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

Present:

Heather Hancock, Chair; Tim Bennett, Deputy Chair; David Brooks; Ram Gidoomal; Rosie Glazebrook; Ruth Hussey; Stewart Houston; Colm McKenna; Heather Peck; Jim Smart; Paul Williams

Officials attending:

Rod Ainsworth, FSA Director of Regulatory and Legal Strategy
Stuart Armstrong, FSA Head of Chemical Safety Policy (for paper FSA 17/03/06)
Catherine Brown, FSA Chief Executive
Chun-Han Chan, Food Allergen Legislation and Risk Assessment (for paper FSA 17/03/06)
Jason Feeney, FSA Chief Operating Officer
Sharon Gilmore, FSA Head of Standards and Dietary Health (for paper FSA 17/03/07)
Chris Hitchen, FSA Director of Finance and Strategic Planning
Michael Jackson, FSA Head of Local Authority Policy and Delivery (for paper FSA 17/03/04)
Maria Jennings, FSA Director of Northern Ireland and Organisational Development
Julie Pierce, FSA Director of Openness, Data and Digital
Professor Guy Poppy, FSA Chief Scientific Adviser
Nina Purcell, FSA Director of Wales and Regulatory Delivery Division
David Self, PS to the FSA Chair (for Welcome and Announcements)
Steve Wearne, FSA Director of Policy

Guest:

Bill Stow, Chair of the Steering Group on Meat Charging (for paper FSA 17/03/05)

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone in the room and online to the meeting. There were no apologies for absence received. The Chair reminded Board members to declare any conflicts of interest prior to each discussion.
2. There were no items for Any Other Business.

MINUTES OF MEETING HELD ON 23 NOVEMBER 2016 (FSA 17/03/01)

3. A Board member suggested amending “the 5th FSA Chief Scientific Adviser’s report” at paragraph 17 to make it clear that it was the 5th report from the FSA’s Chief Scientific Adviser.

ACTION: Board Secretariat

4. Subject to that amendment, the minutes were agreed as an accurate record of the 23 November 2016 meeting.

ACTIONS ARISING (FSA 17/03/02)

5. A Board member asked when the Board would receive the note from the Chief Scientific Adviser's Team on the science work and spend specific to each country. The Chief Executive confirmed the Board would receive an initial view on this before their next Board meeting.

ACTION: Chief Scientific Adviser's Team

CHAIR'S REPORT

6. Since the November 2016 Board meeting, the Chair said she had met with Rebecca Evans AM, Minister for Social Services and Public Health, and discussed Welsh stakeholders' views of regulatory reform. There was clear support for the FSA's Regulating our Future programme from Welsh Government.
7. During meetings with George Eustice MP, Minister at the Department for Environment, Food and Rural Affairs (Defra) and Lord Gardiner, Parliamentary Under-Secretary of State at Defra, the Chair had discussed progress on the National Food Crime Unit; animal welfare and CCTV use in abattoirs; and the FSA's contribution to exiting the EU.
8. The Chair said the previous evening she had hosted a reception for stakeholders to mark the imminent departure of the FSA's Deputy Chair, Tim Bennett.
9. The Board had participated in an away day in January where they had discussed priorities for the second half of the FSA's 5 year plan; the outcomes of those discussions were reflected in the papers being considered at this meeting.
10. The Chair also noted she had: spoken at the opening of the recent Codex AMR discussions and thanked Steve Wearne, the FSA's Director of Policy, for his excellent co-chairing; attended a Moy Park dinner; visited a feed mill in Northallerton; met with Leeds City Council's Environmental Health team; met with the International Meat Trade Association; and met with Rob Collins, Managing Director of Waitrose.
11. Along with Board member, Rosie Glazebrook, and the FSA's Chief Scientific Adviser, Professor Guy Poppy, the Chair had recruited the FSA's new Science Council. The Chair had been pleased with the high calibre of candidates who had applied, and the appointments had been announced last week. The Science Council would come into being as of 1 April and would be chaired by Professor Sandy Thomas. The General Advisory Committee on Science (GACS) would come to an end as of 31 March and the Chair thanked GACS members for the positive contributions they had made to the work of the FSA.
12. The Chair noted this was Catherine Brown's last month as FSA Chief Executive (CE) and reported progress on the recruitment of the new CE. The recruitment had been overseen by the Civil Service Commissioner and the Chair had been joined on the Selection Panel by the Deputy Chair, Clara Swinson from the Department of Health, and Richard McDonald as the independent member. The Chair hoped to be able to

announce the new CE by early next month at the latest. In the interim, the FSA's Chief Operating Officer, Jason Feeney, had been appointed as Deputy Chief Executive and Accounting Officer until the new CE was in post.

CHIEF EXECUTIVE'S REPORT (FSA 17/06/03)

13. In addition to her written report, the CE highlighted the new official statistics on campylobacter reduction in chickens which had been published the day before. 7% of chickens tested positive for campylobacter which was down from 12% in 2015 and 20% in 2014. Among those retailers with the highest market share, 5% of chickens tested positive for campylobacter. This was a great improvement but there was still more to be done, particularly by the smaller producers. Surveillance data showed a 17% decline in cases of human campylobacteriosis which equated to a reduction of an estimated 100 000 cases a year.
14. The CE paid tribute to staff across the FSA whom she said were the most impressive she had worked with in her 30 year career. The CE said it was the role of the Board to fulfil its statutory responsibility to put consumers first by supporting as well as challenging the work of the Agency and its staff and offered her best wishes for the future. The Chair endorsed her comments on the contributions FSA staff had made under the CE's leadership.
15. A Board member welcomed the campylobacter statistics and thanked industry for the part it had played in helping to achieve the reduction; he asked how the FSA would take work on campylobacter reduction forward in the future.
16. The FSA's Director of Policy explained that we would continue to hold bilaterals with major retailers and processors to sustain the low levels of campylobacter in chicken. He was confident this would be possible on account of the investment industry had made in installing equipment in plants. We would continue to conduct the retail survey and work with retailers to enable them to publish their own data so we could pass this responsibility on to them.
17. We would focus on the largest of the small producers where levels of campylobacter on chickens were still much higher. We would do this by mobilising our field force to give advice to plant operators on the application of good practice in critical areas such as evisceration. By shifting our focus to smaller slaughterhouses we hoped to reduce levels of campylobacter on chicken even further and so reduce cases of human campylobacteriosis further.
18. A Board member asked if we were now going to set a new target for reducing levels of campylobacter in chickens. The CE said this would have to be discussed in the context of deciding priorities for the second half of the strategy as it was not necessarily the case that additional investment of effort on campy reduction at this stage would be the best investment of what small amount of discretionary resource the FSA would have at its disposal given the priorities set by the Board: dealing with Brexit and the Regulating our Future programme.

19. A Board member welcomed the prosecution of a food business operator (FBO) for animal welfare breaches and enquired as to the steps we had taken to ensure that FBO had improved their practices.
20. The FSA's Chief Operating Officer said he would provide the Board with specifics as to the follow-up actions taken regarding that particular FBO.

ACTION: Chief Operating Officer

21. The Chief Operating Officer said over the past 4 to 5 months he had had sight of all critical reports from onsite veterinarians and area veterinary teams and had seen more consistent decision making and application of enforcement actions. There had also been a reduction in verbal advice given to FBOs and an increase in more serious forms of enforcement action.
22. The Board welcomed the introduction of specific approval for suppliers of meat intended to be less than thoroughly cooked as a useful step in protecting consumers who wanted to exercise their choice to eat rare burgers. One Board member asked how consumers could assure themselves that an FBO could legitimately serve rare burgers.
23. The Director of Policy said it was the duty of the FBO to ensure that the food it served was safe to eat, rather than the duty of the consumer to check. The guidance the FSA had issued to businesses and local authority officers in May 2016 made it clear what an FBO had to do to ensure it served rare burgers safely. In addition, the list of approved suppliers would be published making it possible to check the chain of supply.
24. The Director of Regulatory Delivery Division and Wales said a consultation had taken place on the wording that FBOs would have to display if they served rare burgers. The wording was now being considered by our legal team. We had taken a firm stance that the wording must be aimed at consumers. FBOs also needed to train their staff to be able to explain the risk of eating rare burgers to consumers.
25. The Chair agreed with the Director of Regulatory Delivery Division and Wales that it was of fundamental importance to the Board's decision on rare burgers to see the agreed wording.

ACTION: Director of Regulatory Delivery Division and Wales

26. The Chair noted the sections in the CE's Report on AMR, and the risk assessment of MRSA. The Chair stated that the Board had received a briefing from the pig sector on its reduction in the use of antibiotics the previous day which had been recorded and would be available on the FSA website in due course. This followed the presentation from the poultry sector on its reduction on the use of antibiotics at the July 2016 Board meeting.
27. Finally, the Chair noted the analysis of the acrylamide campaign and that we would return to it once the independent external review had been concluded.

REGULATING OUR FUTURE PROGRAMME (FSA 17/03/04)

28. The Chair welcomed Michael Jackson, the FSA's Head of Local Authority Policy and Delivery, to the table and invited Nina Purcell, the FSA's Director of Regulatory Delivery Division and Wales, to introduce the paper.
29. The Director of Regulatory Delivery Division and Wales said the paper gave a comprehensive update on the engagement work undertaken by the Regulating our Future (RoF) Programme team since September 2016. The Board were asked to consider two specific areas: changes to the approach to progressing Permit to Trade; and the Certified Regulatory Auditor's role. In addition, annex 3 of the paper contained the Programme's risk register.
30. Regarding questions on the engagement work undertaken, the Head of Local Authority Policy and Delivery agreed that it was as important to engage with local authorities (LAs) who were less enthusiastic about the direction of travel as it was with the enthusiasts and reassured the Board that the Expert Group included both. He assured the Board that the Programme team had close working relationships with Food Standards Scotland (FSS), especially on assurance, and were meeting with the CE of FSS this month to ensure regulatory systems on either side of the border were developed in common.
31. The Director of Regulatory Delivery Division and Wales said we recognised the need to keep LAs involved in the Programme and would next engage with them early in the summer when we had something more concrete to tell them. Subject to Board approval of the recommendations in this paper, we would hold regional and country events where we would share process maps.
32. The CE pointed out that Board members had an important role in engaging with the political leadership of Local Authorities around the programme. The Board could help complement the work being done with LAs on the front line by using lines to take on the RoF Programme in their dealings with LAs' political leaders.
33. The Chair agreed with the Chair of the Welsh Food Advisory Committee (WFAC) that it would be good to establish a programme of opportunities for Committee and Board members to get involved in RoF discussions with LAs and others.

ACTION: Director of Regulatory Delivery Division and Wales

34. In response to a question from a Board member about the Consumer Panel, the Director of Regulatory Delivery Division and Wales said the first meeting of the Panel had been provided a useful insight into how to approach engagement with them. We needed to bring them up to speed on the current regulatory system as a pre-requisite for engaging with them on the new model.
35. The Panel's challenge to the Programme had been to answer what would be better about a new model for consumer safety. The Programme would benefit from addressing that challenge which the Director was confident it would be able to do.

36. The Chair of the Northern Ireland Food Advisory Committee (NIFAC) said at its meeting the Committee had heard concerns about the Programme from district council colleagues in NI. It would be important for the Programme to engage with NI council leadership and to be seen to be listening to concerns and taking them on board.
37. The Director of Regulatory Delivery Division and Wales said Permit to Trade (PtT) had huge support from all stakeholders. It raised a data question for the FSA to address as we would require a core set of data on who the FBOS were and what they did. PtT would require primary legislation and that would require robust empirical evidence to support the case.
38. The proposal in the paper was to use existing powers to require FBOs to register and use the issues and data that emerge from that to form the evidence base for the requirements for legislative change to deliver PtT.
39. In response to a question from a Board member about support for PtT among microbusinesses, the Director of Regulatory Delivery Division and Wales said small and medium enterprises (SMEs) did support PtT and were interested in how we intended to make them register. SMEs wanted to know if there would be a cost, if they would be able to do it digitally, and if it would be complicated. We were conscious that any PtT system should avoid material regulatory burdens on SMEs to have any chance of successful introduction.
40. The Director of Regulatory Delivery Division and Wales accepted the point made by the Chair of WFAC that the Programme team needed to communicate the gradual approach better to counter the perception that we were moving away from our commitment to PtT. The Programme needed to issue communications that we were adopting this gradual approach in order to get the evidence we needed to achieve our ambition of PtT.
41. During discussion of when the Board could expect to see more explicit detail on the proposal and on pilots with LAs, the Chair said while she was not expecting the Programme team to have finalised the entire approach by summer, she did expect the next level of detail on the proposition to be available. This broader narrative would enable the Agency's leadership to communicate to stakeholders what good outcomes would look like.
42. During further discussion of Permit to Trade the following points were made: central oversight of a PtT scheme by the FSA would be a challenge given the current fragmented system of LA oversight of FBO registration; delivering an effective control system would have to link in with, and so be informed by, the Agency's data workstream; the Agency would need to do more to understand why currently not all FBOs registered with LAs; and any system should allow for the de-registration of FBOs as well as their registration.
43. The Board sought reassurance that our focus was on designing the best regulatory system, and that there was no suggestion of weakening this because of perceived challenges in implementing it. It was important that we reached a clear view about what would best serve the public interest in the future. If we could not get all the way

to that solution in one step, then we would address incremental gains, but the FSA should not compromise now on designing the most effective and efficient model. In this regard, Board members sought assurances that, although PtT might be difficult to secure, it was not being taken off the table and the RoF team would continue to examine it as an important potential contribution. The Director of Regulatory Delivery Division confirmed that there was no intention to step away from PtT at this stage.

44. The Head of Local Authority Policy and Delivery said the role of a private sector Certified Regulatory Auditor (CRA), certified to a level of competence set by the FSA and developed with UK accreditation bodies, would introduce capacity and flexibility into the assurance system. It would not be a one size fits all model and it had the potential to provide part of the solution to credible Food Hygiene Rating Scheme (FHRS) legislation in England.
45. The Head of Local Authority Policy and Delivery confirmed that the CRA would be independently certified to a standard set by the Agency but industry would bear the costs.
46. A Board member noted the potential risk of the FSA distancing itself from, and so losing control, of assurance. The Chair of NIFAC reported that the Committee had heard concerns from LAs that FBOs were being allowed to self-regulate. The Chair noted these concerns had also been voiced in the industry press and stated that the Agency was not moving towards self-regulation of FBOs.
47. The Director of Regulatory Delivery Division and Wales said the private audit sector welcomed the concept of a CRA as there would be a register of certified auditors and those not operating to the required standards would be removed.
48. The Chair of WFAC reported the Committee also had concerns about reliance on private sector data which FBOs had paid for. The Chair said as we received more information about our exit from the EU, there would be implications for this Programme, as well as for the future work of LAs.
49. The Chair welcomed the inclusion of the Programme's risk register in the paper. She noted that Jim Smart, as departing Chair of the Audit and Risk Assurance Committee (ARAC), and Colm McKenna, as incoming Chair of ARAC, would want to ensure that the Committee was regularly sighted on the risk register going forward.
50. A Board member asked for an update on action relating to risk 14 on the register.

ACTION: Director of Openness, Data and Digital

51. A Board member suggested it would be worth having a risk relating to the perception of a lack of equal treatment of SMEs and big business by the Programme.
52. In concluding the Chair said:
 - The Board noted the feedback from stakeholders on the Programme
 - The Programme team would put together a programme of how Board and Committee members could get more involved in RoF discussions with stakeholders

- The Programme team needed to remember to articulate the overarching case for change as well as the how and the when
- The Board noted the regular bilaterals the Programme team had with FSS
- It was not the FSA's ambition to loosen the reins on assurance and we would drive the CRA model forward
- ARAC would now look at the Programme's risk register on a regular basis.

STOW PROJECT PHASE 2 - SUSTAINABLE FUNDING MODEL (FSA 17/03/05)

53. The Chair welcomed Bill Stow, Chair of the Steering Group on Meat Charging, to the table and invited Jason Feeney, the FSA's Chief Operating Officer, to introduce the paper, which he briefly did.
54. Bill Stow said the Group's Report asked the Board to: note the progress made by the independent Group on a sustainable funding model; and decide whether work should continue on the definition of small/micro operations in the expectation that it would be needed for future work on the model.
55. The model the Group had discussed met the requirements in the Group's Terms of Reference of fairness, transparency and with an incentive to act efficiently. Most members of the Group would agree there had been genuine progress towards a more sustainable funding model and that the first phase of charging reform had made the system fairer and more equitable.
56. There were two obstacles to further detailed work and potential final agreement on the model. First, the definition of indirect costs which was currently subject to legal challenge. Agreement on a new model would potentially require significant changes to the treatment of indirect costs and so it made sense to await the outcome of legal proceedings. Second, the majority view of the Group was that the issue of funding should not be considered further until the system of official controls after the UK's exit from the EU had been established.
57. Bill Stow said NIFAC and WFAC had both expressed concerns that to suspend the work of the Group would be to lose momentum on the model. Bill however did not think this was a significant risk. Through working on discount reform in phase 1 and the sustainable funding model in phase 2, the Group had firmly established a good way of working together.
58. If the Board did agree to suspend the work of the Group, Bill wanted to take this opportunity to thank the members of the Group who after a challenging start had worked collaboratively and productively together. He also thanked FSA officials for their analysis, ideas and patience.
59. The Deputy Chair said on behalf of the Group and the FSA, he wanted to thank Bill who understated his achievements in chairing the Group. The legacy of the Group would be that people across the meat industry could work together and successfully tackle complex issues.

60. The Deputy Chair said our ambition for a meat inspection system fit for the 21st century was implicit in the progress we had made towards a sustainable funding model. We had inherited the subsidy to small and micro businesses but he believed it was not right for a regulator to decide a subsidy and then regulate it. We should go back to the agriculture departments of the UK and ask them to decide whether there should be a subsidy and, if so, what it should be. We should then factor it into the model. This idea had faced resistance in the past but it was inherently wrong for a regulator to be in this position and we should fight for the principle.
61. A Board member said as a new member of the Group he did not think it was a negative step to suspend the work of the Group; rather a sensible decision in this time of change. Once the official controls had been reviewed and legal proceedings concluded then we could look at how to take the work on the model forward.
62. The Chair stated there was a workstream within the RoF Programme reviewing official controls of meat which involved members of the Stow Group.
63. The Chair of NIFAC reported that the Committee was not sure why we had to stop work just because of our exit from the EU. He supported the Deputy Chair's position that it was not the FSA's decision to grant a subsidy; however officials from the agriculture department in NI were not so supportive.
64. The Chair agreed with the principle the Deputy Chair had stated. She said it was tied to the definition of a small/micro business which would be looked at during the review of official controls.
65. The Chair agreed with the Director of Policy that the broad agreement of the Group to the four principles stated in the Report at paragraph 5 was a real achievement. These principles should be considered as the starting point for future work on the model:
 - a) A base charge covering the hourly direct costs incurred by FSA on meat controls. Indirect costs such as the contribution to some FSA overheads would be excluded.
 - b) Over a transitional period of X years, industry would move to paying the full amount of these direct costs, with the exception of small/micro businesses where some support may need to continue. The complex discount system would therefore be phased out. All businesses, however small, would make some contribution to the costs of inspection, as they do now under the revised discount system.
 - c) Premium services such as export certification and additional controls required by the FBO to facilitate exports would be paid at full direct costs with no discount by all operators regardless of size.
 - d) Where there are compliance issues at a plant requiring additional veterinary or inspection presence, this should be charged at full cost, again regardless of size.

66. A Board member said he was keen to see a revised workstream either through the RoF programme or through a special advisory group as soon as possible. He was concerned about waiting until we had exited the EU to take the work forward and felt we could still be having discussions around the principles of a new regime in the meantime.
67. The Chair agreed with the Board that there was an issue around waiting for our exit from the EU before continuing work on the model and we would have to consider how we addressed that issue as we went forward.
68. The FSA's Director of Finance and Strategic Planning said there were ongoing 'slow, middle and fast lanes' of work and the FSA finance team was constantly seeking to drive efficiencies in the current regime. The changes to charging and discounts based on size introduced under Phase 1 of the Stow Project had aligned incentives and coupled with a greater focus in efficiency in Field Operations had driven out £3million in costs this year which was the equivalent of 80 000 inspection hours under the current regime.
69. Bill Stow said one significant member of the Group had not signed up to the conclusions of the Group. He agreed the conclusions should form the basis of future work on the model and he agreed that it was not for the FSA to decide on a subsidy.
70. In concluding, the Chair said that the Board:
- Thanked Bill Stow for chairing the Group
 - Agreed with the conclusions of the Group in the Report
 - Agreed that, as a matter of principle, decisions on subsidies were not decisions for the FSA to take
 - Noted that the particular circumstances of small/micro businesses would be considered in the review of official controls of meat; after which work could continue on a sustainable funding model
 - Agreed that the principles agreed by the Group formed a sound basis for work on the model going forward.

FOOD ALLERGY AND INTOLERANCE PROGRAMME (17/03/06)

71. The Chair declared an interest as a member of Coeliac UK.
72. The Chair welcomed Stuart Armstrong, FSA's Head of Chemical Safety Policy and Chun-Han Chan, Food Allergen Legislation and Risk Assessment, to the table and invited Steve Wearne, the FSA's Director of Policy, to introduce the paper.
73. The Director of Policy said food allergy and intolerance had a high public profile and this was an issue that many people had personal knowledge of, and cared passionately about. It was no understatement that for some consumers, these issues really were life and death.

74. However, this was not a straightforward issue, the underpinning science was complex. At the centre of our work to date had been a significant programme of scientific research on infant allergy which had been world- leading in terms of the insights it had provided for example on the impact of careful, early introduction of allergens into the weaning diet. We were working with health departments so these insights were appropriately reflected in weaning guidance.
75. This was just one example of how allergy science had been translated into impact. It had also informed legislation, guidance, labelling and support for food law enforcement, in addition to alerts and other communication with allergic consumers. Many of these interventions were delivered through key partners. We had worked closely for many years with Anaphylaxis Campaign, Allergy UK and Coeliac UK to reach food allergic and intolerant consumers, and were increasingly working with industry trade bodies on guidance for industry. The paper asked the Board to consider the research outputs and their route to impact.
76. We had a mature programme of research on infant allergy and needed to follow each of these strands through into action and impact. There was, however, the opportunity for us now to invest in better understanding of food allergy in adults where the evidence base was far more limited. Our priority would be to define our research questions with the objective of better understanding the challenges in allergic adults to be able to design and implement interventions that would protect their health and quality of life.
77. The Chair noted the most recent report by the FSA's Chief Scientific Adviser had been on food allergy and intolerance and invited Professor Guy Poppy to comment on the paper.
78. The Chief Scientific Adviser said, given the scale and importance of food allergy and intolerance as a problem, he would like to know how much the FSA was spending on allergy research in comparison to other areas of scientific research. Then he would be in a better position to say whether he thought we should be changing from infant to adult research, or maintaining spending on infant research and adding funding for adult research.
79. The Director of Policy said that as so little was currently known about adult allergy, it was impossible to answer whether resources were better invested there or in other research areas. He emphasised that this was why it was important to invest as the evidence was that it was increasing. There were opportunities for the FSA to work with health professionals to use existing data sets to define the research questions. If the Board agreed to the initial scoping work, after that we would be better able to define the relative benefits of changing the focus of our funding or adding funding. We could not make an informed judgement before conducting the scoping work.
80. In response to a question from a Board member, the FSA's Head of Chemical Safety Policy said we recognised the importance of communication with teenagers who were the group at highest risk. We had created the Chef Card tool to help communication of allergen requirements. Anaphylaxis UK had created a powerful YouTube video to target teenagers. We planned to do more to communicate with young adults leaving

home and facing a wider range of food choices for the first time by working with technology companies to develop apps for mobile devices but noted these remained an imperfect tool and the best advice for consumers was to have a face to face discussion with the food business to explain their allergy needs.

81. The Chair said supporting those who suffered from a food allergy or intolerance was a key element to delivering our strategic objective of “Food we can trust”. The introduction of the Food Information Regulations for labelling in 2014 had made a material difference to helping allergic consumers know what was in the food they wished to consume.
82. The Chair of NIFAC reported that the Committee: was concerned over the abuse of precautionary allergen labelling statements; did not wish to see work on children overlooked by any future work on adults; and felt the omission from the paper of Menucal had been a missed opportunity.
83. The Chair of WFAC reported that the Committee: welcomed the evidence of good partnership working; supported the use of technology to communicate with young people; felt that finding a solution to the issue of hard to understand labelling was fundamentally important; and supported consideration being given in any future work to wider issues such as cross-contamination in food premises.
84. In response to a question about the objectives of the research into food allergy in adults, the Director of Policy said we would like to identify interventions that could be made to prevent it developing and beyond that to help allergic consumers select food safely. Work needed to be done on setting thresholds which protect people rather than the precautionary labelling which was overused and had fallen into disrepute.
85. Chun-Han Chan agreed that reference doses for thresholds would give greater consistency and transparency in risk assessment for such labelling. We recognised the need to do more on cross contamination; we had initiated discussions with LAs to improve allergen management within the kitchen to better manage allergen cross contamination within food service kitchens.
86. The Chief Scientific Adviser said that undertaking research such as clinical trials would be expensive. Doing work which would increase people’s trust in the FSA was of benefit but there were also risks associated with it if the Agency got something even slightly wrong.
87. During discussion on product recalls, the CE noted that there were significant issues around labelling including on allergens, which, three years after the introduction of the Food Information Regulations, could no longer be seen as administrative glitches. Industry needed to work on reducing the number of products issued with the wrong labels.
88. In response to questions from a Board member, the Chief Operating Officer agreed that given the potentially life-threatening consequences of a lack of or incorrect allergen information on labels, it was not just a case of mislabelling. We did track repeat offenders on labelling recalls relating to allergens and the majority were in large

manufacturers. The penalty for not informing consumers of allergens in products could result in a custodial sentence but this had only so far been seen in food service, not retail settings.

89. In concluding the Chair said that the Board:

- Welcomed the paper and the issue of food allergy and intolerance getting more attention
- Agreed to the commissioning of research to understand the prevalence and characteristics of allergy in adults, to enable us to decide what action might be appropriate for the FSA, how we would take it, the resources to invest in adult allergy, and the ambition we had for addressing the issue
- Noted that with 25% of traffic to the FSA website for information about allergens, this was an important issue in terms of serving the public
- Would add to its programme of work a discussion on the outcomes of the research into food allergy into adults

ACTION: Board Secretariat

DIETARY HEALTH UPDATE (FSA 17/03/07)

90. The Chair said Northern Ireland was the only country where the FSA had a remit in dietary health. It was important that the whole Board engaged with the work done in NI and learned from it as it would help inform work with the health departments which touched on dietary health in England and Wales.
91. The Chair welcomed Sharon Gilmore, the FSA's Head of Standards and Dietary Health, to the table and invited Maria Jennings, the FSA's Director of Northern Ireland and Organisational Development, to introduce the paper.
92. The Director of Northern Ireland and Organisational Development said as this would be the first time most of the Board would be considering this topic, annex 1 of the paper detailed the complexity of responsibility for dietary health across the four countries of the UK. The integrated food industry of the UK expected the same approach to dietary health and the same rules to apply in each country.
93. Within the NI Administration's 10 year Obesity Prevention Strategy, the Department of Health saw the FSA in NI as best placed to lead on the delivery of 3 key outcomes related to engaging with industry. The FSA in NI's work on dietary health also demonstrated its willingness to assist in the delivery of the NI Administration's Programme for Government.
94. Evidence from the National Diet and Nutrition Survey (NDNS) showed that the NI population was consuming too much salt, fat and sugar and not enough fruit and vegetables. Our aims were to make healthier mainstream foods available and to improve consumer's understanding of dietary health messages and nutrition labelling to enable them to make better food choices.

-
95. We were in alignment with Public Health England and working with big businesses in order to publish sugar reduction targets across the 9 categories as identified as the top sources of sugar by the NDNS by the end of March 2017. We would work on a one to one basis with SMEs across NI and in partnership with district councils and local knowledge providers to work towards those targets. We would share learnings from our work with PHE.
 96. We were encouraging the use of front of pack signpost labelling to complement the statutory display of nutrition labelling and we were working on improving consumers' understanding of this labelling. Consumers wanted calorie labelling at point of choice so we would continue to encourage SMEs to use the Menucal tool. We were intending to develop a recognisable logo that gave consumers assurance that calories had been calculated in a consistent way.
 97. The Chair of NIFAC said the Committee recognised the smart way in which the FSA in NI used its responsibility for dietary health to influence work in England and Wales. The whole government approach to working in NI meant that the FSA in NI had to work in partnership with departments across NI, and in the other countries. He said he would like to see Invest NI work in more innovative ways with the partners they worked with in NI.
 98. A Board member declared an interest as a Board member of PHE and asked about activities undertaken in schools. The Director of Northern Ireland and Organisational Development said we had been doing work in schools for years and had well established mechanisms in place. We were part of a Forum along with Department of Education, Public Health Agency, Department of Health and safefood which made electronic resources for teachers and we attended teachers' conferences.
 99. In response to a question from a Board member, the Director of Northern Ireland and Organisational Development noted that the increased ethnic diversity of NI was being driven partly by employment in the agri-food sector. Working with the Public Health Agency, it was relatively easy for the FSA in NI to reach ethnic communities with messaging about dietary health.
 100. A Board member declared an interest as a member of the PHE Health Equity Advisory Board. She noted that patterns of obesity were not evenly distributed with the most socially disadvantaged having the highest incidences. The Board member asked how much targeting SMEs in NI would reduce sugar intake among the most socially disadvantaged.
 101. The Director of Northern Ireland and Organisational Development said most mainstream foods were obtained from large supermarkets, and there were a lot of local SMEs in NI providing products for those supermarkets. Part of the evaluation of the programme would be to track the impact we were having on reducing sugar levels by targeting SMEs.
 102. The Chair asked for feedback on the impact of Menucal. The Head of Standards and Dietary Health said Menucal had been in existence for a year now, it had 480 users, covered 4 000 recipes and SMEs relied on it in their product development. In terms of

consumers' response, it was still early days but we were beginning to work with the consumer engagement team to track consumers' responses to it. The Director of Northern Ireland and Organisational Development said the more information we provided, the more information was demanded by consumers. That was why we were keen to get a recognisable logo validated and displayed alongside an FBO's FHRS rating in the next year.

103. The Chair asked when the principles for how to move forward helpfully set out in the paper would turn into an action plan. The Head of Standards and Dietary Health said we were engaging intensely with retailers, councils and SMEs on the action plan and would share the outcomes of that work with the Board in due course.

ACTION: Director of Northern Ireland and Organisational Development

104. In concluding, the Chair said the Board:
- Agreed that the paper reinforced the importance the FSA attached to its role in dietary health in Northern Ireland and the learnings we could share across the UK
 - Recognised the scale of dietary health issues and the part the FSA in NI played in addressing them alongside other bodies
 - Noted the good partnership working the FSA in NI undertook to achieve its aims, including sharing its learnings with PHE and SMEs

REPORT FROM THE CHAIR OF THE AUDIT AND RISK ASSURANCE COMMITTEE (ORAL REPORT)

105. The Chair invited Jim Smart, the Chair of the Audit and Risk Assurance Committee (ARAC), to present his oral report.
106. The Chair of ARAC gave a summary of the four areas of discussion covered by the Committee at its meeting the previous day, namely: the year-end accounts; the internal audit programme; risk; and the annual report on information security.
107. The year-end accounts were progressing according to plan. The interim report by the National Audit Office had returned minor findings which had been discussed, and the Agency was now well-prepared to deliver the accounts. The Committee had looked at the NI budget and were content that we could live within it thereby avoiding a qualification statement which would have been technical in nature as no NI Minister had as yet signed off the NI budget.
108. There had been four internal audits since the last Committee meeting. The Committee had looked at three of them where there had been findings in progress or completed. The Committee had signed off on the Internal Audit Plan for 2017/18. It had been the second time the Committee had had sight of the Plan which it agreed had been sufficiency informed by the FSA's Strategy, the corporate risk register and the control framework. The Committee had confirmed that the Internal Audit team had the resources required to assist with the Evolve IT programme and with the RoF programme.

109. The Committee considered its quarterly report on the corporate risk register. There had been no movement of risks and some updates to control activities. At its next meeting the Committee would look at the risk registers for RoF and the IT programme.
110. The annual report on information security showed there had been no major breaches; controls were in place and working as expected. The report was ready for disclosure in the Annual Report and Accounts.

REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 17/03/01–02)

111. The Chair of WFAC said she had brought the policy points made by the Committee out during discussion of each paper on the agenda.
112. The Committee had also explored the implications of the Well-being of Future Generations (Wales) Act 2015. It had been a year since the Act had been enacted and while the FSA was not a named body in it, the FSA in Wales had wanted to understand how its interactions with named bodies would be affected by the Act. The Committee had had a briefing from the Future Generations Commissioner for Wales' office and learned about their priorities. The FSA in Wales would be actively following up on these and FSA policy papers would be looked at in the context of this Welsh legal framework.
113. The Committee had been looking at data on the Welsh population which had been useful in understanding how best to increase the Committee's engagement with consumers in Wales. Committee members had attended consumer focus groups and engaging directly with consumers in that way. As part of the FSA in Wales's summer programme of engagement, Committee members had committed to attend an event with the aim of asking purposeful questions.
114. The Chair of NIFAC said prior to its meeting, the Committee had visited Dale Farm's Dunman Creamery as part of the Committee's wider outreach programme. In April the Committee would attend a joint session with the Food Safety Authority of Ireland with Professor Chris Elliott to discuss food security.
115. The Chair of NIFAC said he and the Director of Northern Ireland and Organisational Development had met with the NI Consumer Council. The discussion had not been as fruitful as we would have hoped and there was more work to do on that relationship.
116. The Chair of NIFAC said the competition to recruit an additional member for the Committee closed the next day and a waiting list would be drawn up of candidates who were not successful this time round for future vacancies on the Committee.

ANY OTHER BUSINESS

117. The Chair paid tribute to the Chief Executive, Catherine Brown, as this was her last Board meeting. The Chair said the CE's unwavering commitment to put consumers first had provided clear strategic direction for the Agency and had had a real impact on people's lives.

118. The Chair paid tribute to Heather Peck who was due to step down from the Board in April. The Chair thanked Heather particularly for her material contributions on animal welfare which had helped drive the Agency's work in this area forward.
119. The Chair paid tribute to Jim Smart who was also stepping down from the Board in April. The Chair thanked Jim for his chairmanship of the Audit and Risk Committee.
120. The Chair paid tribute to the Deputy Chair, Tim Bennett, who was stepping down from the Board at the end of March after a decade with the FSA. The Chair commended the Deputy Chair on his outstanding act of public service in increasing the trust people could have in food.
121. The Deputy Chair noted some of the achievements of the FSA during his tenure such as front of pack labelling and the FHRS, where he noted that devolution had allowed us to inject pace, and the campaign on campylobacter. They had all been linked to consumer choice and had all faced some resistance but through the application of a robust evidence base the FSA had taken a leadership role and the impacts of these initially unpopular measures were now recognised and welcomed by all. He wished the CE, the Chair and the Board and the new CE well.
122. The CE wished the Board well and emphasised the importance of: putting the consumer first; mutual respect; and robust discussion.

DATE OF NEXT MEETING

123. The next meeting of the FSA Board would take place on Wednesday 21 June 2017 in Liverpool.

**MINUTES OF THE FSA BUSINESS COMMITTEE MEETING HELD ON 15 MARCH
2017 IN AVIATION HOUSE, LONDON FROM 13:05 to 13:55hrs**

Present:

Heather Hancock, Chair
Tim Bennett, Deputy Chair
Rod Ainsworth, Director of Legal and Regulatory Strategy
David Brooks
Catherine Brown, Chief Executive
Jason Feeney, Chief Operating Officer
Ram Gidoomal
Rosie Glazebrook
Chris Hitchen, Director of Finance and Performance
Stewart Houston
Ruth Hussey
Maria Jennings, Director FSA Northern Ireland and Organisational Development
Colm McKenna
Heather Peck
Julie Pierce, Director of Openness, Data and Digital
Guy Poppy, Chief Scientific Adviser
Nina Purcell, Director FSA Wales and Regulatory Delivery
Jim Smart
Steve Wearne, Director of Policy
Paul Williams

In attendance:

Richard McLean, Head of Planning, Performance and Change

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone to the meeting.

**MINUTES OF BUSINESS COMMITTEE MEETING HELD ON 23 NOVEMBER 2016
(FSA 17/03/08)**

2. There were no amendments to the minutes and these were accepted as an accurate record of the 23 November 2016 Business Committee meeting.

ACTIONS ARISING (FSA 17/03/09)

3. There were no comments on the Actions Arising.

PERFORMANCE AND RESOURCES UPDATE (FSA 17/03/10)

4. The Chair invited Richard McLean, Head of Planning, Performance and Change, to present the paper.
5. Richard said the paper was the latest quarterly report on our performance and the use of our resources to achieve that performance. The paper looked at outcomes

in the food system which the FSA had a joint responsibility with others to improve, and outputs which the FSA was responsible for producing.

6. In terms of the former, we had seen a reduction in the number of cases of human campylobacteriosis during the same period that action from industry as a result of the FSA's campaign had seen contamination levels of campylobacter in poultry decrease. We had also seen a continuation in industry's improving compliance with hygiene controls. Furthermore, public trust in the FSA remained at its highest since records began.
7. In terms of outputs for which the FSA was responsible, the FSA had delivered 93 of the 105 milestones in quarters 1-3 of its corporate business plan for 2016/17. The paper also contained information on milestones not yet reached.
8. Heather Peck noted that in terms of non-compliances with animal welfare, a third of poultry establishments had recorded issues in quarter 3. There had also been an increase in non-compliances related to stunning poultry. Neither of these statistics was favourable when compared with red meat species. Heather asked if the increase in stunning non-compliances was due to carelessness on account of increased throughput, or demonstrated an issue with the specifications around stunning.
9. Jason Feeney responded that it was because of the former rather than the latter and there was a seasonality factor to take into account for quarter 3. We were also getting better at being a regulator by becoming stronger in identifying breaches of animal welfare and more consistent in categorising breaches. There was no evidence that the breaches were related to the specifications around stunning.
10. Rosie Glazebrook asked about the openness rating of datasets and how many datasets we expected to have published by year end. Julie Pierce said the openness ratings were an international standard used to judge how useable datasets were by people and IT systems. On a scale of 1 to 5, 1 meant the data was in a format that computers could not read such as PDFs; 5 meant the data could immediately be read by IT systems. Given our understanding of our datasets a year ago, we had set ourselves a target of 3. However, even achieving a 3 rating was quite challenging. We had decided to try to publish as much as possible in consultation with data owners with the aim of improving the quality of what was published over time. We wanted to get used to making our data open and assess how much interest there was in a dataset before deciding to improve it.
11. Julie said there was a long lead-in time from agreeing data could be published to finally publishing it and we were in the process of preparing a lot of data for publication. We expected to publish 90% of our datasets by the end of April 2017. We would not meet our original target of 95% but that had been a very stretching target and since we had set it, we had discovered more datasets.

12. Chris Hitchen said the datasets related to Information Assets owned by each Director and publishing them involved a culture change in the Agency. For example we had to reformat datasets in the area of finance and charging to desensitise the data and make it less commercially sensitive. Catherine Brown agreed that to get the datasets to a basic standard to allow them to be published facilitating a culture change for the Agency, and as we had started with only 15-20% of our datasets being published, she was very pleased with progress.
13. Ram Gidoomal said it would be useful to see how ethnicity by grade had shifted over the last 3-4 years and Catherine Brown agreed to come back to the Committee with that information.

ACTION: Head of Planning, Performance and Change

FSA PRIORITIES AND BUDGET FOR 2017/18 (FSA 17/03/11)

14. The Chair invited Chris Hitchen, the FSA's Director of Finance and Performance, to introduce the paper.
15. Chris Hitchen said this was the most challenging budget the FSA Executive team had been through. The FSA's spending review settlement with the Treasury for the four years 2016/17 to 2019/20 kept the FSA's Westminster budget flat at its 2015/16 baseline level. 2017/18 would see the FSA move out of Aviation House which would cost a significant amount of money. There was some flexibility in the budget, as shown in the forecast, for other opportunities alongside the Regulating our Future (RoF) programme and preparations for the UK to exit the EU.
16. The Chair said the paper showed that a lot of work had gone into adjusting the priorities and the budget since the Board had held its away day in January 2017, and cautioned the Committee not to reprioritise all over again.
17. During discussion about the types of science included in the money allocated to science and evidence, Steve Wearne noted that the spend in this budget paper was by team, whereas the spend mentioned in the Chief Executive's Report to the Board had been according to a wider definition of science and evidence which included, for example, surveillance. Steve agreed to provide the Committee with a note detailing the distribution and timescales of spend on science and evidence.

ACTION: Director of Policy

18. Colm McKenna asked if we were incurring risk by reducing the amount spent on official controls. Chris Hitchen explained that any reduction in resource was decided on a collaborative basis with industry but the final decision rested with the FSA; where there were compliance issues, the resource remained to ensure we continued to put consumer safety first. Jason Feeney added the reduction was a result of Food Business Operators (FBOs) engaging with efficiency initiatives including re-designing their lines thereby removing inspection points and reducing operating during premium hours.

19. Steve Wearne noted that official controls were also carried out by local authorities on our behalf and this had been one of the most intense areas of discussion by the FSA Executive team in drawing up this budget.
20. David Brooks noted that our work on campylobacter now became part of doing the day job exceptionally well and asked if we would be setting a new numerical target for further reduction in campylobacter in chicken. Catherine Brown agreed this was a valid point but cautioned about the risk of expanding the priorities beyond what the resources of the organisation can support. In the overall prioritisation, however, she felt it was a weakness that there was nothing with a public health outcome. She was attracted to something explicit beyond the mechanics of being a regulator such as campylobacter or allergens.
21. The Chair agreed that our work on allergens was beginning to feel like it could become our headline public health outcome. She said we had taken the decision on how to move forward with our campylobacter campaign months ago and if industry did not sustain its part in further reducing campylobacter levels in chicken then the topic would be back on the table for the Board to consider.
22. Steve Wearne agreed to provide the Committee with a detailed note on what work would continue to be done by the FSA on reducing campylobacter in chickens.

ACTION: Director of Policy

23. During discussion about the 10% reduction in the National Food Crime Unit's budget, the Chair said Defra Ministers had agreed to convene the Ministerial Group to discuss the Unit's future scope. If the Group agreed with the FSA's conclusions, the lengthy process of a business case for additional funding would mean a decision on the Unit would not impact us until 2018/19. Catherine Brown highlighted that the process of doing the business case in accordance with Treasury rules would not be cost free and there would be a risk that the business case would not result in the additional funding the FSA needed to be able to increase the scope of the Unit and therefore be a non-value adding distraction from the focus of the organisation on its agreed priorities.
24. In concluding the Chair said the Business Committee agreed the FSA's high-level priorities and budget for 2017/18. The Chair said the Committee had a good line of sight on the budget and thanked the Committee for the way in which they had approached the budget and for the good discussion they had had around it.

OUR WAYS OF WORKING PROGRAMME (FSA 17/03/12)

25. The Chair invited Maria Jennings, Director of Northern Ireland and Organisational Development to introduce the paper.
26. Maria Jennings said this paper was to update the Committee on phase 2 of the Our Ways of Working programme which was set up to create an environment that allowed our people to be the best that they could be so that they chose to make outstanding contributions to deliver our strategy.

27. Phase 2 was the mainstream delivery phase and had four key elements.
- i. The following week, we were launching three new contract types for staff: home-based; multi-location; and office or plant based. The new contracts would be rolled out on a phased basis; York and home-based staff, then London staff, followed by Cardiff and Belfast.
 - ii. To support more flexible working we were putting in place a network of advice and guidance as detailed in the paper.
 - iii. While the delivery of the IT strategy sat with another programme, we required the infrastructure and tools to be in place and to be reliable.
 - iv. Finally, we would be moving out of our office location in London by February 2018 so we were planning that move and to successfully vacate Aviation House along with our tenants. The new office space would be designed to cater for the FSA's requirements for the next ten years. To summarise, we were currently delivering to plan with the appropriate resource and governance.
28. In response to a question from Rosie Glazebrook about measuring the impact of the programme on staff, Maria said we were focusing on key questions within the staff survey and we would also be carrying out pulse surveys along the way as it was very important that we landed the programme with staff in the right way.
29. In response to a question from Paul Williams about lessons learned from phase 1 for phase 2, Maria said phase 1 had shown us the appetite staff had for flexible working. We had been able to identify eight key enablers that allowed staff to excel in their working life. With regard the physical space, we had learned what we could afford and that it needed to be collaborative space so that when staff did get together it added value.
30. In response to a question from Colm McKenna, Maria said we had parameters around the number of each contract type based on what staff had told us during phase 1. However, we would not know how many of each contract there would be until staff had made their choice in discussion with their line manager and in consideration of business need.
31. Catherine Brown said offering three types of contract would contribute to making new posts in the Agency as attractive as possible at a time when there was intense competition for shortage skills. In terms of the financial implications of different permutations of different contract types, we were clear on how we were controlling the financial risks and were ensuring a level of flexibility in the contract arrangements to accommodate potential changes in future years.

ANY OTHER BUSINESS

32. The Chair said there were no items for consideration under Any Other Business and concluded the open session of the Business Committee.

DATE OF NEXT MEETING

33. The next meeting of the open Business Committee would take place on Wednesday 21 June 2017 in Liverpool.