
**MINUTES OF THE FSA BOARD MEETING HELD ON 28 JANUARY 2016 AT
AVIATION HOUSE, LONDON FROM 09:00-12:10**

Present:

Tim Bennett, Chair; Heather Hancock, Deputy Chairwoman; Henrietta Campbell; Jim Smart; Heather Peck; Ram Gidoomal; Paul Wiles; Roland Salmon, Jeff Halliwell

Officials attending:

Catherine Brown, FSA Chief Executive
Steve Wearne, FSA Director of Policy
Jason Feeney, FSA Chief Operating Officer
Guy Poppy, FSA Chief Scientific Adviser
Julie Pierce, FSA Director of Openness, Data and Digital
Sian Thomas, FSA Head of Information Management
Nina Purcell, FSA Director of Wales and Local Delivery
Rod Ainsworth, FSA Director of Regulatory and Legal Strategy
Rebecca Merritt, FSA Head of Private Office

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone to the meeting. The Chair reminded all Board members to declare any relevant conflicts of interest before discussions.
2. There were no items raised for discussion under Any Other Business; a Board member said he would like to ask about progress on the issue of rare burgers and the Chair said it would be dealt with under Actions Arising.

MINUTES OF MEETING HELD ON 18 NOVEMBER 2015 (FSA 16/01/01)

3. The minutes were agreed as an accurate record of the 18 November 2015 meeting.

ACTIONS ARISING (FSA 16/01/02)

4. The Chair said the actions to amend the minutes of the September 2015 meeting had been completed and the changes accepted so the agreed minutes would now be published.
5. Regarding the action on rare burgers, Steve Wearne said the update on the timescales for the work streams which came out of the September 2015 Board discussion had been circulated to the Board and would now be published alongside the minutes from the November 2015 meeting.

ACTION: Board Secretariat

6. Steve said we had progressed issues on all fronts, including a meeting before Christmas with operators of larger restaurant chains to discuss the future wording of consumer advisory statements on menus, and preparation of a paper for the Advisory Committee on the Microbiological Safety of Food (ACMSF) meeting the day following this Board meeting. Since the Board's decision in September, local authorities

reported having more clarity on when to take enforcement action. The Board would receive a further update in July 2016 by which time all the scheduled actions in last week's update to Board members would have been completed.

7. A Board member said the decision taken by the Board in September had been an interim one and before they could take a final decision on the level of acceptable risk for consumers in eating rare burgers the Board needed:
 - the advice from the ACMSF on what could be achieved in log reduction from interventions;
 - to know the trigger points that would refer the issue back to the Board; and
 - assurances on the controls that have been put in place by suppliers of minced meat intended for consumption raw or lightly cooked.
8. The Board asked for more pace on the completion of the actions that would allow them to make a final decision on this issue. Catherine Brown said we had already seen improvements on the ground in the reduction of risk to consumers from eating rare burgers and agreed that following the ACMSF meeting, we would look at what we could do to move forward more quickly on the scientific risk assessment in which the Board were particularly interested.
9. The Chair acknowledged that the importance of this issue and the Board's desire to be kept fully briefed on progress and asked that the Executive explore the possibility of bringing the substantive discussion to an earlier Board meeting and in any case to ensure that the Board was updated at each of its meetings. He said the Board would receive an update in the Chief Executive's Report for the March 2016 Board meeting.

ACTION: Director of Policy

CHAIR'S REPORT

10. The Chair said the list of engagements he had undertaken since the last Board meeting had been published on the website. He highlighted the event the FSA had chaired on Climate Change and Food Safety in December 2015 at which Lord Krebs had been the guest speaker and his meeting with Professor Sir Mark Walport, government Chief Scientific Adviser to discuss joining up the food chain across government.
11. The Chair said Paul Wiles would be standing down from the Board later this year and Jim Smart had agreed to take over as Chair of the FSA Audit and Risk Assurance Committee.
12. Finally, the Chair paid tribute to Stephen Humphreys, FSA Director of Communications, who was leaving the FSA at the end of the month and on behalf of the Board, the Chair wished Stephen all the best for the future.

CHIEF EXECUTIVE'S REPORT (FSA 16/01/03)

13. The Board joined Catherine in thanking the FSA staff involved in the successful handling of the flooding in York over the Christmas holiday.
14. A Board member drew attention to a recent newspaper article which stated that it had taken four days before a food poisoning incident which had killed one person and poisoned 32 others had been reported to the authorities. He also noted the lenient sentencing passed on the Food Business Operator (FBO) by the Judge.
15. During discussion the following points were made: we worked closely with Public Health England (PHE) and the equivalent bodies in Wales and Northern Ireland to identify such incidents as quickly as possible and we reviewed the systems in place; hospitals did have a legal obligation to inform local authorities of outbreaks; we would discuss the incident in question with PHE to see if we could learn anything from it; we would look to use data and technology in the future to shorten the time it took to respond to incidents; and we also sought to give attention to cases where appropriate levels of sentencing were passed to encourage more of the same.
16. The Board welcomed the fact that Rutland County Council had decided to adopt the Food Hygiene Rating Scheme (FHRS) as this meant every Local Authority was now signed up and strengthened our case for mandatory display of FHRS ratings in England.
17. On the overall reduction in levels of Campylobacter in chicken, the Board noted the difference between those retailers at either end of the spectrum and asked if industry was sharing best practice or if we needed to strengthen our messages to consumers about where was best to shop.
18. Catherine said there was good sharing of best practice across industry and hoped that now that industry knew what had to be done to reduce contamination levels it was only a matter of time until all retailers were able to achieve the same results. Should this not occur within the next few months it would be sensible to review the possibility of advice to consumers on where to shop based on differential levels.
19. With regard to industry sharing the data it collected on levels of Campylobacter on chicken, Steve said the ACT (Acting on Campylobacter Together) Board had met with retailers and producers to discuss developing systems and processes from which we could be assured the data was to standard and could be relied upon by consumers. We had also formally written to the British Retail Consortium (BRC) and the British Poultry Council (BPC) to ask them to take the lead on designing and delivering such systems. Going forward it was vital for the FSA that the collection and sharing of data was no longer duplicated or funded by the tax payer.
20. Catherine said the Board would receive an update on the Campylobacter campaign at the March 2016 Board meeting.
21. In answer to a question relating to the findings of the Grocery Code Adjudicator's investigation into Tesco, which had come out after the Chief Executive's Report had

been written, Catherine said she had not considered the details of it yet. In terms of our Regulatory Strategy and Future Delivery Model, it seemed to underline the importance of robust independent challenge to big business and of not assuming that controls were in place which aligned with suppliers' and consumers' interests.

22. The Board thanked the FSA staff who were dealing with the influx of applications for Certificates of Competence for individuals who wished to carry out slaughter operations. Jason Feeny confirmed that all existing cattle restraint boxes had been reviewed and found to be compliant and two new approvals had also been granted. Catherine confirmed that the Board would receive an update on the action plan to strengthen animal welfare safeguards from the farm to the point of slaughter later this year.
23. In response to a question from the Board, Catherine said it was hard to quantify the key cost pressures which needed to be absorbed within allocated funding up until March 2020 as there were multiple variables that affected their scale and timing. Catherine confirmed that the FSA Business Plan and Budget 2016/17 would come to the Business Committee in March 2016.

A DATA DRIVEN FSA (FSA 16/01/04)

24. The Chair welcomed Julie Pierce, FSA Director of Openness, Data and Digital and Sian Thomas, Head of Information Management, to the table and invited Julie to introduce the paper and make a presentation on the FSA's approach to data.
25. Sian Thomas then gave some examples of work the FSA had already done to use data to achieve our strategic objectives: the use of Twitter data to predict to an 80% rate of accuracy outbreaks of Norovirus; collaboration with the Centres for Disease Control and Prevention (CDC) in the US to extend their early warning map of outbreaks to the UK; the collation and display on a map of local authority prosecution data; the use by other people of the open data feed from the back end of the Food Hygiene Ratings Scheme (FHRS); and pilot projects involving The Internet of Things.
26. Sian and Julie emphasised the number and variety of partners with which the FSA would have to work to increase the beneficial impact of data for consumers.
27. They pointed out that the FSA had always been committed to the principles of being open and transparent and proposed that we adopt the position of being "open by default" in line with government policy. This required work across a wide range of areas (data standards, data linking, data protection and privacy, ethics) in which we would need to access external expertise, for example through working with the Open Data Institute) as well as building our own expertise.
28. Julie said the Board would be kept up to date on the development of an information infrastructure through reports to the Business Committee and that related issues would also be interwoven through various of our strategic initiatives e.g. the development of the future delivery model.

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29. The Board welcomed the paper and the presentation and were excited that the FSA was on the cusp of transformational change to become genuinely data driven. The Board noted that “open by default” would require culture change within the Agency.
30. In response to questions from the Board, Julie made the following points:
- we were driving cultural change within the Agency by working with Information Asset Owners to educate them on the value of their assets and by sharing examples of what we had achieved already by increasing our use of data;
 - we were assessing the data/information skills across the FSA to identify and enable us to appropriately address skills gaps;
 - we are working closely with partners from across Government and beyond allowing us to learn from each other’s experience;
 - we had close links with academic organisations and invested time in bringing FSA staff up to speed with new ways of thinking;
 - our focus on value for money across all our activities is equally relevant here and we were looking at the Information Assets and systems to ascertain what the value of various assets were and how much they cost to collect;
 - we would continue to engage with consumers on issues of data use and privacy via consumer panels and at our Food Futures event in February 2016 inter alia;
 - we would look to learn from the ODI who were leading across Government on establishing control frameworks on how and what could be published.
31. Guy Poppy said the FSA had to be confident in sharing data with others as an equal partner; we had to ascertain which skills we actually needed to have in-house and then commission those who had the skills we did not have, such as the Turing Institute, to work with us.
32. The Chair said the key principle of being “open by default” was the correct policy and would require a culture change at Board level too; and that requests by the Board for data would have to be shown to add value proportionate to the costs of collection.
33. Julie said the information infrastructure, or foundation, of the future would be very different from that of the past. We would move away from a large inflexible monolithic infrastructure that we owned, to a data eco-system; and we would move away from an FSA centric point of view to a wider view of the world with a different frame of reference as a starting point. She confirmed in answer to a question from the Chair that protocols would be put in place to define and operationalise “open by default”.
34. Catherine said there was a leadership role for the Agency and the Board in particular, to support culture change and be less risk averse so that the Agency remained relevant and got the best out of data for consumers’ benefit.
35. In concluding, the Chair said the Board had a lot of interest in the development of the information infrastructure as it underpinned everything we were trying to achieve with our Strategy. He said the Board agreed with the recommendations in the paper and would want to be fully engaged with, and supportive of, developments.

**UK LOCAL AUTHORITY FOOD LAW ENFORCEMENT ANNUAL REPORT 2014/15
(FSA 16/01/05)**

36. The Chair welcomed Nina Purcell, FSA Director of Wales and Local Delivery, and Rod Ainsworth, FSA Director of Regulatory and Legal Strategy, to the table and invited Nina to introduce the paper.
37. Nina introduced the Annual Report, together with the summary data on individual local authorities (LAs).
38. A Board member said the report presented a picture of increasing demand, decreasing resources and a shortage of skilled personnel. She said the system might not be broken yet but it was creaking badly and if it was not changed, it would fail. We needed to facilitate a new systems wide approach by bringing together those with responsibility, such as other Government Departments (OGDs), LAs and FBOs.
39. Nina said the report had been written using LAs' data and LAs were already engaged in considering the changes needed to improve delivery. Nina said for example the success of establishing a better animal feed controls system in Wales was evidence of what could be achieved when LAs and the FSA worked together.
40. In response to a question from a Board member, Nina said that the trend of increasing numbers of food businesses looked to be continuing; consequently pressures on regulatory services would continue to grow.
41. There was acknowledgement by Board members of the differences within and between the countries of England, Wales and Northern Ireland.
42. In response to comments from the Board, Julie Pierce said that we needed to look at the Local Authority Enforcement Monitoring System (LAEMS) data to establish whether we were all collecting the right data that gave us the right insights in the most cost effective way.
43. During discussion the following points were made: while many LAs were struggling to deliver what was required of them, some were being innovative and doing great work; historically we had one model of controls but now we were looking not just at controls but at how regulation in its entirety was delivered and this would allow for greater variety in how we delivered controls; even if LAs were not having resource pressures, the time was right for us to consider a new system more suited to the challenges of today and the future.
44. The Chair concluded that the Board had noted the statistics; LAs' performance; and the concerns this raised about the sustainability of the current enforcement delivery model.

**DELIVERING THE FOOD STANDARDS AGENCY'S REGULATORY STRATEGY
(FSA 16/01/06)**

45. The Chair welcomed Rod Ainsworth, FSA Director of Regulatory and Legal Strategy, and Nina Purcell, FSA Director of Wales and Local Delivery to the table and invited Rod to introduce the paper.
46. Rod said this paper picked up where the previous paper on the agenda had left off; in order to achieve the FSA's strategic objectives for 2015-2020 we needed a fundamental redesign of the FSA's regulatory role and the way in which the regulation of food businesses was delivered.
47. The principles of the regulatory strategy agreed by the Board in January 2015 could be summarised by the following: "We're here to make sure businesses do the right things for consumers, and encourage them to change their behaviour if they're not."
48. The FSA was committed to working in partnership to achieve that strategy so this paper was setting the scene for how we were going to start an intensive period of engagement with industry, LAs, consumers and others. The first stakeholder event had been arranged for 10 February 2016 in Cardiff when we would seek a range of stakeholders' views on the key principles, or features, of what future regulatory delivery might look like as outlined in the paper.
49. The Chair said this was the Board's opportunity to influence the principles before they were used as the basis for discussion with stakeholders.
50. A Board member suggested that as so much regulation had previously been process driven, a principle could be added to be more outcomes focused.
51. The Board welcomed stakeholder events and suggested that in parallel we used creative digital technology to empower individual consumers, as opposed to just relying on consumer groups, to increase consumer engagement with us. We should also engage with consumers more widely and throughout the development of the new regulatory system so consumers had trust in it when it was established.
52. Rod said consumer engagement was vital to the design of the new system as establishing an operating environment for businesses which encouraged compliance involved harnessing the power of the consumer; individual consumers would be present at stakeholder events.
53. In discussion Board members said they hoped we would be open to allowing stakeholders to influence the principles too. Catherine said we viewed the design of the new system as iterative and that in her view stakeholders would now mainly want to engage with and influence the key design features of a new system – the ways in which the principles would best be applied - and understand what the principles might mean in practice.
54. In response to a question from a Board member, Nina said in comparing other countries' regimes, we had come across good examples of where authorities had

developed closer relations with FBOs without compromising their status as the competent authority. The authorities had done this by assuming a governance role and by setting standards which the FBOs could demonstrate they were meeting and challenging robustly where appropriate.

55. The Board welcomed a technology and risk-based regulatory system. Julie Pierce said the opportunities technology might offer would be built in to the new model and we would be careful to future proof so as not to be tied to a particular type of technology.
56. The Chair of the Welsh Food Advisory Committee (WFAC) said the Committee had commented that the issue of funding was complex, and that in relation to the responsibility for funding increasingly passing from the taxpayer to businesses, both the potential burden on those businesses and the need to maintain regulatory independence would need to be taken into account.
57. The Chair said the status quo was not an option; the global food chain and the way consumers bought food was changing. We needed to be ambitious to achieve our strategic aim of improving outcomes for all consumers.
58. In concluding the Chair said the Board had considered and commented on the outline framework of principles that would be a basis for discussion at upcoming stakeholder events. Board members would be present at the stakeholder events and so able to continue to contribute to the development of future regulatory delivery.

REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 16/01/01–02)

59. Henrietta Campbell, Chair of the Northern Ireland Food Advisory Committee (NIFAC), had nothing further to add to her report.
60. Roland Salmon, Chair of the Welsh Food Advisory Committee (WFAC), said the Committee had expressed a wish to be updated on the position with regard to GM organisms and food.
61. The Chair agreed it would be helpful for the Board to be updated on advances in Novel Foods; Catherine agreed to provide the Board with a briefing note as part of a weekly briefing circulation.

ACTION: Director of Policy

ANY OTHER BUSINESS

62. The Chair advised that there was no other business and closed the Board meeting.

DATE OF NEXT MEETING

63. The next meeting of the FSA Board would take place on Wednesday 16 March 2016 in Aviation House, London.