



RIVER TEES PORT HEALTH AUTHORITY
FRIDAY, 9 JUNE 2023 AT 10.00 AM
CIVIC CENTRE,
RIDLEY STREET ,
REDCAR
TS10 1TD

CONTACT
Sue Fenwick
01642 444413
31 May 2023

CIRCULATION

To all Members of the River Tees Port Health Authority
Clerk to the River Tees Port Health Authority
The Press [except for Confidential item(s)]

A G E N D A

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3. To elect a Vice-Chair for the Authority (from Redcar and Cleveland Borough Council) for the ensuing Municipal Year 2023/24	
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4 What options have been considered?

4.1 Option 1

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

Option 2

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

5 Recommendations

- 5.1 It is recommended that the following nominations of Members to River Tees Port Health Authority for the municipal year of 2023/24 be accepted:

Name	Authority
Councillor R Creevy	Hartlepool Borough Council
Councillor B Harrison	Hartlepool Borough Council
Councillor D Branson	Middlesbrough Borough Council
Councillor D Coupe	Middlesbrough Borough Council
Councillor T Furness	Middlesbrough Borough Council
Councillor J Walker	Middlesbrough Borough Council
Vacancy tbc	Middlesbrough Borough Council
Councillor A Griffiths	Stockton-on-Tees Borough Council
Councillor E Johnson	Stockton-on-Tees Borough Council
Councillor P Rowling	Stockton-on-Tees Borough Council
Councillor S Scott	Stockton-on-Tees Borough Council
Councillor V Sewell	Stockton-on-Tees Borough Council
Councillor W Davies	Redcar and Cleveland Borough Council
Councillor C Jones	Redcar and Cleveland Borough Council
Councillor L Myer	Redcar and Cleveland Borough Council
Councillor J Neal	Redcar and Cleveland Borough Council
Councillor D Taylor	Redcar and Cleveland Borough Council

6 Appendices and further information

None

7 Contact Officer

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3 March 2023

RIVER TEES PORT HEALTH AUTHORITY

A meeting of the River Tees Port Health Authority was held on Friday 3 March 2023 in the Civic Centre, Redcar.

PRESENT Councillor Hall (In the Chair)
Councillors Cooper, Coupe, Creevy, Dalgarno,
Dowson, Fletcher, Perry and Thomson.

OFFICIALS R Davisworth, D Dobson, L Evans, E Grunert, S
Fenwick and S Ziolkowski - Redcar and
Cleveland Borough Council.

APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Branson, Furness, Mrs O'Donnell, Watson and Wells.

40. **MINUTES**

RESOLVED that the minutes of the meeting held on 3 March 2023 be confirmed as a correct record.

41. **PERFORMANCE SUMMARY FOR RIVER TEES PORT HEALTH AUTHORITY - NOVEMBER 2022 TO JANUARY 2023**

The Executive Director of Adults and Communities presented a report which gave a summary of the performance of the River Tees Port Health Authority from November 2022 to January 2023.

RESOLVED that the information in the report be noted.

42. **EU EXIT UPDATE**

The Executive Director of Adults and Communities presented a report which updated Members on the impact on the Port Health Services from Britain's exit from the EU since the last meeting in December 2022.

Members were reminded that Government intended to publish a new Target Operating Model (TOM) in autumn 2022 that would set up the new regime of border import controls, which would be introduced at the end of 2023, however, the TOM had still not been issued for consultation and no date had been given for publication.

The report also updated Members on the redeployment of staff, the application to become a Border Control Post (BCP) and the additional funding from Defra.

3 March 2023

RESOLVED that the information in the report be noted.

43. **CONTRACTING OUT PORT HEALTH SERVICES**

The Executive Director of Adults and Communities presented a report which updated Members on the contracting out of Port Health services to Darlington Borough Council to provide official controls for High Risk Food Not of Animal Origin arriving into Teesside International Airport.

Members were advised that the application by Teesside International Airport was completed in 2022 and the service had been notified on 11 January 2023 that the Airport had gained approval for Green Beans from Kenya to be imported.

RESOLVED that the information in the report be noted.

44. **REVIEW OF CURRENT FEES AND CHARGES**

The Executive Director of Adults and Communities presented a report which proposed amendments to the fees and charges for 2023/24.

Members were reminded that fees and charges must be reviewed annually to reflect the actual cost of the service to customers. The current review has considered the time taken for carrying out chargeable activities, a prediction of the national annual pay award of 4% plus on costs for 2023/24, and changes to third party charges for analyst fees, transport costs etc.

There were no new fees and charges for 2023/24 and the charges for Products of Animal Origin (POAO) had been removed as the Port was not currently providing this service.

RESOLVED that the fees and charges for 2023/24 be approved.

45. **BUDGET 2023/24 AND MEDIUM-TERM FINANCIAL PLAN**

The Treasurer presented a report which sought approval to a budget for the Authority for the 2023/24 financial year which confirmed the funding levels required from each of the four contributing local authorities and sought Members consideration to the level of reserves held by the Authority.

3 March 2023

The report reminded Members that following the Government announced in April 2022, that the introduction of import controls on EU goods would be delayed and that businesses should stop their preparations for the implementation of a Border Control Post (BCP) from 1 July 2022. The revised format, known as the Target Operating Model (TOM), remained in discussion with no indication as to the revised proposal and when it would be effective from.

With uncertainty around future plans, Members were advised that the draft budget had been set on the assumption of controls being delayed further. A full summary of the proposed budget for 2023/24 was set out in the report.

Members were advised that given the significant changes and uncertainties in 2023/24 and beyond, the budget would continue to be tightly controlled and Members would be updated on a regular basis.

RESOLVED that:

1. The 2023/24 budget and the associated funding requirements based upon the information in the report be approved; and
2. The planned position on reserves for the 2023/24 be noted and approved.

46. **2022/23 FINANCIAL POSITION UPDATE**

The Treasurer presented a report which updated Members on the financial position of the Authority at the end of December 2022 and highlighted any variances against the 2022/23 approved budget.

Members were reminded that on 4 March 2022 the Authority approved a balanced budget position as well as a £123,200 funding contribution from the riparian Authorities, with plans to be self-funding in 2023/24 and no reliance on riparian authority funding from 2023/24.

Following the Government announcement on 28 April 2022, that no further import controls on EU goods would be introduced in the 2022/23 financial year and that businesses should stop their preparations for July 2022 implementation immediately, a revised budget was approved by the Board on 2 September 2022 which replaced the previous budget agreed in March 2022.

3 March 2023

A full summary of the financial position, together with the key variances between the projected outturn position for 2022/23 and the estimated reserve balance was set out in the report.

RESOLVED the financial position of the River Tees Port Health Authority as set out in the report be approved and noted.

River Tees Port Health Authority

Constitution for Approval



Public

To:	River Tees Port Health Authority	Date:	9 June 2023
From:	Corporate Director for Adults and Communities	Decision type:	Committee
Portfolio:	Health, Housing and Welfare	Forward Plan reference:	N/A
Priority:	All priorities		
Ward(s):	ALL		

1 What is the recommendation?

- 1.1 It is recommended that the Constitution of River Tees Port Health Authority 2023 is approved by members.

2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

- 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.

The document has been reviewed and Members are informed that there have been updates to staff structure and management responsibilities. All relevant legislation has been checked and updated as required.

3 Who has been consulted and engaged?

- 3.1 Senior Officers of the Riparian Authorities have been consulted in the review of the Constitution.

4 What are the risks and resource implications?

- 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 Appendices and further information

- 5.1 Appendix 1 River Tees Port Health Authority Constitution for Approval 2023

6 Background papers

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

7 Contact Officer

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Constitution

For approval June 2023

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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 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 Adults and Communities Directorate of Redcar and Cleveland Borough Council is responsible for the management and delivery of port health service. The Authority is part of the Environmental Health (Commercial) Team, in the Health Protection and Healthcare Quality Service, Communities and Health within Adults and Communities Directorate.

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

ARTICLE 1 - CONSTITUTION

Joint board

- 1.1 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 Council, Stockton-on-Tees Borough Council and Hartlepool Borough Council (hereinafter referred to as “the riparian authorities”).

Appointment of Members

- 1.2 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

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

- 1.3 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.
- 1.4 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.
- 1.5 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.

Retirement of Members

- 1.6 All members of the Authority shall retire from office, and the newly appointed members shall come into office following the first meeting in June of each year.
- 1.7 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.

Chair and Vice-Chair

- 1.8 The Chair and Vice-Chair of the joint board shall be elected annually by the members of the joint board from amongst the members.
- 1.9 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:
- Redcar and Cleveland Borough Council
Hartlepool Borough Council
Middlesbrough Borough Council
Stockton-on-Tees Borough Council.
- 1.10 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.
- 1.11 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.
- 1.12 The Chair shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Chair.
- 1.13 During their term of office, the Chair shall continue to be a member of the joint board.

Voting

- 1.14 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.

Expenses

- 1.15 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

Functions of the Authority

- 2.1 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.

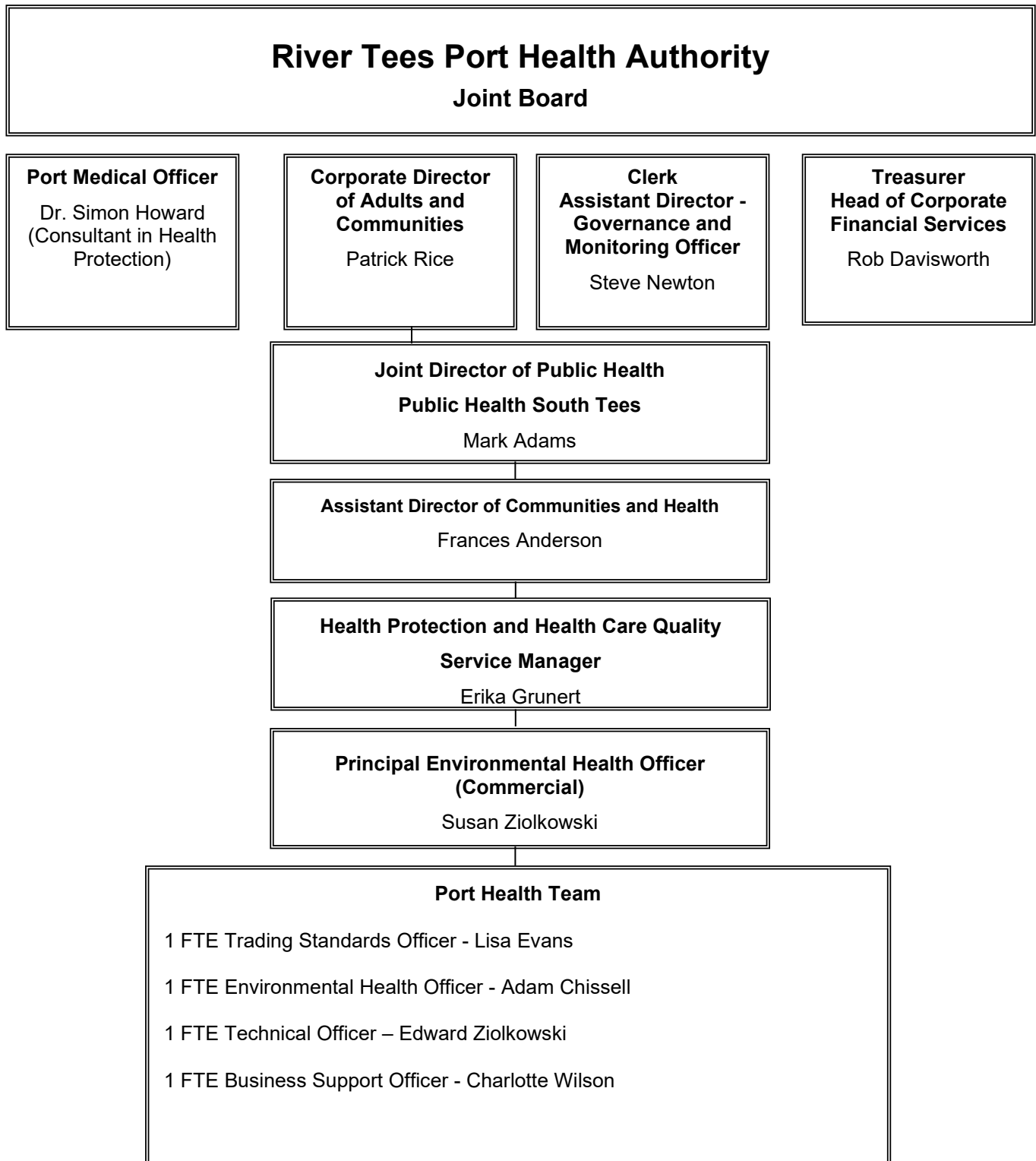
Scheme of Delegation to Officers

- 2.5 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

- 3.1 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).
- 3.2 The Environmental Health (Commercial) Team and RTPHA are part of the Health Protection and Healthcare Quality Service, which is within the Adults and Communities Directorate. There are three port health officers who carry out the day-to-day responsibilities of the Authority, supported by other officers of the Environmental Health (Commercial) Team.
- 3.3 There are four officers, who report directly to the joint board:
- a) The Corporate Director of Adults and Communities, Redcar and Cleveland Borough Council.
 - b) The Clerk, Assistant Director - Governance and Monitoring Officer, Corporate Resources, Redcar and Cleveland Borough Council.
 - c) The Treasurer, Head of Corporate Financial Services, Corporate Resources, Redcar and Cleveland Borough Council.
 - d) The Port Medical Officer, Consultant in Health Protection, UK Health Security Agency.
- 3.4 The Health Protection and Healthcare 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 and shall devote the whole of their time, attention, and skills to their duties for the receiving authority.
- 3.4 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 or the Health Protection and Healthcare Quality Service 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"> 1. The Agriculture Act 1970 2. Food Safety Act 1990 3. Public Health Act 1961 4. Clean Air Act 1993 5. Environmental Protection Act 1990 6. Control of Pollution Act 1974 7. Local Government (Miscellaneous Provisions) Act 1976 – sections 16 and 32 only. 8. The Public Health (Control of Diseases) Act 1984 9. The Food Safety and Hygiene (England) Regulations 2013 10. The European Communities Act 1972 (all regulations and any modifications made under this Act) 	Health Protection and Healthcare Quality Service 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 Authority is authorised or	The Clerk

		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

- 5.1 For authorisation and competency of officers please refer to Quality System Procedure: QSP/EHC/06 Authorisation of officers.
- 5.2 The Principal Environmental Health Officer 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.
- 5.3 The Principal Environmental Health Officer 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

- 6.1 The Authority is empowered by various enactments to serve legal documents and to institute legal proceedings.
- 6.2 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.

Procedure for Authorisation of Legal Proceedings/Documents

Introduction

- 6.3 The Health Protection and Healthcare Quality Service Manager, the Principal Environmental Health Officer, Environmental Health Officers, 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.

Specific Examples

- 6.4 **Notices** - The decision to serve a legal notice rests with the individual officers and they will prepare and sign all the relevant paperwork.
- 6.5 **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 Adults and Communities, RCBC. A simple caution will be subject to sufficient evidence to warrant a prosecution.
- 6.6 **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.

Other Issues

- 6.7 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.

- 6.8 The Health Protection and Healthcare Quality Service Manager and the Corporate Director of Adults and Communities are authorised to instigate prosecutions and administer simple cautions by virtue of the Scheme of Delegation contained herein.
- 6.9 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 – 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"> • Principal Environmental Health Officer (PEHO) 	Joint board delegated.	Submitted for member approval as part of Annual Report.
2	Preparation of annual budget.	<ul style="list-style-type: none"> • Treasurer • Health Protection and Healthcare Quality Service Manager • PEHO 	Joint board delegated.	Submitted for member approval.
3	Monitoring of Annual Budget.	<ul style="list-style-type: none"> • Treasurer • Health Protection and Healthcare Quality Service Manager • PEHO 	Joint board delegated.	
4	To address new legislation and respond to consultations.	<ul style="list-style-type: none"> • Clerk • Health Protection and Healthcare Quality Service Manager • PEHO 	Joint board delegated.	In consultation with the Chair or Vice Chair.
5	To secure improvements in service delivery.	<ul style="list-style-type: none"> • Health Protection and Healthcare Quality Service Manager • PEHO 	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"> • Clerk • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	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 Adults 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"> • Clerk • Treasurer • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	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 of Adults and Communities.	<ul style="list-style-type: none"> • Clerk • Treasurer • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	Joint board delegated.	

9	Human Resources functions including conditions of service, designation of posts, recruitment.	<ul style="list-style-type: none"> • Clerk • Treasurer • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager in accordance with policies of RCBC.	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"> • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	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"> • Clerk • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	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"> • Clerk • Health Protection and Healthcare Quality Service Manager • PEHO 	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"> • Clerk 	Joint board delegated.	In consultation with the Corporate Director of People Services and Treasurer.
14	Local Government Act 1972 – Proper Officer functions.	<ul style="list-style-type: none"> • Clerk • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	Joint board delegated.	
15	S.151 Local Government Act 1972. Proper Administration of Financial affairs and requirement to report to the Authority any breach.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
16	S.114 LG Act 1988. Requirement to report to authority if (a) unlawful expenditure (b) unbalanced budget.	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
18	Attorney General v Dr. Winton 1906, fiduciary responsibility to local taxpayers.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
19	Agree payment dates for precepting authorities.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
20	Prepare Annual Accounts for Audit.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	External Audit.
21	Approve adjustments to Accounts.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	In consultation with the Clerk.
22	Review Insurance Contract.	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
24	Reporting of serious weakness in systems and fraud and corruption to the Authority.	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
26	Co-ordinate and manage financial transactions with pension funds, inland revenue and charities.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
27	Operate and Control payments system.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
28	Operate and Control Debtors systems.	<ul style="list-style-type: none"> • Treasurer 	Joint board delegated.	
29	Develop write off protocols.	<ul style="list-style-type: none"> • Treasurer 	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"> • Clerk • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager • PEHO • Environmental Health Officers • Trading Standards Officers • Technical Officers 	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"> • Clerk • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager • PEHO • Environmental Health Officers • Trading Standards Officers • Port Health Technical Officers 	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"> • Clerk • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager • PEHO • Environmental Health Officers • Trading Standards Officers 	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"> • Clerk • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	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"> • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager • PEHO • Environmental Health Officers • Trading Standards Officers 	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"> • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager • PEHO 	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"> • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager • PEHO 	Joint board delegated.	
37	Appointment of Veterinary Officers for duties as Port Official Veterinarian.	<ul style="list-style-type: none"> • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	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"> • PEHO 	Joint board delegated.	
39	Power to Appoint: Public Analyst Food Examiner.	<ul style="list-style-type: none"> • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager 	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"> • Corporate Director of Adults and Communities • Health Protection and Healthcare Quality Service Manager • PEHO 	Joint board delegated.	
41	Review of Authority Health and Safety Policy.	<ul style="list-style-type: none"> • Health Protection and Healthcare Quality Service Manager • PEHO 	Joint board delegated.	In consultation with the Clerk.

ANNEX B - 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 (as amended)
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government Act 1988
- Accounts and Audit Regulations 1996
- 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)
- The Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations 2006
- Trade in Animals and Related Products Regulations 2011 (as amended)
- 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 and Prevention Control Act, 1999
- Environmental Permitting (England and Wales) Regulations 2016
- Food and Environment 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 (as amended)

- 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)
- 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) Regulations 2016
- Food and Environment 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

**ANNEX C - RIVER TEES PORT HEALTH AUTHORITY ORDER
2016**

2016 No. 644

PORT HEALTH AUTHORITIES, ENGLAND

The River Tees Port Health Authority Order 2016

Made - - - - *13th June 2016*

Coming into force - - *14th June 2016*

The Secretary of State for Health makes the following Order in exercise of powers conferred by sections 2(3) and (4)(b), 3, 4(1) and 5(2) of the Public Health (Control of Disease) Act 1984(a) and section 241 of the Local Government Act 1972(b).

The Secretary of State has given notice as required by sections 2(6) and 4(2) of the Public Health (Control of Disease) Act 1984(c) and has not received any notice of objection.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the River Tees Port Health Authority Order 2016 and comes into force on 14th June 2016.

(2) This Order applies to England.

(3) In this Order—

“the Act” means the Public Health (Control of Disease) Act 1984;

“the joint board” means the joint board established under article 3;

“the Port of Tees and Hartlepool” means the port of that name as appointed for the purposes of customs and excise under section 19(1) of the Customs and Excise Management Act 1979(d) (appointment of ports etc.); and

“the relevant riparian authorities” means Redcar and Cleveland Borough Council, Stockton-on-Tees Borough Council, Middlesbrough Borough Council and Hartlepool Borough Council(e).

(4) References in this Order to reference points are to be construed as references to National Grid reference points.

-
- (a) 1984 c.22; section 3 of the Public Health (Control of Disease) Act 1984 (“the Act”) was amended by the Food Safety Act 1990 (c.16), Schedule 3, paragraph 26, and section 5(2) of the Act was amended by the Health and Social Care Act 2008 (c.14), Schedule 11, paragraph 4.
- (b) 1972 c.70; section 241 has been extended by section 3(3) of the Act.
- (c) Where the Secretary of State proposes to make an order under section 2 of the Act, the Secretary of State is required, under section 2(6), to give notice of the proposal to every riparian authority who will under the order be liable to contribute to the expenses of the port health authority. In addition, if a port health authority order is to be revoked, under section 4(2), the Secretary of State must also give notice to the port health authority concerned and every authority which is, or under the proposed order will be, a constituent authority.
- (d) 1979 c.2; the Port of Tees and Hartlepool was appointed for these purposes under section 19(1) by S.I. 1980/485.
- (e) See section 2(2) of the Act for the meaning of “riparian authority”.

The port health district

2.—(1) For the purposes of section 2 of the Act (port health districts and authorities), the area described in paragraph (2) is to constitute a port health district.

(2) The area described in this paragraph consists of those parts of the Port of Tees and Hartlepool together with such land and water as is specified in sub-paragraphs (a) to (c)—

- (a) that part of the Port of Tees and Hartlepool which lies upstream of a line drawn from the most northerly point of the North Gare Breakwater (reference point NZ5442 2843) and the South Gare Buzzer House (reference point NZ5580 2840), including those waters of the River Tees as far as the tide flows up stream to the Tees Barrage (reference point NZ4624 1903);
- (b) any wharf, dock, jetty or similar structure on the riverside of, or projecting into, that part of the Port of Tees and Hartlepool and the River Tees described in sub-paragraph (a); and
- (c) any structures and buildings on areas within the gates of any wharf, dock, jetty or similar structure within the districts of the relevant riparian authorities.

The port health authority

3.—(1) The port health authority for the port health district constituted under article 2 is a joint board consisting of 17 members.

(2) The members of the joint board must be appointed by the relevant riparian authorities from the members of their respective councils as follows—

- (a) five members from Redcar and Cleveland Borough Council;
- (b) five members from Stockton-on-Tees Borough Council;
- (c) five members from Middlesbrough Borough Council; and
- (d) two members from Hartlepool Borough Council.

(3) The joint board constituted under paragraph (1) is to be a body corporate called the River Tees Port Heath Authority.

Appointment of members to and meetings of the joint board

4.—(1) The relevant riparian authorities must appoint members to the joint board at meetings to be held in May of each year.

(2) The joint board must meet at least four times in each year.

(3) If a person appointed to the joint board is unable to attend any meeting of the joint board, another member of the council of the relevant riparian authority of which that person is a member may attend that meeting instead.

(4) Any vacancy occurring amongst members of the joint board must be filled by the relevant riparian authority in relation to whose representation the vacancy occurred at a meeting to be held as soon as possible after each such occurrence.

(5) At least 3 days before a meeting of a relevant riparian authority at which it is proposed to appoint a member of the joint board, the proper officer^(a) of that authority must give notice of the meeting, and of the proposed appointment, to every member of that authority.

(6) The proper officer of a relevant riparian authority must immediately give notice in writing to the proper officer of the joint board of the name, address and occupation of any person appointed by that officer's authority to be a member of the joint board.

(7) A person appointed to the joint board ceases to be a member of the board if that person ceases to be a member of the council of the relevant riparian authority by which they were appointed.

(a) Under section 74 of the Act (interpretation), a "proper officer" means, in relation to a purpose and to an authority, an officer appointed for that purpose by that authority.

Retirement of members

5.—(1) All members of the joint board must retire from office and the newly appointed members come into office on the first Friday in June of each year.

(2) If, but for paragraph (1), a retiring member of a joint board is qualified to be appointed to the board, that member may be re-appointed for a further term of office.

Chair of the joint board

6.—(1) The members of the joint board must elect the chair of the joint board annually from amongst the members.

(2) The election of the chair must be the first business transaction at the annual meeting of the joint board which takes place on the first Friday in June of each year.

(3) If, in the election of the chair, there is an equality of votes, the person presiding at the annual meeting has a casting vote in addition to any other vote which that person may have.

(4) Unless the chair resigns or becomes disqualified to act as chair, the chair is to continue in office until a successor is elected as chair.

(5) During a person's term of office as chair, that person is to continue to be a member of the joint board.

Jurisdiction

7. The joint board as port health authority has jurisdiction over all waters and land within the port health district.

Application of provisions of Local Government Act 1972 to the joint board

8.—(1) For the purposes of section 241 of the Local Government Act 1972(a) (power to apply provisions of Act to joint boards etc.), the provisions of that Act which are listed in Schedule 1 are to apply to the joint board as port health authority.

(2) In the application of those provisions by paragraph (1), a reference in that Act—

- (a) to local authorities or to any council, is to be read as a reference to the joint board;
- (b) to an office held under that Act or otherwise, is to be read as a reference to the office of member of the joint board; and
- (c) to functions, is to be read as functions conferred on the joint board as port health authority under this Order.

Functions assigned to the joint board

9.—(1) The functions, rights and liabilities of a local authority or a food authority under the enactments specified in Schedule 2 are assigned to the joint board as port health authority in so far as they are applicable to a port health authority and to any land, waters, premises, vessels or persons within its jurisdiction.

(2) Subject to paragraph (3), the enactments specified in Schedule 2 in respect of the functions, rights and liabilities that are assigned to the joint board under paragraph (1), are to have effect as if—

- (a) any vessel lying within the jurisdiction of the joint board is a house, building or premises; and
- (b) the master or other officer or person in charge of the vessel is the occupier.

(3) This article does not apply to—

(a) 1972 c.70.

- (a) any vessel belonging to Her Majesty; or
- (b) any vessel engaged in the service of Her Majesty, whether belonging to Her Majesty or not; or
- (c) any vessel belonging to the armed forces of any country to which the provisions of the Visiting Forces Act 1952(a) apply by virtue of section 1(b) (countries to which Act applies) of that Act.

Expenses

10. Any expenses incurred by the joint board must be defrayed out of a common fund which is to be contributed to by the relevant riparian authority specified in column 1 of the following table in the proportion specified in relation to that authority in column 2 of that table—

Table

<i>Column 1</i>	<i>Column 2</i>
Redcar and Cleveland Borough Council	52%
Stockton-on-Tees Borough Council	31%
Middlesbrough Borough Council	15%
Hartlepool Borough Council	2%

Accounts and audit

11. All accounts of the joint board must be prepared and audited in accordance with the Local Audit and Accountability Act 2014(c).

Revocation

12. The River Tees Port Health Authority Order 1982(d) is revoked.

Signed on behalf of the Secretary of State for Health.

13th June 2016

Ailsa Wight
Member of the Senior Civil Service
Department of Health

(a) 1952 c.67.
 (b) Section 1 was amended by the Zanzibar Act 1963 (c.55), Schedule 1, paragraph 7; the Zambia Independence Act 1964 (c.65), Schedule 1, paragraph 7; the Botswana Independence Act 1966 (c.23), Schedule 1, paragraph 7; the Lesotho Independence Act 1966 (c.24), Schedule 1, paragraph 7; the Singapore Act 1966 (c.29), Schedule 1, paragraph 4; the Swaziland Independence Act 1968 (c.56), Schedule 1, paragraph 7; the Tonga Act 1970 (c.22), Schedule 1, paragraph 6; the Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980 (c.2), Schedule, paragraph 9; the New Hebrides Act 1980 (c.16), Schedule 1, paragraph 4; the Bangladesh Act 1973 (c.49), Schedule 1, paragraph 2; the Brunei and Maldives Act 1985 (c.3), Schedule, paragraph 6; the Pakistan Act 1990 (c.14), Schedule, paragraph 5; the Namibia Act 1991 (c.4), Schedule, paragraph 4; the South Africa Act 1995 (c.3), Schedule 1, paragraph 5(1); the Commonwealth Act 2002 (c.39), Schedule 2, paragraph 3(1); S.I. 1978/1030, 1978/1899, 1979/917, 1980/701, 1981/1105 and 1983/882. There are other amending enactments but none is relevant.
 (c) 2014 c.2. A port health authority for a port health district that is wholly in England is a “relevant authority” for the purposes of section 2(1) (relevant authorities) of the 2014 Act. See paragraph 15 of Schedule 2 (relevant authorities).
 (d) S.I. 1982/1274.

SCHEDULE 1

Article 8

Provisions of the Local Government Act 1972 applied to the Port Health Authority

Local Government Act 1972(a)	
Sections 79-82	Qualifications and disqualifications
Section 84	Resignations
Section 85	Vacation of office by failure to attend meetings
Section 88(1) and (2)	Filling casual vacancy in the office of chairman
Section 92	Proceedings of disqualification
Sections 99 and Parts 1 and 6 of Schedule 12	Meetings and proceedings of local authorities
Section 100	Admission of the public and press to meetings
Sections 101-102	Arrangements for discharge of functions by local authorities and appointment of committees
Section 111	Subsidiary powers of local authorities
Section 112-117 and 119	Staff
Sections 120-123 and 128-131	Land transactions
Section 132	Provision of offices
Section 135	Contracts
Section 140	Insurance against accidents to members
Section 143	Subscription to associations
Sections 222-223	Legal proceedings
Sections 224-234	Documents and notices, etc.

SCHEDULE 2

Article 9

Functions etc. of authorities assigned to the Port Health Authority

Public Health Act 1936(b)	
Section 1(1) (insofar as it relates to sections 45, 49-52, 83 and 264)	Duty to enforce the Act
Section 45	Buildings with defective closets capable of repair
Section 48	Power to examine and test drains etc.
Section 49	Rooms over closets of certain types etc.
Section 50	Overflowing and leaking cesspools
Section 81	Byelaws for the prevention of certain nuisances
Section 82	Byelaws as to removal through streets of offensive matter or liquid
Sections 83 to 86	Filthy or verminous premises or articles, verminous persons and provision of cleansing stations
Section 140	Power to close, or restrict use of water from, polluted water supply

(a) 1972 c.70
(b) 1936 c.49.

Sections 260, 264-265	Provisions relating to watercourses, ponds, ditches and culverts
Section 268(4)	Byelaws relating to nuisances arising from tents, vans, sheds, etc.
Part 12	Miscellaneous provisions (including powers of entry)
Public Health Act 1961(a)	
Section 36	Power to require vacation of premises during fumigation
Section 73	Derelict petrol tanks
Slaughterhouses Act 1974(b)	
Part 1	Slaughterhouses and knackers' yards
Control of Pollution Act 1974(c)	
Part 3	Noise
Part 5	Supplementary provisions (including powers of entry and inspection, obtaining information and default powers)
Local Government (Miscellaneous Provisions) Act 1976(d)	
Section 16	Power of local authorities to obtain particulars of persons interested in land
Section 32	Power of local authorities to execute works outside their areas
Section 41	Evidence of resolutions and minutes of proceedings etc.
Public Health (Control of Disease) Act 1984(e)	
Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(f)	Local authority power to apply to a justice of the peace for an order to protect human health from risk of infection or contamination
Section 46	Duty to arrange for a body to be buried or cremated
Section 48	Removal of body to mortuary or for immediate burial
Building Act 1984(g)	
Section 76	Powers to deal with defective premises
Food Safety Act 1990(h)	
Food authority enforcement functions relating to food safety	
Water Industry Act 1991(i)	
Part 3	Water supply
Clean Air Act 1993(j)	
Air pollution	
Noise and Statutory Nuisance Act 1993(k)	
Noise pollution (street noise)	
The Private Water Supplies Regulations 2009(l)	
Private water supplies	

- (a) 1961 c.64.
(b) 1974 c.3.
(c) 1974 c.40.
(d) 1976 c.57.
(e) 1984 c.22.
(f) S.I. 2010/658.
(g) 1984 c.55.
(h) 1990 c.16.
(i) 1991 c.56.
(j) 1993 c.11.
(k) 1993 c.40.
(l) S.I. 2009/3101.

The Official Feed and Food Controls (England) Regulations 2009(a)	Execution and enforcement of import controls. Designation of competent authority.
The Health Protection (Local Authority Powers) Regulations 2010(b)	Health protection powers
The Transmissible Spongiform Encephalopathies (England) Regulations 2010(c)	Arrangements and enforcement to prevent, control and eradicate transmissible spongiform encephalopathies
The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011(d)	Execution and enforcement of conditions and procedures for the import of polyamide and melamine plastic kitchenware from China and Hong Kong.
The Animal By-Products (Enforcement) (England) Regulations 2013(e)	Enforcement

EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes the Port of Tees and Hartlepool port health district. It constitutes a joint board, consisting of representatives from the Redcar and Cleveland Borough Council, Stockton-on-Tees Borough Council, Middlesbrough Borough Council and Hartlepool Borough Council to be the port health authority for that district. Provision is also made for those authorities to contribute to the expenses of the joint board.

Articles 8 and 9 and Schedules 1 and 2 relate to the jurisdiction and functions of the joint board as port health authority.

Article 12 revokes the River Tees Port Health Authority Order 1982.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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- (a) S.I. 2009/3255.
 - (b) S.I. 2010/657.
 - (c) S.I. 2010/801.
 - (d) S.I. 2011/1517.
 - (e) S.I. 2013/2952.

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River Tees Port Health Authority

Memorandum of Understanding

Public

To:	River Tees Port Health Authority	Date:	9 June 2023
From:	Corporate Director for Adults and Communities	Decision type:	Committee
Portfolio:	Health, Housing and Welfare	Forward Plan reference:	N/A
Priority:	All priorities		
Ward(s):	ALL		

1 What is the recommendation?

- 1.1 It is recommended that the River Tees Port Health Authority Memorandum of Understanding is approved by members.

2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

- 2.1 The Memorandum of Understanding 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.

The document has been reviewed and no amendments have been made.

3 Who has been consulted and engaged?

- 3.1 Senior Officers of the Riparian Authorities have been consulted in the review of the Constitution.

4 What are the risks and resource implications?

- 4.1 The Memorandum of Understanding sets out the relationship between RTPHA and the riparian authorities that fund the service. 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 Appendices and further information

- 5.1 Appendix 1 River Tees Port Health Authority Memorandum of Understanding for Approval June 2023

6 Background papers

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

7 Contact Officer

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Position: Principal Environmental Health Officer
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Memorandum of Understanding

Between River Tees Port Health Authority
and the Riparian Authorities
2023/24

For approval June 2023



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.

River Tees Port Health Authority

Service Plan 2023 to 2024



Public

To:	River Tees Port Health Authority	Date:	9 June 2023
From:	Corporate Director for Adults and Communities	Decision type:	Committee
Portfolio:	Health, Housing and Welfare	Forward Plan reference:	N/A
Priority:	All priorities		
Ward(s):	ALL		

1 What is the recommendation?

- 1.1 It is recommended that the River Tees Port Health Authority Service Plan 2023/24 is approved by members.

2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

- 2.1 The service plan ensures that national priorities and standards are addressed and delivered locally. It enables us to follow the principles of good regulation, focuses on key delivery outcomes and issues, and provides information to stakeholders, including businesses and consumers.
- 2.2 Priorities will be established within the service plan and agreed by members. Compliance with the service plan will be monitored and reported to Members. Any failure to satisfy the service standards will be acted upon and notified to members.

3 Who has been consulted and engaged?

- 3.1 Senior Officers of the Riparian Authorities.

4 What are the risks and resource implications?

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

5 Appendices and further information

- 5.1 Appendix 1 River Tees Port Health Authority Service Plan

6 2023/24 Background papers

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

7 Contact Officer

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**RIVER TEES PORT
HEALTH AUTHORITY**

SERVICE PLAN

2023 – 2024

For approval June 2023

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1. INTRODUCTION

The River Tees Port Health Authority (RTPHA) Service Plan covers the elements of food hygiene and safety, and imported food and feed for which the authority has statutory enforcement responsibility. The Service Plan also covers objectives relating to non-enforcement activity including the mosquito surveillance programme and jetty water sampling programme.

The Service Plan is an expression of this authority's' commitment to the development of the Port Health Service and is a requirement of the Food Standards Agency as the body that monitors and audits local authorities' activities on food enforcement.

The Food Standards Agency's' (FSA's) Framework Agreement issued in April 2010 sets out the planning and delivery requirements for feed and food official controls, based on the statutory Codes of Practice. It ensures that national priorities and standards are addressed and delivered locally.

The RTPHA Service Plan has been drawn up in accordance with the guidance in the Framework Agreement and follows the Service Plan template. This is to enable the FSA to assess the Authority's delivery of its service and to allow local authorities to compare service plans written in the common format for any fundamental performance reviews under the local government Best Value agenda. This Service Plan also takes into account the Food Law Code of Practice and Practice Guidance.

The FSA requires the Service Plan to be submitted to members for approval to ensure local transparency and accountability. This is done annually through Board Member Briefing.

The Authority operates the food hygiene rating scheme where food premises receive a score of between 0 and 5.

RTPHA sits within the Environmental Health (Commercial) Team at Redcar and Cleveland Council and is managed by the Principal Environmental Health Officer. The Environmental Health (Commercial) Team is part of the Health Protection and Health Care Quality Service in the Adult & Communities Directorate.

Port Health Officers are trained to high levels of competency consistent with the competency framework in the Food Law code of practice, including ongoing staff training and support systems in place.

This plan details the delivery of the performance of the port health service during 2023/24, which includes the inspection of ships, enforcement of food, feed and environmental protection laws, and the prevention and control of infectious diseases.

The plan goes on to explain how we intend to deliver the service through 2023/24, including the expected changes to the service following the UK's exit from the EU.

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

2. SERVICE AIMS AND OBJECTIVES

Aims

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

Objectives

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

4. BACKGROUND

4.1. Profile of the Port Health Authority

River Tees Port Health Authority (RTPHA) (the Authority) represents the four riparian authorities of Redcar and Cleveland Borough Council, Stockton-on-Tees Borough Council, Middlesbrough Council and Hartlepool Borough Council. The Authority is managed by Redcar and Cleveland Borough Council.

The River Tees Port Sanitary Authority was first constituted by an Order of the Local Government Board in 1886. The present Authority was established by The River Tees Port Health Authority Order 1982, which defines the port health district over which the joint board has jurisdiction. The Order was further amended in 2016 to reflect changes in legislation.

The Port Health area consists of those parts of the Port of Tees and Hartlepool together with such land and water as is specified in the Order, including:

- a) the part of the Port of Tees and Hartlepool which lies upstream of a line drawn from the most northerly point of the North Gare Breakwater (reference point NZ5442 2843) and the South Gare Buzzer House (reference point NZ5580 2840), including those waters of the River Tees as far as the tide flows up stream to the Tees Barrage (reference point NZ4624 1903);
- b) any wharf, dock, jetty or similar structure on the riverside of, or projecting into, that part of the Port of Tees and Hartlepool and the River Tees; and
- c) any structures and buildings on areas within the gates of any wharf, dock, jetty or similar structure within the districts of the relevant riparian authorities.

4.2. Organisational Structure

The relevant riparian authorities must appoint members to the joint board at meetings to be held in May of each year. The members of the joint board must be appointed annually by the relevant riparian authorities from the members of their respective councils as follows:

- a) five members from Redcar and Cleveland Borough Council,
- b) five members from Stockton-on-Tees Borough Council,
- c) five members from Middlesbrough Council, and
- d) two members from Hartlepool Borough Council.

As the managing authority, the structure of Redcar and Cleveland Borough Council showing where the service sits are detailed in Appendix 1.

The Port Health service carries out the following functions:

- Imported Food and Feed Controls,
- Food Hygiene and Food Standards enforcement,
- Food and food premises complaints,
- Ship Sanitation Inspections,
- Environmental permitting, and
- Water Sampling.

The team comprises of the following:

- 0.4 x FTE Principal Environmental Health Officer
- 1 x FTE Trading Standards Officer
- 1 x FTE Environmental Health Officer

- 1 x FTE Port Health Technical Officer
- 1 x FTE Business Support Officers

4.3. Public Analysts and Food Examiners

The following Analysts have been appointed by the Authority.

Public and Agricultural Analysts

Public Analyst Scientific Services
i54 Business Park
Valiant Way
Wolverhampton. WV9 5GB

- Nigel Payne - Public Analyst

Food Examiners are agreed and approved through a Service Level Agreement with the UKHSA - Food Water and Environmental Laboratory.

4.4. Scope of the Feed and Food Service

The Port Health team are responsible for the following services:

- Monitoring imports of food and feed that come through the Port of Tees.
- Carrying out a programme of food hygiene and standards interventions in accordance with the Food Law Code of Practice and Practice Guidance.
- Investigating and resolving complaints about food and food premises.
- Taking informal and formal action, where appropriate including the service of notices, seizure of food, voluntary and emergency closures, and any other action deemed necessary to secure compliance with legislation.
- Identification and assessment of premises requiring approval in respect of specific processes and food products.
- Maintaining database accuracy by ensuring all food premises trading within the authority are registered, and all information is recorded appropriately on the Civica App and Philis databases.
- Receiving FSA Food Alerts, disseminating to all relevant officers and actions taken and recorded where necessary.
- Provide advice and assistance to importers, exporters, and agents on imported food related issues.
- Investigate incidents of food borne disease and take action where necessary, including liaison with the UKHSA and other stakeholders to determine the source and prevent further infection.
- Provide and operate the Food Hygiene Rating Scheme in accordance with the Brand Standard, to process and respond to appeals and re-rating requests, and upload data in a timely manner to ensure data is up to date and accurate.

- Carry out appropriate food sampling in accordance with the annual sampling plan, which will include inspection and investigation-based sampling as well as cross-regional studies and;
- Carry out a programme of feed interventions in accordance with the Feed Law Code of Practice.

4.5. Demands on the Feed and Food Service

The authority has, as of 1st April 2023, 4 food premises located within the port on its database that are subject to programmed food hygiene interventions; three are catering establishments, one is a wet sales venue. Of the three operating two are rated '5', one is rated '4', and one rated '3'. Of these 4, 2 are Risk Band C, 1 is Risk Band D, 1 is a Risk Band E.

The details of all food businesses and all imports of food and feed are maintained on the Civica and Philis (Port Health Interactive Live Information System) database.

The authority will also respond to any credible information passed to it suggesting any rogue food activities within the Port Area, for example referrals from the Food Fraud Unit. <https://www.food.gov.uk/safety-hygiene/food-crime>

4.6. Regulation Policy

The Port Health Service endorses and adopts the principles laid down in the Enforcement Concordat which recognises that enforcement must be fair, consistent and equitable. The service also has regard to the 'Code for Crown Prosecutors' guidelines. These documents will form the basis of decision-making processes in deciding the most appropriate enforcement action.

The Authority's Enforcement Policy outlines the various enforcement options ranging from advice/education to formal action including the service of notices and prosecution for non-compliance with legislation.

5. SERVICE DELIVERY

5.1. Interventions at Food and Feeding establishments

It is the intention of the Port Health team to inspect all premises due for feed or food intervention within 28 days of their inspection due date and monitor all container and bulk food and feed traffic through the Tees during the financial year. Officers determine the frequency of inspection at each premises according to the feed or food code of practice and check all imported food and feed against relevant legislation to determine whether official controls are required.

During food hygiene inspections, any premises that are not broadly compliant, i.e., those achieving Food Hygiene Rating of 0, 1 or 2 will automatically have a revisit to ensure they have carried out the necessary improvements to satisfy the officer that standards have improved since the initial visit. On occasion, more than one officer may attend a revisit.

The team has one full time Environmental Health Officer and one full time Trading Standards Officer who are both authorised to carry out inspections across a range of businesses and imports.

5.2. Feed and Food Complaints

The authority will respond to food and feed complaints on the same working day of receipt of the complaint, where practicable. Should initial enquiries warrant a visit to the food or feed premises at the port, officers will visit the same day, or when the business is next open and trading.

No food and feed complaints were received during 2022/23.

5.3. Home Authority Principle and Primary Authority Scheme

The Home Authority principle offers advice and guidance to these businesses at source to maintain their high standards of food hygiene and standards compliance. The Authority does not have any home authority agreements in place, and should a business be interested in this type of agreement, they would be encouraged to apply for the Primary Authority Scheme.

The Primary Authority Scheme allows businesses to form a statutory partnership with a single local authority, which would provide robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The Authority does not have any primary authority agreements in place however it would actively explore such arrangements where suitable businesses are identified.

5.4. Advice to Businesses

The Authority encourages businesses to seek advice whenever they have any questions or queries about their particular business as we believe it resolves any issues at an earlier stage before a situation becomes serious. The service would like to be recognised by food businesses as supportive and helpful. Advice will be in the form of verbal advice over the telephone, advisory visits and email/postal communications, where necessary.

5.5. Feed and Food Sampling

The service participates in food sampling programmes co-ordinated by the UKHSA and the Food Standards Agency (FSA) and the Tees Valley Food Liaison Group, which includes organised sampling initiatives, and targeted sampling, depending on local priorities.

The Authority will carry out further sampling during routine inspections at randomly selected premises, and reactive sampling where required, or when non-compliance has been identified.

The UKHSA Laboratory at York will process all food samples procured for microbiological purposes and provide a no cost courier service for this. All standards samples and imported food and feed samples requiring non-microbiological analysis will be submitted to Public Analyst Scientific Services, however this service does incur a charge for analysis and where specified in legislation, will be recovered from the importer.

5.6. Control and Investigation of Outbreaks and Food Related Infectious Disease

The service will respond promptly and as a priority to all notifications of infectious disease, particularly if they are suspected to be food borne. Officers will respond according to initial assessment based on information available at the time. Officers will liaise with UKHSA with regards to submission of stool samples, and liaise with other members of the riparian authority, where required. Should a vessel be implicated in an outbreak, quarantine measures may be required to prevent the spread of disease.

5.7. Feed/Food Safety Incidents

All Officers have signed up for the FSA alerts system on Smarter Comms and will receive notifications directly to their email accounts. Alerts for information are read by each officer, alerts for action are logged and any action required, are taken by officers. The FSA has the contact details of the Port Health Authority lead officer should any urgent action need to be taken in the authority's area.

5.8. Liaison with Other Organisations

Arrangements are in place to ensure that the Port Health service keeps up to date with legislation, guidance, and good practice relevant to its duties. This includes.

- Tees Valley Food Liaison Group meetings on matters such as food hygiene and standards inspections, food hygiene and standards sampling, enforcement action, and any other operational matters.
- Tees Valley Health Protection Group Meetings with UKHSA for Health Protection issues such as infectious diseases, food poisoning outbreaks and emerging issues.
- Attending regional meetings to discuss the Food Hygiene Rating Scheme.
- Attending/teleconferencing into Port Health Liaison Meetings;
- Attending the NETSA (North East Trading Standards Association) meetings with regards to imported feed and;
- Review of planning applications with regards to port premises.

5.9. Feed and Food Safety and Standards promotional work, and other non-official controls interventions

The service does not plan to carry out any promotional work in 2023/24.

6. RESOURCES

6.1. Financial Allocation

The Authority is funded by the Riparian Authorities as set out in the Order. The table below shows the budget for 2023/24 (approved by The Board at their meeting in March 2023).

Areas of Spend	Budget (£)
Salaries - Basic Pay	133,550
Salaries - National Insurance	13,400
Salaries - Overtime	6,500
Salaries - Superannuation	13,600
Other Allowances	2,850
Car Allowances	1,600
Subtotal	171,500
External Training	500
General Equipment	1,000
Clothing & Uniforms	500
Printing & Stationery	100
MFD Recharge (Printing)	50
Analysts Fees	8,000
External Audit Fees	900
SLA Agreement	74,550
Mobile Phones	700
Computer Software	7,600
Subscriptions	1,200
Insurance	1,100
Subtotal	96,200
Projected Income from Fees	
Products of Animal Origin	0
Catch Certification	51,500
Sanitation Certificates	22,300
High Risk Products Imports	500
Organic Certificates	1,050
RTPHA Permits (annual fee)	700
Plastic Declaration	700
Water Sampling	8,000
Subtotal	84,750
Other income	5,350

The budget allocated to the Authority covers all areas of statutory and non-statutory work. Relative to the intentions expressed within this service plan the budget is adequate for these purposes.

6.2. Staffing Allocation

The following staff are planned to form the Port Health team throughout 2023/24, however this may change throughout the year depending on publication and implementation of the governments new Target Operating Model and emerging TOM.

Role	FTE
Principal Environmental Health Officer	0.4
Environmental Health Officer	1
Trading Standards Officer	1
Port Health Technical Officer	1
Business Support	1

All Officers are authorised to enforce Port Health legislation consistent with their qualifications and competency/experience in accordance with the relevant Code of Practice and competency framework. Selected officers from the riparian authorities have been trained in Port Health activities should they need to be called upon.

6.3. Staff Development Plan

All staff have an annual appraisal to assess performance, set targets and to identify any training needs. Officers are required to complete the relevant parts of the Competency Framework as required by the Code of Practice and Quality Management System.

7. QUALITY ASSESSMENT

7.1. Quality assessment and internal monitoring

Continuous monitoring of the service is carried out to ensure inspection targets are met and random checks and accompanied visits are also carried out with individual officers. The performance of the Port Health Service is reported each quarter to the RTPHA Board meeting.

The standard of service provision is monitored on a regular basis by the PEHO. The type of activities monitored is based on the risk and potential impact of non-compliance with service procedures and standards. Monitoring will also be carried out on the activity and workload of each officer to ensure correct and consistent delivery of individual duties.

8. REVIEW

8.1. Review against the Service Plan

The commitments to the service plan, and associated performance indicators are monitored monthly by the team and discussed during team meetings. The performance is also reviewed during quarterly meetings with the Riparian Heads of Service and reported to the RTPHA Board.

The attached appendices report the performance of the service during 2022/23.

8.2. Identification of any Variation from the Service

The monthly reviews against the service plan will identify any significant variations against the service plan. The PEHO and the Head of Service will then identify any remedial action if required.

8.3. Areas of Improvement

The service has always carried out its routine food hygiene and standards inspections, has never refused a request for a renewal of a ship sanitation certificate, and all permitted processes have been audited annually, as required.

Performance review 2022-2023

Ship arrivals

A total of 2,899 ships visited the Tees during last year and this is broken down per authority as in the table below. There has been a reduction of 256 ships from the previous year.

Authority	2022 Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2023 Jan	Feb	Mar	Grand Total
Hartlepool	107	105	83	96	97	100	101	108	109	113	98	112	1229
Middlesbrough	124	118	117	113	118	111	130	130	119	114	110	140	1444
Redcar & Cleveland	14	20	13	8	8	14	17	13	9	14	18	15	163
Stockton	3	1	7	5	7	11	9	8	4	2	3	3	63
Grand Total	248	244	220	222	230	236	257	259	241	243	229	270	2899

Ship inspections

A total of 86 ship sanitation inspections were carried out during 2022/2023. There were 85 exemption certificates issued, and one control certificate (cockroach infestation).

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

	2022 Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2023 Jan	Feb	Mar	Grand Total
Hartlepool													
Exemption	0	0	0	0	0	0	1	1	1	1	0	0	4
Routine	0	0	0	0	0	0	0	0	0	0	0	0	0
Control	0	0	0	0	0	0	0	0	0	0	0	0	0
Middlesbrough													
Exemption	4	1	2	0	0	1	1	1	1	1	0	0	12
Routine	0	0	0	0	0	0	0	0	0	0	0	0	0
Control	0	0	0	0	0	0	0	0	0	0	0	0	0
Redcar & Cleveland													
Exemption	0	4	1	2	5	6	2	2	4	2	5	4	38
Routine	0	0	0	0	0	0	0	0	0	0	0	0	0
Control	0	0	0	0	0	0	0	0	0	0	0	1	1
Stockton													
Exemption	4	1	1	4	3	4	5	1	2	1	2	4	32
Routine	0	0	0	0	0	0	0	0	0	0	0	0	0
Control	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	8	6	4	6	8	11	9	5	8	5	7	9	86

Imported Food and Food Contact Materials

Since April 2022, the service concentrated on EU imports and working with importers to get them ready for additional checks that were planned to come into force on 1st July 2022 (this was subsequently postponed indefinitely by government).

All of the imported food arrives via containers into the Redcar and Cleveland district and is detailed in the table below.

Imported Food and Feed													
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
IUU Fish Imports	106	87	107	97	69	105	140	98	67	72	84	125	1157
HRFNAO	0	2	0	0	0	2	0	1	0	0	0	0	5
Plastic Kitchenware	1	0	0	0	0	1	1	0	0	0	0	0	3
Aquaculture	74	91	81	89	100	59	83	81	61	6	3	49	777
Organics	4	0	1	3	2	0	3	0	1	0	0	1	15
Monthly Total	185	180	189	189	171	167	227	180	129	78	87	175	1957

One import of Mitmita spices from Ethiopia failed its documentary checks due to high levels of aflatoxin, all other imports passed their checks.

Imported Feed

A total of 784 consignments of animal feed were brought into Teesport in containers during 2022/23. A total of 25 bulk imports (a cargo ship load) were also brought in through the Tees.

Type of Feed	Number of Consignments
Bird Feed	6
Cereal Feed	4
Dry Feed	5
Feed Additive	27
Fish Food	6
Insects for feed	5
Milk Feed	7
Pet Food	724
Grand Total	784

Consignments of feed are brought in via containers and bulk ships, with quantities ranging from 15 tonnes in a container to 50,000 tonnes in a bulk vessel. Documentary and physical checks were carried out on all bulk imported feed consignments.

Philis (Port Health Interactive Live Information System) allows the team to report in more detail on feed imports this year which has dramatically increased our imports on previous years.

Products of animal origin

Products of animal origin from outside the EU are prohibited to enter Tees Port. There were 18 consignments of animal products that entered the Tees throughout 2022/23, including pet food from China, bongo drums (animal skins) from Ethiopia, insects for feed from China, and poultry and honey from Brazil.

The bongo drums were destroyed, all other products were transhipped to an approved port for entry into the UK.

Infectious disease control

The global Covid-19 pandemic declined throughout 2022/23 with all official controls lifted.

All proactive work, such as routine visits to ships remained suspended and only work as required by Legislation and official guidance and codes of practice was carried out. Officers remained working a hybrid system of part time in the office and part time working from home.

Potable water analysis

Potable water samples are taken both following a request from the ship/agent, or by the officer attending the ship.

	2022									2023			
Row Labels	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Tot
SATISFACTORY	11	20	7	5	11	9	19	15	0	16	16	31	160
UNSATISFACTORY	0	1	1	0	1	0	4	1	0	3	6	3	20
Grand Total	11	21	8	5	12	9	23	16	0	19	22	34	180

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. The ship is advised to resample after works are carried out.

Jetty water analysis

A total of 22 out of 48 jetty points were sampled during 2022/23, all supplies tested were found to be satisfactory. The jetty locations are split between the authorities as detailed below. All jetty companies were visited, however, not all jetty points were in use or available at the time of sampling.

Authority	No of berths
Stockton	1
Middlesbrough	6
Redcar and Cleveland	15
Hartlepool	0
Grand Total	22

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

Food hygiene and standards inspections

Of the four food premises under the authority's jurisdiction, one had a planned inspection. All registered food businesses are broadly compliant with two rated '5', one rated '4', and one rated '3'.

Environmental Protection

All three prescribed processes are on a planned inspection of once every two years. No annual inspections were carried out during 2022/2023, however, ad hoc visits were carried out throughout the year to ensure compliance with permit conditions. No complaints were received relating to any of the permitted processes.

SERVICE DELIVERY 2023-2024

Ship arrivals

Around 3000 ships are expected to pass entrance into Teesport during 2023/2024 including small support vessels, sand dredgers, small cargo ships, LPG tankers, oil tankers, container ship and other specialised vessels.

All ships arriving into the Tees will be reported to the board on a quarterly basis.

Ship inspections

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

Imported Food

The service is keeping up to date with stakeholders on the impacts of the Target Operating Model issued for consultation early April 2023.

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

Bulk imported Feed

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

The Philis system can also identify any containers/trailers of feed entering the UK.

Imported plastic kitchenware

Plastic kitchenware imports have declined over the years since the introduction of the 2011 legislation, the authority will carry out all documentary, identity and physical checks as per legislative requirements.

Organic certification

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

Products of animal origin

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

Manifest enquiries

Following the implementation of Philis, any ambiguously manifested items are automatically placed on hold, and require submission of commercial documents prior to release.

General enquiries

We will respond to all enquiries in a timely manner that provides minimal impact on the importer.

Infectious disease control

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

Potable water analysis

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

Jetty water analysis

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

Food safety inspections

There are 4 food premises within the boundaries of River Tees Port Health Authority. Three of these are programmed to be inspected for food hygiene during 2023/2024.

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

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

Food Standards Inspections

Two food standards inspections are programmed for 2023/2024.

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

Environmental Protection

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

The prescribed processes generate an income of around £2,217 per annum, these fees are set by Defra.

HORIZON SCANNING

Introduction of new checks on import of products of animal origin from the EU

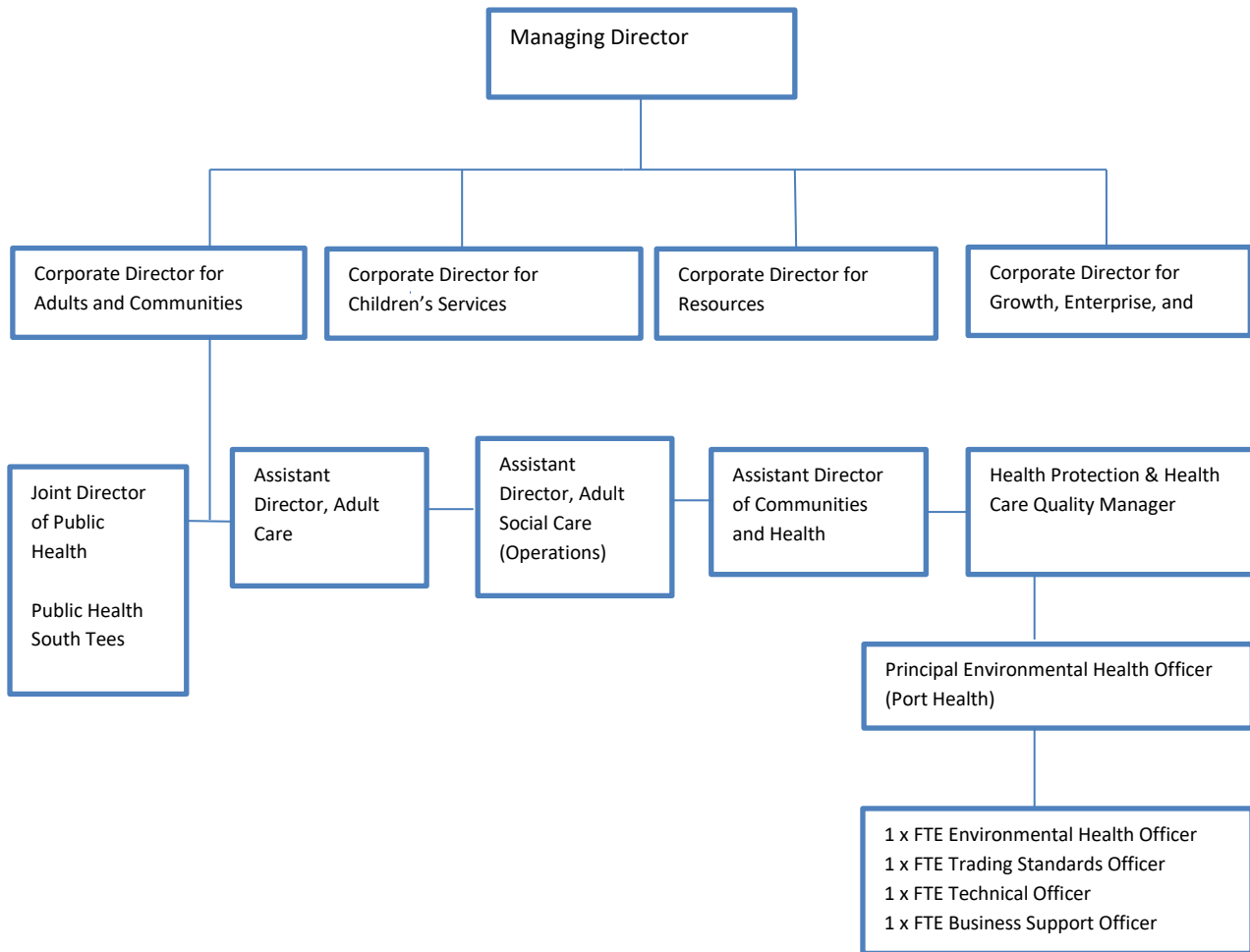
Following the publication of the draft TOM, new checks will be implemented at the end of January 2024. At the time of writing, the TOM was in its consultation period and also awaiting information on the classification of medium and high risk foods.

The service will continue to liaise with relevant stakeholders, including Defra and APHA, to ensure we remain up to date with the upcoming changes.

COVID-19

Whilst the majority of Covid restrictions and controls have been lifted, it is still a concern to the population. We will continue to monitor all possible infectious disease concerns throughout the year and officers will keep up to date with any information and guidance as well as changes to legislation that may have an impact on the service.

Appendix 1 - Organisational Structure



River Tees Port Health Authority

EU Exit Update



Public

To: River Tees Port Health Authority **Date:** 9 June 2023

From: Corporate Director of Adults and Communities **Decision:** Committee

Portfolio: Health, Housing and Welfare

Outcome: Public Health

1 What is the purpose of this report?

- 1.1 To update members on the potential impacts on the Port Health Service (RTPHA) following Britain's exit from the European Union. Board members last received an update report on 03 March 2023.

2 What is the background to this report?

- 2.1 The UK officially left the EU on 31st December 2020 and the government has since put various plans in place to implement border controls, however these plans have now been delayed four times.

The UK government intended to publish a new Target Operating Model (TOM) in autumn 2022 that would set out the new regime of border import controls, which would be introduced at the end of 2023.

2.2 TOM Update

The Government published its draft TOM on 5th April 2023. The three major milestones proposed in the TOM are.

- 31 October 2023 - The introduction of health certification on imports of medium risk animal products, plants, plant products and high-risk food (and feed) of non-animal origin from the EU.
 - **There are no checks to be carried out by the PHA on these documents.**
- 31 January 2024 - The introduction of documentary and risk-based identity and physical checks on medium risk animal products, plants, plant products and high-risk food (and feed) of non-animal origin from the EU. At this point imports of Sanitary and Phytosanitary goods from the rest of the world will begin to benefit from the new risk-based model.

- **PHA will be required to carry out these checks following approval of the Border Control Post (BCP) for the commodity types.**
- 31 October 2024 - Safety and Security declarations for EU imports will come into force from 31 October 2024. Alongside this, we will introduce a reduced dataset for imports and use of the UK Single Trade Window will remove duplication where possible across different pre-arrival datasets.
 - **There is no impact to the PHA for the implementation of these checks.**

2.3 Key Changes Proposed

A risk assessment of all commodities entering the UK is being undertaken by Defra and categorised into High, Medium, and Low risk.

The indicative form of these categories, subject to completion of risk assessments, will be:

- **High risk:** live animals, live aquatic animals and germinal products (with published exceptions for animals with additional safeguards or assurances or which present a lower risk) and commodities covered under safeguard measures.
- **Medium risk:** raw, chilled, frozen meat, meat products, dairy, animal by-products for use in animal feed, fishery products and aquatic animals imported as products of animal origin.
- **Low risk:** processed, shelf-stable products such as composites and certain canned meat products, processed animal by-products and certain fishery products and aquatic animal products from lower risk countries.

In addition, this framework can be overlaid with an assessment of importer compliance in the case of trusted trader schemes. Other risk considerations, including emerging intelligence, will also be fed in before decisions on categorisation are agreed by Defra and Food Standards Agency.

2.4 Trusted Trader Schemes

Defra are exploring the creation of two animal product trusted trader schemes as part of the Border Target Operating Model (TOM): the Accredited Trusted Trader Scheme and the Technology Assurance Scheme.

An extended period of co-design is anticipated, followed by implementation of pilot schemes which are expected to run for 6 to 12 months. The pilot schemes will then be formally reviewed, and successful schemes would then be rolled out nationally.

2.5 Impact on Tees PHA

It is unclear at the present time what impact the TOM will have on the PHA as we are awaiting confirmation of the commodities prior to modelling expected throughput and financial predictions.

2.6 Funding Update

Defra has not confirmed if additional funding will be made available for PHA's in readiness for the new import controls in January 2024. We are engaging with DEFRA about the demands the new TOM will place on the existing service, additional funding needs have not yet been determined.

2.7 The Port Health Service is keeping up to date with all stakeholders during this transition and implementation period on the potential impacts, and likely changes that may occur. The Service has been assigned a DEFRA Readiness Officer to assist during the transition period that will lead to the implementation of the TOM at Tees Port.

3 Who will this benefit and how?

3.1 By keeping up to date with current implementation timetables we will ensure that the Authority is kept fully up to date and prepared for the future development of the Port Health Service.

4 Who have we consulted?

4.1 Senior Officers of the Riparian Authorities.

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

5.1 By keeping up to date with implementation timetables and planned changes we will be fully prepared for any eventuality.

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

6.1 Failure to monitor and plan effectively may result in a financial impact to the Port Health Authority, and subsequently may impact the Riparian Authorities if additional contributions are required.

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 legal considerations at this time.

10 What are the risks involved?

10.1 Failure to keep up to date with the changing situation may put the service at unnecessary financial risk.

11 What options have been considered?

11.1 The report is for information purposes.

12 Recommendations

12.1 For information only.

13 Appendices and further information

13.1 No appendices with this report

14 Background papers

14.1 [The Border Target Operating Model: Draft for Feedback - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

15 Contact officer

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River Tees Port Health Authority

Risk Management



Public

To:	River Tees Port Health Authority	Date:	9 June 2023
From:	Corporate Director for Adults and Communities	Decision type:	Committee
Portfolio:	Health, Housing and Welfare	Forward Plan reference:	N/A
Priority:	All priorities		
Ward(s):	ALL		

1 What is the recommendation?

- 1.1 It is recommended that the Corporate Risk and Opportunity Register for River Tees Port Health Authority is approved.

2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

- 2.1 The Authority must have a risk management strategy and risk register to ensure that risk is managed effectively.
- 2.2 The risk management strategy and risk register is brought to the Board annually, there have been no major changes to the strategy or the risk register since the last meeting.

3 Who has been consulted and engaged?

- 3.1 Rob Davisworth, Treasurer to RTPHA.
Officers and representatives of the Riparian Authorities.

4 What are the risks and resource implications?

- 4.1 Failure to gain member approval will lead to the absence of a Corporate Risk and Opportunity Register for RTPHA, therefore the Authority will not comply with the relevant provisions of the above regulations and will not be in a position to control and minimise risk.

5 Appendices and further information

- 5.1 Appendix 1 – Risk Management Strategy 2023/24
- 5.2 Appendix 2 - RTPHA Corporate Risk and Opportunity Register V18 June 2023

6 Background papers

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

7 Contact Officer

7.1 Name: Sue Ziolkowski
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River Tees Port Health Authority

Risk Management Strategy

2023 – 2024

For approval June 2023

Risk Management Strategy

1. Policy Statement

- 1.1. River Tees Port Health Authority is a small organisation that provides a range of services to both businesses and residents across the Tees Valley. Risk management is a critical element of Corporate Governance and risks must be reduced to an acceptable level, or where possible, eliminated. The Authority is committed to maintaining a systematic and cost effective approach to the identification and management of risk which complies with best practice, statutory and audit requirements, and the creation of an environment that does not give rise to any surprises.
- 1.2. By managing any threats effectively, the Authority will be in a stronger position to deliver its business objectives. The Authority will proactively identify, understand and manage risks inherent in its service so as to encourage responsible and informed risk taking.

2. Risk Management Strategy

- 2.1. The Authority's Risk Management Strategy will be regularly reviewed to ensure it reflects best practice and promotes continuous improvement in the management of risk. It provides a framework to support members of the joint board and officers in their work to address risk and so enables the Authority to discharge fully its responsibilities in this area.
- 2.2. The strategy identifies the objectives and benefits of managing risk, outlines responsibilities for risk management, and provides an overview of the process to manage risk successfully. Effective risk management is the systematic identification and treatment of risk, to reduce the possibility of failure and increase the likelihood of success. It is a continuous process that runs through the Authority's business and is critical to effective decision making and performance management.

3. Aims, Objectives and Benefits

Aims

- 3.1. The aim of the strategy is to improve the Authority's ability to manage threats to its service.

Objectives

- 3.2. Ensure all risks are managed in accordance with best practice and comply with all statutory and audit requirements.
- 3.3. Ensure risk management is embedded in our culture making it integral to the service.
- 3.4. To communicate the Authority's approach to risk management to all employees, members of the joint board, partners and stakeholders.

Benefits

- 3.5. Reduction in failure, loss, damage, and injury caused by risk.
- 3.6. Improve service planning, delivery and performance, and resilience.
- 3.7. Improve financial performance.
- 3.8. Protecting against fraud and poor stewardship of public money.
- 3.9. Compliance with statutory and regulatory requirements.

4. Risk Management Process

- 4.1. Risk assessment is a central component of risk management that is used to identify, analyse and control risk and is an examination of what could affect the Authority’s service provision. The objective is to ensure relevant control measures are in place to mitigate potential risks that may occur. The risk register will be reviewed and monitored on a quarterly basis and reported on at least an annual basis to the board.

5. Roles and Responsibilities

- 5.1. Risk Management is a part of everyone’s role within the Authority in their day-to-day work which involves all Elected Members, management and officers who have both a collective and individual responsibility in the management of risk.

Table of Roles and Responsibilities

Person or group	Role and Responsibility
Joint Board	Approves the Authority’s Risk Management Strategy and monitors the risk register on a quarterly basis.
Director	Acts as senior operational manager to ensure that the Authority manages risk effectively at a strategic level.
Service Manager/ Principal Officer	Ensures risks are managed effectively in the Authority.
Port Health Officers	Manage risk effectively in their job. Report hazards to the Principal Officer.
Treasurer	Acts to ensure that the Authority has effective financial management.
Internal and External Audit	Review of the effectiveness of the Authority’s arrangements for financial management.

6. Skills and Expertise

- 6.1. The Authority will ensure it has the skills and expertise necessary to manage risk by awareness and training sessions delivered to all members and officers.

7. Service Planning

- 7.1. RTPHA Service Plan details the delivery of the port health service, which includes the inspection of ships, enforcement of food, feed and environmental protection laws, and the prevention and control of infectious diseases.
- 7.2. The plan has been prepared in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement. It takes account of the Local Authority Enforcement Monitoring System (LAEMS) and the Agency's guidance on Imported Food and Feed Control. The Service Plan receives approval from the joint board of RTPHA and is reviewed annually.
- 7.3. RTPHA Service Plan may produce recommendations that will affect the future of the Authority and the delivery of the service. It is essential that risks are properly assessed to deliver the intended benefit to the service user.

8. Continuous Improvement

- 8.1. RTPHA is committed to continually improving the service it provides by acting on feedback and removing obstacles to efficiency effectiveness. There may be times when things do not go to plan and it is important that the Authority learns from any incidents and shares and communicates this knowledge.

9. Conclusions

- 9.1. Risk Management is critical to the effective overall management of the Authority; it is essential to good management practice and for successful forward planning. It makes an important contribution to improving performance as being 'risk aware' creates a working environment that supports the achievement of objectives with a greater degree of confidence.
- 9.2. Risk Management can offer cost savings, and reduce service disruption, as well as minimising exposure to negative publicity and costly litigation.



CORPORATE RISK REGISTER

Site: Belmont House, Guisborough

Directorate: Adult and Communities

Department: Public Health

Service: Health Protection and Health Care Quality

Function: Port Health in Environmental Health (Commercial)

Correspondent Name: Susan Ziolkowski

Contact No.: 01287 612404

Current BIA Version: RTPHA/18

Date of Current Version: June 2023



RIVER TEES PORT HEALTH AUTHORITY CORPORATE RISK AND OPPORTUNITY REGISTER

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

Impact	RISK						LOW RISK (< 8)			
	Catastrophic	5					MEDIUM RISK (9 – 15)			
	Critical	4					HIGH RISK (16+)			
	Significant	3								
	Insignificant	2								
	Negligible	1								
Risk Rating Matrix		1	2	3	4	5	Responsible Officer Key			
		Zero to Very Low	Unlikely	Likely	Very Likely	Almost Certain			SN	Steve Newton
		Likelihood					EG	Erika Grunert		
							SZ	Susan Ziolkowski		
							RD	Rob Davisworth		
							DD	David Dobson		
Page #	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)			

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		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		<p>SN</p> <p>SZ</p> <p>EG SZ</p>

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		RD DD SZ

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		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		RD DD 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		RD 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		EG SZ

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		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)			
10	Failure to discharge statutory functions assigned by the River Tees Port Health Authority Order in relation to imported food, feed and food contact materials, and including any other function impacted by the UK's exit from the EU.	4	4	H	<p>Keeping up to date with current developments in relation to the UK's exit from the EU by attending meetings such as the Border Planning Group and Cleveland Local Resilience Forum Meetings, including teleconferences.</p> <p>Officers possessing necessary qualifications and competencies to enforce the designated legislation.</p> <p>Adequate staff available to the Authority.</p> <p>Performance Management arrangements on a team and individual basis.</p>	2	2	L		EG SZ

River Tees Port Health Authority

Enforcement Policy 2023



Public

To:	River Tees Port Health Authority	Date:	9 June 2022
From:	Corporate Director for Adults and Communities	Decision type:	Committee
Portfolio:	Health, Housing and Welfare	Forward Plan reference:	N/A
Priority:	All priorities		
Ward(s):	ALL		

1 What is the recommendation?

- 1.1 It is recommended that the River Tees Port Health Authority Enforcement Policy 2023 be approved by members.

2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

- 2.1 The Authority's Enforcement Policy is reviewed annually and when any significant amendments are required to ensure the effective and lawful operation of River Tees Port Health Authority (RTPHA).

Members are informed that there have only been minor amendments to the policy.

3 Who has been consulted and engaged?

- 3.1 Senior Officers of the Riparian Authorities.

4 What are the risks and resource implications?

- 4.1 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.
- 4.2 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 Appendices and further information

- 5.1 Appendix 1 - River Tees Port Health Authority Enforcement Policy

6 Background papers

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

7 Contact Officer

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River Tees Port Health Authority Enforcement Policy

For approval June 2023

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12. Relevant Guidance 11

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

- 1.1. 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.
- 1.2. 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.
- 1.3. 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

- 2.1. RTPHA will ensure that its approach to regulation is underpinned by the principles of enforcement as follows:
- 2.2. 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.
- 2.3. 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.
- 2.4. The Authority will ensure that it has procedures in place to promote and ensure consistency between officers, other authorities and enforcement bodies.
- 2.5. 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.

- 2.6. 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.
- 2.7. 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

- 3.1. 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/>.
- 3.2. Only officers who are competent by, qualification training and/or experience will be authorised to take enforcement action.

4. Offences and Penalties

- 4.1. 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

- 5.1. 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.
- 5.2. 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: [Primary Authority Register \(beis.gov.uk\)](https://www.beis.gov.uk/primary-authority-register)

6. Investigation with other Agencies

- 6.1. 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, Border Force or any other relevant agency as appropriate.

7. Equality and Diversity

- 7.1. 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.
- 7.2. 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

- 8.1. 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

- 9.1. 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
Public Health (Control of Disease) Act 1984
Food Safety Act 1990
Environmental Protection Act 1990
International Health Regulations 2005

11. Enforcement Options

Imported food, feed and relevant products	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
No Action	Enforcement action will not be considered where there is no risk to public health from imported food, feed or food contact materials.
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	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 the outcome of a consultation with the agent/importer. Agreements will then be made on outcome of the consignment, such as special treatment, destruction, re-dispatching to the country of origin, 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"> • To deal quickly and simply with less serious offences. • To divert offenders where appropriate from appearing in criminal courts. • To reduce the likelihood of re-offending. • Simply cautions are issued in accordance with government guidance.
Prosecution	Prosecutions will be taken under the following circumstances: <ul style="list-style-type: none"> • The offence is serious. • There is a poor history of compliance. • 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. • 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. • Officers have been intentionally obstructed in the lawful course of their duties.

RTPHA ENFORCEMENT POLICY 2023

Public Health Controls	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
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 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.

Environmental Controls	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
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"> • Advice • Verbal warning • Written information Inspection reports	<ul style="list-style-type: none"> • The act or omission is relatively minor. • From the individual/businesses' past history it can be reasonably expected that informal action will achieve compliance. • Confidence in the individual/business's management practices is high. • The consequence of non-compliance will not pose a significant risk to those affected by the activities of the business.
Formal Action	<ul style="list-style-type: none"> • Formal action is proportionate to the risk to public health. • 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.
Simple Caution	Simple Cautions will be used under the following circumstances: <ul style="list-style-type: none"> • To deal quickly and simply with less serious offences. • To divert offenders where appropriate from appearing in criminal courts; and • To reduce the likelihood of re-offending. • Simply cautions are issued in accordance with government guidance.
Prosecution	Prosecutions will be taken under the following circumstances: <ul style="list-style-type: none"> • The offence is serious. • There is a poor history of compliance. • 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.

RTPHA ENFORCEMENT POLICY 2023

Environmental Controls	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
	<ul style="list-style-type: none"> • 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. • Officers have been intentionally obstructed in the lawful course of their duties.

Food Hygiene and Standards	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
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 This may take the form of: <ul style="list-style-type: none"> • Advice • Verbal warning • Written information Inspection reports	<ul style="list-style-type: none"> • The act or omission is relatively minor. • From the individual/businesses' past history it can be reasonably expected that informal action will achieve compliance. • Confidence in the individual/business's management practices is high. • The consequence of non-compliance will not pose a significant risk to those affected by the activities of the food business.
Hygiene Improvement Notice	<ul style="list-style-type: none"> • Formal action is proportionate to the risk to public health. • There is a record of non-compliance with breaches of food hygiene regulations. • The authorised officer has reason to believe that an informal approach will not be successful.
Improvement Notice	<ul style="list-style-type: none"> • Formal action is proportionate to the risk to public health. • There is a record of non-compliance with breaches of food laws relating the labelling, composition, promotion and advertisement of food. • The authorised officer has reason to believe that an informal approach will not be successful.
Voluntary Closure (food hygiene)	<ul style="list-style-type: none"> • Closure required to remove an imminent risk of injury to health. • Taken in agreement with the food business operator. • Officer is confident that premises will not reopen without prior consent of the officer.
Hygiene Emergency Prohibition Notice	<ul style="list-style-type: none"> • There is an imminent risk of injury to health. • Informal voluntary closure is considered inappropriate due to the nature or severity of the health risk conditions. • Immediate action is required to protect public health. • The service of a Hygiene Emergency Prohibition Notice will be followed by an application to the Magistrates court for a Hygiene Emergency Prohibition Order.
Emergency Prohibition Notice	<ul style="list-style-type: none"> • There is an imminent risk of injury to health. • Informal voluntary closure is considered inappropriate due to the nature or severity of the health risk conditions. • Immediate action is required to protect public health.

Food Hygiene and Standards	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
	<ul style="list-style-type: none"> • The service of an Emergency Prohibition Notice will be followed by an application to the Magistrates court for an Emergency Prohibition Order.
Remedial Action/Detention Notices – only applicable to approved premises.	Remedial Action/Detention Notices will be considered if: <ul style="list-style-type: none"> • There is a breach of the Hygiene Regulations. • An inspection under the Hygiene Regulations has been hampered. • There are indications or suspicions that food at an establishment is unsafe and requires examination. • Immediate action is required to ensure food safety. • Continuing offences require urgent action and corrective actions have been ignored.
Simple Caution	Simple Cautions will be used under the following circumstances: <ul style="list-style-type: none"> • To deal quickly and simply with less serious offences. • To divert offenders where appropriate from appearing in criminal courts; and • To reduce the likelihood of re-offending. • Simply cautions are issued in accordance with relevant government guidance
Prosecution	Prosecutions will be taken under the following circumstances: <ul style="list-style-type: none"> • The offence is serious. • There is a poor history of compliance. 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. <ul style="list-style-type: none"> • 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. • Officers have been intentionally obstructed in the lawful course of their duties.

12. Seizure and Detention of Food

- 12.1. 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.
- 12.2. 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.
- 12.3. 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.

River Tees Port Health Authority

Sampling Policy 2023



Public

To:	River Tees Port Health Authority	Date:	9 June 2023
From:	Corporate Director for Adults and Communities	Decision type:	Committee
Portfolio:	Health, Housing and Welfare	Forward Plan reference:	N/A
Priority:	All priorities		
Ward(s):	ALL		

1 What is the recommendation?

- 1.1 It is recommended that the River Tees Port Health Authority Sampling Policy 2023 is approved by members.

2 What part of the Corporate Plan does this report deliver and how, and what options have been considered?

- 2.1 The Sampling Policy is reviewed annually and when any significant amendments are required to ensure all sampling activities are carried out in accordance with legal requirements.

Members are informed that there have been no updates to the policy.

3 Who has been consulted and engaged?

- 3.1 Senior Officers of the Riparian Authorities.

4 What are the risks and resource implications?

- 4.1 The Sampling Policy is necessary to ensure the effective and lawful delivery of the service.
- 4.2 This policy is supported by the Authority's Service Plan which is produced annually in accordance with the Food Standards Agency Framework Agreement on Local Authority Food and Feed Law Enforcement.

5 Appendices and further information

- 5.1 Appendix 1 - River Tees Port Health Authority Sampling Policy 2023

6 Background papers

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

7 Contact Officer

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Port Health Service

Sampling Policy

2023/24

For approval June 2023

1. Introduction

- 1.1. 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.
- 1.2. 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/EHC/06 and in line with the delegated powers in the Constitution of RTPHA.
- 1.3. RTPHA will ensure that proper officers are appointed to carry out the examination and analysis of food, feed, water and relevant products.
- 1.4. This policy is supported by the Authority's Service Plan which is produced annually in accordance with the Food Standards Agency Framework Agreement on Local Authority Food and Feed Law Enforcement.

2. Sampling of food, feed and relevant products

- 2.1. RTPHA will produce an annual 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:
 - a) Requirements of legislation and associated guidance;
 - b) New legislation;
 - c) Trends identified from previous sampling activities;
 - d) Intelligence and risk – the type of product, country of origin, history of compliance of the importer etc.
 - e) FSA alerts;
 - f) Food Standard Agency priorities and;
 - g) Participation in Local, Regional or National Surveys co-ordinated by UK Health Security Agency (UKHSA), Association of Port Health Authorities or other agencies.

3. Water Sampling

- 3.1. 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 on-board ship supplies and from designated drinking water supply points located within the port. Although the port is served by a mains water supply, they must have provisions in place to prevent backflow to the system when filling ships.

4. Analysis and Examination

- 4.1. 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 UKHSA Laboratory.

- 4.2. Water samples will be informal samples and submitted to the UKHSA Laboratory for examination.
- 4.3. RTPHA will have regard for the opinions of the Food Examiner and Public/Agricultural Analyst for the interpretation of results including all relevant guidance.

5. Resources

- 5.1. All fees charged in relation to food, feed and food contact material sampling is recovered in full from the importer.
- 5.2. All ships water samples are recovered in full from the fees charged to the requester.
- 5.3. All jetty water sampling is carried out using our water analysis allocation by Health Security Agency.

6. Review

- 6.1. 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

Financial Outturn Position for 2022/23 and update for 2023/24 financial position

Public

To:	River Tees Port Health Authority	Date:	9 June 2023
From:	Deputy Treasurer	Decision type:	Key - Budget
Portfolio:	Health, Housing and Welfare	Forward Plan reference:	n/a
Outcome:	All priorities		
Ward(s):	All		

1 What are the recommendations?

1.1 It is recommended that Members should:

1. Note the financial performance against budget for 2022/23 and the reasons for the budget variations of the River Tees Port Health Authority (the Authority).
2. Approve the transfer of an underspend of £120,729 achieved in 2022/23, to reserves for carry-forward and use in 2023/24, to help mitigate the risks associated with the continued delayed transition to a Target Operating Model (TOM) and any other unforeseen costs.
3. Approve the unaudited accounts for the River Tees Port Health Authority for 2022/23.
4. Approve the Chair of the Board to sign Section 1, the Annual Governance Statement of the Annual Return, following an internal audit before the end of June, to enable it to be forwarded to PKF Littlejohn LLP by the return deadline of 30 June 2023.
5. Approve the Chair of the Board to sign Section 2, the Accounting Statements of the Annual Return, to enable it to be forwarded to PKF Littlejohn LLP by the return deadline of 30 June 2023.

2 What part of the Corporate Plan does this report deliver, and how and what other options have been considered?

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

3 What is the purpose of this report?

- 3.1 To present to Members the performance against budget for the River Tees Port Health Authority for the 2022/23 financial year on revenue activities.
- 3.2 To outline the next steps for the accounts for the Authority to be externally audited.

4 What is the background to this report?

- 4.1 At its meeting on 4 March 2022 the Authority approved a balanced budget position, which was based on a £123,200 funding contribution from the Teesside Riparian Authorities.

The original 2022/23 budget had increased significantly compared to 2021/22 because of the expected transition to a Border Control Post (BCP) from 1 July 2022.

Following the Government announcement on 28 April 2022, that no further import controls on EU goods will be introduced in 2022/23 financial year and that Businesses should stop their preparations for July 2022 implementation immediately, a revised budget was approved by the Board on 2nd September 2022 and replaced the previous budget agreed in March 2022.

The revised BCP format, known as the Target Operating Model has been issued and is currently in the consultation period. DEFRA have ceased referring to any implementation date and have not confirmed if this has been pushed back further or is expected to be introduced at the end of 2023.

- 4.2 Under the Accounts and Audit regulations 2015, the River Tees Port Health Authority is categorised as a small body for final accounts and audit purposes. This means that unlike local authorities, a detailed Statement of Accounts is not required.
- 4.3 The regulations require that an Annual Return covering the income & expenditure and assets & liabilities on revenue-based activities is produced and that this is audited in line with the above regulations.
- 4.4 The annual return for the 2022/23 financial year has been prepared and is about to be sent to the Authority's appointed external auditors [when internal audit review complete, target start of June] – PKF Littlejohn LLP. (PKF Littlejohn were re-elected for the next 5 years as external auditors using the Smaller Authorities Audit Appointments (SAAA) process, in line with process previously followed). The summary details for this return are set out in this report, as are the primary financial statements for the Authority, the Income and Expenditure account, and the Balance Sheet. The deadline to return the signed documents to the external auditor is 30 June 2023.

4.5 The table below shows a summary of the operating expenditure and income incurred by the Authority, against the January 23 forecast for the 2022/23 financial year:

	Revised Budget	Forecast (Jan 23)	Year End Actual (Mar 23)	Variance to Revised Budget	Variance to Jan 23 Forecast
	£	£	£	£	£
Expenditure					
Staff Costs	280,800	302,800	291,694	10,894	(11,106)
Other Operating Costs	203,100	188,350	190,798	(12,302)	2,448
Total Expenditure	483,900	491,150	482,492	(1,408)	(8,658)
Income					
Port Health DEFRA Funding	(320,001)	(346,938)	(354,101)	(34,100)	(7,163)
Income including grants	(75,700)	(107,950)	(125,920)	(50,220)	(17,970)
Net Expenditure/Income	88,199	36,262	2,471	(85,728)	(33,791)
Funding					
Middlesbrough BC	18,480	18,480	18,480		
Stockton BC	38,192	38,192	38,192		
Hartlepool BC	2,464	2,464	2,464		
Redcar & Cleveland BC	64,064	64,064	64,064		
Total Funding	123,200	123,200	123,200		
Total Reserves					
Reserves Brought Forward	85,653	85,653	85,653		
(Loss) for period	(88,199)	(36,262)	(2,471)		
Riparian contributions	123,200	123,200	123,200		
Reserves Carried Forward	120,654	172,591	206,382		

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

Employee Costs - overspend of £10,894 – salary costs increased versus revised budget due to the planned redeployment of staff to other posts working directly for Redcar and Cleveland Borough Council which have been finalised and confirmed following deferral of commencement of BCP status until at least the end of 2023. Costs incurred for these incremental staff incurred in 2022/23 are funded by additional DEFRA funding which is been allocated on a drawdown basis.

Other Operating Costs - underspend of £12,302 – Non-pay costs have reduced by as figures have been updated following postponement of a fully functioning BCP until at least the end of 2023 including a reduction in the value of the service level agreement.

Income - £84,320 higher than budget relating to additional DEFRA grant funding income in relation to associated costs of the delay to the opening of the BCP (£34,100), additional food standards agency income (£33,505) and higher fees income (£13,823) across several lines including catch certification, sanitation certificates and water sampling.

Members approved the request for Riparian authorities to jointly contribute £123,200 in 2022/23 to support the financial position of the Authority whilst the delayed opening of the BCP continues into 2023/24. The outturn position is £85,728 improved from the revised budget position. Given the uncertainty of the current and future incomes and costs associated with the transition to a TOM, as discussed in the March 2023 Board meeting it is recommended that the Authority transfers any underspend to a reserve which can be monitored and reviewed as the future of the TOM becomes clearer.

Further analysis of the 2022/23 final outturn position can be seen in Appendix 1.

- 4.7 The table below shows the Income and Expenditure account for 2022/23, in comparison to the 2021/22 figures.

Income and Expenditure Account	2022/23	2021/22
	(£)	(£)
Staffing Costs	291,694	223,534
Other Operating Costs	190,798	238,546
Total Expenditure	482,492	462,080
Income	(125,920)	(79,481)
Government Grants	(354,101)	(210,633)
Net Expenditure	2,471	171,966
Transfer from reserves	-	(94,000)
Contribution from Riparian Authorities	(123,200)	(116,600)
2022/23 Transfer to reserves (subject to approval)	(120,729)	(38,634)

- 4.8 The table below shows the Balance Sheet (assets and liabilities) for the River Tees Port Health Authority as at 31st March 2023, including the transfer of unutilised grant and overall underspend.

Balance Sheet	2022/23	2021/22
	£	£
Current Assets:		
Debtors General	33,393	61,234
Cash in Hand	176,155	24,419
Net Current Assets	209,548	85,653
Current Liabilities		
Creditors General	(3,166)	0
Net Liabilities	(3,166)	0
Net Assets	206,382	85,653
General Reserves	206,382	85,653

- 4.9 The balance sheet can be explained as follows:

Debtors - General – this is income due from third parties in 2022/23 not yet received in cash by the Authority. There is a decrease due to reduction in monies due from Riparian Authorities invoiced before the end of the Financial Year.

Cash in Hand – the net value of cash held by the Authority after all assets and liabilities have been considered. This has increased mainly due to increased income streams and overhead costs associated with BCP being funded by DEFRA.

General Reserves – These funds are a contingency buffer to be used against unanticipated fluctuations in both costs and income for the Authority and potentially

increased costs due to the implications associated with the introduction of a BCP. The reserves have increased based on the proposal included in this report to carry forward reserves of £120,729.

4.10 Update for 2023/24

The Government announced on 28 April 2022, that introduction of import controls on EU goods would be delayed and that Businesses should stop their preparations for implementation of a Border Control Post (BCP) from 1 July 2022. The revised format, known as the Target Operating Model (TOM), remains in discussion with no clarity yet provided as to revised proposal and when this will be effective from. The TOM has been issued and is in the consultation period. DEFRA have ceased referring to any implementation date and have not confirmed if this has been pushed back further or is expected to be introduced at the end of 2023.

4.11 Following the announced delay to implementation of Official Controls in April 2022, in order to ease the financial pressure on RTPHA and also bearing in mind difficulties experienced in finding suitable candidates for positions in the RTPHA, Redcar and Cleveland Council sought to retain recruited staff in suitable available roles in the Council where possible. This policy should ease the administration and recruitment burden when the TOM is confirmed, and future staffing requirements are calculated. With Uncertainty around future plans for the TOM, the budget was prepared on the assumption that the TOM does not commence during the whole of 2023/24. In particular, the current assumptions are that:

- TOM operations, and products of animal origin income, do not commence in the 23/24 financial year.
- No further DEFRA grants are receivable to fund the posts originally recruited to in 2022
- Existing staff are in post for the full 23/24 financial year with TOM posts unfilled during 23/24 financial year.

4.12 Financial updates relating to 2023/24 will be presented to the Board in September 2023. If at this point plans for TOM are clear and expected to materially different to current Budget a revised budget will be prepared and presented.

5 Who will this benefit and how?

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

6 Who have we consulted?

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

7 How will it deliver our priorities and improve our performance?

- 7.1 Investment in Port Health services has been earmarked as an ongoing priority by the Tees Valley Chief Executives. In addition, the debate on funding levels for local councils has been the driver for improved operational performance and the delivery of a value for money service.

8 What will be the impact on equality and diversity?

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

9 What will be the impact on our carbon footprint?

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

10 Are there any legal considerations?

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

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

- 10.3 **5 June – 16 June 2023:** Advert giving notice on the internet (www.teesporthealth.co.uk) informing electors of key dates for exercising their rights to inspect the Accounts.

19 June – 28 July 2023: Accounts made available at Redcar & Cleveland House, Kirkleatham Street, Redcar for inspection by electors of the borough for thirty working days.

30 June 2023: Annual Return and supporting documentation to be submitted to PKF Littlejohn LLP, our external auditors.

11 Appendices and further information

- 11.1 Appendix 1 – Detailed Comparison of 2022/23 budget for RTPHA against the unaudited outturn for the River Tees Port Health Authority for 2022/23.

12 Contact officer

Name: David Dobson
Position: Deputy Treasurer to the River Tees Port Health Authority
Address: Redcar & Cleveland House, Redcar
Email: David.dobson@redcar-cleveland.gov.uk

Appendix 1

RIVER TEES PORT HEALTH AUTHORITY				
FINAL OUTTURN POSITION AS AT 31 MARCH 2023				
		Revised Budget 2022/23	Outturn 2022/23	Variance
		£	£	£
R1000	Basic Pay	225,150	233,967	8,817
R1001	NI Contributions	23,650	24,455	805
R1003	Overtime	4,300	4,941	641
R1006	Superannuation Contributions	23,350	24,506	1,156
R1063	Other Allowances	2,750	2,750	-
R3400	Car Allowances	1,600	1,075	(525)
		280,800	291,694	10,894
R1650	Training Expenses	1,000	0	(1,000)
R4000	Tools & Equipment Purchase	10,000	9,958	(42)
R4200	Clothing, Uniforms & Laundry	1,000	349	(651)
R4300	Printing & Stationery	100	20	(80)
R4305	Photocopier Usage	50	0	(50)
R4400	Services - Professional Fees	179,900	175,159	(4,741)
R4507	Mobile Phones	700	662	(38)
R4531	Computer Software	7,500	3,304	(4,196)
R4701	Subscriptions	1,750	120	(1,630)
R4960	Public Liability Insurance	1,100	1,100	-
R4964	Contribution to bad debt	0	126	126
		203,100	190,798	(12,302)
R9000	DEFRA Port Health Transition Fund	(320,001)	(354,101)	(34,100)
R9101	Other Grants & Contributions – Other Local Authorities	0	(2,893)	(2,893)
R9102	Food Standards Agency Grant Funding	0	(33,505)	(33,505)
R9305	Environmental Health	(75,700)	(89,522)	(13,822)
		(395,701)	(480,021)	(84,320)
	Net Expenditure	88,199	2,471	(85,728)
	Contribution from Riparian Authorities	(123,200)	(123,200)	(0)
R4995	Net transfer to Reserves	(35,001)	(120,729)	(85,728)
	Contributions based on Board agreement.	Budget 2022/23	Actual as at 31/03/23	Variance
	Middlesbrough 15%	(18,480)	(18,480)	(0)
	Stockton 31%	(38,192)	(38,192)	(0)
	Hartlepool 2%	(2,464)	(2,464)	(0)
	Redcar & Cleveland Borough Council 52%	(64,064)	(64,064)	(0)
		(123,200)	(123,200)	(0)

River Tees Port Health Authority 2023/24

Friday 1 September 2023 at 10am

Friday 8 December 2023 at 10am

Friday 1 March 2024 at 10am

Friday 14 June 2023 at 10am - AGM