legislation, followed by a second personal MHS stamp to indicate that checks for SRM removal had taken place. How this operated in plants varied; each check could be carried out by a different person, or both checks by the same person. The FSA had a zero tolerance approach for non-compliance with SRM controls, and for SRM entering the food chain. It would be possible to maintain this zero tolerance approach whilst implementing a more risk-based enforcement and inspection regime which used a broader range of enforcement tools than currently where non compliance with SRM controls automatically resulted in referral to prosecution.
62. Risk assessment modelling had been undertaken to estimate the amount of BSE infectivity entering the food chain each year from UTM cattle under current levels of supervision and compliance and under various scenarios of SRM control failures (Annex D to the paper). The current risk of BSE infectivity at current levels of supervision and compliance was very low. Modelling of various scenarios had highlighted the importance of the final health mark check. The removal of the second MHS stamp would place more responsibility on FBOs¹³. However, FBO procedures would still be audited together with frequent inspection as required under TSE legislation. The final health check mark would remain.
63. The FSA had held a stakeholder workshop in February to seek consumer and industry views. A consensus had emerged supporting the move towards more risk based systems. However consumers felt that the industry needed to accept the history of mistakes and consequent consumer mistrust. All stakeholders agreed that progressing in a stepped approach would help build trust, and allow monitoring of the impact of changes. The proposed future work programme was set out in Annex H to the paper. Some changes could be implemented quickly e.g. the removal of double stamping, whereas others would require greater development and possibly trialling before implementation.
64. In discussion, Board members raised the following points and questions:

¹³ Food Business Operators

- (a) 'Consumer' evidence needed to be presented more clearly in the paper. It was not clear whether this was the view of lobbying consumer groups, or formed from views collected from individual consumers.
- (b) Given that the philosophy was to move towards a more risk based approach, it was not clear why there was reticence in implementing the measures straight away, rather than in small steps. It would be useful to know what SEAC's view was and whether there was any scientific, safety or risk assessment basis for doing this.

The Deputy Chair of SEAC clarified that his Committee was responsible for considering the risk assessment and not specific risk management aspects or processes. DNV Consulting had carried out the modelling work to consider the risks involved, and the results from this were outlined in the paper. The modelling was based on current scientific data and evidence. SEAC would ensure that it flagged up any change in scientific evidence, which was constantly advancing, to ensure this was taken into account in the risk process. A two-tier process of implementation might allow more time for emerging evidence to be fed into the new risk process, and also allow movement in harmony with the rest of Europe.

- (c) A Board member who had attended the stakeholder workshop noted that consumers and the industry had been supportive of change to move towards a more risk-managed process. Consumers and industry had collectively felt that implementing the changes in stages was the right approach, and there had been a strong feeling of partnership.
- (d) The Chair of the Welsh Food Advisory Committee noted that the Committee had supported these proposals. Some members had agreed with adopting a more cautious approach to implementing the changes in view of the inevitable scientific uncertainties which remained around this issue. The Committee had also asked that the Chief Medical Officer in Wales was kept involved in this process.
- (e) The Chair of the Northern Ireland Food Advisory Committee noted that a sub-group of the Committee had considered these proposals, and was very supportive of the direction of travel. However it thought that the changes could be implemented more quickly provided this was underpinned with evidence to maintain consumer confidence.
- (f) A Board member said that consumers would like to be reassured that imported meat was subject to the same stringent controls as UK meat and sought clarification on spot checks on imported meat. Alison Gleadle confirmed that these checks would be intelligence-led.

65. In summary, the Chair noted that the Board had:

- agreed to the principle of moving from the current levels of SRM supervision to a more risk based approach, in line with the approach for enforcement of hygiene legislation in meat premises and the better regulation principle of proportionality;
- agreed that the Executive develop and implement a risk-based audit and inspection regime for official control;
- expressed some appetite for the changes to be implemented more quickly. The Board was satisfied that the auditing arrangements in place were satisfactory, and the Executive should now take this work forward, with this issue only returning to the Board if problems were identified;
- noted that SEAC had provided assurance that it would alert the Board to any concerns it had in respect of the process or new developments. The Deputy Chair of SEAC noted that he would be attending a SEAC meeting the next day and would make this point.

3.4 - The Government's Draft Compliance Code and Draft Regulatory Enforcement and Sanctions Bill

(FSA 07/07/07)

66. The Chair welcomed Richard Calvert (Director of Strategy and Resources) and Steve Wearne (Head of Regulation, International and Openness Division) to the table to introduce this item and answer questions.

67. Steve Wearne informed Board members that this paper followed the approach taken on previous occasions when the Government had consulted publicly on aspects of the better regulation agenda. The Executive had conducted an analysis of the proposals, and was seeking the agreement of the Board to a formal response from the FSA to the public consultation.

68. Steve Wearne reminded Board members that there were two consultations. The first on a proposed statutory code of practice for regulators, otherwise known as the Compliance Code; the second on the draft Regulatory Enforcement and Sanctions Bill, which establishes the Local Better Regulation Office as a Non-Departmental Public Body, and introduces an extended toolkit of sanctions for use by regulators. FSA officials had been active in influencing the proposals that the Government had put out to consultation.

69. The Executive's analysis of the published consultations had identified several issues that had the potential to impact on the delivery of consumer protection in relation to food and drink; potentially cause confusion amongst stakeholders on the respective roles of FSA and the Local Better Regulation Office; or (if different

provisions were made in the different countries of the UK) generate significant inconsistencies in food law enforcement. The Board was asked to agree the inclusion of these points in the FSA's formal response to the consultations.

70. In discussion, Board members raised the following points and questions:

Compliance Code

- (a) Further detail was sought on the reference to regulators considering how regulatory activities could support economic progress. Would this mean that the Board would have to give undue weight to this in its consideration of costs and benefits?

Steve Wearne responded that the FSA did not have economic support for business as a statutory objective. Instead, we have a duty to have due regard to the impact of our interventions, and within this economic impacts should be given proper weight.

- (b) The FSA should respond strongly, emphasising the important role it plays as a regulator to protect public health rather than providing cost savings to the industry. Chairs of Regulators should work together to press for a sensible approach.

- (c) The Chair noted that the FSA already took account of the impact of measures on the industry. However the FSA had a statutory obligation to protect public health and this was the overriding concern. She noted her belief that consumer beliefs are best served by flourishing and innovative businesses, but that it was not the responsibility of regulators such as the FSA to support economic progress.

Draft Regulatory Enforcement and Sanctions Bill

- (d) There was considerable concern about the requirement for consultation between the enforcing authority and primary authority, even if this only applied to formal enforcement action. Relevant enforcement authorities should be able to take action without additional consultation with the primary authority. The Chair agreed that, in the event of a serious incident, this could lead to unnecessary delays.

Steve Wearne noted that the current home authority principle had been fundamental in establishing good relationships between local authority regulatory services and responsible businesses, and in driving increased compliance. He confirmed that the concern was the extent to which enforcing authorities should be required to seek consent before taking action. He undertook to discuss this issue further with the Better Regulation Bill team, with the aim of removing this requirement altogether. This was an area of

continued discussion between the FSA, LACORS¹⁴ and other regulators. LACORS' view on this issue was that, rather than the primary authority agreeing formal enforcement action, enforcement authorities planning court action should be required to seek, and then disclose, a statement from the primary authority stating any advice given on the issue. The Chair noted that the FSA would support LACORS in that approach.

- (e) Many stakeholders would support the FSA's desire to put the public interest first. The FSA should therefore seek appropriate opportunities for proactive communication, in order to facilitate public debate on this issue.

71. In summary, the Chair noted that the Board had agreed that the Executive should formally respond to the consultations on the draft Compliance Code and the draft Regulatory Enforcement and Sanctions Bill, and that these responses should be published on the FSA's website along with the historical debate on this issue. The Board had made some helpful suggestions which the Executive should consider and take into account. The Chair noted that a meeting of the Chairs of Regulators was due to take place soon.

Action: Director of Communications/Steve Wearne

3.5 - Increasing the Openness of the Scientific Advisory Committees and Board Briefings on Scientific Issues

(FSA 07/07/08)

72. The Chief Scientist informed Board members that this paper considered two issues which were part of the FSA's overall review of openness. These related to how to deliver a consistent approach to the openness of meetings of the scientific advisory committees, and the approach to scientific and technical briefings, and followed the Board discussion of openness in February 2007. The Chief Scientist noted that the Office of Science and Innovation (OSI) was currently reviewing its Code of Practice for Scientific Advisory Committees. An updated version of the Code would be published by the end of the year, and the FSA would be reassessing the position in the light of this. However the FSA considered that the current position on the openness of its scientific advisory committees was satisfactory. All of the FSA's scientific advisory committees now held open meetings. This contrasts both with what used to happen before the FSA was established and also the position across Europe where such meetings are commonly held in closed session. The Chief Executive had also considered the issue of openness in respect of the technical and scientific briefings which the Board received, and concluded that these should be handled in the same open and transparent way as meetings of the scientific advisory committees subject to other considerations such as cost.

¹⁴ Local Authorities Co-ordinators of Regulatory Services

73. Board members expressed support for the paper and the proposal to deal with Board briefing sessions in an open and transparent way.
74. The Deputy Chair invited the Deputy Chair of SEAC to comment on the openness of scientific advisory committees. The Deputy Chair of SEAC agreed that it was important for scientific advisory committees to be open. However, SEAC held closed sessions to consider any new research or preliminary findings which had not yet been peer reviewed. The general approach however was for scientific advisory committees to be as open as possible.
75. A Board member thought that there might still be some way to go in improving the openness of scientific advisory committees. An example of this was in Annex 3 to the paper (on requirements in the draft revised OSI Code of Practice for Scientific Advisory Committees) which referred to open meetings and “normal” meetings rather than closed meetings. The best test for openness was whether public interest was served by keeping an issue confidential. The Chief Scientist agreed to take account of this noting that scientific advisory committees for food had a more advanced approach to openness compared to other scientific committees.
76. The Chair concluded that it was important in the whole process of the FSA’s consideration of openness that clear criteria were put in place which explained why issues needed to be considered in private rather than open session.

Item 4 - Information Items and Any Other Business

Information Papers

77. The Chair drew Board members’ attention to the 4 information papers and the 6 standing order papers provided in the papers for this open meeting. The information papers were the three usual reports from the Chairs of the SWaNI¹⁵ Food Advisory Committees (INFO 07/07/01, 07/07/02 and 07/07/03) and a paper on Intersessional Decisions taken by the Board (INFO 07/07/04).

Any Other Business

78. Nancy Robson noted that the Agency had recently published the findings from the Low Income Diet and Nutrition Survey (LIDNS) and asked how the Agency intended to take this work forward. The Director of Consumer Choice and Dietary Health responded that the LIDNS had been a major study which had been commissioned by the Agency, and provided a wealth of data from 3,500 people. A key finding had been that the gap between the diets of people on low income and the rest of the population was much smaller than had been expected. This study challenged the previous assumption that the diets of people on low income

¹⁵ Scottish, Welsh and Northern Ireland

were much worse than the rest of the population. The FSA would be carefully analysing the LIDNS data and discussing this with stakeholders and other government departments.

Date of next meeting

79. The next scheduled meeting would be held in London on 20 September 2007.