

Heather Hancock  
FSA Board Chair  
Food Standards Agency  
Clive House  
70 Petty France  
Westminster  
London  
SW1H 9EX

15 June 2018

Dear Heather

**ADVICE FROM THE WELSH FOOD ADVISORY COMMITTEE (WFAC) TO THE BOARD OF THE FOOD STANDARDS AGENCY ON ISSUES ADDRESSED BY THE COMMITTEE: JUNE 2018**

The key role of the Food Advisory Committees is to advise the Board of the Food Standards Agency. At yesterday's meeting, the WFAC considered the following issues that will be discussed by the Board:

- The Development of the National Food Crime Unit
- Raw Drinking Milk Controls
- A Review of Cutting Plants and Cold Stores
- Mid - point Programme Report – Regulating Our Future
- International Strategy
- Review of Food Advisory Committees (FACs)

I am grateful to Andy Morling, Stuart Armstrong, Simon Dawson, Catriona Stewart, Steve Cowperthwaite, and Laura Eden for joining by video conference to present their papers and for answering questions from members. There were some technical issues with the IT, and I am grateful to all concerned for their patience.

## The Development of the National Food Crime Unit

This WFAC considered the paper which updated on progress with plans to develop the National Food Crime Unit (NFCU) towards having end to end operational capabilities (Phase 2) as discussed by the Board in December 2017. This follows HM Treasury approval of funding following the Food Standards Agency's (FSA) submission in early May of a business case approved by a sub-group of the Board on 18<sup>th</sup> April. During its discussions, the WFAC noted that there are several unresolved issues about the nature of the Welsh Unit in terms of the legacy of the current Welsh Food Fraud Coordination Unit (WFFCU) and how it might be aligned to the National Food Crime Unit. In this respect, WFAC noted that discussions with the WFFCU, and its current host local authority, had been held, and would continue following the Board's considerations. Mindful of this, the WFAC made the following observations:-

- that it would welcome further information in relation to timescale for implementing the Unit in Wales, taking into account the location, scale and size of future arrangements and implications for staff currently in place in the WFFCU;
- that it would welcome further detail on the operations of the NFCU with particular reference on how it will be reviewed and monitored, and its performance assessed against key performance indicators;
- noting the proposal that the NFCU will be the single point of contact for UK and overseas law enforcement agencies and other partners, the WFAC is keen to understand what the current relationship is with Food Standards Scotland and how this will be impacted in the future; and
- noting that in Wales, the WFFCU currently hold investigative powers, WFAC members are keen to ensure that these powers are maintained while legislation is made to secure investigative powers within the NFCU.

The WFAC acknowledges that due to the nature of food fraud and food crime, the creation of this Unit provides Wales with a positive opportunity to be more exposed to a wider intelligence and capability network. In conclusion, the WFAC welcomed the 3nation approach to the NFCU, and was appreciative of the view of what works best for Wales was being considered in the planning of the future of the NFCU.

## Raw Drinking Milk (RDM) Controls

This paper builds on one considered in March 2018 which looked at current arrangements for the delivery of RDM and possible options to be considered for future arrangements. The WFAC welcomed the paper which discusses the principle of addressing RDM sales within the context of Regulating our Future (ROF) principles and the Risky Foods Framework (RFF) and seeks

comments on recommendations to improve the existing controls for RDM. In its considerations, the WFAC observed written comments submitted by the Welsh Heads of Trading Standards lead for Food Standards on the paper. These comments focussed on a number of food standards issues with an emphasis on ensuring that RDM should not be exempt from full labelling requirements given the importance of risk and traceability information associated with the product.

In relation to the increase in outbreaks of illness associated with RDM, and the increase in number of RDM producers, it was noted that it was difficult to draw any firm conclusions relating to trend in production over time. In commenting on potential reasons why there has been an increase in RDM production, the WFAC enquired about the availability of government grants, in Wales and Northern Ireland, that encourage diversification. In noting that there were proposals to draw up a best practice guidance booklet, and to set up a producers group, the WFAC commented that it was important to ensure that both farming unions in Wales had input into this process. During its discussions, some WFAC members were of the view that prohibition of sale of RDM should be the preferred option and while this was not a unanimous view, there was a shared concern about consumers being in no doubt about the lack of health benefits and the risks associated with consuming RDM. Other observations made by the WFAC included:-

- a shared view that WFAC remains concerned at the rise in outbreaks and harm to human health;
- while recognising a lack of data, the WFAC noted that the risk may escalate with the increased production of RDM;
- that food must be fit for human consumption and this is the responsibility of the Food Business operator to ensure that the food it produces is safe; and
- the Wellbeing of Future Generations (Wales) Act 2015 requires a preventative approach. In this respect, the WFAC welcomed the proposed increased controls and advised that there should be clear trigger points for further escalated action, supported by regular monitoring.

In agreeing that marketing controls are needed with clear labelling, emphasising that this product should not be consumed by children, the WFAC emphasised the importance of these being underpinned by a robust communications campaign aimed at specific consumer groups. Further, the WFAC agreed that financial incentives to increase production of RDM should not be encouraged.

### A Review of Cutting Plants and Cold Stores

The WFAC welcomed the paper which was an interim paper summarising the progress made by the FSA's and Food Standards Scotland (FSS) in its UK wide review of cutting plants and cold stores, in the wake of non-compliance issues identified at various cutting plants. In noting the initial findings from the review, the WFAC acknowledged the complexity of the current operations. It was of the view that the review outcomes would present a good opportunity to make substantial improvements to how cutting plants and cold stores operate. The WFAC

shared a concern around the confusing split of responsibilities between local authority and FSA monitored establishments. The WFAC noted the review is aligned to the Regulating Our Future programme, particularly in relation to the role of private assurance data and how these data can be used. In informing next steps for the review, the WFAC highlighted the importance of involving key Welsh stakeholders including, but not limited to, Welsh Government, primary producers and the farming unions in Wales.

### Mid -point Programme Report – Regulating Our Future

Members considered the paper which provided an update on progress made across the Regulating Our Future Programme (ROF) since June 2017. The paper describes the key changes that will be made to the regulatory regime in time for the UK leaving the EU and outlines work being undertaken on other elements of the new regulatory system in preparation for delivery post EU exit. In considering progress made on the programme the WFAC made the following comments:-

- in relation to business start-up and enhanced registration, the WFAC noted that an online service is currently being tested by a number of local authorities and food businesses, including local authorities in Wales, and that the ambition is to launch a first iteration of the new digitally enabled approach in time for the UK's exit from the EU. Further, the WFAC was keen to know how evidence would be gathered to inform the decision on pursuing permit to trade and was assured that an evaluation process was being established to inform this option;
- with regard to segmentation of food businesses, the WFAC highlighted the need to maintain the integrity of the FHRS in Wales. The WFAC commented that it would welcome further assurances on how this is going to be achieved;
- on Primary Authority National Inspection Strategies, the WFAC noted work undertaken to test the concept of NIS, and would welcome the opportunity to see the evaluation report from these tests when available; and
- in pursuing sustainable funding approaches, it was noted that Wales has high levels of poverty and therefore the cost and availability of food is a concern for business and consumers.

Subject to the above comments the WFAC welcomed the update and is keen to receive further update reports on this major programme of work.

### International Strategy

The WFAC considered the paper describing a draft international strategy which is being developed for the FSA. The WFAC commented that it was important that the delivery plans

being developed to support the strategy provide detailed clear governance, monitoring and review arrangements to track the FSA's international work. In noting that overall aims of the International Strategy in advancing the FSA's recognition and weight, the WFAC commented that it was important that the strategy should support both UK and devolved administration interests. With reference to Wales, the WFAC commented that the strategy should support the aspirations of the Welsh Government's growth agenda with regards to food and drink. Subject to this, the WFAC welcomed the approach taken in the Strategy and is keen to be consulted on the detail which will be provided in the delivery plans.

### Review of Food Advisory Committees (FACs)

The WFAC considered the paper which reported on findings of a review commissioned to consider how the valued contribution of the FACs could be improved and strengthened particularly given the current uncertainties about the future role of the FSA once the UK has left the EU. The WFAC was grateful for having been given the opportunity to input into the review at its early stage and to help shape some of the findings.

A number of questions were raised on the recommendations, and how they might work in practice. The Chair informed that the detail would be scoped in an induction plan which would be developed over the coming months. It was agreed that WFAC would want to input into the implementation plan. The WFAC welcomed the review and its findings and commented that it looked forward to the reshaping of the inter-relationship between the Board and the WFAC. The WFAC concluded that it was very positive on being able to continue to provide effective well-informed advice to the Board and is keen to work within a new format which will enable more meaningful contribution to policy development at its earliest stages.

### Other Matters

The paper to be considered by Board at its next meeting, on EU Exit, was unavailable for the WFAC meeting due to rapid developments in this area and the requirement for the Board paper to reflect the most up to date position. Alternatively, the WFAC received a briefing on the latest position. I will ensure that WFAC are sighted on the paper, when available, and will report any further comments which WFAC members may have at the Board meeting.

As usual, I provided a written report to the WFAC which gave a summary of discussions at the last Board meeting which included discussions on Science; Raw Drinking Milk; and International Strategy. In my report I also highlighted the April meeting with Vaughan Gething the Cabinet Secretary for Health and Social Services and a meeting I held with Dave Thompson the newly elected Chair of Directors of Public Protection Wales. Further, I reported on the May business meeting of the WFAC where members provided further input into the review of Food Advisory

Committees in Wales and Northern Ireland. Finally, I updated the WFAC on my involvement in the recruitment process which is underway to appoint two new members to the Committee.

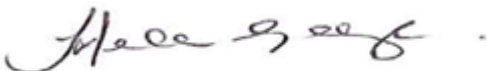
The WFAC was pleased to receive the report from the interim Director in Wales, which informed of recent engagements, including the Ministerial meeting in April and of discussions held with the Chair of Directors of Public Protection Wales and of several meetings with local authorities. The report informed of FSA Wales' EU exit activity which has focused on work with a number of key ports across Wales, to understand more about the volume and type of food that comes through Welsh ports and what resources may be needed in the future to undertake risk based proportionate checks. In this respect, the WFAC was pleased to be informed of a successful bid to Welsh Government for additional resources to support FSA Wales' EU exit work. The update informed members of work undertaken by the FSA in Wales on food supplements on behalf of the FSA. WFAC were updated on the imminent publication of consumer insight work which was commissioned to inform the development of the FSA's work on food supplements over the next few years and on the production of an enforcement toolkit for local authorities to assist them with planning and undertaking inspections of food outlets selling food supplements.

I shared with the WFAC a communication I received from a fellow Board member in relation to the findings from recent research into rates of display of stickers under the mandatory Food Hygiene Rating Scheme in operation in Wales and Northern Ireland. I informed the WFAC of the latest information on the rates of display and business compliance in Wales. It was noted that the extent of enforcement activity is greater in Wales. I also informed members that the FSA Wales is currently funding a surveillance project with two Welsh local authorities to gauge information on business compliance in targeted areas with a view to wider roll out across Wales following evaluation.

I also shared with the WFAC correspondence received from the Chair of Directors of Public Protection Wales (DPPW) in relation to less than thoroughly cooked burgers and consumer messaging at point of ordering. It was noted that a formal reply to the correspondence is being prepared by officers. This is an area which the WFAC continues to have some concern and I welcomed the dialogue with DPPW.

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

Yours sincerely,



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Llawr 11 / 11<sup>th</sup> Floor  
Tŷ Southgate / Southgate House  
Wood Street  
Caerdydd / Cardiff CF10 1EW

E: [wales@food.gov.uk](mailto:wales@food.gov.uk)  
Ffôn / Tel: 029 2067 8999  
Ffacs / Fax: 029 2067 8919

pp Dr Ruth Hussey CB, OBE  
Chair of WFAC  
(Authorised by and signed in her absence)

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Llawr 11 / 11<sup>th</sup> Floor  
Tŷ Southgate / Southgate House  
Wood Street  
Caerdydd / Cardiff CF10 1EW

E: [wales@food.gov.uk](mailto:wales@food.gov.uk)  
Ffôn / Tel: 029 2067 8999  
Ffacs / Fax: 029 2067 8919