

## **MINUTES OF THE BOARD MEETING, 14 JULY 2009, AVIATION HOUSE, LONDON**

### **OPEN SESSION, 13:00 – 17:40**

#### **Present:**

Dame Deirdre Hutton, Chair  
Dr Ian Reynolds, Deputy Chair and Chair of the MHS Board  
Professor Sue Atkinson  
Tim Bennett  
Dr David Cameron, Deputy Chair of Scottish Food Advisory Committee  
Professor Maureen Edmondson, Chair of the Northern Ireland Food Advisory Committee  
Margaret Gilmore  
Clive Grundy  
Professor Graeme Millar, Chair of the FSA Audit Committee & Chair of the Scottish Food Advisory Committee  
Chris Pomfret, Chair of the FSA Risk Committee  
Nancy Robson  
John Spence, Chair of the Welsh Food Advisory Committee

#### **Officials attending:**

Tim Smith, Chief Executive  
Steve McGrath, MHS Chief Executive  
Andrew Wadge, Chief Scientist and Director of Food Safety  
David Atkins, Head of Chief Scientist Team  
Liz Redmond, Head of Hygiene and Microbiology Division, and Veterinary Director  
Sarah Appleby, Head of Food Safety: Implementation and Delivery Division  
Clair Baynton, Head of Novel Food, Additives and Supplements Division  
Debbie Coles, Board Secretariat  
Chrissie Tsampazi, Board Secretariat, Minutes

#### **Others attending**

Professor Colin Blakemore, Chair of General Advisory Committee on Science (GACS)

#### **Chair's Introduction**

1. The Chair welcomed the Board members to the meeting, and reminded them of their obligation to declare interests before discussion of relevant items.
2. Apologies for absence had been received by Michael Parker.

3. The Board welcomed Professor Charles Milne, the new Director of FSA Scotland, who took up post at the beginning of July.
4. The Board thanked Richard Calvert, Director of Strategy and Resources for all the good work in achieving a step-change in the quality of information to the Board on strategy and resources. Richard will be taking up post as the Director General responsible for Corporate Services and Performance at the Department for International Development (DFID).

## **Item 1 - Minutes and Actions Arising**

### **1.1 - Minutes of Meeting on 12 May 2009, Aviation House, London**

*(FSA 09/07/01)*

5. The Board agreed the addition of 'FSA' before 'Board' in para 25, point 2, for clarification:
  - *'The FSA Board's approval...'*
6. With this amendment, the minutes of the meeting held on 12 May 2009 were accepted as an accurate record.

### **1.2 - Actions Arising**

*(FSA 09/07/02)*

7. The Chair queried whether all Actions in the May minutes had been captured in the Actions Arising register.

**Action: Board Secretariat**

8. The Board did not have any further comments on the Actions Arising.

## **Item 2 - Oral Reports**

### **2.1 - Chair's Report**

9. The Chair reported meeting Kate Wilkinson, New Zealand's Minister for Food Safety. They had an interesting conversation, especially on the Agency's work on folate.
10. The Chair had met Crawford Gillies, newly appointed Chair of Scottish Enterprise – one of the key areas that the Scottish Government is looking to boost productivity is through food. It was a useful meeting.

## 2.2 - Chief Executive's Report

(FSA 09/07/03)

### New Chair of the Food Standards Agency

11. The Chief Executive announced that Lord Rooker's appointment as Chair of the FSA had been confirmed by Andy Burnham, the Secretary of State for Health on 13 July.
12. The appointment had been made jointly by the Health Ministers from the Northern Ireland Executive, Welsh Assembly, Scottish Assembly and Mr Burnham, in accordance with the *Food Standards Act 1999*.
13. Lord Rooker takes up his new position on 27 July. The current Chair will remain in post until this date.

### Update on BSE Official Controls for OTM Cattle: Moving to a More Risk-Based Regime

14. At the May meeting, the Board had agreed changes to make official supervision of the BSE controls on over thirty months cattle more risk based, subject to no objections being received from the Chief Medical Officers (CMOs) of the four countries of the UK. At the time of that meeting, not all CMOs had been able to comment on the proposals because of the H1N1 outbreak.
15. Comments had now been received from all 4 CMOs, none of whom had any objections to the proposed changes. A project to implement the changes agreed by the Board in May 2009 was being initiated by the MHS and DARD.

### Aspartame Pilot Study

16. A report will be presented to the Board when this pilot study is completed.

**Action: Andrew Wadge**

### Royal Highland Show

17. The Chair and Chief Executive reported attending the Royal Highland Show. It was a good event, and they were pleased to have been invited to the launch of Scotland's National Food and Drink Policy: *Recipe for Success*. The policy document would be circulated to Board members.

**Action: Board Secretariat**

18. The Agency plans to conduct consumer research using Citizens' Forums to identify where the FSA can be more effective in delivering the outcomes highlighted in *Recipe for Success*. The findings will be reported to the Board.

**Action: Charles Milne**

### Programme of Focused Audits: Interventions of Welsh Local Authorities in Approved Premises

19. In response to a question, the Chief Executive assured the Board that the timeline for completing and reporting on the programme, as set out in his written report, is achievable.
20. The Board requested additional information on the outcomes of similar programmes of audits that had been conducted in England and Scotland.

**Action: Steve Wearne**

### MHS Modernisation: Impact on Public Health

21. The Chief Executive assured the Board that the Executive was working hard to identify suitable and appropriate outcome measures and baseline data to determine the impact MHS activities have on public health.

### Update on Meat Charging

22. *The Meat (Official Controls Charges) Regulations 2009*, which introduce time-based charging, have now been signed by Ministers in all four countries of the UK. Subject to the normal Parliamentary procedures, the new Regulations will come into force on 28 September 2009 in Great Britain, and on 27 September 2009 in Northern Ireland.
23. There will be no immediate increase to charges for official controls, as there was no agreement on the issue by all four Ministers. This was not expected to have an impact on the Agency's work in the current financial year. The Chief Executive explained that failure to maintain the necessary progress in the charging regime would not be without consequences.
24. The Board also urged the Executive to ensure that both UK Ministers and the meat industry were made fully aware of the impact of not increasing charges on the Agency's resources and ability to deliver on future programme of work.
25. The Board requested details on the impact that the lack of increase to charges for official controls would have on the Agency's ability to deliver on its objectives in future, in particular the ability to pursue meat control changes in the EU.

**Action: Steve Wearne**

26. The Board congratulated the UNISON leaders and Steve McGrath and his team for reaching an agreement on pay for MHS staff.

### Item 3 - Discussion Items

#### **3.1 – SCIENCE IN THE FSA: ANNUAL REPORT OF THE CHIEF SCIENTIST 2008/09**

(FSA 09/07/04)

27. The Chair welcomed Professor Colin Blakemore, Chair of the General Advisory Committee on Science (GACS).
28. In introducing his report, the Chief Scientist thanked Deirdre Hutton for her work in strengthening the governance of science in the Agency, during her time as Chair. He also thanked the Chief Scientist's Team, and in particular Esther Heller, for their hard work in compiling the report.
29. The report will be launched in London on 23 September at the Royal Society of Chemistry.
30. The Annual Report provides an overview of the wide range of science carried out by the Agency and demonstrates the importance the Agency attaches to being an evidence-based organisation.
31. The specific areas of work highlighted in this year's report include the Agency's work on:
  - tracking the incidence of foodborne illnesses - with a specific focus on pathogenic *Listeria spp.*, where incidence in patients over 60 years has doubled since 2000;
  - saturated fats;
  - examples of how science impacts on the Agency's advice and policy formulation, such as Agency advice to pregnant women on the effects of caffeine consumption during pregnancy, and new methodologies to improve the detection of some shellfish toxins; and
  - how the Agency is carrying out horizon scanning activities through the General Advisory Committee on Science (GACS) and individual scientific advisory committees.
32. The Report will be widely available as an interactive CD, which will give readers the option of obtaining further up-to date details on the Agency's research by interacting with the website.
33. The Board congratulated the Chief Scientist and his team on a well written and very interesting report. It considered that the report provided assurance and confidence that the Agency is moving in the right direction with respect to science.

34. The Board requested information on the current levels of spend on monitoring and surveillance compared to research carried out by the Agency.

**Action: Andrew Wadge**

35. The Board said the Agency needed to be more effective at engaging with Research Councils and also at creating partnerships to obtain broader and more robust evidence. The GACS had also identified these as areas for improvement. Progress on improving engagement with Research Councils will be included in the next report of the Chief Scientist to the Board.

**Action: Andrew Wadge**

### **3.2 – SCIENCE IN THE FSA: FIRST ANNUAL REPORT OF THE GENERAL ADVISORY COMMITTEE ON SCIENCE 2007/09**

*(FSA 09/07/05)*

36. Professor Blakemore, Chair of the General Advisory Committee for Science (GACS) presented his first report to the Board. In his presentation he outlined the Advisory Committee's role, work plan and actions since its inception in February 2007.

37. He explained that GACS had identified many areas of good practice at the Agency including its commitment to science, openness, and use of expert committees. There were some areas of improvement: the evaluation of science, better framing of research questions, and partnership working.

38. Prof. Blakemore thanked Deirdre Hutton for her work in setting up the GACS and also thanked the Agency for supporting the Committee's independence. In turn the Board congratulated the GACS Chair on an interesting and thought provoking report. This had given the Board assurance on the governance of the Agency's science.

39. During the ensuing discussion Prof. Blakemore responded to questions on various issues regarding scientific research including: horizon scanning and potential cross-cutting issues; the role of independent advisory committees in the commissioning of research; and the effect potential biases in the framing of questions, the separation of risk assessment and risk management, development of ideas for risk management and other issues have on how risks are assessed by the advisory committees.

40. In response to a question on international benchmarking as the quality standard of the Agency's science the Chair of the GACS said that the Committee had briefly considered this issue and in doing so had acknowledged that this is a possible area for the Agency to increase its efficiency in gaining scientific evidence and information. He added that it is a good suggestion for further consideration by the GACS.

41. The Chief Scientist confirmed that the Agency had an absolute commitment to respond to the recommendations of the independent scientific advisory committees and the GACS, and it did this through the respective Secretariats.
42. The Board discussed the importance of the GACS maintaining its independence, and some Board members supported having an independent observer at the GACS meetings, as this would further enhance the independence, and perception, of the Committee.

### **3.3 – SCIENCE REVIEW OF THE FOOD STANDARDS AGENCY**

*(FSA 09/07/05)*

43. The Science Review of the Food Standards Agency by the Government Office of Science (GO Science) was published in May 2009. The Chief Scientist described the review process that examined the Agency's management, review, and use of science.
44. Prof. Blakemore, who was a member of the independent Steering Panel for the Review re-iterated the positive comments made in the independent Review.
45. The Board noted the review. In discussing the recommendations the Board made the following comment on the recommendations that the Agency is accepting:
  - *Recommendation 1* should have a more explicit link between next FSA Science Strategy and the new FSA Strategic Plan.
46. The Board discussed in detail each of the recommendations where the Agency was expressing a different view to that of the GO Science, and made the following comments:
  - *Recommendation 4*: it was critical for the Agency to continue to collect 'first-class' quality evidence to allow it to deliver high quality work. The Agency should maintain as much flexibility in its budgets as it can. Although the Board would prefer that the amount of research done by the Agency not be reduced, it did recognise that there were constraints on the Agency's finances and again emphasised the need for effective partnerships in order to enhance efficiency and effectiveness.
  - *Recommendation 6*: the response should include that horizon scanning is a priority and the Agency is making positive steps to improve horizon scanning capacity through the GACS.
  - *Recommendation 8*: the response should reflect the Agency's awareness of the availability of emerging methodologies for reviews, which the Agency should consider. The response should also be explicit in confirming that the Agency would make use of evidence available from other reliable sources, where possible.

- *Recommendation 10*: the response should be rephrased to reflect that the Agency would prioritise and carry out research based on the outcome of horizon scanning exercises, not on a preset target for spend. Where possible the Agency would work in partnership to establish broad and robust evidence bases.
- *Recommendation 11*: the Board agreed with the suggested response and did not have any further comments on this recommendation.

47. The Board was interested in the proportion of the Agency's research spend which was not linked to current strategic plan activities.

**Action: Andrew Wadge**

48. The Board requested that the Chief Scientist's regular reports include breakdown of scientific research by area in support of the strategic plan.

**Action: Andrew Wadge**

49. The Board thanked Prof. Blakemore for his input in the discussions.

### **3.4 – FSA RESONSE TO THE *E.COLI* PUBLIC INQUIRY & RELATED ISSUES** (09/07/07)

50. Tim Bennett declared that he owned a farm in Wales at the time of the *E.coli* O157 outbreak in South Wales in 2005; however he did not have any trading links with any of the food businesses implicated in the outbreak. The Chair did not find that this constituted a conflict of interest for this item, and Tim stayed at the table.

51. The Chief Executive introduced the paper by giving a presentation. In his presentation:

- he spoke about the need for a strategic and not simply tactical response from the Agency to the range of food safety issues raised by the public inquiry;
- he emphasised the need for partnership working with local authorities and other key players to minimise the risk of foodborne illness; and
- said the Agency would take the lead to achieve a cultural change to alter perceptions and attitudes to food safety risks, especially for food business operators, who have ultimate responsibility to consumers to deliver safe food.

52. The Board discussed the actions that had taken place since 2005 in food safety enforcement, and made the following comments:

- Although a lot of activity has taken place since the outbreak in South Wales in 2005, it was difficult to demonstrate progress towards minimising food safety risks. In response the Executive indicated it was working on developing, through the Programme Delivery Board, outcome measures and baselines against which to measure improvement.
- It is important to set the right tone for the discussions, as the work is a critical component of the Agency's work and will be a major focal point of the organisation for the next 5 years.
- Working in partnership with local authorities is of paramount significance in the Agency being able to minimise the risks of foodborne illness. It is crucial to develop and implement an effective strategy for engaging elected members at local and national levels in order to achieve the effective partnerships and focused attention to food safety that the Agency is seeking.
- It is important to have uniform legal sanctions and comparable enforcement structures throughout the UK, to apply for all food business operators.
- There can never be 100% safe food, but the Agency should work hard to minimise the risks as far as possible.

53. The Board expressed a strong view that there is a pressing need for new ideas on the delivery of food law enforcement in the UK. More of the same is unlikely to deliver. Lessons from functionally complex systems, possibly in other disciplines, should be explored to assist in the improvement of the food law enforcement system.

54. The Board noted that the report from Professor Pennington invited improvement, but progress requires leadership. The Board agreed that the FSA should take the lead in addressing the recommendation and findings of Professor Pennington that lay within the Agency's remit, noting that this should be a spur for broad collaboration.

55. The Board endorsed the establishment of the Food Hygiene Delivery Programme Board and agreed the programme's purpose. In doing so, they suggested the Programme Board considers inclusion of additional critical success factors such as the availability of local authority resources, better prioritisation of enforcement officer's work and the Agency's ability to take direct enforcement action, if other components of the enforcement system fail to do so. The Board would like more ambitious targets for food business compliance, and once again emphasised the need for new ideas, commitment to delivery of outcomes and sensible outcome measures.

56. Board members agreed to send any specific comments on the projects suggested by the Programme Board, in Annex 3 of the paper.

**Action: Board members**

57. The Board requested quarterly updates on the progress of the projects of the Programme Board, in a systematic form.

**Action: Andrew Wadge**

58. Referring to the circumstances surrounding the outbreak in South Wales, and in particular to the continued operation of an abattoir that failed to meet legal requirements, the Chair of the Welsh Food Advisory Committee requested further information on the current overall levels of compliance of slaughterhouses in the UK.

**Action: Steve McGrath**

59. In concluding this item, the Chief Executive updated the Board on the second statement to the National Assembly for Wales by the First Minister, Rhodri Morgan. The Minister had highlighted the conduct and audit of food hygiene inspections in abattoirs and other food businesses as a key area for action following the recommendations of the Public Inquiry. He also gave an important undertaking to consult with the Welsh Local Government Association and relevant professional bodies to seek their views on current local authority budgets in Wales, noting that it would be unacceptable to cut back on these budgets if such action would threaten implementation of the Pennington Inquiry recommendations.

### **3.5 – REVIEW OF THE FOOD STANDARDS AGENCY'S RESPONSE TO THE INCIDENT INVOLVING DIOXINS IN MEAT**

*(09/07/08)*

60. Clair Baynton introduced the independent report commissioned by the Agency to review the handling of the dioxins in meat incident in December 2008.

61. The Board thanked Clair for her hard work, especially as she had volunteered to oversee the Review. She had not been involved in any aspects of the live incident, thus confirming the independent nature of the Review. The Board acknowledged that it was a sign of a mature organisation to place this report in the public domain given that some of the content provided constructive criticism of the handling of the incident.

62. The Board agreed the suggested action plan related to the recommendations from the review, with the addition of the following:

- interdepartmental communication and handling;
- handling between the four UK countries;
- international links outside the EU.

63. The Board also requested that a cross FSA incident exercise be carried out, with the evaluation of the exercise being presented to the Board before the end of the year.

**Action: Andrew Wadge**

#### **Item 4 - Information Items and Any Other Business**

64. The Board congratulated NIFAC and its Secretariat on a well drafted and comprehensive report.

65. The Board clarified the wording used in the Intersessional Paper (INT 09/07/02) to reflect the decision taken by the Board on Scores on the Doors (SotD) in December 2008.

66. The Board expressed a sense of urgency for the roll-out of the SotD work, and would like to see swift implementation of a national system.

#### **Date of next meeting**

67. The next Open meeting will be on 16 September 2009 in Belfast.