

Committee(s)	Dated:
Port Health & Environmental Services	16 July 2018
Subject: Update on the impact of the UK leaving the EU (Brexit) on Port Health & Public Protection	Public
Report of: Director of Markets & Consumer Protection	For Decision
Report author: Jon Avern, Port Health & Public Protection Director	

Summary

The UK is due to leave the European Union on 29 March 2019, although it is anticipated that there will be an implementation period before final withdrawal.

Whilst negotiations are underway between the UK and EU concerning the terms of the UK's departure, the outcome remains unclear in relation to the functions undertaken by the Port Health & Public Protection Division (PH&PP), particularly at the borders.

This report outlines the current position relating to Brexit, and the representations made by PH&PP in line with the key principles previously agreed by your Committee for negotiation with Government and relevant agencies.

A further key principle is proposed, and a consultant has been engaged to support officers in promoting your Committee's interests. Further work will be undertaken to highlight the potential impact of Brexit on PH&PP, particularly by collaboration with other interested organisations to promote, and lobby for, common policies.

Recommendation(s)

Members are asked to:

- Note the report and support endorse the proposals in paragraphs 12 -15.

Main Report

Background

1. Following the outcome of the referendum held in June 2016 in which the UK voted to leave the European Union, on 29 March 2017 the UK triggered of Article 50 of the Treaty of Lisbon. This gave formal notice of withdrawal from the EU, which is due to take place on 29 March 2019. It is likely that there will be an implementation period until December 2020.
2. An independent report was commissioned by PH&PP to identify areas of concern regarding the current level of control and the operational implications of potential

post-Brexit changes on the work of the Division, particularly in relation to border controls it undertakes at London's ports and at Heathrow Animal Reception Centre (HARC). A summary of the review and its recommendations were reported to your Committee in September 2017.

3. Your Committee has previously agreed that the following key principles should form the basis of the City Corporation's negotiations with government and relevant agencies concerning the functions undertaken by PH&PP:
 - a. The same, or an improved, level of consumer protection should be sought for public, animal and environmental health in terms of any proposed changes to regulatory controls after the UK leaves the EU.
 - b. Any changes to the current legislation should be commensurate with the risk posed by different activities and trades, as it is recognised that some enforcement requirements could be streamlined.
 - c. The UK should continue to recognise EU controls in order to avoid resourcing implications at the UK border; and this would **best** be done as part of a reciprocal agreement with mutual recognition, as this would be more sustainable politically, promote regulatory alignment, and facilitate UK-EU trade.
 - d. Full cost recovery for local authorities and port health authorities to enforce relevant legislation is essential, and this should be extended to include those areas not already covered, particularly if they have to undertake additional controls as a result of Brexit.
 - e. The current checks at UK and EU borders on third country imports should be maintained to facilitate free movement of goods within the EU, and between the EU and the UK, and the UK should maintain access to existing IT and rapid alert arrangements.
4. A further briefing note concerning communications and Brexit was circulated to your Committee on 17 November 2017, and a report was provided to your Committee in March 2018 when it was agreed that the potential for further collaboration should be explored.
5. The purpose of this report is to update your Committee on the most recent action taken to promote the above principles and to obtain approval for future plans to represent PH&PP interests in discussions with Government.

Current Position

6. Since my last report there has been very little progress at Government/EU level on the deal for the UK, and how it will impact on PH&PP, particularly in its work relating to border controls. The Ireland/Northern Ireland border arrangements have not been finalised, and the outcome will impact on controls at other borders in the UK. The Food Standards Agency's plans to ensure that food in the UK

continues to be safe do not envisage a scenario where border controls are introduced on the island of Ireland.

7. Officers have continued to meet with Government representatives, attend working parties and engage with trade and industry bodies. A meeting was held with the Clerk to the House of Commons Committee on Exiting the EU where the City Corporation's position on major issues, including border controls, was outlined.
8. The Lords EU Sub-Committee inquiry on Brexit and food prices published its report on 10 May and there were specific references to the written evidence submitted by the City Corporation.
9. The City Corporation continues to host the Government's Port Health Authorities' Border Planning Group. This involves all port health authorities and local authorities that have a port or airport in their area, as well as relevant Government agencies. Its purpose is to plan for a worst-case scenario where there is no deal or implementation period.
10. The Port Health Service is investing for the future with a 15% increase in staffing including Official Veterinarians, Port Health Officers, apprentices, graduate trainees, a career progression scheme and building management capacity. The costs will be met in the first instance from increased income at London Gateway due to a higher throughput of goods for which fees can be charged.
11. A consultant has been engaged to promote your Committee's interests and to assist PH&PP to approach partner organisations and develop a coordinated lobbying campaign with the City Corporation, so as to influence government effectively.

Proposals

i. Key principle

12. One option that has been mentioned in discussions about the need to alleviate the potential pressure and delays at ports is to undertake checks inland. However, this defeats the object of controls at the border, and could jeopardise public health and animal health, particularly from high risk consignments. I therefore propose that your Committee endorses the following key principle, which will be in addition to those in paragraph 3:
 - To control public and animal health risks effectively, and to prevent the potential spread of zoonoses, monitoring, checks and controls on high risk food, feed and animals should be undertaken at the first point of entry into the UK., i.e. at its borders.
Rationale: The border is the most logical and appropriate location to control imports, as there is greater potential to evade checks once consignments have left the port/airport, and the approach is in line with EU and Third Country systems. This approach minimises additional transportation costs and utilises existing expertise at ports, albeit that additional staffing and training may be required.

ii. Collaboration

13. As agreed at the March meeting of your Committee further collaboration is required with relevant organisations, and those identified to date:

- the Chartered Institute of Environmental Health;
- British Veterinary Association;
- Chartered Trading Standards Institute;
- Local Government Association;
- Association of Port Health Authorities;
- Association of Public Service Excellence;
- London Councils;
- British Ports Association;
- Chamber of Shipping;
- International Meat Traders Association;
- Seafish;
- Which Consumer Group;
- National Farmers Union
- Dogs Trust.

14. Additionally, to build on the work already undertaken, the Remembrancer has recommended the following actions:

- Submissions to inquiries
 - Commons CLG: Brexit and Local Government
 - Lords EU Energy and Environment: Brexit and food
- Letters to/meetings with Committee Chairs
 - International Trade
 - Environment Food and Rural Affairs
 - Brexit
 - Lords EU Energy and Environment
- Roundtable/briefing session with Committee members/clerks (joint with wider industry organisations)

All Party Parliamentary Groups

- Letters/emails to Group Chairs outlining City Corporation priorities
- Offer to meet Chair/members/Group
- Possible Groups to engage with (list not exhaustive):
 - Maritime and ports
 - Animal welfare
 - Food and health
 - Farming
 - International Trade
 - Science and technology in agriculture

Constituencies

- Letters/emails to MPs with port health constituency interests
- Collective briefing session for MPs (joint with wider industry organisations)
- Letters/emails and briefings for MEPs

Parliamentary debates and questions

Contribute as appropriate.

The Contractor will be expected to compile a delivery plan, communications strategy and deliver a final report on action taken, together with outcomes.

iii. Next report

15. Once further information is available concerning the outcome of negotiations between the UK & the EU, and the actions outlined above have been undertaken, a further report will be presented to your Committee.

Corporate & Strategic Implications

16. The action taken to date and the above proposals are in accordance with previous decisions taken by your Committee, the PH&PP Business Plan and the Departmental Risk Register.
17. The Government's Brexit related legislation is being monitored by the Remembrancer who will continue to facilitate appropriate representations being made and support PH&PP where possible.

Implications

18. A bid has been submitted for funding of £25,000 (£15,000 in 2018/19) from the Priorities Investment Pot to pay for the costs of the consultant referred to above and also to fund additional costs for PH&PP managers to liaise with their counterparts at other UK ports and airports, as well as those in northern Europe. The bid was successful at the Resource and Allocation Sub Committee meeting on 5 July.
19. The Food Standards Agency is expected to provide funding, (subject to an application process) for work associated with Brexit. This could cover costs incurred by officers and for hosting meetings, with other activities to be confirmed.

Conclusion

20. There are a range of potential impacts on PH&PP resulting from the UK leaving the EU, particularly for Animal Health & Port Health. There has already been considerable engagement with MPs, Government departments and agencies. This work will continue in collaboration with other interested parties in a more focussed manner.

Appendices

- None

Background Papers

- Impact of the UK leaving the EU (Brexit) on Port Health & Public Protection – report to Port Health & Environmental Services Committee, 19 September 2017.
- Update on the impact of the UK leaving the EU (Brexit) on Port Health & Public Protection – report to the Port Health & Environmental Services Committee, 6 March 2018

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