

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

Contact: Mrs S A Fenwick  
Direct line: (01642) 444413

21 August 2017

Dear Councillor,

**RIVER TEES PORT HEALTH AUTHORITY: FRIDAY 1 SEPTEMBER 2017**

Would you please note that a meeting of the River Tees Port Health Authority will be held on Friday 1 September 2017 at 10.00 a.m. at Middlesbrough Town Hall.

**A G E N D A**

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1. Apologies for Absence.	
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5. Report of the Deputy Treasurer:
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6. Any items that the Chair certifies as urgent.

Yours sincerely,

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

2 June 2017

**RIVER TEES PORT HEALTH AUTHORITY**

The annual meeting of the River Tees Port Health Authority was held on Friday 2 June 2017 at Middlesbrough Town Hall.

**PRESENT** Councillors Brown, Davies, Dean, Faulks, Foggo, Mrs Forster, Harrison, Norton, Mrs O'Donnell, Thomas, J Walker and Walters.

**OFFICIALS** M Burns, L Evans, S Fenwick, J Weston and S Ziolkowski (Redcar and Cleveland Borough Council).  
Peter Acheson, Port Medical Officer

1. **NOMINATION FOR MEMBERSHIP OF THE AUTHORITY 2017/18**

The Clerk to the River Tees Port Health Authority presented a report which advised Members of the nominations to the River Tees Port Health Authority which had been received from the constituent Riparian Authorities for the municipal year of 2017/18.

**RESOLVED** that the following nominations be agreed:

Councillor B Harrison	Hartlepool Borough Council
Councillor S Thomas	Hartlepool Borough Council
Councillor S Dean	Middlesbrough Borough Council
Councillor J McGee	Middlesbrough Borough Council
Councillor P Purvis	Middlesbrough Borough Council
Councillor J Walker	Middlesbrough Borough Council
Councillor M Walters	Middlesbrough Borough Council
Councillor D Brown	Stockton-on-Tees Borough Council
Councillor K 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

2 June 2017

2. **TO ELECT A CHAIRMAN FOR THE AUTHORITY FOR THE ENSUING MUNICIPAL YEAR 2017/2018**

**RESOLVED** that Councillor J Walker (Middlesbrough Borough Council) be elected as Chairman for 2017/18.

Councillor Walker then took the Chair for the remainder of the meeting.

3. **TO ELECT A VICE CHAIRMAN FOR THE AUTHORITY FOR THE ENSUING MUNICIPAL YEAR 2017/18.**

**RESOLVED** that Councillor D Brown (Stockton Borough Council) be elected as Vice Chairman for 2017/18.

4. **APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Johnson, Mason, McGee, Perry and Purvis.

5. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 4 March 2017 be confirmed and signed by the Chair as a correct record subject to Councillor Thomas's name being recorded in the list of apologies.

6. **AMENDMENTS TO THE RIVER TEES PORT HEALTH AUTHORITY CONSTITUTION**

The Interim Director of Adult Care and Health presented a report which sought approval to proposed changes to the River Tees Port Health Authority constitution taking into account changes to the Port Medical Officer.

**RESOLVED** that the changes to the constitution be accepted and the revised constitution be approved.

7. **RIVER TEES PORT HEALTH AUTHORITY SERVICE PLAN 2017/18**

The Interim Director of Adult Care and Health presented a report which sought approval to the River Tees Port Health Authority Service Plan for 2017-18. Members were advised that a Service Plan must be produced in accordance with the Food Standards Agency Framework Agreement for Official Feed and Food Controls by Local Authorities.

**RESOLVED** that the River Tees Port Health Authority Service Plan for 2017-18 be approved.

2 June 2017

8. **RIVER TEES PORT HEALTH AUTHORITY ENFORCEMENT POLICY 2017**

The Interim Director of Adult Care and Health presented a report which sought approval to the River Tees Port Health Authority Enforcement Policy for 2017. Members were advised that this policy had been reviewed and there were no significant changes to the current policy.

**RESOLVED** that the Enforcement Policy 2017 be approved.

9. **MEMORANDUM OF UNDERSTANDING BETWEEN RIVER TEES PORT HEALTH AUTHORITY AND THE RIPARIAN AUTHORITIES**

The Interim Director of Adult Care and Health presented to Members the Memorandum of Understanding between River Tees Port Health Authority and the riparian authorities.

Members were advised that the Memorandum set out the understanding of the River Tees Port Health Authority, under the management of Redcar and Cleveland Borough Council, 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 were also advised that each Authority was committed to abide by the principles and arrangements set out in the Memorandum.

**RESOLVED** that the information provided in the report be noted.

10.. **RIVER TEES PORT HEALTH AUTHORITY RISK MANAGEMENT STRATEGY AND CORPORATE RISK REGISTER**

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

Members were advised 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.

Members were reminded that the Risk Management Strategy would be reviewed and presented to Members annually and the Corporate Risk and Opportunity Register, which was under continuous review, would be presented on a quarterly basis.

2 June 2017

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

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

The Interim Director of Adult Care and Health presented a report which advised that the River Tees Port Health Authority had been participating in the Port Invasive Mosquito Surveillance programme since 4 March 2016. The programme was led by Public Health England, the Association of Port Health Authorities and the University of Edge Hill. The purpose of this programme was to monitor for invasive mosquitos at points of entry in accordance with the programme criteria.

Members were advised that five traps were located around Tees Dock, two in the steel export terminal, one at 'five shed' and two in CAT UK's former shed. All the traps were checked every two weeks and any insects found were forwarded to the biology department of the University of Edge Hill for identification.

**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 programme.

12. **PERFORMANCE SUMMARY FOR RIVER TEES PORT HEALTH AUTHORITY FEBRUARY TO APRIL 2015**

The Interim Director of Adult Care and Health presented a report which gave a summary of the performance of the River Tees Port Health Authority from February to April 2017. - **NOTED**

13. **FINANCIAL POSITION FOR 2016/17 & UNAUDITED ACCOUNTS**

The Treasurer presented a report which advised of the performance against the budget for the River Tees Port Health Authority for the 2016/2017 financial year on revenue activities.

Members were advised that the Authority had agreed a net revenue budget of £104,750 at its meeting on 4 December 2015. The report also outlined the financial position and performance of the Authority as at 31 March 2017, together with the statutory approval process for the accounts of the River Tees Port Health Authority and the external audit of the accounts.

**RESOLVED**

1. That the statement of performance against the budget for 2016/17 and the reasons for budget variations be noted;

2 June 2017

2. That the underspend against the revised budget of £2,598 be approved and these amounts are netted off against payments to be made by each riparian authority for their 2017/18 precepts.
3. That the unaudited accounts for the River Tees Port Health Authority for 2016/17 be approved;
4. That approval be given to the Chair to sign the Annual Governance Statement to enable it to be forwarded to BDO LLP by the return deadline of 3 July 2017.
5. That approval be given to the Chair to sign the Income and Expenditure Return to enable it to be forwarded to BDO LLP by the return deadline of 3 July 2017.

14. **DATES AND TIMES OF FUTURE MEETINGS OF THE RIVER TEES PORT HEALTH AUTHORITY 2017/18**

The Clerk advised Members of the dates and times of future meetings of River Tees Port Health Authority for 2017/18 - **NOTED**



# Member Report Amendment to RTPHA Constitution

**Public**

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

**From:** Corporate Director for Adult and Communities

**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 has been a change in the Directorate under which River Tees Port Health Authority sits.

**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, September 2017

**12. Background Papers**

None.

**13. Contact Officer**

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(Commercial).

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Borough Council, Belmont House, Rectory, Lane, Guisborough,  
TS14 7FD.

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# **River Tees Port Health Authority**

## **Constitution**

**For Approval  
September 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 and Communities Directorate of Redcar and Cleveland Borough Council is responsible for the management and delivery of port health services, and the Port Health service sits within the Environmental Health (Commercial) Team.

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 and Communities 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.

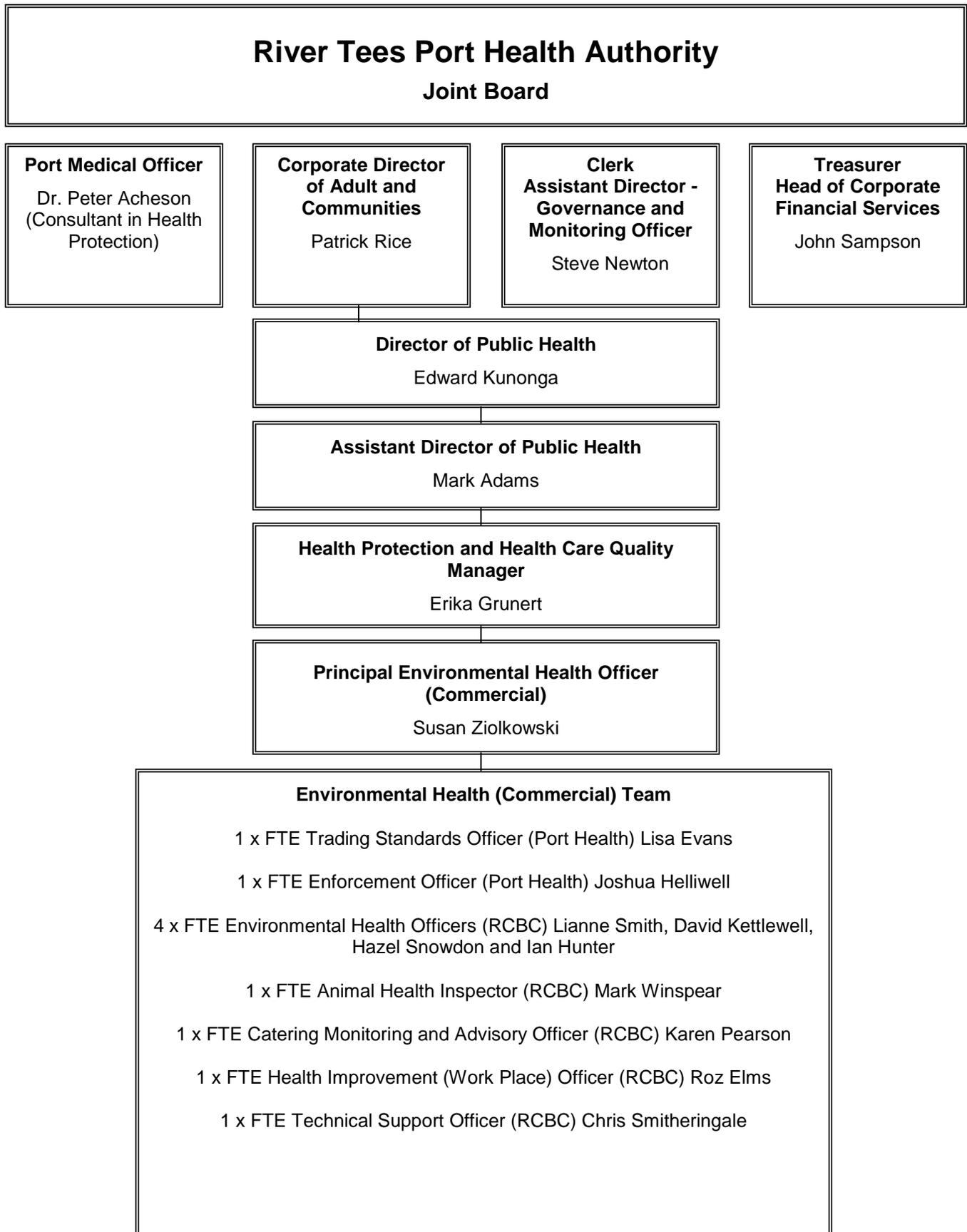
There are four officers, who report directly to the joint board:

- The Corporate Director of Adult and Communities, 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 and Communities, 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 and Communities 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; To appoint all staff below PEHO.	<ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult and Communities</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 and Communities 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 and Communities</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 and Communities.	<ul style="list-style-type: none"> <li>• Clerk</li> <li>• Treasurer</li> <li>• Corporate Director of Adult and Communities</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 and Communities</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 and Communities</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 and Communities</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 Adult and Communities, and the Treasurer.
14	Local Government Act 1972 – Proper Officer functions.	<ul style="list-style-type: none"> <li>• Clerk</li> <li>• Corporate Director of Adult and Communities</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.	• Treasurer	Joint board delegated.	
16	S.114 LG Act 1988. Requirement to report to authority if (a) unlawful expenditure (b) unbalanced budget.	• Treasurer	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.	• Treasurer	Joint board delegated.	
18	Attorney General v Dr. Winton 1906, fiduciary responsibility to local taxpayers.	• Treasurer	Joint board delegated.	
19	Agree payment dates for precepting authorities.	• Treasurer	Joint board delegated.	
20	Prepare Annual Accounts for Audit.	• Treasurer	Joint board delegated.	External Audit.
21	Approve adjustments to Accounts.	• Treasurer	Joint board delegated.	In consultation with the Clerk.
22	Review Insurance Contract.	• Treasurer	Joint board delegated.	In consultation with the Clerk and the Corporate Director of Adult and Communities.
23	Develop rolling Audit plan based on risk assessment.	• Treasurer	Joint board delegated.	
24	Reporting of serious weakness in systems and fraud and corruption to the Authority.	• Treasurer	Joint board delegated.	In consultation with the Clerk and the Corporate Director of Adult and Communities.
25	Implement the Authority's payroll system and monitor operation.	• Treasurer	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 Adult and Communities.
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 and Communities</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 and Communities</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 and Communities</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 and Communities</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 and Communities</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 and Communities</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 and Communities</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 and Communities</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: Public Analyst Food Examiner.	<ul style="list-style-type: none"> <li>• Corporate Director of Adult and Communities</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 and Communities</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 2016

- 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



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 Maggie Burns, 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 B – RTPHA Corporate Risk and Opportunity Register V14 September 2017.

**12. Background Papers**

12.1 None.

**13. Contact Officer**

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(Commercial).

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<b>Site:</b>	<b>Belmont House, Guisborough</b>
<b>Directorate:</b>	<b>Adult and Communities</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/14</b>
<b>Date of Current Version:</b>	<b>September 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				
		Zero to Very Low	Unlikely	Likely	Very Likely	Almost Certain				
		Likelihood								
Responsible Officer Key										
		SN		Steve Newton						
		EG		Erika Grunert						
		SZ		Susan Ziolkowski						
		JS		John Sampson						
		MB		Maggie Burns						
RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) 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 (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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 SN

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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		SN   SZ   EG SZ

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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 MB

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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 MB SZ

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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		MB EG

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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 SZ

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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 SZ

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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 SZ

RR No	DESCRIPTION OF RISK	INITIAL EVALUATION (No controls in place)		RISK RATING Low (L) Medium (M) High (H)	CURRENT CONTROL MEASURES (Existing)	RESIDUAL EVALUATION (After existing controls)		REVISED RISK RATING Low (L) Medium (M) High (H)	ADDITIONAL CONTROLS REQUIRED (To be implemented)	Responsible Officer
		LIKELIHOOD (1-5)	IMPACT (1-5)			LIKELIHOOD (1-5)	IMPACT (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 RTPHA Enforcement Policy 2017



**Public**

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

**From:** Corporate Director of Adult and Communities

**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 the Directorate under which River Tees Port Health Authority has changed.

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 September 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

**RTPHA ENFORCEMENT POLICY 2017**

<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 This may take the form of: <ul style="list-style-type: none"> <li>• Advice</li> <li>• Verbal warning</li> <li>• Written information</li> <li>• Inspection reports</li> </ul>	<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> <li>• Inspection reports</li> </ul>	<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>

<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>
	<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.
- Environmental Permitting Guidance and relevant Process Guidance Notes.



# Member Report

## RTPHA Sampling Policy 2017

### Public

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

**From:** Corporate Director for Adult and Communities

**Decision:** Executive

**Portfolio:** River Tees Port Health Authority

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

1.1 The Authority must have a sampling policy to ensure that sampling is carried out to protect public health, animal health and ensure fair trade.

2. **What will this achieve?**

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

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

3.1 The sampling 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 Sampling 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 a Sampling Policy for RTPHA.

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

5.1 The policy states the priorities of RTPHA when considering what food and feed samples are to be taken to protect public and animal health.

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 There are no legal considerations associated with this plan.

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 Sampling Policy 2017 be approved by members.

11. **Further information**

11.1 Appendix D – RTPHA Sampling Policy 2017.

12. **Background Papers**

12.1 None

13. **Contact Officer**

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

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Guisborough, TS14 7FD.

Telephone: 01287 612404.

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## **Environmental Health (Commercial)**

### **Port Health Service Sampling Policy**

#### **1. Introduction**

It is the policy of River Tees Port Health Authority (RTPHA) to carry out sampling of food, feed, water and relevant products to protect public and animal health and to ensure fair trade.

All sampling activities will be carried out in accordance with legal requirements, current guidance and the Authority's standard operating procedures. Officers carrying out the sampling will be authorised in accordance with Quality Management System Procedure QSP/F06 and in line with the delegated powers in the Constitution of RTPHA.

RTPHA will ensure that proper officers are appointed to carry out the examination and analysis of food, feed, water and relevant products.

This policy is supported by the Authority's Service Plan which is produced annually.

#### **2. Sampling Activities**

##### **Sampling of food, feed and relevant products**

RTPHA will produce a yearly sampling plan of which food and feed products should be considered for sampling. However deviations from the plan will always occur as the sampling of food, feed and relevant products must be determined by the following:

- (1) Requirements of legislation and associated guidance
- (2) New legislation
- (3) Trends identified from previous sampling activities
- (4) Intelligence and risk – the type of product, country of origin, history of compliance of the importer etc.
- (5) RASFF and other alerts

- (5) Food Standard Agency priorities
- (6) Participation in Local, Regional or National Surveys co-ordinated by Health Protection Agency, Association of Port Health Authorities or other agencies.

### **Water Sampling**

RTPHA will take samples of drinking water at the request of shipping agents and the port operator. Samples may also be taken for monitoring purposes. Sampling points will include onboard ship supplies and from designated drinking water supply points located within the port.

### **Analysis and Examination**

All samples of imported products will be formal samples. Samples for analysis will be submitted to the Public/Agricultural Analyst appointed by the Authority and samples for examination will be submitted to the Food Examiner of the Public Health England Laboratory.

Water samples will be informal samples and submitted to the Public Health England Laboratory for examination.

RTPHA will have regard for the opinions of the Food Examiner and Public/Agricultural Analyst for the interpretation of results including all relevant guidance.

### **Resources**

There is no specific budget for food sampling at the port, however, sampling will be carried out depending on intelligence, local and regional requirements, and surveys.

A grant of £1500.00 has been awarded from the Food Standards Agency for imported feed from 3<sup>rd</sup> countries for monitoring and sampling.

### **Review**

This policy will be reviewed on an annual basis and when there are significant changes to legislation, guidance or activities at the port.



# 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

**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**

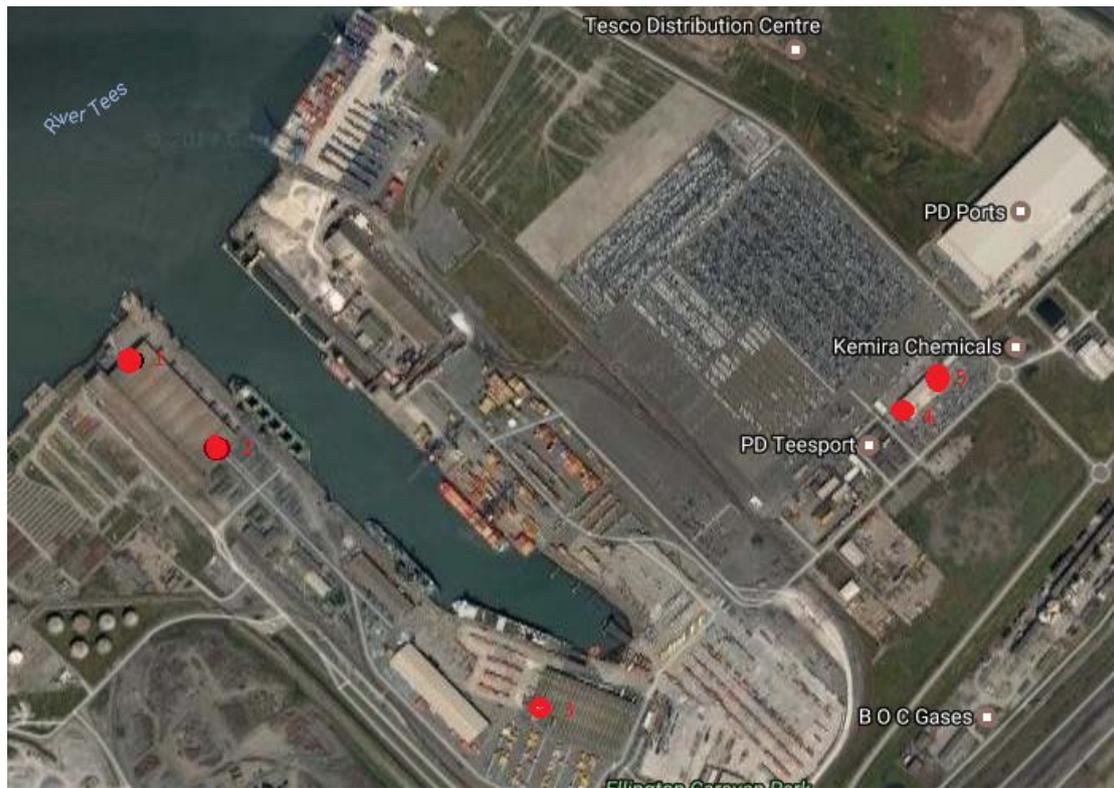
Name: Sue Ziolkowski, Principal Environmental Health Officer  
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## Appendix 1 - Map of Tees Dock and location of traps



- 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

# Member Report

## The Benefits of APHA Membership



**Public**

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

**From:** Corporate Director of Adult and Communities

**Decision:** Executive

**Portfolio:** River Tees Port Health Authority

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

1.1 To provide information on the benefits of APHA (Association of Port Health Authorities) Membership.

**2. What will this achieve?**

2.1 RTPHA subscribe to APHA on an annual basis and this document provides information to members on the benefits of membership.

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

3.1 The attached document is for information only.

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

4.1 Membership of APHA is costly and members need to be assured that they are getting value for money.

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

5.1 APHA promotes port health in the UK by assisting their Members in the provision of consistent, high quality services for the protection of public, animal and environmental health. They liaise with government departments and agencies, local authorities and internationally through the EU, the World Health Organisation and trade bodies. They contribute to national and international policy development and keeps members up to date with changes in legislation and guidance.

**6. What will it cost?**

6.1 The cost of corporate membership is currently £1000 +VAT per annum.

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

7.1 No

**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 options available at this time, the attached document is for information to Members.

**10. Recommendations**

No recommendations at this time.

**11. Further information**

Appendix E - The benefits of APHA membership

**12. Background Papers**

None.

**13. Contact Officer**

Name: Sue Ziolkowski, Principal Environmental Health Officer  
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# Association of Port Health Authorities



The Association of Port Health Authorities established in 1899, is the only UK wide organisation representing the interests of Local Authorities and Port Health Authorities with responsibilities for health controls at sea and airports. Port Health Authorities are constituted with the primary objective of preventing the introduction into the country of dangerous epidemic, contagious and infectious diseases and ensuring the wholesomeness of imported food.

There are members of the Association throughout the UK who actively work to share expertise and best practice to deliver a consistent and effective port health service. The Association welcomes applications from any organisation or individual with an interest and knowledge of port health matters; for example, medical and veterinary practitioners.

The Association plays an important role in protecting public health through liaison with government departments and agencies, local authorities and internationally through the EU, the World Health Organisation and trade bodies. It contributes significantly to national and international policy development and keeps its members up to date with changes in legislation and guidance.

With BREXIT on the horizon, it is essential that Port Health Authorities have a collective voice to ensure that emerging concerns are raised with relevant Government Departments.

The vision of the Association of Port Health Authorities is: *To be the lead agency in promoting port health in the UK by assisting our Members in the provision of consistent, high quality services for the protection of public, animal and environmental health.*

This vision will be achieved through the following aims and objectives:

- Promoting consistency amongst member authorities by developing policy, enforcement guidance, and identifying and disseminating good practice.
- Influencing central Government departments, Agencies and the European Commission regarding policy, legislation and enforcement.
- Supporting and promoting effective co-ordination, cooperation and collaborative arrangements between Local Authorities and Port Health Authorities.
- Developing effective partnership and collaborative working arrangements with key stakeholder organisations and relevant European and international agencies.
- Increasing capability of member authorities through the provision of training and information.
- Continuing to raise the profile of port health services with key stakeholders including local authorities, Government Departments and Agencies, European Commission, industry bodies and consumer organisations.
- Identifying and developing strategy and policy to tackle any emerging issues of port health significance.

## MEMBERSHIP

The Association is constituted as a **not for profit** company registered at Companies House. It is **run by the members, for the benefit of members**, and relies on the contributions made by member authorities in terms of officers time as well as fees. It has 2 grades of membership open

to Local Authorities in the UK and Islands; there are other grades of membership for individuals, other organizations and overseas.

## **1. Corporate Membership (£1000 per year + VAT)**

Corporate membership is the main route of involvement by Local Government and is available to any UK Local Authorities or Port Health Authorities, which have responsibilities for public and/or animal health in connection with aeronautical, maritime and coastal activities, and international and intra-community trade and travel.

Corporate members can vote at General Meetings of the Association and provide, through local Authority Elected members and port health officers, delegates to serve in the executive roles.

In order to reflect the status of Corporate members APHA are committed to ensuring that there is a clear difference in financial benefits between Corporate and PLaN Membership.

### **Benefits of Corporate Membership**

- Influence of APHA policy decisions by voting rights at AGM
- Availability for election to Executive Board/O&S
- Full access to the Member area of the website
- Free places for some Officers at PLaN and other training sessions. Corporate Member rates for other training.
- Free copies of the APHA handbook
- Access to the monthly newsletter to enable Officers to keep up to date with current issues

## **2. PLaN MEMBERSHIP (£342 per year + VAT)**

Port Liaison Network (PLaN) membership is a lesser form of membership designed for small ports. It is open to any UK Local or Port Health Authority which has responsibilities for public and/or animal health in connection with aeronautical, maritime and coastal activities. PLaN members may attend, but do not have the power to vote at, General Meetings, and may attend meetings of any Port Liaison Network in the UK.

A PLaN member is not entitled to attend meetings of Technical Committees, nor be nominated for election to either the Executive Board or the Overview and Scrutiny Committee.

### **Benefits of PLaN Membership**

- Free places for Officers at PLaN meetings
- PLaN Member rates at other training
- Access to the buddy system information & advice from Corporate ports on technical matters
- Access to the monthly newsletter to enable Officers to keep up to date with current issues
- Access to copies of the APHA Handbook at a cost

PLaN groups currently exist in Scotland, Wales, England – North, and South. It is hoped to establish a PLaN group for N.I. at the earliest opportunity but will require a number of Councils to join as Corporate or PLaN members to attract APHA PLaN funding.

**Advertising Job Vacancies:** Following the success of advertising FSA Job vacancies through the Association, it is intended to introduce a similar option as part of the membership offer. Members will be able to promote Port Health job vacancies through the website and mailshots to our extensive list of subscribers. Prices have yet to be determined but there will be a clear differential between the Corporate/PLaN and Non Member Rate. This will have the advantage of being targeted at those involved with Port Health and will be marketed at a cost substantially lower than traditional advertising routes.

Please visit the website at <http://www.porthhealthassociation.co.uk/> and click on the link for the latest monthly newsletter.

To join the Association please e-mail [apha@porthhealthassociation.co.uk](mailto:apha@porthhealthassociation.co.uk) using *Membership Enquiry* as the title.



# Member Report

## Performance summary for RTPHA May 2017 to July 2017

### Public

**To:** River Tees Port Health Authority

**From:** Corporate Director for Adult and  
Communities

**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 May 2017 to July 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 May 2017
2. Report for June 2017
3. Report for July 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: **May 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	0	0
Middlesbrough	4	0	0	0
Redcar	161	0	2	0
Stockton	145	0	3	1
Total	311	0	5	1

## 2. SAMPLING

Number of water samples taken and submitted for examination:

LOCAL AUTHORITY	NO OF SHIP SAMPLES		NO OF JETTY SAMPLES	
	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory
Hartlepool	0	0	0	0
Middlesbrough	0	1	0	0
Redcar	4	0	0	0
Stockton	4	2	0	0
Total	8	3	0	0

If any water samples are found to be unsatisfactory we inform the ship or shipping agent without delay and provide advice on cleansing and disinfection of the water tanks and supply to all outlets. Ship is advised to boil water until cleansing has taken place and resample after works carried out.

If any jetty samples are found to be unsatisfactory, we will provide advice on cleansing and disinfection of pipework, including regular flushing. Additional sampling is carried out until a satisfactory result is obtained. The particular jetty supply cannot discharge to ships as potable until a satisfactory result is obtained.

### 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	67	1	5	31
Documentary Checks	1	1	5	0
Identity Checks	0	1	0	0
Physical Checks	0	1	0	0
Samples	0	1	0	0
Notices Served	0	0	0	0

Total manifests checked: 76

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

FOOD	COUNTRY OF ORIGIN
Vodka	Russia
Wine	Chile, New Zealand, South Africa, Australia
Coffee	Mexico, Kenya, Uganda, India, Nicaragua
Tea	Kenya, Rwanda, Sri Lanka, Tanzania, Mozambique, Malawi

FEED	COUNTRY OF ORIGIN
Maize	Ukraine

NON-FOOD OR FEED VERIFICATION	COUNTRY OF ORIGIN
Used Cooking Oil	Singapore, Saudi Arabia, Malaysia, Indonesia, Australia, United Arab Emirates, Hong Kong, Dubai

PLASTIC KITCHENWARE	COUNTRY OF ORIGIN
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: **June 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	0	0
Middlesbrough	10	0	0	0
Redcar	157	0	1	0
Stockton	143	0	3	0
Total	310	0	4	0

### 2. SAMPLING

Number of water samples taken and submitted for examination: 3

LOCAL AUTHORITY	NO OF SHIP SAMPLES		NO OF JETTY SAMPLES	
	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory
Hartlepool	0	0	0	0
Middlesbrough	2	1	0	0
Redcar	0	0	0	0
Stockton	0	0	0	0
Total	2	1	0	0

If any water samples are found to be unsatisfactory we inform the ship or shipping agent without delay and provide advice on cleansing and disinfection of the water tanks and supply to all outlets. Ship is advised to resample after works carried out.

If any jetty samples are found to be unsatisfactory, we will provide advice on cleansing and disinfection of pipework, including regular flushing. Additional sampling is carried out until a satisfactory result is obtained. The particular jetty supply cannot discharge to ships as potable until a satisfactory result is obtained.

### 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	49	1	7	20
Documentary Checks	1	1	7	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: 69

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

FOOD	COUNTRY OF ORIGIN
Vodka	Russia
Wine	Australia, South Africa, New Zealand, Chile
Coffee	Colombia, Nicaragua, El Salvador, Honduras, Kenya, India, Mexico
Tea	Tanzania, Kenya
Rum	Guyana
Citric Acid	China

FEED	COUNTRY OF ORIGIN
Bulk Wheat and Maize	Ukraine

NON-FOOD OR FEED VERIFICATION	COUNTRY OF ORIGIN
Used Cooking Oil	Singapore, Dubai, Singapore, South Africa, Kuwait, Malaysia, Australia, Saudi Arabia, United Arab Emirates,

	Qatar
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<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: **July 2017**

### 1. ACTIVITY SUMMARY- SHIPS

LOCAL AUTHORITY	NO OF SHIPS ENTERING THE PORT	SHIP SANITATION CONTROL	SHIP SANITATION EXEMPTION	ROUTINE SHIP INSPECTIONS
Hartlepool	2	0	0	0
Middlesbrough	12	0	1	0
Redcar	128	0	0	0
Stockton	146	0	3	0
Total	288	0	4	0

### 2. SAMPLING

Number of water samples taken and submitted for examination: 11

LOCAL AUTHORITY	NO OF SHIP SAMPLES		NO OF JETTY SAMPLES	
	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory
Hartlepool	0	0	0	0
Middlesbrough	3	1	0	0
Redcar	0	0	0	0
Stockton	3	4	0	0
Total	6	5	0	0

If any water samples are found to be unsatisfactory we inform the ship or shipping agent without delay and provide advice on cleansing and disinfection of the water tanks and supply to all outlets. Ship is advised to resample after works carried out.

If any jetty samples are found to be unsatisfactory, we will provide advice on cleansing and disinfection of pipework, including regular flushing. Additional sampling is carried out until a satisfactory result is obtained. The particular jetty supply cannot discharge to ships as potable until a satisfactory result is obtained.

### 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	1	1	34
Documentary Checks	0	1	1	0
Identity Checks	0	0	0	0
Physical Checks	0	0	0	0
Samples	0	0	0	0
Notices Served	0	0	0	0

Total manifests checked: 60

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

FOOD	COUNTRY OF ORIGIN
Vodka	Russia
Nut Oil	Peru
Coffee	Nicaragua, India, Nicaragua, Honduras, Colombia
Tea	Tanzania, Malawi, Kenya, India, Sri Lanka
Wine	New Zealand, Chile, Argentina, China, Australia, South Africa, USA
Citric Acid	China
Organic Sugar	Brazil
Rum	Guyana

FEED	COUNTRY OF ORIGIN
Zeolite	Turkey

NON-FOOD OR FEED VERIFICATION	COUNTRY OF ORIGIN
Used Cooking Oil	South Africa, Oman, Malaysia, Dubai,

	Singapore, China, Qatar, Hong Kong, Indonesia, India, United Arab Emirates, Australia, Kuwait
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<b>PLASTIC KITCHENWARE</b>	<b>COUNTRY OF ORIGIN</b>
Plastic Kitchenware including trays, turners, mashers etc	China and Hong Kong



# Public

**To:** RTPHA

**Date:** 1 September 2017

**From:** Deputy Treasurer

**Decision:** Committee

**Portfolio:** Health & Social Well Being

**Outcome:** Business Improvement

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

- 1.1 To update Members on the financial position of the Authority at the end of July 2017 (Period 4) and to highlight any variances against the 2017-18 approved budget.

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

- 2.1 At its meeting on 3<sup>rd</sup> March 2017 the Authority approved a net budget position of £106,400 funded by the following contributions from the riparian councils of:

Middlesbrough	£15,960
Stockton	£32,984
Redcar & Cleveland	£55,328
Hartlepool	£2,128

- 2.2 The Authority's budget for 2017/18 was set based upon the service plan set out by Redcar and Cleveland Borough Council who manage the delivery of Port Health Services to the Tees Valley area.
- 2.3 The budget was based upon the service delivery plan for River Tees Port Health Authority which was approved by the joint board in June 2017 and has been influenced by Redcar and Cleveland Borough Council's Shaping Our Future project, which reviews all service delivery and partnership arrangements in the Council for value for money.
- 2.4 The net budget has increased from £104,750 for the previous year to £106,400 at the start of 2017/18 as a result of a small increase in employee costs. This increase has been mitigated by an increase in anticipated income.
- 2.5 **Appendix 1** provides a detailed comparison of the operating budget for the Authority, which is analysed by individual type of spending against the actual to date expenditure and income.
- 2.6 A summary of the financial position (at the end of July) is set out in the table below:

## PERIOD 4 ACTUAL AND PROJECTED OUTTURN 2017/18

	Original Budget 2017/18	Actual as at Period 4 31/06/2017	Projected Outturn 2017/18	Variance Budget to Outturn
<b><u>Expenditure</u></b>				
Employee Costs	89,150	28,820	88,800	(350)
Other operating Costs	48,950	41,642	48,250	(700)
<b>Total Costs</b>	<b>138,100</b>	<b>70,462</b>	<b>137,050</b>	<b>(1,050)</b>
Income	(31,700)	(10,804)	(30,050)	1,650
<b>Net Expenditure</b>	<b>106,400</b>	<b>59,658</b>	<b>107,000</b>	<b>600</b>
<b><u>Funding</u></b>				
Middlesbrough BC	15,960	8,948	16,050	90
Stockton BC	32,984	18,494	33,170	186
Hartlepool	2,128	1,193	2,140	12
Redcar & Cleveland BC	55,328	31,023	55,640	312
<b>Total Funding</b>	<b>106,400</b>	<b>59,658</b>	<b>107,000</b>	<b>600</b>
<b>Net</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 2.7 Key Issues

The major variances expected between the projected outturn position for 2017/18 and the original budget approved in March 2017 are as follows:

**Staff Costs: Underspent by £350** – The staffing structure is as budgeted. The under budget position reflects an anticipated saving on the overtime budget.

**Other operating costs: Underspent by £700** – A review of the current position indicates that there will be small underspends on tools & equipment and computer software totalling £700.

**Income: Under achieved by £1,650** – The income forecast is lower than expected due to a number of factors. Sanitation certificate and water sampling income is down and, if the trend continues, the final amounts could be as much as £6k less than budget. However, these income sources are activity based and so it is difficult to give accurate estimates at this point in the financial year.

Plastic declaration testing income is currently higher than anticipated, due to an increase in the volume of seasonal items e.g. plastic picnic ware etc. and is forecast to over achieve by £2k. The feed hygiene grant (£1.5k) has also been received for this year but as it was not in the initial budget, this is currently offsetting the potential forecast pressures.

As income is key to ensuring a balanced outturn position for the service as a whole, the income position is being closely monitored each month to ensure that any issues can be identified as soon as possible.

- 2.8 In line with the previous briefing to Members on Fees & Charges, additional analysis of income received is given in each budget monitoring report order to assist with Members understanding of the budget and year to date position.
- 2.9 A breakdown of the income received up to the end of July for the 2017/18 financial year is provided below and further analysis is available in **Appendix 1**:

Account	Description	Type of Service	2015/16 Full Year Income £	2016/17 Full Year Income £	2017/18 Period 4 YTD Income £
R9305	Fees – Environmental Health & Pest control	Sanitation Certificates	18,808	19,290	5,150
		Other Fees & Charges	10,961	13,615	4,154
<b>Total Fee Income</b>			<b>29,769</b>	<b>32,905</b>	<b>9,304</b>
Feed Hygiene Grant			<b>0</b>	<b>1,500</b>	<b>1,500</b>
<b>Total Income</b>			<b>29,769</b>	<b>34,405</b>	<b>10,804</b>

- 2.10 **Overall Financial Position** – Based on the projected outturn figures set out above, the Authority would have a small overspend of £600. This forecast is based on current information at this early point in the financial year and will be continually monitored and reviewed. This is much closer to a balanced budget position than in recent years and needs monitoring closely by Officers over the remainder of the financial year. Any overspend against budget in 2017/18 would need a drawdown from general reserves to cover.

### 3 Who will this benefit and how?

- 3.1 Timely, accurate and up to date financial information is a key characteristic of good corporate governance. Members need to have these details and be aware of any issues against the agreed budget when making decisions on service delivery, staffing, training and other regulatory matters.
- 3.2 Additionally a well-managed and responsive service which uses its financial assets properly will create and maintain a better relationship with external stakeholders.

### 4 Who have we consulted?

- 4.1 The original budget was set in consultation with Members, the Treasurer and Clerk for the Authority and the Environmental Health (Commercial) team at Redcar and Cleveland Borough Council.
- 4.2 The financial position and any issues in year have been discussed between principal environmental health officers of the riparian authorities and finance staff as required. Any key issues or pressing budget matters would be discussed and consulted with the Chair and Vice Chair as appropriate.

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

- 5.1 The approved budget ensures that RTPHA is able to discharge its functions on behalf of the riparian authorities.
- 5.2 Finance is an integral element in delivering quality services and improving

performance.

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

6.1 The resource implications are outlined in the main body of the report.

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

7.1 There are no equality and diversity issues as part of this report.

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

8.1 There is no direct impact on the carbon footprint as a result of this report.

## **9 Are there any legal considerations?**

9.1 There are no specific legal issues to consider as a result of this report.

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

10.1 The information in the report acts as a management control to ensure that the financial activities of the Authority are being managed properly and resources used effectively. Without setting a budget and providing monitoring information the Authority would not be able to ensure that value for money is secured in pursuit of its objectives. Also decisions made may be poorly informed or wrong decision made without accurate and up to date information.

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

11.1 The report is predominantly for information purposes although there are always options as to whether or not to use resources for a particular purpose.

## **12 Recommendations**

12.1 It is recommended that:

- 1) Members discuss the financial position of the Authority as set out in Appendix 1 and question any variances from the original budget as appropriate;

## **13 Appendices and further information**

13.1 Appendix 1 – Budget detail and Projected Outturn position for 2017/18.

## **14 Background papers**

14.1 Budget Report 2017/18 & Medium Term Financial Plan – submitted to meeting on 3/3/2017.

## **15 Contact officer**

Name: Maggie Burns, Deputy Treasurer to RTPHA  
Address: Financial Services, Redcar & Cleveland Borough Council  
Kirkleatham Street, Redcar, TS10 1RT  
Telephone: (01642) 771154  
Email: [Maggie.burns@redcar-cleveland.gov.uk](mailto:Maggie.burns@redcar-cleveland.gov.uk)

RIVER TEES PORT HEALTH AUTHORITY

Appendix 1

**BUDGET MONITORING POSITION 2017/18  
POSITION AT END OF JULY 2017**

	Budget 2017/18	Actual 2017/18	Projected Outturn 2017/18	Variance
R1000 Basic Pay	66,850	22,291	66,850	0
R1001 NI Contributions	7,000	2,386	7,150	150
R1003 Overtime	650	17	50	-600
R1006 Superannuation Contributions	10,750	3,567	10,700	-50
R1063 Other Allowances	2,500	0	2,500	0
R3300 Public Transport	0	18	0	0
R3400 Car Allowances	1,400	541	1,550	150
	<b>89,150</b>	<b>28,820</b>	<b>88,800</b>	<b>-350</b>
R4000 Tools & Equipment Purchase	800	89	600	-200
R1650 Training Expenses	1,000	185	1,000	0
R4200 Clothing, Uniforms & Laundry	200	0	200	0
R4300 Printing & Stationery	100	0	100	0
R4305 Photocopier Usage	50	0	50	0
R4400 Services – Professional Fees	40,550	37,046	40,550	0
R4507 Mobile Phones	350	120	350	0
R4531 Computer Software	4,000	2,286	3,500	-500
R4610 Subsistence	0	16	0	0
R4701 Subscriptions	1,000	1,000	1,000	0
R4960 Public Liability Insurance	650	650	650	0
R4985 Write Offs	250	250	250	0
	<b>48,950</b>	<b>41,642</b>	<b>48,250</b>	<b>-700</b>
<b>R9000 Feed Hygiene Grant</b>	<b>0</b>	<b>1,500</b>	<b>1,500</b>	<b>-1,500</b>
<b>R9305 Fees - Environmental Health &amp; Pest Control</b>				
B0376 Sanitation Certificates	19,400	5,150	15,450	3,950
B0377 High Risk Products Imports	100	544	550	-450
B0378 Organic Certificates	350	270	300	50
B0379 RTPHA Permits (annual fee)	2,200	0	2,200	0
B0380 Plastic Declaration	4,050	2,113	6,350	-2,300
B0381 Water Sampling	5,600	1,227	3,700	1,900
	<b>31,700</b>	<b>9,304</b>	<b>28,550</b>	<b>3,150</b>
<b>Total Payable</b>	<b>106,400</b>	<b>59,658</b>	<b>107,000</b>	<b>600</b>
<b>R9102 Other Grants &amp; Contributions - Other Organisations</b>				
B0382 RTPHA - Middlesbrough Council	15,960	390	15,960	0
B0383 RTPHA - Stockton Council	32,984	32,984	32,984	0
B0384 RTPHA - Hartlepool Council	2,128	2,128	2,128	0
B0385 RTPHA - Redcar & Cleveland Council	55,328	55,328	55,328	0
<b>Total Due from Riparian Authorities</b>	<b>106,400</b>	<b>90,830</b>	<b>106,400</b>	<b>0</b>
<b>Total for Cost Centre</b>	<b>0</b>	<b>-31,172</b>	<b>600</b>	<b>600</b>
<b>Contributions required based on agreed amounts as per Board meeting 3/3/2017</b>	<b>Budget 2017/18</b>	<b>Actual as at 31/07/17</b>	<b>Projected Outturn 2017/18</b>	<b>Variance</b>
Middlesbrough 15%	15,960	8,948	16,050	90
Stockton 31%	32,984	18,493	33,170	186
Hartlepool 2%	2,128	1,193	2,140	12
Redcar & Cleveland 52%	55,328	31,023	55,640	312
	<b>106,400</b>	<b>59,658</b>	<b>107,000</b>	<b>600</b>