



## **Manchester Port Health Authority**

### **ANNUAL GENERAL MEETING**

**Commencing at 10:30am**

**on**

**Monday, 8 June 2015, Civic Suite**

**Runcorn Town Hall, Heath Road, Runcorn WA7 5TN**

#### **AGENDA**

- 15 01           Members Present
- 15 02           Apologies for Absence
- 15 03           Election of Chair
- 15 04           Election of Deputy Chair
- 15 05           Minutes of Annual General Meeting held on Monday 23 June 2014
- 15 06           Re-adoption of the Constitution of the Manchester Port Health Authority

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## 15 05 Minutes of Annual General Meeting held on Monday 23 June 2014

<b>MANCHESTER PORT HEALTH AUTHORITY</b>				
Minutes of the Annual General Meeting of the Manchester Port Health Authority Held on Monday 23 June 2014				
<b>14 01</b>	<b>Members Present</b>			
<b>Date:</b>	Monday, 23 June 2014			
<b>Venue:</b>	Select Stadium, Widnes, Box 17			
<b>Present:</b>	<b>Chairman:</b>	Cllr H Barrett	Manchester CC	HB
		Cllr K Morley	Halton BC	KM
		Cllr D Royle	Manchester CC	DR
		Cllr S Lanchbury	Manchester CC	SL
		Cllr L Dirir	Warrington BC	LD
		Cllr E Burgoyne	Salford CC	EB
		Cllr A Brocklehurst	Salford CC	AB
		Cllr R Wilson	Salford CC	RW
		Cllr B Sharp	Trafford MBC	BS
		Cllr J Salter	Wirral Council	JS
	<b>Officers:</b>	John Robinson	Chief Port Health Officer	JR
		Yvonne Graham	Office Manager	
		Tony Thompstone	Accountant	TT
		John Tully	Halton Borough Council Solicitor	JT
<b>Minutes taken by:</b>	YG			
<b>14 02</b>	<b>Apologies</b>			
	<b>Vice Chairman</b>	Cllr T Sherlock	Cheshire West & Chester Council	TS
		Cllr L Jones	Cheshire West & Chester Council	LJ
		Cllr P Connor	Salford CC	PC
		Andrea Smith	Deputy Chief Port Health Officer	AS
<b>14 03</b>	<b>Election of Chair</b>			
<p>John Robinson the Clerk to the Authority opened the meeting by asking for nominations for Chairman of Manchester Port Health Authority.</p> <p>Cllr J Salter proposed Cllr H Barrett Cllr K Morley Seconded</p> <p>On receiving only one proposal for Chairman JR announced Cllr Hugh Barrett was duly elected as Chairman to the Authority for the year 2014-2015.</p>				

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<b>14 04</b>	<b>Election of Deputy Chair</b>	
	HB asked for nominees for position of Vice Chairman.  Cllr L Dirir proposed Cllr Keith Morley Cllr S Lanchbury Seconded	
<b>14 05</b>	<b>Minutes of the Annual General Meeting held on 10 June 2013</b>	
	HB asked members if the minutes were a true record of the meeting. All members agreed.	
<b>14 06</b>	<b>Any Other Business and Adoption of the Constitution</b>	
	14 06 Re-adoption of the Constitution was accepted.  <b>Chairman closed meeting</b>	

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# MANCHESTER PORT HEALTH AUTHORITY

## Executive Summary

<b>Agenda Item:</b>	<b>15 06</b>
<b>Person Responsible:</b>	<b>John Tully</b>
<b>Title:</b>	<b>Re-Adoption of the Constitution of Manchester Port Health Authority</b>
<b>Reference Documents:</b>	<b>15 06</b>

### Summary:

The third element of the Constitution is the re-adoption of the MPHA. The major change is the addition of Appendix 13 named as Clarification of the various roles of Elected Members and officers within MPHA.

### **4.12 APPENDIX 13 - CLARIFICATION OF THE VARIOUS ROLES OF ELECTED MEMBERS AND OFFICERS WITHIN MPHA**

#### **Role of Members**

The approach to these questions depends on the historical context. Up to the middle of the nineteenth century small 'local government' units were often so small that there was no modern concept of the difference between a member and an officer.

The currently understood roles of members and officers has developed since the mid-nineteenth century.

A useful summary can be found in Volume 1 of the Encyclopaedia of Local Government Law.

There is little statute or common law regarding the status of individual members of local authorities. This is to be expected, for it is an incident of corporate status that the corporation, rather than individual members who comprise it, has legal significance.

A member in his individual capacity (other than a member of an executive of a council with executive arrangements and in other limited circumstances) can have no executive powers and can exercise no lawful authority.

There are, of course, a number of conventions and commonly accepted practices which govern the rights and powers of members in their individual capacities. Sometimes, these are governed by standing orders – for example, they frequently give members a qualified right of inspection of land and premises owned by the local authority.

The principal rights of members (as individuals) relate to the inspection of documents. The principal duty consists of an obligation to comply with the council's Code of Conduct.

The legal powers and duties of members are centred on actions at the council and the committees of the council – when they are acting corporately. The "council" is a separate legal entity from the individual members which comprise it.

Officers have different roles to members. The Local Government Act 1972 requires an

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authority to appoint such officers as it thinks necessary for the proper discharge of the authority of its functions.

This reflects the classical distinction between members and officers (apart from elected status): members make policy and officers carry out policy.

Members should not stray into “operational” matters except when receiving reports and scrutinising activity in council. This is particularly so where the functions in question are of a technical nature by officers with technical qualifications.

## **Application to MPHA**

The MPHA Constitution contains guidance relevant to this topic.

The role of members acting individually applies to all members – even the chairman. Because of this the 1977 Order makes special provision to give the chairman extra procedural powers as set out below.

Chairman of the Joint Board

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

(2) The election of the chairman shall be the first business transacted 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 he may have.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

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

## **Article 2.2 (in Part 2) of the Constitution states: -**

### **2.2 Roles and functions of Members**

(a) **Key roles.** All Members will:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- be involved in decision-making;
- be available to represent the Joint Board on other bodies;
- maintain the highest standards of conduct and ethics; and
- participate in the governance and management of the Joint Board.

In making policy decisions, elected members can be advised by the solicitor, accountant, HR manager, CPHO and DCPHO of any matter which requires a policy decision within the

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framework contained in the constitution.

**(b) Rights and duties**

(i) Members will have such rights of access to such documents, information, land and buildings of the Joint Board as are necessary for the proper discharge of their functions and in accordance with the law, and in accordance with the Joint Board's code on members' right of access to Joint Board documents at **Appendix 10** of this Constitution.

(i) Members will not make public information which is confidential without the consent of the Joint Board or divulge information given in confidence to anyone other than a member or officer entitled to know it.

iii.

5 (1) the chairman of the joint board shall be elected annually by the members of the board from amongst the members.

5 (2) the election of the chairman shall be the first business transacted at the annual meeting of the joint board.

The joint board shall elect a vice-chairman, the election of whom shall be the second business to be transacted at the annual meeting of the joint board.

The election of both the chairman and the vice-chairman at the annual meeting of the joint board shall be by secret ballot. (Appendix 1 of the constitution).

For the avoidance of doubt, the joint board may appoint such committees, sub-committees and working parties as from time to time it deems appropriate to carry out such of the functions of the joint board, as the joint board may determine. (Appendix 12 of the constitution).

The joint board, has a Business Planning sub-group (BPSG) that meets at least twice per year to discuss budgets, staffing, audit requirements, precepts, and SLA's. This sub group acts as the conduit between the officers and the elected members. The sub-group is usually chaired by the vice chairman of the authority, who acts as the link between the chairman and the vice chairman, and the group recommend actions for adoption by the joint board in the future. The composition of the sub-group is usually four elected members drawn from across the joint board membership, chosen by the vice chairman.

5 (3) the third item on the agenda for adoption at the AGM is the Constitution, shall be the adoption of the MPHA Constitution, with or without changes to be agreed by the members of the joint board,

As deemed necessary.

**Chairman and Vice-chairman**

- i. The role of the chairman is provided for in the Manchester Port Health Authority Order 1977.
- ii. The Joint Board shall at the annual meeting appoint a vice-chairman
- iii. Subject to anything in the Manchester Port Health Authority Order 1977 and to any standing orders made by the Joint Board, anything authorised or required to be done

by, to or before the chairman may be done by, to or before the vice-chairman.

- iv. Any power or duty of the chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

The Chief Port Health Officer will monitor and review the operation of the Constitution to ensure that the aims and principals of the constitution are given full effect. (Article 8 of the Constitution).

The Chief Port Health Officer will give a printed or electronic copy of this Constitution to each member of the joint board on the member first being elected to the joint board. In addition the Chief Port Health Officer, will ensure that copies are available for inspection at joint board offices. (Article 9.2 of the Constitution).

## **2.3 Conduct**

Members will at all times observe the Members' Code of Conduct set out at **Appendix 4** of this Constitution.

**APPENDIX 11 of the Constitution sets out the Scheme of Delegation as follows.**

### **STANDING ORDERS RELATING TO DUTIES OF PROPER OFFICERS AND DELEGATION TO OFFICERS**

#### **Duties of Proper Officers**

The Manchester Port Health Authority Joint Board hereby appoints its Chief Port Health Officer to be the Proper Officer in relation to any reference in any enactment relating thereto.

#### **Delegations to Officers**

The proper administration of the Port Health Authority depends upon the carrying out of the decision of the Joint Board by officers of the Port Health Authority. It is best practice to adopt a wide scheme of delegation which is consistent with the overall strategic function of the Joint Board.

A modern Scheme of Delegation is also required for purposes of transparency and verifiability. Authorisations can be required for a range of matters from confirming the validity of contracts to authorising the investigation and prosecution of criminal proceedings.

To maintain a proper balance of delegation it is proposed to employ a two stage scheme. First, a general delegation to the Joint Board's Chief Port Health Officer. Secondly a separate sub-delegation power from the Chief Port Health Officer to any other officers employed by the Joint Board.

Officers named shall carry out the following functions on behalf of the Joint Board in accordance with the following principles and conditions:

Powers shall be exercised in accordance with Standing Orders and Financial Regulations of the Joint Board, and are additional to those conferred in Standing Orders and Financial

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Regulations.

The Officer exercising such power shall give effect to any resolution of the Joint Board upon any matter of principle or policy in relation to the functions concerned.

Where an Officer is authorised to make a decision such decision need not necessarily be taken personally by that Officer and may be further delegated subject to consent being given by the Chief Port Health Officer.

In any case, where the Officer exercising the power considers that a new departure in policy is likely to be involved or if the implications are such that the Officer considers, after consulting the Chief Port Health Officer, that reference should be made to Members the matter shall be referred to the Joint Board for consideration.

iv.

References in Standing Orders to a particular piece of legislation shall extend to legislation that replaces or amends that legislation.

### **The Scheme of Delegation**

In accordance with its powers under section 101 Local Government Act 1972 and all other powers which may be available to it the Joint Board hereby creates the following Scheme of Delegation which shall apply with immediate effect:

The Chief Port Health Officer, or the Deputy Port Health Officer, of the Joint Board shall be authorised to take all and any actions in relation to any of the functions, rights and liabilities assigned to the Joint Board under or in relation to any enactment.

The Chief Port Health Officer may authorise any other officer of the Joint Board to take all and any actions in relation to the said functions, rights and liabilities as he may from time to time authorise in writing.

**This Scheme of Delegation is subject to Article 4.2 of the Constitution and to the provisions listed in the Introduction to this Scheme of Delegation.**

**From the above, the respective roles of members and officers are encapsulated within Article 2.2 (in respect of members) and Appendix 11 (in respect of officers).**

As well as being the Chief Port Health Officer, the role of Clerk to the Authority, is also undertaken by the CPHO. The Clerk to the Authority has the principal following financial responsibilities.

The Clerk to the Authority is responsible for the preparation of the Authority's statement of Accounts which, in terms of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in Great Britain, (the code). Is required to present a true and fair view of the financial position of the Authority at the accounting date and its income and expenditure for the year.

In preparing the Statement of Accounts, the Clerk to the Authority has:

Selected suitable accounting policies and then applied them consistently;

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Made judgements and estimates that were reasonable and prudent;

Complied with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in Great Britain.

The Clerk to the Authority has also:

Maintained proper and up to date accounting records; and taken reasonable steps for the prevention and detection of fraud and other irregularities.

It is the intention that this document, which clarifies the various roles of the elected members and officers is adopted as Appendix 13 of the MPHA Constitution.

**Recommendations:**

That the Constitution be re-adopted for 2015-2016.

**Comments:**

Actions:	Date:	Person Responsible:
		JT

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