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**DRAFT MINUTES OF THE FSA OPEN BOARD MEETING HELD ON 11  
DECEMBER 2012 AT AVIATION HOUSE, LONDON, FROM 12.00 TO 13.50**

**Present:**

Jeff Rooker, Chair; Tim Bennett, Deputy Chair; Margaret Gilmore; Jeff Halliwell; John Spence; Jim Wildgoose; Paul Wiles

**Officials attending:**

Catherine Brown, Chief Executive  
Andrew Wadge, Chief Scientist

**Also attending:**

Pippa Brown, FSA Board Secretary  
Alison Gleadle, FSA Director of Food Safety  
David Carruthers, FSA Head of Meat Hygiene and TSE Policy Branch  
Alick Simmons, Deputy Chief Veterinary Officer Department of Food, Agriculture and Rural Affairs (Defra)  
Andrew Rhodes, FSA Director of Operations  
Liz Olney, FSA Head of Central Operations  
Gerry McCurdy, FSA Director of Northern Ireland,  
Susan Pryde, Nutrition, Science and Policy, FSA Scotland  
Liz Redmond, Veterinary Director, Head of Hygiene and Microbiology Division and Chair of Current and Future Meat Controls Stakeholder Group (CFMC)  
Richard Griffiths, Vice Chair of CFMC Group

**Apologies for absence:**

Liz Breckenridge  
Henrietta Campbell

**WELCOME AND ANNOUNCEMENTS**

1. The Chair welcomed all to the meeting including observers both in the room and online. The Chair reminded Board Members to declare any relevant interests before discussions. No items of any other business were notified for later discussion.

**MINUTES OF MEETING HELD ON 13 NOVEMBER 2012 (FSA 12/12/01)**

2. The minutes of the meeting held on 13 November 2012 were agreed.

**ACTIONS ARISING (FSA 12/12/02)**

3. The Chair requested an update on Action 25May11/O/47 & 20Mar12/O/89. Andrew Wadge said progress was being made and there had been a good discussion the previous week between the Heads of Food Agencies. An update on the work assessing costs and charges of meat inspection in other countries will come to the Board in January 2013.

4. The Board considered paper INFO 12/12/02 Update on Review of Delivery of Official Controls under Actions Arising as it delivered actions from the September 2012 Open Board meeting. The paper was noted without comment.

#### **CHAIR'S ORAL REPORT**

5. The Chair reported that since the last Board meeting he had:
- Together with the Chief Executive, met with the Scottish Health Minister, Michael Matheson, on 20 November 2012
  - Appointed Henrietta Campbell as Chair of the Audit Committee
  - Attended two launches of the Food Hygiene Ratings Scheme (FHRS); one the previous day with Anna Soubry, Parliamentary Under Secretary for Public Health in the London Borough of Hackney.
6. The Chair confirmed formally to the Board that the FSA Task Force on the new food body for Scotland had now been established. He chaired the Task Force which comprised of Board members and Executive Directors. The Task Force would consider, respond and input to the Scottish Government's transition programme to create the new food body. The FSA was committed to working with the Scottish Government to meet their objectives whilst ensuring that consumers' interests across the UK in relation to food continued to be protected. The Task Force would have an important role in making that happen. The Scottish Government had begun work on planning the new food body, with the full support and co-operation of the FSA. Establishing the new food body would require primary legislation and the Scottish Government had indicated they would launch their consultation on this at the end of January 2013. The earliest Vesting Day for the new food body would be in October 2014. The Chair said he was in regular contact with the Westminster and Scottish Governments on this issue and would continue to keep the Board updated.
7. The Chair said only three Local Authorities (LAs) had not signed up to the FHRS: Greenwich, which has its own scheme; and Rutland and Tendring. The Chair said he would write again to lobby the leaders of the latter two councils. As FHRS was now a national scheme, there are many large corporations involved who may ask these councils why their businesses in these areas cannot participate in the FHRS. The Chair said that the FHRS was voluntary, yet there were over 300 000 food businesses listed under the FHRS on the FSA website. By March 2013, it remained the FSA's aspiration to have the last LAs signed up to the FHRS which would be to the advantage of businesses and consumers.

#### **CHIEF EXECUTIVE'S REPORT (FSA 12/12/03)**

8. Capability Review  
The Chief Executive reported that she had met with the Permanent Secretary at the Department of Health, Una O'Brien. As a result of that discussion, the action plan had been slightly revised and after further discussion with Tim Bennett it had now been sent to the Head of the Home Civil Service, Sir Bob Kerslake, for final approval.
9. Strategy on Charging for Meat Official Controls  
The Chief Executive said following the Board's agreement in September 2012 to commission an external efficiency review of UK delivery of meat controls, she had

met with National Audit Office (NAO) colleagues who have agreed to conduct a review lasting three to four months. The FSA Director of Operations would now be meeting the NAO to discuss stakeholder engagement in the review.

10. Campylobacter

The Chief Executive said that while campylobacter case numbers had not breached tolerance levels, the Executive were reviewing the current approach to identify whether any changes were needed. The Chief Executive said she would come back to the Board when more work had been done on this. A Board member asked what the action threshold for campylobacter was and the Director of Food Safety said that the threshold had been derived within FSA using statistical methodology to assist monitoring of trend in case numbers.

11. A Board member asked in response to the point in the CEO's report what more the Board could do engage with industry stakeholders. The Chief Executive said stakeholders would like to discuss strategic risks, rather than operational matters, with the Board. She was reviewing the forward agenda of the Board to enable such strategic discussions between stakeholders and the Board to take place.

**PROPOSED DECISION TO STOP BSE TESTING OF HEALTHY CATTLE  
SLAUGHTERED FOR HUMAN CONSUMPTION (FSA 12/12/04)**

12. The Deputy Chair declared an interest as an owner of a small farm, but had no livestock. The Chair agreed that this would not improperly influence the Deputy Chair's contributions to the discussion.
13. The Chair welcomed Alison Gleadle, FSA Director of Food Safety, David Carruthers, FSA Head of Meat Hygiene and TSE Policy Branch and Alick Simmons, Deputy Chief Veterinary Officer, Defra to the meeting. Alison Gleadle explained that the critical controls to protect human health and prevent a recurrence of BSE were those associated with the removal of Specified Risk Material (SRM) from carcasses and the control of feed stuffs. The current proposal to stop BSE testing healthy slaughter cattle was based on European Food Safety Authority (EFSA) advice and relates to surveillance rather than consumer protection. This advice was consistent with previous advice from the Spongiform Encephalopathy Advisory Committee (SEAC) that any change in BSE incidence is most likely to be detected in at risk cattle. The letter from the Chief Medical Officer also agreed with this assessment. No change was proposed to the SRM or feed ban controls. Alison Gleadle assured the Board that if there were any unexpected changes in BSE levels or deterioration in the epidemiological situation, the Board would be informed.
14. Alick Simmons said Defra, as the Department responsible for overseeing the surveillance system, was committed to managing the risk to public health on a proportionate basis.
15. A Board member agreed the science supported the recommendation in the paper but wanted assurance that sufficient testing would remain in place to spot any re-emergence of BSE and wanted to know if it would take longer to detect an increase. Alick Simmons said this would not be the beginning of the end of monitoring. Internationally the UK has controlled risk status. It would take 11 years after the birth of the last BSE case before the UK achieved negligible risk status and could

reduce the controls. The current sensitive controls made predictions of re-emergence easier and would remain in place. There could be a change in the speed with which a re-emergence of the disease could be detected but as long as the SRM and feed controls remained in place the effects of any delay would be significantly mitigated.

16. The Chair of the Scottish Food Advisory Committee (SFAC) said the Committee agreed with the recommendation but it was crucial that the two controls (feed ban and SRM) remained in place. He asked if the FSA would have to wait 17 years to detect a re-emergence or if the continued testing of at-risk cattle would detect it before then. Alick Simmons said he would expect to see any re-emergence in at-risk cattle. The results of the monitoring undertaken by Defra were published. AHVLA run a model every year on the data so any change in the level of BSE detected would come to the FSA's attention as soon as that data was reported.
17. The Chair of the Welsh Food Advisory Committee (WFAC) said the Committee supported moving to the modified regime but it was a pre-requisite that the controls (feed ban and SRM) remained in place and regular reports on the effectiveness of the monitoring system were provided. These reports would be expected to include information on the feed ban although the enforcement of it is not part of the FSA's remit.
18. On behalf of the Chair of the Northern Ireland Food Advisory Committee (NIFAC), the Chair said NIFAC also sought reassurance on the integrity of the surveillance of fallen and at-risk cattle.
19. The Deputy Chair said that while the FSA would be involved in any changes to the TSE Road map, it would not be involved in any changes to animal health surveillance and stressed that communication between Defra and the FSA on this latter point would be crucial. The Chief Executive drew the Board's attention to the letter from Peter Unwin, Director General of Policy Delivery at Defra, which states that the FSA's advice will be sought on the food safety implications of any proposals to change the BSE testing requirements.
20. The Deputy Chair said Bulgaria and Romania were high risk countries and asked if traceability systems existed to cope with a two tier system. Alick Simmons said that Romania and Bulgaria were not necessarily higher risk but as their controls had been in place for a shorter period, they could not yet move to a lower level of surveillance. He said there were statutory requirements on surveillance of foreign stock, on diseases other than BSE and additional tests for new and emerging diseases. Defra expected to start a consultation on 13 December 2012 to reconfigure the surveillance system for new and emerging diseases in England and Wales. Alick Simmons invited Board members to attend the AHVLA meetings as part of their consultation on changes to wider surveillance systems for new and emerging diseases.

**Action: Deputy Chief Veterinary Officer**

21. A Board member suggested adding the following wording to the FSA advice to Ministers: “while continuing to test all “risk cattle” aged over 48 months and subject to maintaining the ban on feeding animal protein to farmed animals and the removal of specified risk material (SRM).”
22. The Chair said the risk to consumers of stopping BSE testing of all healthy cattle aged over 72 months was negligible and the food supply chain would continue to be protected with the ban on animal protein in animal feed and the removal of specified risk material (SRM). With no case of BSE in healthy cattle slaughtered for meat in Great Britain for four years, consumers could be reassured. The results of the consultation showed that stakeholders expect continued vigilance on key controls in this area. It was agreed that the Board should review a report on the results of the BSE monitoring system and the effectiveness of enforcement of the feed and SRM controls six months after current levels of BSE testing were reduced; a second report after another six months; and then a report annually.

**Action: Director of Food Safety**

**FSA OPERATIONS ANNUAL REPORT 2011/12 (FSA 12/12/05)**

23. The Chair welcomed Andrew Rhodes, the FSA Director of Operations and Liz Olney, FSA Head of Central Operations to the meeting. Andrew Rhodes introduced the second FSA Operations Annual Report and thanked staff, particularly Julia Williams, for their hard work in pulling it together. He highlighted the fact that while the FSA headcount had decreased, food business operator (FBO) compliance with meat controls was at its highest ever point.
24. Liz Olney said much of the data in the report had already been presented to the Board through the quarterly performance updates but there was additional information on: operational headcount and costs; health, safety and wellbeing of operational staff; and the results of the recent meat industry feedback survey in Great Britain.
25. The Chair of SFAC asked if the process for the removal of operating approval in non-compliant meat establishments had been reviewed in light of the poultry slaughterhouse case, where the FSA had taken the decision to withdraw an approval, but the food business operator applied and was granted a High Court injunction to allow them to continue operating whilst they sought leave for a judicial review. With an appeal hearing taking place almost a year later, the judge ruled that the decision to withdraw should be based on improved standards now in place. Approval continued. Andrew Rhodes said the FSA’s original decision in that case had never been overturned however the occurrence of an injunction in future may impact on the FSA’s legal strategy, bearing in mind that each case must be looked at on its own merits.
26. The Chair of SFAC asked that the further work due to come to the Board on the longer-term strategic review of the audit arrangements of meat plants take the readability of audit reports into account.
27. A Board member asked if egg controls covered very small sales from houses. Andrew Rhodes said he would provide the Board with information on the cut off thresholds for controls on eggs.

**Action: Director of Operations**

28. A Board member asked how many FBOs which had scored a 0 - 2 rating under the FHRS had been re-examined to check for improvement. Andrew Rhodes said overall there was an improvement in ratings following re-visits and at the time of the Olympics, increased interventions did improve ratings but outcomes were still being assessed. Andrew Wadge, Chief Scientist, said at the moment much information on the FHRS was anecdotal but a full scale evaluation was underway.
29. A Board member asked if the data from the meat industry survey was sufficient to understand the findings. Andrew Rhodes said he hoped to make the survey more qualitative in future although he noted that as a regulator the survey was not about customer satisfaction with the FSA rather about the FSA having good working relations with the meat industry.
30. The Chair of WFAC was grateful for the report and asked if the decrease in headcount had been matched with a decrease in the number of premises to be inspected. Andrew Rhodes said that overall the number of food businesses had been decreasing but not at the same rate so productivity had been improving.
31. On behalf of the Chair of NIFAC, the Chair said the Committee liked to see the data in the report broken down by devolved region and hoped to see the retention of Scottish data following the establishment of a new food body for Scotland to maintain consistency in the data.
32. The Chair said the Board endorsed the report, which was full of lots of good news stories, and congratulated the staff on their hard work.

**FRONT OF PACK LABELLING (FoP): PROGRESS REPORT AND UPDATE  
(FSA 12/12/06)**

33. The Chair welcomed Gerry McCurdy, FSA Director of Northern Ireland and Susan Pryde, Nutrition, Science and Policy, FSA Scotland to the meeting. Gerry McCurdy outlined the provisions contained within the report and the associated timeline in taking forward a proposed scheme. He emphasised that this was a voluntary scheme and that collaborative working was required with other government departments and industry. He also indicated that a further paper on the Food for Information to Consumers Regulations would be coming before the Board in January 2013. This paper would deal with the wider aspects of the Regulations including ingredients and allergens.

**Action: FSA Director Scotland**
34. The Chair of SFAC said he understood there was no agreement on the final scheme as yet but discussions were progressing well. Gerry McCurdy agreed that work on the details of the scheme was going well.
35. The Chair said the Board reaffirmed its objectives relating to FoP labelling as outlined in Annexe C of the paper. He said the report showed the results of positive working relations across the UK over the last 12 months for a scheme which would benefit consumers and industry.

**CURRENT AND FUTURE MEAT CONTROLS STAKEHOLDER GROUP (CFMC)  
(FSA 12/12/07)**

36. The Chair welcomed Liz Redmond, Chair of the Current and Future Meat Controls Stakeholder Group (CFMC) and Richard Griffiths, Vice Chair of CFMC and Senior Executive Officer at the British Poultry Council to the meeting. Liz explained that following the Chair's attendance at a CFMC meeting in June 2012, which had been greatly appreciated by all the members, he had invited CFMC to present this paper on the group's work and top priorities to the Board. Liz explained that CFMC formed two years ago and has only a policy remit. CFMC meets three times a year and has achieved a lot through its smaller working groups which are well supported by industry.

Richard Griffiths said from an industry perspective, the benefit of CFMC was in the partnership working on strategic aims between the FSA, industry and consumers. He said industry and the FSA have an aligned agenda and the top priority was the review of the EU meat inspection regime. He would be happy to provide the Board with any further information required on the work of CFMC to give them more of an understanding of the work CFMC does.

37. A Board member asked for more information on the flexibilities within the existing EU legal requirements. Liz Redmond said CFMC had undertaken two lots of work: one looking at small food businesses, including meat businesses; and the other focusing on larger meat businesses. There was a long list of flexibilities that can be taken advantage of, whether they are structural (e.g. the use of portable facilities) or operational (e.g. more simplified record keeping for small and medium enterprises). The next stage of work was to review the uptake of such flexibilities and identify any barriers to uptake. Flexibilities in Official Veterinarian (OV) attendance were also being discussed.
38. A Board member asked about the audit review, whether it would be looking at consistency issues or would it have a wider remit. Liz Redmond said this was a wider strategic review of the audit system. The review would look at how the scoring system worked as well as who is best placed to do audit. It would also consider wider government policies such as how the audit system could provide earned recognition benefits, such as by rewarding the most compliant plants with fewer audit visits and freeing up resource to focus on higher risk areas.
39. The Chair said he had found his time at the CFMC meeting useful and recommended a Board member attend a CFMC meeting early in 2013 to build on existing relations.

**Action: Director of Food Safety**

**INFORMATION ITEMS**

**Balance of Competence Review (INFO 12/12/01)**

40. The Board accepted without discussion the information paper on the Balance of Competence Review.

**Reports from the Chairs of the Food Advisory Committees INFO 12/12/03-05**

41. The Board accepted without discussion the reports from the Chairs of NIFAC, WFAC and SFAC.

**ANY OTHER BUSINESS**

42. None was raised.

**DATE OF THE NEXT MEETING**

43. The next open meeting of the FSA Board will be held on 22 January 2013 in London.