

To: The Chair and Members of the River Tees  
Port Health Authority.

Our Ref: DemServs/SF  
Contact: Mrs S Fenwick  
Direct line: 01642 444413

20 May 2017

Dear Councillor,

**ANNUAL MEETING – FRIDAY 2 JUNE 2017**

Would you please note that the Annual Meeting of the River Tees Port Health Authority will be held on Friday 2 June 2017 at 10.00 a.m. at Middlesbrough Town Hall.

**A G E N D A**

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| a) Nominations for Membership of the Authority for 2017/18.   | 1 - 3               |
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| 3. To elect a Vice-Chairman for the Authority (from Stockton Borough Council) for the ensuing Municipal Year 2017/18. |                     |
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10. Any items that the Chairman certifies as urgent.

Yours sincerely,

**S NEWTON**  
**CLERK TO THE AUTHORITY**



### **3 Who have we consulted?**

- 3.1 Following the Annual General Meetings of the above named Local Authorities the following nominations have been received:

#### **Hartlepool Borough Council**

Councillor B Harrison and S Thomas

#### **Middlesbrough Borough Council**

To be confirmed

#### **Stockton-on-Tees Borough Council**

Councillors D Brown, K Faulks, E Johnson, J O'Donnell and M Perry

#### **Redcar and Cleveland Borough Council**

Councillors W Davies, C Foggo, Mrs B Forster, J Mason and B Norton.

### **4 What options have been considered?**

#### ***Option 1***

Do nothing - the nominations will not be accepted and the Joint Board will not be constituted in line with its governance arrangements.

#### ***Option 2***

Accept the nominations - the known nominations will be agreed and the Joint Board constituted correctly in line with its governance arrangements.

### **5 What is the reason for the recommended option?**

- 5.1 Option 2 is the recommended option as the Joint Board will be constituted correctly in line with its governance arrangements.

## 6 Recommendations

- 6.1 It is recommended that the following nominations of Members to River Tees Port Health Authority for the municipal year of 2017/18 be accepted:

| <b>Name</b>            | <b>Authority</b>                     |
|------------------------|--------------------------------------|
| Councillor B Harrison  | Hartlepool Borough Council           |
| Councillor S Thomas    | Hartlepool Borough Council           |
| To be confirmed        | Middlesbrough Borough Council        |
| To be confirmed        | Middlesbrough Borough Council        |
| To be confirmed        | Middlesbrough Borough Council        |
| To be confirmed        | Middlesbrough Borough Council        |
| To be confirmed        | Middlesbrough Borough Council        |
| Councillor D Brown     | Stockton-on-Tees Borough Council     |
| Councillor Faulks      | Stockton-on-Tees Borough Council     |
| Councillor E Johnson   | Stockton-on-Tees Borough Council     |
| Councillor J O'Donnell | Stockton-on-Tees Borough Council     |
| Councillor M Perry     | Stockton-on-Tees Borough Council     |
| Councillor W Davies    | Redcar and Cleveland Borough Council |
| Councillor C Foggo     | Redcar and Cleveland Borough Council |
| Councillor Mrs Forster | Redcar and Cleveland Borough Council |
| Councillor J Mason     | Redcar and Cleveland Borough Council |
| Councillor B Norton    | Redcar and Cleveland Borough Council |

## 7 Background papers

- 7.1 No background papers other than published works were used in writing this report.

## 8 Contact officer

- 8.1 Name: Sue Fenwick  
Position: Deputy Clerk to the River Tees Port Health Authority  
Address: Redcar and Cleveland. Leisure and Community Heart  
Ridley Street, Redcar  
Telephone: 01642 444413  
Email: sue.fenwick@redcar-cleveland.gov.uk

## **RIVER TEES PORT HEALTH AUTHORITY**

A meeting of the River Tees Port Health Authority was held on Friday 4 March 2017 at Middlesbrough Town Hall.

**PRESENT** Councillor J Walker (In the Chair)  
Councillors Dean, Dennis, Mrs Forster, Johnson, McGee and Watts (substituting for Councillor Davies).

**OFFICIALS** L Evans, S Fenwick, J Weston and S Ziolkowski (Redcar and Cleveland Borough Council).  
Simon Howard– Port Health Medical Officer.

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Brown, Davies, G Jeffery, Lewis, Mason and McGee.

**47. MINUTES**

**RESOLVED** that the minutes of the meeting held on 2 December 2016 be confirmed and signed by the Chair as a correct record.

**48. HARBOUR POLICE – PRESENTATION**

Police Operational Sergeant Mark Hardy from the Harbour Police at Teesport was in attendance at the meeting and gave a presentation on the role and function of the Harbour Police at the Port. - **NOTED**

**49. CORPORATE RISK AND OPPORTUNITY REGISTER**

The Corporate Director of Adult Care and Health presented the River Tees Port Health Authority Risk Management Strategy and Corporate Risk and Opportunity Register.

Members were reminded that the Authority must have a Risk Management Strategy and risk register to ensure that risk was managed effectively. This would also ensure that the Authority complied with Regulation 4 of the Accounts and Audit (England) Regulation 2011 which required authorities to provide arrangements for the management of risk.

**RESOLVED** that the Corporate Risk and Opportunity Register be approved.

50. **AMENDMENT TO RIVER TEES PORT HEALTH AUTHORITY CONSTITUTION**

The Corporate Director of Adult Care and Health presented a report which sought approval to the following proposed changes to the River Tees Port Health Authority constitution taking into account staffing changes and a Directorate name change:

- The Structure of River Tees Port Health Authority has been updated to include changes in the Environmental Health (Commercial) Team and Directors of Public Health.
- The Directorate River Tees Port Health Authority sits within has changed in name from People Services to Adult Care and Health.

**RESOLVED** that the above changes be accepted and the revised Constitution be approved.

51. **UPDATE – PORT INVASIVE MOSQUITO SURVEILLANCE**

The Corporate Director of Adult Care and Health reminded Members that the River Tees Port Health Authority had been participating in the Port Invasive Mosquito Surveillance (PIMS) programme since 4 March 2016. The programme was led by Public Health England (PHE), the Association of Port Health Authorities (APHA), and the University of Edge Hill. The purpose of this programme was for port health authorities in England to monitor for invasive mosquitos at points of entry in accordance with the programme criteria.

There were five traps located around Tees Dock, however one went missing over the Christmas period and was waiting to be replaced. Currently one was placed in the steel export terminal, one at 'five shed' and two in CAT UK's former shed. During the winter period all the traps would be checked every four weeks and the frequency would increase in April 2017. New insecticide liners had also been provided and installed in existing traps and any insects found were forwarded to the biology department at the University of Edge Hill for identification. Many insects had been collected including Culex Pipiens (Northern House Mosquito).

**RESOLVED** that the information in the report be noted and the River Tees Port Health Authority continue to participate in the Port Invasive Mosquito Surveillance (PIMS) programme.

52. **PERFORMANCE SUMMARY FOR RIVER TEES PORT HEALTH AUTHORITY NOVEMBER 2016 TO JANUARY 2017**

The Corporate Director of Adult Care and Health presented a report which gave a summary of the performance of the River Tees Port Health Authority from November 2016 to January 2017. - **NOTED**

53. **2016-17 FINANCIAL POSITION UPDATE**

The Treasurer presented a report which gave an update on the financial position of the Authority as at the end of January 2017 and highlighted major variances against the 2016/17 approved budget. - **NOTED**

54. **RIVER TEES PORT HEALTH AUTHORITY -BUDGET 2017/18 & MEDIUM TERM FINANCIAL PLAN**

The Treasurer presented a report which recommended a budget for approval by the Authority for the 2017/18 financial year, and confirmed the funding levels required from each of the four contributing Local Authorities.

Members were requested to consider the budget in the context of the Medium Term Financial Plan for the Authority which covered the period 2017/18 to 2020/21.

**RESOLVED** that:-

1. The 2017/18 budget and the associated funding requirements based on the information provided in the report be approved;
2. The schedule of fees and charges for 2017/18 as set out in the report be approved and implemented from 1 April 2017; and,
3. Reserves be maintained at their current level of £20,000;



# Member Report

## Amendment to RTPHA Constitution

Public

**To:** River Tees Port Health Authority (RTPHA)

**From:** Corporate Director of Adult Care and Health **Decision:** Executive

**Portfolio:** River Tees Port Health Authority

### 1. What is the purpose of this report?

1.1 To seek approval for proposed changes to RTPHA constitution.

### 2. What will this achieve?

2.1 The Authority's Constitution is reviewed annually and when any significant amendments are required to ensure the effective and lawful operation of RTPHA.

Members are informed that there have been an amendment to the Port Medical Officer

### 3. How will it happen and how will we tell people about it?

3.1 The revised Constitution will be published on RTPHA webpage.

### 4. What are the risks involved?

4.1 The Constitution sets out how RTPHA operates. It includes the standards and mechanisms for decision making, and ensures that any actions taken by the Authority in fulfilling its duties and responsibilities are lawful, efficient and transparent.

### 5. How will it deliver our priorities and improve our performance?

5.1 The Constitution is necessary to ensure the effective and lawful delivery of the service.

### 6. What will it cost?

6.1 There are no cost implications in revising the Constitution and the support provided to businesses will be carried out as part of current routine duties.

### 7. Are there any legal considerations?

7.1 Yes.

The Constitution must reflect the current status and arrangements for the delivery of services provided by RTPHA.

**8. Who have we talked to about it?**

8.1 Senior Officers of the Riparian Authorities.  
Steve Newton, Assistant Director, Governance and Monitoring Officer, RCBC.

**9. What options have been considered?**

9.1 There are no options.

**10. Recommendations**

The changes are accepted and the revised Constitution be approved.

**11. Further information**

Appendix A – Constitution for Approval, June 2017

**12. Background Papers**

None.

**13. Contact Officer**

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(Commercial).

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TS14 7FD.

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# **River Tees Port Health Authority**

## **Constitution**

**For Approval  
June 2017**

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## **Summary and Explanation**

### **The Authority's Constitution**

The River Tees Port Health Authority ("the Authority") has agreed to adopt a formal Constitution which sets out how the Authority's duties and functions are executed in practice.

### **Operation of the Authority**

The Authority is a joint board comprising of 17 members who are appointed annually by the four riparian authorities specified within the River Tees Port Health Authority Order 2016 - namely Redcar and Cleveland Borough Council, Hartlepool Borough Council, Middlesbrough Borough Council and Stockton-on-Tees Borough Council.

Members of the Authority must also be members of the Council of the riparian authority responsible for appointing them and, by virtue of such membership, those individuals have agreed to abide by a code of conduct to ensure high standards in the way they undertake their duties.

All the appointed members meet together as the Authority. Meetings of the Authority are normally open to the public.

### **Decision Making**

The provisions of section 99 and Parts I and VI of Schedule 12 of the Local Government Act 1972 apply to meetings of the Authority and decisions of the joint board will be made in accordance with those provisions. Routine operational decisions are delegated to the Authority's officers although such decisions are subject to scrutiny where appropriate.

### **Staff of the Authority**

The Authority is managed by Redcar and Cleveland Borough Council and is part of the Council's management structure. The officers working for the Authority are subject to all the terms and conditions of the Council.

The Adult Care and Health Directorate of Redcar and Cleveland Borough Council is responsible for the management and delivery of port health services. The Authority is part of the Environmental Health (Commercial) Team, in the Health Protection and Health Care Quality Section of Public Health within Adult Care and Health.

Details of the officers of the Authority, their responsibilities and the management structure are included within this document.

## **ARTICLE 1 - CONSTITUTION**

### **1.1 Joint board**

The Authority is a joint board consisting of 17 members appointed by the four riparian authorities as specified in the River Tees Port Health Authority Order 2016 - that is to say Redcar and Cleveland Borough Council, Middlesbrough Borough Council, Stockton-on-Tees Borough Council and Hartlepool Borough Council (hereinafter referred to as “the riparian authorities”).

### **1.2 Appointment of Members**

Members will be appointed to the joint board by each of the riparian authorities (from members of its council) in the numbers specified below:

|                                       |           |
|---------------------------------------|-----------|
| Redcar and Cleveland Borough Council: | 5 members |
| Middlesbrough Borough Council:        | 5 members |
| Stockton-on-Tees Borough Council:     | 5 members |
| Hartlepool Borough Council:           | 2 members |

1.2.1 The riparian authorities shall appoint members to the joint board at meetings to be held in May of each year.

1.2.2 Any vacancies occurring amongst members of the joint board shall be filled by the specified riparian authority in the representation of which the vacancy occurred at a meeting to be held as soon as possible after such occurrence.

1.2.3 The proper officer of each riparian authority shall forthwith notify in writing to the proper officer of the Authority the name, address and occupation of any person appointed by his/her own authority to be a member of the Authority.

1.2.4 A person appointed to be a member of the joint board shall cease to be such a member in the event that he/she ceases to be a member of the Council of the riparian authority by which he was appointed.

### **1.3 Retirement of Members**

All members of the Authority shall retire from office, and the newly appointed members shall come into office on 1<sup>st</sup> June of each year.

1.3.1 A retiring member of the joint board may be re-appointed for a further term of office if at the time of their re-appointment they are otherwise qualified to be so appointed.

### **1.4 Chair and Vice-Chair**

The Chair and Vice-Chair of the joint board shall be elected annually by the members of the joint board from amongst the members.

1.4.1 The Chair and Vice-Chair elected each year shall be drawn from two different riparian authorities which shall be selected on a rotational basis in the following order:

- (1) Redcar and Cleveland Borough Council
- (2) Hartlepool Borough Council
- (3) Middlesbrough Borough Council
- (4) Stockton-on-Tees Borough Council.

1.4.2 The election of the Chair and Vice-Chair of the joint board shall be the first business transacted at the annual meeting of the joint board.

1.4.3 In the case of equality of votes, the person presiding at the annual meeting shall give a casting vote in addition to any other vote they may have.

1.4.4 The Chair shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Chair.

1.4.5 During their term of office, the Chair shall continue to be a member of the joint board.

## **1.5 Voting**

Voting rights in relation to the joint board shall be applicable only to the individual members specifically appointed to the joint board by the riparian authorities. Such rights shall not apply to individuals attending meetings of the joint board as substitute members who shall be permitted to take part in discussions but who shall not be permitted to cast any vote.

## **1.6 Expenses**

Any expense incurred by the Authority in pursuance of its powers and duties shall be apportioned in the following percentages:

|                                       |     |
|---------------------------------------|-----|
| Redcar and Cleveland Borough Council: | 52% |
| Stockton-on-Tees Borough Council:     | 31% |
| Middlesbrough Borough Council:        | 15% |
| Hartlepool Borough Council:           | 2%  |

## **ARTICLE 2 - FUNCTIONS OF THE AUTHORITY AND SCHEME OF DELEGATION**

### **2.1 Functions of the Authority**

By virtue of the River Tees Port Health Authority Order 2016, the Authority has a number of functions, rights and liabilities of a local authority assigned to it under various enactments. The Order is included within this Constitution at Annex A. Where an amendment or replacement to legislation included in the Order has taken place, the Scheme of Delegation will reflect the current legal position.

**2.2** The Authority may delegate various functions to its officers in order that those functions are executed in the most practical and efficient manner possible.

**2.3** Where functions are delegated the following rules will apply:

- (i) The officer to whom a delegated power is given may, (subject to any legal requirement to the contrary), delegate further.
- (ii) Where any function is delegated to an officer, the joint board (i.e. the Authority) may direct that in any particular case that the delegation is not to apply, and may determine the matter itself.
- (iii) An officer to whom any function is delegated is not obliged to exercise that obligation and may report to the Authority on any delegated matter.

**2.4** The exercise of delegated powers under the constitution shall be recorded in writing and reported as soon as is practicable to the Authority.

### **2.5 Scheme of Delegation to Officers**

This Scheme sets out the powers that have been delegated to officers. The details of the Scheme are set out in Annex B. Additions and amendments to the Scheme are deemed not to be amendments to the constitution.

### **ARTICLE 3 – AUTHORITY STRUCTURE**

The Authority is managed by Redcar and Cleveland Borough Council and is subject to all policies and procedures of the Council. The Authority operates as part of the Councils Environmental Health (Commercial) Team under the supervision of the Principal Environmental Health Officer (Commercial).

The Environmental Health (Commercial) Team and RTPHA are part of the Health Protection and Health Care Quality Service, which is within the Adult Care and Health Directorate. There are two port health officers who carry out the day to day responsibilities of the Authority, supported by other officers of the Environmental Health (Commercial) Team.

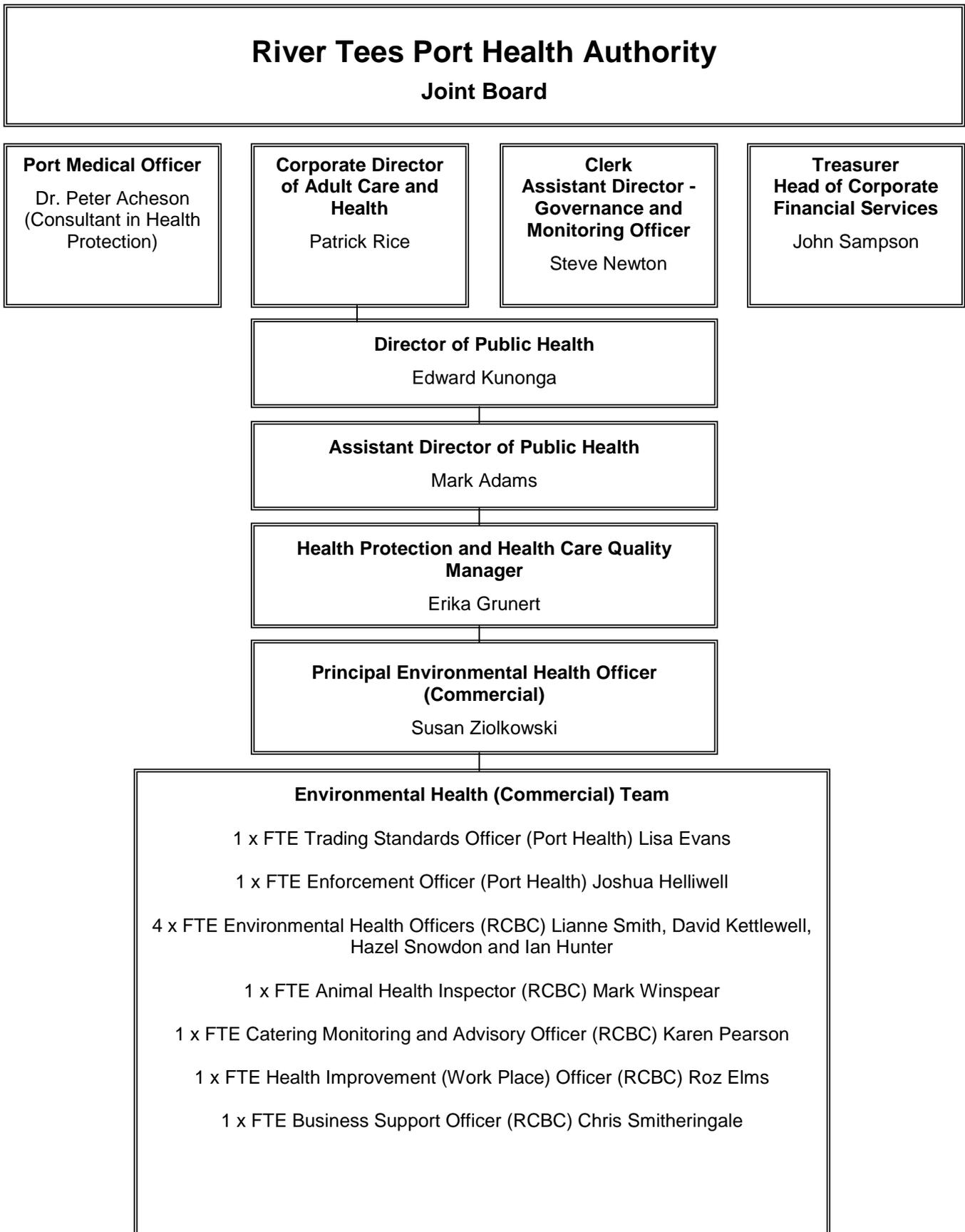
There are four officers, who report directly to the joint board:

- The Corporate Director of Adult Care and Health, Redcar and Cleveland Borough Council.
- The Clerk, Assistant Director - Governance and Monitoring Officer, Corporate Resources, Redcar and Cleveland Borough Council.
- The Treasurer, Head of Corporate Financial Services, Corporate Resources, Redcar and Cleveland Borough Council.
- The Port Medical Officer, Consultant in Health Protection, Public Health England.

The Health Protection and Health Care Quality Service Manager has managerial responsibility for other officers authorised to act on behalf of the Authority. Officers from other riparian authorities who may be seconded to the Authority or who from time to time may have to assist Redcar and Cleveland Borough Council shall work under the direction of the Principal Environmental Health Officer (Commercial) and shall devote the whole of their time, attention and skills to their duties for the receiving authority.

The officer(s) shall faithfully and diligently perform duties and exercise such powers as may from time to time be reasonably assigned to or vested in them by the Principal Environmental Health Officer (Commercial) or the Health Protection and Health Care Quality Manager or under the direction and authority of the Authority. The officer(s) shall obey all reasonable and lawful directions given to them by or under such authority and shall use their best endeavours to promote the interests of the Authority. For the avoidance of doubt, the officer(s) will be subject to day to day line management from the receiving authority but with overall management responsibility falling to the seconding/assisting riparian authority under the contract of employment. The conditions of service of the seconding/assisting authority shall continue to apply to the officer(s) at all times.

# Structure of River Tees Port Health Authority



## ARTICLE 4 – PROPER OFFICER APPOINTMENTS

| No | Provision                      | Power   | Proper Officer  |
|----|--------------------------------|---|---|
| 1  | S225 Local Government Act 1972 | The officer with whom any document shall be deposited pursuant to the Standing Orders of either House of Parliament or any enactment or instrument  | The Clerk   |
| 2  | S229 Local Government Act 1972 | The officer who shall certify a photographic copy of a document   | The Clerk   |
| 3  | S234 Local Government Act 1972 | <p>The officer who may authenticate any notice, order or other document which the Authority is authorised or required to give, make or issue under the following legislation or under regulations made pursuant thereto:</p> <ol style="list-style-type: none"> <li>1) The Agriculture Act 1970</li> <li>2) Food Safety Act 1990</li> <li>3) Clean Air Act 1956</li> <li>4) Public Health Act 1961</li> <li>5) Clean Air Act 1968</li> <li>7) Environmental Protection Act 1990</li> <li>8) Control of Pollution Act 1974</li> <li>9) Local Government (Miscellaneous Provisions) Act 1976 – sections 16 and 32 only.</li> <li>10) The Public Health (Control of Diseases) Act 1984</li> <li>11) The Food Safety and Hygiene (England) Regulations 2013</li> <li>12) The European Communities Act 1972 (all regulations and any modifications made under this Act)</li> </ol> | Health Protection and Health Care Quality Manager / Principal Environmental Health Officer (Commercial) |
| 4  | S234 Local Government Act 1972 | The officer who may authenticate any notice, order or other document which the  | The Clerk   |

|   |  |  |  |
|---|--|--|--|
|   |  | Authority is authorised or required to give, make or issue other than those specified above. |  |
| 5 | Public Health (Control of Disease) Act 1984 as amended and regulations made pursuant thereto                       | Powers in relation to disease control and public health risk assessments.                    | Port Medical Officer (Consultant in Health Protection) |
| 6 | Any provisions of any Act, Statutory Instrument requiring the appointment of a Proper Officer not dealt with above | Any power or requirement   | The Clerk  |

## **ARTICLE 5 – AUTHORISATION OF OFFICERS OF THE AUTHORITY**

For authorisation and competency of officers please refer to Quality System Procedure: QSP/F06 Authorisation of officers.

The Principal Environmental Health Officer (Commercial) will confirm that each of the riparian authorities has a similar quality system that ensures that only qualified and competent officers are authorised to act on their behalf.

The Principal Environmental Health Officer (Commercial) will record the qualifications and any applicable registration number of any officer authorised to act on behalf of the Authority.

## **ARTICLE 6 – PROCEDURE FOR SERVICE/AUTHORISATION OF LEGAL DOCUMENTS AND PROCEEDINGS**

The Authority is empowered by various enactments to serve legal documents and to institute legal proceedings.

Where the Authority intends to exercise a power of this nature, the procedure detailed below shall be complied with. In addition, the Authority will use best endeavours to comply with the principles contained in the Regulators' Code (<https://www.gov.uk/government/publications/regulators-code>) and with any relevant code of recommended practice and/or official guidance which might exist at the time the power is exercised.

### **6.1 Procedure for Authorisation of Legal Proceedings/Documents**

#### **6.1.1 Introduction**

The Health Protection and Health Care Quality Manager, the Principal Environmental Health Officer (Commercial), Environmental Health Officers and Trading Standards Officers issue a number of legal documents including and relating to; Statutory Notices, Permits, Simple Cautions and Prosecutions. This documentation will be signed in the name of the individually authorised officer.

### **6.2. Specific Examples**

#### **6.2.1 Notices**

The decision to serve a legal notice rests with the individual officers and they will prepare and sign all the relevant paperwork.

#### **6.2.3 Simple Cautions**

The decision to offer a simple caution will be made in accordance with the Scheme of Delegation and with approval from the Clerk to the Authority and the Corporate Director of Adult Care and Health, RCBC. A simple caution will be subject to sufficient evidence to warrant a prosecution.

#### **6.2.5 Prosecutions**

The decision to prosecute will be made in accordance with the Scheme of Delegation and the officer will prepare the evidence for the prosecution for approval by the Clerk to the Authority.

### **6.3 Other Issues**

6.3.1 Where appropriate, reference will be made to all relevant Statutory Codes of Practice and guidance, including the Regulators' Code and the Authority's Enforcement Policy before legal action is taken. The

Enforcement Policy will be followed when any form of legal action is considered.

- 6.3.2 The Health Protection and Health Care Quality Manager and the Corporate Director of Adult Care and Health are authorised to instigate prosecutions and administer simple cautions by virtue of the Scheme of Delegation contained herein.
- 6.3.3 All decisions made relating to prosecutions and simple cautions will be advised to the Chair and Vice-Chair of the Authority, together with details of the costs of such action.

## **ANNEX A – River Tees Port Health Authority Order 2016**

## ANNEX B – Scheme of Delegation to Officers

| No. | Powers and Duties   | Delegation exercised by any of the officers assigned to each duty/power  | Origin and Extent of Delegation | Checks and balances  |
|-----|---|--|---------------------------------|--|
| 1   | Food Service Plan – Annual Statutory requirement of Food Standards Agency.  | <ul style="list-style-type: none"> <li>• Principal Environmental Health Officer (Commercial) (PEHO)</li> </ul>   | Joint board delegated.          | Submitted for member approval as part of Annual Report.  |
| 2   | Preparation of annual budget.   | <ul style="list-style-type: none"> <li>• Treasurer</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>   | Joint board delegated.          | Submitted for member approval.   |
| 3   | Monitoring of Annual Budget.  | <ul style="list-style-type: none"> <li>• Treasurer</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>   | Joint board delegated.          |  |
| 4   | To address new legislation and respond to consultations.  | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>   | Joint board delegated.          | In consultation with the Chair or Vice Chair.  |
| 5   | To secure improvements in service delivery.   | <ul style="list-style-type: none"> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>  | Joint board delegated.          | In consultation with the Clerk.  |
| 6   | To review management structures and make changes within budget;<br>To appoint all staff below PEHO.   | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul>  | Joint board delegated.          | In consultation with the Treasurer and the Clerk with advice from RCBC Human Resources department. |
| 7.  | To determine any matter which the Clerk, Treasurer or Corporate Director of Adult Care and Health considers to be of such urgency that it is not possible to immediately refer the matter to the relevant decision maker. | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Treasurer</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul>   | Joint board delegated.          | In consultation with Chair/Vice Chair. Subsequent report to members.                               |
| 8   | To authorise any named officer to exercise powers delegated to the Clerk, Treasurer or Corporate Director Adult Care and Health.  | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Treasurer</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul>   | Joint board delegated.          |  |
| 9   | Human Resources functions including conditions of service, designation of posts, recruitment.   | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Treasurer</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul> <p>in accordance with policies of RCBC.</p> | Joint board delegated.          | With advice from RCBC Human Resources department.  |

|    |  |   |                        |   |
|----|--|---|------------------------|---|
| 10 | To approve the attendance of employees at training courses.  | <ul style="list-style-type: none"> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul>                  | Joint board delegated. |   |
| 11 | To issue Simple Cautions pursuant to those Statutory functions within the remit of the Authority.  | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul> | Joint board delegated. |   |
| 12 | To institute, prosecute, defend, withdraw, conduct, settle or appeal any legal proceedings which do not involve the Authority being exposed to a significant level of risk in financial or other terms, on behalf of the Authority; including legal proceedings for contraventions of any of the statutory provisions set out in this scheme, including contraventions of any related statutory instruments, regulations or orders and all appropriate legal proceedings under common law, other than where any statutory provision, enactment or the Authority give specific authority to a particular Officer, including the authentication of such proceedings other than where so authorised pursuant to procedure rules contained in this constitution relating to the authentication of documents for legal proceedings. | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>  | Joint board delegated. |   |
| 13 | To take any necessary steps, including the commencement of legal proceedings to secure the payment of any debt or to enforce the performance of any obligation due to the Authority and to take any such steps as he may consider necessary to enforce any judgement order.  | <ul style="list-style-type: none"> <li>• Clerk</li> </ul>   | Joint board delegated. | In consultation with the Corporate Director of People Services and Treasurer. |
| 14 | Local Government Act 1972 – Proper Officer functions.  | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul> | Joint board delegated. |   |

|    |  |   |                        |   |
|----|--|---|------------------------|---|
|    |  |   |                        |   |
| 15 | S.151 Local Government Act 1972. Proper Administration of Financial affairs and requirement to report to the Authority any breach.                         | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. |   |
| 16 | S.114 LG Act 1988. Requirement to report to authority if (a) unlawful expenditure (b) unbalanced budget.   | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. | In consultation with Clerk and Chair or Vice-Chair.                           |
| 17 | Accounts and Audit Regulations 1996 – proper accounting records and control systems in accordance with CIPFA Codes of Practice – effective Internal audit. | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. |   |
| 18 | Attorney General v Dr. Winton 1906, fiduciary responsibility to local taxpayers.   | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. |   |
| 19 | Agree payment dates for precepting authorities.  | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. |   |
| 20 | Prepare Annual Accounts for Audit.   | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. | External Audit.   |
| 21 | Approve adjustments to Accounts.   | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. | In consultation with the Clerk.   |
| 22 | Review Insurance Contract.   | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. | In consultation with the Clerk and the Corporate Director of People Services. |
| 23 | Develop rolling Audit plan based on risk assessment.   | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. |   |
| 24 | Reporting of serious weakness in systems and fraud and corruption to the Authority.  | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. | In consultation with the Clerk and the Corporate Director of People Services. |
| 25 | Implement the Authority's payroll system and monitor operation.  | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. |   |
| 26 | Co-ordinate and manage financial transactions with pension funds, inland revenue and charities.  | <ul style="list-style-type: none"> <li>Treasurer</li> </ul> | Joint board delegated. |   |

|    |  |  |                        |   |
|----|--|--|------------------------|---|
| 27 | Operate and Control payments system.   | <ul style="list-style-type: none"> <li>• Treasurer</li> </ul>  | Joint board delegated. |   |
| 28 | Operate and Control Debtors systems.   | <ul style="list-style-type: none"> <li>• Treasurer</li> </ul>  | Joint board delegated. |   |
| 29 | Develop write off protocols.   | <ul style="list-style-type: none"> <li>• Treasurer</li> </ul>  | Joint board delegated. | In consultation with the Clerk and the Corporate Director of People Services. |
| 30 | Duty or power of the authority to act or take actions under the legislation set out in Annex C.  | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> <li>• Environmental Health Officers</li> <li>• Trading Standards Officers</li> <li>• Enforcement Officers</li> </ul> | Joint board delegated. |   |
| 31 | Exercise of powers of entry, investigation, inspection and ancillary related powers authorised by and contained within those statutes listed in Annex C including all relevant statutory provisions made there under.  | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> <li>• Environmental Health Officers</li> <li>• Trading Standards Officers</li> <li>• Enforcement Officers</li> </ul> | Joint board delegated. |   |
| 32 | To sign and issue statutory notices, directions and orders as the proper officer for statutes in Annex C unless otherwise stated including, but not limited to, authorisation in respect of prescribed processes, enforcement, prohibition, revocation and variation notices. To sign authorisations in respect of prescribed processes. | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> <li>• Environmental Health Officers</li> <li>• Trading Standards Officers</li> </ul>                                 | Joint board delegated. |   |

|    |  |   |                        |   |
|----|--|---|------------------------|---|
| 33 | To appoint and authorise officers and other persons acting on behalf of the Authority to carry out those duties and functions contained within those statutes listed in the Annex C including all relevant statutory provisions made there under including powers of entry, investigation and inspection.  | <ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul>   | Joint board delegated. |   |
| 34 | Food Safety Act 1990: To exercise the powers of an authorised officer under the Food Safety Act 1990 as amended Sections 9, 10, 12, 29, 30, 32 and any other relevant regulations and provisions made there under. Food Safety and Hygiene (England) Regulations 2013: To exercise the powers of an authorised officer under the Food Safety and Hygiene (England) Regulations 2013, Regulations 6, 8, 9, 10, 14, 15, 16 and 29. | <ul style="list-style-type: none"> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> <li>• Environmental Health Officers</li> <li>• Trading Standards Officers</li> </ul> | Joint board delegated. |   |
| 35 | Authority to: Grant and issue full and conditional approvals of product specific establishments under the provision of the Food Safety and Hygiene (England) Regulations 2013.   | <ul style="list-style-type: none"> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>  | Joint board delegated. |   |
| 36 | Authority to: Refuse, suspend, or withdraw approvals of conditional approvals or product specific establishments under the provision of the Food Safety and Hygiene (England) Regulations 2013.  | <ul style="list-style-type: none"> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>  | Joint board delegated. |   |
| 37 | Appointment of Veterinary Officers for duties as Portal Official Veterinary.   | <ul style="list-style-type: none"> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul>  | Joint board delegated. | In consultation with Chair or Vice Chair. |
| 38 | Food hygiene training: Power to set charges and vary as appropriate.   | <ul style="list-style-type: none"> <li>• PEHO</li> </ul>  | Joint board delegated. |   |

|    |  |  |                        |  |
|----|--|--|------------------------|--|
| 39 | Power to Appoint:<br>Public Analyst<br>Food Examiner.  | <ul style="list-style-type: none"> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> </ul>                 | Joint board delegated. | In consultation with Chair/Vice Chair. |
| 40 | Food and Environmental Protection Act, 1985 (as Amended): Power to take emergency action on behalf of the FSA to protect foodstuffs. | <ul style="list-style-type: none"> <li>• Corporate Director of Adult Care and Health</li> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul> | Joint board delegated. |  |
| 41 | Review of Authority Health and Safety Policy.  | <ul style="list-style-type: none"> <li>• Health Protection and Health Care Quality Manager</li> <li>• PEHO</li> </ul>  | Joint board delegated. | In consultation with the Clerk.        |

## **ANNEX C - Scheme of Delegation to Officers**

This list of Statutes encompasses all directions, orders and regulations made there under:

- Public Health Act 1875
- Public Health Act 1936
- Public Health Act 1961
- Slaughterhouses Act 1974
- Control of Pollution Act 1974
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government Act 1988
- Accounts and Audit Regulations 1996
- Public Health (Control of Disease) Act 1984
- Building Act 1984 (c.55)
- Food Safety Act 1990 (c.16)
- Water Industry Act 1991 (c.56)
- Clean Air Act 1993 (c.11)
- Noise and Statutory Nuisance Act 1993 (c.40)
- Private Water Supplies Regulations 2009 (c)
- Health Protection (Local Authority Powers) Regulations 2010 (d)
- The Food Safety and Hygiene (England) Regulations 2013 as amended
- The Agricultural Act 1970 as amended
- The Public Health (Control of Diseases) Act 1984 (as amended)
- Regulations having effect by virtue of the European Communities Act 1972 and any modification or re-enactment to the foregoing
- The Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations 2006
- Trade in Animals and Related Products Regulations 2011
- The Transmissible Spongiform Encephalopathies (England) Regulations 2010
- Animal By-Products (Enforcement) (England) Regulations 2013
- Animal Feed (England) Regulations 2010
- The Official Feed and Food Controls (England) Regulations 2009 as amended and all Emergency Control Declarations made thereunder
- All Emergency Control Regulations
- Prevention of Damage by Pests Act 1949
- Environmental Protection Act 1990
- Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended)
- Environmental Permitting (England and Wales) (Amendment) Regulations 2012
- Pollution and Prevention Control Act, 1999
- Environmental Permitting (England and Wales) Regulations 2010

- Food and Environmental Protection Act 1985
- Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010
- The Organic Products Regulations 2009 as amended
- The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011
- The Contaminants in Food (England) Regulations 2013
- Materials and Articles in Contact with Food (England) Regulations 2012
- The Food Information Regulations 2014
- Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
- Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015
- Animal Feed (Composition, marketing and use) (England) Regulations 2015
- Country of Origin of Certain Meats (England) Regulations 2015
- All Emergency Control Regulations

### **Scheme of Delegation to Officers to which Delegated Powers 31 to 37 apply**

This list of Statutes encompasses all directions, orders and regulations made there under:

- The Food Safety and Hygiene (England) Regulations 2013 (as amended)
- The Food Safety Act 1990 as amended
- The Agricultural Act 1970 as amended
- The Public Health (Control of Diseases) Act 1984 (as amended)
- Regulations having effect by virtue of the European Communities Act 1972 and any modification or re-enactment to the foregoing
- The Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations 2006
- Trade in Animals and Related Products Regulations 2011
- The Transmissible Spongiform Encephalopathies (England) Regulations 2010
- Animal By-Products (Enforcement) (England) Regulations 2013
- Animal Feed (England) Regulations 2010
- The Official Feed and Food Controls (England) Regulations 2009 as amended and all Emergency Control Declarations made there under
- All Emergency Control Regulations
- Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010
- Prevention of Damage by Pests Act 1949
- Environmental Protection Act 1990
- Public Health Act 1936

- Public Health Act 1961
- Pollution and Prevention Control Act 1999
- Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended)
- Environmental Permitting (England and Wales) (Amendment) Regulations 2012
- Food and Environmental Protection Act 1985
- Materials and Articles in Contact with Food (England) Regulations 2012
- The Contaminants in Food (England) Regulations 2013
- The Organic Products Regulations 2009 as amended
- The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011
- The Food Information Regulations 2014
- Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
- Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015
- Animal Feed (Composition, marketing and use) (England) Regulations 2015
- Country of Origin of Certain Meats (England) Regulations 2015

# Member Report

## RTPHA Service Plan 2017-2018



### Public

**To:** River Tees Port Health Authority (RTPHA)

**From:** Corporate Director of Adult Care and Health    **Decision:** Executive

**Portfolio:** River Tees Port Health Authority

**1. What is the purpose of this report?**

1.1 A service plan must be produced in accordance with the Food Standards Agency Framework Agreement for Official Feed and Food Controls by Local Authorities and presented to Members for approval.

**2. What will this achieve?**

2.1 Member agreement of performance and service delivery to be provided by RTPHA in 2017-2018

**3. How will it happen and how will we tell people about it?**

3.1 Member approval is to be recorded and the service plan will become a public document. The plan will be published on the RTPHA's website and made available in hard copy to members of the public and stakeholders on request.

**4. What are the risks involved?**

4.1 Member approval is required as part of the framework standard. Failure to gain member approval will lead to the absence of a service plan for RTPHA.

**5. How will it deliver our priorities and improve our performance?**

5.1 Priorities will be established within the service plan and agreed by members. Compliance with the service plan will be monitored and reported to Members. Any failure to satisfy the service standards will be acted upon and notified to members.

**6. What will it cost?**

6.1 The costs of producing the service plan will be met within the agreed budget for RTPHA. There are no additional costs in developing or producing the plan.

**7. Are there any legal considerations?**

7.1 Failure to establish an approved service plan will be considered by the Food Standards Agency as a failure to satisfy the framework standards.

**8. Who have we talked to about it?**

8.1 Officers and representatives of the Riparian Authorities.

**9. What options have been considered?**

9.1 There are no options.

**10. Recommendations**

That the Service plan be approved by the members.

**11. Further information**

Appendix B – RTPHA Service Plan 2017-2018

**12. Background Papers**

The Framework Agreement on Official Feed and Food Controls By Local Authorities.

**13. Contact Officer**

Name: Sue Ziolkowski, Principal Environmental Health Officer  
(Commercial).

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**RIVER TEES PORT  
HEALTH AUTHORITY**

**SERVICE PLAN**

**2017 – 2018**

**for approval June 2017**

## **INTRODUCTION**

This plan details the delivery of the performance of the port health service during 2016/17, which includes the inspection of ships, enforcement of food, feed and environmental protection laws, and the prevention and control of infectious diseases.

The plan goes on to explain how we intend to deliver the service through 2017/18. Also included are the potential impacts to service, which is the exit from the European Union.

Redcar and Cleveland Borough Council (RCBC), manages the port health service on behalf of the other riparian authorities of Stockton-on-Tees Borough Council, Middlesbrough Borough Council and Hartlepool Borough Council.

The port health service operates within the Environmental Health (Commercial) Team of RCBC which is managed by the Principal Environmental Health Officer (Commercial). The Environmental Health (Commercial) Team is part of the Health Protection and Health Care Quality Service in the Public Health Directorate.

Effective partnerships with stakeholders, including Public Health England (PHE) – Consultant in Health Protection / Port Medical Officer and Food Examiner, the appointed Public Analyst and Agricultural Analyst and the Food Standards Agency (the Agency), are important in the achievement of the aims and objectives of the plan.

## **SERVICE AIMS AND OBJECTIVES**

### **Aims**

- To ensure that food and feed entering the UK through Tees Port has been legally imported and complies with relevant food and feed laws.
- To ensure that the port maintains its status as a Designated Point of Entry (DPE), Designated Point of Import (DPI) and First Point of Introduction(FPI).
- That conditions on ships entering Tees Port comply with the International Health Regulations 2005.
- Risks to health from communicable diseases are effectively managed and controlled.
- Ensure that food hygiene and standards legislation is enforced in food premises at the port.
- To ensure that environmental protection legislation is enforced within the port.

### **Objectives**

- To carry out manifest and documentary checks relating to third country food, feed and other relevant products.
- To ensure that all imported products are subject to the required legislative requirements.
- To ensure importers and shipping agents are kept informed of import restrictions, changes in legislation, emergency control measures and new guidance.
- To carry out a risk-based approach to the inspection of ships and respond to all requests for ship sanitation certificates.
- To investigate the incidence of food poisoning and food-borne disease at the port and on ships entering the port.
- To monitor the wholesomeness and sufficiency of water supplies at the port and on-board ships entering the port.
- To carry out appropriate food hygiene and standards interventions at the food premises at the port.
- To operate the national Food Hygiene Rating Scheme for food premises at the port to improve and maintain good hygiene standards.
- To ensure the prescribed processes at the port comply with environmental protection legislation and permits are issued accordingly.

## Performance review 2016-2017

### Ship arrivals

A total of 3,843 ships visited the Tees during last year and this is broken down per authority as in the table below. There has been a reduction of 95 ships since 2015/16.

|                    | 2016<br>Apr | May        | Jun        | Jul        | Aug        | Sep        | Oct        | Nov        | Dec        | 2017<br>Jan | Feb        | Mar        | Grand<br>Total |
|--------------------|-------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|------------|------------|----------------|
| Hartlepool         | 0           | 1          | 0          | 3          | 0          | 0          | 1          | 1          | 0          | 0           | 0          | 1          | 7              |
| Middlesbrough      | 12          | 18         | 10         | 14         | 11         | 12         | 12         | 12         | 10         | 10          | 8          | 16         | 145            |
| Redcar & Cleveland | 167         | 170        | 172        | 158        | 158        | 143        | 157        | 155        | 150        | 159         | 145        | 166        | 1900           |
| Stockton           | 131         | 147        | 140        | 154        | 152        | 155        | 152        | 154        | 167        | 155         | 131        | 153        | 1791           |
| <b>Grand Total</b> | <b>310</b>  | <b>336</b> | <b>322</b> | <b>329</b> | <b>321</b> | <b>310</b> | <b>322</b> | <b>322</b> | <b>327</b> | <b>324</b>  | <b>284</b> | <b>336</b> | <b>3843</b>    |

### Ship inspections

A total of 103 ship sanitation inspections were carried out during 2016/2017. There were 92 exemption certificates issued, 4 control certificates were issued, and 6 routine inspections. The number of inspections is what was expected to be carried out and an increase in 8 on the previous year.

The 4 control certificates issued were due to lack of food safety management procedures, lack of temperature monitoring, evidence of cross contamination between raw and ready to eat food, inadequate cleaning and disinfecting, no water quality analysis or water safety plan available, spoiled food in the refrigerator, and a handwashing station inadequately equipped.

A breakdown of inspection type and authority is listed in the table below.

|                               | 2016<br>Apr | May      | Jun      | Jul       | Aug       | Sep       | Oct      | Nov      | Dec      | 2017<br>Jan | Feb       | Mar      | Grand<br>Total |
|-------------------------------|-------------|----------|----------|-----------|-----------|-----------|----------|----------|----------|-------------|-----------|----------|----------------|
| <b>Hartlepool</b>             |             |          |          |           |           |           |          |          |          |             |           | 1        | 1              |
| Exemption                     |             |          |          |           |           |           |          |          |          |             |           | 1        | 1              |
| <b>Middlesbrough</b>          | 1           |          |          | 1         |           |           |          |          | 1        | 2           | 1         |          | 6              |
| Exemption                     | 1           |          |          | 1         |           |           |          |          | 1        | 2           | 1         |          | 6              |
| <b>Redcar &amp; Cleveland</b> | 3           | 3        | 2        | 3         | 6         | 5         | 2        | 6        | 3        | 2           | 6         | 4        | 45             |
| Control                       |             | 1        |          |           |           | 1         | 1        |          |          |             | 1         |          | 4              |
| Exemption                     | 3           | 2        | 2        | 3         | 6         | 4         | 1        | 5        | 2        | 2           | 5         | 4        | 39             |
| Routine                       |             |          |          |           |           |           |          | 1        | 1        |             |           |          | 2              |
| <b>Stockton</b>               | 4           | 3        | 4        | 6         | 4         | 7         | 5        |          | 4        | 5           | 6         | 3        | 54             |
| Exemption                     | 4           | 3        | 3        | 5         | 4         | 6         | 5        |          | 4        | 4           | 6         | 3        | 47             |
| Routine                       |             |          | 1        | 1         |           | 1         |          |          |          | 1           |           |          | 4              |
| <b>Grand Total</b>            | <b>8</b>    | <b>6</b> | <b>6</b> | <b>10</b> | <b>10</b> | <b>12</b> | <b>7</b> | <b>6</b> | <b>8</b> | <b>9</b>    | <b>13</b> | <b>7</b> | <b>103</b>     |

## Imported Food

A total of 972 consignments of imported food arrived into Teesport during 2016/17. Tea and coffee remain our biggest commodity followed by wine and spirits (mainly Vodka). There appears to be seasonal trends with alcohol with an increase in the run up to Christmas and a drop during summer where people are most likely to go on holiday. The has been a minor reduction (6) in the number of consignments.

All of the imported food comes in via container into the Redcar and Cleveland district.

| Food Type                      | 2016<br>Apr | May        | Jun       | Jul       | Aug       | Sep       | Oct        | Nov       | Dec       | 2017<br>Jan | Feb       | Mar       | Grand<br>Total |
|--------------------------------|-------------|------------|-----------|-----------|-----------|-----------|------------|-----------|-----------|-------------|-----------|-----------|----------------|
| Coffee & Tea                   | 54          | 59         | 39        | 35        | 41        | 53        | 66         | 50        | 43        | 41          | 34        | 23        | 538            |
| Wine                           | 21          | 37         | 19        | 14        | 10        | 12        | 25         | 23        | 15        | 25          | 17        | 12        | 230            |
| Alcohol                        | 6           | 13         | 15        | 6         | 20        | 14        | 15         | 8         | 9         | 8           | 5         | 6         | 125            |
| Oils & Fats                    | 4           | 1          |           |           |           |           | 4          |           |           | 1           |           | 19        | 29             |
| Additives                      | 3           | 2          |           | 2         | 6         | 9         | 2          | 5         | 2         | 2           | 3         |           | 36             |
| Veg - Canned & Processed       | 1           |            | 2         |           |           | 2         | 1          |           | 2         | 1           | 1         |           | 10             |
| Mineral Water                  |             |            |           |           |           |           |            |           | 1         |             |           | 1         | 2              |
| Veg - Fresh & Frozen inc Salad |             |            |           |           |           |           |            |           | 2         |             |           |           | 2              |
| <b>Grand Total</b>             | <b>89</b>   | <b>112</b> | <b>75</b> | <b>57</b> | <b>77</b> | <b>90</b> | <b>113</b> | <b>86</b> | <b>74</b> | <b>78</b>   | <b>60</b> | <b>61</b> | <b>972</b>     |

## Imported Feed

A total of 16 consignments of animal feed were brought into Teesport during 2016/17. Two of these consignments were brought in bulk shipments in quantities of 20,000 tonnes and 50,000 tonnes. Both of the bulk consignments were sampled and found to be satisfactory, documentary checks were carried out on all other imported feed consignments. The number of feed consignments has increased fourfold on the previous year, this is due to PD Ports having registered two new feed storage sheds.

| Feed Type            | 2016<br>Apr | May      | Jun      | Jul      | Aug      | Sep      | Oct      | Nov      | Dec      | 2017<br>Jan | Feb      | Mar      | Grand<br>Total |
|----------------------|-------------|----------|----------|----------|----------|----------|----------|----------|----------|-------------|----------|----------|----------------|
| Seeds and fruits     |             |          | 1        |          |          |          | 1        | 1        | 2        |             | 1        |          | 6              |
| Minerals             |             |          |          | 1        |          |          |          |          | 1        | 1           |          | 1        | 4              |
| Cereals, grains      |             |          | 1        |          |          |          |          | 1        |          |             |          | 1        | 3              |
| Complete             |             |          |          |          | 1        |          |          |          |          |             |          |          | 1              |
| Antioxidants         |             |          | 1        |          |          |          |          |          |          |             |          |          | 1              |
| Oil seeds and fruits |             |          |          |          | 1        |          |          |          |          |             |          |          | 1              |
| <b>Grand Total</b>   | <b>0</b>    | <b>0</b> | <b>3</b> | <b>1</b> | <b>2</b> | <b>0</b> | <b>1</b> | <b>2</b> | <b>3</b> | <b>1</b>    | <b>1</b> | <b>2</b> | <b>16</b>      |

## Imported plastic kitchenware

A total of 39 consignments of plastic kitchenware from China and Hong Kong arrived into Teesport during 2016/17. This was split into 26 Polyamide, and 13 Melamine products.

| Row Labels          | 2016<br>Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | 2017<br>Jan | Feb | Mar | Grand<br>Total |
|---------------------|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-------------|-----|-----|----------------|
| <b>Satisfactory</b> | 5           | 2   | 6   | 3   | 3   | 2   | 4   | 4   | 2   | 2           | 4   | 2   | 39             |
| Polyamide           | 3           | 1   | 5   | 1   | 3   | 2   | 2   | 3   | 1   | 2           | 3   | 0   | 26             |
| Melamine            | 2           | 1   | 1   | 2   | 0   | 0   | 2   | 1   | 1   | 0           | 1   | 2   | 13             |
| <b>Grand Total</b>  | 5           | 2   | 6   | 3   | 3   | 2   | 4   | 4   | 2   | 2           | 4   | 2   | 39             |

All plastic kitchenware is subject to documentary checks and 10 percent are subject to formal sampling. A total of 4 formal samples were taken and all consignments were found to be satisfactory. There has been an increase of 4 on the previous year.

## Organic certification

A total of 6 consignments of organic coffee were brought into Teesport during 2016/17. All consignments complied with Organic requirements.

## Products of animal origin

Products of animal origin are prohibited to enter Tees Port. There has been no instances of imports of animal origin into Tees Port during the previous 12 months.

## Manifest enquiries

The team made enquiries into 384 consignments that entered Tees Port. The majority of the queries (376) were in relation to consignments of used cooking oil that are transferred to Greenergy in Stockton for biofuel use.

| Commodity              | 2016<br>Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | 2017<br>Jan | Feb | Mar | Grand<br>Total |
|------------------------|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-------------|-----|-----|----------------|
| Used Cooking Oil       | 29          | 35  | 34  | 35  | 26  | 31  | 43  | 42  | 23  | 33          | 36  | 24  | 376            |
| Cashew Nut Shell       |             |     | 1   |     | 1   | 1   | 1   |     |     |             |     |     | 4              |
| Guar Gum               |             |     |     |     |     |     |     | 2   |     |             |     |     | 2              |
| Dry Henna              |             |     |     |     |     |     |     |     | 1   |             |     |     | 1              |
| Pet Cup (polyethylene) |             |     | 1   |     |     |     |     |     |     |             |     |     | 1              |
| <b>Grand Total</b>     | 29          | 35  | 36  | 35  | 28  | 32  | 44  | 44  | 24  | 33          | 36  | 24  | 384            |

## General enquiries

There were 4 general enquiries during 2016/17. Two relating to bulk feed, one investigation into a Black Widow Spider, and a freedom of information request.

## Infectious disease control

We have had no notifications or queries into infectious disease during 2016/2017.

## Potable water analysis

Potable water samples are taken both by the request of the ship/agent, or by the officer attending the ship. There has been an increase of 32 samples taken from the previous year.

| Row Labels         | 2016<br>Apr | May      | Jun       | Jul       | Aug       | Sep      | Oct       | Nov      | Dec      | 2017<br>Jan | Feb       | Mar       | Grand<br>Total |
|--------------------|-------------|----------|-----------|-----------|-----------|----------|-----------|----------|----------|-------------|-----------|-----------|----------------|
| SATISFACTORY       | 9           | 6        | 8         | 5         | 19        | 5        | 8         | 7        | 1        | 13          | 13        | 15        | 109            |
| UNSATISFACTORY     | 1           |          | 6         | 5         | 6         | 2        | 2         | 1        |          | 3           | 1         | 2         | 29             |
| <b>Grand Total</b> | <b>10</b>   | <b>6</b> | <b>14</b> | <b>10</b> | <b>25</b> | <b>7</b> | <b>10</b> | <b>8</b> | <b>1</b> | <b>16</b>   | <b>14</b> | <b>11</b> | <b>138</b>     |

## Jetty water analysis

A total of 37 out of 48 jetty points were sampled during 2016/17. These are split between the following authority's. All jetty companies were visited, however, not all jetty points were in use or available at the time.

| Authority            | No of berths |
|----------------------|--------------|
| Stockton             | 16           |
| Middlesbrough        | 6            |
| Redcar and Cleveland | 25           |
| Hartlepool           | 1            |
| <b>Grand Total</b>   | <b>48</b>    |

## Food hygiene and standards inspections

Of the 5 food premises under the authority's jurisdiction, 2 were subject to both Food Hygiene and Food Standards inspections. One of the food businesses maintained their rating of 5 and the other, a new food business gained a food hygiene rating of 4.

## Environmental Protection

All three prescribed processes had their annual inspection during 2016/2017. Ad hoc visits were carried out throughout the year to ensure compliance with permit conditions. No complaints were received relating to any of the permitted processes.

## Export certificates

There has been no requests for Export Certification during 2016/2017.

## **SERVICE DELIVERY 2017-2018**

### **Ship arrivals**

Around 4000 ships are expected to pass entrance into Teesport during 2017/2018 including small support vessels, sand dredgers, small cargo ships, LPG tankers, oil tankers, container ship and other specialised vessels.

All ships arriving into the Tees will be entered onto the Flare database and reported to the board on a quarterly basis

### **Ship inspections**

Routine ship inspections will be carried out on a risk based process depending on previous history or intelligence led information. All ships requesting a ship sanitation control/exemption certificate will be visited and an inspection carried out. Requests either come from the shipping agent or from the Captain of the vessel.

### **Imported Food**

All container manifests will be checked for third country food or feed and official controls carried out as per legislative requirements. Risk based inspections of containers will be carried out depending on intelligence or notification from other agencies. Documentary checks, identity checks and physical checks may be carried out.

Port Health officers will ensure they are fully up to date with any new and emerging risks by reading and responding to Food Standards Agency alerts and notifications.

### **Bulk imported Feed**

The authority has an agreement with PD Teesport bulk imports to advise us of any bulk consignments of feed from third countries that enter into Tees Dock. Depending on the type of feed and country of origin, documentary, identity and physical checks will be carried out as per legislative requirements. Ad hoc phone calls and bulk checks are carried out on other potential offloading berths for feed from third countries.

The bulk imports of feed are likely to increase throughout 2017/18 due to the new storage sheds.

### **Imported plastic kitchenware**

Although plastic kitchenware imports have declined over the years since the introduction of the legislation, the authority will carry out all documentary, identity and physical checks as per legislative requirements.

### **Organic certification**

Any products requiring organic certification must provide the original certificate to us for authentication and verification.

## **Products of animal origin**

Products of animal origin from third countries are not allowed to enter into Teesport and any notifications either through manifest checks or other agencies will be dealt with as an illegal import and appropriate action taken to ensure it does not enter the food or feed chain.

## **Manifest enquiries**

During manifest checks, all queries relating to a container will be investigated thoroughly to ensure the contents are legally allowed to enter into the port. These investigations can include a phone call to the importer, copied of the bills of lading and invoices, identity checks of the goods in the container against any paperwork, and physical checks of the goods, for example, sampling and analysis.

## **General enquiries**

We will respond to all enquiries in a timely manner that impacts the importer in the least way possible so as not to interfere with trade or incur any unreasonable costs to the importer.

## **Infectious disease control**

Under the International Health Regulations the Master of a ship has a duty to notify the Port Health Authority of any infectious disease on board. We will investigate any reports of infectious disease and work with the Port Medical Officer in Public Health England to prevent the spread of any infectious disease.

There are no known global health risks of concern at the time of writing this plan.

## **Potable water analysis**

Potable water sampling will be undertaken at the request of ships' masters or shipping agents. Ship waters are analysed for microbiological safety, chemical content and presence of legionella. Requests are charged to the vessel, however should an officer highlight any concerns about a ships water supply, routing samples can be taken and these are free of charge through Public Health England allocations.

## **Jetty water analysis**

There are 48 jetty and dockside water supply points around the port area that are sampled on at least a yearly basis. These points are sampled free of charge for microbiological quality and are paid for through Public Health England allocations.

## **Food safety inspections**

There are 5 food premises within the boundaries of River Tees Port Health Authority. Three of these are programmed to be inspected for food hygiene purposes during 2017/2018.

If a complaint is received about food consumed on the premises, or the condition of the premises itself, an investigation will be carried out.

Food sampling at port premises may be carried out depending on intelligence, local and regional requirements and surveys.

### **Food Standards Inspections**

No food standards inspections are programmed for 2017/2018.

Food standard sampling may be carried out depending on intelligence, local and regional requirements and surveys.

### **Environmental Protection**

There are currently three prescribed processes within our jurisdiction, all of which will be subject to their annual programmed inspection. Any complaints or queries regarding the processes will be investigated by officers.

The prescribed processes generate an income of around £2,217pa, however Defra are currently consulting to increase these by 4.5%. If the increase come into effect, the income will rise to £2,316pa

### **Export certificates**

The conditions permitting the export of products to non-EU countries are set by the importing countries' animal and food health administrations. Products need to be accompanied by Export Certificates to confirm that the conditions have been fulfilled. Export Certificates will be provided where appropriate and at the request of the exporter.

## **HORIZON SCANNING**

### **BREXIT**

On 23<sup>rd</sup> June 2016, the people of the United Kingdom (UK) voted to leave the EU. The Government triggered Article 50 of the Treaty on European Union on 31 March 2017 to begin the process of exit. The Government plans to negotiate the right deal for the entire UK.

Specific details of the exit from the EU are yet to be determined, however the Prime Minister has set out 12 principles that will guide the government in its process.

The Great Repeal Bill will remove the European Communities Act 1972 from the statute book and convert the 'acquis' – the body of existing EU law – into domestic law. This means that, wherever practical and appropriate, the same rules and laws will apply on the day after we leave the EU as they did before.

This approach will preserve the rights and obligations that already exist in the UK under EU law and provide a secure basis for future changes to our domestic law. This allows businesses to continue trading in the knowledge that the rules will not change significantly overnight and provides fairness to individuals whose rights and obligations will not be subject to sudden change.

Once we have left the EU, Parliament (and, where appropriate, the devolved legislatures) will then be able to decide which elements of that law to keep, amend or repeal.

A White Paper on the Great Repeal Bill will provide more detail in due course.

There will be a phased two year transition period where free trade agreements and new customs agreements will be negotiated, and trade agreements with third countries will also be negotiated.

We do not expect to see a significant impact to the delivery of service from River Tees Port Health Authority and any changes to legislative requirements will be implemented as and when they come into force.



# Member Report

## RTPHA Enforcement Policy 2017

### Public

**To:** River Tees Port Health Authority (RTPHA)

**From:** Corporate Director of People Services

**Decision:** Executive

**Portfolio:** River Tees Port Health Authority

1. **To present the RTPHA Enforcement Policy for approval.**

1.1 The Authority must have an enforcement policy to ensure that it acts fairly and consistently when taking enforcement action and that it has considered all relevant legislation and guidance.

2. **What will this achieve?**

2.1 A fair and consistent approach to enforcement as agreed by members.

3. **How will it happen and how will we tell people about it?**

3.1 The enforcement policy has been reviewed and is presented to the joint board for approval. Members are informed that there are no significant changes to the policy.

Member approval is to be recorded and the Enforcement Policy will become a public document. It will be published on the RTPHA's website and made available in hard copy to members of the public and stakeholders on request.

4. **What are the risks involved?**

4.1 Failure to gain member approval will lead to the absence of an Enforcement Policy for RTPHA and therefore the absence of a framework upon which to base enforcement decisions.

5. **How will it deliver our priorities and improve our performance?**

5.1 The policy states the priorities of RTPHA when considering enforcement action and establishes the framework for enforcement decisions. This will ensure that authorised officers exercise their delegated powers in an appropriate manner and in accordance with the policy. Any failure to follow the standards set out in the policy will be acted upon and notified to members.

6. **What will it cost?**

6.1 The costs of producing and reviewing the policy will be met within the agreed budget for RTPHA. There are no additional costs in developing or producing the policy.

7. **Are there any legal considerations?**

7.1 Yes. Failure to abide by the principles of good enforcement set out in the Regulators'

Code (April 2014) which is issued under the Legislative and Regulatory Reform Act 2006, the Code for Crown Prosecutors and the Regulatory Enforcement and Sanctions Act 2008, may prejudice any enforcement action considered or taken by RTPHA.

8. **Who have we talked to about it?**

8.1 Senior officers of the riparian authorities.

9. **What options have been considered?**

9.1 No other options can be considered.

10. **Recommendations**

10.1 That the Enforcement Policy 2017 be approved by members.

11. **Further information**

11.1 Appendix C – RTPHA Enforcement Policy 2017.

12. **Background Papers**

12.1 None

13. **Contact Officer**

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(Commercial).

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# **River Tees Port Health Authority Enforcement Policy**

**For Approval June 2017**

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## **Introduction**

The Enforcement Policy applies to all the functions of River Tees Port Health Authority (RTPHA) and details the Authority's approach to enforcement in accordance with relevant legislation, statutory codes of practice and other guidance.

RTPHA is constituted by the River Tees Port Health Authority Order 2016 and a joint board of seventeen members from the riparian authorities oversees its functions. These governance arrangements are detailed in the Order and the Authority's constitution.

The functions and responsibilities of RTPHA include the inspection of ships, enforcement of food, feed and environmental protection laws, and the prevention and control of infectious diseases.

Redcar and Cleveland Borough Council (RCBC), manages the port health service on behalf of the other riparian authorities of Stockton-On-Tees Borough Council, Middlesbrough Borough Council and Hartlepool Borough Council.

The port health service operates within the Environmental Health (Commercial) Team of RCBC which is managed by the Principal Environmental Health Officer (Commercial).

The policy has been prepared in accordance with relevant legislation and guidance and in particular the Regulators' Code. The Enforcement Policy has received approval from the joint board of RTPHA and will be reviewed annually.

## **1. Enforcement**

Enforcement is defined as including any advice, inspection, action, instruction or warning, caution, prosecution (or other types of court action, for examples a warrant) taken in relation to a person or organisation who is or is believed to be acting unlawfully.

RTPHA will take a graduated approach to enforcement of legislation. All person(s) and companies will be encouraged to understand the nature and extent of their responsibilities and comply voluntarily. The Authority will pursue prosecution where circumstances indicate a significant risk or crime or where formal action is otherwise in the public interest.

In considering whether to initiate enforcement action RTPHA will take account of the following:

- Code for Crown Prosecutors.
- Regulators' Code.
- Police and Criminal Evidence Act 1984 (and associated Code of Practice).
- Criminal Procedure and Investigations Act 1996 (CPIA).
- Regulation of Investigatory Powers Act 2000 (RIPA).
- Regulatory Enforcement and Sanctions Act 2008.
- Legislative and Regulatory Reform Act 2006.
- Powers of Entry Code of Practice.
- Other service specific codes or guidance.

## **2. Principles of Enforcement**

RTPHA will ensure that its approach to regulation is underpinned by the principles of enforcement as follows:

(i) Proportionality in the application of the law and in securing compliance. The Authority will ensure that any action it takes to achieve compliance or bring individuals/companies to account for non-compliance will be proportionate to risks and/or to the seriousness of the breach.

(ii) Consistency of approach and application. The Authority will carry out its activities in a fair, equitable and consistent manner. In each case officers will consider a number of variables including:

- the degree of risk.
- the attitude and competence of management/business operator/duty holder.
- the previous history of the business operator/duty holder.
- the seriousness of the breach.

The Authority will ensure that it has procedures in place to promote and ensure consistency between officers, other authorities and enforcement bodies.

(iii) Transparency regarding the operation of the port health service and that those whose activities are regulated by the Authority know what may expect from the Authority. RTPHA will assist and advise duty holders to understand and fulfil their responsibilities and will provide information on the Authority's role as a regulator.

Individuals or businesses have a right to query or appeal against enforcement action where there are statutory appeal mechanisms. Details of the mechanisms for query or appeal will be provided where appropriate.

(iv) Targeting of enforcement action. The Authority will direct its regulatory effort primarily towards those whose activities give rise to the most serious risk or where the risks are less well controlled. Action will be focused on those directly responsible for any breach and who are best placed to control it.

### **3. Authorisation of Officers**

The Authority has a system for delegating authorisation to individual officers. This delegation is contained in the Authority's constitution which is available upon request or online at <http://www.teesporthealth.co.uk/>.

Only officers who are competent by, qualification training and/or experience will be authorised to take enforcement action.

### **4. Offences and Penalties**

The courts will impose appropriate sentence/s upon conviction in accordance with provisions detailed in legislation and sentencing guidelines. The alleged offences and potential penalties will be made clear to prospective defendants throughout the investigation.

### **5. Primary Authority Scheme**

The Authority is committed to the Primary Authority scheme. The Primary Authority scheme gives companies the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other authorities to take into account when carrying out inspections or dealing with non-compliance.

When considering enforcement action officers will notify and agree any legal action with the Primary Authority associated with a business (if such a partnership exists) before taking action unless enforcement action is required to deal with an imminent risk. More information on the Primary Authority scheme is available from:

<https://primaryauthorityregister.info/par/index.php/home>

### **6. Investigation with other Agencies**

Where an enforcement role is shared with another agency, RTPHA will undertake joint enforcement activity in order to minimise any unnecessary duplication and delay. Joint working may be undertaken with agencies including local or port health authorities, the Police, HM Revenue and Customs or any other relevant agency as appropriate.

### **7. Equality and Diversity**

RTPHA will ensure that decisions are not influenced by the gender, disability, religion or political belief, language, ethnicity or sexual preferences of offenders, victims or witnesses. The Authority will provide translators for interviews where the interviewee's first language is not English and consider the provision of correspondence in other languages. Officers will also carry out visits outside of normal office hours when the business concerned operates at those times.

When dealing with juveniles or people who are vulnerable due to learning difficulties, mental illness or any other factor, due regard will be taken.

## **8. Consultation and Review**

RTPHA will consult and inform its stakeholders of any changes to legislation and the implications of those changes. The Authority will provide the mechanisms for those whose activities are regulated by the Authority to comment on the service they have received and/or the actions taken by the Authority. The Authority will act upon any comments or complaints about the service or the conduct of its officers in an appropriate manner and in accordance with the policies of RTPHA and/or Redcar and Cleveland Borough Council.

## **9. Powers of Entry**

When exercising their statutory powers officers will have regard to the following:

- Police and Criminal Evidence Act 1984 (and associated Code of Practice).
- Regulation of Investigatory Powers Act 2000 (RIPA).
- Powers of Entry Code of Practice.
- Food Law Code of Practice.
- Feed Law Code of Practice.

## **10. Primary Legislation**

Agriculture Act 1970

European Communities Act 1972 and relevant Regulations made in accordance the Act

Public Health (Control of Disease) Act 1984

Food Safety Act 1990

Environmental Protection Act 1990

International Health Regulations 2005

## 11. Enforcement Options

| <b>Imported food, feed and relevant products</b> | <b>Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)</b>  |
|--|--|
| No Action  | Products from the member states will not routinely be examined and no enforcement action is likely to be taken.  |
| Document Check                                   | Document checks will be carried out in accordance with the requirements of legislation relevant to the products being introduced through Tees Port.  |
| Identity Check                                   | Identity checks will be carried out in accordance with the requirements of legislation relevant to the products being introduced through Tees Port. Particular attention shall be given where officers suspect non-compliance is likely. A risk-based approach shall be taken.   |
| Physical Check                                   | Physical checks will be carried out in accordance with the requirements of legislation relevant to the products being introduced through Tees Port. Particular attention shall be given where officers suspect non-compliance is likely. A risk-based approach shall be taken.   |
| Deferred examination                             | Deferred examination to other Local Authorities will not apply to foods not of animal origin subject to enhanced import controls. The decision to defer examination will only be made in exceptional circumstances and where RTPHA considers there is a valid reason for deferral.   |
| Detention / Notices                              | Food and feed that fails to comply with food/feed safety requirements shall be detained pending special treatment, destruction, re-dispatching outside the EU or use for other purposes. Notices shall be served in accordance with the relevant legislation relating to the food or feed imported through Tees Port.  |
| Simple caution                                   | Simple Cautions will be used under the following circumstances: <ul style="list-style-type: none"> <li>• To deal quickly and simply with less serious offences.</li> <li>• To divert offenders where appropriate from appearing in criminal courts.</li> <li>• To reduce the likelihood of re-offending.</li> <li>• Simply cautions are issued in accordance with Home Office Circular 30/2005.</li> </ul>   |
| Prosecution                                      | Prosecutions will be taken under the following circumstances: <ul style="list-style-type: none"> <li>• The offence is serious.</li> <li>• There is a poor history of compliance.</li> <li>• There has been a failure to comply with a statutory notice or there has been a repetition of a breach that was subject to a simple caution.</li> <li>• False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk.</li> <li>• Officers have been intentionally obstructed in the lawful course of their duties.</li> </ul> |

| <b>Public Health Controls</b> | <b>Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)</b>   |
|-------------------------------|---|
| No Action                     | Public health enforcement options shall not be considered where there is no risk to public health.  |
| Inspection                    | Ships not requiring a ship sanitation certificate shall be subject to risk based inspection and enforcement action taken in accordance with the Food Law Code of Practice, the general enforcement policy, and the International Health Regulations. The service of statutory notices shall be in accordance with the |

| <b>Public Health Controls</b>         | <b>Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)</b>     |
|---------------------------------------|---|
|                                       | food safety and food standards enforcement policy and in consultation with the Maritime and Coast Guard Agency and the Food Standards Agency. |
| Ship Sanitation Exemption Certificate | Such certificates shall be issued where conditions on a vessel are compliant with international health regulations.                           |
| Ship Sanitation Control Certificate   | Such certificates shall be issued where conditions on a vessel are non-compliant with international health regulation.                        |

| <b>Environmental Controls</b>   | <b>Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)</b>  |
|---|--|
| No Action   | Enforcement options shall not be considered where there is no risk to public health from statutory nuisance or prescribed process at the port.   |
| Informal action<br>This may take the form of:<br><ul style="list-style-type: none"> <li>• Advice</li> <li>• Verbal warning</li> <li>• Written information</li> </ul> Inspection reports | <ul style="list-style-type: none"> <li>• The act or omission is relatively minor.</li> <li>• From the individual/businesses' past history it can be reasonably expected that informal action will achieve compliance.</li> <li>• Confidence in the individual/business's management practices is high.</li> <li>• The consequence of non-compliance will not pose a significant risk to those affected by the activities of the business.</li> </ul>   |
| Formal Action   | <ul style="list-style-type: none"> <li>• Formal action is proportionate to the risk to public health.</li> <li>• There is a record of non-compliance with breaches of legislation enforced by the Authority. The authorised officer has reason to believe that an informal approach will not be successful.</li> </ul>   |
| Simple Caution  | Simple Cautions will be used under the following circumstances: <ul style="list-style-type: none"> <li>• To deal quickly and simply with less serious offences.</li> <li>• To divert offenders where appropriate from appearing in criminal courts; and</li> <li>• To reduce the likelihood of re-offending.</li> <li>• Simply cautions are issued in accordance with Home Office Circular 30/2005.</li> </ul>   |
| Prosecution   | Prosecutions will be taken under the following circumstances: <ul style="list-style-type: none"> <li>• The offence is serious.</li> <li>• There is a poor history of compliance.</li> <li>• There has been a failure to comply with a statutory notice or there has been a repetition of a breach that was subject to a simple caution.</li> <li>• False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk.</li> <li>• Officers have been intentionally obstructed in the lawful course of their duties.</li> </ul> |

| <b>Food Hygiene and Standards</b> | <b>Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)</b>         |
|-----------------------------------|---|
| No Action                         | Enforcement options shall not be considered where there is no risk to public health from the activities of food businesses operating at the port. |
| Informal action                   | <ul style="list-style-type: none"> <li>• The act or omission is relatively minor.</li> </ul>  |

| <b>Food Hygiene and Standards</b>   | <b>Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)</b>   |
|---|---|
| This may take the form of: <ul style="list-style-type: none"> <li>• Advice</li> <li>• Verbal warning</li> <li>• Written information</li> </ul> Inspection reports | <ul style="list-style-type: none"> <li>• From the individual/businesses' past history it can be reasonably expected that informal action will achieve compliance.</li> <li>• Confidence in the individual/business's management practices is high.</li> <li>• The consequence of non-compliance will not pose a significant risk to those affected by the activities of the food business.</li> </ul>   |
| Hygiene Improvement Notice  | <ul style="list-style-type: none"> <li>• Formal action is proportionate to the risk to public health.</li> <li>• There is a record of non-compliance with breaches of food hygiene regulations.</li> <li>• The authorised officer has reason to believe that an informal approach will not be successful.</li> </ul>  |
| Improvement Notice  | <ul style="list-style-type: none"> <li>• Formal action is proportionate to the risk to public health.</li> <li>• There is a record of non-compliance with breaches of food laws relating the labelling, composition, promotion and advertisement of food.</li> <li>• The authorised officer has reason to believe that an informal approach will not be successful.</li> </ul>  |
| Voluntary Closure (food hygiene)  | <ul style="list-style-type: none"> <li>• Closure required to remove an imminent risk of injury to health.</li> <li>• Taken in agreement with the food business operator.</li> <li>• Officer is confident that premises will not reopen without prior consent of the officer.</li> </ul>   |
| Hygiene Emergency Prohibition Notice  | <ul style="list-style-type: none"> <li>• There is an imminent risk of injury to health.</li> <li>• Informal voluntary closure is considered inappropriate due to the nature or severity of the health risk conditions.</li> <li>• Immediate action is required to protect public health.</li> <li>• The service of an Hygiene Emergency Prohibition Notice will be followed by an application to the Magistrates court for a Hygiene Emergency Prohibition Order.</li> </ul>  |
| Emergency Prohibition Notice  | <ul style="list-style-type: none"> <li>• There is an imminent risk of injury to health.</li> <li>• Informal voluntary closure is considered inappropriate due to the nature or severity of the health risk conditions.</li> <li>• Immediate action is required to protect public health.</li> <li>• The service of an Emergency Prohibition Notice will be followed by an application to the Magistrates court for an Emergency Prohibition Order.</li> </ul>   |
| Remedial Action/Detention Notices – only applicable to approved premises.   | Remedial Action/Detention Notices will be considered if: <ul style="list-style-type: none"> <li>• There is a breach of the Hygiene Regulations.</li> <li>• An inspection under the Hygiene Regulations has been hampered.</li> <li>• There are indications or suspicions that food at an establishment is unsafe and requires examination.</li> <li>• Immediate action is required to ensure food safety.</li> <li>• Continuing offences require urgent action and corrective actions have been ignored.</li> </ul> |
| Simple Caution  | Simple Cautions will be used under the following circumstances: <ul style="list-style-type: none"> <li>• To deal quickly and simply with less serious offences.</li> <li>• To divert offenders where appropriate from appearing in criminal courts; and</li> </ul>  |

| Food Hygiene and Standards | Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)  |
|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>• To reduce the likelihood of re-offending.</li> <li>• Simply cautions are issued in accordance with Home Office Circular 30/2005.</li> </ul>  |
| Prosecution                | <p>Prosecutions will be taken under the following circumstances:</p> <ul style="list-style-type: none"> <li>• The offence is serious.</li> <li>• There is a poor history of compliance.</li> <li>• There has been a failure to comply with a statutory notice or there has been a repetition of a breach that was subject to a simple caution.</li> <li>• False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk.</li> <li>• Officers have been intentionally obstructed in the lawful course of their duties.</li> </ul> |

### Seizure and Detention of Food

Officers may detain any food they suspect fails to comply with food safety requirements or food that they suspect has not been produced or distributed in accordance with hygiene laws.

The seizure and detention of food will be carried out in accordance with the administrative provisions of Section 9 of the Food Safety Act 1990.

Officers may certify any food that has not been produced, processed or distributed in accordance with the Hygiene Regulations, by use of Regulation 29 of the Food Safety and Hygiene (England) Regulations 2013, and then seize the food by the use of Section 9 of the Food Safety Act 1990.

### 12. Relevant Guidance

Food Standards Agency Food Law Code of Practice and Practice Guidance.

Food Standards Agency's Inland Enforcement of Imported Feed and Food Controls Resource Pack.

Industry Guides to Good Hygiene Practice.

Food Standards Agency Feed Law Code of Practice.

WHO, Handbook for inspection of ships and issuance of ship sanitation certificates.

Better Regulation Delivery Office, Regulators' Code.

Home Office Powers of Entry Code of Practice.

# Member Report

## Memorandum of Understanding between RTPHA and the Riparian Authorities.



Public

**To:** River Tees Port Health Authority (RTPHA)

**From:** Corporate Director of Public Health

**Decision:** Information

**Portfolio:** River Tees Port Health Authority

### 1. What is the purpose of this report?

- 1.1 To present to members the Memorandum of Understanding between River Tees Port Health Authority and the riparian authorities.

### 2. What will this achieve?

- 2.1 The Memorandum sets out the understanding of RTPHA, under the management of Redcar and Cleveland Borough Council (RCBC), and the riparian authorities of Stockton-on-Tees Borough Council, Middlesbrough Borough Council and Hartlepool Borough Council, of the principles that underlie the relations between them.

Members are informed that there are no significant changes to the content of the Memorandum.

### 3. How will it happen and how will we tell people about it?

- 3.1 The Memorandum was first presented to members of the joint board in September 2011 having been drawn up and agreed by the riparian authorities. Reviews have been undertaken annually and this is now the fifth occasion that the Memorandum has been brought to the joint board. Each Authority is committed to abide by the principles and arrangements set out in the Memorandum.

### 4. What are the risks involved?

- 4.1 Lack of effective communication between the riparian authorities which may impact on the effective delivery of port health services.

### 5. How will it deliver our priorities and improve our performance?

- 5.1 The Memorandum formalises arrangements for service delivery and communications between the riparian authorities, in particular that RCBC keeps the riparian authorities informed of all matters relating to the delivery of the service. It ensures the riparian authorities have the opportunity to make representations to each other and, in particular, to RCBC as the lead authority, regarding matters relating to service delivery and any other significant issues.

**6. What will it cost?**

6.1 There are no direct cost implications in reviewing the Memorandum.

**7. Are there any legal considerations?**

7.1 The Memorandum does not create legal obligations between the parties but will allow the parties to make representations to each other on the arrangements for the delivery of the services provided by RTPHA.

**8. Who have we talked to about it?**

8.1 Senior Officers of the Riparian Authorities.

**9. What options have been considered?**

9.1 There are no options.

**10. Recommendations**

That members of the joint board are aware of the Memorandum of Understanding between RTPHA and the riparian Authorities.

**11. Further information**

Appendix D – Memorandum of Understanding Between River Tees Port Health Authority and the Riparian Authorities, June 2017.

**12. Background Papers**

None.

**13. Contact Officer**

Name: Sue Ziolkowski, Principal Environmental Health Officer  
(Commercial).

Address: Environmental Health (Commercial), Redcar and Cleveland  
Borough Council, Belmont House, Rectory, Lane, Guisborough,  
TS14 7FD.

Telephone: 01287 612404

Email: [susan.ziolkowski@redcar-cleveland.gov.uk](mailto:susan.ziolkowski@redcar-cleveland.gov.uk)

# Memorandum of Understanding

Between River Tees Port Health Authority  
and the Riparian Authorities

June 2017

## **Introduction**

This Memorandum sets out the understanding of River Tees Port Health Authority (RTPHA) under the management of Redcar and Cleveland Borough Council (RCBC), and the riparian authorities, Stockton-on-Tees Borough Council, Middlesbrough Borough Council and Hartlepool Borough Council, of the principles that will underlie the relations between them.

This Memorandum is a statement of intent and should not be interpreted as a binding agreement. It does not create legal obligations between the parties but will allow the parties to make representations to each other on the arrangements for the delivery of the services provided by RTPHA, and on behalf of the riparian authorities.

RTPHA will communicate to the riparian authorities any matters that may have significant concern for any or all of the riparian authorities. This includes the import of food, feed and relevant products through Tees Port, the state of public health including risks from infectious diseases introduced through Tees Port and any significant risks identified through the inspection of any ship within Tees Port.

## **Relationships and Responsibilities**

The services of RTPHA are managed by RCBC this being an administrative arrangement by virtue of sections 101, 102, 103, 112 and 113 of the Local Government Act 1972, and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts; together with the general power within section 2 of the Local Government Act 2000 and the supporting provisions within section 111 Local Government Act 1972.

RCBC is responsible for the delivery of port health services within Tees Port. This includes the inspection of ships entering the port, the issue of ship sanitation certificates, import controls for food, feed and relevant products, infectious disease controls and the inspection of food premises and prescribed processes within the port.

RTPHA will establish and maintain written procedures for the effective delivery of port health services. This includes the proper authorisation of officers of RTPHA and of the Port Medical Officer, the inspection of ships and relevant premises within the port, the enforcement of official controls including the inspection, sampling, seizure and detention of food, feed and relevant products entering the port, and the investigation of infectious disease on board ships and within the port.

An annual service plan will be provided in accordance with the Food Standards Agency Framework Agreement on Food and Feed Law Enforcement and will be presented to the joint board for approval.

RTPHA will maintain liaison arrangements with the Food Standards Agency, Public Health England, the Environment Agency, UK Border Agency, Cleveland Emergency Planning Unit, the port operator, importers, shipping agents and other relevant stakeholders.

There are no specific duties or responsibilities placed upon the riparian authorities in respect to port health services. However, riparian authorities may be requested to provide assistance in matters that are considered to have significant importance to the protection of public health or the enforcement of official controls. If such assistance is requested, the

need for this will be clearly communicated to relevant senior officers within riparian authorities and the level of assistance agreed.

Matters considered to have significant importance, referred to above may include:

- An outbreak of infectious disease that extends outside of the port and outside the boundaries of Redcar and Cleveland Borough Council.
- The tracing of food, feed and relevant products imported through Tees Port that is believed to be unsafe and has entered into one or more the riparian authority areas.
- Any other matter that is likely to have a major local or regional impact.

In the unlikely event that RTPHA (or RCBC) is not able to respond to a request from a shipping agent for a ship sanitation certificate inspection this would be referred to the riparian authority in whose area where the ship is to berth. It will be the responsibility of the riparian authority to determine if it can respond to such a request. The riparian authority is not expected to respond directly to the shipping agent as RTPHA will act as liaison for all such matters.

RTPHA will provide an annual port health training day for officers of the riparian authorities to ensure they remain familiar with port health procedures. RTPHA will provide opportunities for officers from the riparian authorities to gain experience of port health functions, in particular, procedures and arrangements for entering and conduct within the port. The role of officers of the riparian authorities will be limited to assisting in matters relating to the control of imported food, feed and relevant products which will be reflected in their authorisations.

The safety of officers visiting the port is the primary responsibility of RTPHA in accordance with the health and safety policies for RTPHA and RCBC. This will include the provision by RTPHA of any specialist safety equipment where this is a requirement of the port operator. The riparian authorities must provide their officers with individual personal protective equipment, in particular safety shoes. Each riparian authority is responsible for providing insurance for its own officers when they act as an authorised officer of RTPHA within the Authority's jurisdiction.

## **Communication and Arrangements**

RTPHA, RCBC and the riparian authorities are committed to the principle of good communication. The aim of which is to allow representations to be made to each other and in sufficient time for those representations to be fully considered.

RCBC will inform the riparian authorities of the performance of RTPHA and facilitate the provision of information by at least quarterly meetings which will take place at least two weeks before the meeting of the joint board. The papers that will be presented to the joint board will be provided to the Heads of Services of the riparian authorities in advance of the quarterly meetings. In addition to these meetings RCBC will inform the riparian authorities of any significant change or event which may impact upon RCBC's ability to deliver and manage the services provided by RTPHA.

RCBC will endeavour to respond quickly to requests for information from the riparian authorities in respect to all matters connected to RTPHA, in particular the management and delivery of the port health service.

## **Budget**

The RTPHA is funded by the four riparian authorities and the contributions are set out in the River Tees Port Health Authority Order 2016 as follows:

|                         |     |
|-------------------------|-----|
| Redcar and Cleveland BC | 52% |
| Stockton on Tees BC     | 31% |
| Middlesbrough BC        | 15% |
| Hartlepool BC           | 2%  |

The financial processes relating to budget and actual expenditure will be subject to review by RCBC's internal auditors. Final accounts are independently audited by RCBC External Auditors or their nominated appointees.

The Service Plan will detail the demands on the service related to each riparian authority and will reflect each Authority's expenses contribution.

## **Overview and Scrutiny**

The joint board of RTPHA will review or scrutinise decisions made, or other action taken, in connection with the discharge of port health services by officers of RTPHA and officers of RCBC acting on behalf of RTPHA.

## **Review**

This Memorandum of Understanding will be reviewed by RTPHA in consultation with the riparian authorities at least annually and updated as necessary. It will be presented to the joint board for information.



# Member Report

## RTPHA Risk Management

Public

To: River Tees Port Health Authority  
 From: Corporate Director of Adult Care and Health Decision: Executive  
 Portfolio: River Tees Port Health Authority

1. **To present the RTPHA Corporate Risk and Opportunity Register for approval.**
  - 1.1 The Authority must have a risk management strategy and risk register to ensure that risk is managed effectively.
2. **What will this achieve?**
  - 2.1 This will ensure that the Authority complies with and the Accounts and Audit Regulations 2015 made by virtue of the Local Audit and Accountability Act 2014 which require authorities to provide arrangements for the management of risk.
3. **How will it happen and how will we tell people about it?**
  - 3.1 The Authority has a Risk Management Strategy which is reviewed and presented to members on an annual basis. As part of this strategy the Authority has a Corporate Risk and Opportunity Register which is a live document that is under continuous review and is presented to members on a quarterly basis. This arrangement was agreed at the meeting of the joint board in June 2013. Member approval of the strategy and register is to be recorded.  
  
 The register is provided for review and approval by members of the joint board. Members are informed that there are minor changes with regards to responsibilities and it is now version 13.
4. **What are the risks involved?**
  - 4.1 Failure to gain member approval will lead to the absence of a Corporate Risk and Opportunity Register for RTPHA, therefore the Authority will not comply with the relevant provisions of the above regulations and will not be in a position to control and minimise risk.
5. **How will it deliver our priorities and improve our performance?**
  - 5.1 The register quantifies the potential risks to the Authority and ensures that controls are in place to eliminate or minimise the risks.
6. **What will it cost?**
  - 6.1 The costs of producing and reviewing the register will be met within the agreed budget for RTPHA. There are no additional costs in developing or producing the strategy and

register.

**7. Are there any legal considerations?**

7.1 Yes. Failure to assess, document, review and effectively manage the risks to the operation of the Authority is a breach of the Accounts and Audit Regulations 2015.

**8. Who have we talked to about it?**

8.1 Justin Weston, Deputy Treasurer to RTPHA.  
Joanne Stokes, Senior Auditor, Tees Valley Audit and Assurance Service.  
Officers and representatives of the Riparian Authorities.

**9. What options have been considered?**

9.1 No other options can be considered.

**10. Recommendations**

10.1 That the Corporate Risk and Opportunity Register be approved by members.

**11. Further information**

11.1 Appendix E – RTPHA Corporate Risk and Opportunity Register V13 February 2017.

**12. Background Papers**

12.1 None.

**13. Contact Officer**

Name: Sue Ziolkowski, Principal Environmental Health Officer  
(Commercial).

Address: Redcar and Cleveland Borough Council, Belmont House, Rectory  
Lane, Guisborough, TS14 7FD.

Telephone: 01287 612404.

Email: [susan.ziolkowski@redcar-cleveland.gov.uk](mailto:susan.ziolkowski@redcar-cleveland.gov.uk)



## CORPORATE RISK REGISTER

|                                 |   |
|---------------------------------|---|
| <b>Site:</b>                    | <b>Belmont House, Guisborough</b>                       |
| <b>Directorate:</b>             | <b>Adult Care and Health</b>                            |
| <b>Department:</b>              | <b>Public Health</b>                                    |
| <b>Service</b>                  | <b>Health Protection and Health Care Quality</b>        |
| <b>Function:</b>                | <b>Port Health in Environmental Health (Commercial)</b> |
| <b>Correspondent Name:</b>      | <b>Susan Ziolkowski</b>                                 |
| <b>Contact No.:</b>             | <b>01287 612404</b>                                     |
| <b>Current BIA Version:</b>     | <b>RTPHA/13</b>   |
| <b>Date of Current Version:</b> | <b>June 2017</b>  |



# RIVER TEES PORT HEALTH AUTHORITY

## CORPORATE RISK AND OPPORTUNITY REGISTER – June 2016

Updated by Susan Ziolkowski, Principal Environmental Health Officer  
(Commercial)

| Impact             | RISK                |   |              |  |                                     |   | LOW RISK (< 8)          |  |  |                     |
|--------------------|---------------------|---|--------------|--|-------------------------------------|---|-------------------------|--|--|---------------------|
|                    | Catastrophic        | 5   |              |  |                                     |   | MEDIUM RISK (9 – 15)    |  |  |                     |
|                    | Critical            | 4   |              |  |                                     |   | HIGH RISK (16+)         |  |  |                     |
|                    | Significant         | 3   |              |  |                                     |   |                         |  |  |                     |
|                    | Insignificant       | 2   |              |  |                                     |   |                         |  |  |                     |
|                    | Negligible          | 1   |              |  |                                     |   |                         |  |  |                     |
| Risk Rating Matrix |                     | 1   | 2            | 3  | 4                                   | 5   | Responsible Officer Key |  |  |                     |
|                    |                     | Zero to Very Low                          | Unlikely     | Likely   | Very Likely                         | Almost Certain                                |                         |  | SN   | Steve Newton        |
|                    |                     | Likelihood                                |              |  |                                     |   |                         |  | EG   | Erika Grunert       |
|                    |                     |   |              |  |                                     |   |                         | SZ   | Susan Ziolkowski                                 |                     |
|                    |                     |   |              |  |                                     |   |                         | JS   | John Sampson                                     |                     |
|                    |                     |   |              |  |                                     |   |                         | JW   | Justin Weston                                    |                     |
| RR No              | DESCRIPTION OF RISK | INITIAL EVALUATION (No controls in place) |              | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES (Existing) | RESIDUAL EVALUATION (After existing controls) |                         | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED (To be implemented) | Responsible Officer |
|                    |                     | LIKELIHOOD (1-5)                          | IMPACT (1-5) |  |                                     | LIKELIHOOD (1-5)                              | IMPACT (1-5)            |  |  |                     |

| RR No | DESCRIPTION OF RISK  | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)  | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|--|--|-----------------|--|---|--|-----------------|--|---|---------------------|
|       |  | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |   | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 1     | <p>Failure to comply with the governance requirements of the River Tees Port Health Authority Order leading to the inability to discharge the statutory functions and duties of the Authority.</p> <p>Ineffective governance arrangements resulting in failed external audit, special measures being put in place and reputation damage.</p> | 5  | 4               | H  | <p>Annual appointment of members by each riparian authority.</p> <p>Annual appointment of Chair and Vice-Chair of the joint board.</p> <p>Approval of annual review of the Constitution.</p> <p>Accurate minute taking and review of minutes at any meetings of the joint board.</p> <p>Declarations of interest from members documented and minutes taken. Any conflicts arising are appropriately addressed.</p> <p>Approval of Calendar of Meetings for the year (Annually in June).</p> | 1  | 2               | L  |   | SZ<br>SN            |

| RR No | DESCRIPTION OF RISK  | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)   | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer                  |
|-------|--|--|-----------------|--|--|--|-----------------|--|---|--------------------------------------|
|       |  | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |  | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                                      |
| 2     | Failure to discharge statutory functions assigned by the River Tees Port Health Authority Order in relation to public health risks, litigation, public enquiries and inquests which could lead to reputational damage. | 5  | 4               | H  | <p>Statutory appointments of members and effective governance of the Authority.</p> <p>Annual Service Plan reviewed and approved by the joint board.</p> <p>Employment and retention of an adequate number of suitably trained officers.</p> | 1  | 2               | L  |   | <p>SN</p> <p>SZ</p> <p>EG<br/>SZ</p> |

| RR No | DESCRIPTION OF RISK  | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)  | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|--|--|-----------------|--|---|--|-----------------|--|---|---------------------|
|       |  | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |   | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 3     | Failure to comply with the requirements for relevant authorities as prescribed by the Local Audit and Accountability Act 2104 and the Accounts and Audit Regulations 2015 which could lead to failed external audit resulting in special measures being put in place in relation to financial mismanagement and reputational damage. | 4  | 3               | M  | <p>Annual review and approval of Accounting Statements to ensure financial management is adequate and effective.</p> <p>Approval of annual Internal Audit Report following review of effectiveness.</p> <p>Adequate insurance cover in place via host and riparian authorities.</p> <p>An annual opportunity for the exercise of electors' rights is provided in accordance with regulatory requirements as the notice of appointment of dates is displayed in two Council buildings and posted on the RTPHA website for the prescribed period of time.</p> | 1  | 1               | L  |   | JS<br>JW            |

| RR No | DESCRIPTION OF RISK  | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)  | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|--|--|-----------------|--|---|--|-----------------|--|---|---------------------|
|       |  | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |   | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 4     | <p>Inadequacy and non payment of precept which could lead to inadequate reserves, unbudgeted spends, and contingent liability.</p> <p>Salaries: accurate payment and handling.</p> <p>Supply of goods and services: receipt and correct invoicing.</p> <p>VAT: incorrect analysis, charges and claims to HMRC.</p> <p>Consequential loss: due to improper performance and general liability.</p> <p>Inadequate financial record keeping which could result in decisions taken illegally.</p> <p>Fraud: by officers of the authority or the joint board which could lead to insolvency; financial mismanagement; breach of legislation and litigation and a failed external audit resulting in special measures being put in place and reputational damage.</p> | 4  | 4               | H  | <p>Precept agreed annually by joint board as part of the budget-setting process. Receipt from Councils confirmed and monthly budget monitored.</p> <p>Adequacy and liabilities considered at budget setting and reviewed in annual statement of accounts.</p> <p>Salaries, goods and services, VAT and record keeping monitored via monthly budget monitoring process. Payment subject to host Council Financial Regulations and associated processes and subject to internal audit of the Authority.</p> <p>Anti-fraud and corruption policy in place and Authority subject to internal audit.</p> | 1  | 2               | L  |   | JS<br>JW<br>SZ      |

| RR No | DESCRIPTION OF RISK   | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)   | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|---|--|-----------------|--|--|--|-----------------|--|---|---------------------|
|       |   | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |  | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 5     | <p>Internal Audit is effective in undertaking its role in relation to financial mismanagement.</p> <p>Breach of legislation and litigation which could result in a failed external audit resulting in special measures being put in place and damage to reputation.</p> | 4  | 3               | M  | <p>Internal Audit reports are made available to the joint board.</p> <p>The Internal Audit of the Authority is subject to external audit.</p> <p>The Internal Audit is undertaken by the Tees Valley Audit and Assurance Service. Their effectiveness is assessed annually against the Public Sector Internal Audit Standards 2013 and is currently fully compliant.</p> | 1  | 2               | L  |   | JW<br>EG            |

| RR No | DESCRIPTION OF RISK   | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)  | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|---|--|-----------------|--|---|--|-----------------|--|---|---------------------|
|       |   | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |   | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 6     | Failure to discharge responsibilities as a Category 1 Responder under the Civil Contingencies Act 2004 to be prepared to respond to an emergency event which could lead to a risk to public health; litigation; public enquiries, inquests and result in reputational damage. | 4  | 4               | H  | <p>Included in the full statutory process as a Category 1 responder through Cleveland Emergency Planning Unit. The groups attended are known locally as the Local Resilience Forum (Chief Officer Group) and the Business and Policy Group.</p> <p>Maintain Emergency Response Activation arrangements.</p> <p>A suitable number of appropriately authorised officers available to offer an out of hours response as required.</p> <p>Participation in multi-agency Emergency Preparedness activities.</p> <p>Participation in multi-agency response and recovery activities.</p> | 2  | 2               | L  | Validate plans by training and exercising           | EG<br>SZ            |

| RR No | DESCRIPTION OF RISK  | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)   | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|--|--|-----------------|--|--|--|-----------------|--|---|---------------------|
|       |  | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |  | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 7     | Failure to discharge responsibilities as a Category 1 responder under the Civil Contingencies Act 2004 to maintain continuity of service due to disruptive events, for example, loss of key Authority staff, failure of utilities, failure of communications and a lack of suitable premises, IT or fuel supply which could lead to a risk to public health; litigation; public enquiries; inquests and reputational damage. | 4  | 4               | H  | <p>Maintain Business Continuity Plans and Arrangements.</p> <p>Undertake periodically a Business Continuity Impact Assessment and design Action Plan.</p> <p>Implement Action Plan.</p> <p>Annually review Business Continuity arrangements.</p> <p>Business Continuity has been addressed via the host Council's arrangements and is also part of River Tees Port Health Authority.</p> | 2  | 3               | L  |   | EG<br>SZ            |

| RR No | DESCRIPTION OF RISK  | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)   | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|--|--|-----------------|--|--|--|-----------------|--|---|---------------------|
|       |  | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |  | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 8     | Failure to be operationally fit for purpose in complying with specified legislation, for example in relation to the Freedom of Information and Data Protection; Human Rights; Equalities; Employment Law; Health and Safety which could lead to a breach of legislation; litigation resulting in special measures being put in place by external regulators and reputational damage. | 4  | 4               | H  | <p>Maintain compliance via all relevant policies and procedures of the host Council.</p> <p>Training of appropriate officers by host Council in their adopted policies and procedures.</p> <p>The Constitution of the Authority is linked to the host Council policies and procedures.</p> <p>Bespoke health and safety risk assessments in place which consider all the risks to officers of the Authority while carrying out their duties.</p> | 2  | 3               | L  |   | EG<br>SZ            |

| RR No | DESCRIPTION OF RISK  | INITIAL EVALUATION<br>(No controls in place) |                 | RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | CURRENT CONTROL MEASURES<br>(Existing)   | RESIDUAL EVALUATION<br>(After existing controls) |                 | REVISED RISK RATING<br>Low (L)<br>Medium (M)<br>High (H) | ADDITIONAL CONTROLS REQUIRED<br>(To be implemented) | Responsible Officer |
|-------|--|--|-----------------|--|--|--|-----------------|--|---|---------------------|
|       |  | LIKELIHOOD<br>(1-5)                          | IMPACT<br>(1-5) |  |  | LIKELIHOOD<br>(1-5)                              | IMPACT<br>(1-5) |  |   |                     |
| 9     | Failure to discharge responsibilities as a Port Health Authority under domestic Public Health and International Health Regulations leading to a risk to public health; breach of legislation; litigation; public enquiries; and inquests which may result in special measures being put into place by external regulators and reputational damage. | 4  | 4               | H  | <p>Officers possessing necessary qualifications and competencies to enforce the designated legislation.</p> <p>Adequate staff available to the Authority.</p> <p>Full adherence, consideration and appropriate decision making in relation to the relevant statutory and non-statutory Codes of Practice and guidance.</p> <p>Performance Management arrangements on a team and individual basis.</p> <p>Appropriate Quality Management system in place.</p> | 2  | 2               | L  |   | EG SZ               |

# Member Report Update - Port Invasive Mosquito Surveillance Programme



**Public**

To: River Tees Port Health Authority

From: Corporate Director of Adult Care and Health    Decision: Information

Portfolio: River Tees Port Health Authority

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**1. To inform members of the Port Invasive Mosquito Surveillance programme.**

1.1 RTPHA has been participating in the Port Invasive Mosquito Surveillance (PIMS) programme since 4<sup>th</sup> March 2016. The programme is led by Public Health England (PHE), the Association of Port Health Authorities (APHA), and the University of Edge Hill. The purpose of PIMS programme is for port health authorities in England to monitor for invasive mosquitos at points of entry in accordance with the programme criteria.

1.2 There are five traps located around Tees Dock, two in the steel export terminal, one at 'five shed' and two in CAT UK's former shed. The frequency of checks has been increased from April 2017 to every two weeks. Any insects found in the traps are forwarded to the biology department of the University of Edge Hill for identification.

A recent Journal article appeared in the Lance (Appendix F) that provides further information on why we are carrying out the surveillance.

**2. What will this achieve?**

2.1 The value of this project could be particularly significant given increased risks identified in terms of climate change and the ability of the mosquito to adapt to colder climates.

The programme will also identify any need for control measures and make recommendations which could be critical to protecting public health.

**3. How will it happen and how will we tell people about it?**

3.1 The traps are in place at the above locations and are currently being monitored every four weeks.

Monthly updates are provided to PHE who report to the Cabinet Office as the programme is relevant to the UK's response and preparedness for Zika virus.

The joint board will be provided with updates of the findings and outcomes of the project.

**4. What are the risks involved?**

- 4.1 There are no specific risks to the Authority by being involved in this programme. It is led by national agencies and the findings of the surveillance will be evaluated.

Port health officers have been given specific instruction on the handling and emptying of the traps. The health and safety of the officers managing the traps has been considered as part of RTPHA's risk assessment process.

**5. How will it deliver our priorities and improve our performance?**

- 5.1 Participation in the project delivers our priorities in terms of complying with the requirements of the International Health Regulations 2005 and protecting public health.

**6. What will it cost?**

- 6.1 There are no actual costs to participate in this project other than officer time. Monitoring the traps is incorporated into the routine delivery of port health services.

**7. Are there any legal considerations?**

- 7.1 Participation in the project ensures that the Authority is complying with the International Health Regulations 2005 and there are no other specific considerations.

**8. Who have we talked to about it?**

- 8.1 Alexander Vaux and Jolyon Medlock, Medical Entomology, Public Health England, Porton Down, Salisbury, SP4 0JG.  
Thom Dallimore and Clare Strode, Edge Hill University, Biology Department, Edge Hill University, St. Helens Road, Ormskirk, Lancashire, L39 4QP.  
Lynette Crossley, Manchester Port Health Authority.  
Officers and representatives of the Riparian Authorities.

**9. What options have been considered?**

- 9.1 The Authority could choose not to participate in this project however it is in the Authority's best interest to be involved in programmes which ensure legal compliance and protect public health.

**10. Recommendations**

- 10.1 That the Authority continues to participate in the PIMS programme.

**11. Further information**

- 11.1 Appendix 1 - Map of the port and location of traps.  
Appendix F – Journal article on the Detection of the Invasive Mosquito Species *Aedes Albopictus* in Southern England

12. **Background Papers**

12.1 <http://ecdc.europa.eu/en/healthtopics/vectors/mosquitoes/Pages/aedes-albopictus.aspx>

13. **Contact Officer**

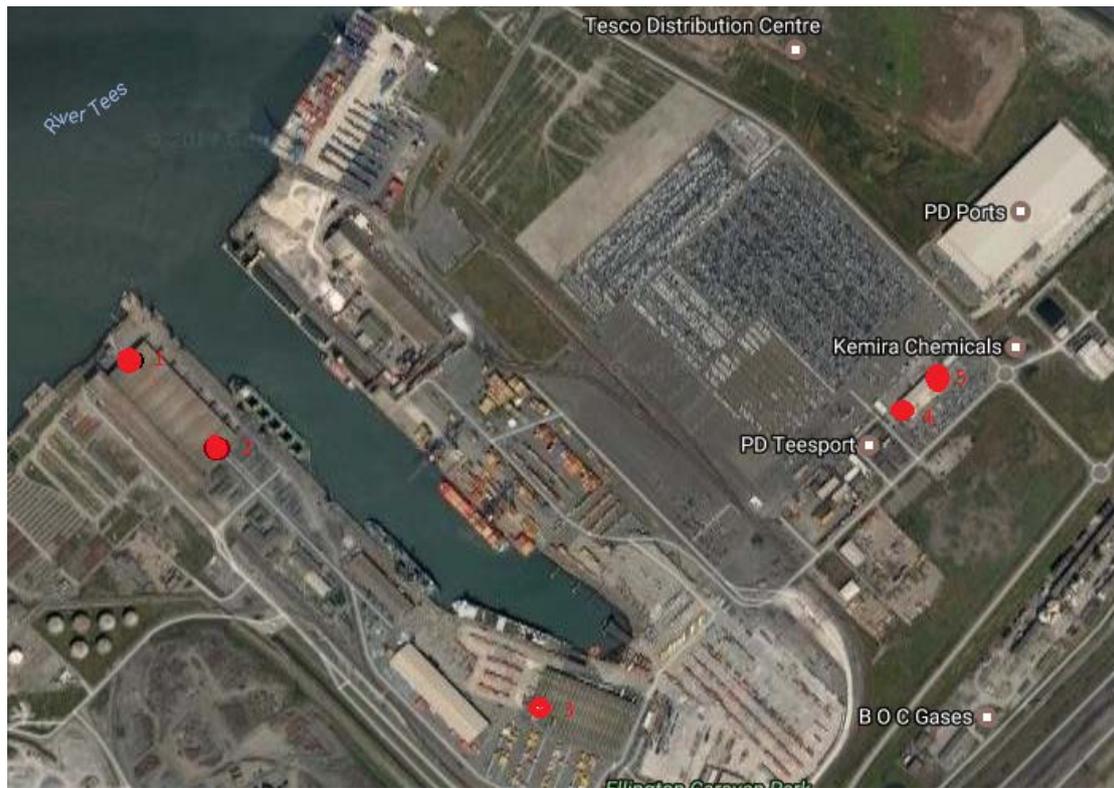
Name: Sue Ziolkowski, Principal Environmental Health Officer  
(Commercial).

Address: Redcar and Cleveland Borough Council, Belmont House, Rectory  
Lane, Guisborough, TS14 7FD.

Telephone: 01287 612404.

Email: [susan.ziolkowski@redcar-cleveland.gov.uk](mailto:susan.ziolkowski@redcar-cleveland.gov.uk)

## Appendix 1 - Map of Tees Dock and location of traps



- 1 - Steel export terminal – P Reception
- 2 - Steel export terminal – B reception
- 2 - Five shed
- 3 - CAT UK former shed – West fire exit
- 4 - CAT UK former shed – East fire exit

- 4 Raad I, Hanna H, Jiang Y, et al. Comparative activities of daptomycin, linezolid, and tigecycline against catheter-related methicillin-resistant *Staphylococcus bacteremic* isolates embedded in biofilm. *Antimicrob Agents Chemother* 2007; **51**: 1656–60.
- 5 Meije Y, Almirante B, Del Pozo JL, et al. Daptomycin is effective as antibiotic-lock therapy in a model of *Staphylococcus aureus* catheter-related infection. *J Infect* 2014; **68**: 548–52.

## Detection of the invasive mosquito species *Aedes albopictus* in southern England

A Review<sup>1</sup> in *The Lancet Infectious Diseases* highlighted the threat to the UK posed by incursion of invasive mosquitoes with the potential to establish<sup>2</sup> and to act as vectors for arboviruses such as dengue, chikungunya, and Zika viruses. We report the first detection of the Asian tiger mosquito, *Aedes albopictus*, in the UK.

As part of UK-wide efforts to detect the incursion of invasive mosquitoes, Public Health England's (PHE) Medical Entomology group have been coordinating a network of mosquito traps. UK seaports and airports have been monitored since 2010, in line with European Centre for Disease Prevention and Control guidelines.<sup>3</sup> PHE have also done surveillance at the largest UK importers of used tyres and, since 2014, at a network of motorway service stations in southeast England. Owing to the existence of *A albopictus* in 27 states in the European Union, and its spread in the last 1–2 years through the French highway systems, the mosquito might arrive in the UK in vehicles from continental Europe through the ferry ports and Eurotunnel.

As part of this network of trapping sites at motorway service stations across Kent, Surrey, and Hampshire (all in southeast England) over the past 3 years, mosquito traps have been run each year between June

and October and checked every 10–14 days to detect both egg (ovitraps) and adult stages of invasive mosquitoes (Gravid *Aedes* traps [BG-GAT] and BG Mosquitoire traps; Biogents, Regensburg, Germany). 37 eggs of *Aedes* spp were detected in one ovitrap in late September, 2016, in a lorry park at Folkestone service station, near Westenhanger, Kent (N 51° 5' 42.0", E 01° 2' 31.2"), close to the Eurotunnel. Eggs were morphologically identified as *A albopictus* using scanning electron microscopy, with identification confirmed with MALDI-TOF mass spectrometry on Sept 30, 2016. Eggs collected from the ovitraps were reared through to adults, and the species was confirmed with larval and adult morphology. All traps were resurveyed every 3–4 days after detection. Five additional ovitraps and one BG Mosquitoire trap were placed around the site of the positive ovitrap. Control of mosquito aquatic habitats was done by the local authority within a 300 m radius. Enhanced surveillance continued through to early November, 2016, and no adult mosquitoes or any further eggs have so far been detected.

Arrival of *A albopictus* in the UK has long been suspected<sup>2</sup> and climate-based modelling predicted that southern England could be warm enough for establishment of the mosquito through overwintering of diapausing eggs, with several months of adult activity.<sup>2,4,5</sup> It is therefore prudent to ensure that all efforts are made to prevent *A albopictus* and similar invasive disease vector mosquitoes (*Aedes aegypti*, *Aedes japonicus*, and *Aedes koreicus*), currently established in Europe, from establishing in the UK.<sup>6</sup> The finding of eggs in one ovitrap is not evidence of establishment nor an elevated disease risk, and it might be indicative of one individual female mosquito having entered the UK in a vehicle from continental Europe. Eggs could potentially overwinter

in the UK; therefore, subsequent surveillance in spring and early summer 2017 will be a priority. We encourage further engagement with ports and highway system operators to assist with ongoing surveillance efforts. We also encourage the public to continue to report nuisance biting mosquito issues to PHE so that any possible sightings can be followed up.

We declare no competing interests. JMM is affiliated to the National Institute for Health Research Health Protection Research Unit (NIHR HPRU) in Emerging and Zoonotic Infections at University of Liverpool in partnership with Public Health England (PHE), in collaboration with Liverpool School of Tropical Medicine. JMM is based at PHE. The views expressed are those of the author(s) and not necessarily those of the NHS, the NIHR, the Department of Health, or Public Health England.

\*Jolyon M Medlock, Alexander GC Vaux, Benjamin Cull, Francis Schaffner, Emma Gillingham, Valentin Pfluger, Steve Leach  
jolyon.medlock@phe.gov.uk

Medical Entomology Group, Emergency Response Department, Public Health England, Porton Down, Salisbury, UK (JMM, AGCV, BC, EG, SL); Health Protection Research Unit in Emerging and Zoonotic Infections, Porton Down, Salisbury, UK (JMM); National Centre for Vector Entomology, Institute of Parasitology, University of Zurich, Zurich, Switzerland (FS); and Mabritec SA, Riehen, Switzerland (VP)

- 1 Medlock JM, Leach SA. Effect of climate change on vector-borne disease risk in the UK. *Lancet Infect Dis* 2015; **15**: 721–30.
- 2 Medlock JM, Avenell D, Barras I, Leach S. Analysis of the potential for survival and seasonal activity of *Aedes albopictus* in the United Kingdom. *J Vector Ecol* 2006; **31**: 292–304.
- 3 Schaffner F, Bellini R, Petrić D, Scholte E-J, Zeller H, Marrama Rakotoarivony L. Development of guidelines for the surveillance of invasive mosquitoes in Europe. *Parasit Vectors* 2013; **6**: 209.
- 4 European Centre for Disease Prevention and Control. Development of *Aedes albopictus* risk maps. Stockholm: European Centre for Disease Prevention and Control, 2009. [http://www.ecdc.europa.eu/en/publications/Publications/0905\\_TER\\_Development\\_of\\_Aedes\\_Alboipictus\\_Risk\\_Maps.pdf](http://www.ecdc.europa.eu/en/publications/Publications/0905_TER_Development_of_Aedes_Alboipictus_Risk_Maps.pdf) (accessed Nov 9, 2016).
- 5 Caminade C, Medlock JM, Ducheyne E, et al. Suitability of European climate for the Asian tiger mosquito *Aedes albopictus*: recent trends and future scenarios. *J R Soc Int* 2012; **9**: 2708–17.
- 6 Schaffner F, Mathis A. Dengue and dengue vectors in the WHO European region: past, present, and scenarios for the future. *Lancet Infect Dis* 2014; **14**: 1271–80.



# Member Report

## Performance summary for RTPHA February 2017 to April 2017

### Public

**To:** River Tees Port Health Authority

**From:** Director of Adult Care and Health

**Decision:** Information

**Portfolio:** River Tees Port Health Authority

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#### 1 What is the purpose of the report?

- 1.1 To provide a summary of the performance of RTPHA from February 2017 to April 2017.
- 1.2 The performance summary provides a breakdown of the number of ships entering each Riparian Authority area and details of controls for imported food, feed and relevant products.

#### 2. Background Papers

1. Report for February 2017
2. Report for March 2017
3. Report for April 2017

#### 3. Contact Officer

**Name:** Sue Ziolkowski, Principal Environmental Health Officer (Food and Port Health)

**Address:** Environmental Health (Commercial), Belmont House, Rectory, Lane, Guisborough, TS14 7FD

**Telephone:** 01287 612404

**Email:** susan.ziolkowski@redcar-cleveland.gov.uk

## RIVER TEES PORT HEALTH AUTHORITY

To: Chair and Members of the Joint Board

Report for the month of: **February 2017**

### 1. ACTIVITY SUMMARY- SHIPS

| LOCAL AUTHORITY | NO OF SHIPS ENTERING THE PORT | SHIP SANITATION CONTROL | SHIP SANITATION EXEMPTION | ROUTINE SHIP INSPECTIONS |
|-----------------|-------------------------------|-------------------------|---------------------------|--------------------------|
| Hartlepool      | 0                             | 0                       | 0                         | 0                        |
| Middlesbrough   | 7                             | 0                       | 1                         | 0                        |
| Redcar          | 143                           | 1                       | 5                         | 0                        |
| Stockton        | 133                           | 0                       | 6                         | 0                        |
| Total           | 283                           | 1                       | 12                        | 0                        |

### 2. SAMPLING

Number of water samples taken and submitted for examination: 13

### 3. INFECTIOUS DISEASE NOTIFICATIONS/ INCIDENTS

Number of infectious disease notifications: 0

Number of service requests: 0

### 4. THIRD COUNTRY IMPORT CONTROLS

|                    | FOOD | FEED | PLASTIC KITCHENWARE | NON-FOOD OR FEED VERIFICATION |
|--------------------|------|------|---------------------|-------------------------------|
| Manifests Checked  | 100% | 100% | 100%                | 100%                          |
| Consignments       | 60   | 1    | 3                   | 24                            |
| Documentary Checks | 0    | 0    | 3                   | 0                             |
| Identity Checks    | 0    | 0    | 1                   | 0                             |
| Physical Checks    | 0    | 0    | 1                   | 0                             |
| Samples            | 0    | 0    | 1                   | 0                             |
| Notices Served     | 0    | 0    | 0                   | 0                             |

Total manifests checked: 75

**5. THIRD COUNTRY FOOD, FEED AND RELEVANT PRODUCTS ENTERING TEESPORT**

| <b>FOOD</b>     | <b>COUNTRY OF ORIGIN</b>                              |
|-----------------|---|
| Wine            | Australia, New Zealand, South Africa                  |
| Vodka           | Russia  |
| Tea             | Indonesia, India, Kenya, Mozambique, Rwanda, Tanzania |
| Coffee          | Indonesia, Brazil, Colombia, Peru                     |
| Citric Acid     | China   |
| Pickled Peppers | Turkey  |

| <b>FEED</b>     | <b>COUNTRY OF ORIGIN</b> |
|-----------------|--------------------------|
| Safflower Seeds | Russia                   |

| <b>NON-FOOD OR FEED VERIFICATION</b> | <b>COUNTRY OF ORIGIN</b>  |
|--------------------------------------|---|
| Used Cooking Oil                     | Indonesia, Singapore, South Africa, Qatar, Australia, Hong Kong, Taiwan, Malaysia, Oman, Dubai, Egypt, Kuwait |

| <b>PLASTIC KITCHENWARE</b>                                | <b>COUNTRY OF ORIGIN</b> |
|---|--------------------------|
| Plastic Kitchenware including trays, turners, mashers etc | China and Hong Kong      |

## RIVER TEES PORT HEALTH AUTHORITY

To: Chair and Members of the Joint Board

Report for the month of: **March 2017**

### 1. ACTIVITY SUMMARY- SHIPS

| LOCAL AUTHORITY | NO OF SHIPS ENTERING THE PORT | SHIP SANITATION CONTROL | SHIP SANITATION EXEMPTION | ROUTINE SHIP INSPECTIONS |
|-----------------|-------------------------------|-------------------------|---------------------------|--------------------------|
| Hartlepool      | 1                             | 0                       | 1                         | 0                        |
| Middlesbrough   | 16                            | 0                       | 0                         | 0                        |
| Redcar          | 166                           | 0                       | 4                         | 0                        |
| Stockton        | 153                           | 0                       | 3                         | 0                        |
| Total           | 336                           | 0                       | 8                         | 0                        |

### 2. SAMPLING

Number of water samples taken and submitted for examination: 27

### 3. INFECTIOUS DISEASE NOTIFICATIONS/ INCIDENTS

Number of infectious disease notifications: 0

Number of service requests: 0

### 4. THIRD COUNTRY IMPORT CONTROLS

|                    | FOOD | FEED | PLASTIC KITCHENWARE | NON-FOOD OR FEED VERIFICATION |
|--------------------|------|------|---------------------|-------------------------------|
| Manifests Checked  | 100% | 100% | 100%                | 100%                          |
| Consignments       | 65   | 2    | 3                   | 17                            |
| Documentary Checks | 1    | 1    | 3                   | 0                             |
| Identity Checks    | 1    | 1    | 0                   | 0                             |
| Physical Checks    | 1    | 1    | 0                   | 0                             |
| Samples            | 1    | 1    | 0                   | 0                             |
| Notices Served     | 0    | 0    | 0                   | 0                             |

Total manifests checked: 62

**5. THIRD COUNTRY FOOD, FEED AND RELEVANT PRODUCTS ENTERING TEESPORT**

| <b>FOOD</b> | <b>COUNTRY OF ORIGIN</b>                     |
|-------------|--|
| Tea         | Kenya, Tanzania, Rwanda, China, India        |
| Coffee      | Kenya, Brazil                                |
| Wine        | Chile, New Zealand, South Africa, Australia, |
| Water       | Turkey                                       |

| <b>FEED</b>    | <b>COUNTRY OF ORIGIN</b> |
|----------------|--------------------------|
| Clinoptilolite | Turkey                   |

| <b>NON-FOOD OR FEED VERIFICATION</b> | <b>COUNTRY OF ORIGIN</b>  |
|--------------------------------------|---|
| Used Cooking Oil                     | Singapore, China, Australia, United Arab Emirates, Indonesia, Hong Kong, Saudi Arabia, Qatar, Malaysia, Dubai, Kuwait |

| <b>PLASTIC KITCHENWARE</b>                                 | <b>COUNTRY OF ORIGIN</b> |
|--|--------------------------|
| Plastic Kitchen ware including trays, turners, mashers etc | China and Hong Kong      |

# RIVER TEES PORT HEALTH AUTHORITY

To: Chair and Members of the Joint Board

Report for the month of: **April 2017**

## 1. ACTIVITY SUMMARY- SHIPS

| LOCAL AUTHORITY | NO OF SHIPS ENTERING THE PORT | SHIP SANITATION CONTROL | SHIP SANITATION EXEMPTION | ROUTINE SHIP INSPECTIONS |
|-----------------|-------------------------------|-------------------------|---------------------------|--------------------------|
| Hartlepool      | 0                             | 0                       | 0                         | 0                        |
| Middlesbrough   | 11                            | 0                       | 0                         | 0                        |
| Redcar          | 141                           | 0                       | 1                         | 0                        |
| Stockton        | 152                           | 0                       | 8                         | 0                        |
| Total           | 304                           | 0                       | 9                         | 0                        |

## 2. SAMPLING

Number of water samples taken and submitted for examination:

| LOCAL AUTHORITY | NO OF SHIP SAMPLES | NO OF JETTY SAMPLES |
|-----------------|--------------------|---------------------|
| Hartlepool      | 0                  | 0                   |
| Middlesbrough   | 0                  | 0                   |
| Redcar          | 1                  | 0                   |
| Stockton        | 8                  | 0                   |
| Total           | 9                  | 0                   |

## 3. INFECTIOUS DISEASE NOTIFICATIONS/ INCIDENTS

Number of infectious disease notifications: 0

Number of service requests: 0

#### 4. THIRD COUNTRY IMPORT CONTROLS

|                    | <b>FOOD</b> | <b>FEED</b> | <b>PLASTIC KITCHENWARE</b> | <b>NON-FOOD OR FEED VERIFICATION</b> |
|--------------------|-------------|-------------|----------------------------|--------------------------------------|
| Manifests Checked  | 100%        | 100%        | 100%                       | 100%                                 |
| Consignments       | 74          | 1           | 5                          | 14                                   |
| Documentary Checks | 0           | 0           | 5                          | 0                                    |
| Identity Checks    | 0           | 0           | 1                          | 0                                    |
| Physical Checks    | 0           | 0           | 1                          | 0                                    |
| Samples            | 0           | 0           | 1                          | 0                                    |
| Notices Served     | 0           | 0           | 0                          | 0                                    |

Total manifests checked: 52

#### 5. THIRD COUNTRY FOOD, FEED AND RELEVANT PRODUCTS ENTERING TEESPORT

| <b>FOOD</b> | <b>COUNTRY OF ORIGIN</b>                                   |
|-------------|--|
| Vodka       | Russia   |
| Coffee      | Nicaragua, El Salvador, Honduras, Brazil, Indonesia, Kenya |
| Tea         | India, Kenya, Sri Lanka, Tanzania, Rwanda                  |
| Citric Acid | China  |
| Wine        | South Africa, New Zealand, Chile, Australia                |
| Tequila     | Mexico   |

| <b>FEED</b>    | <b>COUNTRY OF ORIGIN</b> |
|----------------|--------------------------|
| Clinoptilolite | Turkey                   |

| <b>NON-FOOD OR FEED VERIFICATION</b> | <b>COUNTRY OF ORIGIN</b>   |
|--------------------------------------|--|
| Used Cooking Oil                     | China, Saudi Arabia, Malaysia, Australia, Qatar, Indonesia, United Arab Emirates, Australia, Hong Kong |

| <b>PLASTIC KITCHENWARE</b>                                 | <b>COUNTRY OF ORIGIN</b> |
|--|--------------------------|
| Plastic Kitchen ware including trays, turners, mashers etc | China and Hong Kong      |



# Member Report

## Financial Position for 2016/17 & Unaudited Accounts

### Public

|                   |   |                       |              |
|-------------------|---|-----------------------|--------------|
| <b>To:</b>        | River Tees Port Health Authority          | <b>Date:</b>          | 02 June 2017 |
| <b>From:</b>      | Corporate Director of Corporate Resources | <b>Decision type:</b> | Key - Budget |
| <b>Portfolio:</b> | Corporate Resources                       | <b>Forward Plan</b>   | n/a          |
| <b>Outcome:</b>   | Business improvement                      | <b>reference:</b>     |              |
| <b>Ward(s):</b>   |   |                       |              |

#### 1 What is the purpose of this report?

- 1.1 To present to Members the performance against budget for the River Tees Port Health Authority for the 2016/17 financial year on revenue activities. This is an integral element of performance management.
- 1.2 To outline the statutory approval process for the accounts for the Authority and the external audit of these accounts.

#### 2 What is the background to this report?

- 2.1 At its meeting on 4 December 2015 the Authority agreed a net revenue budget of £104,750 for the 2016/17 financial year. This report will outline the financial position and performance of the Authority against this budget at 31<sup>st</sup> March 2017. Members should scrutinise the financial activities and assets and liabilities as appropriate
- 2.2 Under the Accounts and Audit regulations 2015 the River Tees Port Health Authority is categorised as a small body for final accounts and audit purposes. This means that unlike for local authorities a full Statement of Accounts governed by the local authority code of accounting practice is not required. Members may recall that until 2003 this was a requirement for RTPHA.
- 2.3 The regulations do however require that an Annual Return covering the income & expenditure and assets & liabilities on revenue based activities is produced and that this is audited in line with the above regulations.
- 2.4 The annual return for the 2016/17 financial year has been prepared and is about to be sent to the Authority's appointed external auditors – BDO LLP. The summary details for this return are set out in this report, as are the primary financial statements for the Authority; the Income and Expenditure account, and the Balance Sheet.

### 3 Who will this benefit and how?

- 3.1 This will ensure that the Authority will be compliant with the current legislation and proper practices in terms of financial management. As such it will cover the Riparian authorities and all of the Tees Valley population in terms of a fit for purpose River Tees Port Health organisation.

### 4 Who have we consulted?

- 4.1 The report has been prepared in consultation with the Directors of Corporate Resources and Public Health for Redcar and Cleveland Borough Council, and the individual port health officers at each of the Riparian authorities.

### 5 How will it deliver our priorities and improve our performance?

- 5.1 Investment in Port Health services has been earmarked as an ongoing priority by the Tees Valley Chief Executives. In addition the debate on funding levels for local councils has been the driver for improved operational performance, with the service being provided at higher levels of performance for a lower overall cost.

### 6 What are the resource implications (financial, human resources)?

- 6.1 The table below shows a summary of the operating expenditure and income incurred by the Authority, against the approved budget for the 2016/17 financial year:

|  | <b>Original<br/>Budget<br/>£</b> | <b>Actual<br/>£</b> | <b>Variance<br/>£</b> |
|--|----------------------------------|---------------------|-----------------------|
| <b>Staff Costs</b>   | 86,300                           | 87,378              | 1,078                 |
| <b>Other Operating Costs</b>                                 | 48,450                           | 49,179              | 729                   |
| <b>Total Expenditure</b>                                     | <b>134,750</b>                   | <b>136,557</b>      | <b>1,807</b>          |
| <b>Income</b>  | <b>-30,000</b>                   | <b>-34,405</b>      | <b>-4,405</b>         |
| <b>Net Expenditure</b>                                       | <b>104,750</b>                   | <b>102,152</b>      | <b>-2,598</b>         |
| <b>Drawdown from Reserves</b>                                | <b>0</b>                         | <b>0</b>            | <b>0</b>              |
| <b>Final position</b>  | <b>104,750</b>                   | <b>102,152</b>      | <b>-2,598</b>         |
| <b>Financed by Precepts from<br/>Constituent Authorities</b> |                                  |                     |                       |
| Hartlepool BC  | -2,095                           | -2,043              | 52                    |
| Middlesbrough BC   | -15,712                          | -15,322             | 390                   |
| Redcar & Cleveland BC  | -54,470                          | -53,119             | 1,351                 |
| Stockton BC  | -32,473                          | -31,668             | 805                   |
|  | <b>-104,750</b>                  | <b>-102,152</b>     | <b>2,598</b>          |

- 6.2 The main variances when compared to the revised budget are as follows:-

Staff Costs – Overspend of £1,078. The main issue in this area is an overspend of £1,800 on National Insurance due to an initial error in the budget setting process and a saving against the car allowances budget of £800.

Other Operating Costs – Overspend of £729. This reflects an increase of £1,600 in the SLA charge for the year, offset by a saving on the training budget of £850.

Income - £4,405 higher than budget. This was due to an over achievement of income against normal operating targets of £2,905 (see table below) mainly on water sampling fees, and an additional Feed Hygiene grant of £1,500 which was recognised late in 2016/17.

| <b>Income Type</b>         | <b>Budget</b> | <b>Actual</b> | <b>Over / (Under) to budget</b> |
|----------------------------|---------------|---------------|---------------------------------|
| Sanitation Certificates    | 18,900        | 19,290        | 390                             |
| High Risk Products Imports | 600           | 94            | (506)                           |
| Organic Certificates       | 300           | 405           | 105                             |
| RTPHA Permits (annual fee) | 1,500         | 2,217         | 717                             |
| Plastic Declaration        | 6,000         | 4,328         | (1,672)                         |
| Water Sampling             | 2,700         | 6,571         | 3,871                           |
| <b>Total</b>               | <b>30,000</b> | <b>32,905</b> | <b>2,905</b>                    |

The total under budget position relating to the financial year 2016/17 for the Authority is **£2,598**. Further analysis of the 2016/17 final outturn position can be seen in Appendix 1.

- 6.3 Balances carried forward in the table in section 6.1 are those amounts overpaid in this financial year which will be deducted from payments due for 2017/18, given that Members agree this as the appropriate course of action. The Treasurer will review the financial performance against budget for the 2016/17 year, and the resulting operational underspend, when recommending a budget for the 2018/19 in December.
- 6.4 The table below shows the Income and Expenditure account for 2016/17 together with the 2015/16 figures for comparison.

| <b>Income and Expenditure Account</b> | <b>2016/17 (£)</b> | <b>2015/16 (£)</b> |
|---------------------------------------|--------------------|--------------------|
| Staffing Costs                        | 87,378             | 84,930             |
| Other Operating Costs                 | 49,179             | 44,243             |
| <b>Total Expenditure</b>              | <b>136,557</b>     | <b>129,173</b>     |
| Income                                | (34,405)           | (29,936)           |
| <b>Net Expenditure</b>                | <b>102,152</b>     | <b>99,237</b>      |
| Drawdown from Reserves                | 0                  | (20,000)           |
| <b>Final Position</b>                 | <b>102,152</b>     | <b>79,237</b>      |

- 6.5 The table below shows the Balance Sheet (assets and liabilities) for the River Tees Port Health Authority as at 31<sup>st</sup> March 2017.

| <b>Balance Sheet</b>      | <b>2016/17 (£)</b> | <b>2015/16 (£)</b> |
|---------------------------|--------------------|--------------------|
| <b>Current Assets:</b>    |                    |                    |
| Debtors General           | 4,807              | 6,149              |
| Cash in Hand              | 17,791             | 40,301             |
| <b>Net Current Assets</b> | <b>22,598</b>      | <b>46,450</b>      |

|                            |                |                 |
|----------------------------|----------------|-----------------|
| <b>Current Liabilities</b> |                |                 |
| Creditors – Other LA's     | (2,598)        | (26,450)        |
| <b>Net Liabilities</b>     | <b>(2,598)</b> | <b>(26,450)</b> |
| <b>Net Assets</b>          | <b>20,000</b>  | <b>20,000</b>   |
| <b>General Reserves</b>    | <b>20,000</b>  | <b>20,000</b>   |

6.6 A simple explanation of the balance sheet entries above is as follows:

**Debtors - General** – this is income due from third parties in 2016/17 not yet received in cash by the Authority;

**Cash in Hand** – the net value of cash held by the Authority after all assets and liabilities are taken in to account on budgeted activity;

**Creditors – OLA** – This represents the refunds due to the three other contributing local authorities (excluding RCBC) from the previous financial year;

**General Reserves** – The funds established in 2011/12 to create a general reserve contingency buffer to be used against unanticipated fluctuations in both costs and income for the Authority. This amount was reduced by £20k to £20k in 2015/16 following further analysis and explanation of the risks facing the Authority.

## 7 What will be the impact on equality and diversity?

7.1 There will be no impact on equality and diversity from this report.

## 8 What will be the impact on our carbon footprint?

8.1 There is no impact from this report on our carbon footprint.

## 9 Are there any legal considerations?

9.1 This report is presented under the Accounts and Audit Regulations 2015 where small body organisations are required to prepare an income and expenditure return and to undertake an external assessment of these financial results.

9.2 Under current legislation (Local Audit and Accountability Act 2014) it is required that the Authority make the Accounts available for public inspection prior to going forward to external audit.

9.3 **30 May – 6 June 2017:** Advert giving notice on the internet ([www.teesporthealth.co.uk](http://www.teesporthealth.co.uk)) informing electors of key dates for exercising their rights to inspect the Accounts.

**7 June – 18 July 2017:** Accounts made available at Redcar & Cleveland House, Kirkleatham Street, Redcar for inspection by electors of the borough for thirty working days (which includes the first 10 working days of July).

**3 July 2017:** Annual Return and supporting documentation to be submitted to BDO LLP, Southampton, our external auditors.

## **10 What are the risks involved?**

- 10.1 The risk is that the appropriate financial management and governance processes are not in place for RTPHA and as such the body is exposed to risk and malpractice.

## **11 What options have been considered?**

- 11.1 The management of the Authority's budget and its external audit process is critical to the ongoing operations of the Port Health Service. As such no options are available

## **12 What is the reason for the recommended option?**

- 12.1 Not applicable for this report.

## **13 Recommendations**

- 13.1 It is recommended that Members should:

1. Note the statement of performance against budget for 2016/17 and the reasons for the budget variations.
2. Approve the underspend against the revised budget of £2,598, and that these amounts are then netted off against payments to be made by each riparian authority for their 2017/18 precepts.
3. Approve the unaudited accounts for the River Tees Port Health Authority for 2016/17.
4. Approve the Chair to sign Section 1- the Annual Governance Statement of the Annual Return to enable it to be forwarded to BDO LLP by the return deadline of 03 July 2017.
5. Approve the Chair to sign Section 2 – the Accounting Statements of the Annual Return to enable it to be forwarded to BDO LLP by the return deadline of 03 July 2017.

## **14 Appendices and further information**

- 14.1 Appendix 1 – Detailed Comparison of 2016/17 budget for RTPHA

## **15 Background papers**

- 15.1 No background papers other than published works were used in writing this report.

## **16 Contact officer**

- 16.1 Name: Justin Weston  
Position: Deputy Treasurer to the River Tees Port Health Authority  
Address: Redcar & Cleveland House, Redcar  
Telephone: 01642 444306  
Email: Justin.weston@redcar-cleveland.gov.uk

Appendix 1

**RIVER TEES PORT HEALTH AUTHORITY**

**BUDGET MONITORING POSITION 2016/17  
FINAL OUTTURN POSITION AT END OF  
MARCH 2017**

|       |                              | <b>Budget<br/>2016/17</b> | <b>Outturn<br/>2016/17</b> | <b>Variance</b> |
|-------|------------------------------|---------------------------|----------------------------|-----------------|
| R1000 | Basic Pay                    | 66,200                    | 66,212                     | 12              |
| R1001 | NI Contributions             | 5,000                     | 6,777                      | 1,777           |
| R1003 | Overtime                     | 600                       | 540                        | -60             |
| R1006 | Superann Contributions       | 10,000                    | 10,102                     | 102             |
| R1063 | Other Allowances             | 2,500                     | 2,470                      | -30             |
| R3300 | Public Transport             | 0                         | 105                        | 105             |
| R3400 | Car Allowances               | 2,000                     | 1,172                      | -828            |
|       |                              | <b>86,300</b>             | <b>87,378</b>              | <b>1,078</b>    |
| R4000 | Tools & Equipment Purchase   | 500                       | 1,178                      | 678             |
| R1650 | Training Expenses            | 1,500                     | 666                        | -834            |
| R4200 | Clothing, Uniforms & Laundry | 250                       | 63                         | -187            |
| R4300 | Printing & Stationery        | 200                       | 19                         | -181            |
| R4305 | Photocopier Usage            | 50                        | 0                          | -50             |
| R4400 | Services - Professional Fees | 40,000                    | 41,184                     | 1,184           |
| R4507 | Mobile Phones                | 300                       | 360                        | 60              |
| R4531 | Computer Software            | 4,000                     | 3,540                      | -460            |
| R4610 | Subsistence                  | 0                         | 411                        | 411             |
| R4701 | Subscriptions                | 1,000                     | 1,000                      | 0               |
| R4960 | Public Liability Insurance   | 650                       | 650                        | 0               |
| R4985 | Write Offs                   | 0                         | 108                        | 108             |
|       |                              | <b>48,450</b>             | <b>49,179</b>              | <b>729</b>      |
| R9000 | Feed Hygiene Grant           | 0                         | 1,500                      | 1,500           |
| R9305 | Environmental Health         | 30,000                    | 32,905                     | 2,905           |
|       |                              | <b>30,000</b>             | <b>34,405</b>              | <b>4,405</b>    |
|       | Total Payable                | <b>104,750</b>            | <b>102,152</b>             | <b>-2,598</b>   |

| Contributions required based on agreed amounts as per Board meeting 04/12/2015 | <b>Budget<br/>2016/17</b> | <b>Actual as<br/>at 31/03/17</b> | <b>Projected<br/>Outturn<br/>2016/17</b> |
|--|---------------------------|----------------------------------|--|
| Middlesbrough 15%  | 15,712                    | 15,322                           | -390                                     |
| Stockton 31%   | 32,473                    | 31,668                           | -805                                     |
| Hartlepool 2%  | 2,095                     | 2,043                            | -52                                      |
| Redcar & Cleveland Borough Council 52%   | 54,470                    | 53,119                           | -1,351                                   |
|  | <b>104,750</b>            | <b>102,152</b>                   | <b>-2,598</b>                            |

**River Tees Port Health Authority 2017/18**

Friday 1 September 2017 at 10am

Friday 1 December 2017 at 10am

Friday 2 March 2018 at 10am

Friday 1 June 2018 at 10am - AGM