

Final Business and Regulatory Impact Assessment

Title of Proposal

The Mandatory Use of Closed Circuit Television in Slaughterhouses (Scotland) Regulations 2020

Purpose and intended effect

Objective

The objective of the proposed legislation is introduce mandatory CCTV coverage and recording of all areas of Scottish slaughterhouses in which live animals are present. The instrument will ensure full coverage and protection of all such areas in a slaughterhouse and fully achieve the welfare benefits associated with CCTV monitoring.

Background

The Scottish Government considers the welfare of animals at the time of slaughter as important and takes it very seriously. There are very strict statutory welfare requirements contained in EU and domestic Scottish legislation.

EC Council Regulation 1099/2009 'on the protection of animals at the time of killing' came into force in the UK and all other member states of the European Union from 1 January 2013, increasing welfare protection for animals at the time of slaughter. In Scotland, the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 ("the 2012 Regulations") provides the powers to fully enforce the EU regulations and retains our longstanding stricter national rules which give greater protection than the EU regulations.

The legislation is aimed specifically at preventing cruelty and poor practice in slaughterhouses and other places where animals are slaughtered or may have to be killed. Regulations set down specific requirements which must be complied with at all stages of the slaughter or killing process; and it is an offence to cause any animal avoidable excitement, pain or suffering at any time between its arrival at a slaughterhouse and when it is killed.

Food Business Operators are primarily responsible for the welfare of animals on their premises. Official Veterinarians from Food Standards Scotland (FSS) monitor and enforce the welfare regulations in all approved Scottish slaughterhouses to ensure that animals are spared avoidable pain, stress or suffering during the slaughter process. FSS approves Scottish slaughterhouses in line with EU Regulations EC/852/2004 'on the hygiene of foodstuffs' and EC/853/2004 'laying down specific hygiene rules for food of animal origin'.

Rationale for Government Intervention

In 2012, the Scottish Government consulted on introducing compulsory CCTV in slaughterhouses as part of its consultation on 'the implementation of EU regulation 1009/2009' and, on the basis of responses, decided to continue to encourage a voluntary approach for the time being.

It is acknowledged that there is the potential for animal welfare to be compromised wherever live animals are kept in slaughterhouses, and CCTV provision is not currently universal across all areas of slaughterhouses. Voluntary introduction of CCTV has proved beneficial to animal welfare; and Food Standards Scotland data from 2017 showed that 68% of all slaughterhouses in Scotland already had CCTV in various configurations with 61% having coverage in the lairage, 61% in the unloading area, 46% in the restraint and stunning area, and 54% in the killing area.

Slaughterhouses on the Scottish mainland are served with greater levels of CCTV: 86% of all slaughterhouses in Scotland already have CCTV in various configurations with approximately 86% having coverage in the lairage, 77% in the unloading area, 59% in the restraint and stunning area, and 68% in the killing area. In excess of 99% of the animals slaughtered in Scotland in 2016-17 were monitored by some configuration of CCTV coverage.

After the voluntary approach began The Farm Animal Welfare Committee (FAWC) was commissioned by GB Governments to produce an independent assessment of the benefits of CCTV in slaughterhouses. The report was published in February 2015:

<https://www.gov.uk/government/publications/fawc-opinion-on-cctv-in-slaughterhouses>

CCTV was identified as offering real benefits in slaughterhouses as an important complement to official physical observation and verification of slaughterhouse practices and effectively recording animal welfare abuses. FAWC recommended that all approved slaughterhouse operators should install CCTV in all areas where live animals are kept and where animals are stunned and killed.

FAWC also recommended that CCTV cameras should be installed so as to permit a clear and uninterrupted view of the processes being recorded at all times; that CCTV footage should be accessible to and viewed on a regular basis by Food Business Operator staff, Animal Welfare Officers and Official Veterinarians to ensure business compliance, particularly in those areas and for those processes where the risk of non-compliance is higher; and that CCTV footage should be retained by the slaughterhouse for a period of three months and be available to authorised officers.

It is not possible for Official Veterinarians to be present at all parts of the slaughter process at all times; and offences might be committed where there is no ongoing oversight. In such circumstances, CCTV might be used to enable official observation and verification of animal welfare incidents, and can contribute towards the auditing of animal welfare and the verification of slaughterhouse compliance with legislation. CCTV offers authenticity and transparency and can be retained for future review or for evidential purposes. CCTV can also offer the Food Business Operator or Official Veterinarian access to monitor activity in hard to see areas such as the killing area or within gas stunning systems.

In addition, FAWC recognised the additive value of CCTV towards protecting animal welfare and benefiting the plant operator's business, including:

- providing evidence of due diligence and compliance with legislative and commercial standards and responsiveness to consumer concerns increasing public trust;
- contributing to Food Business Operator reviews of effectiveness of operations (including improving handling and reducing stress in animals) and enable the Food

- Business Operator to make improvements to processes and operating instructions;
- providing a valuable training tool for slaughterhouse staff;
 - encouraging collective responsibility in slaughterhouse staff;
 - providing evidence for disciplinary action; and
 - enabling disputes to be resolved including relating to spurious allegations.

Consultation

Within Government

All 32 Scottish Local Authorities were consulted as part of the public consultation mentioned below. Responses were received from Aberdeen City Council, Argyll and Bute Council, Perth & Kinross Council and North Lanarkshire Council.

Food Standards Scotland as the enforcement agency for animal welfare in Scottish slaughterhouses also responded to the consultation, and on later draft Regulations.

Public Consultation

The Scottish Government conducted a full public consultation which ran for 12 weeks from 28 March and 20 June 2018. This attracted a total of 245 responses, including responses from the livestock industry, animal welfare enforcement agencies, animal welfare organisations and the veterinary profession. The consultation document, analysis and a full list of those consulted and who agreed to the release of their responses was published in July 2018 on the Scottish Government website at <https://consult.gov.scot/animal-welfare/cct-of-slaughter-at-abattoirs/>

Business

There are approximately 30 slaughterhouses in Scotland, with 24 on the Scottish Mainland and 6 on the islands. All of the slaughterhouses on the Scottish mainland have some configuration of CCTV provision installed on a voluntary basis; whereas the 6 island slaughterhouses do not have CCTV provision.

The Scottish Government is aware that slaughterhouses vary in terms of size and throughput; and that the costs of introducing compulsory CCTV in all areas will place a disproportionate financial burden on the smaller facilities. However, those smaller premises should be able to meet any legal requirements with the use of a less extensive CCTV system than larger slaughterhouses. The Scottish Government considers that exempting smaller businesses from any compulsory CCTV recording would undermine the overall effectiveness of a requirement for compulsory recording.

Options

There were two viable options suggested by the consultations on the introduction of mandatory CCTV.

Option 1: Do nothing. This option does nothing to enhance either the animal welfare provision

associated with CCTV nor does it enhance enforcement of animal welfare. This option is also not considered to be favourable given the introduction of compulsory CCTV in abattoirs in England and the distinct possibility of introduction in other devolved administrations.

Option 2: Require CCTV recording in all slaughterhouses: Legislating to introduce CCTV recording offers enhancement to both the animal welfare provision associated with CCTV and the enforcement of animal welfare. It was also supported by all groups responding to consultation, including those from the livestock industry. There were few respondents (3.7%) against compulsory CCTV – and these came from those concerned with small slaughterhouses or from the perspective that slaughter itself should not be permitted.

Sectors and groups affected

Food Business Operators involved in the running of slaughterhouses are affected by the Regulations. The regulations require that they fund the installation and maintenance of a compliant CCTV system and to retain footage for a period of 90 days.

Benefits

Option 1: There are no benefits associated with the 'do nothing' option. The current benefits of CCTV in slaughterhouses would be achieved by continuing with voluntary provision. However, this has not currently been extended, on a voluntary basis, to cover all areas of all slaughterhouses where live animals are present.

Option 2: The introduction of compulsory CCTV can ensure full coverage and protection of all areas in the slaughterhouse where live animals are present.

One of the primary benefits of CCTV is considered to be improved compliance with animal welfare at slaughter requirements, resulting from the deterrent effect of CCTV combined with increased information to aid enforcement by FSS staff. While there is limited evidence available on the specific deterrent effect of CCTV in slaughterhouses there is evidence of the effectiveness of such equipment from other contexts.

Animal welfare benefits can come from the use of CCTV to observe and record real-time slaughter processes, record individual events and contribute information to the auditing of animal welfare. Detection of animal welfare breaches can result in a) consequences that act as a deterrent to future poor practice; and/or b) feedback and continuous improvement to slaughterhouse practices. Recordings can also aid the verification of slaughterhouse compliance with legislative requirements.

CCTV footage can have authenticity and transparency as evidence and can be retained for long periods. It can also enable Official Veterinarians to observe animals in high welfare risk areas as well as those that are dangerous or inaccessible to people; and identify animal behaviours that might be hidden from human observers.

Mandatory CCTV should improve the efficiency and monitoring and enforcement activity, by providing Official Veterinarians with the information they need more readily and conveniently. It is considered that, resulting from an enhanced supervisory role and any behavioural change within slaughterhouses, compulsory CCTV should lead to improved welfare compliance within the sector.

Enhanced enforcement would require CCTV cameras to be installed and recording in all approved slaughterhouses in areas where live animals are unloaded, kept, handled, stunned and killed. Unrestricted access to live or recorded footage would also allow enforcers to better monitor and verify animal welfare standards in the slaughterhouse.

Costs

Option 1: There are no additional costs associated with the 'do nothing' option.

Option 2: The Scottish Government does not hold information on the cost to Food Business Operators of the installation and ongoing maintenance of CCTV systems. However, data from 2017 supporting consultation by the Department for Environment, Food and Rural Affairs estimated an average one-off cost of £2,500 for a new CCTV system or around £500 for each area without current coverage. That assessment also suggested average annual costs for maintenance and data storage in the region of £350 per slaughterhouse. Costs for 2020 can be estimated as a one-off average cost of £2,800 and ongoing annual costs of £380 per slaughterhouse.

Higher figures of £6-25,000 for a new system and annual maintenance costs in the region of £600 were reported to the Scottish Parliament's Cross Party Working Group on Animal Welfare in January 2012. Given the disparity in cost estimates, the public consultation in 2018 asked specific questions of those involved in the livestock and meat industries.

Unfortunately there was little empirical evidence presented or consensus on estimated costs apart from a number of campaign replies suggesting £2,500 for an eight camera system. One respondent noted that an IT based camera system to survey 5 large cattle sheds cost £850 but did not note the number of cameras used in that example. The few other estimates provided suggested a range between £400 and £30,000 depending on size.

Scottish Firms Impact Test

The Regulations will have little impact on their competitiveness within Scotland as they will apply equally to all forms. There will be no impact in terms of competitiveness with the UK as mandatory CCTV is already in effect in England and is likely to become law at some point in the other devolved administrations.

Slaughterhouse operators' representatives were involved in both the public consultation and the consultation on the draft regulations. Just over half of industry representatives considered the costs of mandatory CCTV coverage to be reasonable and proportionate.

The Scottish Government is aware that slaughterhouses vary in terms of size and throughput; and that the costs of introducing compulsory CCTV in all areas will place a disproportionate financial burden on the smaller facilities. However, those smaller premises should be able to meet any legal requirements with the use of a less extensive CCTV system than larger slaughterhouses. The Scottish Government considers that exempting smaller businesses from any compulsory CCTV recording would undermine the overall effectiveness of a requirement for compulsory recording.

Competition Assessment

As the Regulations apply to all relevant businesses in Scotland, there are not considered to be any issues for competition.

The Regulations will not limit the number or range of suppliers directly or indirectly, nor will it limit the ability or reduce incentives of suppliers to compete vigorously, and nor will it limit the choices and information available to consumers.

Test run of business forms

There are no new forms introduced by the Regulations.

Legal Aid Impact Test

Information available on offences within Scottish slaughterhouses suggest an estimate of fewer than 5 potential prosecutions for offences against the proposed Regulations in the first year. There is a good working relationship between the businesses and the enforcement agency and it is considered there will be few, if any, prosecutions in later years as the requirements of the Regulations become further embedded in practice. as the Food Business Operators will comply with enforcement notices in respect of CCTV equipment.

However, there is a potential that a greater number of animal welfare offences covered by other legislation may be uncovered. It is expected that a number of these will be dealt with by administrative means (e.g. removal of certification required to perform certain tasks in a slaughterhouse) or by the provision of advice which the Food Business Operators implement as a matter of course. It is estimated there will be no more than 10 potential associated prosecutions per year under the Welfare of Animals at Time of Killing (Scotland) Regulations 2012.

Some offences under the Welfare of Animals at Time of Killing (Scotland) Regulations 2012 are punishable by a custodial sentence of up to 3 months and/or a maximum fine at level 5 on the standard scale. It may be that CCTV coverage in an increased number of areas could result in a very small number of prosecutions, with a potential custodial outcome, for offences under the 2012 Regulations.

The legal aid implications of mandatory CCTV coverage in areas of Scottish slaughterhouses are expected to be slight.

Enforcement, sanctions and monitoring

Enforcement

The Regulations will be enforced by Food Standards Scotland. Food Standards Scotland is the public sector food body for Scotland and have Official Veterinarians present in all Scottish slaughterhouses to oversee compliance with animal welfare legislation.

Sanctions

Official Veterinarians will be empowered to issue enforcement notices to Food Business Operators who are not in compliance with the terms of the regulations. Official Veterinarians are currently empowered to issue enforcement notices for all other matters relating to animal

welfare in a slaughterhouse environment. An appeals process for enforcement notices will exist for non-compliance with the regulations.

Monitoring

Compliance with The Mandatory Use of Closed Circuit Television in Slaughterhouses (Scotland) Regulations 2020 will be monitored by Food Standards Scotland in their role of competent authority for the purpose of animal welfare in Scottish slaughterhouses.

Implementation and delivery plan

The Mandatory Use of Closed Circuit Television in Slaughterhouses (Scotland) Regulations 2020 will take effect on 1 July 2020. That date takes into account owing the current situation with Covid-19 and the increased throughput over the festive period which could impinge on the installation of compliant CCTV equipment.

Post-implementation review

A formal review will take place within 10 years of the legislation coming into force to ensure it is still fit for purpose.

Summary and recommendation

Option 2, to require CCTV recording in slaughterhouses, is recommended for the welfare benefits that will be achieved and the potential for improved slaughter practice.

Summary costs and benefits table

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1. Do Nothing	No benefits have been identified. There is also the possibility that the current voluntary provision might become reduced. That could bring an increased risk to the welfare of animals at slaughter.	No increased costs as a result of not legislating.
2. Require CCTV recording in all slaughterhouses	The introduction of compulsory CCTV can ensure full coverage and protection of all areas in the slaughterhouse where live animals are present. That level of provision will bring the following benefits, including: <ul style="list-style-type: none"> • Improved compliance with animal welfare at slaughter requirements, resulting from the deterrent effect of CCTV • Increased information to aid enforcement by FSS staff. • Contribute information to the 	The costs are not easily quantifiable and will depend on the size and layout of particular slaughterhouses. The 2018 consultation asked respondents to provide costs but there was little hard evidence or consensus as to likely costs. Suggestions ranged from £400 to £30,000; but only one practical example from Argyll and Bute Council quantified the installation of an IT based camera system to survey 5 large cattle sheds at a cost of £850.

	<p>auditing of animal welfare.</p> <ul style="list-style-type: none"> • Detection of animal welfare breaches can deter future poor practice and feedback into continuous improvement • Provide authenticity and transparency as evidence for breaches of animal welfare. • Permit observation of animals in high welfare risk areas as well as those that are dangerous or inaccessible to people. 	<p>On the other side of the cost issue, there could be savings accruing from a reduced number of welfare incidents saving management and staff time; and the training benefits bringing to slaughter practices bringing continuous improvement to the slaughter process and perhaps increased business.</p>

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: Mairi Gougeon

Date: 29th September 2020

Minister's name: Mairi Gougeon

Minister's title: Minister for Rural Affairs and the Natural Environment

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