



SWANSEA BAY PORT HEALTH AUTHORITY

ENFORCEMENT POLICY STATEMENT

REVIEWED: JUNE 2014

This Enforcement Policy Statement should be read in conjunction with the Authority's Service Delivery Plan; and it's protocol for enforcing the safe disposal of International and other Catering Waste from ships.

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SWANSEA BAY PORT HEALTH AUTHORITY ENFORCEMENT POLICY

As part of the ongoing review of service delivery, this document sets out what businesses and individuals can expect from the Swansea Bay Port Health Authority officers responsible for enforcing legislation. It commits the Authority to good enforcement policies and procedures in accordance with Enforcement guidelines agreed by the Association of Port Health Authorities and the Regulators' Compliance Code. It is supplemented, in some parts, by additional policies on enforcement that are specific to that particular service.

1.0 INTRODUCTION

The main function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers, without imposing an undue burden on the business community. These enforcement functions should be carried out in an equitable, practical and consistent manner so as to help to promote a thriving local and national economy. The Authority is committed to these aims and to maintaining a safe and clean environment.

The effectiveness of legislation in protecting society depends on the compliance of those being regulated. The Authority recognises that most businesses and individuals want to comply with the law. The Authority will, therefore, take care to help businesses and others to meet their legal obligations without unnecessary expense whilst taking firm action, including prosecution where appropriate, against those who fail to comply with the law or act irresponsibly. All citizens will benefit from this policy through better information, choice and safety.

The Authority has, therefore, adopted the central and local government 'Concordat on Good Enforcement'. Included in the term 'enforcement' are advisory visits, informal advice and assisting with compliance. The following policies and procedures, which contribute to 'Best Value', provide information demonstrating how the Authority is observing the Concordat principles.

2.0 PRINCIPLES OF GOOD ENFORCEMENT-POLICY

2.1 STANDARDS

Where appropriate, the Authority consults businesses and other relevant interested parties, including technical experts and in this respect has a Service Level Agreement with the City & County of Swansea. The Authority complies with its own policies and any national codes of practice. This policy, together with other policies and any national codes of practice, set out clear standards of the level of service and performance that the public and business can expect to receive. The Authority will make policies and codes available on request.

2.2 OPENNESS

The Authority provides information and advice in plain language on the rules applied and will make this available as widely as possible. The Authority will be open about its methods of working, including any charges that are set, and will consult business, voluntary organisations, charities, consumers, workforce representatives and any other appropriate bodies or individuals. We will discuss general issues or specific compliance failures or problems with anyone who is experiencing difficulties. Enforcement duties will be undertaken in compliance with any guidance from Government such as the DeFRA document 'General Guidance Manual on Policy and Procedures for A2 and B Installations', or good practice principles agreed by APHA or the Directors of Public Protection Wales.

2.3 HELPFULNESS

The Authority believes that prevention is better than cure and that its roles involve actively working with individuals and businesses, to advise on and assist with compliance. We will provide a contact point and telephone number for further dealing with us and we will encourage businesses to seek our advice, to obtain information from us. Applications for approval of consents, permits, licenses, registrations, etc. will be dealt with efficiently and promptly.

We will ensure that, wherever practicable, our enforcement actions are effectively co-ordinated to minimise unnecessary overlaps and time delays.

2.4 Visits

Authorised port health officers have the right to enter and inspect business premises, including ships, at all reasonable hours. Such visits can be made without notice and officers can carry out inspections; observe activities; take photographs and samples; and examine / copy documentation. They will assess effectiveness of management, identify hazards and provide advice in mitigating risk or bad practice. Officers may detain or seize food, defective equipment and articles, gather information and take statements to assist their investigation. It is an offence to obstruct officers carrying out their duties.

Ships will be visited upon a service request by the Master or shipping agent; in accordance with this Authority's risk-based Boarding Policy; or upon complaint.

Frequency of planned inspections of shoreside premises and processes will depend on the risk-rating of those premises or processes which take account of perceived hazard, previous history and confidence in management.

2.5 PROPORTIONALITY

The Authority takes account of the circumstances of each case and the attitude of the body or individual when considering action. We take particular care to work closely with small businesses and voluntary organisations, so that, where practicable, they can meet their legal obligations without unnecessary expense.

2.6 CONSISTENCY

The Authority carries out its duties in a fair, equitable and consistent manner. Every case is judged on its merits and the Authority has arrangements in place to promote consistency, including effective liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinators of Regulatory Services (LACORS).

2.7 COMPLAINTS ABOUT SERVICE

These can be made to the Clerk/Treasurer, the Director of Port Health Services or the Chairman of the Authority in writing, or initially by telephone, or in person.

3.0 PRINCIPLES OF GOOD ENFORCEMENT-PROCEDURES

3.1 Our enforcement response is detailed under point 8 on page 4.

3.2 DELEGATION OF AUTHORITY

The Authority scheme of delegation, including the instigation of legal proceedings, specifies the extent to which enforcement powers are delegated to the Director of Port Health Services. See Appendix 2. In effect, the decision to instigate legal proceedings would be taken by the Director in consultation with the Authority's solicitor under the Service Level Agreement with the City & County of Swansea.

3.3 REVENUE RECOVERY

The scheme for recovering revenue expenditure in regard to enforcement action, and sampling, is detailed in Appendix 3.

4.0 STATEMENT OF INTENT

4.1 The primary function of the Swansea Bay Port Health Service is to foster, maintain and promote a port environment that is, so as is reasonably practicable, safe and without risk to the health and welfare of businesses, workers and visitors to the ports of Swansea, Port Talbot, Porthcawl and the river berths at Neath.

4.2 This Policy develops the continual improvements to delivery of services provided by the Authority in light of 'Best Value' principles and the 'Benchmarking' Exercises with other Port Health Authorities.

5.0 ENFORCEMENT FUNCTIONS

5.1 This Policy covers the following enforcement functions provided by the port health service:

- a) **Food Hygiene** - Inspecting and advising food businesses.
- b) **Pollution Control** - Including air quality monitoring; taking action to limit the effects of nuisances from black/dark smoke, dust, fumes and odours; and the control of 'Scheduled' processes to ensure compliance with permit conditions.
- c) **Shellfish harvesting** - Monitoring shellfish harvest areas and the movement of shellfish.
- d) **Infectious disease** - The prevention / control of infections through the ports; and the surveillance of any infections discovered.
- e) **Disposal of garbage waste** - Monitoring the disposal of ships garbage in conjunction with DEFRA and the MCA.
- f) **Pest Control** - The control of insect and rodent infestation in the port environs or onboard ships.
- g) **Animals** - The control of animals onboard ships and within the port environs.
- h) **Imported foods** - The control of any food imported through the Authority's district.
- i) **Ship sanitation** - The control of sanitary conditions on board ships pursuant to the International Health Regulations 2005 and associated domestic legislation.
- j) **Sampling of potable water supplies** - Pursuant to the International Health Regulations 2005, associated domestic legislation; Public Health Acts; and regulations relating to private water supplies.

5.2 The Authority recognises that there is a balance to be achieved between helping businesses and others to meet their legal obligations without unnecessary expense whilst taking firm action, including prosecution where appropriate, against those that repeatedly flout the law, cause nuisance to others or who act irresponsibly, exposing themselves and others to serious risks to health, or the environment.

5.3 This policy and the procedures that define it are built upon these aims and on principles in national enforcement guidance that include:

- a) The Enforcement Concordat to which the Authority is committed;
- b) The CPS Code for Crown Prosecutors;
- c) Codes of Practice under the Food Safety Act, the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law Enforcement and other guidance from the FSA;
- d) Air quality and pollution control guidance from the Department of the Environment, Food & Rural Affairs (DEFRA);
- e) The Memorandum for Understanding between the Association Port Health Authorities and the Maritime and Coastguard Agency.

5.4 The Authority's strategic aims are supported in its Service Delivery Plan (SDP). There are a number of ways in which the SDP ensures that the Authority's enforcement responses match these aims:-

- a) Activities specified in the SDP will form the overall direction of our enforcement work; and

- b) In setting certain standards, the SDP identifies subordinate policies and procedures to ensure that all our work is appropriately targeted, proportional to risk, open and consistent.
- c) The SDP aims to ensure that all such standards and procedures are subject to quality control.

6.0 STANDARDS OF SERVICE

- 6.1** This Authority will provide a courteous, efficient and competent service that considers the particular needs of service recipients. Enforcement officers are formally authorised (see Appendix 2) and will maintain the experience and competency to exercise the powers given to them in applying necessary legislative sanctions. The Authority will ensure that appropriate training is provided to ensure its officers maintain the necessary levels of experience and competency.
- 6.2** Our staff will identify themselves by name, and will provide a contact point and telephone number for further dealings with the port health section; and will encourage stakeholders to seek advice and information from them or other, more appropriate, sources. Applications for approval of processes, registrations, permits and other statutory documents will be dealt with efficiently and promptly.
- 6.3** This Authority will ensure that, wherever practicable, our enforcement services are effectively co-ordinated with other agencies to minimise unnecessary overlaps, excessive interruption and time delay.

7.0 TARGETING OUR ACTIONS

- 7.1** This Authority will make sure that our enforcement activities are targeted primarily on those whose activities give rise to the most serious risks, or where the hazards or problems are the least well controlled. We will ensure that action is focussed on those who are responsible for the risk or problem; and/or those who are best placed to control it.
- 7.2** This Authority has procedures, such as our 'Boarding Policy', for deciding which inspections, investigations or other regulatory contact take priority according to the nature and extent of risk posed. These procedures account for the various statutory duties upon the Authority and are in line with agreed national strategies for providing a port health service.
- 7.3** The actions we take to achieve compliance, or to bring those responsible for non-compliance to account will be proportionate to the risk and/or to the seriousness of such a breach. So far as the law allows, we will take account of the circumstances of the case and the attitude of the duty holder when considering what enforcement action to take - please refer to Appendix 1 criteria.

8.0 ENFORCEMENT RESPONSE

- 8.1** This Authority will carry out our duties in a fair, equitable and consistent manner. Whilst officers are expected to exercise judgement in individual cases, we have arrangements in place to promote consistency, including effective arrangements for liaison with other local authorities and enforcement bodies through schemes such as those operated by and APHA and the DPPW.

8.2 DECISION CRITERIA

This Authority has set down in writing the decision making processes and criteria that officers will use when deciding on the most appropriate enforcement action, and make this publicly available. (see Appendix 1).

8.3 ADVICE

Requirements and advice from an officer will be put clearly and simply and will be confirmed in writing, on request, and will:

- a) Explain why any remedial action or work is necessary;
- b) Prescribe over what time-scale we expect it to be completed;
- c) Ensure that legal requirements are clearly distinguished from “best practice” advice.

8.4 FORMAL ACTION

Before more formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required - for example to prevent / remove immediate risks to food safety, or environmental protection; or to prevent evidence being destroyed.

8.4.1 Any immediate action required will explained at the time and confirmed in writing (including by email and fax) within 1 working day. In all other cases, confirmation of any requirement will be issued within 5 working days.

8.5 RIGHTS OF APPEAL

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken and confirmed, in writing, with any enforcement notice.

9.0 ASSOCIATED DOCUMENTS

9.1 The following external documents are associated with this Enforcement Policy:-

- a) The Enforcement Concordat
www.cabinet-office.gov.uk/regulation/publicsector/enforcement/enforcement.htm
- b) The CPS Code for Crown Prosecutors
www.cps.goc.uk/victims_witnesses/code.html
- c) HSC Section 18 Guidance issued in November 2002
www.hse.gov.uk/lau/pdfs/sec18.pdf
- d) Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement
www.foodstandards.gov.uk/enforcement/frameagree/
- e) Food Safety Act 1990 Codes of Practice Nos, 1-20 (FSA)
www.food.gov.uk/foodindustry/regulation/foodlawguidebranch/foodlawguidech01/foodlawguidech0103
- f) Industry Guides to Good Hygiene Practice (Chadwick House Group Ltd)
www.shop.cieh.net/acatalog/Shop_CIEH_Industry_Guides_To_Good_Hygiene_Practice_25.html
- g) The Memorandum of Understanding between the MCA and APHA
- h) The APHA enforcement guides.

1. Consideration

Officers will consider all the facts of the situation before determining what action, if any, should be taken in any given set of circumstances, including:

- **Person(s) responsible at law** for any potential breaches of public health legislation - for example Master of vessel, vessel owners, food business operators, etc.
- **Location of person responsible at law** for potential breaches of statutory requirements. For example for any form of formal legal action to be taken with most matters relating to food safety, the responsible person (or business) must be located in the UK, have a UK office or UK based agent to which communications can be sent, i.e. there must be an office or agent within the jurisdiction of the Food Safety Act 1990. For most other “non-food” matters the Master of the ship or other identifiable individuals are responsible, such as crew members or passengers and these will clearly be located on the ship.
- **The nature of the matter(s)** giving rise to potential breaches of public health legislation, for example poor food safety standards, infestation of a ship, poor drinking water standards, presence of infectious disease on board a ship, presence and landing of animals, etc.
- **Presence of risk to public health**, for example is the risk to the crew and / or passengers, general public or combinations of these.
- **Seriousness of risk to public health** - for example an imminent risk to health in the case of food safety; prejudice to health in the case of statutory nuisance; conditions likely to spread infectious disease; or the risk of spread of rabies in the case of animal health legislation.
- **Case history and history of compliance** or willingness to undertake the work identified by the officer - for example have the same matters been drawn to the attention of the person responsible in the past without adequate action having been taken to rectify the situation or action to rectify the immediate situation had been previously required and taken but no long term controls put in place.
- **Available enforcement methods and probable outcomes** - for example informal action such as a letter; ship sanitation inspection report instruction; formal notice such as an Improvement Notice under the Food Safety Act 1990; formal Caution, Prosecution, or reference to or joint action with another enforcement agency such as the Maritime & Coastguard Agency (MCA).
- **Collection and availability of evidence** - for example physical evidence, records of measurements, photographic evidence, statements of witness, samples and results, opinions of qualified food examiners or Public Analysts, ships records, etc.
- **The nature of arrangements with other enforcing authorities** - for example the Memorandum of Understanding between the Association of Port Health Authorities and the Maritime & Coastguard Agency; or liaison with Animal Health Officers from the appropriate riparian authority and the Welsh Government.

2. Communication**• Home authority Principle**

The Authority has no current 'Home Authority' agreement with any business concern. Where such an agreement has been set up, communications between this Authority and a business concern will however be in accordance with the Home Authority Principle, normally with the head office of the business concerned unless the business has given a different address for communications to be sent.

• Documents / communications

Any documents or written communications setting out matters to be attended to, or legislation to be complied with by, ship owners, masters, ship operators, food business operators, or operators of a permitted process will make a clear distinction between action needed to meet statutory requirements and recommendations about good practice. Comments, requests or instructions to comply with statutory requirements will set out clearly a time scale for compliance and the statutory requirement to be complied with. In the case of regulations that are to be complied with, the title, regulation number and sub-numbers will be stated together with detail of any rights of appeal against the action being taken by the Authority. Standard documents, circulars, booklets and other publications issued by us will be accurate and reflect current practice. The Authority is prepared to discuss letters, circulars etc with any proprietor to whom they have been sent.

- **Informal approach**

When an authorised officer decides to take an informal approach to secure compliance with statutory requirements, he/she will ensure that any correspondence contains sufficient information to enable ship owners, masters or operators, food business operators, or operators of a permitted process to understand exactly what action he or she is expected to take and why the action is necessary.

Any informal correspondence concerning breaches of statutory requirements will identify each contravention and the measures which, in the opinion of the officer, could be taken in order to secure compliance. Correspondence will contain an indication of the time scale suggested for achieving compliance. This will probably have already been discussed with, and where possible agreed with, the proprietor.

- **Prosecutions**

Whilst not all breaches of statutory requirements will automatically lead to prosecution, the decision to initiate a prosecution will be taken at the earliest opportunity, once the evidence indicates that an offence has been committed and the person or persons responsible have been identified.

3. Decision matrices

The decision matrices set out below outline the actions that will be taken in any given circumstance. The list is not exhaustive and in unusual circumstances guidance will always be sought from colleagues, and by reference to Codes of Practice, case law and other available guidance information.

Deviation from this matrix will be agreed through prior discussion whenever possible with legal services through the Service Level Agreement.

The matrices illustrate the relationship between key issues considered when assessing the risk posed by a ship / premises / process - based assessment criteria and the most appropriate enforcement action. Officers will follow the examples under each column from left to right and then take the action indicated in the far right column by the lowest level reached on the grid.

ENFORCEMENT ACTION DECISION MATRIX – FOOD SAFETY

STANDARD ACHIEVED	FOOD SAFETY ISSUES			RECOMMENDED ACTION
	FOOD HYGIENE	STRUCTURE	MANAGEMENT CONFIDENCE	
EXCELLENT	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations, industry codes of recommended practice and trade codes of accepted good practice. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations, industry codes of recommended practice and trade codes of accepted good practice. 	<p>Highly Confident</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Excellent record of compliance. <input checked="" type="checkbox"/> Internal and external inspection. <input checked="" type="checkbox"/> Technical advice within organisation. <input checked="" type="checkbox"/> Written and implemented Food Safety Management System, e.g. BS 5750, HACCP. <input checked="" type="checkbox"/> 100% staff trained to appropriate level <p>Confident</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Good record of compliance. <input checked="" type="checkbox"/> Internal inspection. <input checked="" type="checkbox"/> Technical advice within organisation. <input checked="" type="checkbox"/> Written procedures and systems. <input checked="" type="checkbox"/> 75% staff trained to appropriate level including Managers. <input checked="" type="checkbox"/> Good appreciation of hazards. 	<p>NONE</p> <p>Brief comments on ship sanitation inspection report</p>
GOOD	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations and industry codes of recommended practice, but some non-compliance with trade codes of accepted good practice <input checked="" type="checkbox"/> Improvements therefore still possible 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations and industry codes of recommended practice, but some non-compliance with accepted good practice and therefore some improvements still possible. 	<p>Some Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Reasonable record of compliance. <input checked="" type="checkbox"/> Access to technical advice. <input checked="" type="checkbox"/> Written essential procedures and systems. <input checked="" type="checkbox"/> 50% staff trained including Managers. <input checked="" type="checkbox"/> Some appreciation of hazards. <input checked="" type="checkbox"/> Willingness to comply. 	<p>ADVICE LETTER</p> <p>Brief comments on ship sanitation inspection report followed by advisory letter to Master and Operators of food business</p>
FAIR	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Some non-compliance with statutory obligations and industry codes of recommended practice <input checked="" type="checkbox"/> Matters of non-compliance not critical to food safety, but have potential to become critical if standards fall any further. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Some non-compliance with statutory obligations/ICoP. <input checked="" type="checkbox"/> Matters of non-compliance not of immediate or critical food safety significance, e.g. minor disrepair. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Willingness to comply. 	<p>WARNING LETTER</p> <p>Detailed comments on ship sanitation inspection report and additional sheet followed by warning letter to master and operators of food business</p>
POOR	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> More serious non-compliance, an individual serious matter or several minor matters at critical control points. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Non-compliance with statutory obligations/ICoP more general e.g. general disrepair, some of which may be of immediate or critical food safety significance, e.g. inadequate pest proofing, inadequate ventilation, poor lighting, absence of whbs, no/inadequate hot water, poor layout/inadequate size. 	<p>Little Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Varying record of compliance. <input checked="" type="checkbox"/> No access to technical advice. <input checked="" type="checkbox"/> Little appreciation of hazards. <input checked="" type="checkbox"/> Management not trained. <input checked="" type="checkbox"/> No food safety management system <input checked="" type="checkbox"/> non-compliance with Reg 4(3) <input checked="" type="checkbox"/> Non compliance with <i>Industry Catering Guide</i> Management Sections 	<p>IMPROVEMENT NOTICE(s)</p> <p>As for FAIR plus service of Improvement Notice(s) on operators of food business where possible. Where not possible consider referring to MCA or use of other statutory notice such as PH(ships)R 1979</p>
BAD	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Serious non-compliance at two critical control points. Possible imminent risk to health. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Non-compliance as above, a significant portion of which is affecting food safety. 	<p>No Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Poor record of compliance. <input checked="" type="checkbox"/> Little or no technical knowledge or appreciation of hazards or quality control. <input checked="" type="checkbox"/> No training of managers or staff. <input checked="" type="checkbox"/> No food safety management system. 	<p>PROSECUTION</p> <p>As for FAIR but reporting for prosecution where possible. Where not possible consider referring to MCA</p>
UNACCEPTABLE	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Serious non-compliance at several critical control points. Definite imminent risk to health. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Substantial & general non-compliance putting food safety at significant or imminent risk. 		<p>EMERGENCY CLOSURE</p> <p>As for FAIR plus service of EPN plus referring to MCA</p>

ENFORCEMENT ACTION DECISION MATRIX – POTABLE WATER

STANDARD ACHIEVED	POTABLE WATER			RECOMMENDED ACTION
	TREATMENT	MAINTENANCE & EQUIPMENT	MANAGEMENT CONFIDENCE	
EXCELLENT	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations, HPA Guidelines and water quality standards (Microbiological & Chemical) and UK /EC Drinking Water Quality Regulations 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations, HPA Guidelines. Excellent maintenance standards. All appropriate equipment available. 	<p>Highly Confident</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Excellent record of compliance. <input checked="" type="checkbox"/> Internal and external inspection. <input checked="" type="checkbox"/> Technical advice within organisation. <input checked="" type="checkbox"/> Written and implemented Potable Water Quality Management & Maintenance System. <input checked="" type="checkbox"/> 100% staff trained to appropriate level <p>Confident</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Good record of compliance. <input checked="" type="checkbox"/> Internal inspection. <input checked="" type="checkbox"/> Technical advice within organisation. <input checked="" type="checkbox"/> Written procedures and systems. <input checked="" type="checkbox"/> Most staff trained to appropriate level including Mangers. <p>Good appreciation of hazards.</p>	<p>NONE Brief comments on ship sanitation inspection report</p>
GOOD	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations, HPA Guidelines and water quality standards (Microbiological & Chemical) and UK /EC Drinking Water Quality Regulations but some non-compliance with accepted good practice <input checked="" type="checkbox"/> Improvements therefore still possible 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations, HPA Guidelines, but some non-compliance with accepted good practice <input checked="" type="checkbox"/> Some improvements still possible. 	<p>Some Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Reasonable record of compliance. <input checked="" type="checkbox"/> Access to technical advice. <input checked="" type="checkbox"/> Written basic procedures and systems. <input checked="" type="checkbox"/> Some staff trained including Managers. <input checked="" type="checkbox"/> Some appreciation of hazards. <input checked="" type="checkbox"/> Willingness to comply. 	<p>ADVICE LETTER Brief comments on ship sanitation inspection report followed by advisory letter to Master and Operators of vessel</p>
FAIR	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Some non-compliance with statutory obligations, HPA Guidelines and water quality standards (Microbiological & Chemical) and UK /EC Drinking Water Quality Regulations. <input checked="" type="checkbox"/> Matters of non-compliance not critical to water quality, but have potential to become critical if standards fall any further. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Some non-compliance with statutory obligations, HPA Guidelines and water quality standards (Microbiological & Chemical) and UK /EC Drinking Water Quality Regulations. <input checked="" type="checkbox"/> Matters of non-compliance not of immediate or critical significance to potable water quality, e.g. minor disrepair. 	<p>Little Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Varying record of compliance. <input checked="" type="checkbox"/> No access to technical advice. <input checked="" type="checkbox"/> Little appreciation of hazards. <input checked="" type="checkbox"/> Management not trained. <input checked="" type="checkbox"/> No procedures and systems <input checked="" type="checkbox"/> Little willingness to comply 	<p>WARNING LETTER Detailed comments on ship sanitation inspection report and additional sheet followed by warning letter to master and operators of vessel</p>
POOR	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> More serious non-compliance statutory obligations, HPA Guidelines and water quality standards (Microbiological & Chemical) and UK /EC Drinking Water Quality Regulations. <input checked="" type="checkbox"/> An individual serious matter or several minor matters at critical points in potable water processes. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Non-compliance with statutory obligations, HPA Guidelines and water quality standards (Microbiological & Chemical) and UK /EC Drinking Water Quality Regulations more general e.g. general disrepair, some of which may be of immediate or critical potable water significance, e.g. back-flushing, cross-connection possible, badly damaged hoses, etc 	<p>Little Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Varying record of compliance. <input checked="" type="checkbox"/> No access to technical advice. <input checked="" type="checkbox"/> Little appreciation of hazards. <input checked="" type="checkbox"/> Management not trained. <input checked="" type="checkbox"/> No procedures and systems <input checked="" type="checkbox"/> Little willingness to comply 	<p>NOTICE(s) As for FAIR plus service of Public Health (Ships) Regulations Notice. Consider referring to MCA or use of other statutory notice such as EPA 1990 S. 80 or FSA 1990 S.10 Improvement Notice (if food safety affected).</p>
BAD	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> At least two examples of serious non-compliance with HPA Guidelines and water quality standards (Microbiological & Chemical) and UK /EC Drinking Water Quality Regulations. Possible imminent risk to potable water quality 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Non-compliance as above, a significant portion of which is affecting potable water quality. 	<p>No Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Poor record of compliance. <input checked="" type="checkbox"/> Little or no technical knowledge or appreciation of hazards <input checked="" type="checkbox"/> No procedures or systems <input checked="" type="checkbox"/> No training of managers or staff. <input checked="" type="checkbox"/> No willingness to comply. 	<p>DETENTION & PROSECUTION As for FAIR plus refer to MCA for Detention plus reporting for PROSECUTION</p>
UNACCEPTABLE	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Several examples of serious non-compliance. Definite imminent risk to health. Potable water contaminated. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Substantial & general non-compliance putting potable water quality at significant or imminent risk. 		

ENFORCEMENT ACTION DECISION MATRIX – SWIMMING POOLS AND SPA POOLS

STANDARD ACHIEVED	SWIMMING POOLS & SPA POOLS			RECOMMENDED ACTION
	TREATMENT	MAINTENANCE & EQUIPMENT	MANAGEMENT CONFIDENCE	
EXCELLENT	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations and PWTAG Guide 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Compliance with statutory obligations, HPA Guidelines. Excellent maintenance standards. All appropriate equipment available. 	<p>Highly Confident</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Excellent record of compliance. <input checked="" type="checkbox"/> Internal and external inspection. <input checked="" type="checkbox"/> Technical advice within organisation. <input checked="" type="checkbox"/> Written and implemented Potable Water Quality Management & Maintenance System. <input checked="" type="checkbox"/> 100% staff trained to appropriate level <p>Confident</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Good record of compliance. <input checked="" type="checkbox"/> Internal inspection. <input checked="" type="checkbox"/> Technical advice within organisation. <input checked="" type="checkbox"/> Written procedures and systems. <input checked="" type="checkbox"/> Most staff trained to appropriate level including Managers. <input checked="" type="checkbox"/> Good appreciation of hazards. 	<p>NONE Brief comments on ship sanitation inspection report</p>
GOOD	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> General compliance with statutory obligations and PWTAG Guide but some non-compliance with accepted good practice <input checked="" type="checkbox"/> Improvements therefore still possible 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> General compliance with statutory obligations and PWTAG Guide but some non-compliance with accepted good practice <input checked="" type="checkbox"/> Some improvements still possible. 	<p>Some Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Reasonable record of compliance. <input checked="" type="checkbox"/> Access to technical advice / support <input checked="" type="checkbox"/> Written basic procedures and systems. <input checked="" type="checkbox"/> Some staff trained including Managers. <input checked="" type="checkbox"/> Some appreciation of hazards. <input checked="" type="checkbox"/> Willingness to comply. 	<p>ADVICE LETTER Brief comments on ship sanitation inspection report followed by advisory letter to Master and Operators of vessel</p>
FAIR	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Some non-compliance with statutory obligations and PWTAG Guide. <input checked="" type="checkbox"/> Matters of non-compliance not critical to water quality but have potential to become critical if standards fall any further. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Some non-compliance with statutory obligations and PWTAG Guide s. <input checked="" type="checkbox"/> Matters of non-compliance not of immediate or critical significance to water quality, e.g. minor disrepair. 	<p>Little Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Varying record of compliance. <input checked="" type="checkbox"/> No access to technical advice / support <input checked="" type="checkbox"/> Little appreciation of hazards. <input checked="" type="checkbox"/> Management not trained. <input checked="" type="checkbox"/> No procedures and systems <input checked="" type="checkbox"/> Little willingness to comply 	<p>WARNING LETTER Detailed comments on ship sanitation inspection report and additional sheet followed by warning letter to master and operators of vessel</p>
POOR	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> More serious non-compliance with statutory obligations and PWTAG Guide. <input checked="" type="checkbox"/> An individual serious matter or several minor matters at critical points. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Non-compliance with statutory obligations and PWTAG Guide more general e.g. general disrepair, some of which may be of immediate or critical significance, e.g. back-flushing not possible, poorly maintained filters, defective dosing equipment, badly damaged pools. 	<p>Little Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Varying record of compliance. <input checked="" type="checkbox"/> No access to technical advice / support <input checked="" type="checkbox"/> Little appreciation of hazards. <input checked="" type="checkbox"/> Management not trained. <input checked="" type="checkbox"/> No procedures and systems <input checked="" type="checkbox"/> Little willingness to comply 	<p>NOTICE(s) As for FAIR plus service of Public Health (Ships) Regulations Notice. Consider referring to MCA or use of other statutory notice such as EPA 1990 S. 80 or FSA 1990 S.10 Improvement Notice (if food safety affected).</p>
BAD	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> At least two examples of serious non-compliance with statutory obligations and PWTAG Guide. <input checked="" type="checkbox"/> Possible imminent risk to pool users. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Non-compliance as above with serious implications for pool users. 	<p>No Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Poor record of compliance. <input checked="" type="checkbox"/> Little or no technical knowledge or appreciation of hazards <input checked="" type="checkbox"/> No access to technical advice / support <input checked="" type="checkbox"/> No procedures or systems <input checked="" type="checkbox"/> No training of managers or staff. <input checked="" type="checkbox"/> No willingness to comply. 	<p>As for POOR plus consideration of DETENTION & PROSECUTION - refer to MCA for Detention plus reporting for PROSECUTION</p>
UNACCEPTABLE	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Several examples of serious non-compliance. Definite imminent risk to pool users. Pool water contaminated. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Substantial & general non-compliance putting pool water quality and pool users at significant or imminent risk. 	<p>No Confidence</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Poor record of compliance. <input checked="" type="checkbox"/> Little or no technical knowledge or appreciation of hazards <input checked="" type="checkbox"/> No access to technical advice / support <input checked="" type="checkbox"/> No procedures or systems <input checked="" type="checkbox"/> No training of managers or staff. <input checked="" type="checkbox"/> No willingness to comply. 	

ENFORCEMENT ACTION DECISION MATRIX - WASTE DISPOSAL

STANDARD ACHIEVED	SANITARY FACILITIES VENTS AND TRAPS	WASTE DISPOSAL AND SEWAGE TREATMENT	MANAGEMENT OF WASTE DISPOSAL	RECOMMENDED ACTION
<p>EXCELLENT</p>	<p><input checked="" type="checkbox"/> All sanitary facilities (WC's, urinals, wash basins, sinks, baths, showers and sluices) maintained in full working order and to a high standard of cleanliness at all times. <input checked="" type="checkbox"/> Cleaning schedules available and evidence that they are followed. WC compartments all provided with satisfactory ventilation and not communicating directly with any food room. <input checked="" type="checkbox"/> All sanitary appliances and also "plumbed in" washing machines and dishwashers to be connected effectively to trapped drainage systems. <input checked="" type="checkbox"/> Sanitary facilities sufficient in number and appropriately located. <input checked="" type="checkbox"/> Total compliance achieved.</p>	<p><input checked="" type="checkbox"/> Total compliance with The Merchant Shipping and Fishing Vessel (Port Waste Reception Facilities) Regulations 2003 (PWRF Regulations) and copies of "waste declarations" available. <input checked="" type="checkbox"/> Ample storage facilities in clean, well maintained condition for short and long term (where appropriate) refuse storage. <input checked="" type="checkbox"/> Documented protocols/systems for refuse storage and disposal and evidence that the systems are fully implemented. <input checked="" type="checkbox"/> Foul drainage systems and sewage storage tanks to be in sound condition – free from leakage and other escape. (Note: larger modern vessels and cruise liners will have package sewage treatment plants on board – smaller and older vessels sewage holding tanks from which the contents will be discharged at sea. <input checked="" type="checkbox"/> Total compliance achieved.</p>	<p>HIGHLY CONFIDENT</p> <p><input checked="" type="checkbox"/> Excellent record of compliance. <input checked="" type="checkbox"/> Technical Guidance on PWRF Regulations and onboard sewage and refuse equipment available. <input checked="" type="checkbox"/> Fully documented protocols and guidance for crew available, covering all aspects of waste disposal and maintenance/cleaning. <input checked="" type="checkbox"/> All crew involved in waste disposal appropriately trained/instructed in these duties.</p>	<p>NONE Brief comments on Ship Sanitation Inspection Report</p>
			<p>CONFIDENT</p> <p><input checked="" type="checkbox"/> Good record of compliance. <input checked="" type="checkbox"/> Technical Guidance on PWRF Regulations and on board sewage and refuse equipment available. <input checked="" type="checkbox"/> Fully documented protocols and guidance for crew available covering all aspects of waste disposal and maintenance/cleaning. <input checked="" type="checkbox"/> Relevant crew appropriately trained/instructed in their respective duties.</p>	
<p>GOOD</p>	<p><input checked="" type="checkbox"/> All sanitary facilities maintained in good working order and satisfactory state of cleanliness. <input checked="" type="checkbox"/> Facilities to be appropriately located and adequate in number. <input checked="" type="checkbox"/> Cleaning schedules either limited or not present. <input checked="" type="checkbox"/> All sanitary facilities effectively trapped. <input checked="" type="checkbox"/> WC compartments satisfactorily ventilated. <input checked="" type="checkbox"/> No WC compartment communicating directly with a food room. <input checked="" type="checkbox"/> Compliance achieved but not to such a high level of excellence as "excellent" above.</p>	<p><input checked="" type="checkbox"/> As for "EXCELLENT" but limited documented protocol and systems for waste control. <input checked="" type="checkbox"/> Compliance achieved but not to such a high level of excellence as "excellent" above.</p>	<p>SOME CONFIDENCE</p> <p><input checked="" type="checkbox"/> Reasonable record of compliance. <input checked="" type="checkbox"/> Technical guidance on PWRF Regulations and onboard sewage and refuse equipment available.</p>	<p>ADVICE LETTER Brief comments on Ship Sanitation Inspection Report followed by advisory letter to Master with copy to Agent/Owner</p>
<p>FAIR</p>	<p><input checked="" type="checkbox"/> All sanitary facilities working and in acceptable state of cleanliness. <input checked="" type="checkbox"/> Odd minor repairs needed to some sanitary facilities. <input checked="" type="checkbox"/> May be some deficiencies in adequacy or location of facilities. <input checked="" type="checkbox"/> All facilities properly trapped and satisfactory ventilation of WC compartments. <input checked="" type="checkbox"/> No WC compartment communicating with any food room. <input checked="" type="checkbox"/> Minor matters of non compliance but not sufficient on their own or collectively to be of concern.</p>	<p><input checked="" type="checkbox"/> Minor discrepancies in compliance with PWRF Regulations. <input checked="" type="checkbox"/> Foul drainage system functioning satisfactorily. <input checked="" type="checkbox"/> Refuse receptacles/storage areas etc in need of minor repairs or cleaning. <input checked="" type="checkbox"/> Receptacles may be inadequate in size and have missing or ill fitting lids etc. <input checked="" type="checkbox"/> Minor matters of non compliance but not sufficient on their own or collectively to be of concern.</p>	<p><input checked="" type="checkbox"/> Limited documented protocols and guidance for crew available. <input checked="" type="checkbox"/> Limited crew training/instruction in waste disposal. <input checked="" type="checkbox"/> Show willingness to improve.</p>	<p>WARNING LETTER Detailed comments on Ship Sanitation Inspection Report followed by warning letter to Master with copy to Agent/Owner</p>

STANDARD ACHIEVED	SANITARY FACILITIES VENTS AND TRAPS	WASTE DISPOSAL AND SEWAGE TREATMENT	MANAGEMENT AND WASTE DISPOSAL	RECOMMENDED ACTION
POOR	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Low standard of cleanliness of sanitary facilities and little or no evidence to indicate any cleansing routine is followed. <input checked="" type="checkbox"/> Ventilation to WC compartments ineffective or lacking. <input checked="" type="checkbox"/> Deficiencies in adequacies of facilities or location. <input checked="" type="checkbox"/> Repairs needed to sanitary facilities to enable them to be properly used. <input checked="" type="checkbox"/> Trapping to foul drainage system may be inadequate or in some cases missing. <input checked="" type="checkbox"/> WC compartments may communicate with food rooms. <input checked="" type="checkbox"/> Matters of non compliance which individually or collectively warrant formal action. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Notable discrepancies in compliance with PWRF Regulations. <input checked="" type="checkbox"/> Dirty or otherwise unsatisfactory refuse storage facilities. <input checked="" type="checkbox"/> Inadequate refuse receptacles (size, condition). <input checked="" type="checkbox"/> Odours and/or insect infestations from refuse receptacles or storage areas. <input checked="" type="checkbox"/> Inadequate cleaning routines for refuse holding areas (long term). <input checked="" type="checkbox"/> Defects to foul drainage systems including holding tanks or treatment plant giving rise to minor leakage and odours. <input checked="" type="checkbox"/> Matters of non compliance which individually or collectively warrant formal action. 	<p>LITTLE CONFIDENCE</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Varying record of compliance. <input checked="" type="checkbox"/> No technical guidance on PWRF Regulations and on board sewage and refuse equipment available. <input checked="" type="checkbox"/> No documented protocols or guidance for crew available. <input checked="" type="checkbox"/> No evidence of training or instruction in waste disposal. <input checked="" type="checkbox"/> Lack of willingness to improve. 	<p>STATUTORY NOTICE</p> <p>Service of Statutory Notice on Master with copies of notice and covering letter to Agent/Owner.</p> <p>Consider referring to MCA (Available legislation set out in Part 3 of Ship Sanitation Inspection Report)</p>
BAD	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Unsatisfactory state of cleanliness of sanitary facilities (widespread throughout vessel) and no evidence of any cleaning routine. <input checked="" type="checkbox"/> Broken or defective sanitary facilities which prevent use. <input checked="" type="checkbox"/> Inadequate or defective trapping to waste pipes with consequent escape of foul odours. <input checked="" type="checkbox"/> Inadequate or missing ventilation to WC compartments. <input checked="" type="checkbox"/> Serious deficiencies in adequacy or location of facilities. <input checked="" type="checkbox"/> Serious contraventions possibly posing serious risk to users-necessitating referral to MCA for detention and reporting with a view to prosecution. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Extensive non compliance with PWRF Regulations. <input checked="" type="checkbox"/> Odours and/or infestations as a result of poorly managed refuse holding facilities. <input checked="" type="checkbox"/> Dirty inadequate refuse receptacles and holding areas. <input checked="" type="checkbox"/> No cleaning routine evident for refuse receptacles and holding areas. <input checked="" type="checkbox"/> Defect to foul drainage system including holding tanks or areas. <input checked="" type="checkbox"/> Defects to foul drainage system including holding tanks or treatment plant giving rise to sewage leakage and other problems. <input checked="" type="checkbox"/> Serious contraventions possibly posing serious risk to users-necessitating referral to MCA for detention and reporting with a view to prosecution. 	<p>NO CONFIDENCE</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Poor record of compliance <input checked="" type="checkbox"/> No technical guidance on PWRF Regulations and on board sewage and refuse equipment available. <input checked="" type="checkbox"/> No documented protocols or guidance for crew available. <input checked="" type="checkbox"/> No evidence of training or instruction in waste disposal. <input checked="" type="checkbox"/> No willingness to improve. 	<p>DETENTION AND PROSECUTION</p> <p>Refer to MCA for DETENTION plus reporting for PROSECUTION</p> <p>(Applicable legislation set out in Part 3 of Ship Sanitation Inspection Report)</p>
UNACCEPTABLE	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Unacceptable state of cleanliness of sanitary facilities. <input checked="" type="checkbox"/> Multiplicity of defects to facilities preventing use. <input checked="" type="checkbox"/> No evidence of cleaning routine or maintenance to un-trapped or leaking wastes and drains with consequent odour escape. <input checked="" type="checkbox"/> Leaking foul drainage systems. <input checked="" type="checkbox"/> Missing ventilation to WC compartments. <input checked="" type="checkbox"/> WC's communicating with food rooms <input checked="" type="checkbox"/> Insanitary conditions. <input checked="" type="checkbox"/> Several items of serious non compliance necessitating action as for "bad" above. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Total non compliance with PWRF Regulations. <input checked="" type="checkbox"/> Insanitary conditions as a result of defective foul drainage system or improper refuse management. <input checked="" type="checkbox"/> Infestations as a result of unsatisfactory refuse systems. <input checked="" type="checkbox"/> Several items of serious non compliance necessitating action as for "bad" above. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> No evidence of training or instruction in waste disposal. <input checked="" type="checkbox"/> No willingness to improve. 	

ENFORCEMENT ACTION DECISION MATRIX – ACCOMMODATION

STANDARD ACHIEVED	ACCOMMODATION			RECOMMENDED ACTION
	HYGIENIC CONDITION	HEATING, LIGHTING and VENTILATION	MANAGEMENT OF ACCOMMODATION STANDARDS	
EXCELLENT	<input checked="" type="checkbox"/> Compliance with statutory obligations Environmental Protection Act Public Health (Ships) Regulations WHO Guide to Ship Sanitation Procedures in place to maintain systems Cleaning and maintenance <input checked="" type="checkbox"/> Good working practices <input checked="" type="checkbox"/> Good housekeeping practices	<input checked="" type="checkbox"/> Compliance with statutory obligations <input checked="" type="checkbox"/> Procedures in place to maintain systems	Highly Confident <input checked="" type="checkbox"/> Excellent record of compliance <input checked="" type="checkbox"/> Regular inspections <input checked="" type="checkbox"/> Records kept <input checked="" type="checkbox"/> Written procedures and systems	NONE Comment to this effect noted on Ship Sanitation Inspection Report
GOOD	<input checked="" type="checkbox"/> Compliance with statutory obligations but some non-compliance with good practices and maintenance systems	<input checked="" type="checkbox"/> Compliance with statutory obligations but some non-compliance with good practices and maintenance systems	Some Confidence <input checked="" type="checkbox"/> Reasonable record of compliance <input checked="" type="checkbox"/> Regular inspections <input checked="" type="checkbox"/> Records kept <input checked="" type="checkbox"/> Some written procedures and systems	VERBAL ADVICE Brief comments on Ship Sanitation Inspection Report
FAIR	<input checked="" type="checkbox"/> Some non compliance with statutory obligations matters of non compliance not critical but have potential to be come critical if standards fall any further	<input checked="" type="checkbox"/> Some non compliance with statutory obligations matters of non compliance not critical but have potential to become critical if standards fall any further	Some Confidence <input checked="" type="checkbox"/> Reasonable record of compliance <input checked="" type="checkbox"/> Regular inspections <input checked="" type="checkbox"/> Records kept <input checked="" type="checkbox"/> Some written procedures and systems	ADVICE LETTER Brief comments on Ship Sanitation Inspection Report Followed by advisory letter to Masters and operators of vessel
POOR	<input checked="" type="checkbox"/> More serious non compliance with statutory obligations defects found which may lead to a nuisance or become prejudicial to health	<input checked="" type="checkbox"/> More serious non compliance with statutory obligations	Little Confidence <input checked="" type="checkbox"/> Varying record of compliance <input checked="" type="checkbox"/> Poor procedures and systems <input checked="" type="checkbox"/> No evidence of inspections <input checked="" type="checkbox"/> Little appreciation of hazards <input checked="" type="checkbox"/> Little willingness to comply	WARNING LETTER Detailed comments on Ship Sanitation Inspection Report and additional sheet followed by warning letter to Master and owners of vessel. MCA informed through M.O.U.
UNACCEPTABLE	<input checked="" type="checkbox"/> Several examples of serious non compliance conditions prejudicial to health	<input checked="" type="checkbox"/> Substantial and general non compliance	No Confidence <input checked="" type="checkbox"/> Poor record of compliance <input checked="" type="checkbox"/> No procedures and systems <input checked="" type="checkbox"/> No willingness to comply	NOTICES Service of EPA Sect 80 notice consider prosecution refer to MCA for detention through M.O.U.

ENFORCEMENT ACTION DECISION MATRIX - GENERAL PUBLIC HEALTH CONTROLS

STANDARD ACHIEVED	ANIMALS	RECOMMENDED ACTION
EXCELLENT	<input checked="" type="checkbox"/> Prior notification of animal on board received. <input checked="" type="checkbox"/> Animal confined on board in accordance with good practice	Advise Master of continued obligation with regard to animals on board. Notify local Animal Health Inspector if PHO not formerly appointed as agent. Brief comments on ship sanitation inspection report (SSCEC)
GOOD	<input checked="" type="checkbox"/> No prior notification received. <input checked="" type="checkbox"/> Animal adequately confined at time of vessel inspection.	ADVICE LETTER Brief comments on ship sanitation inspection report followed by advisory letter to Master/Agent of ship
UNACCEPTABLE	<input checked="" type="checkbox"/> No prior notification and animal not adequately confined <input checked="" type="checkbox"/> Animal running free on vessel with access to shore and/or animal witnessed as being ashore	WARNING LETTER / PROSECUTION Detailed comments on ship sanitation inspection report and additional sheet followed by warning letter to Master and Operators of ship. Prosecution of Master (PH(S) Regs) MCA notified.
STANDARD ACHIEVED	VERMIN, PEST CONTROL, DERATTING,	RECOMMENDED ACTION
EXCELLENT	<input checked="" type="checkbox"/> Valid SSCC / SSCEC on arrival <input checked="" type="checkbox"/> No evidence or reports of current vermin or pest infestation; pest control regime / contract in place	NONE Brief comments on ship sanitation inspection report
GOOD	<input checked="" type="checkbox"/> Valid SSCC / SSCEC <input checked="" type="checkbox"/> Slight insect infestation. Preventative equipment and materials available.	ADVICE LETTER Brief comments on ship sanitation inspection report followed by advisory letter to Master and Operators of ship
POOR	<input checked="" type="checkbox"/> Valid SSCC / SSCEC. <input checked="" type="checkbox"/> Moderate insect infestation/ old evidence of vermin infestation	WARNING LETTER Detailed comments on ship sanitation inspection report and additional sheet followed by warning letter to Master and Operators of ship
UNACCEPTABLE	<input checked="" type="checkbox"/> Invalid or absence of SSCC / SSCEC. <input checked="" type="checkbox"/> Major evidence of vermin infestation to accommodation, food storage or catering spaces. <input checked="" type="checkbox"/> No pest control equipment or materials available.	ABATEMENT NOTICE (EPA) TO MASTER/OPERATOR Detailed comments on ship inspection sheet. Inspection and/or treatment and issue SSCC / SSCEC. Notify MCA of deficiencies, consider detaining vessel to effect disinfection.
STANDARD ACHIEVED	POLLUTION CONTROL	RECOMMENDED ACTION
EXCELLENT	<input checked="" type="checkbox"/> All appropriate measures taken against pollution from all sources in particular through application of BAT. <input checked="" type="checkbox"/> Full compliance with Permit condition if appropriate	Routine inspection of premises/vessels in accord with inspection plan
GOOD	<input checked="" type="checkbox"/> All appropriate measures taken against pollution from all sources. <input checked="" type="checkbox"/> Some non-critical non-compliance with good practice guides	Advisory letter to Master/Operator. Regular observations of operations during every visit to premises/vessel. Notes logged on premises register
POOR	<input checked="" type="checkbox"/> Preventative measures in place but occasional more serious non-compliance with statutory obligations or permit conditions	Warning Letter to Master/Operator or Enforcement Notice (PCCA)
UNACCEPTABLE	<input checked="" type="checkbox"/> Major non-compliance with permit conditions or statutory obligations resulting in serious risk of pollution or statutory nuisance	Abatement Notice (EPA) on Master/Operator. Suspension Notice (PCCA) on Operator and notify MCA of threat to health and safety of ship/crew.

APPENDIX 2:

A. DELEGATION OF AUTHORITY / AUTHORISATION OF OFFICERS

Authorisation of individual Port Health Officers, the Port Medical Officer and the 'Designated Alternate PMOs' are confirmed by the Authority pursuant to written reports as the need arises. Port Medical Officers are Consultants in Communicable Disease Control employed by Public Health Wales, nominated for authorisation as Proper Officers by and at no cost to this Authority. Such authorisations shall remain in place until revoked, in writing, by the Authority.

1.0 CURRENT AUTHORISATIONS - Board minute PH7b 27th June 2014 provides inter alia that:

- a) The Director; Deputy Director and Relief Port Health Officers, are authorised by the Swansea Bay Port Health Authority to undertake those relevant duties pursuant to the legislation; and Certificates of Authorisation in relation to food safety; listed below.
- b) The Clerk & Treasurer is delegated authority to sign the authorisation documents in respect of the Director.
- c) The Director is delegated authority to sign the documents authorising other enforcement officers employed or contracted by the Authority; and port medical officers acting as 'Proper Officers' on behalf of the Authority.

B. Relevant legislation

2. LIST OF LEGISLATION

- * Indicates those Acts, Regulations enforced by the Authority pursuant to Articles 6 & 8 and Schedules 1 & 2 of the Swansea Bay Port Health Order 1991, as amended by Article 2(c) of the Swansea Bay Port Health Authority (Amendment) Order 1998; and Article 2 of the Swansea Bay Port Health Authority (Amendment) Order 2010.

Animal By-Products (Enforcement)(Wales) Regulations 2011

Animal Health Act 1981 as amended by the Animal Health and Welfare Act 1984

Building Act 1984*
- Sections 59, 61-63, 64(i), 65 - drainage
- Sections 76-79, 81-82
- Section 84 - Defective, dangerous & ruinous buildings
- Section 95 - Paving & drainage
- Sections 97 & 107 - Power of entry to premises
- Power to execute works & recover expenses

Clean Air Act 1993

Control of Pollution Act 1974* - Part 3 (except Sections 70(2)(3) &(5) and 71 (1) - noise
Sections 91 & 92 - Rights of entry and inspections etc
Section 93 - Power to obtain information
Section 94 - Prohibition on disclosure of information
Section 97 - Default powers
Part 4 - Miscellaneous & General

Environmental Protection Act 1990

European Communities Act 1972

Food Safety Act 1990 (Parts 1-3) *
- specifically Sections
9 - inspection & seizure of suspect food
10 - Improvement notices
12 - Emergency Prohibition notices
29 - Procurement of samples
30 - Analysis of samples
32 - Powers of entry
49 - Authority to issue fish health certificates

Food Hygiene (Wales) Regulations 2006

as amended by the Food Hygiene (Wales)(Amendment) Regulations 2012

- specifically Regulations: 6 - Hygiene Improvement notices
8 - Hygiene Emergency Prohibition notices and Orders
9 - Remedial Action notices
12 - Procurement of samples
13 - Analysis of samples
14 - Powers of entry
27 - Certification that food has not been produced,
processed, or distributed in compliance with the
Hygiene Regulations
28 - Service of documents

Food Hygiene Rating (Wales) Act 2013

General Food Regulations 2004

Health Protection (Local Authority Powers) Regulations 2010*

Health Protection (Notification)(Wales) Regulations 2010*

Health Protection (Part 2A Orders) Regulations 2010

International Health Regulations 2005

Local Government Act 1972 *
- Sections 222-225, and 228 -234
- Legal proceedings, documents & notices

Local Government (Miscellaneous Provisions) Act 1976 *
- Section 16 - Power to obtain information of
interested in land.
- Power to execute works outside their
area

Local Government (Miscellaneous Provisions) Act 1982*
- Section 29 - Protection of buildings
- Section 32 - Application to court in respect of
expenses of works

Local Government Act 2000

Local Government & Housing Act 1989

Misuse of Drugs Act 1971; Misuse of Drugs Regulations 1985 &
Merchant Shipping (Medical Stores) Regulations 1986

Official Feed and Food Controls (Wales) Regulations 2009

Pollution, Prevention and Control Act 1999

Prevention of Damage by Pests Act 1949 *

Private Water Supply (Wales) Regulations 2009

Public Health (Control of Disease) Act 1984 *
as amended by the Health and Social Care Act 2008

Public Health Acts 1936 & 1961*

Trade in Animals and Related Products (Wales) Regulations 2011

Water Industry Act 1991 *

C. Certificates of Authorisation for food safety enforcement

- 1. William Arnold Director of Port Health Services**
- 2. Gillian Morgan Deputy Director of Port Health Services**
- 3. Roger Cork Relief Port Health Officer**

Swansea Bay Port Health Authority

Certificate of Authorisation for Food Safety Enforcement

Post : Director of Port Health Services

Officer: William Arnold

The above officer is hereby authorised to act on behalf of the Swansea Bay Port Health Authority in respect of the following legislation and any regulations and orders made there under.

European Communities Act 1972
Food and Environment Protection Act 1985
Food Safety Act 1990

And any amendments or modifications thereof, any byelaws, orders, regulations made, or at any time hereafter to be made pursuant thereto any amendments or modifications thereof for the time being in force, relevant to such enactments as Swansea Bay Port Health Authority require or are required to enforce.

This Certificate of Authorisation relates to the levels of authorisation, competence, qualifications, training and experience as detailed in the attached "Assessment of Competence to determine Authorisation for Food Safety Enforcement" form which is specific to the above named officer.

Ref: FS/AUTH/A1/27/06/2014

I hereby agree to abide to the specific levels of authorisation, as detailed in the attached "Assessment of Competence to determine Authorisation for Food Safety Enforcement" Form, Ref: FS/AUTH/A1/27/06/2014.

Officer:

Dated: 27th June 2014

Authorised by:

Title: Clerk & Treasurer

Date: 27th June 2014

Assessment of Competence to determine Authorisation for Food Safety Enforcement

Officer: William Arnold
Post: Director of Port Health Services
Date: 27th June 2014

Ref: FS/AUTH/A1/27/06/2014

Statutory Power		Competence Criteria Satisfied / not satisfied as at 01/07/2014; and level of authorisation having regard to Code of Practice
1.	To carry out inspection, audit, verification or surveillance visits to food establishments which attract a minimum intervention frequency of 12 months or less (A & B) under the intervention rating scheme at Annex 5 in the Food Law Code of Practice (Wales). Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of food premises.	Satisfied & Authorised
2.	To carry out inspection, audit, verification or surveillance visits to food establishments that are in the substantial category of the Consumers at Risk section in Annex 5 of the intervention rating scheme in the Food Law Code of Practice (Wales). Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of food premises.	Satisfied & Authorised
3.	To carry out inspection, audit, verification or surveillance visits to food establishments which attract a minimum intervention frequency of 18 months or 2 years (C & D) under the intervention rating scheme at Annex 5 in the Food Law Code of Practice (Wales) Criteria: Qualified Environmental Health Officers.	Satisfied & Authorised
4.	To carry out alternative enforcement strategies to premises rated E under the intervention rating scheme at Annex 5 in the Food Law Code of Practice (Wales). To include advice and education visits and information/intelligence gathering exercises. Criteria: Officers who have been trained/coached in the tasks required.	Satisfied & Authorised
5.	To carry out information/intelligence gathering exercises at Category A - D premises. Criteria: Officers who have been trained/coached in the tasks required.	Satisfied & Authorised
6.	To carry out inspection, audit, verification or surveillance visits which could lead to the approval, suspension, revocation or imposing conditions on food establishments subject to approval under (EC) Regulation 853/2004. Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of approved food premises.	Satisfied & Authorised
7.	To carry out inspection, audit, verification or surveillance visits to specialist and complex manufacturing processes as described in paragraphs 1.2.9.1.2. of the Food Law Code of Practice (Wales). Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of such food premises.	Not Satisfied & Not Authorised
8.	To procure samples pursuant to Section 29 of the Food Safety Act 1990 and Regulation 35 of the Official Feed and Food Controls (Wales) Regulations 2006. Criteria: Officers must be suitably trained in appropriate sampling techniques and Codes of Practice.	Satisfied & Authorised

Statutory Power		Competence Criteria Satisfied / not satisfied as at 01/07/2014; and level of authorisation having regard to Code of Practice
9.	To have analysed, and/or examined, samples pursuant to Section 30 of the Food Safety Act 1990 and Regulation 36 of the Official Feed and Food Controls (Wales) Regulations 2006. Criteria: Officers must be suitably trained in appropriate sampling techniques and Codes of Practice.	Satisfied & Authorised
10	To procure formal food samples for analysis and examination in accordance with the Food Hygiene (Wales) Regulations 2006; the Food Safety (Sampling and Qualification) Regulations 1990: the Food Safety Act 1990 and the Food Law Code of Practice (Wales), from food premises within the Risk Categories A, B, C, D & E Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of higher risk food premises.	Satisfied & Authorised
11.	To enforce and execute Articles 14, (16 FS), 18 and 19 of Regulation (EC) No. 178/2002 pursuant to the General Food Regulations 2004. Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of food premises.	Satisfied & Authorised
12.	To exercise powers of entry to premises pursuant to Regulation 14 of The Food Hygiene (Wales) Regulations 2006, Section 32 of the Food Safety Act 1990 and Regulations 18 and 37 of the Official Feed and Food Controls (Wales) Regulations 2006. Criteria: Environmental Health Officers.	Satisfied & Authorised
13.	To exercise any and all powers and duties granted to the Council by regulations, orders and statutory instruments enacted pursuant to any provisions of the Act or Regulations. Criteria: Environmental Health Officers.	Satisfied & Authorised
14.	To issue and serve Hygiene Improvement Notices pursuant to Regulation 6 of the Food Hygiene (Wales) Regulations 2006 in relation to food premises within the Risk Categories A & B. CRITERIA: QUALIFIED ENVIRONMENTAL HEALTH OFFICERS WHO HAVE SUFFICIENT EXPERIENCE IN THE INSPECTION OF HIGHER RISK FOOD PREMISES. In relation to food premises within risk categories C, D & E Criteria: Qualified Environmental Health Officers.	Satisfied & Authorised
15.	To serve Hygiene Prohibition Orders pursuant to Regulation 7 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
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Statutory Power		Competence Criteria Satisfied / not satisfied as at 01/07/2014; and level of authorisation having regard to Code of Practice
17.	To serve Hygiene Emergency Prohibition Orders pursuant to Regulation 8 of the Food Hygiene (Wales) Regulations 2006 Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
18.	To issue and serve Remedial Action Notices in respect of food establishments subject to approval under Article 4(2) of Regulation 853/2004 pursuant to Regulation 9 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience and possessing sufficient practical experience in the inspection of approved food premises.	Satisfied & Authorised
19.	To issue and serve Detention Notices in respect of food establishments subject to approval under Article 4(2) of Regulation 853/2004 pursuant to Regulation 9 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
20.	Certification that food as not being produced, processed or distributed in compliance with the Food Hygiene (Wales) Regulations 2006. (Regulation 27). Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
21.	To detain/seize suspected food when a food has been certified that it has not been produced, processed or distributed in compliance with Regulation 27 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
22.	To detain/seize suspected food through application of Section 9 Of the Food safety Act 1990. Criteria: Qualified Environmental Health Officers currently working with a food safety role and possess a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
23	European Communities Act 1972 To exercise the powers of an officer appointed/authorised in accordance with the provisions of the Act (as amended) for the proper discharge of the functions of the County Borough Council in relation to the enforcement of that Act and Regulations made, or deemed to be made, there under in relation to food safety and animal health issues. CRITERIA: ENVIRONMENTAL HEALTH OFFICERS WHO HAVE SUFFICIENT EXPERIENCE IN A VARIETY OF FOOD ENFORCEMENT SITUATIONS.	Satisfied & Authorised

Swansea Bay Port Health Authority

Certificate of Authorisation for Food Safety Enforcement

Post : Deputy Director of Port Health Services

Officer: Gillian Morgan

The above officer is hereby authorised to act on behalf of the Swansea Bay Port Health Authority in respect of the following legislation and any regulations and orders made there under.

European Communities Act 1972
Food and Environment Protection Act 1985
Food Safety Act 1990

And any amendments or modifications thereof, any byelaws, orders, regulations made, or at any time hereafter to be made pursuant thereto any amendments or modifications thereof for the time being in force, relevant to such enactments as Swansea Bay Port Health Authority require or are required to enforce.

This Certificate of Authorisation relates to the levels of authorisation, competence, qualifications, training and experience as detailed in the attached "Assessment of Competence to determine Authorisation for Food Safety Enforcement" form which is specific to the above named officer -
Ref: FS/AUTH/A2/27/06/2014.

I agree to abide to the specific levels of authorisation, as detailed in the attached "Assessment of Competence to determine Authorisation for Food Safety Enforcement" form, Ref: FS/AUTH/A2/27/06/2014.

Officer:

Dated: 27th June 2014

Authorised by:

Title: Director of Port Health Services

Date: 27th June 2014

Assessment of Competence to determine Authorisation for Food Safety Enforcement

Officer: Gillian Morgan
Post: Deputy Director of Port Health Services
Date: 27th June 2014

Ref: FS/AUTH/A2/27/06/2014

Statutory Power		Competence Criteria Satisfied / not satisfied as at 01/07/2014; and level of authorisation having regard to Code of Practice
1.	To carry out inspection, audit, verification or surveillance visits to food establishments which attract a minimum intervention frequency of 12 months or less (A & B) under the intervention rating scheme at Annex 5 in the Food Law Code of Practice (Wales). Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of food premises.	Satisfied & Authorised
2.	To carry out inspection, audit, verification or surveillance visits to food establishments that are in the substantial category of the Consumers at Risk section in Annex 5 of the intervention rating scheme in the Food Law Code of Practice (Wales). Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of food premises.	Satisfied & Authorised
3.	To carry out inspection, audit, verification or surveillance visits to food establishments which attract a minimum intervention frequency of 18 months or 2 years (C & D) under the intervention rating scheme at Annex 5 in the Food Law Code of Practice (Wales) Criteria: Qualified Environmental Health Officers.	Satisfied & Authorised
4.	To carry out alternative enforcement strategies to premises rated E under the intervention rating scheme at Annex 5 in the Food Law Code of Practice (Wales). To include advice and education visits and information/intelligence gathering exercises. Criteria: Officers who have been trained/coached in the tasks required.	Satisfied & Authorised
5.	To carry out information/intelligence gathering exercises at Category A - D premises. Criteria: Officers who have been trained/coached in the tasks required.	Satisfied & Authorised
6.	To carry out inspection, audit, verification or surveillance visits which could lead to the approval, suspension, revocation or imposing conditions on food establishments subject to approval under (EC) Regulation 853/2004. Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of approved food premises.	Satisfied & Authorised
7.	To carry out inspection, audit, verification or surveillance visits to specialist and complex manufacturing processes as described in paragraphs 1.2.9.1.2. of the Food Law Code of Practice (Wales). Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of such food premises.	Not Satisfied & Not Authorised
8.	To procure samples pursuant to Section 29 of the Food Safety Act 1990 and Regulation 35 of the Official Feed and Food Controls (Wales) Regulations 2006. Criteria: Officers must be suitably trained in appropriate sampling techniques and Codes of Practice.	Satisfied & Authorised

Statutory Power		Competence Criteria Satisfied / not satisfied as at 01/07/2014; and level of authorisation having regard to Code of Practice
9.	To have analysed, and/or examined, samples pursuant to Section 30 of the Food Safety Act 1990 and Regulation 36 of the Official Feed and Food Controls (Wales) Regulations 2006. Criteria: Officers must be suitably trained in appropriate sampling techniques and Codes of Practice.	Satisfied & Authorised
10	To procure formal food samples for analysis and examination in accordance with the Food Hygiene (Wales) Regulations 2006; the Food Safety (Sampling and Qualification) Regulations 1990: the Food Safety Act 1990 and the Food Law Code of Practice (Wales), from food premises within the Risk Categories A, B, C, D & E Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of higher risk food premises.	Satisfied & Authorised
11.	To enforce and execute Articles 14, (16 FS), 18 and 19 of Regulation (EC) No. 178/2002 pursuant to the General Food Regulations 2004. Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of food premises.	Satisfied & Authorised
12.	To exercise powers of entry to premises pursuant to Regulation 14 of The Food Hygiene (Wales) Regulations 2006, Section 32 of the Food Safety Act 1990 and Regulations 18 and 37 of the Official Feed and Food Controls (Wales) Regulations 2006. Criteria: Environmental Health Officers.	Satisfied & Authorised
13.	To exercise any and all powers and duties granted to the Council by regulations, orders and statutory instruments enacted pursuant to any provisions of the Act or Regulations. Criteria: Environmental Health Officers.	Satisfied & Authorised
14.	To issue and serve Hygiene Improvement Notices pursuant to Regulation 6 of the Food Hygiene (Wales) Regulations 2006 in relation to food premises within the Risk Categories A & B. CRITERIA: QUALIFIED ENVIRONMENTAL HEALTH OFFICERS WHO HAVE SUFFICIENT EXPERIENCE IN THE INSPECTION OF HIGHER RISK FOOD PREMISES. In relation to food premises within risk categories C, D & E Criteria: Qualified Environmental Health Officers.	Satisfied & Authorised
15.	To serve Hygiene Prohibition Orders pursuant to Regulation 7 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
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18.	To issue and serve Remedial Action Notices in respect of food establishments subject to approval under Article 4(2) of Regulation 853/2004 pursuant to Regulation 9 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience and possessing sufficient practical experience in the inspection of approved food premises.	Satisfied & Authorised
19.	To issue and serve Detention Notices in respect of food establishments subject to approval under Article 4(2) of Regulation 853/2004 pursuant to Regulation 9 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
20.	Certification that food as not being produced, processed or distributed in compliance with the Food Hygiene (Wales) Regulations 2006. (Regulation 27). Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
21.	To detain/seize suspected food when a food has been certified that it has not been produced, processed or distributed in compliance with Regulation 27 of the Food Hygiene (Wales) Regulations 2006. Criteria: Qualified Environmental Health Officers currently working within a food safety role and possessing a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
22.	To detain/seize suspected food through application of Section 9 Of the Food safety Act 1990. Criteria: Qualified Environmental Health Officers currently working with a food safety role and possess a minimum of two years post qualification experience in a variety of food enforcement situations.	Satisfied & Authorised
23	European Communities Act 1972 To exercise the powers of an officer appointed/authorised in accordance with the provisions of the Act (as amended) for the proper discharge of the functions of the County Borough Council in relation to the enforcement of that Act and Regulations made, or deemed to be made, there under in relation to food safety and animal health issues. CRITERIA: ENVIRONMENTAL HEALTH OFFICERS WHO HAVE SUFFICIENT EXPERIENCE IN A VARIETY OF FOOD ENFORCEMENT SITUATIONS.	Satisfied & Authorised

Swansea Bay Port Health Authority

Certificate of Authorisation for Food Safety Enforcement

Post : Relief Port Health Officer

Officer: Roger Cork

The above officer is hereby authorised to act on behalf of the Swansea Bay Port Health Authority in respect of the following legislation and any regulations and orders made there under.

European Communities Act 1972
Food and Environment Protection Act 1985
Food Safety Act 1990

And any amendments or modifications thereof, any byelaws, orders, regulations made, or at any time hereafter to be made pursuant thereto any amendments or modifications thereof for the time being in force, relevant to such enactments as Swansea Bay Port Health Authority require or are required to enforce.

This Certificate of Authorisation relates to the levels of authorisation, competence, qualifications, training and experience as detailed in the attached "Assessment of Competence to determine Authorisation for Food Safety Enforcement" form which is specific to the above named officer -
Ref: FS/AUTH/A3/27/06/2014.

**I agree to abide to the specific levels of authorisation, as detailed in the attached "Assessment of Competence to determine Authorisation for Food Safety Enforcement" Form,
Ref: FS/AUTH/A3/27/06/2014.**

Officer:

Dated: 27th June 2014

Authorised by:

Title: Director of Port Health Services

Date: 27th June 2014

Assessment of Competence to determine Authorisation for Food Safety Enforcement

Officer: Roger Cork
Post: Relief Port Health Officer
Date: 27th June 2014

Ref: FS/AUTH/A3/27/06/2014

Statutory Power		Competence Criteria Satisfied / not satisfied as at 01/07/2014; and level of authorisation having regard to Code of Practice
1.	To carry out inspection, audit, verification or surveillance visits to food establishments which attract a minimum intervention frequency of 12 months or less (A & B) under the intervention rating scheme at Annex 5 in the Food Law Code of Practice (Wales). Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of food premises.	Satisfied & Authorised
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5.	To carry out information/intelligence gathering exercises at Category A - D premises. Criteria: Officers who have been trained/coached in the tasks required.	Satisfied & Authorised
6.	To carry out inspection, audit, verification or surveillance visits which could lead to the approval, suspension, revocation or imposing conditions on food establishments subject to approval under (EC) Regulation 853/2004. Criteria: Qualified Environmental Health Officers who have sufficient experience in the inspection of approved food premises.	Satisfied & Authorised
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1.0 Background

- 1.1 General control of the Authority's accounts is vested in the Clerk and Treasurer pursuant to the Financial Regulations / Standing Orders adopted by the Authority.
- 1.2 The principal sources of income to the Authority include:
 1. Annual precept upon the constituent riparian authorities
 2. Fees pursuant to the pollution control service - permits issued and annual subsistence
 3. Fees from issuing Ship Sanitation Control / Control Exemption certificates, or their Extension.
 4. Fees relating to the inspection of imported food (currently none)
 5. Sampling potable water supplies
- 1.3 The accounts are maintained in line with CIPFA best practice and are audited annually.
- 1.4 General management of the budget is not covered in this document.

2.0 Revenue recovery

- 2.1 This Appendix sets out the ways in which this Authority will seek to recover any expenditure and fees where necessary, or following any works undertaken by the Authority in default.

2.2 LAPC Permits and Subsistence Payments

The issue of Permits by the Authority, allowing the handling of dusty cargoes, is conditional upon the appropriate fee being enclosed with the application. There should, therefore, be no related issue regarding revenue recovery in this regard. However, a process, once permitted, is then subject to an annual 'subsistence' charge. Such subsistence fees are set annually by the Welsh Government and are payable to this Authority by process operators.

Invoices will be issued, each April, to operators requiring the payment of the subsistence fee relating to that financial year. Section 3.0 below details the action to recover that revenue in default of payment.

2.3 Ship Sanitation Control (Exemption) Certificates

Based on the gross tonnage of ships, charges made by this Authority for issuance of Ship Sanitation Control (Exemption) Certificates, will be made in accordance with the scale recommended annually by the Association of Port Health Authorities on behalf of the HM Government.

The Authority will publish the scale of charges at least 10 days before any amendment is made.

Each certificate has to be renewed periodically (6 months).

Requests for such certificates are usually received from the Shipping Agency dealing with the particular ship. However requests are, on occasion, also received directly from the master.

- 2.2.1 In the case of ships which have no local agent, immediate recovery of the fee, in cash, prior to the ship leaving port, will be considered by the Director of Port Health Services.
- 2.2.2 In other cases, an invoice will be issued to the shipping agency or owner, or Master in accordance with section 3.0 below.

2.4 Sampling of water supplies

Minute PH7c of the Board meeting on 27th June 2014 outlines the charges for water sampling and analysis as follows:

1. Routine microbiological samples taken from ships:

- a) The service Recovery of analytical fees will be made where the Authority's allocation with the laboratory has been exceeded.
- b) Officer travel expenditure and time shall be excluded from such cost recovery.

2. Requests for microbiological samples received from masters of ships:

The recovery of analytical fees, officer time and travel expenditure where the Authority's allocation with the laboratory has been exceeded.

3. Legionella & chemical samples:

Analytical fees, officer travel expenditure and time shall be recovered in respect of samples requested by the master of the ship, or the operator of the quayside installation where the samples was taken.

4. Shoreside distribution lines:

- a) Routine microbiological samples will remain free of charge.
- b) Analyst fees, officer travel expenditure and time shall be recovered pursuant to samples taken pursuant to the Private Water Supply (Wales) Regulations.

2.5 Works carried out in default

In carrying out various enforcement activities, there are statutory provisions for this Authority to undertake the required works in default and to recover the expenditure from the person initially held responsible.

In each case where a Statutory Notice is served, the recipient will be advised of his / her right of appeal and, where applicable, of the rights of this Authority to undertake the required works in default and to recover the expenditure in accordance with Section 3.0 below.

3.0 Recovery process - see flow diagram overleaf

- 3.1 In the first instance, a numbered invoice will be issued to the relevant person or agent. The invoice will clearly state both the reason why the Authority is demanding money from that person / agent and indicate the statute under which the debt is being recovered. The invoice will also allow that person 30 days to settle the debt.
- 3.2 If after the expiry of those 30 days, the debt has not been settled, then the person will be contacted and an explanation sought.
- 3.3 If no reasonable explanation is made, or an alternative method of payment is agreed, then the Director of Port Health Services, in consultation with the Clerk and Treasurer will instigate legal proceedings to recover the debt.

