



TYNE PORT HEALTH AUTHORITY

Quadrant East – 1st Floor
Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Contact: Frances McClen (Chief Port Health Officer) – 0191 643 6640

e-mail: frances.mcclen@northtyneside.gov.uk

Colin MacDonald (Clerk to the Authority) – 0191 643 6620
e-mail: colin.macdonald@northtyneside.gov.uk

26 May 2017

To:

The Members of the Tyne Port Health Authority.

Annual General Meeting of the Authority

The next meeting of the Joint Board will take place as follows:

Date: **Tuesday 6 June 2017**

Time: **Commencing at 10am**

Venue: **North Tyneside Council, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY.**

Please find enclosed the agenda and papers for the meeting.

Any apologies and nominated substitutes should be communicated to Joanna McGregor at North Tyneside Council. Joanna can be contacted by telephoning 0191 643 6663 or by email at joanna.mcgregor@northtyneside.gov.uk

Car Parking

There is no longer a need for visitors to the Quadrant site to book a car parking space in advance. If you are travelling by car simply arrive at the car park entrance barrier, press the intercom and explain to the security officer the purpose of your visit. You will then be directed to a space.

Yours sincerely

Colin MacDonald
Clerk to the Authority
Encl.

Circulation

All Members of the Tyne Port Health Authority

Head of Regulatory Services, Gateshead Council
Head of Public Health & Environmental Protection, City of Newcastle Council
Head of Housing Strategy & Regulatory Services, South Tyneside Council

Public Health England, Newcastle upon Tyne
North Tyneside Council, Legal & Democratic Services

**TYNE PORT HEALTH AUTHORITY
ANNUAL MEETING OF THE JOINT BOARD**

**Tuesday 6 June 2017
AGENDA**

- 1. Election of Chairman**
To elect the Chairman of the Joint Board to the Authority.
- 2. Appointment of Vice Chairman**
To appoint the Vice-Chairman of the Joint Board to the Authority.
- 3. Apologies for Absence**
To receive apologies for absence from the meeting.
- 4. Declarations of Interest**
You are invited to declare any personal and/or prejudicial interests in matters appearing on the agenda, and the nature of that interest.

You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Clerk to the Authority before leaving the meeting.
- 5. Appointments to the Joint Board for 2017/18**
To note the members appointed by the constituent riparian authorities to the Joint Board for the Municipal Year 2017/18.
- 6. Minutes of the last meeting**
To confirm the minutes of the meeting held on 7 February 2017 and to consider any matters arising.
- 7. Appointments to the Authority for 2017/18**
To appoint officers to the Authority for the Financial Year.
- 8. Internal Audit Report for 2016/17**
To receive the internal audit report for the Authority for 2016/17 from the Internal Auditor.
- 9. Annual Governance Statement for 2016/17**
To consider the governance statement for 2016/17.
- 10. Annual Accounting Statements for 2016/17**
To receive the accounting statements relating to the financial year 2016/17.
- 11. Annual Review of the Constitution**
To consider and review the Constitution.

- 12. Calendar of Meetings for 2017/18**
To set the calendar of meetings for the year.
- 13. Guest Speaker**
Eric Longstaff, Border Force
- 14. Operational Activity Summary Report for the period 1 January 2017 to 31 March 2017**
To receive the operational activity summary report.
- 15. Any Other Business**

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Subject: Appointments to the Joint Board for 2017/18

Reporting Officer: Colin MacDonald,
Clerk to the Authority

Officer Contact Details:
Tel: 0191 643 6620
Email: colin.macdonald@northtyneside.gov.uk

PART 1

1.1 Purpose:

The purpose of this report is to note the appointments made by the specified riparian authorities to the Joint Board in accordance with Article 4(1) of the Tyne Port Health Order 2010 and the Constitution of the Authority.

1.2 Recommendation

It is recommended that the Joint Board:

- a) Note the appointments made by the specified riparian authorities to the Joint Board for 2017/18.

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 4(1) of the Order states that the specified riparian authorities shall appoint members to the Joint Board at meetings to be held in May each year.

Appointments are set out in **Appendix 1** to this report. Not all appointments had been made for the year at the time of meeting report publication deadlines. An Addendum to Appendix 1 will be provided in advance of the Joint Board meeting once all appointments have been made.

3.0 Decision Options

The Joint Board are requested to note the report.

4.0 Appendices:

Appendix 1 – Appointments to the Joint Board for 2017/18

5.0 Contact Officers:

Colin MacDonald, Clerk to the Authority – Tel 0191 643 6620

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

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

Each riparian authority specified under the Tyne Port Health Order 2010 need to make their appointments for the Municipal Year to be compliant with the requirements.

TYNE PORT HEALTH AUTHORITY

Appointments to the Joint Board for 2017/18

Members Appointed by Newcastle-upon-Tyne City Council	Cllr Ian Graham Cllr Jan Streater Cllr D Wood
Members Appointed by Gateshead Metropolitan Borough Council	Cllr K Dodds Cllr W Dick Cllr T Graham
Members Appointed by North Tyneside Metropolitan Borough Council	Cllr B Burdis Cllr P Oliver Cllr A Percy
Members Appointed by South Tyneside Metropolitan Borough Council	Cllr F Cunningham Cllr K Stephenson Cllr A Walsh

Agenda Item: 6

**Tyne Port Health Authority
Minutes of the Meeting of the Joint Board**

At the meeting of the Joint Board of the Tyne Port Health Authority duly convened and held on Tuesday 7 February 2017 at 10am in Quadrant (East), The Silverlink North, Cobalt Business Park, North Tyneside at which a quorum of Members were present, that is to say:-

Present:

North Tyneside Council:	Councillor B Burdis (Chair) Councillor J Hunter
South Tyneside Council:	Councillor Ken Stephenson Councillor F Cunningham
Newcastle City Council:	Councillor G Bell Councillor I Graham
Gateshead Council:	Councillor Tom Graham

Officers in Attendance:

Frances McClen, Chief Port Health Officer
Colin MacDonald, Clerk to the Authority
Richard Gray, Senior Finance Officer, North Tyneside Council
Paul Sanderson Read, North Tyneside Council
Heidi Douglas, North Tyneside Council
Samantha Jobson, South Tyneside Council

JB01/02/2017 Apologies for Absence

Apologies for absence were received from Councillor A Percy, North Tyneside Council, Councillor A Walsh, South Tyneside Council, Councillor David Wood, Newcastle City Council, and Councillors W Dick and K Dodds, Gateshead Council.

JB02/02/2017 Declarations of Interest

No declarations of interest were received.

JB03/02/2017 North of Tyne Fisheries Local Action Group

Daniel Wise, Regeneration Officer was invited to attend the meeting to inform Board members about the progress of a successful North of Tyne Fisheries Local Action Group (FLAG) bid.

The Officer explained that the European Maritime and Fisheries Fund (EMFF) in England is funding Fisheries Local Action Groups (FLAGs) to deliver fisheries focused Community-Led Local Development (CLLD) in England. This will be done through a Local Development Strategy (LDS) designed by each of the FLAGs. The key focus of FLAGs under EMFF will be supporting fishing communities to adapt to the reformed Common Fisheries Policy (CFP) and supporting sustainable economic growth.

The North of Tyne FLAG has successfully bid for £0.600m of funding. The bid was led by Northumberland County Council who will act as the accountable body.

The North of Tyne FLAG covers the north of Tyne stretch of coastline from the North Shields Fish Quay up to Berwick and the funding will benefit the Authority's fishing communities in North Shields Fish Quay and Cullercoats.

The overall goal of the Strategy is to foster a vibrant fishing industry and fishing communities whilst promoting environmentally sustainable, socially responsible and smart sustainable growth within fisheries and aquaculture in the North of the Tyne area.

Four priorities have been identified:

- i) Development of small scale infrastructure at ports and harbours;
- ii) Marketing, branding and processing;
- iii) Training, retention, recruitment, diversification and CFP reform; and
- iv) Collaborative and applied research between fishermen and scientists.

Board members asked questions. The Chair thanked the officers for his presentation.

JB04/02/2017 Minutes of the Last Meeting

The minutes of the previous meeting held on 4 October 2016 were circulated.

Resolved: that the minutes of the meeting held on 4 October 2016 be confirmed.

There were two matters arising:

Association of Port Health Authorities (APHA) Update: The Clerk confirmed that APHA had confirmed that there was no notice period attached to termination of membership, it simply would lapse. Verbal dialogue had taken place with APHA which had delayed formally writing to them. The letter is now drafted and will be sent once approved by the Chair.

ACTION: Clerk to send letter to APHA following approval by the Chair.

Border Force Guest Speaker: Border Force had been invited to attend the meeting but were unable to do so due to other commitments. However they have confirmed attendance at the meeting in June 2017.

JB05/02/2017 Operational Summary 1 September 2016 – 31 December 2016

The Chief Port Health Officer presented the report. Volumes relating to ship arrivals, sanitation inspections, water and food sampling were highlighted.

Four key areas of activity were highlighted to Board Members:

- New guidance from Public Health England aimed at legionella control on merchant ships is due to be published in 2017. The guidance will help officers to make a decision when to sample for legionella based on the water management operations the ship has in place.
- The DEFRA imported food certificate of inspection is to become electronic. This will eliminate the current paper version and is aimed at making the endorsement process run smoother and faster. The electronic database is expected to be introduced by the end of October 2017 and training will be made available for port health authorities.
- The Food Standards Agency has started to use a GIS mapping system based on HMRC data to map commodities from source to destination. The TPHA has been recognised on the mapping due to the large quantities of tea imported into the Tyne. The intention of the GIS system is to help act as an early warning system to inform ports of issues with commodities and this in turn can help the port make a decision to sample or not.
- An emergency preparedness exercise to test the Rabies Plan is to be carried out in September 2017 with invitations to be sent to neighbouring authorities and partners including the Animal Plant and Health Agency.

Questions were raised by Board Members in relation to the report and current activity.

Officers explained the approach to tackling norovirus outbreaks on vessels. Procedures included disinfection, swabbing and obtaining information from passengers to investigate the source.

The risk of rabies at the port was discussed. In particular the potential differences in risk between a passenger and merchant vessel. Officers explained the risks and the current threats facing the port including the risk in illegal importation of puppies from eastern Europe where no or invalid vaccinations had been undertaken. A local example was given whereby around 80 puppies had been illegally imported from Hungary via a port in southern England and transported to both Northumberland and North Tyneside. The planned emergency planning exercise in September 2017 was designed to test our existing plans against emerging threats. The outcome will be reported back to the Joint Board.

Resolved: that the report be noted.

JB06/02/2017 Budget for 2016-2017

Richard Gray, representing the Responsible Financial Officer for the Authority presented the report and took Members through the proposals for 2017/18, and the key changes from the previous year's budget as outlined.

The key movements noted were:

- The port & river inspection budget has been removed for 2017/18 as it is a bi-annual constitutional commitment.
- The support services budget is included as an estimated allocation. Support service allocations have not been completed by the host Authority however these will either remain unchanged or will reduce.
- Since the strategic partnering arrangements with Capita commenced on 1 November 2012 salary budgets and car mileage are included within the Tyne Port Health Authority budget as a third party payment.
- The Audit fee has been reduced in line with current expenditure levels.
- Fees are forecast to reduce due to changing activity at the port and the resultant change in profile in the type of vessel that visits the port.

Following discussion it was noted that in real terms the precepts charge will have increased by only 0.6% over a six year period.

Resolved: that (1) the draft budget as presented be approved including the contributions for the financial year 2017/18 from the four riparian authorities, and (2) the Responsible Financial Officer be authorised to call for payment of the contributions.

JB07/02/2017 Schedule of Fees and Charges for 2017-18

The Chief Port Health Officer presented the report. The Officer explained to members the scope of statutory and non-statutory duties that the Authority undertook and the approach to recovering certain costs.

Appendix 1 of the report set out the proposed schedule of fees and charges for 2017/18. All fees and charges have been calculated on a cost recovery only basis with the exception of ship sanitation certification where proposed fees follow national guidelines, and Common Entry Documents (CEDs) which are in line with DEFRA harmonised charges.

Resolved to (1) approve the Schedule of Fees and Charges in Appendix 1 of the report to take effect from 1 April 2017; and (2) delegate authority to the Chief Port Health Officer to vary any of the fees and charges in line with any recommendations subsequently made by the Association of Port Health Authorities or changes to DEFRA harmonised charges.

Action: Chief Port Health Officer

JB08/02/2017: Draft Service Plan for 2017

The Chief Port Health Officer presented the report and explained that it was good practice for the Authority to have in place an Annual Service Plan that was considered and approved by the Joint Board. It was noted that the plan addresses the requirements of the Food Standards Agency for food authorities to produce an annual food law enforcement plan and for it to be approved by an appropriate member forum.

The Officer lead members through the service plan and highlighted progress in 2016 together with key service developments and challenges for 2017 as outlined.

It was advised that imported coal demand had dropped and therefore arrivals had dropped. In 2016 the Port of Tyne has invested in extending the dock to increase their capacity for pellet storage facilities used by power stations. This has led to a contract with Lynemouth Power Station for pellet importation. The vessels used for pellet transportation are of greater capacity and this has resulted in a slight increase in arrivals in 2016.

Members were advised that routine boarding of vessels would be carried out for any new vessels arriving to port or on a six month basis. The boardings check on provisions and welfare as well as ensuring an up to date ship sanitation inspection. The main issues highlighted in 2016 related to the lack of sufficient provisions.

The volume of water sampling, and documentary and sampling checks on imported tea remained the same as previous years.

A query was raised relating to the importation of tea. It was confirmed that wooden boxes are no longer used since paper sacks on pallets stored in steel boxes are more economic.

The 'ghost' ships anchored off the Whitley Bay coast were discussed. It was noted that they had been inspected prior to moving to Gibraltar for a refit. The recent accident which tragically led to the death of a crew worker was being investigated by the HSE and MCA. It was confirmed that the Authority had no jurisdiction over the incident.

A query was raised concerning the procedure for dealing with the welfare of crew particularly in relation to adequate food provisions. It was noted that there were opportunities for the Mission of Seafarers to work more closely with the Authority on such matters.

Members were advised that if they had concerns about welfare of staff on vessel to direct to Port Health and they would arrange an inspection.

It was noted that in Appendix 1 of the plan, membership of the Joint Board had changed with Councillor J Hunter replacing Councillor P Oliver.

Action: Amendment to be made by the Chief Port Health Officer

Resolved: that the Service Plan be approved.

JB09/02/2017 Any Other Business

No other business was discussed.

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Subject: Appointments to the Authority for 2017/18

Reporting Officer: Colin MacDonald,
Clerk to the Authority

Officer Contact Details:
Tel: 0191 643 6620
Email: colin.macdonald@northtyneside.gov.uk

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 authority” under The Accounts and Audit Regulations 2015 made under the Local Audit and Accountability Act 2014.

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
Local Audit and Accountability Act 2014
The Accounts and Audit Regulations 2015
Governance and Accountability for Local Councils, A Practitioners' Guide (England) 2016, 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.

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Subject: Internal Audit Report for 2016/17

Reporting Officer: Allison Mitchell
Internal Auditor to the Authority

Officer Contact Details: Tel: 0191 643 5720
Email: allison.mitchell@northtyneside.gov.uk

PART 1

1.1 Purpose:

The purpose of this report is to present the Internal Audit Report for 2016/17 to the Authority, and the related declaration required in the 'Smaller Authorities Annual Return for the year ended 31 March 2017'.

1.2 Recommendation

It is recommended that the Joint Board:

- a) Notes that the Internal Audit Service of the lead Council to the Tyne Port Health Authority (North Tyneside Council), has undertaken sufficient testing to form an Internal Audit opinion on the control objectives set out in Section 4 of the 'Smaller Authorities Annual Return for the Year Ended 31 March 2017';
- b) Notes the resulting conclusions reached, summarised in Section 4 of the 'Smaller Authorities Annual Return for the Year Ended 31 March 2017', attached as **Appendix A**; and
- c) Agrees the related Internal Audit Report, which sets out Internal Audit's coverage, findings and recommendations, attached as **Appendix B**.

2.0 Information

2.1 Background

- 2.1.1 At the meeting on 7 June 2016, the Tyne Port Health Authority Joint Board reappointed the Internal Audit Service of the lead Council to the Tyne Port Health Authority (North Tyneside Council) as Internal Auditor to the Authority.
- 2.1.2 The Tyne Port Health Authority is required to submit a 'Smaller Authorities Annual Return for the year ended 31 March 2017'. Section 4 of this Annual Return requires an Internal Audit opinion on specific aspects of internal control in place within the Authority.
- 2.1.3 As the Internal Auditor to the Authority, the Internal Audit Service of North Tyneside Council has conducted sufficient internal audit coverage to allow a specific and evidenced opinion to be reached on the internal control objectives specified in Section 4 of the 2016/17 Smaller Authorities Annual Return, and subsequent completion of the Return.
- 2.1.4 Section 4 of the Return, together with a short Internal Audit Report supporting the conclusions reached and recorded on the Return, are included as appendices to this Report. The audit work performed found that:
- (a) For Objective D of Section 4, budgeting for salary costs (specifically National Insurance costs) resulted in a budget which was approximately £2k less than required. All PAYE and NI requirements were however properly applied in terms of deductions made and paid over to HMRC, only the amount budgeted for and subsequently recharged to Tyne Port Health Authority is less than the actual costs of the deductions paid over to HMRC;
 - (b) Objectives H and I in Section 4 were not applicable (as Tyne Port Health Authority does not have a separate bank account, or ownership of any fixed assets); and
 - (c) For all other control objectives as set out in Section 4 of the Annual Return, these have been achieved throughout 2016/17 to a standard adequate to meet the needs of the body.

3.0 Decision Options

The Joint Board is recommended to agree the outcomes as outlined in Section 1.2 of this report.

This will allow the Tyne Port Health Authority to comply with legislation and prevailing professional standards.

4.0 Appendices:

- 4.1 **Appendix A –**
Smaller Authorities Annual Return for the Year Ended 31 March 2017, Section 4

Appendix B –
Internal Audit Report, 2016/17

5.0 Contact Officers:

Kevin McDonald, Group Assurance Manager, Internal Audit – Tel: 0191 643 5738
Colin MacDonald, Clerk to the Authority – Tel 0191 643 6620

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

Local Audit and Accountability Act 2014

Accounts and Audit Regulations 2015

Governance and Accountability for Local Councils, A Practitioners' Guide (England) 2016, 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.

The External Auditor has recommended that a full internal audit should be conducted during the year. Currently, the Authority does not set aside a budget for this and the Joint Board should be mindful that the internal auditor may look to charge a reasonable fee for undertaking this work.

2.0 Legal

Consideration of this report and agreement of the recommendations contained therein will allow the Tyne Port Health Authority to comply with the requirements of The Accounts and Audit Regulations 2015.

Annual internal audit report 2016/17 to

Enter name of smaller authority here:

TYNE PORT HEALTH AUTHORITY

This smaller authority's internal audit, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2017.

Internal audit has been carried out in accordance with this smaller authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this smaller authority.

Internal control objective	Agreed? Please choose only one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been kept properly throughout the year.	✓		
B. This smaller authority met its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This smaller authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.		✓*	
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with this smaller authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	NOT APPLICABLE*		
I. Periodic and year-end bank account reconciliations were properly carried out.	NOT APPLICABLE*		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		

K. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable

For any other risk areas identified by this smaller authority adequate controls existed (list any other risk areas below or on separate sheets if needed)

* PLEASE SEE ATTACHED INTERNAL AUDIT REPORT.

Name of person who carried out the internal audit

KEVIN McDONALD

Signature of person who carried out the internal audit

Kevin McDonald

Date

22/05/2017

*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).



North Tyneside Council

Internal Audit Report

Annual Audit of Tyne Port Health Authority 2016/2017

To: Tyne Port Health Authority Joint Board

Copy to: Colin MacDonald, Clerk to the Authority
Allison Mitchell, Senior Manager: Audit, Risk and
Procurement, North Tyneside Council
Janice Gillespie, Head of Finance, North Tyneside Council

Author: Kevin McDonald, Group Assurance Manager, North
Tyneside Council

Date: 6 June 2017

1 Background

- 1.1 In order to assist in completion of the Smaller Authorities Annual Return for the year ended 31 March 2017 for the Tyne Port Health Authority, an internal audit examination of all relevant documents and records was undertaken during May 2017.

2 Internal Audit Work

- 2.1 The audit covered all designated areas specified within the Annual Return and Audit Commission guidance document (internal control objectives A to J of Section 4), with the exception of objectives H and I as Tyne Port Health Authority does not have either a separate bank account or the ownership of any fixed assets. A statement confirming these facts was sighted on the audit working paper file.
- 2.2 Testing in relation to control objective D – ‘the precept or rates requirement resulted from an adequate budgetary process; process against the budget was regularly monitored; and reserves were appropriate’ identified a slight error of calculation. Internal Audit identified that budgeting for salary costs (specifically National Insurance costs) had resulted in a budget which was approximately £2k less than required. This has been brought to the attention of the

Clerk of Tyne Port Health Authority and also the Chief Finance Officer appointed to the Authority, in order that this can be addressed in future years. All PAYE and NI requirements were however properly applied in terms of deductions made and paid over to HMRC, only the amount budgeted for and subsequently recharged to Tyne Port Health Authority is less than the actual costs of the deductions paid over to HMRC.

- 2.3 All other control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the body.

3 Opinion

- 3.1 The information provided to Internal Audit was sufficient to demonstrate that the control objectives set out in the Smaller Authorities Annual Return were achieved throughout the financial year to a standard adequate to meet the needs of the body, with the exception of control objective D. In respect of control objective D, suitable action is now being taken to ensure that the issue identified is addressed in future years.

4 Smaller Authorities Annual Return for the Year Ended 31 March 2017

- 4.1 Section 4 of the Small Bodies in England Annual Return for the Year Ended 31 March 2017 has been completed following the internal audit described above.

IA/AHM/KM
May 2017

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Subject: Annual Governance Statement for 2016/17

Reporting Officer: Colin MacDonald,
Clerk to the Authority

Officer Contact Details:
Tel: 0191 643 6620
Email: colin.macdonald@northtyneside.gov.uk

PART 1

1.1 Purpose

The purpose of this report is to present the annual governance statement for the financial year 2016/17 to the Joint Board for consideration and seek approval of it for submission to the External Auditor.

1.2 Recommendation

It is recommended that the Joint Board:

Note and approve the annual governance statement covering the financial year 2016/17 relating to the Authority as attached in **Appendix 1** to this report for submission to the External Auditor.

2.0 Information

2.1 Background

2.1.1 The Tyne Port Health Authority is a “smaller authority” under the Accounts and Audit Regulations 2015 made under the Local Audit and Accountability Act 2014 for the purposes of auditing of accounts.

The Authority is responsible for ensuring that its financial management is adequate and effective and that there is a sound system of internal control which facilitates the effective exercise of the Authority’s functions.

Following an annual review of the effectiveness of its system of internal control the body must approve an annual governance statement. This statement is provided for in

Section 1 of the Smaller Authorities in England Annual Return for the year ended 31 March 2016 that is submitted to the External Auditor, attached to this report as **Appendix 1**.

The Clerk to the Authority has completed the annual governance statement. Following the outcome of the recent internal audit report and the previous external audit report all of the statements of assurance have been answered 'Yes'.

3.0 Decision Options

The options available to the Joint Board are:

Option 1

To note and approve for submission to the External Auditor the annual governance statement covering the financial year 2016/17 relating to the Authority as attached in **Appendix 1**.

Option 2

To note and not approve for submission to the External Auditor the annual governance statement covering the financial year 2016/17 relating to the Authority as attached in **Appendix 1**.

Option 1 is the recommended option. This will allow the Tyne Port Health Authority to comply with The Accounts and Audit Regulations 2015.

4.0 Appendices:

- 4.1 Appendix 1 – Smaller Authorities Annual Return for the Year Ended 31 March 2017, Section 1: Annual Governance Statement.

5.0 Contact Officers:

Colin MacDonald, Clerk to the Authority – Tel 0191 643 6620

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
Local Audit and Accountability Act 2014
The Accounts and Audit Regulations 2015
Governance and Accountability for Local Councils, A Practitioners' Guide (England) 2016, 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

Consideration of this report and agreement of the recommendations contained therein will allow the Tyne Port Health Authority to comply with the requirements of The Accounts and Audit Regulations 2015.

Section 1 – Annual governance statement 2016/17

We acknowledge as the members of:

Enter name of smaller authority here:

TYNE PORT HEALTH AUTHORITY

our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2017, that:

	Agreed		'Yes' means that this smaller authority:	
	Yes	No*		
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		prepared its accounting statements in accordance with the Accounts and Audit Regulations.	
2. We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.	
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and proper practices that could have a significant financial effect on the ability of this smaller authority to conduct its business or on its finances.	✓		has only done what it has the legal power to do and has complied with proper practices in doing so.	
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.	
5. We carried out an assessment of the risks facing this smaller authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered the financial and other risks it faces and has dealt with them properly.	
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.	
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.	
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this smaller authority and, where appropriate have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.	
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	NA	has met all of its responsibilities where it is a sole managing trustee of a local trust or trusts.

This annual governance statement is approved by this smaller authority on:

DD/MM/YYYY

and recorded as minute reference:

MINUTE REFERENCE

Signed by Chair at meeting where approval is given:

SIGNATURE

Clerk:

SIGNATURE

*Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how this smaller authority will address the weaknesses identified.

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Subject: Annual Accounting Statements for 2016/17

Reporting Officer: Janice Gillespie,
Responsible Financial Officer to the Authority

Officer Contact Details:
Tel: 0191 643 5701
Email: janice.gillespie@northtyneside.gov.uk

PART 1

1.1 Purpose:

The purpose of this report is to present the accounting statements relating to the financial year 2016/17 to the Joint Board for consideration and seek approval for their submission to the External Auditor.

1.2 Recommendation

It is recommended that the Joint Board:

- a) Consider the accounting statements relating to the financial year 2016/17 for the Authority as attached to this report; and
- b) Approve the accounting statements relating to the financial year 2016/17 for the Authority as attached to this report.

2.0 Information

2.1 Background

The Tyne Port Health Authority is a “smaller authority” under the Accounts and Audit Regulations 2015 made under the Local Audit and Accountability Act 2014 for the purposes of auditing of accounts.

The Authority is required to ensure that its accounting statements are prepared in accordance with the Regulations and the Joint Board needs to consider the accounting statements and approve them for submission to the External Auditor.

The statements must be approved as soon as reasonably practicable after the year end or in any event before 2 July 2017 in order to comply with the Regulations.

The External Auditor has indicated, following agreement with the Clerk, that the Authority submit the annual return and supporting documentation by 25 June 2017.

The completed accounting statements for 2016/17 are attached as **Appendix 1** to this report.

Smaller authorities are required to provide electors with the opportunity to inspect the accounts and other documents for a period of 30 working days which must include the first 10 working days of July. A Notice communicating these rights must be published. Arrangements have been made to publish this Notice from 8 June 2017 to 19 July 2017.

3.0 Decision Options

The options available to the Joint Board are:

Option 1

To note the need to complete the accounting statements and to approve them for submission to the External Auditor as attached as **Appendix 1** to this report.

Option 2

To note the need to complete the accounting statements and approve them for submission to the External Auditor as attached as **Appendix 1** to this report with amendments.

Option 3

To note the need to complete the accounting statements for submission to the External Auditor and instruct officers to undertake further work on them as attached as **Appendix 1** to this report.

Option 1 is the recommended option.

4.0 Appendices:

Appendix 1 – Accounting Statements for the Authority for the year ended 31 March 2017.

5.0 Contact Officers:

Janice Gillespie, Responsible Finance Officer to the Authority – Tel 0191 643 5701
Colin MacDonald, Clerk to the Authority – Tel 0191 643 6620
Richard Gray, Senior Accountant – Cofely GDF Suez – Tel: 0191 643 7033
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:

Period for the Exercise of Public Rights Notice

Tyne Port Health Authority Order 2010

Local Audit and Accountability Act 2014

The Accounts and Audit Regulations 2015

Governance and Accountability for Local Councils, A Practitioners' Guide (England) 2016, 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.

Late submission to the External Auditor of the accounting statements and information requested by them may lead to additional charges being levied.

2.0 Legal

As a smaller authority, by virtue of The Accounts and Audit Regulations 2015 the Tyne Port Health Authority is required before 2 July 2017 to;

- a) consider the accounting statements by the members meeting as a whole;
- b) approve the statement of accounts by resolution; and
- c) ensure the statement of accounts is signed and dated by the person presiding at the meeting at which that approval is given.

In accordance with the above, the External Auditor has indicated that if the Authority is unable to approve the accounting statements by the required date, a qualified opinion will be issued on completion of the audit since this is a breach of the Regulations.

The Responsible Financial Officer must, on behalf of the Authority, ensure that the exercise of public rights provisions are complied with. The dates proposed as set out in the report comply with the provisions.

Section 2 – Accounting statements 2016/17 for

Enter name of smaller authority here:

TYNE PORT HEALTH AUTHORITY.

	Year ending		Notes and guidance
	31 March 2016 £	31 March 2017 £	
1. Balances brought forward	139,842	128,063	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	139,946	139,946	Total amount of precept (or for IDBs, rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	16,035	14,061	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	0	0	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the smaller authority's borrowings (if any).
6. (-) All other payments	167,760	166,690	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	128,063	115,380	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8. Total value of cash and short term investments	128,063	115,380	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	0	0	This cell shows the value of all the property the authority owns. It is made up of its fixed assets and long-term investments.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council acts as sole trustee for and is responsible for managing Trust funds or assets. N.B. The figures in the accounting statements above do not include any Trust transactions.
		✓	

I certify that for the year ended 31 March 2017 the accounting statements in this annual return present fairly the financial position of this smaller authority and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

J. Ellispe

Date

24/05/2017.

I confirm that these accounting statements were approved by this smaller authority on:

and recorded as minute reference:

Signed by Chair at meeting where approval is given:

**TYNE PORT HEALTH AUTHORITY
REVENUE ACCOUNT 2016/17**

2015/16 Actual £	2016/17 Budget £	2016/17 Actual £	2016/17 Variance £
<u>EXPENDITURE</u>			
8341.07 Pensions out of Revenue	8341.00	8341.00	0.00
1336.39 Travel and Subsistence	1156.00	1323.24	167.24
611.00 Employers Liability Insurance	437.00	611.00	174.00
10288.46 Total Employee Expenditure	9934.00	10275.24	341.24
0.00 Transport	1006.00	0.00	-1006.00
4919.16 Supplies and Services	14357.00	3663.66	-10693.34
125202.00 Third Party Payments	125725.00	125725.00	0.00
1103.70 Analysts Fees	2000.00	780.00	-1220.00
25846.00 Administration	25846.00	25846.00	0.00
400.00 Audit Fees	1296.00	400.00	-896.00
0.00 Vet Fees	112.00	0.00	-112.00
167759.32 Total Expenditure	180276.00	166689.90	-13586.10
<u>INCOME</u>			
15664.32 Exemption Certificates and General Charges	17500.00	13777.30	-3722.70
87.00 Telephone Income	0.00	0.00	0.00
283.30 Interest	1061.00	283.30	-777.70
16034.62 Total Income	18561.00	14060.60	-4500.40
151724.70 Net Expenditure	161715.00	152629.30	-9085.70
139946.00 Precepts	139946.00	139946.00	0.00
(11,778.70) Surplus/(Deficit) - For Year	(21,769.00)	(12,683.30)	-9085.70
<u>Riparian Authorities Account</u>			
139,841.58 Balance Brought Forward	121,768.00	128,062.88	-6294.88
0.00 Riparian Authorities Refunds	0.00	0.00	0.00
(11,778.70) Surplus / (Deficit)	(21,768.00)	(12,683.30)	-9084.70
128,062.88 Balance Carried Forward	100,000.00	115,379.58	-15379.58

I certify that the above Income and Expenditure Account presents fairly the financial position of the Tyne Port Health Authority at the accounting date and its income and expenditure for the year ended 31 March 2017



Chief Finance Officer to The Authority

**TYNE PORT HEALTH AUTHORITY
BALANCE SHEET AS AT 31 MARCH 2017**

2015/16	2016/17
£	£
<u>Current Assets</u>	
Investments	128,063
Cash and cash equivalents	-12,683
139,842	
-11,779	
128,063	115,380
<u>Current Liabilities</u>	
Trade Payables	0
0 Riparian Authorities	115,380
128,063	115,380
128,063	115,380

I certify that the above Balance Sheet presents fairly the financial position of the Tyne Port Health Authority as at 31 March 2017



Chief Finance Officer to the Authority



**TYNE PORT HEALTH AUTHORITY
CERTIFICATE OF ASSURANCE
AS AT 31ST MARCH 2017**

I hereby certify that:

Cash held on behalf of the Tyne Port Health Authority is part of North Tyneside Council's bank account. Reconciliations form part of North Tyneside Council's annual closedown procedures. A separate bank reconciliation for the Tyne Port Health is not performed. I can confirm that the Tyne Port Health Authority had balances totalling £115,380 in the accounts of the North Tyneside Council as at 31st March 2017

A fixed asset register is not required as the Tyne Port Health Authority do not have any fixed assets.

Income and expenditures related to the Tyne Port Health Authority forms part of North Tyneside Council's financial systems. VAT is accounted for and reclaimed as part of normal operating procedures and practices. Income is banked in a timely fashion as per Council policies and practices.

Janice Gillespie

Chief Finance Officer to the Authority

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Subject: Annual Review of Constitution

Reporting Officer: Colin MacDonald,
Clerk to the Authority

Officer Contact Details:
Tel: 0191 643 6620
Email: colin.macdonald@northtyneside.gov.uk

PART 1

1.1 Purpose:

The purpose of this report is to prompt the Joint Board to undertake the annual review of the Constitution for the Authority.

1.2 Recommendation

It is recommended that no changes are made to the existing Constitution.

2.0 Information

Background

The Tyne Port Health Authority is a joint board constituted in accordance with the Tyne Port Health Authority Order 2010. The Order, which is appended to the proposed Constitution as **Appendix 1**, provides the core constitutional arrangements for the Authority. The proposed Constitution builds upon and reflects these core arrangements providing a framework for the operation of the meetings of the Authority.

The current Constitution of the Authority was last updated during 2011 and amendments approved by the Joint Board at its meeting in October 2011.

The Constitution was last reviewed at the Annual General Meeting of the Authority in June 2016. The Joint Board did not identify that any changes that were required.

The Clerk to the Authority, in consultation with the Legal Advisor, has reviewed the current Constitution and is of the view that there are no matters arising that would necessitate amendment for the new Municipal Year.

It is therefore recommended that the current Constitution remains unchanged.

3.0 Decision Options

The options available to the Joint Board are:

Option 1

Make no amendment to the current Constitution; or

Option 2

Instruct the Clerk to the Authority to consider proposed amendments to the Constitution.

Option 1 is the recommended option.

4.0 Appendices:

4.1 Appendix 1 – The current Constitution of the Tyne Port Health Authority.

5.0 Contact Officers:

5.1 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:

6.1 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
The Constitution of the Tyne Port Health Authority

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

1.0 Finance and Other Resources:

There are no financial implications arising from this report.

2.0 Legal

As a body with corporate identity, the Authority must have in place appropriate governance arrangements including a Constitution that provides guidance and structure to the operation of the Joint Board through its meetings. The proposed Constitution is compliant with the requirements of the Tyne Port Health Authority Order 2010.

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.

Approved by the Joint Board of the Authority on: 4th October 2011

2010 No. 2676

PORT HEALTH AUTHORITIES, ENGLAND

The Tyne Port Health Authority Order 2010

Made - - - - *4th November 2010*

Coming into force - - *5th November 2010*

The Secretary of State for Health makes the following Order in exercise of powers conferred by sections 2, 3 and 4 of the Public Health (Control of Disease) Act 1984(a).

The Secretary of State has given the notices required by sections 2 and 4 of that Act and has not received any notice of objection.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Tyne Port Health Authority Order 2010 and shall come into force on 5th November 2010.

(2) This Order applies in relation to England.

(3) In this Order—

“the Act” means the Public Health (Control of Disease) Act 1984;

“the joint board” means the joint board established under article 3;

“the Port of Blyth”, “the Port of Sunderland” and “the Port of Tyne” mean respectively the ports of those names as appointed for the purposes of the enactments for the time being in force relating to customs or excise; and

“the proper officer”, in relation to any purpose and any body, means the officer appointed for that purpose by that body.

(4) The riparian authorities specified for the purposes of this Order are Newcastle-upon-Tyne City Council and the Metropolitan Borough Councils of Gateshead, North Tyneside and South Tyneside.

(5) References in this Order to reference points shall be construed as references to National Grid reference points.

The port health district

2.—(1) For the purposes of the Act, the Port of Tyne together with the parts of the Port of Blyth and the Port of Sunderland and the land and water described in paragraph (2) shall be a port health district.

(2) The parts of the Port of Blyth and the Port of Sunderland and the land and water described in this paragraph are—

(a) 1984 c.22. Section 3 was amended by the Food Safety Act 1990 (c.16), Schedule 3, paragraph 26.

- (a) that part of the Port of Blyth which lies to the south of a line drawn due east from the point where the northern boundary of the Metropolitan Borough of North Tyneside meets the coast (reference point NZ345757) to the seaward boundary of the Port of Blyth;
- (b) that part of the Port of Sunderland which lies to the north of a line drawn due east from the point where the southern boundary of the Metropolitan Borough of South Tyneside meets the coast (reference point NZ408612) to the seaward boundary of the Port of Sunderland;
- (c) as far as the tide flows, the waters of the River Tyne; and
- (d) such parts of the districts of the specified riparian authorities as comprise the whole of any wharf and the areas within the gates of any dock and the buildings on either of them.

The port health authority

3.—(1) The port health authority for the port health district constituted under article 2 shall be a joint board consisting of 12 members of whom three each shall be appointed by the specified riparian authorities from the members of their respective councils.

(2) The joint board constituted under paragraph (1) shall be called the Tyne Port Health Authority.

Appointment of members and meetings of the joint board

4.—(1) The specified riparian authorities shall appoint members to the joint board at meetings to be held in May each year.

(2) The joint board shall meet not less than three times in each year beginning 1st June.

(3) If a person appointed to the joint board is unable to attend any meeting of the joint board another member of the council of which that person is a member may attend that meeting instead.

(4) Any vacancies occurring amongst members of the joint board shall be filled by the specified riparian authority in whose representation the vacancy occurred at a meeting to be held as soon as possible after such occurrence.

(5) Not less than three days before a meeting of a specified riparian authority at which it is proposed to appoint a member of the joint board, the proper officer of that authority shall give notice of the meeting and of the proposed appointment to every member of that authority.

(6) The proper officer of a specified riparian authority shall immediately notify in writing to the proper officer of the joint board the name, address and occupation of any person appointed by that officer's authority to be a member of the joint board.

(7) A person appointed to the joint board shall cease to be a member of the board if they cease to be a member of the council of the specified riparian authority by which they were appointed.

Retirement of members

5.—(1) All members of the joint board shall retire from office and the newly appointed members shall come into office on 1st June each year.

(2) A retiring member of a joint board may be re-appointed to the board for a further term of office if at the time of their re-appointment they are otherwise qualified to be appointed.

Chair of the joint board

6.—(1) The chair of the joint board shall be elected annually by the members of the board from amongst the members.

(2) The election of the chair shall be the first business transaction at the annual meeting of the joint board.

(3) In the case of equality of votes the person presiding at the annual meeting shall give a casting vote in addition to any other vote they may have.

(4) The chair shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as chair.

(5) During their term of office the chair shall continue to be a member of the joint board.

Jurisdiction

7. The joint board shall have jurisdiction as port health authority over all waters and land within the port health district.

Functions assigned to joint board

8.—(1) There are assigned to the joint board as port health authority the functions, rights and liabilities of a local authority or a food authority under the enactments specified in the Schedule to this Order, as far as they are applicable to a port health authority and to any land, waters, premises, vessels or persons within its jurisdiction.

(2) For the purposes of the functions, rights and liabilities assigned to the joint board by virtue of this Order, the enactments mentioned in the Schedule shall have effect as if—

- (a) any vessel lying within their jurisdiction were a house, building or premises and
- (b) the master or other officer or person in charge of the vessel were the occupier.

(3) This article shall not apply to any vessel belonging to Her Majesty or to any vessel engaged in the service of Her Majesty, whether belonging to Her Majesty or not, or to any vessel belonging to the armed forces of any country to which the provisions of the Visiting Forces Act 1952(a) apply by virtue of section 1 of that Act.

Expenses

9. Any expenses incurred by the joint board shall be defrayed out of a common fund to be contributed to by the specified riparian authorities in the following proportions—

North Tyneside Council	33%
South Tyneside Council	33%
Gateshead Council	13%
Newcastle-upon-Tyne City Council	21%

Audit

10. All accounts of the joint board or of any committee of the board shall be audited in accordance with the provisions of Part 2 of the Audit Commission Act 1998(b).

Revocation

11. The Tyne Port Health Authority Order 1990(c) is revoked.

Signed by authority of the Secretary of State for Health.

4th November 2010

Jonathan Stopes-Roe
A member of the Senior Civil Service
Department of Health

(a) 1952 c. 67.
(b) 1998 c.18.
(c) S.I. 1990/1119.

SCHEDULE

Article 8

Public Health Act 1936 (c.49)

Section 1(1) (insofar as it relates to sections 51, 52 and 83 of that Act)	Duty to enforce Act
Section 48	Power to examine and test drains
Section 82	Byelaws as to removal through streets of offensive matter or liquid
Sections 83 to 86	Filthy or verminous premises or articles and verminous persons
Part 12	Miscellaneous provision (including powers of entry)

Public Health Act 1961 (c.64)

Section 36	Power to require vacation of premises during fumigation
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Slaughterhouses Act 1974 (c.3)

Part 1	Slaughterhouses and knackers' yards
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Control of Pollution Act 1974 (c.40)

Part 3	Noise
Part 5	Enforcement powers

Local Government (Miscellaneous Provisions) Act 1976 (c.57)

Section 16	Power of local authorities to obtain particulars of persons interested in land
Section 32	Power of local authorities to execute works outside their area
Section 41	Evidence of resolutions and minutes of proceedings, etc.

Public Health (Control of Disease) Act 1984 (c.22)

Section 45M and all functions conferred under the Health Protection (Part 2A Orders) Regulations 2010(a)	Local authority power to apply to a justice of the peace for an order to protect human health from risk of infection or contamination
Section 46	Duty to arrange for a body to be buried or cremated
Section 48	Removal of body to mortuary or for immediate burial

Building Act 1984 (c.55)

Section 76	Powers to deal with defective premises
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Food Safety Act 1990 (c.16)

Food authority functions relating to food safety

Water Industry Act 1991 (c.56)

Part 3	Water supply
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Clean Air Act 1993 (c.11)

Air pollution

Private Water Supplies Regulations 2009(b)

Private water supplies

(a) S.I. 2010/658.
 (b) S.I. 2009/3101

Health Protection (Local Authority Powers) Regulations 2010 (a)	Health protection powers
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes the Port of Tyne and parts of the Ports of Blyth and Sunderland as the Tyne port health district. It constitutes a joint board, consisting of representatives from the Council of the City of Newcastle-upon-Tyne and the Metropolitan Borough Councils of Gateshead, South Tyneside and North Tyneside to be the port health authority for that district. Provision is also made for those authorities to contribute to the expenses of the joint board.

Articles 7 and 8 and the Schedule 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 Order revokes the Tyne Port Health Authority Order 1990.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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(a) S.I. 2010/657.

2010 No. 2676

PORT HEALTH AUTHORITIES, ENGLAND

The Tyne Port Health Authority Order 2010

£4.00

E8356 11/2010 108356T 19585

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Subject: Calendar of Meetings for 2017/18

Reporting Officer: Colin MacDonald,
Clerk to the Authority

Officer Contact Details:
Tel: 0191 643 6620
Email: colin.macdonald@northtyneside.gov.uk

PART 1

1.1 Purpose:

The purpose of this report is set the calendar of meetings for the Joint Board for 2017/18.

1.2 Recommendation

It is recommended that the Joint Board:

a) Note the requirements for it to meet as prescribed by the Tyne Port Health Order 2010; and

b) Approve the following meeting dates for the Joint Board:

Tuesday 3 October 2017 at 10am
Tuesday 6 February 2018 at 10am
Tuesday 5 June 2018 at 10am

with all meetings to be held at the offices of North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY.

2.0 Information

Background

The Tyne Port Health Authority is constituted under article 2 of the Tyne Port Health Authority Order 2010. It constitutes the Joint Board and there is a requirement for it to meet not less than three times in each year beginning 1 June.

The Constitution reinforces this in the Rules of Procedure.

In recent years the Joint Board has met at the Quadrant Building at Cobalt Business Park, North Tyneside.

3.0 Decision Options

The options available to the Joint Board are:

Option 1

To note the requirements of the Joint Board to meet and approve the calendar of meetings along with the venue as set out in Section 1.2 of the report.

Option 2

To note the requirements of the Joint Board to meet and approve an amended calendar of meetings and/or venue to that set out in Section 1.2 of the report.

Option 1 is the recommended option.

4.0 Appendices:

4.1 There are no appendices to this report.

5.0 Contact Officers:

5.1 Colin MacDonald, Clerk to the Authority – Tel 0191 643 6620

6.0 Background Information:

6.1 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
The Constitution of the Tyne Port Health Authority

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

1.0 Finance and Other Resources:

There are no direct financial implications arising from this report.

2.0 Legal

The Tyne Port Health Authority Order 2010 sets out requirements for the minimum frequency of meetings for the Joint Board. The proposal is compliant with those requirements.

**Tyne Port Health Authority
Report to the Joint Board
Date: Tuesday 6 June 2017**

Reporting Officer: Frances McClen
Chief Port Health Officer

Contact Details: Tel: 0191 643 6640
Email:- frances.mcclen@northtyneside.gov.uk

Subject: Operational Summary 01/01/17 - 31/03/17

PART 1

1.1 Purpose:

The purpose of this report is to inform the Joint Board of activity during the period 01/01/17 – 31/03/17

1.2 Recommendation

It is recommended that the Joint Board note the report.

2.0 Information

2.1 Operational Summary

Ship Arrivals and Inspections

Cargo ship arrivals and cruise traffic at the port remains stable and a breakdown of shipping trends over the last 10 years is set out in **Appendix 1**.

The port of Tyne have advised that that between Jan to Dec 2016 there were a total of 1,621 arrivals

Shipping is inspected either on request (usually due to impending expiry of ship sanitation certification) or in accordance with the authorities policy of prioritising inspections using a risk based approach as set out in the annual service plan.

Inspection activity for the period Jan to March is set out in the tables below.

Ship Sanitation Inspections Jan to March 2017

Inspections	Ship Sanitation Control Exemption Certificates issued	Ship Sanitation Control Certificates issued
6 (11)	6 (11)	0 (0)

* figures for the period Jan to March 2016 the previous year shown in brackets.

Other Inspection of Ships – Routine Boardings Period Jan to March 2017

I would advise that a proactive microbiological hygiene survey was carried out as part of a Public Health England survey on the hygiene of reusable cloths. Swap samples were taken of surfaces in the galley area on 8 vessels. There were 19 passes and nine fails. Most of the fails related to the microbiological load on the dish cloths. Advice was given to the vessels encouraging the use of single use cloths and advising on cleaning techniques to prevent the cross contamination from raw to ready to eat chopping boards and utensils.

	Arrivals	Inspections	Major Defects found	Minor Defects found	Revisits/Referrals
Total	324 (274)	21(22)	0 (0)	10(13)	2 (3)

* figures for the period Jan to March 2016 the previous year shown in brackets.

Water Supply

37 Samples of drinking water were taken from 14 vessels and 5 hydrants for bacteriological analysis by the Health Protection Agency laboratories.

	Vessels sampled	Total samples from vessels	Hydrants sampled	Satisfactory	Unsatisfactory
Total	14 (3)	32 (12)	5 (0)	34 (0)	3 (0)

* figures for the same period the previous year shown in brackets.

There were 3 unsatisfactory samples taken during the period which required retesting.

Imported Food

3050 tonnes of food from outside the EU (third country Imports) were landed at the port

during the January to March, which is similar to previous period last year which was a fall from last year.

Official controls, which involves documentary checks and 10% sampling, is carried out on all third country imports of certain specified foods and plastics entering the port.

Summary of official controls on imported food and plastics January to March 2017

	Number of Consignments	Document Checks	ID Checks	Samples Physical Checks	Satisfactory	Unsatisfactory
Tea from China (669)	6(5)	6(5)	1(1)	1(1)	6(1)	0(0)
Other Tea	0(7)	0 (6)	0(6)	0(0)	0(6)	0 (0)
Organic Tea	4 (1)	(1)	0 (1)	0 (1)	4(1)	(0)
Other Food	0(24)	(0)	(0)	(0)	(0)	(0)
Plastics	0(1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

* figures for the same period Jan to March the previous year shown in brackets.

Infectious Disease

There have been no notifications of Norovirus or food poisoning between Jan to March this year. Proactive microbiological sampling, boardings and ship sanitation inspection review the hygiene practices of vessels. Cleaning practices are checked to ensure appropriate two stage disinfection process of services and spot checks for prevention of cross contamination.

Income from official controls and other chargeable activity

Table Showing Income from 01/01/2016 to 31/03/2016

Ship Sanitation Inspection	Food & Plastics Imports - Official Controls /Water Sampling Requests	Total
£2545 (£3,332)	£2463 (£1438)	£5008.50 (£4,770)

* figures for the same period the previous year shown in brackets.

The table of charges for 2017/18 are shown in Appendix 2 and contain the revised ship sanitation charges in line with the Association of Port Health Authorities charges.

Other Activity

Rabies Passport Checks

Animal passport checks were carried out at the DFDS terminal due to concerns of illegal importation of puppies by neighbouring animal health authority Durham by a known individual with previous convictions. The inspection was carried out at border control point. There were 3 adults and 3 puppies. The passports were found to be in order with the appropriate rabies vaccinations. However DFDS had only been informed about the bordering of 3 out of the 6 dogs. The owner is from Durham so Durham County Council are now pursuing the owner for contraventions.

DFDS are now providing animal manifests so that spot checks may be carried out if further concerns are raised.

Decision Options

This is an information only report.

4.0 Appendices:

Appendix 1 – Shipping trends at the Port of Tyne
Appendix 2 – Table of Charges

5.0 Contact Officers:

Frances McClen, Chief Port Health Officer – Tel: 0191 643 6640

6.0 Background Information:

There are no background papers to this report.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

1.0 Finance and Other Resources:

There are no direct financial implications arising from this report.

2.0 Legal:

There are no direct legal implications arising from this report.

SHIPPING TRENDS SINCE YEAR 2006

YEAR	ARRIVALS	INSPECTIONS	DEFECTS
2006	2048	316	24
2007	1940	303	30
2008	1772	310	52
2009	1479	195	24
2010	1669	269	13
2011	1928	284	17
2012	1850	357	22
2013	1548	234	2
2014	1466	233	10
2015	1381	203	97
2016	1621	210	56

CRUISE SHIP ARRIVALS

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
19	23	29	23	20	38	33	31	31	36	48

Ship Inspection Charges – for Ship Sanitation Control Certificates

The Tyne Port Health Authority has adopted the table of charges set by the Association of Port Health Authorities for Ship Sanitation Control Certificates and Ship Sanitation Control Exemption Certificates.

SHIP INSPECTION CHARGES – 2017/18

Gross Tonnage	Charge
Up to 1,000	£85
1,0001 to 3,000	£120
3,001 – 10,000	£180
10,001 – 20,000	£235
20,001 – 30,000	£305
Over 30,000	£360
Vessels with the capacity to carry between 50 and 1,000 persons	£360
Vessels with the capacity to carry more than 1,000 persons	£615
Extensions	£55

Please note that there is a charge for vessel inspection following notification from another Competent Authority of conditions on board requiring further investigation of 55 pounds. The table of charges does not include extra charges which may be applied for additional costs incurred by the Authority such as launch hire or sampling and analytical fees.

Water Sampling

There is no charge for water samples taken as part of official controls including ship sanitation inspection or as part of routine water quality monitoring.

Water sampling carried out on request will be subject to the following charges

Water Sample	Pro rata £26.00 per hour* plus analysts fees where applicable**
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*includes travel time to and from courier dispatch point.

**analyst fees are not always incurred and will vary depending on type of analysis requested.

Plastic Kitchenware

The following charges will apply to consignments subject to official controls, that is, imports of polyamide and melamine kitchenware falling within CN code 3924 10 00 originating or consigned from China or Hong Kong.

Check, Countersign and Issue of Common Entry Document (CED)	£46.00*
Formal Sample (10%)	Pro rata £26.00 per hour** plus analysts fees***

*discount will be applied to multiple CEDs in a single consignment.

**excludes any port handling fees charged direct by Port of Tyne.

***analysts fees currently approx £420.

Imported Food Sampling

The following charges will apply to consignments of imported food subject to an enhanced level of official controls (under Commission Regulation 669/2009)

Check, Countersign and Issue of CED	£46.00*
Formal Sample (10%)	Pro rata £26.00 per hour** plus analysts fees***

*discount will be applied to multiple CEDs in a single consignment

**excludes any port handling fees charged direct by Port of Tyne

***analysts fees will vary depending on type of analysis