MINUTES OF THE FSA BOARD MEETING HELD ON 18 MAY 2016 AT HILTON HOTEL, BELFAST FROM 09:00-13:10

Present:
Heather Hancock, Chair; Tim Bennett, Deputy Chair; Henrietta Campbell; Ram Gidoomal; Jeff Halliwell; Heather Peck; Roland Salmon; Jim Smart

Officials attending:
Catherine Brown, FSA Chief Executive
Guy Poppy, FSA Chief Scientific Adviser
Steve Wearne, FSA Director of Policy
Jason Feeney, FSA Chief Operating Officer
Julie Pierce, FSA Director of Openness, Data and Digital
Rod Ainsworth, FSA Director of Regulatory and Legal Strategy
Nina Purcell, FSA Director of Wales and Local Delivery
Maria Jennings, FSA Director of Northern Ireland and Organisational Development
Chris Hitchen, FSA Director of Finance and Strategic Planning
Nicky Elliston, Head of Head of FSA Executive Office & Board Secretariat

Apologies: Paul Wiles

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed two new Board members, David Brooks and Rosie Glazebrook to the meeting and noted the attendance in the audience of Stewart Houston, who would take up his appointment to the Board on 1 June.

2. The Chair gave apologies from Board member, Paul Wiles, who was unable to attend the meeting.

3. The Chair reminded all Board members to declare any relevant conflicts of interest before discussions.

4. The Chair noted that a Board member had given advance notice of questions relating to the issue of rare burgers and, rather than discuss them during the Chief Executive's Report, this area would be discussed under Any Other Business.

MINUTES OF MEETING HELD ON 16 MARCH 2016 (FSA 16/05/01)

5. The minutes were agreed as an accurate record of the 16 March 2016 meeting.

ACTIONS ARISING (FSA 16/05/02)

6. The actions were noted without comment.

CHAIR'S REPORT

7. The Chair said the list of engagements she had undertaken since the March Board meeting had been published on the website. The Chair highlighted her meeting with the Minister for Public Health, Jane Ellison MP, and noted that she had not met with

Welsh or Northern Ireland Ministers yet due to the elections in both countries. She would look to meet with the new Ministers once they had been appointed.

8. The Chair said she had also met with the Chief Medical Officer, Professor Dame Sally Davies, and Lord Curry (Chair of the Better Regulation Executive). The Chair also said the previous week she and the Chief Executive had attended a global leaders' event on AMR (Anti-Microbial Resistance).

9. The Chair said she had met with the Chairman of Marks and Spencers, Robert Swannell, and the Chairman of Sainsbury's, David Tyler, and intended to meet with the Chairs of all the major retailers in the coming months to discuss their governance arrangements to protect the interests of consumers. The Chair said she had also met with Dame Fiona Kendrick (President) and Ian Wright (Director General) of the Food and Drink Federation, and had attended a British Retail Consortium lunch to meet their Technical Directors.

10. The Chair noted that the previous day the Board had participated in visits to three different venues around Northern Ireland and thanked Professor Chris Elliott of Queens University; the College of Agriculture, Food and Rural Enterprises; and Devenish Nutrition and Moy Park. A stakeholder dinner hosted by the Board the previous evening had been an excellent opportunity to share the FSA's recent achievements and future priorities, and the Chair thanked Maria Jennings (FSA Director of Northern Ireland and Organisational Development) and her team for their hard work in staging a successful event.

CHIEF EXECUTIVE'S REPORT (FSA 16/05/03)

11. In addition to her written report, the Chief Executive (CE) updated on the Campylobacter campaign and the fact that since the last Board meeting, the Chair had written to the major retailers asking them to put the raw data behind their test results into the public domain. We had received responses from almost all of the major retailers. They agreed with the principle of open-data sharing but had raised issues about information standards which we would continue to work on.

12. The Board was keen to confirm that the gap in the retail survey as a result of changes in testing methodology did not reflect any falling off in the FSA's commitment to the survey and to campylobacter reduction.

13. The FSA's Director of Policy reassured the Board that the brief hiatus did not signal any reduction in our commitment to our Campylobacter campaign.

14. The majority of major retailers published a summary of their test results; only Sainsbury's and Lidl did not. Those who published their summary results shared the supporting data with us. So even during the short break in the retail survey we should have data to suggest how industry was progressing with their efforts to reduce Campylobacter contamination in chicken.

15. A Board member asked how and when the decision had been made not to break down the figures to be published on 26 May 2016 for January - March 2016 by individual retailer as had previously been done.

16. The FSA's Director of Policy said he had taken the decision following discussions with the FSA's Head of Statistics and the Office for National Statistics regarding the required robustness for national statistics.

17. In answer to a question the CE said the criticism we had faced in 2014 for delaying publication of individual retailers' results was in a context of pressure not to publish; the difference now was that there was appetite to publish the results. The point of similarity between 2014 and now was that we would only publish robust and defensible evidence and, once we again had a defensible methodology in place, we would publish the results.

18. The Board welcomed the withdrawal of AIMS (Association of Independent Meat Suppliers) membership from Simply Halal and the swift action by the FSA to suspend licences and investigate all aspects of the incident.

19. A Board member noted that the British Veterinary Association (BVA) was calling for CCTV in slaughterhouses and for the footage to be accessible to FSA staff and asked what it would take to make this happen, and if it was possible in the current regulatory framework.

20. The FSA's Director of Legal and Regulatory Strategy said that we could access CCTV footage when an investigation was being conducted, but there were no specific routine powers to look at it. With the introduction of WATOK (Welfare of Animals at the Time of Killing (England) Regulations 2015), we were exploring whether there might be relevant powers that could be used in these circumstances.

21. The CE said the measures we had introduced since the last incident of animal cruelty, such as independent and unannounced welfare inspections, had not yet achieved the desired outcome of eliminating abuse and ensuring that, should it occur, it was reliably and swiftly identified. She agreed to return to the Board with a paper assessing what further changes needed to be made to achieve those objectives – this to include the possibility of rotation of key staff and the use of body work cameras.

ACTION: Chief Operating Officer

22. A Board member noted the success of Allergy Awareness Week, particularly social media engagement, and asked if penalties were in place for businesses responsible for food which caused people to have allergic reactions.

23. The CE said it was a legal requirement for people selling food to know what allergens were in their products and in cases where there was a serious health impact or a consumer died as a result of negligence or bad practice, the courts held the food sellers responsible. We would encourage people to report food sellers who breached the requirements to know what allergens were in their products via the FSA's online reporting system so that the relevant local authority could take action.

24. The Chair agreed with the CE to include a Board discussion on our work on allergy and intolerance on the Board Forward Agenda.

ACTION: Board Secretariat

FSA TRIENNIAL REVIEW OF SIX SCIENTIFIC ADVISORY COMMITTEES: PUBLICATION OF FINAL REPORT (FSA 16/05/04)

25. The Chair welcomed Dr Susan Pryde Lead Reviewer of the FSA's Triennial Review of its Scientific Advisory Committees (SACs), to the table and invited the FSA's Chief Scientific Adviser (CSA) to introduce the paper.

26. The Chair reminded the Board that they had discussed the Report and the review process, which had meant the earlier discussion could not be in public, before it went to the Cabinet Office (CO) Minister. The minutes of that discussion would now be published, so there was no need to reiterate points made then about the process during today's discussion.

ACTION: Board Secretariat

27. The FSA's CSA introduced the paper and said that science and evidence were central to everything the FSA did and the SACs were essential to supporting and challenging the CSA, the FSA and the Board in managing risks and delivering our strategic objectives for consumers.

28. The CSA thanked Dr Pryde for all her work in producing a very thorough Report. Dr Pryde thanked all those who had participated in the Review for having been open and honest and having given significant amounts of their time freely to enable the process to be concluded within the short six month timetable.

29. The Chair and noted that Dr Pryde's secondment from Food Standards Scotland (FSS) to carry out the Review demonstrated the good working relationship between the FSA and FSS.

30. The Chair then welcomed Professor Sir Colin Blakemore, the Chair of the General Advisory Committee on Science (GACS) to the table. Correspondence from members of GACS to the FSA Chair relating to the Report had been published on the website with the meeting papers and it was important that the Board understood from Professor Blakemore GACS members' concerns before arriving at their own conclusions.

31. Professor Blakemore thanked the Chair on behalf of GACS members for inviting him to this meeting to be their spokesperson and explained the history of the science governance arrangements of the FSA and the concerns of the members of GACS about the changes that they worried would dilute the independence and robustness of the arrangements.

32. Bringing the SAC Chairs together in GACS had fostered collegiality and cross-Committee working and this was something all the members of GACS felt strongly should be maintained.

33. GACS members had been involved in the gathering of evidence during the Review. However, they felt, with hindsight, that the Review process had not worked well in so far as it had not given GACS members the opportunity to meet together to discuss it. At their meeting on 24 March 2016, GACS members had voiced concerns with recommendations in the Report which had been recorded in the published minutes of that GACS meeting and in the published correspondence between GACS members and the FSA Chair.

34. In summary, the GACS members' concerns were: lack of clear logic and arguments for recommendations in the Report; no mention of lay membership of the Science Council; no mention of the Chair of the Scientific Advisory Committee on Nutrition (SACN) continuing to be part of the co-ordination between SAC Chairs, or of how the Council would link with SACN; reduction in the size of membership and so breadth of expertise in the Science Council; a reduced outward focus and less visibility of the Council; the impact on real or perceived independence of proposals that some SACs would be Departmental Expert Committees; and the change of name and status of the Social Science Research Committee (SSRC).

35. Ahead of the Board's discussion of the Report, the Chair invited questions for Professor Blakemore from Board members. A Board member said he did not see the Report as a criticism of GACS rather the Review had highlighted the need for a new structure to deliver the function of high-level advice and challenge on FSA science, to fit the new world of FSA science governance and strategic aims. He asked Professor Blakemore why the recommendations in the Report would not work.

36. Professor Blakemore said the conclusions of the GACS discussion had been to help move towards something that would work. GACS was a large, fully representative committee and its members were concerned about the negative consequences of losing representation in a smaller Science Council which would potentially be less able to adequately advise the FSA on science.

37. The FSA's CSA said he did not agree that adding the separate mechanism for meetings of the SAC Chairs was an afterthought. The Review had taken feedback from SAC Chairs into account and recommended separating the two functions of GACS; namely providing strategic oversight of science, and bringing the SAC Chairs together. The Science Council would retain strategic oversight and would still be able to set up working groups issue by issue. The SAC Chairs would still meet regularly and would also be able to broaden their co-ordination to include other expert committees across government, and would be able to feed their views into the Science Council.

38. The Chair said we would publish a chronology of the process of the Review with the minutes of the meeting to show when there had been opportunities for input.

ACTION: Chief Scientific Adviser

39. The Chair then moved into the Board discussion of the Report. The Chair relayed comments she had received by email from Paul Wiles, the Board member who had sat on the Review's Advisory Group, and who was absent from the Board meeting.

40. Among his comments, Paul had said that far from demoting social science, the proposals sought to ensure the strong social science advice that the FSA would require in the future and that it was focused on the most important issues.

41. Paul had said that the new Science Council was a model used elsewhere in government in combination with a CSA, to offer more general advice about the FSA's use of science and evidence and to flag any unrecognised risks or opportunities. Second, if the FSA were ever to forget that its legitimacy depended on science-based decision making, to ring the alarm bell. To carry out these functions the Council needed to be made up of a small number of eminent and very experienced scientists of total independence who would be publicly listened to. The Chair said Paul's comments would be published.

ACTION: Board Secretariat

42. The CE appreciated the GACS members' passion and commitment to the founding principles of the FSA and felt that the FSA and GACS were in agreement on the need for independence, transparency and openness of the SACs. The CE said the changes would improve independence as the separation of SAC Chairs from the Science Council would avoid any perception of a conflict of interests for the SAC Chairs, and making the Science Council a DEC, would make it easier for the Board to thoroughly and entirely independently review it, and make speedy appointments to it independently of ministers.

43. One Board member declared a personal interest as a member of the Department of Health's Advisory Committee on Dangerous Pathogens (ACDP), which is a DEC of the Department of Health. He said the FSA's constitution safeguarded against the risk of any pressure for 'policy driven evidence', and the transition from an ANDPB to a DEC did not have to affect the work undertaken by the body in question, nor the quality of advice the Board would receive. A further Board Member declared that she has previously been a lay member on the ACMSF.

44. The Chair of the Welsh Food Advisory Committee (WFAC) said the Committee had agreed that an appointments process less laborious than a Ministerial one would be helpful in making posts more attractive to applicants, and that the Review had properly engaged with and been endorsed by the devolved nations.

45. The CSA confirmed there would be at least one lay member on the Science Council which would comprise of potentially 6-10 people with broad skill sets and expert networks, rather than the 4-5 members suggested in the Review Report.

46. Points made by the Board during discussion were: the importance of not losing effective links with SACN given the FSA's responsibility for nutrition in Northern Ireland; that a review point in 2017 or later be built into the change timetable to assess whether the outcomes of the changes were what we wanted, and reference to GACS concerns could usefully inform such a review; and the need for the FSA to get better

at horizon scanning to ask the SACs for the right scientific advice to improve science and evidence based decision making.

47. In concluding the Chair thanked Professor Blakemore for attending the meeting and said the Board:

- Recognised the thorough process undertaken and the input given to the Review
- Reiterated its commitment to science and evidence based decision making; openness and transparency; and operating in the interests of consumers
- Welcomed the care GACS members had taken to highlight the pitfalls and risks with taking forward the recommendations which the Board felt were intended to be additive and to increase our commitment to science and evidence
- Agreed there would be no change to lay membership of Committees
- Agreed there should be no change to the SACN Chair's participation in the co-ordination and networking of SAC Chairs
- Agreed the network of SAC Chairs would maintain and strengthen relationships internally and externally by inviting relevant committee chairs from other departments to participate
- Agreed to take forward the Report's recommendations
- Agreed to take stock of the changes made in 12-18 months' time to include consideration of the specific concerns raised by GACS.

NATIONAL FOOD CRIME UNIT: UPDATE ON PROGRESS AND NEXT STEPS (FSA 16/05/05)

48. The Chair welcomed the FSA's Head of the National Food Crime Unit (NFCU) to the table and invited the FSA's Chief Operating Officer to introduce the paper.

49. The FSA's Chief Operating Officer said there were two parts to the paper: retrospective, looking back at the challenges and achievements of the NFCU; and prospective, looking ahead to the two year review of the NFCU.

50. During its first phase over the last 15 months, the NFCU had built intelligence links both within the UK and internationally. The NFCU had published the Food Crime Annual Strategic Assessment (FCASA), the first of its kind anywhere in the world, and the FSA had worked with the Sentencing Council to tackle food crime by introducing tougher penalties for perpetrators.

51. There was a common misconception that the NFCU currently investigated food crime, and the upcoming review would look beyond the intelligence and analysis phase of the NFCU to determine where it should be based within government, if the decision were made to extend its remit. The Board's views on the principles of the review were being sought.

52. The Head of the NFCU said he had been privileged to lead the NFCU over the last 15 months. He said while the lexicon used by the NFCU was new to the FSA, the work of the NFCU was not; the FSA had always gathered intelligence and sought justice

against wrongdoers, and science and evidence, in the form of analysing incomplete data to form judgements, formed the basis of all of the NFCU's work.

53. A Board member said he was concerned whether Phase 2 of the NFCU should sit within the FSA for three reasons: the cost of running it would divert money away from the FSA meeting its strategic objectives; the diversion of people resource in a small Agency to deal with issues such as money laundering which were not part of the FSA's Strategy; and the risk to the FSA's inviolable founding principles of openness and transparency which impaired others sharing criminal intelligence with the NFCU.

54. Another Board member said the review should consider where Phase 2 of the NFCU sat best in government to protect consumers' interests, and if it were to remain within the FSA, how would it be resourced.

55. Several Board members emphasised the importance of independence in the review.

56. During discussion the Board made the following points:
    - the review should look at how we used the professional eyes in industry to help us get information about criminal activity;
    - it would be useful to understand better what the NFCU did on a day-to day basis, what constituted food crime and where it sat within the FSA's strategic aims;
    - there was an information governance side to the Unit which necessitated the involvement of the FSA's risk assurance processes.

57. A Board member said the reluctance of the food industry to share commercially sensitive information in order to tackle food crime was a concern as the FSA moved towards Food Business Operators (FBOs) taking on more responsibility for safe food.

58. The Head of the NFCU said that while there were encouraging signs of business becoming more willing to share "big data" and their views on horizon scanning and risks, there remained concerns about sharing more specific information about potential crime within their supply chains. In order to encourage businesses to do this, which all agreed was the right thing for all citizens and businesses to do, the FSA had to be clearer about the information we wanted from industry, and clear that we did not disclose sources in law enforcement, so that industry would trust us more and share information with us.

59. In response to a question from the Board about value for money, the Head of the NFCU said it was difficult to measure as one piece of intelligence could have huge benefit for consumers such as in the DNP case.

60. In concluding the Chair said the Board welcomed the achievements of the NFCU to date, such as the first FCASA and the DNP case, and the review should not see the Unit ease off on its work. The Board also recognised the challenges the NFCU had faced in establishing credibility domestically and internationally.

61. The Chair said the review should look at the role, purpose and powers of the NFCU and consider what would deliver the most benefits to consumer protection, taking into account other actors already in that space, such as the Crown Prosecution Service.

62. When it came to considering the conclusions of the review, the Board would be interested in the organisational fit of a Phase 2 NFCU, taking into account the FSA's infrastructure and resourcing capacity going forward. The Board would want to be confident that any additional powers for the NFCU would be in balance with the rest of the FSA's work. The Board would also want to be clear about the resource available for the NFCU and what it would be possible to achieve with that resource. There would be other departments with an interest in the outcome of the review and their views would now be sought as to the best way of taking forward the review in light of the discussions at the Board.

REGULATING OUR FUTURE: DEVELOPING THE FSA's NEW APPROACH TO REGULATING FOOD BUSINESSES (FSA 16/05/06)

63. The Chair welcomed the FSA's Head of Regulatory and International Unit to the table and invited the FSA's Director of Wales and Local Delivery to introduce the paper which she did.

64. The Chair said significant steps had been made in taking this programme of work forward. The Board were not being asked to sign off on fine details, rather to determine whether the design and blueprint being outlined chimed with the direction of the Board's thinking.

65. In response to a question from a Board member about ambition of timescales, the FSA's Director of Wales and Local Delivery said the 3 year timescale reflected the scale of the challenge, but that we certainly did not intend to wait 3 years before making changes. Segmentation of businesses would allow us to move on some segments first, for example, Bristol City had signed up to be a pathfinder. We would develop and refine the model as we went along in the context of reviewing the Food Law Code of Practice. The Chief Executive said we would not take 3 years to come up with a model, but that it would take years to embed systematic change which would require support from central and local government.

66. In discussing our proposed 'light touch' regulatory approach for good businesses, for example in terms of data production, the CE agreed with a Board member that the phrase 'right touch' was a good one for positioning ourselves on the side of consumers when talking about how we sought to make consumer protection more effective and sustainable for the long term.

67. The Chair confirmed that the Board would continue to play a central role in the governance of the programme, and that the proposed governance arrangements were intended to facilitate Board engagement with this strategically critical programme.

68. A Board member declared his membership of the Small Business Bureau and gave some feedback from a stakeholder which represented microbusinesses in Brussels on

the importance of sensitivity to the particular challenges facing small business. The Board member welcomed the segmentation of small business and big business.

69. In response to questions about future consumer engagement plans and adequate consumer membership of the expert advisory panel, the FSA's Head of Regulatory and International Unit reassured the Board that consumer empowerment, and consumer involvement in testing the model, were integral parts of the creative open policy making approach which the programme team had adopted.

70. A Board member commented that, in her experience, LAs were treating these changes as evolutionary, rather than revolutionary and another Board member said, given the significant changes LAs were going through, engagement with them would be vital at every stage. The FSA's Director of Wales and Local Delivery reassured the Board that we were clear that we were building a new model, not tweaking the existing one, and that our engagement with LAs was intensive.

71. The Chair of the Northern Ireland Food Advisory Committee suggested that much could be learned from existing ones such as that used to regulate feeding stuffs in Northern Ireland.

72. In conclusion, the Chair said the Board agreed it was important to maintain consumer trust in what we did, and to this end the FSA had to be seen to be setting and owning the standards which we expected industry to meet, albeit in wide consultation with others. The Chair said the Board looked forward to more details on the model in the next update on this programme of work.

OUR FOOD FUTURE (FSA 16/05/07)

73. The Chair invited the FSA's Director of Openness, Data and Digital to introduce the paper.

74. The FSA's Director of Openness, Data and Digital said the purpose of the Our Food Future (OFF) project was to start to establish how we could best contribute to the strategic objectives:

- Food is safe
- Food is what it says it is
- Consumers can make informed choices about what to eat
- Consumers have access to an affordable, healthy diet, now and in the future.

75. She then took the Board through the presentation which accompanied the paper and showed a short film about the summit.

76. She said the reach of the live broadcast event had set a record high level of public engagement with our work on the topic. We had already seen positive outcomes from it such as opportunities to extend the influence and impact of this work through working with others, for example, on food waste which would be the focus of our 2016 Food Safety Week.

77. The FSA's Chief Scientific Adviser said in his interactions with other government departments he had experienced positive responses to the OFF work. He said the event had strengthened the FSA's profile and trust in what we did; this increased trust would make it more likely that we would be listened to in other areas of our work.

78. The Chair concluded by saying the Board recognised that a lot of work had gone into this project and that it had not been a one off event. We would learn lessons from the OFF work, such as our power to convene important players in the food system, which we would take into other areas of work, such as Regulating Our Future.

REPORT FROM THE CHAIR OF THE NORTHERN IRELAND FOOD ADVISORY COMMITTEE (FSA 16/05/08)

79. The Chair invited the Chair of the Northern Ireland Food Advisory Committee (NIFAC) to introduce her paper.

80. The Chair of NIFAC said this was her last report as Chair of NIFAC, and that she had thoroughly enjoyed holding the position. On behalf of NIFAC, she welcomed the Board to Belfast and thanked them for coming.

81. She thanked the NIFAC committee members for the calibre of their contributions and the CE for ensuring that NIFAC had had input into all FSA consultations so that devolved issues were included.

82. The Chair of NIFAC said there were two things in which NIFAC had particular interest: NI's land border with the Republic of Ireland (RoI); and the FSA's responsibility for nutrition in NI. NIFAC had recently met with the RoI's Food Safety Consultative Council which had been useful and had highlighted challenges and opportunities for FSA NI in working with Food Safety Authority Ireland (FSAI). The FSA's Director for Northern Ireland kept NIFAC engaged with the work the FSA in NI did on nutrition.

83. The Chair emphasised the importance of NIFAC, and WFAC, in representing consumers in their countries, and noted they had had valued input into the FSA's Strategic Plan. The Board recognised the importance of cross-border collaboration with the RoI, and the importance of understanding the FSA's remit for nutrition in NI.

FSA IN NORTHERN IRELAND AND ORGANISATIONAL DEVELOPMENT: DIRECTOR'S UPDATE (FSA 16/05/09)

84. The Chair invited the FSA's Director of Northern Ireland and Organisational Development to introduce her paper.

85. The FSA's Director of Northern Ireland and Organisational Development welcomed the Board to Northern Ireland. She explained that the paper captured the work of the FSA in NI under headings relating to the FSA's strategic outcomes.

86. In order to verify that arrangements with the Department of Agriculture and Rural Development (DARD) were continuing to deliver best value for money, the FSA had

put in place reviews during 2015 to look at Official Auxiliary (OA) resourcing in NI slaughter establishments and DARD's management of the delivery of meat official controls.

87. The FSA in NI's participation in the NI Assembly initiatives "Fitter Future for All" and "Going for Growth" meant that the FSA in NI would be aligned with the NI Assembly's plans for dietary health and the NI regulatory regime for exports for the next 5 years.

88. The FSA's Director of Northern Ireland and Organisational Development said the FSA in NI team was very strong and experienced in working with bodies across the island of Ireland such as *safe*food, FSAI and the Institute of Public Health in Ireland.

89. A Board member asked what activities the FSA in NI were undertaking to address the 8% of households in NI estimated to be experiencing food poverty. The Director said that, as it was a complex issue and difficult for one organisation to deal with, the FSA in NI worked with cross-island bodies such as *safe*food, the Institute of Public Health in Ireland, as well as the Department for Health, Social Services and Public Safety (DHSSPS) to share information and provide advice for consumers.

90. On behalf of the Board, the Chair concluded the discussion by praising the work done by FSA staff in NI.

REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 16/05/01–02)

91. The Chair of the Northern Ireland Food Advisory Committee (NIFAC) had nothing further to add to the NIFAC Report.

92. The Chair agreed with the Chair of the Welsh Food Advisory Committee (WFAC) that the FSA in Wales would have to consider its role in responding to the Well-being of Future Generations (Wales) Act 2015.

ANY OTHER BUSINESS

93. The Chair noted that a Board member had given advance notice of questions relating to the issue of rare burgers which the Board would now discuss.

94. The Board member said he had continuing reservations about the direction of travel the Agency was taking on rare burgers and asked the following questions:

    1. How many suppliers of minced beef that will not be thoroughly cooked are there for which the Food Standards Agency is the competent authority?
    2. As the competent authority, what steps is the Food Standards Agency currently taking to make sure that those suppliers carry out verification sampling in accordance with microbiological criteria for mince to be consumed raw?
    3. What steps is the Food Standards Agency taking to satisfy itself that the major chains that serve burgers that will be less than thoroughly cooked are being

supplied by suppliers who conform to the regulations for the supply of minced beef that will not be thoroughly cooked?

95. The CE said, as planned, the Board would have a substantive discussion with more data on rare burgers at its meeting in July 2016.

96. In response to question 1, the FSA's Director of Policy said that across England, Wales and Northern Ireland, there were 7 suppliers of minced beef that would not be thoroughly cooked for which the FSA was the competent authority. This number was subject to fluctuation, and our intelligence suggested it may come down as several suppliers were considering the commercial case for continuing to supply minced beef that would not be thoroughly cooked.

97. On 6 May we had published our consolidated advice on less than thoroughly cooked beef burgers for FBOs and local authorities. In order to raise awareness of this advice, we had written to trade associations and we were writing to all approved minced meat and meat preparation establishments. We were reminding FBOs of their obligation to ensure that their competent authority and/or their local authority, depending on whom the competent authority was, had up to date information about their activities and was informed of any significant changes to their activities. This correspondence may bring to light other businesses involved in the supply of minced beef that would not be thoroughly cooked.

98. In response to question 2, the FSA's Director of Policy said this had been set out clearly in the advice published on 6 May. That advice set out the verification measures including sampling in accordance with the microbiological criteria regulations, and sampling in accordance with HACCP principles for other pathogens such as listeria, Campylobacter and E. coli. FSA operations staff would continue to verify that these measures were being followed in establishments for which the FSA was the competent authority.

99. Finally, in response to question 3, the FSA's Director of Policy said, as we were talking about catering and food service establishments, LAs were responsible for verifying that the controls FBOs had in place were appropriate. This was again covered in the consolidated advice published on 6 May. LAs could use the advice to assure themselves that the range of controls an FBO had in place was appropriate. For some catering establishments, the upstream controls would not be critical, for example for those who used shear and shave type approaches to serve steak tartare, which was served raw. For those FBOs, controls on the premises would be critical and it was for LAs to assure themselves that the controls in place were safe.

100. Two Board members expressed their concern about how long work on this issue was taking to come fully to fruition.

101. The Chair concluded by noting that the paper to the July Board meeting would need to address the points of concern that had been raised.

102. On behalf of the Board, the Chair then paid tribute and said farewell to three Board members for whom this was their last meeting as their terms of appointment came to an end on 31 May 2016; Paul Wiles, Jeff Halliwell and Roland Salmon.

103. The Chair advised that there was no other business and closed the Board meeting.

DATE OF NEXT MEETING

104. The next meeting of the FSA Board would take place on Wednesday 13 July 2016 in Aviation House, London.