



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

Summary of stakeholder responses and communication of FSA decision

28 February 2023

Introduction

This consultation was issued on 12 October 2022 and closed on 4 January 2023

The consultation sought comments from meat industry FBOs, representative bodies, consumers groups and other interested stakeholders on the policy proposal to remove discounts on charges for enforcement activity so that businesses that are non-compliant and generate enforcement activity no longer benefit from discounted FSA charges. This consultation was mailed to all Food Business Operators of approved red meat slaughterhouses, poultry slaughterhouses, game handling establishments and cutting plants in England and Wales. It was also issued to 11 meat trade organisations and consumer groups for comment and posted on the FSA Consultation pages. An identical consultation was issued to all the equivalent parties in Northern Ireland. This summary includes the responses for England, Wales and Northern Ireland.

The FSA is grateful to all those who responded and sets out in the table below responses in the order in which they were received. In summary, there were 16 responses to the consultations for England and Wales, and Northern Ireland. Of these four agreed with the

proposed removal of discounts on charges for enforcement, three were neutral and nine were against. Responses were received from meat industry stakeholders, Food Business Operators and individuals.

The key proposals on which the consultation sought views were:

- 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. New rates for 2023/24 will apply for activity from 27 March 2023.

Questions asked in the consultation were:

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?

The government must enforce food law by monitoring and verifying that relevant legislative requirements are met through a system of official controls and other activities. When the FSA identifies non-compliance it will take action to ensure that the FBO remedies the situation. The FSA follows a hierarchy of enforcement and in terms of charging verbal advice about a non-compliance would not fall within enforcement activity. Where the FSA puts the details of non-compliance in writing in a letter or a notice, such as a Hygiene Improvement Notice, this would be classed as enforcement. Not all parts of the enforcement process are chargeable, for example, investigatory activity, preparing a case for referral for consideration for prosecution, preparing a witness statement or attending a court hearing are not directly chargeable enforcement time. Activity such as preparing a notice about non-compliance would be chargeable enforcement time.

The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table.

Following the closure of the consultation the FSA has considered all of the responses and concluded that discounts on charges for enforcement activity should cease with effect from the end of the 2022/23 year and charges for enforcement will be invoiced without any

discount from the start of 2023/24, ie 27 March 2023. It is appropriate that the non-compliant should pay for those parts of the enforcement process that are chargeable in full with no discounts being applied to the charges specifically relating to their non-compliance. It is not appropriate that the taxpayer should continue to subsidise these charges. This change will bring charging for enforcement at slaughterhouses, game handling establishments and cutting plants into alignment across all of the UK.

The FSA has always made charges for elements of the enforcement process. However, it was only from 2021/22 that the FSA separately showed charges for enforcement activity on the backing schedules that accompany FSA invoices. In relative terms the charges for enforcement activity are low with the removal of discounts likely to lead to an increase in charges across all meat premises approved by the FSA of less than £20k per year in the context of overall budgeted chargeable costs of approximately £52m for 2022/23 and charges of approximately £34m after discounts. This change for discounts on charges for enforcement does not affect the principle of discounts on other charges at slaughterhouses and game handling establishments which continue.

A list of stakeholders who responded can be found at the end of the document.

Summary of substantive comments

Removal of discount from enforcement charges England & Wales

Respondent	Responses	FSA Response
1. Smithfield Murray Ltd	<p>Q1 Neither agree or disagree</p> <p>Q2 Nil response</p> <p>Q3 Nil response</p>	A1 Noted
2. Lancashire Direct Halal Meat Ltd	Q1 Disagree	A1 Noted

Respondent	Responses	FSA Response
	<p>Q2 Non-compliant business would be able to put that money towards rectifying those deficiencies instead of having to pay higher charges and not having funds available. They should be supported, if funds are not available this could have an effect on the overall running of the business, no business no jobs for their own staff members and the FSA!</p> <p>Q3 Nil response</p>	<p>A2 The FSA does not consider that it would be appropriate to provide funding, equivalent to that which would be spent on enforcement activity, to non-compliant Food Business Operators. Non-compliances at slaughterhouses in relation to food safety and welfare need to be addressed under legislation. While charges for enforcement activity from 2023/24 will be higher at slaughterhouses and game handling establishments, because of the removal of discounts, the level of FSA enforcement activity is relatively low and several elements of the process are non-chargeable.</p>
3. Manchester Abattoir Ltd	<p>Q1 Disagree</p> <p>Q2 Non-compliant business would be able to put that money towards rectifying those deficiencies instead of having to pay higher charges and not having funds available. They should be supported, if funds are not available this could have an effect on the overall running of the business, no business no jobs for their own staff members and the FSA!</p>	<p>A1 Noted</p> <p>A2 The FSA does not consider that it would be appropriate to provide funding, equivalent to that which would be spent on enforcement activity, to non-compliant Food Business Operators. Non-compliances at slaughterhouses in relation to food safety and welfare need to be addressed under legislation. While charges for enforcement activity from 2023/24 will be higher at slaughterhouses and game handling establishments, because of the removal of discounts, the level of FSA enforcement activity is relatively low</p>

Respondent	Responses	FSA Response
	Q3 Nil response	and several elements of the process are non-chargeable.
4. Peter Coates Alrewas Ltd	<p>Q1 Strongly disagree</p> <p>Q2 My sector of the slaughtering industry is shrinking at an alarming rate. The well documented problems of supply of food over the last two years did not affect us as much as the larger plants. We are small enough to adapt to public demand for fresh, safe, local food. However, the smaller companies are seriously hampered by the huge job of complying with an immense regulatory burden. I do not expect a carte-blanche approach from the FSA but what has become almost a micro-abattoir needs support from the FSA rather than increase costs being applied. When we don't have the throughput to spread unforeseen costs over.</p> <p>Q3 For once the FSA could appear to embrace what is left of the small abattoir industry and post Brexit apply a more appropriate set of regulations for internal UK supply. Possibly with a derogation similar to that applied some years ago based on throughput or livestock units</p>	<p>A1 Noted</p> <p>A2 The consultation concerns the removal of discounts on charges for enforcement. The change concerns charges to the non-compliant and non-compliance is not a business size related issue. Small and micro slaughterhouses continue to receive very high levels of support through discounts on charges for official controls. Many small and micro slaughterhouses currently have all of their charges discounted at the rate of 90% and 75% with the general taxpayer funding this subsidy. If FBOs are compliant with the legislation they will see no change in their charges as a result of the removal of discounts on charges for enforcement.</p> <p>A3 FSA findings have shown that although there are clearly benefits associated with introducing a reformed regulatory model for a domestic market in England and Wales, such as improved identification of risk and more efficient and effective use of resources, consideration must be given to the potential impacts on both consumer confidence and the ability of food businesses to trade internationally, as well as</p>

Respondent	Responses	FSA Response
		<p>associated increased costs to business. Additionally, consumer groups have clearly indicated that their primary concern is food safety and would need to be convinced that any changes do indeed protect the current high standards without adding to cost pressures.</p>
5. ABP UK	<p>Q1 Strongly disagree</p> <p>Q2 At the moment this figure is shown as c£300k of a c£40 million OCR cost, at about 0.75%.</p> <p>If the activity within scope remains at this low %, around 0.75%, then this should not be a major issue.</p> <p>The risk to FBOs is that the definition of enforcement activity may change to affect a much larger % of the OCR charge, having a disproportionate affect on a marginal business.</p> <p>Industry needs an agreed definition of the enforcement activity that falls within the scope of this consultation and going forward.</p> <p>Once both points above agreed ABP UK would have little objection to the proposal in the consultation.</p>	<p>A1 Noted</p> <p>A2 & 3 These monetary amounts quoted are not correct but the percentage quoted is approximately correct. For 2022/23 for England and Wales the budgeted costs of enforcement included in the charge rate calculation for enforcement activity are £0.36m and the chargeable costs of all meat controls activity, including enforcement, by the FSA are £49.76m.</p> <p>Significant elements of the enforcement process are not chargeable by the FSA, eg activity involved in preparing a case for prosecution such as an OV compiling a witness statement or attending court or tribunal hearings. Verbal advice is chargeable as official controls and not enforcement. The FSA has no plans to change where the distinction is made on what is classed as enforcement for time recording and charging purposes. The overall amount of chargeable enforcement activity by the FSA will be determined by</p>

Respondent	Responses	FSA Response
	<p>Q3 See above</p>	<p>the degree of non-compliance by industry. It would not be appropriate to pre-determine this based on a fixed or capped percentage of costs.</p>
<p>6. Other – Director of a meat business responding in a personal capacity</p>	<p>Q1 Neither agree or disagree</p> <p>Q2 Nil response</p> <p>Q3 I have worked in the meat industry for over 30 years and fully appreciate what the Food Standards Agency is trying to do. I was also quite surprised when I came across the conformance rates of meat businesses. I know that the meat industry isn't the easiest to work with and following the completion of my MSc in Meat Business Management back in 2017, I had ideas to improve this. No one has ever taken these ideas further, but feel these may have some merit in what you are aiming to do.</p> <p>Idea 1 The Meat Industry Guideline was fantastic as it highlighted the key legislation that the industry needed to work to. I even used it to audit the business I work for. I suggested to a local meat college and other figures in the industry that a</p>	<p>A1 Noted</p> <p>A3 The FSA welcomes the constructive comments in this response as it notes also the depth and breadth of knowledge across the industry. While relevant training is to be welcomed the FSA does not see it as its role to make mandatory training beyond the current legislative requirements, eg for Plant Inspection Assistants where FBOs choose to deploy staff in this role in place of Meat Hygiene Inspectors. Similarly while the FSA provides material such as the Manual for Official controls it is not the role of the FSA to be a training provider to the meat industry. The FSA also considers that the comments go beyond what the consultation is about, ie the current discount on charges for enforcement activity. The responses are directed more towards compliance and enforcement in general.</p>

Respondent	Responses	FSA Response
	<p>meat industry qualification should be written from this and that it should be made mandatory as part of the licensing requirements. That's as far as that went.</p> <p>Idea 2</p> <p>Following the withdrawal of the MIG guide, could the FSA produce on-line courses for each module and make them mandatory for FBOs? This would give businesses a clear guide for compliance and produces a common competency standard for the meat industry. It also removes any ignorance on the meat industry's behalf.</p> <p>With clear guidance in place and higher competence levels, this would improve conformance rates and make it more acceptable to remove discounts from businesses who don't conform. It may even enable you to benchmark and band meat businesses which could then be used for charging purposes. This would motivate businesses to get into the higher bands as things would be cheaper for them.</p>	

Respondent	Responses	FSA Response
	<p>I totally understand why you want to remove discounts from problematic businesses, but Idea 2 would help mitigate the victim mentality that I have seen displayed within the industry on many occasions.</p> <p>At present, hygiene qualifications are coming from a number of sources and some of these are of minimal use to the meat industry.</p>	
7. Association of independent Meat Suppliers (AIMS)	<p>Q1 Strongly disagree</p> <p>Q2 The question is disingenuous. The disagreement is not because non-compliant food businesses should benefit from the same support as compliant businesses. The disagreement is that the charges levied by the FSA are unlawful. The OCRs provide for expenses incurred when carrying out enforcement to be borne by the responsible operators. This is different from the cost of carrying out enforcement, which might include salary costs of officials. It includes only money paid out by the FSA, for instance the cost of disposal of unfit food. This is made absolutely clear by reference to the French version – <i>les dépenses résultant</i>.</p>	<p>A1 Noted.</p> <p>A2 The FSA believes that the charges that it makes for those parts of the enforcement process it considers chargeable are justified under the relevant legislation – Retained EU Law 2017/625. Prior to the UK’s exit from the EU this legislation was applied by the FSA in England, Wales and Northern Ireland as (EU) 2017/625. The French language version of this text does not have primacy.</p> <p>When the 2022/23 charge rate for enforcement was calculated the FSA provided a level of detail on the calculation in March 2022 that the FSA considered met the transparency requirements under the above</p>

Respondent	Responses	FSA Response
	<p>Other objections are that the Agency has not complied with Article 85 of the OCRs on transparency. The charges were introduced without consultation and the FSA has consistently refused to provide details of how they are calculated. Both these failings are the subject of an official complaint to the CEO of the FSA.</p> <p>The Agency’s argument that it did not have to consult because it had always charged for enforcement is spurious as is the statement made in the background to this consultation that <i>“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”</i>. Charges were not made for enforcement by the MHS and did not continue under the FSA. The annual Charges Guide made absolutely clear that prior to December 2019 enforcement could not be charged for. Enforcement was carried out by officials during time that was being charged for carrying out official controls, but enforcement <i>per se</i> was not charged for.</p>	<p>legislation. However, for 2023/24 the FSA will be providing a greater level of detail on the calculation.</p> <p>Following industry stakeholder feedback during 2020 the FSA decided that from the 2021/22 year it would start the process of separating the charging for enforcement from other meat controls. From the 2021/22 financial year chargeable enforcement time started to appear separately on the backing schedules that accompany Food Business Operator (FBO) invoices. This did not mean that time for enforcement had not been charged previously. Prior to this time spent on enforcement activities, such as writing a letter to an FBO about non-compliance with the legislation or preparing and serving a Hygiene Improvement Notice had been included with time shown under one overall activity for meat controls on the backing schedules to invoices.</p> <p>The FSA notes that there is an ongoing official complaint.</p>

Respondent	Responses	FSA Response
	<p>Q3 The FSA should comply with Article 138 4 of the OCRs and charge the undiscounted expenses it incurs when carrying out enforcement. The Agency should not seek to impose an additional levy on slaughterhouses and cutting plants for its staff costs when carrying out enforcement that is not imposed on any other sector of the food industry and for which there is no legal base.</p>	<p>A3 The FSA does not consider that this is an alternative proposal in respect of what the consultation concerned which is the proposal to remove discounts on charges for enforcement. However, the FSA does consider that the approach it follows in respect of charging for enforcement meets the requirements of Article 138(4) of REUL 2017/625. The picture across regulators is mixed with some making charges and others not. For example, the Health & Safety Executive (which does cover businesses in the food sector) is another regulator that does make charges but it operates to a different charging model compared to that of the FSA. Local authorities have specific food safety responsibilities, including enforcement. They do not make direct charges for this but local authorities are in part funded by National Non-domestic Rates which are charged to businesses in the food sector. Therefore, there is charging that contributes to the costs of enforcement for local authorities.</p>
<p>8. British Poultry Council</p>	<p>Q1 Neither agree or disagree</p> <p>Q2 Broadly agree with removing discounts associated with enforcement activity where it is proportionate. Where breaches of regulations</p>	<p>A1 Noted</p> <p>A2 The FSA acknowledges that some instances of non-compliance will be the result of accidental behaviour. However, for enforcement action to result</p>

Respondent	Responses	FSA Response
	<p>are wilful and/or persistent, or of a very serious nature, then fully agree. However when breaches occur which are accidental and/or unforeseen, especially where systems or practices are introduced to address the cause and prevent reoccurrence, the FBO should not be penalised.</p> <p>Q3 Retain the discounting structure and later recover any discounted amounts should a prosecution be brought. Alternatively, retain discounts for minor breaches leading to verbal or written warning occurring; but remove them when more serious HIN or RAN notices, for example, are issued.</p>	<p>in these circumstances there would necessarily be non-compliance. Distinguishing an accidental non-compliance from any other sort would be likely to be difficult and also likely to be a point of dispute. Consequently it would be difficult to make clear cut decisions accepted by all parties. Charging is not a penalty. The legislation requires the FSA to charge for certain activities. The applicable Retained EU Law (REUL 2017/625) states that “All expenditure incurred under this Article [138(4) concerning enforcement] shall be borne by the responsible operators.” The provision of discounts on charges is at the discretion of the FSA under the Meat (Official Controls Charges) (England) Regulations 2009 and the equivalent legislation in Wales and Northern Ireland.</p> <p>A3 The FSA has considered this more complicated structuring for administering discounts but considers that it is not unreasonable for the non-compliant to bear the elements of the FSA’s costs that are chargeable in addressing their non-compliance. Significant elements of the enforcement process are not chargeable by the FSA, eg activity for preparing a case for prosecution such as an OV preparing a witness statement or attending court or tribunal hearings. Verbal advice is chargeable as official</p>

Respondent	Responses	FSA Response
		controls and not enforcement and so will continue to be discounted in 2023/24.
9. British Meat Processors Association	<p>Q1 Strongly disagree</p> <p>Q2 As a group we have been over this point a number of times. The FSA should only charge what is legal. I like many others feel you shouldn't be charging at all, businesses under local authority do not have to pay why is only the meat industry pay? There seems to be hardly any discussion around costs or our comments are disregarded. In my experience at site level is that enforcement is carried out during normal hours, therefore you are charging the FBO twice.</p>	<p>A1 Noted</p> <p>A2 The FSA does consider that the charges that it makes are in line with the relevant legislation. There has been significant engagement on this and other aspects of charging. The picture across regulators is mixed with some making charges and others not. For example, the Health & Safety Executive (which does cover businesses in the food sector) is another regulator that does make charges but it operates to a different charging model compared to that of the FSA. Local authorities have specific food safety responsibilities, including enforcement. They do not make direct charges for this but local authorities are in part funded by National Non-domestic Rates which are charged to businesses in the food sector. Therefore, there is charging that contributes to the costs of enforcement for local authorities. In relation to the suggestion that enforcement being carried out during normal operating hours leads to double charging this is not the case. The FSA's time recording system prevents this, for example, if an OV is carrying out a mixture of routine official controls and enforcement activity the time spent on each is recorded against a</p>

Respondent	Responses	FSA Response
	<p>Q3 You shouldn't be charging at all – you never did way back in time e.g. when it was the MHS. Why do we pay and no other sector of the food industry pays?</p>	<p>separate specific activity code and only one activity code could be used for specific units of time.</p> <p>A3 The FSA does not consider that this is an alternative proposal in respect of what the consultation concerns which is the proposal to remove discounts on charges for enforcement. However, the FSA can provide an explanation of the background which will hopefully clarify the situation. Following industry stakeholder feedback during 2020 the FSA decided that from the 2021/22 year it would start the process of separating the charging for enforcement from other meat controls. From the 2021/22 financial year chargeable enforcement time started to appear separately on the backing schedules that accompany Food Business Operator (FBO) invoices. This did not mean that time for enforcement had not been charged previously. Prior to this time spent on enforcement activities, such as writing a letter to an FBO about non-compliance with the legislation or preparing and serving a Hygiene Improvement Notice, had been included with time shown under one overall activity for meat controls on the backing schedules to invoices. This includes the time when the Meat Hygiene Service was a separate agency until it was merged into the FSA in 2010.</p>
10. Moy Park	Q1 Agree	A1 Noted

Respondent	Responses	FSA Response
	<p>Q2 Nil response</p> <p>Q3 Nil response</p>	
11. Individual	<p>Q1 Strongly Agree</p> <p>Q2 Nil response</p> <p>Q3 Nil response</p>	A1 Noted
12. Dunbia	<p>Q1 Strongly disagree</p> <p>Q2 We have a number of points to raise:</p> <ol style="list-style-type: none"> 1. Where an FBO has a clearly and demonstrably detailed food safety management systems in place (HACCP), has training programmes for all staff commensurate with their tasks, has external audits such as BRC, Red Tractor etc, has numerous customer (retailer) audits both announced and unannounced that confirm good systems are in operation, together with an FSA audit ranking of Generally Satisfactory or Good, then it appears to be 	<p>A1 Noted</p> <p>A2:</p> <ol style="list-style-type: none"> 1. It is to be anticipated that all the steps listed will serve to reduce the likelihood of it being necessary for enforcement action to be taken. However, where there is non-compliance charges will be made for those elements of the enforcement process which are chargeable. This is no change from the present situation. Charges are made in line with the requirements of the legislation and charging is not a punishment. Similarly the removal of discounts on charges for enforcement is not a punishment. It is simply not appropriate that the

Respondent	Responses	FSA Response
	<p>very unfair and disproportionate to then seek to financially penalise a business if a staff member 'does something wrong' . At that point the business has clearly spent considerable time, effort, resources and expense in facilities and training. In this instance it is unfair and disproportionate to additionally penalise the business by ceasing the discount at this point.</p> <p>2. We believe that removal of the discount as discussed in point 1) raises the real potential of enforcement being regarded, and becoming, a 'revenue generator'. Enforcement should be proportionate, which includes financial considerations.</p> <p>3. We believe that removal of the discount as discussed in point 1) raises the real potential of a shift in enforcement direction from proportionate to a black and white approach.</p> <p>4. The OV is in attendance 100% of the time and should have the necessary skills to be able to write an enforcement letter or notice if</p>	<p>general taxpayer provides a subsidy to non-compliant businesses for the chargeable elements of the enforcement process, such as writing and serving a letter about non-compliance.</p> <p>2. The FSA considers that the enforcement action that it takes is proportionate. In terms of the suggestion that enforcement may become regarded as a revenue raiser it should be noted that while the charge rate includes the associated chargeable costs it does not include all of the costs because some are not chargeable. Therefore, even with the removal of discounts the FSA does not consider that it would be incentivised as the consultee would suggest. In addition, much of the enforcement process is not charged by the FSA, such as preparing a prosecution.</p> <p>3. Please see the comments under 2.</p> <p>4. The FSA agrees and in many cases enforcement related tasks will be undertaken within the hours</p>

Respondent	Responses	FSA Response
	<p>required during this time. Removal of the discount in these situations (a well performing business) appears to be a mechanism to generate finance to pay for the additional FSA enforcement system that has recently been introduced, Veterinary Enforcement Delivery Team, and the costs of additional staff in the OV contractor to support site OVs.</p> <p>5. The consultation gives enforcement as falling under ‘other official activities’ and gives written enforcement and notices as examples. However, the consultation is silent as to other enforcement. Is, for example, verbal ‘enforcement’ advice considered as ‘other official activities’. We ask that this is urgently clarified, and time allowed for further comment.</p> <p>6. The consultation gives no mention of any appeals process / refund process where enforcement is incorrect. We ask that this is urgently clarified, and time allowed for further comment.</p> <p>Q3 Nil response</p>	<p>specified in the Statement of Resources. Noting points in 2 above charging will contribute to the costs of the Veterinary Enforcement Delivery Team but much of that cost will not be recoverable by the FSA.</p> <p>5. In terms of time recording and the charging that follows on from this verbal advice about non-compliance is not chargeable as enforcement under other official activities. Verbal advice is time recorded as official controls.</p> <p>6. There is no change in process here in that enforcement action may lead to cases progressing through the tribunal / court process. Charges can be queried in the normal way. There are no changes in these regards and these issues are outside of the scope of this consultation.</p>

Respondent	Responses	FSA Response
13. National Craft Butchers	<p>Q1 Strongly disagree</p> <p>Q2</p> <ul style="list-style-type: none"> • The phrasing of this question is misleading and seems deliberately designed to produce supportive comments. Of course, no one would wish to see non-compliant businesses benefit unfairly. • However, it is more likely that vulnerable small businesses will suffer unfair and incorrect enforcement action from over-bearing, inconsistent and pernickety officials. • Many OV's are not always fully conversant with the regulations and additionally do not have regard to the statutory Regulators Code demanding them to be proportionate towards small businesses. • The FSA senior management do not appear to have sufficient control to prevent inappropriate or unnecessary enforcement action as was clearly evidenced by the forced abattoir closure of one of our well-known members in North-West England a few months ago. 	<p>A1 Noted</p> <p>A2:</p> <ul style="list-style-type: none"> • Noted • It is not explained why the ending of discounts on charges for enforcement should have this impact but if NCB would like to raise more specific details it is welcome to contact the FSA outside of this consultation. • If NCB has examples of the type of approach it raises concerns about the FSA would like the details to be provided so that they can be looked into. • The FSA cannot comment here on what is a known and identifiable case but is very open to further discussion with NCB and its member.

Respondent	Responses	FSA Response
	<ul style="list-style-type: none"> • We have also heard from several members that OV's have told them that have been instructed by their employer to deliberately find and report minor non-compliances. • This attitude fosters a climate of distrust and also leads to plant staff feeling they are being harassed. • There is no obvious distinction between where regular controls cease and enforcement activity begins. It is especially difficult for smaller business to manage these situations. • Enforcement activity could last for several hours resulting in a charge of hundreds or even thousands of pounds that would have a very disproportionate impact on smaller businesses. • For these reasons we do not support the proposal and urge the Agency to reconsider and to engage with industry concerns more closely. 	<ul style="list-style-type: none"> • If NCB has examples of the type of approach that it raises concerns about the FSA would like the details to be provided so that they can be looked into. • See previous bullet point. • The distinction for time recording, and the charging that follows from this, is drawn at written advice regarding non-compliance where at this point chargeable time would be classified as enforcement. In terms of time recording verbal advice would fall within official controls and would not be classed as enforcement. • The FSA considers it unlikely that chargeable enforcement time at small slaughterhouses is unlikely to be at such a level to generate charges at the upper end of this scale. • Noted and the FSA is very willing to engage further but it considers that the concerns are mainly more general ones regarding enforcement action rather than specifically about the removal of discounts on charges for enforcement activity. This consultation on the removal of discounts on charges for

Respondent	Responses	FSA Response
	<p>Q3 The proposal should be held in abeyance and incorporated into:</p> <ul style="list-style-type: none"> • A wide-ranging review of charging that should include clarification on whether the Agency is actually imposing additional charges for staffing costs not allowed for in the regulation's, which would appear to be the case, and also other outstanding complaints. • The review should also set out how incorrectly applied charges are removed if enforcement activity is halted following further investigation as well as a robust appeal system to settle any disputes. • There should also be a procedure to reimburse businesses where costs have been awarded to the FSA to ensure there is no duplication. 	<p>enforcement followed specific engagement with industry stakeholders on this aspect of charging since 2020.</p> <p>A3:</p> <ul style="list-style-type: none"> • The FSA has considered the request made by industry stakeholders at a meeting on 27 September 2022 to develop a new system of charging for meat controls. Consideration of a review of charging was carried out as part of an FSA wide prioritisation review. The FSA has decided that now is not the time to undertake such a change. • This point is noted but if enforcement action stops it does not necessarily mean that the steps to that point were taken incorrectly or any associated charging was incorrect. • Where costs are awarded to the FSA at the conclusion of a successful prosecution these would be legal costs and not for the time of Official Veterinarians or Meat Hygiene Inspectors spent on chargeable enforcement activity at approved premises. Therefore, there would not be a duplication.
14. Meadow Meats	Q1 Agree	A1 Noted

Respondent	Responses	FSA Response
	<p data-bbox="488 276 719 312">Q2 Nil response</p> <p data-bbox="488 376 719 413">Q3 Nil response</p>	

Removal of discount from enforcement charges Northern Ireland

Respondent	Comment	FSA Response
1. ABP UK	<p>Q1 Strongly disagree</p> <p>Q2 At the moment this figure is shown as c£300k of a c£40 million OCR cost.</p> <p>If the activity within scope remains at this low %, around 0.75%, then this should not be a major issue.</p> <p>The risk to FBOs is that the definition of enforcement may change to affect a much larger % of the OCR charge, having a disproportionate affect on a marginal business.</p> <p>Industry needs an agreed definition of enforcement that falls within the scope of this consultation and going forward.</p> <p>Once both appoints above agreed ABP would have little objection to the proposal in the consultation.</p> <p>Q3 What is needed</p>	<p>A1 Noted</p> <p>A2 & 3 These monetary amounts quoted are not correct. For 2022/23 for Northern Ireland the budgeted costs of enforcement included in the charge rate calculation are £2.5k 0.04% of the chargeable costs of all meat controls activity, including enforcement, by the FSA in Northern Ireland at £6.5m.</p> <p>Significant elements of the enforcement process are not chargeable by the FSA, eg activity involved in preparing a case for prosecution such as an OV preparing a witness statement or attending court or tribunal hearings. Verbal advice is chargeable as official controls and not as enforcement. The FSA has no plans to change where the distinction is made on what is classed as enforcement for time recording and charging purposes. The overall amount of chargeable enforcement activity by the FSA will be determined by the degree of non-compliance by industry.</p> <p>A3: Please see the comment above in response to this.</p>

Respondent	Comment	FSA Response
	<ul style="list-style-type: none"> - an agreed definition of the enforcement activity that falls within the scope of the consultation - a commitment that the enforcement activity within the scope of the consultation will not exceed e.g. 0.75% of the total OCR charge going forward <p>Once both appoints above agreed ABP would have little objection to the proposal in the consultation.</p>	The FSA cannot commit to this because the level of enforcement activity and the charges this gives rise to are determined by level of non-compliance within the industry.
2. Moy Park	<p>Q1 Agree</p> <p>Q2 Nil response</p> <p>Q3 Nil response</p>	A1 Noted

Response Summary

Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
1	3	3	2	7

List of respondents

England and Wales

1. Smithfield Murray Ltd
2. Lancashire Direct Halal Meat Ltd
3. Manchester Abattoir Ltd
4. Peter Coates Alrewas Ltd
5. ABP UK
6. Other – Director of a meat business responding in a personal capacity
7. Association of Independent Meat Suppliers
8. British Poultry Council
9. British Meat Processors Association
10. Moy Park
11. Individual
12. Dunbia
13. National Craft Butchers
14. Meadow Meats

Northern Ireland

1. ABP UK
2. Moy Park