
**DRAFT MINUTES OF THE FSA OPEN BOARD MEETING HELD ON 11 SEPTEMBER 2013 AT
COPTHORNE HOTEL, ABERDEEN, FROM 09.00 TO 13.00**

Present:

Tim Bennett, Chair; Henrietta Campbell, Deputy Chair; Sue Atkinson; Liz Breckenridge; Margaret Gilmore; Jeff Halliwell; Roland Salmon; Jim Wildgoose; Paul Wiles.

Officials attending:

Catherine Brown, FSA Chief Executive
Andrew Wadge, FSA Chief Scientist
Andrew Rhodes, FSA Chief Operating Officer
Charles Milne, FSA Director of Scotland
Steve Wearne, FSA Director of Policy
Liz Olney, FSA Head of Central Operations
Rebecca Merritt, FSA Head of Private Office Group
Bob Martin, Head of Foodborne Disease Strategy

Also attending for the item on compliance in the meat industry:

Stuart Roberts, ABP
Steve Moore, Faccenda Group
Alan McNaughton, McIntosh Donald\Two Sisters

WELCOME AND ANNOUNCEMENTS

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

MINUTES OF MEETING HELD ON 16 JULY 2013 (FSA 13/09/01)

4. The Minutes of the Open Board meeting on 16 July 2013 were agreed as an accurate record.

ACTIONS ARISING (FSA 13/09/02)

5. Action 16 July 13/07/01 - At the July Board meeting it was agreed that the recording of the June Board would be reviewed to determine whether the minutes accurately reflected the discussion about laboratory capacity. The Chair confirmed the recording had been reviewed and proposed an amendment to the minute. Board Members agreed this amendment was an accurate reflection of the discussion. The secretariat will amend the June Board minutes accordingly.

Action: Secretariat

6. In reference to the last board minutes on FSA powers to obtain and publish information, a Board member asked if the FSA will be waiting for the outcomes of the Defra/DH review

before progressing this issue further. The Chief Executive said that FSA did not need to wait for conclusion of the review as these are powers that FSA currently has and would be expected to exercise them in the best interests of the consumer. She confirmed that FSA will submit to the review their analysis of the gaps in the powers that are needed.

CHAIR'S ORAL REPORT

7. The Chair stated that the pre-appointment hearing for appointment of a new Chair of the FSA had been postponed from 10 September. Until a permanent new Chair was in place Ministers in the four administrations had asked him to continue as Chair, supported by Henrietta Campbell as Deputy Chair which they had agreed to do.
8. The Chair reported that during August Board Members had:
 - Undertaken a supply chain walk organised by the Institute of Grocery Distribution where they were able to follow an egg product right through to a retail store.
 - Visited the Food and Environment Research Agency (FERA).
9. The Chair and Board members thanked all those involved in making it possible for the FSA Board to hold their meeting in Aberdeen and all those who had organised and hosted visits to food businesses for the Board members during their stay in Aberdeen (Macphie – an independent food ingredient manufacturer, Trawlpac Seafoods Ltd – Wholesale Fish Merchants and Peterhead Port Authority).

CHIEF EXECUTIVE'S REPORT (FSA 13/09/03)

- 10 The Chief Executive briefly drew attention to the changes to Executive team structure outlined in her written report designed to build on the FSA's strengths and integrate scientific evidence more closely into policy making.
- 11 A Board Member asked if the Board would have the opportunity to discuss the future role and structure of science in the FSA before the new structure is implemented or an appointment to the role of Chief Scientific Advisor is made. The Chief Executive confirmed discussions with Board members about the changes to the structure would continue both individually and collectively.
- 12 The Chief Executive thanked Andrew Wadge for his work during his time as FSA Chief Scientist and the science and evidence legacy he has created.
- 13 The Chief Executive also informed the Board that the FSA Director of Northern Ireland, Gerry McCurdy, had retired and wished to thank him for the contribution he has made to the work of the FSA.
- 14 A Board Member raised the issue identified with the serving of rare burgers and the importance of procedures being in place and adhered to. The Chief Executive said that the FSA was working with Westminster City Council to get clarity on the legal situation and supporting them in considering grounds for an appeal. The FSA had recently refreshed its guidance on the safe cooking of burgers. The Board will be kept updated on developments in this case and relating to this issue.

Action: CEO in future reports

- 15 A Board Member asked what the timescale for the Advisory Committee on the

Microbiological Safety of Food working group is for reporting on their assessment of the risks to humans on antimicrobial resistant microorganisms entering the food chain. The Chief Executive said a further set of discussions were to take place in September after which reporting timescales were likely to be known.

- 16 In reference to the large market share occupied by Tesco, a Board Member asked what co-operation FSA is receiving from them to reduce Campylobacter. The Chief Executive confirmed that she had met with Tesco and agreed that their scale gave them the power to make a difference in line with their strategic commitment to “use our scale for good” so FSA are working with them to explore how they can make that happen with Campylobacter.

REVISED STRATEGIC APPROACH TO CAMPYLOBACTER REDUCTION (FSA 13/09/04)

- 17 The Chair welcomed Bob Martin, Head of Foodborne Disease Strategy, to the table to present the paper on the revised strategic approach to Campylobacter reduction.
- 18 Steve Wearne introduced the paper highlighting that despite the investment by the FSA and industry since 2010 it has not had the expected impact on reducing the level of campylobacter contamination in chicken, so the FSA proposes a change to its Campylobacter strategy.
- 19 Steve Wearne highlighted that the three key elements of the revised approach are to:
- Work both multilaterally through the industry Joint Working Group (JWG) and bilaterally with individual retailers and processors, providing clearer roles for all.
 - Increase the amount, relevance and timeliness of information generated from throughout the food chain.
 - Provide support for new interventions that are shown to be safe and effective.
- 20 Board members noted that campylobacter notifications had been rising for the past few years and that these drove the headline notifications for food poisoning. A board member also remarked that, at an individual level, the illness typically involved about a week of severe stomach pain and diarrhoea, often with blood, sometimes mistaken for appendicitis which could be complicated long-term by arthritis (1% cases) or a type of paralysis (1 in a thousand cases). The burden of potentially preventable illness, not to say suffering, was, therefore, substantial.
- 21 There was support among Board members for more emphasis on consumer education and engagement. It was agreed that the public need to be made more aware of Campylobacter and the severity of illness. Steve Wearne confirmed that Campylobacter would be the focus of Food Safety Week in 2014 and that further work was underway in looking for other opportunities to raise consumer awareness.
- 22 A Board Member raised a point relevant to this paper and to others that had come to the Board recently – reiterating the importance of the section that should appear in each Board paper but is missing from this one outlining what intelligence was available on consumer insight into the subject of the paper or what consumer engagement might be relevant to inform the process. It is key to understand consumer perspectives on policy areas.
- 23 Areas for focus in terms of communication highlighted by the Board in discussion were:
- Working with retailers to use their communication channels to share messages on Campylobacter with customers.

- Sharing retailer's Campylobacter contamination rates for chicken with consumers to ensure transparency.
- Having stronger on pack labelling.

The Chief Executive responded by confirming all of these areas are in the scope of the revised strategy and will be actively pursued as part of implementation planning.

- 24 It was agreed that the Board would be kept updated on progress with action planning and implementation of this strategy, including the consumer engagement aspects of it.

Action: FSA Director of Policy

- 25 A Board Member said it was important that surveillance of the food chain is accurately undertaken. He also suggested that local authorities should be encouraged to follow up cases of human Campylobacter.

- 26 Board Members emphasised the importance of rigorous and consistent application of biosecurity controls and also of information sharing between different parts of industry to enable the development of clearer guidance on best practice.

- 27 There was some discussion of end of line interventions and the principle of supporting the introduction of end of line interventions that were demonstrated to be safe and effective was agreed, and the suggestion that there could be a role for the FSA in addressing associated potential consumer concerns. Where new technologies require regulatory changes that could be contentious in this context, individual proposals will be brought back to the Board for specific consideration.

- 28 Board Members suggested that in addition to working in partnership with industry, the FSA needs to look at regulatory and economic tools to drive change, such as the introduction of incentives and sanctions.

- 29 The Chair said undertaking a survey of retail chicken is important but queried why it will not report until 2014. Steve Wearne responded that the long timeframe reflected that the survey has to be robust and to be able to take account of the significant impact of seasonal variation. However FSA was looking at capturing results through other routes such as dipstick testing which would not be as statistically robust but provide a more regular and timely snapshot of the current picture.

- 30 A Board Member said that due to the lack of a silver bullet, the FSA has opted to cover a wide range of areas in the revised strategy, making its implementation complex. He suggested that an action plan needed to be developed which prioritised the actions according to their proposed relative impact on the target.

- 31 Another Board Member commented that on-going monitoring of the actions will be required to ensure that all parties are delivering the required outputs. Board Members requested to see an implementation plan and receive progress updates.

Action: FSA Director of Policy

- 32 In reference to a recommendation in the Board paper, there was a discussion on the role for FSA Board Members in engaging with non-executive members of key business boards which the Board agreed to in principle and asked for further proposals on how this should be actioned.

- 33 The Chief Executive responded to a number of comments made by FSA Board Members. She agreed with the need for a sense of urgency and committed to continue to work to create an environment in which industry including retailers, share that sense of urgency.
- 34 The Chair summed up discussions highlighting that Campylobacter was a top priority for FSA and the Board will discuss progress on a regular basis. The Board supported the proposed revised strategic approach to reducing Campylobacter and accepted the recommendations made in the paper.

DEVELOPMENT OF THE FSA'S INCIDENT CONTINGENCY PLAN (FSA 13/09/05)

- 35 Steve Wearne, FSA Director of Policy explained that the paper presented the framework for the FSA's Incident Contingency Plan and that the plan will be a public document. He said this was developed in response to one of key actions from Professor Pat Troop's review of the handling of the horsemeat incident. He asked the Board to note the incident definition and the framework plan and agree the timetable of work for delivery of the plan by April 2014.
- 36 The Chair asked if the plan would come back to the Board for discussion before April 2014. Steve Wearne confirmed that it would be presented to the Board once discussions have taken place with key stakeholders and before adopting the plan.
- 37 Whilst acknowledging the excellent progress made so far, a Board Member expressed caution at the proposed timescales for implementation of the plan and recommended that it is rigorously challenged by outside intelligence and tested through emergency exercises before being adopted. Steve Wearne agreed that incident plans need continuously exercised and refined. He proposed to maintain the current approach for incidents supplemented with the horsemeat incident learnings until the Board had seen and commented on the draft plan. It will then be adopted and reviewed through exercises so it can be refined further.
- 38 There was some discussion of the incident definition and the importance of clear triggers and processes for escalation of incidents.
- 39 It was acknowledged that FSA needed to look outside of the organisation for backup and resilience during significant incidents, bearing in mind that different types of incidents require different partners to work with.
- 40 A Board Member highlighted that although some organisations respond well in incidents they lose pace in delivering normal business, they queried whether the plan would include how normal business continue during major incidents. The Chief Executive said that due to resourcing constraints normal business may well be affected during incidents depending on their scale and complexity and that the process for prioritising different aspects of business as usual during a material incident is a core part of contingency planning.
- 41 Another Board Member asked if FSA has the ability to deal with multiple major incidents. The Chief Executive said FSA needs to plan for this possibility by ensuring it has robust mechanisms, good risk assessment and resilience and key relationships across government that can be utilised.
- 42 The diversity of food business operators and consumers was raised and it was highlighted

that the plan needs to reflect this ethnic diversity. Steve Wearne agreed the FSA needs to have a set of responses and groups that FSA can engage with during different types of incidents.

- 43 It was recognised that much of the pace of an incident is dictated by consumer and media reaction. A Board Member suggested that the plan needed more awareness of the external environment and what is expected from consumers. Steve Wearne said the FSA needed to articulate to stakeholders the differences in how they are engaged with during incidents compared to normal business. The FSA planned to do some prior work to engage with consumers on their expectations during incidents.
- 44 The Chair agreed that a progress report would be presented to the Board in the first half of 2014.

Action: FSA Director of Policy

COMPLIANCE IN THE MEAT INDUSTRY (FSA 13/09/06)

- 45 The Chair welcomed Liz Olney Head of Central Operations to present the paper on compliance in the meat industry. He also welcomed to the table three representatives from the meat industry Stuart Roberts ABP, Steve Moore Faccenda Group and Alan McNaughton McIntosh Donald\Two Sisters.
- 46 The Chair read out a joint statement from the Association of Independent Meat Suppliers, British Meat Processors Association, British Poultry Council, National Federation of Meat and Food Traders and the Scottish Association of Meat Wholesalers raising their concerns about the audit system on which the compliance data is founded.
- 47 Andrew Rhodes then introduced the paper. He outlined the FSA's commitment to improve the audit system within the constraints of European law. He also explained that there were many examples of good practice in the meat industry and that it is a minority of food businesses that are non-compliant which place the rest of the industry as well as the consumer at risk. He also explained that the findings in the paper about contamination levels at the final inspection point did not indicate a risk to the consumer as no meat was stamped safe to enter the food chain until all visible contamination is removed.
- 48 The Chair gave the representatives from the meat industry the opportunity to comment on the paper. Stuart Roberts agreed that the audit process needed to be improved but he emphasised that compliance was not optional and that alongside recognition of good performance there need to be swift and effective penalties for poor performance.
- 49 Steve Moore from Faccenda Group Ltd suggested that where the figures in the paper are based on the number of premises it may be more reflective if throughput was used instead. He also highlighted that customers would take away business if his company was non-compliant or had poor hygiene standards, so compliance is an absolute requirement. Andrew Rhodes agreed that throughput may well show a higher level of compliance but pointed out that the contamination figures are based in throughput already.
- 50 Alan McNaughton raised concern at the information presented in the paper suggesting its terminology was misleading, the audit system was flawed and that it failed to acknowledge the efforts taken by FBO's to comply. He added that if the situation was as bad as portrayed in the paper then he would have no customers and believed that the FSA should

work more closely in partnership with industry to remove visible contamination from carcasses. He felt that it was wrong to single out the final inspection point for contamination statistics and did not think the circulation of photos of examples of non-compliance to Board Members as context for the discussion was helpful.

- 51 Andrew Rhodes responded that the contamination figures are real and reflect what is found at final inspection and that final inspection is the point at which the Food Business Operator is legally saying the meat is ready to go to the consumer. Andrew Rhodes went on to say the photographs were circulated to the Board to demonstrate some examples of poor compliance, as there is often misunderstanding as to what is meant by typical non-compliance.
- 52 A Board Member asked for clarification on what the compliance ratings are based on. Liz Olney confirmed that the business compliance ratings (para 5.7) reflects the overall rating covering every part of the audit, however the scores presented in para 5.8 reflect the scores for hygiene controls only.
- 53 Board Members agreed it was unhelpful that the audit methodology was not agreed between the FSA and industry and that this was distracting from the scores. This needs to be addressed so that FSA and industry can work together to protect the consumer.
- 54 A Board Member said that to command the respect of consumers it is important that there is consumer representation when determining which areas need to be focussed on.
- 55 A discussion was had on improving levels of compliance. One Board Member suggested that the discount system needed to be amended to ensure that non-compliant businesses were not being subsidised by others.
- 56 Stuart Roberts said industry needs to embrace the attitude that non-compliance is unacceptable. Positive incentives need to be introduced and there needs to be recognition of good behaviours.
- 57 Steve Moore suggested that sanctions needed to be swifter.
- 58 Andrew Rhodes said there is a hierarchy of enforcement ranging from oral advice up to a review of approval to operate. Enforcement can progress quickly but in its final phases is dependent on the court.
- 59 In response to a question raised by a Board Member on what makes a compliant business, Stuart Roberts said there was no type of business that could be characterised as good/bad but that compliance was due to a variety of factors such as culture, external challenges from customers and attitude of management.
- 60 Steve Wearne said these issues were not only germane to operational delivery now but also to determining how controls should be developed in the long term. FSA needs to work with industry so that it can identify which businesses can operate with earned recognition and which businesses need additional support and focus to get to compliance.
- 61 Alan McNaughton highlighted that due to Scottish Government guidance his business was now unable to turn dirty livestock away. He suggested FSA had a role to play in establishing whether public health or animal health was more important.
- 62 The Chair thanked the representatives from the meat industry for attending the meeting and

contributing to discussions. The proposals in the paper were agreed.

NAO ACTION PLAN (FSA 13/09/07)

- 63 Andrew Rhodes, FSA Chief Operating Officer, presented to the Board the FSA high level action plan to address the recommendations from the National Audit Office review of efficiency.
- 64 A Board Member commented that FSA shouldn't get too preoccupied by the regression analysis used by the NAO as it was just a mechanism used by them when comparing businesses of similar size but with different costs. Andrew Rhodes agreed but said FSA did need to look at plants that were broadly similar but had different resource requirements to identify if there could be a reduction in costs.
- 65 The Board member also raised concern that any minor changes to the existing contract could cause difficulties in the operation and management of it. Andrew Rhodes said the performance of the contract is vital and making adjustments can have other knock-on effects and increase costs, so there is a team of staff that are involved in the negotiation, management and review of these contracts. These contracts are included on FSA Risk registers.
- 66 The Chair thanked Andrew for the update and said a further report would be presented when follow up work had been completed.

Action: Chief Operating Officer

SFAC ANNUAL REPORT (FSA 13/09/08)

- 67 The Chair welcomed Charles Milne, Director of FSA in Scotland to the table for the next two agenda items.
- 68 The Chair of the Scottish Food Advisory Committee presented the Board with a summary of his Committee's work from June 2012 to July 2013, which was detailed in his report
- 69 He thanked the SFAC members for providing focus to the report and especially their contribution made in considering Scottish items that aren't discussed at the FSA Board which included:
- Foodborne Disease Strategy in Scotland and the linkage with Health Protection Scotland data.
 - Taxes and subsidies in the food sector and how these could address nutrition issues.
 - Voluntary action measures for improving health in Scotland including reformulation, portion sizes and information available to consumers.
 - Providing a response to the consultation on the setting up of the New Food Body (NFB) in Scotland.
- 70 A Board Member supported SFAC's approach in discussing Scottish relevant issues and highlighted this approach was being taken at the other Food Advisory Committees. However, it was suggested that a mechanism for feeding these issues into Board agendas needed to be developed so important issues were not overlooked.

Action: Secretariat

- 71 Board Members asked about the remit of the NFB, its ability to handle large incidents and the timings of the governance arrangements. It was also noted that SFAC would now need to continue until vesting day of the NFB and that plans for ensuring this were well advanced.
- 72 Charles Milne stated that Scottish Government still had to decide on the full range of functions of the NFB and Ministers would be making an announcement shortly. However ministers agree that incident response and the ability to communicate with and safeguard consumers will be an integral role of the NFB. The Chair confirmed that governance arrangements will be discussed at a later date by the Board.

REPORT OF THE DIRECTOR OF SCOTLAND (FSA 13/09/09)

- 73 Charles Milne, Director of FSA in Scotland was welcomed to the table to report on the activities of FSA in Scotland since July 2012.
- 74 He provided an update on progress with the NFB stating that the Scottish Government has announced that The Food Standards Scotland Bill will be introduced to establish the New Food Body in Scotland. He also reported that FSA in Scotland will be relocating to new premises within Aberdeen.
- 75 He said that FSA in Scotland had been particularly busy throughout the year managing incidents. Following the Horsemeat incident, Charles Milne said the FSA will be addressing the recommendations made by the Scudamore report.
- 76 He highlighted that there had been a rise in shellfish bed closures this year for toxins causing diarrhetic shellfish poisoning (DSP) and paralytic shellfish poisoning (PSP). Mussels harvested from an area in the Shetland Islands were linked to an outbreak of DSP in South England. FSA are working with the industry and local authorities to develop strategies to mitigate the risks from increased shellfish biotoxin levels.
- 77 Charles Milne highlighted some key achievements from his report:
- Commissioning of a research programme to improve understanding of shedding and transmission of E. coli O157 in cattle.
 - Ongoing work to look at the implications of Listeria in smoked fish production.
 - Revised Scottish Dietary Goals published on 4 May 2013.
 - Launch of front of pack labelling scheme.
 - Development of 'Supporting Healthier Choices' framework to help industry with reformulation.
 - 28 Local Authorities in Scotland have launched the Food Hygiene Information Scheme with the remaining 4 local authorities committed to its launch by April 2014.
- 78 Finally, he thanked his staff in Aberdeen for their continuing enthusiasm and commitment to the work of the FSA in Scotland. He extended these thanks to SFAC.
- 79 A Board Member asked if the correct measures are in place to protect the consumer with regards to shellfish to ensure that contaminated product is removed from the market before being consumed. Charles Milne said that it was the responsibility of the food business operator to ensure that the food they sell is safe. FSA's surveillance programme showed that the levels of biotoxins increased unusually quickly over the space of one week during the recent DSP incident, so FSA is working closely with the industry to see what else the businesses can do and what further guidance they require. Board members welcomed a more detailed board briefing and discussion on shellfish at a future meeting.

Action: Chief Operating Officer and FSA Director of Scotland

80 The Chair welcomed the Director's update and thanked him, his staff and SFAC.

FREEDOM OF INFORMATION (INFO 13/09/01)

81 The Chair noted the hard work of the team involved in responding to these requests. A Board member requested a comparison of FSA's performance with that of other government departments.

Action: FSA Openness Team

REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 13/09/02-04)

82 The Board accepted, without discussion, the reports from the Chairs of the NIFAC, SFAC and WFAC. The Chairman of the WFAC highlighted the recent introduction of charges for carrier bags in Wales and the potential issue for cross-contamination.

ANY OTHER BUSINESS

83 There was no other business to report, however the Chair took the opportunity to thank both Gerry McCurdy and Andrew Wadge for all their work during their roles as Director of FSA in Northern Ireland and FSA Chief Scientist respectively and he wished them both well for the future.

DATE OF NEXT MEETING

84 The next open meeting of the FSA Board will be held on 5 November 2013 in London.