

Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
House of Commons
London
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Councillor Gerald Vernon-Jackson CBE
Leader of Portsmouth City Council

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Dear Michael,

I am writing to you as the Minister responsible for trying to make sure that the UK is as ready as possible if we end up in a no deal Brexit situation.

I write in regard to the implications of the likely imminent obligatory responsibilities to be placed upon Portsmouth City Council (PCC) Trading Standards (TS) and Port Health (PH) teams at the Portsmouth International Port (PIP) in the event of a no deal Brexit.

At the time of writing we are required, within the Local Resilience framework, to plan for the reasonable worst-case scenario in a no deal EU exit outcome. Many enforcement agencies believe that this may lead to significant regulatory divergence and increased responsibilities for border inspections, particularly in respect of imported goods.

The outcomes of negotiations still range from no deal to bespoke arrangements that could, theoretically, maintain most elements of the status quo. All of these arrangements would however entail a degree of friction relative to the existing system of trading as a member of the EU. The scale and implementation challenges of the changes required will vary significantly across the country.

Portsmouth is the second busiest Ro-Ro port in the UK, handling significant volumes of goods from EU countries. Currently almost all imports through the PIP are entirely free from local authority intervention and therefore no local enforcement officers are required at the PIP. If however the free movement of goods ends when the UK leaves the single market and the customs union without an alternative in place, imports entering the UK through Portsmouth will become subject to inspection by UK agencies including the local authority agencies of TS and PH.

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The PCC TS team concentrates its limited resources upon local criminality; however the service is likely to be deemed in part responsible for goods imported into the UK following the UK's departure from the EU. If goods entering Portsmouth become "imported goods" and subject to inspection by UK Border Force (UKBF) we suspect that it will be TS that is notified of any issues found.

It is then likely that the only method available to stop unsafe and non-compliant goods entering the market will be by TS exercising its powers of seizure. This will push the responsibility for the costs to the local authority instead of the agent/importer. This will remove the pressure upon them to take action to make the goods compliant, have them destroyed, or re-export them. Non-compliant or unsafe goods will need to be dealt with using domestic legislation, with TS having to either prosecute or apply for forfeiture to have the goods destroyed. These options impose considerable additional regulatory burdens on the service which are not currently resourced.

Consequently, if goods through PIP are to fall squarely on the shoulders of TS, significant investment in this service is required. Whilst limited funding for capital infrastructure has been provided, additional officers are needed to ensure that products do not pose serious risks, comply with EU/UK legislation/are correctly marked and are then processed/detained etc. as necessary.

To put it in perspective, if 1% of all incoming vehicles were subject to inspection through Portsmouth this would equate to 82 vehicles a week. If only 1% of these were relevant to TS this would be a massive impact on the service, effectively wiping out the ability of the service to do much of anything else. To give a practical example, Kent Trading Standards recently inspected two groupage (mixed goods) loads which were located in two 40ft lorries. The goods were imported by multiple importers with multiple goods from 150 lines. As the goods were non-EU in origin, the inspection took 49 hours to complete. None of the goods were released into the EU or the UK as they were all non-compliant and/or dangerous.

In respect of product safety of non-food goods, and notwithstanding the government's "Strengthening National Capacity for Product Safety: Strategy 2018-2020", we note the Office for Products Safety & Standards (OPSS) commitment to increase support for local authority led teams at ports, borders and points of entry. This however applies to existing ports designated as Border Inspection Posts (BIPs); Portsmouth is currently not a BIP. We fear however that this status could change at short notice due to the pressure to maintain the pace of imports, and thus exposing Portsmouth and the local TS to the increased burdens outlined above. Should this happen any support available via OPSS will be far too little and too late to be effective.

Similarly, checks have not been applied to food products arriving at PIP from the EU. Whilst we acknowledge that the Food Standards Agency (FSA) has re-prioritised some of its reforms to prepare for EU Exit and that around half of the food consumed in the UK is produced in the EU and other countries, the fact is that the FSA has spent millions on EU Exit preparations and received £15 million of additional EU Exit funding across 2017-18 and 2018-19. This has not directly assisted local authorities with their need for increased staffing resources.

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The existing responsibilities of PH officers at PIP relate only to high-risk products of a non-animal origin and therefore can be maintained by the non-permanent highly reactive attendance of officers on an ad hoc basis. Should additional importation checks on food, no matter what they might entail, become the responsibility of the PCC PH team (delivered by Environmental Health Officers), then the service will be immediately overwhelmed. The PH team has discussed its status with the DEFRA's Borders Readiness Team (BRT) regarding EU exit. The BRT has carried out an assessment of Portsmouth as a high priority point of entry to understand our level of confidence to deliver border responsibilities ahead of the pending EU exit. It has been agreed that, through no fault of our own, as a result of the current levels of resources available, the team has a 'low' state of preparedness at the present time.

PCC is concerned that if border checks on food and non-food products are required then a significant investment in additional staff is required. Should our concerns materialise, we calculate that an ongoing minimum investment of £300,000 per annum is necessary to maintain a single officer presence at the port. Whilst financial investment in additional staff will help in the long term, the availability and governance of qualified and experienced workforce to fulfil these roles also remains unclear.

It is likely that changes to the UK-EU trading relationship will increase the number of vehicles subject to local authority inspection/involvement. Clarity is therefore required as to what border checks at Ro-Ro borders will be necessary and what requirements will be placed upon agencies where none/few currently exist. I also ask for clarity in respect to the powers to be made available to tackle non-compliance and unsafe or dangerous foods/goods, including to ensure that the importers take on the financial burdens.

Finally, should a no deal materialise I seek urgent assistance to provide the long term funding of the staffing resources needed to match any increase in border checks and the demands upon our services. This would be in line with the new burdens doctrine. As you are aware, because of the limited land within the port and the immediacy of the M275 junction to the port gate means that any delays to HGV's coming into the UK through PIP could have a detrimental impact on the ability to deal with embarkation of export and returning vehicles.

Yours sincerely



Cllr Gerald Vernon-Jackson
Leader of the Council

Cc Chief Officer Neil Odin, EU Exit SCG Chair - Hampshire & IOW LRF
Leader and Chief Executive of Hampshire County Council, Southampton City Council and Isle of Wight Council
Penny Mordaunt MP, Portsmouth North
Stephen Morgan MP, Portsmouth South
Cllr Lee Hunt, Cabinet Member for Community Safety, PCC