

MINUTES OF THE FSA BUSINESS COMMITTEE MEETING ON 16 JUNE 2021

Via Zoom from the Chair's Residence, Liverpool

Present:

Ruth Hussey, Interim Chair; Lord Blencathra; Fiona Gately; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe.

Officials Attending

Emily Miles	-	Chief Executive (CE)
Chris Hitchen	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Professor Robin May	-	Chief Scientific Adviser (CSA)
Rick Mumford	-	Deputy Director of Science, Evidence and Research
Steven Pollock	-	Interim Director of Strategy, Legal, Communications and Governance
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer

Apologies

Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
--------------	---	---

1. Welcome and Introductions

- 1.1 The Chair welcomed everyone to the meeting noting an apology from Julie Pierce. She welcomed the two newly appointed members, Lord David Blencathra and Fiona Gately, to their first Business Committee meeting. Professor Susan Jebb, the incoming Chair of the FSA was noted as being present at the meeting as an observer. No conflicts of interest were declared by Committee Members. No items of Any Other Business were raised.

2. Minutes of 10 March 2021 (FSA 21/06/11)

- 2.1 The Committee accepted the minutes of the 10 March Business Committee Meeting as an accurate record of that meeting.

3. Actions Arising (FSA 21/06/12)

- 3.1 No comments were made about the Actions Arising.

4. Chief Executive's Report to the Business Committee (FSA 21/06/13)

- 4.1 The Chief Executive (CE) highlighted items from the report including: work around meat official controls; wine and dairy; the impacts of COVID-19 on staff absence; the National Food Crime Unit (NFCU); Operation Orchid; shellfish water classification; the Westminster budget underspend; incidents relating to melons; and cat food.
- 4.2 Colin Sullivan gave an update on the feline pancytopenia incident explaining that the FSA was working with Food Standards Scotland (FSS) and Defra to issue communications advising cat owners not to feed their pets certain dry cat food products. Manufacturers and brand owners had reacted quickly and responsibly in agreeing a precautionary approach in issuing a recall. The link between the cat fatalities and illness, and the cat food was yet to be confirmed and there was no known link to any human illness.
- 4.3 Colm McKenna raised Operation Orchid and the decision not to pursue prosecutions. He noted that the absence of Police and Criminal Evidence Act (PACE) Powers was a contributing factor in the error that led to the decision not to pursue prosecutions and asked what could be done to expedite the NFCU gaining PACE powers. He highlighted the complexities of the Northern Ireland Protocol and the potential for exploitation of those complexities as a demonstration of the urgency of the issue. The CE said that the lack of PACE powers had slowed NFCU investigations due to the need to borrow officers from police forces to help with making arrests. The necessary changes would require primary legislation so an appropriate Parliamentary vehicle would need to be found and Cabinet support confirmed.
- 4.4 Mark Rolfe asked if there was anything the Board could do to help. The CE said that the formal conclusions of the Board and Business Committee over the preceding years, including the previous December Board discussion where that had indicated the necessity of these powers were helpful in making the case for PACE powers for the NFCU.
- 4.5 Margaret noted the shortage of vets and whether this added to the case for having more than one service delivery partner. The CE said that shortage of vets in the UK impacted all providers and was a structural issue related to the workforce. She said the question of whether one or more service delivery partner would be preferred was an issue the FSA would consider when drafting the business case for the future provision of official veterinarians under the operational transformation programme. Colin said that all users were recruiting from the same pool of qualified vets. The number of service delivery partners used to recruit would therefore not impact on the overall numbers of vets available. Chris Hitchen added there was a robust tender process to find service delivery partners.
- 4.6 Colm McKenna said that the FSA was not the only part of government that was likely to have a significant underspend due to COVID-19. The CE noted the exceptional challenges of the year and also noted the change in risk appetite on the FSA's spend that had been set by the Board at its March 2021 meeting. Chris Hitchen highlighted the value for money aspect of what the FSA had achieved of over the year in the context of the budget underspend. Steps were

being taken to ensure that the FSA leveraged maximum impact from this year's budget including the introduction of a pipeline for activity and additional resource for delivery assurance.

- 4.7 Mark noted the priorities in the people survey around bullying and harassment, highlighting recent conversations Board Members had had with Meat Hygiene Inspectors (MHIs) from the day before who felt that they received good support from FSA management.
- 4.8 Margaret asked whether either COVID-19 or EU Exit had impacted on the levels of subsidy provided to the meat industry. The CE said that around £20m was received per annum by the industry as part of the discount on meat official control charges that would otherwise be made by the FSA and the level of any subsidy industry received should not be decided by the FSA as regulator. Colin noted that, due to the COVID-19 challenges faced by the industry, the FSA had offered support over a brief period by not passing on the cost of "downtime" when Covid had reduced the operating hours of FBOs but the FSA had staff on site who were incurring cost. Chris Hitchen mentioned that Treasury guidance advised full cost recovery for regulatory charges but currently the FSA was not achieving this level.
- 4.9 Peter Price asked whether there had been any contact with vets over the cat illness incident. Colin explained that it was a multi-agency response with the Animal and Plant Health Agency and Defra had the necessary connections to keep vets apprised.
- 4.10 The Chair noted the update on the classification of waters around the export of live bivalve molluscs and asked what conversations the FSA had been involved in around the water quality aspects. The CE explained that the FSA was responsible for classifying the waters and that the water quality tended to be of better quality around Scotland and Northern Ireland where there were lower population densities than in England. In Wales, Natural Resources Wales was responsible for water quality and the FSA was engaging with them on this issue as well as with Parliamentary Under-Secretary of State for Farming, Fisheries and Food, Victoria Prentis, for England.

5. Performance and Resources Q4 2020-21 (FSA 21/06/14)

- 5.1 Chris Hitchen gave a brief overview of the report highlighting: levels of the four main food-borne pathogens reported over 2020; sampling for assurance for food safety and standards; staff engagement and civil service wide comparators; and the Westminster budget underspend.
- 5.2 Mark Rolfe found the low levels of labelling non-compliances found through sampling work surprising. He added that the data generated through sampling was useful even where non-compliances were not discovered. Chris said that he did not have the detail around the exact figures for non-compliances to hand and suggested that he provide an update on this separately.

Action 1 - Chris Hitchen to provide detail for sampling figures and the levels of labelling noncompliance.

5.3 Mark asked where the FSA sourced intelligence for targeted sampling and whether all possible sources were being considered. Chris said the Board had seen papers on how the system fit together but that he could provide a worked example to demonstrate how sampling was targeted. The Chair said that a briefing on this would be useful. Rick Mumford said that the targeted list was produced using evidence from across government and he would be happy to contribute to briefing on the issue.

Action 2 - Chris Hitchen and Rick Mumford to provide a briefing to the Board, providing a worked example on how intelligence was used to target sampling.

5.4 Fiona Gately asked about acceptable thresholds for non-compliance. Chris said that the FSA was planning longitudinal time-series sampling to track trends in food standards. Recommendations would then usually be brought to the Business Committee for appropriate targets. Rick added that there needed to be better understanding for baseline figures. It was noted that the less testing that took place, the less non-compliance would be found so testing levels need to be maintained in order to be meaningful. The CE added that the sampling programme was risk-led, in that it was designed to target areas where there was concern that there could be fraud and therefore non-compliance was more likely to be found than if the sampling had been done as a genuinely random sample. This made finding a baseline across producers difficult.

5.5 The Chair highlighted the Local Authority (LA) delivery statistics. The data related to historical activity and action to improve performance was described in the recovery roadmap paper that the Board heard at the May meeting. Maria Jennings said there had been a small improvement in quarter four in relation to physical interventions. It had been heard anecdotally that Environmental Health departments were largely content with the Board's decision around the LA recovery roadmap. The FSA was providing LAs with financial support to provide off-site engagement with food businesses to assess the need for intervention or physical inspection.

6. Any Other Business

6.1 No other business was raised, and the meeting was closed. The next meeting would take place on the Wednesday 15 September with further details to be confirmed.