Minutes of the FSA Board Meeting on 22 March 2023

FSA 23-06-01 - Minutes of the previous FSA Board meeting, held at Emirates Old Trafford, Talbot Road, Manchester on 22 March 2023.

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

Boardroom Apprentice:

Judith Hanvey

Officials Attending:

Emily Miles - Chief Executive
Colin Clifford - Food Information and Labelling (For FSA 22/03/05)
Jonathan Davies - Head of Policy and Consumer Protection, Wales (For FSA 22/03/06)
Sam Faulkner - Head of Strategy Unit (For FSA 23/03/07)
Michael Jackson - Head of Regulatory Compliance Division (For FSA 23/03/06)
Anjali Juneja - Director of UK & International Affairs
Rebecca Lamb - Head of Policy Priorities Unit (for FSA 22/03/05)
Carmel Lynskey - Head of Achieving Business Compliance Programme (For FSA 23/03/06)
Robin May - Chief Scientific Adviser
Ruth Nolan - Deputy Director for Finance and Planning (via Zoom) (Deputising for Tara Smith)
Katie Pettifer - Director of Strategy and Regulatory Compliance
Julie Pierce - Director of Information and Science
Steven Pollock - Director of Communications
Lexi Rees - Head of Regulated Services Delivery (For FSA 23/03/08)
Rebecca Sudworth - Director of Policy
Ruth Willis - Head of Regulated Products (For FSA 23/03/08)
Richard Wynn-Davies - Head of Operational Assurance (Deputising for Junior Johnson)

Guest Speaker:

Professor Sandy Thomas - Chair of Science Council (For FSA 23/03/09)

Apologies:

Junior Johnson - Director of Operations
Tara Smith - Director of People & Resources

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting and noted that there had been no apologies from Board Members, though Margaret Gilmore would need to leave the meeting following the discussion of the Genetic Technology (Precision Breeding) Bill (FSA 22/03/05). Apologies had been received from Junior Johnson and Tara Smith. Richard Wynn-Davies and Ruth Nolan were attending the meeting as their respective deputies. The Chief Scientific Adviser (CSA) Robin May would also need to leave the meeting following the discussion of Risk Analysis Process and Regulated Products Service Update (FSA 23/03/08).

1.2 Questions received from the public had been published online and shared with Board Members ahead of the meeting. Where possible, these would be answered in the discussions of the relevant items. All questions would receive a written response within 20 working days.

1.3 The Chair asked Board Members to declare any interests that might have arisen since the previous Board meeting. Timothy Riley said he had taken on a role as president of the Shorthorn Cattle Society. Hayley Campbell-Gibbons noted she was now Head of Sustainability for Kite Consulting. Ruth Hussey noted she was now High Sheriff for Merseyside. All these interests had been noted on the relevant pages of the FSA website. No conflicts of interest were raised for any Board Members in relation to the items on the agenda. No other business was raised by Board Members for discussion at the end of the meeting.

2. Minutes of 7 December 2022 Board Meeting (FSA 23/03/01)

2.1 No comments were raised on the minutes of the Board meeting of 7 December, and they were agreed as an accurate record of the discussion.

3. Actions Arising (FSA 23/03/02)

3.1 Margaret Gilmore asked for an update on Action 1 from the 7 December Board meeting relating to folic acid fortification of flour. The CSA said this was led by the Department of Health and Social Care (DHSC) and involved the fortification of non-wholemeal flours with folic acid, which was an important nutrient for pregnant women. An appropriate level for fortification has been agreed ahead of implementation, but it was recognised that there are differing scientific views on whether a higher level would be more appropriate. Fortification is planned to go ahead in the next year and the CSA said he would report back when more was known about the outcomes of this policy in due course.

Action 1 - CSA to give the Board further information on implementation of folic acid fortification when available.

4. Chair’s Report (Oral Report)

4.1 The Chair noted her engagements since the previous Board meeting had been published on the FSA website. She highlighted meetings with Parliamentarians particularly around the Precision Breeding Bill and the Retained EU Law bill, and the upcoming cross-party meeting with Assembly Members in Northern Ireland.

4.2 The Chair had visited the Liverpool Port Health Authority with Board Member Justin Varney. The visit had been a practical demonstration of the need for a modern Border Target Operating Model (BTOM).

4.3 The visit to Cranswick Abattoir and Cutting Plant had provided an opportunity to see the work done by the FSA’s Meat Hygiene Inspectors. The abattoir was an important employer for the

area and was a complex business facing significant challenges.

4.4 A visit to a small abattoir, Perry's of Eccleshall in Staffordshire with Minister of State for Food, Farming and Fisheries Mark Spencer MP provided an opportunity to discuss plans he had announced at the NFU Conference to provide support for small abattoirs. The Chair thanked the Minister for his interest and close engagement with the work of the FSA across a range of topics.

4.5 The Chair said that the opening of Harper-Keele University Veterinary School was a very welcome development. The University was placing particular emphasis on production of animal medicine and veterinary public health careers. The FSA would support that programme by offering placements.

4.6 On the recommendations of the Board Effectiveness Review, the Chair explained that the first meeting of the new style Business Committee had been held the previous week and a report from that meeting would be discussed as part of this agenda. Board Members would also now take part in substantive annual appraisals, and these were being scheduled. Hayley Campbell-Gibbons noted the recommendation on diversity included improving Board Member understanding of diversity through awareness-raising sessions.

4.7 The Chair noted the Board's visit to Kellogg's the previous day. The visit allowed the Board to hear about their work on reformulation which was especially relevant to the work of the FSA in Northern Ireland. Board Members also visited the Co-op headquarters, and Manchester Metropolitan University. The Chair thanked those partners who had hosted those visits.

4.8 In accordance with the requirement in the Standing Orders to announce the following years' Board meeting dates by the end of March, dates for Board meetings for 2024 had been published on the FSA website.

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

5.1 The Chair invited the Chief Executive (CE) to introduce her report. The CE gave an overview of her report highlighting the prioritisation discussions from the December Board meeting; the Retained EU Law (REUL) Bill; the Food Hygiene Rating Scheme (FHRS); and Operation Hawk.

5.2 On REUL, the CE explained that the Lords report stage of the Bill would begin on 19 April. The FSA was awaiting a decision from the UK Government on recommendations that the majority of retained EU law within the FSA's remit should be preserved or extended this year. The Chair added that businesses needed certainty and plans would need to be agreed with the devolved administrations.

5.3 On FHRS, the CE said that some people in local authorities had misunderstood the FSA's position on mandatory display. FSA was still aiming for that to happen but did not see a prospect of suitable legislation in this this parliament. In the meantime, the FSA would continue to promote the scheme.

5.4 Lord Blencathra asked whether there was scope for revising the ratings within the scheme so that there were fewer rating categories, in a similar way to the parallel scheme in Scotland. The CE said that this would be a complex change and unlikely given the recent prioritisation exercise. Katie Pettifer added that the ratings were linked to Environmental Health Officer (EHO) inspection criteria and any change could risk weakening the scheme in Wales and Northern Ireland where the display of ratings was already mandatory.

5.5 Hayley Campbell-Gibbons asked whether online ratings would be taken account of in any move toward mandatory display. That Chair said that this was an issue that would need to be addressed once a legislative opportunity had arisen to move forward with mandatory display.

5.6 On Operation Hawk, the CE said that the FSA was taking care in its public comments not to jeopardise future legal proceedings. She noted that new information recently received could lead to new lines of inquiry. Retailers had been asked to check their cooked meat suppliers last year and the FSA expected them to take necessary action. Retailers had a responsibility to ensure the food they sold was what it was claimed to be.

6. Strategic Risk Management (FSA 23/03/04)

6.1 The Chair invited Ruth Nolan to introduce this paper. This discussion represented an opportunity for the Board to reflect on the discussion at Board's January Retreat and to agree the final position. Ruth gave an overview of the paper including the principles of risk management, and the responsibilities of the Board and its sub-Committees.

6.2 Hayley Campbell-Gibbons asked what the biggest risks to food safety over the next five years were likely to be and how the FSA's approach to horizon scanning could inform how best to address these.

6.3 There was a discussion about the role of the Executive, the Board and the Audit and Risk Assurance Committee (ARAC) in managing risk. The CE said it was important to distinguish the role of the Executive from that of the Board in relation to risk. It was the Executive's role to monitor the detail in relation to investigations and specific local authorities. The role of the Board and ARAC, was to consider the environment strategically and assess the effectiveness of the systems for mitigating risks, noting Anthony Harbinson's helpful suggestion that there was a role for ARAC in reviewing incidents retrospectively to ensure that mitigations were operating properly. The Chair noted the Business Committee considered a Performance and Resources Report which provided an opportunity to identify if and when more detailed scrutiny was needed on the issues it considered.

6.4 Margaret Gilmore raised the reputational risk of stopping or delaying work due to workstream reprioritisation; for example, some industry sectors had called for greater clarity on work on allergen labelling. The CE acknowledged this and confirmed that all the FSA's work was important. Over the coming period, the FSA was having to do a considerable amount of work on the REUL Bill and work around borders.

6.5 Margaret said Precision Breeding was an area of risk for divergence given that Ministers in England, Wales, and Scotland did not share the same position. The CE said, while work may progress more slowly, a common risk assessment and common advice was provided to all jurisdictions and thus far common decisions had been received.

6.6 Mark Rolfe noted the paper mentioned food but did not mention feed and highlighted that, regarding local authority recruitment, it mentioned Environmental Health Officers (EHOs) but did not mention Trading Standards Officers (TSOs). He cautioned about the conflation of local authorities with the Environmental Health services within them. The CE acknowledged this oversight and said going forward the language used would be clearer.

6.7 Peter Price said the Welsh Food Advisory Committee (WFAC) had considered the paper and were content with the approach. WFAC had been reassured by the inclusion of the risk around working effectively across the nations of the UK given potential divergence.

6.8 Fiona Gately said that looking down the lists of risks, the one that was probably most out of the FSA's control was the occurrence of a major incident. The reprioritisation work ensured there would be resource to maintain the workstreams, but a major incident could leave the FSA exposed. The CE agreed a major incident would significantly disrupt the work programme. In the event of a particularly large incident, the FSA would reach out to other parts of Government to ask for assistance. The FSA was working with consultants who were reviewing our approach to

strategic incident handling.

6.9 The Chair said when the Board met in June, a major incident role-playing exercise would be undertaken, which would help inform the Board about their role in major incident management.

6.10 Ruth Hussey noted each area had a wide range of risks and it was important to recognise the scale of risk being faced, the FSA's capabilities to mitigate it and the limits of available resources. The Chair added that risk management was a continuous process and noted the role of the Business Committee in monitoring it. The paper provided a reference point to check the Board's risk appetite to ensure that future decisions were within that framework as set by the Board.

7. The Genetic Technology (Precision Breeding) Bill (FSA 22/03/05)

7.1 The Chair explained that since the previous Board Meeting, the Bill had completed its progression through Parliament and was awaiting Royal Assent. The paper covered a number of issues and the Chair proposed that the discussion be split into two main parts: traceability and the assessment process, and then consumer information.

7.2 The Chair said she had been in regular dialogue with Ministers in England and Wales and also with the Chair of the Food Standards Scotland about the Bill. Correspondence had been received from the Deputy Minister for Mental Health and Wellbeing from the Welsh Government and from the Chair of Food Standards Scotland, putting in writing those conversations and emphasising the importance that is placed by consumers on having the right information to make informed choices about the food they buy. Consumer research suggested that consumers tended to ask for more information, but it was important to ensure that consumer information was meaningful. The Board had also received a letter from the British Society of Plant Breeders with a viewpoint that labelling could deter consumers and hinder the use of a technology with potential benefits for consumers. Specific questions had been submitted to the Board from organic farmers and growers who had expressed serious concerns regarding traceability. The paper set out some of these issues and tried to reflect the different perspectives. The Chair welcomed Rebecca Lamb, Jonathan Davies, and Colin Clifford to the meeting and invited Rebecca Sudworth to introduce the paper.

7.3 Rebecca Sudworth gave an overview of issues covered in the paper including existing legislation to provide consumer information; the UK government position; Defra's lead for policy in England; the role of the FSA in representing the consumer interest; research and engagement with consumers in partnership with Defra; recommendations; and the experience of other countries.

7.4 Margaret Gilmore acknowledged that there was no indication that Precision Bred (PB) products were not as safe as traditionally bred products but that there was a need for openness about how much was not known. Ruth Hussey noted the report from the Advisory Committee on Novel Foods and Processes (ACNFP) and said that it would be useful to know what the gaps in the science were and what would be needed to fill these. It would also be important for the ACNFP to set out the standards expected to help those applying for approval to know what was required and to help the public to understand the extent of scrutiny.

7.5 Justin Varney said that he hoped the public would take confidence from the fact that the FSA was having this discussion so far ahead of PB products becoming widely available. It was not necessary to finalise a clear position immediately but honesty about what was not known would be important.

7.6 Peter Price noted the potential for legislative divergence given the different attitudes to PB produce between the UK and Welsh governments and the Internal Market Act. The tension created by this had the potential to become a source of frustration. Since UK legislation was ahead of the rest of Europe, he questioned whether FSA needed to take a speedy decision on the contentious issues of labelling and other specifics. He advised waiting until the European Commission had established its position. That would give a context whereby the Westminster position was likely to be internationally consistent or an outlier. Peter said that WFAC discussed the paper and divergence was their main concern, with the issue of how the frameworks would operate in this context.

7.7 Ruth asked if post-marketing surveillance would be used as a mechanism to follow-up on decisions. Rebecca Sudworth explained there were options when authorising products to put in place conditions. It would be important to retain the principle of a light-touch approach but ensure greater scrutiny could be given when required on the advice of the ACNFP. This was the basis of the proposed two-tier authorisation.

7.8 Timothy Riley said it would be important to ensure that the language used was supported by the science, noting that the paper said that the "pre-market authorisation system for food and feed the FSA is developing will ensure that PB feed will not provide any greater safety risk than its counterparts." He suggested that it would more accurately describe the position if 'ensure' were replaced with 'aim to ensure' to cover things that could be outside the FSA's control. The use of the word 'robust' also gave the impression of a higher degree of confidence than could be possible and 'best available' might better describe of the position. The CSA said that it was reasonable to say there was no greater food safety risk from PB products because the process that had been developed was appraising risk in the same way as for other food risks but accepted that the wording suggested did give truer description of the approach.

7.9 Timothy noted the technology would tend to look where specific edits might be expected meaning other non-specific edits might not be detected. In the main, interest would be in editing genes that encoded proteins unlike natural spontaneous mutations. This could present a slight difference in the risk element from that of natural mutation. The CSA said he was conscious of the need to monitor the technology but many of these edits would not bring in coding genes. The main driver for the technology was whether a gene was turned on or off rather than the protein encoding part itself. It was likely that the ACNFP would require sequencing information demonstrating the variation created and other changes that may have occurred. This would be on a product-by-product basis.

7.10 The Chair said it would be important to see ACNFP's next considerations on the issue. It would also be useful to know what the first products likely to emerge would be and continued engagement with industry on this was suggested. She invited comments on the consumer information aspects of the paper.

7.11 Margaret Gilmore said that she supported the idea of a public register of PB products. Non-safety labelling was not the FSA's decision and unlikely to be necessary within the short-term but may be an area where the FSA would eventually be called upon to provide advice. She said that she would support labelling as this was the wish of consumers and the FSA had a duty to represent their interests. This would also be useful for the devolved administrations to control imports in the event of legislative divergence.

7.12 Lord Blencathra mentioned the discussion on the topic that had taken place recently in the Lords and noted the positions of different political parties towards labelling. He said that neither the Labour Party nor Conservatives had supported mandatory labelling. He supported the proposal for a public register but was opposed to labelling, noting comments made in that debate around the challenges of detection and the need for labelling to be meaningful to consumers. The Chair noted that not all labelling claims could be verified analytically, with the example that it

is impossible to test claims around organic produce other than through supply chain information.

7.13 Timothy agreed about the value of labelling but suggested that any consumer information to the public on the safety of their food should be assured similarly to how biological standards and controls were assured. There could eventually be food products that had been produced through successive gene editing and tracking this would be difficult.

7.14 The CSA noted that although precision breeding involved small edits that could not be distinguished from those that would occur through traditional breeding there could be other ways validate claims through supply chain traceability. There were no tests, however, that would currently allow this to be determined in the field and he was not aware of any technology under development to enable that in due course. PB products differed from organic certified products where isotope analysis would sometimes allow for testing in the field that, for example, a cow was fed on organic feed, and then this could be validated at the point of sale.

7.15 Rebecca Lamb said that the FSA was working closely with stakeholders on traceability and was also running workshops focused on the authorisation and the application process, enforcement, and a potential register. Julie Pierce said she would bring an update on research plans including, but not limited to, surveys and workshop outcomes and managing stakeholder engagement.

Action 2 - Julie Pierce to provide an update on research plans including, surveys and workshop outcomes and managing stakeholder engagement.

7.16 Peter Price noted the potential for legislative divergence given the different attitudes to PB produce between the UK and Welsh governments and the Internal Markets Act. The tension created by this had the potential to become a source of frustration. He questioned whether the pace at which government had been moving on this issue was necessary and advised waiting until the European Commission had established its position. That would give a context whereby the Westminster position would be internationally consistent or an outlier. Peter said that WFAC discussed the paper and divergence was their main concern and was interested in how the frameworks would operate in this context.

7.17 Fiona Gately noted that by the time the framework was developed, the Bill passed through secondary legislation and the first products through the approvals process, it would likely be at least two years before any PB products were available in the UK. It would take time for the supply to build on a commodity scale, at which point traceability would become much harder. The CSA said that although PB products produced in the UK would be unlikely to appear in the short-term, there were PB products available elsewhere and import aspects must also be considered.

7.18 Anthony Harbinson said that the Northern Ireland Food Advisory Committee (NIFAC) had discussed paper and noted that there would be no PB products produced or sold within NI due to the need to adhere to EU legislation. One area of concern for NIFAC was traceability if the technology moved beyond vegetable produce and impacted sales of semen to livestock farmers.

7.19 Mark Rolfe said that it would be important for maintaining the trust of consumers for them to be aware of what they were buying. He said he was in favour of labelling, acknowledging the potential that, in time, labelling products as PB free could become a signifier of a premium product. This could potentially open new opportunities for food fraud. Fiona added it was important to recognise that some groups would want to ensure their supply chains were PB-free and that, despite the challenges around traceability, it would be important that they could do this. She asked whether some of the digital tracking systems which were being adopted for supply chain traceability could be considered.

7.20 Ruth said that FSA had a duty toward openness and transparency and to act in the consumer interest and the research included in the paper said that the consumer wanted to be

informed about PB products, acknowledging that it also said that they did not know much about the issue. It would be useful to use that time before any such products became available to encourage public discussion about precision breeding to allow consumers to become better informed.

7.21 Hayley said that she did not favour mandatory labelling of PB products. She said it was possible that once PB products appeared on the market, in a short time they might became the norm, at which point labelling would cease to be meaningful. Consumers already had several labels on products including price, country of origin and nutrition so another way of registering approved PB organisms and traceability was preferable.

7.22 Justin said that there would be value in learning from COVID and the anti-vaccine narrative that emerged. Working across government to address fake news would be an important part of consumer engagement. He emphasised the importance of clear and the transparent messages from government and public health officials.

7.23 The Chair summed up the discussion, saying that the paper set out the benefits and challenges of labelling very clearly and the Board accepted those points. Board Members, had a range of views on the right approach, reflecting the variation in the views seen among stakeholders.

7.24 The Board recognised how much was not known and urged continued engagement with industry to improve understanding of the type and the range of products that might seek authorisations. The time before any such products became available in the UK had been noted and the Board had advised that it was important to use that time effectively to improve the understanding of consumers about PB, to ensure reliable evidence-based information for consumers and to understand the counter-narratives. The Board recognised public opinion in favour of labelling while noting a lack of widespread public knowledge about what precision breeding involved. The Board urged engagement with stakeholders and partner organisations on how consumers should be informed as well as on tracebility. The Board had expressed interest in how the regulatory process would work and looked forward to receiving the detail on that from the independent scientific advisory committee and ACNFP. The need for ensuring the language used in FSA materials on precision breeding was supported by the science in reflecting the level of uncertainty had also been noted. Overall, the Board were content with the direction of travel proposed in the paper.

8. Achieving Business Compliance Programme (FSA 23/03/06)

8.1 The Chair noted this was the first update on the Achieving Business Compliance Programme (ABC) programme since the incorporation of the transformation elements of the Operational Transformation Programme. The focus of this paper was the proposed implementation of the Food Standards Delivery model, the imminent trial with large retailers, and an update on the programme refresh. The Chair welcomed Carmel Lynskey and Michael Jackson to the meeting and invited Katie Pettifer to introduce the paper.

8.2 Katie gave a summary of issues including the reordering of the programme into the main areas; progress with the Food Standards Delivery model in England and Northern Ireland; the May pilot for the Food Standards Delivery model in Wales; the local authority data project; modernisation; and the trial to test enterprise level regulation with the large retailers.

8.3 Mark Rolfe supported the implementation of the Food Standards Delivery model and noted the exemplary consultation process that had been conducted with local authorities and stakeholders. Mark recommended that the process which had been used to develop the

standards model also be used to develop the Food Hygiene model.

8.4 He also asked how performance of local authorities would be measured when they were acting as a primary authority. Katie explained the FSA did not performance manage primary authorities. Mark acknowledged this was not done within the formal scheme but the potential impact on the FSA was such that monitoring and influencing their performance was important. The Chair said further information on how this could happen would be welcomed at a future Board meeting.

Action 3 - Katie Pettifer to bring information on FSA's role in relation to the performance of primary authorities to a future Board meeting.

8.5 Peter Price said WFAC had considered the paper and had commented on the decline in local authority staff numbers, beginning before the start of the COVID-19 pandemic. This was noted in the paper as not having had an adverse impact, but WFAC suggested this was still a risk and could be exacerbated by contextual challenges, including household food insecurity.

8.6 Anthony Harbinson said NIFAC had considered the paper and were enthusiastic about the introduction of the Food Standards Delivery model but also expressed some concerns about resources both within the FSA and within local authorities, particularly those operating ports which would also be affected by the Windsor Framework. Michael Jackson said once the Food Law Code of Practice had been amended in Northern Ireland and England, support would be provided to local authorities and the FSA would ensure the internal resources to take this forward as a priority project.

8.7 Fiona Gately asked how data assurance for local authorities could be established during the transition period toward implementation. Michael said that direct engagement with relevant stakeholders was helping with the understanding of where improvement was required, and that the FSA was continuing to gather more clarity about data needs, as part of an additional project within the programme. Issues would be identified and addressed as more information emerged. Timothy Riley added it would be important that human intelligence around performance management and the relationship with the local authorities was maintained, acknowledging this could be demanding on resources and the need to be judicious about how to use it.

8.8 Katie noted there would be some local authorities working on the old model and some working on a new model for standards and hygiene over the next few years. During that period, the FSA would continue to collect data about performance against the two different models, as well as an approximation of performance against the new Key Performance Indicators (KPIs) for those operating the new model. The data project would enable the collection of the required data in the long-term.

8.9 Timothy noted that since the COVID-19 pandemic, the agriculture industry had undergone changes around maintaining the supply chain and he welcomed work by the FSA around feed and its regulation. Mark asked for assurance that where the paper referred to food, this also included animal feed. Michael said there was a dedicated area within the programme that addressed challenges in relation to feed. Katie added when the ABC programme was first established, feed had not been included as it had already been through a modernisation process. While there would be no refusal to include feed as the programme progressed, a wholesale review of the feed system was not currently planned as part of the programme. The FSA was working with Trading Standards to understand the specific challenges involved in including feed within the programme.

8.10 Fiona Gately said a regular engagement programme to announce the changes and seek more ways to get stakeholders involved should be developed to ensure the changes were built into local authorities' business models. This should lead to KPIs being developed for senior management at local authorities to embed into their business planning for the year. Katie agreed

and committed to providing further information on how issues could be raised at senior levels in local authorities to encourage greater responsibility for their work.

Action 4 - Katie Pettifer to provide an update to the Board on how issues could be raised at senior levels in local authorities.

8.11 The Chair invited questions on the enterprise level regulation aspects of the paper. Mark said the validation process would be critical to assess the impact on food safety outcomes and the learning from it could elicit a range of actions, including not progressing further with that aspect of the programme.

8.12 Fiona asked whether enterprises could circumvent a primary authority to give data directly to the FSA. Carmel said the FSA accessed the retailers' systems directly and reviewed the data there, rather than the data being given to the FSA. It would continue to be reported to the primary authority so they would also see the data. This three-way review of data should help validate what was observed on the ground. There would be opportunities to try various routes toward validation.

8.13 The Chair said Margaret Gilmore had raised in writing how dependent the system would be on what happened within individual premises, given the way the pilots with the large retailers at enterprise level were run, and had asked how validation of the extent to which individual managers of premises complied with this could be obtained. Carmel said within the current system, a local authority would inspect an individual premises holding direct conversations with that premises' manager. The proposed system would allow access to all of the data for all premises and conversations with the retailers would continue at senior level.

8.14 Mark commented that the consumer interest should be the blueprint for the regulatory assurance system mentioned in the paper; he encouraged ambition for the food hygiene model; and urged that the quality of the regulation not be compromised in using staff without formal qualifications. Katie agreed that they were looking to be ambitious with the model.

8.15 Katie noted this was Michael's final Board meeting before his retirement and paid tribute to his contribution to the FSA throughout his career.

8.16 The Chair noted that the Board supported the implementation of the Food Standards Delivery model and welcomed the process used in its development. The Board were broadly supportive of the approach laid out in the paper and had expressed excitement about the enterprise level regulation trial. The Board had also noted that learning would be required continuously throughout implementation. She said the Board would look forward to seeing continued progress with the programme and that the Business Committee would continue to scrutinise the data coming from local authorities. There was clear agreement that the FSA should begin implementation of the Food Standards Delivery model and awaited updates on the pilots of the Food Hygiene Delivery model next year. She thanked Michael for the work he had done for the FSA throughout the years.

9. Three Year Corporate Plan (FSA 23/03/07)

9.1 The Chair welcomed Sam Faulkner to the meeting and explained that the three-year corporate plan set out the delivery process for what the FSA hoped to achieve over the upcoming five-year period as set out in the strategy. The Board was being asked to agree the overall approach and objectives.

9.2 Sam gave an overview of issues covered in the paper including an outline of the structure of the plan. The Chair noted that, because she was absent, Margaret Gilmore had provided some comments in writing and had queried whether the plan meant more sampling which would require

further laboratory capacity. The CSA confirmed this to be the case. We had good lab capacity, but the on-the-ground sampling costs were more than the lab aspect, namely reliance on third parties such as Local Authorities and Port Health Authorities for the sampling.

9.3 Lord Blencathra said he agreed with the aspirations set out for the FSA's Policy Maker role around eco labelling but noted that the biggest threat to health in the UK was obesity. He asked whether it was possible to influence the thinking inside and outside of Government to do more on obesity. The Chair declared an interest as a Professor at Oxford University where prevention and treatment of obesity was a major focus of her research. The CE said some of the aspirations, particularly around eco labelling, were areas where it was felt that the FSA could make a difference as there were live discussions ongoing within Government.

9.4 Peter Price said WFAC were broadly content and welcomed the three-nation approach. He noted the relevance of the Wellbeing of Future Generations Act to the third pillar of the strategy. Anthony Harbinson said NIFAC had cautioned that the plan should not ignore the fact that much of the work outlined in relation to healthier diets in the third pillar was already being done in Northern Ireland due to the FSA's wider remit there. NIFAC were also interested in plans for external engagement.

9.5 Timothy Riley asked about the resources required for the plan. The CE said the plan represented a framework and the Board's view on whether things within it had been categorised appropriately was being sought. The prioritisation exercise which had taken place meant that it would not be possible to achieve all in year one as had been hoped. In terms of what was affordable, the paper outlined activities in terms of what must be done and what could be done. This would inform annual planning which was when full costings would be presented.

9.6 Ruth Hussey said once the indicators were developed, it would be helpful to be clear which related directly to FSA and which to the food system more broadly that may be outside the FSA's control.

9.7 Fiona Gately noted that it would be important to continue to build the FSA's international influence to ensure confidence was maintained with new processes in order to address future challenges following EU Exit. Currently this was listed as a 'could' in the paper. Fiona said this should be considered something that the FSA 'should' do. The Chair noted this was consistent with the approach described in relation to precision breeding and the potential for the FSA's position there to impact on international trade. The CE clarified that there would be some things in this area which the FSA would do anyway, such as engagement with Codex and work on trade and market access, but the focus on the FSA being a leader internationally was currently a "could."

9.8 Fiona noted there was little mention of science in the paper. The CSA said in areas such as laboratory capacity there had been investments in equipment, public sector research establishments, and money from Treasury to invest in future-looking technologies. This was not as explicit as it should be in the paper.

9.9 The Chair said Margaret had recognised there had been thorough conversations about work on food hypersensitivity during the prioritisation exercise and agreement that precautionary allergen labelling would continue. Margaret was concerned that the work, as framed in this plan, was too broad and requested the wording be revisited to ensure consistency between the prioritisation decisions and the plan.

9.10 The Chair noted there was general support from the Board for the plan. The Board wanted the plan to be more explicit about the FSA's science work, thought given to wording on international engagement and aspirations around long-term health and consistency with prioritisation decisions.

9.11 Regarding engagement on the plan, Sam thanked NIFAC and WFAC for offers of help to do this locally and said engagement would focus on the things that were different from previous plans. There had been no large-scale consultation on the strategy but there was an undertaking to do that this year. It would be important to use the opportunity to engage and talk to stakeholders and FSA colleagues about the strategy.

9.12 The Chair said the Board would be keen to see what was planned in terms of external engagement. The Board approved the three-year objectives. The Chair advised that the paper should be revised before engagement and that a listening exercise would help develop it further. The plan did not need to be brought to another Board meeting and the Chair suggested she sign it off on behalf of the Board outside of the meeting.

Action 5 - Sam Faulkner to provide revised plan, reflecting points made by the Board, to the FSA Chair for finalisation.

10. Risk Analysis Process and Regulated Products Service Update (FSA 23/03/08)

10.1 The Chair welcomed Ruth Willis and Lexi Rees to the meeting to introduce the paper, noting that this paper would have been a regular report to the Business Committee prior to changes to how the Business Committee operated. It had been decided that it would now be discussed by the Board instead in the interests of openness and transparency.

10.2 Lexi gave an overview of issues covered in the paper including progress in delivery; a reflection on the first two years of service, including the peak in applications in year one comprising inherited EU applications and CBD; risks to service delivery and mitigations, including our plans for medium- and long-term reform. It was explained that that agreement had been received from Ministers across the nations to authorise 15 applications, not 16, as indicated in the supporting slides.

10.3 Anthony Harbinson asked if there was any way to expedite processes to enable the timetable for reform to be brought forward. The CE explained that although timescales needed to be finalised, the amount of work required meant that the timescales noted in the paper were already ambitious. The Chair added that a clearer outline of the timescales should be available by the June Board meeting.

10.4 Rebecca Sudworth said there were reforms that it was hoped could be taken forward through work around REUL, pending a decision from Ministers and the timetable for these were out of our control and set by Government. It would also be necessary to ensure that the broader regulatory framework was protected, and the anticipated timescales had been suggested with a view to being as ambitious as possible while ensuing continued effective consumer protection.

10.5 Lord Blencathra asked whether a proportion of the pre-validation applications included product ideas that had not been fully thought through. Lexi explained that the applications varied in quality. A new case management system was being used to sift out unsuitable applications. For other applications which were incomplete or missing key information, the Stop the Clock system was being used to discuss what was required with the applicants.

10.6 Ruth Hussey asked whether an application could be considered void if an applicant did not respond for a long period when using Stop the Clock. Lexi said it was hoped that the new case management system would help with the tracking and appropriate status of an application. Ruth Willis said when Stop the Clock was used, a deadline was agreed with the applicant to provide the necessary information. The deadline would depend upon the nature of the application and the information required. The Chair noted that a key feature of the paper was that applications were not being progressed quickly enough, leading to a build-up. Mitigations were detailed in the paper but would require monitoring to ensure applications did not remain in the system for an extended period.

10.7 Lord Blencathra asked how many feed additive applications were received from different companies for a similar additive. Ruth Willis said a high proportion of feed additive applicants had experience of making applications within the EU system and those applications tended to be better constructed. Some applications would be for new additives while others were for novel delivery methods. The team was getting better at being able to process these efficiently.

10.8 Ruth Hussey asked for the June paper to provide more detail on improvements to the process and also consideration of what was needed for scientific risk assessment.

Action 6 - June Board paper on Risk Analysis Process and Regulated Products to provide greater detail on potential improvements to the process consideration of what was needed for scientific risk assessment and information on timelines.

10.9 Fiona Gately asked whether the total number of applications provided in the paper were those received in total, since leaving the EU or over the past year. Lexi confirmed the numbers and advised that those being authorised annually were increasing meaning that outstanding applications were now moving through the system more quickly. Ruth Willis explained that CBD presented a particular challenge due to the number of applications being received and cross-cutting issues to address beyond the normal assessment.

10.10 Peter Price said that WFAC broadly agreed with the recommendations of the paper, highlighting the relevance to the FSA strategy around health and sustainability. WFAC had also cautioned that stakeholder engagement around regulated products must contain a Welsh element.

10.11 Peter noted the increasing rate of innovation had implications for resource forecasting. The CSA said the Chancellor had announced a review of regulation in the autumn fiscal statement to support innovation. The FSA was also involved with a wider government review of regulation.

10.12 The Chair noted the balance of applications and authorisations and said the Board had indicated a wish to see a quicker flow of applications through the system and were interested to know what was being done in relation to horizon scanning to understand where innovative products were likely to arise. Consideration needed to be given to how far the FSA should go in helping industry to produce good quality applications. The Board would also welcome more detail on the risk assessment process to help inform the stated risk appetite around the process and further information ahead of the June Board on a strategic overview of that process would be welcome. Ruth Hussey added that it would be helpful for the Board to see the detail about how the scientific assessment process currently works before considering the future model.

Action 7 - Board Members to receive further information on how the scientific risk assessment process works.

11. Annual Science Council Report (FSA 23/03/09)

11.1 The Chair welcomed Professor Sandy Thomas to the meeting and reminded Board Members that the forward plan for the Science Council contained in the report had been scaled back compared to previous years pending the outcomes of the external reviews of the Science Council and the Advisory Committee on Social Sciences (ACSS).

11.2 Professor Thomas mentioned that there was an error contained in paragraph 4.3 of the report where the word ‘not,’ should be read as the word ‘now.’ She gave an overview of the paper covering food production and processing methods and the contribution to carbon emissions; the implications of food safety for changes to achieve net zero carbon; the Independent Review for Science Council chaired by the Director of the Oxford Programme on the Future of Food, Sir Charles Godfray; new appointments to the Science Council; and the creation

of an options paper including cross-government opportunities to take forward the working group's recommendations.

11.3 The Chair invited comments from Board Members. Ruth Hussey noted comments that Margaret Gilmore had submitted about work on the reduction of carbon emissions and assessing risk. Professor Thomas said the speed of developments made establishing the size of the risk difficult to assess. Working with other bodies to ensure appropriate visibility of food system changes to achieve net zero, as well as the use of retrospective evidence, will be important. Such changes could be readily compared to existing codes of practice and regulations in order to swiftly assess risks, after which the level of priority would be a matter for the FSA.

11.4 Ruth noted potential food safety implications of carbon reduction and asked what could be done to mitigate these. Professor Thomas said there were some examples where private investment was going into vertical farming without the necessary experience for how this could be done safely and efficiently. There were opportunities for collaboration around these approaches through conversations with the research councils.

11.5 Timothy Riley declared an interest as a regenerative farmer and asked about the scientific methodology required to enable signposting and ensure credibility among those that might provide funding. Professor Thomas said the signposts in the report were a response to what was already happening and would be that way regardless of how successful those innovations were.

11.6 Anthony Harbinson noted that in a previous role he had held responsibility for moving Northern Ireland to a net zero economy, noting that Northern Ireland had a population of two million people but an agri-food economy that produced food for 10 million. Without a currently functioning Executive, Northern Ireland would need help in reaching these objectives and urged information sharing and collaboration with officials in the Department for Agriculture, Environment and Rural Affairs (DAERA). Professor Thomas said there had not been an opportunity to engage DAERA on this topic yet but there would be scope to do that in the FSA's follow-up. Outputs would be shared with officials in Northern Ireland going forward.

11.7 Fiona Gately asked whether work outlined in the report would contribute to building the FSA's policy pillar around healthy and sustainable food. Professor Thomas noted comments about links with the FSA strategy and said it would be for the FSA to decide how it should be taken forward and to fit in with other areas of work.

11.8 Peter Price said that the report fitted well with Welsh legislation and suggested that there could be advantages in Food Advisory Committee (FAC) members in observing a meeting of the Science Council. The Chair said that a note of upcoming Science Council meetings could be included in weekly briefings that issued to Board Members. Professor Thomas added that the meetings were open and observers from the FACs would be welcome.

Action 8 - Note of dates of Science Council Meetings to be included in a weekly Board circulation.

11.9 Hayley Campbell-Gibbons asked about next steps. The Chair said the CSA's update at the June Board Meeting would provide an opportunity for him to reflect on outputs and for the Board to discuss further. Professor Thomas said that the next steps would be for the FSA to decide. There was cause for optimism about the way food systems were getting more attention globally.

11.10 Hayley asked whether there were other sustainability measures, beyond carbon emissions that were being considered such as food waste and packaging reduction. Professor Thomas said that packaging did feature in the report and many of the changes around net zero were reflective of a broader range of activities including soil conservation and biodiversity.

11.11 Justin Varney noted the urgency to address climate change and asked, if there was time and resources available, what else the Science Council could do. Professor Thomas said there had been a priority setting workshop in December to consider priority areas for the FSA. This would influence the Science Council's future work plan. Topics discussed included Artificial Intelligence and the changing food system; no decisions had been made and input from the CSA, the Board and the CE would inform the workplan further. The Science Council review would also provide suggestions about the different approaches that could be adopted.

11.12 The Chair said that the Board looked forward to receiving the finalised report on the review of the Science Council.

12. Welsh Food Advisory Committee (WFAC) Chair Report (FSA 23/03/10)

12.1 The Chair invited Peter Price to introduce his report. Peter noted that the report reflected on WFAC's role and Membership; themed meetings over the previous 18 months on Food Hypersensitivity, FSA Strategy, Food Insecurity, Precision Breeding, The Food Scene, and FSA Operations; future plans; and the effectiveness review of the FACs.

12.2 The Chair said the effectiveness review of the FACs provided opportunities to consider how the FACs advised the Board and how best, strategic use could be made of that advice and that the Board looked forward to discussing that at the June Board meeting.

13. Report from the Chair of the Business Committee (INFO 23/03/01)

13.1 The Chair noted the new structure and membership of the Business Committee, which was now chaired by FSA Deputy Chair Ruth Hussey and held in advance of the Board meeting. The papers discussed at that meeting had now been published. One slide from the Performance and Resources report, relating to the People Survey results which were under embargo, had been redacted and would be made available in due course. There was a decision for the Board to make in relation to the Terms of Reference for the Business Committee. She invited Ruth to introduce the paper.

13.2 Ruth noted the rapid turnaround to prepare the note; the new format for Business Committee meetings; the agenda; uncertainty around REUL; and learning from the process and the potential to assess and adapt.

13.3 The Chair invited comments on the Terms of Reference. The CE asked whether the section on HR related to reward packages or whether it referred to the use of reward as an issue within a strategic approach to Human Resources. Ruth agreed that it should be the latter to avoid operating as a remuneration committee.

Action 9 - Business Committee Terms of Reference to be updated to clarify remit around reward as a strategic approach to HR.

13.4 The Chair noted that the Board were content with the Terms of Reference with pending the change around rewards.

13.5 Ruth noted that Margaret Gilmore had provided a comment ahead of the meeting to ensure that there continued to be no overlap between the functions of the Business Committee and that of the Audit and Risk Assurance Committee (ARAC). Timothy Riley said that ARAC had considered the Terms of Reference and were content they complemented those of ARAC and

were compatible with them.

13.6 Mark Rolfe noted that the Board had also been asked to agree the Standing Orders for the Business Committee. The Chair invited comments and said that the Board were content to approve these also.

14. Report from the Chair of the Audit and Risk Assurance Committee (ARAC) (INFO 23/03/02)

14.1 The Chair invited Timothy Riley to introduce his report as Chair of ARAC, noting that she had had the opportunity to attend an ARAC meeting as an observer. Timothy gave an overview of the report including the process and the direction of travel; the focussing of ARAC's business and the interface with the Business Committee; the relationship with Executive and the Head of Internal Audit; ARAC's forward look; the relationship with the National Audit Office (NAO); horizon scanning on risk; deep dives including governance and cyber security; and potential, future deep dives.

14.2 The Chair invited suggestions from the Board for future ARAC deep dives. Anthony Harbinson said that, although care should be taken not to get involved in operational matters, retrospective reviews of incidents to improve the handling of future incidents could be welcome.

14.3 Hayley Campbell-Gibbons said that seeing ARAC's view of risks could promote investigation into particular areas. She added that she would appreciate also being able to attend an ARAC meeting as an observer. Timothy said that he would be welcome to attend and that this could help demonstrate ARAC's approach to risk.

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

15.1 The Chair asked Anthony Harbinson if there was anything further from NIFAC to update the Board on. Anthony said that the views of NIFAC had been fed into the relevant discussion items and that he looked forward to welcoming the Board to Belfast in June.

15.2 Peter Price said that he had nothing further to add as the Chair of WFAC.

16. Any Other Business

16.1 The Chair said that no further business had been raised. The next meeting would be on 21 June in Belfast.

17. Question and Answer Session

17.1 The Chair invited questions from observers. Liz O'Neill, the Director of GM Freeze said in 4.15 of The Genetic Technology (Precision Breeding) Bill (FSA 22/03/05) it stated that no additional costs to industry would arise from maintaining the current approach to traceability under General Food Law which applies equally to PB food/feed. She asked how the cost to industry and industry itself was defined in that statement. There did not appear to be consideration of the cost incurred by the businesses that want to avoid having PB ingredients in their food including producers of organic foods. She noted the question to the Board from one of the organic certification organisations and added that all producers seeking to export products to the EU or other countries where PB food is not treated the same way could incur costs, particularly if there was no detailed additional traceability put in place as a statutory requirement.

17.2 Rebecca Sudworth said that there were many aspects of food where businesses could choose to promote certain aspects to allow consumers to make choices such as environmental benefits or animal welfare and that costs could be incurred accordingly, but that this was a choice for the businesses. On exports, having left the European Union, the UK now had a different regulatory system. EU requirements needed to be met if exporting food there and UK standards needed to be met for countries exporting to the UK. It would be businesses responsibility to maintain compliance with that but would be no different for Precision Breeding than for other standards. For businesses that wished to remain PB free following the passage of the Bill, it would depend on the claims made on behalf of the product and additional assurance that businesses wanted to put in place, whether further costs could be incurred. The paper also presented options to have mandatory labelling for consumer information as well as requirements on traceability. There would likely be additional costs for industry to complying with those requirements too. Rebecca offered to discuss the issue with GM Freeze following the meeting to understand further where their concerns arose. The Chair added that the mandatory labelling was a decision for DEFRA, not for the FSA. The FSA would reflect and to advise on the consumer interest and to contribute to ministers accordingly.