

TYNE PORT HEALTH AUTHORITY

CONSTITUTION

Introduction

The Tyne Port Health Authority is a joint board constituted in accordance with the Tyne Port Health Authority Order 2010. A copy of the Order is appended to this Constitution.

For the avoidance of doubt, where there is any conflict between the terms of this Constitution and the Order, the terms of Order as a Statutory Instrument shall prevail. A copy of the Order is appended to this Constitution and forms part of the Constitution.

The Tyne Port Health district constitutes the Port of Tyne and parts of the Ports of Blyth and Sunderland as described on the Order.

Membership

1. The Borough Council of Gateshead, the City of Newcastle upon Tyne, the Borough Council of North Tyneside and the Borough Council of South Tyneside shall annually in May appoint three Members each (being elected Members of each Council) as Members of the Tyne Port Health Authority (hereinafter called 'the Authority'). The term of office of a Member appointed to the Authority shall commence on 1 June each year.
- 2.(a) Should any vacancy arise in the Authority the Council in the representation of which such vacancy has occurred shall fill the same and until such vacancy shall be filled the remaining Members shall constitute the Authority and shall have full power to conduct the business of the Authority notwithstanding the vacancy.

(b) Each Member may nominate one person to act as substitute and the person so nominated may attend and vote at any meeting which the appointing Member is unable to attend PROVIDED that the person so nominated shall be subject to the same provisions for qualification for office as Members of the Authority and shall not be entitled to vote at any meeting until notice of the nomination has been given to the Clerk to the Authority.
3. The term of office of each Member of the Authority shall expire at midnight on 31 May each year. Retiring Members shall be entitled to be appointed for a further term.
4. A Member appointed by a Council shall cease to be a Member of the Authority if:
 - (a) The Member resigns there from by notice in writing to the Clerk to the Authority; or
 - (b) The Member ceases to be a Member of the appointing Council; or
 - (c) The appointing Council terminates the appointment.

Rules of Procedure

5. The Annual Meeting of the Authority shall be held in June each year as soon as possible after the Annual Meetings of the Councils are held.
6. The Authority shall as the first and second items of business at their Annual Meeting elect a Chairman and Vice-Chairman from among their Members and unless the Chairman or the Vice-Chairman:
 - (a) resigns the office; or
 - (b) ceases to be a Member of the Authority; or
 - (c) is disqualified; or
 - (d) does not continue as a Riparian Authority's appointee,

the Members so elected will continue in office until successors are appointed PROVIDED that if there be an equality of votes as to the appointment of Chairman it shall be decided by a casting vote of the Chairman presiding in addition to any other vote they may have.

In the event of the Chairman or Vice Chairman ceasing to hold office before the next Annual Meeting for any of the reasons given above, a replacement Chairman or Vice Chairman (as the case may be) shall be appointed at the next General Meeting and shall hold office in accordance with the terms of this clause.

7. The Authority shall meet at least on two other occasions each year at such times and in such places and may make such arrangements as they may consider necessary for the proper performance of their functions.
8. In each alternate year in addition to the three meetings provided for, the Authority shall hold a separate meeting to undertake an inspection of the port and river.
9. In the event of the Chairman and Vice-Chairman being absent from a meeting the Authority shall elect a Chairman for the meeting from amongst Members present.
10. The ruling of the Chairman as to the interpretation or application of this Constitution, or as to any proceedings of the Authority shall not be challenged. The ruling of the Chairman will be given following such consultation with the Clerk as is necessary.
11. The Clerk will give notice of the time and place of any meeting.
12. At least 5 clear workings days before a meeting, the Clerk will send an Agenda with any relevant Reports to each Member of the Authority.
13. Urgent items of business may only be added to the agenda if the reasons for urgency can be reasonably justified and the approval of the Chairman has been given.
14. The Chairman, or in his/her absence, the Vice Chairman, in conjunction with the Clerk will determine the order of business at a meeting.

15. Each Member shall be entitled to a copy of the Agenda, Reports and Minutes of the proceedings of the Authority.
16. Every matter arising at a meeting of the Authority shall be determined by the majority of the votes of the Members present and voting on the question and in the case of an equality of votes the Chairman of the meeting shall have a casting vote.
17. Any five Members of the Authority shall form a quorum provided that the said five Members shall represent not less than three of the riparian authorities.
18. A Special Meeting of the Authority of which seven days notice shall be given shall be called by the Clerk to the Authority at any time on the request of the Chairman or upon receipt of a requisition in writing signed by two Members. The notice convening the meeting shall specify the business to be transacted at such a meeting and no business shall be considered thereat other than that specified in the notice save that the Chairman may convene a meeting at shorter notice if he considers that any matter to be discussed is of sufficient urgency to justify doing so.
19. Any Council may not less than ten days before the date of a meeting of the Authority send to the Clerk to the Authority a statement of any matter which it wishes to be considered by the Authority.
20. Any question may be raised at a meeting of the Authority on a motion of urgency although not on the Agenda provided that the majority of those present consent.

Minutes

21. A Minute Book shall be provided and a record kept of all transactions at meetings of the Authority duly recorded therein and copies of the Minutes of such meetings shall be sent to the Chief Executive of each riparian authority and to each Member of the Authority within twenty one days after the date of the meeting.

Policies and Procedures

22. The Authority adopts and shall operate, as expedient and necessary, the relevant administrative and operational policies and procedures of the agreed lead Council providing support to the Authority.

Amendment/Alteration of Constitution

23. The Constitution of the Authority may be altered at any meeting or any Special Meeting called for that purpose provided that such alteration is approved by at least one Member from each riparian authority. Notice of any proposed alteration must be given to the Clerk to the Authority at least twenty one days before the meeting and a copy must be sent by him to each Member of the Authority and to the Chief Executive of each riparian authority not less than Fourteen days before the meeting.