

Subject: North East Devolution – consent to the making of the statutory order to establish the new mayoral combined authority for the North East

Report of: Monitoring Officer

Portfolio: All

Report Summary

The purpose of this report is to recommend that the Chief Executive confirms to the Secretary of State for Levelling Up, Housing and Communities (“the Secretary of State”) the giving of consent by the Mayor and by the North of Tyne Combined Authority (NTCA) to the making of the statutory order to (a) abolish the existing combined authorities in the region (namely NECA and NTCA), and (b) establish a new mayoral combined authority for the region, to be known as the North East Mayoral Combined Authority (“NEMCA”).

Recommendations

The Chief Executive is recommended to confirm to the Secretary of State the consent of the Mayor and the consent of the Combined Authority to the making of the statutory order to (a) abolish NECA and NTCA, and (b) establish NEMCA.

1. Background Information, Proposals and Timetable for Implementation

- 1.1 On 28 December 2022 HM Government announced a “minded to” devolution deal with the seven councils across the North East (ie Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland) and NTCA.
- 1.2 To implement the deal, it will be necessary to establish a new mayoral combined authority which covers the area of the seven councils and replaces the two existing combined authorities in the region, ie NECA (which includes the areas of Durham, Gateshead, South Tyneside and Sunderland) and NTCA (which includes the areas of Newcastle, North Tyneside and Northumberland). This will require a statutory order to be made by the Secretary of State under the Local Democracy Economic Development and Construction Act 2009 (“the 2009 Act”). The Secretary of State must be satisfied that the relevant statutory criteria in the 2009 Act are met before making the statutory order. Furthermore, the Secretary of State can only make the order if the seven councils (as well as NECA and NTCA, including its Mayor) consent to the order.
- 1.3 At its meeting on 7 November 2023 NTCA’s Mayor and Cabinet considered a report on the statutory process to implement these changes and the public consultation which had been carried out in respect of these changes. As set out in that report, the Secretary of State had confirmed that he was satisfied that the relevant statutory criteria under the 2009 Act had been met. He had also prepared a draft of the necessary statutory order to (a) abolish NECA and NTCA, and (b) establish NEMCA.
- 1.4 The report to the Mayor and Cabinet on 7 November 2023 included a summary of the draft order and noted that, whilst the order was still in draft and subject to finalisation by the Department for Levelling Up, Housing and Communities (DLUHC) officials, the content of the order reflected what was agreed in the “minded to” devolution deal and the scheme which was published by the seven councils as part of the public consultation documents. Therefore, the Mayor and Cabinet agreed to confirm consent in principle to the making of the order and authorised the Chief Executive, in consultation with the Mayor, to issue their formal consents to the final order when requested to do so by the Secretary of State.

2. Potential Impact on Objectives

2.1 Since the report to the Mayor and Cabinet on 7 November, further discussions have taken place with DLUHC officials and the terms of the proposed order have been finalised. Officers are satisfied that the final order reflects what was agreed in the “minded to” devolution deal and the scheme which was published by the seven councils as part of the public consultation. The Secretary of State has written to the councils and the existing combined authorities requesting their formal consent to the making of the order. It is recommended that the Chief Executive writes to the Secretary of State to confirm the consent of the Mayor and the consent of the Combined Authority to the making of the order.

3. Key Risks

3.1 These are set out in the report to the Mayor and Cabinet on 7 November 2023.

4. Financial and Other Resources Implications

4.1 The Chief Finance Officer has been consulted and has no comments to add.

5. Legal Implications

5.1 The Monitoring Officer is the author of this report.

6. Equalities Implications

6.1 These are as set out in the report to the Mayor and Cabinet on 7 November 2023.

7. Inclusive Economy Implications

7.1 These are as set out in the report to the Mayor and Cabinet on 7 November 2023

8. Climate Change Implications

8.1 These are as set out in the report to the Mayor and Cabinet on 7 November 2023.

9. Consultation and Engagement

9.1 The Mayor has been consulted on the proposals in this report.

10. Appendices

10.1 None

11. Background Papers

11.1 [North East Devolution Report](#) Cabinet 7 November 2023

12. Contact Officers

12.1 John Softly, Monitoring Officer
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13. Glossary

13.1	DLUHC	Department for Levelling Up, Housing and Communities
	NTCA	North of Tyne Combined Authority
	NECA	North East Combined Authority
	NEMCA	North East Mayoral Combined Authority

14. Sign-off

1) Portfolio holder: Yes	2) Director/Head of Service: Yes	3) Director of Finance: Yes	4) Monitoring Officer: Yes
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