MINUTES OF THE FSA OPEN BOARD MEETING HELD ON 7 SEPTEMBER 2011 AT THE MARRIOTT HOTEL, CARDIFF, FROM 09:00 TO 13:30

Present:
Jeff Rooker, Chair; Tim Bennett, Interim Deputy Chair; Sue Atkinson; Henrietta Campbell; Margaret Gilmore; Clive Grundy; Michael Parker; Nancy Robson; John Spence and Jim Wildgoose.

Officials attending:
Tim Smith, Chief Executive
Andrew Wadge, Chief Scientist
Alison Gleadle, Director of Food Safety (mins 14-27, 39-45 and 59-66)
Andrew Rhodes, Director of Operations (mins 28-38)
Rod Ainsworth, Director of Legal Services (mins 46-58)
Terrence Collis, Director of Communications (mins 53-58)
Charles Milne, Director of FSA Scotland (mins 74-78)
Steve Wearne, Director of FSA Wales (mins 67-73 and 83-86)

Also attending:
Alick Simmons, Director and Deputy Chief Vet Officer, Department of Food and Rural Affairs (mins 14-27)
David Carruthers, FSA Meat Hygiene and TSE Policy Branch (mins 14-27)
Alan Curran, FSA Head of Imports and Official Controls (mins 28-38)
Philip Flaherty, FSA General Food Hygiene Policy Manager (mins 39-45)
Pippa Brown, FSA Board Secretary

Apologies for absence:
No apologies for absence were received.

INTRODUCTIONS
1. The Chair welcomed everyone to the meeting. The Interim Deputy Chair, Tim Bennett announced that there would be a contribution to the meeting in Welsh. A translation service had been provided for Welsh-speaking attendees.

2. The Chair reminded Board members of the requirement to declare relevant interests before discussion. None were declared. Board members were also reminded that details of their engagements and interests were available on the Food Standards Agency (FSA) website. The Chair asked if there were any matters of any other business for discussion at the end of the agenda which had not already been noted. None were raised.

MINUTES OF MEETING 12 JULY 2011 (FSA 11/09/01)
3. The minutes of the meeting held on 12 July 2011 were agreed as an accurate record subject to the following clarifications and actions:

- That the last sentence of paragraph 34 should be amended to read - The Deputy Chair of the Scottish Food Advisory Committee asked that as the principles in Annexe A explained more clearly the key elements of value for
money (efficiency, effectiveness and economy) these should be reflected in the main text of the paper;

- Paragraph 65 should be amended to read - the Board asked, as the initiative was for England only, how devolution had been built into the process. The Director of Legal Services explained that the initiative could only result in the repeal of legislation in England;
- Paragraph 48 – A Board member asked for the accuracy of the final sentence to be checked against the recording. The Chair agreed.

**ACTION: Board Secretary**

**ACTIONS ARISING (FSA 11/09/02)**

4. In considering the table of actions the following point was noted:

- Action 12July11/O/51 – Richard Macdonald stated that evidence given to the Task Force would be shared with the Board. A Board member could not recall seeing evidence that had been presented to the Task Force which would have led it to the decision that it had made. The Chair was aware of an email exchange concerning this but agreed to check whether the actual evidence was available.

**ACTION: Board Secretary**

- Under the Actions Arising item the Chair confirmed to a Board member that the source in the Richard Macdonald report (section 10.38\(^1\) on the costs of preventing cross compliance in accordance with the FSA guidance was a political organisation, the Conservative Rural Affairs group.

- Action 22Mar11/O/65 – Lack of an English Food Advisory Committee. The Chair proposed to set up a small group from the Board and the executive to look at options with the work to be completed by the end of the year.

**ACTION: Head of Private Office**

**CHAIR’S ORAL REPORT**

5. The Chair informed the Board that the resignation of Dr David Cameron as a member of the Board and the Chair of the Scottish Food Advisory Committee (SFAC) had been accepted by the Scottish Minister for Public Health. The FSA would advertise for a new Scottish Board member and the SFAC Chair vacancy in late September. In the interim Jim Wildgoose would act as the Chair for of the SFAC. The Chair also informed members that Jim Wildgoose had joined the Audit Committee.

**ACTION: Board Secretary**

6. The Chair reported that he had visited the Port of Felixstowe in July 2011 to see the environmental and food safety checks. Felixstowe was an important point of entry for the importation of food. The Chair had also visited Greater Manchester to assist in the launch of the Food Hygiene Rating Scheme (FHRS). Greater

---

\(^1\) The report of the independent Farming Regulation Task Force, May 2011
Manchester was the largest urban area where FHRS had been launched and the Chair congratulated the authorities on their successful promotion of the scheme. The Chair has also completed an unannounced visit to an abattoir in Cumbria in August 2011.

CHIEF EXECUTIVE’S REPORT (FSA 11/09/03)
7. In response to a question raised at the Board meeting in July on whether closed circuit television (CCTV) was a factor in recent convictions, the Chief Executive confirmed that closed circuit television (CCTV) was a factor in the convictions of J Lawrence Wholesale Meat Company Ltd which had breached 11 meat hygiene regulations.

8. The Chief Executive said that the only issue not contained in his written report on which he proposed to give an update was *in-vitro meat* (meat grown artificially in laboratories). The FSA had detected a gradual increase of news reports on this issue: EU Food Law 24 June: “*In-vitro* meat would slash emissions, say scientists”; Daily Telegraph 1 Sept “First artificial burger to cost £250,000”. The Daily Telegraph article stated that the burgers could be ready to eat in six months. While that timescale may be slightly ambitious, if products such as these were financially viable and acceptable to consumers they could be brought to the market and the Board would want to be assured of their safety.

9. The Chief Executive had therefore asked colleagues in the Novel Foods team to prepare a briefing note for the Board on foods and processes such as this – or what the team preferred to call “alternative sources of dietary protein”. This would obviously include the *in-vitro* meat example, but it would also enable the executive to update the Board on the current interest in edible insects. The FSA had been gathering information over the last few weeks on whole insects (including locusts, worms, grubs etc) that were marketed in the UK and there had been a smattering of press interest. He hoped that the paper would be ready in time for the Board’s November open meeting.

   **ACTION:** Director of Food Safety

10. A Board member asked if the E.coli outbreaks had had a lasting effect on the UK market for sprouted seeds. The Chief Executive explained that when the incident was closed there would be an investigation by the Chief Scientist into how the outbreak had been handled. He agreed the investigation should be widened to cover this broader economic impact and that the Board would be updated in due course.

   **ACTION:** Chief Scientist

11. A Board member queried why it had been thought necessary for the discussion on sheep splitting to be carried out in the business sessions of the Board as opposed to the open meeting. The Chief Executive explained that there were historical reasons for this and agreed that the issue should now be discussed in open session.
12. A Board member asked for clarification on why the satisfactory use of sheep splitting machines was possible in other EU member states but not the UK. The Chief Executive replied that when the FSA had visited abattoirs in other member states and tested the effectiveness of the batching and sectioning of the spinal column in sheep they had found that in some of the carcasses the spinal cord had not been properly removed. The different experience in different Member States was the reason why this testing was important.

13. In response to a request from a Board member on progress with Food Hygiene Rating Scheme (FHRS) the Chief Executive reported that since the last meeting the FSA had acquired the intellectual property and associated assets of Transparency Data. The organisation previously provided a service to local authorities running the ‘Scores on the Doors’ scheme. Of the 406 UK Local Authorities (carrying put food hygiene controls), about 90% are running or are committed to running one of the FSA schemes or are currently running ‘scores on the doors’. Of the remaining 40, half are running their own ‘local’ scheme and half have no scheme. The challenge at present is to use all schemes to promote hygiene standards and encourage those without a scheme to adopt FHRS.

PROPOSAL TO RELAX CERTAIN PROVISIONS OF THE CURRENT FEED BAN (FSA 11/09/04)

14. The Chair welcomed Alison Gleadle, FSA Director of Food Safety, Alick Simmons, Director and Deputy Chief Veterinary Officer at Defra and David Carruthers, FSA Head of the Meat Hygiene Branch.

15. The Chief Executive reminded the Board that UK policy on bovine spongiform encephalopathy (BSE) feed controls were led by Defra and that the FSA had an advisory role. He explained that the Director of Food Safety had been asked to form a risk assessment on EU proposals to amend the current feed rules; to assess what risk management could be put in place and provide advice on the FSA’s responsibility for consumer interests and their protection. This was an issue on which it was not the FSA’s role to campaign for a particular outcome but to seek to ensure that the outcome maintained the trust and confidence of consumers. The Chief Executive commended the quality and depth of the paper and the thoughtfulness of the stakeholder comments.

16. The Director of Food Safety explained that to inform the UK’s position in future EU negotiations Board members were being asked to advise Ministers on the food safety implications of the proposals and the views of consumers. The papers include risk assessments from the European Food Safety Authority, the UK Spongiform Encephalopathy Advisory Committee and the Animal Health and Veterinary Laboratories Agency. Those considered the potential risk of allowing non-ruminant processed animal protein back into animal feed. That could open up a route by which farmed animals would be exposed to BSE if non–ruminant feed were contaminated with Specified Risk Materials (SRM).
17. The Director of Food Safety stressed that the risk assessments in the paper were based on assumptions around the amount of cross-contamination that might occur and the current low levels of BSE in cattle. The assessments indicated that there was a negligible risk of transmitting BSE to pigs, poultry or prolonging the BSE epidemic in cattle. Therefore it could be concluded that the risk to humans would also be negligible. However Board members needed to consider some of the uncertainties highlighted in the paper around the risk assessments, including whether transmissible spongiform encephalopathy (TSE) in pigs or poultry could remain undetected. If that was possible these risk assessments would not be valid. Secondly, Board members should consider the risk management issues around compliance and enforcement. The risk assessments assumed that effective controls and monitoring would limit the potential for cross-contamination. SRM controls were enforced by the FSA and other relevant feed controls were the responsibility of Department of Environment Food and Rural Affairs (Defra) and rural affairs departments in other countries. Thirdly, the Board should consider the views of consumers and implications for their confidence in food supply covered in the paper.

18. The Director of Food Safety also drew the attention of Board members to letters from the four Chief Medical Officers of the UK, Which? and Alick Simmons, Director and Deputy Chief Veterinary Officer at Defra.

19. The Interim Chair of the Scottish Food Advisory Committee (SFAC) stated that the Committee could not support the proposal for scientific and consumer reasons. Ensuring the on-farm separation of feeds would require a level of monitoring which could not be provided. SFAC was also concerned that if a TSE was identified in pigs or poultry it could be difficult to control. A SFAC Committee member had asked why there was no risk assessment of intra-species feeding of PAP (i.e. poultry PAP to poultry).

20. The Chair of the Northern Ireland Food Advisory Committee (NIFAC) reported that members were concerned over whether it was impossible to enforce the control measures needed. Intervention would be likely to be at a point where it would be too late in term of food safety. Another issue for NIFAC was the uncertainty around the science in the risk assessments; especially the assumptions they made about the susceptibility of non-ruminants to TSE and the statement that only classical BSE agents were zoonotic. Given the inaccuracy of some of the assumptions about TSEs made pre-1996 the Committee felt that this was not the time to move away from the precautionary principle.

21. The Chair of the Welsh Food Advisory Committee (WFAC) reported that the views of WFAC members differed slightly from those of the other Advisory Committees. The Committee recognised that the paper was intended to help ministers negotiate at the EU level and that the risk assessments were robust. However, there was a need to ensure equal weight was given to consumer views and recognise that non-compliance with the changes risked damage to the reputation of industry. This led the WFAC to conclude that now was not the time to advise Ministers to change the current rules.
22. Other issues raised by the Board included:
   - The dependency of the conclusions of the risk assessments on full compliance with controls (in particular strict separation of feed materials) to prevent intra-species recycling by ensuring proper channelling and controls during the mixing and use of feed;
   - The lack of clarity on how compliance could be achieved, especially given the number of derogations proposed, the lack of a validated test to determine the species origin of processed animal protein (PAP), and the difficulty of achieving controls such as dedicated transport;
   - Whilst the FSA’s recommendations are based on science rather than public opinion the lack of public support for changes is a factor for industry and government. Resistance could also be expected from consumers who for instance eat chicken to avoid pork or fish to avoid meat;
   - The devastating effect of the BSE outbreak on individuals who had contracted Creutzfeldt-Jakob Disease (CJD) and the economic stress it caused to the farming industry meant that the level of acceptable risk should be set higher than for other issues;
   - There did not appear to be a clear driver for the changes when the current rules were widely accepted as a safer way of operating. There should not be an increase in risk without a clear benefit.
   - There was limited evidence around risk in particular the susceptibility of non-ruminants to TSE. This was reflected in the very qualified language in some sections of the report.
   - The weight which the risk assessments gave to likelihood rather than impact.

23. Alick Simmons explained that the Government’s decision on the proposal was still at the consultation stage and that the paper was part of the consultation process. However, Defra advice would be based on risk management and risk depends on the degree of threat; provided the control systems were effective, amending the feed ban could be considered as low risk. The obligation to base regulations on risk did not depend on whether the drivers were economic. The proposal had been developed by the EU under the TSE Roadmap 2 and was part of a more risk-based approach to dealing with TSEs as the BSE epidemic came to an end. There was not a quantifiable benefit at present since the vast majority of PAP from pigs and poultry went into fertiliser and pet food. However those practices would be influenced by changes in commodity prices. It would be better to consider the future without economic pressures and clamour from industry.

24. The Chief Scientist added that he was aware of uncertainties in the risk assessments but the nature of science meant that there would always be uncertainties. The risk assessments were developed by expert committees. The Committees took a worst case scenario of SRMs being mixed with the feed supply and concluded that the risk to human health was negligible. The risk assessment of feeding intra-species PAP requested by SFAC was difficult to provide because the risks were unquantifiable. The only advice which could be offered was that feeding PAP to the same species should be avoided because of
the possibility of recycling disease. It was not always appropriate to take the view that there could not be any movement on an issue without complete guarantees.

25. A Board member requested to see the letter from Defra’s CVO, Nigel Gibbons referred to in Michael McBride’s (Northern Ireland Chief Medical Officer) letter to the Chief Executive. The Chief Executive responded that permission would be sought to share the letter.

**ACTION:** Board Secretary

26. The Chair commented that although the views of consumers were important, the Board should consider all aspects of a proposal. He then summarised key issues in the proposals around which there were uncertainties. These included:

- Whilst the proposals required that PAP in feed is sourced through a dedicated supply chain, they provided derogations for slaughterhouses, transport and feed mills.
- There was no test at present for the differentiation of animal species in feed.
- The proposal would lead to a greater chance that feed from cattle could be contaminated.
- The European Food Safety Authority considered that the increase in human exposure to BSE is negligible if current controls are applied. However there was evidence that current controls are not always complied with.
- The changes allowed for indirect recycling between pigs and poultry in a continuous cycle.
- There was incentive for deliberate switching of material at Animal By-Product processing plants.
- Industry contributions: Bernard Matthews stated that issue should be “sold” to the public in advance by Government. Another response commented that there was a need for tolerances on cross-contamination.
- There was still an issue to be resolved regarding people on restricted diets (i.e. feeding pig PAP to poultry for people who do not eat pork). The views of these consumers must be taken seriously.
- Four chief medical officers took the view that the total feed ban should be maintained.

27. The Chair concluded that since an absolute priority is the health of UK citizens the Board’s unanimous advice to ministers was not to support this proposal when negotiations begin in Brussels.

**IMPORTS STRATEGY (FSA 11/09/05)**
28. The Chair welcomed Andrew Rhodes, FSA Director of Operations and Alan Curran, FSA Head of Imports and Official Controls.

29. The Director of Operations reminded the Board that they had received an update on imported food in January 2011. He explained that half of UK food was imported. A third came from third countries. The habits of consumers had changed; an example of this was the demand for products out of season. Diversity led to risk: recent examples were fenugreek seeds and various seeds and beans from Egypt. Therefore EU points of entry were key since, once cleared, food could move freely between Member States. There was evidence of importers moving between border inspection posts depending on the treatment they received, which meant that shared intelligence was important. The Strategy stated that Government activities should be based on greater use of intelligence and analysis, clearer direction to port authorities, more UK and EU cross-agency working; and further exploration of the possibilities of cost recovery.

30. A Board member commented that greater progress in this area would only be possible if the FSA’s priorities and those of other interested agencies were aligned. The Head of Meat Hygiene and Official Controls, Alan Curran, replied that in other Member States controls were generally more integrated than in the UK. Key players in UK food controls was the UK Border Agency which is part of Home Office and the Her Majesty’s Revenue and Customs (HMRC). Whilst HMRC was improving its data gathering there was still room for improvement. Ports also offered good insight but not in the same depth as the HMRC.

31. A Board member was concerned that the concepts in the Strategy reflected that the system was not working as well as it might do. The paper did not contain, for her, the radical detail that could drive change: she suggested that one of the problems was that some LAs had lost faith in some FSA systems and believed their own were superior. On a recent visit to Heathrow airport personnel had been critical of GRAIL (Guidance and Regulatory Advice on Import Legislation database). Felixstowe was also using a bespoke system. It could be beneficial to draw up a blue print for an ideal way of working and see how much change was needed to get there.

32. Another Board member queried what controls would apply to food from a new source in a third country. The Director of Operations replied that if a port health authority dealt with food from a new source it would consider the risks associated with the source and the product. If a product was new and there were concerns based on local intelligence ports had powers to withdraw the product and submit it for tests. The Strategy proposed to take this a step further to give more consideration to novel products and examine intelligence from third countries.

33. A Board member expressed concern at the weaknesses identified in some small ports (referred to in paragraph 4.7 of the paper) and asked for clarification on whether since these must be known to offenders there would be further resources for surveillance and control. The Director of Operations replied that
there was now greater scrutiny of smaller ports since the larger ones were known to have better controls. He added that there had been a number of LAs who did not realise that they had ports of entry for food (such as flights to airports). When this had been established arrangements had been made for a permanent presence. However one of the issues faced by the FSA was that for some LAs a small port would not be a priority for resources.

34. The Chair of WFAC commented that he regarded the report as a template for further work which he supported. WFAC had raised concerns about reliance on assurance from other countries. There was a need for a mechanism such as accreditation to make sure that assurances were reliable. WFAC suggested that there was scope through earned recognition to divert resources to where they were most needed. There should also be further development in the Strategy around new technologies and consideration of the impact on resources.

35. The Chair of NIFAC welcomed the risk-based approach and that the Strategy highlighted imported feed as a priority area.

36. The Chair remarked that although ports were covered by LAs they are seen as essentially a national asset and therefore were not always a priority for local resources. Economic pressures on LAs could further impinge on port controls.

37. Alan Curran replied that under EC Regulation 669/2009 Competent Authorities were entitled to charge for inspections. However, there was a danger that some of the “on suspicion” checks were being reduced because of pressure on funding. The Association of Port Health Authorities had campaigned to raise the profile of ports and stressed that it was a national issue. He agreed with the Chair that one of the problems was that LAs did not always see direct benefits.

38. The Chair concluded that the Board agreed the objectives of the Strategy and would welcome frequent updates on progress. The Director of Operations agreed to include an update on the Strategy into the quarterly operations reports.

ACTION: Director of Operations

THE EXTENTION OF REMEDIAL ACTION NOTICES TO ALL FOOD ESTABLISHMENTS (FSA 11/09/06)

39. The Chair welcomed Alison Gleadle, FSA Director of Food Safety and Phil Flaherty, FSA General Food Hygiene Policy Manager.

40. The Director of Food Safety explained that the extension of Remedial Action Notices (RANs) to all food establishments was part of the Food Hygiene Delivery Programme and related to the FSA’s wider work on the adequacy of existing enforcement powers following the 2009 Pennington report recommendations. Consequently a commitment on the extension of RANs had been made to the Board in September 2010.

41. In response to a query from the Board, Phil Flaherty confirmed that the body which issued the RAN would pay any compensation due.
42. The Chair commented that the absence of appeals against RANs indicated that their inappropriate use was rare. The proposal should protect food businesses from being undercut from those which did not pay due regard to food hygiene safety regulations.

43. After discussing the paper the Board confirmed its view that by enabling specific activity to be halted without closing the premises RANs could improve the enforcement process.

44. In response to a query from a Board member about the implementation of the proposal the Interim Deputy Chair reminded Board members that any marketing and communications about RANs would need the support of the Efficiency and Reform Group (ERG). Furthermore, the extension of any regulation could be regarded as a new burden and the FSA could expect the policy to be challenged by the Department for Business, Innovation and Skills (BIS).

45. The Chair concluded that the Board agreed to the extension of RANs to all food establishments and to compensation for direct losses incurred by inappropriate use.

RESPONSE TO CONSULTATIONS ON TRANSFORMING REGULATORY ENFORCEMENT AND THE FUTURE OF THE LOCAL BETTER REGULATION OFFICE (11/09/07)

46. The Chair welcomed Rod Ainsworth, FSA Director of Legal Services.

47. The Director of Legal Services explained that the paper was a response to two consultations by BIS on regulatory enforcement and the future of the Local Better Regulation Office. The substance of the consultations were in line with principles that the FSA had already adopted. However there were some areas of concern. The consultations were focused largely on the views of business and gave little consideration to the needs of consumers. Nor did they acknowledge that businesses can benefit from regulation and make use of it for the development of good public relations. Another issue was that the consultation documents did not sufficiently recognise that many of the competencies of food and feed regulation were devolved and that the food industry cuts across UK boundaries. Finally the paper did not explicitly recognise that there were regulatory measures which flowed directly from the EU and the approaches recommended in the consultation would not be appropriate.

48. In response to a query from a Board member on why the FSA had not consulted LAs directly, the Director of Legal Services explained that the FSA would normally contact LAs directly for its own consultations. Since this was a BIS consultation the responsibility of the FSA was to make sure that LA’s attention was drawn to the proposals, but BIS would make the formal invitation to participate in the consultation.
49. The Interim Chair of SFAC supported the proposed response but raised a number of concerns with the paper and consultations. He suggested that clarification on what was meant by “assured guidance” would be useful in paragraph 4.10. He added that SFAC had not commented on the paper as suggested in paragraph 6.2 and hoped that the Scottish Government had been contacted directly on the consultation. Some of the devolutionary aspects were difficult as the Scottish Government had its own approaches to better regulation.

50. Board members agreed that whilst they supported the measured language of the of the draft submission (Annexe A), it should be strengthened to stress the importance of consumer protection, the role of the EU, the impact of devolution, and the corresponding need to avoid disconnect between Governments. The response should also stress that regulation which streamlines statutory requirements was not a burden to industry and that some businesses welcomed regulation to avoid being undercut by others. It should also refer to the need for BIS to consider other Government priorities as well as deregulation.

51. Specific changes requested by the Chair were:
   - Add a reference to section 1 of the Food Standards Act in paragraph 1.3.
   - Add examples on how FSA sought to improve implementation of regulation (perhaps in paragraphs 4 and 5).
   - Amend paragraph 6 to emphasise that the FSA’s duty to consumers and make clear that FSA did not find that business were compliant with regulations.
   - Amend paragraph 18 to avoid consumers sounding like an afterthought.

52. The Board agreed the draft submission at Annexe A subject to the agreed amendments.

**ACTION: Director of Legal Services**

**OPENESS: THE PUBLICATION OF MEAT HYGIENE AUDIT REPORTS (FSA 11/09/08)**

53. The Chair welcomed Rod Ainsworth, FSA Director of Legal Services and Terrence Collis, FSA Director of Communications.

54. The Director of Legal Services introduced this item by explaining that the Board had previously agreed to disclosing information in audit reports. Redacted reports were currently being published in response to Freedom of Information requests.

55. The Board supported the approach proposed in the paper and believed it would drive up standards. Publication should provide a strong incentive for plants on the cause for concern list to improve their performance. However some concerns were expressed by Board members that the proposal was first considered in 2007 but that the final IT based format would not be ready until April 2012.
56. The Board discussed the format of the reports and agreed that these needed to be more understandable to consumers without losing their impact for food business.

57. The Chief Executive explained that the publication of audits would take place in three stages:

- Stage 1 (current position) - the publication of redacted reports in response to FOI requests.
- Stage 2 - the proposed interim approach of the abbreviated version, albeit with guidance.
- Stage 3 - the automated IT solution currently under development which is intended to remove the need for background knowledge of audits.

58. After some discussion on whether publication should be delayed until the new format was available the Board agreed that the interim publication arrangements would commence on 1 November 2011. However for accessibility the FSA should provide guidance on terms, acronyms and meaning of overall scores.

ACTION: Director of Legal Services

OFFICIAL CONTROLS IN APPROVED MEAT PREMISES – THE FSA’S APPROACH TO THE USE OF ALTERNATIVE DELIVERY MODELS (FSA 11/09/09)

59. The Chair welcomed Alison Gleadle, FSA Director of Food Safety.

60. The Chief Executive introduced this item. He explained that certain industry commentators and others perceived that the current system for the delivery of official meat controls was inefficient and that costs would be substantially lower if the activity were subject to competition most likely from the private sector. The 2008 Board decision had effectively ruled that out for the foreseeable future. That decision was taken with advice from stakeholders and consumer groups who recommended that work on control bodies should be ended. Subsequently, the FSA had been through a modernisation programme which led to savings of £18 million. The industry had been promised that a further £5 million in savings would be found, and that as far as charging was concerned, the FSA would fund the shortfall if it failed to achieve that target. That approach represented in his view the lowest cost solution for consumers and industry and still maintained compliance with the regulations.

61. The Chief Executive said that the FSA had done good job of restoring accountability to the FSA Board from the (now defunct) MHS Board. Regarding cost recovery a draft impact assessment was being reviewed prior to presentation to the Efficiency and Reform Group (ERG). During its lifetime the delivery of official meat controls had constantly been reviewed. The latest was the Macdonald review and now the Scudamore review would be looking at the inspection regime from the Scottish perspective. This scrutiny was to be welcomed.
62. The FSA had consistently promoted the consumer interests in the area of official controls. This was not just to ensure the “safest possible meat” but also that the consumer could be confident that the FSA was “doing the right thing” on their behalf. However, it had been known and accepted for some time that the “what” which is done by the FSA is not as risk based and proportionate as it should be and does not always address the more significant food borne public health risks. Consequently a “blank sheet of paper” approach was adopted to gather evidence which would help shape a paradigm shift in the “what” of official controls. Progress was good and there is a real momentum in this work. It will decide where the FSA concentrates its resources.

63. The Chief Executive proposed that those industry sectors which would benefit most from a regime change should commit resources to the development of an alternative delivery model that could be brought to the Board for consideration. Then industry could do a feasibility study on the model.

64. The Interim Chair of SFAC welcomed the clarity of the paper. He suggested that the chart in paragraph 4.18 of the paper required a pre-step to help industry avoid wasting money. Before industry went to the expense of developing a model it would be helpful for the FSA to work with it to gather ideas which were likely to be successful.

65. The Chief Executive agreed that industry would need resources to set out their model for delivery. The FSA needed a single piece of work from industry which would give a list of criteria at the beginning of the process. A challenge which industry should consider was that the new model would need to be future proofed, since by the time any new model was established the regulatory requirements could have changed. Another issue was whether the legal framework would permit a delegated body to make a profit. It would be for industry to convince its customers that the delivery body could meet the necessary standards. If this body was established the FSA would still remain the Competent Authority.

66. In conclusion the Chair said that the Board agreed the approach proposed in the paper. The FSA would like industry to develop a proposal for an alternative delivery model. However it remained to be seen whether industry was prepared to commit the necessary resources. The FSA would only assist in the provision of the criteria. The paper took a positive approach and should provide a response to the Farming Regulation Task Force chaired by Richard MacDonald and feed into their review by the Scottish Government.

**ACTION: Director of Food Safety**

RESPONDING TO THE SECOND ANNUAL REPORT OF CONSUMER FOCUS WALES: PROTECTING CONSUMERS FROM E.COLI 0157 (FSA 11/09/10)

67. The Chair welcomed Steve Wearne, the Director of FSA Wales.
68. The Director of FSA Wales explained that on 22 March 2011, Consumer Focus Wales (CFW) had published its second annual review of progress made in delivering the Pennington Report. The report showed that good progress had been made. He drew attention to CFW’s view that consumers should have access to information contained in food hygiene inspection reports. These could be made available through the FHRS website. It would be useful for consumers to know why a food business had failed an inspection. This was connected to the Board’s earlier discussion on the publication of meat hygiene audit reports and the possible extension of FHRS to all food businesses.

69. The Board noted that a paper on the possible extension of the FHRS would be presented to the November 2011 meeting.

ACTION: Board Secretary

70. The Chief Executive confirmed the executive’s view that all audits of all food premises should be published.

71. The Chair, referring to recommendation 6 (Annexe 1) of the paper on auditing clarified that the FSA was the audit body for LAs, the FSA was in turn audited by the Food and Veterinary Office. This meant that controls are applied consistently apply and all steps of the food chain are audited.

72. The Chair of WFAC welcomed CFW’s work and expressed regret at its proposed demise as well as concern at how its work would be continued. The Chair agreed and added that it was crucial that there was a body which sought to ensure that FSA delivered its commitments under the Pennington report. He hoped that the importance of this and the contribution made by other food advisory committees would be brought to the attention of wider Government.

73. In conclusion the Board agreed the response in Annexe 1 of the paper.

ACTION: Director of FSA Wales

**THE SCOTTISH NATIONAL FOOD AND DRINK POLICY** – “Recipe for Success”. (FSA 11/09/11)

74. The Chair welcomed Charles Milne, Director of FSA Scotland.

75. The Director of FSA Scotland explained that the paper provided a second update on Scotland’s food policy “Recipe for Success”. This work had been re-invigorated since the Scottish elections. Food policy was supported by measurement criteria, including data relating to the uptake of business in Scotland’s Food Hygiene Information Scheme (FHIS). Staff in FSA Scotland had been active in working groups covering issues such as the Preventing Overweight and Obesity route map. Work continued with Defra and the Scottish Government on the EU food information regulations; in responding to the recommendations of Scudamore review; and the development of a website to enable Scottish consumers’ access to Scottish data and policy. Resources would be stretched to deal with this work.
76. The Chair, referring to paragraph 5.1.5, in the paper which stated that the National Diet and Nutrition (NDNS) survey could become “England only” commented that the budget was transferred on the understanding that the survey was still a national service. The Director of FSA Scotland clarified that currently the NDNS survey on nutrition was on a UK basis. However Scotland needed to decide whether to top-up the core project to obtain local data. He expected that before a decision was made there would be an analysis on whether the first four years of the survey represented value for money.

77. In response to further questions from the Board the Director of FSA Scotland confirmed that Scotland would continue to work closely with the FSA in Northern Ireland on nutrition and dietary health matters. He also confirmed that the current draft of the new Food Information Regulation would allow UK countries to use their own country of origin labels and that the mandatory origin labelling would cover deep chilled food sold as fresh as well as fresh and frozen meats.

78. A Board member added that Eatwell week had the potential to be very useful as part of the Preventing Overweight and Obesity route map, in particular for vulnerable families. She advised that colleagues in FSA Scotland might wish to consider providing information on the costs of eating well as families tended to assume that Government recommendations on this issue were too expensive. In conclusion Board members supported the paper which showed the benefits of a joined-up approach on food.

REPORT FROM THE CHAIRMAN OF THE WELSH FOOD ADVISORY COMMITTEE APRIL 2010 TO AUGUST 2011 (INFO 11/09/01)
79. The Chair introduced John Spence the Chair of the Welsh Food Advisory Committee (WFAC).

80. The Chair of WFAC gave an overview of his report and reminded the Board that WFAC sought to avoid working in a vacuum and recognised that there were overlapping social and economic interests in the FSA’s activities. For that reason the experience of the members of WFAC was a great strength of the network and enabled it to cover the rural economy and common public health issues. That expertise enabled WFAC to take the broader view and engage fully with those who attended meetings in Cardiff as stakeholders. When covering issues such as development of Strategic Plan that had been especially useful.

81. Three issues now needed to be addressed by WFAC: improvement of governance, the development of a Welsh perspective on UK issues and the development of a UK perspective on Welsh issues. WFAC could identify issues that were not specific to Wales and were suitable for the Board’s agenda. An example of that self tasking was the issue of meat off-cuts.

82. The Chair of WFAC believed that there was now a strong sense of purpose and direction in WFAC. He wished to thank the Board Secretariat for enabling papers to be considered in advance and would seek to ensure that advice continued to
be transparent and timely. He was also grateful for the support of the Welsh translation service.

REPORT FROM THE DIRECTOR OF FSA WALES
83. The Chair welcomed Steve Wearne, the Director of FSA Wales who gave a presentation on the activities of the FSA in Wales and some headline achievements.

84. The Director of FSA Wales reminded the Board that despite the Machinery of Government changes in July 2010 in Wales (as in Scotland and Northern Ireland) the responsibility for general food labelling and food composition issues remained with the FSA. The specific work of the FSA in Wales was funded by the Welsh Government. The annual budget for 2011-2012 had been set at £3.242m. FSA in Wales was not a separate organisation and formed an integral part of the UK FSA and therefore shared the refreshed Strategy that the FSA had published in March 2011. However policies on health, rural affairs and education provided explicit roles for the FSA Wales. FSA Wales continued to work closely with Public Health Wales to review inter-organisational working on the outbreaks of communicable diseases.

85. LAs were also key delivery partners as they were responsible for enforcement. One example of the success of this collaboration was the participation of all 22 Welsh LAs in the FHRS. Over a third of food businesses in Wales had now received ratings. The Welsh Government was likely to bring forward legislation in December that would require food businesses in Wales to display their food hygiene ratings prominently in their premises.

86. The Chair congratulated Welsh LAs on their success with the FHRS and the foresight of planning on mandatory display. The system would make a major contribution to public health.

REPORT FROM THE CHAIRMAN OF THE NORTHERN IRELAND FOOD ADVISORY COMMITTEE (INFO 11/09/02)
87. The Board received the report of the Chair of the NIFAC.

REPORT FROM THE CHAIRMAN OF THE WELSH FOOD ADVISORY COMMITTEE (INFO 11/09/03)
88. The Board received the report of the Chair of the WFAC.

REPORT FROM THE INTERIM CHAIRMAN OF THE SCOTTISH FOOD ADVISORY COMMITTEE (INFO 11/09/04)
89. The Board received the report of the Interim Chair of the SFAC.

ANY OTHER BUSINESS
90. The item raised by a Board member is in Actions Arising.

DATE OF NEXT MEETING
91. The next open meeting of the Board would be held on 15 November 2011 in London.