

Summary Report of 13 March 2023 Business Committee Meeting

INFO 23-03-01

The Committee considered the following:

Terms of Reference for the Business Committee (FSA BC 23-03-03)

Committee Members requested the following changes be made to the proposed Terms of Reference for the Business Committee and the Standing Orders for FSA Board Meetings:

1. Add confidential legal or criminal proceedings to the list of reasons to discuss issues in private.
2. Add wording that the list of reasons to discuss issues in private is not exhaustive and can be modified.
3. Amend wording to make it clearer what papers will not be published.
4. Add wording that Human Resource issues are primarily within the remit of the Business Committee.
5. Amend the Standing Orders to say that when the FSA Deputy Chair is unavailable to chair a Business Committee meeting, it will be chaired instead by the FSA Chair.

The Committee agreed that, with these amendments, the proposed Terms of Reference and Standing Orders (Annex B) should be presented to the Board on 22 March for their approval.

Chief Executive's Report to the Business Committee (FSA BC 23-03-04)

The Chief Executive (CE) updated Members on issues including the intention of the Public and Commercial Services (PCS) Union to ballot its FSA members; the Competition and Market Authority's latest [decision](#) in relation to Eville and Jones's merger with Vorenta; an upcoming meeting with the Northern Ireland Department of Finance; and National Food Crime Unit (NFCU) activity on Operation Hawk involving mislabelling of products supplied to a supermarket.

In response to questions from the Board about sharing information, it was explained that media handling of Operation Hawk, a criminal investigation, had been conducted in line with guidance from the College of Policing to avoid prejudicing an ongoing investigation. The Executive undertook to provide further information on how seized proceeds of crime were recovered by the NFCU and could be reallocated within the FSA.

The financial breakdown included in the Chief Executive's Report was commended as a good example of how to show how resource had been allocated for EU exit work. The significant growth in FSA staff since 2016 was noted. The apparently high number of awards given out to

staff under the Rewards and Recognition scheme was discussed. It was explained that this is a relatively small amount of money as a proportion of the budget, includes individual rewards of low level vouchers and the scheme was felt to be valuable as a mechanism for offering immediate reward and recognition during the year.

Performance and Resources Q3 2022-23 (FSA BC 23/03/05)

Tara Smith presented this Report mentioning: meat food business operator compliance and audits; local authority performance; trust and confidence in the FSA and food system; understanding the food crime threat; the FSA's financial position; and health, safety and wellbeing.

There was discussion around the forecasted underspend in ring-fenced capital expenditure, which was for PATH-SAFE and could not be rolled over to the following financial year. Forecasts for non ring-fenced funding were within HMT spending limits.

The Committee asked about fundamental issues in local authority performance including in recruitment. It was explained that research into recruitment and retention was ongoing with local authorities and would be used to help develop the FSA's work on this issue. This was one of the projects included in the Achieving Business Compliance paper for the Board meeting on 22 March. The Board would also receive an informal briefing [on 21 March] on performance management of local authorities.

The number of high-risk establishments awaiting inspection as the period of the recovery-plan closed was raised. The Committee heard the FSA was being clear in engagement with local authorities that resource should not be diverted to lower risk inspections and expected that high-risk establishments be addressed.

It was also confirmed that the FSA continued to publicise the Food Hygiene Rating Scheme (FHRS) and support local authorities in delivering it. The CE's report to the Board the following week would make clear the FSA's position on mandatory display of food hygiene ratings in England, that the FSA continued to be strongly in favour in principle but there was no immediate prospect of a legislative slot for this.

On food crime, assurance was sought that the slower pace of progress on the strategic assessment, which had been deprioritised before Christmas 2022, would not impact negatively on the on the work of the NFCU. It was explained that the deprioritisation was for 2022-23 only and had not had a negative impact. Work was being developed for 2023-24.

Assurance was also sought on the rate of accidents experienced by Operations staff. The accident rate was above the HSE benchmark but comparing to the most similar organisations showed that the FSA was performing better and the trend over years had improved. The FSA was taking a range of actions to improve performance in health and safety for field operations.

Concerns around the bullying and harassment statistics were raised but the FSA would not be complacent in dealing with these issues.

FSA Priorities and Budget 2023-24 (FSA BC 23/03/06)

Ruth Nolan presented this report covering priorities and deliverables for 2023-24; the context within the strategy and the spending review settlement; activities expected to place pressure on the business; and confirmation of the budget for Wales.

A challenge was raised around the continuation of work on health and sustainability in the context of increased demands on the business. In response, officials explained that the demands on the

budget for this work - particularly on the food data transparency partnership and on the school food pilots - were currently small and involved very few staff, meaning that stopping the work would not free up significant additional resource. The Committee also noted how the work had shifted culture positively across the organisation.

The Committee asked about the claim in the Annex that the FSA would “Lead the delivery of food industry outcomes within the new Northern Ireland obesity strategy” and officials undertook to provide further information on this point.

The final figure for the Welsh budget for 2023/24 was in line with realistic expectations and did not represent a decrease. A final settlement for Northern Ireland had not yet been agreed.

The Committee welcomed the breakdown of the finances by business area for two comparable years and the impact on information and science was raised. It was explained that the two years were not directly comparable, as 22/23 represented forecast as at 31 December 2022, which had been impacted by in year events such as additional budget available from underspends, whilst 23/24 was the budget.

It was asked whether there was clarity about the resource requirements for work on Retained EU law (REUL). Officials explained that the FSA’s resourcing plan for the coming year was predicated on the assumption that ministers agreed with the FSA’s proposed approach in England, Wales and Northern Ireland, as discussed with the Board in December. There remained uncertainties to work through, including any impacts arising from the Windsor framework. The FSA’s current assumption was that there was not a large volume of EU case law that would need to be taken into account in any restated laws.

Consumer interest work for precision bred foods and whether it was the FSA’s role to be involved in a programme of communications was raised. This would be kept under review and would require close work with Defra.

The Committee agreed the Annual Business Plan and Budget for 2023-24 recognising the challenges ahead and the need to be flexible and adaptable over the period.

ANNEX A: Business Committee Papers – 13 March 2023

- [Minutes of 7 December Business Committee Meeting \(FSA BC 23/03/01\)](#)
- [Actions Arising \(FSA BC 23/03/02\)](#)
- [Terms of Reference for the Business Committee \(FSA BC 23/03/03\)](#)
- [Chief Executive’s Report to the Business Committee \(FSA BC 23/03/04\)](#)
- [Performance and Resources Q3 2022-23 \(FSA BC 23/03/05\)](#)
- [FSA Priorities and Budget 2023-24 \(FSA BC 23/03/06\)](#)

ANNEX B: Terms of Reference and Standing Orders

- [Proposed Terms of Reference and Standing Orders for the business Committee](#)