

DRAFT MINUTES OF THE FSA OPEN BOARD MEETING HELD ON 20 MARCH 2012 AT FSA, AVIATION HOUSE, FROM 13.00 TO 17.00

Present:

Jeff Rooker, Chair; Tim Bennett, Interim Deputy Chair; Sue Atkinson; Henrietta Campbell; Margaret Gilmore; Clive Grundy; Michael Parker; Nancy Robson; John Spence and Jim Wildgoose.

Officials attending:

Tim Smith, Chief Executive
Andrew Wadge, Chief Scientist
Alison Gleadle, Director of Food Safety (mins 24-43, 44-53)
Charles Milne, Director of FSA Scotland (mins 63-76)
Gerry McCurdy, Director of FSA Northern Ireland (mins 63-76)
Andrew Rhodes, FSA Director of Operations (mins 77-86)
Steve Wearne, Director of FSA Wales (mins 54-62)
Catherine Bowles, FSA Review of Delivery of Official Controls Programme Manager (mins 24-43)
Gael O'Neil, FSA Evidence Programme Manager, Review of Delivery of Official Controls (mins 24-43)
Prof. Sarah O'Brien, Chair of Advisory Committee on the Microbiological Safety of Food (mins 44-53)
Linden Jack, Head of FSA Food Hygiene Policy (mins 44-53)
Christopher Thomas, FSA Senior Scientific Officer (mins 54-62)
Susan Pryde, FSA Scotland Head of Healthy Eating (mins 63-76)
Liz Olney, FSA Delivery Planning Manager (mins 77-86)

Also attending:

Pippa Brown, FSA Board Secretary
John Conway, FSA Board Manager

Apologies for absence:

No apologies for absence were received.

INTRODUCTIONS

1. The Chair welcomed everyone to the meeting and asked if there were any matters of any other business for discussion at the end of the agenda which had not already been noted. None were raised.
2. The Chair reminded the Board that this was Nancy Robson's last meeting. On behalf of the Board he thanked her for her work as a Board member since 2007. Nancy had been the Chair of the Succession and Development Committee since 2008 and a member of the Risk Committee (since 2008). The Chair informed the Board that Clive Grundy would now chair the Succession and Development Committee and that John Spence had been appointed to the Risk Committee.

3. The Chair reminded members to declare relevant interests before discussion. He said that he had received a declaration for paper FSA 12/03/05 on the Microbiological Safety of Raw Drinking Milk. This would be noted when the item was discussed.

MINUTES OF MEETING HELD ON 24 JANUARY 2012 (FSA 12/03/01)

4. The minutes of the meeting held on 24 January 2012 were agreed as an accurate record subject to the title above paragraph 20 being checked for accuracy.
5. It was agreed that in future when Chairs of the Food Advisory Committees (FACs) speak on behalf of their Committees they should be referred to as the Chairs of these Committees in the minutes, at all other times they would be referred to as Board members.

Action: Board Secretary

ACTIONS ARISING (FSA 12/03/02)

6. The actions arising for the meeting on 24 January 2012 were noted and agreed.

CHAIR'S ORAL REPORT

7. The Chair informed the Board that he had attended the launch of the Food Hygiene Rating Scheme (FHRS) in Ipswich on 14 March 2012. He had been impressed by a presentation he had attended on how regulators communicate with stakeholders. He had also attended a meeting with the UK-India Food Council on the work of regulators on 19 March 2012. It was clear Indian suppliers and manufacturers played an increasingly important role in the UK food industry. He met with Morning Foods Ltd on 23 February 2012 to discuss how the business dealt with allergies, including labelling. He had also visited a medium-sized meat plant, Beesons in Crewe.
8. The Chair congratulated FSA colleagues on the Food Hygiene Inspection DVD for butchers. He was very impressed at the quality and the accessibility of the production.
9. The Chair reported that the day before he had received three letters from organisations¹ requesting an update on the response to advice given to Ministers on folates. A Board member commented that he recalled in depth discussions in 2008/9 on the benefits of fortifying certain food products with folic acid. There had also been engagement with industry representatives who agreed to allow reformulation in certain products. Recommendations were subsequently made to Government Ministers who had requested advice from their respective Chief Medical Officers. Folate deficiency continued to lead to births of infants suffering from neural tube defects. The issue was easy to solve and implementing the recommendations would go a long way to solve the problem. Although the FSA in England no longer had UK-wide responsibility for

¹ The Wolfson Institute for Preventative Medicine, the Chair of the General Advisory Committee on Science and the Chief Executive of Shine

nutrition, colleagues in the FSA still had responsibility for this issue in Scotland and Northern Ireland. A Board member pointed out that when the advice was given to the Government on folates the FSA still had responsibility for nutrition across the UK. She recommended writing to the Chief Medical Officers to request an update on progress. At the time it was expected that a collective UK approach would be taken. The Chair agreed.

Action: Chief Executive

10. The Chair also informed the meeting that a Board recruitment exercise had concluded. Advice and recommendations had been put to ministers and an announcement of the new Board members would be made in due course.
11. The Chair had also commenced the process to recruit a successor Chief Executive to Tim Smith who would be leaving in October 2012.

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

Capability Review

12. The Chief Executive informed the Board that Capability Reviews of Government Departments had taken place since 2005. Copies of Reviews were available on the websites of central government departments. He was delighted that a review process had been found for the FSA that would be fit for purpose. It would give a comparative measure on strategy, delivery and leadership against other Whitehall departments, as well as an absolute measure of performance. He was also pleased that the Interim Deputy Chair had been able to join the evaluation panel.

Remedial Action Notices (RANs)

13. A Board member queried the length of time it was taking to introduce the extension of the availability of RANs. The Chief Executive explained that implementation in England depended on progress through the Regulatory Policy Committee and then the Regulatory Reform Committee. Apart from stressing the importance to the Committee Secretariats for the need for speedy resolution, there was little that could be done. The extension of RANs was still expected to be in place for the London Olympic and Paralympic Games. Subject to legislative processes and agreement with devolved ministers, the extension of RANS would take effect on 1st April 2012 in Scotland, 6th April 2012 in Northern Ireland, and 1st May 2012 in Wales.

Full cost recovery for official meat controls

14. A Board member requested information on how the "amber opinion" on the Impact Assessment (IA) for full cost recovery would affect progress. The Chief Executive explained that "amber opinion" meant that the IA was fit for purpose. An IA with an amber option could go to the next stage and it should not affect the ability of the Regulatory Reform Committee (RRC) to make a determination on the proposals. It was expected that the letter from the Minister to the RRC had been signed that day.

Local Regulation Summit

15. The Chief Executive observed that the level of attendance at this meeting illustrated the benefit of holding similar meetings in Edinburgh, Cardiff and Belfast. Further information was provided in the Review of Official Controls Paper.

FSA conference on global future food risks.

16. It was agreed that Board members would be sent copies of the presentations from this event.

Action: Board manager

Food Hygiene Rating Scheme (FHRS)

17. On 20 March 2012 the Chief Executive attended a joint launch of FHRS in Nottingham and Derby Local Authorities (LAs). He had made presentations to businesses that had achieved level 5 ratings. He was also able to visit two high-risk premises under the control of these LAs - a care home and a nursery to see how the scheme was operating in such businesses.

Bullying and Harassment

18. The Chief Executive confirmed that there had been no further incidents in the plant from which staff had been temporarily withdrawn in response to complaints about bullying and harassment. He said that his officials continued to bear down on this issue. A Board member commented that he hoped it could be assumed that this level of response would be taken elsewhere when action needed to be taken (i.e. the ultimate sanction of withdrawing labour). The Chief Executive agreed and said that the FSA's intentions were now well understood. He was saddened that in this case it had been necessary to take punitive action.

Schmallenberg virus

19. The Chief Executive agreed to check that FSA website advice on the absence of risk to human health (i.e. animal to human as well as meat or produce to human) was clear. The Chief Scientist added that, based on the available information, the Schmallenberg virus was not considered to be a concern for human health. Nevertheless, those people who had been most exposed through contact with infected animals were being monitored, and this information would help strengthen the risk assessment.

Action: Chief Executive

Evaluation of "best served washed" marketing activity

20. The Chair requested clarification on the percentages used for the evaluation of recognition of the "best served washed" marketing activity. The Chief Executive explained that, in marketing terms, England was a control because no equivalent marketing activity had been run here. That gave the baseline to the percentages. Robust information to demonstrate value for money and effectiveness would be more difficult to obtain. Recognition of the campaign was "prompted" recognition: this meant that respondents were asked whether

they recalled seeing the “best served washed” campaign. The result was satisfactory against the level of expenditure.

21. A Board member observed that the high level of campaign recognition in Northern Ireland (39%) by comparison with the other countries was stark. The Chief Executive replied that this might be as a result of the Safefood[©] television campaign that was run at around the time that the FSA was active had led to a degree of sensitisation for the “best served washed” campaign.

Eatwellscotland.org. Website

22. The Chief Executive agreed with a Board member that the launch of the Scotland Eatwell website was to the advantage of Scottish consumers and for professionals engaged in public health protection. It was unfortunate to see Eatwell disappear as a UK entity but it was a pleasure to see its revival in Scotland. He hoped that there would be continuing resources for it to be kept up to date. The Chief Executive reported that at the nursery he had mentioned earlier, pre-school children were being taught a rudimentary version of the Eatwell message and the importance of a balanced diet.

General Enforcement update

23. A Board member expressed concern about whether the legal sanctions were being adequately applied for breaches of food safety legislation. The Board member hoped that the FSA could present a summary to the Board to show trends in the number of prosecutions and amounts of fines levied. This could provide some analysis and meaningful information for those imposing these sentences (whilst appreciating that the FSA cannot influence the judicial process). The Chief Executive agreed that it would be helpful to present a summary to show trends in the number of prosecutions and the level of fines levied. Since the FSA produced this information on a routine basis it would not require any additional work to present the information to the Board. If this provoked discussion on the levels of the fines this would be helpful.

Action: Director of Legal Services

OFFICIAL CONTROLS DELIVERY REVIEW – SECOND PROGRESS REPORT (FSA 12/03/04)

24. The Chair welcomed Alison Gleadle, FSA Director of Food Safety, Catherine Bowles, FSA Review of Delivery of Official Controls Programme Manager, and Gael O’Neil, FSA Evidence Programme Manager for the Review of Delivery of Official Controls.
25. The Chief Executive explained that the paper described activity since the Board’s last consideration of how food safety official controls might operate in the future. That paper covered what the current system might look like if the current model improved and secondly what it might look like if it was radically re-shaped. This initiative had preceded the economic turmoil and the impact on both the FSA and LAs. The FSA continued to regard this as a flagship project.

The temptation to accelerate this work had been avoided, since a flawed approach might be more harmful than not undertaking a review at all.

26. The Chief Executive explained that he had hosted a local regulation summit to take stock from professionals in the field and business. The summit had been successful and would be repeated. The message from the summit was that there had been changes to the regulatory framework as the review had been developed. It was clear that stakeholders wished the FSA to retain its ability for flexibility as well as vigilance. The FSA continued to increase its ability to detect problems, whether in feed, where issues had already been detected, or in food regulations, where problems could be more difficult to detect because of economic constraints or changes in political direction.
27. The Chief Executive explained that in Wales the First Minister and his health team had taken a keen interest in issues such as the FHRS which could provide the leadership that could circumvent the need for some of the evidence gathering in which the FSA was engaged. A lack of flexibility and failure to account for external pressures would be to the detriment of work that was being done. There was an external advisory group which was looking at the review to provide challenge from an external point of view.
28. The Review Programme Manager reminded Board members of the objectives they had agreed in July 2011 for the conduct of the review. These were that the review should be:
 - principle based;
 - open to all options (i.e. no predetermined outcome);
 - driven by evidence, and
 - enable full and open engagement with all stakeholders.
29. The review should also balance careful consideration of evidence with the need to proceed with determination and to embrace the possibility of rectifying issues outside of the review. The paper also considered the future environment in which the proposed models might have to operate. The timeline had been updated and showed how the various elements of work fitted together and the steps that should be completed by April 2014.
30. The Review Programme Manager directed Board members to paragraphs 48 and 49 of the paper which covered animal feed and the decision to remove it from main scope of the review (whilst observing the same principles and outcomes). She also highlighted Annexe C which described the evidence programme and the totality of evidence needed, and Annexe D which described the work the review team had engaged in with stakeholders to explain and gain agreement for the review.
31. A Board member congratulated the review team on the management, scope and scale of the project. He acknowledged the difficulty of encouraging others to engage with the review at the present time. He would have welcomed

greater reference to consumers in the paper. It would be helpful for the programme to bring to the fore the primary reason that the FSA wished to launch the review (i.e. increase food safety). The Review Programme Manager confirmed that a key objective of the programme was to increase protection for consumers. The review held true to the consumer remit but needed to find language that satisfied other agendas. Other government departments (OGDs) with an interest in the review were tightly focused on economic growth and development. She agreed with a Board member that when dealing with OGDs it should be stressed that what was good for consumer, was good for business.

32. The Chair of Welsh Food Advisory Committee (WFAC) expressed concern at the scale and complexity of the project. This was echoed by other Board members. He noted that the paper moved from evidence evaluation to identifying appropriate models. This suggested that the review was predicated on the likelihood of radical change. Whilst there were areas where it was known enforcement was not being carried out effectively, WFAC's understanding had been that the review would first consider the effectiveness of the current arrangements before embarking on an exercise of this cost and complexity to identify alternative models. He was also concerned that the paper did not cover research costs. He believed that there should be a review but that this should be a staged process which started by looking at how the FSA was performing as a Central Competent Authority under the current arrangements. He appreciated the scope and detail of the report but believed it needed to be recast.
33. The Chair of NIFAC was similarly concerned that the review as planned would not look properly at whether the current model could be improved. She also questioned whether the review needed to have such a comprehensive evidence base as described in the paper. There might already be sufficient evidence to decide how to proceed. It would be preferable for the project to outline a step-wise approach with signposts setting out future work. She was surprised that the FSA did not have access to much of the evidence and knowledge that was required. Furthermore, there did not appear to be a role for the external advisory group to determine timescales.
34. The Review Programme manager explained that the review team had analysed the evidence which was available to the FSA. However, the lack of consistency in the availability of this evidence meant that it would be necessary to supplement what was available. An obstacle to be overcome was the concern of LAs that the currently available evidence was being used to reach predetermined conclusions. In reality information needed to be gathered to assess how well the current model was working by reference to the principles and outcomes that were established.
35. The Chair of Scottish Food Advisory Committee (SFAC) wished to see further information about the costs of the project. There seemed to be concern amongst some environmental health officers about the types of change that

might be introduced. He was also concerned that the extension of the timeframe caused problems for partners delivering core business.

36. The Chair of SFAC said that the proposed amendments to the principles and outcomes (Annexe B) were significant. The amendment to the second principle² reflected the differences in the way that environmental health services were delivered. He also drew attention to the amendment to the fourth principle that efficiency should be maximised³. He asked that this should be extended to include a reference to the need for economy which, in the current circumstances, should be a fundamental part of the review (i.e. official controls should be as efficient and *cheap* as possible).
37. The Review Programme Manager explained that the size and approach of the programme was constructed to fulfil the Board's previous agreement that there should be a review of possible delivery models to understand as fully as possible what the consequences might be of effecting changes to the current system. She had understood from this that all options should be considered. This would mean that the current model would be evaluated at an early part of the process to establish whether there was a problem. There would also be consideration of the FSA's role as the Competent Central Authority and how it worked with those to whom the FSA had delegated the competence. When planning the work it had been the Review team's intention to explore alternative models in parallel with this assessment of the effectiveness of the current model.
38. The Review Programme Manager also pointed out that, when putting the review together the team had worked closely with the external advisory group. An earlier Board paper had described the group as acting as a critical friend i.e. providing direction and challenge. Governance of the review was with the Programme Board. The external advisory group supported the review team's approach. They were now reassured that their concerns on resources had been addressed. The decision to look at controls in other countries had been in response to the advice of the external advisory group.
39. Responding to the main points of the discussion the Chair pointed out that it demonstrated that FSA policy was now only discussed at the Open Board. He observed that the review was first announced in December 2010 and had then been expected to be completed in July 2011. The revised implementation phase of April 2014 would be close to the next election. It was difficult to see whether Whitehall would support implementation in this circumstance and implementation might have to wait until 2015.

² Controls across the UK should be coherent and consistent unless there is compelling evidence that variations in approach offer greater consumer protection.

³ Official controls should be delivered as efficiently and effectively as possible.

40. The Chair did not agree that it was necessary to wait until November 2012 for the animal feed consultation. A clear problem with animal feed controls had been identified. Animal feed affected the whole food chain. Early action could trigger substantial changes in delivery and would give a flavour of what could be achieved for food at a later stage.
41. The Chief Executive thanked the Board for their challenges to the review. He agreed with the Chair that this discussion demonstrated that key policy discussions should only take place at the Open session. He stressed that the Executive Management Board was responsible for the leadership of the entire review programme. They had tried to achieve a balance between dealing with an issue that the FSA's high level risk register designated as an imminent threat to public health while taking account of the views of professional and partners across the UK who felt that the system was in reasonably good shape.
42. It was clear that the Board wished for an injection of pace by lightening the evidence load and more sequential decision making actions in series rather than in parallel. This might lead to delays but the review team would seek to avoid this. The review could be broken into a series of activities and a sequence of these would be re-presented to the Board. The Chief Executive had had an evidence gathering matrix in mind of what could be scaled back. It was important to ensure that the approach to evidence gathering did not lead to the perpetuation or introduction of a design flaw.
43. In summary the Chair agreed that a further paper on the official controls delivery review to be presented to the Board at the Open meeting in June 2012. This would cover concerns raised by the Board about the scope, plan, costs and approach to evidence gathering in the paper. It would provide assurance that the Review Team was considering the effectiveness of the current model and the interests of the consumer. It would define what was meant by "efficiency and effectiveness" and give an update on how animal feed was being treated as a discrete urgent issue.

Action: Director of Food Safety

MICROBIOLOGICAL SAFETY OF RAW DRINKING MILK (FSA 12/03/05)

44. Before the discussion began on this item the Chief Executive stated that the Chair and Board were aware that he had previously been Chief Executive of Arla Foods UK. His views on the sale and consumption of raw milk were a matter of public record. He proposed that with the Chair's agreement, he would not to participate in any of the discussion on the paper. He also reassured the Chair and Board that he had not been involved in the preparation of the paper.
45. The Chair informed Board members that he was aware the Deputy Chair had worked as a dairy farmer. However, he was satisfied that the Deputy Chair had no current interests in the dairy industry. The Chair stated that he had dealt with the current regulations on raw milk and cream in his former role as a

Minister of Agriculture Fisheries and Food. He did not believe that any of the attendees needed to leave the table.

46. The Chair welcomed Alison Gleadle, the FSA Director of Food Safety, Linden Jack, FSA Head of Food Hygiene Policy Branch and Professor Sarah O'Brien, the Chair of The Advisory Committee on the Microbiological Safety of Food (ACMSF).
47. The Director of Food Safety explained that the paper presented an overview of the current controls and safety risks associated with raw drinking milk and cream. The paper responded to developments in the marketing of raw drinking milk and cream and sought agreement on further work to look at the control options. It proposed to develop these options with consumers and stakeholders and return to the Board with a further paper with the consultation responses. There were different approaches to managing risks associated with the consumption of raw drinking milk and cream in the UK and different views on the level of risk: for example, it was prohibited in Scotland but permissible in other countries with appropriate controls.
48. A Board member queried whether a consultation was necessary when there was so little to dispute and the FSA already had the scientific answers. Another Board member thought that this was a cultural issue and that the review might be a waste of public money. However the view was also expressed that priorities were not necessarily linked to the number of incidents, since one incident of foodborne disease could lead to a fatality. This view was supported by a Board member who suggested that the Board should consider the relevance of the Pennington recommendations around risks that were low likelihood but high impact.
49. The Chair of SFAC referred to the data on page 14 of the report which detailed the impact that the prohibition of drinking raw milk had made in Scotland. He requested more information on the ACMSF report⁴ to see whether there was more nuance in the data and whether the organisms had changed over time. If ACMSF supported pasteurisation it would be difficult to take a different view since scientific advice should take precedence over consumer choice. The Director of Food Safety agreed to provide further information on the data used by the ACMSF report.

Action: Director of Food Safety

50. The Chair of ACMSF said that the Committee regarded pasteurisation as a critical control point in the prevention of milk borne disease. The absence of evidence of diseases associated with raw milk and cream was not equivalent to the evidence of absence. Risk assessments were valid until epidemiology changed and this continued to evolve. It might also change as more information emerged about breadth of internet sales. She believed that one of the reasons that incidents were low was because exposure to raw milk and cream was low.

⁴ Referred to in paragraph 4.5 of the paper.

This reflected the public health paradox that success was defined by what did not happen.

51. The Director of Food Safety added that the consultation would explore whether people who wanted choice were clear about the consequences. The consultation would also look at whether there was still demand for these products and what was understood by consumers about the current advice. The consultation would cover all types of raw milk that was marketed (including cows, goats and sheep). It was clear that restricting raw drinking milk and cream to farm gate sale had had a dramatic effect on illness but still allowed access for those who wished to consume these products.
52. All Board members agreed that the FSA should make it clear that the young and other vulnerable groups should not consume raw drinking milk and cream. Board members also acknowledged that the internet offered a novel way of marketing raw milk and cream products.
53. The Chair stated that it was important for the exercise to capture consumption of raw drinking milk from all species (in particular the increase in goat's milk consumption). He pointed out that warnings at point of sale did not contain the word "pasteurisation" ("heat treated" was used instead). There was a need to look at all controls that take place in the consultation. Suppliers making cheese from unpasteurised milk had to be able to ensure the health status of the cattle. The Director of Food Safety agreed to cover these issues in the consultation.

Action: Director of Food Safety

THE REMOVAL OF POST-CHERNOBYL CONTROLS (FSA 12/03/06)

54. The Chair introduced Steve Wearne, Director of FSA Wales and Christopher Thomas, FSA Senior Scientific Officer in the radiological protection area.
55. The Director of Wales introduced the paper and explained that it recommended to the FSA Board that the remaining controls on sheep should be removed with effect from 1 June 2012 by means of issuing consents. This would allow all farms currently under restrictions to move sheep freely. The paper also proposed that the FSA recommended to Ministers that the formal Orders under which these restrictions were imposed were now revoked. He explained the historical context: it was 26 years since the Chernobyl nuclear accident and over the years scientific assessment had enabled the FSA to reduce the extent of the controls from 9800 UK holdings in the immediate aftermath of the accident to just 335 farms today. What was proposed in the paper was the conclusion of this stepwise process of rolling back the controls when this was supported by evidence. The conclusion of the risk assessment was that, although low levels of radiocaesium persist in the environment and therefore in sheep throughout the restricted areas in Cumbria and North Wales, the risks to consumers are very low. Critically the current controls were now having a negligible impact on further reducing these already very low risks.

56. The FSA had carried out a full, twelve week public consultation on the proposal to remove the final controls. A summary of responses had been published on the website along with this paper. No new information had been provided to change the risk assessment and the responses were generally supportive of its conclusions.
57. The Director of Wales added that some respondents had suggested that the proposals were a money - saving exercise. This was not correct: the proposals were about targeting the FSA's resources where there were the greatest food safety risks both now and in the future.
58. The Senior Scientific Officer explained that 1,000 becquerels per kilogram (Bq/kg) referred to in the paper was a direct measure of contamination in sheep. However, the real issue was about what consumers were eating and doses of radiation they were potentially receiving. When looking at levels to assess consumer risk a measure was used which looked at the effect of radiation on the individual (measured in millisieverts (mSv)). The most highly exposed consumers would receive doses of around an average of 0.09 millisieverts a year, according to the FSA's peer reviewed risk assessment. The average dose to consumers in the UK from all existing predominantly natural sources was around 2.4 mSv per year [post meeting correction: the actual figure is 2.7 mSv per year]. Therefore, the additional dose consumers could potentially receive was insignificant.
59. A Board member asked about the restrictions placed on food imported from Japan following the Fukushima incident by the EU Commission. The Senior Scientific Officer explained that levels set in EU legislation were based on levels set by Japanese authorities. At the moment levels were 500 Bq/kg. The situation in Japan was different to Chernobyl since there was contamination in a wide range of foods from which a significant portion of consumers' diets could potentially be affected. Therefore, consumers could receive significant radiological doses from a combination of foods in the diet, each with modest levels of contamination. In the UK, by way of contrast, very few sheep showed levels of contamination and the risks to consumers from these doses were very low.
60. The Deputy Chair commented that the impact assessment should reflect the reduction of the burden on industry, as well as the removal of the headage payment. This should be seen as a payment for the cost of monitoring sheep and not as a subsidy. The Senior Scientific Officer explained that the removal of burden was considered in the impact assessment as well as the ending of the headage payment. He agreed that this was offset through the removal of inconvenience to farmers of monitoring sheep. The impact assessment reflected the view that removing the inconvenience would outweigh any perceived losses that result from the stopping of headage payments.

61. The Director of FSA Wales commented that he was not aware of any adverse publicity when controls on the movement of sheep has been removed in Northern Ireland and Scotland. The FSA had recently engaged in a range of media activities and had shared messages and Q&A material with key stakeholders. This appeared to have been effective and had not raised any issues.
62. In conclusion the Chair confirmed the Board's agreement to the issue of consents to move sheep without monitoring and to recommend to Ministers the revocation of the remaining Orders under the Food and Environment Protection Act 1985.

**FSA NUTRITIONAL ANNUAL UPDATE: SCOTLAND AND NORTHERN IRELAND
(FSA 12/03/07)**

63. The Chair welcomed Gerry McCurdy, Director of FSA Northern Ireland and Charles Milne, Director and Susan Pryde, Head of Healthy Eating and Food Standards (HEFS) from the FSA in Scotland.
64. The Director of Northern Ireland explained that the paper was an update on governance arrangements which the Board had agreed to in May 2011. The paper described current and future work against the strategic outcomes for nutrition in Scotland and Northern Ireland. The paper looked at concerns previously raised by the Board regarding relationships of the Devolved Administrations with the Westminster Department of Health and issues around consumer engagement and the use of the internet.
65. The Northern Ireland Executive had agreed an obesity strategy until 2015 and had committed £7 million. One of the work streams in this strategy required engagement with industry on reformulation and calorie labelling. He said that a Northern Ireland calorie labelling pilot exercise would be launched in April 2012. The impact of this would need to be evaluated. Of particular interest was whether small and medium sized enterprises could meet the technical aspects of giving consumers accurate information.
66. The Director of Northern Ireland was pleased that the Secretary of State for Health now appeared to recognise the need to move forward consistently in the four countries on Front of Pack labelling.
67. The Director of Scotland reported that the team in Scotland was in a stronger position than when he had previously reported to the Board in 2011. Scottish ministers were keen to take the lead in addressing obesity through the Obesity Route Map and recognised the expertise offered by the FSA. They were keen to adopt a collaborative approach with industry, consumers and regulators. Michael Matheson (Scottish Minister for Public Health) had recently asked the FSA to Chair the reformulation working group. The team had also been charged by the Minister to address Front of Pack labelling.

68. The Director of Scotland was pleased that the website eatwellscotland.org had now gone live. This was an updated version of the previous FSA Eatwell website. It was an interim arrangement, which would be difficult to update, and he expected a more permanent solution shortly. The Director of Scotland added that generally, advice on public health matters did not change rapidly, although if there was a significant change, the website would be updated notwithstanding the difficulties noted previously.
69. The Director of Scotland was pleased that at the National Food and Drink Policy conference Richard Lockhead the Cabinet Secretary for the Scottish Government, referred to health as well as food safety as an important aspect of food and drink policy. This was indicative of a change of attitude. He had also found it encouraging that US representatives had welcomed the return of the Eatwell website in Scotland.
70. The FSA had been asked by Sir Harry Burns (Chief Medical Officer of Scotland) to provide advice on Vitamin D deficiency. The advice to the Minister would be based on the ongoing assessment being undertaken by the Scientific Advisory Committee on Nutrition that will advise all four governments in 2014. The advice will be presented to the Board for their agreement before going to the Chief Medical Officer. The amount of work ongoing in Scotland meant that office structures were being reviewed.
71. The Chair of NIFAC was impressed that the teams in Northern Ireland had turned a challenge into an opportunity and had taken the agenda forward with commitment and energy. This was an example of where devolution could be an opportunity to drive change by keeping in touch with national challenges.
72. A Board member asked if devolution could lead to a fragmented approach which could be counter-productive when dealing with industry, especially on the issue of reformulation. The Director of Scotland explained that, whilst the FSA in Scotland and Northern Ireland wanted to work on a UK- basis, they were not prepared to work at the pace of the slowest. This was reflected in the decision to press ahead with reformulation work.
73. A Board member said that progress on nutrition in Scotland and Northern Ireland presented a chance to consider different models in the four countries. It would be useful for research to track this work in a way that pulled out the advantages and disadvantages, as well as the importance of the engagement of ministers. An example would be to compare the impact of the Obesity Route Map with that of the Responsibility Deal mechanism. The Director of Northern Ireland commented that operating in a devolved context meant that robust evaluation and feedback becomes even more important.
74. The Board member added that in the next report it would be helpful to have a timeline for the Front of Pack labelling pilot. Vitamin D fortification could

encounter the same problem in other countries. It was important that information from these projects was circulated across the UK.

75. The Chair was pleased at the demonstrable political will to make progress in nutrition in Scotland and Northern Ireland. There was clearly a problem across the developed world regarding the consumption of salt, saturated fats and calorie intake. Lessons could be learnt from the different approaches that were being taken. However, the strategic outcomes 3 and 4 would only lead to modest reductions. Other activities had to be considered: for example, how to address the public's behaviour in food consumption. He added that there had been an exchange of letters between the Secretary of State for Health and Devolved Health ministers on this issue. Clearly the initiative must not move at rate of the slowest.
76. On behalf of Board members the Chair agreed that reports to the Board on nutrition in Scotland and Northern Ireland should be presented when there had been significant developments rather than just as an annual update. To highlight nutritional issues in Scotland and Northern Ireland the Director at Department of Health responsible for nutrition would be asked to talk to the Board. The Chair agreed that work in nutrition should be shared across the UK.

Action: Board Secretary

OPERATIONS GROUP QUARTERLY REPORT (FSA 12/03/08)

77. The Chair welcomed Andrew Rhodes, FSA Director of Operations and Liz Olney, FSA Head of Central Operations.
78. The Director of Operations drew the Board's attention to the fact that publication of cause for concern (C4C) establishments had started on 23 January 2012. Since publication had started there had been some 4,000 hits on the C4C webpage. The impact on compliance would be monitored. He explained that establishments in this category tended to divide between those who quickly left the category and did not return and recidivists. Some of the latter could be in C4C for up to a year. After a year the FSA would review the approval of the establishment. Since cutting plants do not have a permanent official presence they tend to show greater fluctuation.
79. The Director of Operations highlighted the recent increase in BSE/Specified Risk Material (SRM) Breaches. These were subject to further investigations with possibility of prosecution. There was no commonality in these cases to suggest that there was a problem with implementation of the 72-month threshold. He explained that a BSE breach was when an animal over the BSE threshold 72 months had not been tested prior to entering food chain. It did not necessarily mean SRM had entered the food chain. Breaches were usually due to problems with processes. He believed the cross-contamination guidance was understood in the industry. The audit programme provided evidence based on how well it had been conveyed to business.

80. The FSA was now seeing the lowest long term absence levels in the Operations Group and should meet its reduction target. 47% of absences were due to recovery after surgery. At the Open meeting on 15 November 2011 a Board member had queried if it might be more cost effective to undertake surgery privately. The Director of Operations reported that referral to private treatment would lead to tax implications and the absences were mostly due to recuperation periods after surgery on which private referral would be unlikely to have an impact. A Board member asked whether the sickness statistics were comparable with the level of hazard expected in this occupation. The Director of Operations replied that there had not been any EU benchmarking but evidence suggested that FSA absence levels appeared to be lower than equivalent organisations in other countries. They were, however, similar to those seen in other parts of industry. One reason could be the age profile of staff: many had worked in the industry for over 30 years and there had not been any recent recruitment. A lot of work had been done around occupational assessments and ergonomic risk assessments. However, he reminded Board members that the number of days lost due to injury continued to decline sharply.
81. The Director of Operations explained that the improvement in Food Business Operator audits was as a result of focus and attention on delivery in this area. New contracts would take effect in April 2012 and would be a key performance indicator. Slower turnaround times were from contractors who would not be retained by the FSA.
82. There had been over 2819 hits on the audit website since 16 January 2012. 559 audits were now available on the website (44% of UK establishments). There had not been as yet any feedback on the presentation format.
83. The Director of Operations believed that the high level of non-compliance in Wales on Egg Production Hygiene was likely to be due to targeting of problematic establishments. However, non-compliance was still at a relatively low level. A Board member queried whether egg prices were increasing because of regulation. The implication in the press was that this was due to non-compliance in the rest of Europe. This implied that non compliance levels in England and Wales were responsible for driving up prices. The Director of Operations replied that the increase in egg prices were more likely to be due to egg marketing controls rather than compliance levels with egg production hygiene. Regulations on hygiene have not significantly changed. He was however, aware of concerns regarding compliance in welfare regulations.
84. The Director of Operations explained that for the first time the Scores on the Doors information was presented in the FHRS/FHIS report. Very few LAs do not now belong to an FSA scheme, which represents very good progress.
85. The audits of LAs were based on local intelligence and the Local Authority Monitoring System. Focused audits had identified issues with animal feed as

well as audits from the Food and Veterinary Office. Focused audits were looking at the impact of the cross contamination guidance so there would be formal feedback to the Board.

86. The Chair thanked the Director of Operations on behalf of the Board for his excellent report.

SCHEME FOR THE RATING OF LOCAL AUTHORITIES FOLLOWING AUDIT (INFO 12/03/01)

87. The Deputy Chair was concerned that the paper was for note rather than agreement. The paper described proposals for rating of LAs where both the number of tiers and the descriptions used were different from those used in the Food Hygiene Rating Scheme which assessed compliance of food businesses, and the paper was not clear on why these decisions had been taken. Although there could be a good reason for this he would have liked a debate before any final decisions are taken. The Chair agreed and requested that the paper should be re-presented to the Board as a decision item at its next meeting.

Action: Director of FSA Wales

PROPOSED REGULATION ON FOODS INTENDED FOR INFANTS AND YOUNG CHILDREN AND ON FOOD FOR SPECIAL MEDICAL PURPOSES (INFO 12/03/02)

88. The Board received the report of the Director of Scotland.

FSA RESPONSE TO WORKING SMARTER: A REPORT OF RECOMMENDATIONS TO THE WELSH GOVERNMENT ON BETTER REGULATION IN FARMING (INFO 12/03/03)

89. A Board member asked to see evidence for the assertion in the paper that meat hygiene inspection costs on a headage basis are higher in the UK than in other Member States. The Chair agreed and added that assertions made on the impact of FSA activities should be backed with evidence.

Action: Director of FSA Wales

REPORT FROM THE CHAIRMAN OF THE NORTHERN IRELAND FOOD ADVISORY COMMITTEE (INFO 12/03/04)

89. The Board received the report of the Chair of the NIFAC.

REPORT FROM THE CHAIRMAN OF THE WELSH FOOD ADVISORY COMMITTEE (INFO 12/03/05)

- 90 The Board received the report of the Chair of the WFAC.

REPORT FROM THE INTERIM CHAIRMAN OF THE SCOTTISH FOOD ADVISORY COMMITTEE (INFO 12/03/06)

91. The Board received the report of the Interim Chair of the SFAC.

ANY OTHER BUSINESS

90. There was no other business.

DATE OF THE NEXT MEETING

91. The next open meeting of the Board will be held on 22 May 2012.