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**MINUTES OF THE FSA BOARD MEETING HELD ON 16 MARCH 2016 AT  
AVIATION HOUSE, LONDON FROM 09:00-12:15**

**Present:**

Tim Bennett, Chair; Heather Hancock, Deputy Chairwoman; 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  
Rod Ainsworth, FSA Director of Regulatory and Legal Strategy  
Chris Harvey, FSA Better Regulation Team, Senior Adviser  
Kevin Hargin, FSA Head of Foodborne Disease Control  
Richard Collier, FSA Head of Finance - Charging  
Rebecca Merritt, FSA Head of Private Office

**Apologies:**

Henrietta Campbell

**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.

**MINUTES OF MEETING HELD ON 28 JANUARY 2016 (FSA 16/03/01)**

3. The minutes were agreed as an accurate record of the 28 January 2016 meeting.

**ACTIONS ARISING (FSA 16/03/02)**

4. The actions were noted without comment.

**CHAIR'S REPORT**

5. The Chair said the list of engagements he had undertaken since the January Board meeting had been published on the website. He highlighted his visit with the Deputy Chairwoman to the impressive new container port, London Gateway, and his speech to small businesses at the 2016 FARMA conference.
6. The Chair said it was clear from the meeting he and the Deputy Chairwoman and the Chief Executive, had had with the Chair and Chief Executive of Food Standards Scotland (FSS) that a good working relationship existed between FSS and the FSA.
7. The FSS Board were also discussing *Campylobacter* at their Board meeting today and both the FSA and FSS were working to deliver the same policy objectives and outcomes, as far as possible, for UK consumers.

8. The Chair announced that the FSA was appointing four new Board members and the Deputy Chairwoman said two would start in April and two would start in June, and each would serve a three year term ending in 2019. The four new Board members were David Brooks, Rosie Glazebrook, Stewart Houston and Paul Williams and a press release would be issued today outlining their various backgrounds in food production and public health. The Deputy Chairwoman said she looked forward to working with them in the future and the energy they would bring to Board discussions.

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

9. The Board congratulated Catherine for her participation in the Welsh Language day which had been appreciated by the FSA staff in Cardiff.
10. A Board member noted that advice to those food businesses producing minced meat and/or meat products for use in burgers that would be less than thoroughly cooked would not be published until April. He said as the Advisory Committee on the Microbiological Safety of Food (ACMSF) had not changed its advice that burgers should be cooked thoroughly until they are steaming hot throughout, the juices run clear and there are no pink bits inside, he felt there was a divergence between the scientific advice the FSA was receiving and the action it was taking.
11. The Chair said the risk assessment advice from the ACMSF was one of several factors that had to be taken in to consideration in coming to a conclusion on the most effective risk management of burgers served rare, the proper role of the Board.
12. In response to a question from a Board member, Catherine said, as soon as they were available, we would share the top line results from field research to analyse the effectiveness of consumer messaging at point of sale.

**ACTION: Director of Policy**

13. In response to a question from a Board member, Catherine agreed we would look at the possibility of identifying forward looking triggers for foodborne pathogens to complement the current indicators.
14. The Chair noted that from April 2016 the FSA would be reverting to the 0.16% sampling level for phenylbutazone established by the Veterinary Medicines Directorate under the National Surveillance Scheme for 2016. In light of the horsemeat incident of 2013, Catherine agreed that should the FSA detect a need to increase that sampling level, it would be reported to the Board.
15. The Board congratulated FSA staff involved in the very successful Future Delivery Model Summit held on 10 February in Cardiff. The Chair said there had been widespread recognition at the event of the need to develop a new regulatory system and a sense of urgency to do so.
16. In response to questions from the Board, Catherine said the event in Cardiff had been the first in a full programme of engagement with key stakeholders and partners underpinned by the five key principles the Board had considered at their January

meeting. The FSA had now embarked on programme of co-creation and would report back to the Board on progress.

17. A Board member raised the issue of antibiotic free meat. Catherine said once the Report by the Royal Veterinary College on its systematic review to increase our understanding of the role food production, processing and consumption plays in the development and spread of antimicrobial resistance was published we would bring this topic to the Board for discussion.
18. In discussing sentencing for food hygiene and food safety offences, Catherine said we were talking to the industry about introducing more visible sanctions for when Food Business Operators (FBOs) were non-compliant. We were pleased with the increase in custodial sentences and this made it even more important that FBOs believed they would be apprehended and that we were consistent in our ability to apprehend them.
19. The Chair raised the current high profile EU debate on the relicensing of the chemical glyphosate and asked what the FSA's position was on it. Steve Wearne said the EU debate was about whether glyphosate should be classified as a carcinogenic hazard or not; it was not about the risk from the chemical which was low regardless of the nature of the hazard. Professor Poppy confirmed that the FSA was liaising closely with the Health and Safety Executive and there was a joined up approach to this issue across Government.

#### **FSA INNOVATION PLAN (FSA 16/03/04)**

20. The Chair welcomed Rod Ainsworth, FSA Head of Regulatory and Legal Strategy, and Chris Harvey, Senior Adviser in the FSA Better Regulation Team, to the table and invited Rod to introduce the paper.
21. Rod said the FSA Innovation Plan had been written in response to a request from the Westminster Government which had rather shaped the nature of the document and the paper, but that in fact independently of this innovation was an important issue for the FSA.
22. Chris said the Innovation Plan was a snapshot of how the FSA was taking advantage of new technology and a high level summary of our approach to innovation across science, policy and operational delivery. The Plan gave the FSA an opportunity to showcase what it was doing by bringing examples of innovation from across the Agency together in one document.
23. There was a wide ranging discussion during which Board members emphasised the importance of the FSA acting as a catalyst where appropriate to innovation in the best interests of consumers as well as embracing innovation in our own ways of working. Board members emphasised the importance of the FSA thinking innovatively in terms of consumer engagement and in terms of different delivery models, as well as in terms of technology and data use. The WFAC had commended the early establishment of the proposed expert committee on Innovation in the Food Chain to promote the consumer's voice in food sector innovation which, otherwise, ran the risk of being unduly industry driven.

24. In discussing regulatory barriers to innovation, Rod said the detail of the densely regulatory framework around products of animal origin did inhibit some technological change; though we did underestimate flexibility in this area. There was more flexibility around products of non-animal origin. Steve Wearne said it was not necessarily the regulatory framework which was the barrier to innovation rather the resistance to adopt new technologies by consumers and the industry. The FSA did have an advocacy role to break down barriers to less well understood technological advances.
25. The Deputy Chairwoman pointed out the central importance of creating an innovation culture in terms of the structure of the Agency, our relationships with stakeholders, our investment in techniques to generate pace, and our attitude to risk and failure.
26. In concluding, the Chair said the debate had demonstrated the importance the Board attached to innovation in its wide sense and reflected that given that the food industry would quickly pick up on future innovation in the food sector the FSA would need to keep the development of our innovation culture at the forefront of our thinking.

**FSA TRIENNIAL REVIEW OF SIX SCIENTIFIC ADVISORY COMMITTEES:  
PUBLICATION OF FINAL REPORT (FSA 16/03/05)**

27. The Chair said all non-departmental public bodies were required to undergo a triennial review. The FSA's triennial review of its six scientific advisory committees (SACs) had been completed and agreed by Cabinet Office who provided an input into all triennial reviews. However, the final Report would not be published in Parliament until 24 March 2016 due to lack of space on the Parliamentary timetable.
28. The Chair thanked Dr Susan Pryde, Lead Reviewer of the FSA's Review of its SACs, for all her work. The Board would discuss the final Report in detail at its May 2016 Board meeting and the minutes of the Board discussion on the draft Report would be published in May.
29. Professor Poppy agreed with the Chair that the publication date of the final Report did not mean that the FSA would lose pace in delivering the Report's recommendations. The Chairs of the SACs had been pleased to learn that Patrick Miller, FSA Head of Science Strategy and Governance, would be responsible for ensuring the Report's recommendations were taken forward.
30. The Chair concluded that this agenda item would be deferred until May 2016.

**CAMPYLOBACTER REDUCTION: UPDATE ON PROGRESS AND NEXT STEPS  
(FSA 16/03/06)**

31. The Chair welcomed Julie Pierce, FSA Director of Openness, Data and Digital and Kevin Hargin, FSA Head of Foodborne Disease Control, to the table and invited Steve Wearne, FSA Director of Policy, to introduce the paper.
32. Steve said this was an opportunity firstly to review progress in our campaign to reduce Campylobacter. We had increasing confidence that the target of no more than 10% of whole, fresh chicken post-chill at the end of processing having Campylobacter at more

than 100 cfu/g (equivalent to 7% at retail) would be met by industry as a whole before the end of 2016 and this assessment was supported by the retail survey data FSA had published in February 2016. Steve said we were seeing impactful interventions being introduced at scale across the whole industry.

33. He outlined that in terms of what we measured, we and our industry partners needed to focus not only on the outputs of reduced *Campylobacter* levels on chicken, but also on the public health outcome of a reduced burden of human disease. We were therefore proposing to galvanise further action around reducing the number of human cases by 100,000 per year. Steve acknowledged this was a stretch target. It was supported by our modelling but there were significant uncertainties about the route of infection from the reservoir of disease in poultry to people. If more than we expected was through an environmental route, rather than a food route, we might not meet this objective as quickly as we intended. Nevertheless, we believed that setting this target and actively driving towards its achievement was the right thing to do.
34. Steve said this was also an opportunity to look forward to the next phase of our work and update the Board on two issues we were currently working on: one about open data; and the other about methodology.
35. Our focus on data and transparency was informed by our regulatory strategy, our ambition to use data effectively and not to duplicate others' data, and to transfer the costs of robustly demonstrating that safe food is being consistently produced from the taxpayer to industry. We had therefore asked retailers if they were prepared to commit in principle to not just publish an analysis of their own data, which several already did, but to publish openly their supporting data to standards that we set. Those standards would include, for example, independent third party accreditation, and an agreed frequency and timeliness of data release.
36. Steve was pleased to announce that M&S had committed in principle to adopt this approach, publishing the results of their sampling as currently with detailed data as an annex. His discussions with others gave him confidence that others would follow. Industry open data should allow us, and others, to interrogate these data sets which were more extensive than those generated by our retail survey alone for any individual retailer, draw robust conclusions, and communicate them to consumers and others. We would work through the detail with retailers as they signalled their willingness to take this approach.
37. Steve reported that one of the interventions being widely adopted was the trimming of neck skin on whole fresh chicken. This was of positive public health significance as it was the most highly contaminated part of the carcass and removing it reduced the potential for cross contamination in the domestic setting. However, this had been the part of the carcass we had used until now to measure *Campylobacter*. We needed to be proactive in addressing this, so our retail survey continued to allow robust comparisons to be made between retailers.
38. We recognised this was not the time to step back from action that had been so successful in allowing us to leverage, and the industry to demonstrate, continuing progress. We intended to suspend our retail survey while we adjusted our methodology to sample and analyse the carcass in a different way. We were also

exploring how we might maximise both impact and value for money, for example one option we were exploring was a move from sampling every quarter, to sampling annually over summer months when *Campylobacter* levels were generally highest. We recognised the Board would wish to be assured that any changes to methodology allowed us to continue to track and demonstrate progress on *Campylobacter* reduction, which remained our top food safety priority.

39. A Board member asked how we would focus on the contribution that smaller independent producers and the sectors they supplied made to reduce the burden of foodborne illness related to *Campylobacter*.
40. Steve said we knew from our work with larger producers the effectiveness of optimisation of processes such as evisceration and inside and outside carcass washing and these were changes we expected all processors to make, whether large or small. The information and coaching delivered to smaller food business operators by our field *Campylobacter* leads in a recent campaign had been effective at building awareness of effective interventions. At the training event we ran for independent farms last year we shared information and material on improving biosecurity which was the key intervention we would look to be made in that sector. Kevin said we would continue to engage our field staff on optimising conditions in plants.
41. In discussing the impact of the removal of the highly contaminated neck skin from chickens on the methodology employed for the retail survey, Steve agreed with the Board that this was an issue for the longitudinal data series but a board member pointed out that this was not an uncommon happening in disease surveillance which is a long term activity. If we wanted to normalise the retail survey data, in the absence of sufficient samples where both neck and breast had been sampled, we would have to do it through experimentation as one Board member suggested. We needed to establish a sustainable new data series that would allow us to continue to identify industry progress in reducing *Campylobacter* and to communicate that to consumers.
42. Industry's collection of its own data would be much larger and at least, potentially, more robust than the data we could collect so it made sense to analyse it. However it did mean that we had to address the issue of comparability. Steve noted that FSA was already engaged in assessment and quality control for industry data, on each occasion where we were asked currently to comment on retailers' own analysis of their data. WFAC had observed that the independence of the quality control mechanism was vital. A Board member suggested there may be a future need for an enforceable legal framework around data collection.
43. Kevin said from the data we had now we knew that the samples we were collecting, of which a variable proportion was neck skin, did not provide a measure that was as robust as it had been in the past as a marker for overall contamination of the chicken with *Campylobacter*. FSA statisticians accepted that we were losing year on year comparability and that we needed something more comparable. We were already in discussions with Public Health England and would investigate methods such as whole carcass washing which we could look to use to show the progress of industry in reducing *Campylobacter* on chickens. The loss of neck skin as a source for sampling was a result of the success of the FSA's campaign to get industry to reduce

Campylobacter on chicken and the innovation the industry had shown to meet that challenge.

44. In response to comments from the Board that the FSA should continue conducting retail surveys to keep the pressure on industry to sign up to sharing their own data and to help smaller businesses to get advice on how to collect data and reduce Campylobacter in a cost-effective way, Catherine said the FSA would carry out surveys as we had done for those businesses who had not signed up to and met our data requirements. However for those businesses that had signed up and shared quality data, then the right thing to do was to allow their own data to represent them.
45. In response to a comment from a Board member that progress might be more intelligibly measured by using the actual numbers of laboratory confirmed cases rather than a modelled estimate of the overall total, Catherine said in addition to a target that is equivalent to 100 000 fewer estimated cases of Campylobacter per year, we would continue to track laboratory report data of confirmed cases.
46. A Board member queried the small amount of money proposed for investment in Campylobacter reduction in the FSA Budget for 2016/17 which was significantly reduced from this year. Catherine said the proposed budget had been set at a level to enable us to achieve our strategic objectives, and that expenditure on Campylobacter reduction overall would dwarf the FSA's contribution as businesses were now investing materially in line with our strategic objective of getting industry to take responsibility and invest appropriately in Campylobacter reduction.
47. In concluding the Chair said that the Board:
  - noted the achievements to date and congratulated everyone – both inside and outside the FSA – who had contributed;
  - agreed our ambition should be to have 100,000 fewer case per year by the end of March 2017, and that we should continue to track the lab report data;
  - endorsed the proposed elements of the next phase of the work;
  - agreed (subject to it also being agreed by the FSS Board) to a joint FSA/FSS Chair's letter to retailers on open data on Campylobacter; and
  - charged officials with taking into account the Board's comments on changing the methodology; continuing to develop and implement this work at pace; and reverting to the Board in due course so we can be clear what we are doing and how it will benefit consumers.

#### **STOW PROJECT PHASE 2 – SUSTAINABLE FUNDING MODEL PROJECT SCOPE (16/03/07)**

48. The Chair welcomed Richard Collier, FSA Head of Finance – Charging, to the table and invited Jason Feeney, FSA Chief Operating Officer, to present the paper.
49. Jason said this was not a Board paper written by the Executive, rather it was written by the independent Chair of the Steering Group on Meat Charging, Bill Stow, who unfortunately could not be at the meeting today. At their discussion in September

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2015, the Board had commissioned the Group to develop a proposed scope for Phase 2 work and this paper reported back on that commission.

50. The Group had agreed on principles for work to develop a sustainable funding model for meat charging under Phase 2; some of these principles were controversial for some Group members but the Group had agreed to explore them all.
51. The Chair said he had met with Bill Stow the previous week and Bill had been very appreciative of the support from the FSA, including Board member Jeff Halliwell, and of the good working relationship with industry. Bill had reiterated that Phase 2 should not go ahead until Phase 1 had gone through which, the Chair said, was also the position of the Board. Bill understood the importance of a sustainable funding model going forward and the Board's position on that too.
52. Having been a member of the Group, Jeff Halliwell, said he strongly commended the recommendations in the paper to colleagues. He remarked on the transformational relationship with industry since this work had begun and gave thanks to the FSA staff, Bill Stow and the industry representatives for their constructive engagement in making progress on this issue. The Chair thanked Jeff for having represented the Board on the Group.
53. The Deputy Chairwoman urged the Group to start by identifying the desired end goal in order to drive transformational change rather than starting from where we were now and getting bogged down in the details of how to get to that end goal. She also said the Group should be clear that all of the principles listed in the paper were important to the Board. She said the principle of differential treatment for small businesses, however, should be transitional rather than an essential component of the model in the long term.
54. The Chair agreed with the Board that it would be useful to have a discussion in due course around differential treatment to help the Board understand the history of meat charging and the European legislation which requires us to have regard to small businesses.
55. A Board member suggested adding "and ensure any risks are managed and mitigated" to the last principle in paragraph 5.5, or adding "and manage risk" to the second principle at paragraph 5.4. Jason agreed to share these suggestions with Bill and the group.
56. Catherine agreed with a Board member that, as part of Phase 2, the Steering Group needed to consider large scale incidents and who paid for these.
57. In response to a question about the timetable, Jason clarified that we were on track to implement the Phase 1 discount system from April 2016 which would be reflected in bills sent out in May 2016. The Regulatory Policy Committee had given the Impact Assessment a green light and the proposal was now with the Reducing Regulation Committee (RRC). We hoped to get final approval from the RRC in early April and we were in the process of writing to industry to make them aware of this timetable. Jason said he would let the Board know when we received clearance for Phase 1.



**ACTION: Chief Operating Officer**

58. Regarding the interim report on Phase 2 coming to the Board in January 2017, Jason said it was felt that this was feasible as by the end of November 2016, the Group would have been able to discuss and articulate the key points, if not the detail, of what the end state sustainable funding model would look like. This would enable a report to be submitted by the papers deadline for the January 2017 Board meeting.
59. The Chair of WFAC said that the Committee had noted the lack of consumer representation on the Group and also the lack of a Welsh industry representative. Richard said we were working towards finding someone who could effectively contribute a Welsh perspective. The Chair said the Group was not a decision making group; it was only a technical group. It was for the Board to represent the interests of consumers and take decisions on their behalf.
60. In conclusion the Chair said the Board agreed with the recommendations as set out in the paper and charged officials with taking into account the Board's comments on the principles. On behalf of the Board, the Chair thanked the Group for its work.

**AUDIT AND RISK ASSURANCE COMMITTEE – ORAL REPORT**

61. The Chair invited Jim Smart to present the report of the Audit and Risk Assurance Committee meeting which Jim had chaired on 15 March 2016.
62. On behalf of the Committee Jim thanked Paul Wiles for having been the Chair of the Committee for the past 2 years.
63. Jim said the Committee had discussed the FSA's Annual Report and Accounts. The Committee was content with the timetable for laying the Report and Accounts before Parliament and had made some comments on the content of the Report itself. One of the key issues in the Accounts was accounting for the transfer of activity to Food Standards Scotland (FSS) which would appear in the opening balance from last year and then be transferred out.
64. The National Audit Office (NAO) in their Interim Report had been content with how the FSA would account for FSS. The Committee had also agreed the NAO fee for the previous year, and how the NAO fee would be constituted for the coming year.
65. The Committee had also discussed the FSA's Assurance Framework. The Framework identified the controls in place in each department within the FSA to prevent or mitigate the risks recorded on the Corporate Risk Register. The controls were categorised and scored and monitored throughout the year and this allowed the Internal Audit team to prioritise its work.
66. Finally, Jim said the Committee had discussed the Internal Auditor's Progress Report; no matters for concern had been recorded and all outstanding recommendations had been addressed. The Committee had agreed the Internal Audit Plan for Q1 to allow

progress to be made but would look again at resources available and priorities against the Framework to agree the Plan for the rest of year.

67. The Chair thanked Jim for his report. On behalf of the Board and the Agency, the Chair thanked Paul Wiles for having taken over as Chair of the Committee when the previous Audit and Risk Committees had merged.

#### **RADIOACTIVITY IN FOOD MONITORING UPDATE (INFO 16/03/01)**

68. In response to a question from the Board Steve Wearne confirmed that surveillance arrangements were in place to pick up any radioactivity in food as a result of nuclear incidents that may occur outside the UK, such as Chernobyl.
69. Steve also confirmed for the Board that we had gone as far as we could on full cost recovery from the nuclear industry for the monitoring programme. The monitoring which the FSA funded was to detect environmental radioactivity when there was no specific emitter responsible for it.

#### **ANNUAL REPORT OF THE SUCCESSION AND DEVELOPMENT COMMITTEE (INFO 16/03/02)**

70. The Board noted the Report without any comment.

#### **REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 16/03/03–04)**

71. On behalf of the Chair of the Northern Ireland Food Advisory Committee (NIFAC), Etta Campbell, who was absent from the Board meeting, the Chair said he had nothing further to add to the NIFAC Report.
72. Roland Salmon, Chair of the Welsh Food Advisory Committee (WFAC), had nothing further to add to his Report.

#### **ANY OTHER BUSINESS**

73. As this was his last Board meeting as Chair, the Chair said it had been a privilege to chair the FSA Board. He thanked: the external partners he had worked with; the Ministers at the Department of Health, the Department for Rural Affairs, Food and the Environment and in the devolved nations; his colleagues and friends in the FSA; the Chief Executive; and the Board members. The Chair offered his best wishes and support to the incoming Chairwoman, Heather Hancock.
74. The Board members, and the Chief Executive, on behalf of the FSA Executive Management Team and FSA officials, thanked the Chair for his leadership of the Agency over the past three years and looked forward to continuing to work with him in the year ahead.
75. The Chair advised that there was no other business and closed the Board meeting.

**DATE OF NEXT MEETING**

76. The next meeting of the FSA Board would take place on Wednesday 18 May 2016 in the Hilton Hotel, Belfast.