

## **Portsmouth City Council**

**Shellfish Local Action Plan (SLAP)** 

**Shellfish Beds Portsmouth and Langstone Harbour** 

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## 1. Introduction and Legislative Requirements

- 1.1. The classification of harvesting areas is required and implemented directly in England under the European Regulation 854/2004. Shellfish production areas are classified according to the extent to which shellfish sampled from the area are contaminated with *E.Coli*.
- 1.2. Filter feeding, bivalve molluscan shellfish (e.g. mussels, clams, oysters) retain and accumulate a variety of microorganisms from their natural environments. Since filter feeding promotes retention and accumulation of these microorganisms, the microbiological safety of bivalves for human consumption depends heavily on the quality of the waters from which they are taken.
- 1.3. When consumed raw or lightly cooked, bivalves contaminated with pathogenic microorganisms may cause infectious diseases in humans (e.g. Norovirus associated gastroenteritis, Hepatitis A and Salmonellosis). Infectious disease outbreaks are more likely to occur in coastal areas, where bivalve mollusc production areas (BMPAs) are impacted by sources of microbiological contamination of human and/or animal origin.
- 1.4. In England, fish and shellfish constitute the fourth most reported food item causing infectious disease outbreaks in humans after poultry, red meat and desserts. The risk of contamination of bivalve molluscs with pathogens is assessed through the microbiological monitoring of bivalves. This assessment results in the classification of BMPAs, which determines the level of treatment (e.g. purification, relaying, cooking) required before human consumption of bivalves.
- 1.5. The BMPAs of Portsmouth and Langstone are sampled by Portsmouth City Council Environmental Health (EH) in accordance with the ongoing monitoring programmes as prescribed by Centre for Environment, Fisheries and Aquaculture Science (CEFAS) in accordance with the European Regulations.
- 1.6. Where levels of *E.Coli* are such that the quality of the shellfish is in question or the quality is such that consumption of such creates a risk to the public, triggers will cause control measures and 'action states' to be applied. These control measures take the form of the following Shellfish Local Action Plan (SLAP).
- 1.7. If as a consequence of poor results, a temporary downgrade in the classification of the beds were considered necessary, the Food Standard Agency (FSA) would notify EH who in turn notify all other interested parties within the SLAP.
- 1.8. The proposed actions are sufficiently detailed in this SLAP to remove as far as possible the need for lengthy deliberations and delays. All actions will be formatted within the EH 'APP' database so that notifications can be dispatched as easily and 'automatically' as possible.

- 1.9. If temporary closure of a bed(s) is required then EH will be advised by the FSA issue a Temporary Closure Notice (TCN).
- 1.10. An 'action state' might involve the following:
  - Prompt short term control measures by EH to ensure immediate public health protection when trigger values are exceeded;
  - Investigative measures to identify the cause;
  - Extra sampling to monitor the level of contamination, to assess whether the underlying long term quality of the water has changed and to aid decision making.

## 2. Shellfish quality assessments

- 2.1. The Shellfish Hygiene Directive, although not a Directive directly protecting water quality, stipulates the level of treatment required depending on numbers of bacteria in the shellfish flesh.
- 2.2. This Directive is designed to protect human health. Since shellfish are grown in the natural environment, it is a commonly held view that the concentration of bacteria in the flesh directly relates to the quality of the surrounding water in which they grow. The monitoring undertaken as a consequence of this Directive can therefore be used as an indicator of water quality.
- 2.3. Under the Shellfish Hygiene Directive, standards are set in terms of concentrations of coliform bacteria (*E.coli*) and salmonella. Shellfish are classed in to the following categories:
  - Class A areas: areas from which molluscs may be collected for direct human consumption;
  - Class B areas: areas from which molluscs may be collected but may be placed on the market for human consumption only after treatment in a purification centre or after relaying;
  - Class C areas: areas from which molluscs may be collected but may be placed on the market only after relaying over a long period (at least two months), whether or not combined with purification.

Note: There are currently no Class A sites in these areas - see Annex 1.

## 3. Membership of the Local Action Group (LAG)

It is likely that the LAG will comprise of the following - still to be confirmed:

- Portsmouth City Council (EH) as the responsible Local Enforcement Authority (EH) and acting as the Portsmouth Port Health Authority (PPHA)
- Food Standard Agency (FSA)
- Langstone Harbour Board (LHB)
- Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
- Health Protection Agency (HPA)
- Southern Water (SW)
- Environment Agency (EA)
- Inshore Fisheries and Conservation Authorities (IFCA)
- Cabinet Member for Environment and Community Safety
- Local Industry (registered fishermen and fish merchants)
- 3.1. EH will act as the co-ordinating authority to update and maintain the SLAP.
- 3.2. It shall be the responsibility of each member of the LAG to provide nominated email addresses to EH and notify of any change when the SLAP is in place.

Still to action: All members are to have a nominated email address - as the SLAP is still in draft format, members and membership details of the LAG are yet to be confirmed.

## 4. Scope of the plan

- 4.1. This plan covers the shellfish harvesting areas as designated by CEFAS which fall within the responsibility of EH See Annex 1. *Note: subject to imminent change.*
- 4.2. All beds are public fisheries. *Note: details of the harvesting season are subject to imminent change. Details of BMPAs will be provided here as soon as they have been confirmed by CEFAS.*
- 4.3. As prescribed by Regulation (EC) 853/2004, all shellfish gathered from Portsmouth and Langstone harbours *must* be accompanied by Registration documentation.
- 4.4. All shellfish gathered in the LPHA must be sent for 'relaying' or 'purification' at an approved premises.
- 4.5. No shellfish can be gathered in prohibited or unclassified sites.

## 5. Conditions for operation of the SLAP

- 5.1. The SLAP will come into operation when notification reveals the following:
- 5.2. Triggers for Long Term Classified Bed sites are as follows:

		Second Tier Investigations Trigger Value	Third Tier Action State Trigger Value
Level of E.coli per 100g of flesh	1 result between 4600 - 10000	1 result between 10000 - 18000	1 result >18000

5.3. Triggers for Annual or Temporary Classification sites are as follows for each class:

Class of Shellfish Quality	Cause for Concern Trigger Value	Action State Trigger Value	Possible Downgrade Trigger Value
Class A	1 result >230 but <1000	1 result >230	2 results >230 but <1000, <b>or</b> 1 result >1000
Class B	2 results >4600 but <18000	1 result >18000	3 results >4600 <b>or</b> 2 results >18000 <b>or</b> 1 result >46000
Class C	Not applicable	1 result >46000	2 results >46000

## 5.4. Biotoxins – All beds

If levels of biotoxins are found to exceed:

- Paralytic Shellfish Poisoning (PSP) 80 μg/100 g
- Amnesic Shellfish Poisoning (ASP) 20 μg/g
- Diarrhetic Shellfish Poisoning (DSP) must not be present

an 'action state' will be commenced.

## 6. Potential Sources of Pollution

- 6.1. The most likely sources of contamination are:
  - As both Portsmouth and Langstone harbours are tidal, the levels of bacteria in the shellfish may vary with the rise and fall of the water;
  - Discharges from various combined sewer outfalls (CSO) and other pipes;
  - Rivers and streams which drain the surrounding area and residential settlements:
  - Livestock on Farlington marshes and wildlife such as flocks of birds;
  - Both leisure craft and commercial shipping.

## 7. Communication and Notification

- 7.1. The dedicated email address for correspondence on any 'action state' will be provided by all members of the LAG All communications will be sent via these addresses.
- 7.2. All members of the LAG will be notified that the LAG is in operation through email to the nominated addresses.
- 7.3. Details of the conditions and an indication of which part of the plan is to be followed will be provided including giving an indication of the control measures being considered or activated.
- 7.4. An acknowledgement of receipt should be sent to the notifying party.
- 7.5. A test notification will be sent by EH twice yearly with a view to ensuring contact details are up-to-date and appropriate responses are made.

## 8. Procedures to be followed for Cause for Concern

## Phase 1

 EH receives notification from CEFAS of the following result in a NON LTC BED:

Cat A 1 result >230 but <1000 Cat B 2 results >4600 but <18000

- EH emails all members of the LAG that a 'Cause for Concern' investigation is to be carried out.
- EH checks for details of any exceptional events / discharges.
- EH to be aware of levels of rain in the days prior to the sampling and the possibility that this might be the cause.
- EH to liaise with local shellfish industry as necessary.

## Phase 2 (after 7 days)

• EH to consider any further available information.

9. Procedures to be followed for a Possible Downgrade Notification
(Non LTC sites)

## Phase 1

 EH receives notification from CEFAS of the following result in a NON LTC BED:

Class A 2 results >230 but <1000, or 1 result >1000 Class B 3 results >4600 or 2 results >18000 Class C 2 results >46000

- EH informs members of the LAG that a 'Downgrade' is likely to be carried out.
- EH checks for details of any exceptional events / discharges.
- EH to be aware of levels of rain in the days prior to the sampling and the possibility that this might be the cause.

## Phase 2 (after 7 days)

 EH to notify Downgrade result to members of the LAG and new processing requirements.

## 10. Procedures to be followed for First Tier Initial Investigation

(B-LT sites)

#### Phase 1

- EH receives notification from CEFAS that results from test of classification sample shows *E.coli* levels are between 4600 and 10000 per 100g.
- EH considers informing the LAG that a first tier investigation is to be carried out. Details of affected area including results sent to members.

This First Tier notification is at the discretion of the EH and is only likely to be carried out if the EH has significant concerns with respect to the result or if explanatory reasons for the results suggest that it might be the beginning of a longer term problem. The experience of the sampling officers will be taken into account in such matters.

 EH to request CEFAS to advise on statistical assessment of water quality and verify results.

## Phase 2 (after 7 days)

- EH to consider CEFAS comments and recommendations.
- EH to consider any further available information to help with investigation, such as the notification of discharges from CSOs, and to request further assistance if necessary.
- EH with guidance from CEFAS and FSA to decide if further monitoring samples are required.
- If originally notified, EH will advise the LAG of any decisions and analysis made.

## Phase 3

• Standard monthly monitoring to continue and data to be re-evaluated.

# 11. Procedures to be followed for Second Tier Formal Investigation (B-LT sites)

#### Phase 1

- EH receives notification from CEFAS that result from test of classification sample shows *E.Coli* levels are between 10000 and 18000 per 100g.
- EH informs LAG that a second tier investigation is to be carried out.

This First Tier notification is at the discretion of the EH and is only likely to be carried out if the EH has significant concerns with respect to the result or if explanatory reasons for the results suggest that it might be the beginning of a longer term problem. The experience of the sampling officers will be taken into account in such matters.

- Details of affected area including results sent to members (if notification is considered necessary).
- CEFAS to advise EH on statistical assessment of water quality and verify results.

## Phase 2 (after 7 days)

- EH to consider CEFAS comments and recommendations.
- EH, CEFAS and FSA to consider any further available information to help with investigation and to request further assistance if necessary.
- EH to consider whether the possible cause of the increased *E.coli* level poses an increased risk to public health or an ongoing problem has arisen.
- Temporary downgrade or closure of affected area is <u>not to be considered</u> until investigation indicates whether there is a potential risk to public health.
- EH with guidance from CEFAS and FSA to decide if further monitoring samples are required.
- EH notifies LAG of any decisions and analysis made (if originally notified).
- Standard monthly monitoring to continue and data to be re-evaluated. If contamination levels drop below 10000 *E.coli* per 100g then move to tier one investigation involving standard monthly monitoring and evaluation of data.
- EH to keep LAG informed of any change of status and investigative findings, any relevant information to be passed to trade as necessary.

# 12. Procedures to be followed for Third Tier Formal Investigation and *Action State*

(All sites)

#### Phase 1

- EH receives notification that *E.Coli* levels are above 18000 per 100g.
- EH notifies LAG that the procedures for a third tier investigation and 'action state' have been implemented.
- Details of affected area including results and short-term control measures sent to Members of the LAG.
- These should include temporary downgrade or closure measures and details of the 'action state' and the Closure Orders.
- Group to assist with ensuring that information about downgrades / closures is passed to all potential gatherers.

## Phase 2 (within 7 days)

- CEFAS to advise LAG on statistical assessment of water quality.
- <u>Action:</u> EH will plan additional sampling dates and notify LAG, further samples to be at least 7 days apart.
- EH notifies LAG of any decisions and analysis made to establish cause and to request further assistance in contacting stakeholders including the trade to notify of controls and to request any known cause.
- Any messages fed in by members should be to the dedicated email address and should be sent to all members of the LAG.
- EH to consider any further available information from LAG members to help with investigation.

#### Phase 3

- Standard monthly monitoring to continue in conjunction with additional sampling to determine cause of increased levels. Data to be re-evaluated until levels become acceptable and bed can be opened.
- 2 clear samples are required before control measures are lifted (ideally the first sample no later than 7 days after a trigger result with a second sample being taken seven days after the first additional sample).

- If contamination levels drop between 10,000 and 18,000 *E.coli* per 100g for two consecutive weeks, then move to second Tier of investigation to be considered. Change of status to be discussed with CEFAS and FSA and beds reopened only if agreement reached.
- EH has final responsibility for lifting any restrictions in place and for lifting the 'action state'.
- EH to notify LAG of change of status beds opened as necessary.
- EH has the final responsibility for lifting any closures or restrictions in place and for lifting the 'action state'.

## 13. Procedures to be followed for Biotoxin Action State

## Phase 1

• EH receives notification that levels of biotoxins are above:

Paralytic Shellfish Poisoning (PSP) - 80 μg/100 g Amnesic Shellfish Poisoning (ASP) - 20 μg/g Diarrhetic Shellfish Poisoning (DSP) – Present

- EH notifies LAG that the procedures for a third Tier 'action state' have been implemented for biotoxins.
- Details of the affected area including results shall be sent to the LAG. These should include closure measures and if a Closure Notice has been issued.

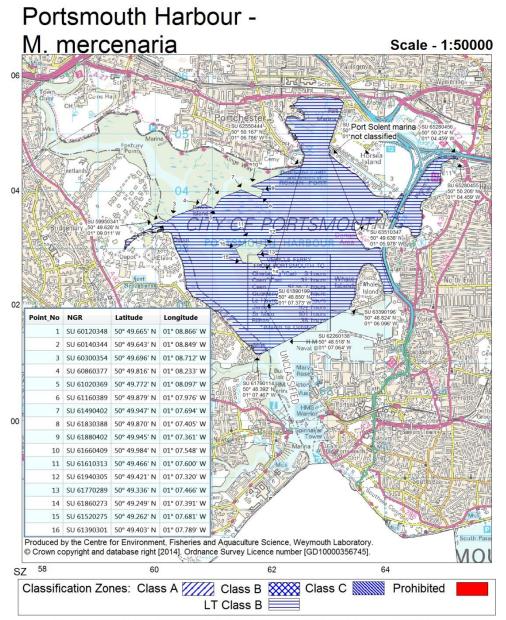
## Phase 2 (within 7 days)

• Action: Additional sampling dates to be identified and notified to the Group.

## Phase 3 (as determined by Phase 2 sampling plan)

- Standard monthly monitoring to continue in conjunction with additional sampling.
- Data to be re-evaluated until levels become acceptable and bed can be opened.
- If for two consecutive weeks, biotoxin results do not exceed the permitted levels, then a change of status to be discussed with LAG and beds opened if agreement with LAG reached.
- EH has final responsibility for lifting any restrictions in place and for lifting the 'action state'.
- LAG to be kept informed of change of status and investigative findings.

## **Annex 1: Shellfish classification areas**



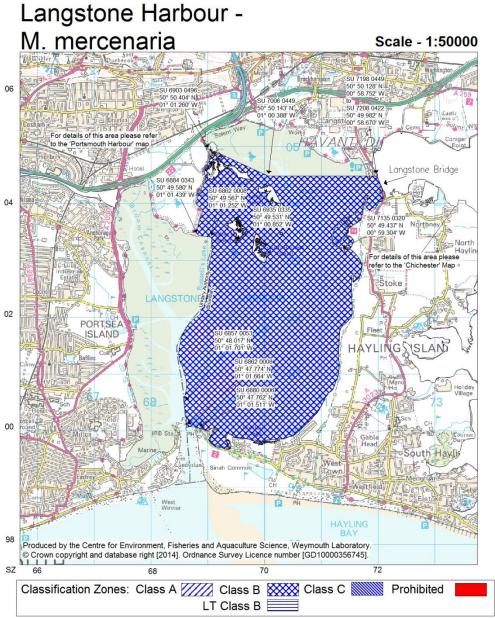
Classification of Bivalve Mollusc Production Areas: Effective from 1 September 2014

The areas delineated above are those classified as bivalve mollusc production areas under EU Regulation 854/2004.

Further details on the classified species and the areas may be obtained from the responsible Food Authority. Enquiries regarding the maps should be directed to: Shellfish Microbiology, CEFAS Weymouth Laboratory, Barrack Road, The Nothe, Weymouth, Dorset DT4 8UB. (Tel: 01305 206600 Fax: 01305 206601)

N.B. Lat/Longs quoted are WGS84

Food Authority: Portsmouth Port Health Authority



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N.B. Lat/Longs quoted are WGS84

Food Authority: Portsmouth Port Health Authority

**Template of Standard Notification Message 'For Cause for Concern'** 

Class B site (non LTC)

Dear LAG Member

## **CAUSE FOR CONCERN NOTIFICATION**

A cause for concern for a class B bed is triggered by 2 results >4600 in the same review year.

We have received notification that the level of *E.coli* per 100g has [put in result] for [location] on [Date].

As co-ordinating authority for the bed, this message is notification that the 'Cause for Concern' has been activated.

In accordance with the Shellfish Local Action Plan, we would highlight the Cause for Concern procedures and request any information that may explain these high levels in the affected area.

We will inform the group as soon as possible on any developments.

## **Template of Standard Notification Message for First Tier Result**

#### Dear LAG Member

## FIRST TIER INVESTIGATION NOTIFICATION

We have received notification that the level of *E.coli* for the classification sample for [location and date] is [numerical level].

As co-ordinating authority for the bed, this message is notification that the Shellfish Local Action Plan for our group has been activated.

In accordance with the plan we would refer members to the procedures for First Tier actions and request any information relating to the affected area.

Our initial response will be to [MEASURES TO BE TAKEN] the shellfish beds in question and assess in conjunction with the FSA and CEFAS the overall water quality of the shellfish area.

Additional sampling to the monthly monitoring programme *will not be required* but any data from stakeholders will be considered in our future assessment of the incident.

We will inform the LAG as soon as possible on any developments.

## **Template of Standard Notification Message for Second Tier Result**

#### Dear LAG Member

## **SECOND TIER INVESTIGATION NOTIFICATION**

We have received notification that the level of *E.coli* for the classification sample for [Shellfish Bed(s)], is [numerical level].

As co-ordinating authority for the LAG, this message is notification that the Shellfish Local Action Plan for our group has been activated.

In accordance with the plan, we would refer members to the procedures for Second Tier actions and request any information relating to the affected area and offers of further assistance should an investigation into the increased contamination be initiated.

Our initial response will be to [MEASURES TO BE TAKEN] the shellfish beds in question and assess in conjunction with the FSA and CEFAS the overall water quality of the shellfish area.

Additional sampling to the monthly monitoring programme will [be/not be] required but any data from stakeholders will be considered in our future assessment of the incident.

We will inform the LAG as soon as possible on any developments.

## **Template of Standard Notification Message for Third Tier Result**

#### Dear LAG Member

## THIRD TIER INVESTIGATION NOTIFICATION

We have received notification that the level of *E.coli* for the classification sample for [Shellfish Bed(s)], is [numerical level].

As co-ordinating authority for the LAG, this message is notification that the Shellfish Local Action Plan for our group has been activated and an 'Action State' implemented.

In accordance with the plan, we would refer members to the procedures for Third Tier actions and request any information relating to the affected area and any further assistance available for carrying out an investigation into the increased contamination.

Our initial response will be to [MEASURES TO BE TAKEN] the shellfish beds in question and assess in conjunction with the FSA and CEFAS the overall water quality of the shellfish area.

Additional sampling to the monthly monitoring programme will [be/not be] required but any data from stakeholders will be considered in our future assessment of the incident.

We will inform the LAG as soon as possible on any developments.

Template of Standard Notification Message for Potential Downgrade Notification

Non-LTC bed

Dear LAG Member

## POSSIBLE DOWNGRADE NOTIFICATION

We have received notification that the level of *E.coli* per 100g has [put in result] for [location] on [Dates].

As co-ordinating authority for the bed, this message is notification that this bed is subject to a potential downgrade.

As there has been: (delete as appropriate)

- 1 result >1000 for a class A bed in the same review year
- 2 results >230 but <1000 for a class A bed in the same review year
- 3 results >4600 B bed in the same review year
- 2 results >18000 B bed in the same review year
- 1 result >46000 B bed in the same review year
- 2 results >46000 for a class C bed in the same review year

In accordance with the Shellfish Local Action Plan, we would refer members to the procedures for Potential Grade Notifications actions and request any information that may explain these high levels in the affected area.

We will inform the LAG as soon as possible on any developments.

## **Template of Standard Notification Message for Downgrade Notification**

Dear LAG Member

## **DOWNGRADE NOTIFICATION**

We have received notification that this bed is subject to a downgrade.

This means that it [Shellfish Bed(s)] is now a [New Classification].

This means that any [Insert shellfish type] now harvested, must be relayed in approved sites [assumes B to C downgrade].

## **Template of Standard Notification Message ASP/PSP/DSP Events**

## Dear LAG Member

## BREACH OF TRIGGER LEVELS FOR [SHELLFISH BED(S)]

We have received notification that the trigger levels for [ASP / PSP / DSP] have been breached for [Shellfish Bed(s)].

Our initial response will be to [MEASURES TO BE TAKEN] the shellfish beds in question and assess in conjunction with the FSA and CEFAS the overall water quality of the shellfish area.

Additional sampling to the monthly monitoring programme will [be/not be] required.

## **Template for Fishing in Unclassified Waters**

## Dear LAG Member

## **REPORT OF ILLEGAL FISHING**

A report of fishing for [Species] outside classified shellfish beds [in location] has been received.

Our initial response will be to [measures to be taken].

If you become aware that [Species] are being landed or received by merchants / trade, please notify this Authority.

## **Template for Test Message**

## Dear LAG Member

## **TEST MESSAGE**

This is a test message for all members of the Portsmouth and Langstone Harbour Local Action Group.

Please respond to this email confirming your contact details remain correct.

If you have received this email in error and are not a member of the Local Action Group please reply so that your details can be removed from the circulation list.

## **Template for Notice of Temporary Closure of Production Areas**

## NOTICE OF TEMPORARY CLOSURE OF PRODUCTION AREAS

Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of the official controls on products of animal origin intended for human consumption.

[Insert shellfish species] collected from [insert classified bed] on [insert date] by Portsmouth City Council exceeded the regulatory limit for [Dinophysistoxin / or insert other]. **There may be a risk to human health.** These toxins can lead to Diarrhetic Shellfish Poisoning which can cause inflammation of the intestinal tract and symptoms of diarrhoea, nausea, vomiting abdominal pain and chills.

As the Competent Authority, Portsmouth City Council has temporarily closed the production area identified in the Schedule to this notice for the harvesting of all shellfish species by food business operators until further notice.

Portsmouth City Council will continue to take samples for analysis and keep its decision to close the area under review. To check the current status of the area you may contact Environmental Health, Portsmouth City Council at Civic Offices, Guildhall Square.

Telephone number: [To be inserted]

Signed / Designation:

Dated:

## **SCHEDULE**

Areas in which the harvesting of all shellfish species by food business operators is prohibited by reason of this order:[Insert areas]

Food business operators must not collect the affected animals from this area by any method, it is unsuitable for their production for health reasons and has been temporarily closed. For a food business operator to collect affected animals from the area that is temporarily closed amounts to the commission of a criminal offence under Regulation 19 of the Food Safety and Hygiene (England) Regulations 2013. On conviction, a fine or imprisonment for a term of up to two years or both may be imposed.

PRIVATE INDIVIDUALS ARE STRONGLY ADVISED NOT TO GATHER SHELLFISH FOR THEIR OWN CONSUMPTION FROM THE AFFECTED PRODUCTION AREA. THERE MAY BE A RISK TO HUMAN HEALTH IN DOING SO.

**Template for Notice of Temporary Closure of Production Areas Revocation** 

## **REVOCATION OF TEMPORARY CLOSURE OF PRODUCTION AREAS**

Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

Pursuant to the power conferred on it by Article 6 of, and paragraph C of Chapter II of Annex II to the above EC Regulation, being satisfied that [the results of sampling show that the health standards for molluscs are NOT exceeded] [there IS NOT a risk to human health] -

As Competent Authority for the purposes of the above EC provision by virtue of Regulation 4 of the Food Safety and Hygiene (England) Regulations 2013 S.I. No.

2013/2996, Portsmouth City Council permits resumption of fishing in the production
area identified in the Schedule to this notice for the production of [insert list of all
affected species] by food business operators.
Telephone number: [To be inserted]

Dated:

#### SCHEDULE

Signed / Designation:

Areas in which the harvesting of all shellfish species by food business operators is now permitted by reason of this order:

[Insert areas]

Recent analysis of samples taken by Portsmouth Port Health Authority from the affected area has shown that [insert animals] are now not affected by [insert problem].

Portsmouth Port Health Authority will continue to take samples for analysis and keep its decision under review.

List of registered fisherman and merchants in the Portsmouth Port Health Authority area

To be inserted