

Minutes of the FSA Business Committee Meeting on 17 March 2025

FSA BC 25/06/01 - Via Teams

Present

Timothy Riley, Chair; Susan Jebb; Rhian Hayward; Mark Rolfe

Officials Attending

Katie Pettifer - Chief Executive
Nathan Barnhouse - Head of Regulatory Compliance Division (for FSA BC 25/03/06)
Beth Chaudhary - Director of Strategy and Regulatory Compliance
Ed Clift - Deputy Director Finance, Planning and Commercial (for FSA BC 25/03/05)
Claire Forbes - Director of Communications
Junior Johnson - Director of Operations
Anjali Juneja - Director of UK & International Affairs
Carmel Lynskey - Deputy Director Business Compliance & Market Authorisations Service Delivery (for FSA BC 25/03/04)
Robin May - Chief Scientific Adviser
Ruth Nolan - Director of People and Resources
Julie Pierce - Director of Information and Science
Joshua Ravenhill - Head of Cell Cultivated Product Sandbox Programme (for FSA BC 25/03/07)
James Robinson - General Counsel
Rebecca Sudworth - Director of Policy
Michael Todd - Head of Planning and Performance (for FSA BC 25/03/04)
Thomas Vincent - Deputy Director of Sandbox and Innovation (for FSA BC 25/03/07)

1. Welcome and Introductions

1.1 The Committee Chair welcomed everyone to the meeting. There were no apologies from Business Committee Members or the Executive. Beth Chaudhary, the new FSA Director of Strategy and Regulatory Compliance, was welcomed to her first Business Committee meeting. There were no declarations of new external interests since the last meeting. No Members raised items of Any Other Business.

2. Minutes of 2 December 2024 Business Committee Meeting (FSA BC 25/03/01)

2.1 The Committee agreed that the minutes of the 2 December meeting represented an accurate account of the discussions at that meeting.

3. Actions Arising (FSA BC 25/03/02)

3.1 Junior Johnson confirmed Action 1 was now closed as lessons learned from non-routine incidents had been incorporated into the Standard Operating Procedures and discussed with the Board Member with responsibility for Incidents. No further comments were made on Actions Arising.

4. Chief Executive's Report to the Business Committee (FSA BC 25/03/03)

4.1 Kate Pettifer updated the Committee that the Minister for Public Health had approved the two Statutory Instruments (SIs) to grant Police and Criminal Evidence Act 1984 (PACE) powers to National Food Crime Unit (NFCU) Officers and those powers would come into force on 1 May 2025. Katie agreed to write to Lord Blencathra and Lord Rooker to thank them for their support in getting the SIs laid. Ministers had yet to confirm how they wanted to designate officers and whether or not they would give the power to the Chief Executive (CE). We were still proceeding on a voluntary basis for inspection by HMICFRS (His Majesty's Inspectorate of Constabulary and Fire & Rescue Services) until we could find a vehicle to put inspection on a statutory basis. Junior added that, in preparation for getting the powers, NFCU Officers had been undertaking training exercises including workshops with IOPC (Independent Office for Police Conduct) and HMICFRS.

Action 1 - Katie Pettifer to write to Lord Blencathra and Lord Rooker to thank them for their support in getting the SIs laid to grant PACE powers to NFCU Officers.

4.2 Katie noted recent significant announcements from the Prime Minister and Chancellor regarding the role of the state, the role of regulators, and the civil service which the Board may want to discuss the following week. Katie noted it was early days, and it was possible there would be more announcements. HR would work through the details and consider the implications for the FSA.

4.3 Katie noted the recent uptake in press coverage about glycerol in slushy drinks. Committee Members made the following points:

- A recent academic paper concluded that slushies should not be consumed by children under 8, whereas the FSA advice was for children under 4; was the FSA risk assessment up to date and still saying the right thing in relation to protecting that particularly vulnerable group of consumers?
- The issue was about exposure and how much people were consuming; was there a correlation between age and the risk of harm from glycerol consumption?
- Was the approach to glycerol in slushy drinks in line with the precautionary approach that Ministers have adopted on energy drinks for children?

4.2 In response, members of the Executive said:

- The risk assessment was still valid and had not changed in terms of the risks to health from exposure to glycerol. The decision about the age at which to warn parents that slushies should not be consumed was related to body weight; age is a proxy for body weight. The British Medical Journal report looked across a longer period of consumption and based on that, the number of incidents in proportion to drinks consumed was actually lower than we took into account in our own risk assessment.

- Over the past few years, the FSA and FSS had been working jointly to ensure that manufacturers, retailers and parents had clear information about the risks and how to keep children safe. This included a voluntary warning label scheme which had been supported by industry, social media campaigns and forthcoming FSA downloadable materials to make it easier for businesses to comply with the voluntary scheme.
- Officials were considering whether additional, more precautionary action was needed based on the latest information about consumption and ongoing incidents. The Committee agreed that the Board should exercise oversight of this issue due to the high levels of public concern and the potential harm to very young children. Officials agreed to share options for further action with the FSA Chair.

Action 2 -Rebecca Sudworth to share options for further action with the FSA Chair.

4.3 On the recent Foot and Mouth Disease cases, while these were animal welfare concerns on which Defra and APHA led, the Committee were assured that the FSA was following developments in case they should become a public health concern. The Committee were assured that learnings from the German case had led to quicker implementation of controls at borders to manage the Hungarian case. Industry feedback on handling indicated that measures taken were effective and well-received.

4.4 Regarding the new FSA Delivery of Official Controls (FSADOC) contract, Junior noted that as it was a commercial arrangement, competition between suppliers was to be expected, though it would be important for the suppliers to understand the impact of unintended consequences.

Junior confirmed that suppliers understood the governance arrangements; that we had been carrying out training exercises with our contingency plans; and that the transition arrangements were going well.

5. Performance Report Q3 2024-25 (FSA BC 25/03/04)

Operational Delivery

5.1 In response to a question from the Committee Chair, Junior confirmed that while we were seeing re-profiling of, and consolidation among, Food Business Operators (FBOs), overall numbers of FBOs in existence remained stable. In relation to how well we were managing the Official Controls process to flex and respond to that re-profiling of businesses, and whether we could still have trust in their high compliance to standards, Junior explained that one of the successes of the FSADOC programme had been the fact that we had managed to stabilise the number of Official Veterinarians (OVs) in the system. We were using VetTrack to maintain that pipeline of quality OVs and more experienced OVs were staying in the system now. While the impact of having dual suppliers as of 1 April was uncharted territory, there were reasons to believe that it would bring more stability and resilience into the market.

The Committee noted the culture of FBOs in which OVs operated could be challenging, particularly for female OVs, and asked if provision had been made within the new contracts to ensure the safety of OVs working in such environments. Junior committed to providing the Committee with more information on this including the numbers of female OVs. FSA Operations colleagues did a lot of work with FBOs in relation to bullying and harassment and took any cases which did occur very seriously. In terms of gender welfare, the FSA had undertaken a number of initiatives with FBOs; progress was being made in this area though there was still more to do.

Action 3 -Junior Johnson to provide the Committee with information on female OVs

5.2 On incidents, in discussion, it was agreed that in the absence of outcome measures, the signposting on demand-led measures provided by RAG ratings was the best we had within the current operating system to measure how good a job the team were doing managing incidents. Work was underway to upgrade the IT system which would allow for an improved framework to measure and extract information about the performance of the team.

5.3 The Committee agreed to wait until the discussion of the Local Authority (LA) paper later on the agenda to discuss LA delivery.

Market Authorisations for Regulated Products

5.4 Carmel Lynskey explained that the team were working on refreshing indicators for the coming year to move away from the current backward-looking ones to forward-looking indicators. The team were also considering the feasibility of continuing to aim to complete 100 applications per year given the potential impact of an SPS Agreement and the CCP sandbox.

Reputation and Communications

5.5 Claire Forbes said the recent coverage of the CCP sandbox had revealed that the public narrative about CCPs had not yet been determined. There was an opportunity for the FSA as a regulator to play a role in setting that narrative by continuing to be proactive in communications, so that the safety of CCPs became an integral part of the narrative. The FSA Chair highlighted the need to be aware of, and address, perceptions of regulatory capture regarding the sandbox.

5.6 The Committee noted that planned communications campaigns were going well and suggested more engagement with ad hoc stories that arose could raise the FSA's profile. Claire agreed there was more that could be done to capture, listen to and respond to consumer voices, such as the creation of evergreen comms materials including videos which relied on the input of colleagues from across the Agency; these materials would be cost effective and could be rolled out quickly at any time.

Science

5.7 Julie Pierce explained that the only Amber rating for Fitness for purpose evidence packages was on account of one product which did not meet all expectations of it due to a change in delivery and had had a disproportionate impact on the figures. Robin May noted that the previously discussed metrics for Science had gone live in the past few weeks; so in the future we would be able to incorporate data on how we applied Science and the usefulness of the Science in the Performance Report.

6. FSA 2025/26 Annual Plan and Budget (FSA BC 25/03/05)

6.1 Ed Clift explained that building on the January Board Retreat discussions, this paper provided a summary of the key priorities and deliverables the organisation planned to achieve in 2025/26. Overall, there had been no material changes to the plan or budget since they were discussed back in January.

6.2 For the FSA in Wales, as set out from paragraph 4.4, the budget was confirmed on 4 March as £5.46 million, and this represented an increase of 0.25 million or 5% over the 2024/25 budget. However, as that would be used to absorb inflationary increases, it was a slight reduction in spending power from last year.

6.3 For FSA Northern Ireland, as set out from paragraph 5.6, the FSA had been allocated a resource budget of £12.44 million, and this had been included in the departmental budgets that had gone out for the 12-week consultation which had ended on 13 March. We were waiting for the final confirmation but, if that was agreed, it would provide a 4.28% increase which again,

would largely be absorbed by pay and inflationary increases. With regards to National Insurance contribution increases in Northern Ireland (NI), the case for additional resource had been put forward to the NI Department of Finance; the outcome of that request was expected in June.

6.4 Katie clarified for the Committee that the FSA had committed to a new role in recycled plastics. It had featured in the package of announcements on regulators that had been published by HM Treasury that day and would feature in the CE Report to the Board. There had to be a designated competent authority to check that plastic producers were meeting the requirements set out by the EU to enable them to export. In practice it would not be a substantial role for the FSA; we had notified the EU we would take it on, and we had received funding for it in our Spending Review settlement, so it was factored into the Business Plan.

6.5 On the new Food Standards Delivery Model, Katie clarified that the commitment in the Business Plan to complete the roll out was about the FSA doing everything it possibly could to get local authorities to transition. Ultimately, we could not force them; all we could do was start performance management measures if they did not transition.

6.6 On National Level Regulation (NLR), Katie confirmed for the Committee that the FSA intended to progress with next steps following the pilot and to start using national level data sharing to inform local regulation. This would come to the Board in June. Katie agreed that businesses were very keen to use NLR in other parts of the food sector and to explore standards. While we could do some internal policy work, Katie could not agree to adding another deliverable on NLR in the Business Plan as how much further we could go would depend on stakeholder and Ministerial appetite as well as legislation.

6.7 In discussion about the role of the FSA to deliver expert advice on food and feed regulations, Rebecca agreed with the Committee that the FSA had a very particular role as the national regulator, and it was really important that we did not get involved in areas that were properly the role of local authorities. Over the years we had lost some of that clarity and part of our organisational design work would be to reset those boundaries. We would always want to understand the issues local authorities were encountering because we owned the regulations and the standards but that was very different from stepping in and taking on a role that we should not be assuming. The Committee were pleased to hear that work was being undertaken to clarify the roles as there was an appetite for advice in local authorities which had withdrawn from giving advice on threat of legal challenge.

6.8 In conclusion, the Committee Chair summarised that the Committee had been told that budgets had increased since 2024/25 and we had received a favourable settlement through phase one of the Spending Review, given the pressures on government finances. The Committee also understood that it was affordable to continue the discount for the delivery of official controls while the future of the discount was discussed. The Committee Chair thanked Ed and the team for all their hard work and confirmed that the Committee agreed the annual business plan and budget for 2025/26.

7. Local Authority Performance Update (FSA BC 25/03/06)

7.1 The Committee acknowledged that local authorities were making good progress in completing interventions in higher-risk categories for food hygiene and standards, and we were seeing recovery to pre-pandemic levels. The pace of return to delivering lower-risk categories was concerning, with the majority of local authorities (LAs) still below pre-pandemic levels.

7.2 The Committee were also very concerned about the volume of new business registrations awaiting first inspection. Though new businesses were triaged upon registration to identify the riskiest, the risk was still not fully understood as no inspection took place.

7.3 In response to a Committee Member query about the dip in the inspection rate for high-risk businesses as shown in the Performance Report, Nathan Barnhouse explained that every year we saw a slight mid-year dip in the number of interventions being carried out, and then a surge back up due to the way LAs organised their work. We would monitor the rate in case it was more than a dip, but the trend was towards more inspections being undertaken.

7.4 Nathan explained that the 12-week Consultation on the Food Law Code of Practice began in February and would finish in May. Hopefully changes arising from the Consultation would be agreed in September. One of the mechanisms being consulted on was the ability for LAs to have a broader range of approaches to interventions at lower-risk premises and a more risk based system of triaging businesses upon registration. The proposals also provide more flexibilities for officers who do not have a suitable qualification to do more interventions at lower risk premises and we are expanding the qualifications that LAs can recruit from in order to staff their services.

7.5 Nathan confirmed that letters regarding the need to transition to the new Food Standards Delivery Model had issued from the FSA CE to LA CEs that day. Over the past 18 months we had heard from LAs that the transition of management information systems would take between 6 weeks to 6 months. We now hoped that the majority of LAs would be onboarded to the new Model within 3-6 months. The Committee agreed that the FSA would continue to support LAs to ensure they complied and effectively managed their workloads. The Committee also recognised that at some point we would need to be ready to take stronger action. Katie confirmed that the intention was to name LAs who had not transitioned within 6 months of the deadline at the September Board.

7.6 The Committee were concerned that even after the roll out of the new Model, there would still be a lack of people to carry out the work as fully qualified Environmental Health Officers were being redeployed to other areas of LA work such as funeral homes. Nathan explained that the resource modelling tool was currently in user acceptance testing; the tool should enable LAs to calculate how many officers they needed to do Food Hygiene work. Nevertheless, it was very difficult to get LAs to commit to officers dedicated to food work as those decisions are for the LAs. However, we were monitoring LAs and if they were not completing their tasks, we would instigate a performance management conversation to ensure they were doing what they were statutorily required to do. The Committee suggested that given how important LAs were to ensuring food was safe and authentic the FSA should be more robust in holding LAs to account.

7.7 The Committee discussed whether the FSA's expectations of LAs was still appropriate or needed to be reviewed. There was discussion on whether the indicators of insufficient capacity to deliver the expected level of food and feed controls by some LAs meant that, in the event of a serious and complex incident, there would be sufficient capacity to provide adequate public protection. A better understanding of what was achievable at a local level to have a system that protected public health was needed. However, there had been no rise in incidents despite the fall in inspections; we had to acknowledge there would always be risk in the system and identify what we could do within a tolerable level of risk. LAs did not have the resources to do what they were originally set up to do. Hence the FSA's work on LAs being able to charge and National Level Regulation. Further reform to the local government structure could put more pressure on the system which made it even more important for the FSA to continue with its reform agenda.

8. Regulatory Sandbox for Cell-Cultivated Products (CCPs) (FSA BC 25/03/07)

8.1 Joshua Ravenhill presented the high-level delivery plan for the CCP sandbox, detailing the key deliverables, the timeline for achieving them and the assurance mechanisms to ensure the programme's progress and outcomes would be monitored and evaluated effectively.

8.2 Joshua confirmed for the Committee that our objectives are in the public domain, with the most significant being the completion of two risk assessments by the end of the two years.

Regarding governance and monitoring, the Committee suggested it would be helpful to separate outcomes from process.

8.3 In terms of how enforcement would work, Joshua clarified that the programme includes an expert working group and would be engaging directly with local authorities. In addition, enforcement would be one of themes discussed in the participant workshops.

8.4 The Committee also suggested the FSA consider how engagement with consumers will be included in the programme, and this is important at an early stage. This was not just about consumer views on CCPs, but also a point on consumer trust in the activities of the sandbox. Joshua confirmed that we had already conducted work on gaining consumer insights we were considering undertaking further consumer focused research. The team would consider consumer engagement in the sandbox and provide further advice.

8.5 Claire Forbes agreed with the Committee that communications were going to be crucial; what was already a high level of interest could be expected to grow throughout the two years towards the end point when we get closer to the publication of risk assessments. This would include making the role of the FSA in protecting the interests of consumers clear.

8.6 The Committee Chair concluded by saying that he would still like to see more about how this work will inform our broader work on market authorisations to improve our service more widely.

9. Any Other Business

9.1 No other business was raised, and the meeting was closed. The next FSA Business Committee meeting would take place on Monday 9 June 2025.