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22 January 2016

Dear Tim

**ADVICE FROM THE WELSH FOOD ADVISORY COMMITTEE TO THE BOARD OF THE FOOD STANDARDS AGENCY ON ISSUES ADDRESSED BY THE COMMITTEE: JANUARY 2016**

The key role of the Food Advisory Committees is to advise the Board of the Food Standards Agency. On 21 January, the Welsh Food Advisory Committee (WFAC) discussed the following issues that will be discussed by the Board:-

- A Data Driven FSA
- UK Local Authority Food Law Enforcement Annual Report 2014/15
- Delivering the FSA's Regulatory Strategy

The committee considered each paper that will be put to the Board next week. On behalf of the Committee, I am grateful to Julie Pierce, Sian Thomas and Rod Ainsworth for joining us by videoconference to present their papers and for answering questions from members. I am particularly appreciative that Nick Lavery travelled down to Wales to help to inform the discussion on burgers served rare that arose from my report to the Committee.

A Data Driven FSA

WFAC members considered the paper which outlined a proposed approach for the FSA becoming an organisation that systematically makes best use of data. The WFAC was in support of the principle of 'open data by default', but

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acknowledged the difficulty, well recognised by the officials, of balancing this with the requirements for confidentiality for health and some commercial data as well the need not to jeopardise prosecutions. In more specific considerations, the WFAC made the following observations:-

- that the vision of a data driven FSA would need to support and enable the future delivery model;
- the importance of external scrutiny to ensure safeguards are in place, and noting officials' view that this could be provided by the Open Data Institute;
- the need to engage with food businesses to understand both the positive and negative impact that data sharing may have on them; and.
- that there will be a number of detailed decisions to be made as to how any infrastructure will be developed (e.g. the architecture, access permissions, whether built in-house or outsourced, utilisation of proprietary or bespoke software) that is both fit for purpose and represents value for money.

The WFAC supported the overall approach, and were keen to receive an update at a future meeting once further details had been agreed on how the project would be developed further. With regard to a potential mechanism to ensure that the Board had oversight of progress, the WFAC suggested nominating an individual Board member for this role.

#### UK Local Authority Food Law Enforcement Annual Report 2014/15

Members considered the paper which reports on UK local authority enforcement activity in 2014/15 and trends in enforcement activity over the last five years. The WFAC made the following points:-

- that it welcomed the honesty of the paper in articulating an overall picture of concern with, in some areas, local authorities being unable to deliver on undertaking interventions of food businesses at the required frequencies, including many that are unable to deliver a food service as set out in statutory Food Law Code of Practice;
- that it recognised that the position was likely to get worse in the knowledge of further significant reductions in local authority resources, particularly in England; and
- that it was of concern that the trends were indicating that the number of food businesses and customer complaints were rising, while local authority staff resources, intervention and sampling levels were continuing to fall.

Against this background, the WFAC welcomed the intention for the FSA to work with stakeholders to redefine how food businesses are regulated to develop a

sustainable and future proofed system that deals with the many challenges posed by an increasingly complex food industry. The committee was encouraged by the appetite of both the FSA, local authorities, and other stakeholders to work collaboratively to develop options for a more sustainable model for the delivery of official food and feed controls.

The observations of the Committee on this paper were supplemented by several constructive contributions from stakeholders who had taken the opportunity to attend the WFAC meeting.

#### Delivery of Food Standards Agency's Regulatory Strategy

Members considered the paper which provided an outline framework of key principles to inform discussions on the FSA's future regulatory role and the way in which the regulation of food businesses is delivered. Members noted that the direction of any future model would need to be informed by stakeholders and appreciated the need not to pre-empt those discussions. In this respect, the WFAC welcomed the collaborative approach being adopted by the FSA and noted that the principles will form the basis of a key stakeholder forum being held in Cardiff on 10 February followed by a series of regional stakeholder events being held across the UK.

In its more detailed considerations, the WFAC made the following comments:-

- that it recognised that the principles provided the framework for future options but that this would need to be supported in more detail on how the principles would operate in practice;
- that the issue of funding was complex, and that in relation to the responsibility for funding increasingly passing from the taxpayer to businesses, both the potential burden on those businesses and the need to maintain regulatory independence would need to be taken into account;
- that components of the solution might bring together industry assurance schemes, with Primary Authority partnership arrangements, as well as being informed by the reformed feed assurance schemes in Wales and England, in a risk based approach to future controls;
- that the existing framework agreement for the delivery of official food and feed controls, over a decade old, was out of date;
- that it recognised the effective work being delivered by a number of authorities with businesses prior to them becoming operational; and
- that it recognised that the development of digital ways of engaging with businesses and the consumer would be challenging, but could also present opportunities.

In concluding, the WFAC commented that it would welcome further opportunities to participate in discussions of the detail of what any future model might look like as that detail emerges.

The observations of the Committee on this paper were supplemented by several constructive contributions from stakeholders who had taken the opportunity to attend the WFAC meeting.

### Other Matters

In commenting on my report, in relation to discussions on burgers served rare specifically, WFAC reiterated the need for clarity in consumer communications, particularly the need to differentiate between what can be served in a retail establishment and what can be cooked in the home. Nick Laverty updated the committee on the existing guidance on the FSA's website and to specific enforcement advice which has already been provided to local authorities on this. He further informed the committee of ongoing work in relation to a communications plan. Members noted that there had been correspondence between the FSA in Wales and the Wales Heads of Environmental Health Group and the Food Safety Expert Panel. Members also noted, with some reservations as to the time being taken, that consolidated guidance would be provided to local authorities by April 2016 and that this was currently being pilot tested by a number of local authorities across the UK. Pending this, it was noted that the FSA was continuing to work closely with local authorities and that a prohibition order had been successfully served by a council on the South Coast of England where a Food Business Operator could not provide evidence of a suitable HACCP plan for serving burgers rare. Noting that Board members were shortly to receive an update report on the rare burger action plan, including information on and timescales for the work stream actions which came out of the September 2015 Board meeting, I agreed to share this report with the Committee.

The WFAC was pleased to receive a report from the Director in Wales. The report is now published in advance with the committee papers on the FSA website. The report contained a retrospective account and a forward look at activities in Wales. It was noted that it no longer contained details of successful prosecutions in Wales as these are available on the FSA website.

The Committee requested an update on work being undertaken to explore options for the safe and legal production of skin-on sheep meat. The Director Wales informed of work being undertaken with Liverpool University on this matter and of discussions now needed to be held with industry.

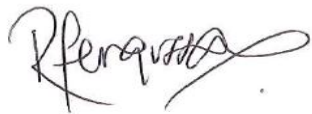
The Committee expressed a wish to be updated on the position with regard to GM organisms and food. Officials will look into updating WFAC on the current

position as well as exploring whether the committee might benefit from a briefing session, more broadly, about the current state of the scientific knowledge.

The Committee's discussions on the above issues were in open session and, in line with the views of the WFAC regarding the openness and transparency of its advice to the Board; it is my intention that this advice will be published.

I am copying this letter to the Board Secretariat and to the Chief Executive.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Salmon', with a stylized flourish at the end.

pp Dr Roland Salmon (authorised by and signed in his absence)