
**MINUTES OF THE FSA BOARD MEETING HELD ON 5 MARCH 2014
AT AVIATION HOUSE, FROM 09:00-12:30**

Present:

Tim Bennett, Chair
Liz Breckenridge
Henrietta Campbell, Deputy Chair
Jeff Halliwell
Roland Salmon
Jim Wildgoose
Paul Wiles

Officials attending:

Catherine Brown, FSA Chief Executive
Rod Ainsworth, Director of Regulatory and Legal Strategy
Andrew Rhodes, Chief Operating Officer
Stephen Humphreys, Director of Communications
Liz Olney, Head of Operations Assurance
Maria Jennings, Director Northern Ireland
Rebecca Merritt, Head of Private Office
Robert Madge, Lawyer
Gareth Williams, Investigations, Prosecutions & Business Manager
Michael Wight, Head of Food Safety Policy
Javier Dominguez, Head of Strategy and Deputy Veterinary Director
Elsbeth Macdonald, Head of Policy and Operations, Scotland
Bill Adamson, Branch Head –Regulatory Policy Branch
Ruth Balmer, Nutritionist, FSA Scotland

Apologies for absence:

Steve Wearne, Director of Policy

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone to the meeting including observers both in the room and online.
2. The Chair reminded all Board members to declare any relevant conflicts of interest before discussions.
3. No items for Any Other Business were raised.

MINUTES OF MEETING HELD ON 21 JANUARY 2014 (FSA 14/03/01)

4. The Chair requested a change to paragraph 72 (iii) to read "*The Chair also said that in response to feedback from a Board member he was happy to clarify that overall responsibility for strategic risk and risk appetite would remain with the Board under the new terms of reference*". The Board agreed the change.
5. There were no further amendments to the minutes and these were accepted as an accurate record of the 21 January meeting.

ACTIONS ARISING (FSA 14/03/02)

6. The Board accepted the actions arising.

CHAIR'S REPORT

7. The Chair advised the Board that the process for recruiting new Board Members was nearing completion. Three candidates had been put forward and the Secretary of State was now consulting the Devolved Administrations. The Chair expected to hear the outcome later in the week and hoped to inform the Board shortly after.
8. The Chair also updated the Board on the many useful engagements he had attended since the last Board meeting and that these were available to view on the website. These engagements included:
 - Maria Eagle, Shadow Secretary of State Environment, Food and Rural Affairs, to discuss the findings and recommendations outlined in the Review of the FSA's response to the incident of contamination of beef products with horse and pork meat by Pat Troop and the current Elliott Review, into the Integrity and Assurance of Food Supply Networks.
 - Dame Deirdre Hutton, to discuss issues relevant to being Chair of the FSA and the potential for sharing intelligence and approaches to emerging risks between Organisations
 - Chinese Vice Minister for Food to inform the Minister of the FSA's food and feed laws and to talk about compliance, enforcement and risk assessment as well as collaboration opportunities.
 - Welsh and Scottish Ministers
9. On behalf of the Chair, Jeff Halliwell provided an overview of the recent visit to Brussels. This included a talk about the Transatlantic Trade and Investment Partnership (TTIP) which may impact when planning future strategy on food safety issues, as well as a talk from Food & Drink Europe about future technology and the development of food packaging. There was also a useful discussion with BEUC, the European Consumer's Organisation. The trip was felt to be very

useful and provided the FSA a good opportunity to engage externally with key European stakeholders.

CHIEF EXECUTIVE'S REPORT (FSA 14/03/03)

10. Catherine Brown referred the Board to her paper and was also pleased to be able to announce the appointment of a new Chief Scientific Adviser. Professor Guy Poppy would be joining sometime in August 2014 and would work for the FSA two or three days a week. She invited questions from Board Members.
11. A Board member enquired whether, following exercise Ben Vane, any particular areas of concern had arisen in relation to the preparation for the 2014 Commonwealth Games. Catherine responded that there were some pressures on availability of local authority resources and that the FSA would continue to work with those involved to support a successful Games from a food safety perspective.
12. Another Board member enquired about the threshold levels for contaminated products such as the presence of wrong proteins in meat products. Catherine responded that work was still continuing and once complete this subject will be brought back to the Board.

ACTION: Board Secretariat to add to the forward agenda

13. Further discussion took place about the recommendations of the Interim Elliott Review, biotoxin risks in shellfish, and the E-Coli outbreak in Scotland. It was agreed that it would be useful for the Board to have a further discussion on guidance on rare burgers in light of the recent court case and the incident in Scotland. This would enable them to consider the interplay of risk, consumer protection and choice.

ACTION: Board Secretariat to agree timing with Director of Policy and Chair

14. Finally, a Board member raised the issue of the stakeholder meat charging group and wanted to thank all of those involved, as well as the FSA analysts and Bill Stow, the Independent Chair of the Steering Group. The Chair agreed and added that the Board had now been briefed by Bill Stow and this would be brought to the Board for further discussion in June.

ACTION: Board Secretariat to add to the forward agenda

FSA LEGAL POWERS IN THE CONTEXT OF THE INTERIM REPORT OF THE ELLIOTT REVIEW INTO THE INTEGRITY AND ASSURANCE OF FOOD SUPPLY NETWORKS (FSA 14/03/04)

15. The Chair welcomed Robert Madge (Lawyer) and Gareth Williams (Investigations, Prosecutions & Business Manager) to the table. Rod Ainsworth introduced the paper.
16. Rod explained that the paper focused on the current FSA powers in the context of the Interim Elliott Report and that the recommendations outlined could benefit day-to-day work and the “enforcement tool-kit”. Rod explained that significant changes in focus to increase activity in this area would not be at zero cost and would require further consideration by the Board in the context of other priorities. This wider issue would need to be considered in light of the final Elliott Review and the strategy. But meanwhile the relatively small adjustments to powers proposed in the paper would enhance the FSA’s effectiveness in protecting consumers.
17. Further discussion took place about the legal powers of the FSA when dealing with incidents and investigations and how the introduction of Remedial Action Notices (RANs) in England for all food business establishments could significantly improve consumer protection. It was noted that RANs enabled rapid action on issues of specific concern and offered the opportunity to target and prevent poor practices in a business without negatively impacting the rest of their operation, in a way that was proportionate and aligned with the principles of better regulation.
18. A Board member enquired about section 3.8 of the paper in relation to European legislation and how they may respond in the future. Rod replied that the Commission had now set up the new food fraud unit and it remained a possibility that changes in official controls would follow.
19. The Welsh Food Advisory Committee (WFAC) Chair advised that a number of Environmental Health Officers (EHO) had been present at the recent WFAC meeting and although broadly content with the proposals outlined in Annex A, they remained unsure about the plans to improve powers to search. Rod accepted that there was some lack of clarity on this which the paper’s proposals were designed to eliminate.
20. It was noted that further work, including impact assessment and consultation, would be required as part of taking forward these proposals. It was agreed that the Board would return to this issue in light of wider discussion on the enforcement role of the FSA and the outcome of the Elliott review

ACTION: Board Secretariat to add paper to future agenda

21. The Chair thanked Rod and his colleagues, as well as the LAs that have supported the development work.

**SITUATION REPORT – REDUCTION OF CAMPYLOBACTER FROM POULTRY
(FSA 14/03/05)**

22. The Chair welcomed Michael Wight (Head of Food Safety Policy) and Javier Dominguez (Head of Strategy and Deputy Veterinary Director) to the table and asked Michael Wight to introduce the paper.
23. Michael reminded Board members that, in September 2013, they had endorsed a new strategy on addressing campylobacter in poultry that emphasised key players being clear about and fully focused on delivering their responsibilities. Since then, there had been intensive work on addressing the problem and the paper was a report on the progress so far.
24. Board members welcomed the paper and were strongly supportive of the work of the Chief Executive and her team in terms of raising and vigorously addressing the issues.
25. There was some discussion of the challenges of establishing and consistently maintaining high standards of biosecurity, and of the necessity for investment in this and in rapid surface chilling as part of addressing campylobacter. Javier said that Red Tractor were looking at improving their standards for biosecurity and the rigour of their auditing process, which was welcomed.
26. There was also discussion about the commitment to publish the results of the current retail survey so that interested parties and consumers were able to compare results by different retailers. It was felt that this was very important in terms of ensuring that everyone in the chicken supply chain remained highly focused on improving the situation, including being prepared to make appropriate investments to this end.
27. Stephen Humphreys added that there had been some good work undertaken with retailers on consumer communications and on pack labelling and that some of the retailers would be undertaking activities in support of Food Safety week. He also reported that the retailer communication group had identified the potential for some promotion of safety messages to the hundreds of thousands of people who worked in supermarkets and would be considering this area further.
28. A Board Member reported that, at the WFAC Meeting, the Committee were encouraged by the progress but a question had arisen about the “downstream” factors such as cross contamination in shopping bags and the increased inclusion of pre-packaged sauces and glazes. Javier responded that good guidance was available on the website and that work would continue on managing risk across the full up and downstream process.
29. The Chair thanked all those involved for their continuous work and the progress made. The Board were clear on the need for all involved to continue to focus on this critical area and ensure that real progress occurs.

**MANDATORY FORTIFICATION OF BREAD AND FLOUR WITH FOLIC ACID –
ADVICE TO SCOTTISH MINISTERS (FSA 14/03/06)**

30. The Chair welcomed Elspeth Macdonald, (Head of Policy and Operations, Scotland) and Bill Adamson (Branch Head –Regulatory Policy Branch) to the table. Elspeth Macdonald introduced the paper.
31. Elspeth briefly explained the detail of the paper, the main principle being to agree the FSA's high level, principle-based advice to Scottish Ministers on the mandatory fortification of bread or flour to reduce neural tube defects (NTDs). Elspeth noted that the Board is not being asked at this stage to advise on detailed options for implementation, but to advise Scottish Ministers on preparatory work that they could undertake now, pending the receipt of up-to-date data on dietary intake levels and blood folate levels from the National Diet and Nutrition Survey (NDNS). Elspeth also advised of an amendment to para. 5.5 of the Board paper which incorrectly stated that New Zealand had introduced mandatory fortification of flour. Although New Zealand had drafted legislation for mandatory fortification, the standard had been revoked and replaced in 2012 with a standard permitting fortification of bread with folic acid rather than mandating it.
32. Elspeth also advised the Board that since the paper was finalised, the National Diet and Nutrition Survey (NDNS) data referred to in 5.8 was now delayed and that DH Ministers are considering the implications of this delay for England.
33. Board Members discussed a number of issues, including the public health imperative of reducing NTDs, and whilst there would be practical and public health benefits of a UK wide approach, it was acknowledged that there were good reasons why parts of the UK may not wish to delay moving forward. The Board also discussed the scientific evidence and approach the Board had considered previously, the cost benefits of mandatory fortification and asked about the situation in other EU countries.
34. Bill Adamson responded that in 2009, the European Food Safety Authority (EFSA) had completed a survey on the basis of fortification being a requirement. Unfortunately the methods to collate the information made comparisons difficult and some countries did not collect data. On the delay of data from DH, Elspeth responded that the information would eventually include blood folate levels as well as dietary intake data and that the co-ordination of NDNS across the UK works well, with DH leading the work. She also reported that there was no evidence to suggest that rates of NTDs had significantly declined since the Board last considered this issue.
35. In summing up, the Chair said that he would write to Scottish Ministers to give advice on agreeing the FSA's high level, principle-based advice, based on the Board's previous advice on mandatory fortification and would also recommend that they try to agree a solution with their counterparts across the UK to adopt a uniform approach on mandatory fortification.

ACTION: Chair to write to Scottish Ministers

**FSA SALT PROGRAMME UPDATE: SCOTLAND AND NORTHERN IRELAND
(FSA 14/03/07)**

36. The Chair welcomed Maria Jennings, Director Northern Ireland and Ruth Balmer, Nutritionist to the table and asked Maria to introduce the paper to the Board.
37. Maria advised the Board that the UK wide approach was to reduce the daily salt consumption intake to 6g in line with the recommendations from the Scientific Advisory Committee on Nutrition (SACN), the World Health Organisation (WHO) and the EU Salt Reduction programme. She also advised that to work to the highest level reduction would maximise the public health benefit, but the targets would mean significant challenges for industry.
38. Board members raised questions about the food service sector, salt replacers, the role of consumer education, and what the findings of SACN and the Committee of Toxicology (COT) were likely to report. Maria agreed that the food service sector is important, and there was a focus on dealing with the bigger caterers and suppliers to try and make a significant contribution to reductions in out of home consumption of salt. She also emphasised that 75% of consumers' salt intake comes from processed foods and that it was therefore hard for consumers to reduce their salt intake meaningfully by simply not adding salt, so although there would continue to be work undertaken to inform consumers of the importance of reducing salt intake, reformulation remained key.
39. Board members noted that front of pack labelling was useful in supporting consumers to make informed choices on salt consumption but agreed that work on reformulation remained key, that a UK wide approach remained strongly to be preferred and that further work should also continue with the food service sector.
40. In summing up, the Chair advised that the Board were supportive of the paper and its recommendations were agreed.

**PROPOSAL TO MERGE FSA AUDIT AND FSA RISK COMMITTEES (FSA
(14/03/10)**

41. The Chair provided a background to the paper and briefly explained that the objectives of a separate Risk Committee had been achieved, in terms of raising the profile of risk identification and management in the FSA. He also explained that bringing Risk and Audit together would align the FSA with current Government practice and if agreed, the revised Terms of Reference would be brought to the Board Meeting in June.

ACTION: Chair to bring ToR to June Board

42. There were no questions and the Board agreed the proposed change.
43. The Chair advised that Paul Wiles would now take over responsibility for the Chair of the Audit Committee. He also thanked Etta Campbell for her work as the outgoing Chair.

**REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES
(INFO 14/03/01–03)**

44. Roland Salmon, Chair of WFAC welcomed Nina Purcell, the new Director of FSA Wales to the FSA and thanked Geoff Ogle, the outgoing interim Director, for his work and support.
45. Roland also thanked the Chair for writing to the Welsh Minister commenting on the action plan for the Food and Drinks Industry.
46. Roland also raised a question regarding Primary Authority. Some Environmental Health Officers had raised a concern that they were precluded from taking enforcement action against large multiples whose Primary Authority was elsewhere. The Chief Executive clarified that local authorities could take enforcement action, but that they were required to notify the Primary Authority, and that this was potentially a good thing because it meant that overall risk analysis and intelligence sharing should be much improved.
47. The Chair suggested that perhaps a distribution could be sent out which outlined what was meant by Primary Authority and the key issues.

ACTION: Board Secretariat to commission and circulate

48. Jim Wildgoose, Chair Scottish Advisory Committee (SFAC) mentioned that Dr Drew Walker, Director of Public Health for NHS Tayside had highlighted at a recent presentation that obesity had overtaken smoking as the major impact on public health in Scotland. His opinion was that the new food body, Food Standards Scotland should have this issue at the top of their agenda.
49. Etta Campbell, Chair Northern Ireland Advisory Committee (NIFAC) briefed the Board that NIFAC had recently visited a pig abattoir and that this was an industry that was currently expanding its export market. Etta advised that a number of inspections were carried out throughout the year and the company involved were keen that the NIFAC members were made aware that the regulatory aspects of the work help greatly to support the export business.

ANY OTHER BUSINESS

50. The Chair advised that there was no other business to report and closed the Board Meeting.

MINUTES OF THE FSA BUSINESS COMMITTEE MEETING HELD ON 5 MARCH 2014 AT AVIATION HOUSE, FROM 12:40-13:30

Present:

Tim Bennett, Chair
Liz Breckenridge
Henrietta Campbell, Deputy Chair
Jeff Halliwell
Roland Salmon
Jim Wildgoose
Paul Wiles

Officials attending:

Rod Ainsworth, Director of Regulatory and Legal Strategy
Catherine Brown, Chief Executive
Lynne Bywater, HR Director
Chris Hitchen, Director of Finance and Strategic Planning
Stephen Humphreys, Director of Communications
Maria Jennings, Director Northern Ireland
Elspeth Macdonald, Head of Policy and Operations, Scotland
Rebecca Merritt, Head of Private Office
Liz Olney, Head of Operations Assurance
Nina Purcell, Director Wales

Apologies for absence:

Geoff Ogle, Portfolio Director
Andrew Rhodes, Chief Operating Officer
Steve Wearne, Director of Policy

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone to the new style Business Committee meeting including observers both in the room and online.

MINUTES AND ACTIONS ARISING OF BUSINESS BOARD MEETING HELD ON 21 JANUARY 2014

2. The Minutes of the final Business Board had been circulated and the Chair asked for comments or approval. Board Members agreed that they were an accurate reflection of the final Business Board. The Chair advised that future Business Committee Minutes would be published.

PERFORMANCE UPDATE ON OPERATIONAL ACTIVITY (FSA 14/03/08)

3. The Chair welcomed Liz Olney (Head of Operations Assurance) to the table and invited her to introduce the paper.

4. Liz advised the Committee that the paper provided an update on FSA operational activity to the end of December 2013 and that the report was now in a different format to previous updates, with a greater focus on key initiatives and areas of significance, and fewer routine performance metrics, and the introduction of interactive charts so that Committee members could explore issues of particular interest to them.

Liz drew particular attention to the following:

- information provided on plans to strengthen controls for shellfish
- progress on the review of animal feed arrangements
- how the FSA was working to make sure imported food was safe to eat
- emerging issues on local authority audit.

5. There was significant discussion of the pressures on Local Authorities, and the importance of their work on protecting the public from food borne disease. In individual cases where problems were identified by audit, issues are taken up and addressed with the relevant LA. The wider issues about the sustainability of the current system would be a central consideration of the strategy discussions in April and ongoing.

6. A question also arose about meat compliance and that the number of Not Broadly Compliant premises still seemed high. The question was whether this was due to the definition of the category or whether there was an acceptance of low compliance too easily.

7. Liz Olney responded that there was an opportunity to strengthen the audit arrangements with the current Review of FBO Audit. There would be improvements in descriptions of non-compliances and a more consistent approach to scoring. The proposals, currently out for consultation, were seeking views on compliance ratings, descriptions and proposals to change audit frequencies to recognise good business performance and more frequent audits for less compliant businesses. Another key change was FSA plans to bring the auditing function in-house, with the establishment of a dedicated team of skilled and trained auditors, separate from routine (day to day) official controls. Taken together these changes would have the effect of bringing much more rigour to the definitions of compliance and therefore to the conclusions that could be drawn on the basis of the data.

8. A Committee member enquired about the shellfish measures and whether there was confidence that the non-compliances were being caught before the food entered

the food chain and whether sufficient measures were in place to prevent it getting into the food chain. It was pointed out that this was difficult to achieve for shell fish because of the nature of the food supply chain which meant produce would often have been consumed prior to test results being received. This was why it was particularly important that FBOs in this area had very robust preventative controls in place.

An update would be brought to a future meeting on the arrangements for shellfish controls.

ACTION: Liz Olney

9. There was a discussion of feed controls, which recognised again the issue that the current feed project is addressing about shortages of expertise in some LAs. Liz responded that LA's were joining up to provide the best approach and use of resources and that the EU Commission had shared our proposed code of practice with other Member States as a good example of the approach on how to work in this area.

10. Referring to the Dairy Enforcement graph (page 6), a Committee Member enquired whether there were any planned changes or improvements on the way errors are coded to make the figures more useful by distinguishing material from less material issues. The number of enforcement actions required in the 10 year frequency category meant that the earned recognition appeared misleading. Liz advised that changes in the way compliance was recorded were on the way and this should produce better reporting in the future.

11. There was a brief discussion of the importance of ensuring that earned recognition initiatives were based on robust principles and controls, given their potential importance. This issue would be explored as part of the strategy discussion and in discussions on any future earned recognition initiatives.

12. A Committee member requested a general update on FHRS including the efforts to encourage voluntary use through digital channels and also the information available to consumers where display was not mandatory.

13. Liz responded that information to consumers was improving and information provided at the point of sale was thought to provide the best results, although other approaches were being considered. Stephen Humphreys advised that there had been good progress in building links with partner organisations e.g "just eat" which were currently generating 5% of the online traffic to FHRS on the FSA website. The FSA was also making available the data sets for other Organisations so developers could come up with applications that made them more accessible to consumers.

14. The Chair summarised that Committee members welcomed the new format report and praised the work of the team.

FINANCE UPDATE – MARCH 2014 (FSA 14/03/09)

15. The Chair welcomed Chris Hitchen (Director of Finance and Strategic Planning) to the table and invited him to introduce the paper.

16. Chris advised that this was the first Finance report to be brought to the Business Committee and the proposals in the paper showed how the 2014/15 budget aligned the resources of the FSA to the strategy. He also advised that this was the first time the business planning process had been integrated with the budgeting process, which is a significant step forward. He drew attention, as an example of improving alignment between resource allocation and strategic priorities, to the increase in expenditure on campylobacter. Chris also informed the Committee that the proposed budget kept the FSA within the financial limits set by Treasury (HMT) back in the Spending Review round in 2010.

17. Chris drew attention to the graph on page 3 which showed an overview of expenditure through to 2015/16 and added that whilst the FSA had been very successful in balancing the books to date, the reductions in spend in 2015/16 would be challenging and require great focus on allocating resources to where they would make the biggest difference to strategic priorities.

18. Committee Members welcomed progress in terms of the finance report, which now provided a view of where money was being spent in supporting objectives. It was agreed that it would be helpful to have slightly more commentary on some of the content in the key graphs.

19. There was some further discussion about the historic underspends, and Chris clarified that new systems had been put in place to ensure that funds could be invested in value for money initiatives in a more timely fashion in future years.

20. The Chief Executive drew attention to the pressure on “admin budgets” going forward, and reminded the committee that “admin” included the very large majority of our policy staff, scientists and other personnel, not just back room functions and infrastructure costs. She said that the FSA before her arrival had already done very good work on efficiency – notable savings had been achieved by both the Capita IT contract and the reduction of the footprint in Aviation House. She flagged that there would potentially come a point if this “admin” expenditure continued to come under particular pressure, that would compromise our ability to deliver our core objectives, although that point had not yet been reached.

21. The Chair agreed and added that the financial challenges in the future should not be underestimated. The Committee approved the 2014/15 budget.

ANY OTHER BUSINESS

22. There was no other business and the Chair closed the Business Committee Meeting.