

Chief Executive's report to the board

1. I want to start by extending my thanks to staff, the Board and our partners for making me so welcome in my first four months as Chief Executive of the Food Standards Agency. In this report, I share my early impressions of the Food Standards Agency and the food regulatory system and update the Board on a number of key issues, including the implications of the General Election, EU exit, three areas of regulatory risk (Cannabidiol, food ordering platforms, and the substance DNP), local authority performance, and some corporate FSA matters.
2. My time over this period has been focused on reviewing the Regulating our Future programme, getting to know the work the FSA does on meat hygiene controls (I have visited two abattoirs and Smithfield Market), introducing myself to staff around the country (I have now been to all of our offices in Belfast, Birmingham, Cardiff, London, and York; some of them I have visited more than once), meeting stakeholders such as local authorities, the British Retail Consortium, Allergy UK, and others, and reviewing our work programme for 2020-21. With Steve Wearne, I also appeared in front of the Public Accounts Committee at the end of October to give evidence, alongside David Kennedy, the Director General of Food, Farming and Biosecurity at Defra, on the NAO's report on food standards.

First impressions

3. **The mission matters.** The FSA is an organisation with a clear mission, around which the staff and the public can unite: 'food you can trust'. It is a mission that touches every member of the public's life, several times a day, and I feel privileged to be involved in this aspect of feeding the nation.
4. **The Government landscape to address issues around food is complex.** The FSA is 20 years old in 2020. Its own remit has been altered over those twenty years as devolution was extended, and as responsibilities were removed on food standards policy and nutrition, leaving its main focus on food safety and hygiene. There are national conversations underway on obesity, environmental standards and carbon, and animal welfare, in part intensified by pressure on NHS budgets, the prospect of new trade agreements and the climate emergency. The Government landscape for holding these risks, and therefore improving on outcomes, is fragmented. This is one of the reasons why the conversation the Board is having with Henry Dimbleby on the English national food strategy is so important.
5. **We cannot take food safety, food authenticity or accurate labelling, for granted.** Every food-related illness or death, every incorrectly-labelled product, every avoidable allergic reaction, weighs upon the FSA. Those of us who are engaged in the regulatory system must never be complacent and must continue to point out gaps and be vigilant about the quality of regulatory controls.

6. **FSA and local authorities' spend on food controls is dwarfed by the value of the UK food and drink industry.** Total consumer expenditure in the UK on food and drink was, in 2018, £226bn; and the agri-food industry adds some £121bn to the UK's GVA. Around 4.1 million people work in the food industry in one way or another. In 2018-19 the total operating expenditure (before income recovery) for FSA in England, Wales and Northern Ireland was around £130m, and local authorities in England, Wales and NI spent around a further estimated £145m on food safety controls. This means that the FSA and local authorities must be strategic, prioritised, tailored and proportionate in the way that they operate.
7. **The FSA's relationship with business is therefore crucial to success.** We exist to put consumer interests first. But safe and trusted food is there because businesses do the right thing. The FSA should be aiming for a relationship of mutual respect, acknowledging our mutual interests.
8. **Leaving the EU requires the FSA to step up.** As the UK leaves the EU, the FSA will take on roles from the Commission and the European Food Safety Authority. Along with other parts of Government that are particularly affected by single market legislation the FSA has spent all of its 20 years engaging at length with 27 other Member States the Commission, and supra-national bodies. In the future, the FSA, not the EU, will make risk judgments. This is the time for the FSA to come of age. The paper on EU exit sets out our progress on this.
9. **The FSA's transparency and impartiality are essential to its mission, and particularly so after EU Exit.** We will perform our role in the open. The FSA live-screens its Board meetings and makes all of its Board papers available in advance. The FSA will publish its advice to ministers on particular products and preparation processes. Food you can trust comes about in part because the regulator is trusted.
10. **Data offers the FSA and its partners transformational opportunities.** The FSA has developed data tools that are transformational for the way that the FSA and its partner regulatory bodies understand risk. By virtue of us being keen, nimble and 'failing fast' through focused sprints, I think we are leading the way both in Government and with other food safety agencies, on new approaches like machine learning and blockchain. The surveillance paper refers.
11. **So what?** All this leads me to prioritise the following for the FSA for the year ahead:
 - a. a confident bid into the 2020 Spending Review which shows the value of safe and trusted food to the UK;
 - b. a data-driven approach to modernising regulatory controls which prioritises proportionality and targets resources to risk as effectively as possible

- c. an FSA that, as the central competent authority, acts where it can to ensure food is safe and trusted, and holds a mirror up if the system is not doing what it should or there are gaps;
 - d. a transparent, open and confident start to the FSA's post-EU exit responsibilities.
12. We will have an opportunity to discuss priorities for 2020-21 both in the Board meeting for the strategy item, FSA strategic Objectives, and in the Business Committee.

Chief Executive's round up

13. **General Election.** The result of the General Election has lifted a degree of uncertainty around the Government's direction of travel on EU exit. This means that departments like ours can set priorities with greater confidence and begin work to support the delivery of the Government's ambitious agenda.
14. The Chair has already written to the Secretaries of State at Defra and DHSC, and relevant ministers in those departments, to congratulate them on their reappointments, set out our priorities, and to offer our support for future joint working. Letters have also been sent to all MPs to introduce, or reintroduce, them to the FSA and invite them to engage with us on the important food issues that affect their constituents.
15. **EU Exit.** The Board will know that the FSA's preparations for EU exit were completed ahead of the previous deadline for leaving the EU in October. Like the rest of Government, we were focussed on a range of scenarios, including leaving without a deal. With the certainty that the election result has brought to the UK's Brexit policy, no-deal preparations have been suspended across Government and we are now planning for the implementation period agreed as part of the Withdrawal Agreement.
16. The implementation period will run from when the UK exits the EU on 31 January until the end of December 2020. During this time, we will have to deliver a significant programme of work. We will be helping the Government develop the UK's future relationship with the EU, managing the food and feed safety regulatory regime under the terms set out in the Withdrawal Agreement, and taking part in cross-Whitehall discussions. Papers on this agenda, refer. I am very grateful to staff for their diligent and focused work across the whole EU exit and trade agenda.
17. **Regulated products.** My predecessors mentioned the issue of the sale of **Cannabidiol or CBD-** related products. This is a market that has grown rapidly in recent months, with products now available on the high street in the form of tinctures, tablets, oils, and also in everyday foods such as sweets, drinks and bakery products. As previously briefed to the Board, it was confirmed in January 2019 these CBD extract products are 'novel' and therefore require authorisation before they are put on the market. No CBD

products have yet been authorised, yet they are available for sale. The FSA has therefore been considering how to enforce this law.

18. We have not been made aware of any safety incidents relating to CBD products on the market, so we are not planning to insist on an immediate removal of the products from shelves. That said, it is important that industry puts these products through the authorisation process as the process is there to establish more information about the products and their safety, to confirm that the products are what they say they are, and therefore to protect consumers. Industry must bring these products into compliance with the law. In the meantime, we advise consumers if you are thinking about trying CBD, or are already a user, please bear in mind that these products have not yet been formally authorised by the food regulator. CBD products also currently have no legally permitted health claims (a matter regulated by the Department for Health and Social Care).
19. We will keep this position under close review.
20. We have been working closely with colleagues across Government as we finalise our position, roles and responsibilities, and specific guidance to those enforcing the novel food regulations. While the FSA is responsible for these products as foods, it is important we ensure we consider the wider aspects.
21. **Online aggregators.** In September 2019, FSA officials briefed the Board on our work to regulate digital food ordering platforms such as **Just Eat, Uber Eats and Deliveroo**. The rise in popularity of these services, which partner with takeaways and restaurants to connect them to consumers and couriers for delivery of orders, has raised challenges for how they are regulated.
22. We have been developing guidance that sets out a risk-based and proportionate regulatory approach, to ensure consumers who order food via this route are protected. To help inform our approach, we raised the issue with local authority partners at a recent series of events that allowed us to identify the key challenges. Over the next two months, we will share an initial draft of the guidance with the three main platforms I just mentioned. Wider and more formal consultation with stakeholders is planned by April, with a view to issuing the guidance in May. In the meantime, we are continuing to liaise with these companies to explore ways to improve food safety and consumer protection for their customers.
23. It saddens me to report that **DNP** remains an on-going risk to the public. We are continuing to support cross-government work to tackle this dangerous substance. This includes engagement with the Home Office over the enforcement of a substance that is poisonous and yet erroneously sometimes sold as a weight-loss food, with tragic consequences. In November, I and the Chief Operating Officer met with two families who lost children who consumed DNP. The National Food Crime Unit (NFCU) has supported both investigations through the dissemination of intelligence and we have replied in detail to the points raised at the meeting by the families.

24. Sadly, on 21 November 2019, another person in the UK died from DNP, the fourth of 2019. Avon and Somerset police are leading the investigation. It is hoped that the NFCU's work with the National Police Chiefs Council has helped police investigating DNP deaths to maximise recovery of potential evidence.
25. **Local authority performance.** A key element of the FSA's role as the central competent authority for food safety is the oversight and assurance of the performance of local authority food law regulatory services. Where we identify performance issues our aim is to work with and support local authorities to make the necessary improvements. Where appropriate action is not taken or where improvements are not sustained, we follow an escalation procedure so that public health is protected and consumer confidence maintained (this was agreed in [March 2019](#)). A graduated approach is taken with engagement at different tiers of management within the FSA and the local authority.
26. As the Performance and Resources Report ([FSA 20-01-17](#)) being presented to the Business Committee highlights, at the end of Q2 of 2019/20 performance issues at nine local authorities had been escalated. In seven cases, engagement was at Stage 1 of the process (working level) - Bristol City Council, Camden, Croydon, Durham County Council, Herefordshire Council, Liverpool City Council and Wiltshire Council. In the other two cases engagement was at Stage 3 (chief executive level) - Birmingham City Council and Northamptonshire County Council.
27. I wrote in December to the Chief Executive of Birmingham City Council at Stage 3 of the escalation process. We were concerned that progress in tackling a previously identified large backlog of food businesses awaiting an initial inspection had not progressed as anticipated. I also wanted to raise some additional concerns that had come to light, particularly in relation to high numbers of overdue hygiene interventions at food businesses including at high-risk premises. I sought assurances that sufficient resources will be made immediately available to deal with the backlogs and that steps be taken to ensure that the food team is sufficiently resourced on an ongoing basis enabling it to provide an effective service and an appropriate level of public health protection.
28. I have since received assurance that a recovery plan is being put in place and I will be meeting with Clive Heaphy, Chief Executive (Acting) at Birmingham City Council, on 23 January to discuss their proposals.
29. This concludes my first report.