



Memorandum of Understanding

Between River Tees Port Health Authority
and the Riparian Authorities
2019/20

Approved June 2019



1. Introduction

- 1.1. This Memorandum sets out the understanding of River Tees Port Health Authority (RTPHA) under the management of Redcar and Cleveland Borough Council (RCBC), and the riparian authorities, Stockton-on-Tees Borough Council, Middlesbrough Council and Hartlepool Borough Council, of the principles that will underlie the relations between them.
- 1.2. This Memorandum is a statement of intent and should not be interpreted as a binding agreement. It does not create legal obligations between the parties but will allow the parties to make representations to each other on the arrangements for the delivery of the services provided by RTPHA, and on behalf of the riparian authorities.
- 1.3. RTPHA will communicate to the riparian authorities any matters that may have significant concern for any or all of the riparian authorities. This includes the import of food, feed and relevant products through Tees Port, the state of public health including risks from infectious diseases introduced through Tees Port and any significant risks identified through the inspection of any ship within Tees Port.

2. Relationships and Responsibilities

- 2.1. The services of RTPHA are managed by RCBC this being an administrative arrangement by virtue of sections 101, 102, 103, 112 and 113 of the Local Government Act 1972, and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts; together with the general power within section 2 of the Local Government Act 2000 and the supporting provisions within section 111 Local Government Act 1972.
- 2.2. RCBC is responsible for the delivery of port health services within Tees Port. This includes the inspection of ships entering the port, the issue of ship sanitation certificates, import controls for food, feed and relevant products, infectious disease controls and the inspection of food premises and prescribed processes within the port.
- 2.3. RTPHA will establish and maintain written procedures for the effective delivery of port health services. This includes the proper authorisation of officers of RTPHA and of the Port Medical Officer, the inspection of ships and relevant premises within the port, the enforcement of official controls including the inspection, sampling, seizure and detention of food, feed and relevant products entering the port, and the investigation of infectious disease on board ships and within the port.
- 2.4. An annual service plan will be provided in accordance with the Food Standards Agency Framework Agreement on Food and Feed Law Enforcement and will be presented to the joint board for approval.
- 2.5. RTPHA will maintain liaison arrangements with the Food Standards Agency, Public Health England, the Environment Agency, UK Border Agency, Cleveland Emergency Planning Unit, the port operator, importers, shipping agents and other relevant stakeholders.

- 2.6. There are no specific duties or responsibilities placed upon the riparian authorities in respect to port health services. However, riparian authorities may be requested to provide assistance in matters that are considered to have significant importance to the protection of public health or the enforcement of official controls. If such assistance is requested, the need for this will be clearly communicated to relevant senior officers within riparian authorities and the level of assistance agreed.
- 2.7. Matters considered to have significant importance, referred to above may include:
 - a. An outbreak of infectious disease that extends outside of the port and outside the boundaries of Redcar and Cleveland Borough Council.
 - b. The tracing of food, feed and relevant products imported through Tees Port that is believed to be unsafe and has entered into one or more the riparian authority areas.
 - c. Any other matter that is likely to have a major local or regional impact.
- 2.8. In the unlikely event that RTPHA (or RCBC) is not able to respond to a request from a shipping agent for a ship sanitation certificate inspection this would be referred to the riparian authority in whose area where the ship is to berth. It will be the responsibility of the riparian authority to determine if it can respond to such a request. The riparian authority is not expected to respond directly to the shipping agent as RTPHA will act as liaison for all such matters.
- 2.9. RTPHA will provide an annual port health training day for officers of the riparian authorities to ensure they remain familiar with port health procedures. RTPHA will provide opportunities for officers from the riparian authorities to gain experience of port health functions, in particular, procedures and arrangements for entering and conduct within the port. The role of officers of the riparian authorities will be limited to assisting in matters relating to the control of imported food, feed and relevant products which will be reflected in their authorisations.
- 2.10. The safety of officers visiting the port is the primary responsibility of RTPHA in accordance with the health and safety policies for RTPHA and RCBC. This will include the provision by RTPHA of any specialist safety equipment where this is a requirement of the port operator. The riparian authorities must provide their officers with individual personal protective equipment, in particular safety shoes. Each riparian authority is responsible for providing insurance for its own officers when they act as an authorised officer of RTPHA within the Authority's jurisdiction.

3. Communication and Arrangements

- 3.1. RTPHA, RCBC and the riparian authorities are committed to the principle of good communication. The aim of which is to allow representations to be made to each other and in sufficient time for those representations to be fully considered.
- 3.2. RCBC will inform the riparian authorities of the performance of RTPHA and facilitate the provision of information by at least quarterly meetings which will take place at least two weeks before the meeting of the joint board. The papers that will be presented to the joint board will be provided to the Heads of Services of the riparian authorities in advance of the quarterly meetings. In addition to these meetings

RCBC will inform the riparian authorities of any significant change or event which may impact upon RCBC's ability to deliver and manage the services provided by RTPHA.

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

4. Budget

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

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

- 4.2. The financial processes relating to budget and actual expenditure will be subject to review by RCBC's internal auditors. Final accounts are independently audited by RCBC External Auditors or their nominated appointees.
- 4.3. The Service Plan will detail the demands on the service related to each riparian authority and will reflect each Authority's expenses contribution.

5. Overview and Scrutiny

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

6. Review

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