

Date of meeting:	25 September 2019
Title of Report:	Update on the Potential Impact of Brexit on Port Health
Lead Member:	Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Katharine O'Connor (Environmental Health (Food Safety) Service Manager)
Contact Email:	katharine.oconnor@plymouth.gov.uk
Your Reference:	KOCI90925
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

The purpose of this document is to give an overview of how the impact of Brexit is likely to affect the Port Health function of the Public Protection Service (PPS). The report will also introduce the issues faced by the Port Operator, Associated British Ports (ABP), and their biggest customer, Brittany Ferries. Finally, the report will outline the process and decisions to be made regarding the pursuit of Plymouth as a world class border, with a Border Inspection Post (BIP).

Recommendations and Reasons

1. Acknowledge the impact that Brexit will have on PPS and the Port of Plymouth
2. Lobby for support for Plymouth as a strategic port and the need for an updated risk assessment
3. Support an urgent business case to describe Plymouth as a key port in the UK Government's Future Borders programme with a world class border, including a Border Control Post and the full range of port facilities for import and export.

Alternative options considered and rejected

Do nothing and accept that there will be no further funding for Plymouth

Relevance to the Corporate Plan and/or the Plymouth Plan

The report links to the corporate priorities of 'A Growing City' and 'A Caring Council'

Implications for the Medium Term Financial Plan and Resource Implications:

Increased activity to support Brexit is cost-recoverable but it will impact on PPS ability to undertake statutory duties for the first 8 – 12 weeks after Brexit. There will be resource implications if, following the required business case, a decision is made to invest and promote Plymouth as a world class border.

Carbon Footprint (Environmental) Implications:

The immediate impact of Brexit is unlikely to have any effect on the carbon footprint. Increased port traffic associated with BIP status will probably have a minor impact on carbon footprint.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

No other implications

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
		1	2	3	4	5	6	7
A	Update on the potential impact of Brexit on Port Health and Public Protection Service							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)							
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
		1	2	3	4	5	6	7

Sign off:

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Originating Senior Leadership Team member: Giles Perritt											
Please confirm the Strategic Director(s) has agreed the report? Yes Ruth Harrell											
Date agreed: 15/09/2019											
Cabinet Member approval: Approved by Councillor Sally Haydon											
Date approved: 16/09/2019											

1.0 Update on the potential impact of Brexit on Port Health and Public Protection Service

- 1.1 Plymouth City Council's Port Health Authority is part of the Public Protection Service (PPS) with a remit for food safety and infection control. PPS also encompasses Trading Standards functions. Brexit will bring about changes to import and export requirements (specifically for food, animal feed, pets and product safety) and will generate an increase in demand for business advice from local businesses.
- 1.2 As a Port Health Authority, Plymouth is exposed to additional costs that will not be experienced by other Local Authorities. Plymouth Port Health Authority has received a little funding to assist with the preparations for Brexit from the Food Standards Agency. Plymouth City Council has not received any additional port funding from central government as Plymouth has not been acknowledged as a Strategic Port.
- 1.3 Government departments have been working to design customs and other control arrangements at the UK border in a way which ensures goods can continue to flow into the country, and won't be delayed by additional controls and checks. However, the UK Government does not have control over the checks which member states impose at the EU border. The European Commission has made it clear that it is likely to impose full third country controls on people and goods entering the EU from the UK.

2.0 Import controls

2.1 Day One

- 2.1.1 Because the risk is not expected to change on day one, no new controls are envisaged in relation to imports of high-risk food and feed (with the exception of catch certificates for fishery products) from the EU until the UK Government deems that the risk assessment has changed.
- 2.1.2 To maintain high levels of food safety, the UK will require importers of high-risk food and feed to pre-notify the Food Standards Agency (FSA) of imports from the EU. A new online import notification system is being developed. This requirement would have no direct impact at the border or for port health authorities. Pre-notifications would be made electronically, in advance, by those introducing high-risk foods into the UK, and would be managed by the Food Standards Agency. No additional controls would be introduced at the border.

2.2 Border Inspection Post

- 2.2.1 Plymouth is not a Border Inspection Post (BIP). If the risk assessment for high risk food and animal feed changes, and the UK government decides to start imposing import controls on high risk EU food, the meat, fish and dairy produce that is currently imported through Plymouth will need to be diverted to a Border Inspection Post. This equates to approximately 1500 vehicles of freight per year which would have to be re-directed. Southampton is currently the closest operating Border Inspection Post.
- 2.2.2 Plymouth would be a suitable strategic location for a Border Inspection Post (BIP) and designation as a BIP would ensure that the current freight could continue to be imported if the UK decides to impose import controls. Port operators are responsible for building BIP facilities. Plymouth City Council is currently assisting Associated British Ports (the port operator at Millbay) with information about minimum requirements for a BIP facility. It is unfeasible to expect that high-risk food can continue to come into the EU with no import checks indefinitely, however, based on current available information it is difficult to justify a business case for investment into building a Border Inspection facility, because currently there is no need for one in Plymouth.

- 2.23 ABP and Brittany Ferries have indicated that they would definitely want to secure the current high risk freight – they wouldn't want to lose this traffic to other ports. If Plymouth was to become a Border Inspection Post, there would be potential to attract new business, and to relieve pressure on South East ports by accepting high risk cargo at peak times, but current estimates to build a suitable facility are well in excess of £1.5m. This excludes the cost of staffing, which ultimately would be covered by import charges, but further work is required to scope out true costs and whether there is the potential to explore alternatives such as inland facilities. See 5.0.
- 2.24 To complicate matters further, a new suite of EU regulations concerning official food controls comes into effect in December 2019 in the EU and replaces Border Inspection Posts with Border Control Posts (BCPs). The UK position regarding adoption of this new set of regulations is currently unclear.
- 2.25 Although Plymouth Port Health Authority is not expecting extra port checks (except catch certificates) on imported food and feed from day one, the Environmental Health Officers and Trading Standards Officers will be expected to continue to check traceability, food safety and product safety during routine food hygiene inspections and investigations inland, which may add time to each intervention.

2.3 Transit Cargo

- 2.31 Changes would apply to control requirements for imports of third country animal products and high-risk food and animal feed which move through the EU before arrival in the UK on EU Exit. Importers would need to notify UK authorities using the new import notification system and would be directed to an existing UK BIP where the relevant checks would take place. As Plymouth is not a BIP, there shouldn't be any of this cargo from day one. However, PPS is still working to quantify how much transit cargo (particularly animal feed) currently enters the port. Available intelligence to date suggests that Plymouth currently receives very little cargo that has originated from outside the EU at the port.

2.4 Re-routing location

- 2.41 There will be an increase in the number of consignments requiring import control checks at existing UK Border Inspection Posts as a result of the need to carry out checks on transit items that are currently carried out elsewhere in the EU. Plymouth was previously identified as a port that will take extra ferries carrying cargo to help alleviate this extra pressure on the BIPs. If Brittany Ferries are again approved to take extra freight, this could impact on the amount of fishery products entering and leaving Plymouth requiring certification.

2.5 Catch Certificates

- 2.51 EU fishery products landed to Plymouth from the lorries on the ferries will require PPS to issue Catch Certificates in accordance with Illegal, Unreported and Unregulated fishing legislation (IUU). This is a new and onerous duty. It is estimated that between 80 and 200 vehicles per year will arrive into Plymouth requiring certificates. This will be chargeable to the importer at full cost recovery but there is a significant impact on capacity in the Food Safety team. This is a documentary check and should not require any cargo to be held at the port.

3.0 Exports

- 3.1 Exports to the EU do not currently need any special documentation, so this is a new area that will require resource and training. There will be a significant increase in requests for Export Health Certificates to accompany food being exported from Plymouth based exporters and the fish quay. The export certificates themselves will be calculated at full cost recovery, however, the resource required to issue them will have an impact on the Food Safety team. There will be increased demand for business advice concerning imports and exports of goods.

- 3.2 Plymouth Port Health Authority has been awarded £25k from the Food Standards Agency for this financial year to help with preparation for food and feed Brexit-related issues. The requested amount was £158K to cover time spent in scoping the impact of a no deal Brexit, for attendance at meetings (government departments, Plymouth City Council and industry) and for staff training and backfill for the work that PPS is anticipating. The Food Standards Agency do not believe that the impact on PPS from imported foods will be significant, hence the small award. Export Health Certificates and Catch Certificates are DEFRA and Marine Management Organisation functions and there has been limited funding opportunities for these functions. PPS has been offered £25k in a joint bid with South Hams District Council for Export Health Certificates in case of a no deal.
- 3.3 PPS estimates that a no deal Brexit will require additional staff for the food safety impact, plus admin support. It is possible to cost recover some of this from Export Health Certificates and Catch Certificates but these are not statutory functions and will impact on PPS ability to deliver our statutory duties. Due to succession planning, PPS has invested in training for a new inspector and this officer will be ready to undertake new duties from November 2019.

4.0 Strategic Port Status

- 4.1 Plymouth is still pursuing government in order to secure status as a strategic port. It is currently unclear which departments or personnel were involved in assessing that Brexit will have a low impact on Plymouth. Other local authorities (such as Ramsgate and Sheerness) were included on the high impact list solely on the basis that they might be asked to accept traffic rerouted from the Dover/Calais crossing. However, Ramsgate has no roll on roll off ferry operator, or any contractor aiming to provide one. Plymouth is the only operational roll on roll off ferry terminal in the South West region and as such it is very important to the agrifood and fisheries businesses which proliferate across the South West, Brittany and Spain.
- 4.2 The Port Risk Assessment for Plymouth must be urgently reviewed, this time in partnership with the relevant stakeholders so that central government and the Cross Government Border Delivery Group can understand the true potential impact of Brexit.

5.0 Plymouth as a 'World Class' border

- 5.1 Plymouth has clear ambitions to become a world class border and is determined to play a part in the Border Delivery Group Future Borders programme.
- 5.2 Plymouth City Council is in discussion with neighbouring local authorities, DEFRA and Seafish over the creation a sub-regional fishery products export hub covering Devon and Cornwall. This will duplicate the model being trialled in Scotland and could enable Plymouth Port Health Authority to issue export health certificates for fishery products from across the peninsula before export.
- 5.3 To support Plymouth as a fully functioning port, and due to early morning and night sailings, Plymouth City Council would like to urgently undertake a business case to re-establish a permanent presence at the port. The vision would be to have a fully functioning port office, combining Environmental Health and Trading Standards functions and co-located with ABP, Brittany Ferries and Border Force.
- 5.4 Plymouth is not currently listed as a Border Inspection Post and does not have the necessary infrastructure. If Plymouth cannot put this in place, traffic which currently crosses the channel into Millbay may have to be diverted to other potentially busier ports. By working with other port stakeholders on the business case, and re-establishing a port office, Plymouth will be well placed to secure a Border Control Post and world class border for the future.