Minutes of the FSA Board Meeting on 20 September 2023

FSA 23-12-01 Minutes of the FSA Board Meeting on 20 September 2023.

Novotel Hotel, Southampton

Present:

Susan Jebb, Chair; Mark Rolfe, Deputy Chair; Lord Blencathra; Hayley Campbell-Gibbons; Fiona Gately; Margaret Gilmore; Anthony Harbinson; Timothy Riley; Justin Varney (via Zoom)

Apologies

Rhian Hayward

Officials Attending:

Name	Role
Emily Miles	Chief Executive
Nathan Barnhouse	Director for Wales (for FSA 23/09/09)
Jenny Desira	Head of Knowledge Information Management and Security (via Zoom for FSA 23/09/05)
Justin Everard	Senior Head of External Communications (for Clare Forbes, Director of Communications)
Junior Johnson	Director of Operations
Anjali Juneja	Director of UK & International Affairs
Rebecca Lamb	Head of Policy Priorities Unit (for FSA 23/09/04)
Kevin Maher	Head of Animal Welfare & Delivery Assurance (for FSA 23/09/06)
Robin May	Chief Scientific Adviser
Ruth Nolan	Director of People and Resources
Katie Pettifer	Director of Strategy and Regulatory Compliance
Julie Pierce	Director of Information and Science
Lexi Rees	Head of Regulatory Services Delivery (for FSA 23/09/08)
Chris Rundle	Head of Regulated Products Risk Assessment (for FSA 23/09/08)
Rebecca Sudworth	Director of Policy
Noel Sykes	Head of Standards and Reward (via Zoom for FSA 23/09/05)
Jodie Wild	Head of Incidents Unit (for FSA 23/09/07)

Apologies:

Clare Forbes, Director of Communications

1 Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting and gave notice that Justin Varney would leave the meeting briefly at 11:30hrs. Rhian Hayward, who had recently been appointed as the

Board Member for Wales had given apologies for this meeting due to a prior commitment. Hayley Campbell-Gibbons had attended the recent meeting of the Welsh Food Advisory Committee (WFAC) and had agreed to feed that Committee's comments on the papers into discussions. This was the first meeting since the appointment of Mark Rolfe as Interim Deputy Chair. The campaign for a permanent appointment for Deputy Chair had now closed for applications and had received a good response.

1.2 Ruth Nolan had recently been appointed as Director of People and Resources. Clare Forbes had also recently been appointed as Director of Communications but had sent apologies for this meeting. Justin Everard was attending this meeting in her place.

1.3 A large number of questions for the Board had been received ahead of the meeting and had been published on the FSA's website. All questions would receive a written response within 20 working days. Two questions did not relate to substantive papers on the agenda for this meeting and would be treated as correspondence and responded to within that process.

1.4 Fiona Gately noted that since the previous meeting she had begun a consultancy role with the Rothschild Foundation. This did not represent a conflict of interest with any items for discussion on the agenda for the meeting. No new declarations or conflicts of interest were raised by other Members of the Board.

2 Minutes of 21 June 2023 Board Meeting (FSA 23/09/01)

2.1 It was noted that paragraph 16.3 of the Minutes of the June Board Meeting misspelled the name of Wesley Aston of the Ulster Farmers' Union. With this correction, the minutes were agreed as a true record of the meeting.

3 Actions Arising (FSA 23/09/02)

3.1 The Chair noted there had been an update on the Achieving Business Compliance programme at the Business Committee meaning that Action 1 from the June meeting should now be considered complete. Action 8 relating to the Terms of Reference for the Food Advisory Committees had been delayed to allow for the contribution of the newly appointed Chair of WFAC, Rhian Hayward.

3.2 No further comments on the Actions were raised.

4 Chair's Report to the Board (Oral Update)

4.1 A list of the Chair's engagements since the previous Board meeting had been published on the FSA website. The visit to India and attendance at the Global Food Regulators' Summit had presented a good opportunity to talk with international counterparts and there had been a lot of interest in the work of the FSA from other regulators. The Royal Welsh Show had provided an opportunity for discussions with stakeholder in Wales. Meetings had been held with Welsh Government Ministers and officials, particularly around Precision Breeding, which had also been discussed with Ministers in Westminster, officials in NI and colleagues in Food Standards Scotland (FSS).

4.2 At the Greater Manchester Food Security Action Network there had been discussions around the cost of living which revealed helpful insights into what was being done by some charity organisations and individuals. The Chair also noted that she had hosted the Consumer Stakeholder Forum in July.

4.3 The Chair had met with Russell Viner, CSA of the Department of Education to discuss school food and dietary health of children. Looking ahead, the Chair noted the results from the School Food Standards Pilot would be seen later in the year. She also noted events to be held around the publication of the joint annual report with FSS. No questions were raised by Board Members on any of the items in the Chair's report.

5 Chief Executive's Report to the Board (FSA 23-09-03)

5.1 The Chief Executive (CE) raised some items included in her report including the Border Target Operating Model (BTOM) and changes to checks on high-risk food and feed; the implementation of the Windsor Framework; the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP); listeria in cold-smoked fish; advice on slush ice drinks; engagement with Professor Chris Hodges and Tanuj Jain of the Regulatory Horizons Council; and industry stakeholders to discuss the supply of vets. She also reported the appointment of Andy Quinn as the Head of the National Food Crime Unit (NFCU).

5.2 The Board welcomed information to consumers on listeria and noted that on the previous day's visit to Barfoot's listeria had apparently been a clear priority for the business, with impressive control systems.

5.3 The Board expressed their disappointment at the delay of the imposition of border checks on EU Food and feed, and the need for certainty for businesses was emphasised. Concerns were noted around the borders target operating model itself from within industry and the lack of inspection for goods now categorised from medium to low risk was raised. It was explained that the risk model was owned by Defra, but the FSA was responsible for the food safety data that went into the model. Certain goods would be in the low-risk category, and this is based on a number of reasons including knowledge of the country control systems, and the characteristics of the product itself. Low-risk products of animal origin would have fewer checks than high or medium risk goods, but this does not prevent port health authorities from conducting checks on these goods.

5.4 A detailed paper on BTOM was requested for the Board's December Board meeting.

Action 1 - Anjali Juneja to prepare a paper for the December Board meeting on BTOM including information on the risk model

5.5 There was a question about issues with goods from Poland following the recent discovery of salmonella in eggs and previous issues involving chicken. It was explained that the salmonella had been traced to a few plants in Poland and a notice had been issued to the British Retail Consortium to help manage the risk. There were actions underway that would help identify whether the issue was part of a larger trend.

5.6 The Board asked whether in the light of the updated advice on listeria, cold-smoked salmon had been removed from menus, particularly in hospitals. It was explained that there was an active programme of work with the NHS and DHSC, following a previous listeria outbreak in a hospital. Guidance for hospitals on food safety was being reviewed and the FSA was working with local authorities responsible for enforcement. The Board asked for information on the extent of implementation of the guidance. A briefing about the overall approach to Foodborne disease and proposed future priorities was scheduled for Board Members for December.

Action 2 - The Board to be provided with information on the extent of implementation of the FSA's guidance on listeria.

5.7 The Board noted plans to issue updated advice to consumers on CBD in light of recommendations from the scientific committee. The importance of clear consumer

communications was noted, given that no CBD products are currently approved and the need to ensure that consumers understand and act on the latest advice. There are a significant number of CBD applications where the FSA is awaiting additional evidence, the Board encouraged officials to take an appropriately firm line where an applicant does not come forward with the required information in a reasonable timescale.

6 Genetic Technology (Precision Breeding) (FSA 23/09/04)

6.1 The Chair noted that the paper built on previous discussions around Precision Breeding (PB) and welcomed Rebecca Lamb to the table. The external interest in the paper was noted with 36 questions received on the topic ahead of the meeting. The Chair welcomed this engagement and said discussions with stakeholders would continue. The precision breeding policy related to England only, but the Internal Market Act meant decisions for England would have implications for other nations and the FSA was engaging with Ministers in Wales, and officials in Northern Ireland as well as with FSS.

6.2 Rebecca Sudworth gave an overview of key points in the paper and the Chief Scientific Adviser confirmed that there is no evidence that Precision Bred Organisms pose any greater risk than traditionally bred organisms. The Chair said the challenge was to establish an authorisation process that was proportionate to the risk. It had already been established that the Novel Foods process would be disproportionate for PBOs and a bespoke system of authorisation would be required to assess risk and provide assurance to consumers. In designing the approach, FSA officials had looked at examples of PBO regulation from elsewhere in the world

6.3 The Chair of the Northern Ireland Food Advisory Committee (NIFAC) relayed the Committee's views on the paper including questions over industry's understanding and readiness for the tiered system; the complexities brought about by the Windsor Framework and the Internal Market Act given the varying approaches across the 4 UK nations; as well as the potential disadvantage to NI farmers through not having access to PB grain for animal feed.

6.4 Hayley Campbell-Gibbons reported on the views from the Wales Food Advisory Committee (WFAC). These included uncertainty around the operation of Internal Market Act; the need for traceability and for consumers to know what was in food; the need for Welsh consumers not to be cut off from opportunities for innovation ; and the potential burden on smaller businesses of the triage process. The Committee had also raised the medium to long-term nature of a register and whether, once an organism was listed on the register, it would be deemed safe permanently.

6.5 The Chair noted the similarities between the issues raised by the Food Advisory Committees (FACs) and that this could be an instance where the approach to managing internal divergence within the UK would be tested.

6.6 The Board asked about the risks of PB being used in combination with other technologies and the risks from possible cumulative edits. They wanted more information on the standards for traceability. They reflected anecdotal feedback from producers of a lack of interest in PBOs due to perceived consumer aversion and noted potential benefits for dietary health and sustainability.

6.7 On the risks from cumulative edits arising from an inability to determine where edits had been made previously, the CSA explained that the science in this area was developing very quickly and noted that traceability was in the interests of everybody involved in the sector, including those who may have invested time and money developing a cell line, who would not then want it to be untraceable.

6.8 The Advisory Committee for Novel Foods and Processes (ACNFP) had presented two models for evidence requirements for PBO authorisations, outlined in the paper. Model One is

recommended by officials. There was a range of views amongst Board Members and the following points were raised in discussion:

- the risks of putting too high a burden on businesses if too much information was mandated, stymying innovation.
- the need for sufficient information to support traceability.
- the risks of a surfeit of data requiring excessive FSA resource to manage.
- the data generation necessary for businesses under both models
- the outcomes of the Lords' debate on the Genetic Technology (Precision Breeding) Bill
- questions around who would conduct the initial triage within the two models.
- whether sampling a selection of applications was possible for Tier 1 products and whether this could reduce over time as businesses demonstrated the safety of their products, mindful of possible resource implications for risk assessors.
- the possibility of retaining reference material enabling future testing not possible with current technology; and
- the importance of clear guidelines for industry for what they would need to provide and when.
- The desire from consumers for information on PBOs, including labelling.

6.9 The Board agreed that industry had responsibility for selecting the appropriate tier and, said there would need to be checks to ensure that was being done.

6.10 On retaining reference material, the CSA said that scientists would always want all the data but that the amount of data it would be proportionate to retain was a question for the Board, not a purely scientific one.

6.11 The Board then discussed traceability and the approach to a register of PBOs. In discussion, the Board said they were generally content with the proposals presented in the paper, but the register would need to include details of how the edits were created. It was noted that while, in the short term, it would not be possible to detect edits through sampling, the current traceability requirements would allow the FSA and food businesses to ensure appropriate record keeping and supply chain assurance. It was likely that there would be additional traceability and certification schemes developed by third parties to provide further information for consumers. Technologies allowing greater traceability through sampling could emerge in the longer term. The Executive were asked to provide further details on emerging science and technologies to help the Board understand more about traceability.

Action 3 - Julie Pierce to provide additional information on emerging technologies for traceability.

6.12 On enforcement, it was noted that criminal sanctions were not available to use for enforcement around PB. Board members commented that the use of civil law rather than criminal law did not make using powers less complex or time consuming. It was suggested that there was a risk that the system could encourage non-compliance where the benefits of doing so outweighed potential penalties. The Chair noted that Welsh Government had specifically asked about the guidance in relation to enforcement and how local authorities would be supported. It was suggested that consideration be given to what could be done within available options to make enforcement more straightforward. A separate, longer-term, discussion on the appropriate penalties for food-law non-compliance more generally would be welcomed at some point.

6.13 The Chair summarised the discussion. The Board were content that industry should take responsibility for selecting the correct Tier. There was no unanimous agreement among the Board on which ACNFP model to adopt but the balance lay in favour of Model 1. The Board asked for further details of the data requirements proposed at each level in order to reach a final decision.

6.14 The Board were in favour of a public register but would like to see it enhanced to include as much information about edits as possible, involving liaison with consumer groups, especially the organic sector, to ensure that it provided the information they would require.

6.15 On enforcement, the Board wanted to see proposals strengthened where possible.

6.16 A new iteration of the proposals and the consultation was to be made available for Board Members to see ahead of the consultation opening at the beginning of November.

Action 4 - Rebecca Sudworth to provide Board Members with a new iteration of the proposals and the consultation ahead of the consultation opening at the beginning of November.

6.17 The Chair thanked the Precision Breeding team, noting the work required to develop this new framework, noted the Board's gratitude, and acknowledged the scale of the work still to come. She thanked Board Members for their close attention and feedback.

7 Annual Report: Freedom of Information Requests, External Complaints and Internal Whistleblowing Cases (FSA 23/09/05)

7.1 The Chair welcomed Jenny Desira and Noel Sykes to the meeting via Zoom. She reminded Board members that ARAC also had a governance role within the areas of complaints and whistleblowing and had the opportunity to consider individual cases in greater detail on behalf of the Board. The paper represented an annual report to provide assurance to the Board in those areas.

7.2 Jenny and Noel gave an overview of issues covered in the paper. There was a question from a Board Member as to how assured the FSA could be about its own arrangements in light of recent media coverage of data breaches. Jenny noted the FSA had recently taken the opportunity to scrutinise its processes, particularly around disclosure through Freedom of Information (FOI). The FSA released information under FOI via a central mailbox managed by the Information Governance team. There were a series of checks and peer reviews in place to ensure appropriate data handling to guard against incorrect information being inadvertently disclosed in response to a request.

7.3 The Chair noted the positive nature of the report; the approach to lessons learned and continuous improvement; and recognised the collective effort across the FSA to ensure compliance in these areas.

8 Annual Animal Welfare Report 2022/23 (FSA 23/09/06)

8.1 The Chair welcomed Kevin Maher to the table noting the context of the report, with responsibilities for Animal Welfare within the FSA, and also with partner organisations and Food Business Operators (FBOs). Kevin gave an overview of issues covered in the paper. The Board mentioned several issues in discussion including FBO compliance; repeat offenders; the annual statistics presented in the Annex; animals recorded as 'dead on arrival;' and the triage process for the 'Deter, Prevent, Detect, Enforce' approach.

8.2 It was explained that the FSA did link compliance with other official controls to animal welfare controls and all of the relevant data was recorded and maintained through the Chronos enforcement recording system. There were discussions with other government departments about how penalty notices could be used for animal welfare enforcement.

8.3 There had been an increase in cross-departmental engagement including a referrals panel group with regional attendees allowing information on repeat offenders to be shared and appropriate action to be taken.

8.4 On the annual statistics, it was explained that what appeared to be a 500% increase over five years was likely to be a result of changes in the way that cases were recorded to include the numbers of affected animals meaning that reliable year-on-year comparisons were meaningful only for the previous two years.

8.5 The issue of animals recorded as 'dead on arrival,' which had been raised at the recent WFAC meeting, related especially to chickens that had been affected by heat fatigue due to the particularly warm weather. A process using the Met Offices extreme weather alerts was being implemented, which would provide warnings for extreme cold as well as extreme heat. Working with other departments, it would be possible to share information on this with industry and hauliers to allow them to adjust their processes to minimise the impacts.

8.6 The triage process, which sought proportionality and consistency in animal welfare cases referred to cases within slaughterhouses where the FSA had control and allowed consideration of where investigation for prosecution by the FSA was warranted.

8.7 The Chair noted the FSA's role within the wider system and the importance of ensuring all parties within the food chain felt the pressure to act appropriately.

9 Incidents and Resilience Annual Report 2022/23 (FSA 23/09/07)

9.1 The Chair introduced the paper and welcomed Jodie Wild to the table. It was noted that this was an annual report and there would be a discussion focussing on the strategy and approach to incident management at a later date. Jodie gave an overview covering outbreaks and incidents over the past year as included at Annex A of the paper.

9.2 The Chair of NIFAC said the Committee had noted the Campylobacter outbreaks and the importance of good working relationships with the EU in tackling incidents which might start there and spread to the UK. Hayley Campbell-Gibbons said the WFAC had asked about lessons learned from incidents; lab capacity and capability for whole genome sequencing; and the associated costs to small businesses dealing with smaller number of products.

9.3 It was explained that the FSA was engaging with a range of stakeholder and consumer organisations, internationally and domestically, including the Food Industry Liaison Group. The FSA was leading on preventative work with EU partners via INFOSAN. The UK no longer had direct access to the Rapid Alert System for Food and Feed (RASFF) system requiring more effort to engage with EU partners. The Chair noted the FSA secondment to INFOSAN was due to end and said it would be important to find other ways to maintain that engagement.

9.4 On laboratory capacity, in addition to the PATH-SAFE project, there were projects funded by Defra which aimed to centralise data storage allowing small labs across the country to identify data from their area and act without needing a large team of epidemiologists.

9.5 In further discussion the Board asked about:

- the levels of non-compliances
- resources for real-time intelligence and data handling and the levels of risk to human health from different outbreaks
- stakeholder and consumer engagement
- the Relationship with the Food Safety Authority of Ireland (FSAI)

- guidance for small businesses on recalls and incident management; and
- ·preventable deaths and the efficacy of the incident triage process.

9.6 It was explained that there were 144 non-compliances in 2018/19, 140 in 2019/20, and 75 in 2021/22. 2022/23 had seen a return to pre-pandemic figures giving the impression of a rise but should be seen within the context of the large number of samples taken. The percentage of non-compliance was 0.5% for the 2022/23 year.

9.7 The resource pressures for intelligence and data handling were acknowledged; by working collaboratively with teams internal and external to the FSA and reviewing processes for data handling, assurance could be sought that the unit was working as efficiently as possible.

9.8 It was noted that the FSA had a closer relationship with FSAI than with other EU partners helping to address issues that could have an impact cross-border on the island of Ireland. This had been essential in dealing with recent incidents and the FSA would continue to build the relationship as progress with the Windsor Framework continued.

9.9 There was a significant amount of work with organisations representing small businesses such as Trade Associations, which had a better reach into small businesses than the FSA did. Monitoring the effectiveness of recalls was a recent development and further information would be provided to the Board on this.

Action 5 - Jodie Wild to provide additional information to Board Members on the efficacy of recalls.

9.10 On the triage process and preventable deaths, it was explained that prevention was key to what the FSA wanted to achieve and that there would always be more that could be done.

9.11 The Chair noted the importance of the work of the Incidents and Resilience Unit to the FSA's core business of keeping food safe, and said the Board looked forward to further updates at future meetings.

10 Risk Analysis Process and Regulated Products Service Update (FSA 23/09/08)

10.1 The Chair welcomed Lexi Rees and Chris Rundle to the table and introduced this item adding that Rhian Hayward would be the Board Member with special responsibility for this area. Lexi gave an overview of issues covered in the paper.

10.2 The Chair of NIFAC said the Committee were concerned about the number of applications compared to the numbers of completed cases and had also raised questions about the approach to permitted levels of THC in some CBD products. Hayley Campbell-Gibbons said the WFAC had raised concerns about products staying on the list awaiting approval for extended periods of time; as well as pressures on local authorities and smaller businesses.

10.3 On the number of applications compared to the number of completed cases, it was explained that the case load was expected to grow over the coming months but the number of applications coming out of the system this year would be greater than in the previous year. The caseload was in line with the estimates provided at the last Board meeting. The Case Management System (CMS) was reducing the resource burden by showing that the applications received were higher quality. The percentage of applications that were progressing had increased significantly and it was expected that an equilibrium between the number of applications and the number of completed cases would be reached in 2025.

10.4 THC was not permitted for sale and any product containing THC could not be authorised. The FSA was working with the Home Office on this area, and it was government policy to work towards introducing a set trace level of THC that would be permitted in foods.

10.5 Following the earlier discussion about the need for businesses to provide information in a timely manner, it was explained that smaller businesses may require more support to understand the requirements. Larger businesses could be expected to understand requirements. Moving forward, the Board had encouraged officials to take a firmer approach regarding the length of time it was reasonable for the FSA to hold applications pending further evidence.

10.6 In further discussion, the Board raised:

- the number of CBD cases awaiting supporting data; and
- resources within the teams.
- their encouragement of the movement of products off the list where it was reasonable for them to be removed.

10.7 A large number of CBD cases were awaiting evidence or were cases where risk assessors were deciding whether the evidence was sufficient to take the cases forward to the final risk assessment stage. Further details would be provided to the Board in the coming weeks. The Board was keen that the resource given to processing CBD applications should not disadvantage other non-CBD regulated product applications and encouraged prompt decision-making for products not progressing as anticipated.

Action 6 - Rebecca Sudworth to provide information to Board Members on how CBD cases are progressing through the system.

10.8 It was explained that resource within the team had been increased and was expected to fulfil the staff quota within the coming months. CBD is being managed separately from other regulated products, with an element of dedicated resource. For the 2023/24 financial year, the budget would remain under pressure from inflation but the settlement for the future budget was not yet known so any additional resource required for this team would become a part of the considerations for funding the FSA more widely.

10.9 The Chair noted that the Board looked forward to seeing the reforms taking place.

11 Report from the Director for Wales (FSA 23/09/09)

11.1 The Chair welcomed Nathan Barnhouse to the table and mentioned recent visits to Wales for the Royal Welsh Show and meetings with Welsh Ministers. Nathan gave an overview of highlights included in the paper.

11.2 Hayley Campbell-Gibbons noted that at her recent attendance at the WFAC meeting, concerns had been raised about pressures on local authorities and on the regulated products team in Wales.

11.3 Board Members commented on:

- the contribution to the costs of the regulated products case management system
- the enhanced registration system for licencing food businesses and lessons for England; and
- work on food supplements in Wales.

11.4 On regulated products, there was a single application process for all regulated products that covered both FSS and the FSA. All applications were progressed on a four-nation basis, working closely with colleagues in Wales to seek advice about the Welsh context, the needs of

Welsh consumers and the preferences and views of Welsh Ministers.

11.5 On local authority pressures on resources, the FSA maintained close contact offering support and guidance where required. Work was ongoing with the Welsh Local Government Association and the Welsh Government on capability and skills required within the system.

11.6 On the enhanced registration system for food businesses, Welsh Ministers had asked for this to be looked at and the FSA was working with local authorities to understand what was required to fulfil the request. This would form a programme for the FSA in Wales and opportunities across the rest of the UK would be considered in the process. The FSA's Achieving Business Compliance (ABC) team were working closely with Welsh colleagues to ensure lessons from Wales could be incorporated into the scheme elsewhere.

11.7 Information on work around food supplements in Wales would be provided to Board Members to help understanding of the FSA's work in that sector.

Action 7 - Nathan Barnhouse to provide additional information to Board Members about the FSA's work on food supplements.

11.8 The Chair noted how activity in Wales, initiated by the Welsh Government benefitted the FSA more widely and noted the positive view of the FSA from her meetings with Welsh Ministers. It was noted that the future priorities in the paper were well-aligned to the FSA's concerns and priorities more broadly.

12 Annual Report from the Chair of the Audit and Risk Assurance Committee (ARAC) and the Report from September ARAC meeting (FSA 23/09/10 & INFO 23/09/01)

12.1 The Chair noted the recent appointment of Anthony Harbinson as Deputy Chair of ARAC and invited the Chair of ARAC, Timothy Riley to introduce the update. Timothy summarised the report, thanking the Secretariat and Head of Internal Audit for their valued support; the challenge and reductions in risk to the extension of the contract for Eville and Jones (E&J) as official controls delivery partner; delays to the laying of the Annual Report and Accounts (ARAs) due to the London Pension Scheme; ARAC's effectiveness review; the revised meeting schedule; Food Chain Information (FCI); and deep dives.

12.2 It was clarified that the 'five-year; extension to the official controls contract would be better referred to as a 'year-five' extension, as it was an extension of one year on the current contract.

12.3 On FCI data it was explained that there was a dependence on Defra's, Livestock Information Programme (LIP). Progress was being made but LIP had its own governance, and it could not be guaranteed that it would deliver as required.

13 Report from the Chair of the Business Committee (INFO 23/09/02)

13.1 The Chair explained that this report covered the first Business Committee meeting chaired by Mark Rolfe, with the exception of the Update on GB Official Laboratories Capability Building, for which Mark had recused himself due to a conflict of interest as Head of Kent Scientific Services, which is Kent County Council's in-house Public Analyst, toxicology and metrology calibration laboratory.

13.2 Mark gave a summary of the items discussed at the meeting including the E&J contract extension; the new format of the Performance and Resources Report; the forecast overspend; the Food Hygiene Delivery Model (FHDM) and the Food Standards Delivery Model (FSDM) and consultation feedback.

13.3 The Chair asked for more detail on the FHDM and FSDM consultation for the Board. It was explained that the consultation had ended in July. Responses from local authorities and wider stakeholders urged the FSA to be ambitious. Some proposals were seen as helpful for resourcing by local authorities. The enhanced registration system mentioned in the Wales Director's report (FSA 23/09/11) was also supported through the consultation. It was suggested that time be taken to consider things that could be done more quickly and where a more ambitious approach could be taken. Resourcing for the work would need to be considered in the context of the FSA's broader work programme. The Chair noted that the Board had confidence in the team and the approach that had been outlined.

13.4 The Board noted that the new style Business Committee meetings had started earlier in the year following the Board Effectiveness Review and it had been the intention that the process would be reviewed. An informal review across Business Committee members and non-Business Committee members, and Directors would be carried out and any proposals arising from this would be presented to the Board as part of the Annual Governance Report in December. This would also encompass the division of the Committees responsibilities with ARAC.

14 Reports from the Chairs of the Food Advisory Committees (Oral Reports)

14.1 The Chair invited Anthony Harbinson and Hayley Campbell-Gibbons to feedback any additional points that had been made at the recent FAC meetings. Anthony mentioned NIFAC's visit to the University of Ulster's Nutrition Innovation Centre for Food and Health and the Centre for Food and Drug Discovery. He also outlined changes in NIFAC Membership and the end of the term of appointment for the FSA's Boardroom Apprentice Judith Hanvey, noting that an appointments programme had been initiated to replace departing NIFAC Members.

14.2 Hayley noted that the WFAC meeting had been skilfully chaired by the newly appointed Board Member for Wales Rhian Hayward. She had no further points to raise that had not been communicated as part of previous agenda items.

14.3 The Chair noted the knowledge and experience among the FAC Members and said the current review of the FACs was being conducted to see how that could be brought more effectively to the Board For the benefit of the whole FSA.

15 Any Other Business

15.1 No other business was raised, and the meeting was brought to a close. The next meeting of the FSA Board would take place on 13 December in Bristol.

16 Question and Answer Session

16.1 The Chair invited questions from the audience. Stephen Jacob of Organic Growers and Farmers, the English Organic Forum and the Welsh Organic Forum, said that he had submitted questions about PB in writing ahead of the Board meeting and expanded on those, asking if a seed of a plant variety was accepted as a Marketable item, it would then be tradeable across the devolved nations. He noted the papers reference to the EU's current work on PB and the two steps of a potential triage for New Genomic Techniques (NGTs) and urged the Board to consider

some issues raised in the written questions.

16.2 It was explained that the operation of the Internal Market Act and the potential impacts on trade of taking a different approach in England would be covered in more detail in the written answers to the questions that had been submitted. It was noted that the Board had also expressed a desire for clear guidance for enforcement authorities which would be an important part of the approach. Any product lawfully on sale in one part of GB could be placed on the Market in other parts. Northern Ireland would operate on the basis of the Windsor Framework. PB would likely be the first example where there could be significant divergence and the FSA was working to understand those implications and ensure the necessary information and guidance was available. There would be a public consultation and the FSA was looking forward to hearing a range of views through that.

16.3 No further questions were received.