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| 3 December 2020 | | ITEM: 9 |
| Cleaner, Greener and Safer Overview and Scrutiny Committee | | |
| Environmental Health Jurisdiction : DP World Distribution Park | | |
| Wards and communities affected: All | Key Decision: N/A | |
| Report of: Gavin Dennett – Strategic Lead Public Protection | | |
| Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection | | |
| Accountable Director: Andy Millard, Director of Place | | |
| This report is Public | | |

Executive Summary

The Corporation of London have jurisdiction for Environmental Health in ports along the river Thames under a Port Health Order. Within Thurrock they exercise this jurisdiction in the Port of Tilbury and the DP World Port at London Gateway.

This jurisdiction applies within the docks only. Within these areas the Corporation provide a comprehensive Environmental Health service, a large part of which is the inspection of food entering the UK from overseas.

The Corporation have requested that their jurisdiction for Environmental Health matters at London Gateway be extended beyond the immediate area of the dock to include the Distribution Park currently being developed, as indicated on the attached map (appendix 1).

The purpose of this report is to provide details of this proposal and its implications for Thurrock Council and to consult Cleaner Greener and Safer Overview and Scrutiny Committee prior to seeking a decision from the Cabinet on this matter

1. Recommendation(s)

1.1 Cleaner Greener and Safer Overview and Scrutiny Committee note the content and proposed recommendation to Cabinet as follows:

Cabinet authorise the Director of Place, in conjunction with the Head of Legal and Portfolio Holder for Public Protection and Anti-Social Behaviour, to enter into a formal agreement on behalf of Thurrock

Council with the Corporation of London to transfer jurisdiction for Environmental Health Matters pertaining to enforcement of food law within the DP World Distribution Park from Thurrock Council to the Corporation of London.

2. Introduction and Background

2.1 The City of London Corporation is the Port Health Authority for the district of the Port of London (LPHA). The jurisdiction is set out in the London Port Health Authority Order 1965 and covers all of the tidal Thames. The area for which LPHA is responsible includes the new London Gateway Port as well as the Port of Tilbury.

2.2 The LPHA is responsible for enforcing legal requirements relating to food safety and food standards for all food and animal feed that is imported through the ports within London Port Health Authority area. This includes:

- Operation of the Border Control Posts at London Gateway Port and Tilbury.
- Monitoring for illegal food or animal feed imports at any of the Ports within the Borough
- Carrying out documentary, identity and physical checks on imported consignments of products of animal origin and products not of animal origin
- Making checks of fish catch certificates to ensure compliance with regulations concerning Illegal, unreported and unregulated fishing

As part of their duties the LPHA undertake Environmental Health duties in the area of the port, including those relating to food controls, pollution control, disease control, pest control and controls on the hygiene standards aboard vessels entering the port.

2.3 The Corporation have requested that their jurisdiction for Environmental Health matters at London Gateway be extended beyond the immediate area of the dock to include the Distribution Park currently being developed, as indicated on the attached map (appendix 1).

3. Issues, Options and Analysis of Options

3.1 Officers from Thurrock Council's Public Protection Service are responsible for enforcement of the same or equivalent legislation to that enforced by the LPHA as it applies to operations outside of the currently defined LPHA area. This currently includes the London Gateway Distribution Park.

3.2 London Gateway Distribution Park will give rise to an increasingly large amount of activity from food and feed importation and the LPHA are structured and resourced to accommodate the necessary regulation of this activity.

- 3.3 The area covered by the Distribution Park is approximately one square mile. It is anticipated that this will be densely occupied by logistics companies with a fast turnover of goods, including perishable food items. The volume of warehousing together with the quick throughput of goods means that vast quantities of food in numerous consignments are likely to pass through the Distribution Park annually.
- 3.4 The operations at the Port and the adjacent Distribution Park will run outside of office hours and potentially during weekends. The turnaround times required for food certification work for exporters, who could accrue storage and possibly demurrage charges mean that in order to avoid severe disruption and cost to such businesses a rapid response to requests for certification and inspection of goods will be needed. This will require staff working shifts to be based on site or near site for extended periods of the week. The cost of staffing this work, together with resourcing works on the other aspects of Environmental Health work to be covered will entail an estimated need for over 200k in the Services staffing budget. This will provide three staff members to cover a shift pattern with additional hours for sickness and annual leave cover. It may also be necessary to secure welfare facilities and accommodation at or near the site for these staff entailing additional costs.
- 3.5 The staff required to undertake this type of work have to be qualified Environmental Health Officers who have significant and current experience in food safety work to comply with the Food Law Code of Practice. There are not many qualified staff available and this could lead to difficulty in recruitment.
- 3.6 Two options exist to address the increasing activity at the port and in its adjacent distribution centre:
1. Upscale the Environmental Health Provision at Thurrock Council to accommodate the increased workload generated by the increasing activity at the Port and Distribution Park, with an estimated additional revenue cost of over 200k per annum, or:
 2. Transfer jurisdiction for Environmental Health regulation in the Distribution Park to the LPHA.

4. Reasons for Recommendation

- 4.1 The transfer of jurisdiction for Environmental Health matters relating to the enforcement of food law within the Distribution Park will avoid significant impending budget pressure that will otherwise arise, as a result of the increased demand for regulation work in the Distribution Park.
- 4.2 The transfer of jurisdiction for Environmental Health matters pertaining to food within the Distribution Park will allow the LPHA with an on-site dedicated provision to provide a more joined up service for importers and exporters, avoiding the need for businesses to deal with both LPHA and Thurrock as regulators for essentially the same activity where for example food commodities move from the Port to the Distribution Park and back.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 None

6. Impact on corporate policies, priorities, performance and community impact

6.1 Avoidance of budget growth pressure in Public Protection associated with increased demand for regulation from the Distribution Park will leave more resources available to address the Council's priorities.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

There are no direct financial implications arising from the recommendations in this report. Financial implications may subsequently arise dependant on the outcome of discussions with the LPHA regarding the provision of regulation within the Distribution Park. There is a potential for an increase in the costs attributable to the operation of the Council's Public Protection functions of over 200k if agreement cannot be reached with the Corporation of London to undertake this work.

7.2 Legal

Implications verified by: **Ian Hunt**
Assistant Director Law and Governance and Monitoring Office

There are no direct legal implications arising from the recommendations in this report. Financial implications may subsequently arise dependant on the outcome of discussions with the LPHA regarding the provision of regulation within the Distribution Park.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Diversity Officer

There are no direct diversity or equality implications arising from the recommendations in this report. Such implications may subsequently arise dependant on the outcome of discussions with the LPHA regarding the provision of regulation within the Distribution Park. In the event that significant implications arise a full equality and diversity assessment will be undertaken.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- London Port Health Food Safety Enforcement Plan 2016-17

9. **Appendices to the report**

Appendix 1 - Map of London Gateway Distribution Park

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