

## Minutes of the FSA Board Meeting on 21 June 2023

The Clayton Hotel, 22-26, Ormeau Ave, Belfast BT2 8HS

### Present:

Susan Jebb, Chair; Ruth Hussey, Deputy Chair; Lord Blencathra (via Zoom); Hayley Campbell-Gibbons; Fiona Gately; Margaret Gilmore; Anthony Harbinson; Peter Price; Timothy Riley; Mark Rolfe; Justin Varney (via Zoom)

### Boardroom Apprentice:

Judith Harvey

### Officials Attending:

|                     |   |  |
|---------------------|---|--|
| Anjali Juneja       | - | Director of UK & International Affairs                     |
| Simon Dadd          | - | Head of Border Target Operating Model Programme            |
| Sam Faulkner        | - | Deputy Director of Strategy (via Zoom)                     |
| Robin May           | - | Chief Scientific Adviser                                   |
| Katie Pettifer      | - | Director of Strategy and Regulatory Compliance (via Zoom)  |
| Julie Pierce        | - | Director of Information and Science                        |
| Michelle Patel      | - | Deputy Director of Science, Evidence & Research (via Zoom) |
| Rebecca Sudworth    | - | Director of Policy   |
| Lexi Rees           | - | Head of Regulatory Services Delivery                       |
| Ruth Willis         | - | Head of Regulated Products (via Zoom)                      |
| Chris Rundle        | - | Head of Regulated Products Risk Assessment (via Zoom)      |
| Junior Johnson      | - | Director of Operations                                     |
| Richard Wynn-Davies | - | Head of Operational Assurance                              |
| Andy Cole           | - | Director for Northern Ireland                              |
| Steven Pollock      | - | Director of Communications                                 |

### Apologies:

|            |   |                                |
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| Tara Smith | - | Director of People & Resources |
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## 1. Welcome and Introductions

- 1.1 The Chair welcomed everyone to the meeting and gave notice that Justin Varney would leave the meeting briefly at 11am and return shortly afterwards.
- 1.2 Questions received from the public had been published online and shared with Board Members ahead of the meeting. All questions would receive a written response within 20 working days.
- 1.3 Declarations of Interest – Anthony Harbinson made a new declaration that he had joined the Irish Policing Authority. Mark Rolfe declared an ongoing interest in official controls laboratories as these were referred to the Chief Scientific Adviser's Report.

- 1.4 The Chair noted this would be the last Board meeting for Ruth Hussey, Peter Price, and Judith Harvey. Ruth had served on the Board since 2016 as Chair of the Welsh Food Advisory Committee (WFAC), and subsequently as Deputy Chair and Interim Chair. Ruth has been a staunch member of ARAC and recently took on being Chair of the Business Committee. The Chair noted the quality of Ruth's contribution and that she had been grateful to have her support. The Chair wished Ruth well in future work as the High Sheriff of Merseyside.
- 1.5 The Chair noted she hoped to announce next steps to secure a permanent Deputy Chair once Ministerial clearance had been received. The Chair expected to appoint an Interim Deputy Chair in the meantime.
- 1.6 Peter Price had served as a member of Audit and Risk Assurance Committee (ARAC) and as the Chair of WFAC. Peter led WFAC through the pandemic and brought a wealth of experience from his legal background and the European Parliament. The Chair noted Judith, Board Apprentice, had gained valuable knowledge and skills to become an effective Board member in the future. Judith had offered helpful insights for the Board and the Northern Ireland Food Advisory Committee (NIFAC). The Chair thanked all of them for their contribution to the FSA.
- 1.7 The Chair noted delays in Ministerial clearance meant an Interim Deputy Chair would shortly be appointed while the campaign to recruit a permanent Deputy was undertaken. A strong field of applicants were being interviewed for the Board Member for Wales role in Cardiff week commencing 26 June 2023 and a new member of WFAC.
- 1.8 The Chair noted Steven Pollock would be leaving the FSA at the end of June 2023 and thanked him for all his contributions to the FSA and his steadfast support. The Chair also thanked Tara Smith for the transformational work she had done over the last year in some key reporting systems within the FSA and congratulated her on her promotion to Director General, Chief Operating Officer, Department for Business and Trade.

## **2. Minutes of 22 March 2023 Board Meeting (FSA 23/06/01)**

- 2.1 The minutes of 22 March were agreed with the following amendment: 14.3 the last sentence should read '**she**' would be welcome to attend.

## **3. Actions Arising (FSA 23/06/02)**

- 3.1 Actions were either completed or had an update on progress. Two actions related to the Achieving Business Compliance Programme were due to return to the Board in December 2023.

**4. Chair's Report (Oral Report)**

- 4.1 The Chair noted this had been a busy quarter as she progressed to the end of her second year in the role; her list of engagements had been published as usual.
- 4.2 Several meetings had been held in Westminster on areas such as Retained EU Law and Border Controls. The Chair hoped to meet with Welsh Ministers in person at the Royal Welsh Show in July 2023 and in the ongoing absence of Ministers in Northern Ireland (NI) had maintained contact with NI officials.
- 4.3 The Chair and Emily Miles had their quarterly meeting with Food Standards Scotland (FSS) in person which had provided opportunity for more in-depth discussions. The Chair noted the importance the FSA place on the relationship with FSS.
- 4.4 The Chair highlighted the value of meetings held with relevant charities, families affected by food hypersensitivity, food businesses, food industry groups, and stakeholder meetings including the Consumer Forum.
- 4.5 The Chair thanked Board Members for their contributions, which went beyond the public meetings, and their strong personal commitment to the FSA. The Chair noted she would continue to press for an increase to the size of the Board to share the workload which continued to increase.
- 4.6 The Chair noted the important role the FSA had of keeping food safe and was proud of its contribution; however, she felt the FSA could do more at a faster pace with more resource. Resources had been prioritised and would also be impacted by inflation and pay awards which would mean further efficiencies and prioritisation would be necessary.
- 4.7 The Chair noted the strength of feeling in Parliament and among stakeholders for the FSA to progress faster on food hypersensitivity. Progress and plans for reform on regulated products were included in the agenda of this meeting. The Chair noted the importance of supporting business in bringing innovative products to market which consumers could benefit from but also noted this involved a substantial amount of work.
- 4.8 Preparedness for a major incident was an area in which the FSA took a continuous improvement approach. The Board had taken part in an incident training exercise the previous day which had been extremely valuable.

**5. Chief Executive's Report to the Board (FSA 23/06/03)**

- 5.1 The Chair invited the Chief Executive (CE) to introduce her report. The CE gave an overview of her report highlighting the continued need for prioritisation, the continued pressure on resource, and the additional pressures presented by Retained EU Law (REUL), Precision Breeding Act, Borders Target Operating Model (BTOM) and the Windsor Framework.

- 5.2 Significant work had been undertaken with the Royal College of Veterinary Surgeons (RCVS) who had agreed to extend temporary registration for official veterinarians for a further 18 months. The FSA was building its capability on managing non-routine incidents, and continuing its work with local authorities, the National Food Crime Unit, and the School Foods Pilot, securing laboratory capacity, as well as supporting Defra on the Food Transparency Partnership. The CE thanked senior colleagues for their contributions during a period where they had been extremely stretched.
- 5.3 The CE expected to revisit prioritisation in December 2023, and felt the resource given to the FSA to manage the outcomes of EU Exit were insufficient. Resources were being further pressurised by inflation, pay awards and contracts.
- 5.4 The CE felt the FSA was not well represented by the Panorama TV programme on ultra processed foods as the FSA position was not properly explained in the programme. She had provided further details in her written report.
- 5.5 Advice to consumers on food contact materials, such as bamboo and plant-based food containers, was that they should not use them with hot or acidic drinks. Industry had been asked to remove these from sale as this type of product is not currently authorised for use in the UK.
- 5.6 Work was progressing on the Food Law Code of Practice, with implementation of the Food Standards Pilot in 2022, and a consultation had begun on food hygiene arrangements.
- 5.7 The CE had recently visited the US and Canada. This visit had focused on novel foods, meat and hygiene controls, alternative proteins and how abattoirs were managed. The CE had also met with the Heads of many food safety agencies, sharing experiences and collective ideas at an international meeting of the heads of food agencies in Dublin. The FSA would consider the New Zealand approach of an annual exercise, with businesses, on a major recall.
- 5.8 The CE thanked Steven Pollock for his 5-year service to the FSA as Director of Communications. Steven had made a major contribution to internal FSA communications, maintaining a high level of staff engagement, and to FSA campaigns such as Here to Help, food hypersensitivity, and helping senior colleagues with media appearances.
- 5.9 The CE also thanked Tara Smith who had transformed performance reporting, budgeting, and forecasting and much more in less than a year with the FSA as Director of People and Resources.
- 5.10 The CE thanked the FSA Belfast team for their support in hosting the Board meeting and stakeholder visits in Belfast.
- 5.11 Board Member comments included: noting that a strong evidence-based authorisation approach was important; thanking the RCVS and the FSA team for their work on extending the temporary registration for official veterinarians

(OV); the future OV model presents complex issues and would benefit from including a wider view on provision for delivering official controls taking into account how other countries deliver this; and giving thanks to Steven and Tara for their contribution to the FSA.

- 5.12 In answer to a Board Member question, Katie Pettifer noted the changes to the approach on REUL had not freed up significant resource in the FSA, because much of the REUL preparation had been completed, including the necessary work on Statutory Instruments to prepare for the end of 2023. This had also entailed slowing other work that could now be resumed but did not create capacity for new items.
- 5.13 Regarding the Food Standards Model and the Food Hygiene Model Katie responded to Board questions that the Achieving Business Compliance (ABC) Programme Board monitored ongoing work very closely and agreed to review how this was reported to the Business Committee. The Local Authority Data Project was addressing challenges local authorities faced with implementation and training. Work was ongoing to review local authority resourcing, including recruitment and retention, as well as working with the Chartered Institutes and other stakeholders.

**Action 1 - Katie Pettifer to review reporting of the ABC Programme to the Business Committee to include milestones. This action to be passed to Business Committee.**

- 5.14 The Chair asked the CE to provide an update on Operation HAWK. The CE noted that there had been significant media attention in the Spring on the National Food Crime Unit investigation where foreign meat had allegedly been presented as UK meat. Stakeholders had been convened a couple of times to look at a number of systems and how these can be improved. Katie Pettifer was leading this work which focused on how whistle blowing was managed across the industry, how businesses used third-party auditors to check their own systems, that this information was not always passed to the regulator and what more could be done, as well as how the FSA shared intelligence and alerted industry. Conclusions were expected to be reached over the next few months.

## **6. Import Controls and the Target Operating Model (TOM) (FSA 23/06/04)**

- 6.1 The Chair welcomed Anjali Juneja and Simon Dadd to the meeting and invited Anjali to introduce this paper which focused on the introduction of a more risk-based system. The Chair thanked the team for their significant amount of work and the continuing demand this will make on resources.
- 6.2 The unique position of Wales was noted as all its ports faced the Republic of Ireland. The Chair of WFAC was reassured by the 4-country approach which would accommodate differing timescales for implementation in Wales.
- 6.3 During discussion, Simon Dadd made the following points: the Trade Agreement with the EU meant EU countries were treated as a single entity

unless a particular issue meant enhanced controls were needed; risk model data would be reviewed regularly, but significant numbers of goods were not expected to change risk category; and there was a Government commitment to give industry three months' notice of any changes unless there was an immediate threat to public health.

- 6.4 Simon also explained: pre-notifications would continue to be received on goods due to come into the UK; a new IT system known as the Single Trade Window would be introduced from 2024 onwards, This would provide a more efficient way for businesses to provide the required information and a rich source of data for government which will assist in both being able to take action before and at the border, and a more detailed set of historic information.
- 6.5 The FSA had been extremely clear that Trusted Trader Schemes which were due to be piloted from October 2023 should focus on public health and should only progress to business as usual where it was safe to do so and needed to involve the complete supply chain; and the FSA continued to work closely with Defra, FSS and the devolved administrations to develop a robust process for any pilots.
- 6.6 Board members' concern was expressed about how the Trusted Trader scheme would identify traders who were not trusted and how elements of the design of the pilots also needed to focus on food authenticity.
- 6.7 Anjali Juneja noted the following in answer to Board Member questions: the Border TOM continued to work on a 4-country basis to ensure distinct impacts were considered; the FSA was in ongoing discussions with Port Health Authorities on the impact of the TOM, with Defra being the lead Department; and a central hub would operate from October 2023 to January 2024 to manage operational impact. Anjali also explained that: discussions continued with colleagues in central Government and NI on divergence, how the Windsor Framework was being managed and the impact on consumers.; and the FSA was working with Defra, stakeholders, and a consumer stakeholder forum, to ensure we were transparent on the risk model methodology.

**Action 2 - The Board want to be assured that the Trusted Trader Scheme was robust and keen to see food standards and fraud as part of the pilots. The Board wanted to see the measure of success for the pilots and the key principles. Anjali Juneja to provide a paper to the Board by end of 2023.**

- 6.8 In answer to a Board Member question Simon Dadd confirmed the risk model for plants and plant products was following a similar model with Defra exclusively in the lead on this. High Risk Foods of Non-animal Origin were within the authority of the FSA and FSS. Ongoing work was reviewing how risks were identified and de-risked in an efficient way so only goods posing a threat were controlled. This related to issues such as pesticide residue in dried figs, spices, and cucumbers at risk from contamination from the wider environment.

- 6.9 Anjali Juneja noted discussions were ongoing with colleagues in central Government and Northern Ireland on points of divergence and how this linked with the Windsor Framework and the impact on consumers.
- 6.10 The Chair welcomed the innovative approach being taken in the TOM. She noted this was an area of particular importance for consumers who wanted to be confident food imported into the UK met the high standards UK consumers had come to expect and the Board would continue to take a keen interest.

**Action 3 - Anjali Juneja to advise on timing of an update to the Board on the Windsor Framework, divergence and any implications for food safety and food standards.**

**7. Annual Chief Scientific Adviser's (CSA) Report (FSA 23/06/05)**

- 7.1 The Chair invited Professor Robin May to introduce his report which included the external independent review of Scientific Advisory Committees (SACs).
- 7.2 Robin noted how critical the Scientific Advisory Committees (SACs) were to the FSA and wider Government and thanked members for all their hard work. Robin gave assurance on the importance of independent integrity and the management of conflict of interests for all SAC members. The independent review, conducted by Professors Boaz and Godfray, focused on the Advisory Committee on Social Sciences and the Science Council, had now concluded. The review noted the SACs were high functioning valuable committees.
- 7.3 Robin noted that the FSA, as a non-ministerial department, particularly benefited from its broader 'convening' role in reaching out to the wider research community. This was particularly important in areas such as the cross-departmental PATH-SAFE project. The FSA also worked with major partners to secure independent academics to collaborate on areas such as Precision Breeding.
- 7.4 The report was clear that the FSA must make prioritisation decisions whilst being mindful of its primary role in securing food safety. This also needed to be balanced against long-term research needs without which could lead the FSA to reactive short-term thinking.
- 7.5 Levels of sampling had dropped year on year from 60,000 to 40,000; this issue was not isolated to the FSA but reflected the wider-laboratory infrastructure in the UK. The Biological Security Strategy published by the Government on 11 June focused on improving security and surveillance. However, it was important for the FSA to maintain a strong voice to ensure its needs were met. Laboratory capacity will be essential to provide a world-leading surveillance operation to back up the BTOM.
- 7.6 Board Member comments during discussion included: concerns that a major food or food fraud incident could challenge sampling capacity; and that a major incident could mean the need for access to EU laboratories which were not as open to the UK since EU Exit.

- 7.7 In answer to a Board Member question regarding laboratory capability in a major incident, Robin noted there were mechanisms in place for us to divert other parts of government sampling to respond to a multi-national food safety problem. However, it would potentially be more challenging to do this for a food authenticity incident since these did not represent an immediate threat to public health.
- 7.8 The priority given to sampling by the government could be impacted positively by the UK Covid-19 Inquiry, the ongoing biosecurity strategy, and a broader interest across government in the level of provision to respond to pandemics. Discussions had begun to identify the approach to take to the next spending review.
- 7.9 A Board Member felt the work done by the Science Council and the way they operated needed to be much more integrated into FSA processes.
- 7.10 Board Members were keen for the FSA to set out an ambitious position on the resources needed for research and laboratory capacity and capability.

**Action 4 - Robin May to update the Board in due course, as discussions with other Government departments regarding the Biological Security Strategy developed.**

- 7.11 In answer to a Board Member question, Rebecca Sudworth noted a study was undertaken in 2021 which revealed fewer than 10 deaths related to anaphylaxis in the UK. The study showed, although hospital admission rates had been rising, the number of deaths had been falling.
- 7.12 Rates of foodborne disease presented a complex picture dependent upon the disease, with many foodborne disease cases impacted by underlying health conditions. The FSA was working in partnership with Newcastle University on a project called Infectious Intestinal Disease 3. Over several years this research will map out foodborne disease impact in detail across a large cohort of patients.
- 7.13 The Chair reiterated the FSA's gratitude to Professors Boaz and Godfray who conducted the review of the SACs. The Chair noted the significant change in governance for the Science Council, with the Chief Scientific Adviser being the key point of contact and invited comments.
- 7.14 Ruth Hussey noted the importance of the Science Council being driven by FSA's priorities with Robin being a conduit and support for their work. However, there should be a role for the FSA Chair to have some influence in prioritising those.
- 7.15 The Chair noted her agreement with the governance arrangements. The Chair wished to see a clear mechanism whereby areas of interest to the Board could be commissioned more directly rather than this being filtered by the Executive.



**Action 5 - FSA Chair and Chief Scientific Adviser to develop a mechanism for clear Board contribution to and oversight of the work of the Science Council.**

7.16 In answer to a Board Member question, Robin noted that Science Council projects were often large, long-term pieces of work. This had the drawback that the political landscape had sometimes changed by the time they finish; therefore, a balance between short and longer-term projects was essential.

7.17 Board Member Mark Rolfe questioned the apparent mismatch between a reduction in research budget and the reported need to not proceed with some projects, against a larger-than-anticipated number of projects last year. Robin explained that a significant number of research projects over the last 12 months had secured independent funding outside of the FSA budget, and therefore had reduced expenditure.

**8. Foresight Function and Horizon Scanning – Annual Update to the Board (FSA 23/06/06)**

8.1 The Chair welcomed Julie Pierce, Michelle Patel and Sam Faulkner via Zoom and invited Julie to introduce the paper.

8.2 The Chair thanked the team for providing a collated list of their work throughout the year.

8.3 In answer to questions from the Chair, Michelle noted the teams had worked closely with the Science Council to ensure there was no duplication. The Science Council had sight of all the reports and could discuss them. Much of the work commissioned had been delivered in 3-4 months and had a different scope and pace to the SACs work. Robin noted that, as an independent committee, the Science Council has a wider reach and can provide a horizon scanning function that extends beyond the FSA's remit.

8.4 Sam provided the following answers to Board Member questions: reports are summarised and shared across the FSA and reviewed by the Business Delivery Group to review actions and progress; an area for improvement would be to look at the outcomes collectively to identify any potential cumulative impact; foresight work also presented the opportunity to influence reform programmes and provided a sense check for future ambitions.

8.5 Sam also noted some anticipated developments in the external environment had progressed more slowly than originally anticipated such as alternative proteins (3-5 years away), whereas others had moved more quickly, such as household food insecurity.

8.6 In answer to a question from the Chair, Anjali noted a very small team was engaged on monitoring EU changes with potential for divergence and their potential impact. The team worked on a 4-country basis and used a RAG rating scheme, with information gathered from various sources.

- 8.7 The Chair thanked the team for their work and noted the plans to develop the foresight capability.
- 9. Risk Analysis Process and Regulated Products Service – Quarterly Report (FSA 23/06/07)**
- 9.1 The Chair welcomed Rebecca Sudworth and Lexi Rees, and Ruth Willis and Chris Rundle via Zoom, and invited Lexi to introduce the paper.
- 9.2 In response to a request from the Chair, Rebecca noted Cannabidiol (CBD) represented 30% of the caseload, where FSA had a responsibility to regulate, and where food businesses had a responsibility to apply for authorisation. The FSA had been taking a proactive approach to bring the market to compliance with the first recommendations on authorisation due in early 2024 at the earliest. CBD was an example where the FSA had asked applicants for additional evidence and had set clear deadlines for this to be provided. Home Office regulations were awaited on the amounts of Tetrahydrocannabinol (THC) allowable in consumer products. As the FSA progressed in this new role a growing caseload across all regulated product categories was expected over the next 2 years, with a key risk for the organisation of constrained resources to handle this.
- 9.3 The Chair asked the Board for their comments on whether they were confident the plans were sufficient to mitigate the risk the FSA was carrying and the detailed plans for future reform. The Chair mentioned the Deloitte report noted some other countries approached this very differently.
- 9.4 Board Member comments included: recognition that the team had been moving at pace on this work to develop a national service as a regulator and was the only place businesses could go to get their products approved; this needed to be correctly resourced, ambitions and timelines were not always borne out by businesses; did the FSA have a way of mapping potential numbers and types of products likely to come into the system; projections showed that by 2025 there would be 500 applications in the system so increasing capacity would be a priority.
- 9.5 Board Members noted that concerns about CBD and THC related both to the concentration and to the amount of a product consumed. e.g., if THC was included in drinks the number of drinks consumed, especially during the summer, could have a significant impact on consumption and any recommended limits from the Home Office.
- 9.6 Board members also noted the importance of filtering out unsuitable applications at an early stage so as not to divert resources, and the potential for future charging for aspects of the regulated products service. It was agreed that a lessons learned of the approach to manage the CBD caseload would be beneficial and it was suggested that ARAC should evaluate.
- 9.7 Board Member comments also included: more radical approaches should be explored for future reform to address the growing workload and to respond to

future demand. This would involve substantial resources and significant work with stakeholders; there may be scope for external input into the radical thinking.

- 9.8 The CE clarified that any potential reforms would need a consultation and legislation which would take a significant amount of time. The paper set out continuing improvements.
- 9.9 The Chair accepted that major changes to regulations would require a longer-term approach of legislative change and noted the Board appetite for radical thinking.
- 9.10 In answer to Board Member comments, Lexi explained that in the short-term the new case management system would sift out incomplete applications and provide improved guidance for applicants.
- 9.11 Rebecca noted any effort to charge applicants for the service would require legislative change. Other countries charged for some aspects of their regulated products service, and this was something the team were keen to explore in the longer-term.
- 9.12 The Chair noted the Board accepted this was a challenging situation and appreciated the clarity the team had provided to ensure they were aware of the resourcing and other risks. The Board endorsed the mitigations and agreed the team should continue their work as outlined in the paper. The Chair noted the Board was due to be updated quarterly on the caseload when the Board would be able to review progress and think further about how to approach radical reform.

**Action 6 - The Chair noted further thinking was need on how to approach longer-term reform with more radical thinking without distracting this team from addressing their current workload.**

**Action 7 - The Chair to ask ARAC to consider lessons learned from the CBD application and authorisation process to identify any lessons learned for future novel foods.**

9.13 The Chair thanked the teams for their work and expertise, and noted the complexities of regulated products, risk analysis and risk assessment.

## **10. Update on Veterinary Supply, Modernisation and Support for the Small Abattoir Sector for 2023/24 (FSA 23/06/08)**

10.1 The paper focused on veterinary capacity, modernisation, and small abattoirs. Richard noted paragraph 4.6 of FSA23/06/08 should refer to approximately 58% of poultry throughput and 46% of red meat throughput. The figure of 26% in this paragraph refers to % poultry plants.

- 10.2 Junior noted continuous improvement activities across operations including process changes, improvement of official controls manuals and improvement of enforcement transparency.
- 10.3 Work was ongoing with industry on the use of CCTV and mobile phones in plants. Operations were responding to the reviews of the National Food Crime Unit and Incidents. Modernisation (technology and data) work was being undertaken with 20% of the previous annual Operational Transformation programme budget which meant prioritisation was crucial.
- 10.4 New governance arrangements had been put in place which would keep the Business Committee updated on milestones and ensure ARAC would be assured the right assurance processes were in place.
- 10.5 Board Member comments included: the work on modernisation was welcomed, with small abattoirs being an important component for food chain sustainability from farm to fork; WFAC had welcomed the approach that had been taken as Wales had a large small abattoir sector where the impact of closures had been a concern; explicit benefits realisation needed to be in place for the digital parts of the programme; and the RCVS 18-month extension to the temporary registration was welcomed, but a longer term was needed.
- 10.6 In answer to Board Member questions, Richard noted: EU approval for a raised threshold for meat plants classified as “low capacity” is needed to ensure their products can continue to be exported and to avoid the implementation of a dual system for domestic and export production. EU approval would only become unnecessary if it could be evidenced that the facility was only providing for the domestic market; however, there were limitations on traceability and the EU would want to see robust mechanisms in place to be assured something produced under a domestic only regime could not find its way on to the export market; animal by-products and ingredients in pet food were examples of where traceability is particularly complex and one of the reasons why we do not want to pursue a dual regulatory system at this stage.
- 10.7 Richard explained that Defra and the Chief Veterinary Officer were thinking about the best approach and timing for an approach to the European Commission on the “5% flexibility” and would keep the FSA updated. Defra are still working on the finer details of their grant funding scheme for small abattoirs. This is linked for industry to the 5% flexibility as in order to qualify under this flexibility for reduced veterinary attendance, they may require extended chiller or lairage facilities which may be able to be partially funded under Defra’s scheme.
- 10.8 Improvements to the FSA’s infrastructure and technology and benefits realisation was being managed by a new Change Control Board, chaired by the Operations Director as Senior Responsible Officer (SRO) who would be tracking this closely.
- 10.9 The Chair thanked the team for their paper and noted this had answered questions which were outstanding after the December 2022 Board Meeting.

The Chair noted future progress would be reported to the Business Committee and ARAC.

**11. Review of the Food Advisory Committees (FACs) (FSA 23/06/09)**

- 11.1 The Chair noted she had asked a small group to review the workings of the Food Advisory Committees after the Board Effectiveness Review and the Annual Governance Report in December 2022. The Chair invited Anthony Harbinson to introduce the paper.
- 11.2 Anthony noted the 2018 Review recommendations had been incorporated into the operation of the FACs with an overview provided in Annex B.
- 11.3 Recommendations 1-4 of this review were aimed at improving the effectiveness of the meetings including FACs identifying questions they would like to raise at FSA Board meetings, a greater focus on country specific advice, greater stakeholder engagement, and developing their public profile in their area of jurisdiction.
- 11.4 Recommendations 5-6 were focused on more effective use of FAC members' time including sessions on specific areas, facilitating wider discussion while encouraging them to attend non-FSA related events with the remit of providing learning to the FAC.
- 11.5 The final recommendation looked at longer-term changes, including approaching Ministers in Wales and NI to discuss members' terms and conditions, and the constitution of the FACs.
- 11.6 Anthony thanked Peter Price, Anjali Juneja and Nathan Barnhouse for their support.
- 11.7 The Chair thanked all those involved in the review. The Chair noted the value of holding Board meetings in Cardiff, Belfast, and other areas, as this provided a real feel for local issues, and the opportunity to meet stakeholders which both the recommendations and this approach supported. The Chair noted she would raise the issue of the time commitment of FAC members with Ministers in the devolved administrations.
- 11.8 Board Member comments included: potentially including a condensed paragraph in Board papers on specifics relevant to Wales and NI; recognising that a clearer steer was needed for FAC members ahead of engagement with stakeholders; consideration should be given to Board Members who were not part of a FAC to accompany FAC members on stakeholder visits; the non-statutory terms of reference could be reviewed to maximise FAC member contribution; and a theme for a year may be better than a theme for each FAC meeting.
- 11.9 Additional Board Member comments included: FACs could be seen as stakeholders with the opportunity to get their views during the development of Board papers; NIFAC may be able to help with using their local networks to

feed more in from the consumer and wider stakeholder perspective; there had been a real change over the last 7 years as to how the FACs contributed to the 3-nation approach; questions to the Board primarily came from England so the FACs could encourage questions from Wales and NI stakeholders.

11.10 The Chair welcomed the recommendations and wanted to ensure these would be actioned. The Chair agreed to discuss the approach to themes for FAC meetings outside of this meeting.

11.11 The Chair agreed to a review of the FAC terms of reference to ensure they explicitly reflected intelligence and insight gathered from stakeholders.

**Action 8 - The Chair asked for the FAC terms of reference to be reviewed to ensure they were fully aligned with the recommendations from the review.**

## **12. Director of FSA in Northern Ireland Report (FSA 23/06/10)**

12.1 The Chair welcomed Anjali Juneja and Andy Cole to the meeting and invited Anjali to introduce the paper. The Chair thanked Andy Cole and his team for hosting the Board in NI.

12.2 Anjali noted Wales and NI had joined the UK and International Directorate in December 2022 which had provided a greater opportunity for synergy and closer working across the 3 nations.

12.3 In answer to Board Member questions, Andy noted the mandatory FHRS scheme in NI had resulted in over 95% of food businesses being rated at 4 and above. Responses to the consultation to make this mandatory for on-line businesses were positive with some technical questions on how to apply this within the relevant screens for mobile phone access. Online mandation of FHRS would need to be legislated by a returning NI Executive.

12.4 Obesity presented as a 'wicked problem' which was society-wide and getting worse. The Northern Ireland Department of Health was the lead department on this, but their strategy involved a cross-sector and cross-departmental approach. Reformulation was a key strand of government policy. The policy approach must be underpinned with evidence for example sampling children's meals to understand the nutritional content. The next steps were ambitious and would look to see what could be done to change consumer behaviour, provide consumer advice, and educate the consumer about the nutritional content of their food. This was to be taken forward in public sector settings, e.g., social care, local authority, and prisons.

12.5 The NI Team were challenged to improve key performance indicators, which were in their early stages of development. Identifying evaluation criteria and data gathering on impact would slowly develop and assist the launch of any obesity strategy post consultation.

12.6 Anthony Harbinson noted NI was a very challenging place for any public servant to work in at present. Anthony noted the work by Andy Cole, Maria

Jennings (former Director of FSA NI), and the NI team had been outstanding in how they had worked with other government departments and Local Authorities.

- 12.7 Ruth Hussey noted a strong point, made at the stakeholder visit the previous day, was the quickest way to reduce fat, salt and sugar in diets was portion size. Ruth asked that portion size be included in the work on nutritional standards.
- 12.8 The Chair noted the whole food environment shaped the choices consumers made and agreed influencing the behaviour of consumers and business was an important part of this work. The Chair thanked the team for their work and looked forward to seeing how the FSA could contribute to the Food Strategy and potentially the obesity strategy. The Chair noted FSS had a strong dietary health programme and was keen to see how both NI and FSS progress in this area could inform the wider-UK agenda.
- 12.9 Andy put on record his great thanks to his hugely engaged and diverse team for their resilience and ability to work in a challenging context. The Chair also noted the additional challenges presented by EU Exit and the absence of NI Executive.

### **13. Retained EU Law (REUL) (INFO 23/06/01)**

- 13.1 The Chair invited Sam Faulkner to the meeting, via Zoom, and invited him to introduce the paper.
- 13.2 The Chair made the following points: regarding item 3.4 in the paper, the FSA had published its explainer of revocations on food.gov, which had led other government departments to follow this format and showed the FSA's commitment to transparency. On paragraph 5.3, the Chair noted the FSA's ambition may need to be slowed on regulated product reform, due to the extensive portfolio of change, which included precision breeding, and the impact of the Windsor Framework.
- 13.3 In answer to Board Member questions, Sam noted: the FSA had teams who monitored divergence with the EU and analysed whether action was needed; no immediate action had been identified; the core team was relatively small and had been working on the major areas of developing the Statutory Instruments for the law needing to be preserved or extended; much of this resource would move on to the reform work which was planned, and this meant resource had not become available since the changes to REUL; many of the people working on REUL were heavily overloaded and it was hoped this would reduce to a more normal workload; the Brexit Opportunities Unit and people in Wales and NI were still needed to continue this work.
- 13.4 The CE noted that the people who had been working exclusively focused on REUL coordination were now working on the Incidents function as a priority. Separately the organisation was facing a broader set of work, where there remained a high vacancy rate. There were up to 40 posts not filled working on

areas such as the Windsor Framework, import controls and novel foods. During the last six months the people who should have been working on these areas had moved to work on REUL

13.5 Rebecca Sudworth noted REUL was a government priority, with Parliamentary time set aside for reform after 2023. The recommendation which came out of the Novel Foods Review identified areas which would be done anyway and where opportunities could be maximised, with the time being saved from each authorisation being significant. Where there was divergence with the EU there were specific constraints about what could be done through the REUL process. The powers in the REUL Bill did not present an opportunity to make new or additional regulations; it presented an opportunity to deregulate, streamline, or strip out unnecessary steps in the process which could have some real benefits.

13.6 The Chair thanked Sam and Katie for the update and welcomed future updates.

#### **14. Report from the Chair of the Business Committee (INFO 23/03/02)**

14.1 The Chair invited Ruth Hussey to introduce her report as Chair of the Business Committee. Ruth took the opportunity to say a huge thank you to everyone she had worked with over the last 7 years. Ruth thanked Board Secretariat for an excellent induction and support and noted what a steep learning curve joining FSA Board had been. Ruth congratulated FSA staff on negotiating complex challenges and on making the FSA a great place to work. This was borne out through the Staff Survey results and Board virtual coffee meetings with staff from across the Agency. Ruth recognised a leadership team who were willing to listen and led with great skill. Ruth also thanked the Board for their friendship, effectiveness, and for being a pleasure to learn from. Ruth felt the FSA was a strong, independent voice for the consumer and for public health protection. Ruth had appreciated the opportunity to serve on WFAC and as Deputy Chair which had been a huge privilege.

14.2 Ruth noted that in addition to the report provided she wished to highlight 4 key areas.

14.3 The Local Authority Recovery Plan had now moved to business as usual after the specific arrangements during the pandemic. Ruth encouraged a watching brief on how the local authorities were managing to keep pace with the recovery of inspections, and recognised the transformation programme which would focus on future reform.

14.4 Ruth noted how much closer the FSA had been to the budgeted position over the last financial year with very little underspend. Ruth thanked the Director of People and Resources for her leadership and maximising the available resource. Ruth also noted how tight the resources were for FSA for future years.

14.5 Ruth noted the pandemic had impacted the foodborne disease data substantially. The Business Committee were assured proposals would be



coming forward to identify what else the FSA should be doing, and data would continue to build over the next couple of years. More radical thinking about what could be done here may be needed.

- 14.6 The Business Committee had noted the progress on food hypersensitivity and the prioritisation which had impacted this work. The Committee also noted the concern from stakeholders on the need to make progress and wanted to receive an update on the written element of this work, with proposals in the next 12 months on the information part of this agenda.
- 14.7 The Chair thanked Ruth for her comments and noted the new relationships between the Business Committee and Board meeting. The food hypersensitivity report was a progress report, and the Chair noted this topic would come to the main Board for strategic discussion in due course. This discussion should also include the work being carried out by Codex and their approach to setting thresholds for just 8 out of 14 allergens.
- 14.8 The Chair also noted the new format for the Business Committee had enabled more time and scrutiny to be devoted to the Performance and Resources Report.
- 14.9 In answer to a question from a Board Member, Rick Mumford noted an interactive workshop was being held to assist thinking on all the ongoing work on foodborne disease and how some of this could be brought together. This included areas such as Infectious Intestinal Disease in the UK (IID3 study) and Kitchen Live 2, and how evidence could steer future action, new policy, and risk management.
- 14.10 The FSA Chair noted there was a small uptick in the rates of some illnesses due to some very specific incidents, where the FSA had reacted quickly and identified lessons learned, with a good example being recent guidance on listeria. The Chair also noted it would be useful to bring together all sources of information on foodborne disease in a more structured way to give the Board more insight into how this is approached and how this is progressing in the longer-term.

**15. Report from the Chair of the Audit and Risk Assurance Committee (ARAC) (INFO 23/06/03)**

- 15.1 Tim Riley noted ARAC meetings had been held on 16 May and 13 June 2023. Whilst most ARACs in other organisations met 4 times a year, the FSA ARAC had met 6 times. To ensure ARAC Members' time was used most effectively FSA ARAC would meet 4 times a year going forward, putting the FSA in line with other organisations. A deputy chair for ARAC was due to be agreed at the next ARAC meeting.
- 15.2 Tim noted ARAC deep dives needed to be more focused on where ARAC could provide more support and challenge on items in the FSA's mainstream agenda. Tim noted consideration would be given to holding the deep dives in a workshop style and in person.

15.3 The ARAC deep dive at the June meeting was focused on the cost of living. ARAC endorsed the approach and challenged the adequacy of risk mitigation to ensure consistency within the FSA's scope.

15.4 ARAC noted the Annual Report and Accounts was progressing well and discussed the challenges of veterinary resource for official controls.

15.5 The Chair thanked ARAC Members for the work they had done on behalf of the Board. The Chair asked for the observation of an ARAC meeting to be added to the Board Member induction programme. Existing Board Members were welcome to observe ARAC if they wished to do so.

## **16. Reports from the Chairs of the Food Advisory Committees (FACs) (Oral Reports)**

16.1 The Chair invited Peter Price to introduce his report for WFAC. Peter Price noted the theme from the last meeting of WFAC was the Borders Target Operating Model. Their next meeting would focus on Local Authority work directly within the scope of the FSA.

16.2 Peter wished to thank Board Members and FSA colleagues for their contributions and support. Peter thanked Board Secretariat and the Chair for their support.

16.3 The Chair invited Anthony Harbinson to introduce his report for NIFAC. Anthony noted the April 2023 NIFAC meeting theme had focused on feed. Gill Gallagher, Chief Executive NI Grain Trade Association, had met with NIFAC and NIFAC had visited Food Fortress, both of which had given a real insight into food security and how feed fitted into this. The June 2023 NIFAC meeting discussed the Board papers and met with the Farmers Union. Anthony thanked Wesley Aston and David Brown, President of the Farmers Union, who owned his own farm which NIFAC members had visited.

16.4 The Chair noted she would meet with the FAC Chairs to identify next steps for meeting themes for Wales and NI. The Wales and NI Teams had been working together much more closely since being brought together under the FSA's UK & International Affairs Directorate.

16.5 Hayley Campbell-Gibbons noted the FACs provided an additional layer of potential engagement with industry. This presented an opportunity to deep dive into issues which could be brought to the Board in their Hot Topic closed sessions and complement the FSA's day to day contact with stakeholders.

## **17. Any Other Business**

17.1 No items were raised. The next Board meeting would be on 20 September in Southampton.

**18. Question and Answer Session**

18.1 The Chair noted there were no questions from observers and confirmed the four questions asked ahead of meeting would receive written responses.