

Consultation pack on proposed removal of discounts on charges for meat industry enforcement activity in FSA-approved meat establishments in Northern Ireland

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

This consultation will be of most interest to

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

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. Details of how to respond to this consultation are provided below.

Purpose of the consultation

The consultation seeks comments from meat industry FBOs, representative bodies, consumers and other interested stakeholders on a proposal to remove discounts on enforcement activity so that will mean a discount will no longer be applied to charges for enforcement activity that has arisen to deal with non-compliance.

The FSA is consulting simultaneously with stakeholders in England and Wales on this proposal.

How to respond

Please use the consultation response form below to provide your comments. 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).

Northern Ireland

WORD

[View Consultation response form on removal of discounts on charges for meat industry enforcement activity in Northern Ireland as Word\(Open in a new window\)](#) (18.32 KB)

Responses are required by the close of 4 January 2023 and should be sent to NIOperationalpolicy@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 requirements of food law.

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 is protected.

The Veterinary Public Health Programme of the Department of Agriculture Environment and Rural Affairs (DAERA VPHP) carry out enforcement activity in approved slaughterhouses, cutting plants and game handling establishments on behalf of FSA in NI under a Service Level Agreement.

When deciding which measures to take, DAERA VPHP will take account of the nature of the non-compliance and the operator's past record with regard to compliance. Full details are set out in the [DAERA VPHP Manual for Official Controls Chapter 7](#)

Background

Charges for time spent on enforcement activity by authorised officers (AO) are included in the discounted charges for meat hygiene official controls and currently there is no distinction between time spent on 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 Regulation (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 directly applicable in Northern Ireland as EU law.

The FSA is now proposing to capture the time spent on enforcement activity in Northern Ireland separately, and remove the discount on the associated charges for enforcement activity from the start of the 2023/24 financial year, i.e., 26 March 2023, as it is not appropriate that non-compliant businesses should benefit from discounted charges applied directly as a result of enforcement activity. Current meat charging policy means that discounts on enforcement activity range from a maximum of 85% to a minimum of 5%.

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 activity
- time spent on chargeable enforcement work would be charged at the full cost hourly rates for enforcement activity determined as part of the annual review process.

NB: 2022-23 hourly rates for AOs can be found in the [Charging Guidance](#)

This is not a consultation on FSA enforcement policy or the principle of charging for enforcement activity. It is restricted to the current discount applied to charges for enforcement activity 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 be required to 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 AO 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 the investigation process investigatory activity once a non-compliance has been identified eg evidence gathering, is not charged directly as enforcement.

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

Impacts

The cost of time spent on enforcement activity in Northern Ireland is not currently captured, however the overall impact of removing discounts on charges for enforcement activity is estimated to be around £2,500 per annum which equates to approximately 0.05% of total charges and 0.03% of the cost of the service in the 2021-22 financial year. 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 activity 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-compliant 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 activity please would you specify this and how it would operate?

A form is attached at Annex D for you to use for your reply.

Responses

Please use the [response form above](#). Responses are required by close on 4 January 2023.

Please send responses to NIOperationalpolicy@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](#).

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) at

<https://ico.org.uk> 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

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Annex B: Impact Assessment

The overall impact of removing discounts on charges for enforcement is estimated to be around £2,500 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 financial year, i.e., Sunday 26 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 Northern Ireland

- The Livestock and Meat Commission Northern Ireland
- Northern Ireland Meat Exporters Association
- Northern Ireland Pig & Bacon Forum
- Northern Ireland Poultry Federation
- Ulster Farmers Union
- Country Sports Ireland

Annex D – Response form

This is included on the webpage as a separate link