

Consultation pack on proposed removal of discounts on charges for meat industry enforcement activity in England and Wales

The Food Standards Agency (FSA) is seeking stakeholder comments on a proposal to remove discounts on charges to meat industry FBOs for enforcement activity.

Launch date: 12 October 2022

Respond by: 4 January 2023

This consultation will be of most interest to:

Meat industry Food Business Operators (FBOs), industry representative bodies, consumers and other interested stakeholders.

Consultation subject:

The Food Standards Agency (FSA) is seeking stakeholder comments on a proposal to remove discounts on charges to meat industry FBOs for enforcement activity.

Purpose of the consultation

The consultation seeks comments from meat industry FBOs, representative bodies, consumers and other interested stakeholders on the policy proposal to remove discounts on enforcement activity so that businesses that are non-compliant and generate enforcement activity no longer benefit from discounted FSA charges.

How to respond

Responses are required by the close of 4 January 2023. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

[PDF response form](#)

[Word response form](#)

Responses to this consultation should be sent to finance.consultation@food.gov.uk.

For more information on how the FSA handles your personal data, please refer to Annex A.

Details of consultation

Introduction

Enforcement takes place when regulatory requirements are contravened and it is necessary to take action in response to this, for example, a breach of the welfare at slaughter requirements.

The FSA continues to take a proportionate approach to enforcement and aims to ensure that enforcement decisions are transparent, accountable, proportionate, consistent and targeted at cases where action is needed and that the health of consumers and welfare of animals are protected. When deciding which measures to take, the FSA will take account of the nature of that non-compliance and the operator's past record with regard to compliance. Full details are set out in the [Manual for Official Controls Chapter 7 Annex 2](#).

Background

Charges for enforcement activity by Official Veterinarians (OVs) were made by the Meat Hygiene Service when it took over the provision of meat controls from local authorities in 1995 and this has continued under the FSA. More recently suitably trained Meat Hygiene Inspectors (MHIs) have also carried out some enforcement activity.

The time recording for OVs and MHIs prior to 2021/22 made no distinction between enforcement and official controls. This was consistent with Regulation (EC) 882/2004 which was in force until 13 December 2019. This legislation was amended and consolidated by (EU) 2017/625 with effect from 14 December 2019. The new legislation introduced the distinction of 'other official activities' to separate out some activities from 'official controls.' Enforcement falls under other official activities. This legislation remains in force as part of retained EU law.

The FSA listened to concerns from meat industry representatives that the charging arrangements did not separate enforcement from other meat controls. In response to this from 2021/22 the process started of separating the charges for enforcement from other charges with the separate identification of time spent on chargeable enforcement shown on FBO invoice backing schedules. When this change was made the charges for enforcement continued to be subject to discount in the same way that charges for official controls were subject to discount at slaughterhouses and game handling establishments. The FSA is now proposing to remove the discount on charges for enforcement from the start of the 2023/24 year, ie 27 March 2023, as it is not appropriate that non-compliant businesses benefit from lower charges. Currently discounts on enforcement work range from a maximum of 90% to a minimum of 18%.

The FSA welcomes your comments on the policy proposals below.

Main proposals and reason for change

The main proposals are:

- to remove discounts on charges for enforcement
- time spent on chargeable enforcement work would be charged at the full cost hourly rates for enforcement activity determined as part of the FSA's annual budget process. For 2022/23 the OV rate for enforcement is £53.30 and the MHI rate is £36.20. Rates for 2023/24 will be set in early 2023

This is not a consultation on FSA enforcement policy or the principle of charging for enforcement activity. It is restricted to the current discount on charges for enforcement and no changes are proposed to the discounting process for other FSA charges to the meat industry.

It is not appropriate that a discount should be applied to charges for dealing with FBOs' non-compliance with the requirements of the legislation. The taxpayer should not fund a discount on

these charges. FBOs can avoid charges for enforcement by complying with the requirements of the relevant legislation.

What is chargeable

Once the OV or MHI determines that there is a non-compliance with the regulations enforcement action may be required. If, for example, a letter or a formal notice is required the time taken to prepare and issue these documents is chargeable enforcement activity invoiced to the FBO.

What is not charged

The time spent on investigatory activity once a non-compliance has been identified is not charged directly as enforcement.

If a decision is taken to refer a case for prosecution the time spent by FSA staff on preparing the case and going through the court process is not chargeable through the FSA's invoicing process. Although costs may be awarded in the FSA's favour and against the FBO after a successful prosecution.

Illustrative example of charges

The following is an illustrative example of how the current charges would be calculated including a discount and how the proposal to remove discounts would affect those charges. In this example the OV hourly rate for 2022/23 has been used.

Example of charging for three hours of enforcement activity in one monthly charging period

Current charging

Discount band	Hours	Discount	Hourly rate	Charge
1	0.25	90%	£53.30	£1.33
2	0.25	75%	£53.30	£3.33
3	0.25	21%	£53.30	£10.53
4	0.25	20%	£53.30	£10.66
5	0.25	19%	£53.30	£10.79
6	1.75	18%	£53.30	£76.49
Total	3	-	-	£113.13

Proposed charging

Hours	Hourly rate	Charge
3	£53.30	£159.90
3	-	£159.90

In the above example removing the discount would result in an increased charge of £46.77, for example, the difference between the charge with discount of £113.13 and the charge without discount of £159.90.

Please see the FSA's guide for [Charges for controls in meat premises 2022-23 \(food.gov.uk\)](https://www.food.gov.uk/publications-and-resources/advice-and-guidance/charges-for-controls-in-meat-premises-2022-23) for more detail about charges and discounts.

Details about the calculation of the FSA's charge rates to the meat industry, including for enforcement, are available in the [Cost Data 2022/23](#) presentation.

Impacts

In terms of the overall time spent on FSA meat activities the time relating to enforcement is not material. If the time charged for enforcement were 1,000 hours this would represent well under 1% of all the hours spent on meat controls of approximately 1,300,000 in any one year.

The overall impact of removing discounts on charges for enforcement is estimated to be less than £20,000 per annum or around a tenth of 1% of current year budgeted charges of £34,200,000. Accordingly an impact assessment is not required for this proposed change.

Engagement and consultation process

Questions asked in this consultation

1. Do you agree with the proposal that discounts on charges for enforcement to address non-compliance should cease?
2. If you do not agree that the discount should cease please would you explain why you consider that non-complaint Food Business Operators should benefit from the same support that compliant businesses receive?
3. If you have an alternative proposal regarding discounts on charges for enforcement please would you specify this and how it would operate?
4. A form is attached at Annex D for you to use for your reply.

Responses

Responses are required by close on 4 January 2022. A form to complete is at Annex D to aid you in responding. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Please send responses to finance.consultation@food.gov.uk.

For information on how the FSA handles your personal data, please refer to Annex A and the [Consultation privacy notice](#).

Further information

If you require a more accessible format of this document please send details to the contact for responses to this consultation and your request will be considered.

This consultation has been prepared in accordance with [HM Government consultation principles](#).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

Richard Collier

Head of Finance - Charging, Food Standards Agency

Annex A: Standard Consultation Information

Disclosure of the information you provide

Information provided in response to this consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004). If you want information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. Any automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding. The Food Standards Agency will be what is known as the 'Controller' of the personal data provided to us.

Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters. The Data Protection Act 2018 states that, as a government department, the Food Standards Agency may process personal data as necessary for the effective performance of a task carried out in the public interest.

What we do with it

All the personal data we process is located on servers within the European Union. Our cloud based services have been procured through the government framework 11 agreements and these services have been assessed against the national cyber security centre cloud security principles. No third parties have access to your personal data unless the law allows them to do so. The Food Standards Agency will sometimes share data with other government departments, public bodies, and organisations which perform public functions to assist them in the performance of their statutory duties or when it is in the public interest.

What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information, we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the [Information Commissioner's Office \(ICO\)](#) or telephone 0303 123 1113. Our Data Protection Officer in the FSA is the Information Management and Security Team Leader who can be contacted at the following email address: informationmanagement@food.gov.uk.

Further information

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered. This consultation has been prepared in accordance with [HM Government consultation principles](#).

Annex B: Impact Assessment

The overall impact of removing discounts on charges for enforcement is estimated to be less than £20,000 per annum and accordingly an impact assessment is not required.

The implementation date of any change following consideration of consultation responses will be the beginning of the 2023/24 year, ie Monday 27 March 2023, the first day of the April 2023 charging period. Invoices to FBOs for April will be sent in May to the normal timetable.

Annex C: List of interested parties

- All FBOs of approved red meat slaughterhouses, poultry slaughterhouses, game handling establishments and cutting plants in England and Wales
- British Poultry Council
- Association of Independent Meat Suppliers
- National Farmers Union
- British Meat Processor Association
- National Craft Butchers
- National Game Dealers Association
- Hybu Cig Cymru
- Welsh Lamb and Beef Producers
- Which?
- Sustain
- Members of the Partnership Working Group where not covered above