

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 7 June 2016**

Subject: Appointments to the Authority for 2016/17

Reporting Officer: Colin MacDonald,
Clerk to the Authority

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PART 1

1.1 Purpose:

The purpose of this report is to outline the appointments that are required to be made by the Authority for the year to ensure the proper discharge of its functions and for the Joint Board to make those appointments.

1.2 Recommendation

It is recommended that the Joint Board:

- a) Reappoint North Tyneside Council to act as Lead Authority for the Tyne Port Health Authority;
- b) Reappoint Colin MacDonald, Senior Manager, Technical & Regulatory Services from North Tyneside Council to act as Clerk to the Authority;
- c) Reappoint Frances McClen, Environmental Health Group Leader from North Tyneside Council to act as Chief Port Health Officer and delegate the powers conferred on the Authority by the legislation contained with the Schedule to the Tyne Port Health Authority Order 2010 and all other legislation that assigns statutory duties and powers to a port health authority and to make all necessary appointments of officers on behalf of the Authority;
- d) Reappoint Janice Gillespie, Head of Finance from North Tyneside Council to act as Responsible Finance Officer to the Authority; and
- e) Reappoint Allison Mitchell, Senior Manager, Internal Assurance & Risk Management from North Tyneside Council to act as Internal Auditor to the Authority.

2.0 Information

2.1 Background

The Tyne Port Health Authority is constituted under article 2 of the Tyne Port Health Authority Order 2010. It constitutes a joint board, where each riparian authority appoints members to it.

Article 7 and 8 and the Schedule to the 2010 Order relate to the jurisdiction and powers of the joint board as port health authority. The Order confers upon the port health authority functions under general Acts relating to public health, food and control of pollution.

The Tyne Port Health Authority is a “smaller relevant body” under the Accounts and Audit (England) Regulations 2011 by virtue of the Audit Commission Act 1998 for the purposes of auditing of accounts. Schedule 2 of that Act gives details of the bodies to which the auditing of accounts apply.

The Joint Board is responsible for the conduct of the Tyne Port Health Authority and is accountable for ensuring both that its business is conducted in accordance with the law and proper standards are maintained.

The Joint Board is advised to make a number of appointments in order to ensure the proper discharge of accountability and that these be revisited annually at the Annual General Meeting.

2.1.1 Appointment of Lead Authority

At the meeting of the Tyne & Wear Co-ordinating Committee on 14 December 1988 and the meeting of the Joint Board of the Tyne Port Health Authority on 16 December 1988 it was agreed that North Tyneside Council act as Lead Authority for the Tyne Port Health Authority, undertaking the operational role.

North Tyneside Council are willing to continue to act as Lead Authority for the Tyne Port Health Authority.

2.1.2 Appointment of Clerk to the Authority

Published guidance states that small audited bodies will have a chief executive officer. This is often known as the Clerk. The Clerk is the equivalent of the head of paid service and will advise the body about any actual or potential breaches of the law or any maladministration, and ensure that procedures for recording and reporting key decisions are operating effectively.

The Constitution of the Authority refers to a Clerk to the Authority. The current Clerk to the Authority is Colin MacDonald, Senior Manager, Technical & Regulatory Services from North Tyneside Council. Mr MacDonald is content to continue to perform this role for the Authority.

2.1.3 Appointment of Chief Port Health Officer

In order to secure the proper discharge of its functions using the powers conferred upon it by the 2010 Order the Joint Board is advised to appoint a chief operational officer. That officer is known as the Chief Port Health Officer.

It is recommended that the Chief Port Health Officer is given delegated authority from the Joint Board to enforce the legislation contained within the Schedule to the Tyne Port Health Authority Order 2010 and all other legislation that assigns statutory duties and powers to a port health authority and in addition has the delegated authority to make all necessary statutory appointments on behalf of the Authority. This includes the appointment of a 'proper officer' under the Public Health (Control of Diseases) Act 1984, the appointment of a 'medical officer' under the Public Health (Ships) Regulations 1979, as amended, and the appointment of a 'public analyst' under the Food Safety Act 1990.

The current Chief Port Health Officer is Frances McClen, Environmental Health Group Leader from North Tyneside Council. Mrs McClen is content to continue to perform this role for the Authority.

2.1.4 Appointment of Responsible Finance Officer

As per 2.1.2 above, in addition to the Clerk, small audited bodies should have a Responsible Finance Officer (RFO). Although the role of Clerk and RFO may be combined, published guidance states that a separation of these to key roles is always desirable.

The current Responsible Finance Officer for the Authority is Janice Gillespie, Head of Finance from North Tyneside Council. Mrs Gillespie is content to continue to perform this role for the Authority.

2.1.5 Appointment of Internal Auditor

A small body has an obligation to ensure that it has an internal audit function that acts independently and on the basis of an assessment of risk, carries out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year.

The current Internal Auditor the Authority is Allison Mitchell, Senior Manager, Internal Assurance & Risk Manager from North Tyneside Council. Ms Mitchell is content to continue to perform this role for the Authority.

3.0 Decision Options

The options available to the Joint Board are:

Option 1

To make the appointments as outlined in Section 1.2 of this report.

Option 2

To propose alternative appointments to those recommended in Section 1.2 of this report.

Option 1 is the recommended option.

4.0 Appendices:

There are no appendices to this report.

5.0 Contact Officers:

Colin MacDonald, Clerk to the Authority – Tel 0191 643 6620
Stephen Ballantyne, Solicitor, Lawyer Specialist - Governance and Employment – North Tyneside Council – Tel 0191 643 5329

6.0 Background Information:

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

Tyne Port Health Authority Order 2010
Audit Commission Act 1998
Accounts and Audit (England) Regulations 2011
Local Audit and Accountability Act 2014
The Accounts and Audit Regulations 2015
Governance and Accountability for Local Councils, A Practitioners' Guide (England) 2014, JPAG

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

1.0 Finance and Other Resources:

There are no direct financial implications relating to this report.

2.0 Legal

As a body with corporate identity, the Authority must have in place appropriate governance arrangements which includes appointing the appropriate Officers undertake and maintain the Authorities statutory functions and duties. The proposed appointments are compliant with the requirements of the Tyne Port Health Authority Order 2010 and other relevant statutory provisions.