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| To: ENVIRONMENTAL SERVICES COMMITTEE | Subject: The Food Standards Agency A Force for Change - A Government White Paper in the light of the response to the previous report by Professor Phillip James |
| From: DIRECTOR OF ENVIRONMENTAL SERVICES | |
| Date: 16th February, 1998. Ref: GB/MC | |

PROPOSED DECISION

To note the report and if the Committee agree advise the Scottish Office of its acceptance of the proposals contained in the White Paper.

1.0 BACKGROUND

1.1 Members will recall the previous Report by Professor Phillip James when he proposed the setting up of a Food Standards Agency. The current White Paper and the subject of this report is the Government's response to that Report.

1.2 The white paper entitled The Food Standards Agency - A Force for Change is a lengthy document running to some 74 pages and contains 9 Chapters and 2 Appendices.

2.0 SUMMARY

2.1 The proposals envisage an Agency:-

- at arm's length from Government and independent of sectoral interests.
- governed by a Chairperson and Commission appointed openly on the basis of their personal standing and expertise.
- operating under guiding principles which put the interest of the public unequivocally as the first priority.
- able to make public its views on any issues related to food and public health.
- taking a strategic view of food safety and standards issues across the whole food chain.
- with wide-ranging powers to commission research and surveillance, propose legislation, monitor food law enforcement and take action to remedy problems.
- with a clear responsibility to provide the public with information and advice.

2.2/...

- 2.2** The Agency will have as its aim, the protection of the public and will be transparent in its operation. It will also consult fully with interested groups affected.
- 2.3** It will formulate policy and advise Government on the need for legislation on all aspects of food safety and will also provide information to the public on food matters.
- 2.4** The Agency will obtain advice from independent Scientific Advisory Committees and will itself commission research.
- 2.5** The Agency will monitor the whole of the food chain, from the farm to the shop or restaurant. It will not take over the existing enforcement responsibilities of local authorities, but it will set standards for enforcement and will have powers to take action directly to protect the public, or to direct other bodies to do so, if there is a failure in the system.
- 2.6** The Agency will be accountable to Parliament through Health Ministers and will be run by a Chairperson and Commission appointed on their personal standing and expertise.
- 2.7** The Agency will advise the Government on the policy framework for standards and safety matters for the whole of the United Kingdom. Its headquarters will be in London, and there will be Food Standards Agency Executives in Scotland, Wales and Northern Ireland which will take over the existing food standards functions of the Scottish, Welsh and North Ireland Offices. New Advisory Committees will be created in Scotland, Wales and North Ireland to advise Ministers in those countries, and the UK Agency, on the implications for Scotland, Wales and Northern Ireland of the Agency's proposals and actions and on any specific Scottish, Welsh or Northern Irish food safety and standards issues.
- 2.8** The Agency will be financed in part through transfer of the budgets for the functions which will become the Agency's responsibility and in part through charges on the food industry. The Government is considering possible mechanisms for transferring a higher proportion of the costs of food safety and standards work from the taxpayer to the food industry.

3.0 PROPOSALS

3.1 The Agency when established will:-

- a] take over responsibility from the Department of Health for food safety communications
- b] have powers to issue direction to local authorities and require the provision of statistical returns
- c] have powers to take over enforcement activity from local authorities when it considers such action to be in the national interest and recover the costs for this work
- d] leave day to day responsibility for enforcement of food safety with local authorities and the Meat Hygiene Service in the case of meat inspection
- e] leave local authorities and health authorities with responsibility for dealing with outbreaks of foodborne illness with reserve powers of enforcement being given to the Agency
- f] /...

Page 3

- f] carry out a review of the food related Laboratory Services in Scotland
- a] take over responsibility from the Department of Health for the Food Hazard Warning System
- b] have responsibility for the aspects of water quality which fall within food safety.

4.0 RESPONSIBILITY

- 4.1 The Agency will be a public body with advisory and executive powers and have a structure based on the HSE model.
- 4.2 The Commission which will run the Agency will comprise of a Chairperson and no more than twelve members.
- 4.3 The Meat Hygiene Service will continue to operate as a separate entity but reporting to the Agency.
- 4.4 It is proposed that the Health Ministers will have powers of direction over the Agency to be exercised only if it appears to operate outside the terms of its legal framework.
- 4.5 The headquarters of the Agency will be in London with Executives in Scotland, Wales and North Ireland.

5.0 FUNDING

- 5.1 The Department of Health will sponsor the Agency with additional funding coming from other sources including the food industry.
- 5.2 The estimated cost of operating the new Agency is £100 million/per annum with an income of approximately £35 million coming from the Meat Hygiene Service.
- 5.3 The Government intends to shift the burden of cost away from the tax payer and to do this intends to introduce a system of registration or licensing. The fees from this licensing system could, it is estimated, bring in some £60 million from the estimated 600,000 food premises in the UK if a flat rate charge of £100 per annum were to be introduced.

6.0 LAUNCH DATE

- 6.1 It is proposed that the Agency would be launched towards the end of 1999.

RECOMMENDATION

It is recommended that the Committee approve the proposals contained in the White Paper and advise the Scottish Office accordingly.

M. Kenny h. Hutton