

Proposed data amendment to the Agriculture Bill, July 2020

1. What is this document?	1
2. Background: farm payments data in the Agriculture Bill	1
3. Why is this data important?	2
4. What amendment do we propose?	2
5. What are the timescales?	3
Appendix 1: Technical notes on data requested	4
Appendix 2: Data provisions in the devolved administrations	5

1. What is this document?

This briefing explains why the new Agriculture Bill, as currently drafted, could result in very little data being collected and published on government grants and subsidies to farmers and landowners. So weak are current data measures that even ministers may not be able to obtain critical data on billions of pounds of public money.

The briefing explains the nature of this omission, sets out some of the harms that may follow, and lays out suggested amendment text to ensure that the UK's agriculture data regime is fit for purpose.

The author is the Chief Executive of the [Centre for Public Data](#), which campaigns for better data in public life. We believe that robust public data is at the heart of a modern economy and functioning democracy, and that data is best safeguarded in law. We help legislators and legal drafters ensure that legislation supports best data practice and evidence-based policy.

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2. Background: farm payments data in the Agriculture Bill

As the UK leaves the European Union, a new [Agriculture Bill](#) is moving through Parliament. The Bill marks [a major shift](#) in the UK's agricultural policies and the allocation of the £3.5 billion paid annually to UK farmers (see the [House of Lords Library briefing](#)). Farmers will no longer receive a fixed payment per acre, but will receive payment for 'public goods' like environmental improvements.

However, the draft Bill may result in much less data being collected and published than is currently the case. As a former EU member, the UK was previously required¹ to publish the recipients and amounts of farm payments². Although limited in quality and scope, this data was essential for helping MPs, ministers, businesses and the public understand how funding was allocated.

The new Agriculture Bill does not require the Secretary of State to publish data on payments³. It merely states in clause 2(8) that the Secretary of State *may* do so, delegating the details to secondary legislation.

The grounds given for moving the requirement to secondary legislation are: *“Future schemes are still being co-designed with stakeholders. The Government wants to continue to be transparent in how public funds are being used but will engage on the details of how it approaches this with stakeholders”*⁴.

While we applaud the desire to put in place a regime that can evolve data publication as needs and technologies evolve, it is concerning that not even the simplest and most basic of requirements are spelled out in primary legislation. This could lead to a situation in which under a future minister, no data of any kind was collected or distributed on agricultural payments.

3. Why is this data important?

Robust public data on farm payments is vital for monitoring the effectiveness and externalities of policy. If the government enabled the publication of richer geospatial data, it would also open up potential for innovation.

1. *Monitoring effectiveness*: The purpose of the new funding system is to support ‘public goods’, such as access to the countryside and healthy ecosystems. Without robust, reliable public data, it will not be possible for MPs, ministers, policy analysts and the public to evaluate whether the schemes are working.
2. *Commercial potential*: Data on payments is important for companies and startups. Detailed geographic data would allow startups to combine funding information with new datasets such as satellite imagery, sensor and geospatial datasets to monitor, predict and improve the impact of funding.

Without a clear legislative commitment to maintaining and improving this public data, we risk losing even the limited data that is currently collected and published. This would severely limit both the ability to evaluate the policy, and to build commercial services with it.

¹ Article 111 (‘Publication of beneficiaries’) in [EU Regulation 1306/2013](#).

² See the [CAP Payments Search website](#), Defra.

³ Clause 2(8) of the draft Bill: *“The Secretary of State may by regulations make provision for or in connection with requiring the Secretary of State or another person to publish specified information about financial assistance which has been given”*.

⁴ Clause 2(8) of the draft Bill, discussed in the [Memorandum concerning the Delegated Powers in the Agriculture Bill](#).

4. What amendment do we propose?

We propose the following amendment, which simply requires basic data on payments and their geospatial boundaries to be collected and published.

For section 2(8) substitute—

(8) The Secretary of State shall make regulations that require specified information to be published on financial assistance under this Act, in order to enable the public to evaluate whether the purposes in section 1(1) are met.

For section 2(9) substitute—

(9) Information that shall be specified shall include –

- (a) the full legal name of the recipient of financial assistance;*
- (b) the amounts of payment corresponding to each measure financed by the funds received by each beneficiary in the financial year concerned;*
- (c) the purposes of the payment corresponding to section 1(1);*
- (d) the geographical boundaries of the land corresponding to the amounts and purposes above;*
- (e) any other information that in the view of the Secretary of State is appropriate to ensure the purposes of the Act are upheld.*

Explanatory statement: The new drafting ensures that the public may evaluate whether the Act's purposes in providing public goods are in fact being fulfilled and may physically see the differences in relation to environmental improvement, and ensures there is no regression in the standards of information to be provided.

When the amendment is discussed, the following questions could also be asked:

- **Can the Secretary of State commit to publishing the information?** The Bill may significantly reduce the amount of data that may be collected and published from the current position. Will the Secretary of State name certain key data that they will commit to gathering and publishing?
- **If not, can the Secretary of State commit to holding a public consultation on what will be published?** The Bill's Memorandum states that the Government will "work with stakeholders to consider proportionate approaches to publication of beneficiary information". It is important that the widest possible range of stakeholders is consulted, including civil society and the business community. Can the Secretary of State commit to holding a public consultation on the matter?

5. What are the timescales?

The Bill is currently (20 July 2020) at committee stage in the Lords: amendments can now be submitted for the report stage.

Appendix 1: Technical notes on data requested

The minimum data we need to understand the funding scheme is as follows:

1. The name and legal entity identifier of the recipient of funds
2. Whether or not the recipient is the landowner
3. The amount of the grant, the awarding scheme and purpose
4. The dates covered by the grant
5. The geospatial boundaries of the land affected, if collected by Defra.

The final item, geospatial data, is particularly important for monitoring the schemes and for enabling innovative uses of the data, and is currently collected but not published.

This table summarises the current availability of data, and whether it is straightforward to collect.

Data requested	Currently collected?	Currently published?	Straightforward to collect?
Name of recipient of payment	Yes	Yes	Yes
Legal entity identifier of recipient (e.g. company number) ⁵	No	No	Yes
Status of the recipient (landowner or tenant) ⁶	No	No	Yes
Amount of the grant	Yes	Yes	Yes
Awarding scheme	Yes	Yes	Yes
Purpose of the grant	No	No	Yes
Dates covered	Yes	Yes	Yes
Geospatial boundaries of land affected	Yes	No ⁷	Yes ⁸

The data should be published in timely fashion and as structured data under the Open Government Licence, and should be available in perpetuity, rather than removed after two years as is the case under the EU scheme.

⁵ Company numbers are important for establishing beneficial ownership and joining with other datasets.

⁶ This is important for understanding how payments are affecting ownership concentration.

⁷ Geospatial boundaries of the land affected are made public only for Environmental Stewardship payments, [published by Natural England](#).

⁸ Geospatial boundaries are essential for understanding the success of the scheme, and for linking the data to other datasets such as satellite data. These boundaries are currently collected and held by Defra.

Appendix 2: Data provisions in the devolved administrations

The payments provisions in the Agriculture Bill relate to England only. Wales and Northern Ireland are still consulting on future payment schemes.

Scotland is also yet to decide on its preferred payment scheme. However, the new [Agriculture \(Retained EU Law and Data\) \(Scotland\) Bill](#) contains new detailed, overarching powers to collect and publish data for various purposes.

The accompanying Policy Memorandum⁹ explains that these powers are designed to help improve evidence-based policymaking, and also ensure that there is a strong legal basis for collecting data:

The policy objective behind the data collection powers in these sections... is to improve the Scottish Government's understanding of the agricultural sector, whilst modernising and improving the legal basis for collecting data and providing further expert advice. The data collected is used to analyse economic output of the sector, but is also used to analyse the economic performance of the sector, and the effectiveness of policies implemented to support businesses connected with the rural economy, which then helps to shape and improve policy delivery... The key benefit of this data being provided is to direct government and alert it to emerging macro-level economic issues.

The legislative commitment to data in Scotland contrasts with the English legislation.

⁹ [Policy Memorandum to the Agriculture \(Retained EU Law and Data\) \(Scotland\) Bill](#), Scottish Parliament, Session 5 (2019).