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Health Committee

The Appointment of the Chair of the Food Standards Agency

Seventh Report of Session 2008–09

Volume II
Oral and written evidence

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The Health Committee

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Witness

Monday 6 July 2009

The Rt Hon Lord Rooker, nominee as Chair of the Food Standards Agency Ev 1

Written evidence

Memorandum by the Department of Health Ev 13
Oral evidence

Taken before the Health Committee on Monday 6 July 2009

Members present
Mr Kevin Barron, in the Chair
Mr Peter Bone
Jim Dowd
Dr Doug Naysmith
Mr Robert Syms
Dr Richard Taylor

Witness: Lord Rooker, a Member of the House of Lords, nominee for Chair, gave evidence.

Q1 Chairman: Good afternoon, Lord Rooker. It must be something about you and me and the Food Standards Agency! You remember I took evidence from you when you were a Minister looking at the Bill that was going to bring the Food Standards Agency in.

Lord Rooker: Six hours, in two sessions that is.

Q2 Chairman: It was just in time for legislating. I actually thought that it was a good way of dealing with new legislation. I am not going to ask you who you are and your current position; I am going to start and ask you, why did you apply for this job?

Lord Rooker: When I left the Government, I saw the Prime Minister in April last year to express the desire that I wanted to leave at my time. I did not want a phone call one day saying, “We are going to freshen up the Government”. I made clear to him I would go at his choice in a re-shuffle, which I expected would be in the summer or autumn. I said I would make no plans—I was old-fashioned; I do not think ministers should make plans whilst they are in office, but I said I wanted to stay active, stretched and basically see if I could put something back. I left the Government in October and I gave myself a self-denying period of reasonable quietness in the Lords, as it were. I did not table any questions until a few days ago on higher education, and spoke on six short debates. I gave myself a period and I thought: “What do I want to do? What is available, when you are not exactly master of the situation?” The position arose. Of course, I knew in December that Dame Deirdre was not going to go for a second term. It was after I had left Government. I did think long and hard about it and I thought, “Am I too close to it?” It is 10 years ago now when I was responsible for, if you like, for evangelising the issue in this place and outside, to see if we could have a better system of regulating food safety. “Am I being too close to being a Minister?” I have had quite a gap now since last October. “Am I independent enough? Do I understand the ethos and where it fits into the machine?” It is almost unique in Government departments—because that is what it is legally of course. I was interested and I want to do it. I do not have to do it; I wanted to do it. I answered the newspaper advertisement, by the way. That was it—no phone calls, no letters, no nods, no winks; I answered an advertisement that appeared on 18 March and I did not tell a soul that I had applied, so they would have been as surprised as anybody else. That is the reality.

Q3 Chairman: In the actual process up to now, certainly in the final one, what is the most awkward questions that were asked of you, ones that you felt difficult?

Lord Rooker: The interview took place on June 5, a tumultuous day for many people of course, although the votes had not been counted at that time. It was a stretched interview that lasted about 50 minutes. There was an independent outside recruitment consultant as well as the Appointments Commission and a senior official from the Department of Health. I think I answered the questions to their satisfaction, and I was able to raise all the issues I wanted to raise, that I felt I wanted to raise. I expected questions about—I think I showed them the answers that I would be independent enough, that I understood the difference in the role, to be Chair of the FSA as to being a Minister—it is not my job to answer Parliament as the Minister; that would be the Department of Health Minister’s role. I was asked questions about governance, but it did not give me any difficulty in that sense.

Q4 Chairman: When do you intend to take the post up, by the way?

Lord Rooker: To a large extent it depends on whether I get the appointment. Tentatively, as I made it clear, this is the first year since 1973 I was able to book a holiday without being tied to the parliamentary timetable, to be honest, so I am off on holiday on Saturday. I know the current Chair is still in post until the middle of the month. We have got pencilled in 27 July as a date.

Q5 Chairman: You are going to be paid £60,000 per annum for eight days a month work.

Lord Rooker: I am not actually. I do not propose to take £60,000. You are the first person to raise this. It was not raised at the interview. It has not been an issue and so I have not raised it; but before I decided to apply for the appoint I made clear to a couple of personal friends and my partner that I would not accept £60,000; I am taking a self-imposed 10% cut from day one. That is my decision. That is my terms to sign the contract, by the way.
Q6 Chairman: The £60,000 was in the advert.

Lord Rooker: Yes, the £60,000 was in the advert—but as you have raised it I can get this thing out of the way straight away, I do not propose to take £60,000; I shall take 90% of £60,000. That is my decision. I am not expecting anyone to follow. It is not to cause anybody any difficulties. I keep meeting, as I have met today, private sector employers and employees taking unpaid holidays to preserve jobs—every day it is full of it. My own personal view is, from my own personal credo, is that it is a new post for me. I have had a gap since I left the Government and that is my decision, to take 90% of what was put in the advertisement.

Lord Rooker: I cannot say because I do not know. There is this point: I have moved around Whitehall in several different departments, as you know. Some have been food connected in many ways, both Northern Ireland and Defra; but the only formal contact with the FSA was the fact that Defra in the last few years—I was their key customer for their meat hygiene service, so I had a once-a-year meeting with the chief executive of the meat hygiene service, who actually carried out that function for Defra. I have not sought to be interfering, or even inquisitorial. There is not time as a Minister of another department; so I cannot compare myself to two previous chairs. The fact of the matter is, I understand the distinction between governance and management, number one—and I think that is important—the guide and steer to the Agency, that it maintains its openness, transparency, quasi independence from day-to-day control of Ministers, and massive and supreme reliance on science, which is not always clear—we have to be mindful of that—and to give that overall steer in terms of the governance and the leadership of the Agency and the Board is important. Each chairman will do it in a different way. The board collectively needs an interface with the Agency, certainly through the chair and the deputy chair. There has got to be an interface in Parliament, and by Parliament I refer to the four administrations. This is unique in the sense that it is a UK-wide body set up before devolution but taking account of devolution. I think it is fundamental—a point I made at the interview—that the FSA remains a UK-wide body. That means one must take account of the fact that the issues it deals with are devolved matters for Wales, Northern Ireland and indeed Scotland; and certainly a key role for the Chair will be cementing good relations with the stakeholders. If you have read and been kept up to date, as I am sure this Committee would—I have only looked at it on the website—there was a report published in the autumn last year, and I do not know the details, but there have been some difficulties with stakeholders. One of my key roles is to find out who they are and mend any bridges that need mending, and cement the existing good relations we have got. I think that is a very key role for the Chair.

Q7 Chairman: Eight days a month. Are you going to be doing anything else?

Lord Rooker: Pro bono. You have seen the application form. I spend time at Aston University. I am not seeking and have not got other paid positions or looking for it. The fact is—and I assured the interviewers—that I can give all the time required to this. It is the estimate. I did discuss this with the Chair. I discussed this with Deirdre Hutton. It is the one issue I raised with her before the interview and was given an opportunity to discuss any issues. That, together with the interface with Europe, were the two issues I raised with her. It has changed over the years of course. It was different when John Krebs went in as the new Chair—a brand new organisation, new ethos, completely different. The current estimate is eight days a month. If it is more, I can give the time. As far as I am concerned, it is my top priority.

Q8 Chairman: It is an important post, although it is still seen—not by you as an application—but by the Government effectively as being a part-time position.

Lord Rooker: It never was full-time. The chief executive is there to run the Agency. The deliberate decision was taken to remove this issue from day-to-day control of Ministers. That was the ethos, and that was why it was done. I think it has had a remarkable success when one looks back at what was happening prior to it. Frankly, I do not think any of the non-exec roles should be full-time because there is always the risk that the chairman tries to do the chief executive’s job. That is always a risk: if you have got somebody chairing a body that is classified as full-time. You can be on duty seven days a week, but you are not on the case seven days a week, as it were, seven days a week. The chief executive has a distinctive role, and so do other members of the Board of course.

Q9 Chairman: I think you are suggesting you should not be hands on; you should be hands off, in a sense, and the chief executive is there to run the Agency. Do you see that, hands on, hands off, you are going to be any different to Dame Deirdre or the previous chair in terms of the amount of time you will be there?

Lord Rooker: Our key stakeholder, of course, is not the Government; it is the public. That is the number one issue—maintaining public confidence. If you lose it, as has been lost in the past, it takes year to rebuild. It will depend to a large extent, Dr Taylor, on the issues that arise. One of the areas that I have not had big discussions on because I have not preempted the appointment and I have not been appointed—is certainly emergency planning procedures. The public has to have confidence in that. The FSA investigated some 1,300 incidents last
year. We still have large measures of food-borne illnesses. I think the way it is dealt with, to prove it is arm’s length from Government—there has not been in my experience any attempt to overturn that—using good science, deploying it effectively so that the public understands it. The food industry itself is incredibly competitive, but, as you appreciate, the one thing it is not competitive on is on food safety issues. They have the legal responsibility to supply safe food; it is their responsibility at the end of the day, but they do not compete on food safety. I do not envisage any difficulties. I appreciate, as far as the food industry is concerned, there are few things that niggle them—labelling, country of origin, the traffic light issue; and there is the thorny issue which we have not raised but which was raised in those sessions we had 10 years ago, of the borderline between nutrition and health, between the Department of Health and the FSA. The FSA is basically and legally a Government department without a minister. It is not a campaigning NGO. Nevertheless, the public have got to have confidence that it is performing its function in terms of the nutritional value of food, and explaining these issues irrespective of the food safety argument.

Lord Rooker: The public has been tested. I think the public has probably run some polls. Maybe you look at number of complaints and key performance indicators. By and large the public wants to have confidence that their food is safe. As I say, the number of incidents is small overall in the population we have got in this country. Food-borne diseases is very high in food outbreaks, but by and large we do not have boycotts. The FSA has operated in the last few years when incidents have arisen in a way when we do not now close down companies or industries by accident, which was happening in the past simply because of the way the issues were handled and public confidence was lost. That does not happen today. You can have a food-borne incident and it does not put the public off buying the particular products or the brands because of the way issues are dealt with. That is completely different to the 1980s and early 1990s.

Q12 Dr Taylor: What sort of polls would you suggest that the organisation puts out to the public?

Lord Rooker: I am not suggesting any polls. I am not in the organisation. I want to go in and find out about it. I am not going to pre-empt anything. Put it this way, the FSA has just completed a large consultation on the strategic plan for the next five years. The closing date of that was the date I was interviewed, 5 June. It will take several months to assimilate the arguments that were put in public meetings up and down the country of stakeholders, the general public, campaigning groups and the food industry, as to how we put forward the next version of the strategic plan. Hopefully, if I am appointed— one of the key issues is to guide the outcome of that strategic plan, taking on board the evidence that has been accumulating during this large public consultation. I do not necessarily think it is an opinion poll issue. The fact is that the FSA has been out there most of this year, consulting on this strategic plan for the next five years, from 2010 onwards. The plan is to publish early next year.

Q13 Dr Taylor: You mentioned key performance indicators. Which were you thinking of?

Lord Rooker: Looking at the former strategic plan, they certainly look at the number of outbreaks of food-borne disease—I am speaking from memory now, but something like 700,000 incidents they investigate. They have certainly gone up, if one looks at the graph, since the FSA started. As I say, it was about 1,300—it certainly was a lot less than that in the past. But things have changed in the last 10 years. I am interested in the present and the future. Compared to 10 years ago, for example, this country did not import cooked chicken: we now import 2,000 tonnes a week; 80% of the cooked chicken coming into the EU comes into this country. The number of animals that go to slaughter that had bovine TB was 5,000 10 years ago; it is 40,000 today. Most of those carcasses go into the food chain. Things have changed and you have got to look at measuring the risk that we have got now, looking at the possibilities of both food fraud and disease, and take account of the changes. I am not going to pluck indicators out of the air, but the fact is that we want to have as much confidence in safe food as possible, both home-produced, and very particularly food that is imported from within the EU and from outside the EU, because I am well aware from the roles I have had in Government the suspicion and doubts of people of food that is imported into the EU—once it gets its approval it is then freely traded within the EU—the lack of suspicion and confidence, if you like, about production techniques.
that. One of the reasons it was set up as a non-
ministerial department was exactly for the very
reason, as opposed to a non-departmental public
body, that its budget and its vote would be open for
everybody to see. It could not be cut without
anybody knowing, whereas with a non-
departmental public body it could be cut and buried
in the accounts of the department. This is absolutely
fundamental, but if you come down to the money,
then sometimes there are these issues where one has
to take a view; but as a Minister you would not be
involved in that. You would give direction and steer
to your negotiators, it is true, but occasionally you
would deal with it face to face—as probably on three
or four occasions I have done over the last 12 years.
I do not work on the basis, I have to say, of winning
and losing. If we get in a tricky situation like that, my
view has always been, try and get everyone to the
table to go away with something actually in their
pocket—it may not be the full lot, but to actually
negotiate so that everyone is a winner and we do not
have the discussion about victory and defeat,
because that is not very good way of going forward
to the future.

Q15 Dr Taylor: As I am sure you are aware because
of your background as a Labour MP and a peer for
a long time, there are doubts about your own
independence. You did say you stood up to the
Government sometimes. In what ways have you
stood up to the Government?
Lord Rooker: I will give you two examples, one from
1977, because, as I am constantly reminded when I
do odd conferences, people whisper to me and say,
"By the way, what was the Rooker-Wise
amendment?" Well, I can assure you, Treasury
Ministers today know about it because I am told that
at budget time a piece of paper is placed in front of
them to say, "Chancellor, your budget conforms to the
Rooker-Wise amendment." You were not here at
the time, but the roof fell in when I, along with
Audrey Wise, adjusted the Chancellor's budget that
year and built in the indexation. The other one, I
suppose, is more recently. I have been out of the
Government since October and I have spoken in the
Lords on six occasions, and one of those occasions I
joint sponsored an amendment that created—I do
not boast about this, but you have asked the
question—the largest Labour peers revolt since
1977, and that was on the issue of the taxation of
donors to political parties. That is a matter that your
House will now be able to deal with because the
Lords have put it back into the Bill. I spoke in favour
of the amendment. I voted for the amendment
because I think it was the right thing to do.

Q16 Dr Taylor: You have been a rebel in the
Commons and the Lords.
Lord Rooker: Yes, and I hope I have been a good,
competent, working Minister as well, yes.

Q17 Dr Taylor: You have mentioned the public.
Obviously, public health is of huge importance to the
public. What sort of knowledge do you come with
about public health issues?

Lord Rooker: Really, I suppose that in the way you
ask the question, only in the way that a dedicated
constituency MP would—and of course I am 10
years now out of your House. I am not a specialist.
Indeed, I boast about not being a specialist. I was
trained as an engineer. It has never bothered me, and
I have never felt worried about asking about things
I did not understand, as a Minister, where
technicalities arise. As I have said, you have to very
much rely on the science, but it is not always clear.
The science is not always clear and you have to make
a judgment. I am not a public health expert, but the
key lead on public health—let us be clear about this—and the health of the nation is the Department
of Health; it is not the FSA. The FSA works in
cooperation and services Ministers across the four
governments. That is absolutely crucial; and to do it
at arm’s length gives that extra degree of comfort as
far as the industry is concerned and as far as the
public is concerned.

Q18 Dr Taylor: One of the times you did not oppose
the Government was with massive house-building
projects in the south of England on green fields and
green belts; so you were seen very much as a
Government supporter there, and rather divisive. Is
that the sort of reputation that is good for the Chair
of the FSA?
Lord Rooker: With respect, 11% of the land of
England is urban. Once the Community Plan is
operating, which was published in 2003, it will be
about 12% urban, leaving vast amounts non-urban.
The fact is, people need homes. Youngsters in the
south-east of England are being driven away from
the areas where they were born and raised because
they cannot find housing. I stand 100% behind the
publication and the operation of the Communities
Plan 2003. I was not a concreter over the south-
east—it is just a myth put up by the media and those
who oppose; and the NIMBY argument is
enormous. But when you go to families and
individuals, they are the first to say, "Can’t get a
house for my grandchild", or "my children have
been forced to go away because they cannot live in
the community because of land prices or lack of
development". Controlled development that is done
in a planned and managed way is not concreting over
the green belt. By the way, you used the term, not me,
most green belt is rubbish land for the very point that
it is the collar around the urban area. It is not
national parks and it is not areas of outstanding
natural beauty. They are three quite distinct areas
of land. I have no problem about defending a
programme for housing for people in a controlled
and managed way.

Q19 Dr Taylor: Would it make any difference to you
which government gets in next time?
Lord Rooker: No. The fact of the matter is, my last
year as a Minister at Defra. I was dealing with my
colleagues in Scotland, Wales and Northern Ireland
in four different political parties. I was the UK
Minister for Animal Health, for example. I was the
UK lead Minister on costs and responsibility-
sharing when I visited Belfast, Edinburgh and
Cardiff. I cannot say they all wanted me in the room, because I was going down about sharing costs and responsibilities in respect of animal disease; but I have had good relations with colleagues in different departments and different administrations. It is the inevitable consequence of devolution. One cannot assume single-party government, and I certainly do not. As I say, I take nothing for granted, but one of my key appointments this week is with the chief opposition spokesman on health in this House.

**Q20 Mr Bone:** Lord Rooker, your comments about house-building are fundamentally opposed by a great number of people in the areas you talk about. You are seen to them as a sort of a hate figure. Would it not have been a better answer if you had said “that is all in the past now and I do not really want to comment on that because this is a politically neutral job that I am applying for”?  
**Lord Rooker:** Certainly not. The way the question was phrased was done in an accusatory way. The Communities Plan was agreed by this House and has been operated by the Government. It is not just about house-building; it is about re-adjusting the market failure in housing as well. The fact of the matter is, there are large tracts in south-east England—and south-east England goes as far as Wisbech, by the way, in terms of the Communities Plan, and covers a very large area. You do not want pepper-potted developments despoiling villages; you need planned and managed expansion, houses for local people. That is the point. There will always be a case—in every development there will be opponents. I am not going to wipe out the past, I am simply not going to say the past did not arise. I was the Minister responsible under the Deputy Prime Minister, and I do not feel as if I have an apology to make for that. That is in the past, but I am not going to say it did not happen, it did. It is operating now; the policy is being implemented.

**Q21 Mr Syms:** Thank you. Looking at your CV, Lord Rooker, you have a lot of experience of the food industry, from the posts you held as various Ministers, but little experience of health policy. Can you reassure us that this lack of knowledge in this area will not seriously affect your ability to do this job?  
**Lord Rooker:** Well, yes, because I will be guided, first of all, by the science. The Food Standards Agency is not just the Board and the staff, which has the second highest level of science graduates in Whitehall, there are probably ten to a dozen independent scientific committees that advise the FSA across a whole range of issues. That is how the policy is formed. It used to be like that before the FSA was formed, as far as Wisbech, and there is now. Deirdre is very much from the Consumer Panel. I bring the previous experience that I have gained in the last 12 years around Whitehall. There is no question about that, although it is arm’s length for Ministers, I understand how Whitehall and Westminster works, and it is important. The staff of the FSA are all civil servants. That was one of the early decisions I was involved in. It is a Government department and therefore I am aware of the machinery of Government. Hopefully, there have not been major slip-ups in terms of parliamentary provision to Ministers, and that is important; but if I am there, there cannot be any errors because part of the expertise is 35 years in the Commons and Lords. A wide range—and you have hopefully had a chance to look at the second part of the application form—is chairing disparate bodies around the country, trying to reach a consensus and take forward progress really, which means working in a partnership approach, giving leadership, trying to get outcomes where, without being untruthful, people think they have won something as well and there is something positive out of it—and I think I can bring to that. I have an inquiring mind—I am a nosy Parker by nature and therefore I shall want to know the whys and wherefores of the issues that come up—for the Chair that is and the Board itself, which has to have certainly a review of the governance arrangements. That is underway in a
way because of the current strategy report that was produced last autumn; so work is underway there, and I think I can bring a good degree of experience to that, which is not taking the day-to-day government into the FSA but taking the experiences that I have picked up in the last 12 years to beneficiary effect.

Q24 Mr Syms: What skills would you like to see strengthened in the Board?

Lord Rooker: With respect, Mr Syms, I have not had any discussions. I have pencilled in a meeting with Dame Deirdre but at the very end of the week, and I will want to talk to the Board. Two or three of them I have known. One in particular—as I said, “I will have to start answering your questions now” because when I was a Home Office Minister there was once or twice when I was not in a position to answer questions; it just was not possible. Obviously, I have had contact and worked and shared platforms with Tim Bennett, and I would want to look at it, so each feels they are making a very positive contribution, but I have not gone down the list looking at pluses and minuses—it is far too early for that.

Q25 Mr Syms: You touched on this earlier: how do you plan to work with the chief executive officer? How do you see your role?

Lord Rooker: I have had a brief discussion over a cup of tea with Tim Smith last week, we had met on one occasion. I do not think we met when he was at Arla and certainly he came to see me with Dame Deirdre when I was at Defra. I made clear—that I will want to chair the Board in hopefully in the way and spirit I have put to you, but if anybody thinks, I am encroaching on executive roles, (a) to say so—it is important—but also to give him support. The chief executive is, if you like, not so much vulnerable, but because it is a Government department without a minister, the chief executive is essentially the boss, and that can be quite isolating when you have got a minister, the chief executive is essentially the boss, but because it is a Government department without a minister, the chief executive is essentially the boss, and that can be quite isolating when you have got decisions to be taken, which you know you are going to have parliamentary accountability for, or maybe get Ministers to answer into Parliament. It will be my intention to give him massive support in that area, and in terms of making sure we have a good interface with the Board and the Agency itself. There are 700 people in the Agency as well as the meat hygiene service, which is somewhat larger. It is very important. I have always sought to do that with chief executives. We have had executive agencies I have worked with—I use the example of the RPA because that is probably the most recent—the chief executive and I were both new in 2006 and I had to establish good relations because of what had happened in the past with the previous chief executive. I emphasise that as the management brought the system under control in terms of single farm payments I was giving support around the country to the staff in the offices because they were not to blame and it was a policy issue, not an issue of implementation.

Q26 Dr Naysmith: You mentioned the FSA's strategic plan earlier. Obviously, it has been revised and been out for consultation, and it is probably a bit early to ask you what you want to see changed in it. You did say it was not just an opinion poll so you were going to take account of what people were saying and their views and so on. What was wrong with the old plan, and how do you think it could change—if you have had time to read the old plan?

Lord Rooker: That is one of the questions I was going to ask myself actually—what was wrong with the old plan, because the old plan is the current plan. It is still being implemented. There are some aspects of it that I am not exactly clear as to where they are, with what was planned to be done five years ago—“we will do this, this and this”—have we done it? I am not clear on that. That is one of the issues. One of the phrases I saw in terms of the new plan, the reference—I paraphrase so please do not quote me out of context—the key role of the new plan was to improve the health of the nation. Frankly, that is the Department of Health’s function. The FSA has got to have a major role in terms of health as far as food is concerned, and animal feed as well—and it is very fundamental—but the key role is food safety. The key role, the nutrition and the health side is, equally, but if you are going to put one before the other I put food safety before I put the other because that is the prime function of the Department of Health. This is one of the issues that I want to ask because obviously I have not seen the response to the consultation. I will be analysing it, and it has only just closed. These things take time. When you do a consultation like this, there is a massive matrix to be put together. I want to look at the existing plan. What I do not understand, but what I have discovered from reading the papers—because I have not talked to anybody about this—is that the existing plan in 2005 was issued and then another strategic plan, then an amendment to it, was put together in 2006. I am not clear why, but clearly there was an adjustment to it. It may have been when Dame Deirdre came in she wanted to adjust the strategic plan that Lord Krebs had put together—I just do not know. It is one of the issues I want to ask, because I do not understand why there was a strategic plan and then an adjustment to it a year later.

Q27 Dr Naysmith: You could call for another one in a couple of months’ time and say “I do not like it” and you will be able to re-write this one.

Lord Rooker: Yes, I can avoid that, to consult any more. I hope with the Board we can look collectively at the strategic plan mark 2 that has been consulted about, so that the job does not have to be done twice. It is important that everyone is comfortable with it. It is very important—one of the key issues put up in the consultation was looking at matters relating to imported food on the food safety side. It is up-front so far as the FSA and the staff and the strategic plan are concerned—that is absolutely right.

Q28 Dr Naysmith: Let us touch on something you have already touched on in a couple of other questions. How do you think your previous experience in working with the food industry will be helpful in this new post?
Lord Rooker: As the regulator—and that is essentially what the FSA is, and very much so before the FSA, 80% of the functions of the FSA were my ministerial responsibility at MAFF, between 1997 and 1999, and that was a very professional and somewhat distant relationship to the food industry. You had to be very careful who you met. You certainly had to be very interested. I was quite interested in visiting food factories and laboratories, extensively, to talk to scientists, both academic, private sector and public sector. The food industry is a big industry. In Scotland it is huge—300,000-400,000 people—10 billion—and in Northern Ireland it is the biggest industry in Northern Ireland, the whole of the food industry. I used to see the CBI every week on food-related matters, so it is absolutely crucial. But we are not a promoter like, if one might say the DTI as it is now would be the sponsor for the food industry. We are not the sponsor of the food industry. It is our job to be aware of their issues, regulate according to risk, be as proportionate as we can, open and transparent, bearing in mind that at all times our key stakeholder is actually their key customer, the public. People do not want to have brand damage—that is important—so they have a vested interest in making sure they provide safe food.

Q29 Dr Naysmith: What do you think the main challenges are likely to be that you as an organisation have to face?

Lord Rooker: I think from initially looking at what is on the agenda as we speak. We have to find common ground on the front-of-pack labelling. I think the FSA did absolutely the right thing. It had an independent consultation to see if it could find—and it seems to me from just general reading that the traffic light with the written information—but done as traffic lights, not done as grey colours so no-one can see what the colours mean—red does not mean it is unsafe. I understand the issues, particularly because some products have a high fat content anyway. There is always going to be a problem there. I think we have to find a solution to that so that the public are not mesmerised by what has been happening with the front-of-pack labelling. That is important.

Q30 Dr Naysmith: To spend a moment or two on that, the reason there are problems there are because the industry cannot agree on what it wants. As I understand it, that was the situation until quite recently.

Lord Rooker: Yes, that is right.

Q31 Dr Naysmith: You have to bring them together.

Lord Rooker: That is absolutely right. It is quite clear, some retailers were fully adopting—I am not going to mention names—the preferred traffic light system of the FSA. Others did not—they wanted their own, and not necessarily on the front of the pack either.

Q32 Dr Naysmith: That will confuse the public, the fact that there are different manufacturers using different systems. It will confuse the public more than anything else.

Lord Rooker: That is right, but to answer your question, it is to bring that consultation, that discussion, to a conclusion in a satisfactory way. I think the way has been shown in the recent publication back in April of the independent consultation on this, but we can get a consensus on front-of-pack traffic light labelling with the general daily amounts as well, the figures, so we get the best of both worlds, if you like. I cannot see a problem with that myself. Nevertheless, it has still got to be agreed, and of course these issues have to be done in a European way as well. To answer your question, the discussions have got to be concluded. The ingredients are there (excuse the pun) with the independent report to give us a solution for dealing with the front-of-pack labelling. One of the others, in answer to your question, is probably the country of origin on meat. That is a tricky one. I know what I want; I want to know where the meat was slaughtered and reared. We sell a lot of live sheep to France so they can sell it as French lamb because it was slaughtered in France. It was not reared there and did not eat any grass there because they have not got any pastureland. The issue of country of origin labelling is important. Also, labelling is obviously a European competency, but the extensive use of defensive labelling I think is incredibly confusing to the public, particularly over the nuts and the serious problem of anaphylactic shock, to be told that the product, that has remotely got no nuts in it, but if it was made in a factory—“five days ago we had some nuts running down a production line”—it is a warning to try and cover themselves legally, i.e., they might not have cleaned the equipment properly. That kind of defensive labelling just confuses the public.

Q33 Dr Naysmith: How do you think we might want to judge you in three years’ time if you take up this appointment? How would you like to be judged?

Lord Rooker: The FSA is eight or nine years old. It is very young as an organisation in the scale of the issue—but truly embedded into the psyche of the industry and the public that it is there as the public’s arm, the public’s defender, the public’s comfort blanket, and dealing with any outbreaks of food-borne disease—because other than the South Wales E-Coli, there has not been, thank heavens, a big major food-borne disease in the last couple of years. There have been animal diseases that Defra has dealt with, which is very important. You could argue it is time for one maybe. I do not know. I am certainly not going to speculate. The fact is that we have to show that we are competent in dealing with these. To give that extra degree of confidence—that is the way I would like it to be judged, that we have performed satisfactorily and certainly performed to budget. Costs will have to be cut and the pressure particularly on the meat hygiene service—there is
very little reason why the public should subsidise the inspection of meat, to be honest, but yet they still are; so there has been some curtailment of that.

Q34 Dr Naysmith: You mentioned the budget, which I understand at the moment is about £160 million per annum—is that right?
Lord Rooker: It is about £160 million in total. It was £175 million last year.

Q35 Dr Naysmith: You mentioned also that it is likely to be cut a bit in the future. Do you think that is nearly enough to stand up to the power of the supermarkets and the food industry?
Lord Rooker: We are not in competition with the supermarkets.

Q36 Dr Naysmith: If they want to launch an attack on something you want to do, you will very quickly feel the power of the supermarkets.
Lord Rooker: As long as the FSA is operating on the basis of openness and transparency and a high reliance on science, we should not have a difficulty with that because the food industry also relies on confidence. I honestly cannot envisage . . . There are obviously going to be controversial items, particularly novel foods, the technology of food production, but these are not ones where the industry and the FSA need be at loggerheads. We are not in the business of competing with the science, with the research. The research budget is only about £20 million and it is very important that the research is targeted into areas where there are gaps, that the FSA is able to judge research by industry as well, so that we have an independent means of being able to check what we are told, for example. I think that is important. There has been a review of the research by the Chief Government Officer. It came out incredibly well, first class, can now move on to be world-class and I think that is very good; it is a tribute to the agency. It is not always necessarily the quantum of money; it is the research projects that you go into. I think that is important but I would certainly want to be—

Q37 Dr Naysmith: If there were to be any cuts in your budget, and you are suggesting there might be less money around in the year or two ahead, you would not be cutting the research?
Lord Rooker: It would be one of the last things I would do, as long as the research was valid and peer-reviewed and it was good research and vitally needed for the public. Obviously, these matters have to be discussed with the Board and the executive management but we do not control our budget. The original plan, as the Chairman well knows, for the Food Standards Agency was to have it paid for by the food industry. That was the original plan, and I actually had to consult on that issue, before it was abandoned because it was perceived that it might not be a good idea for the food industry to be paying for their regulator and their policeman. So that idea was abandoned, for very good reasons.

Q38 Dr Naysmith: You mentioned the nutritional value of food and food safety quite a lot early on, and you said how important you thought these are. How can the FSA most effectively promote improvement in the quality of nutrition? What should it do to make sure that the quality keeps on growing?
Lord Rooker: Not telling people what to eat. I do not see a difficulty in nutritional awareness campaigns. I realise this is slightly controversial among some of the parties but that is not the same as being a campaigning NGO on nutrition. That is not the FSA’s role. There is a distinction there. Awareness campaigns to the public of fruit and vegetables and healthy eating and what can come from that in terms of public health, healthier lifestyle and all the things that can come from that, that is a key function where the FSA can play a major role, but not in the sense of telling people what to eat. People will be put off by that.

Q39 Dr Naysmith: Again, returning to the possibility that there might not be quite as much money to spend for you in the future, why are cuts being made in England while there are increases in spending in other parts of the UK, if that is in fact the case?
Lord Rooker: What I am not aware of—obviously, I looked at the budget in the last two years and it is quite clear that it was the English budget that was cut. I do not know what this Committee did about that but one of the issues was that it cannot be cut without anybody knowing about it, whereas the budget for Scotland, Wales and Northern Ireland is provided by the governments there, and England provides the UK-wide budget as well as for England. I have to say, it is probably a bone of contention across a wide range of policy issues. I have just spent 21 meetings looking at adjustments to the Barnett formula, which we will publish from the Lords next week. This is a highly contentious issue about the transparency of English budgets as opposed to the devolved administrations but at least one thing is that it cannot be cut in secret and I think that is important. I am not saying budgets should always go up, by the way. Let me make that clear. The money has to be used effectively and sometimes the answer to issues is not necessarily more money.

Q40 Dr Naysmith: The question that this leads to is, are the offices outside England really necessary? Are they essential or are they there just for political purposes? If they are being funded by the Scottish Government and the Welsh Assembly and the Northern Ireland Office, obviously it is up to them.
Lord Rooker: I am sorry. I probably misunderstood the question. No, absolutely vital. The point about it is, the FSA is a UK-wide body answering to four administrations, and I think it should remain that way. They are devolved. It is their decision. I will seek to have good working relations both with the Ministers and the Parliaments concerned and it is as important, I think, for example, that the Scottish Government feels ownership of the FSA in the same way as the Westminster Government feels ownership of the FSA. The office in Aberdeen—I have not
visited the FSA offices. It is one of the first things I will be doing whilst you are away on recess, I might add. That is very important but that is their decision, and I think the fact of the way the Board is structured, with two members representing Scotland interests and Wales and Northern Ireland with members, it was very important that it was set up in that way, to maintain the unity of food safety issues on a UK-wide basis in the era of devolved administrations.

Q41 Dr Naysmith: I only have a couple more questions to ask but they are slightly controversial so I will be very careful how I phrase them.

Lord Rooker: I will watch how I answer them then.

Q42 Dr Naysmith: According to some sources that we researched for this session, you were—and I quote—“seen as an ally of the food industry during your time as a Minister” and you are also having to step down as President of the Royal Association of British Dairy Farmers to take up the FSA post. That is from the Farmers Guardian of 2 July 2009. How can you reassure us that you are not a promoter of producer interests? Clearly, some people think you are.

Lord Rooker: I have resigned from the Soil Association as well because that would be perceived to be a conflict of interest. Anything like that is out. As I say, I have never owned or used a supermarket loyalty card, ever. For whatever reason, I think this is important. No, I think if the argument is that, as a Minister, you go out and listen at the sharp end of both food production and the farming community to try and understand what their issues are, when you are on the other hand legislating and making major decisions, and you are seen as their friend, as opposed to making decisions in Whitehall without ever leaving Whitehall, I plead guilty. However, no-one has ever queried a decision on governance issues or probity—ever—and I think what you will also find—not so much in the quotes last week—is “He is hard but he’s fair.” That is what has been said to my face by private-sector food interests, that I know how to say no, but I will only say no after I have listened, and if listening means you are seen to be an ally, I plead guilty because I think it is important to listen rather than take decisions in isolation. It can be awkward sometimes, when you are being told things in a controversial way, but I do not have a problem with that. I have no conflicts of interest with the food industry one way or the other, which is why I think in this role, if I might say, I tick the boxes.

Q43 Dr Naysmith: Finally from me, as a Minister, you were seen as supporting the GM industry and opposed further restrictions on the use of pesticides. That is from a quotation in the Daily Mail—and I am sorry for that—of 1 July 2009 and the Western Morning News. In your new role, will you give a fair hearing to the Government’s critics on these issues?

Lord Rooker: Absolutely. One has to be guided by the science. I have to say, not all the tabloids are guided by the science. There is no requirement on editors to be guided by science in headlines like “Frankenstein Food”. That is not science-based. That is the issue we have to deal with. I do not have a problem about that. In terms of pesticides, the fact of the matter is—

Q44 Dr Naysmith: Have you changed your view on the further use of pesticides?

Lord Rooker: We grow food to feed humans, not necessarily to feed the insects. We need the birdlife but we are growing food for human consumption. Because of the climate, because of disease, but with climate change in particular, new diseases will come on our crops. There is no question about that. Research is going on now in laboratories around the country, both private and public, to make sure we can cope with these new diseases that will come about with climate change. It will be with the use of herbicides and pesticides or maybe manipulating the way that plants grow. That is important but it has to be based on the science. There is no question about that. So I think it is important but then, of course, we have the Pesticides Safety Directorate, which of course has moved to HSE, contrary to the Committee Chairman, who thought that the Pesticides Safety Directorate, the Veterinary Medicine Directorate, should all go in the FSA and recreate a mini-MAFF, which I was very much opposed to at that time because it would take our eye off the ball. I think the sampling of foods, the checking of pesticide residues, the publication of names, the publication of where the products were bought from, all that openness did not occur, was not there, 10 years ago. We started that before the FSA came about. That means we police the system better, in a proportionate way, measuring the risk, and the same applies of course to the veterinary medicine residues in meat. The policing of this goes on, and the public are by and large unaware of it because it is not a crisis, and I think it is good to keep it that way if you can be successful in finding the problems. The issue of food fraud is one that we will certainly have to have a look at and it is high on the agenda. In terms of GM food, the science in some ways—we are a small country and I understand the arguments about cross-contamination, as they say, but the fact is, farmers around the world are producing GM crops going into animal feed. We know that later this year or early next year organic producers are going to virtually run out of feed in Europe for some animals, some particular feeds; there is an acute shortage simply because of the changeover. This thing is up front; it is a very important issue because of what is happening in worldwide agriculture, and I do not think you can take a messianic, quasi-religious view that this method is bad, that method is good. We have been doing crop manipulation since time began. The fact of the matter is, you can quote from 2009 and I can give you the press cuttings from 1999, when the press went berserk about GM food, and the only GM food here was a tomato paste, which was outselling non-GM tomato paste by two to one. Nobody ever had a problem with it.
Q45 Jim Dowd: Although I was not a Member of the place at the time, I seem to recall it was the Rooker-Wise-Lawson amendment.

Lord Rooker: That is what Nigel Lawson says, yes.

Q46 Jim Dowd: You are in a particularly privileged position vis-à-vis the FSA in so far as to have been around since not just its genesis but its birth as well. In some ways, you are probably uniquely qualified to take on this role. What is your estimation of the way it has developed in the intervening period? Has it gone largely in the direction you imagined or does it have a radical overhaul?

Lord Rooker: I only have a view, by the way, as an outsider, and also as a customer in one of my ministerial roles. When I left MAFF in 1999 I went off to be the 75p Pensions Minister. I did not have a lot of time to check on what I had left behind as the Department of Health proceeded to do the implementation of the legislation. I had gone round the country, evangelising with officials what the FSA was going to be all about, and I only know for about three or four years later I stayed on their e-mail alerts until I just could not cope with it. Moving around Whitehall, you do your main job basically, and that is it. Therefore, the only perceptions were from the press and the outsider’s view, and I have had the FSA newsletters, as many Members do, for years. I have to say, I think it has been an outstanding success when you look at the criteria we set when we were doing the legislation and doing the White Paper in 1997. We received a report from Professor James Lewisham College—there is nothing original in this world—and the FSA has been a force for change, because it meant that you did get it away from the producer ministry—there is no question about that. In MAFF there were two factions: one was the 300 people in the food safety area of activity and the others in what you might call the food producers and farming side, and I remember going with Tessa Jowell round the various parts of the departments, because we did this is a joint operation between the two departments. She was Public Health Minister. As I say, it is very important that we put across the message what the FSA is doing because of the rules we wrote for it, which I have to say I do not think I would get away with today—there are a couple of clauses in the Food Standards Bill that I think probably would not have been done the way they are, but they are the very thing that gives the Board the comfort that they have a degree of day-to-day independence that no other non-ministerial department has, and I think that is very important. To that extent, I am not saying everything is perfect. I am an outsider here. I applied following the public advertisement. I did not talk to anybody about it. I could not ring up anybody. I am not on the inside track. It is only since the Department of Health rang me last Friday week at about four o’clock to say I was the preferred candidate that I have had any contact with anybody, believe it or not.

Q47 Jim Dowd: Putting your natural modesty aside, do you think it has developed in the way you envisaged?

Lord Rooker: Yes, it has.

Q48 Jim Dowd: I do not know whether this question is premature but clearly, you have done a lot of preparation as an outsider coming to it: have you identified any areas where you think it does well or any areas where you think you could do better?

Lord Rooker: As I say, in terms of reading what I have read—and I have not read everything. I have done preparation over the last few months. My application was put in before Easter—I was uncertain about emergency planning procedures in some ways. I do not say it concerns me but it is one of the issues that I will make a priority simply because for the last eight years we have had it pretty easy because, as I say, we had that one issue—a tragedy of course—in South Wales, which resulted in a death and a prison sentence but the fact is there has not been a biggie and I think we have to be ready for that.

Q49 Jim Dowd: Was there not a listeria outbreak in Scotland?

Lord Rooker: Yes, but I am talking about something major, something really big. It is that area. I could not read enough about it when I was looking at the plans and the annual report. That is the thing. I could not find what I was looking for. In terms of searching the web, in terms of the governance arrangements, I think it is there for any new Chair—the Chief Executive is fairly new, do not forget. 15-16 months, from the private sector, so brings a different position to bear—to have a look at it and, of course, we have the advantage of this independent report. I have only seen the public version, of course. It is on television and say, “Please believe me, it is safe, but believe me because I am a Minister.” That has not happened. We have not had a Food Safety Minister since 2000, since the FSA was set up, and that has been a big benefit. The fact is, the industry, the public and the media—and Parliament of course, which is very important—knowing it is using science as the bedrock of its decisions and being completely open and transparent in a way that other bodies are not because of the rules we wrote for it, which I have to say I do not think I would get away with today—there are a couple of clauses in the Food Standards Bill that I think probably would not have been done the way they are, but they are the very thing that gives the Board the comfort that they have a degree of day-to-day independence that no other non-ministerial department has, and I think that is very important. To that extent, I am not saying everything is perfect. I am an outsider here. I applied following the public advertisement. I did not talk to anybody about it. I could not ring up anybody. I am not on the inside track. It is only since the Department of Health rang me last Friday week at about four o’clock to say I was the preferred candidate that I have had any contact with anybody, believe it or not.
the website but it identified some areas where development needs to take place in governance and that will be a top priority because, after all, one of the key roles of the Chair is the governance of the operation and the leadership of the Board.

Q50 Jim Dowd: On the balance between the FSA’s work on food safety and nutritional issues, how do you ensure that adequate attention is paid to both? The difference between food safety and promoting healthy eating and nutrition.

Lord Rooker: As far as I am concerned, the top priority is food safety. There is no question about that. You cannot have two top priorities so if you ask me which is the top, it is food safety. Healthy eating and the nutritional value of food, and getting across to people more information about food so they can make a choice. It is down to the customer to make a choice at the end of the day. As I said, the food industry does not compete on food safety issues and we would be in trouble if they did but the fact is they will always be competing about nutritional aspects of it and therefore the public needs to be able to make an informed choice. I think the FSA’s role is as helper to the public in getting the information out in an understandable fashion but not necessarily telling people what to eat. It is a very fine borderline. This is a complex operation at the heart of government, and indeed, of the six hours I spent in front of the Chair with Tessa Jowell, I suspect probably a third of the time was on this issue then, in 1999. How do we separate …? We have a protocol with the Department of Health and the Government’s publication Food Matters set out in the appendix the areas where one leads, where they share it and where the other leads. I have to be clear in my own mind on this so that I do not walk into any pits, as it were, and make a choice. It is down to the customer to make a choice at the end of the day. As I said, the food industry does not compete on food safety issues and we would be in trouble if they did but the fact is they will always be competing about nutritional aspects of it and therefore the public needs to be able to make an informed choice. I think the FSA’s role is as helper to the public in getting the information out in an understandable fashion but not necessarily telling people what to eat. It is a very fine borderline. This is a complex operation at the heart of government, and indeed, of the six hours I spent in front of the Chair with Tessa Jowell, I suspect probably a third of the time was on this issue then, in 1999. How do we separate …? We have a protocol with the Department of Health and the Government’s publication Food Matters set out in the appendix the areas where one leads, where they share it and where the other leads. I have to be clear in my own mind on this so that I do not walk into any pits, as it were, and the FSA needs to have the confidence and comfort that where it leads, it leads, and where it shares with the Department of Health it is clearly the lead responsibility but in food safety it is the FSA. There is no question about that. It is their role and no one else’s in that sense.

Q51 Jim Dowd: So in an area such as obesity, for example, which is an increasing concern for the nation, even though it is the same nation that is consuming the same food that is going to kill you in the end, if you like, running an awareness exercise—I avoid the word “campaign” because I realise that is sensitive but awareness exercises about what can be damaging if taken in excess. If you are aware of that in terms of the costs of the audience that you are targeting the message too, that they are not, if you like, Home Counties people who will not look at their budgets in the way that others would—I am not saying everybody in the Home Counties is wealthy, by the way. That is slipping back into old prejudices but everybody in the Home Counties people who can afford and who can go and shop for food without looking at the price of what they are buying is completely different to people who are going out to spend a set sum of money and that is it for the week. So you have a separate issue as to the way you are talking to people and putting information across. You have to be aware of that. I have confidence that we use the social scientists on this as well, that we will be aware of it, but it has to be handled very carefully to get a result. It is important that we get a result for the country. Things are not good in that sense. Some countries have done better than we have.

Q52 Jim Dowd: Is there an element of the FSA’s work which can address health inequalities, in your view?

Lord Rooker: I do not know about address health inequalities. As I say, it comes down to this borderline. It is a question of how you put across—

Q53 Jim Dowd: Health inequalities based on diet.

Lord Rooker: Yes, but I think you have to be aware of that when you are giving out the advice or, if you like, running an awareness exercise—I avoid the word “campaign” because I realise that is sensitive but awareness exercises about what can be damaging if taken in excess. If you are aware of that in terms of the costs of the audience that you are targeting the message too, that they are not, if you like, Home Counties people who will not look at their budgets in the way that others would—I am not saying everybody in the Home Counties is wealthy, by the way. That is slipping back into old prejudices but you have to target the audience. You see this in your role as Members of the House anyway in advising constituents. They are not a homogeneous group. Our responsibility in terms of health of the nation, along with the Department of the Health, we have a major role to play. The message is lost and the money is wasted if you do not get it to the right people so that action can be taken. Then you are wasting public money and, if you like, the health of the nation does not improve.

Q54 Jim Dowd: You mentioned this previously and you went into some detail on occasion, the thorny issue of front of the pack food labeling. This Committee’s predecessor in the previous Parliament did major work on obesity and came out very strongly in favour of the traffic light model. The FSA appear to be for, strongly in favour, of a traffic light model. One of its core values is putting the consumer...
first. If you were to simply reflect the view of consumers, all the consumer organisations are strongly in favour of front of pack food labelling combined with GDA but you will be aware, with a few notable exceptions—Sainsbury, McCain, Marks & Spencer and a few others—the food producers are bitterly opposed to anything, as you mentioned earlier, which has a red traffic light, which implies bad food. The Food and Drink Federation, which of course is the mouthpiece of Kellogg’s, Nestle, Kraft, Danone and PepsiCo simply reinforce that. They will not have it at any price. Your intention to consult on this is a path that has already been trodden, to no avail, and it is only the fact that this is an EU-level competence that gives the producers who are very reluctant on this issue the courage to dig their heels in. Is there anything you can do about that?

Lord Rooker: I am not on about new consultation. I am on about what has happened, as I understand it, up to now. I went to Defra in 2006 and obviously we were the food-responsible department and I met the Chair of the FSA for an introductory chat. This issue arose and my own personal position was clear and, indeed, I think I was speaking for the department as well. I was very much in favour of the traffic lights but there was this impasse—I am going back a couple of years now—and the FSA took the view that there ought to be an independent check on this to see if we could find some better way of doing it. The conclusion of that exercise, which was only published in April or May—I have a sheet with a copy of them here—combined the best of both worlds. It combined traffic lights with the GDAs on the front of the pack. Traffic lights means not pastel shades, in my views. Traffic lights means red, amber and green. With some of the packs, obviously people sometimes do not like that. I do not know, because I have not been able to talk to anybody, where the current situation is, as we speak today, because this thing is in the melting pot as a result of that consultation, but you are quite right, it is an EU competency, and the fact of the matter is that the public will be confused if the present situation is allowed to continue. My view is, I was very pleased to see the outcome of this independent consultation because it gave, I thought, the best of both worlds. It gave the information, it gave the figures of high and low, it gave the GDAs and it gave the warning lights. If you see it as red, it does not mean to say it is unsafe; it means have a look at it. Read what it means.

Q55 Jim Dowd: It does not to food producers. That is the problem. The traffic light people are not opposed to GDA but the GDA people are bitterly opposed to traffic lights.

Lord Rooker: No, I understand that. There are some products which by definition are high in fat, so you do not eat large quantities, do you? That is part of the message. We are not trying to put people out of business with the front of pack labelling. That is not the intention. The intention is to give the public the information. I am in favour of the industry promoting its foods but to promote them in moderation if you have some reds around, by definition. I cannot see a problem with that. This is not an easy one, which is why there is no solution—

Q56 Jim Dowd: It is precisely because the food processors do not want people to know. Anyway, we will move on. The final question—and you mentioned this earlier—the overlap with Health. Do you see an overlap in the FSA’s role with that, say, of the Chief Medical Officer, in particular, and the promotion of healthy eating and tackling diet-based health inequalities, of which we spoke earlier? How would you seek to resolve this?

Lord Rooker: I would say I am not aware, as a generally informed person, of any difficulties that have arisen with the Chief Medical Officer and the FSA. I would have only read it in the papers. The Chief Medical Officer has been there a long time. He was the Chief Medical Officer of government departments. I am not quite sure of the structure today, but before the FSA the Chief Medical Officer was the Chief Medical Officer for MAFF. We got the advice about beef on the bone and things like that, which was highly contentious—the Chief Medical Officer’s advice is ignored at your peril but it is given there freely. The Government can implement it or not but it is an important, powerful position. I would see the FSA hopefully co-operating. I am unaware of there being any difficulties. The FSA was set up as it was, and then it had to be decided where it answered to Parliament. There was more than one department that it could have been used to answer to Parliament through. Health happened to be chosen for lots of reasons. Obviously, this brings to the fore the issue of public health and nutrition and I do not see a difficulty with that. I do not see any difficulty in working with the Chief Medical Officer. Far from it.

Q57 Dr Taylor: When you applied for the job, did you have a burning ambition for a specific change, a specific aim, a specific reform of the FSA?

Lord Rooker: No. The answer to that is no. I have no secret agenda in that sense. When I looked at the background and refreshed myself, because I was not unformed—I had been in Defra until October so I knew where it was coming from and I knew why it had been set up in the very unique way that it is. It is complicated to explain it in Whitehall terms, and we spent some time in the interview on 5 June on this. It is complicated but I know the background. I see this as a way of me putting something back. I got an enormous amount out of my first couple of years as a Minister. I really enjoyed my time at MAFF. I had new MAFF and old MAFF and I am not going to explain the difference. I had a year at new MAFF and a year at old MAFF, and it was very interesting. I have always said to people when asked—and I stayed in government, much to my surprise, longer than I thought I would—“What have you done?” and I have answered occasionally over the last few years “The FSA and BCMS”, which is the cattle movement service. Funnily enough, as the years have gone by, I have still used the same examples, and they were the early ones, where I had more of an impact as a Minister than in later ones. In that day
we were taking on a brand new agenda as a brand new government, whereas when you move around Whitehall in reshuffles, you are implementing things that others have decided. In this case it was a chance to implement what we had decided, and in this case now, to answer your question, I have an opportunity, which I never planned for, I did not know about when I left government, to actually, from my point of view, put something back for the joy I got out of it, which is why, as I said in answer to the first question, I will make that immediate 10% cut in the salary.

Q58 Dr Taylor: Today we have read in the papers that we should all be drinking more coffee to avoid Alzheimer’s. What is your view of that?

Lord Rooker: When I was coming down from home in Shropshire this morning listening in the car, I said to my partner, “Where is the evidence for that?” That is my question: where is the evidence? I do not know. You can see headlines like this almost every day of the week. Sometimes, the opposite causes enormous damage to the industry because the headline is—you have to look in the story to find out the real truth. I said, “Where is the evidence?” If it is the case and it is true, it is a good news story but my question is: where is the evidence?

Q59 Chairman: In the tabloids, one presumes.

Lord Rooker: Yes.

Q60 Chairman: Thank you very much indeed for coming along and helping us with our—not inquiry but our overview today. Hopefully, our opinion will come out before you go on holiday.

Lord Rooker: I hope so. I consider it to be a privilege and, to me, it is part of the application process. It is your decision whether I take this role or not. I hope I have answered your questions. I have answered the questions; it may not be to all your individual satisfaction but that is it. That is why what you see is what you get in that respect.

Chairman: Thank you very much.

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Memorandum by the Department of Health

THE CHAIR OF THE FOOD STANDARDS AGENCY

About the Food Standards Agency

Background

The Food Standards Agency (FSA) is a non-Ministerial Government Department set up by an Act of Parliament in 2000 to protect the public’s health and consumer interests in relation to food. The Agency’s vision is “safe food and healthy eating for all”, and it is committed to delivering this through its core values:

— putting the consumer first;
— openness and independence; and
— science and evidence-based.

FSA is a UK wide body that operates in a devolved policy area. It has offices in London, Aberdeen, Cardiff and Belfast, and the Meat Hygiene Service is based in York.

The FSA has a wide remit that includes protecting public health, providing information and advice, ensuring food law is effective and enforced, co-ordinating research and development, food surveillance and monitoring, developing policy, and representing the UK on food matters in Europe. It is responsible for the Meat Hygiene Service, a delivery organisation charged with meat inspection throughout the UK.

The FSA Board

The FSA Board members are appointed to act collectively in the public interest, not represent specific sectors. Members are responsible for overall strategic direction, ensuring the Agency fulfils its legal obligations so that its decisions or action take proper account of scientific advice, the interests of the consumer and other relevant factors. Open meetings of the FSA Board give the public an opportunity to see how the Board goes about discussing the Agency’s policies and reviewing its work. The Board holds meetings in public, and publishes Board meeting agendas, papers and decisions.

Strategic Priorities

The Agency’s current Strategic Plan, which runs until March 2010, sets out key priorities for food safety, public information, labelling and choice, nutrition and diet and food law enforcement over a five year period. The Plan focuses on:

Food safety

— reducing foodborne disease further;
— deliver proportionate bovine spongiform encephalopathy (BSE) and transmissible spongiform encephalopathy (TSE) controls based on the latest scientific knowledge; and
— building and maintaining the trust of stakeholders in our handling of food safety issues.
Eating for health; and choice

— enabling consumers to choose a healthier diet and help reduce diet-related disease; and
— enabling consumers to make informed choices; and to protect consumers from food fraud and illegal practices.

A review of the Agency’s Strategic Plan is currently underway, with a view to finalising and publishing an updated Plan in early 2010.

Composition

The Agency’s 700 staff are accountable through Tim Smith, its Chief Executive, to the Agency’s Board. The Board consists of a Chair, Deputy Chair and up to 12 other non-executive members. The Board is responsible for the FSA’s overall strategic direction, for ensuring that legal obligations are fulfilled, and for ensuring that decisions and actions take proper account of scientific advice as well as the interests of consumers and other stakeholders. The Board is accountable to Parliament through the Secretary of State for Health, to Health Ministers in Scotland and Wales, and to the Minister of Health, Social Services and Public Safety in Northern Ireland.

The Meat Hygiene Service (MHS) is an executive agency of the FSA, and operates under the supervision of the FSA Board. The aim of the MHS and its 1,500 employees is to safeguard public health and animal welfare at slaughter through the effective enforcement of legislation. Its main functions are to provide a meat inspection service to all licensed meat plants, and to ensure that the standards required by the law for the hygienic production of meat and for the welfare of animals at slaughter are maintained.

Finance

The FSA’s UK-wide activities, together with those carried out in England only, are funded from its Westminster Vote. Activities in Wales, Scotland and Northern Ireland are funded directly by the administrations in those countries. Following the Comprehensive Spending Review of 2007, the FSA’s programme and administration budgets for 2008–11 have declined in real terms.

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<th>FSA Budget</th>
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<tr>
<td>Westminster FSA headquarters</td>
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<tr>
<td>Meat Hygiene Service (MHS)</td>
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<td>Total Westminster funded</td>
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<td>152.4</td>
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<td>8.6</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>160.1</strong></td>
<td><strong>175.4</strong></td>
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About the Chair

Role and Responsibilities

In summary, the responsibilities of the Chair are:

— effective leadership and management of the FSA Board including chairing full board meetings according to the FSA’s corporate governance framework and policies and procedures;
— ensuring that the Chief Executive is held to account for the performance of the organisation, particularly with regard to his/her accounting officer role;
— effective management of the relations and interface between the Board and the executive;
— ensuring that the FSA remains a strongly evidence-based organisation, drawing on the highest quality of scientific and social research;
— maintaining the FSA’s reputation as an open and independent food regulator, which puts the interests of the public and consumers first;
— working closely to support Ministers and Government Departments across the UK on food and nutrition policy issues;
— building and maintaining good working relationships with a range of key stakeholders from the public, private and voluntary sectors; and
— with the Chief Executive, representing the UK Government in dealings internationally on various food issues, particularly in the European Union and other key parts of the global food chain.
Qualities required for the role of Chair

The Chair of the Food Standards Agency is a key appointment in Government. It is an extremely high profile position domestically and internationally and so requires an outstanding individual with a first-class reputation and significant experience of successfully leading a complex, high profile organisation, ideally in the public sector.

Essential Criteria:

— senior leadership (executive or non-executive) experience in a highly complex organisation including an ability to command respect from senior board-level peers;
— outstanding leadership and motivational skills with impeccable personal standards and propriety in relation to governance and assurance;
— first-rate strategic thinking capabilities which can be used to steer the FSA through existing and future challenges;
— an appreciation of and commitment to the importance of open and evidenced-based decision making, and the need to put the interests of the public first;
— a proven track record in building and sustaining positive and productive relationships with key stakeholders and being personally effective at the highest levels of Government and/or the public and private sectors;
— an ability to manage the complex role of the FSA within Government, with sensitivity and understanding, so that the organisation delivers to a high quality in both food safety and food policy areas; and
— experience of successfully leading an organisation through complex issues of public or international policy with significant media interest.

Desirable Criteria:

— experience of working internationally in the social policy arena;
— experience of holding the position of Chair in a similar organisation;
— the ability to understand and instinctively address high profile, complex and sensitive issues to deliver a specific end result;
— experience of working in a regulatory environment;
— scientific literacy and an appreciation of evidence-based policymaking; and
— an understanding or experience of working in or around the food sector, and an awareness of its global nature.

Terms and Conditions of Service

Remuneration

— The Chair will receive £60,000 per annum.
— Remuneration is taxable under Schedule E and subject to Class I National Insurance contributions. It is not pensionable.
— The appointed candidate is eligible to claim allowances, at rates set centrally, for travel and subsistence costs necessarily incurred on FSA business.

Time commitment

Approximately eight days per month.

Initial appointment will be for four years.

The Appointment Process

Given the UK-wide remit of the FSA, the Food Standards Act requires that the appointment to the Chair of the FSA be made jointly between the Secretary of State for Health and Health Ministers from the Devolved Administrations. The Ministers from each Administration leading on this appointment have been:

— Minister for Public Health and Sport (Scottish Executive).
— Deputy Minister for Social Services (Welsh Assembly Government).
— Minister for Health, Social Services and Public Safety (Northern Ireland Assembly).

A joint decision was taken to advertise the role of Chair of the FSA. The job description, person specification and process for the appointment was also jointly agreed by the four Ministers.
The post of Chair of the Food Standards Agency was advertised from 13 March in *The Times/Sunday Times, The Guardian, Belfast Telegraph, The Scotsman, Western Mail, Daily Post (Wales) and the Economist* for four weeks.

The recruitment process, including the engagement of recruitment consultants, short listing and interviewing, was carried out by the Appointments Commission on behalf of the Department of Health. The process run by the Appointments Commission is regulated by the Commissioner for Public Appointments and has been conducted in accordance with the Commissioner’s code, involving an Independent Assessor at all stages, including the shortlist and interview panel. The Independent Assessor confirmed that they were content with the content of the submission which went to Ministers with the recommended candidates.

Members of the shortlist and interview panel were:

— Professor David Harper in the Chair, Director General, Health Improvement and Protection and Chief Scientist (as the senior responsible official for the FSA). Dr Will Cavendish (Director of Health and Wellbeing) deputised for David at the short listing stage due to the swine flu outbreak.
— Ann Lloyd, Regional Commissioner, Appointments Commission.
— Helen Yarrow, Independent Public Appointments Assessor.

32 applications for the position were received; five candidates were shortlisted; and four were interviewed following one candidate withdrawing at short notice.

The panel recommended Rt Hon the Lord Jeffrey Rooker as the preferred candidate for appointment, and an alternative appointable candidate. These recommendations were put to the four Health Ministers for decision.

The four Health Ministers have decided to accept the panel’s preferred candidate and have invited the Health Select Committee to hold a pre-appointment scrutiny hearing for the Government’s candidate for the post.

Jeffrey Rooker started his career as an engineer; from 1957 to 1971 he worked as an apprentice and production manager in the engineering industry. He became a lecturer in management in 1972 at the Lanchester Polytechnic. From 1974 to 2001 he became a member of the House of Commons (Birmingham Perry Bar) and from 2006 to 2008 he became Deputy Leader at the House of Lords. From 1997 to 2008 he was Minister of State in six Government Departments including Ministry of Agriculture, Fisheries and Food, Defence Security Service, the Home Office, and the Department for Environment, Food and Rural Affairs. His main Government roles have included Minister for Food Safety, Minister for Finance, Environment, Farming, Equality and Minister for Food and Farming.

In the event of a hearing, the Committee will publish its report which will contain the Committee’s views on the candidate’s suitability for this post. The Secretary of State will consider the conclusions of the Committee’s report carefully before deciding whether to proceed with the appointment.