

Subject:	EU TRANSITION – DOVER PORT HEALTH AUTHORITY
Meeting and Date:	Cabinet – 5 October 2020
Report of:	Diane Croucher, Head of Regulatory Services
Portfolio Holder:	Councillor Derek Murphy, Portfolio Holder for Housing and Health
Decision Type:	Executive Non-Key
Classification:	Unrestricted
Purpose of the report:	To draw members' attention to the implications of the end of EU Transition on the Port Health Service; to obtain approval for additional resource to support the first phase of the EU end of transition period (until end March 2021); and to request that a letter be sent to the Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, to impress the need for urgent clarity and commitment to funding.
Recommendation:	<p>That Cabinet:</p> <p>a) Approves the additional resource required to support the recruitment of 3 additional Port Health staff from the 2020/21 budget to support the first phase of the EU end of transition;</p> <p>AND</p> <p>b) Supports a letter to the Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, seeking urgent clarity and commitment to funding.</p>

1. Summary

As a result of the phased increase in Port Health Authority (PHA) responsibilities associated with the end of the EU transition period, funding is required to recruit an additional 3 members of staff initially, for commencement in November/December 2020. Beyond this the requirements are not fully known and so cannot be reported in detail at this time. This lack of clarity, along with the scale of the changes, significantly impacts on the PHA's ability to deliver on its duties by the end of the transitional period (July 2021). There are many risks and implications of the PHA not being border ready at this time. These are highlighted in Appendix 1

2. Introduction and Background

- 2.1 Port Health Authorities (PHAs) undertake a range of health controls at the port including Sanitary and Phytosanitary (SPS) checks on imported food.
- 2.2 Dover PHA (DPHA) is responsible for enforcing port health controls at the Port of Dover and the Channel Tunnel. Further details are contained within Appendix 1.
- 2.3 DPHA is only required to enforce imported food controls on a very small number of Rest of World (RoW) foodstuffs. This is partly because no checks are required on EU origin foods but also because the majority of RoW products will have already been inspected

at the first point of entry into the EU and will not require any further checks upon arrival at Dover.

- 2.4 In addition to imported food controls, Port Health Officers are also responsible for conducting documentary checks on organic foodstuffs from outside the EU and on catch certificates accompanying non-EU fishery products.
- 2.5 Under the current regime, Dover PHA is able to meet service demand with 1.6 FTE and can complete the work within the Council's standard operating hours Monday to Friday, 09:00 – 17:00.
- 2.6 Over the past 3 years officers from the DPHA have been engaged and involved in the Brexit process and local border delivery planning. Further details can be found in Appendix 1.
- 2.7 During the initial planning stages, it was anticipated that DPHA would only see a minimal increase in imported food controls (i.e. organics and Illegal, Unreported and Unregulated (IUU) fish), as higher risk foodstuffs (that require the most stringent and time-consuming controls) would not be able to enter the UK via the two ports as they did not have the necessary Border Control Point (BCP) status. The Port of Dover and the Channel Tunnel both clearly expressed that they did not have the space required to build or facilitate BCP's within their port confines.
- 2.8 In May 2020, DPHA became aware that an Inland Border Facility (IBF) site in Ashford had been agreed which could be used to conduct Sanitary and Phytosanitary (SPS) control checks for both the Port of Dover and Channel Tunnel sites. Under the current legal framework Dover PHA has no jurisdiction outside of its area so it was not clear where the responsibility for the Port Health function would lie.
- 2.9 Subsequently Dover PHA became aware that further discussions were taking place regarding other potential IBF sites in Kent, and in particular within the Dover District Council area to facilitate SPS checks on foodstuffs entering via the Port of Dover. It was proposed that the site in Ashford would be used as a BCP for goods arriving via the Channel Tunnel only.
- 2.10 Should a full BCP be established, DPHA will be responsible for conducting all imported food controls for EU and rest of world (RoW) foodstuffs arriving via Dover Port by the end of the transition period.
- 2.11 The future legal responsibility for imported food examinations at the Ashford site remain unconfirmed.
- 2.12 Appendix 1 outlines the impact on DPHA of these changes, the implementation timescale and the potential risk.
- 2.13 Whilst the implementation timetable indicates that the full spectrum of checks will not be required until July 2021, of immediate concern is the ability of the PHA to fulfil its new duties with regards to EU Organic and EU IUU (fish) products from 1st January 2021.
- 2.14 Although no government body is able to confirm the exact figures, it is anticipated that the increase will be in the region of 3000 -10,000 per annum. This increase is not accounted for in any bidding provisions from government which currently focusses solely on Products of Animal Origin (POAO). The expectation is that the PHA will

recruit posts specifically for this income generating function before the 1st January 2021. Based on the figures supplied an additional 3 Technical officers will need to be in post by November/December to enable necessary in-house training to take place prior to implementation on 1st January.

2.15 In addition, it is clear that the magnitude of the PHA requirements beyond July 2021 will be immense and the timescale to get everything in place is short. The ability of the PHA to commence these preparations is being hindered by a significant lack of clarity with regards the following:

- The location and specification of all the relevant sites affecting DPHA (Dover, Ashford, Manston etc)
- Who will own/manage the sites and what facilities will be available for inspections and accommodating staff etc.
- Which organisation will have responsibility for undertaking the Port Health SPS checks at the relevant sites.
- The overall volume of relevant trade (not just POAO) and hence the anticipated number of checks required in relation to all functions (POAO, High Risk Foods Not of Animal Origin (HRFNAO), Organics, IUU)
- What funding will be available for start-up etc costs beyond end March 2021 (As it currently stands any financial risk falls to the PHA beyond end March).
- What the future charging mechanism will be for the service
- What contingencies will be put in place if there is a national shortage of competent staff, including Vets and Environmental Health Officers, meaning insufficient resource can be recruited within the necessary timescales.

3. Identification of Options

3.1 A) Approve the additional resource required to support the recruitment of 3 additional Port Health staff from the 20/21 budget to support the first phase of the EU end of transition. This budget has been incorporated into the in-year pressures as outlined in the report 'Approval of revised 2020/21 general fund revenue budget and project programmes'.

B) Support a letter to the Rt Hon Michael Gove MP Chancellor of the Duchy of Lancaster and Minister of Cabinet Office seeking urgent clarity and commitment to funding.

3.2 Support only one of the options or neither A) nor B)

4 Evaluation of Options

4.1 It is recommended that both options A) and B) are supported to enable the DPHA to establish the necessary resources to deliver the first phase of the EU transition, fulfilling its new duties with regards to EU Organic and EU IUU fish products from 1st January 2021 and to reinforce communications with Government to obtain clarity and funding for the on-going requirements.

4.2 By not supporting point A, it is unlikely that the PHA will be able to fulfil its duties with regards to the anticipated increase in Organic and IUU documentary checks income generating function before the 1st January 2021. In addition to the potential loss of income generation from the provision of this service, it also has the potential to negatively impact on the trade.

4.3 By not supporting Point B it will increase the risk of Dover PHA failing to redesign and implement an appropriate port health service within the necessary timescales. There

are many risks and implications of the PHA not being border ready as outlined in Appendix 1.

5 Resource Implications

- 5.1 The total costs of three Port Health Support Officers for a 5 month period, including training and ancillary costs are estimated to be approximately £50k. this pressure has been included in the report 'Approval of revised 2020/21 general fund revenue budget and project programmes' included separately on the Cabinet agenda.
- 5.2 Costs beyond 1 April 2021 will be included within 2021/22 Budget setting process.

6. Climate Change and Environmental Implications

- 6.1 None.

7. Corporate Implications

- 7.1 Comment from the Director of Finance (linked to the MTFP): The Head of Finance & Investment has been consulted on this report and has no further comments to add.
- 7.2 Comment from the Solicitor to the Council: The legal provisions relating to the Dover PHA going forward are as yet unknown. However, at the present time, the Head of Governance has been involved in the preparation of this report and has no further comment.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/section/149>.
- 7.4 Other Officers (as appropriate):

8. Appendices

Appendix 1 – EU Transition – Dover Port Health Authority Position Report

9. Background Papers

None.

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