

## Cabinet

Tuesday 2 June 2020 at 2.00 pm

This meeting will be held virtually and live streamed on the Combined Authority's YouTube page at [https://www.youtube.com/channel/UCv\\_w8\\_XhOQHDx-o7fcVBtuw](https://www.youtube.com/channel/UCv_w8_XhOQHDx-o7fcVBtuw)

Further details will be emailed to all participants and published on the Combined Authority's website at [www.northoftyne-ca.gov.uk](http://www.northoftyne-ca.gov.uk)

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## AGENDA

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Page No

1. **Apologies for Absence**

2. **Announcements**

3. **Declarations of Interest**

Please remember to declare any personal interest where appropriate both verbally and by recording it on the relevant form (to be submitted to the Democratic Services Officer). Please also remember to leave the meeting where any personal interest requires this.

**Note:** The Audit and Standards Committee has granted dispensations to Cabinet members so that they may participate in decisions which relate to the constituent authority which appointed them.

4. **Minutes of the Previous Meeting**

1 - 4

5. **NTCA's programme of meetings for 2020/21**

5 - 8

6.	<b>Cabinet - Scrutiny Protocol</b>	<b>9 - 28</b>
7.	<b>Scrutiny Annual Report</b>	<b>29 - 38</b>
8.	<b>NTCA's role as Accountable Body for the North East Local Enterprise Partnership</b>	<b>39 - 42</b>
9.	<b>NTCA Corporate Policies</b>	<b>43 - 72</b>
10.	<b>Investment Strategy</b>	<b>73 - 78</b>
11.	<b>Investment Fund Update and Funding Approvals</b>	<b>79 - 84</b>
12.	<b>Date and Time of the Next Meeting</b>	

Tuesday, 28 July 2020 at 2pm (to be confirmed).

Contact Officer: Victoria Miller  
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## North of Tyne Combined Authority, Cabinet

25 February 2020

(2.05 - 2.30 am)

Meeting held: Committee Room, North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY

### Draft Minutes

#### Present:

Chair: Mayor J Driscoll

Councillors N Forbes, C Homer, P Jackson, J McCarty and B Pickard and Mayor N Redfearn

Also: Mr R Fry, Mayoral Ambassador for Voluntary, Community and Social Enterprise Sector (Observer)

#### **ANNOUNCEMENTS FROM THE CHAIR**

The Mayor welcomed everyone to the meeting.

In his opening remarks, the Mayor spoke about his meeting with Verisure, the Inward Investment partner of the North of Tyne Combined Authority. He was pleased to announce that this project had come to fruition bringing many jobs to the area, including much needed high quality jobs.

#### **57 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor W Daley.

#### **58 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 59 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 28 January 2020 were approved as a correct record and signed by the Chair.

Regarding the Investment Fund and approaches to investment, a Member spoke about the importance of stepping up communications to the public domain to ensure vital opportunities for investment were not missed. The Director of Economic Growth confirmed that work was ongoing to improve communications and engagement, and Members' comments would be fed into the process. The Mayor added that work was underway to address staff capacity on the communications side.

## 60 EMPLOYABILITY AND INCLUSION

Submitted: A report of the Employability and Inclusion Portfolio Holder (previously circulated and attached to the Official Minutes).

The Cabinet considered the report which provided an update on the progress of various projects across the Employability and Inclusion Portfolio. Councillor J McCarty, the Portfolio Holder, introduced the report and provided further updates.

In welcoming the report, the Mayor commented on the importance of this work, in making a difference for the people of the region. He offered thanks to everyone involved and praised the significant amount of work being undertaken within this portfolio.

Regarding the European Social Fund, the Mayor spoke about his continuous work to lobby the government at various levels regarding the importance of this funding for the area.

The Deputy Mayor welcomed the report and the opportunities that the projects presented.

**RESOLVED** – That the Cabinet:

- i. Noted the progress in relation to the following:
  - Inclusive Economy Board
  - NTCA DWP Employment Framework
  - Good Work Pledge
  - Devolved Adult Education Budget
  - Working Homes test and learn project
  - Carers into Work pilot
  - Employability and Skills Programme Phase 1
- ii. Delegated authority to the Head of Paid Service, in consultation with the Cabinet Portfolio Holder, to finalise the terms of reference for, and appointments to, the Inclusive Economy Board.

61 **CLIMATE CHANGE - A SUGGESTED NORTH OF TYNE APPROACH ON ENGAGEMENT WITH CITIZENS - CITIZENS' ASSEMBLY**

Submitted: A report of the Engagement Officer (previously circulated and attached to the Official Minutes).

The Cabinet considered the report which invited it to consider how the Combined Authority could contribute to tackling Climate Change, adding value to what was being done by the constituent councils, and recommended the creation of a Citizens' Assembly to help this process. The Mayor introduced the report.

In discussion, Members spoke about the importance of the work to tackle Climate Change and the big challenges involved in this work. Members also spoke about the role of a wide-ranging engagement.

From Members' comments, it was also noted that:

- It was important to unite on the Climate Change work.
- The proposed work fitted well with the work that was being done by Newcastle City Council.
- The Climate Change agenda required urgent actions. Any proposals put forward should not inadvertently increase inequalities.
- It was important to reach out to the rural community to ensure it was represented.
- Interventions and proposals should add value and link well with the work that was already being undertaken by local authorities.
- Northumberland County Council found its Climate Change Commission a valuable resource.
- Considering the timescales involved and with many local authorities already consulting with stakeholders on Climate Change, a Member queried the added value of the proposed Citizens' Assembly. A Member suggested that the role of the North of Tyne Combined Authority within the Climate Change context should be to lead on the promotion of the Green Economy Agenda.

**RESOLVED** – That the Cabinet:

- i. Approved the creation of a Citizens' Assembly to look at a specific set of issues relating to Climate Change that would produce actionable recommendations for the North of Tyne Combined Authority to consider.
- ii. Noted that the creation of a Citizens' Assembly would involve:
  - Recruitment of a 'deliberative democracy provider' – an external organisation to design and facilitate the Citizens' Assembly;
  - Establishment of an Oversight Panel to determine the topic and questions to be put to the Citizens' Assembly to consider;
  - Ensuring the inclusion of citizens from diverse backgrounds and cohorts.

- iii. Delegated authority to the Head of Paid Service, in consultation with the Investment Panel and Portfolio Holder, to finalise arrangements, working within the budget envelope outlined in section 7.1 of the report.

**62 UPDATE TO THE 2020-21 BUDGET REFLECTING THE IMPLICATIONS OF THE NORTH EAST LEP TRANSFER**

Submitted: A report of the Chief Finance Officer (previously circulated and attached to the Official Minutes).

The Cabinet considered the report which provided information on the North East Local Enterprise Partnership (LEP) Budget and how it would be accounted for in the accounts of the North of Tyne Combined Authority as a result of the Authority becoming the accountable body for the LEP from 1 April 2020.

**RESOLVED** – That the Cabinet noted the contents of the report and, in doing so, noted the update on the 2019-2020 North East LEP Revenue Budget and Provisional Estimate for the Revenue Budget for 2020-2021, including the Invest North East England Budget and Enterprise Zone Account.

**63 COMMUNITY HUBS INVESTMENT FUND**

Item deferred to a future meeting.

**64 DATE AND TIME OF THE NEXT MEETING**

Tuesday, 24 March 2020 at 2pm.



**Subject:** NTCA's programme of meetings for 2020/21  
**Report of:** John Softly, Interim Monitoring Officer  
**Portfolio:** All

### Report Summary

This report recommends that the annual meeting is deferred and sets out the proposed programme of NTCA's meetings for 2020/21.

### Recommendations

The Cabinet is recommended to:

1. agree to defer the annual meeting; and
2. agree the programme set out in the appendix to this report.

#### 1. Background Information, Proposals and Timetable for Implementation

- 1.1 In response to the coronavirus pandemic, the government introduced the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The Regulations allow local authorities (including combined authorities) to meet virtually.
- 1.2 The Regulations also relieve local authorities from the statutory requirement to hold an annual meeting, which is the meeting where authorities generally agree their appointments to committees and their programme of meetings for the forthcoming year. This means each local authority can choose to defer its annual meeting to later in the municipal year or simply cancel its annual meeting for this municipal year.
- 1.3 Given that the constituent authorities have deferred their annual meetings, it is proposed to defer NTCA's annual meeting. Under the Regulations any appointment which would otherwise have been made at the annual meeting will continue until the next annual meeting or until such time as the authority may determine. This means that NTCA can still make changes to its appointments during the municipal year.

#### 2. Potential Impact on Objectives

- 2.1 None

#### 3. Key Risks

- 3.1 None

#### 4. Financial and Other Resources Implications

- 4.1 None

#### 5. Legal Implications

- 5.1 The Monitoring Officer is the author of this report.

#### 6. Equalities Implications

- 6.1 None

**7. Inclusive Economy Implications**

7.1 None

**8. Climate Change Implications**

8.1 None

**9. Consultation and Engagement**

9.1 The programme has been shared with Members and officers.

**10. Appendices**

Appendix 1 – Draft programme of meetings.

**11. Background Papers**

None

**12. Contact Officers**

John Softly, Interim Monitoring Officer  
[John.softly@northoftyne-ca.gov.uk](mailto:John.softly@northoftyne-ca.gov.uk) 0191 277 7047



## North of Tyne Combined Authority

### Draft Programme of Committee Meetings, Municipal Year 2020/2021

Committee	Day/ time	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>Cabinet</b>	Last* Tue at 2pm	<b>2*</b>  <b>Ann.</b>	<b>28</b>	<b>n/a</b>	<b>29</b>	<b>n/a</b>	<b>24</b>	<b>n/a</b>	<b>26</b>	<b>2**</b> <b>or</b> <b>23**</b>	<b>23</b>		<b>n/a</b>	<b>8*</b>  <b>Ann.</b>
<b>Overview and Scrutiny Committee</b>	Tue at 10am	<b>30</b>				<b>13</b>		<b>8</b>	<b>12</b> <b>Workshop</b>	<b>9</b>	<b>23</b>			
<b>Audit and Standards Committee</b>	Tue at 10am		<b>28</b>		<b>22</b>				<b>19</b>			<b>20</b>		

\*exceptions    \*\*provisional meeting

Meetings will take place at various venues within the Combined Authority's area.

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**Subject:** Cabinet – Scrutiny Protocol  
**Report of:** John Softly, Interim Monitoring Officer  
**Portfolio:** All

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### Report Summary

The purpose of this report is to seek Cabinet's adoption of the proposed North of Tyne Combined Authority Cabinet-Scrutiny Protocol which has been endorsed by the Overview and Scrutiny Committee.

### Recommendations

The Cabinet is recommended to adopt the Cabinet-Scrutiny Protocol as part of the Authority's Constitution.

#### 1. Background Information, Proposals and Timetable for Implementation

- 1.1 The Overview and Scrutiny statutory guidance highlights the importance of raising awareness in the wider authority of scrutiny's role and function and encourages the production of an Executive-Scrutiny protocol.
- 1.2 The guidance notes that effective scrutiny can involve looking at issues that can be politically contentious and it is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee and that "it is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement".
- 1.3 The guidance suggests that one way this can be done is "via an 'executive-scrutiny protocol' which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens."
- 1.4 At its meeting in July 2019 the Overview and Scrutiny Committee agreed that an Executive-Scrutiny Protocol would be developed over the year. During the year it was considered more appropriate to name the protocol the Cabinet - Scrutiny Protocol instead of the Executive - Scrutiny Protocol as 'executive' is not a term used regularly in the context of the NTCA.
- 1.5 As this is a new protocol it is not expected to provide an answer for every scenario which might be encountered by the Overview and Scrutiny Committee and Cabinet but it is a starting point and is intended at such at this stage. The Protocol can be developed as the work of the Authority develops and it will be reviewed regularly to ensure it meets its intended purpose.
- 1.6 The Overview and Scrutiny Committee endorsed the draft Cabinet-Scrutiny Protocol at its meeting on 10 March 2020 and for it to be submitted to Cabinet in June 2020 for its adoption.
- 1.7 The proposed Cabinet-Scrutiny Protocol is attached as appendix 1.

#### 2. Potential Impact on Objectives

- 2.1 The Overview and Scrutiny Committee can investigate, influence, report and recommend ways to strengthen policies, improve services, ensure best value for money and secure long-lasting positive benefits for local people. A good working relationship with Cabinet ensures the Overview and Scrutiny Committee can undertake this role effectively.

### **3. Key Risks**

3.1 There are no risks associated with the adoption of the protocol.

### **4. Financial and Other Resources Implications**

4.1 There are no financial or new resource implications arising from this report.

### **5. Legal Implications**

5.1 There are no direct legal implications arising out of the recommendations in this report.

### **6. Equalities Implications**

6.1 There are no direct equalities implications arising out of the recommendations in this report. The Cabinet and the Overview and Scrutiny Committee are mindful of their duty under the Public Sector Equality Duty.

### **7. Inclusive Economy Implications**

7.1 There are no direct inclusive economy implications arising out of the recommendations in this report. Cabinet and the Overview and Scrutiny Committee are mindful of the NTCA's inclusive economy ambitions and the five characteristics of an inclusive economy: participation; equity; growth; stability and sustainability.

### **8. Climate Change Implications**

8.1 There are no direct climate change implications arising out of the recommendations in this report. Cabinet and the Overview and Scrutiny Committee are mindful that the NTCA and the three constituent Local Authorities have declared a Climate Emergency.

### **9. Consultation and Engagement**

9.1 The protocol which has been developed in consultation with the Chair and Vice Chair from the guidance, Acts, the Constitution and emerging NTCA custom and practice.

### **10. Appendices**

Appendix 1 – NTCA Cabinet-Scrutiny Protocol

### **11. Background Papers**

NTCA Overview and Scrutiny Committee work programme  
[Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities North of Tyne Combined Authority Constitution](#)

### **12. Contact Officers**

John Softly, Interim Monitoring Officer  
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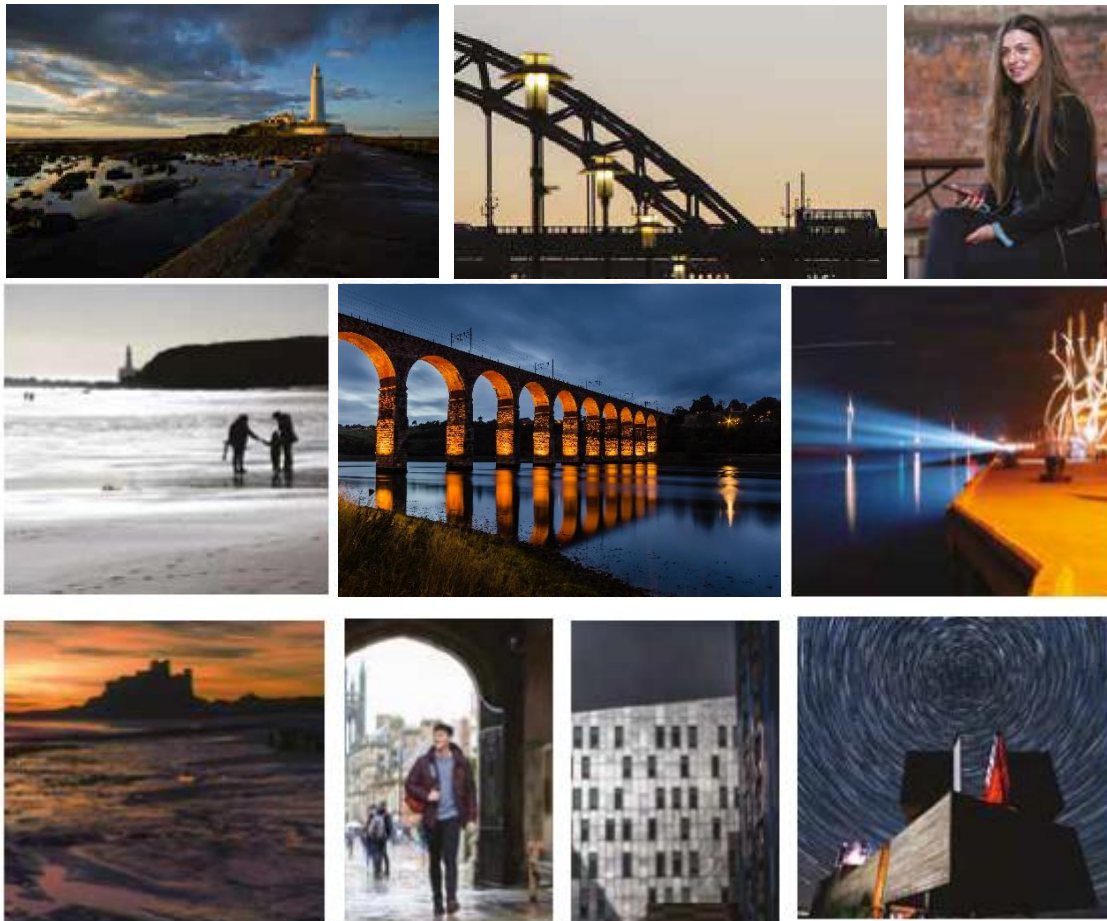
Elizabeth Kerr, Policy and Scrutiny Officer  
Tel: (0191) 277 7566 email: [elizabeth.kerr@northoftyne-ca.gov.uk](mailto:elizabeth.kerr@northoftyne-ca.gov.uk)

### **13. Glossary**

NTCA – North of Tyne Combined Authority; CfPS - The Centre for Public Scrutiny.

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# Cabinet – Scrutiny Protocol



March 2020

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## Introduction

Overview and scrutiny committees ensure that members of an authority who are not part of the executive (Cabinet) can hold the executive to account for the decisions and actions that affect their communities. Recommendations made following scrutiny work enable improvements to be made to policies and how they are implemented.

The Cabinet-Scrutiny Protocol is intended to be a guide for the Mayor and Cabinet, the Overview and Scrutiny Committee Members and officers of the North of Tyne Combined Authority (“NTCA”) on how scrutiny fits into its decision-making and organisational culture.

## Scrutiny

Effective scrutiny arrangements are an essential component of local democracy, enhancing accountability and transparency of decision making and enabling local councillors to represent the views of their constituents.

The main principles of scrutiny are:

- Provide constructive ‘critical friend’ challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their roles;
- Drive improvement in public services.

Creating a positive scrutiny culture and expectations about ways of working are key to making scrutiny productive and constructive and this Cabinet-Scrutiny Protocol has been produced to help all involved in the work of NTCA achieve and contribute to this.

## Scrutiny at the North of Tyne Combined Authority

NTCA has appointed an Overview and Scrutiny Committee to scrutinise and challenge the Cabinet and the Mayor and to consider matters of strategic importance to residents within the North of Tyne area with a view to influencing their decisions. The Committee has no decision-making powers; it exerts its influence through reports and recommendations to Cabinet.

No member of NTCA’s Cabinet can also be a member of the Overview and Scrutiny Committee and the Chair of the Committee must be an elected member and from a political party other than the Mayor’s registered political party. Cabinet has the authority to appoint the Chair of the Committee at its Annual Meeting but has, to date, delegated the appointment to the Committee itself.

The membership of the Committee must be made up of three members from each

constituent council<sup>1</sup> and so far as reasonably practicable its political composition must reflect the political balance across the NTCA area.

Full terms of reference and procedure rules for Overview and Scrutiny Committee are set out in the [Constitution](#) of the NTCA.

Scrutiny at NTCA is supported by a Policy and Scrutiny Officer who has responsibility to support the Chair, Vice Chair and members of the Committee in developing a work programme, promote the role of the Overview and Scrutiny Committee and be the point of contact for all NTCA officers in respect of their engagement with Scrutiny. The position fulfils the statutory role of Scrutiny Officer for NTCA<sup>2</sup>. The Monitoring Officer and a Democratic Services Officer provide advice, expertise and support to ensure the proper discharge of the scrutiny function and operation of the Overview and Scrutiny Committee.

All senior officers within NTCA have a duty to provide advice to the Overview and Scrutiny Committee in the same way they would for any decision maker within NTCA's governance structures. Every effort will be made to meet the deadlines set by the Committee to ensure information is published and shared in a timely manner.

## Key Decisions

A key decision is a decision of a decision maker (i.e. the Mayor, Cabinet, a committee or an officer under delegated powers) which in the view of the Overview and Scrutiny Committee is likely to (a) result in NTCA or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the NTCA budget for the service or function to which the decision relates; or (b) be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the NTCA area. Overview and Scrutiny Committee will consider what, in their view, should be a key decision on an annual basis.

## Information sharing between Cabinet and Scrutiny

A scrutiny committee needs access to relevant information the Authority holds, and to receive it in good time, if it is to do its job effectively. When information is requested by Scrutiny an explanation as to why the information is needed will be included so Members and officers can provide information that is relevant and timely. It is recognised that there might be instances where it is legitimate for the Authority to withhold information, but it is understood that this would only occur when required by law and the reasons for the refusal will be shared with the Committee as fully as possible.

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<sup>1</sup> A 'constituent council' is one of the Local Authorities which make up the NTCA; namely Newcastle City Council, North Tyneside Council and Northumberland County Council.

<sup>2</sup> See Part 2 paragraph 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committee) Order 2017 for the definition of Scrutiny Officer.

NTCA's Forward Plan, which sets out what decisions (key and non-key) are going to be taken by Cabinet in the next three months, is published at least 28 days before a Cabinet meeting. The Forward Plan sets out: when the decision is expected to be made and by whom; what the decision is; any background documents and any consultation carried out prior to the decision and contact details for the lead officer. The Forward Plan is sent to all Members of NTCA whenever it is published. The Forward Plan will be used by the Chair and Vice Chair of the Overview and Scrutiny Committee to inform their decisions about the agenda for future meetings of the Committee.

If any member of the Overview and Scrutiny Committee would like the Committee to receive information / a report on any matter on the Forward Plan, which has not been included in the work programme for the Committee, they can ask the Chair and Vice Chair of the Committee to either request the information be circulated as part of the monthly Scrutiny Briefings or add it to an agenda for a meeting.

Informal meetings between the Chair and Vice Chair of the Overview and Scrutiny Committee and the Elected Mayor will take place on a regular basis, with the NTCA Policy and Scrutiny Officer also attending. The published Forward Plan will form the basis of these discussions, but there will be an opportunity for a wider discussion about other areas of NTCA work. These discussions will help build a trusting relationship between Cabinet and Scrutiny and a deeper appreciation of how and when Scrutiny can add value and relevance to the work of the wider Authority and allow for an informal sharing of information. Where it is felt more appropriate, informal meetings with Cabinet members and officers can also be arranged.

The Scrutiny Officer will prepare a Scrutiny Briefing once a month which will include information on any meetings with the Mayor and/or Cabinet members; any additional information requested by Committee members; a list of meetings relating to the work of the NTCA; and an update on any ongoing work of the Committee.

## Committee meetings

All Members of the Overview and Scrutiny Committee should seek to promote an atmosphere of openness and transparency at meetings and ensure that questioning and debate takes place within a climate of mutual respect and trust between the committee and other participants. Members should be prepared to ask questions and pursue lines of enquiry that will challenge decision-makers to explain and justify their reasoning. They should not seek to be overtly political, recognising that they are undertaking their responsibilities on behalf of all residents within the NTCA area.

Cabinet members and the Elected Mayor would be expected to attend a meeting of the Overview and Scrutiny Committee and provide a briefing paper for publication in the agenda when they are specifically invited to present an update on their portfolio area, but are also welcome to attend when a matter for discussion falls under their portfolio area or any other meeting.

When invited to a meeting, the Cabinet Member will get four weeks' notice of the date of the meeting and will make all reasonable adjustments to be able to attend the meeting

Where it is not possible for a Cabinet Member to attend, a reason must be given, and the matter will be deferred until the next scheduled meeting. It is accepted that if another Cabinet Member or an officer attends the meeting in the place of the Cabinet Member, he/she must be in a position to be able to answer any questions the Committee may have on the matter in question.

## Work programme

Scrutiny needs to have a clear role and focus; prioritising is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the Authority, therefore an effective work programme is central to effective scrutiny.

At the beginning of each municipal year, after the appointment of Members but before the first formal Overview and Scrutiny Committee of the year, a workshop will be held with the newly appointed committee members to agree their focus for the year ahead. A set of provisional agendas for each meeting will be agreed so both Cabinet and Committee Members will know what matters are to be discussed at each meeting for the year ahead.

A request for a matter to be considered by the Overview and Scrutiny Committee can be made by a member of the public, a committee member, any member or officer of the three constituent authorities, or any member or officer of NTCA.

The work programme will be a flexible document which can be amended throughout the year to include any matters which arise but every effort would be made to ensure that there were no more than three significant matters on any agenda to keep the meetings to the recommended length of two hours to ensure productivity. Should it be required an additional meeting can be called.

The Overview and Scrutiny Committee has the option to establish temporary working groups to consider specific issues in more depth and report back to the Committee. Any suggested topic will go through an assessment process to ensure the work would add value, be timely and contribute to improvements.

Where the Committee decides to undertake any in-depth investigation and establish a working group they will:

- a) notify the Mayor/Cabinet Member as appropriate at the commencement / early stages of a review to inform them of the terms of reference of the study and the lines of inquiry which will be pursued;
- b) involve the Mayor/Cabinet Member throughout the review if felt appropriate;
- c) produce recommendations from evidence-based conclusions;
- d) seek advice about legal and financial implications of draft recommendations; and
- e) share the draft report and recommendations with the Mayor/Cabinet Member and appropriate officers before publication as a courtesy.

The Chair of the Overview and Scrutiny Committee will attend the Cabinet meeting to present the report and its recommendations to Cabinet.

## Responses from Cabinet to Scrutiny

The Cabinet will respond to the Overview and Scrutiny Committee in a variety of ways.

Where a recommendation or request for additional information has been made at a committee meeting in response to a report being presented by a Cabinet Member or officer, any actions taken in response to those will be reported to the Scrutiny Officer who will inform the Committee Members via the Monthly Scrutiny Briefing.

Where the Overview and Scrutiny Committee has made recommendations to Cabinet through a formal Scrutiny report either through a working group or an in-depth investigation, these will be presented as a report to Cabinet. Cabinet will respond to the recommendations within two months of receiving the report. This response will set out which recommendations are to be accepted and what action is planned as a result and which (if any or all) of the recommendations were not accepted and why. This response will be reported to a meeting of the Overview and Scrutiny Committee.

All responses will be monitored and referred to in the Annual Scrutiny Report.

## Call-In

The Overview and Scrutiny Committee has the power to 'call-in' any decision of the Mayor, Cabinet or sub-committees and all officer key decisions if it considers that the decision was taken:

- a) in a manner which was inconsistent with the Constitution and procedures of the Authority;
- b) without adequate consultation with relevant parties;
- c) without adequate evidence to inform that decision, or with inaccurate or misleading evidence; and/or
- d) without sufficient regard to the financial or other impacts of the decision or the risks arising from the decision.

The request for a decision to be 'called-in' must be made to the Monitoring Officer by any four Members of the Committee who are drawn from at least two of the constituent councils setting out which of the above has not been met. The request for Call-In must be made within five working days of the decision being published.

All Committee members will be informed by email that a decision has been published on the day it is published and the deadline by which a request for Call-In must be received. All Members on appointment to the Committee will be sent a copy of the Call-In form and any NTCA officer who receives a request for a Call-In form will respond to that request as a matter of urgency. A copy of the Call-In form is included at the end of this Protocol as an appendix on page 11.

If, in the opinion of the Monitoring Officer, the request is valid a meeting of the Committee will be arranged. Due to the time constraints (the meeting must take place within 10 days of the request being declared valid) the date and time of the meeting will be at a time when the following are able to attend:

- a) at least one of the Members who have signed the Call-In request;
- b) the appropriate officers and appropriate Cabinet Member(s); and
- c) enough members of the Overview and Scrutiny Committee (or their substitutes) to ensure that the meeting is quorate and able to take the decision,

This may mean that the meeting takes place at a time when not all committee members are able to attend and at a different time and day to its usual meeting day.

The Cabinet and Scrutiny members recognise that the Call-In power is not a substitute for early involvement in the decision-making process or a party-political tool.

## Urgent Decisions and Exemptions from Call-in

It is acknowledged that sometimes key decisions will need to be taken quickly and as such may not always appear on the Forward Plan.

A General Exception Decision is where a key decision has not been included in the Forward Plan but **more** than five clear days' notice of the decision can still be given. The Monitoring Officer will notify the Chair (or, in their absence, the Vice Chair) of the Overview and Scrutiny Committee in writing of the matter to be decided with an explanation of why it did not appear on the Forward Plan. The Monitoring Officer shall as soon as possible thereafter publish on the Authority's website a notice setting out the reasons why the matter could not be included on the Forward Plan.

A Special Urgency Decision is where a key decision has not been included in the Forward Plan but **less** than five clear days' notice of the decision can be given. The Monitoring Officer will notify the Chair (or, in their absence, the Vice Chair) of the Overview and Scrutiny Committee in writing of the matter to be decided with an explanation of why it did not appear on the Forward Plan and why it needs to be taken in under five days, and seek their agreement that the making of the decision is urgent and cannot be reasonably be deferred. Subject to this agreement, the Monitoring Officer shall as soon as possible publish on the Authority's website a notice setting out the reasons why the matter is urgent and could not reasonably be deferred.

If a decision needs to be made urgently, it may also be necessary to seek an exemption from call-in to avoid a risk of serious prejudice to the interests of the Authority. In these circumstances:

- The Head of Paid Service shall determine whether a risk of serious prejudice exists. In the event that the Head of Paid Service is the decision-maker, this assessment shall be confirmed by the Monitoring Officer;

- The Head of Paid Service must secure the agreement of the decision-maker and the Chair of the Committee;
- The decision shall be communicated to the Committee in advance of implementation;
- The fact that a decision is exempt from call-in shall be recorded alongside the decision itself.

To enable a quick response from the Chair or Vice Chair of the Overview and Scrutiny Committee, the Scrutiny Officer will be notified as soon as it realised that any of the above decisions may be required to enable them to make the necessary arrangements for the Chair or Vice Chair to be available to respond to the request in a timely manner.

All of these decisions will be published on the NTCA Website (subject to any exemptions under the Access to Information regime) and will be reported to the Overview and Scrutiny Committee at the end of the municipal year.

## Conclusion

Overview and Scrutiny is a statutory responsibility of the North of Tyne Combined Authority that contributes to better decision making and through that to better outcomes for the residents of the area. This protocol, which will be reviewed regularly, aims to ensure that the relationship between Cabinet and Scrutiny is one of mutual respect and understanding which allows for effective scrutiny. Due to the nature of Scrutiny there will be occasions when disagreements occur. It is the job of both the Cabinet and Scrutiny to work together to reduce the risk of this happening and to use the principles of this protocol to provide a framework for disagreement and debate when they do.

## Further Reading

- [The North of Tyne Combined Authority Constitution](#)
- [The Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committee\) Order 2017](#)
- [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018](#)
- [Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)

## Useful Websites

[North of Tyne Combined Authority](#)

[Centre for Public Scrutiny](#)

[Local Government Association](#)

[North East Combined Authority](#)

[The North East Local Enterprise Partnership](#)

## Contact Officers

Lynn Camsell, Democratic Services Officer

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John Softly, Interim Monitoring Officer

Email: [john.softly@northoftyne-ca.gov.uk](mailto:john.softly@northoftyne-ca.gov.uk) Tel: (0191) 277 7047



## Call-In Request Form

This form should be submitted to the NTCA Monitoring Officer by no later than 5pm on the day of the call-in deadline, which is the fifth working day after the decision publication date.

The completed form should be submitted by email to John Softly, Interim Monitoring Officers [john.softly@newcastle.gov.uk](mailto:john.softly@newcastle.gov.uk). Please title the email: NTCA Call-in Request.

The call-in process is not designed to act as a brake, but as a check and balance within the decision-making process. Members will wish to make measured use of the call-in function, whilst ensuring that the day to day business and implementation of decisions can be carried out efficiently and effectively. Please refer to Section 8 of Part 3.3 of the NTCA Constitution.

A call-in request can be made by **any four members** of the NTCA Overview and Scrutiny Committee, who are drawn from **at least two** of the constituent councils. Criteria for requesting a call-in is set out in section 8.2 of Part 3.3 of the NTCA Constitution.

Call-in requests cannot be made in respect of:

- Decisions already called-in
- Urgent decisions (as defined in Section 8.10 of Part 3.3 of the NTCA Constitution)

The call-in procedure should not be used:

- To deal with individual complaints or concerns
- As a means of requesting information
- In respect of decisions made by external bodies

Call-in Procedure is set out in Section 8, Part 3.3 of the NTCA Constitution.

<b>Title of decision:</b>		
<b>Date of decision:</b>		
<b>Decision maker:</b>		
<b>On what basis is the decision challenged:</b>	<b>Insert</b> ✓	<b>Principles of Decision Making</b>
		Proportionality (meaning that the action must be proportionate to the desired outcome).
		Absence or lack of consideration of professional advice.
		Inadequate consultation relating to the decision.

		Absence or lack of consideration of legal and/or financial implications.
		Decision making process has not been open and transparent.
		Viable alternatives have not been considered.
		Adequate consideration has not been given to: <ul style="list-style-type: none"> <li>• Respect for human rights</li> <li>• Promotion of equality</li> <li>• Prevention of crime and disorder</li> <li>• Environment and sustainability</li> <li>• Risk management</li> <li>• The purpose of the Constitution</li> </ul>
		Other, please specify:

**What desired outcome / alternative course of action is sought:**

**Reasons for the call-in**

(provide supporting information under each heading, outlining the grounds for the call-in, which explains why you believe the decision-making process was flawed. Please limit this summary to under 1,000 words. Additional documents can be submitted if necessary)

**SIGNATORIES:** (please add additional rows as required)

1.
2.
3.
4.

**Please note that, in place of a signature, an email from each signatory, confirming their support for the call-in request, must be submitted alongside the completed form.**

**OFFICE USE:**

Received on behalf of Monitoring Officer by:

Name:

Date and time received:

## Principles of Decision Making

All decisions of the NTCA will be made in accordance with the following principles:

**a) Proportionality (meaning that the action must be proportionate to the desired outcome).**

For example, the level of resources which are deployed to implement a decision should be proportionate to the likely impact of that decision.

**b) Consideration of professional advice from officers.**

This does not mean that officer advice must always be followed. However, where advice has been offered and it is not followed the reason for not following the profession advice must be justified and recorded.

**c) Due consultation.**

It is expected that consultation will form part of decision-making process. This does not mean that consultation must take place on every decision. The level of consultation required will be appropriate to the nature of the matter under consideration. The views of those likely to be affected by a decision should be sought wherever possible.

**d) Consideration of the legal and financial implications.**

This means that the legal consequences and financial implications of any decision must be considered and recorded.

**e) A presumption in favour of openness.**

The process through which all decisions are taken must reflect commitment to open government and the Access to Information Rules of Procedure (see the Access to Information section of the Cabinet Rules of Procedure (Section 8, Part 3.3).

**f) Consideration of available options and outlining reasons for decisions.**

Decision makers should ensure that they are able to consider all reasonable and available options in respect of any decision they are to make. In doing so they must

clearly explain why they have chosen one particular option and give reasons for rejecting others and this must be included in the formal record of their decision.

**g) Respect for human rights.**

All decisions must demonstrate that consideration has been given to any human rights implications under the Human Rights Act 1998 and follow the principles of natural justice. Consideration must also be given to any other principles or duties in associated areas which may in future arise.

**h) Promoting equality.**

Decision makers must have regard to the likely effect of the decision on individuals depending on age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation in accordance with the equality duty placed in public bodies by the Equalities Act 2010.

**i) Preventing crime and disorder.**

Decision makers must have regard to the likely impact of the decision on crime and disorder in the area, including anti-social and other behaviour adversely affecting the local environment and the misuse of drugs, alcohol and other substances in its area in accordance with the duty placed on the NTCA by the Crime and Disorder Act 1998.

**j) Environment and sustainability.**

Consideration must be given to whether the decision will contribute to sustainable development i.e. development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**k) Risk management.**

Decision makers must ensure the NTCA's risk management processes have been applied to the matter and that any risks have been documented and will be appropriately managed.

**l) The purpose of the Constitution.**

Decision makers should have regard to the purpose of the Constitution.

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## Report Summary

The purpose of this report is to inform Cabinet of the work of the Overview and Scrutiny Committee in 2019/20.

## Recommendations

The Cabinet is recommended to note the report and make any comments as appropriate.

### 1. Background Information, Proposals and Timetable for Implementation

- 1.1 Effective scrutiny arrangements are an essential component of local democracy, enhancing accountability and transparency of decision making and enabling local councillors to represent the views of their constituents. The NTCA Overview and Scrutiny Committee was established to enable local councillors, on behalf of their communities, to scrutinise and challenge the Cabinet and the Mayor and to consider matters of strategic importance to residents within the North of Tyne area with a view to influencing their decisions.
- 1.2 The Centre for Public Scrutiny's (CfPS) Good Scrutiny Guide and the Statutory Guidance on Overview and Scrutiny Committees refer to an Annual Scrutiny Report. Whilst the context of the reference relates to local authorities and the importance of ensuring that Council and not just the Executive are aware of the work of Overview and Scrutiny, for Combined Authorities the Statutory Guidance states:  
  
 "In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board". (paragraph 11 j, page 10)
- 1.3 The Annual Scrutiny report is intended to illustrate to the public and Cabinet the Committee's approach to its work this year, how the committee has developed and the impact it has made.
- 1.4 The Overview and Scrutiny Committee agreed the Annual Report at its meeting on 10 March 2020 and for the report to be submitted to Cabinet in June 2020 for its information.
- 1.5 The Overview and Scrutiny Annual Report is attached as appendix 1.

### 2. Potential Impact on Objectives

- 2.1 The Overview and Scrutiny Committee can investigate, influence, report and recommend ways to strengthen policies, improve services, ensure best value for money and secure long-lasting positive benefits for local people.

### 3. Key Risks

- 3.1 There are no risks associated with the noting of this report.

### 4. Financial and Other Resources Implications

- 4.1 There are no financial or new resource implications arising from this report.

### 5. Legal Implications

5.1 The NTCA is required to have an Overview and Scrutiny Committee and a designated Scrutiny Officer. There are no direct legal implications arising out of the recommendations in this report.

## **6. Equalities Implications**

6.1 There are no direct equalities implications arising out of the recommendations in this report. The Overview and Scrutiny Committee is mindful of its duty under the Public Sector Equality Duty and when undertaking scrutiny of a particular topic looks to see that any policy/event/decision eliminates discrimination, harassment and victimisation; advances equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and fosters good relations between persons who share a relevant protected characteristic and persons who do not share it; and also considers the implications for people from different socio-economic backgrounds/low pay as a protected characteristic. An equalities impact assessment will be undertaken as part of the work to develop the committee's work programme for 2020/21.

## **7. Inclusive Economy Implications**

7.1 There are no direct inclusive economy implications arising out of the recommendations in this report. The Overview and Scrutiny Committee is mindful of the NTCA's inclusive economy ambitions and the five characteristics of an inclusive economy: participation; equity; growth; stability and sustainability and when undertaking scrutiny of a particular topic looks to see that any policy/event/decision has taken these fully into account.

## **8. Climate Change Implications**

8.1 There are no direct climate change implications arising out of the recommendations in this report. The Overview and Scrutiny Committee is mindful that the NTCA's and the three constituent Local Authorities have declared a Climate Emergency and when undertaking scrutiny of a particular topic looks to see that any policy/event/decision has taken climate change fully into account.

## **9. Consultation and Engagement**

9.1 As the Overview and Scrutiny Annual report is a retrospective piece of work, consultation on its contents has been with the Chair and Vice Chair of the Committee and officers.

## **10. Appendices**

Appendix 1 – NTCA Scrutiny Report 2019/2020

## **11. Background Papers**

NTCA Overview and Scrutiny Committee work programme  
[Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)  
[Centre for Public Scrutiny Good Scrutiny Guide](#)  
[The Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) Order 2017](#)

## **12. Contact Officers**

Elizabeth Kerr, Policy and Scrutiny Officer  
Tel: (0191) 277 7566 email: [elizabeth.kerr@northoftyne-ca.gov.uk](mailto:elizabeth.kerr@northoftyne-ca.gov.uk)

## **13. Glossary**

NTCA – North of Tyne Combined Authority;  
CfPS - The Centre for Public Scrutiny.





**March 2020**



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## Foreword from the Chair



As the first ever Chair of the North of Tyne Combined Authority Overview and Scrutiny Committee, it is a real privilege and it gives me great pleasure to be able to introduce the Combined Authority's first Annual Scrutiny Report.

The Committee is comprised of Elected Members from Newcastle City Council, North Tyneside Council and Northumberland County Council who, as Councillors, all come from and represent different communities ranging from Berwick-upon-Tweed to Tynedale and Seaton Delaval, Killingworth, North Shields, Wallsend, Newcastle upon Tyne and Throckley. Each Member brings something unique; whether that be skills, life experience, interest areas or specialist knowledge. All of which I see as a positive asset to the workings of the Committee. The Committee Members have gelled well and work successfully together on a cross-party basis for the benefit and wider good of our region.

The Overview and Scrutiny Committee does not see its role as being the 'opposition'; it is there to hold the Mayor and Cabinet to account for the decisions and actions that affect the North of Tyne communities. To be able to do this effectively there needs to be a good working relationship between the two, a relationship which the Vice Chair, Councillor Linda Wright, and myself have developed over the year by holding regular meetings with the Mayor, inviting him to committee meetings and workshops and also hearing from each Cabinet Member on their Portfolio Area at committee meetings throughout the year. I have also attended Cabinet meetings to present Overview and Scrutiny's recommendations. During this year, we have also worked on establishing a Cabinet - Scrutiny Protocol which sets out the relationship between the Cabinet and Scrutiny and this document will be coming forward at the Combined Authority's Annual General Meeting in June 2020.

As part of our work the Vice Chair and I have met other Overview and Scrutiny Chairs and Vice Chairs both at Combined Authorities and Local Authorities and have appreciated the opportunity to discuss ideas and best practice and help raise the profile of the newest Combined Authority. Councillor Wright and I and the Scrutiny Officer have also attended day sessions organised by the Centre for Public Scrutiny which were both interesting and useful.

I would like to thank the current Members for their work and contributions over the year; especially my Vice Chair, Councillor Linda Wright, for her hard work and dedication to the role. I would also like to thank our Scrutiny Officer, Elizabeth Kerr, and the Committee's Democratic Services Officer, Lynn Camsell, for their support to myself and the Committee over the year, they are a credit to the Combined Authority.

Now, looking toward the year ahead. I believe the work of this first year has given the Overview and Scrutiny Committee an excellent starting point and it is ready to choose where its focus and attention should be concentrated. In addition, the Combined Authority as a whole will need to discuss and debate the potential governance implications and additional powers that may rise from the emerging White Paper on English Devolution planned by Her Majesty's Government.

Meetings of the North of Tyne Combined Authority Overview and Scrutiny Committee are public meetings and anyone is always more than welcome to attend our meetings. For more information on when meetings take place, please keep an eye on the Overview and Scrutiny Committee's page on the Combined Authority website: [www.northoftyne-ca.gov.uk/overview-and-scrutiny-committee](http://www.northoftyne-ca.gov.uk/overview-and-scrutiny-committee)

Finally, I would like to thank you for taking the time to read this foreword and hope that you find this Annual Scrutiny Report interesting and informative as to the work of the North of Tyne Combined Authority Overview and Scrutiny Committee during the 2019/20 Municipal Year.



Councillor Gregah A. Roughead

## Overview and Scrutiny Committee Members



Cllr Susan Dungworth  
Northumberland County  
Council



Cllr Peter Earley  
North Tyneside Council



Cllr Sandra Graham  
North Tyneside Council



Cllr Margaret Hall  
North Tyneside Council



Cllr Paula Holland  
Newcastle City Council



Cllr Anita Lower  
Newcastle City Council



Cllr Gregah Roughead  
(Chair)  
Northumberland County  
Council



Cllr Gordon Stewart  
Northumberland County  
Council



Cllr Linda Wright  
(Vice Chair)  
Newcastle City Council

## The Scrutiny Year

The North of Tyne Combined Authority (NTCA) was created halfway through a municipal year in November 2019 which means 2019/20 is the first full year of scrutiny activity for the Overview and Scrutiny Committee.

Scrutiny at a combined authority level will necessarily look and feel different to local authority scrutiny due to the strategic nature of the Mayor's role and the unique Mayor/Combined Authority relationship. At its first meeting of the year on 2 July 2019 the Committee agreed a work programme for the year ahead which recognised how young the NTCA was and provided a framework to increase the knowledge amongst the membership of the role, powers and ambitions of the NTCA and how it anticipated delivering the Devolution Deal. The work programme also allowed space for items to be added during the year as the work of the NTCA progressed.

The Committee members have been engaged with their role and the work of the NTCA; each meeting, informal workshop and training session has been well-attended and constructive. The Chair and Vice Chair attended a course at the Centre for Public Scrutiny which has increased their knowledge and confidence in their roles.

All officers have responded to requests for information which has meant the agendas for the meetings have included reports for all items to be discussed in one document.

Members of the Committee have been kept informed of progress against their recommendations, other meetings in the region and matters of interest by monthly Scrutiny Briefings. As the Committee has five meetings a year this is particularly useful in keeping members informed between formal meetings.

Members of the public, Councillors or officers can make suggestions for issues to be considered by the Overview and Scrutiny Committee in the future by emailing the Scrutiny and Policy Officer at [scrutiny@northftyne-ca.gov.uk](mailto:scrutiny@northftyne-ca.gov.uk)

Details of all matters considered by the Overview and Scrutiny Committee can be viewed on the NTCA website at <https://www.northoftyne-ca.gov.uk/overview-and-scrutiny-committee>

## Holding Decision Makers to Account

The Elected Mayor, Jamie Driscoll, has attended two meetings of the Overview and Scrutiny Committee to present his plans and the progress of the NTCA. He also attended the Budget workshop to answer questions from the Committee on the Cabinet's budget proposals.

Each Cabinet Member has attended a meeting of the Committee to present an update on their portfolio area and answer questions from the Committee.

Quarterly budget monitoring has been a regular feature of the Committee's work this year and scrutiny of the Treasury Management Strategy was enhanced by training attended by Members in December.

Two of some of the first decisions taken by the NTCA, the hosting of a stage of the Tour of Britain Cycling Race and the funding of a bid for the Local Full Fibre Network, have been scrutinised by the Committee to discover what the impact of these decisions has been and whether they met their intended outcomes.



O&S recommendation accepted:

Cabinet now publishes the Forward Plan for the next three months instead of just the statutory 28 days.

## Pre-scrutiny work

### Good Work Pledge

NTCA's Inclusive Economy Policy Statement acknowledged the need for 'good work'- work that provides, amongst other things, security, skills, progression opportunities, a decent standard of living, promotes health and wellbeing, and helps to ensure that the North of Tyne area is productive and thriving. Work by the NTCA commenced in the summer to understand what 'good work' should look like in the North of Tyne, and how the NTCA can promote and reward employers.

This led to the development of a Good Work Pledge which would enable employers to understand the key elements of 'good work', what they can do to achieve this for their employees, and what support is available to help them get there. In October 2019 the Overview and Scrutiny Committee had the opportunity to comment on the response to the consultation on the Pledge and its key findings, what challenges this had highlighted and the proposed next steps to the Cabinet Member and was an opportunity to shape the final proposal for adoption by Cabinet.

### Returns Programme

The NTCA Returns programme will support residents disengaged from the labour market for two years or more to engage with local employers offering a range of inclusive routeways to work such as paid internships and work experience with training. It will also support employers to design and deliver Returns to meet their needs.


In December 2019, the Committee was presented with the work undertaken to date and had the opportunity to inform how the programme could be delivered. Suggestions made at the meeting and taken forward as part of the project's work included ensuring opportunities were available for people who had previously held professional qualifications but needed access to work experience to regain them and that consideration was given to the provision of training in communities, thereby reducing the need for residents with caring responsibilities or limited incomes to travel.

### The NTCA Budget 2020-2021

In accordance with the Budget and Policy Framework Rules of Procedure (Part 3.2 of the Constitution) the Overview and Scrutiny Committee has a particular role in the setting of the NTCA budget.

At its 8 October 2019 meeting the Committee were given the opportunity to comment on the 2020-2024 Financial Planning and Budget Process which included information on the development of a Medium-Term Financial Strategy (MTFS), the development of the detailed budgets for 2020/21 and the timetable for the setting of the budget.

Cabinet agreed its draft budget proposals and the MTFS for the period 2020-2021 to 2023-24 on 17 December 2019 and on 18 December 2019 the Overview and Scrutiny Committee met to receive the draft budget proposals and accompanying information. As part of its scrutiny of the proposals the Committee held a workshop in January 2020, attended by the Chief Finance Officer and the Mayor to present information on what had changed since the draft proposals were received, discuss the proposals and to answer questions. The Committee made comments specifically relating to the allocation of the Adult Education Budget and the Treasury Management Strategy. Formal recommendations included a request that Cabinet reviews the budget after six months and that the consultation process included a mechanism for the general public to comment on the proposals. All the recommendations from the Committee were accepted by Cabinet.

O&S recommendation accepted:   
Cabinet will review the agreed budget after six months.

## Relationship Building

By the end of the municipal year, the Chair and Vice Chair will have met informally with the Mayor on six occasions to discuss the Forward Plan and to develop the relationship between the executive and scrutiny. This arrangement will continue in the new municipal year, particularly for the months when there are no formal scrutiny meetings.

Steps have also been taken to foster good working relationships with the Scrutiny Officer and the Chair and Vice Chairs of the Overview and Scrutiny Committees for the North East Joint Transport Committee and the North East Combined Authority (NECA). This is because the transport functions for the area are managed by the North East Joint Transport Committee and NECA is currently the accountable body for the North East Local Enterprise Partnership. The Chair and Vice Chair attended a meeting of the NECA's Overview and Scrutiny Committee and an informal meeting has been held with the Scrutiny Officer and the Chair and Vice Chairs of the North East Joint Transport Overview and Scrutiny Committee and the NECA's Overview and Scrutiny Committee. All were open to working together on matters which affect all seven of the local authorities in the region.

The Chair and Vice Chair also met the Chief Executive and the Chair of the North East Local Enterprise Partnership (LEP) to discuss its role and function and how scrutiny could contribute to its work. An introduction to the role of the LEP and the Strategic Economic Plan has been presented to a formal meeting of the Committee.

## Looking Forward

As the work of the NTCA to deliver the Devolution Deal progresses, the role of the Overview and Scrutiny Committee will likely become more focussed as the Committee agrees its priorities and which areas of work it can clearly demonstrate it adds value to. This first year has been about learning the aims and ambitions of the NTCA and the Mayor and how the Committee can be a critical friend for decisions made and also a sounding board for plans as they develop.

Once the committee membership is appointed for 2020-21 a workshop will be held to discuss the work programme and ways of working for the year ahead and begin to set its priorities. Matters already on the list for potential inclusion include raising awareness of the work of the NTCA and the Overview and Scrutiny Committee, the Education Challenge and the STEM and Digital Skills Programme.

## Useful Websites



[North of Tyne Combined Authority](#)

[Centre for Public Scrutiny](#)

[Local Government Association](#)

[North East Combined Authority](#)

[The North East Local Enterprise Partnership](#)

## Contact Officers

Lynn Camsell, Democratic Services Officer

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Elizabeth Kerr, Policy and Scrutiny Officer

Email: [elizabeth.kerr@northoftyne-ca.gov.uk](mailto:elizabeth.kerr@northoftyne-ca.gov.uk)







**Subject:** NTCA's role as Accountable Body for the North East Local Enterprise Partnership  
**Report of:** Paul Hanson, Interim Head of Paid Service  
**Portfolio:** All

### Report Summary

This report outlines NTCA's role as accountable body to the North East Local Enterprise Partnership (NELEP).

### Recommendations

The Cabinet is recommended to:

1. Note the content of this report;
2. Authorise the Head of Paid Service to make delegated decisions on behalf of NTCA to give effect to the decisions made by NELEP as set out in paragraph 2.5; and
3. Agree the reporting proposals as outlined in paragraph 2.6.

#### 1. Background Information, Proposals and Timetable for Implementation

- 1.1 Members are aware that, in establishing NTCA, it was agreed to maintain joint working across the region through the continued operation of NELEP and the creation of the Joint Transport Committee (JTC), through which NECA and NTCA would exercise transport functions jointly.
- 1.2 NELEP is a partnership of private sector and public sector representatives. It is not a corporate entity and so cannot hold funding and property or employ staff in its own right. It must do this through a legal entity acting on its behalf as an "accountable body". Similarly, the JTC is not a legal entity and it also requires an accountable body to operate effectively (eg as the recipient of grant funding).
- 1.3 In January of this year, Cabinet received a report regarding the progress being made between NTCA, NECA and the seven local authorities to complete the necessary arrangements so that NECA would act as the accountable body for the JTC and NTCA would replace NECA as the accountable body for NELEP. These arrangements were completed by officers in line with the authorisations agreed by Cabinet and so, from 1 April 2020, NTCA has become the accountable body for NELEP and NECA is the accountable body for the JTC.

#### 2. NTCA's role as the accountable body to NELEP

- 2.1 As part of these arrangements, NELEP's budget (including its funding programmes and corporate budget) has transferred from NECA to NTCA. NTCA is now the legal entity which will receive all funding awarded to NELEP and also the legal entity which distributes funding on behalf of NELEP to businesses and organisations under grant and loan agreements.
- 2.2 NELEP's staffing establishment (a total of 55 employees) has TUPE transferred to NTCA and are now NTCA employees. They continue to be based at NELEP's offices at St James Gate. As anticipated in the January report to Cabinet, a transfer of pension assets was agreed between NECA and NTCA to facilitate the staff transfer. As part of this transition, NTCA also became the accountable body for Invest North East England (INEE), which is the regional inward investment agency covering the NELEP area and comprises a team of 3 employees.

- 2.3 The legal documentation which underpins these arrangements (namely the Accountable Body Agreement and Deed of Co-operation) sets out how the costs of supporting NELEP, INEE and the JTC are shared between the seven local authorities in line with the arrangements which existed prior to 1 April 2020. The documentation also provides that the former accountable bodies to NELEP (ie NTCA and, prior to that, Sunderland City Council) will co-operate with NTCA to ensure that any assets and rights which they still hold for the benefit of NELEP continue to be applied for that purpose.
- 2.4 Whilst the NELEP staff are now NTCA employees and NTCA is the legal entity which is responsible for administering its budget, it is important to note that the NELEP Board retains responsibility for decision-making in terms of its programmes and priorities. Central government policy emphasises that LEPs should be private-sector led and have operational independence. NTCA, as the legally and financially accountable body, must satisfy itself of the legality and financial probity of any NELEP decisions which it implements. However, the Accountable Body Agreement makes clear that the role of NTCA does not involve the commercial or economic review of any decision or direction of NELEP as to the use of its funds or budget. This replicates the position which applied to NECA when it was the accountable body to NELEP.
- 2.5 As NTCA will have to take various actions to give effect to the decisions of NELEP, NTCA itself will have to ensure that those actions are authorised through its own decision-making structure. However, given that the scope of NTCA's decision-making in this regard is essentially restricted to the assurance role set out in the preceding paragraph, it is recommended that such decisions are delegated to the Head of Paid Services, rather than being reported to Cabinet for decision each time.
- 2.6 In order to provide assurance that NTCA is properly discharging its role as accountable body to NELEP, it is proposed to bring a quarterly report on this area of work to Cabinet. NTCA's role in supporting NELEP should also help to develop a greater awareness and understanding of NELEP's programmes and objectives.
- 3. Potential Impact on Objectives**
- 3.1 As set out in this report, NTCA's role as accountable body is part of the process of maintaining joint working across the region.
- 4. Key Risks**
- 4.1 There are no key risks identified at this time.
- 5. Financial and Other Resources Implications**
- 5.1 As reported to Cabinet in January, there are no changes required to the 2020-21 budget for NTCA, other than the requirement to incorporate the NELEP budget into NTCA's budget with effect from 1 April 2020.
- 6. Legal Implications**
- 6.1 The comments of the Monitoring Officer have been included in this report.
- 7. Equalities Implications**
- 6.1 There are no direct equalities implications arising out of the recommendations in this report. However, it is anticipated that the LEP will recognise and reflect the NTCA commitment to equalities and diversity in their programmes and practices.
- 8. Inclusive Economy Implications**
- 8.1 There are no direct inclusive economy implications arising out of the recommendations in this report

but it is anticipated that closer working between NELEP and NTCA should allow for greater understanding of each organisation's priorities and work programmes.

## **9. Climate Change Implications**

- 9.1 There are no direct climate change implications arising out of the recommendations in this report. However, again there should be scope for closer working on sustainability and carbon reduction programmes and practices.

## **10. Consultation and Engagement**

- 10.1 As set out above, the arrangements in this report put into effect the sharing of the accountable body roles in line with the principles previously agreed by both combined authorities and the local authorities in the region. The transition process was overseen by a senior officer team who ensured that all relevant stakeholders were involved and that the affected staff received appropriate support (including the involvement of the Trades Unions).

## **11. Appendices**

None

## **12. Background Papers**

None

## **13. Contact Officers**

Janice Gillespie, Chief Finance Officer  
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John Softly, Monitoring Officer  
[John.softly@northoftyne-ca.gov.uk](mailto:John.softly@northoftyne-ca.gov.uk) 0191 277 7047

## **14. Glossary**

NELEP – North East Local Enterprise Partnership  
INEE - Invest North East England

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**Subject:** NTCA Corporate Policies  
**Report of:** Ruth Redfern – Director of Policy and Performance  
**Portfolio:** All

### Report Summary

The purpose of this report is to seek Cabinet’s adoption of proposed North of Tyne Combined Authority (NTCA) policies relating to: Data Protection and Confidentiality; Environmental; Equalities and Diversity; Modern Slavery; and Social Value.

### Recommendations

The Cabinet is recommended to approve each of the proposed policies attached as appendices to this report.

#### 1. Background Information, Proposals and Timetable for Implementation

- 1.1 As the NTCA has grown over the last year, policies have been developed to clearly set out the actions it will take and the principles it will demonstrate whilst working on behalf of the people of the North of Tyne.
- 1.2 The Authority is fully committed to compliance with the requirements of Data Protection Legislation and the data Protection and Confidentiality Policy does not replace the Data Protection Legislation, it aims to simplify the content. It may be necessary to refer to the relevant Data Protection legislation in order to ensure compliance with requirements and advice on the complying with the policy can be sought from the Information Governance Team.
- 1.3 The Environmental Policy sets out how the Authority intends to minimise the impact of NTCA activities on the environment, maximise the benefits of positive environmental action, and lead by example in sharing learning.
- 1.4 The Equalities and Diversity Policy sets out how the NTCA can achieve its ambition to be a welcoming and truly inclusive region in which everyone is able to share in its prosperity, culture and community life regardless of their age, socio-economic background, disability, race, religion, gender, gender identity, sexual orientation, marital status or whether they are pregnant or on maternity leave.
- 1.5 The NTCA has a zero-tolerance approach to modern slavery and is committed to acting ethically and with integrity in all its business dealings and relationships and to implementing and enforcing effective systems and controls to ensure modern slavery is not taking place anywhere in its business or in any of its supply chains. The Modern Slavery Policy sets out how this will be managed.
- 1.6 The Social Value Policy sets out how the Authority will deliver social value through their commissioning and procurement activities and to set the Authority’s priorities in relation to social value. A consistent and collaborative approach to commissioning and procurement activities will be established to create, deliver and sustain social, environmental and economic benefits.
- 1.7 Once agreed by Cabinet, these policies will be published on the NTCA Website and will be reviewed to ensure they remain fit for purpose.

## **2. Potential Impact on Objectives**

2.1 The adoption of these policies ensures a consistent approach by the Authority in its work delivering the North of Tyne Economic Vision and meeting its objectives.

## **3. Key Risks**

3.1 There are no risks associated with the adoption of the proposed policies.

## **4. Financial and Other Resources Implications**

4.1 There are no financial or new resource implications arising from this report.

## **5. Legal Implications**

5.1 There are no direct legal implications arising out of the recommendations in this report.

## **6. Equalities Implications**

6.1 There are no direct equalities implications arising out of the recommendations in this report. The NTCA is mindful of its responsibilities under the Public Sector Equality Duty.

## **7. Inclusive Economy Implications**

7.1 There are no direct inclusive economy implications arising out of the recommendations in this report. The policies support the NTCA's inclusive economy ambitions and the five characteristics of an inclusive economy of participation; equity; growth; stability and sustainability.

## **8. Climate Change Implications**

8.1 There are no direct climate change implications arising out of the recommendations in this report. The policies support the need to consider climate change as part of the everyday work of the Authority.

## **9. Consultation and Engagement**

9.1 Equalities officers and colleagues with the relevant expertise in the three Constituent Authorities and the NTCA have all been consulted in the drafting of these policies. The equivalent policies adopted in each of the Constituent Authorities have also been used to formulate the proposed policies.

## **10. Appendices**

Appendix 1	Data Protection and Confidentiality Policy
Appendix 2	Environmental Policy
Appendix 3	Equalities and Diversity Policy
Appendix 4	Modern Slavery Policy
Appendix 5	Social Value Policy

## **11. Background Papers**

None

## **12. Contact Officers**

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## **DATA PROTECTION AND CONFIDENTIALITY POLICY**

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## 1. Scope

This policy applies to all employees, contractors, agents, consultants, or other partners of the Combined Authority who process personal information held by, or on behalf of the North of Tyne Combined Authority (the Combined Authority).

This policy covers all personal data; however, they are held, on paper or in electronic format. It also covers the rights of individuals (data subjects) who wish to see information the Combined Authority holds about them (by submitting a Subject Access Request).

## 2. Purpose

The purpose of this policy is:

- To ensure compliance with Data Protection Legislation:
  - the General Data Protection Regulation (GDPR) 2018
  - The Data Protection Act 2018

This will be achieved by ensuring that personal information is processed as set out in this policy and as required by the GDPR.

- To ensure that all information and information systems upon which the Combined Authority depends are adequately protected to the appropriate level. This includes IT infrastructure for the retrieval, sharing and dissemination of business-critical data and conducting daily transactions.
- To ensure that all staff and other users are aware of their responsibility for the security of Combined Authority information.
- To ensure that all staff and other users are aware of their responsibilities for processing personal information under the Data Protection Act 2018.
- To ensure that all staff and other users are aware of their accountability
- To ensure that information is handled securely.
- Information asset owners are identified for all major information assets and that there is clear responsibility for maintaining appropriate controls.

This policy does not intend to replace the Data Protection Legislation, it merely aims to simplify the content. It may be necessary to refer to the relevant Data Protection legislation, in order to ensure compliance with requirements. Advice on the complying with this policy can be sought from the Information Governance Team (Contact details are available at the end of this policy)

## 3. Introduction

- 3.1 The Combined Authority is fully committed to compliance with the requirements of Data Protection Legislation. It is a legal requirement that the Combined Authority complies with the regulation, and all elected members, employees, contractors, agents, consultants and partners of the Combined Authority have a statutory responsibility to ensure compliance.

- 3.2 The Combined Authority will therefore follow procedures which aim to ensure that everyone who manages and handles personal information for, or on behalf of the Combined Authority, is fully aware of, and abide by their duties and responsibilities under the Data Protection Legislation.
- 3.3 In order to operate efficiently, the Combined Authority must when necessary, process (collect and use) personal information about people with whom it works and conducts its business. These people may include members of the public, current, past and prospective employees, clients, customers and suppliers. In addition, the Combined Authority may be required by law to collect and use personal information in order to comply with the requirements of central government. Personal information must be handled and dealt with properly and securely, however it is collected, recorded, used, deleted and disposed of. There are safeguards within the GDPR to ensure this.
- 3.4 The Combined Authority regards the lawful and correct treatment of personal information as very important to its successful operations, and to maintaining confidence between the Combined Authority and those with whom it carries out its business. The Combined Authority will ensure that it treats personal information lawfully and correctly.

#### **4. Definitions**

Descriptions of the data protection terms used in this policy can be found in the glossary at the end of this policy document.

- 4.1 Personal data is information which relates to a living individual who can be identified:
- from that data, or
  - from that data when combined with other information which is either in the Combined Authority's possession or likely to come into the Combined Authority's possession.
- 4.2 For the purposes of Data Protection legislation, and the Combined Authority's Data Protection and Confidentiality Policy, it is safest to assume that all information about a living, identifiable individual is personal data and should be dealt with accordingly.
- 4.3 Special category data can include information relating to:
- Religious or philosophical belief
  - Sexual life or sexual orientation
  - health data
  - trade union membership
  - Political opinions
  - Commission or alleged commission of an offence
  - Proceedings for any offence committed or alleged to have been committed
  - Biometric and genetic data

- 4.4 Special category data must only be used for approved purposes e.g. equal opportunities monitoring and access to this data must be restricted to those who have a need to know. They should never be kept in a generally accessible record or file. Advice on the issue of sensitive data can be sought from the Information Governance team.

## 5. The principles of the General Data Protection Regulation (GDPR) 2018

- 5.1 The seven principles which form the basis of the Regulation provide the foundation for the appropriate control and processing of personal data. They are as follows:

5.1.1 Principle 1 - Legality, transparency and fairness

Data must be processed fairly and lawfully. Nobody should be deceived or misled about the purpose for which their data is to be processed.

5.1.2 Principle 2 - Purpose limitation

Personal data should be collected for specified, legitimate and explicit purposes and must not be further processed in a way which is incompatible with such purposes.

5.1.3 Principle 3 - Minimisation

The data must be relevant, adequate, and limited to what is necessary in relation to the purposes for which that data is processed.

5.1.4 Principle 4 - Accuracy

The personal data must be accurate when recorded, and accuracy must be maintained throughout the lifecycle of the data. Every reasonable step must be taken to update inaccurate personal records.

5.1.5 Principle 5 - Storage limitation

Personal data must not be kept for any longer than is necessary for the purpose for which it was obtained.

5.1.6 Principle 6 - Integrity and confidentiality

Personal Data shall be processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using technical or organisational measures.

### 5.1.7 Principle 7 - Accountability

Both data controllers and data processors have responsibility for and must be able to prove and demonstrate compliance with all principles outlined within the GDPR.

## 6. Processing personal data

- 6.1 The definition of processing in relation to data protection is very wide. Obtaining, holding, filing, organising, transmitting, retrieving, disseminating, disclosing and destroying of data are all deemed to be processing in addition to any other process that is carried out on the data.
- 6.2 There is a requirement to inform the general public why the Combined Authority needs information about them, how this is used and to whom it may be disclosed.
- 6.2.1 The Combined Authority will ensure that individuals are made aware of personal information being held by the Combined Authority and how this information is being used, held, who can access it, with whom it is being shared and for how long it will be kept. This will be by Privacy Notices and will happen where the use of personal information is not obvious.
- 6.2.2 There is a corporate Privacy Notice on the Combined Authority's website. Additional more detailed, service or functional based Privacy Notices will (where applicable) be clearly stated on written literature, on Combined Authority web pages and verbally, if individuals are being spoken to face to face or by telephone.
- 6.2.3 There are instances, as permitted by Data Protection legislation when individuals will not be made aware that their information is being processed, such as when the processing is in connection with the prevention and detection of crime.
- 6.3 Employees, and others acting on behalf of the Combined Authority must only have access to personal data that is necessary in order to carry out their duties and responsibilities.
- 6.4 All forms used to obtain personal data, such as application forms or registration forms must include a Privacy Statement in clear and plain language, providing the following:
- 6.4.1 Stating the purpose/s for which the information is required, who it will be shared with, how long it will be retained and how it will be destroyed. It should also include a link to a more detailed Privacy Notice. The Information Governance team can support teams to write clear Privacy Statements and Privacy Notices.

All personal data obtained, must always:

- 6.4.2 Be reviewed regularly to check that all of the information asked for is still required and necessary. To ensure we comply with the minimisation principle.
- 6.4.3 Be checked for the accuracy of all data before it is used for any processing. If in doubt about the accuracy of the data, it must be referred back to the data subject for confirmation. To ensure we comply with the accuracy principle.
- 6.5 Personal data must be collected and handled in a way that complies with the Regulation and meets the seven principles above. This imposes a duty on the Combined Authority to ensure that individuals are made aware of the uses that will be made of the information that they supply and give their consent to this.
- 6.6 If an outside agency provides data to the Combined Authority, the Combined Authority has the right to ask the agency to confirm in writing that the data was obtained fairly and lawfully, in compliance with the Regulation.
- 6.7 Where personal data is provided for the purpose of placing a contract to which the data subject is a party then such data is considered to be fairly and lawfully obtained.

## **7 Handling of personal and special category information**

- 7.1 The Combined Authority will through appropriate management and the use of strict criteria and controls.
  - 7.1.1 Ensure everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice
  - 7.1.2 Ensure everyone managing and handling personal information are adequately trained and supervised to do so
  - 7.1.3 Observe fully conditions regarding the fair collection and use of personal information
  - 7.1.4 Meet its legal obligations to specify the purpose for which information is used
  - 7.1.5 Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements

- 7.1.6 Ensure the quality of information used
- 7.1.7 Apply strict checks to determine the length of time information is held
- 7.1.8 Take appropriate technical and organisational security measures to safeguard personal information
- 7.1.9 Ensure that personal information is not transferred abroad without suitable safeguards
- 7.1.10 Ensure methods of handling personal information are regularly assessed and evaluated
- 7.1.11 Ensure that the rights of people about whom the information is held can be exercised fully under the Data Protection legislation. Please see Section 14.

## 8 Responsibilities

- 8.1 The Data Protection Officer will monitor the Combined Authority's compliance with the Data Protection legislation, ensure that the Data Protection Policy is implemented, advise and consult on responses to data Subject Access Requests and make regular reviews of this policy and associated documentation.
- 8.2 Whilst the Combined Authority's Head of Paid Service is ultimately responsible, both personal and corporate responsibility applies. The North of Tyne Combined Authority is registered as a Data Controller and therefore has a corporate responsibility for compliance with all Data Protection legislation however there is also a personal responsibility on all employees for ensuring compliance with the principles of the Regulation by complying with this policy.
- 8.3 Information Asset Owners and Line Managers must ensure that those staff processing personal information are appropriately trained and with regard to the requirements of this policy and with Data Protection legislation.
- 8.4 The Information Asset Owners in Combined Authority service areas are responsible for ensuring that they and staff in their service are aware of the relevant documentation. Lead Officers will progress relevant data protection Subject Access Requests (See paragraph 13 below) and liaise with the Combined Authority's Information Governance team on any issues which may arise.

## 9 Data Breaches

- 9.1 All data protection breaches must be reported to the Information Governance team immediately at the point that the incident becomes apparent. The Information Governance team have 72 hours from being notified of a breach to report to the

Information Commissioner's Office (where feasible). It is the responsibility of the service to carry out an investigation into an incident with support and guidance provided from the Information Governance Team. All Data Protection incidents are logged centrally by the Information Governance Team.

## 10 Data Protection Impact Assessments (DPIA)

- 10.1 Data Protection Impact Assessments (DPIAs) are carried out on all Combined Authority significant decisions and as part of the start of any project, if personal information is involved and there are risks to the privacy of individuals. The DPIA will consider the risks of complying with legislation such as the GDPR and document work required to resolve any design issues, including the alternatives considered and why the option chosen was selected.
- 10.2 The size of the DPIA should reflect the scale of the project or change and the following questions should be considered when deciding whether or not to carry out a DPIA:
1. Will the project/decision involve the collection of new information about individuals?
  2. Will the project/decision require individuals to provide information about themselves?
  3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?
  4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?
  5. Does the project/decision involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition software.
  6. Will the project/decision result in you making decisions, or taking action against individuals in ways that can have a significant impact on them? (including automated decisions).
  7. Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private.
  8. Will the project/decision require you to contact individuals in ways that they may find intrusive?

## 11 Relevant and adequate data

- 11.1 The Combined Authority must process only that information which is necessary to fulfill the business requirement, or which is needed to comply with legal requirements. For example, it is not necessary to ask for someone's date of birth if

all you need to know is that they are over 18.

## **12 Collecting and maintaining accurate data**

- 12.1 It is important therefore that all appropriate measures are put in place to verify the accuracy of data when it is collected, especially when any significant decisions or processes depend upon the data. Errors in personal data that could or does cause data subjects damage or distress could lead to the Combined Authority being prosecuted.
- 12.2 There is a requirement to ensure that data is kept up to date throughout the lifecycle of the data.
- 12.3 Users of software will be responsible for the quality (i.e. accuracy, timeliness, and completeness) of their data by carrying out their own quality assurance and participating as required in quality assurance processes.

## **13 Keeping data only as long as necessary**

- 13.1 Retention periods should be defined for personal data and procedures put in place to ensure compliance.
- 13.2 Retention periods must be for clear business purposes/and or legal basis, and this must be documented to identify why certain records are retained for certain periods of time. Please refer to the Combined Authority's retention schedule.
- 13.3 When no longer required, data must be deleted or disposed of securely.

## **14 Rights of individuals**

### **14.1 Safeguarding the rights of data subjects**

14.1.1 The GDPR provides the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

### **14.2 Subject Access Requests (SARs).**

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- 14.2.1 The Combined Authority must make available details of how individuals can request access to their data. This is known as a Subject Access Request (SAR).
- 14.2.2 Requests for personal information:
- Must explain the information required (we may seek further clarification if this is too broad to enable a successful search).
  - Must be accompanied by identification to help prevent fraudulent requests.
  - Can be made via a 3rd party, such as a solicitor or someone holding power of attorney, with the permission of the data subject.
- 14.2.3 The Combined Authority may be entitled to refuse any requests on procedural grounds such as when the above points are not complied with.
- 14.2.4 If we are able to release the information, we will collate it, advise of the source and generally provide a permanent copy. We aim to provide it within 1 month as required by the regulation. For complex and numerous requests, a 2 month extension can be used.
- 14.2.5 If we decide to deal with a request for information under another information request regime or as a combination of regimes we will advise accordingly. An example is when a request for the non-personal information is made under the Regulation. In this instance the request would be considered under the Freedom of Information Act.
- 14.2.6 If the information cannot be released within the timeframe there must be a valid reason for the delay, we will advise the requester and they will be kept informed of progress and given access to information as it becomes available. The information provided will be in permanent form, such as a written document, unless we are unable to provide a permanent copy.
- 14.2.7 If we are unable to provide some or all of the information because, for example it is exempt from disclosure, we will explain this in writing to the requester.
- 14.2.8 We will provide advice with each request about how to make a complaint, and how to appeal to the ICO.

### **14.3 Requests for inaccurate information to be rectified, erased, destroyed or blocked**

- 13.3.1 Individuals can ask that inaccurate personal information is corrected or deleted.

#### **14.4 Prevent processing likely to cause damage or distress**

14.4.1 Individuals can ask the Combined Authority to stop handling their personal information if it is causing or is likely to cause substantial damage or distress to that individual or another person.

#### **14.5 Prevent processing for direct marketing**

14.5.1 Individuals can ask that their personal information is not used or is no longer used for direct marketing.

#### **14.6 Prevent automated decision taking**

14.6.1 Individuals have the right to prevent decisions, which significantly affect them; being made just by automated means.

### **15 Requests for disclosure of personal information by third parties**

15.1 The GDPR has an exemption that allows third parties to request personal information in some circumstances.

15.2 Personal information may be disclosed to a third party under the GDPR if the request is in connection with, for example for the prevention or detection of crime

15.3 For other requests by third parties, we will only provide information to third parties if there is a legal requirement to do so or as part of a data sharing agreement in line with our corporate Privacy Notice.

### **16 Keeping data secure**

16.1 The Combined Authority acts as custodian of personal data and must therefore ensure that necessary and sufficient precautions are in place to prevent misuse or unauthorised access to data as well as having security measures in place to prevent loss or damage to data.

16.2 Where outside bodies process or hold any of the Combined Authority's personal data then the Combined Authority must be satisfied that the data is held securely and with due regard to the obligations of the GDPR.

### **17 Transfer of data**

17.1 Data must not be transmitted or transferred out of the European Economic Area (i.e. the EU member states) unless the country they are being transferred to has the same or equivalent standards of Data Protection. Prior to any transfer of personal

data, a legal agreement must be put in place and approved by the Information Commissioner's Office (Supervisory Authority, UK). This has implications for data placed on the Internet and use of email where servers are based abroad.

- 17.2 If information is required to be transferred abroad then advice on this process should be sought from the Information Governance team in the first instance.

## **18 Training and awareness**

- 18.1 All staff will need to be aware of the Combined Authority's Data Protection Policy. To help staff understand the basic principles, data protection statutory training will be provided on an annual basis.
- 18.2 Some members of staff will require further training and guidance. Those members of staff will be identified through their work with initial discussion with their line manager. The Information Governance Team can advise on appropriate training where this need is identified.
- 18.3 When staff join the Combined Authority, it is important that they are introduced to their basic responsibilities under the GDPR. To ensure that they are aware, they will need to complete the mandatory learning modules on the GDPR.

## **19 Compliance**

- 19.1 Any violation of this policy will be investigated and if the cause is found to be willful disregard or negligence, may be treated as a disciplinary offence. All disciplinary proceedings are coordinated through the HR Department.

## **20 Implementation**

- 20.1 This policy is effective immediately.

## **21 Monitoring and review**

- 21.1 This policy will be monitored by the Information Governance Board and will be reviewed every two years or where there are changes to Data Protection legislation.

## 22 Useful contacts

Information Governance Team

6<sup>th</sup> Floor Civic Centre

Newcastle upon Tyne

NE1 8QH

Email: [dataprotection@newcastle.gov.uk](mailto:dataprotection@newcastle.gov.uk)

Phone: 0191 2116500

The Information Commissioner's Office via [www.ico.org.uk](http://www.ico.org.uk)

## 23 Glossary

**Biometric data:** personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data.

**Consent:** any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

**Data controller:** is the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by the Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

**Data processor:** a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

**Data subject:** a natural person whose personal data is processed by a data controller or processor.

**Genetic data:** personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question.

**Personal data:** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Personal data breach:** a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

**Privacy impact assessment:** or Data Privacy Impact Assessment. A process designed to help organisations identify and mitigate privacy risks associated with proposed data processing activities. For further information, please contact the Information Governance team.

**Principles:** the fundamental principles embedded within the GDPR which set out the main responsibilities for organisations.

**Processing:** any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**Profiling:** any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

**Pseudonymisation:** the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, as long as such additional information is kept separately and technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

**Restriction on processing:** the marking of stored personal data with the aim of limiting their processing in the future.

**Right of access:** entitles the data subjects to have access to information about the personal data being processed by the data controller.

**Special categories of personal data:** personal data revealing a data subjects racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership or the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

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## **ENVIRONMENTAL POLICY**

### **PURPOSE**

Creating communities of inspiring places, homes and spaces that support more sustainable, low carbon futures, set within an environment where people want to live, work or visit is a key pillar of the North of Tyne Economic Vision. The North of Tyne Combined Authority (NTCA) and all three constituent Local Authorities declared a climate emergency in 2019 and NTCA is working towards becoming a net zero carbon organisation. This Environmental Policy sets out how we intend to minimise the impact of our activities on the environment, maximise the benefits of positive environmental action, and lead by example in sharing our learning. We will:

- Comply with, and where possible exceed the requirements of all relevant environmental legislation and regulations.
- Baseline, monitor, and reduce our resource use by developing an Environmental Management Plan that will include a Green Travel Plan.
- Publicly report the 'auditable' carbon footprint of our organisation on an annual basis – this will include emissions that we can directly account for via our energy bills and business travel (Scope 1 and Scope 2 Emissions under the Greenhouse Gas Reporting Protocol). Where we are unable to further reduce our organisational emissions, we will offset these emissions using an accredited provider that only invests in verifiable offset projects in the UK. As far as possible these will be geographically located in the North of Tyne.
- Actively support fossil fuel divestment across the public sector while providing support to companies to encourage a just transition to the low carbon economy. We will not make unethical investments and will not invest in fossil fuel extraction.
- Phase out the use single-use plastic within our organisation and ban the use of single use plastic at all events we host and co-host.
- We will work in partnership with our staff, neighbours, constituent Local Authorities, and wider stakeholders to:
  - Regularly review the environmental impact of our activities to incorporate best practise in reducing organisational resource use, energy consumption and waste and maximise opportunities to improve environmental outcomes and share best practise.
  - Regularly review options to monitor, report and reduce the embedded and indirect carbon emissions that arise from organisational activities, for example through our purchasing and investment activities.
  - Embed climate change and sustainability into NTCA decision making and assurance processes to deliver a Devolution Deal that is green as well as inclusive.

- Establish a consistent and collaborative approach to commissioning and procurement activities to create, deliver and sustain social, environmental and economic benefits.
- Foster a culture of environmental awareness, continual improvement and innovation to help us minimise our environmental impact while creating an inclusive economy.

## **TO WHOM THIS POLICY APPLIES**

This policy applies to all persons working for NTCA or on our behalf in any capacity, including employees at all levels, directors, officers, seconded workers, volunteers, agents, contractors, external consultants, third-party representatives and business partners.

This policy does not form part of any employee's contract of employment and NTCA may amend it at any time.

## **RESPONSIBILITY FOR POLICY**

The Mayor and Cabinet of NTCA have overall responsibility for ensuring compliance with this policy with senior management; and managers have day to day responsibility to ensure compliance with our legal and ethical obligations.

The Policy & Performance Director has primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about it, and ensuring internal control systems and procedures are effective in embedding sustainability and working towards becoming a net zero carbon organisation.

Management at all levels are responsible for ensuring those reporting to them understand and comply with this policy and are given adequate and regular training. Management at all levels will regularly review how NTCA can encourage and enable staff and all persons working on our behalf to develop and adopt behaviours and processes that improve our environmental impact and allow NTCA to lead by example.

## **COMPLIANCE WITH THIS POLICY**

You must ensure that you read, understand and comply with this policy.

## **COMMUNICATION AND AWARENESS OF THIS POLICY**

Training on this policy, and on the risks our business and local area face from climate change and environmental degradation, will be provided as necessary. Training will also be provided on the co-benefits of climate action to embed climate change and sustainability principles across all areas of NTCA activity and decision making.

## **BREACHES OF THIS POLICY**

NTCA expects its employees and staff to comply with this policy. Any employee who breaches this policy may face disciplinary action, which could result in dismissal for misconduct or gross misconduct.

NTCA may terminate our relationship with other individuals and organisations working on our behalf if they breach this policy.



## **EQUALITY & DIVERSITY AT NTCA**

### **1. Policy purpose and scope / key principles**

1.1 As an employer, commissioner of services and public body, the North of Tyne Combined Authority (NTCA), is fully committed to complying with the Equality Act 2010 and to fulfilling its statutory duties towards its employees and residents with regards to equality and inclusion.

1.2 However, our ambition extends beyond this. We want North of Tyne to be a welcoming and truly inclusive region in which everyone is able to share in our prosperity, culture and community life regardless of their age, socio-economic background, disability, race, religion, gender, gender identity, sexual orientation, marital status or whether they are pregnant or on maternity leave.

1.3 For us to achieve our ambition, promote the wellbeing of our residents and develop a truly inclusive economy which works for all, we will need to tackle the longstanding and emerging inequalities in our region which prevent people from fulfilling their potential. By creating the conditions where people can realise their full potential, the economic growth of our region will be strengthened.

1.3 We know that some people face prejudice and discrimination and that this can be due to fear, a lack of understanding or because of hatred or intolerance. Prejudice and discrimination may manifest itself in the form of lack of respect and contempt, harassment, hate speech or actual violence and may be linked to racism, sexism, homophobia, transphobia or hostility to people with a disability. Disabled people may also face barriers which mean that they do not have the same opportunities as non-disabled people.

1.4 We will lead by example in terms of how we promote and support equality and diversity amongst our staff as well as in the wider community. We will foster a culture for our staff where everyone is treated with respect, feels able to speak up and contribute and has their health and wellbeing supported. We will spread these values in the wider community through responsible procurement, working with the supply chain to ensure a commitment to equality, diversity and inclusion. In addition, we will go further than our statutory duties under the 2010 Equality Act by seeking to implement the Act's socio-economic duty (Part 1 Section 1) so that we will assess whether our policies reduce or increase inequalities caused by socio-economic disadvantage. This will be incorporated into our Equality Impact Assessments.

## **2. Accountability**

2.1 Oversight of the policy, its implementation and monitoring, rests with the Senior Management Team.

2.2 Equality affects and involves everyone and so all NTCA employees, and everyone who represents the NTCA or acts on our behalf, has a personal responsibility to treat everyone with respect, consideration and in a non-discriminatory way.

## **3. Legal and Policy Framework**

The content of this policy is determined by the following :

- The 2010 Equality Act. As a public sector body we are also fully committed to complying with the specific requirements of the Act's Public Sector Equality Duty
- We are also committed to implementing the Socio-Economic Duty under Section 1 of the 2010 Equality Act
- Codes of practice published by the Equality and Human Rights Commission
- The Public Services (Social Value) Act 2012

## **4. Our Commitments**

To support our commitment to equality and diversity and achieve our purpose as set out at the start of this policy document, we will:

- meet all our legal equality duties as laid out in the 2010 Equality Act and follow codes of practice published by the Equality and Human Rights Commission;
- undertake and implement the actions from Equality Impact Assessments on our significant decisions, policies, plans, practices and procedures;
- take action to address social, economic and geographical disadvantage;
- regularly monitor, assess and consult on the impact of our policies and (commissioned) services to ensure that they are fair, anti-discriminatory;
- engage people from all communities to help shape our services and ensure people with protected characteristics are listened to and involved in decisions about our projects and programmes;
- proactively embed equality and diversity considerations in everything we do and encourage others to do the same;
- require organisations from whom we are commissioning services to follow our approach to equality;
- build understanding amongst our staff, partners and residents of the needs of different protected groups across North of Tyne;
- strive to make our workforce representative of North of Tyne's diverse population and the residents it serves by ensuring equal access to jobs, training and career progression for all groups in the community;

- treat all employees fairly and provide them with support on how equality affects their work and how they can help deliver services that take everyone's needs in to account.

## **5. Equality and Diversity in our Employment Practices**

5.1 This section applies to all NTCA employees and people seeking work with us

5.2 We will treat our employees and people who apply for our jobs fairly. We want a workforce which reflects the diversity of our region and for NTCA to be a place where people from different backgrounds feel welcomed and enjoy working. We will therefore promote equality of opportunity through all our employment policies and practices, including recruitment, terms and conditions, learning and development, promotion and when ending employment.

To enable this, we will:

- provide equality of opportunity to all applicants and prospective applicants through fair recruitment and selection procedures. We recognise that people with particular protected characteristics, including disabled people or from BAME communities, often experience discrimination in employment and so we will take positive and proportionate action to recruit, retain and provide career opportunities to employees from such groups;
- make reasonable adjustments to enable the employment and retention of employees with disabilities;
- provide all employees with the professional development opportunities needed to attain their full potential to the benefit of themselves and the combined authority;
- ensure that all employees are considered for promotion on the basis of their merits, abilities and skills, and are given equal opportunities to progress within the Authority;
- create a good work / life balance through flexible working arrangements so as to maximise equal opportunities for all employees;
- develop an anti-discriminatory and supportive culture in which employees are aware of their rights and know how to raise issues if they feel discrimination has taken place;
- respond to any allegations of discrimination, victimisation or harassment through appropriate internal processes, including our disciplinary procedures.

## **6. Equality and Diversity in Procurement and Commissioning**

We will ensure that our procurement and commissioning practices fulfil our equality duties and meet our ambitions for equality and diversity.

## **7. Review**

7.1 We will review this policy on a regular basis every two years to ensure that it meets the needs of the Combined Authority and ensure compliance with relevant legislation.

7.2 The policy can be reviewed earlier if any new guidance or legislation is produced before the next scheduled review date.

7.3 Any review of this policy will be carried out in consultation with the recognised trade unions and other relevant parties.

## **MODERN SLAVERY (ANTI SLAVERY AND HUMAN TRAFFICKING) POLICY**

### **PURPOSE**

Modern slavery is a crime and a violation of fundamental human rights. It takes various forms, such as slavery, servitude, forced and compulsory labour and human trafficking, all of which have in common the deprivation of a person's liberty by another in order to exploit them for personal or commercial gain.

The North of Tyne Combined Authority (NTCA) has a zero-tolerance approach to modern slavery and we are committed to acting ethically and with integrity in all our business dealings and relationships and to implementing and enforcing effective systems and controls to ensure modern slavery is not taking place anywhere in our own business or in any of our supply chains.

NTCA is also committed to ensuring there is transparency in our own business and in our approach to tackling modern slavery throughout our supply chains, consistent with our disclosure obligations under the Modern Slavery Act 2015. We expect the same high standards from all of our contractors, suppliers and other business partners. As part of our contracting processes, we will include specific prohibitions against the use of forced, compulsory or trafficked labour, or anyone held in slavery or servitude, whether adults or children, and we expect that our suppliers will hold their own suppliers to the same high standards. This includes third parties and those in receipt of funding and grants awarded and administered by NTCA.

### **TO WHOM THIS POLICY APPLIES**

This policy applies to all persons working for NTCA or on our behalf in any capacity, including employees at all levels, directors, officers, seconded workers, volunteers, agents, contractors, external consultants, third-party representatives and business partners.

This policy does not form part of any employee's contract of employment and NTCA may amend it at any time.

### **RESPONSIBILITY FOR POLICY**

The Mayor and Cabinet of NTCA have overall responsibility for ensuring this policy with senior management; and managers have day to day responsibility to ensure compliance with our legal and ethical obligation

The Policy & Performance Director has primary and day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with any queries about it, and ensuring internal control systems and procedures are effective in countering modern slavery.

Management at all levels are responsible for ensuring those reporting to them understand and comply with this policy and are given adequate and regular training on it and the issue of modern slavery in supply chains.

### **COMPLIANCE WITH THIS POLICY**

You must ensure that you read, understand and comply with this policy.

The prevention, detection and reporting of modern slavery in any part of our business or supply chains is the responsibility of all those working for us or under our control. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.

You must notify your manager, the monitoring officer or the Policy & Performance Director as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

You are encouraged to raise concerns about any issue or suspicion of modern slavery in any parts of our business or supply chains of any supplier tier or any organisation or third party in receipt of funding managed and administered by NTCA. at the earliest possible stage.

If you are unsure about whether a particular act, the treatment of workers more generally, or their working conditions within any tier of our supply chains constitutes any of the various forms of modern slavery, raise it with your manager, the monitoring officer or the Policy & Performance Director.

We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken. NTCA is committed to ensuring no one suffers any detrimental treatment as a result of reporting in good faith their suspicion that modern slavery of whatever form is or may be taking place in any part of our own business or in any of our supply chains. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your manager, the monitoring officer or the Policy & Performance Director manager immediately. If the matter is not remedied, and you are an employee, you should raise it formally using the Grievance Procedure.

### **COMMUNICATION AND AWARENESS OF THIS POLICY**

Training on this policy, and on the risk our business faces from modern slavery in its supply chains, will be provided as necessary.

Our zero-tolerance approach to modern slavery must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and reinforced as appropriate thereafter.

### **BREACHES OF THIS POLICY**

NTCA expects its employees and staff to comply with this policy. Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.

NTCA may terminate our relationship with other individuals and organisations working on our behalf or those in receipt of funding managed and administered by NTCA if they breach this policy.

## **NORTH OF TYNE COMBINED AUTHORITY SOCIAL VALUE POLICY**

### **1.0 Purpose**

The aim of this Policy is to set out how the Combined Authority will deliver social value through their commissioning and procurement activities and to set the Authority's priorities in relation to social value. We will establish a consistent and collaborative approach to commissioning and procurement activities to create, deliver and sustain social, environmental and economic benefits.

### **2.0 Background**

The Public Services (Social Value) Act 2012 came into force on 31st January 2013. It is a legal obligation for local authorities and other public bodies to consider the social good that could come from their procurement. The aim of the Act is not to alter the commissioning and procurement processes but to ensure that, as part of these processes, councils give consideration to the wider impact of service delivery. For example, it allows authorities to choose a supplier, through a tendering process, who not only provides the most economically advantageous service, but goes beyond the basic contract terms and secures wider benefits for the community.

There are many ways in which an organisation can benefit from adopting social value expectations within their procurement and commissioning process:

- Supporting local employment;
- Enabling skills, training and employment opportunities;
- Embedding fair employment practices;
- Supporting small, local and third-sector supply chains;
- Encouraging equality and diversity;
- Promoting ethical sourcing practices;
- Reducing carbon emissions; and
- Improving environmental sustainability.

The statutory requirements of the Act only apply to public service contracts above EU thresholds; however, the Authority will extend our social value expectations to include all our mainstream commissioning, grant-funding and procurement, where proportionate and practicable.

### **3.0 Defining Social Value**

The Act does not define the term, but the aim of a social value policy is to maximise the additional benefits that can be created by procuring or commissioning goods and services, above and beyond those derived from the goods and services themselves. There has been a shift in emphasis away from maximising savings to maximising value. This recognises the

potential unintended consequences of focusing on the bottom line and ignoring the impact on social, environmental and economic well-being across our communities.

Social Value is therefore usefully defined by the Sustainable Procurement Taskforce as:

“A process whereby organisations meet their needs for good, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and economy, whilst minimising damage to the environment.”

#### **4.0 Policy Context**

The vision, set-out in our devolution deal, is that of a dynamic and more inclusive economy: one that brings together people and opportunities to create vibrant communities and a high quality of life, narrowing inequalities and ensuring that all residents have a stake in our region’s future.

Our programme of work includes:

- Securing the investment for sustained growth and prosperity to create opportunities and reduce inequalities;
- Driving up educational standards to deliver inclusive prosperity;
- Giving everyone the opportunity to thrive;
- Supporting research, business growth and entrepreneurialism
- Improving our transport and investing in faster digital infrastructure; and
- Creating communities that inspire and places where people want to live.

The Authority is committed to fair employment practices. It has developed a good work pledge and expects our partners to sign up to this. It has a zero-tolerance approach to modern slavery. It is committed to acting ethically and with integrity in all its business dealings and relationships, and to implementing and enforcing effective systems and controls to ensure modern slavery is not taking place anywhere in our own business or in that of our supply chains.

The Authority has also declared a climate emergency and its social value expectations include an emphasis on reducing carbon emissions.

Our procurement and commissioning process will:

- Maximise the impact of our spend;
- Make the best use of taxpayers’ money; and
- Generate and capture as much value as possible.

Through this policy, we are providing a means of achieving a consistent and collaborative approach to obtaining the support of our commercial and third sector partners in delivering our vision and meeting our objectives. Commissioning and procurement processes ensure that those tendering are aware of our objectives and are therefore able to identify how their way of working and their social value commitments align with ours. The Authority is looking to develop a close working relationship with its partners and contractors, and it is hoped that a common set of shared values will emerge.



Our social value expectations will vary across our areas of activity and will vary depending upon the nature of the contract. As far as possible they will be relevant to the specific nature of the contract. Expectations are identified at the commissioning stage and set out clearly to those wishing to tender. An estimate of the likely level of social-value-added is made when tenders are assessed.

Potential benefits include:

- Demonstrating a collaborative approach within the North of Tyne;
- Supporting businesses within the area by increasing skills and creating employment;
- Reducing demand on public sector services by providing more employment opportunities to those furthest from the job market;
- Building long term community resilience;
- Promoting long term investment into our communities by suppliers;
- Understanding the opportunity that it presents in addressing the local needs of citizens;
- Ensuring the easier engagement of supply markets through a consistent approach to the tendering process (including procurement questions, evaluation guidance and methods for ongoing performance management);
- Being able to demonstrate measurable and evidence based social value delivered;
- Improving life chances for all, and specifically those from marginalised communities; and
- Improving health and wellbeing for all, particularly those who may be vulnerable, disadvantaged or from a deprived community.

## **5.0 Social Value Expectations and Requirements**

Potential social value outcomes specified by the Combined Authority will align with and draw upon those developed nationally by the Social Value Portal, for example:

- More local people in good jobs;
- Improved skills, progression and development for local people;
- Social value properly embedded in the supply chain i.e. all social value requirements agreed with sub-contractors;
- More opportunities for disadvantaged people or those who may be discriminated against in the labour market;
- Support for our Equality Impact Assessments where necessary;
- Improved employability of younger and older people;
- More opportunities for local smaller companies e.g. SMEs, CIC's, Co-ops and VCSEs;
- Improving staff wellbeing and productivity;
- A workforce and culture that reflect the diversity of the local community;
- More proactive working with the community, in particular relevant CSR offers e.g. Sector Connector;
- Climate impacts are reduced;
- Air pollution is reduced;
- Sustainable procurement is promoted;
- Builds sustainable, resilient communities.

Specific social value expectations for each contract might include some but not all of these as they will, for example, be distinct from those outcomes specified within the contract.

Social value outcomes will only be counted if they are over and above the terms of the contract.

## **7. Shared Value**

The Authority looks to work closely with its partners and contractors and recognises the benefits of developing shared values. Corporate success and improved social and environmental conditions are inherently linked and when achieved together, they will dramatically enhance our future prosperity in the North of Tyne. Identifying and developing a set of shared values will facilitate improved partnerships and collaborative working with contractors, and allow us to work together to improve the conditions in which we live: advancing community health, education, employment, service access and participation; and helping to conserve our wildlife and our environment. The economic benefits that are enabled by this include, but are not limited to:

- Self-sustaining purpose and profitability;
- Stronger brand equity and marketability;
- Increased customer preference and loyalty;
- Higher advocacy, retention and productivity among employees;
- Resilience against external business threats;
- Regained credibility among a disillusioned public;
- Enhanced or sustained interest from like-minded shareholders and investors.

Therefore, we would expect those we do business with to not only be adopting measures that reflect a commitment to CSR e.g. Sector Connector, Community Foundation giving, but also be exploring shared values as part of their business model.

### **Tender evaluation and scoring**

The social value weighting will vary depending upon the nature of the contract but is likely, in most cases, to constitute 15% of the total score.

### **Reporting and monitoring**

The agreed social value expectations will be monitored in the same way as it is for the contract outputs and outcomes. Reports will be expected against a number of specified measurable indicators.

MW/RR 30/04/20



## Report Summary

A Capital Investment Strategy is the policy framework document that sets out the principles to be used to inform decisions on capital spending priorities in accordance with achieving the vision of the economic plan for the North of Tyne area. The purpose of this report is to consider a set of principles that will guide the development of a Capital Investment Strategy that will form part of the budget setting process for 2021/22-2023/24.

## Recommendations

The Cabinet is recommended to approve the principles set out in paragraphs 1.4 to 1.6

### 1. Background Information, Proposals and Timetable for Implementation

- 1.1 In order to provide a policy framework that supports transactions which are by default of “capital” nature such as taking shares, or giving loans to business for their operations, a Capital Investment Strategy is required which sets out very clearly the organisation’s appetite for risk and how it would approach and consider longer term investment per se.
- 1.2 In most instances Capital investment is technically described as “Expenditure on the acquisition, creation, or enhancement of ‘non-current assets’”. This includes items of land, property and plant which have a useful life of more than one year. This Authority’s direct expenditure on such items is likely to be limited to office equipment and ICT provision. In local government capital expenditure includes providing grants for spend on assets owned by other bodies and the provision of loans to support business development and growth. In addition, the Authority can invest to achieve its outcomes through buying shares in third parties and these investments are also considered to be capital in nature. Investment Priorities are considered in the context of the strategic objectives of the North of Tyne Economic Vision and the key strategies and plans that support the delivery of the vision.
- 1.3 As part of the devolution deal Government gave a 30-year commitment to the Authority of £20 million devolved grant funding annually. This long-term commitment from Government enables the Authority to consider the option to borrow funds to unlock growth in earlier years when it is critical to developing the economy. The Combined Authorities (Borrowing) Regulations 2018 currently does not include this Authority, and to be included the Authority needs to demonstrate its approach to a borrowing requirement in order to agree an initial borrowing cap with the Treasury.
- 1.4. In developing a set of principles, the key features to be considered include:
  - The investment opportunities deliver against the Authority’s strategic objectives and robust assessment of investments is made
  - The approach to be taken to fund such investments
  - The Authority’s appetite for risk

**To this end it is suggested Cabinet agree the following principles:**

- Investment must be strategically aligned to deliver the economic plan priorities.
- The Authority will work within an agreed borrowing ceiling in terms of both value and revenue cost that is reviewed annually.
- Schemes added to the capital investment programme will be subject to the Assurance Framework.
- For every potential scheme the Authority will ensure that all possible funding and delivery options are explored.

1.5 In considering the principles, the Authority needs a balance between guidance and prescription to allow a flexible approach to be taken. This approach will ensure that when developing the Capital Investment Strategy there is focus on the key policies for the allocation of capital resources to schemes in line with Authority's priorities. The management of the Capital Investment Plan is supported by the Authority's approved Financial Regulations and the Assurance Framework.

**1.6 Funding of Investments (Capital Financing)**

All capital expenditure must be financed, either from external sources, government grants and other contributions) the Authority's own resources (revenue, reserves) or debt (borrowing, leasing).

In determining the Authority's approach to capital financing there are a set of principles to be considered and agreed in respect of the anticipated investment opportunities that the Authority may be asked to consider these are set out below:

- Investment through the issue of loans and taking equity stakes
  1. Such investments to break even (as a minimum) after all costs are considered
  2. State Aid requirements must be adhered to in setting of interest rates on any loans
  3. Any surplus earned be set aside in a specific reserve to manage risk
- The main risks associated with such investments are as follows:
  1. Planned Income and Expenditure profiles set out in the respective business cases may be overly optimistic and the borrower may be unable to meet interest and principal repayments (loans)
  2. Security may be insufficient to underwrite repayment of loan principal in the event of a credit default(loans)
  3. Dividend income may not be enough to fund the interest and principal repayment (equity)
  4. The initial capital outlay may not be recovered (equity)

**1.7 Appetite for risk**

To ensure these investments remain proportionate to the size of the Authority these will be subject to an overall maximum and contingency plans will be in place to mitigate the potential risks associated with investment, these will include the following:

1. Due diligence on all business cases supporting loan applications including sensitivity analysis using external advisors in accordance with the Assurance Framework (loans).
2. Security is professionally valued by external property surveyors (loans).

3. Borrower's annual accounts are reviewed to ensure they remain financially sustainable (loans).
4. Surplus income is transferred to earmarked reserves to off-set any future credit- defaults (loans).
5. Authority officers/Members involved at board level and able to influence company performance/direction (equity).
6. Business plans setting out planned financial returns are developed to support the decision to incur the initial capital outlay (equity).

## 1.8 Approach to Borrowing

In line with the Treasury Management Strategy and once the statute is in place the Authority will be able to borrow money on the money market or from the Public Works Loans Board to fund capital schemes or, use its own internal resources (i.e. cash flow). However, for all schemes funded from borrowing, the Authority must fund the repayment and interest costs. The Authority will need to consider a borrowing cap and will also be subject to an agreed borrowing limit set by the Treasury.

The Authority is only able to borrow for "unsupported borrowing" (also known as Prudential Borrowing) under the guidance contained in the CIPFA Prudential Code whereby, in summary, the Authority is required to ensure that all borrowing is both prudent, sustainable and affordable. Under the Prudential Code several indicators showing ratios of costs and levels of borrowing, are required to be considered and approved by Cabinet. All schemes funded from prudential borrowing will be approved by Cabinet and in accordance with Financial Regulations.

Normal practice is that Authority's Treasury Management Strategy is prepared with the ability to recognise the need to take borrowing to support capital projects.

The Authority should take a prudent approach to borrowing, paying particular regard to the robustness of the business case to include forward predictions of affordability, with the aim that projects should be self-funding.

The Authority has a relatively small annual revenue budget compared to most Local Authorities. When borrowing it will need to be vigilant about the cost of borrowing and careful to manage the cumulative risk of borrowing.

The table below shows the scale of borrowing possible with the Authority's budget and the impact in terms of cost and scale.

Table 1 Cost of borrowing scenarios

<b>Annual Borrowing cost</b>	<b>Period of Loan (years)</b>	<b>Investment Pot</b>
<b>£1 million</b>	<b>10</b>	<b>£8.8 million</b>
<b>£1 million</b>	<b>25</b>	<b>£18.2 million</b>

## 2 Potential Impact on Objectives

- 2.1 As set out in this report, the approach to Capital Investment will support the delivery of the Objectives of the Authority.

### **3 Key Risks**

- 3.1 There are no inherent risks associated with the development of a set of principles to be applied to capital investment and the associated financing. The principles inform the Capital Investment Strategy which will aim to manage the risks associated with any capital investment.

### **4 Financial and Other Resources Implications**

- 4.1 There are no direct financial implications arising from this report. The principles will inform the development of the Capital Investment strategy that will form part of the Financial Plan and budget setting process for 2021/22-2023/24 with the financial implications set out at that time.

### **5 Legal Implications**

- 5.1 The Local Government Act 2003 sets out the legal framework within which borrowing for capital purposes can be undertaken. The Prudential Code (2019), the Treasury Management Code and the Code of Practice on Local Authority Accounting in the UK set the practice to be followed by Local Government in order to comply with the legislative requirements. The legislation and the codes set the requirement for each authority to produce an Investment Strategy and a Capital Strategy and these are required to be approved by Cabinet on an annual basis.

### **6 Equalities Implications**

- 6.1 Equality impact assessments will be undertaken for all Capital Investment requests in accordance with the agreed process.

### **7 Inclusive Economy Implications**

- 7.1 The inclusive economy case is assessed on an individual project basis as part of the assessment process and is embedded within the Investment Fund criteria.

### **8 Climate Change Implications**

- 8.1 Climate change implications are assessed on an individual project basis as part of the assessment process. The activity described within this report is considered to positively support the climate change priorities of the Combined Authority.

### **9 Consultation and Engagement**

- 9.1 The Capital investment Strategy will be consulted on as part of the 2021/22-2023/24 Financial Plan and Budget setting process.

### **10 Appendices**

- 10.1 There are no appendices to this report.

### **11 Background Papers**

- 11.1 The Combined Authorities (Borrowing) Regulations 2018.

### **12 Contact Officers**

- 12.1 Janice Gillespie, Interim S73 Officer  
[Janice.gillespie@northoftyne-ca.gov.uk](mailto:Janice.gillespie@northoftyne-ca.gov.uk) Tel 0191 643 5701

**13 Glossary**

13.1 N/A

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**Subject:** Investment Fund Update and Funding Approvals  
**Report of:** Henry Kippin, Director of Economic Growth  
**Portfolio:** Economic Growth

## Report Summary

The purpose of this report is to update Cabinet Members on progress made on the NTCA Investment Fund, to bring forward latest proposed investment decisions within the agreed NTCA economic framework, and to set out next steps in relation to operationalising these propositions.

## Recommendations

The Cabinet is recommended to:

1. Note progress to date on the Investment Fund, achievement of key milestones and ongoing development work, particularly in respect of defrayed expenditure and project development around our priority sectors.
2. Agree that the Head of Paid Service, in consultation with the Investment Proposal, be authorised to approve change requests to projects previously approved by Cabinet where such requests do not result in an increase in expenditure of more than £200,000 or an extension of delivery by more than 2 quarters (as set out in para 1.2 of this report)
3. Note the launch of the North of Tyne Capacity Fund to support local authorities' response to the COVID19 pandemic.
4. Note progress to date on the Offshore and Subsea Programme and the launch of the call for Offshore Wind Infrastructure project proposals
5. Authorise the Interim Head of Paid Service, in consultation with Investment Panel, to approve the application from Advance Northumberland (Commercial) Limited for £793,654 funding for the Rural Design Centre Innovation Project; subject to the satisfactory conclusion of the appraisal process, including further consideration of the strategic context for our work on rural development and the identification any appropriate conditions of funding.

## 1. Background Information, Proposals and Timetable for Implementation

### 1.1 Background

The North of Tyne Investment Programme was established to support growth and job outcomes outlined in the Devolution Deal. It is shaped by the Economic Vision agreed by Cabinet and includes a growing portfolio of current and future investments designed to benefit people, places, businesses and the economy across Northumberland, North Tyneside and Newcastle.

In recent months Cabinet has made some bold headline allocations to support key sectors, including on clean growth, digital and culture & creative. We are now bringing through mechanisms to deliver on these. Several exciting business cases are also due to come forward for consideration in the coming months; including on data, ageing economy, clean energy and new work forthcoming on housing & land.

As of the beginning of May 2020, £27.3m has been committed against 31 projects. This report will provide an overview of progress to date as well as a forward look at upcoming milestones and priorities for the fund.

In response to the COVID19 crisis the Combined Authority agreed on the 30<sup>th</sup> March to establish a £5m capacity fund. An update is provided on the activity undertaken over the last couple of months to operationalise this Cabinet decision.

In March 20, £12m was agreed for the delivery of an Offshore fund. This report provides an overview of the steps taken towards attracting the first wave of infrastructure projects and sets out future plans for the innovation element.

Finally, Cabinet are asked to agree a delegation to the Interim Head of Paid Service, in consultation with Investment Panel, for approval of funding for two projects currently in the pipeline; the Rural Design Centre Innovation Project and the Advance Circular Economy Research and Development Demonstrator.

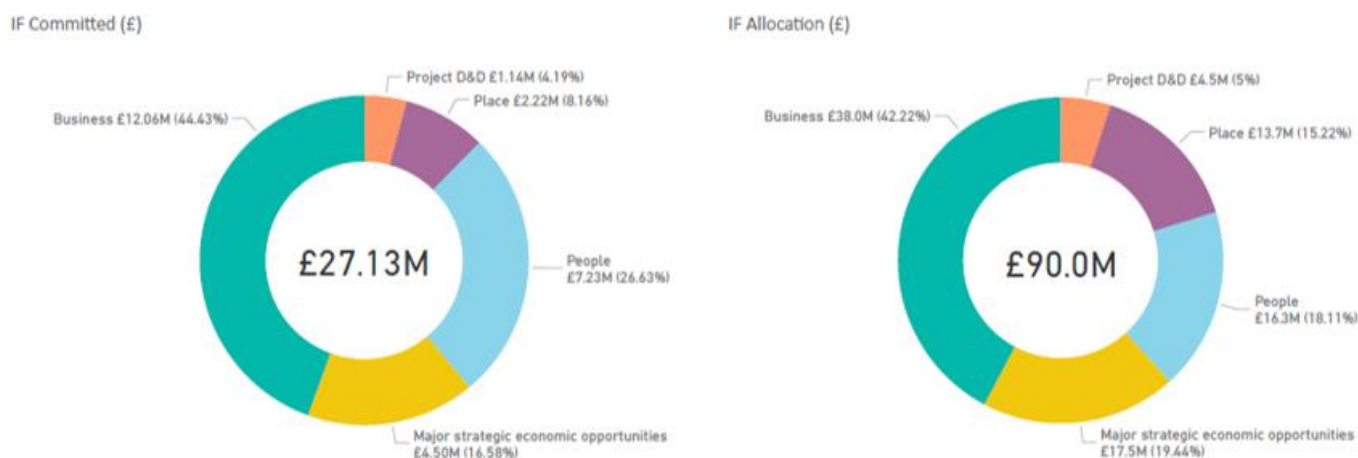
## 1.2 Investment Fund progress to date

Activity on the Investment Fund Programme has increased significantly over recent months. Funding proposals in our key sectors, stemming from the headline sector strategies agreed by Cabinet, are progressing through the pipeline for consideration. We are also seeing a significant increase in the number of contracts and supporting financial claims.

To date the Combined Authority has achieved:

- A commitment of £27.13m against 31 projects and programmes
- Defrayal of £805,370 expenditure
- Attracting £99.51m of private sector leverage
- A forecast of 2571 jobs to be created

Diagram 1: Investment Fund commitments to date against allocations in the Investment Plan.



Investment commitments continue to be spread across the priorities of business, people, place, project design and development, and major strategic opportunities.

The COVID19 pandemic has had an impact across the programme, particularly in the delivery of our STEM and Digital programme where delivery cannot currently take place in schools. The programme team have worked closely with all our projects to support them through this difficult time, enabling them to maintain key project staff and consider alternative delivery methods.

In April, the Combined Authority was able to host (virtually) their first Panel meeting for the North of Tyne Growth Fund. We were delighted to welcome representatives from the private sector, willing to offer their time to support our investment in sustaining and growing aspiring SMEs across Northumberland, North Tyneside and Newcastle. The panel had five applications for funding to consider. Three were successful in progressing to the due diligence stage.

Significant effort has been invested across the programme to maintain both project development and delivery within the current context. The programme has now reached a stage where projects are beginning to request flexibility within their contracts as a result of unforeseen circumstances. A risk-based streamlined process has been developed to enable us to respond to the inevitable changes which occur within a project's lifetime.

The NTCA assurance framework requires all variances greater than 10% to come to Cabinet for decision. It was proposed by Investment Panel that only changes which would have detrimental impact on the value of the original decision should be returned to Cabinet. Where outputs are in excess of contracted value or the NTCA investment reduces with no change to project outputs, this will be included as part of standard programme reporting. In order to ensure efficient use of Cabinet members time and support programme delivery; it is also proposed that any requested contract change, which results in an increase in expenditure of up to £200,000 and/or results in an extension of delivery by up to 2 quarters, is agreed by the Interim Head of Paid Service, in consultation with Investment Panel, through a delegation from Cabinet. Any changes exceeding these thresholds will come to Cabinet for consideration.

### 1.3 North of Tyne COVID19 Capacity Fund

The Covid-19 outbreak is a rapidly evolving situation with wide impacts felt across Northumberland, North Tyneside and Newcastle. On the 30<sup>th</sup> March the Interim Head of Paid Service, acting under urgent delegated decision-making powers, agreed a report which proposed that up to £5m from NTCA's Investment Fund be allocated to create a North of Tyne COVID-19 Capacity fund.

The purposes of the capacity fund is to support mitigation of the economic and inclusive growth impacts of Covid-19 within the NTCA area, including:

- local authority (and/or system) capacity to deliver rapid crisis response, including through the mechanisms outlined by Government;
- additional and immediate Civil Society and Local Authority led action in support of our residents and businesses;
- bridging finance for VCS organisations, where the support from Government is insufficient for them to remain solvent; and
- measures to support a rapid and inclusive economic recovery.

This will ensure that our Authorities have access to resources and capacity to help them deliver quickly, to help cope with the impact of shifting resources, and ensure that we are doing everything we can to support collaborative practice that gets support to our businesses, citizens and sectors most effectively. It will be targeted at specialist capacity and/or programme support for specific Covid-19 business and resident facing interventions in the immediate future, with regular review points to ensure it continues to meet the current need.

An operational delivery plan was agreed by Investment Panel on 4<sup>th</sup> April which set out the detailed eligibility criteria and delivery arrangements for the fund. In response each of our three constituent Local Authorities has developed a programme of activity requiring up to a value of £1.5m each from the capacity fund, which will enable them to immediately respond to identified local needs.

The final proposals were considered by Investment Panel at an extraordinary meeting which took place on the 4<sup>th</sup> May and agreed through a delegation to the Interim Head of Paid Service, in consultation with the Mayor and relevant portfolio lead. While each programme is tailored locally, commonality exists with a clear offer evident in all three programmes to support businesses, VCS organisations and residents. Officers within our three Local Authorities and the Combined Authority will continue to work collaboratively throughout the development to strengthen proposals and mitigate against any unfair disparities between programmes.

In addition, a Digital Inclusion package of support will be bought forward by written procedure and focused on provision of learning equipment to a number digitally excluded school-age children and vulnerable adults (with delivery via Local Authorities).

## 1.4 The Offshore and Subsea Programme

Energy is a major sectoral strength of the North of Tyne Combined Authority (NTCA), with the existing offshore energy, subsea & marine technologies supporting thousands of jobs in the North of Tyne area.

NTCA Cabinet has agreed a headline investment fund allocation of £25 million up to 2028 for Offshore and Subsea programme, approving the initial £12m till 2022/23, with the remaining of the allocation to be confirmed following a review in 2022/23.

The Offshore Wind and Subsea programme provides an opportunity to support the sector into recovery through:

- i) An infrastructure component of the programme focused on improvements that will strengthen existing capabilities and capacity as well as attracting new opportunities and a particular focus on developing infrastructure:
  - In ports and quays
  - In demonstration and research opportunities
  - To meet the needs of the offshore wind and subsea supply chain
- ii) A Supply Chain Innovation component of the programme which will include future commercial investment in the supply chain, maximised through a technology demonstration programme. The proposal for the Supply Chain Innovation Programme is in development and is due to come to Investment Panel for consideration in June.

For the Infrastructure component of the programme the next steps are to build up a robust pipeline of investable propositions, with an open a call for project proposals to initiate this process. A call definition document was agreed by Investment Panel in May. The call for proposals will be repeated at regular intervals to continue to development the pipeline for the programme which extends to 2028, subject to a review in 2023. For 2020/21 the calls for proposals will take place in May/June 2020, September/October 2020 and January/February 2021.

## 1.5 The Rural Design Centre Innovation Project

Improving rural productivity is central to the Devolution Deal struck by the region with Government – including an aim to become an exemplar region for ‘place based approach(es) to maximising rural productivity’. The Rural Design Centre innovation Project is an ambitious project which seeks to begin substantiating this aim. It will provide innovation support to small and medium enterprises in order to develop ‘new to firm’ products and services which will help to address issues faced by the rural economy. Over the next 3 years it will aim to deliver 25 Innovation Challenges, each focussing on a specific rural issue, enabling businesses to work alongside industry experts and turning ideas and concepts into commercially viable solutions. The total number of businesses receiving support will be 150 and the project is forecasting the creation of 36 new jobs.

The North of Tyne Devolution Deal sets out an ambition that the area becomes an “exemplar of rural growth and stewardship” - driving improvements in rural growth and productivity and becoming a “Rural Business Scale-Up Champion for England”. This project has a strong fit with the NTCA economic vision. Specifically, it proposes to:

- support enterprise and entrepreneurial spirit, addressing issues facing the rural economy and supporting innovation and rural job creation through a series of innovation challenges;
- support innovation through catalysing the creation of new products and services by SME businesses operating within the rural economy, with a view to increasing productivity within the region;
- facilitate the role universities can play in addressing barriers to growth and increasing productivity.

The project is part of the wider vision of being a 'Rural Catalyst'; using innovation to drive sustainable growth in rural areas. It has been developed in response to: the North of Tyne's objectives to be a rural exemplar and to focus on inclusive growth for the benefit of all communities in the region; the North East LEP's Strategic Economic Plan; the UK Government's Industrial Strategy; and the work of the House of Lords Select Committee on the Rural Economy.

The project centres around a defined programme of activity delivered under the umbrella of the Rural Design Centre. The Rural Design Centre has been developed alongside, and in close collaboration with, the plans to launch a National Innovation Centre for Rural Enterprise (NICRE) at the Newcastle Helix. The lead applicant is Advance Northumberland (Commercial) Limited, a private limited company wholly owned by Northumberland County Council.

An application is in progress to secure £943,653 of ERDF. A funding request is also made to the Combined Authority to provide £793,654 of match funding, a full business case has been received and is progressing through our assurance framework. A further £150,000 of private sector funds is also included within the funding profile. A delegation in relation to this project is requested below, to ensure flexibility to respond to uncertainty regarding the timetable for ERDF funding approval.

Cabinet are asked to authorise the Interim Head of Paid Service, in consultation with Investment Panel, to approve the application for funding subject to the satisfactory conclusion of the appraisal process, including further consideration of the strategic context for our work on rural development and the identification any appropriate conditions of funding.

## **2. Potential Impact on Objectives**

2.1 The projects identified in the report are consistent with the priorities set out in the NTCA vision.

## **3. Key Risks**

3.1 Programme risks are managed in line with agreed processes.

3.2 Individual project risks have been considered as part of the application and appraisal process.

## **4. Financial and Other Resources Implications**

4.1 No funding requests are included within this report.

## **5. Legal Implications**

5.1 The Interim Monitoring Officer's comments have been included in this report.

## **6. Equalities Implications**

6.1 Equality impact assessments are undertaken for all funding requests in accordance with the agreed process.

## **7. Inclusive Economy Implications**

7.1 The inclusive economy case is assessed on an individual project basis as part of the assessment process and is embedded within the Investment Fund criteria.

## **8. Climate Change Implications**

8.1 Climate change implications are assessed on an individual project basis as part of the assessment process. The activity described within this report is considered to positively support the climate

change priorities of the Combined Authority.

**9. Consultation and Engagement**

9.1 Stakeholders have been fully engaged in the development of the project proposals.

**10. Appendices**

N/A

**11. Background Papers**

None

**12. Contact Officers**

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**13. Glossary**

STEM	Science, Technology, Engineering and Maths
ERDF	European Regional Development Funding
SMEs	Small and Medium Enterprises
NTCA	North of Tyne Combined Authority