

Minutes of the FSA Board Meeting on 7 December 2022

Church House, London

Present:

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

Apologies:

Judith Harvey, Boardroom Apprentice

Officials Attending:

Emily Miles	-	Chief Executive
Sam Faulkner	-	Head of Strategy Unit (For FSA 22/12/04 and FSA 22/12/05)
Kate Hargreaves	-	Head of Strategy Unit (For FSA 22/12/05 via Zoom)
Maria Jennings	-	Director of Regulatory Compliance and People
Junior Johnson	-	Director of Operations
Anjali Juneja	-	Director of International & UK Affairs
Robin May	-	Chief Scientific Adviser
Rick Mumford	-	Head of Science Evidence and Research
Katie Pettifer	-	Director of Strategy, Legal, Communications and Governance
Julie Pierce	-	Director of Online, Data & Digital and Science
Steven Pollock	-	Director of Communications
Tara Smith	-	Director of Resources & People
Rebecca Sudworth	-	Director of Policy
Richard Wynn-Davies	-	Head of Operational Transformation (For FSA 22/12/06)

1. Welcome and Introductions

- 1.1 The Chair welcomed everyone to the meeting noting apologies from FSA Board Apprentice Judith Harvey. This was the final Board Meeting for the Director of Regulatory Compliance and People, Maria Jennings, who had joined the FSA at its formation in 2000. The Chair paid tribute to Maria's significant contribution to the FSA and noted, in particular, her central role in the development of the Our Ways of Working (OWOW) Programme.
- 1.2 The Chair explained that the process for addressing questions from the public received ahead of the meeting would be changing for future meetings and that for this meeting, the deadline had been brought forward to allow the Executive time to consider a response. Questions received ahead of the deadline and with relevance to items on the Board's agenda were shared with Board Members ahead of the meeting and would help inform their discussions. Every question would receive a full written answer from the FSA within 14 working days and both the questions and answers would be published on the FSA website.

1.3 The Chair noted that since the previous Board Meeting, she had become a partner in J&L Farms and her register of interests on the FSA website had been updated accordingly. She had discussed the nature of the business with the Chief Executive (CE) and Deputy Chair, and it was not considered to conflict with her role as FSA Chair. No new interests were raised by Board Members and no interests were raised that could present a conflict with items for discussion on the Board's agenda. No items of other business were raised by the Board.

2. Minutes of 26 September 2022 Board Meeting (FSA 22/12/01)

2.1 No comments were raised on the minutes of the Board meeting of the 26 September, and they were agreed as an accurate record of the meeting.

3. Actions Arising (FSA 22/12/02)

3.1 The Chair noted the actions that had been completed and the progress with those that were ongoing. No comments were received from the Board.

4. Chair's Report (Oral Report)

4.1 The Chair noted that a list of her activities since the last Board meeting had been published on the FSA website and highlighted the introductory meeting with the Minister of State for Environment, Food and Rural Affairs Mark Spencer MP; the meeting with the DHSC Parliamentary Under Secretary of State, Lord Nick Markham; and the meeting with the Welsh Minister for Economy, Vaughan Gething and Deputy Minister for Mental Health and Wellbeing Lynne Neagle. Discussions covered the Precision Breeding (PB) Bill, Retained EU Law (REUL), and Import Controls.

4.2 The Chair emphasised the value of her recent visits to Singapore and Australia in sustaining our international collaborations and the similarity of the issues that they were seeking to address to those of the FSA, highlighting Singapore's certification and traceability scheme in particular.

4.3 The Chair thanked the FSA's stakeholders who had hosted her on visits since the previous Board meeting including Whitley Bridge Flour Mill, noting the impressive technology and investment in data to track activity across the mill; the Stoke Food Summit, organised by the local MP, Jo Gideon; and the Centre for Bacterial Resistance Biology (CBRB) at Imperial College London to see some of the new methods to study food borne pathogens.

4.4 Margaret Gilmore asked for any additional detail on the flour mill visit and asked whether it would be possible to receive an update on the FSA's position on folic acid fortification of flour. The Chief Scientific Adviser (CSA) said there was clear scientific evidence that flour fortification with folic acid would be beneficial

but there was some debate about the appropriate levels. This was a complex issue involving a balance between benefits to pregnant women and potential risks of masking symptoms of pernicious anaemia. The Scientific Advisory Committees (SACs) have considered this in some detail and fed expert guidance into the proposed levels. He offered to provide a more detailed update to Board Members.

Action 1 - CSA to provide an update on folic acid fortification of flour to Board Members ahead of the March 2023 Board Meeting.

5. Chief Executive's Report to the Board (FSA 22/12/03)

- 5.1 In giving a summary of her report the CE noted the current operating environment reflected in the Board's agenda including the Government's Retained EU Law (Revocation and Reform) Bill, the FSA's In-year Prioritisation paper and the PB Bill where the FSA's Advisory Committee on Novel Foods and Processes (ACNFP) would be advising on the criteria for the two-tier approach. The Board would receive a paper at the March Board meeting about how to approach the PB authorisation process.
- 5.2 The CE mentioned challenges arising from food affordability and consumer research on trends resulting from Household Food Insecurity. Following the Board's discussion of Household Food Insecurity in June 2022 the FSA had collected evidence of consumers skipping meals, turning off fridges, and eating food past the use-by date. In November the FSA had published refreshed guidance for community food providers, as committed to in June.
- 5.3 The CE highlighted the awards noted in her report including from the Welsh Language Commissioner, the Net Zero 50 list, and the Lush Prize. The Chair added her congratulations to the teams in receipt of those awards.
- 5.4 Fiona Gately noted the workshops for the new Food Standards Delivery Model mentioned in the report. A shadow inspection with Environmental Health Officers (EHOs) from the London Borough of Merton which she had attended the previous day had highlighted the complexity of the changes within the new model but in general, the work was welcomed by those within the local authority. The CE said that the FSA had been working on ways to share data with local authorities to help with their implementation of the new Food Standards Model.
- 5.5 Fiona noted the public response to the PB Bill and suggested that a communications campaign would be helpful to consumers.
- 5.6 Peter Price paid tribute to the Welsh Language Unit which had won the award. The team had been recognised not only by Welsh first-language speakers but was seen across Welsh society as being good for the profile of Wales. The CE agreed that the FSA was very proud of the work of its Welsh Language Unit.

- 5.7 Ruth Hussey noted concern about the data on Household Food Insecurity and asked if there was more that the FSA could do. The CE said the FSA sought to share data as widely as possible with other departments and Non-Government Organisations (NGOs). Julie Pierce added that further consideration would be given about what else could be done within the FSA's remit to help consumers impacted by the cost of living crisis.
- 5.8 Hayley Campbell-Gibbons noted the Border Target Operating Model (BTOM) and the delays to the implementation of full import controls. She mentioned a recent visit to London Thames Gateway where she had heard about the importance of gathering the evidence-base through a full inspection regime not just for goods coming from the EU but also for third country importers coming via the EU. She wanted reassurance that frontline expertise was informing the design of future border controls. The CE said the FSA was working closely with Port Health Authorities on the design of the Government's future borders operating model. Import controls currently applied to high-risk food and feed from the rest of the world. Export health certificates, notifications and checks at the border were not currently applied to EU food and feed. The Chair said that there would be a formal update on this at the next Board meeting.

Action 2 - Executive to provide a formal update on progress towards the implementation of full import controls at the March Board Meeting.

6. Retained EU Law (Revocation and Reform) Bill 2022 (FSA 22/12/04)

- 6.1 The Chair noted that this item had been a primary area of focus for the FSA since the previous Board meeting. She invited Katie Pettifer and Sam Faulkner to introduce the item. Sam gave an overview of the paper and noted that, since its publication, the Bill had completed its Committee stage in the House of Commons with no amendments for the FSA to consider. The paper proposed a set of principles to the Board for the FSA's approach to dealing with retained EU law.
- 6.2 Peter Price said legislation imposed by the UK Government, which was unacceptable to the Welsh Government, would present challenges for the FSA. Anthony Harbinson added it would be helpful for the FSA to publish an outline of how divergence would be dealt with to reassure consumers they would not be negatively impacted. The Chair noted regular meetings she had held with Welsh Government and that work with the devolved administrations (DAs) was a feature throughout the FSA's work.
- 6.3 The Chair said she and the CE had met with Heather Kelman, the Chair of Food Standards Scotland to discuss issues around divergence and continued to work closely with them. When the principles were discussed at the Board's September 2022 meeting, protecting public health was considered as the top priority, as reflected in the paper. Confidence of consumers and trading partners was also included. It was noted that there could be circumstances where these principles were in tension with each other.

- 6.4 Mark Rolfe agreed with the principles and noted an opportunity for innovation to ensure effective consumer protection. Issues around trade could be in tension with those around public health and Mark flagged the unique role of the FSA in protecting the consumer interest as well as a safe trading industry. Timothy Riley agreed with the principles that were laid out in the paper but suggested that the principle around innovation and growth should also include reference to sustainability. The Chair said that initially, EU Exit appeared to present an opportunity to create a UK Feed and Food Act, but the deadlines would present a challenge and it would only be possible to reform a limited number of areas within the time available. The CSA added the FSA was involved in conversations on reforming technology for innovation, mindful of potential regulatory reform in sectors where there could be benefits for the FSA.
- 6.5 Fiona Gately said the principles should be explicit about seeking a managed transition through the process to ensure business continuity for food businesses and local authorities. She noted engagement had shown a widespread appetite for continuity and stability among stakeholders. The CE said it would be made explicit that the FSA would continue its commitment to implement changes through the devolution frameworks including consultation with stakeholders, to enable and manage any transition.
- 6.6 Ruth Hussey added that the principle around consumer protection should also be more explicit around food affordability. The Chair said officials should quickly identify how the principles could be refined and reordered to allow greater precision with the wording and give clarity when managing the process

Action 3 - Officials to identify how the principles around consumer protection could be refined and reordered to give clarity when managing the process

- 6.7 The Chair invited comments from the Board on the two phases of work outlined in the paper. Ruth said it was important to sustain the progress made around food safety to protect the consumer interest. She noted that phase 1 would secure the system to give confidence to stakeholders; and welcomed the detail on more efficient regulation for phase 2 and urged continued focus in this area.
- 6.8 The Chair asked Board Members to comment on paragraph 7 of the paper, covering risks and resourcing issues. Anthony noted the current absence of Ministers in Northern Ireland. It would be possible to engage with senior officials, but they would have limited scope to act. He urged a wider consultation, involving stakeholders beyond those in government departments in Northern Ireland to mitigate risks emerging from this.
- 6.9 The Chair said the Board recognised the scale of the work required and had asked for greater clarity on potential opportunities at the next meeting. The Board had identified possible changes ahead of the 2023 deadline and also wider reforms, before the second, 'sunset' deadline within the Bill. The Board were content with the guiding principles but wanted to expand the ambition for protecting the consumer interest. The Board supported the two-phase approach, working on a four-nation basis.

Action 4 - Katie Pettifer and Sam Faulkner to provide clarity on potential opportunities for refining the principles to expand the ambition for protecting the consumer interest at the March 2023 Board meeting.

7. In-year Prioritisation (FSA 22/12/05)

- 7.1 The Chair noted the issues that impacted on the FSA's time and resources and said that a 'salami-slicing' approach would be unlikely to reduce the resource burden sufficiently to provide capacity to deliver in key areas. She invited Katie Pettifer, Sam Faulkner and Kate Hargreaves to introduce the paper. Katie noted the need to reprioritise to redirect resources to key areas, clarifying that in this instance, resources referred to people; areas for potentially slowing or halting work; and the possible need for further reprioritisation.
- 7.2 Hayley Campbell-Gibbons noted the potential for a demoralising effect on FSA staff and the potential impacts on the public of the FSA pausing or halting programmes. Ensuring support for managers, would be important to communicate to staff and give clarity over the definitions of pause, reduce and stop. Ruth Hussey said that if people were diverted to different types of work, it would be important to enable professional development to retain the skills needed to address issues as resources returned. Margaret Gilmore endorsed the decisions on work that should not go ahead but said it would be necessary to communicate to staff why this was necessary.
- 7.3 Margaret Gilmore supported the need to pause and review much of the allergen work stream. She welcomed the decision to prioritise work on Precautionary Allergen Labelling. Ruth said food hypersensitivity was a key issue for consumers and cautioned against cessation of that work and ensuring the groundwork be laid for the next phase around information for consumers. The Chair welcomed the focus on PAL, which had the potential for significant public health benefits.
- 7.4 Margaret said she would like more information on local authority audits and why they may be temporarily paused. Mark said that not filling vacancies would present a risk for some of the local authority work and suggested close engagement with local authorities on how best to carry out the audits efficiently. Maria said that local authority audit had been increasing since the pandemic. The FSA were also picking up issues through engagement work with local authorities, as part of the performance management process. The purpose of audit was to identify best practice and to help them to improve. The proposal in the paper was not to stop local authority audits, but to keep any increase in line with resourcing.
- 7.5 Mark Rolfe asked whether the food hygiene delivery model was an area where further resources were required. Maria explained that the FSA had engaged with 169 local authorities about their resources and how they were managing to

deliver on their pandemic recovery pathway, and this had helped the local authorities to identify the resources required.

- 7.6 Mark asked about the potential impact of not renewing the strategic threat assessment for the National Food Crime Unit (NFCU). Peter Price noted the report mentioned seeking PACE powers for the NFCU and asked for assurance that the FSA would continue to press for increased powers for the NFCU where this would not require significant additional resource. Junior Johnson said that work in this area would continue, using the data intelligence feeds to prioritise investigations. The pause on the strategic threat assessment mentioned in the paper related to the publication that took place every three years.
- 7.7 Mark noted it was proposed that the pace of work around the modernisation of data for local authorities be reconsidered and asked about the impact of this for monitoring performance and delivering the Food Standards delivery model. Katie said that the phase of local authority data modernisation work that was underway would continue. The CE added there would be a review involving incremental thinking about how audit and performance management fit together and ARAC would have the opportunity to engage with that in March.
- 7.8 The Chair asked whether the Food Hygiene delivery model would be affected. Katie said it had previously been suggested that the reforming of the Food Standards model was more urgent, but local authorities were struggling with resources for the Food Hygiene official controls. Reform could take a long time and work on the solution would be needed now to mitigate issues going forward. The intention was not to take Food Law Code of Practice requirements away but to change the model so that local authorities could direct resources where most needed. Maria added local authorities needed to have the flexibility to do the work they identified locally to allow them to prioritise work.
- 7.9 Ruth noted ARAC had been considering the issue of local authority audit and said the Board would need an effective and modernised performance management system. Ruth asked for assurance that the FSA remained on course to complete the work ARAC required for its considerations. The CE noted ARAC had agreed an increase for auditors in England to more closely match numbers in Wales and Northern Ireland. The posts not being filled were for people who were now working on the REUL Bill work. It was intended for the March ARAC meeting to consider how audit reporting matched up with the management framework.
- 7.10 Mark noted the reference in the paper to HR systems and asked whether there was capacity to extend existing contracts or if they were coming to an end. Tara Smith said the contracts for the finance and the HR systems were coming to an end and there was an opportunity to modernise the systems with efficiency as a focus.
- 7.11 Timothy Riley said he supported the pause on the insourcing of Official Veterinarians (OVs) noting the importance of clarity on future plans. The Chair

noted that there would be an update on in the insourcing of OV's in the CE's Report to the Business Committee (FSA 22/12/12).

- 7.12 Timothy said he was concerned that sustainability could be deprioritised and urged consideration for how that could be integrated into workstreams. Fiona Gately said bringing together the sustainability elements embedded in the science work would contribute to the overall narrative of what the FSA was doing on sustainability. This would help inform how the FSA worked with new technologies, new businesses and regulatory strategies.
- 7.13 Hayley asked whether the Annual Report of Food Standards should remain annual or be changed to a bi-annual report. The Chair said that if it was to become established as a regular update it would be important to maintain that frequency within its early years, noting that some years there may not be as much to say about some areas of work, and future reports were unlikely to be of a similar scale to the first.
- 7.14 Peter noted the importance of work with the devolved administrations, highlighting the Welsh Government's interest in the REUL Bill, and the PB Bill and welcomed the focus on that area.
- 7.15 Fiona noted the paper proposed not expanding international profile building. She asked if there was work to be done bilaterally on trade agreements. Anjali Juneja said work would be targeted and conversations had taken place with the Chair of Codex Steve Wearne. The international team would also be restructured under the Trade lead, to ensure a more targeted approach.
- 7.16 The Chair asked about impacts on the risk profile and potential concern in relation the risk register and risk appetite. The CE confirmed the proposals did not approach the Board's risk appetite threshold. Should cuts be made to the scientific or policy capabilities for the risk analysis function, it would do but this was not the case at this time.
- 7.17 The Chair confirmed the Board broadly supported the four main areas highlighted in the paper; accepted the need for changes to the FSA programme for OV's and endorsed that reprioritisation. The Board were open to a scaled-back version of the Annual Report on Food Standards; had offered guidance on incorporating sustainability; urged a balanced approach relation to the NFCU, local authorities, international work and HR; and warned that this may not be the end of the reprioritisation process with further prioritisation conversations potentially required later in 2023.

8. Operational Transformation Programme and Future Scope (FSA 22/12/06)

- 8.1 The Chair invited Junior Johnson and Richard Wynn-Davies to introduce this item. Junior outlined the work in delivering new working methods and insights from stakeholders. Richard gave an overview of the paper covering the background to the programme's ambitions; technology; the impacts of COVID-19 and EU Exit; the public consultation in 2021; the need for new legislation;

research on risks and benefits of potential legislation and the risks of divergence across the UK; achievements over the previous year; stakeholder views of dual controls; and the current political climate.

- 8.2 The Chair invited comments from the Board on completed and planned components of the work outlined in Annex two of the paper. Timothy Riley said there were great opportunities for the Achieving Business Compliance (ABC) programme to streamline data usage and communicate that data to producers to educate, inform, and advise on avoiding problems arising. Mark Rolfe asked about the implications for the ABC programme. The CE said bringing elements into the ABC strategic space under the Director of Strategy would enable a blueprint for long-term ambitions. Katie Pettifer added that changes would not impact on the projects within the ABC programme, and it would be important to ensure that the same direction of travel was maintained.
- 8.3 Margaret Gilmore asked about advances in technology, noting the impressive use of technology for traceability as a pilot within the ABC programme which Board Members had seen on a recent visit to Sainsbury's. The Chair said traceability would be of increasing importance within modern global systems. Julie Pierce said there was a significant amount of work underway on traceability and some of this was within the work that the FSA was carrying out at the border. The Chair said it would be useful if the Board could be provided with more detail on this work.

Action 5 - Julie Pierce to provide additional detail on developing technological traceability systems.

- 8.4 Anthony Harbinson noted there was evidence for re-focusing on modernisation and cautioned it would be important to maintain a focus on future reform to avoid a risk of modernisation that would only be beneficial for the short term.
- 8.5 Timothy noted concerns had come from a range of smaller food businesses and it would be important to remain sensitive to their concerns. Peter Price noted that the Welsh Food Advisory Committee (WFAC) had considered the paper and emphasised the needs of smaller businesses as these are more numerous within Wales.
- 8.6 Margaret said she supported option two presented in the paper but asked what could be done to help small abattoirs. Fiona said she supported option two, but it would be important to see the detail of how it would look. Anthony said he also supported this option.
- 8.7 Lord Blencathra expressed disappointment that the Operational Transformation Programme would not progress as intended, noting the paper had set out the potential benefits and before saying there was limited appetite from stakeholders. It was not expected that the larger stakeholders would welcome change emphasising a need to rescope. Option 2 from the paper seemed to be the more sensible option but there was no time scale included, which would be necessary to give a clear idea about when elements could be progressed. On the Dual approach, David said this should be manageable for larger

stakeholders and allow smaller businesses who were not exporting to benefit from a simpler system.

- 8.8 The CE said it had been hoped post-Brexit, the FSA could take advantage of being outside the EU to reform the proscriptive rules the EU operated for abattoirs but the FSA had understood that if the UK operated a system that the EU did not trust, they would not accept exports from the UK, jeopardising the UK meat industry. For a fully reformed system to work where product destined just for the UK market was controlled differently to that heading to the EU, a trusted mechanism for tracing animal by-products and offal would need to be in place, a negotiated agreement with the EU would be needed, and the Board needed to be content with different regimes in England and Wales to Northern Ireland.
- 8.9 The Chair concluded the Board had expressed support for option two and accordingly, that the FSA should not push for immediate legislative change. The Board had expressed a wish to see more detail on modernisation plans as soon as it was available including a more detailed workplan.

Action 6 - Executive to bring a more detailed paper on implementation of option two to a future Board meeting in 2023.

- 8.10 Margaret Gilmore asked if staff had been made aware of the likely upcoming changes. Junior Johnson said they some of the team would be joining the ABC programme and some would remain with Operations.
- 8.11 The Board acknowledged broader political changes could also impact on this work programme, particularly the UK's relationship with the EU. There would also need to be further stakeholder engagement explaining the changes and reasons for them.

9. FSA Science Update 2022 (FSA 22/12/07)

- 9.1 The Chair asked Julie Pierce and Rick Mumford to introduce this item. Rick gave an overview of the paper explaining the role of science underpinning the work of the FSA; work completed since the previous year's report; prioritisation and the science capability plan; and monitoring progress against key performance indicators (KPIs).
- 9.2 Timothy Riley noted the importance of advice from the Advisory Committee on Animal Feed (ACAF) but also recognised the value of taking into account real-world insights from industry, as well as academic focused research. Rick said Timothy was right to note the importance of ACAF, which had been re-established this year, taking over from the previous joint expert groups. There was an ongoing horizon scanning project, looking at the future of animal feed, which was being led by a Research Fellow based in Northern Ireland as part of a multi-university consortium.

- 9.3 Ruth Hussey said as part of reprioritisation, it would be important that laboratory capacity be maintained. Rick said as funds became more limited it would be necessary to look outside of the FSA and work across government. As presented in the September 2022 Board paper on the Public Analyst Official Laboratory System this was something we would be looking to do, under Phase three of the labs plan and increasingly working with other governmental departments.
- 9.4 Ruth welcomed the maintenance of skills through the capability plan and said it would be important to ensure this was sustained. Rick agreed and added this was true not only internally but in ensuring access to skills from across government. The CSA said it was a key issue that would require attention. The reactivation of the Civil Service fast-stream for science and technology was welcome and would help with ensuring people with strong science and technology backgrounds could be recruited into policy.
- 9.5 Ruth welcomed the inclusion of KPIs but noted missing data within the report and asked whether this could be seen before the next Annual Report. Rick said the issue for inclusion of complete data in the KPI report was timing, as while the data for some KPIs was collected regularly, for others it was only collected annually, for example, from results of annual Staff Survey. In order to present it on a more regular basis, it would be considered how to present the data to the Business Committee. The Chair added that it could be incorporated into the information included in the Performance and Resources Quarterly reports to the Business Committee.

Action 7 - Rick Mumford to liaise with Tara Smith to include data on KPIs in quarterly Performance and Resources Report to the Business Committee.

- 9.6 The Chair asked how the horizon scanning function could be incorporated into the work. Rick said this was another area where there was an opportunity to work more closely across government, and there had been engagement with other government departments about horizon scanning and how the FSA could contribute. Horizon scanning would be taken into consideration in prioritisation and ambitions may need to be managed. Julie added the FSA continued with horizon scanning and were mindful of resources. External routes were being examined, as well as making use of the insight from the rest of the FSA. The CSA said the regulatory reform work included a horizon scanning component and there had been discussions with the Science Council to discuss innovation that may be coming, which might have regulatory aspects.
- 9.7 Peter Price said WFAC had considered the paper and had suggested working with partners noting successful work with Welsh universities including the zero-to-five enterprise at Cardiff University. Two opportunities WFAC suggested promoting further, were the funding of Fellows and PhD students from Wales, as the FSA currently does not fund any, and engagement with the Welsh Government's Sêr Cymru programme. The Chair noted the competitive nature of Fellows/PhD applications and said it would be important to ensure Welsh universities were aware of any opportunities and to encourage applications. The Chair and the CSA had also previously discussed routes for Fellows in

science. A UK Research and Innovation (UKRI) fellowship scheme for science into policy had been announced and applications for people to join through that scheme would be welcomed.

- 9.8 The Chair noted the progress outlined in the report and that more regular reporting on the KPIs would come to the Business Committee in future.

10. Annual Governance Report (FSA 22/12/08)

- 10.1 The Chair explained that for this item, Deputy Chair Ruth Hussey would chair the discussion. The Chair then gave an overview of issues covered in the paper including plans to improve diversity and mitigations in the absence of diversity among Board membership; plans for changes to the system for taking questions from the public; and the proposal for reform of the Business Committee.

- 10.2 Ruth Hussey invited comments on the paper from the Board. Hayley Campbell-Gibbons noted that the findings of the external Board Effectiveness Review had been positive. She endorsed the recommendations of the paper noting that the Terms Of Reference (TORs) for a reformed Business Committee could be adapted if necessary as improvements or issues were identified. The Chair agreed and said the TORs could be further refined and kept under review.

Action 8 - Board Secretariat to refine the Terms of Reference for the reformed Business Committee.

- 10.3 Hayley welcomed the approach to improving ethnic diversity on the Board and highlighted socio-economic diversity as a priority area across the Civil Service. Margaret Gilmore noted the recent appointment of Judith Hanvey as the FSA's Board Apprentice and suggested an expansion of the scheme to encourage diversity at Board level.
- 10.4 Margaret said it would be important to demonstrate attention to transparency when making changes to the Business Committee to maintain public trust. Changing from public to private meetings of the Committee could raise concerns about what was being discussed and it would be important to be open about this publicly. Timothy Riley said that if the business was focused and efficient there should not be an issue but there should be an option to bring issues to the Board where it was thought to be in the public interest. The Chair agreed and added it was intended that the agenda and papers from the Business Committee would continue to be published. A paper summarising discussion at the Business Committee would come to the Board in a similar manner to the Audit and Risk Assurance Committee (ARAC) summary. Together this package of information should enable people listening to the Board meeting to see the papers and know what was discussed.
- 10.5 Margaret said it would be important to avoid creating further work for the Executive and to maintain the separation of responsibilities between the

Business Committee and ARAC. The Chair said, the Business Committee already existed and moving discussions from one forum to the other should not create additional work and would not change the relationship between the function of the Business Committee and that of ARAC.

- 10.6 Mark Rolfe noted the importance of giving the public the opportunity to raise questions at Board meetings and asked whether the new system proposed in the paper could be used to encourage more direct questions and discourage lengthy statements of opinion. The Chair said a web-based system had been proposed which would ensure specific questions were submitted and limit the space for longer statements.
- 10.7 Ruth Hussey concluded the Board had urged refinement and continuous review of the Terms of Reference for the renewed Business Committee and agreed the new automated online system to be trialled in March. The next annual governance review would consider the effectiveness of changes. Margaret said it would be helpful if during the Business Committee meeting that would take place that afternoon, the Chair could highlight the items that would be considered by the Board and which by the reformed Business Committee for future meetings.

11. Report from the Chair of the Northern Ireland Food Advisory Committee (FSA 22/12/09)

- 11.1 The Chair invited Anthony Harbinson to introduce the report noting that this was his first written report to the Board as the Board Member for Northern Ireland and that having started his term of office at the beginning of September, the report largely reflected work done during the tenure of his predecessor, Colm McKenna. Anthony gave an overview of the report, paying tribute to Colm McKenna's work during his time as Chair of the Northern Ireland Food Advisory Committee (NIFAC) and Maria Jennings in her role as Director for Northern Ireland. The overview covered the FSA Strategy; NIFAC's forward the work programme; REUL; BTOM; PB; and ambitions for the next few years.
- 11.2 Margaret noted the report did not mention the Northern Ireland Protocol and asked about the influence of that on NIFAC's discussions of issues. Anthony said the protocol was a factor in the discussions of most issues that NIFAC considered but had not been included in the report due to the political nature and the FSA's lack of ability to change it. Part of the NIFAC Chair's role was to engage with relevant ministers, stakeholders and officials. And ensure that issues arising from the Protocol for the work of the FSA were effectively communicated.
- 11.3 The Chair noted NIFAC's visit to Lakeland Dairies and said it was unfortunate that the Board had not been able to be in Northern Ireland in September when a similar visit had been scheduled. During the visit, there had been a discussion on REUL and the impact of the Protocol.

11.4 The Chair noted that a recommendation from the Board Effectiveness Review involved consideration of how the Food Advisory Committees (FACs) in Northern Ireland and Wales worked to ensure that maximum value and Anthony had agreed to lead this work.

12. Report from the Chair of ARAC (INFO 22/12/01)

12.1 The Chair invited Timothy Riley to introduce his report on the activities of ARAC since the last Board meeting. Timothy highlighted ARAC's discussions relating to the Annual Report and Accounts (ARAs) and delays in sign off due to issues with the Local Government Pension Scheme; key issues for the Board requiring ARAC's input; risks from reprioritisation; the FSA's commitments in relation to climate change and sustainability; cyber-security; and Freedom of Information requests (FOIs).

12.2 The Chair said she had agreed that Anthony Harbinson would be joining ARAC from 2023. She invited comments from the Board. Ruth Hussey highlighted the final paragraph of the report suggesting the risks to Local Authorities from COVID-19 had reduced. As a member of ARAC, Ruth confirmed this was true, but the risks remained a focus for ARAC.

13. Reports from the Chairs of the Food Advisory Committees (Oral Reports)

13.1 The Chair asked Peter Price to give an update on the work of WFAC since the previous Board meeting. Peter said WFAC had held two meetings since the last Board meeting. Last week WFAC had met to consider the papers for this meeting. On 20 October WFAC had met in Wrexham looking at all aspects of the food industry in Wales and conducting a forward look. It had been a good opportunity to engage stakeholders in North Wales and the meeting was well-attended. Peter also noted that he had attended meetings with the Chair with Welsh Government Ministers on the PB Bill and the BTOM, where Welsh angles on both were particularly important.

13.2 Anthony Harbinson noted NIFAC's visit to Lakeland Dairies and the scale of that business and its international profile which highlighted the presence of global firms within Northern Ireland. The Chair said that the Board were looking forward to visiting Northern Ireland in June 2023.

14. Any Other Business

14.1 No other business had been raised by Board Member and no members of the audience for the meeting raised any questions for the Board. The Chair closed the meeting. The next meeting of the FSA Board would take place on 22 March 2023 with a venue to be confirmed.