



An Rialálaí Agraibhia Agri-Food Regulator

(Ref ARA/N8/3a)

Board Meeting Minutes

Date	4 September 2024
Time	11.00 – 15.45
Location	Agri-Food Regulator Offices, Backweston Campus
In attendance	Board of the Agri-Food Regulator: <ul style="list-style-type: none">- Joe Healy, Chair- Paul Brophy- Karen Brosnan (from 13.00)- John Comer- Elaine Donohoe- Grace McCullen Agri-Food Regulator <ul style="list-style-type: none">- Niamh Lenehan, CEO- Robert Levins (11.50 – 13.00)- Aiden Kelly (11.50 – 13.00)- Melanie Hall (11.50 – 13.00)- Beckie Reynolds (minute-taker)

For meeting agenda – See Appendix 1

Item 1: Opening by Chair

Apologies: Margaret Dineen
Angus Woods

Item 2: Conflict(s) of Interest

There were no conflicts of interest noted.

Item 3: Approval of Minutes of last meeting

Minutes of meeting on 4 July 2024 were agreed.



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Item 4: Approval of previous Board meeting notes for publishing

The Board approved the meeting notes of the 17 May 2024 board meeting for publication.

Item 5: Audit & Risk Committee

On request of the Board, the Chair of the Audit and Risk Committee (ARC) had considered whether the Regulator should seek a derogation from the Code of Practice for the Governance of State Bodies (2016) regarding the requirement to have an ARC. The resulting recommendation to retain the ARC was agreed by the Board with the understanding that all members of the Board have a responsibility for governance. It was noted that it is important for the Board to maximise the time available to discussing strategy.

It was agreed that the ARC would meet in sufficient time in advance of Board meetings to allow the submission of appropriate documentation to the full Board. To ensure that Board members have access to all relevant information to satisfy themselves, Audit & Risk will continue as a standing item on every Board meeting agenda. The minutes of the ARC meeting in addition to the 'red' risks will be provided to the full Board.

It was agreed that the ARC will review and amend its Terms of Reference. It was noted in particular that the current document is somewhat ambiguous about what material is presented before the Board.

The 2025 financial estimate was presented to the Board and noted. A question arose over the figure included for renovations at the Regulator offices at Backweston. The CEO noted that in particular, it is unclear at this point as to how much work is required to deliver our own entrance to the office. The Executive are continuing to liaise with the Department of Agriculture, Food and the Marine and the Office of Public Works.



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It was noted that a risk management policy should be developed in addition to a crisis management policy which should be considered in the context of the broader communications plan for the organisation.

Item 6: Work Programme 2024 & Preparation for 2025

As per section 40(1) of the Agricultural and Food Supply Chain Act 2023, a work programme pertaining to the Regulator's discharge of its functions for each financial year must be prepared and submitted to the Minister at least two months in advance of the beginning of the year. To meet this requirement, the 2025 Work Programme which is due to be submitted to the Minister by the end of October will need to be signed off by the Board at its next Board meeting on 15 October. The objectives outlined in the Agri-Food Regulator Statement of Strategy 2024 – 2026 will inform the framework for the 2025 Work Programme.

- Overview of 2024 Work Programme

Members of the Executive were in attendance for this section of the meeting and updated the Board in respect of activities in 2024 to-date for their respective areas of responsibility.

Objective 1 – Enforcement of agri-food unfair trading law.

Melanie Hall, Head of Enforcement of the Unfair Trading Regulations presented an outline of activities in the current year including the further development of the regulatory framework and the introduction of onsite inspections.

Objective 2 – Improved transparency on the functioning of the agri-food supply chain.

Robert Levins, Head of Price and Market Data Analysis presented an outline of activities for 2024 to-date with a focus on collaborating with businesses along the supply chain to develop the "*information and engagement*" function of the Regulator.

Objective 3 – Effective communication and engagement with stakeholders in promoting fairness and transparency.



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Aiden Kelly, Head of Corporate Affairs presented an outline of activities for the current year to-date including extensive stakeholder engagement and the 'compliance reporting buyer' public relations campaign.

Objective 4 – Building of organisational capacity with optimal use of resources to deliver an efficient and effective service.

It was noted that the development of policies and procedures are well underway. Relevant services have been procured and of the seventeen staff sanctioned, twelve are now in place.

The Executive will prepare a draft 2025 Work Programme for presentation at the next meeting of the Board on 15 October.

No additional metrics for reporting by the Executive were requested by the Board.

Item 7: Section 17(4) Report to Minister

Background

Section 12 of the Agricultural and Food Supply Chain Act 2023 sets out the 'Information and engagement' function of the Regulator. More specifically, under section 12(3)(d), the Regulator may '*seek from businesses within the agricultural and food supply chain any data impacting upon prices and margins considered necessary*' in pursuance of its duties under section 12. Section 17 of the 2023 Act sets out the 'Information and advice' function of the Regulator.

It was noted that since April 2024, the Executive has been engaging with the relevant businesses in the egg supply chain using powers to request data impacting upon price and margins under section 12(3)(d) of the 2023 Act. In order to compile a report that would give a thorough overview of the pricing margins in the industry by combining the data provided by firms with the publicly accessible price and market data, requests were made in compliance with section 12(2)(a) of the 2023 Act. In seeking to fulfil this legislative function, the Executive



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requested specific price and market data from egg packers as well as the largest retailers and food wholesalers in the country. Information was provided by the four largest egg packing businesses and a number of the largest food wholesale / retail businesses in the country. Regrettably and despite the efforts of the Executive to date, a number of retail businesses have not provided the data requested. As a result, it has not been possible for the Agri-Food Regulator to produce the type of report on the egg sector that was envisaged upon seeking the data. Instead, the Regulator's initial report on the egg sector was published using only publicly available data.

Decision

It was agreed that the Executive would begin drafting a report that will be submitted to the Minister by the Board to fulfil its obligation under section 17(4) of the 2023 Act; to *'report to the Minister within 12 months of its establishment date as to its ability to acquire data under section 12(3)(d), and make any appropriate recommendation so as to ensure the regulator is empowered to access or seize such data it requires to meet its obligations'*. The report will detail the ability of the Regulator to acquire data under section 12(3)(d) and can make any appropriate recommendation *'so as to ensure the regulator is empowered to access or seize such data it requires to meet its obligations'*.

It was discussed that timing is key and it was noted that the Ploughing Championships are imminent. Any recommendations need careful consideration and it was agreed that Board members need additional time to consider and discuss this matter further. The Board agreed to convene an ad-hoc meeting on 11 September. In advance, the Executive will provide the Board with a draft 17 (4) report along with associated draft communications. It was noted that the Regulator's legal advisors are available to provide any assistance in this matter.

Item 8: Board Evaluation

This item was postponed until 15 October Board meeting due to time constraints.

Item 9: CEO Evaluation



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This item was postponed until 15 October Board meeting due to time constraints.

Item 10: CEO Update

The CEO provided a summary of the written update provided to the Board. It was noted that work is ongoing with respect to attendance at the Ploughing and that staff numbers are increasing.

Item 11: For Noting

The www.agrifoodregulator.ie website report was noted.

Item 12: AOB

1. The Code of Practice for Governance of State Bodies 2016 checklist was noted by the Board. It is saved on Decision Time for ease of reference.
2. Ploughing Championships 2024

Work is ongoing regarding attendance at the Ploughing. The Regulator will be present in the Government of Ireland Village tent titled 'Supporting Business | Supporting People'. Regulator staff will conduct a brief survey of visitors to the Agri-Food Regulator's stand.

Next Board meeting will occur on 15 October 2024.



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Appendix 1

Board Meeting Agenda – Wednesday 4 September 2024

Location: Administration Building, Backweston Campus

Agenda	
11.00	Item 1: Chair opens meeting <ul style="list-style-type: none">- Apologies
11.05	Item 2: Any conflict(s) of interest noted
11.10	Item 3: Approval of minutes of Meeting: <ul style="list-style-type: none">- Board Meeting 4 July 2024 (Ref ARA/N7/3a)- Report on the decision agreed following 12 & 16 July Ad Hoc meetings of the Board (Ref ARA/N7/3b)
11.20	Item 4: Approval of Board meeting note for publishing <ul style="list-style-type: none">- (Ref ARA/N7/4) <i>Note of Board meeting of 17 May 2024</i>
11.30	Item 5: Audit & Risk Committee <ul style="list-style-type: none">- Risk Management Policy- (ARA/N7/5a) Board Member Recommendation to 04 September 2024 Board Meeting- (Ref ARA/N7/5b) Audit and Risk Committee (ARC) Terms of Reference- (Ref ARA/N7/5c) 2025 Financial Estimate
11.55	Item 6: For Discussion: <ul style="list-style-type: none">- Work Programme 2024 Review & Preparation for 2025- 2025 Budget (Ref ARA/N7/6b) 2025 Financial Estimate- Metrics for Reporting to the Board



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12.45	Item 7: For Discussion: <ul style="list-style-type: none">- Section 17(4) Report - Recommendations to Minister?
13.15	Lunch
14.00	Item 8: Board Evaluation
14.25	Item 9: CEO Evaluation
14.55	Item 10: CEO update <ul style="list-style-type: none">- (Ref ARA/N7/10)
15.20	Item 11: For Noting: <ul style="list-style-type: none">- (Ref ARA/N7/11) <i>Agri-Food Regulator website analytics</i>
15.25	Item 12: AOB <ul style="list-style-type: none">- (Ref ARA/N7/12a) Code of Practice for Governance of State Bodies 2016 Checklist- Ploughing Championships 2024
15.40	Close