
**MINUTES OF THE FSA BOARD MEETING HELD ON 5 NOVEMBER 2014 AT
AVIATION HOUSE, LONDON FROM 09:00-12:25**

Present:

Tim Bennett, Chair; Henrietta Campbell, Deputy Chair; Liz Breckenridge; Jeff Halliwell; Jim Wildgoose; Jim Smart; Heather Peck; Ram Gidoomal; Paul Wiles; Roland Salmon

Officials attending:

Catherine Brown, FSA Chief Executive
Andrew Rhodes, FSA Chief Operating Officer
Steve Wearne, FSA Director of Policy
Professor Guy Poppy, FSA Chief Scientific Adviser (CSA)
Dr Penny Bramwell, FSA Director of Science, Evidence and Research (DSER)
Chris Hitchen, FSA Director Finance and Strategic Planning
Angela Towers, Programme Manager for FSA Strategy 2015-20
Will Cresswell, FSA Head of Consumer Protection & Commercial Support
Liz Olney, FSA Head of Operations Assurance
Rebecca Merritt, FSA Head of Private Office

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone to the meeting.
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 10 SEPTEMBER 2014 (FSA 14/11/01)

4. The minutes were accepted as an accurate record of the 10 September 2014 meeting, subject to the addition of Roland Salmon to the list of attendees.

ACTION: Board Secretariat

ACTIONS ARISING (FSA 14/11/02)

5. The Chair asked for an amendment to the action *10 September – 14/09/07 Steering Group on Meat Charging: Meat Official Controls Discount Reform* to say that in mid-2015 we would formally look at progress to the next phase.

ACTION: Board Secretariat

CHAIR'S REPORT

6. The Chair advised the Board of the list that had been published of the many useful engagements he had attended since the last Board meeting. He drew particular attention to his visit in October to Australia to speak at a Commonwealth conference in Canberra. He had signed the updated Memorandum of Understanding between the FSA & Food Standards Australia New Zealand (FSANZ) and he had also undertaken a tour of a meat plant with the former FSA Director Scotland, Charles Milne, Chief Veterinary Officer, in Victoria.
7. He also mentioned his visit to AC Hopkins pig plant in Somerset with Huw Irranca Davies, Shadow Minister (Environment, Food and Rural Affairs) on 15 September and asked Andrew Rhodes, FSA Chief Operating Officer, to pass on his thanks to all the staff involved.
8. The Chair said he had met with George Eustice, Parliamentary Under-Secretary (Department for Environment, Food and Rural Affairs) on 30 October.
9. The Chair had received correspondence from Alan Richards, Head of Scientific Services at Public Analyst Scientific Services Ltd, which had been shared with the Board and to which he had replied.
10. The Chair said he was sure the Board would like to join him in congratulating the FSA Communications team on their recent success at the UK Social Media Awards. The FSA, along with its PR partners Kindred, had won two awards: Best Public Sector Campaign and Best Low Budget Campaign for the FSA's promotion of Food Safety Week. The Chair said he and the Board wanted to express their thanks to the FSA Communications team for all their fantastic work which they were delighted had now been recognised more widely.

CHIEF EXECUTIVE'S REPORT (FSA 14/11/03)

11. Catherine Brown said there was good news on the FSA's proposals for mandatory display of food hygiene ratings as the Food Hygiene Rating Bill was introduced into the Northern Ireland Assembly on 3 November by Jim Wells, Minister for Health, Social Services and Public Safety and would now go forward to a second reading and scrutiny. Catherine thanked the staff in Belfast who were working hard in supporting the Minister.
12. During discussion about the pressure on Local Authorities' (LAs) resources, Catherine said there was no specific requirement for LAs to inform the FSA of the details of their resource allocation plans, but the Local Authority Enforcement

Monitoring (LAEMS) data gave the FSA a good indication of what was happening with LA resource.

Andrew Rhodes, FSA Chief Operating Officer, said the FSA met with representatives of the 434 LAs across the UK face to face several times a year. He said it was important to note that a decrease in LA resource did not correlate to deterioration in LA performance. The recently published LAEMS data showed that compliance was increasing, high-level interventions were increasing, and sampling was increasing for the first time in years. This was due to joint working between LAs and the FSA and appropriate prioritisation of limited resources. Andrew said only LAs could assess the impact of their reduced resources but that they generally spoke to the FSA about any concerns they had.

Andrew noted that the trend of improvement in compliance did mean that LAs were putting less resource into low risk premises, which was understandable given the need to prioritise, but it did mean that this was an area which the FSA would have to monitor.

A Board member said on a recent visit to a LA, he had been impressed by communications between the FSA and the LA, and asked how the situation with Leicester City Council had arisen. Andrew said Leicester City Council's backlog of inspections was not due to cuts in funding rather under performance and having now received their first weekly report; Andrew could confirm that they were taking steps to rectify this.

13. During discussion on the incidents of *E.coli* O157 potentially associated with the consumption of raw drinking milk, Catherine said as some cases had been associated with farms operating to a high standard of hygiene this highlighted the fact that raw milk carried an inherent health risk.

The majority of individuals affected in these recent incidents were children which underlined the FSA recommendation that children and other vulnerable consumers should not consume raw drinking milk.

Identification of these incidents confirmed that the Public Health England (PHE) enhanced surveillance mechanism did work to identify cases when they occur.

Catherine confirmed that when the issue of raw drinking milk came back to the Board in March 2015 following publication of the European Food Safety Authority (EFSA) report in December, the Board would have the opportunity to consider the nature and outcome of these incidents to inform their discussion.

14. Board members expressed disappointment at the British Retail Consortium's (BRC) request for the FSA not to release the results of the retail survey of *Campylobacter* in whole fresh chickens.
15. Further brief comments were made on Food Information for Consumers Regulation, Front of Pack Nutrition Labelling and the review of sentencing to ensure that the gravity of food related offences was properly reflected in sentencing.

OUR APPROACH TO "RISKY" FOODS (FSA 14/11/04)

16. The Chair welcomed Dr Penny Bramwell, FSA Director of Science, Evidence and Research (DSER) to the table and asked Steve Wearne, FSA Director of Policy, to introduce the paper.
17. Steve said he was grateful to the Food Advisory Committees and stakeholders for their input to discussions on the paper since it had been published on the FSA website.
18. Steve said the first question to be addressed was what was meant by "risky" foods. Steve was grateful to General Advisory Committee on Science (GACS) for offering to work up a lexicon of terms to be used in the discussion of risk. Meanwhile, he intended "risky" foods to indicate those where inherent hazards, be they microbiological, chemical or other, and the way in which those foods were presented to consumers meant that there were risks which the Board may wish to consider either because of their nature or magnitude.
19. The second question to address was whether the FSA was trying to demonise "risky" foods. Steve said this was in no way his intention, rather this framework, which could be used internally by the FSA to assess the risks of certain foods such as raw drinking milk, could also be used in communication about those risks with consumers in a rational and transparent manner.
20. This paper proposed a framework for a consistent approach to controls. It sought to balance the management of risks to public health, the facilitation of informed consumer choice, and the management of costs to food businesses that would be passed on to consumers.
21. The framework was informed by the Board's discussions earlier this year in July on controls applying to raw drinking milk in England, Wales and Northern Ireland. This was an example of a food with some inherent risks for which a range of controls already applied – domestic legislation; specific registration of businesses; an increased frequency of inspection; and on pack labelling.

22. The framework was also consistent with the emerging strategy for the period 2015-2020, enabling informed choice by consumers and allowing them to take greater responsibility for managing the food risks that were personal to them.
23. This was not a straightforward task. As the paper acknowledged, it would require the FSA to develop and apply new tools and approaches to the comparison of food risks, to modelling the effectiveness of controls, and for providing information to consumers at the point they made a food choice. And so, it was expected that the framework would develop further over the course of time, in the light of stakeholder views, in the light of experience in its application, and as new tools and approaches came on line.
24. However, it was expected that the key stages in the proposed framework would be maintained:
- establishing the legal framework
 - describing public health risks to inform a decision on acceptability
 - maintaining risk at an acceptable level
 - facilitating informed consumer choice
 - review
25. Steve commended the framework to the Board.
26. The Chair of the Welsh Food Advisory Committee (WFAC) said that WFAC had been anxious to ensure that when talking about vulnerable consumers the FSA should have a dynamic and sophisticated analysis, in light of an ageing population and correspondingly higher instances of dementia. Steve agreed that we needed to consider a definition of vulnerability which took into account vulnerability related to life-stage, situational vulnerability and the capacity of consumers.
27. A Board member highlighted the importance of informed consumer choice; the requirement for consumers to have the information they needed in accessible, useful and relevant ways; and the need to test that this had been achieved. Steve agreed and said this was reflected in the Food Standards Act, which gave the FSA a statutory duty to ensure consumers were adequately informed on issues we identified as material.
28. Another Board member said a significant number of consumers lacked the ability or capacity to make decisions, and that industry did not always support consumers to make rational risk based decisions in their own best interests. It may be useful to ask the Social Science Advisory Committee to sum up what the FSA could learn from the wealth of literature which existed on this topic and if necessary to commission further work in this area.

29. Steve agreed with the Board that the framework had to include an early decision point on whether a food should be available at all; and if it was decided that it should be allowed not to demonise it, but rather to prevent food producers having carte blanche to produce it without appropriately controlling any risks.
30. The Chair of the Scottish Food Advisory Committee (SFAC) said given that all food in general had associated risks, there was a wider application of the framework to be considered beyond the niche foods as suggested in the paper e.g. in the context of chicken and the risk associated with campylobacter.
31. In discussing how to define risk appetite, Steve said the FSA could not set a fixed general threshold for risk appetite due to the complexity of factors involved, for example because the vulnerability of different consumers meant that different risks applied differently to different people. It would be for the Board to make a judgement on what was acceptable taking into account the scientific advice and the balance of controls available in each case.
32. Dr Bramwell thanked the Board for commending the FSA's joined up scientific approach to policy making. She said as the FSA's work on risk progressed, the framework would continuously be put to the test and developed.
33. Professor Guy Poppy referred to the need for an agreed lexicon for talking about risk and how he would be working on this with colleagues from the FSA's General Advisory Committee on Science (GACS). He said the framework would enable a case by case approach to decision making on risky foods and provide clarity so people could see how and why the FSA were making such decisions.
34. The Chair of the Northern Ireland Food Advisory Committee (NIFAC) welcomed the paper and the comprehensive, systematic approach to decision making which would make it easier to explain the FSA's decisions to consumers and industry.
35. Guy said the FSA would have to understand the public's perception of, and behaviour towards, risk in order to be able to communicate about risk effectively.
36. In response to a question on international learning, Steve assured the Board that the FSA was continually engaged with other EU Member States to understand how they dealt with risky foods and learn from them. However, in most other countries, as opposed to the UK, responsibility for risk assessment and for risk management was divided between different arms of government. The FSA was working with the Heads of EU Agencies group on assuring greater transparency in risk management.

37. The Chair concluded that the framework fitted well with the FSA Strategy 2015-20. The framework would enable the FSA to effectively carry out its responsibility for risk management by making decisions in a consistent and transparent manner. The Board endorsed the framework as set out in the paper and would look forward to using and refining it during their discussion on rare burgers in January 2015 and during the discussion on raw drinking milk in March 2015.

FOOD STANDARDS AGENCY STRATEGY 2015-20 (FSA 14/11/05)

38. The Chair welcomed Chris Hitchen, FSA Director Finance and Strategic Planning, and Angela Towers, Programme Manager for FSA Strategy 2015-20, to the table.

39. The Chair reminded the Board that the draft strategy had been brought to the September meeting and that the Board had spent the past year engaging with stakeholders on developing the strategy.

40. The Board had agreed at the September 2014 meeting that the environmental analysis provided a sound base on which to develop the forward strategy and that the conclusions and emerging high level priorities should be further developed, with the final strategy 2015–20 brought back to the Board at the November 2014 meeting.

41. The Chair said he was pleased to see that the strategy had been further developed since September and that the Board had the opportunity to discuss it at this meeting. He then invited the Deputy Chair to take the Board through the paper.

42. The Deputy Chair introduced the paper by saying a lot of work over the last six or seven weeks had gone into getting to this point. It had started with a stakeholder engagement event in Belfast and ended with one in Aberdeen that week.

43. The stakeholders had included:

- consumer groups
- academic and scientific community
- food industry and trade bodies
- non-governmental organisations
- central and local government
- FSA leadership and colleagues

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44. A number of Board members had attended some of these events and so had first-hand experience of the discussions and levels of FSA team engagement which were a credit to the organisation.
45. The stakeholder engagement had focussed on the questions identified in the previous Board paper on strategy though comments were invited on all parts of the paper:
- *Is our definition of consumers interests in relation to food correct?*
 - *Is our definition of responsibilities for consumer protection in relation to food an accurate one? If not how should it differ?*
 - *What are your comments on the emerging outline activities under the three pillars – the right to be protected, the right to make choices knowing the facts and the right to the best food future we can deliver?*
46. The discussions had been wide ranging and very useful, with a number of comments, constructive observations and suggestions made. Additionally the FSA had worked hard to ensure that it continued to engage with consumers and it had carried out an on-line survey with around 2000 consumers across England, Wales and Northern Ireland.
47. The Deputy Chair commended Catherine Brown on her energy and commitment going into the process of developing the strategy and her leadership in this area.
48. It was clear from all the discussions that consumers wanted an effective organisation in Government that had their interests in relation to food at heart and consumers supported an open, transparent and independent Food Standards Agency.
49. Feedback had confirmed that consumer interests in relation to food were very broad and so the proposed definition was: *'Food is safe and what it says it is, and we have access to an affordable healthy diet, and can make informed choices about what we eat, now and in the future.'*
50. Clearly the FSA did not lead in all these areas of interest, but it was well placed to play a leadership role on some of them, and on others it could support and contribute to those who had direct responsibilities. The focus on working collaboratively and smartly with others would be key to maintaining consumer protection. This included collaboration with central and local government, and with industry, in a way similar to that in which the FSA was doing on the Campylobacter campaign.

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51. Feedback from consumers on the three 'rights' was generally very positive. On this basis the FSA would keep the three 'rights' as key themes to underpin its work on the strategic plan:
- *The right to be protected from unacceptable levels of risk*
 - *The right to make choices knowing the facts*
 - *The right to the best food future possible*
52. Feedback also told the FSA that more needed to be done to define consumer responsibilities in relation to food so some initial work had been done on this area but it was proposed to do more work and engagement on the areas of responsibility as the strategic plan was developed.
53. The consumer responsibilities were currently:
- *to store, prepare and cook food safely in line with good practice, including taking extra precautions when cooking for vulnerable people; and*
 - *to take account of the information you have when you make food decisions – “stop, think, choose”.*
54. The FSA had been told that its work on developing a strong science and evidence base should be emphasised, as it underpinned the wider work of the Agency. It had also been observed that the FSA's work on horizon scanning and emerging risk identification should be made more visible in the strategy.
55. The Deputy Chair said the Board had recognised at the outset that this process of developing the strategy represented quite a radical change for the Agency and she said that the FSA was now in the business of radical change.
56. It was intended that the strategy would be a living document, as inevitably change would occur through circumstances and further work, but the Deputy Chair said this paper was a proper reflection of the Board's thinking and what the Board had been hearing from stakeholders.
57. Catherine Brown thanked stakeholders for their high level of engagement with the development of the strategy and said the FSA had appreciated the collective thinking and collaboration from which consumers would benefit.
58. In response to a comment from a Board member, Catherine said that when looking at what success would look like and how to measure it, it would be important to focus on what the FSA could deliver and measure the contributions the FSA could make towards the overall aspirations outlined in the strategy, bearing in mind that there were areas of the strategy which the FSA could not deliver on its own.

59. The Chair of WFAC said that the success of the strategy would depend on its aims being translated into the work on the ground there would need to be indicators of action to be taken with clearly defined timescales, which the overarching plan should clearly signpost; further, this implementation would be difficult given the behaviours of others involved such as consumers.
60. During discussion about how to instigate a successful behaviour change campaign, Catherine explained the use of “campaigning” rather than “influencing” was to encompass the need to go beyond simply informing consumers so they knew things and expecting behaviour change that way, to addressing consumers’ emotional motivations and aligning them with consumers’ attitudes to risk to achieve behaviour change.
61. The Board highlighted the fact that the FSA was hindered in trying to conduct a behaviour change campaign by not being allowed to advertise; it would be helpful if the FSA was allowed to use all communications channels in existence.
62. Chris Hitchen reminded the Board that although since 2010 the FSA had been subject to cross-Government restrictions on marketing we had been allowed to make exceptions and would continue to consider applying to do so when the business case was strong enough.
63. The Board highlighted the area of meat inspection as one which would need to be modernised and owned by the industry to fit with the statement in the strategy that: “It is the responsibility of people producing and supplying food to ensure it is safe and what it says it is...”.
64. However, Catherine agreed with Board members that regulation was still important in meat inspection and regulation continues to have a key role to play, and pointed out that the importance of effective regulation had been emphasised in the updated draft of the strategy in light of strong feedback from stakeholders about its essential role.
65. The Board emphasised the importance of finding ways to engage with consumers in an environment in which, with the honourable exception of Which?, there were few organisations that spoke for consumers in relation to food.
66. Angela Towers said the FSA was working on building a better understanding of the myriad of UK consumers by using evidence already in existence, such as the Food and You survey and was considering how it could support the development of groups which could give a stronger voice to consumer interests in this area.

67. Catherine said the strategic plan would take time to develop but the strategy was already taking effect evidenced by how the FSA talked about Food Hygiene Rating Scheme (FHRS) mandation in England, and levels of acceptable and unacceptable risk; the strategy was already shaping a live stream of action and starting to inform the FSA's response to its environment.
68. The Chair said this had been the best strategy development process he had ever been involved in and thanked stakeholders and the Board for their time and energy in engaging with the strategy stakeholder events. The Chair confirmed that the Board agreed with the recommendations in the paper.

UPDATE ON STRENGTHENING FSA CAPABILITY, SYSTEMS AND RELATIONSHIPS FOLLOWING THE HORSEMEAT INCIDENT (FSA 14/11/06)

69. The Chair welcomed Will Cresswell, FSA Head of Consumer Protection & Commercial Support, to the table and invited Steve Wearne to introduce the paper.
70. Steve said this paper provided an update to the Board on the steps the FSA had taken, and continued to take, to strengthen its capabilities, improve its systems, and build relationships with intelligence, investigation and enforcement partners since the horsemeat incident in January last year. Steve particularly commended to the Board the annex to the paper which set out in summary form the position last January, the current position, and where the FSA expected to be by March next year by which time for example the FSA would have delivered a fully operational Food Crime Unit.
71. The FSA had been greatly helped by the various reviews that had been undertaken in the intervening period, from the Troop review which the Board had commissioned into the FSA's handling of the incident in its immediate aftermath, to the Elliott Review published in September. Several themes had recurred through these reports, and they had been used to structure this update:
- improving intelligence and building the Food Crime Unit
 - the Major Incident Plan
 - prosecution and penalties
 - laboratory services and surveillance
 - working with others, including in the EU and internationally
72. Steve said in particular the FSA would take this opportunity to provide further detail on the Food Crime Unit (FCU), a key recommendation of the Elliott Review on which the Board was briefed at its previous meeting in September and asked Andrew Rhodes to give a brief update on that aspect.

73. Andrew said that to indicate the kind of activity that was now being undertaken by the FCU he wanted to take this opportunity to give some examples of live cases the FCU had been working on in cooperation with others.
74. In the last week there had been several arrests in relation to attempted fraud of companies involving very large amounts of money and produce and one person was now remanded in custody.
75. A search as a result of FCU intelligence had led to the UK Border Force making seizures of its own and the police charging persons on offences not in relation to food. The police had said that the information given by the FCU had been instrumental in locating and leading to those arrests.
76. The FCU had been working with two trading standards groups in Northern England inspecting cold stores and identifying unregistered food brokers. From the produce found inside the cold stores, FCU intelligence analysts had been able to go back through the supply chain and identify even more unregistered food brokers than the inspection of the cold stores had led to.
77. The FCU had been involved in joint operations with the National Crime Agency which had successfully led to over 100 000 units of food stuffs being seized and destroyed under FSA supervision.
78. Andrew wanted to thank the International Meat Traders Association who represented a number of reputable food brokers for their outstanding cooperation in sharing information, intelligence and understanding of the sector to help the FCU differentiate between legitimate and non-legitimate businesses.
79. Andrew also wanted to thank World Horse Welfare who had been a constant source of information for the FSA over the last few years and who were instrumental in the ongoing joint operation with the Belgian authorities.
80. Finally, Sainsbury's had recently met with Andrew and Steve to share useful intelligence and techniques they had developed for identifying risks in the food chain.
81. A Board member said he was concerned that two recommendations in the Elliott Review were not covered in the Government's response: "Urge industry to adopt incentive mechanisms that reward responsible procurement practice"; and "Encourage industry to reduce the burdens on businesses by carrying out fewer but more effective audits and by replacing announced audits with more comprehensive unannounced audits".

82. Steve said these recommendations were covered in the Government response by the statement: “We are committed to: Supporting industry to ensure that food businesses know their supply chain. In particular by encouraging industry’s efforts to put in place a robust and effective supply chain audit system that does not just rely on paper audit trails.”
83. Steve said activity on aspects of this had already been completed; the Food and Drink Federation (FDF) had published revised guidance on the 5 steps every food business should take in relation to its food supply chain; and the BRC had expanded its modular audit system to address food fraud. Andrew added that prior to the publication of the Elliott Review he had met with the BRC to discuss unannounced audits.
84. A discussion took place about whether there was a need to have on record a Board discussion solely about the Elliott Review and its recommendations; there was concern however that by looking at the Elliott Review in isolation decisions on FSA resource allocation could be skewed or wider linkages missed. Catherine confirmed that the FSA was tracking all the recommendations for which it was responsible from all the reports and this list would be shared with the Board.

ACTION: Director of Policy

85. In response to a question from a Board member, Andrew confirmed that even if the FCU had not been in existence, the crimes he mentioned before may well still have been identified. The FSA had always been active in tackling food crime; the differences now were the stronger links with the National Crime Agency, allowing for a better flow of intelligence, and the level of publicity this activity was receiving which had given people a greater understanding of what the FSA was trying to achieve and consequently increased the amount of people reporting food crime to it.
86. In response to a question about future resourcing of the FCU, Andrew said the 35 posts in the FCU were funded from re-allocated existing resources. The costs of the FCU were £1.5million for 2014-15 and £2million for 2015-16; this was in addition to the funding from existing resources for the national sampling plan.
87. There was agreement on the importance of measuring the impact of the FCU, Andrew said there would be a list of hard measurables, such as intelligence gathered, action taken, goods seized, prosecutions and sanctions secured but a measure of how effective those activities had been in tackling food crime would

be partly subjective. A richer piece of analysis work would have to be undertaken and the FCU would get better at measuring success as time went by.

88. A Board member said it was important to put on record that what the Elliott Review was recommending for Phase 2 of a Food Crime Unit was not within the scope of the FSAs' resources and so if it was decided to take forward Phase 2 additional resources would need to be allocated by the Treasury
89. A Board member said that the relationships referred to in this paper must not be defined too narrowly; the horsemeat incident had taught the FSA the importance of open lines of communication across Europe and globally. Andrew confirmed that the FSA was engaged with other countries in tackling food crime and cited the example of the recently agreed joint position with New Zealand on Manuka honey and labelling protocols.
90. Andrew also confirmed for the Board that investigations into food mislabelling did not only cover meat and fish substitution but other things such as ice glazing of products; rice substitutes; Manuka honey; undeclared or false allergens in nuts; and any other examples identified through emerging intelligence.
91. A Board member asked if the FSA made use of LAs' 65 000 direct consumer contacts. Andrew replied that the FSA did liaise with the LAs who passed over data but that more could be done. The FCU's new Head of Intelligence had recently been appointed and would be looking at how the FCU could best use the large number of feeds of potential intelligence available to it.
92. Will Cresswell confirmed that the Board would be kept informed of what was happening during the two day emergency exercise programme in spring 2015 in the same way as the Board was kept informed during incidents currently.
93. The Chair of WFAC said the Committee were interested in Public Health England's (PHE) work on LAs' access to laboratory services and how this would relate to Wales; the Committee would welcome a common approach across the UK. Steve Wearne said the FSA was awaiting the outcome of PHE's work before considering its implications. The FSA had a responsibility under EU law to ensure the provision of sufficient laboratory capacity and capability for the delivery of official controls.
94. Will Cresswell confirmed that the FCU was aware of the good work of the Food Fraud Co-ordination Unit in Wales and was considering how best to join it up to wider intelligence networks.

95. With regard to “how anti-fraud measures might be built into the control and certification systems that underpin international trade.”, the Board said that this would require some more lateral thinking as national sovereignty would limit what the FSA would be able to do in this area. Will Cresswell said this was where the FSA needed to influence discussions and industry at an EU level and a member of his team had been seconded to the Food Fraud Unit in Brussels.
96. In concluding the Chair said the discussion had focused on improvements in the FSA’s capability since the Board had had its discussion on the interim Elliott Review. Having now seen the draft terms of reference for the Group on Food Integrity and Food Crime, the Chair could allay the Board’s previous concerns that the Group would impinge on the FSA’s policy making or independence.
97. The Chair said the Food Crime Unit had been interpreted differently by consumers and across Government and it would be helpful for the Board to be given some key simple messages about the FCU for dissemination purposes.

ACTION: Director of Policy

98. Finally the Chair said it had been his decision to assimilate all the reports since the horsemeat incident into one discussion but that he would reflect on the Board’s desire to be assured that the specific recommendations of the Elliott review had been addressed in full and revert back to them.

ACTION: Chair

FSA AUDIT AND RISK ASSURANCE COMMITTEE – ORAL REPORT

99. The Chair invited Paul Wiles, Chair of the FSA Audit and Risk Assurance Committee (ARAC) to present his oral update to the Board.
100. Paul said ARAC had met the previous day and although there would not now be a Board meeting in December 2014, there would be an ARAC meeting. This was because ARAC was a relatively new Committee and needed to have a discussion about: how risk related to the work of ARAC; what was on the strategic risk register; who owned the different levels of the risk register in the FSA; and how the role of ARAC fit within that. This discussion was deliberately taking place in December with a view to possibly offering the Board advice ahead of the Board’s discussion on risk in January 2015.
101. Paul said ARAC had discussed a paper on audit teams within the FSA. Some auditing was done by the FSA’s internal audit team and some by others; some reported through ARAC and some rightly reported through the FSA management chain. ARAC had discussed how the Committee could be in a position to give

assurance to the Board that wherever the reporting of audits went, the Board could be assured that they were being carried out and proper responses being undertaken. It was decided that the FSA's internal audit team should look at the other reporting processes in which it was not involved and this work be added to the future internal audit programme for the Agency.

102. During ARAC's discussion on auditing, it had become clear that the Food Advisory Committees spent more time than the main Board looking at the outcome of Local Authority audits and it was therefore a question for the Chair and for the Board as to whether the Board was well enough informed of the process and outcomes of LA audits.
103. The NAO had discussed their audit plan for the coming year and ARAC had been slightly disappointed that their fee to the FSA would remain the same. However, the NAO had assured the Committee that should the FSA improve the efficiency of its own audit processes and the NAO was subsequently required to do less work, the fee would decrease.
104. The NAO planned to keep a particular eye on the emergence of Food Standards Scotland and the implications of this in budgetary terms for the FSA. ARAC welcomed this as the process was extremely complicated.
105. Finally, Paul said the NAO was offering a briefing on cyber security, the problems with it and how various bodies were responding to it and he recommended to the Chair that the Board take up the offer of this briefing session from the NAO.
106. The Chair thanked Paul for his report and the Committee members for their work. He agreed that the Board should accept the NAO's offer of a briefing on cyber security.

ACTION: FSA Head of Internal Audit

REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 14/11/01-03)

107. There were no comments on the report from the Chair of NIFAC.
108. Jim Wildgoose, Chair of SFAC, said the Committee had looked at the Scottish National Diet and Nutrition Survey (NDNS) and had noted that as the data was historic it did not take into account recent policy changes. New methods of data collection were being considered which held out the prospect of earlier identification of the impact of policy change.
109. Roland Salmon, Chair of WFAC, drew attention to the FSA's report Food and Feed Law Enforcement in Wales and said he was sure the Board would join

WFAC in expressing their appreciation of all the hard work Nina Purcell, FSA Director Wales, and her team had undertaken in preparing the report and in following up on actions from discussions with the Welsh Government.

110. A Board member noted the impressive figures on FHRS in Wales, almost 93% of businesses with a rating of 3 or higher as of September 2014. This clearly showed mandatory display of ratings was driving up standards in businesses to the benefits of consumers and it would be useful for a paper to come to the Board on the lessons to be learned from mandation.

ANY OTHER BUSINESS

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

DATE OF NEXT MEETING

112. The next meeting of the FSA Board would take place on Wednesday 28 January 2015 in the St David's Hotel, Cardiff.

**MINUTES OF THE FSA BUSINESS COMMITTEE MEETING HELD ON 5
NOVEMBER 2014 AT AVIATION HOUSE, LONDON FROM 13:05 – 13:40**

Present:

Rod Ainsworth, Director of Legal and Regulatory Strategy
Tim Bennett, Chair
Liz Breckenridge
Catherine Brown, Chief Executive
Lynne Bywater, Director of Human Resources
Ram Gidoomal
Jeff Halliwell
Chris Hitchen, Director of Finance and Strategic Planning
Stephen Humphreys, Director of Communications
Maria Jennings, Director Northern Ireland
Rebecca Merritt, Head of Private Office
Geoff Ogle, Director Scotland
Liz Olney, Head of Operations Assurance
Heather Peck
Professor Guy Poppy, Chief Scientific Adviser
Nina Purcell, Director Wales
Andrew Rhodes, Chief Operating Officer
Roland Salmon
Jim Smart
Steve Wearne, Director of Policy
Jim Wildgoose
Paul Wiles

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone to the meeting and gave apologies on behalf of the Deputy Chair, Henrietta Campbell.
2. The Chair reminded everyone to declare any relevant conflicts of interest before discussions.

**MINUTES OF BUSINESS COMMITTEE MEETING HELD ON 10 SEPTEMBER
2014 (FSA 14/11/07)**

3. There were no amendments to the minutes and these were accepted as an accurate record of the 10 September 2014 meeting.

ACTIONS ARISING (FSA 14/11/08)

4. The Chair mentioned that the action 6 Nov – *Director of Communications* to submit a report to Parliament had a revised due date of November 2014.
5. The Chair asked that the action 6 Nov - *Chair and Chief Exec* to plan a further session on leadership team development be amended to a due date of Spring 2015.

ACTION: Board Secretariat

PERFORMANCE UPDATE ON OPERATIONAL ACTIVITY (FSA 14/11/09)

6. The Chair welcomed Liz Olney, Head of Operations Assurance to the table and invited Andrew Rhodes, Chief Operating Officer, to introduce the paper.
7. Andrew said he was pleased that the Welsh Government had decided to re-allocate £490 000 from the Revenue Support Grant in Wales to the FSA in Wales for the Delivery of Animal Feed Controls as this would help to strengthen such controls in Wales.
8. On the Food Hygiene Ratings Scheme (FHRS), Andrew said it was now having a further commercial impact as some insurers were now giving lower premiums to businesses with a rating of 4 or 5. Andrew hoped other insurers may follow this lead.
9. In turning to the paper itself, Liz Olney said that she acknowledged it was a lengthy report but that it only provided a snap shot of the operational work within FSA from the period April to June 2014. She was happy to take feedback in terms of content. Liz drew attention to the fact that data on meat and milk production hygiene for Northern Ireland was now included in the report. Liz highlighted the following areas as of potential interest to the Board: information on milk production hygiene inspections in terms of the nature of non-compliances that are typically being found according to inspection frequency; an update on the review of shellfish controls; and LA audits.
10. In response to a question from a Board member about what action could be taken to prevent Paan (Betel) leaves being brought in to the country by individuals in suitcases, Andrew said the UK Border Force would enforce the ban on the leaves currently in place at points of entry but there would always be a risk with small foods being brought in via informal channels to the country.
11. Liz explained that the FSA was looking to strengthen reporting available for milk production holdings and mirror the new approach to meat plants, where, under the new audit system, compliance of businesses was assessed as good, generally satisfactory, improvement necessary or urgent improvement

necessary. Proposals had been drawn up and we were planning to seek views of Red Tractor and Dairy UK.

12. During discussion on shellfish, Andrew explained that because shellfish carried an inherent risk, and had particular environmental issues and because the shellfish industry was very fragmented all over the UK, although the situation regarding controls was improving, it would always be a challenging industry to regulate. The Board emphasised, and Andrew agreed, that it was important that food business operators fully embraced their responsibility to comply with the law.
13. Geoff Ogle added that the shellfish industry in Scotland had done a lot of work to improve compliance and take more responsibility; supported by FSA work, there had been a change in the industry's focus and approach since last year.
14. In relation to LA audits, Andrew said he did not think the Food Advisory Committees (FACs) were given any more information than the Board. However, the FACs paid more attention to audits in their own countries. Any Board member could read any audit at any time as they were all published on the FSA website and this paper was only intended to give a digest of them. A Board member said that rather than more detail, it would be helpful to have some summary data e.g. on number of outstanding recommendations, in this report on a regular basis to help the Board discern if there were any trends arising.

ACTION: Chief Operating Officer

15. Andrew said that the Local Authority Enforcement Monitoring (LAEMS) data showed that the resourcing situation was getting worse for some LAs. LAs were facing challenges with premises, resources and many had lost a lot of experienced people during 2010-11 from which they were still recovering.
16. Andrew said he was not concerned that there were 50 open LA audits in England given there were 351 LAs in England; he said he would be more concerned if audits were being closed before the FSA was completely satisfied.
17. The Chair reminded the Board that the paper only covered April-June 2014 and so reference to the current outbreak of *E.coli* O157 from raw drinking milk would be addressed in future reports.
18. A Board member said the fact that EU legislation on animal welfare was not being implemented across the UK at the same pace had come up in discussion during the Audit and Risk Assurance Committee meeting the day before.

19. Andrew explained that prior to EU Regulation 1099 Welfare of Animals at the Time of Killing (WATOK), the UK had the EU Regulation Welfare of Animals at Slaughter or Killing (WASK). WATOK was intended to replace WASK and so had to be adopted by all four countries of the UK. WASK was repealed and new domestic legislation introduced in Wales, Scotland and Northern Ireland making WATOK applicable. However, the corresponding domestic legislation for England was withdrawn by the Department for Environment, Food and Rural Affairs (Defra) which wanted more time to consider the implications of WATOK. This meant that England was still applying domestic regulations for WASK while the other three countries were applying WATOK. The FSA was not expecting Defra to move on its position prior to May 2015.
20. The Chair said he had raised this situation with George Eustice, Parliamentary Under-Secretary at Defra, when he had met with him last week and had asked to be kept informed of progress.
21. In conclusion the Chair welcomed the fact that the inclusion in the paper of milk production hygiene inspections divided by minor or major non-compliance was in response to requests for it from the Board over the last year. He also thought it was helpful to have the main areas of interest highlighted for the Board to focus on.

ANY OTHER BUSINESS

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

DATE OF NEXT MEETING

23. The next meeting of the Business committee would take place on 28 January 2015 in Cardiff.