



North East Leadership Board

Annual Meeting

Tuesday, 16th June 2015 at 2.00 pm

Meeting to be held in a Committee Room, Sunderland Civic Centre, Burdon Road, Sunderland, SR2 7SN

www.northeastca.gov.uk

AGENDA

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1. Apologies for Absence	
2. Membership of the North East Leadership Board	1 - 6
Including: Election of the Chair of the North East Leadership Board Election of the Vice-Chairs of the North East Leadership Board	
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 handed to the Democratic Services Officer). Please also remember to leave the meeting where any personal interest requires this.	
4. Minutes of the Previous Meeting	7 - 12
5. Announcements from the Chair and/or the Head of Paid Service	
(a) Developing a Devolution Prospectus for the North East Combined Authority - update on stakeholder engagement	13 - 28

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|----|--|------------------|
| 6. | Appointment of Committees and Agreement of Membership, Appointment of Chairs and Vice-Chairs, Appointment of Co-opted Members, Appointment of External Auditors and Appointment of the Head of Paid Service | 29 - 40 |
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| 9. | Date and Time of Next Meeting | |

Tuesday, 14 July 2015 at 2pm at Northumberland County Council

Contact Officer: Victoria Miller Tel: 0191 211 5118 E-mail: victoria.miller@newcastle.gov.uk

To All Members

North East Combined Authority

North East Leadership Board

DATE: 16 June 2015

SUBJECT: Membership of the North East Leadership Board

REPORT OF: Monitoring Officer

EXECUTIVE SUMMARY

The purpose of this report is to:

- confirm the membership of the North East Leadership Board (the Leadership Board) for the municipal year 2015/16;
- appoint Chair and Vice-Chairs for the municipal year 2015/16;
- re-appoint the Thematic Leads for the municipal year 2015/16 for Economic Development and Regeneration, Employability and Inclusion and Transport; and
- appoint two representatives from the North East Local Enterprise Partnership (LEP) to the Leadership Board as Member and a Substitute Member for the municipal year 2015/16.

RECOMMENDATIONS

It is recommended that:

- i. The membership of the Leadership Board for the municipal year 2015/16 be confirmed as set out in Appendix A;
- ii. The Leadership Board appoints its Chair and Vice-Chairs for the municipal year 2015/16;
- iii. The Leadership Board appoints Paul Woolston as the Member of the Leadership Board representing the North East Local Enterprise Partnership;
- iv. The Leadership Board appoints Gillian Hall as the Substitute Member of the Leadership Board representing the North East Local Enterprise Partnership; and
- v. The Leadership Board re-appoints the existing Thematic Leads for Economic Development and Regeneration, Employability and Inclusion and Transport for the municipal year 2015/16.

North East Combined Authority

North East Leadership Board

1 Background Information

Confirmation of the Membership of the Leadership Board

- 1.1 Under the Constitution of the North East Combined Authority (the Authority), the Leadership Board is the decision-making body of the Authority subject any delegated authority that it has given to other decision making bodies or Chief Officers. Each of the constituent local authorities is required to appoint its Leader or Elected Mayor to be a Member of the Leadership Board and another Member to act in the absence of the appointed Member as their substitute. The appointments of the constituent authorities to the Leadership Board for the municipal year 2015/16 have been received and are set out in Appendix A.
- 1.2 The Leadership Board is required to confirm its membership for the municipal year 2015/16.

Appointment of Chairs and Vice-Chairs of the Leadership Board

- 1.3 The Leadership Board is also required to appoint its Chair and Vice-Chairs from amongst its Members.

Appointment of a Member and a Substitute Member from LEP

- 1.4 The LEP is required to nominate one of their Members as a non-voting Member of the Leadership Board and another Member as that Member's substitute Member. The LEP nominations have been received and these are set out in Appendix A. The Leadership Board is required to appoint those nominated by LEP

Appointment of Thematic Leads

- 1.4 In the previous municipal year the Leadership Board appointed Thematic Leads to enable the functions of the Authority to be undertaken effectively. The Leadership Board is invited to re-appoint the Thematic Leads for the municipal year 2015/16 for:
- Economic Development and Regeneration;
 - Employability and Inclusion; and
 - Transport.

North East Combined Authority

North East Leadership Board

2 Proposals

- 2.1 The Leadership Board is requested to agree to the recommendations set out above to enable the Authority to operate effectively and in accordance with the Order and as set out in the Authority's Constitution.

3 Next Steps

- 3.1 The appointments, once made, will enable the representatives of the LEP to participate as Members of the Leadership Board and enable the Thematic Leads to undertake the roles identified within the Constitution.

4 Potential Impact on Objectives

- 4.1 The appointments will enable the Authority to properly discharge its functions.

5 Finance and Other Resources

- 5.1 There are no specific financial implications arising from these recommendations.

6 Legal

- 6.1 The Authority is required to confirm its membership and to appoint the LEP representatives as non-voting Members of the Authority in accordance with the Order that established the Authority and the Authority's Constitution. The Leadership Board is required each municipal year to appoint its Chair and Vice-Chair(s) at the annual meeting of the Authority. It is also required under the terms of the Constitution to designate the Thematic Leads and to appoint or agree the membership of the Committees as set out in Part 4.1 of the Constitution.

7 Other Considerations

7.1 Consultation/Community Engagement

The proposals contained within the report have been subject to consideration by the Leaders and the Elected Mayor at appropriate points during the period leading up to the annual meeting of the Authority.

7.2 Human Rights

There are no specific human rights implications arising from this report.

7.3 Equalities and Diversity

There are no specific equality and diversity implications arising from this report.

North East Combined Authority

North East Leadership Board

7.4 Risk Management

There are no specific risk management implications arising from this report.

7.5 Crime and Disorder

There are no specific crime and disorder implications arising from this report.

7.6 Environment and Sustainability

There are no specific environment and sustainability implications arising from this report.

8 Background Documents

8.1 The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Order 2014

The Constitution of the North East Combined Authority

9 Links to the Local Transport Plans

9.1 This report has no direct links to the Local Transport Plans.

10 Appendices

Appendix A – North East Leadership Board – Membership 2015/16

11 Contact Officers

11.1 Vivienne Geary, E-mail: viv.geary@northtyneside.gov.uk Tel: 0191 643 5339 Victoria Miller, E-mail: victoria.miller@newcastle.gov.uk Tel: 0191 211 5118

12 Sign off

- Head of Paid Service ✓
- Monitoring Officer ✓
- Chief Finance Officer ✓

North East Combined Authority

Appendix A

North East Leadership Board (NELB)

Membership 2015/16

Membership: 8 (one Member from each constituent local authority and one non-voting Member from the North East Local Enterprise Partnership).

Authority/Body	Member	Substitute Member
Durham	Councillor Simon Henig	Councillor Alan Napier
Gateshead	Councillor Mick Henry	Councillor Martin Gannon
Newcastle upon Tyne	Councillor Nick Forbes	Councillor Joyce McCarty
North Tyneside	Mayor Norma Redfearn	Councillor Bruce Pickard
Northumberland	Councillor Grant Davey	Councillor Dave Ledger
South Tyneside	Councillor Iain Malcolm	Councillor Alan Kerr
Sunderland	Councillor Paul Watson	Councillor Henry Trueman
North East Local Enterprise Partnership (non-voting)	Mr Paul Woolston	Ms Gillian Hall

Thematic Leads:

- (a) Transport – Councillor Forbes;
- (b) Economic Development and Regeneration – Councillor Paul Watson; and
- (c) Employability and Inclusion – Councillor Grant Davey.

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North East Combined Authority

North East Leadership Board

21 April 2015

Meeting held: Northumberland County Council, County Hall, Morpeth, NE61 2EF

Present:

Councillor: Henig (Chair)

Councillors Davey, N Forbes, Henry, Malcolm and Watson and Mayor Redfearn

86 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr P Woolston.

87 DECLARATIONS OF INTEREST

There were no declarations of interest.

88 MINUTES OF THE PREVIOUS MEETING HELD ON 20 JANUARY 2015

The minutes of the previous meeting held on 20 January 2015 were approved as a correct record and signed by the Chair.

89 MINUTES OF THE EXTRAORDINARY MEETING HELD ON 17 FEBRUARY 2015 (2015/16 REVENUE BUDGET - OUTSTANDING ISSUES)

The minutes of the extraordinary meeting held on 17 February 2015 on the 2015/16 Revenue Budget were approved as a correct record and signed by the Chair.

90 MINUTES OF THE EXTRAORDINARY MEETING HELD ON 17 FEBRUARY 2015 (GROWTH FUND UPDATE)

The minutes of the extraordinary meeting held on 17 February 2015 on the Growth Fund Update were approved as a correct record and signed by the Chair.

91 UPDATE REPORTS FROM THEMATIC LEADS

(a) Economic Development and Regeneration Update

Submitted: An update report of the Thematic Lead for Economic Development and Regeneration (previously circulated and copy attached to Official Minutes).

Members considered the update report.

RESOLVED – That the report be noted.

(b) Employability and Inclusion Update

Submitted: An update report of the Thematic Lead for Employability and Inclusion (previously circulated and copy attached to Official Minutes).

Members considered the update report.

RESOLVED – That the report be noted.

(c) Transport Update

Submitted: An update report of the Thematic Lead for Transport (previously circulated and copy attached to Official Minutes).

Members considered the update report.

RESOLVED – That the report be noted.

92 MENTAL HEALTH TRAILBLAZER

Submitted: A report of the Thematic Lead for Employability and Inclusion (previously circulated and copy attached to Official Minutes).

Members considered the report which provided an update on the progress of the development of the North East Mental Health Trailblazer project and sought agreement in relation to an element of the expenditure and the commencement of the project delivery.

RESOLVED – That:

- I. the expenditure of the initial £100,000 received from the Transformation Challenge Award (TCA) to cover essential set-up and development costs be approved; and
- II. the Trailblazer should commence delivery from 1 July 2015 on a phased basis and subject to the securing of the £1million match funding from the European Social Fund (ESF).
- III.

93 WORK PROGRAMME LOCALISM

Submitted: A report of the Thematic Lead for Employability and Inclusion (previously circulated and copy attached to Official Minutes).

Members considered the report which provided information about the development of a successor Work Programme, a mandatory support programme for the long-term unemployed, as invited by the Department for Work and Pensions (DWP) and the role of the Combined Authority in the development and implementation of the programme.

RESOLVED – That:

1. the independent findings of Rocket Science as to the effectiveness of the Work Programme, the scope for future alignment of successor arrangements with other welfare-to-work support in the North East Combined Authority (NECA) area and the practical issues and risks associated with alternative delivery arrangements of the successor to the Work Programme be welcomed and endorsed;

and based on this evidence:

2. the initial negotiation stance of the Combined Authority with regard to a Work Programme localism “ask” to DWP should be based on the following core strands:
 - to co-design a nationally commissioned programme for the Job Seekers Allowance (JSA) cohort
 - to co-design and co-commission a separate local programme for those on Employment Support Allowance (ESA) and those on JSA with many of the characteristics of ESA clients, which integrated DWP resources with those in social care, health and housing
 - to develop a locally commissioned and devolved post Work Programme pilot for those emerging from the Work Programme without a job
 - to develop an early intervention pilot which would aim to reduce the flow of clients into the Work Programme;

and subsequently:

3. further reports should outline:
 - the DWP response to the initial proposition and define in more detail the scope and operation of each of the core strands and their implications for the Combined Authority if they are to be effectively delivered; and
 - the options for managing the integration of public services that would be necessary to effectively deliver the localism of the Work Programme and other associated support.

94 **ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT AND REGENERATION ADVISORY BOARD**

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

Members considered the report which set out proposals for the establishment of the Economic Development and Regeneration Advisory Board (EDRAB), provision for Substitute Members for Members of the NECA committees and related amendments to the Constitution.

The ensuing discussion included matters such as:

- The importance of utilising Members' seminars for informal discussion on the co-ordination of the responsibilities falling within Thematic areas and related matters; and
- The decision-making role of the NELB.

RESOLVED – That:

- I. The establishment of the Economic Development and Regeneration Advisory Board and its Terms of Reference as set out in Appendix A subject to the inclusion of the Trade Union Congress (TUC) into the list of organisations that would be invited to nominate a representative to be a non-voting Co-opted Member of the Advisory Board, and the resulting changes to the Constitution be agreed; and
- II. The proposals for Substitute Members for Members of the NECA committees and sub-committees as set out in Appendix B and the associated amendments to the Constitution as set out in Appendix C be agreed;

95 **INWARD INVESTMENT FUNCTION PROPOSALS**

Submitted: A report of the Thematic Lead for Economic Development and Regeneration (previously circulated and copy attached to Official Minutes).

Members considered the report which provided an update on the progress to develop arrangements for an enhanced, regional inward investment function and sought approval of associated proposals.

RESOLVED – That an increased core budget of £140,000, funded by an equal contribution of £20,000 per local authority to support an enhanced level of the NECA-wide inward investment activity, be agreed.

96 **FINANCIAL UPDATE**

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

Members noted the report which provided a summary of the financial matters affecting the Authority, including information about grants receivable, accounting and audit arrangements and an update on relevant information contained in the national budget.

As an update, it was noted that information on the confirmation of funding for 2016/17 would be sought from the government as soon as possible after the election and before the next spending review. During the ensuing discussion Members commented on the risks associated with the lack of commitment to funding for the Local Growth Fund from 2016/17 onwards and the careful approach that should be taken by the Authority in these circumstances particularly when committing to projects. A comment was also made about risks associated with the

increased expectations from local authorities which were now operating with decreased budgets.

RESOLVED – That the report be noted.

97 **DATE AND TIME OF NEXT MEETING**

Tuesday, 16 June 2015 at 2pm at Sunderland Civic Centre (Annual Meeting).

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North East Combined Authority

North East Leadership Board (NELB)

REPORT FOR INFORMATION

DATE: 16 June 2015

SUBJECT: Developing a Devolution Prospectus for the North East
Combined Authority – update on stakeholder engagement

REPORT OF: Interim Head of Paid Service

EXECUTIVE SUMMARY

In January 2015 the North East Combined Authority Leadership Board agreed a set of outline proposals as the basis for the Combined Authority to engage with government ministers and other stakeholders, in securing greater devolution of funding, powers and responsibilities.

A series of meetings with local and regional stakeholders as well as MPs and House of Lords members took place in March to test the initial proposals and this report summarises the key messages emerging from the feedback received during the consultation exercise.

RECOMMENDATIONS

It is recommended that the Leadership Board note the contents of the report.

North East Combined Authority

North East Leadership Board (NELB)

REPORT FOR INFORMATION

1 Executive Summary

- 1.1 In January 2015 the North East Combined Authority Leadership Board agreed a set of outline proposals as the basis for the Combined Authority to engage with government ministers and other stakeholders, in securing greater devolution of funding, powers and responsibilities.

A series of meetings with local and regional stakeholders as well as MPs and House of Lords members took place in March 2015 to test the initial proposals and this report summarises the key messages emerging from the feedback received during the consultation exercise.

2 Background information

- 2.1 In establishing the North East Combined Authority a key driver underpinning the move to strengthened governance arrangements was to position the North East to take on significant devolved powers and resources from central government.
- 2.2 Following the Scottish referendum and the negotiation of the Greater Manchester deal, the Chancellor of the Exchequer issued a challenge to other city-regions to come forward with proposals, demonstrating strong leadership to boost their economy.
- 2.3 In January 2015, the North East Combined Authority agreed initial proposals for devolution that will accelerate economic growth in the North East. The outline proposals were endorsed as the basis for the Combined Authority to engage with government ministers and other stakeholders, in securing greater devolution of funding, powers and responsibilities.

3 Approach to Stakeholder Engagement

- 3.1 A range of methods was used to gather views on the outline proposals including seven local events, one in each local authority area where participants received a presentation on the proposals, then participated in round table discussions followed by a question and answer session.
- 3.2 The consultation exercise and local events were publicised through press releases, individual local authority websites and on social media gaining interest from local and national media and helping to raise awareness of both the North East Combined Authority and the devolution proposals.

- 3.3 290 people signed in at the local events and others submitted written responses through the NECA website or completed an online feedback form. In addition to the local events, a meeting was held with regional stakeholders in addition to separate meetings at Westminster with North East MPs and members of the House of Lords.

4 Stakeholder feedback

- 4.1 Publication of the devolution proposals and the subsequent consultation activity generated a significant level of interest and debate including local and national media interest. Overall the feedback demonstrates strong support among a wide range of stakeholders from communities, businesses and partners for the principle of devolution to the North East. Respondents feel that the North East loses out under current arrangements and there was broad positive agreement with the 12 individual proposals. Stakeholders were keen that the devolution ask of government should be ambitious and set out the potential for North East growth within the context of supporting national growth.

- 4.2 An overview of the outcomes from the local events and written responses is included in Appendix One, outcomes of the discussions with MPs and Lords are set out in Appendix Two, outcomes of the regional stakeholder event are in Appendix three and outcomes of the Overview and Scrutiny Committee discussion are in Appendix Four.

5 Next steps

- 5.1 Further engagement of stakeholders on an ongoing basis was a key theme emerging from each event and a commitment was made to feedback on the outcome of the exercise after the election as well as providing regular updates and further opportunities for discussion. The consultation feedback will be shared directly with stakeholders that attended the events or submitted a written response and will be made available on the NECA website.
- 5.2 In order to develop the proposals themselves, the feedback is now being used to inform the development of a full devolution prospectus for discussion with government over the coming weeks and months.

6 Potential impact on objectives

- 6.1 The stakeholder feedback summarised in this report sits within a broad debate on devolution and economic growth and will inform the further development of a devolution prospectus for the North East that will accelerate the area's economic growth.

7. Finance and other resources

- 7.1 There are no financial implications arising directly from this report. Costs relating to the initial work to develop the devolution proposals will be met from reserves. The financial implications associated with any future devolution of powers will be assessed and reported to the Leadership Board as detailed negotiations with government are progressed.

8 Legal

- 8.1 There are no legal implications arising directly from this report. The legal implications associated with any future devolution of powers will be assessed and reported to the Leadership Board as detailed negotiations with government are progressed.

9 Other considerations

9.1 Consultation/community engagement

The approach to stakeholder engagement and a summary of response is outlined in section 3 of this report and in the attached appendices.

9.2 Human rights

There are no specific issues arising directly from this report.

9.3 Equalities and diversity

There are no specific issues arising directly from this report.

9.4 Risk management

The risks associated with devolved powers and funding streams will be assessed and reported to the Leadership Board as detailed negotiations with government are progressed.

North East Combined Authority

North East Leadership Board (NELB)

REPORT FOR INFORMATION

9.5 **Crime and disorder**

There are no specific issues arising directly from this report.

9.6 **Environment and sustainability**

There are no specific issues arising directly from this report.

10 **Background documents**

- 10.1 Report to NECA Leadership Board – ‘Developing a Devolution Prospectus for the North East Combined Authority’ – 20 January 2015

11 **Links to plans and policy framework**

- 11.1 This report will support delivery of each of the Combined Authority themes and “More and Better Jobs”, A Strategic Economic Plan for the North East.

12 **Appendices**

- 12.1 Appendix 1 – Stakeholder feedback – events overview
Appendix 2 – MPs and Lords meetings
Appendix 3 – Regional Stakeholder Event
Appendix 4 – NECA Overview and Scrutiny Committee

13 **Contact Officers**

- 13.1 Caroline Winter, Policy Manager, 7 North East Local Authorities
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14 **Sign off**

- Head of Paid Service ✓
- Monitoring Officer ✓
- Section 151 Officer ✓

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NECA – The Devolution Debate

March 2015 Consultation Report

Introduction

The North East Combined Authority, NECA, has developed a devolution prospectus setting out proposals to secure devolution of power, funding and responsibilities to the North East. This includes twelve proposals or 'asks' covering; employment, skills, strategic and housing investment and transport.

Prior to entering into discussions with the Government, NECA has carried out consultation with business, stakeholders, communities and partners. The following questions were used to seek their views on the proposed prospectus and to help to identify the areas of focus in discussions with Government.

- Do you think the NECA proposals are the right areas to concentrate on?
- Are there any other areas or themes that should also be included?
- How would you like to be involved in the work of the NECA in future?

Consultation Process

Consultation took place during March 2015, through a range of methods including 7 local and regional facilitated discussions events, a questionnaire and the opportunity to submit comments in writing and online.

- More than 290 people signed in at facilitated round table discussion events, although the actual number was higher as some people chose not to sign in.
- This included 7 local events and a regional stakeholder event. There were also meetings with North East MPs and House of Lords members hosted at Parliament.
- A discussion was held with the NECA Overview and Scrutiny Committee
- 101 people completed written responses.
- Other responses and online questionnaires were received via the NECA website.

Stakeholder Feedback

This report focuses on the outcomes from 38 facilitated discussion groups at the seven local events. It includes analysis of the discussions around the three set questions as well as the comments recorded during the wider sessions at the end of each event.

It also references to the outcomes of the wider meetings and individual responses. The majority of the 101 written responses were submitted by individuals who participated in the facilitated sessions. As such the views strongly correlate to the outcomes of the discussion groups.

During discussions with MPs, Lords and the regional stakeholders, a different format was used, consisting of open discussions.

The key messages emerging from the engagement exercise are set out below.

Support for the Devolution Proposals

There is strong support for the broad principle of devolution from communities, businesses and partners.

- During facilitated discussions, 37 groups (97%) recorded support for the devolution proposal.
- Participants, in particular businesses, commented that the devolution request to the government needs to be ambitious and clearly set out the potential for growth in the North East that will ultimately support the economic growth of the entire country.
- There is a feeling demonstrated by 18 groups (47%) that an overarching vision should be developed which clearly reflects the ambition for the North East.

Support for the 12 Priorities and comments received

The consultation identified broad positive support for the 12 proposals or 'asks'.

- 27 groups, (71%) agreed that the proposals were correct for the area.
- 17 groups (45%) suggested that NECA should initially focus only on the 12 priorities, in order to achieve quick wins and demonstrate the ability and capacity to deliver.

Additional Comments regarding the 12 proposed priorities

Although there was broad support for including all 12 proposals, specific priorities were identified as being of particular significance. It was stressed that some of these are key priorities, underpinning the others. Detailed comments about specific proposals are included in Appendix Six, however repeated comments included;

- Proposal 5, 'Investment in our major transport infrastructure' was highlighted across the region as being of key importance as it underpins progress towards the achievement of other growth ambitions. The particular importance of ports was stressed and it was felt that there should be a strong emphasis on ports and rivers as these are a major asset to the North East. There was a suggestion by 6 groups (16%) that ports should be included as a separate priority.
- Proposal 9, 'Devolution of skills funding' was also highlighted across the region as being of key importance. It was thought that skills training must reflect the needs of the region and local business to allow the North East to progress. The importance of appropriate local careers advice and apprenticeships was also stressed.
- Proposal 1, 'A North East Investment fund' was also stressed as being of central importance. A suggestion that there should be a regional bank was highlighted in both the facilitated discussions and written responses.

Additional Priorities

Analysis shows despite receiving suggestions from 6 groups (16%) that we should concentrate on the 12 priorities or even phase or combine them; when prompted, all groups went on to suggest additional priorities.

In terms of additional priorities for NECA to include or consider in future, a range of suggestions were recorded as follows:

- | | |
|---|-----------------|
| ○ Health, social care and wellbeing | 27 groups (71%) |
| ○ Education and Universities | 18 groups (47%) |
| ○ Housing | 14 groups (37%) |
| ○ Community Safety, including police and fire | 9 groups (23%) |
| ○ Climate change and environmental issues | 9 groups (23%) |
| ○ Business Rates | 9 groups (23%) |

○ Technology, communications and infrastructure	7 groups (18%)
○ Strategic and spatial planning and land use	4 groups (10%)
○ Public sector spending and uniformity	3 groups (8%)
○ Job creation for the region	3 groups (8%)
○ Welfare	1 group (3%)
○ Sport	1 group (3%)
○ Early Years	1 group (3%)

Development Needs and Future Considerations

- Issues of governance were raised frequently across the region by 22 groups (58%) with additional more specific comments about the need to consider and develop;
 - Terms of reference 22 groups (58%)
 - Structures to ensure shared approaches and ownership 20 groups (52%)
 - A clear decision making process 19 groups (50%)
 - Leadership 14 groups (37%)
 - A clear communications plan 12 groups (32%)
 - Underpinning principles 10 groups (26%)
 - Processes to monitor and evidence achievements 4 groups (10%)
 - Clarity of roles 4 groups (10%)
- It was suggested that the Combined Authority should focus initially on those areas where we can build on the successful partnership working in the region such as sustainable energy, given our pioneering work in this field and potential to do more.
- Some groups felt that the approach is worth pursuing if the area will benefit from inward investment to help make the area more sustainable and maximise funds to a fuller potential. 10 groups (26%)

Future Involvement and Consultation

- The principle of engaging a broad range of stakeholders in the development and continued work of the Combined Authority was discussed by participants and suggested by 19 groups (50%).
- Reference was made by all groups to working with existing partnerships and networks, local businesses and the voluntary sector, including;
 - Existing consultation and engagement mechanisms including partnerships and working groups 23 groups (61%)
 - The voluntary sector (local and regional) 19 groups (50%)
 - Local businesses and the business sector 10 groups (26%)
 - Town and Parish Councils 5 groups (13%)
 - Young people and youth organisations 4 groups (10%)
 - Organisations representing protected characteristics 2 groups (5%)
- 18 groups (47%) expressed the need to ensure that that the wider community are kept aware of NECA activities, the devolution proposals and progress, and to be provided with opportunities to have their say and shape proposals in order to ensure buy in at local, area and regional levels.
- The consultation identified a range of considerations and methods for informing, engaging and consulting with communities including;
 - Use of social media, website and emails 11 groups (29%)
 - Clear communications policy and mechanisms 10 groups (26%)

○ Regular update meetings	6 groups (16%)
○ Stakeholder and thematic groups	7 groups (18%)
○ Promotion and marketing to raise awareness	2 groups (5%)
○ Clear and easy to use web site	2 groups (5%)
○ Leaflet drops, bulletins and door knocking	2 groups (5%)
○ Be innovative	1 group (3%)

Areas for consideration

Analysis shows that there were some recurring issues raised during the consultation process that need further consideration, including;

- Although there was general support for devolution, 13 groups (34%) felt that care must be taken to avoid creating bureaucracy. Associated issues that need to be considered include additional costs, staff resources, local access and local influence. Whilst 7 groups (18%) felt that it would be sensible for NECA to have dedicated resources including staff, finance to enable it to achieve these priorities.
- It is necessary to engage and consult on a local and regional basis, it is also important to consider how NECA will engage and work with regional organisations covering a wider geographic and administrative area.
- There was an indication that some areas of work are best planned and delivered at a wider regional level, an example being health care. This did however include a strong feeling that NECA should have a role in ensuring that relevant local needs are met and recognised at both regional and national level.
- The need for the relationship between the NELEP and the Combined Authority to be considered and clearly set out was raised by 7 groups (18%).
- Concern was raised by 9 groups (24%) about the Government's ongoing and future commitment to devolution due to political uncertainty and change linked to the forthcoming election.
- The need to ensure that the work of NECA addresses the whole of the area equally whether urban, rural or those on the peripheries and to consider the unique issues when planning and delivering on priorities was stressed by 24 groups (63%) across the area.
- It was recognised that Tees Valley is not included in NECA area; however it was raised by 15 groups (39%) that we need to ensure that we work with the Tees Valley area and beyond (Cumbria) to create a stronger voice for the region.
- Some indicated that they would like to see both Combined Authorities come together into one combined authority in the future - 3 groups (8%).
- 4 groups (11%) suggested that we should observe and learn from the experiences of Greater Manchester Combined Authority.

NECA – The Devolution Debate: Consultation Events March 2015 – Feedback from the MPs and Lords meetings – 18 March 2015

In addition to the local and regional stakeholder events, meetings were also held with North East MPs and Lords to discuss the proposals and direction of travel. 15 MPs and Lords from the area participated in very positive discussions at each meeting and the Combined Authority was congratulated on its achievements so far.

In each session, all participants were supportive of the broad principle of devolution to the North East and felt there was a need for NECA to be ambitious in its proposals and demonstrate an ability to deliver.

There was strong support for the work of NECA and clear recognition of the importance of maintaining close links with neighbouring areas, including working with the emerging combined authority in Tees Valley and the area's Local Enterprise Partnership. The potential for working with Scotland and Cumbria was also highlighted as an important area for exploration. The need to recognise the diversity of the NECA area was emphasised and in particular ensuring rural issues are addressed within the wider agenda.

The approach to inward investment was also discussed including consideration of how the NECA works with UKTI. The skills agenda was identified as an area of priority with local control and influence of skills provision viewed as essential. It was also felt that more emphasis was needed on joining-up schools, colleges and businesses.

Suggestions for consideration alongside the initial proposals included looking at any opportunities for the North East to maximise the benefit from surplus government-owned land and assets in the area. It was also suggested that NECA seek greater influence over the distribution of the energy networks in the region. This was felt to be a key factor in attracting foreign investment to particular sites.

The capacity to deliver on such an ambitious agenda was discussed and emphasis placed on the need to be able to prioritise investment across the NECA area through a strategic plan. Both groups were keen to assist and champion the proposals and to maintain an ongoing dialogue with NECA as it enters negotiations with government.

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NECA – The Devolution Debate: Consultation Events March 2015 – Analysis of the Regional Stakeholder Event held on 9th March 2015

Introduction

The regional event was held at the start of the consultation process and brought together partners from the public, private and voluntary sectors across the region, particularly those with a regional focus.

The format of the event mirrored that of the local events; however, participants suggested changes to the format of the facilitated table discussions which were implemented. Therefore it is not possible to align the outcomes from this event with the following local events.

The main points from the discussions groups were as follows:

- a) It was suggested that all the proposals are interlinked and none are more important than others. Therefore we need to take a holistic approach and through the consultation, ask if they are the right proposals rather than which are the top priorities.
- b) Participants commented that the devolution request to the government needs to be ambitious and focus on what we can achieve not just for the region but also for the UK with devolved powers.
- c) It was suggested that the Combined Authority should build on the successful partnership working in the region such as Rural Growth Network where we have exceeded targets in developing the rural economy by getting women into enterprise and sustainable energy; and potential to do more. This would demonstrate our track record as well as benefits of the critical mass and a bigger voice.
- d) Need to build trust and credibility locally and nationally by starting with some quick wins. We have to demonstrate that we have the capacity, resources and skills to deliver.
- e) In order to demonstrate identity and cohesion in the NE, it was suggested that clarity will be needed on roles and how organisations will interact in the future. For example Local Authorities, NECA, the NE LEP, the Tees Valley CA as well as the wider north of England.
- f) It was suggested that the issues of inequalities, deprivation and social inclusion need to remain at the forefront of the debate as it relates to how we present the case to Government.
- g) The proposals should demonstrate the 'social value' and wider benefit so that the general public can understand what they are being asked to support. For

example, benefits for the long term unemployed or people with disabilities accessing work.

- h) We need to be mindful about building the evidence for the proposals and what they can achieve. We are very good at collecting information at a Local Authority level but not necessary at a NECA level.
- i) The current proposed powers should be left as they are and we should be asking if there is anything to add at a later date e.g. stage two.
- j) It was suggested that NECA should initially focus only on the 12 proposals, in order to achieve quick wins and demonstrate the ability and capacity to deliver and that any additional priorities should be built into a stage two set of devolution proposals.
- k) Other comments included;
 - More detail will be required around the 12 proposals
 - We should observe and learn from the experiences of Greater Manchester Combined Authority.
 - Need clear leads for all the themes and sectors.
 - We need to identify what would have the largest impact and also what barriers stand in the way of achieving our ambition.
 - Longer term commitment is a priority and should be integral in the ask of Government
 - Need to build in democracy and accountability
- l) In terms of broad future engagement, regional stakeholders suggested the following methods;
 - Meetings with business organisations
 - Flow of information
 - Ensure the man in the street can understand the proposals
 - Have detailed discussions to ensure the proposals are robust

NECA Overview and Scrutiny Committee – 24 March 2015

The NECA Overview and Scrutiny Committee were consulted on the Combined Authority's devolution proposals at their meeting on 24 March 2015. There was broad agreement from the Committee to the outline proposals and strong support for the overall principle of devolution.

Suggestions for consideration alongside the initial proposals included establishing a North East Investment Bank, following the example of existing institutions in Germany, and having a joined up approach to strategic planning across the Combined Authority area.

Concerns were expressed about the potential impact that any devolution of health and social care budgets could have at both national and local level, and in particular whether it could result in less provision at a local level. It was felt that there was a risk of the region becoming isolated if other areas pursue devolution deals with Government and the North East does not.

The Committee discussed the need to establish strong public support for the proposals and were concerned that the next iteration of the document must capture the public's imagination. They recognised that more detail was needed, and suggested including some key examples of the difference that having devolved powers and funding could mean within the region. They also discussed the need to address the outcome of the 2004 referendum - explaining how the new proposals differ from that offer - and to address the issue of governance models, including the potential for having an elected mayor.

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North East Combined Authority

North East Leadership Board

DATE: 16 June 2015

SUBJECT: Appointment of Committees and Agreement of Membership, Appointment of Chairs and Vice-Chairs, Appointment of Co-opted Members, Appointment of External Auditors and Appointment of the Head of Paid Service

REPORT OF: Monitoring Officer

EXECUTIVE SUMMARY

This report seeks agreement to the continued establishment of the committees and sub-committees of the North East Combined Authority (NECA) and appointment of Members and the Chairs and Vice-Chairs of those committees. The report also requests the Leadership Board to confirm the appointment of the Independent Members of the Governance Committee, to note the appointment of the external auditors of the NECA and to confirm the appointment and formal designation of the successful candidate following the recent recruitment exercise to the role of Head of Paid Service on an interim basis.

RECOMMENDATIONS

It is recommended that the Leadership Board:

- (i) Appoints committees as set out in Appendix A;
- (ii) Accepts the nominations to each of the committees received from the constituent authorities as set out in Appendix A;
- (iii) Appoints the Chairs and Vice-Chairs of the above committees for the municipal year 2015/16;
- (iv) Appoints Mr Mark Scrimshaw and Mr George John Clark as Independent Members and Chair and Vice-Chair respectively of the Governance Committee for an initial period of three years, and agrees the payment of a fee of £2,000 and £1,000 per annum, respectively, for fulfilling those roles;
- (v) Notes the position in relation to the appointment of the External Auditor of the NECA; and
- (vi) Agrees the appointment and designation of the successful candidate for the role of Head of Paid Service on an interim basis.

North East Combined Authority

North East Leadership Board

1 Background Information

- 1.1 The Combined Authority was created pursuant to the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA 2009) and by the Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Order 2014 (“the Order”) which came into force on 15 April 2014.
- 1.2 The Authority is required to have an Overview and Scrutiny Committee under the provisions of the Order. Other than that committee, the NECA is free to establish other committees or sub-committees as it considers appropriate.
- 1.3 On 29 April 2014 the Leadership Board agreed to establish a joint transport committee, the Transport North East Committee (TNEC) and a sub-committee of that committee consisting of the Tyne and Wear Members only, the Transport North East (Tyne and Wear) Sub-Committee (TWSC). A Governance Committee was also created to discharge responsibilities in relation to matters concerning standards, risk management and audit.
- 1.4 On 21 April 2015 the Leadership Board established a further joint committee, the Economic Development and Regeneration Advisory Board (EDRAB), to advise the Leadership Board on matters arising in relation to the Economic Development and Regeneration thematic area. The committee will comprise of one Member from each of the constituent authorities with Co-opted Members from the business community and trade unions appointed by the Leadership Board. It is proposed that the committee is chaired by the Thematic Lead for Economic Development and Regeneration.
- 1.5 The nominations from the constituent authorities, including for Substitute Members where appropriate, have been received and are set out in Appendix A. Appendix A also identifies the proposed Co-opted Members of the EDRAB referred to in paragraph 1.4 above.

Chairs and Vice-Chairs of Committees

- 1.6 The Thematic Lead for Transport fulfils the role of Chair of TNEC. The three Vice-Chairs comprise the portfolio holders with responsibilities for Transport from Durham and Northumberland and one of the portfolio holders from the Tyne and Wear Constituent Authorities. Last year the Leadership Board delegated the responsibility for the appointment of the Vice-Chair for Tyne and Wear to the TNEC for the municipal year 2014/15. The Vice-Chair of TNEC representing the Tyne and Wear Constituent Authorities also undertakes the role of Chair of the TWSC.
- 1.7 The Thematic Lead for Economic Development and Regeneration fulfils the role of Chair of the EDRAB.

North East Combined Authority

North East Leadership Board

- 1.8 In 2014, save where the designation of Members of the NECA (such as a Thematic Lead or portfolio holder for Transport within the County Councils) identified such Members as fulfilling a specific Chair or Vice-Chair role, the Leadership Board decided to delegate the appointment to Chair and/or Vice-Chair roles to the committee in question for the municipal year 2014/15.
- 1.9 The Chair and Vice-Chair of the Governance Committee are Independent Members. The Chair and Vice-Chair for the municipal year 2014/15 were appointed on an interim basis for the initial year. A recruitment process has now been completed to identify suitable candidates for longer term appointments to these roles and it is recommended that Mark Scrimshaw and George J Clark be appointed for an initial appointment of 3 years with an option to extend the appointment for a further 2 years if considered appropriate. The Leadership Board has previously agreed that fee for undertaking the roles of Chair and Vice-Chair would be £2,000 and £1,000 respectively per annum.
- 1.10 The roles were advertised in late March and 5 suitably qualified applicants were subsequently interviewed by the Monitoring Officer, Chief Finance Officer and the Chief Internal Auditor of the NECA. Nexus are currently reviewing their internal governance arrangements and as it was considered that the candidates may also be suitable to undertake a role on the Nexus Audit Committee the Chief Finance Officer of Nexus also attended the interviews. Both Mr Scrimshaw and Mr Clark have extensive relevant experience and knowledge of audit, member conduct and standards matters and of chairing local authority and similar meetings.

External Auditor

- 1.11 The NECA is required to have an external auditor. Deloitte LLP has undertaken this role during the financial year 2014/15. Mazars has been appointed as the Authority's External Auditor for 2015/16 by the Audit Commission, at a reduced Audit fee. They are also the current external auditors of Nexus and are based at the Rivergreen Centre, Aykley Heads in Durham.

Interim Head of Paid Service

- 1.12 The NECA has recently undertaken a recruitment exercise to appoint to the role of the Head of Paid Service on an interim basis. Further details of the process undertaken and outcome will be provided in a supplemental report.

North East Combined Authority

North East Leadership Board

2 Proposals

- 2.1 The Leadership Board is requested to agree the recommendations set out above to enable the Authority to operate in accordance with the Order and as set out in the Authority's Constitution and to make the appointments to the committees and sub-committees as set out in Appendix A of this report.

3 Next Steps

- 3.1 Meetings of the various committees and sub-committees will be called in accordance with the programme of meetings as set out elsewhere on the agenda.
- 3.2 The appointments, once made, will enable the Members from the Authority and the Members from the constituent local authorities to attend as appropriate the respective joint committee, committee or sub-committee to which they have been appointed.

4 Potential Impact on Objectives

- 4.1 The appointments to the committees referred to in this report will enable the Authority to properly discharge the functions delegated to them.

5 Finance and Other Resources

- 5.1 The provision of the support arrangements for the Authority is contained within the existing financial resources available to the Authority. Any allowances paid to the Members from the constituent authorities in attending a joint committee, committee or sub-committee will be a matter for each of the constituent authorities and their respective remuneration panels.

The authority will be responsible for the fee paid to the Co-opted Independent Members of the Governance Committee. It is proposed that the Co-opted Independent Members of the Governance Committee receive an annual fee of £2,000 for undertaking the role of the Chair and £1,000 for the Vice-Chair, with the fees being paid in monthly instalments. This is within the existing budget.

6 Legal

- 6.1 The Authority is required to make arrangements to enable relevant decision making responsibilities, Overview and Scrutiny arrangements and associate functions to be fulfilled. These responsibilities arise under the Local Government Act 1972 in addition to various aspects of finance and audit legislation and the Localism Act 2011, as well as the provisions of the Order creating the Authority.

North East Combined Authority

North East Leadership Board

The proposals set out in the report comply with these requirements. In addition the arrangement for the appointment of an External Auditor is in accordance with the Audit Commission Act 1998.

7 Other Considerations

7.1 Consultation/Community Engagement

The proposals contained within the report have been subject to consideration by the Leaders and Elected Mayor at appropriate points during the period leading up to the creation of the Authority and during the first year of its operation.

7.2 Human Rights

There are no specific human rights implications arising from this report.

7.3 Equalities and Diversity

There are no specific equality and diversity implications arising from this report.

7.4 Risk Management

There are no specific risk management implications arising from this report.

7.5 Crime and Disorder

There are no specific crime and disorder implications arising from this report.

7.6 Environment and Sustainability

There are no specific environment and sustainability implications arising from this report.

8 Background Documents

8.1 The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Order 2014;

The Constitution of the North East Combined Authority; and

Reports to the Leadership Board in the municipal year 2014/15:

- Appointment of Statutory Officers (Appointment of Chief Officers), 15 April 2014; and
- Appointment of Committee Membership (including Appointment of Co-opted Independent Members of the Governance Committee and

North East Combined Authority

North East Leadership Board

Appointment of Independent Person), Appointment of Chairs and Vice-Chairs and Appointment of External Auditors, 29 April 2014.

9 Links to the Local Transport Plans

9.1 This report has no direct links to the Local Transport Plans.

10 Appendices

10.1 Appendix A – Membership 2015/16

11 Contact Officers

11.1 Jane Robinson, Head of Paid Service, Tel. 0191 433 2050
Vivienne Geary, Monitoring Officer, Tel. 0191 643 5339
Paul Woods, Chief Finance Officer, Tel. 07446936840
Victoria Miller, Democratic Services, Tel. 0191 211 5118

12 Sign off

- Head of Paid Service ✓
- Monitoring Officer ✓
- Chief Finance Officer ✓

North East Combined Authority

Appendix A

Membership 2015/16

(A) North East Leadership Board (NELB)

Membership: 8 (one Leader/Elected Mayor from each constituent local authority and a non-voting North East Local Enterprise Partnership Member).

Authority/Body	Member	Substitute Member
Durham	Councillor Simon Henig	Councillor Alan Napier
Gateshead	Councillor Mick Henry	Councillor Martin Gannon
Newcastle upon Tyne	Councillor Nick Forbes	Councillor Joyce McCarty
North Tyneside	Mayor Norma Redfearn	Councillor Bruce Pickard
Northumberland	Councillor Grant Davey	Councillor Dave Ledger
South Tyneside	Councillor Iain Malcolm	Councillor Alan Kerr
Sunderland	Councillor Paul Watson	Councillor Henry Trueman
North East Local Enterprise Partnership (non-voting)	Mr Paul Woolston	Ms Gillian Hall

Thematic Leads:

- (a) Transport – Councillor Forbes;
- (b) Economic Development and Regeneration – Councillor Paul Watson; and
- (c) Employability and Inclusion – Councillor Grant Davey.

North East Combined Authority

(B) Transport North East Committee (TNEC)

Membership: 14 (two Members from each constituent local authority).

Authority	Member	Substitute Member
Durham	Councillor Neil Foster (Transport Portfolio holder, Durham)	Councillor Joyce Allen
	Councillor Eddie Tomlinson	
Gateshead	Councillor John McElroy (Transport Portfolio holder, Gateshead)	To be confirmed (vacancy)
	Councillor Stuart Green	
Newcastle upon Tyne	Councillor Nick Forbes (Thematic Lead)	Councillor Ged Bell
	Councillor Joyce McCarty	
North Tyneside	Councillor John Harrison (Transport Portfolio holder, North Tyneside)	Councillor Tommy Mulvenna
	Councillor Muriel Green	
Northumberland	Councillor Allan Hepple (Transport Portfolio holder, Northumberland)	Councillor Lynne Grimshaw
	Councillor Brian Gallacher	
South Tyneside	Councillor Allan West (Transport Portfolio holder, South Tyneside)	Councillor Iain Malcolm
	Councillor Gladys Hobson	
Sunderland	Councillor Michael Mordey (Transport Portfolio holder, Sunderland)	Councillor Paul Watson
	Councillor Mel Speding	

(C) Transport North East (Tyne and Wear) Sub-committee (TWSC)

Membership: 5 (one Member from each Tyne and Wear local authority).

Authority	Member	Substitute Member
Gateshead	Councillor John McElroy	To be confirmed (vacancy)
Newcastle upon Tyne	Councillor Joyce McCarty	Councillor Ged Bell
North Tyneside	Councillor John Harrison	Councillor Muriel Green
South Tyneside	Councillor Allan West	Councillor Gladys Hobson
Sunderland	Councillor Michael Mordey	Councillor Paul Watson

North East Combined Authority

(D) Economic Development and Regeneration Advisory Board (EDRAB)

Membership: 7 (one Member from each constituent local authority) and 1 non-voting Member from the North East Local Enterprise Partnership (NELEP) and also Co-opted Members representing the following organisations (one from each organisation): the North East Chamber of Commerce (NECC), Confederation of British Industry (CBI), Federation of Small Business (FSB) and Trade Union Congress (TUC).

Authority	Member	Substitute Member
Durham	Councillor Neil Foster	Councillor Eddie Tomlinson
Gateshead	To be confirmed (vacancy)	To be confirmed (vacancy)
Newcastle upon Tyne	Councillor Joyce McCarty	Councillor Ged Bell
North Tyneside	Councillor Bruce Pickard	Councillor Brian Burdis
Northumberland	Councillor Allan Hepple	Councillor Alyson Wallace
South Tyneside	Councillor Iain Malcolm	Councillor John Anglin
Sunderland	Councillor Paul Watson (Thematic Lead)	Councillor Henry Trueman
Also		
Organisation	Non-voting Co-opted Member	
North East Local Enterprise Partnership	Ms Gillian Hall	
North East Chamber of Commerce	Mr Jonathan Walker	
Trade Union Congress	Ms Beth Farhat	
Confederation of British Industry	Ms Sarah Glendinning	
Federation of Small Business	Mr Simon Hanson	

North East Combined Authority

(E) Governance Committee

Membership: 9 (one Member from each of the seven constituent authority and two non-voting Co-opted Independent Members who will act as Chair and Vice-Chair) and also 1 Independent Person for the purpose of the Standards regime, who could be invited to observe at meetings.

Authority	Member	Substitute Member
Durham	Councillor Edward Bell	Councillor Mac Williams
Gateshead	Councillor Brian Coates	To be confirmed (vacancy)
Newcastle upon Tyne	Councillor Hilary Franks	Councillor Denise Jones
North Tyneside	Councillor John O'Shea	Councillor Sandra Graham
Northumberland	Councillor Anne Dale	Councillor Tony Reid
South Tyneside	Councillor Gladys Hobson	Councillor Jim Foreman
Sunderland	Councillor Henry Trueman	Councillor Mel Speding
Non-voting Co-opted Independent Member		
Independent Member	Mr Mark Scrimshaw (Chair)	
Independent Member	Mr George John Clark (Vice-Chair)	
Independent Person		
Independent Person	Ms Stella Gardner	

(F) Governance Sub-Committee

Membership: 3 (any two Members from the voting Members of the Governance Committee and one Co-opted Independent Member).

North East Combined Authority

(G) Overview and Scrutiny Committee

Membership: 14 (two Members from each constituent local authority, who are not Members of the North East Leadership Board).

Authority	Member	
Durham	Councillor Joseph Armstrong	
	Councillor Rob Crute	
Gateshead	Councillor John Eagle	
	Councillor Pauline Dillon	
Newcastle upon Tyne	Councillor Sue Pearson	
	Councillor Anita Lower	
North Tyneside	Councillor Sandra Graham	
	Councillor Ray Glindon	
Northumberland	Councillor Bernard Pidcock	
	Councillor Barry Flux	
South Tyneside	Councillor Nancy Maxwell	
	Councillor Margaret Meling	
Sunderland	Councillor Dianne Snowdon	
	Councillor Norma Wright	

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North East Combined Authority

North East Leadership Board (NELB)

DATE: 16 June 2015

SUBJECT: Review of The Constitution

REPORT OF: Monitoring Officer

EXECUTIVE SUMMARY

The purpose of this report is to set out the proposed changes to the North East Combined Authority's (NECA) Constitution and to seek approval to those changes from the Leadership Board.

RECOMMENDATION

It is recommended that the Leadership Board approve the changes to the Constitution of the North East Combined Authority as set out in **Appendix 2** of this report.

North East Combined Authority

North East Leadership Board (NELB)

1 Background Information

- 1.1 The NECA's Constitution requires the Monitoring Officer to review the operation of the Constitution on an annual basis. Such a review has been undertaken and the proposed changes to the Constitution are based on feedback from Leaders and the Elected Mayor, Committee and Sub-Committee members, officers of the NECA and the Constituent Authorities as well as the deliberations of the Monitoring Officers of the Constituent Authorities in conjunction with the Monitoring Officer of the NECA.
- 1.2 The proposed amendments to the Constitution and associated reasons for such changes are outlined in **Appendix 1**.
- 1.3 The proposed changes relate to a range of matters and arise for different reasons such as legislative requirements, or are informative or pragmatic. An example of an amendment to reflect changes in legislation is the reference to the filming of public meetings of the NECA, whilst others are of a more practical nature such as the inclusion of a process for the submission of Petitions to the Leadership Board or other Committee of the NECA. Other proposed changes are designed to introduce more streamlined processes into decision making such as the Governance Committee having the ability to establish Sub-Committees to deal with any complaints of breaches of the Code of Conduct for Members (although none have been received to date) and for the purposes of clarity the inclusion of a process for handling requests for dispensations from Members.
- 1.4 A tracked changed version of the Constitution is appended to the report at **Appendix 2** that highlights all of the changes made to the Constitution proposed.

2 Next Steps

- 2.1 If the Leadership Board agrees the proposed changes to the Constitution then those changes will be incorporated into the Constitution and will be published on the NECA's website.

3 Potential Impact on Objectives

- 3.1 The proposed changes to the Constitution promote efficiency and transparency in the Authority's decision making processes. clarify the are intended to make the NECA's Constitution more streamlined and to assist in the effective decision making of the Leadership Board and the NECA's Committees, Sub-Committees and Joint Committees which will in turn have a positive impact on the NECA's ability to meet its objectives.

North East Combined Authority

North East Leadership Board (NELB)

4 Finance and Other Resources

- 4.1 There are no significant financial implications arising from the proposed changes to the constitution. While the increase in the frequency of the meetings may incur some additional cost, this is considered likely to be marginal and able to be met from the existing budget. The NECA budget arrangements in the constitution will be reviewed next year as part of the next annual review of the constitution, taking into account the experience of setting the budget for 2016/17.

5 Legal

- 5.1 The proposed changes are made following the review of the Constitution by the Monitoring Officer which is a constitutional requirement. The proposed changes are supported the Monitoring Officers of the Constituent Authorities.

6 Other Considerations

6.1 Consultation/Community Engagement

The Leaders and Elected Mayor together with the Chief Executives of each of the Constituent Authorities have been consulted on the proposed changes to the Constitution.

7.2 Human Rights

There are no specific human rights implications arising from this report.

7.3 Equalities and Diversity

There are no specific equalities and diversity implications arising from this report.

7.4 Risk Management

There are no specific risk management implications arising from this report.

7.5 Crime and Disorder

There are no specific crime and disorder implications arising from this report.

7.6 Environment and Sustainability

There are no specific environment and sustainability implications arising from this report.

North East Combined Authority

North East Leadership Board (NELB)

8 Background Documents

Held by the Monitoring Officer.

9 Links to the Local Transport Plans

9.1 None.

10 Appendices

Appendix 1 – Summary of proposed Changes to the Constitution

Appendix 2 – Tracked Changed Version of the Constitution.

11 Contact Officers

11.1 Vivienne Geary Viv.Geary@northtyneside.gov.uk Tel: 0191 643 5466

12 Sign off

- Head of Paid Service ✓
- Monitoring Officer ✓
- Chief Finance Officer ✓

Summary of proposed Changes to the Constitution

1. References to ‘the NELB’ has been replaced with ‘the Leadership Board’ throughout.

The Constitution currently makes reference to the ‘NELB’ – the North East Leadership Board (first change, page 5). Over time the expression the ‘Leadership Board’ has superseded the ‘NELB’ in common usage and this development is sufficiently established to warrant appropriate amendment to the Constitution.

2. Frequency of meetings

The frequency of meetings of the Leadership Board has changed from quarterly to bi-monthly. This is the formal change to reflect the already agreed increase and is in paragraph 6 of the Introduction section of the Constitution (page 8).

3. Working Groups

At the present time there is no provision in the Constitution to enable the establishment of Working Groups by the decision-making Committees and Sub-committee although there is provision for Scrutiny Groups. The TWSC has requested that provision is made for the creation of such Working Groups and it is recommended that the Constitution be amended to enable such Working Groups to be created with the agreement of the Leadership Board. It is also proposed that flexibility be introduced to enable those other than the Thematic Lead to Chair such a Working Group if considered appropriate. In view of the necessary independence of the role of scrutiny it is possible for the Overview and Scrutiny Committee to set up Scrutiny Groups as is considered appropriate. The changes to the Constitution are:

- a) At paragraph 5 of the Introduction, there is the inclusion of a line in first Thematic Lead bullet point regarding the appointment of the chair of working groups (page 7).
- b) In Part 3.1 Functions of the Leadership Board (page 20) there is a new function which allows the establishment of working groups.
- c) In Part 4.1. Rules of Procedure – Leadership Board (page 52-3) there is a new paragraph (paragraph 22) on the establishment of working groups. Paragraph 21 makes reference to working groups not being required to follow the Leadership Board’s Rules of Procedure (page 52).

North East Combined Authority

North East Leadership Board (NELB)

4. Governance Sub-committee

A Governance Sub-committee is to be created for the purposes of determining complaints of breaches of the Code of Conduct for Members and for granting dispensations for Members with registerable and non-registerable personal interests to enable Members to participate and vote at Committees. Meetings of the sub-committee will only be required on an ad hoc basis when complaints concerning breaches of the Code of Conduct arise or if dispensations are requested. The sub-committee will enable any standards complaints hearings to be conducted efficiently and will also minimise challenges arising in relation to conflicts of interest by enabling Members from different Constituent Authorities from the subject Member to consider complaints made. The changes to the Constitution are:

- a) The terms of reference for the Governance Committee have been amended to allow for the formation of a Governance Sub-committee as and when required (new paragraph 27, page 38)
- b) The terms of reference for the Governance Sub-committee are inserted on page 39.
- c) An annex to the Code of Conduct on the procedure to be followed to obtain a dispensation has been added for completeness with regards to the local procedures. This is referred to in paragraph 19 on page 114, with the actual annex on page 119.

5. Petitions

In Part 4.1. Rules of Procedure – Leadership Board there is a new paragraph 30 on petitions. This should be added in the interests of transparency so members of the public would know they could petition the NECA and the process to be followed.

6. Extraordinary meetings

Currently extraordinary meetings of the Leadership Board may only have one agenda item, the item that has caused the meeting to be called; this change is to enable additional urgent items to be dealt with at the one extraordinary meeting with the consent of the Chair. The changes to the Constitution are:

- a) Part 4.1 Leadership Board Rules of Procedure – added to paragraph 3 (page 45)

North East Combined Authority

North East Leadership Board (NELB)

- b) Part 4.2 Governance Committee Rules of Procedure - added to paragraph 5 (page 59)
- c) Part 4.2 Overview and Scrutiny Committee Rules of Procedure – added to paragraph 4 (page 65)

7. Filming at meetings

There is a new paragraph to show that the NECA complies with the transparency and openness regulations regarding access to meetings by allowing its proceedings to be recorded. The changes to the Constitution are:

- a) Part 4.1 Leadership Board Rules of Procedure – new section b) to paragraph 8 on Access to Information (page 46).
- b) Part 4.2 Governance Committee Rules of Procedure - new paragraph 12 (page 61).
- c) Part 4.2 Overview and Scrutiny Committee Rules of Procedure – new paragraph 10 (page 66).

8. Scheme of Delegation to Officers

A delegation to the Head of Paid Service (HPS 4) has been amended to clarify that the urgent decision delegation only relates to operational issues and not strategic or policy decisions (page 31).

9. Financial Regulations

The list of designated officers had been amended to replace the job title of New Tyne Crossing Projection Director to Engineer to the Tunnels (paragraph 1, definitions, page 77).

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**The Durham, Gateshead,
Newcastle upon Tyne,
North Tyneside, Northumberland,
South Tyneside and Sunderland**

Combined Authority

Constitution

June~~April~~ 2015

Version Control Sheet

This document (version ~~23~~, ~~June~~~~April~~ 2015) is the Constitution of the Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority adopted on ~~# June24~~~~April~~ 2015.

To maintain effective version control, this version control sheet will accompany any future issue of the Constitution.

The version number is shown in the bottom left hand corner of each page of the Constitution.

An up to date version of the Authority's Constitution will be available on the Combined Authority's web site.

Description	Date	Most Recent Version
Constitution	April 2014	Version 1
Includes the establishment of the EDRAW and provides for the provision of substitutes to committees.	April 2015	Version 2
		Version 3

Making Changes to the Constitution

The Monitoring Officer is required to continuously review the operation of the Constitution at least annually. For details of how a Member or Officer can propose a change and the approval process please contact the Monitoring Officer.

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Part 1 Introduction

United in purpose, boldness of vision and determination

The seven local authorities of Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland, as the already established North East Leadership Board have come together to establish a Combined Authority for the area. Building on the successful track record of joint working we now have an accountable, stable and enabling platform which reinforces and strengthens existing partnership arrangements to collectively drive forward change and enable economic growth. We are able to bring together a democratic mandate with a strong business voice which will enable us to plan for growth in the long-term in a global context.

As the North East Leadership Board we are uniquely placed to provide strong local leadership across the area, to shape the agenda for growth and support the delivery of the interventions that will deliver prosperity. We have vision, capacity and dynamism to tackle future challenges in partnership and now have the local model which is tailored to the issues, challenges and opportunities that we face across the area. The Combined Authority will enable us to come together around the bold vision for economic growth we all share and are determined to deliver to raise confidence in the area and create an environment for the private sector to prosper which will create good quality jobs for our residents, especially our young people.

We are a collective force, united in purpose, speaking with one voice to government, business leaders, investors and partners in neighbouring areas. We are offering a stable and accountable platform to take on more powers, responsibilities and funding from government, to locally determine how to support our economy which in turn bolsters the national economy.

The Combined Authority has the leading role to play in creating the conditions for economic growth and new investment. Our role in transport and skills are critical in supporting a growing economy and workforce whilst our coordination on investment in our economic infrastructure will help to ensure that the area can attract new investment – both capital and people. For the first time there will be one body with responsibility for strategic transport alongside our wider economic goals – taking advantage of all available opportunities to maximise growth. Our partnership delivery model gives us the ability to pool and better align resources, assets and funding in a strategic and prioritised approach to facilitating inclusive and sustainable economic growth. In regards to skills and employability, we are putting in place a long term and stable solution for local management and delivery of employability services which responds to the distinctive needs of the area. Finally in addition to the Combined Authority providing for a truly localist approach in regards to transport, skills, inward investment and economic growth, it also provides the framework, for the long term, to enable the wider public sector to design and deliver innovative solutions for services provided to residents and businesses.

Our ambition is to create the best possible conditions for growth in jobs, investment and living standards, to make the North East an excellent location for business, to prioritise and deliver high quality infrastructure and to enable residents to raise their skill levels and to benefit from economic growth long into the future.

1. The Constitution

In this Constitution:

“the Combined Area” means the area consisting of the areas of the constituent authorities.

“the Constituent Authorities” means the Local Authorities of Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland, referred to in the Order as Constituent Councils.

“NECA” means the North East Combined Authority and is the operating name of the Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority.

“the Order” means The Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (SI 2014 No. 1012)

“Nexus” is the Tyne and Wear Passenger Transport Executive for the Tyne and Wear Constituent Authorities and the executive body of the [NELB Leadership Board](#) in relation to transport functions in Tyne and Wear.

“the EDRAB” means the Economic Development and Regeneration Advisory Board.

“the [nelb Leadership Board](#)” means the Leadership Board of the NECA.

“the TNEC” means the Transport North East Committee being a joint committee established by the parties.

“the TWSC” means the Transport North East (Tyne and Wear) Sub-committee.

“Delivery Agencies” means the County Council of Durham, Northumberland County Council and Nexus.

This Constitution sets out how the North East Combined Authority operates, how decisions are made, and the procedures that are followed to ensure that the NECA operates efficiently, effectively and is both transparent and accountable.

The Constitution is made up of 7 parts and 1 Appendix.

The NECA will exercise all of its powers and duties in accordance with the law and this Constitution.

A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

The [NELB Leadership Board](#) will monitor and evaluate the operation of the Constitution as set out in paragraph 18 below.

2. The North East Combined Authority (NECA)

The NECA was established pursuant to the Order and came into existence on 15 April 2014 as the Combined Authority for the Combined Area with the aim of improving:-

- a) the exercise of statutory functions relating to transport in the Combined Area
- b) the effectiveness and efficiency of transport in the Combined Area
- c) the exercise of statutory functions and general powers relating to economic development and growth in the Combined Area; and
- d) economic conditions in the Combined Area.

The NECA is responsible for a number of transport functions and economic development and growth across the Combined Area. The functions of the NECA conferred or imposed upon it by the Order are set out in Part 2 of this Constitution.

3. Members of the North East Leadership Board (~~NELB Leadership Board~~)

Each of the Constituent Authorities' shall appoint its Leader or Elected Mayor to be a Member of the ~~Leadership Board NELB~~ and another Member to act in the absence of the appointed Member (the substitute member).

The North East Local Enterprise Partnership (LEP) will nominate one of its Members to be a Member of the ~~NELB Leadership Board~~ and another Member to act in the absence of the appointed Member (the substitute Member). The ~~Leadership Board NELB~~ will appoint the LEP member, who will be a non-voting member of the ~~NELB Leadership Board~~ and the LEP substitute member, who will also be a non-voting member when acting in the absence of the LEP Member.

A person will cease to be a Member or a substitute Member of the ~~NELB Leadership Board~~ if they cease to be a Member of the Constituent Authority that appointed them or the LEP that nominated them.

All Members of the ~~NELB Leadership Board~~ will:-

- a) collectively be the policy makers of the ~~NELB Leadership Board~~, after taking account of the advice of Chief Officers;
- b) bring the views of their respective communities into the 's decision making process; and
- c) maintain the highest standards of conduct and ethics.

Members will act in the best interests of the Combined Area taking into account all relevant matters.

Members will at all times observe the Code of Conduct for Members as set out in Part 6.1 of this Constitution.

Members will be entitled to receive travel and subsistence allowance in accordance with the Members' Allowance Scheme set out in Part 7 of this Constitution.

4. Chairing the ~~NELB~~ Leadership Board

The ~~Leadership Board~~ ~~NELB~~ will appoint a Chair and Vice Chairs from amongst its Members.

The procedure for the appointment of the Chair and Vice Chairs is set out in the Rules of Procedure at Part 4.1 of this Constitution.

5. Thematic Leads

The three Thematic Lead areas are:

Economic Development and Regeneration
Employability and Inclusion
Transport

Thematic Leads will be appointed by the ~~Leadership Board~~ ~~NELB~~ from its membership, usually at its Annual Meeting, and will:

- Preside as Chair, or nominate or agree a Member of the NECA to preside as Chair, over any sub-committee/group established to support strategy development and delivery within their allocated theme.
- Provide a strategic lead in supporting and constructively challenging on their theme in the development of strategies and plans and contribute towards the strategic direction of the combined authority, within the authority's overall vision and policy objectives.
- Take part in the collective decision-making of the NECA and ensure any theme sub-committee/group is accountable to the ~~NELB~~ Leadership Board.
- Engage with business and other key stakeholders on issues within the theme to deliver the shared agenda for growth.
- Act as a 'sounding board' for senior officers on issues within the theme, and be supportive in dealing with any problems at a strategic level.
- Keep abreast of developments and policies at national, regional and local level related to the theme.
- Take the strategic lead in advising and reporting to the Combined Authority, its sub-committees or groups on issues within the theme.
- Participate in Overview and Scrutiny arrangements for the combined authority in connection with any issues associated with the theme which are the subject of scrutiny.

- Represent the Combined Authority as appropriate at events related to the theme and to feedback to the ~~NELB~~ Leadership Board any issues of relevance / importance.
- Act as a spokesperson for the Combined Authority on issues within the theme in accordance with agreed protocols.

6. Meetings and Procedure

The ~~Leadership Board~~ ~~NELB~~ will meet approximately ~~bi-monthly every quarter~~ but additional meetings may take place should the need arise.

There are three types of meeting:

- a) The Annual Meeting
- b) Ordinary meetings; and
- c) Extraordinary meetings

All meetings will be conducted in accordance with the Rules of Procedure set out in Part 4 of this Constitution.

7. Responsibility for Functions

The functions of the NECA are those conferred upon it by the Order. Only the ~~Leadership Board~~ ~~NELB~~ will exercise the functions set out in Part 3.1 of this Constitution.

The ~~Leadership Board~~ ~~NELB~~ has the power to delegate its functions, which are not reserved to it, to committees, sub-committees, officers, joint committees or other local authorities pursuant to section 101 of the Local Government Act 1972, section 9EA of the Local Government Act 2000 and regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

The ~~NELB~~ Leadership Board has delegated responsibility for the discharge of its functions to committees, officers, The County Council of Durham and Northumberland County Council, TNEC and the TWSC in accordance with Part 3.2, 3.3, 3.4 ,3.5, 3.6 and 3.7 of this Constitution.

In the absence of specific and express delegations to other bodies, all transport functions of the NECA will remain with the ~~NELB~~ Leadership Board.

The ~~Leadership Board~~ ~~NELB~~ will review its delegations annually.

8. Nexus (The Tyne and Wear Passenger Transport Executive)

Nexus is to be an executive body of the NECA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the Local Democracy, Economic Development and Construction Act 2009.

Nexus has power to discharge any function that is the subject of arrangements entered into with the NECA.

In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions), ~~section 9EA of the Local Government Act 2000 and regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 to the NECA~~, Nexus is to be treated as if it was an officer of the NECA.

9. The North East Local Enterprise Partnership (LEP)

The LEP is a cross-sector partnership with membership drawn from the public sector (the 7 Constituent Authorities), the private sector, as well as higher and further education, whose vision is to promote and develop economic growth in the North East. In addition, it seeks to rebalance the economy and create Europe's premier location for low carbon, sustainable, knowledge-based private sector-led growth and jobs.

The key roles of the LEP are:

- Supporting enterprise and private sector business growth;
- Building on key economic strengths;
- Improving skills and performance; and
- Strengthening transport, connectivity and infrastructure.

The ~~Leadership Board NELB~~ will appoint the LEP Member and substitute Member as set out in paragraph 3 above.

The LEP may at any time terminate the appointment of a member or substitute member nominated by it to the ~~Leadership Board NELB~~ and nominate another of its members in that person's place.

10. Committees of the NECA

The NECA will establish a Transport North East Committee ("TNEC") to be a joint committee of the Constituent Authorities and the NECA. The NECA will also establish a sub-committee of TNEC (the Transport North East (Tyne and Wear) Sub-committee "TWSC") comprising representatives from the Tyne and Wear authorities only and an Economic Development and Regeneration Advisory Board ("EDRAB").

The NECA will establish a Governance Committee and an Overview and Scrutiny Committee to discharge the roles and functions set out in Part 3.8 and 3.9 of this Constitution.

The ~~Leadership Board NELB~~ may establish such other committees as it thinks fit to discharge its functions.

11. Joint Arrangements

The NECA has power pursuant to section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.

Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

12. Officers

Chief Officers and Proper Officers

The NECA will engage persons who will be designated as Chief Officers and Proper Officers in accordance with Part 3.6 of this Constitution.

Appointments to Chief Officer and Proper Officers positions will be conducted in accordance with the Officer Procedure Rules of this Constitution (Part 4.5).

The Head of Paid Service, on behalf of the NECA, may engage staff (referred to as officers) as it considers necessary to carry out its functions.

Officers will comply with the Code of Conduct for Officers set out in Part 6.2 of this Constitution.

13. Decision Making

13.1 Responsibility for decision making

The NECA will issue and keep up to date a record of what part of the NECA or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 – Responsibility for Functions of this Constitution.

13.2 Budget and Policy Framework

The Budget and Policy Framework includes the Budget and those plans and strategies which cannot be decided upon by the ~~Leadership Board NELB~~ without having complied with the Budget and Policy Framework Rules of Procedure set out in Part 4.4 of this Constitution. These rules of procedure ensure consultation with Councillors who are not members of the ~~NELB Leadership Board~~ (mainly the members of the Overview and Scrutiny Committee) on initial proposals for these plans so that their views can feed into the development of these plans and strategies.

The Monitoring Officer will maintain a publicly accessible list of all of those plans and strategies contained in the Policy Framework.

13.3 Principles of decision making

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

- a) Proportionality (meaning that the action must be proportionate to the desired outcome).
- b) Consideration of professional advice from officers.
- c) Due consultation.
- d) Consideration of the legal and financial implications.
- e) A presumption in favour of openness.
- f) Consideration of available options and outlining reasons for decisions.
- g) Respect for human rights.
- h) Promoting equality.
- i) Preventing crime and disorder.
- j) Environment and sustainability.
- k) Risk management.
- l) The purpose of the Constitution.

13.4 Decisions reserved to the Leadership Board NELB

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Decisions relating to functions listed in Part 3.1 of this Constitution will be made by the NELB Leadership Board and will not be delegated. The Leadership Board NELB meetings will follow the Leadership Board NELB Rules of Procedure set out in Part 4.1 of this Constitution when considering any matter.

13.5 Decision making by Committees and Joint Committees established by the NECA

Committees and Joint Committees established by the NECA will follow the Procedure Rules set out in Part 4 of this Constitution.

13.6 Decision Making by Officers

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 3.6 of this Constitution and other provisions of this Constitution, and in particular will have regard to the relevant principles of decision making set out at paragraph 13.3 above.

14. Costs

The amount payable by each of the Constituent Authorities in relation to the costs of the NECA's functions relating to economic development and growth will be apportioned between the Constituent Authorities by agreement but in default of such agreement in equal shares between the Constituent Authorities.

The Constituent Authorities will meet the costs of the NECA that are reasonably attributable to the exercise of the NECA's functions relating to transport by way of three separate levies issued by the NECA to the Tyne and Wear Constituent Authorities, The County Council of Durham and Northumberland County Council pursuant to section 74 of the Local Government Finance Act 1988 and regulations made thereunder.

Any change in the contributions paid by the Constituent Authorities to the NECA will be agreed between the NELB Leadership Board and the Constituent Authorities.

15. Financial Management

The management of the NECA's financial affairs will be conducted in accordance with the Financial Procedures set out in Part 5 of this Constitution.

16. Legal proceedings

The Monitoring Officer is authorised to:

- a) institute, defend or participate in any administrative action and/or in any legal proceedings;
- b) sign any document in any case where such action will facilitate the carrying out of decisions of the NECA; or in any case where the Monitoring Officer considers that such action is necessary to protect the NECA's interests, or to further or achieve the objectives of the NECA; and
- c) settle or otherwise compromise any such administrative action or legal proceedings if they have been commenced or there are reasonable grounds for believing such actions or proceedings may be contemplated.

Such powers may be exercised by an officer in their own name once authorised by the Monitoring Officer.

Any notices to be served on the NECA are to be sent to the NECA Monitoring Officer c/o North Tyneside Council, 3FL - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY, which for the purposes of section 231 of the Local Government Act 1972 and any other enactment shall be regarded as the principal office of the NECA.

17. Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the NECA, it will be signed by the Monitoring Officer or some other person duly authorised by the NECA or the Monitoring Officer, unless any enactment otherwise authorises or requires.

Any contract with a value exceeding £30,000 entered into by the NECA shall be in writing. Such contracts must be signed by two duly authorised officers of the NECA or made under the Common Seal of the NECA attested by an authorised officer. Any contract with a value exceeding £75,000 must be made under the Common Seal of the NECA and attested by the Monitoring Officer or some other person authorised by the Monitoring Officer.

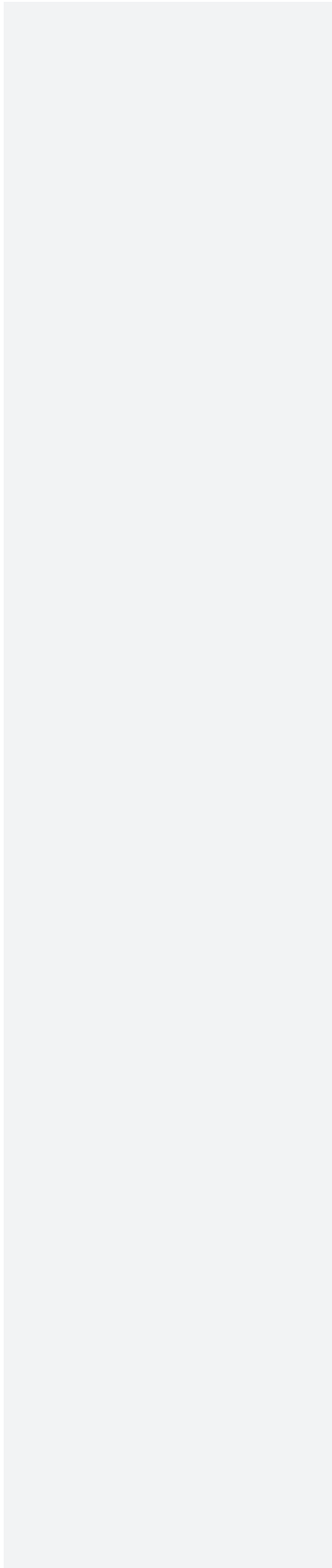
18. Review and Revision of the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution on an annual basis.

Changes to the Constitution will only be approved by the [NELB Leadership Board](#) after consideration of the proposal by the Monitoring Officer and in accordance with the [Leadership Board NELB Rules of Procedure](#) in Part 4 of this Constitution.

NECA Constitution

Introduction



Part 2 Powers and Functions

This part of the Constitution sets out the legislative background of the powers and functions transferred to the NECA.

Part 2.1 Transport Functions of the former Tyne and Wear Integrated Transport Authority (TWITA) transferred to the NECA

Pursuant to the Order the following functions of the former TWITA are transferred to the NECA:-

- a) The discharge of all the functions, duties and responsibilities of the former TWITA.
- b) Without prejudice to the generality of sub-paragraph a) the discharge of all functions of the former TWITA that are provided for within the Transport Acts 1968, 1983, 1985 and 2000, the Local Government Act 1972, the Transport and Works Act 1992 and the Local Transport Act 2008.
- c) The appointment of members to Nexus in accordance with Article 16 of the Tyneside Passenger Transport Area (Designation) Order 1969 (as amended).

Part 2.2 Transport Functions of Durham and Northumberland County Councils transferred to the NECA

Pursuant to the Order the following functions of Durham and Northumberland County Councils are transferred to the NECA:-

- a) Transport functions contained in Parts 4 and 5 of the Transport Act 1985 and Part 2 of the Transport Act 2000.

- 2.2.1 The NECA may under the provisions of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) delegate transport functions conferred on it by the Order to the Constituent Authorities unless such delegation is prohibited by legislation.
- 2.2.2 Any future transport functions delegated from the Constituent Authorities to the NECA will not be exercisable by the Constituent Authorities either concurrently or instead of the NECA except so far as the NECA delegates any such function back to a Constituent Authority.
- 2.2.3 The ~~Leadership Board~~ ~~NELB~~, the Constituent Authorities, TNEC, TWSC and Nexus will draw up and agree detailed protocols in relation to the discharge of the transport functions as set out in this Constitution.
- 2.2.4 The ~~Leadership Board~~ ~~NELB~~, the Constituent Authorities, the TNEC, TWSC and Nexus will keep the protocols referred to above under regular review and may revise them from time to time.
- 2.2.5 Protocols drawn up, agreed, or revised under the paragraphs above will not in themselves constitute arrangements for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 or the Local

Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

Part 2.3 Economic Development and Regeneration

Pursuant to the Order, the following economic development and regeneration functions of the Constituent Authorities are to be exercised by the NECA concurrently with the Constituent Authorities:

- a) The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A (1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age).
- b) The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities)
- c) The duty under section 69 of the Local Democracy, Economic Development and Construction Act 2009 (duty to prepare an assessment of the economic conditions of the local authority's area)

2.3.1 Any requirement in any enactment for a Constituent Authority to exercise any function may be fulfilled by the exercise of that function by the NECA unless there is a contrary intention expressed in any enactment.

2.3.2 The ~~Leadership Board NELB~~ and the Constituent Authorities, in consultation with the EDRAB, will draw up and agree detailed protocols in relation to the discharge of the economic development and regeneration functions.

2.3.3 The ~~Leadership Board NELB~~ and the Constituent Authorities will keep the protocols referred to above under regular review and may revise them from time to time.

2.3.4 Protocols drawn up, agreed, or revised under the paragraphs above will not in themselves constitute arrangements for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

Part 2.4 Incidental Provisions

Pursuant to the Order, the following provisions have effect as if the NECA was a local authority for the purposes of these provisions:

- a) Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority).
- b) Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings).
- c) The NECA shall have the power to exercise any of the functions described in subsection 1(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information whether or not a scheme is made under that section).

- d) Section 13 of the Local Government and Housing Act 1989 shall have effect as if:-
1. in subsection (4) after paragraph (h) there were inserted

“(i) subject to subsection (4A), a committee appointed by the Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority” and
 2. After subsection (4) there were inserted –

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless he is a member of one of the Constituent Council's as defined by article 2 of the Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014.”
- e) The Apprenticeships Skills, Children and Learning Act 2009 shall have effect as if the NECA were a local authority for the purposes of section 84(2) of the Act.

Part 2.5 Functions conferred on NECA by local government legislation

The NECA shall have such other powers, duties and responsibilities as are conferred on a Combined Authority by any enactment.

Without prejudice to the generality of the above, such powers, responsibilities and duties include:

- a) Broad well-being powers given to it by virtue of sections 99 and 102A of the Local Transport Act 2008, the functions related to the general power of competence given to it under section 1 of the Localism Act 2011 and the general powers granted to it by virtue of section 113A of the Local Democracy, Economic Development and Construction Act 2009 to promote economic growth.
- b) The duty to appoint a Head of Paid Service, a Monitoring Officer and an Officer with responsibility for the administration of the NECA's financial affairs.
- c) The power to borrow money for a purpose relevant to its transport functions only.
- d) The power to appoint staff and to enter into agreements with other local authorities for the secondment of staff.
- e) The power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land.
- f) The power to pay subscriptions to the funds of local authority associations.

- g) The duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in the Combined Area.
 - h) The power under section 111 of the Local Government Act 1972 to do anything (subject to any other enactment) which is calculated to facilitate, or is conducive or incidental to the discharge of the NECA's functions.
- 2.5.1 The NECA is a local authority for the purposes of the Local Government Act 1972 and in particular section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).
- 2.5.2 The NECA is a best value authority for the purpose of section 1 of the Local Government Act 1999.
- 2.5.3 The NECA is a public body for the purpose of the Freedom of Information Act 2000.
- 2.5.4 The NECA is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

Part 3 Responsibility for Functions

This part of the Constitution sets out which parts of the NECA are responsible for carrying out particular functions and can also be referred to as their terms of reference.

Part 3.1 The Leadership Board NELB

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Membership – 8 (one Member for each Constituent Authority and a non-voting LEP Member)

Quorum – 6

In the absence of specific delegations to other bodies referred to in the Constitution (including committees and sub-committees of the Leadership Board NELB), all functions remain with the NELB.

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A Only the Leadership Board NELB will exercise the following functions which require a **unanimous** vote in favour by all Constituent Authorities:

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1. The adoption of, and any amendment to or withdrawal of, any growth plan included in the Budget and Policy Framework.
2. The adoption of, and any amendment to or withdrawal of, any local transport plan under section 108(3) of the Transport Act 2000.
3. The approval of, and any amendment to, the NECA's annual budget.
4. The setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder.
5. The allocation by the Leadership Board NELB of local transport plan funding to the individual Constituent Authorities and Nexus, and the approval of all other capital and revenue matters relating to the NECA's transport budget save where such matters have been expressly delegated to another body.
6. The approval of, and any amendment to or withdrawal of, growth schemes set out in any adopted Growth Plan including the local major schemes devolved funding.
7. The approval of, and any amendment to or withdrawal of, borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the NECA.
8. The approval of, and any amendment to or withdrawal of, such other plans and strategies as determined by the Leadership Board NELB and included in the Budget and Policy Framework.
9. The transfer of any further functions by the Constituent Authorities to the NECA.

10. The appointment of any individual co-optees to the- Leadership Board NELB.
 11. The use of the general power of competence by the NECA beyond the powers provided within the Local Democracy, Economic Development and Construction Act 2009.
 12. The approval of any amendment to the NECA's Constitution which has not been delegated to the Monitoring Officer (see Part 3.6 Scheme of Delegation of Functions to Chief Officers).
 13. The appointment of a statutory chief officer (Head of Paid Service, Monitoring Officer and Chief Finance Officer).
 14. The designation of the NECA's Head of Paid Service.
- B** Other functions reserved to the NELB which do not require a unanimous vote in favour by the Constituent Authorities include (but are not limited to):
15. The approval of (and any amendment to or withdrawal of) all other major transport schemes (including such matters as Quality Contract Schemes and/or Voluntary Partnership Agreements).
 16. The approval of (and any amendment to or withdrawal of) a public transport strategy.
 17. Influence and/or co-ordination of strategic investment in the highway network across the combined area.
 18. Co-ordination, with the statutory Highway Authorities, of the development of a joint highway management plan.
 19. Strategic influence of the development and operation of air, rail, road, river, sea and public transport networks.
 20. The approval of (and any amendment to or withdrawal of) transitional transport arrangements following the formation of the NECA.
 21. The approval of (and any amendment to or withdrawal of) formal partnership agreements and arrangements with external partners and other stakeholders (e.g. central government, MPs/ MEPs, rail franchisors/franchisees) on strategic transport issues.
 22. The approval of the policies and strategies to be included in the policy framework.
 23. The approval of the NECA's annual accounts.
 24. The appointment/selection of the Overview and Scrutiny Committee and any other committee or sub-committee as considered by the Leadership Board NELB as appropriate to discharge its functions.

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25. The appointment/selection of a Chair and Vice Chair(s) of any joint committee, committee or sub-committee.
26. The appointment of co-opted members to any of its joint committees, committees or sub-committees.
27. The appointment of the Independent Person as required by the Localism Act 2011.
28. The appointment of any independent expert adviser for the NECA or any of its joint committees, committees or sub-committees.

29. The agreement to the establishment of working groups within NECA in connection with or in relation to the functions or responsibilities of the Authority undertaken by the Leadership Board, joint committees, committees or sub-committees of the Authority (the Overview and Scrutiny Committee is entitled to establish scrutiny groups without the agreement of the Leadership Board – see paragraph 20 of Part 4.4 Overview and Scrutiny Committee Rules of Procedure).

~~29-30.~~ The designation of the Thematic Leads.

~~30-31.~~ The dismissal of a statutory chief officer (Head of Paid Service, Monitoring Officer and Chief Finance Officer) and the appointment or dismissal of any deputy of such a statutory chief officer and the appointment or dismissal of any non-statutory chief officer or any deputy of such a non-statutory chief officer (See Part 4.5 Officer Employment Rules of Procedure).

Information:

1. The Order requires each constituent authority to appoint another of its elected members to act as a member of the NECA in the absence of the member appointed to the NECA. These appointments will usually be made by each Constituent Authority prior to the ~~Leadership Board~~ NELB's Annual Meeting.
- 2.

For more information on substitutes see the items of business for the Annual Meeting and ordinary meetings of the ~~Leadership Board~~ NELB in Part 4 – Rules of Procedure.

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Part 3.2 Transport North East Committee (TNEC)

Membership – 14 (two Members from each Constituent Authority)

Quorum –10

A Transport functions delegated by the NECA to the TNEC

The TNEC shall be able to exercise these functions provided that it does not cause the NECA to incur any expenditure other than that which the [Leadership Board NELB](#) has authorised for such purposes.

1. Monitoring the NECA's transport budget.
2. Approval of releases from the NECA's transport funding for capital schemes within the agreed capital programme and the agreed budget (as defined by the [Leadership Board NELB](#)) for the scheme concerned.
3. Formulation, development and monitoring of procedures for public consultation on, and lobbying for, the NECA's transport policies including taking responsibility for the active promotion of the Combined Area's transport interests.
4. Monitoring and overseeing the activities and performance of the County Council of Durham and Northumberland County Council in the discharge of the transport functions delegated to them by the [Leadership Board NELB](#).

Note: the functions delegated to the TNEC also include those functions set out in Part 3.3. Such functions have been delegated to TNEC on the strict understanding that they will be exercised in practice by the TWSC, as a subcommittee of the TNEC.

B Transport functions referred to the TNEC

The [Leadership Board NELB](#) shall seek the advice and recommendations of the TNEC on such transport matters as the [Leadership Board NELB](#) considers appropriate which shall include (but are not limited to):

1. The NECA's revenue budget for transport and the setting of any transport levy.
2. The borrowing limits of the NECA in relation to transport matters pursuant to section 3 of the Local Government Act 2003.
3. The capital programme of NECA and the Delivery Agencies.
4. The development of policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and the production of any Local Transport Plan pursuant to sections 108-112 of the Transport Act 2000.
5. Formulation of general policies with respect to the availability and convenience of public passenger services pursuant to section 9A (5)-(7) of the Transport Act 1968.

6. Determination of issues arising from the rail franchising process.
7. The development of policies, setting of budgets and operational arrangements in connection with the NECA's Transport Studies Function.

Information:

1. The Chair of the TNEC will be selected annually by the ~~NELB~~. Leadership Board
The Chair of the TNEC will be the Thematic Lead for Transport appointed by the Leadership Board ~~NELB~~.
2. There will be three Vice Chairs of the TNEC selected annually by the ~~NELB~~ Leadership Board who will be drawn from the members of the Constituent Authorities appointed to the TNEC with portfolio responsibility for Transport in their respective Constituent Authority area. One Vice Chair will be selected from the members of the Tyne and Wear Authorities. One Vice Chair will be the Executive member with portfolio responsibility for Transport for the County Council of Durham and one Vice Chair will be the Executive member with portfolio responsibility for Transport for Northumberland County Council.
3. One named substitute member is permitted for each Constituent Authority.

Part 3.3 Transport North East (Tyne and Wear) Sub-committee (TWSC)

Membership – 5 (one Member from each Tyne and Wear Authority)

Quorum – 4

The following transport functions have been delegated by the [Leadership Board NELB](#) to TNEC and then to the TWSC in respect of the area of the Tyne and Wear Authorities. The TWSC shall be able to exercise these functions provided that it does not cause the NECA to incur any expenditure other than that which the [Leadership Board NELB](#) has authorised for such purposes:

1. Considering and recommending to [Leadership Board NELB](#) the creation and development of:-
 - i) Quality Partnership Schemes pursuant to sections 114-123 of the Transport Act 2000; and
 - ii) Quality Contracts Schemes pursuant to sections 124-134 of the Transport Act 2000.
2. Implementing Concessionary Travel Schemes pursuant to sections 93 -105 of the Transport Act 1985.
3. Implementing Ticketing schemes pursuant to sections 135-138 of the Transport Act 2000.
4. Determining the local bus information to be made available, and the way in which it should be made available, pursuant to sections 139-143 of the Transport Act 2000.
5. Determining the operation, performance and development accessible transport provision (including the provision of grants) pursuant to section 106 of the Transport Act 1985.
6. Monitoring and overseeing the activities and performance of Nexus (including but not limited to the power pursuant to section 15(6) of the Transport Act 1968 to give to Nexus such directions as appear appropriate to secure the observance of the rights of the NECA).
7. Ensuring that Nexus secures the provision of appropriate public passenger transport services pursuant to section 9A(3) of the Transport Act 1968.
8. Ensuring that Nexus implements those actions given to it for promoting the economic, social and environmental well-being of the Combined Area and its residents pursuant to section 99 of the Local Transport Act 2008.
9. Determining variations in charges for transport services or facilities provided by Nexus, pursuant to section 15(2) of the Transport Act 1968.
10. Authorising:-

- i) The disposal of any land by Nexus pursuant to section 10(1)(xxiii) of the Transport Act 1968
 - ii) The acquisition of any land by Nexus pursuant to section 10(1)(xx) of the Transport Act 1968; and
 - iii) The development of any land of Nexus pursuant to section 10(1)(xxii) of the Transport Act 1968.
11. Determining the operation, performance and development of tendered bus services, bus stations/stops, and passenger transport services pursuant to section 10(1)(1)(via) of the Transport Act 1968.
 12. Monitoring the performance of the Metro service and recommending appropriate action.
 13. Monitoring the operation and performance of bus, ferry and local rail services and influencing accordingly.
 14. Any other matter which has been transferred from the former Tyne and Wear ITA to the NECA under Article 6 of the Order unless the matter has been explicitly reserved to the [Leadership Board NELB](#) in the foregoing provisions.

Further transport functions may be delegated to the TWSC by the [Leadership Board NELB](#) as considered appropriate.

Information:

The Chair of the TWSC will be selected annually by the [Leadership Board NELB](#). The Chair of the TWSC will be the Vice Chair of the TNEC representing the Tyne and Wear Authority areas.

1. The Vice Chair of the TWSC will be selected annually by the [Leadership Board NELB](#) and will be selected from the remaining members of the Tyne and Wear Constituent Authorities appointed to the TWSC having portfolio responsibility for Transport in their Constituent Authority area.
2. One substitute member is permitted for each Tyne and Wear Constituent Authority. The substitute member is to either be the Tyne and Wear Constituent Authority's second member of TNEC or their named TNEC substitute member.

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Part 3.4 The County Council of Durham and Northumberland County Council

The following transport functions have been delegated by the Leadership Board NELB to the County Council of Durham and Northumberland County Council in relation to their respective administrative areas. Each County Council shall be able to exercise these functions provided that it does not cause the NECA to incur any expenditure other than that which the Leadership Board NELB has authorised for such purposes.

1. Considering and recommending to Leadership Board NELB the creation and development of:-
 - i) Quality Partnership Schemes pursuant to sections 114-123 of the Transport Act 2000; and
 - ii) Quality Contracts Schemes pursuant to sections 124-134 of the Transport Act 2000.
2. Implementing Concessionary Travel Schemes pursuant to sections 93 -105 of the Transport Act 1985.
3. Implementing ticketing schemes pursuant to sections 135-138 of the Transport Act 2000.
4. Determining the operation, performance and development of accessible transport provision (including the provision of grants) pursuant to section 106 of the Transport Act 1985.
5. All obligations of County Councils relating to mandatory travel concessions pursuant to sections 145A to 150 of the Transport Act 2000.
6. Those functions of County Councils set out in Part IV of the Transport Act 1985 (Passenger Transport in areas other than Integrated Transport Areas) under:
 - section 63 – functions of local Councils with respect to passenger transport
 - section 81 – provision, maintenance and operation of bus stations
 - section 82 – bus stations: restriction on discriminatory practices.

Part 3.5 Economic Development and Regeneration Advisory Board

Membership: 7 (one Member from each of the Constituent Authorities)

Quorum: 5 (not including the co-opted or LEP members)

Also: 1 non-voting member from the LEP
Any non-voting co-opted members approved by the [NELB Leadership Board](#) representing key sectors in the region including the North East Chamber of Commerce and the CBI and the FSB.

The aim of the Economic Development and Regeneration Advisory Board (EDRAB) is to support the [NELB Leadership Board](#) in the development of the Economic Development and Regeneration Theme by:

- Making recommendations to the [NELB Leadership Board](#) based on insight and intelligence that is not otherwise available to Board so that the decisions taken reflect the needs and ambitions of the key stakeholders in the region.
- Providing strategic advice and intelligence relating to key drivers of growth and barriers to investment and growth and other issues relevant to NECA's aim to pursue sustainable economic growth in the region.
- Advising and supporting the NECA in the development of the Economic Development and Regeneration strategic priorities and implementation plans.
- Supporting the Economic Development and Regeneration Thematic Lead in the delivery of the Economic Development and Regeneration Implementation Plan.

The Leadership Board shall seek the advice and recommendations of the EDRAB on such economic development and regeneration matters as the Leadership Board considers appropriate, which shall include (but are not limited to):

1. The development of a Regional Investment Plan that will support economic growth and build on the opportunities presented by the region's growth assets.
2. The implementation of activity that is consistent with the strategic intent outlined in the Strategic Economic Plan and associated Economic Development and Regeneration Implementation Plan.
3. Recommendations on the allocation of resources and approval of funding proposals and the prioritisation of planned regional investment in infrastructure and assets.
4. Monitoring and overseeing collaborative initiatives to promote inward investment.
5. Commissioning provision that is consistent with the agreed objectives.

6. Ensuring that measures associated with the delivery of the Economic Development and Regeneration work programme are linked effectively with other related service areas.
7. Advising and approving evaluation measures for the Economic Development and Regeneration related activities.
8. Monitoring performance of the delivery of the Economic Development and Regeneration work programme.
9. Considering Economic Development and Regeneration related matters specifically referred to the Advisory Board by the [NELB Leadership Board](#).
10. Informing the evolution of Economic Development and Regeneration related activities, taking account of government policy, global trends and capability and capacity in the region.
11. Establishing and engaging in working groups formed to progress specific priorities with the Economic Development and Regeneration work programme.
12. Approve an Annual Report summarising the work of the Board over the previous year for submission to Annual Meeting of the [NELB Leadership Board](#).

Information:

1. The Advisory Board will be chaired by the Economic Development and Regeneration Thematic Lead.
2. One substitute member is permitted for each Constituent Authority.

Part 3.6 Proper Officers

Section 112(1) of the Local Government Act 1972, provides that the NECA shall appoint such officers as it thinks necessary for the appropriate discharge by the [NELB Leadership Board](#) of such of its functions as fall to be discharged by them.

There are a number of specific references in the 1972 Act and the 1985 Local Government Act, which call for functions to be undertaken by what is termed the 'Proper Officer'. The following lists such references and identifies the Chief Officers responsible for their discharge.

A Head of Paid Service

The Head of Paid Service is responsible for the corporate and overall strategic management of the NECA's staff in accordance with section 4 of the Local Government and Housing Act 1989.

The Head of Paid Service cannot be the Monitoring Officer.

B Monitoring Officer

Under the provisions of the Local Government and Housing Act 1989, the [NELB Leadership Board](#) shall appoint a Monitoring Officer who will be responsible for promoting and maintaining high standards of conduct. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budgetary issues to all Members and provide a comprehensive administrative service to the NECA.

The Monitoring Officer to the NECA is appointed the Proper Officer in relation to the following under the Local Government Act 1972:

- a) Determination of those reports which should be available for public inspection prior to a meeting of the [Leadership Board](#)~~NELB~~, the EDRAW, TNEC, TWSC and any Committee or Sub-committee of the [Leadership Board](#)~~NELB~~ and those which are likely to be heard in private and consequently which should not be released to the public (section 100B (2)).
- b) Provision of documents to the press, additional to committee reports (section 100B (7)).
- c) Preparing written summaries of proceedings (section 100C (2)).
- d) Making arrangements for list of, and background papers to reports, to be made available for public inspection (section 100D (1)).
- e) Determination of documents disclosing exempt information which may not be inspected by Members (section 100F (2)).
- f) Signature of Summonses to the NECA (paragraph 4 (2) (b) of Schedule 12).
- g) Receipt of notices regarding address to which Summonses to meetings of the NECA are to be sent (paragraph 4 (3) of Schedule 12).
- h) Declaration and Certificates with regard to securities (section 146 (1)(a) and (b)).
- i) Deposit of documents (section 225 (1)).
- j) Certifications of photographic copies of documents (section 229 (5)).
- k) Issuing and signing of formal notices (section 234 (1) and (2)).
- l) Serving copies of Byelaws (section 236 (9) and (10)).

m) Certification of Byelaws (section 238).

The Monitoring Officer will maintain an up to date Register of Member's interests and an up to date version of the Constitution and will ensure that it is widely available for consultation by Members, officers and the public.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance Committee and be the Proper Officer for receipt and acknowledgement of complaints of failure by a Member of the NECA to comply with the Members Code of Conduct.

The Monitoring Officer is also responsible for promoting the role of the authority's overview and scrutiny committee; providing support to the authority's overview and scrutiny committee and its members; and to provide support and guidance to members and officers of the authority in relation to the functions of the overview and scrutiny committee.

The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

C Chief Finance Officer

The Chief Finance Officer has responsibility for ensuring lawfulness and financial prudence of decision making. The Chief Finance Officer is appointed Proper Officer in relation to the following:

- a) receipt of money due from officers (Local Government Act 1972, section 115 (2); and
- b) administration of the financial affairs of the NECA (Local Government Act 1985 section 73).

D General

All officers in whose name reports are submitted to the [NELB Leadership Board](#), the EDRAW, TNEC, TWSC and any Committee or Sub-committee of the [NELB Leadership Board](#) via the Monitoring Officer and Chief Finance Officer are appointed the Proper Officers in relation to the following under the Local Government Act 1972:

- a) Compilation and retention of lists of background papers and copies of the relevant documents and reports (section 100D (1) (a)).
- b) Identifying and determining what are background papers (section 100D (5)).

Part 3.7 Scheme of Delegation of Functions to Chief Officers

1. Section 101 of the Local Government Act 1972 enables the NECA to delegate any of its functions to its officers. This part of the Constitution specifies those powers of the NELB Leadership Board which, for the time being, are exercisable from time to time by officers of the NECA, and stating the title of the officer in question by whom the powers are exercisable.
2. Chief Officers in the context of this Constitution mean the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
3. The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.
4. The exercise of delegated powers by officers is required to be in accordance with:
 - a) Statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
 - b) this Constitution, the Leadership Board NELB's Rules of Procedure and Financial Regulations currently in force;
 - c) the revenue and capital budgets of the NECA, subject to any variation thereof which is permitted by the NECA's Financial Regulations; and
 - d) any policy or direction of the NELB Leadership Board, the TNEC or any other committee acting in exercise of powers delegated to that committee by the NECA.
5. Officers may **not** exercise delegated powers where:
 - a) the matter is reserved to the Leadership Board NELB by law or by this Constitution;
 - b) the matter is a function which cannot by law be discharged by an officer;
 - c) the Leadership Board NELB, or a committee, sub-committee or joint committee to which the NECA is a party, has determined that the matter should be discharged otherwise than by an officer;
 - d) the Head of Paid Service has directed that the officer concerned should not exercise a delegated function in special circumstances.
6. Before exercising delegated powers, particularly on matters involving the reputation of the NECA, officers should consider the advisability of consulting the Head of Paid Service and/or the Chair of the Leadership Board NELB.
7. Where, in relation to an item before the Leadership Board NELB, the TNEC or a joint committee, committee or sub-committee, a Chief Officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.
8. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.

A General Delegations to all Chief Officers

GD1 The day to day routine management, supervision and control of services provided for the NECA by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the NECA.

Contracts and Accounts

GD2 The disposal of surplus or obsolete equipment to the person submitting the highest quotation up to a limit of £10,000 in value.

GD3 The acceptance of the lowest tender or quotation:

- a) For the supply of goods, materials or services for which financial provision has been made in the NECA's Revenue Budget up to a limit of £100,000 in value for any one transaction, and
- b) For building and civil engineering works provided that the value of the tender is within the estimate previously approved by the [Leadership Board](#) ~~NELB~~ and does not exceed £250,000.

GD4 The invitation of quotations for contracts not exceeding £25,000 in value for the supply of goods, materials or services or the execution of works from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the NECA.

GD5 The provision of services or the purchase of materials or minor items of equipment up to a total of £10,000 within one order or series of related orders for which provision has been made in the revenue estimates.

B. Delegations to the Head of Paid Service

HPS1 To discharge the functions of the Head of Paid Service in relation to the NECA as set out in section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are to report to the [Leadership Board](#) ~~NELB~~ where necessary setting out proposals with respect to the coordination of the NECA's functions, the number and grades of staff required and the organisation, appointment and proper management of the NECA's staff.

HPS2 To engage officers on behalf of the Combined Authority to coordinate its functions.

HPS3 To discharge any function of the NECA which has not been specifically delegated to another officer, Committee or reserved to the [Leadership Board](#) ~~NELB~~ under Part 3.1 of this Constitution, and may direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.

HPS4 Take any [operational](#) action which is required as a matter of urgency in the interests of the NECA, in consultation (where practicable) with the Chair of the [NELB](#) [Leadership Board](#), the Monitoring Officer and the Chief Finance Officer.

- HPS5 Take preliminary steps to protect the rights and interests of the NECA subject to consultation with the Chair of the ~~Leadership Board NELB~~ in relation to any Bill or Statutory Instrument or Order in Parliament.
- HPS6 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the NECA has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the NECA not opposing any Private Bill.
- HPS7 Nominate, appoint and remove, in consultation with the Chair and Vice Chairs of the ~~NELB~~Leadership Board, NECA representatives on the board of companies, trusts and other bodies, and to agree constitutional arrangements for such companies, trusts and other bodies, and give any necessary consent required within relevant constitutions.
- HPS8 To provide a comprehensive policy advice service to the ~~Leadership Board NELB~~ and TNEC and in particular to advise on the NECA's plans and strategies included in the Budget and Policy Framework.
- HPS9 Control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official NECA publicity and official publications.
- HPS10 To be the authorised representative of the NECA in respect of any company established pursuant to section 323 of the Companies Act 2006 (as amended) and any other company of which NECA is a member.

C Delegations to the Chief Finance Officer

- CFO1 To effect the proper administration of the NECA's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- CFO2 The taking of all action required on borrowing, investment and financing subject to the submission to the ~~Leadership Board NELB~~ of an annual report of the Chief Finance Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management and Prudential Codes.
- CFO3 To effect all insurance cover required in connection with the business of the NECA and to settle all claims under such insurances arranged for the NECA's benefit.
- CFO4 The preparation of manuals of financial and accounting procedures to be followed by officers of the Constituent Authorities working on NECA

matters.

- CFO5 To accept grant offers on behalf of the NECA, subject to all the terms and conditions set out by the grant awarding body.
- CFO6 The submission of all claims for grant to the UK Government or the European Community (EC).
- CFO7 To make all necessary banking arrangements on behalf of the NECA, to sign all cheques drawn on behalf of the NECA, or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the facsimile signature of the Chief Finance Officer.
- CFO8 To monitor capital spending and submit a report to the [Leadership Board](#) ~~NELB~~ at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the NECA and those via Nexus.
- CFO9 In relation to revenue expenditure under the control of officers, to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £25,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the [Leadership Board](#) ~~NELB~~ for consideration of a supplemental estimate.
- CFO10 The collection of all money due to the NECA, and the writing off of bad debts.
- CFO11 To supervise procedures for the invitation, receipt and acceptance of tenders.
- CFO12 To administer the scheme of Members' allowances.
- CFO13 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the NECA at the end of the year to which it relates and of the NECA's income and expenditure for that year.
- CFO14 To discharge the functions of the NECA under the Accounts and Audit (England) Regulations 2011 (with the exception of Regulations 4(3), 6(4) and 8(3)).
- CFO15 To sign certificates under the Local Government (Contracts) Act 1997.
- CFO16 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Regulations made thereunder.
- CFO17 To determine an amount (not exceeding the sterling equivalent of €5,000) being the maximum sum which the NECA will receive in cash without the

express written consent of the Chief Finance Officer.

CFO18 To exercise the responsibilities assigned to the Chief Finance Officer in the Financial Regulations and the Contract Procedure Rules.

Supporting the Audit Regime

CFO19 Support the Governance Committee to:

- a) provide independent assurance on the effectiveness of the risk management framework and the associated control environment;
- b) provide independent examination of the organisation's performance and how this affects the NECA's control environment and its exposure to risk; and
- c) oversee the financial reporting process.

D Delegations to the Monitoring Officer

MO1 The Monitoring Officer is authorised to:

- a) institute, defend or participate in any administrative action and/or in any legal proceedings;
- b) sign any document in any case where such action will facilitate the carrying out of decisions of the ~~Leadership Board~~ **NELB**; or in any case where the Monitoring Officer considers that such action is necessary to protect the NECA's interests, or to further or achieve the objectives of the NECA; and
- c) settle or otherwise compromise any such administrative action or legal proceedings if they have been commenced or there are reasonable grounds for believing such actions or proceedings may be contemplated.

MO2 After consulting with the Head of Paid Service and Chief Finance Officer, to report to the ~~Leadership Board~~ **NELB** if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration as determined by the Local Government Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

MO3 To provide a comprehensive administrative service to the NECA.

MO4 To accept on behalf of the ~~Leadership Board~~ **NELB** in-year changes to the membership of committees, sub-committees and joint committees. These changes must be notified in writing to the Monitoring Officer and will be effective when receipt of the notification is acknowledged in writing by the Monitoring Officer.

MO5 To make minor changes to the Constitution and its associated documents to reflect organisational or legislative change when the power remains unaltered.

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- MO6 To make any textual or grammatical corrections to the Constitution and its associated documents.

Supporting the Standards Regime

- MO7 To be the Proper Officer for receipt and acknowledgement of complaints of failure to comply with the Members' Code of Conduct under the NECA's adopted local arrangements.
- MO8 To review complaints received in respect of any alleged breach by a Member of the Code of Conduct for Members and to act in accordance with the NECA's adopted local arrangements.
- MO9 The Monitoring Officer will either conduct or arrange for investigations to be conducted into alleged breaches of the Members' Code of Conduct referred to him/her by the Head of Paid Service or the Governance Committee and, as appropriate, submit such reports to the Governance Committee in accordance with the NECA's adopted local arrangements.
- MO10 The Monitoring Officer will undertake, at the request of the Head of Paid Service or the Governance Committee, informal resolution of such complaints in accordance with the NECA's adopted local arrangements.

3.8 Governance Committee

- Membership: 9 One councillor from each Constituent Authority and two non-voting co-opted Independent Members who will act as Chair and Vice Chair.
- Quorum: 5 Not including the co-opted Independent Members or the Independent Person
- Also: 1 Independent Person for the purposes of the Standards regime who can be invited to observe at meetings

The Governance Committee is a key component of the NECA's corporate governance arrangements and is an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment; reporting on financial and other performance; and for the promotion and maintenance of high standards of conduct by its elected and co-opted members.

The Committee will also review complaints made against Members in respect of alleged breaches of the Members' Code of Conduct in accordance with agreed adopted local arrangements (see Part 6.1 of the Constitution).

Terms of reference

The following functions are the responsibility of the Governance Committee:

Audit

1. To consider the effectiveness of the NECA's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements, and seek assurance from the Head of Paid Service, Internal Audit and External Audit that action is being taken on risk related issues within the organisation.
2. To consider internal audit annual report and opinion; and consider a review of the effectiveness of the system of internal audit.
3. To consider a review of the effectiveness of the organisation's system of internal control on an annual basis. This will include consideration of the Annual Governance Statement, and whether this has been prepared in accordance with proper practices in relation to internal control, whether this properly reflects the risk environment, and whether this includes actions required for improvement. Following that consideration, the Governance Committee will approve the Annual Governance Statement.
4. To receive the following plans on an annual basis:
 - a) Internal Audit's Strategic Audit Plan, including Internal Audit's terms of reference, strategy and resources. The Governance Committee will approve, but not direct, the Strategic Audit Plan.
 - b) The External Auditor's Audit Service Plan, including details of any non-audit services provided.

5. To receive an interim and end of year report on the progress made by Internal Audit and External Audit in achieving their respective plans of work, so that the Committee may monitor performance in this regard.
6. The Governance Committee may suggest that Internal Audit undertakes reviews into specific areas of concern. Internal Audit will then determine whether such work should be undertaken, having regard to the nature, materiality and gravity of the matter referred, and the corresponding importance of planned work which would be delayed by attending to the matter referred.
7. The Governance Committee will receive external audit reports, including Annual Audit Letter, Fee Letter, Annual Governance Report, and other external audit reports as appropriate; and the reports of other regulatory and inspection agencies where these highlight internal control and risk issues.
8. The Governance Committee will consider the scope and depth of external audit work to ensure it gives value for money.
9. The Governance Committee will promote effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and champion the audit process.
10. The Governance Committee will receive follow-up reports on the progress made in implementing agreed internal and external audit recommendations, in order that it may review this progress.
11. The Governance Committee will review the accounting policies used to compile the NECA's Statement of Accounts.
12. The Governance Committee will review key information relating to the NECA's Statement of Accounts.
13. The Governance Committee will review the external auditor's opinion and reports on the statement of accounts, and monitor management action in response to any issues raised in relation to the accounts by external audit.
14. The Governance Committee will ensure it is aware of the work undertaken by other committees, so it can take account of any significant internal control issues arising from this work.

Standards

15. To promote and maintain high standards of conduct by NECA members and co-opted members.
16. To ensure the NECA members and co-opted members observe the Members' Code of Conduct.
17. To advise the [NELB Leadership Board](#) on the adoption or revision of the Members' Code of Conduct.

18. To monitor the operation of the Members' Code of Conduct.
19. To advise, train or arrange to train the NECA members and co-opted members on matters relating to the Members' Code of Conduct and Disclosable Pecuniary Interests.
20. To grant dispensations to the NECA members and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
21. To monitor complaints received by the NECA in respect of Member conduct.
22. To review the Whistleblowing Policy and recommend any changes to the Monitoring Officer for consideration by the Leadership Board~~NELB~~.
23. To conduct hearings following investigation and determine complaints made against members and co-opted members (including following requests for review).
24. Where a member or co-opted member is found to have failed to comply with the Code of Conduct to take such action as may be necessary to promote and maintain high standards of conduct, in accordance with the powers available to the Committee.
25. To review the assessment criteria for complaints against members and co-opted members (included in the Authority's adopted local arrangements) as it considers appropriate from time to time and recommend any changes to the Monitoring Officer for consideration by the ~~NELB~~Leadership Board.
- ~~26.~~ To undertake such further functions as may be the responsibility of the Committee under the NECA's adopted local arrangements in relation to the handling of complaints against members and co-opted members.
- ~~26.~~ To appoint when required a Governance Sub-committee to conduct hearings and determine complaints of breaches of the Code of Conduct for Members and for granting dispensations for members with registerable and non-registerable personal interests to enable Members to participate and vote at committee meetings.

Information:

1. Nothing in these terms of reference shall confer upon the Governance Committee the power to regulate or control the finances of the NECA, in order to ensure that section 102(3) of the Local Government Act 1972 is not contravened.
2. The two co-opted Independent Members of the Governance Committee will fulfil the roles of Chair and Vice Chair of the Committee and will be appointed by the ~~NELB~~, Leadership Board. Co-opted members can attend and speak at meetings of the Governance Committee to which they are appointed but cannot vote.
3. The Localism Act 2011 requires the Combined Authority to appoint at least one Independent Person for their views to be sought and taken into account before the

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Governance Committee makes its decision on an allegation about a Members' conduct which has been investigated and at other times when considered appropriate. An Independent Person's views may also be sought by a Member who is the subject of a misconduct complaint.

4. The Members' Code of Conduct and all codes and protocols can be found in Part 6 - Codes of Conduct and Protocols.
5. Substitute members may be appointed for voting members of the Governance Committee. The substitute member will be a member of the Constituent Authority's Standards or Audit Committee. There are no substitute members for Governance Sub-committee.

Governance Sub-committee

- Membership:** 3 To be selected from the voting members of the Governance Committee by the Monitoring Officer in consultation with the Chair of the Governance Committee.
- Quorum:** 3 Not including the Independent Person
- Also:** 1 Independent Person for the purposes of the Standards regime who must be consulted as appropriate.

Terms of reference

1. To consider applications from members and co-opted members for dispensation from requirements relating to interests as set out in the Members' Code of Conduct.
2. To conduct hearings following an investigation to determine complaints made against members of the Authority (including following requests for review).
3. To receive the report from the Investigating Officer when no breach of the Code of Conduct has been found to have occurred and to determine whether to accept the report, refer the report to a hearing or refer it back to the Investigating Officer for further investigation.
4. To consider complaints of breaches of the Code of Conduct for Members received referred by the Monitoring Officer where the Monitoring Officer is unable to act because of a conflict of interest and to refer such a complaint for investigation if considered appropriate.
5. To undertake other functions of the Governance Committee as may be delegated to the Sub-committee in respect of complaints against the members and co-opted members of the Authority.

Information:

1. The Governance Sub-committee will conduct their proceedings in accordance with the Governance Committee procedure rules, subject to any modifications

required to comply with NECA's adopted local arrangements in relation to the handling of complaints against members and co-opted members.

2. Membership of the sub-committee will be determined by availability to attend and, where possible, drawn from different Constituent Authorities to those against whom the complaint has been made.

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Part 3.9 Overview and Scrutiny Committee

Membership: 14 Two Members from each constituent authority who are not Members of ~~the Leadership Board~~ ~~NELB~~. The appointment of the two Members to the Committee will be based on the political balance that applies to each constituent authority at the time of appointment.

Quorum: 10

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. These arrangements have been established to enable local councillors, on behalf of their communities, to scrutinise and challenge all matters within the remit of the Combined Authority.

The Overview and Scrutiny Committee will also investigate matters of strategic importance to residents within the Combined Area covered by the Constituent Authorities with a view to influencing decisions made in respect of all matters within the remit of the Combined Authority.

The Overview and Scrutiny Committee can:

1. Review and scrutinise the decisions made, or other action taken by, the ~~NELB Leadership Board~~ in connection with the discharge of its functions as set out in Part 3.1.
2. Review or scrutinise a decision made in connection with the discharge of any functions which are the responsibility of the ~~NELB Leadership Board~~ which have not been implemented and recommend that the decision be reconsidered by the ~~NELB Leadership Board~~.
3. Review and scrutinise the ~~Leadership Board~~ ~~NELB~~'s initial and final proposals in respect of plans and strategies falling within the Budget and Policy Framework, in accordance with the Budget and Policy Framework Rules of Procedure (see Part 4.4).
4. Review and scrutinise major and strategic decisions of the TNEC which are taken by the TNEC in connection with the discharge of its functions as set out in Part 3.2.
5. Review and scrutinise major and strategic decisions of the TWSC and the decisions of the County Council of Durham and Northumberland County Council taken by them in connection with the discharge of their functions as set out in Part 3.3 and 3.4 respectively.
6. Investigate matters of strategic importance to residents of the Constituent Authorities and make reports with evidence based recommendations to the ~~Leadership Board~~ ~~NELB~~ or the TNEC as appropriate;
7. Make reports or recommendations to the ~~NELB Leadership Board~~ and TNEC on the discharge of these functions.

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8. Review the performance of the [NELB Leadership Board](#) against objectives within the Combined Area's Strategy.
9. Facilitate the exchange of information about the work of the [NELB Leadership Board](#) and the TNEC and to share information and outcomes from reviews.
10. The role of these arrangements in relation to the Delivery Agencies will include:
 - a) Review and scrutiny of the Nexus delivery of transport services against the Local Transport Plan and to make recommendations for improvement and/or changes; and
 - b) Obtaining explanations from Nexus regarding its delivery of transport services.

Proceedings

The Overview and Scrutiny Committee will conduct their proceedings in accordance with Part 4.3 Overview and Scrutiny Committee Rules of Procedure.

Part 4 Rules of Procedure

These Rules apply to all meetings of the ~~NELB Leadership Board~~, the EDRAB, TNEC, ~~and~~ TWSC as appropriate (see paragraph 224 of Part 4.1) and should be read in conjunction with other parts of this Constitution.

References in these Rules to the 'Chair' mean the member of the ~~NELB Leadership Board~~, joint committee, committee or sub-committee for the time being presiding at the meeting.

These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.

4.1 | ~~NELB Leadership Board~~ Rules of Procedure

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The Annual Meeting

The Annual Meeting will take place in May.

The Annual Meeting will:

- a) elect a person to preside if the Chair of the ~~Leadership Board NELB~~ is not present;
- b) elect the Chair of the ~~Leadership Board NELB~~;
- c) elect the Vice Chairs of the ~~NELB Leadership Board~~;
- d) approve the minutes of the last meeting;
- e) receive any announcements from the Chair and/or the Head of Paid Service;
- f) appoint the Overview and Scrutiny Committee and any other committee or sub-committee considered necessary and agree a timetable of meetings;
- g) agree the membership of the EDRAB, TNEC and the TWSC and any other relevant committee or joint committee as nominated by each appropriate Constituent Authority¹;
- h) appoint the Chair of any of the bodies referred to in f) above;
- i) appoint the Vice Chair(s) of any of the bodies referred to in f) above;
- j) select the Chair and Vice Chair(s) of any of the bodies referred to in g) above;
- k) agree any delegation of functions to the bodies referred to in f) and g) above;
- l) designate the Thematic Leads;

¹ Any in-year changes can be agreed by the Monitoring Officer. See MO4 in Part 3.6 Scheme of Delegation of Functions to Proper Officers, D Monitoring Officer.

- m) approve the policies and strategies to be included in the policy framework; and
- n) conduct any other business reserved for its Annual Meeting as set out in Part 3 - Responsibility for Functions in accordance with the following procedure rules.

Ordinary ~~NELB~~Leadership Board Meetings

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Ordinary meetings of the ~~NELB~~Leadership Board will take place in accordance with a programme decided by the ~~Leadership Board~~NELB.

Ordinary meetings will:

- a) elect a person to preside if the Chair and Vice Chairs are not present;
- b) approve the minutes of the last meeting;
- c) receive any declarations of interest from Members;
- d) receive any announcements from the Chair and/or the Head of Paid Service;
- e) deal with any uncompleted business from the last ~~Leadership Board~~NELB meeting;
- f) receive and consider reports from its Committees and Sub-committees;
- g) conduct any business reserved for it in accordance with Part 3 - Responsibility for Functions and specified in the summons to the meeting in accordance with the following procedure rules; and
- h) authorise the sealing of documents.

1. Chair and Vice Chairs

The Chair and Vice Chairs shall be selected annually by the ~~Leadership Board~~ NELB from amongst its Members and shall, unless they resign, cease to be members of the NECA or become disqualified, act until their successors become entitled to act as Chair or a Vice Chair.

The election of the Chair and Vice Chairs shall be the first item of business at the Annual Meeting of the ~~Leadership Board~~NELB.

Subject to any Rules made by the ~~Leadership Board~~NELB, anything required to be done by, to or before the Chair may be done by, to or before a Vice Chair.

At a meeting of the ~~Leadership Board~~ NELB the Chair shall preside. If the Chair is absent a Vice Chair shall preside. If both the Chair and all Vice Chairs are absent,

such other Member present may choose to preside with the agreement of the other Members present.

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

The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

2. Meetings of the Leadership Board NELB

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In addition to the Annual Meeting and any meeting convened by the Chair or by Members, meetings for the carrying out of general business shall be held in each year at the times and on the dates fixed at the Annual Meeting.

3. Extraordinary Meetings

Those listed below may request the Monitoring Officer to convene a NELB-Leadership Board meeting in addition to ordinary meetings:

- a) the Leadership Board NELB by resolution;
- b) the Chair of the Leadership Board NELB; and
- c) any three Members if they have signed a requisition presented to the Chair of the Leadership Board NELB and the Chair has refused to convene a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The agenda for the extraordinary meeting will include the resolution, request or requisition which led to it being called and any other business agreed by the Chair, or in their absence a Vice Chair of the Leadership Board, the Monitoring Officer and the Head of Paid Service. No further item of business may be conducted at an extraordinary meeting of the Leadership Board other than that specified in the agenda for the meeting unless the Chair, or in their absence a Vice Chair, agree the matter is urgent and requires a decision before the next ordinary meeting of the Leadership Board. The report submitted to the extraordinary meeting will set out the reason why the matter could not be determined at the next ordinary meeting of the Leadership Board and this reason will be recorded in the minutes of the meeting. No item of business may be conducted at an extraordinary meeting of the NELB other than that specified in the resolution, request or requisition which led to it being called.

4. Summons

At least five clear days before a meeting the Monitoring Officer shall arrange for a notice of the time and place of the intended meeting to be published at his/her office. Where the meeting is called by Members that notice is to be signed by those Members and specify the business proposed. A summons to attend the meeting, specifying the proposed business and signed by the Monitoring Officer, is to be left at, or sent by post to, the usual place of residence of every Member or to such other place as may be requested by a Member.

Except in the case of business required by statute to be transacted at the Annual Meeting no business shall be transacted at a meeting other than that specified in the summons.

5. Quorum

The quorum of the ~~NELB~~ Leadership Board shall be at least two thirds of members save for items of business that require a unanimous decision in which case the quorum is seven voting members. No business shall be transacted at any meeting unless a quorum is present.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

6. Duration

At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of Members present, by vote, determine it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.

7. Declaration of Interests in Meetings

Where a Member attends a meeting of the Leadership Board ~~NELB~~ they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

8. Access to information

In accordance with the Local Government Act 1972 as amended:

- a) All meetings of the NELB Leadership Board, its joint-committees, committees and sub-committees shall be open to the public unless it is likely in view of the nature of the business to be transacted that either confidential information (as defined in section 100A(3) of the 1972 Act) or information falling within one of the categories of exempt information in Schedule 12A (as amended) of the 1972 Act would be disclosed.

b) Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of any meeting of the Leadership Board, its joint-committees, committees and sub-committees where the meeting is open to the public. The Chair of the meeting may withdraw consent to film, record or photograph a meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.

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b)c) Copies of the agenda, and reports open to the public will be available for public inspection at least five clear days before a meeting. If an item is added to the agenda later, the revised agenda and any additional report will be open to inspection from the time it was added to the agenda.

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e)d) The NECA will make available for public inspection for six years after a meeting the minutes of the meeting (but excluding any part of the minutes when the meeting was not open to the public or which disclose confidential or exempt information), a summary of any proceedings not open to the public where the minutes open to inspection would not otherwise provide a reasonably fair and coherent record, the agenda for the meeting and reports relating to items when the meeting was open to the public.

d)e) The author of any report will set out in it a list of those documents (called background papers) relating to the report which in his/her opinion disclose any facts or matters on which the report is based and which have been relied on to a material extent in preparing the report (except for documents which are published works or which disclose confidential or exempt information). Such background papers will remain available for public inspection for four years from the date of the meeting.

e)f) Where information is withheld under these provisions the fact must be made known to the member of the public concerned who shall be advised of the categories of information being withheld and the way in which the withholding can be challenged.

9. Disturbance

No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn him/her and if he/she continues the interruption the Chair shall order his/her removal.

The Chair may at any time, if he/she thinks it desirable in the interests of order, adjourn or suspend a meeting for a time to be named by him/her.

10. Order of Business

The NELB Leadership Board on a motion duly seconded and carried without debate, or on motion by the Chair, which shall not require to be seconded, may vary the order of business as set out on the agenda.

11. Motions and Amendments

Notice

- (1) A Member may by notice of motion given in writing raise any matter relating to the functions of the- ~~Leadership Board~~NELB.
- (2) Notice of every motion, other than a motion which under Rule 11 (8) may be moved without notice, shall be signed by the Member giving the notice, and delivered not later than seven working days before the day of the meeting at the office of the Monitoring Officer, by whom it shall be dated.
- (3) The Monitoring Officer shall include in the summons for every meeting all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice indicated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it in writing.
- (4) If a motion included in the summons is not moved either by the Member who gave notice of the motion or by some Member on his/her behalf it shall, unless postponed by consent of the- ~~Leadership Board~~NELB, be treated as withdrawn and shall not be moved without fresh notice.
- (5) No motion to rescind any resolution passed within the last six months shall be proposed unless the notice thereof bears the names of at least three Members of the ~~Leadership Board~~ NELB. When any such motion has been disposed of by the ~~Leadership Board~~ NELB it shall not be open to any Member to propose a similar motion within a further period of six months unless the suspension of Standing Orders has been carried.
- (6) A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the- ~~Leadership Board~~NELB, which consent shall be signified without debate, and no Member may speak upon it after the mover has asked permission for its withdrawal unless such permission shall have been refused.

Amendments

- (7) Any member who intends to move an amendment to a motion included on the agenda for a meeting shall give written notice of the amendment (before noon on the day before the meeting) to the Monitoring Officer who will notify the Chair, the Vice Chair or other Member likely to preside at the meeting.

The Chair may in his/her discretion waive the requirements to comply with Rule 11 (7) but unless there are exceptional circumstances, a request of the Chair to exercise such discretion should be made before the meeting.

The amendment must be relevant to the motion and cannot negate the motion.

Motions without notice

- (8) The following motions and amendments may be moved without notice:
 - a) appointment of a Chair of the meeting at which the motion is made;
 - b) motions relating to the accuracy of the minutes, closure adjournment, proceeding to the next business, or the motion "that the question be now put";

- c) variation of the order of business;
- d) appointment of a committee or members of committee, arising from an item on the agenda of the meeting;
- e) that leave be given to withdraw a motion;
- f) suspension of these Rules;
- g) a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the Press and Public
- h) that a Member named under Rule 13(6) not be heard further or do leave the meeting;
- i) that a deputation be received; or
- j) giving the consent of the ~~Leadership Board~~ ~~NELB~~ where such consent is required under these Rules.

During debate

- (9) When a motion is under debate, no further motion shall be received except the following:
 - a) to amend the motion (in these Rules called “an amendment”);
 - b) that the ~~Leadership Board~~ ~~NELB~~ do now adjourn;
 - c) that the debate be adjourned;
 - d) that the question be now put; or
 - e) that the ~~Leadership Board~~ ~~NELB~~ proceed to the next business.
- (10) If the motion “that the ~~NELB~~ ~~Leadership Board~~ do now adjourn” is carried, any outstanding business shall be printed on the agenda of the next ordinary meeting or of such meeting as shall be specified in the adjournment notice and given priority at the next meeting.
- (11) If the motion “that the debate be adjourned” is carried, the discussion shall be resumed at the next ordinary meeting. When a debate resumes any Member who would have had a right to speak or reply in the adjourned debate shall have the same right in the resumed debate.
- (12) If the motion “that the question be now put” is carried, the motion or amendment under debate shall, subject to the right of reply of the mover of the original motion, be forthwith put.
- (13) When a motion “that the ~~Leadership Board~~ ~~NELB~~ do proceed to the next business” is carried, no further debate shall take place on the matter under discussion.

12. Suspension of Standing Orders

All of these Rules of Procedure, except the mandatory standing orders relating to the right to have an individual vote recorded and no requirement to submit minutes to extraordinary meetings, may be suspended by motion on notice or without notice if at least one half of the whole number of Members are present.

Suspension of these procedure rules can only be for the duration of the meeting and must only be moved in exceptional circumstances where the Chair of the ~~NELB~~ ~~Leadership Board~~ is satisfied that the reasons for the exceptional circumstances can be sufficiently justified. The reasons for the exceptional circumstances must be given

by the mover of the motion and the Chair's reasons for considering the exceptional circumstances will be recorded in the minutes of the meeting.

13. Rules of Debate

The following rules shall apply to the conduct of debate at meetings of the- Leadership Board ~~NELB~~:

- (1) Members shall address the Chair. A Member who speaks shall confine his/her remarks strictly to the motion or report under discussion or to a personal explanation or a question of order.
- (2) A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order shall relate only to an alleged breach of a Rule or statutory provision and the Member shall immediately specify the Rule or Statutory provision and the way it has allegedly been broken. No Member may use unbecoming or offensive language.
- (3) A Member may make a personal explanation. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final. When making a point of personal explanation, Members must await the conclusion of the relevant Member's speech.
- (4) The ruling of the Chair on a point of order or the admissibility of a personal explanation shall be final and shall not be open to discussion.
- (5) Where a Notice of Motion has been placed on the agenda, the Chair shall allow the mover the right of reply to the debate before putting the matter to the vote, but otherwise the conduct of the meeting shall be at the discretion of the Chair.
- (b) The Chair shall call the attention of the Leadership Board ~~NELB~~ to continued irrelevance, repetition, unbecoming language or a breach of order by a Member and shall direct such Member, if speaking, to discontinue his/her speech, or, if the Member does not do so, to leave the meeting.

14. Voting

Subject to the provisions of any enactment the NELB will aim to reach a consensus. If exceptionally it is not possible to reach consensus on any matter on which it is necessary to reach a decision, the matter will be put to a vote which will be decided upon by a simple majority of the members of the NELB present and voting at the time the question was put unless it is a matter for which there must be a unanimous decision (see Part 3.1 A).

The method of voting at meetings of the NELB shall be by show of hands. In the event that a vote is tied on any matter it shall be deemed not to have been carried.

If any Member wishes to have his/her name recorded as having voted against any resolution on matters when unanimity is not required, he/she may require the Monitoring Officer to do so.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

15. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

16. Code of Conduct and Protocols

Members shall comply with the NECA's Code of Conduct for Members at Part 6.1 of this Constitution and any other Codes or Protocols approved by the [Leadership Board NELB](#).

17. Officers' Interests

If it comes to the knowledge of an officer engaged by the NECA, that a contract in which he/she has a pecuniary interest, whether direct or indirect has been, or is proposed to be, entered into by the NECA he/she shall as soon as practicable give notice in writing to the Monitoring Officer of the fact that he/she has an interest.

An officer shall be treated as having indirectly a pecuniary interest in a contract if he/she would have been so treated by virtue of Section 95 of the Local Government Act 1972 had he/she been a member of the NECA i.e. the other party to the contract is a company or other person or body (other than a public body) of which the officer or his/her spouse/partner is a member or employee or partner.

18. Financial Regulations

The Financial Regulations of the NECA are deemed to be incorporated in and have the same force as these Rules.

19. Sealing of Documents

A decision of the [Leadership Board NELB](#) (or of a joint committee, committee, sub-committee, person or persons to whom the NECA has delegated its powers and duties) shall be sufficient authority for the sealing of any document necessary to give

effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed.

The Common Seal of the NECA shall be kept in a safe place in the custody of the Monitoring Officer and the affixing of the Common Seal shall be attested by the Monitoring Officer or other person nominated by them, unless any enactment otherwise authorises or requires, or the Combined Authority has given requisite authority to some other person.

20. Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Combined Authority it will be signed by the Monitoring Officer or other person nominated by them, unless any enactment otherwise authorises or requires, or the Combined Authority has given requisite authority to some other person.

21. Committees

The Leadership Board NELB shall at its Annual Meeting each year appoint such committees as are required to be appointed by or under any statute and may at any time appoint such other joint committees, committees or sub-committees as are necessary to carry out the work of the NECA but, subject to any statutory provision, may at any time dissolve a joint committee, committee, sub-committee or alter its membership.

No joint committee, committee or sub-committee shall continue in office longer than the next Annual Meeting.

All of the Leadership Board NELB Rules of Procedure apply to meetings of the Leadership Board NELB. All of these Rules of Procedure, except rules 11, 12, 13, 19 and 20 and 24 will, with any necessary modifications specified in the relevant committee's responsibility for functions terms of reference, apply to meetings of joint committees, committees and sub-committees of the NECA.

Procedure Rule 14 (voting) will apply to meetings of joint committees, committees and sub-committees of the NECA with the amendment that in the event of an equality of votes, the Chair will have a second or casting vote.

These Rules of Procedure do not apply to the Governance Committee and the Overview and Scrutiny Committee or any working groups established by any joint committee, committee or sub-committee of the NECA. The Governance Committee and the Overview and Scrutiny Committee have their own Rules of Procedure set out at Part 4.2 and 4.3 of this Constitution.

~~These Rules of Procedure do not apply to the Governance Committee or the Overview and Scrutiny Committee. The Governance Committee and the Overview and Scrutiny Committee have their own Rules of Procedure set out at Part 4.2 and 4.3 of this Constitution.~~

22. Working groups

Any joint committee, committee or sub-committee of the NECA can establish working groups to undertake specific studies/examinations, subject to agreement from the Leadership Board.

In appointing working groups the joint committee, committee or sub-committees will:

- a) have regard to any approved work programmes to avoid duplication of work or the undertaking of non priority work and advice from relevant officers on the overall capacity of the NECA to support such studies;
- b) determine the remit for each working group which will be bound by the terms of that remit.
- c) determine the membership of the working group to be drawn from the membership of the joint committee, committee or sub-committee with appropriate representation across the Constituent Authorities;
- d) determine whether a non standard/flexible arrangement for the work required is preferable, for example, a joint arrangement with one or two specified Constituent Authorities.
- e) consider and either approve, amend or reject any reports and recommendations for submission to its parent committee or sub-committee, the Leadership Board, an individual or outside organisation as appropriate.

The Chair of any working groups established to support strategy development and delivery will be the appropriate Thematic Lead or their nominee or agreed Member of the NECA.

Working groups may seek the assistance of Members and officers of the Authority and/or outside organisations and individuals to meet the objectives of their agreed remit.

22.23. Co-opted Members

The appointment of co-opted Members to any body, committee, sub-committee or joint committee is a matter reserved to the Leadership Board NELB. A body, committee, sub-committee or joint committee can make recommendations to the Leadership Board NELB on the appointment of co-opted members to the committee itself and/or any of its sub-committees. In making such recommendations to the NELB Leadership Board, the committee will specify the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the NELB Leadership Board. Co-opted Members appointed by the NELB Leadership Board can attend and speak at meetings of the committee or sub-committee to which they are appointed but cannot vote.

23.24. Attendance

The Monitoring Officer shall record the attendance of each Member at each meeting of the Leadership Board NELB, its joint committees, committees and sub-committees and it shall be the responsibility of each Member to sign such a record.

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24-25. Substitutes

Substitute Members may attend the meetings they have been appointed to as a substitute member to take the place of an ordinary member of the joint committee, committee or sub-committee.

Two types of substitute can be made:

1. Where the ordinary member of the joint committee, committee or sub-committee will be absent for the whole of the meeting.

Once the meeting has commenced and the substitute is present and participating the appointed Member of the relevant committee or sub-committee shall not be entitled to attend the relevant meeting as a member of the committee and this substitution shall apply for the entire meeting including where the meeting is reconvened after adjournment.

2. Where the ordinary member of the committee has a registerable or non-registerable interest in a matter which requires the Member to leave the room whilst the matter is discussed and decided upon (see Part 6.1 - Code of Conduct for Members). In these circumstances the substitute member will only act as a member of the committee for the duration of the discussion on that matter.

When this type of substitution is required, the Monitoring Officer and the Chair of the Leadership Board should be notified prior to the commencement of the meeting.

25-26. Failure to attend Meetings

Subject to the exceptions prescribed by statute, if a Member of the NECA fails throughout a period of six consecutive months to attend any meeting of the [Leadership Board](#)~~NELB~~, joint committee, committee or sub-committee to which they have been appointed, he/she shall, unless the failure to attend was due to a reason approved by the [Leadership Board](#)~~NELB~~ before the end of that period, cease to be a Member of the NECA. For the purpose of this provision the period of failure to attend shall date from the first meeting which the Member could have attended as a Member.

26-27. Resignation

A person appointed to the office of Chair or Vice Chair or Member of the NECA may at any time resign his/her office by a notice of resignation in writing signed by him/her and delivered to the Monitoring Officer and such resignation shall take effect upon receipt of that notice by the Monitoring Officer.

27-28. Appointments

A person, so long as he/she is a Member of the NECA, and for twelve months after he/she ceases to be a Member of the NECA, shall be disqualified from being appointed by the [NELB](#)~~Leadership Board~~ to any paid office.

A Member shall not solicit for any person any appointment under the NECA or recommend any person for such appointment or for promotion, but this Rule shall not prevent a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the NECA with an application for appointment.

Canvassing of Members directly or indirectly for any appointment under the NECA shall disqualify the candidate for that appointment. A statement to this effect shall be included in every recruitment information for appointments.

~~28.~~29. Forward Plan

The Forward Plan for the NECA will be prepared and published by the Monitoring Officer for the purpose of giving 28 days notice of decisions.

The purpose of the Forward Plan is, amongst other things, to provide an opportunity for people inside and outside the Authority to see when decisions are going to be taken, who will be taking those decisions and what information and consultation will contribute to these decisions

The Forward Plan will be published on the NECA website and will be available for inspection at the offices of each Constituent Authority.

The Forward Plan will contain details of decisions to be taken by the ~~NELB Leadership Board~~, the TNEC, a committee of the ~~Leadership Board NELB~~, or a Chief Officer of the NECA. Exempt information need not be included in a Forward Plan and confidential information cannot be included. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a) the matter in respect of which a decision is to be made;
- b) the identity of the decision taker(s)
- c) notice of the intention to exclude the press and public from any meeting, or part of a meeting,
- d) the date on which, or the period within which, the decision will be taken;
- e) the steps any person might take who wishes to make representations to the ~~Leadership Board NELB~~, the TNEC, a joint committee, committee or sub-committee of the ~~Leadership Board NELB~~ about the matter in respect of which the decision is to made, and the date by which those steps must be taken;
- f) a list of the documents submitted to the ~~NELB Leadership Board~~, the TNEC, a joint committee, committee or sub-committee of the ~~Leadership Board NELB~~ for consideration in relation to the matter and an address from which the documents are available; and
- g) a statement to indicate that other documents may be submitted to the decision maker(s) and details of the procedure for requesting copies of them.

30. Petitions

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Any person or body wishing to present a petition to the NECA shall notify the Monitoring Officer in writing and provide him/her with a copy of the petition not less than 14 working days before a meeting of the relevant Committee or a Sub-Committee of NECA. On receipt of such petition the Monitoring Officer shall check that it relates to the work of NECA and, if so, include an appropriate item on the agenda. All petitions addressed to NECA shall be reported to the next meeting of its relevant Committee or a Sub-Committee.

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29.31. General Exception

A decision of the ~~Leadership Board~~^{NELB}, the TNEC, the TWSC, a joint committee, committee or sub-committee of the ~~Leadership Board~~^{NELB}, not included in the Forward Plan can only be taken where:

- a) the Monitoring Officer has notified the Chair, or Vice Chair, of the Overview and Scrutiny Committee in writing of the matter to be decided; and
- b) at least 5 clear days have elapsed between the agenda for the meeting, which includes the matter, being made available and the date of the meeting. The report will set out the reason why the matter could not be included on the Forward Plan and this reason will be recorded in the minutes of the meeting.

30.32. Special Urgency

A decision of the ~~Leadership Board~~^{NELB}, the TNEC, the TWSC, a joint committee, a committee or a sub-committee of the NELB not included in the Forward Plan can only be taken with less than 5 clear days notice where:

- a) the Monitoring Officer has notified the Chair, or Vice Chair, of the Overview and Scrutiny Committee in writing of the matter to be decided;
- b) agreement has been obtained from the Chair, or a Vice Chair, of the NELB, that the matter is urgent and cannot be reasonably deferred;
- c) a notice setting out the reasons why the matter is urgent and cannot reasonably be deferred is published on the NECA's website and made available for inspection at the offices of each constituent authority; and
- d) the report submitted to the meeting will set out the reason why the matter is urgent and cannot reasonable be deferred and this reason will be recorded in the minutes of the meeting.

31.33. Urgent Decisions

Where a decision needs to be taken urgently and it is not practical to convene a quorate meeting of the appropriate body (i.e. the ~~NELB~~^{NELB Leadership Board}, TNEC, TWSC or any other committee, sub-committee or joint committee of the Combined Authority), the Head of Paid Service, in consultation with the Chair (or in their absence a Vice Chair) of the relevant committee, the Chief Finance Officer and the Monitoring Officer has the authority to take an urgent decision (see delegation HPS4 in Part 3.6 B Delegations to Head of Paid Service).

The Monitoring Officer will maintain a record of all 'urgent' decisions and submit a report on these decisions at least annually to the ~~Leadership Board~~ NELB. The report will include a summary of the subject matter of the decisions taken.

4.2 Governance Committee Rules of Procedure

Subject to the provisions of any specific legislation and/or regulations relating to their operation, the Governance Committee will conduct their proceedings in accordance with the following procedure rules.

1. Membership

The Governance Committee is made up from seven members from the Constituent Authorities and two non-voting co-opted Independent Members.

Any Member from the Constituent Authorities may serve as a Member of the Committee unless they are specifically excluded. Membership of the Committee is determined by the [Leadership Board NELB](#) and will be appointed annually, usually at the Annual Meeting. In-year changes to membership can be made, see Part 3.6 Scheme of Delegation of Functions to Proper Officers, Part D Monitoring Officer.

2. Co-opted Members

The appointment of co-opted Members to this committee is a matter reserved to the [Leadership Board NELB](#). The Governance Committee can make recommendations to the [Leadership Board NELB](#) on the appointment of co-opted members to the committee itself and/or any of its sub-committees. In making such recommendations to the [Leadership Board NELB](#), the committee will specify the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the [Leadership Board NELB](#). Co-opted Members appointed by the [Leadership Board NELB](#) can attend and speak at meetings of the Committee or sub-committee to which they are appointed but cannot vote.

3. Independent Person

The Independent Person appointed by the Authority will be invited to attend all meetings of the Committee. The Independent Person:

- must be consulted by the Authority before it makes a decision on a matter that has been referred to it for investigation;
- can be consulted by the Authority in respect of a code of conduct complaint at any other stage; and
- can be consulted by a member or co-opted member of the Authority against whom a complaint has been made.

4. Meetings

Meetings for the carrying out of general business shall be held in each year at the times and on the dates fixed at the [Leadership Board's NELB](#) Annual Meeting. Notice of meetings will be given to the public.

5. Extraordinary Meetings

Extraordinary meetings of the Governance Committee may be called, where possible following consultation with the Chair and Vice Chair, where it is considered necessary or appropriate (for instance for the purposes of consideration of an Investigation report or the hearing of a complaint), or at the request of the Chair and Vice Chair or any three Members of the Committee.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

The agenda for the extraordinary meeting will include the item of business which led to it being called and any other business, agreed where possible by the Chair, or in their absence Vice Chair, and the Monitoring Officer, which requires a decision before the next ordinary meeting of the Committee. No further item of business may be conducted at an extraordinary meeting of the Governance Committee other than that specified in the agenda for the meeting unless the Chair, or in their absence the Vice Chair, agree the matter is urgent and requires a decision before the next ordinary meeting of the Committee. Any report submitted to an extraordinary meeting will set out the reason why the matter could not be determined at the next ordinary meeting of the Committee and this reason will be recorded in the minutes of the meeting. No item of business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.

6. Summons

The Monitoring Officer and Chief Finance Officer, where possible in consultation with the Chair and Vice Chair, will determine the agenda for meetings of the committee.

At least five clear working days before a meeting, an agenda will be sent to every member of the committee to their usual place of residence (or such other address as has been notified).

The agenda will give the date, time and place of each meeting and specify the order of the business to be transacted, and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair of the Committee has been given. The reasons for urgency will be recorded in the minutes of the meeting.

Any matters referred to the committee by either the Leadership Board NELB or any of its committees will be placed on the agenda for the next available meeting of the committee. The committee will, at that meeting, determine the method and timetable for responding to any such referrals.

7. Chair

The Chair and the Vice Chair of the Governance Committee will be the co-opted members. Meetings of the Committee will be chaired by the Chair or in the Chair's absence the Vice Chair. In the absence of both the Chair and Vice Chair, members of the committee present will elect from amongst themselves a Chair for the meeting.

|

8. Quorum

A meeting of the Committee cannot begin until a quorum is present. The quorum for the Governance Committee will be two thirds of the membership, excluding the co-opted Members and the Independent Person.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Substitutes

Two types of substitute can be made:

1. Where the ordinary member of the Governance Committee will be absent for the whole of the meeting.

Once the meeting has commenced and the substitute is present and participating the appointed Member of the Governance Committee shall not be entitled to attend the relevant meeting as a member of the committee and this substitution shall apply for the entire meeting including where the meeting is reconvened after adjournment.

2. Where the ordinary member of the committee has a registerable or non-registerable interest in a matter which requires the Member to leave the room whilst the matter is discussed and decided upon (see Part 6.1 - Code of Conduct for Members). In these circumstances the substitute member will only act as a member of the committee for the duration of the discussion on that matter.

When this type of substitution is required, the Monitoring Officer and the Chair of the Governance Committee should be notified prior to the commencement of the meeting.

10. Duration

At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of Members present, by vote, determine it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.

11. Declaration of Interests in Meetings

Where a Member attends a meeting of the Governance Committee they must declare registerable and non-registerable personal interests as defined in the Members' Code of

Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

12. Filming/Reporting at meetings

Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of Governance Committee where the meeting is open to the public.

The Chair of the meeting may withdraw consent to film, record or photograph a meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.

13. Disturbance

No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn him/her and if he/she continues the interruption the Chair shall order his/her removal.

14. Order of Business

The Governance Committee on a motion duly seconded and carried without debate, or on motion by the Chair, which shall not require to be seconded, may vary the order of business as set out on the agenda.

15. Voting

Subject to the provisions of any enactment the Governance Committee will aim to reach a consensus. If exceptionally it is not possible to reach consensus on any matter on which it is necessary to reach a decision, the matter will be put to a vote which will be decided upon by a simple majority of the members of the committee present and eligible to vote at the time the question was put.

The method of voting shall be by show of hands. As the Chair of the Committee is a non-voting co-opted Member there is no Chair's casting vote. In the event that a vote is tied on any matter it shall be deemed not to have been carried.

Where any member of the committee requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

16. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

17. Exclusion of the Public

Members of the public and press may only be excluded either in accordance with the Access to Information paragraph of the [Leadership Board NELB](#) Rules of Procedure (Part 4.1, paragraph 8) or when causing a disturbance.

18. Attendance by Members and officers

The Governance Committee may request the attendance at a meeting of any Member, any co-opted Member, or any officer to assist the Committee in its work.

Under normal circumstances where it is felt that the attendance of a particular Member or officer would assist the Committee in its work then they will be invited to attend. In such circumstances, the Member or officer concerned should preferably be given at least 5 working days notice of the date and time of the meeting and the nature of the business to be discussed. In circumstances where it is not possible to give 5 working days notice, contact should be made at the earliest opportunity with the Member or officer concerned to establish their availability.

Where a Member or officer who has been invited to a meeting is not able to attend, then the Committee will consider whether or not to defer consideration of the matter to enable the Member or officer to be present.

The Monitoring Officer and the Chief Finance Officer (or their nominated representatives) will attend the meetings of the Governance Committee.

19. Specialist Advisers

The appointment of specialist advisers to any body, committee, sub-committee or joint committee is a matter reserved to the [Leadership Board NELB](#). The Governance Committee can make requests to the [Leadership Board NELB](#) for the appointment of a specialist adviser. In making such requests to the [Leadership Board NELB](#), the Committee will specify the term of the appointment and their reasons for the request.

20. Arrangements for dealing with complaints against Members

The Governance Committee is part of the Combined Authority's adopted local arrangements relating to how complaints that a Member has failed to follow the Members' Code of Conduct should be dealt with. These are included in Part 6.1 Code of Conduct for Members.

Those arrangements include the opportunity for a complainant to seek a review by the Monitoring Officer, in consultation with the Independent Person and Chair of the Governance Committee, of the decision of the Monitoring Officer not to refer a complaint for investigation and for a Member who is subject to such a complaint, to seek a review of a decision of the Committee where a breach of the Code has been found. Once a complaint has been dealt with and any review process completed there is no further right of review or appeal available within the Authority.

Where a complaint is made against a Member of the NECA or any of its joint committees or sub-committees, the Monitoring Officer and the Monitoring Officer of the Member's appropriate Constituent Authority will determine whether the complaint is to be properly dealt with in accordance with the Combined Authority's local arrangements or the appropriate Constituent Authority's local arrangements.

Part 4.3 Overview and Scrutiny Committee Rules of Procedure

Subject to the provisions of any specific legislation and/or regulations relating to their operation, the Overview and Scrutiny Committee will conduct their proceedings in accordance with the following procedure rules.

References in these arrangements to major and strategic decisions of the TNEC taken in accordance with the delegations set out in Part 3 of this Constitution include major and strategic decisions taken by sub-committees of TNEC in accordance with such delegations.

1. Membership²

Any Member of the Constituent Authorities may serve as a member of the Overview and Scrutiny Committee unless they are specifically excluded. Membership of the Committee is determined by the [NELB Leadership Board](#) and will be appointed annually, usually at the Annual Meeting. In-year changes to membership can be made, see Part 3.6 Scheme of Delegation of Functions to Proper Officers, Part D Monitoring Officer.

Any elected member appointed to the Overview and Scrutiny Committee cannot also be appointed to the [NELB Leadership Board](#).

2. Co-opted Members

The appointment of co-opted Members is a matter reserved to the [NELB Leadership Board](#). The Overview and Scrutiny Committee can make recommendations to the [NELB Leadership Board](#) on the appointment of co-opted members to the committee itself and/or any of its sub-committees. In making such recommendations to the [NELB Leadership Board](#), the committee will specify the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the [NELB Leadership Board](#). Co-opted Members appointed by the [NELB Leadership Board](#) can attend and speak at meetings of the committee or sub-committee to which they are appointed but cannot vote.

3. Meetings

Meetings for the carrying out of general business shall be held in each year at the times and on the dates fixed at the [NELB Leadership Board](#) Annual Meeting. Notice of meetings will be given to the public.

4. Extraordinary Meetings

Extraordinary meetings of the Overview and Scrutiny Committee may be called, where possible following consultation with the Chair and Vice Chair, where it is considered necessary or appropriate or at the request of the Chair and Vice Chair or any three Members of the Committee.

² Overview and Scrutiny Committee determined on 9 September 2014 that provisions to allow for the appointment of substitute members to the committee was not required. This position can be reviewed at any time.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

The agenda for the extraordinary meeting will include the item of business which led to it being called and any other business, agreed where possible by the Chair, or in their absence the Vice Chair, and the Monitoring Officer, which requires a decision before the next ordinary meeting of the Committee. No further item of business may be conducted at an extraordinary meeting of the Overview and Scrutiny Committee other than that specified in the agenda for the meeting unless the Chair, or in their absence the Vice Chair, agree the matter is urgent and requires a decision before the next ordinary meeting of the Committee. Any report submitted to an extraordinary meeting will set out the reason why the matter could not be determined at the next ordinary meeting of the Committee and this reason will be recorded in the minutes of the meeting.

~~No item of business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.~~

5. Summons

The Monitoring Officer, where possible in consultation with the Chair and Vice Chair, will determine the agenda for meetings of the committee.

At least five clear working days before a meeting, an agenda will be sent to every member of the committee to their usual place of residence (or such other address as has been notified).

The agenda will give the date, time and place of each meeting and specify the order of the business to be transacted, and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair of the Committee has been given. The reasons for urgency will be recorded in the minutes of the meeting.

Any matters referred to the committee by either NELB Leadership Board or any of its committees will be placed on the agenda for the next available meeting of the committee. The committee will, at that meeting, determine the method and timetable for responding to any such referrals.

6. Chair

Meetings of the Committee will be chaired by the Chair or in the Chair's absence the Vice Chair. In the absence of the Chair and Vice Chair, members of the committee present will elect from amongst themselves a Chair for the meeting.

7. Quorum

A meeting of the Committee cannot begin until a quorum is present. The quorum for the Overview and Scrutiny Committee is two thirds of the membership, not including any co-opted members.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Duration

At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of Members present, by vote, determine it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.

9. Declaration of Interests in Meetings

Where a Member attends a meeting of the Overview and Scrutiny Committee they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

10. Filming/reporting at meetings

Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of Governance Committee where the meeting is open to the public.

The Chair of the meeting may withdraw consent to film, record or photograph a meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.

10.11. Disturbance

No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn him/her and if he/she continues the interruption the Chair shall order his/her removal.

10.12. Order of Business

The Overview and Scrutiny Committee on a motion duly seconded and carried without debate, or on motion by the Chair, which shall not require to be seconded, may vary the order of business as set out on the agenda.

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12.13. Voting

Subject to the provisions of any enactment the Overview and Scrutiny Committee will aim to reach a consensus. If exceptionally it is not possible to reach consensus on any matter on which it is necessary to reach a decision, the matter will be put to a vote which will be decided upon by a simple majority of the members of the committee present and voting at the time the question was put.

Each member of the overview and scrutiny committee appointed from the constituent councils is to have one vote. In the event that a vote is tied on any matter it shall be deemed not to have been carried; no member has a casting vote.

Where any member of the committee requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

13.14. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

14.15. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information paragraph of the [Leadership Board NELB](#) Rules of Procedure (Part 4.1, paragraph 8) or when causing a disturbance.

15.16. Attendance by Members and officers

The Overview and Scrutiny Committee may invite to a meeting any Member, co-opted Member, and others to assist the Committee in its work.

Under normal circumstances where it is felt that the attendance of a particular Member, officer, officer of Nexus or other delivery bodies or stakeholders and

members of the public, would assist the Committee in its work then they will be invited to attend or submit written information. In such circumstances, the person/organisation concerned should be given at least 5 working days notice of the date and time of the meeting and the nature of the business to be discussed. In circumstances where it is not possible to give 5 working days notice, contact should be made at the earliest opportunity with the Member or officer concerned to establish their availability.

Where a Member of the [NELB Leadership Board](#) or officer who has been invited to a meeting is not able to attend, then the Committee will consider whether or not to defer consideration of the matter to enable the Member or officer to be present.

16-17. Specialist Advisers

The appointment of specialist advisers to any body, committee, sub-committee or joint committee is a matter reserved to the [NELB Leadership Board](#). The Overview and Scrutiny Committee can make requests to the [NELB Leadership Board](#) for the appointment of a specialist adviser. In making such requests to the [NELB Leadership Board](#), the Committee will specify the term of the appointment and their reasons for the request.

17-18. Reports of recommendations from Overview and Scrutiny Committee

Where Overview and Scrutiny Committee makes a report or recommendation the committee may:

- a) publish the reports or recommendations.
- b) by notice require in writing the [NELB Leadership Board](#) to consider the report or recommendations and respond to them indicating what (if any) action the [NELB Leadership Board](#) proposes to take within two months of receipt of the report or recommendations;
- c) and if the report was published, publish the response.

18-19. Involvement in the work of the Committee by the public, etc.

The Authority is committed to the involvement of the public and others in the work of the Overview and Scrutiny Committee.

Where members of the public and/or others have had an active role in the work of the Overview and Scrutiny Committee such involvement will be properly acknowledged. In addition, where this involvement has contributed to a particular study or examination, then the individuals and/or organisations concerned will be informed of any resulting conclusions and/or recommendations.

19-20. Work Programme

At its first meeting of the year, the Overview and Scrutiny Committee will:

- a) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months.

- b) agree to establish Scrutiny Groups from amongst their number in order to carry out agreed areas of review and scrutiny.

The Constituent Authorities will work together to maximise the exchange of information and views, to minimise bureaucracy and make best use of the time of members and officers of other bodies or agencies.

Members of the Overview and Scrutiny Committee will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Authorities or elsewhere and will not duplicate the work of existing bodies or agencies.

20-21. Scrutiny Groups

In appointing Scrutiny Groups the Overview and Scrutiny Committee will:

- a) have regard to the approved work programme and advice from relevant officers on the overall capacity of the Authority to support such studies;
- b) determine the remit for each scrutiny group who will be bound by the terms of that remit;
- c) determine the membership of the scrutiny group to be drawn from the membership of the committee or sub-committee;
- d) consider and either approve, amend or reject any reports and recommendations made by a scrutiny group for submission to the [NELB Leadership Board](#), an individual or outside organisation as appropriate.

The arrangements for the attendance of Members of the [Leadership Board](#) and/or officers of the Authority applicable for meetings of the Overview and Scrutiny Committee will also apply to scrutiny groups.

Scrutiny groups may seek the assistance of Members and officers of the Authority and/or outside organisations and individuals.

21-22. Linking Sub-regional Scrutiny with Local Scrutiny

The Scrutiny Officer of each Constituent Authority will ensure that the work programmes and minutes relating to the work carried out by the Overview and Scrutiny Committee in scrutinising the [NELB Leadership Board](#), TNEC, TWSC and Nexus are circulated appropriately within their own Constituent Authorities scrutiny arrangements.

Part 4.4 Budget and Policy Framework Rules of Procedure

1. Introduction

The Budget and the Policy Framework is the collective name given to the budget and a number of the major plans and strategies of the NECA that must be considered by [Leadership Board](#) ~~NELB~~ before they are finally approved.

This part of the Constitution sets out how the [Leadership Board](#) ~~NELB~~ will decide on which plans and strategies are in the Policy Framework. It also sets out how it will make decisions on the content of the budget and those plans and strategies contained in the Framework where such plans and strategies are brought forward.

Once a budget or policy is in place it is the responsibility of the [NELB](#) ~~Leadership Board~~ to implement.

2. Content of the Budget and Policy Framework

The Budget and Policy Framework will comprise:

a) The Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingencies, earmarked and unearmarked reserves, the transport levy and decisions relating to the control of the Combined Authority's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

The budget also includes the Treasury Management Strategy. Treasury Management is the management of the Authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks.

The Treasury Management Strategy aims to protect the Authority from market-related risks by monitoring interest rates, economic indicators and UK and overseas government finances. The prime objective of the Authority's investment strategy is to maintain capital security whilst ensuring that there is the necessary liquidity to carry out its business.

b) The following plans and strategies:

- The Growth Plan (which includes the Strategic Economic Plan and the related investment strategy)
- The Local Transport Plan

The [Leadership Board](#) ~~NELB~~ will review the composition of the Policy Framework annually as part of the review of the Constitution and the relevant provisions will be amended to take account of the outcome of any review. The NECA will also publish a five-year timetable for consideration of those plans and strategies included in the Framework.

3. The Budget

The process described below aims to ensure that appropriate and effective consultation takes place with all Members and other stakeholders on the content of the Budget.

a) Initial proposals

At least 2 months before the calculations on the transport levies need to be finalised the Leadership Board ~~NELB~~ will produce initial outline proposals. These initial proposals will be accompanied by:

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- (i) a summary of information that has been taken into account in producing the initial proposals (including specific reference to consideration of any reviews/studies previously carried out by the Overview and Scrutiny Committee);
- (ii) detailed information on how it is intended to consult with the Constituent Authorities, stakeholders, residents and others;
- (iii) a clearly stated timetable for the consultation and the preparation of final proposals for consideration by the Overview and Scrutiny Committee and the NELB Leadership Board.
- (iv) proposals on the extent of virement permitted within the Budget as part of an annual review of the Combined Authority's Financial Regulations.

The initial proposals and accompanying information will then be referred to the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will at this stage examine the consultation proposals and timetable and make recommendations on these, where it is considered appropriate, to the NELB Leadership Board.

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b) Finalising proposals

The NELB Leadership Board will consider any recommendations made by the Overview and Scrutiny Committee and, where it is considered appropriate, amend the consultation process and/or timetable accordingly.

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Once the consultation process has been completed, details of the finalised proposals will be referred to the Overview and Scrutiny Committee together with the relevant background information on which the proposals have been based. It is the responsibility of the Chair of the NELB Leadership Board and relevant officers to ensure that the Overview and Scrutiny Committee has sufficient background information to enable it to evaluate the proposals against that background information.

The proposals will then be referred back to the NELB Leadership Board, together with any recommendations and/or observations from the Overview and Scrutiny

Committee.

c) Consideration of final proposals

The final proposals will then be considered by the ~~NELB~~Leadership Board, which may or may not include the recommendations and/or observations from the Overview and Scrutiny Committee.

The ~~Leadership Board~~ ~~NELB~~ must approve the final proposals unanimously.

d) After the Budget has been agreed

A notice of the decision will be prepared by the Chief Finance Officer and given to each Constituent Authority.

4. Plans and Strategies (The Policy Framework)

The process described below aims to ensure that appropriate and effective consultation takes place with all Members and other stakeholders on the content of any of the major plans or strategies within the Policy Framework.

a) Initial proposals

At least 2 months before any plan or strategy needs to be finalised, the ~~Leadership Board~~ ~~NELB~~ will produce initial proposals. These initial proposals will be accompanied by:

- (i) a summary of information that has been taken into account in producing the initial proposals and any consultation undertaken (including specific reference to consideration of any reviews/studies previously carried out by the Overview and Scrutiny Committee);
- (ii) detailed information on how it is intended to consult with Members and others;
- (iii) a clearly stated timetable for the consultation and the preparation of final proposals for consideration by the Overview and Scrutiny Committee and the ~~Leadership Board~~ ~~NELB~~; and
- (iv) proposals on the degree of changes to the plan or strategy that can be approved by the ~~Leadership Board~~ ~~NELB~~ during the life span of the plan or strategy.

The initial proposals and accompanying information will be referred to the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will examine the consultation proposals and timetable and make recommendations on these, where it is considered appropriate, to the Chair of the ~~NELB~~ ~~Leadership Board~~.

b) Finalising proposals

A second draft of the policy, taking into consideration comments received through the consultation process on the initial proposals will be approved by the ~~Leadership Board NELB~~ and referred again to the Overview and Scrutiny Committee together with the relevant background information on which the final proposals have been based.

Any recommendations and/or observations from the Overview and Scrutiny Committee will be considered by the ~~Leadership Board NELB~~.

c) Submission of final proposals to the Leadership Board NELB

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The final proposals will then be considered by the Leadership Board NELB, which may or may not include the recommendations and/or observations from the Overview and Scrutiny Committee.

The ~~Leadership Board NELB~~ must approve the final proposals unanimously.

5. Decisions that contravene the Budget or the plans or strategies in the Policy Framework

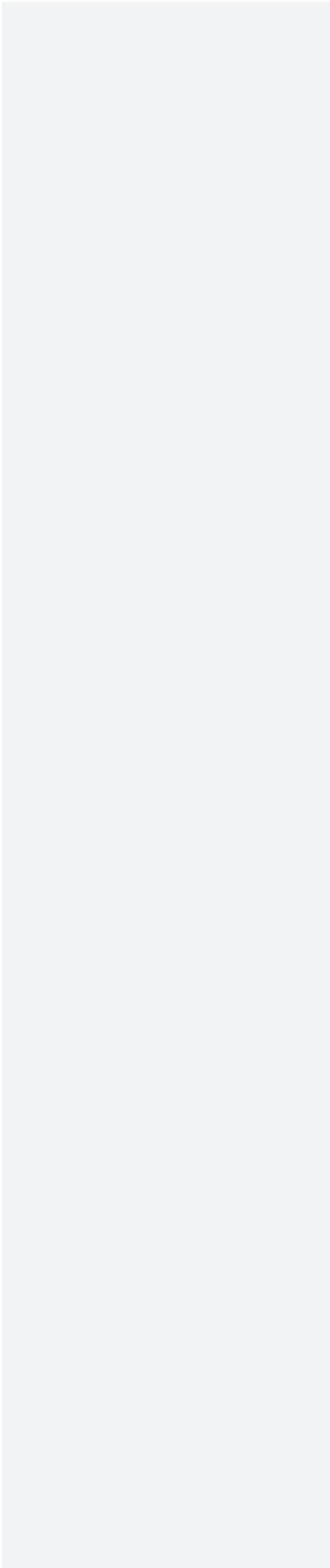
NECA's Financial Regulations contain provisions allowing virement. Subject to those provisions, the ~~Leadership Board NELB~~, committees of the Leadership Board NELB and/or any officers or joint committees discharging functions are only authorised to take decisions in line with the approved Budget and/or the approved plans or strategies in the Policy Framework. Only the ~~NELB Leadership Board~~ can take a decision that wholly or in part does not accord with the approved Budget or plans or strategies in the Policy Framework.

Decision makers must take the advice of the Monitoring Officer and/or Chief Finance Officer where it appears to them that a decision they wish to make would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the approved Budget. Where advice is given that the decision would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the Budget then that decision must be referred to the ~~Leadership Board NELB~~.

Decisions of the ~~Leadership Board NELB~~, its committees, sub-committees or a joint committee or officers, must be in line with the policies set by the ~~Leadership Board NELB~~. These decision makers may only make changes to any of the policies in the Policy Framework in the following circumstances:

- a) where the NECA has a budgetary constraint and changes are made to the policies in the Policy Framework to meet that constraint. This may involve the closure or discontinuance of a service;
- b) changes necessary to ensure compliance with the law, ministerial direction or government guidance; or
- c) changes to a policy which would normally be agreed annually or periodically by the Leadership Board NELB following consultation, but where the existing policy

document is silent on the matter under consideration.



Part 4.5 Officer Employment Rules of Procedure

The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.³

This section should be read in conjunction with the Scheme of Delegation of Functions to Chief Officers (Part 3.6).

The Authority's Chief Officers and Deputy Chief Officers are, in accordance with the Local Government and Housing Act 1989 defined as follows:

- a) a statutory chief officer (e.g. the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer);
- b) a non-statutory chief officer (e.g. an officer who reports directly to the Head of Paid Service; and
- c) a deputy chief officer (e.g. an officer who reports directly to a Chief Officer).

1. General

The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Deputy Chief Officer must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.

The functions of appointment and dismissal of, and taking disciplinary action against, Chief Officers and Deputy Chief Officers must be discharged by the [Leadership Board](#)~~NELB~~.

2. Recruitment and appointment

The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer; or of the partner of such persons.

No candidate so related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by them.

The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.

No Member will seek support for any person for any appointment with the Authority.

Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

³ Upon publication the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 do not apply to Combined Authorities.

3. Appointments

Where the NELB Leadership Board determines to appoint a Chief Officer or Deputy Chief Officer the NELB Leadership Board will draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed.

If it is not proposed that the appointment be made exclusively from among existing officers of the Constituent Authorities, the Leadership Board NELB will:

- a) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- b) make arrangements for a copy of the written statement mentioned above to be sent to any person on request.

The appointment of any other officer is a matter for the Head of Paid Service.

4. Disciplinary Action

The Head of Paid Service, the Monitoring Officer or Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by an independent person designated and acting in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

Members will not be involved in the disciplinary action against any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

5. Dismissal

Members will not be involved in the dismissal of any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

Part 5 Financial Regulations

Introduction

1. Definitions

In these Regulations:

The “Direct Services” of the Authority include those services provided directly to it by the lead authorities responsible for providing the services.

“Designated Officers” are those officers listed below, together with any other officers or consultants that may be approved by the Authority for the purpose of these regulations:

Head of Paid Service
 Chief Finance Officer
 Monitoring Officer
 Chief Executive of any Constituent Authority which supports a Thematic Lead (see paragraph 5 of the Constitution’s Introduction)

Managing Director for Transport Operations
[Engineer to the Tunnels](#) ~~New Tyne Crossing Project Director~~

Any duty or power devolving upon a Designated Officer may (in his or her absence) be exercised by a nominated deputy.

2. NEXUS is a separate accountable public corporation with its own financial regulations to be adhered to by its Directors and officers and which will apply to its [Leadership Board](#) ~~NELB~~ approved revenue and capital spending plans. In this regard, Nexus’ general remit is to “procure or provide public transport services and facilities, plan for future service development and promote the use and convenience of public transport.”
3. Financial Regulations provide the framework for the financial administration of NECA with a view to ensuring that its financial affairs are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge. Financial Regulations are not intended to constitute a set of detailed rules to respond to every contingency. The Regulations allow for variation in detailed controls by the Designated Officers where justified by local circumstances.
 - a) Financial Regulation 1 defines responsibility for financial control.
 - b) Financial Regulations 2, 3, and 4 lay down the tasks required of the Authority, joint committee, committee, sub-committee or designated officer for the fundamental financial processes of:
 - i) forward planning and budgetary strategy;
 - ii) incurring and controlling revenue spending and income;
 - iii) incurring and controlling capital spending and income.
 - c) Financial Regulation 5 covers the requirements for Risk Management.

- d) Financial Regulations 6 and 7 cover the standards required for:
 - i) accounting;
 - ii) internal audit.
 - e) Financial Regulation 8 governs procedures for obtaining goods, materials, works and services.
 - f) Financial Regulation 9 defines the powers and responsibilities governing arrangements with Nexus.
 - g) Financial Regulation 10 regulates the 'day to day' financial systems of the NECA. It requires designated officers to ensure that prescribed controls are present, but allows them, except where explicitly stated otherwise, to determine the detail of the controls in order to meet service circumstances.
4. All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal or correctness of a financial action must be clarified in advance of the decision or action.
 5. Failure by officers to observe Financial Regulations and the codes and guidance issued under them may result in action under the Authority's disciplinary procedures.
 6. Failure by Members to observe Financial Regulations may amount to a breach of the Code of Conduct for Members.
 7. Amendments to Financial Regulations require the approval of the Leadership Board ~~NELB~~ following a report from the Chief Finance Officer. The Leadership Board ~~NELB~~ may amend all other Procedures, Policies, Codes and Checklists referred to in these Financial Regulations. The Chief Finance Officer will review as often as he/she considers appropriate supporting advice and guidance to the Financial Regulations and report any recommended changes to the Leadership Board ~~NELB~~ for approval.
 8. If any financial issues arise which result in any uncertainty or ambiguity as to the correct procedure to follow under these regulations, then the Chief Finance Officer shall have delegated powers to give a valid direction as to the appropriate procedure to follow.

1. Responsibilities

1.1 Responsibilities to the Authority

All Members, Designated Officers and Officers of the Combined Authority are responsible for ensuring that they use the resources and assets entrusted to them in a responsible and lawful manner. They should strive to achieve value for money and avoid legal challenge to the Authority. These responsibilities apply equally to Members and Designated Officers and officers when representing the Combined Authority on outside bodies. Members must also comply with the Code of Conduct for Members.

1.2 Personal Responsibilities

Any person charged with the use or care of the Authority's resources and assets should understand the Authority's requirements under these Financial Regulations. If anyone is in any doubt as to their obligations, then they should seek advice. Unresolved questions of interpretation should be referred to the person providing internal audit services to the Authority.

All Officers (including Officers of lead authorities providing services to the Authority) must report to their manager or supervisor any illegality, impropriety, breach of procedure or serious deficiency in the provision of service. Officers shall be able to do this without fear of recrimination providing they act in good faith and in such circumstances managers must record and investigate such reports and take action where appropriate. Compliance with the Authority's Policy Statement on Fraud and Corruption and the Code of Conduct for Officers is mandatory.

Note: The Authority's Policy for confidential reporting of concerns ("whistle blowing") exists to:

- Make Officers feel confident to raise concerns and to question and act upon concerns about practice;
- Give Officers avenues to raise concerns and receive feedback on any action taken;
- Guarantee that an Officer will receive a response to his or her concerns raised and that he or she is aware of the process to follow if not satisfied;
- Reassure an Officer that he or she will be protected from possible reprisals or victimisation.

1.3 The [Leadership Board](#)~~NELB~~

The [Leadership Board](#)~~NELB~~ is responsible for:

- The adoption and revision of these Financial Regulations;
- The determination of the policy framework and annual revenue budget and capital programme;
- Providing the Chief Finance Officer and Designated Officers with sufficient staff, accommodation and other resources to carry out their duties.

1.4 Overview and Scrutiny Committee

The Scrutiny Committee has a monitoring and scrutiny role to help ensure that the Authority's corporate budgets and financial management systems are managed efficiently and are ensuring value for money.

1.5 Governance Committee

The Governance Committee is responsible for overseeing issues relating to financial probity and the adequacy of the Authority's controls.

1.6 Chief Finance Officer

1.6.1 The NECA shall appoint an officer, the Chief Finance Officer, who shall, for the purposes of Section 73 of the Local Government Act 1985, be responsible for ensuring the proper administration of the Combined Authority's financial affairs.

1.6.2 The Chief Finance Officer shall issue, and keep under continuous review, such instructions, advice or procedures relating to financial matters as he or she considers necessary to secure the proper administration of the Combined Authority's financial affairs.

1.6.3 The Chief Finance Officer is responsible for reporting, where appropriate, breaches of Financial Regulations to the [Leadership Board](#)~~NELB~~.

1.6.4 The Chief Finance Officer has the duty to report to the [Leadership Board](#) ~~NELB~~ and external auditor where it appears that the NECA or an officer has made or is about to make a decision that would involve:

- Unlawful expenditure;
- An unlawful action likely to cause a loss or deficiency;
- An unlawful item of account;
- Proposed expenditure that is in excess of available resources

(Section 114, Local Government Finance Act 1988.).

1.6.5 The Chief Finance Officer has responsibility for ensuring compliance with the requirements of the Accounts and Audit Regulations 2011 relating to accounting records, control systems and audit.

1.7 Designated Officers and Director of Finance and Resources, Nexus

Designated Officers and the Director of Finance and Resources, Nexus are responsible for ensuring that appropriate staff under their control are aware of the existence of the Authority's Financial Regulations and other regulatory documents and that they are observed throughout all areas under their control and shall:

- Provide the Chief Finance Officer with such information and explanations as the Chief Finance Officer feels is necessary to meet his or her obligations under Financial Regulations;

- Ensure that the Chief Finance Officer has sufficient opportunity to comment on all proposals with unbudgeted financial implications, before any commitments are incurred;
- Ensure that Authority members are advised of the financial implications of all significant proposals and that the financial implications have been agreed by the Chief Finance Officer;
- Inform immediately the Chief Finance Officer of failures of financial control resulting in additional expenditure or liability, or loss of income or assets;
- Inform the Chief Finance Officer where amendment to Financial Regulations is considered necessary; and
- Be responsible for ensuring the legality of all actions.

Note: It is the Monitoring Officer's duty to report to the Authority in respect of any proposed action, decision or omission that is contrary to law, or constitutes maladministration or injustice where the Ombudsman has conducted an investigation.

1.8 Exceptions to Financial Regulations

1.8.1 Exceptions to these Financial Regulations shall be made only:

- in cases of urgency or where it is in the interests of the Combined Authority to do so; and
- with the prior written approval of the Chief Finance Officer.

1.8.2 The Chief Finance Officer shall keep a record of all such exceptions and submit an annual report to the Authority summarising the exceptions.

1.9 Arrangements for the discharge of responsibility

1.9.1 Designated Officers and their staff are required to carry out their tasks in accordance with these Financial Regulations. Designated Officers may arrange for any of their staff to carry out tasks for which they have responsibility as set down by these Financial Regulations provided that the terms of those delegated arrangements are clearly defined and documented. A record of all such arrangements will be prepared by each Designated Officer and submitted to the Chief Finance Officer on an annual basis.

1.9.2 Notwithstanding such arrangements, the person making the arrangements remains responsible for compliance with these Financial Regulations.

2. Forward Planning and Budget Strategy

| The ~~Leadership Board~~ ~~NELB~~ decides on the annual budget and the levy on the constituent local authorities.

2.1 Designated Officers and the Director of Finance and Resources, Nexus shall provide information to the Chief Finance Officer to enable him/her to produce and submit to the Authority annually a medium term financial forecast and a medium term capital forecast.

- 2.2 The Chief Finance Officer shall annually advise the [Leadership BoardNELB](#) on:
- Financial planning and budget strategy matters.
 - Procedures, timetables and estimated resources for planning revenue and capital spending.
 - The annual revenue and capital budget; transport levies and the contribution from councils to cover costs of non-transport services.
- 2.3 Designated Officers and the Director of Finance and Resources, Nexus in consultation with the Chief Finance Officer shall prepare revenue and capital estimates in accordance with such guidelines as set out by the Authority. In doing so, Designated officers and the Director of Finance and Resources, Nexus shall ensure that:
- The estimated expenditure and income, or the cost of any proposal submitted by them, are as accurate as possible and provide provision for all costs involved.
 - The revenue and capital estimates are consistent with Authority policy.
 - The revenue implications of capital schemes are fully included in revenue estimates.
- 2.4 The [Leadership BoardNELB](#) shall review the estimates together with such summaries, statements and reports as are considered desirable and shall recommend:
- The level of grant to be paid to Nexus for Concessionary Travel and Service Support in the next financial year.
 - The size of the levy made by the NECA on the district councils in the county of Tyne and Wear, The County Council of Durham and Northumberland County Council and for the next financial year.
 - The prudential indicators and the prudential borrowing for the next financial year.

3. Incurring and Controlling Revenue Spending and Income

The Authority monitors financial performance during the financial year and considers any significant developments affecting its financial position.

- 3.1 The Chief Finance Officer and the Director of Finance and Resources, Nexus jointly shall advise the [Leadership BoardNELB](#), on a quarterly basis, on:
- Progress against the [Leadership Board NELB](#)-approved budget;
 - Significant developments affecting the financial position of the Combined Authority.
 - Significant developments affecting the financial position of Nexus.
- 3.2 The Chief Finance Officer shall:
- Provide guidance on and co-ordinate the budget monitoring process.
 - Prescribe the form, basis, supporting information and timetable for the preparation of final accounts.

- Within delegated limits approve supplementary estimates and transfers of estimates.

3.3 Each Designated Officer shall:

3.3.1 Authorise revenue spending and collect income within the estimates, targets and/or limits approved by the Leadership Board NELB provided that:

- The expenditure is lawful.
- Financial Regulations have been complied with;
- Expenditure is within approved revenue budget or capital programme provision.
- Expenditure is in respect of Authority policy.

3.3.2 Monitor progress on revenue spending and the collection of income and promptly provide the Chief Finance Officer with such information as requested.

3.3.3 Review fees and charges annually and implement changes in accordance with officer delegations or alternatively report them for approval to the Leadership Board NELB.

3.3.4 Seek, in consultation with the Chief Finance Officer, the approval of the Authority to budgetary changes that would have a significant impact on the nature or level of service provided.

3.3.5 Ensure that transfers between budgets (virement) fulfil the following requirements:

- Transfers apply only to the transfer of funds within the delegated budget of the Designated officer.
- The proposal is consistent with Authority policy.
- Any virement over £10,000 is a significant decision and is therefore approved by the Chief Finance Officer.
- The total net delegated budget is still within the delegated cost limit.

3.4 Transfers from reserves to revenue budgets, other than those covered by the provisions of 3.3.5 above, require the prior written approval of the Chief Finance Officer.

3.5 Designated Officers shall, in an emergency (being a situation which demands action of a nature that could not have been anticipated and for which there is no budget line), and with the prior written approval of both the Chief Finance Officer and the Chair of the Leadership Board NELB, have authority to incur unbudgeted expenditure.

4. Incurring and Controlling Capital Spending and Income

The Combined Authority oversees the capital and leasing programme of the Tunnels and Nexus and approves the award of contracts for Tunnels in accordance with the Procedure for the Commitment of Capital Expenditure (FPN 11).

4.1 The Chief Finance Officer and the Director of Finance and Resources, Nexus jointly shall advise the ~~Leadership Board NELB~~ quarterly on:

- Progress on implementation of the ~~Leadership Board NELB~~ approved capital and leasing programmes.
- Additions and amendments to the ~~Leadership Board NELB~~ approved capital and leasing programme.
- The procedure for the commitment of the ~~Leadership Board NELB~~ approved capital expenditure.

4.2 The Chief Finance Officer and the Director of Finance and Resources, Nexus shall as appropriate:

- Provide guidance and co-ordinate capital monitoring procedures.
- Certify capital proposals as required by the Procedure for the Commitment of Capital Expenditure and within Nexus' own set of financial regulations.

4.3 Designated Officers shall:

- Authorise capital spending in accordance with the Procedure for the Commitment of Capital Expenditure (FPN11).
- Monitor progress on implementation of the capital and leasing programme and provide the Chief Finance Officer with such information as requested.
- Only commit the Authority to match-funding arrangements for which capital programme approval has been obtained.
- Undertake the disposal of land and buildings in accordance with the any scheme of officer delegation approved by the ~~Leadership Board NELB~~ or otherwise with express approval of the ~~Leadership Board NELB~~.

4.4 Capital expenditure – Definition

For the purposes of this regulation, capital expenditure is deemed to include the procurement, improvement or enhancement for the Authority's purposes of land, buildings, vehicles and equipment and the provision of grants to external organisations to enable the purchase of land, buildings, vehicles and equipment, regardless of how financed. Expenditure below the de-minimis sum determined by the Chief Finance Officer is not capital expenditure. If there is doubt whether expenditure is capital, the decision of the Chief Finance Officer is final.

5. Risk management

The importance of risk management to the wellbeing of the Combined Authority is outlined in its Risk Management Policy and Strategy Framework.

Designated Officers are responsible for ensuring that risk management is an integral part of their management processes and activities within their respective areas of responsibility.

5.1 Designated Officers will assign clear roles and responsibilities for managing risk.

- 5.2 Designated Officers are responsible for ensuring that a register of significant risks is maintained, reported and monitored.
- 5.3 Designated Officers will:
- Produce a strategy for the management of risk in their service.
 - Ensure that risk considerations are embedded into planning and decision making processes.
 - Identify those activities which have or may give rise to significant loss producing events.
 - Measure the impact of potential loss.
 - Take reasonable physical or financial steps to avoid or reduce the impact of potential losses.
 - Allocate risk management resources to areas of identified priority.
 - Maximise risk management opportunities that can impact positively on the Authority's reputation, aims and objectives.
 - Ensure managers and Officers are equipped with the necessary skills to manage risk effectively.
 - Ensure that strategic partners and service providers are aware of the importance of risk management.
 - Ensure that the Chief Finance Officer is promptly provided with any information he requires on risk management issues.
 - Report the risk implications of recommended strategies, policies, and service delivery options to Members of the Authority.

6. Accounting

- 6.1 The Chief Finance Officer shall with respect to the services provided by the Constituent Authority identified by the Head of Paid Service as the lead authority for these roles:
- Determine accounting systems and procedures and the form of financial records and statements.
 - Provide guidance and advice on all accounting matters.
 - Monitor accounting performance to ensure an adequate standard for all services.
 - Certify financial returns, grant claims and other periodic financial reports required of the Combined Authority.
- 6.2 Each Designated Officer shall:
- Implement accounting procedures and adopt the form of financial records and statements as determined by the Chief Finance Officer.
 - Obtain the prior written approval of the Chief Finance Officer before introducing or changing significantly the form or method of existing accounting systems and procedures, financial records or statement (see below).
 - Complete and pass to the Chief Finance Officer financial returns and other financial reports requiring certification.
 - Keep a proper and effective separation of duties for staff with financial responsibilities.

NOTE: Approval procedure for changes to financial systems: Prior approval is to be requested from the Chief Finance Officer in writing. The request must give details of the proposed change and the anticipated benefit from the change, an estimate of the costs involved and the proposed implementation date. Internal Audit advice should be sought for all proposed changes at as early a stage as possible.

7. Internal Audit

The Authority has responsibility for all matters of financial significance including the review of matters arising from audit, both internal and external. The Governance Committee is responsible for overseeing issues relating to financial probity. Reference should also be made to the Anti-Fraud and Corruption Policy.

7.1 Internal Audit is required to provide an objective audit service in line with the CIPFA Code of Practice for Internal Audit in Local Government and professional auditing standards. To this end Internal Audit will have no executive functions that might compromise its objectivity, and the Chief Internal Auditor of the Lead Authority providing the internal audit service shall have direct access to, and the freedom to report to Members and all senior management including the Chief Finance Officer, the Head of Paid Service and the Monitoring Officer to the Authority.

7.2 The Chief Finance Officer shall:

- Maintain an adequate and effective system of internal audit of the accounting records and control systems of the Authority;
- Advise the Authority of material issues of financial control and report to Governance Committee on the adequacy of the systems of internal control;
- Where evidence of fraud, misappropriation or theft is discovered, decide after consultation with the relevant Designated officers(s) and the Monitoring Officer, whether to refer the matter to the Police.

7.3 The Chief Finance Officer or his or her representatives are authorised to:

- Visit any establishment of the Authority;
- Have immediate access to all records and documents;
- Require the immediate production of cash, stores or any other property owned or held by the Authority;
- Require and receive promptly full and accurate explanations to any points requested.

7.4 Each Designated Officer shall:

- Ensure that all reasonable assistance and co-operation is given to internal auditors.
- Respond fully without undue delay to any enquiries or recommendations made by the Chief Finance Officer.
- Inform the Chief Finance Officer, as soon as possible, of failures of financial control, including matters that involve, or may involve, financial irregularity.

The Chief Finance Officer and each Designated Officer jointly shall investigate failures of financial control, including matters that involve, or may involve, financial irregularity.

8. Procurement and Contracts

8.1 The Procurement Procedure Rules for the Constituent Authority designated as lead authority for the following exercises shall apply and be followed whenever the Combined Authority wishes to arrange for:

- a) The purchase of goods, materials and related services (that is, services which are integral to the provision of those goods or materials, such as installation, servicing, maintenance etc);
- b) The execution of works; or
- c) The provision of other services (including consultancy).

8.2 Where the County Council of Durham or Northumberland County Council wishes to arrange for:

- a) The purchase of goods, materials and related services (that is, services which are integral to the provision of those goods or materials, such as installation, servicing, maintenance etc);
- b) The execution of works; or
- c) The provision of other services (including consultancy).

In the exercise of its functions on behalf of the NECA within its own boundaries, the appropriate Constituent Authority's Procurement Procedure Rules shall apply. The opportunity to secure efficiencies and value for money from joint procurement arrangements should be considered, where it is possible to do so.

8.3 The Procurement Procedure Rules of the Authority designated in 8.1 and 8.2 are part of this Financial Regulation 8 and failure to comply with them shall amount to a breach of financial regulations.

8.4 In addition to the specific provisions of the Procurement Procedure Rules, any procurement of goods, materials, works or services shall have regard to and seek to implement the following general principles:

- a) The need to ensure the Authority and those within its area obtain good value for money and are properly protected as consumers of the goods, works or services;
- b) The need to ensure and demonstrate true and fair competition, without unlawful discrimination;
- c) The need to ensure the procurement process is transparent and accountable and susceptible to full audit;
- d) The need to ensure the elimination of any opportunities for fraud or corruption.

9. Relationship between NECA and Nexus

NECA in its role as the strategic authority and Nexus in its role as the executive body of the NECA in relation to transport functions in Tyne and Wear responsible for implementing policy have close links at every level. They are, however, separate bodies linked together by reciprocal financial duties and responsibilities.

Financial duties and responsibilities of Nexus to NECA.

9.1 Forward and Budget Strategy

The general principles to be followed by Nexus are set out at FR 2. In addition the following regulation applies:

- Nexus has a requirement to prepare each year a three-year Forward Plan.
- Revenue and Capital Estimates
Nexus shall submit to the [Leadership Board NELB](#) detailed estimates of its expenditure and income, both capital and revenue based upon the three-year plan, taking into consideration the resource allocations determined by the [Leadership Board NELB](#).

9.2 Incurring and Controlling Revenue and Capital Spending and Income

The general principles to be followed by Nexus are set out in the Financial Procedure Notes that accompany these Financial Regulations which are generally replicated in Nexus' own set of financial regulations. As a separate body Nexus is responsible for having its own accounting systems and procedures in place to enable it to make regular comparisons between approved estimates and actual and committed expenditure, fares and other income.

In addition the following regulations apply:

- Nexus shall only incur expenditure for the purposes stated in the approved NECA revenue budget, these main budget heads being "Concessionary Travel" and "Revenue Support".
- Nexus shall report to the [Leadership Board NELB](#) on any operational decisions made during the year on fares, service levels etc. that will have a significant impact upon its budget position.
- Nexus shall only incur expenditure for the purposes stated in the approved NECA capital programme, these main budget heads being "Metro Asset Renewal Plan" and "Local Transport Plan".
- Nexus, in consultation with the Chief Finance Officer, shall submit -quarterly reports to the [NELB-Leadership Board](#) comparing the progress of its actual spend and commitments against its approved NECA revenue and capital budgets.
- Where an overspend (or underspend) is anticipated in relation to one of its main budget heads Nexus shall submit, jointly with the Chief Finance Officer, a report to the Authority setting out the reasons for the variation. Where Nexus has been unable to take corrective action, this report shall identify any alternative options that may be available to Authority to take corrective action.

Financial Duties and Responsibilities of the NECA to Nexus

9.3 Forward Planning and Budget Strategy

9.3.1 The ~~Leadership Board NELB~~ has a duty to consider Nexus' three-year plan and formally approve it after making any modifications considered necessary.

9.3.2 The ~~Leadership Board NELB~~ can require from Nexus any supplementary information to enable it to properly consider the three-year plan.

9.3.3 Annual Estimates

The ~~Leadership Board NELB~~ shall determine the resource allocations within which Nexus must prepare its budget. In doing so the ~~Leadership Board NELB~~ will take into consideration all relevant factors including Central Government restrictions on expenditure, levels of reserves, and permitted borrowing.

9.3.4 The Chief Finance Officer, in consultation with Nexus, shall report the overall budget position of the ~~Leadership Board NELB~~, not later than the month of February of the preceding financial year.

9.4 Payment of Grant to Nexus

The Chief Finance Officer shall determine arrangements for the payment of the revenue grant to Nexus in consultation with Nexus. These arrangements include the mechanism by which payment is made and their regularity and timing.

9.5 Borrowings

The Chief Finance Officer shall:

- Effect all borrowings on behalf of Nexus (except temporary borrowing);
- Be the Registrar of Stocks, Bonds and Mortgages on behalf of Nexus (unless otherwise authorised by the Authority);
- Determine arrangements for the financing of expenditure of Nexus by borrowing and the repayment of the resulting debt charges in consultation with Nexus as appropriate.

10. Financial Controls

10.1 As required by Financial Regulation 1.7 the Designated Officers and the Director of Finance and Resources, Nexus are, for the areas under their control, responsible for ensuring that the arrangements, guidelines and procedures for the proper administration of financial affairs are operated in accordance with the appropriate Financial Regulations

10.2 Designated Officers of the Authority are required to ensure that the controls as listed in Financial Procedure Notes issued from time to time are present, although these officers may, except where explicitly stated otherwise, determine the detail of the controls in order to meet service circumstances.

10.3 The Financial Procedure Notes issued under this regulation by the Chief Finance Officer are:

- FPN1 Orders for work, goods and services

- FPN2 Income
- FPN3 Payment for works, goods and services
- FPN4 Security and control of assets
- FPN5 Insurance
- FPN6 Staffing and payroll
- FPN7 Reimbursement of expenses and payment of allowances
- FPN8 Banking arrangements and cheques
- FPN 9 Investments and borrowing
- FPN10 Information technology and data protection
- FPR11 Commitment of Capital Expenditure.

10.4 Further Financial Procedure notes, or amendments, may be made from time to time by the Chief Finance Officer.

10.5 Further advice on all areas of financial control is available from the Chief Finance Officer who may issue detailed guidance notes on specific controls as necessary. These will be referred to as Financial Best Practice Notes.

Financial Procedure Note 1 – Orders for Work, Goods and Services

a) Objective

To ensure that work, goods and services are only ordered for the purposes of the Authority's business and that the resulting expenditure is within budget.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective, systems should be present to ensure that:

- There is adequate budget provision before committing expenditure;
- Any necessary Authority approvals have been obtained;
- Purchases are in accordance with the Financial Regulation 8;
- That all order documentation used meets the requirements of Financial Regulation 8.

Note: Official Authority orders must:

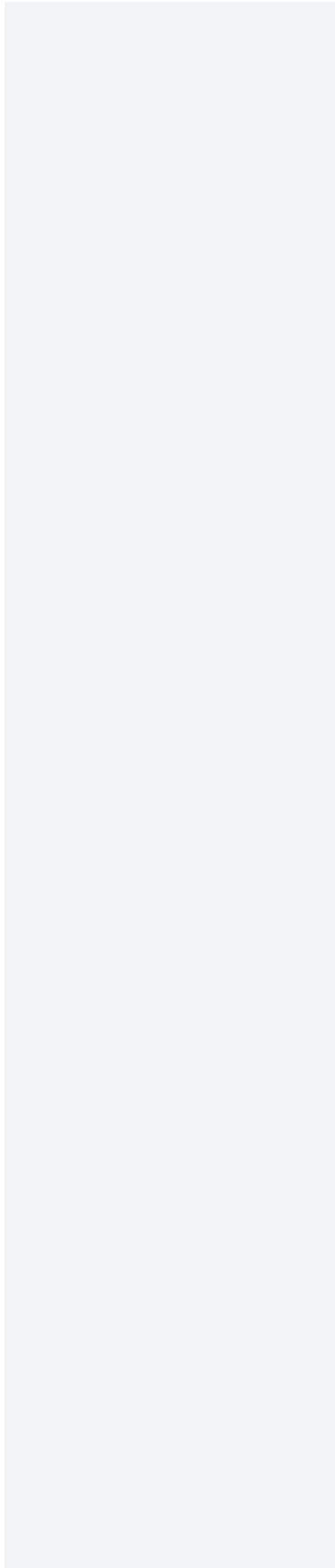
- Be headed 'NECA' on behalf of the 'Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority';
- State 'Official Order';
- Be numbered;
- Include the name and address of the ordering section, and delivery address if different;
- Show the cost code to be charged;
- Be signed by, and state post of an authorised officer; and
- Include the information required in Financial Regulation 8, including the Procurement Procedure Rules.

Order must be signed only by staff with proper authorisation to do so.

d) Comments

Staff authorised to order work, goods and services must ensure that they are aware of any necessary authorisations required and of the Lead Authority's Purchasing Policy.

The lead authority's Purchase Order System must be used whenever possible as it facilitates compliance with the above requirements and collects data to support development of the Purchasing Policy.



Financial Procedure Note 2 – Income

a) Objective

To ensure that all income due to the Authority is promptly collected, banked and properly accounted for.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective, systems should be present to ensure that:

- Budgeted income is fully and promptly collected;
- The Chief Finance Officer is promptly informed of all new sources of income, the sums anticipated and collection arrangements;
- The advice of the Chief Finance Officer is sought prior to the signing of agreements which provide for variable income;
- The basis and level of fees and charges are regularly reviewed;
- Income is collected in advance of service, or where not possible, by official invoice;
- All cheques received are made payable to 'NECA' on behalf of the "Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority". Uncrossed cheques received are crossed 'NECA' on behalf of the "Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority";
- Money received (other than cash paid for vehicle tolls) is acknowledged by the issue of an official receipt, ticket or voucher. (See (d) below.);
- The transfer of official money between staff is evidenced;
- Income collected is banked promptly and held securely prior to banking;
- Money held awaiting banking is insured against theft;
- Money banked is credited to the correct financial account and compared to budget estimate;

- Arrangements for payment by instalment are authorised in advance by the Chief Finance Officer;
- Prior authorisation is obtained to the write-off of uncollectible income by the Chief Finance Officer;
- The Chief Finance Officer must approve claims requiring certification in the name of the Chief Financial Officer.

d) Special requirements

Personal cheques must not be cashed out of money held on behalf of the Authority.

Financial Procedure Note 3 – Payment for Works, Goods and Services

1. Objective

To ensure that payments are made only for works, goods or services received by the Authority and has been certified as such.

2. Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

3. Control Checklist

To achieve the above objective systems should be present to ensure that:

1. Pre-payment checks are undertaken to ensure that:

- The goods have been received and examined, meet the required specification and work done or services rendered have been satisfactorily carried out;
- The invoice is in accordance with the contract or order, is arithmetically correct, and has due discounts deducted;
- The payment has not previously been made;
- The payment is authorised.

2. The method of payment is appropriate.

- By use of the corporate creditors system for payment by BACS or cheque (note BACS is the preferred method and must be used wherever possible);
- By imprest account or petty cash for minor sums;
- By some other means as agreed with the Chief Finance Officer.

3. Payment is timely.

- To meet supplier/contractor terms of trade and legislative requirements;
- Justification is provided if urgent payment or dispatch of cheque is required.

4. Transactions are properly accounted for, including;

- proper use of financial codes;
- compliance with HM Revenue and Customs regulations;
- The maintenance of a Register of Contracts by the Chief Finance Officer.

d) Special Requirements - Advance Payments

No commitments shall be entered into for goods, work or services for which the supplier or contractor requires payment in advance until the Designated Officer has confirmed the financial standing of the payee with the Chief Finance Officer.

Financial Procedure Note 4 – Security and Control of Assets

a) Objective

To ensure the proper use and safeguarding of assets owned by the Authority or for which the Authority has responsibility.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective systems should be present to ensure that:

- Proper security is maintained at all times;
- Assets are recorded and accounted for;
- The use of assets is restricted to authorised Authority business;
- Surplus assets, except land and buildings, are disposed of in accordance with procedures agreed with the Purchasing Manager of the Constituent Authority identified by the Head of Paid Service as being responsible.

In addition, the following controls apply to land and buildings:

- The Head of Property Services of the Constituent Authority identified by the Head of Paid Service as being responsible for land and buildings has overall responsibility for advising on land issues;
- The disposal of land and buildings will be carried out under any scheme of delegations or protocol agreed by the [Leadership Board NELB](#) or otherwise with the express approval of the [Leadership Board NELB](#);
- A detailed record of all land and property owned by the Authority shall be maintained by the Head of Property Services of the Constituent Authority identified by the Head of Paid Service as being responsible for land and buildings;
- The Monitoring Officer shall have custody of all title deeds and be responsible for their security;
- Entry should not be allowed into property of NECA without the signing of formal documentation. (If a situation should arise where early entry in connection with a major transaction is required, The Head of Property Services of the Constituent Authority identified by the Head of Paid Service as being responsible for land and buildings will have delegated authority to agree this as appropriate.

d) Comment

This financial procedure note applies to all assets, including stocks, stores equipment and vehicles (with either an individual value of £500 or more or a collective value of £2,000 or more) and all cash, land and buildings, that are owned by, or are in the possession of the Combined Authority and for which the Combined Authority is responsible. The form and content of the record is for local decision following consultation with the Chief Finance Officer but must be sufficient to allow verification and to support Balance Sheet entries.

Financial Procedure Note 5 – Insurance

a) Objective

To ensure that the Combined Authority manages all potential insurable risks and liabilities and to limit the authority for arranging insurance cover to the Chief Finance Officer.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Combined Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective, systems should be present to ensure that:

- New risks and any alterations to existing risks are reported to the Chief Finance Officer immediately;
- Combined Authority risks are reviewed annually in accordance with the timetable issued by the Chief Finance Officer;
- Claims are reported in accordance with the guidelines issued by the Constituent Authority identified by the Head of Paid Service as being responsible for insurance and supporting information is provided within required timescales;
- Policy requirements and warranties, notified by the Constituent Authority identified by the Head of Paid Service as being responsible for insurance, are complied with at all times;
- Insurers' loss control requirements are responded to within the relevant timescales.

d) Comment

Each Designated Officer is responsible for identifying, assessing and reporting risks to the Chief Finance Officer.

The Chief Finance Officer is responsible for arranging all insurance cover and for ensuring the annual review of insurance cover.

Financial Procedure Note 6 – Staffing and Payroll

a) Objective

To ensure that staff are appointed in accordance with the Combined Authority's Code of Practice on Recruitment and Selection, are paid in accordance with their Contract of Employment and to ensure leavers are removed from the payroll.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective, systems should be present to ensure that:

- The Code of Practice on Recruitment and Selection is observed in the appointment of staff;
- Amendments to the payroll – including appointments, resignations and changes to Contracts of Employment - are notified to the Head of Service of the Constituent Authority designated by the Chief Finance Officer as being responsible for Human Resources in accordance with payroll deadlines and in the form specified;
- Details of salary and wage amounts to be paid are provided in a form and to a timetable determined by the Chief Finance Officer;
- Uncollected payments are promptly returned to the Authority that made the payment;
- An annual check of staff paid and charged to the financial accounts is undertaken.

Financial Procedure Note 7 – Reimbursement of Expenses and Payment of Allowances

a) Objective

To ensure that the reimbursement of allowances and expenses to staff and members is in accordance with the appropriate agreements and legislation.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective systems should be present to ensure that:

Staff

- Claims are submitted within one calendar month of the expense being incurred and include sufficient information to allow verification.
- Allowances and expenses are as approved for payment to Combined Authority staff.
- Payment is made in accordance with procedures determined by the Chief Finance Officer.

Members

- Claims are submitted within one calendar month of the expense being incurred and include sufficient information to allow verification.
- Allowances for independent members and expenses are as approved for payment to Authority members.
- Payment is made in accordance with procedures determined by the Chief Finance Officer.

d) Comment

Particular care must be taken to ensure that all payments to individuals, including additional payments to Officers, meet the requirements of the Inland Revenue.

Expenses claims should be supported by receipts whenever possible.

Financial Procedure Note 8 – Banking Arrangement and Cheques

a) Objective

To ensure sound banking and payments arrangements by limiting responsibility for it to the Chief Finance Officer.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective systems should be present to ensure that:

- No bank account, or similar, is to be opened except with the authority of the Chief Finance Officer.
- The maintenance of Combined Authority bank accounts is in accordance with arrangements determined by the Chief Finance Officer.
- Cheques shall be ordered only on the authority of the Chief Finance Officer and controlled securely prior to use.
- The approval of the Chief Finance Officer is obtained to any proposal to enter a credit agreement.

Financial Procedure Note 9 – Investments and Borrowing

a) Objective

To limit the authority for managing the Authority's Investments and Borrowing to the Chief Finance Officer and to ensure those activities in this area is properly regulated.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Combined Authority and is mandatory for all officers.

c) Control Checklist

To achieve the above objective systems should be present to ensure that:

- No investment or borrowing transaction is undertaken except with the prior written authority of the Chief Finance Officer;
- Combined Authority bank accounts do not become overdrawn;
- The Chief Finance Officer shall ensure that:
 1. The Authority will create and maintain, as the cornerstones for effective treasury management:
 - a) a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - b) suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
 2. The content of the policy and the TMPs will follow the recommendations contained in Section 6 and 7 of the Prudential Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key principles.
 3. The Leadership Board NELB will receive reports on treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
 4. The NECA delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Governance Committee, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the NECA's policy statement and TMPs and if that officer

is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

5. The NECA is responsible for ensuring effective scrutiny of the treasury management strategy and policies.

- All investments and borrowing are made by the Chief Finance Officer and are in the name of the Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority, with the exception of Investments and Borrowing made specifically in respect of Nexus;
- A separate record of the Capital Finance Requirement in relation to Transport services in Tyne and Wear, Durham County and Northumberland County is maintained and reported annually by the Chief Finance Officer;
- All securities are held by the Chief Finance Officer;
- The Chief Finance Officer is the Combined Authority's Registrar of Stocks, Bonds and Mortgages;
- Investments held at the end of each financial year are reported to [Leadership Board](#) ~~NELB~~ by the Chief Finance Officer as soon as possible after 31 March;
- All Treasury Management activities are conducted in line with the relevant CIPFA Code of Practice for Treasury Management in Local Authorities; and
- There is an adequate division of duties between arranging and settling of transactions.

Any exceptions to the above can only be authorised by the Combined Authority.

Financial Procedure Note 10 - Information Technology and Data Protection

a) Objective

To ensure the orderly and secure development of information technology and the proper control of information held.

b) Application

This Financial Procedure applies in relation to the Direct Services of the Combined Authority and is mandatory for all officers.

c) Control

Checklist to achieve the above objective, systems should be present to ensure that:

- Investment in IT complies with the Combined Authority's IT and Information Security strategies and policies.
- All IT purchases:
 - i) Comply with the lead authority's corporate standards and guidelines (including the IT procurement guidelines) unless there are sound reasons to do otherwise;
 - ii) Have necessary capital approvals in place;
 - iii) Are included on an Authority-wide register of IT assets.
- The use of IT and the control of information held are subject to the IT security policy of the Constituent Authority designated by the Chief Finance Officer as being responsible for IT.

Financial Procedure Note 11 – Commitment of Capital Expenditure

- a) Authority to commit capital expenditure is based on the Capital Programme (the Programme). The Programme is approved by the ~~Leadership Board NELB~~ and is updated regularly to reflect changes in the cost and phasing of schemes and the addition of new schemes.
- b) Inclusion of a scheme in the Programme gives authority to begin procurement and contract procedures subject to the limitations below.
- c) For schemes included in the Programme for commencement in the first financial year (i.e. current financial year) designated Officers have the authority to progress a scheme up to and including contract signature subject to:
- The Corporate Procurement Strategy of the Constituent Authority identified by the Head of Paid Service as being responsible for procurement.
 - Full compliance with the provisions of Financial Regulation 8 on tenders and quotations;
 - Tender costs not exceeding the Programme provision by more than 5% or £50,000, whichever is the lower, provided the source of funding for the additional cost has been identified;
 - Completion of a tender summary report in the form prescribed by the Chief Finance Officer;
 - Certification by the Chief Finance Officer of the tender summary report.
- Schemes not meeting these conditions, or where:
- It is proposed to accept other than the lowest tender (where price is the determining criteria), or
 - The ~~Leadership Board NELB~~ has directed its approval is required
- Must be reported to the ~~Leadership Board NELB~~ for approval to proceed to contract Signature.
- d) Financial Regulation 8 covers contract signature requirements.
- e) For schemes included in the Programme for commencement in any subsequent financial year, Designated Officers have authority to prepare plans and carry out other preliminary work during the first financial year up to a maximum of £50,000.
- f) Proposals to incur preliminary expenditure or commitments above £50,000 must be approved by the Chief Finance Officer and must be recorded by the Chief Finance Officer as a delegated decision.

Note: This authority for preliminary expenditure only applies to schemes in the programme. Confirmation of scheme approval must be sought at the earliest opportunity if significant changes, either in objective, estimated cost or phasing, are proposed.

- g) Once commenced, Designated officers have approval to incur:
- Additional expenditure arising from the operation of a 'fluctuation of price' clause;
 - Increased costs not exceeding 5% of the contract value or £50,000 whichever is the lower.

Subject to the increased amount being reported for inclusion in the Capital Monitoring Progress Reports to the [Leadership Board NELB](#) (where deemed significant by the Chief Finance Officer) and inclusion in the Capital Programme at the earliest opportunity.

Part 6 Codes of Conduct and Protocols

Introduction

The purpose of the code and protocols is to help guide members and also officers in their respective roles within the Combined Authority, in their dealings with each other and others they come into contact with.

Given the variety and complexity of those roles and relations, the code and protocols are not prescriptive and may not cover all situations. They provide guidance on situations that commonly occur. They are in part a written statement of good current practice and convention, but aim to promote greater clarity and certainty. They also aim to address those particular issues arising from the relationship between Chief Officers, Officers and members of the NECA, [Leadership Board](#)~~NELB~~, the Chair of the [Leadership Board](#), ~~NELB~~ and Chairs of Committees, Overview and Scrutiny Committees and Sub-Committees.

In effective high performing authorities Officers and Members work well together with trust and mutual respect for their respective roles. NECA Members and Officers fulfil different but complementary roles.

One important feature which underpins the activities of all Members when acting in their official capacity is the ethical framework. The basis of this is that people expect local authorities and Elected Members to maintain high standards of conduct when carrying out their responsibilities.

The Localism Act 2011 places a statutory obligation on the NECA to promote and maintain high standards of conduct by its elected Members. As a result the NECA has adopted a Code of Conduct for Elected Members ("Members' Code of Conduct") and local arrangements for how complaints will be dealt with. The Code is part of the NECA's Constitution and can be found in Part 6.1, the local arrangements are an appendix to the Code.

By keeping to the spirit, as well as the letter, of the Code Members can be confident of maintaining the standards of conduct expected of them. It is also important that everyone involved with the Combined Authority's work, including members of the public, officers, or representatives of other organisations, embrace the Code, and also accept that it may sometimes determine the way members can deal with particular issues.

The guidance in the protocols will help Members to keep within the Code. In addition to that it also sets out protocols to promote effective working.

The NECA will periodically review the guidance to make sure it keeps pace with changes in the law or common practice.

In general terms, if Members are not sure about the action to take in any circumstance there is a very simple rule to follow - **ask first, act later!** The Monitoring Officer will be pleased to give advice and guidance to members on any part of the Code or the protocols.

Part 6.1 Code of Conduct for Members

1. Introduction

With effect from 29 April 2014, The Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority adopted a Code of Conduct for Members attached at **Appendix 1**. The purpose of the Code is to govern the behaviour of elected Members of the Combined Authority.

Members, upon appointment, must agree to abide by the Code. If a Member fails to comply with the requirements of the Code a complaint can be made. Details of the procedure for making a complaint and the complaint form are available on the NECA's website or direct from:

The Monitoring Officer for the Combined Authority
c/o North Tyneside Council
3FL - The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Telephone: (0191) 643 5339

The NECA's Code of Conduct for Members is supported by the principles of public life recommended by the Nolan Committee, and the relevant protocols and procedures of the NECA.

2. Supporting protocols and procedures

The following documents should be read in conjunction with the Members' Code of Conduct:

- Protocol on Member/Officer relations which sets out the respective roles of Members and Officers and how they should expect to be treated by each other.
- Code of Conduct for Officers, which forms part of this Constitution, is designed to help staff work in a way that will bring credit to themselves and the Combined Authority.
- Whistleblowing Policies to enable officers and Members to raise concerns about issues of conduct without fear of reprisal.

Should there be any conflict between any of these documents in relation to Members' conduct, the Members' Code of Conduct will take precedence.

The procedure ("local arrangements") for dealing with complaints against Members under this Code is attached at appendix 2.

3. Personal Responsibility

Members accept that they have a duty to act within the law. Members have a personal responsibility to ensure that they are aware of the rules of personal conduct and that they comply with them. Members will ensure that they regularly review their personal circumstances to ensure that they do not breach any of the high standards that they have agreed to uphold. Members recognise that they represent the whole community and not just those who voted for them. In deciding how to vote and act Members are aware that they are personally responsible for their actions. Members are influenced by the opinions of others, and a Member's political party will be a strong influence but because they are personally responsible for what they do, Members will make up their own minds about how to act and vote.

Members agree they must be able to justify their actions to the public. Members recognise that they have a duty to foster and develop the public's faith in the honesty of the Combined Authority and its Members.

4. Committees

Members agree not to seek to be members of a committee if their private interests are likely to mean that they would frequently have to withdraw from the committee's consideration of issues. A Member also agrees that they will not seek to be Chair of the [Leadership Board NELB](#) or a chair of a committee if they or a body they are associated with has a substantial financial interest in the activities of the NECA or a particular committee.

5. Bodies outside of the Combined Authority

Members agree to apply the standards and rules they observe in NECA meetings to their behaviour at all the meetings they attend as a representative of the NECA unless the Code of Conduct of that other body is in conflict with the NECA Members' Code of Conduct, in which case the Code of Conduct of the external body shall take precedence.

6. Whistleblowing

Members' conduct is also covered by the NECA's Whistleblowing Policy. Through this policy officers may confidentially refer a concern about a breach of the Members' Code of Conduct to a designated officer, rather than making the complaint themselves through the Members' Code of Conduct Procedure.

Appendix 1**The Durham, Gateshead, Newcastle upon Tyne, North Tyneside,
Northumberland, South Tyneside and Sunderland
Combined Authority
Code of Conduct for Members**

The North East Combined Authority has adopted the following code which has effect from 29 April 2014 and which sets out the conduct that is expected of elected members appointed to the NECA when they are acting in that capacity.

This means the code applies whenever you:

- (a) Conduct the business of the NECA (including the business of your office as an elected member appointed to the NECA) or**
- (b) Act, claim to act or give the impression you are acting as a representative of the NECA.**

The code is intended to be consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

Part 1 - General Conduct

1. You must treat others with respect, including NECA officers and other elected members.
2. You must not bully any person (including specifically any NECA Officer) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the NECA.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the NECA, or your office as a member of the NECA, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the NECA which seeks to regulate the conduct of its elected members and which the Leadership Board ~~NELB~~ has specifically declared should fall within the provisions of this code of conduct and which is listed in Annex 54 to this Code.

7. When using or authorising the use by others of the resources of the NECA, you must act in accordance with the NECA's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - (a) You have the consent of a person authorised to give it; or
 - (b) You are required by law to do so; or
 - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - (d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the NECA which is subsequently subject to scrutiny by an overview and scrutiny committee of the NECA, you must not take part in that scrutiny process except to the extent you may be invited by the committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the NECA in order to reach a view as to its merits or effectiveness.

Part 2 – Registration of Interests

11. You must register in the NECA's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:
 - (a) Any Disclosable Pecuniary Interest as set out in **Annex 2**; or
 - (b) Any other interest held by you as set out in **Annex 3**.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the NECA; and
- any change taking place in your registerable personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 of the Localism Act 2011 as well as being a breach of this code.)

12. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

Part 3 – Non-registerable interests

13. You will have a non-registerable personal interest when you attend a meeting of the NECA, or one of its joint committees, committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 14 to a greater extent than most inhabitants of the Combined Area by the decision.
14. The persons referred to in paragraph 13 are:
 - (a) A member of your family;
 - (b) Any person with whom you have a close association;
 - (c) In relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

(Note:

- (a) “A member of your family” means: your partner (i.e. your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.
 - (b) You have a “close association” with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).
15. When you attend a meeting of the NECA, or one of its joint committees, committees or sub-committees, and you are aware that you have a non-registerable interest in an item of business (as defined in paragraph 13) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

Part 4 - Non-Participation in NECA Business

16. When you attend a meeting of the NECA or one of its joint committees, committees or sub-committees, and you are aware that the criteria set out in

paragraph 17 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must :

- (a) Declare that fact to the meeting;
- (b) Not participate (or further participate) in any discussion of the matter at the meeting; and
- (c) Not participate in any vote (or further vote) taken on the matter at the meeting;
- (d) Leave the room whilst the matter is being discussed.

17. The criteria for the purposes of paragraph 16 are that:

- (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either**
- (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 14 or in any of your register entries; **or**
- (c) The matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to in paragraph 14 or in any of your register entries.

18. If a NECA function can be discharged by you as a member acting alone and you are aware you have a registerable or non-registerable personal interest in any matter to be dealt with by you in that way which meets the criteria set out in paragraph 17, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraph 16 to 18 in relation to a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.)

19. Paragraphs 16 to 18 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 ([see Annex 4](#)) or (ii) the matter in question relates to any of the following functions of the NECA:

- a) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;
- b) an allowance, payment or indemnity given to members;
- c) any ceremonial honour given to members; and
- d) setting council tax or a precept/levy under the Local Government Finance Act 1992.

Annex 1 to Code of Conduct**Nolan's Seven Principles of Public Life****Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Annex 2 to Code of Conduct**Disclosable Pecuniary Interests**

(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) **yourself**, or (b) **your spouse or civil partner**, or (c) **a person with whom you are living as husband and wife**, or (d) **a person with whom you are living as if you were civil partners** (all of whom are referred to as “relevant persons”):-

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the NECA —

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land which is within the area of the NECA.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the NECA for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge)—

- (a) the landlord is the NECA; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where—

- (a) that body (to your knowledge) has a place of business or land in the area of the NECA; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant

person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Annex 3 to Code of Conduct

Other Registerable Personal Interests

The other interests which you must register under paragraph 11(b) of the code are:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the NECA;
2. Any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management);
3. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as member of the NECA.

Note: These mean only your interests and not those of your spouse or civil partner

Annex 4 to Code of ConductDispensations Procedure

A Registerable Personal Interest may in relation to any item of business considered at any meeting of the NECA (including specifically in connection with an Authority budget setting meeting) mean that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied and require the Member to leave the meeting.

Under Section 33(2)(e) of the Localism Act 2011 a dispensation from the requirements of the Code of Conduct can be granted in the following circumstances:

- 1) So many Members of the decision-making body have interests that require them not to take part in a matter that it would "impede the transaction of the business". Effectively this means the decision-making body would be inquorate as a result;
- 2) Without a dispensation, no member of the Leadership Board would be able to participate on the matter;
- 3) Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- 4) the Authority considers that a dispensation is in the interests of persons living in its area; and
- 5) the Authority considers that it is otherwise appropriate to grant a dispensation.

Members may be given a dispensation either to speak but not vote, or to speak and vote.

The Leadership Board has delegated the granting of dispensations to the Governance Sub-committee (see Responsibility for Functions Part 3.7 Governance Committee).

A Member must complete a dispensations form explaining why a dispensation is appropriate and submit it to the Monitoring Officer. A report will be submitted to a meeting of the Governance Sub-committee for the committee to determine what level of dispensation (if any) should be granted and for what duration; the duration must be specified and can be for up to four years.

The Member will receive notification of the decision of the Governance Sub-committee within five working days of the committee meeting. Any dispensations must be declared by the Member at meetings where the dispensation applies.

Annex 45 to Code of Conduct

Protocols which fall within the provisions of the Code of Conduct

1. Member/Officer Relations Protocol (see Part 6.3).

Appendix 2

Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members

1. Introduction

These arrangements set out how the Authority will deal with a complaint that an elected or member of the Combined Authority has failed to comply with the Authority's Code of Conduct.

Where a complaint is made against a Member of the Combined Authority, the Monitoring Officer and the Monitoring Officer of the Member's appropriate Constituent Authority will determine whether the complaint is to be properly dealt with in accordance with the Combined Authority's local arrangements or the appropriate Constituent Authority's local arrangements.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that a Member of the NECA, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations. Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or a Member against whom an allegation has been made.

The Authority has appointed one Independent Person.

2. Receipt of a complaint

A complaint against a Member will be sent by the Complainant in writing or by email to:

The NECA Monitoring Officer
c/o North Tyneside Council
3FL - Quadrant
Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Email: viv.geary@northtyneside.gov.uk

The Monitoring Officer has statutory responsibility for maintaining the register of members' interests and is responsible for administering the system in respect of complaints of Member misconduct.

The Monitoring Officer will acknowledge receipt of the complaint to the Complainant and provide the subject member of the complaint, with a copy of the complaint within 5 working days of receiving it, and will keep all parties informed of the progress of the complaint. The Monitoring Officer will also seek comments from the subject member of the complaint to assist in the initial assessment of the complaint.

3. Request for confidentiality

If a Complainant wants to keep their name and address confidential, they are required to indicate this when they submit their complaint. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

To ensure openness and transparency confidentiality will only be granted in exceptional circumstances and in many instances it would not be practical or possible to investigate a complaint without the identity of the complainant being revealed. If however confidentiality is granted and the complaint proceeds the Monitoring Officer will determine whether or when the subject member will be advised of the complaint and the identity of the complainant. The procedure set out below will be adjusted as appropriate to accommodate the decision of the Monitoring Officer.

Where a request for confidentiality is refused by the Monitoring Officer, the Complainant will be advised of that refusal and will be given the option to withdraw the complaint within 7 working days. If the complaint is withdrawn the matter will be then closed and the subject member will not be informed of the complaint. If the Complainant refuses to withdraw the complaint or does not respond within the specified timescale, then the subject member will be sent a copy of the complaint and the complaint will proceed as set out in paragraph 4 below.

4. Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person and consideration of the initial comments of the subject member decide whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Authority's adopted assessment criteria (attached at Annex 1). This decision will normally be taken within 28 days of receipt of the complaint. The parties will be advised of the Monitoring Officer's decision together with the reasons for that decision—subject to any decision on confidentiality arising as referred to above.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may go back to the Complainant for such information, and may request information from the subject member of the complaint.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer may refer the complaint to the Police or other regulatory agencies irrespective of a request for confidentiality by the Complainant.

5. Informal Resolution

The Monitoring Officer may consider that a complaint can be reasonably resolved informally. In such a case, the Monitoring Officer will consult with the Independent Persons, the subject member and the Complainant to seek to agree a fair resolution of the complaint which also helps to ensure high standards of conduct for the future. If the subject member complies with the suggested resolution, the Monitoring Officer will report the matter to the Governance Committee for information, but will take no further action.

6. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be another officer of the Authority, an officer of another Council or an external investigator.

The Investigating Officer will write to the subject member and will ask them to provide their explanation of events, and to identify what documents or other materials they believe the Investigating Officer needs to see and interview.

The Investigating Officer will decide whether he/she needs to meet or speak to Complainant to understand the nature of the complaint and so that the Complainant can explain their understanding of events and suggest what documents or other materials the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the subject member and to the Complainant, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

Having received and taken account of any comments which the Complainant or subject member may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

7. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Governance Committee will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient and they agree that there is no evidence of a failure to comply with the Code of Conduct, they will instruct the Monitoring Officer to write to the subject member and to the Complainant, notifying both that they are satisfied that no further action is required, and give both a copy of the Investigating Officer's final report.

If the Governance Committee do not agree with the conclusion that there is no evidence of a failure to comply with the Code of Conduct they will refer the matter for a hearing before the Governance Committee.

In considering the report, the Governance Committee will consult with the Authority's Independent Person.

If the Governance Committee is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider his/her report. Upon the receipt of the report back from the Investigating Officer the Committee will consider whether to accept the report or refer it to a hearing.

8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

a) Local Resolution

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the Complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with the Authority's Independent Person and the Chair of the Governance Committee. In addition this would be conditional on the Complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Governance Committee for information.

b) Referral for Hearing

If local resolution was not possible, the Monitoring Officer will then refer the matter for a hearing before the Committee.

9. The Hearing

Where the Governance Committee has referred a matter for a hearing the procedure at Annex 2 will apply.

10. What action can the Governance Committee/Sub-Committee take where a Member has failed to comply with the Code of Conduct?

The Leadership Board NELB has delegated to the Governance Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. The Governance Committee can appoint a Governance Sub-committee to fulfil these responsibilities on its behalf.

Accordingly the Governance Committee may:

- a) Issue a formal censure;
- b) Refer the determination findings to the Leadership Board NELB for information;
- c) Make publication of the determination findings by such means as thought fit;
- d) Request the Leadership Board NELB to remove the member from being the Chair or Vice Chair of any Committee or Sub-committee;
- e) Request the Leadership Board NELB to remove them from any or all Committees or Sub-committees for a specified period;
- f) Request the Leadership Board NELB to remove particular Thematic Lead responsibilities;
- g) Request the Leadership Board NELB to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Leadership Board NELB;
- h) Offer training to the member; or
- i) Exclude the member from any Combined Authority's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member.

The Governance Committee has no power to suspend or disqualify the subject member or to withdraw or suspend allowances or restrict access to or use of Council facilities so that the subject member is unable to perform their essential role as a councillor.

11. What happens at the end of the Hearing?

At the end of the hearing, the Chair will state the decision of the Governance Committee as to whether a Member has failed to comply with the Code of Conduct and as to any actions which the Governance Committee resolves to take.

As soon as reasonably practicable after that, the Monitoring Officer in consultation with the Chair of the Committee, will prepare a formal decision notice, and send a copy to the Member and the Complainant, make that decision notice available for public inspection on the Combined Authority's website and, if so directed by the Governance Committee, report the decision to the next convenient meeting of the [Leadership Board NELB](#).

12. Review of decisions

Procedures for the review of decisions are set out in Annex 3.

13. What is the Governance Committee?

The Governance Committee is made up from seven councillors from the Constituent Authorities, two co-opted Members (for Audit purposes) and an Independent Person. The Committee is a key component of the NECA's corporate governance arrangements and is responsible (amongst other things) for the promotion and maintenance of high standards of conduct by its elected and co-opted members. [The Governance Committee can appoint when required a Governance Sub-committee to conduct hearings and determine complaints of breaches of the Code of Conduct for Members.](#) The full terms of reference for the committee [and the Sub-committee](#) can be found at Part 3.7 of the Constitution.

14. Who is the Independent Person?

The Independent Person is someone who applied for the post following advertisement of a vacancy for the role, and are appointed by the [Leadership Board NELB](#).

A person does not qualify as "independent", if they are (or at any time in the last 5 years have been) a Member, Co-opted Member or officer of the NECA or any of the Constituent Authorities, or if they are a relative or close friend of such a Member, Co-opted Member or officer.

For this purpose, "relative" comprises –

- (a) a spouse or civil partner;
- (b) any person with whom the candidate is living as if they are a spouse or civil partner;
- (c) a grandparent;
- (d) any person who is a lineal descendent of a grandparent;
- (e) a parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) any spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

The Independent Person is invited to attend meetings of the Committee and their views are sought and taken into consideration before the Committee takes any decision on whether a Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Independent Person does not have voting rights on the Committee. Their role is an advisory one.

15. Revision of these arrangements

The Governance Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter. The arrangements will also be subject to periodic review by the [Leadership Board](#) ~~NELB~~.

Annex 1**Complaints against Members Assessment Criteria**

The following criteria will be taken into account in deciding what action, if any, to take in relation to a complaint that a member has failed to comply with the requirements of the Code of Conduct for Members:

1. Has the complainant submitted enough information to satisfy the Monitoring Officer (or the Governance Committee if appropriate) that the complaint should be referred for investigation or other action?

If not:

The information provided is insufficient to make a decision. So unless, or until, further information is received, no further action will be taken on the complaint.

2. Is the complaint about someone who is no longer a member of the NECA, but is a member of another authority? If so, should the complaint be referred to the Monitoring Officer of that other authority?

If yes:

The complaint will be referred to the Monitoring Officer of that other authority to consider.

3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?

If yes:

There may be nothing more to be gained by further action being taken.

4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?

If yes:

Further action may not be warranted.

5. Does the complaint appear not sufficiently serious to justify the cost or inconvenience of further action?

If yes:

Further action will not be warranted.

6. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

If yes:

Further action will not normally be warranted.

7. Is the complaint anonymous?

If yes:

No action will normally be taken unless there are compelling reasons to suggest otherwise, e.g. if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

Annex 2**Procedure for Hearings****1. Introduction**

This Annex details the procedure to be adopted for the hearing of complaints by the Governance Committee (or Sub-committee) where an investigation has been completed.

The person(s) making the complaint will be referred to in this procedure as the Complainant and the person against whom the complaint is made will be referred to as the Member.

The Investigating Officer means the Monitoring Officer or other person appointed by the Monitoring Officer to conduct a local investigation in relation to a matter referred to the Monitoring Officer for local investigation.

References to Monitoring Officer include any other person appointed by the Monitoring Officer to carry out the functions of the Monitoring Officer.

2. Legal Advice to the Governance Committee

Where the Monitoring Officer also takes the role of the Investigating Officer, he/she must arrange for a separate legal adviser for the Governance Committee in respect of the allegation.

3. Notifying the Member and Complainant

The Monitoring Officer shall send a copy of the Investigating Officer's final report to the Member, the Complainant and the Independent Persons.

The Monitoring Officer will ask for a written response from the Member within 14 days, stating whether or not s/he:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
- wants to be represented, at his/her own expense, at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Governance Committee, either verbally or in writing;
- wants to call relevant witnesses to give evidence to the Governance Committee;
- wants any part of the hearing to be held in private; and
- wants any part of the report or other relevant documents to be withheld from the public

The Monitoring Officer will also inform the Member that if, at the meeting of the Governance Committee, s/he seeks to dispute any matter contained in the report, without having previously notified his/her intention to do so, the Governance Committee may either adjourn the meeting to enable the Investigating Officer to provide a response, or refuse to allow the disputed matter to be raised.

The Monitoring Officer will also seek the views of the Independent Person on the report and on any action the Independent Person feels should be taken in respect of it.

Upon receipt of the responses, the Monitoring Officer will discuss the responses with the Chair of the Governance Committee and will complete a Pre-hearing Summary which will include:

- a) The name of the 'home' authority
- b) The name of the Member.
- c) The name of the complainant (unless there are good reasons to keep his/her identity confidential).
- d) The Case reference number.
- e) The name of the Chair for the hearing.
- f) The name of the Investigating Officer.
- g) The name of the clerk of the hearing or other administrative officer.
- h) The date the pre-hearing summary was produced.
- i) The date, time and place of the hearing.
- j) A summary of the complaint.
- k) The relevant section or sections of the Code of Conduct.
- l) The findings of fact in the investigation report which are agreed and the findings of fact in the investigation report which are not agreed.
- m) Whether the Member or the Investigating Officer will attend or be represented.
- n) The names of any witnesses who will be asked to give evidence.
- o) An outline of the proposed procedure for the hearing.

The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chair of the Governance Committee, following advice from the legal adviser, may limit the number of witnesses, if he/she believes the number requested is unreasonable or that some witnesses will simply be repeating the evidence of earlier witnesses, or else will not provide evidence that will assist the Committee to reach its decision.

Nothing in this procedure shall limit the Chair of the Governance Committee from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Governance Committee to reach its decision.

4. The Governance Committee

The Governance Committee shall decide, on the balance of probability, whether the grounds of the complaint are upheld. It shall do so by considering the report and, where

appropriate, written or oral representations made by the Member, and any additional relevant information from the Investigating Officer or witnesses.

Each Governance Committee member shall have one vote, and all matters/issues shall be decided by a simple majority of votes cast.

The meeting of the Governance Committee will be open to the public and press unless confidential information or exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

5. Procedure at the Hearing

The initial order of business at the meeting shall be as follows:

- declarations of interest;
- consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present;
- introductions;
- any representation from the Investigating Officer and/or the Member as to reasons why the Governance Committee should exclude the press and public and determination as to whether to exclude the press and public. Where the Governance Committee decides that it will not exclude press and public, the Monitoring Officer shall at this point provide copies of the agenda and reports to any members of the press and public who are present.

The purpose of the hearing is to test the robustness of the report, by examining the reasoning contained within the report and the quality of the evidence relied upon. This calls for an inquisitorial approach by the Governance Committee based on seeking information in order to identify potential flaws in the report and to clarify issues. The Governance Committee will control the procedure and evidence presented at the hearing, including the questioning of witnesses.

The Governance Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.

The procedure at the hearing will be as follows, subject to the Chair of the Committee being able to make changes as he or she thinks fit in order to ensure a fair and efficient meeting.

a) Examination of report and written representations

The Panel will consider the report together with any written response from the Member to the report. The Committee may require the Investigating Officer to answer questions put to him/her by members regarding the contents of the report.

The Committee must also take account of the views expressed by the Independent Persons in their response to the Monitoring Officer.

b) Oral evidence

If there is any disagreement as to the facts of the case, the Investigating Officer will be invited to make any necessary representations to support the relevant findings of fact in the report, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Member, will not be permitted to directly question the Investigating Officer or the witnesses he/she calls.

If the Member wishes to challenge any oral evidence being presented, then these questions shall be directed through the Chair.

The Member will then be invited to make any necessary representations to support their version of the facts, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Investigating Officer will not be permitted to directly question the Member or the witnesses he/she calls. If they wish to challenge any oral evidence being presented, then these questions must be directed through the Chair.

Where the Member seeks to dispute any matter in the report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer shall draw this to the attention of the Governance Committee. The Governance Committee may then decide:

- not to admit such dispute but to proceed to a decision;
- to admit the dispute, but to invite the Investigating Officer to respond
- to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute.

Where appropriate the Investigating Officer will make representations on behalf of the Complainant to the Governance Committee.

The Governance Committee may adjourn the hearing to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee.

6. Decision by the Governance Committee

The Governance Committee will consider in private session which of the following findings to adopt:

- that there is no evidence of any failure to comply with the Code of Conduct;
- that the Member has failed to comply with the Code of Conduct, but that no action needs to be taken;
- that the Member has failed to comply with the Code of Conduct and that a sanction should be imposed.

The available sanctions are:

- a) Issue a formal censure;

- b) Refer the determination findings to the Leadership Board NELB for information;
- c) Make publication of the determination findings by such means as thought fit;
- d) Request the Leadership Board NELB to remove the member from being the Chair or Vice Chair of any Committee or Sub-committee
- e) Request the Leadership Board NELB to remove them from any or all Committees or Sub-committees for a specified period;
- f) Request the Leadership Board NELB to remove particular Thematic Lead responsibilities;
- g) Request the Leadership Board NELB to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Leadership Board NELB;
- h) Offer training to the member; or
- i) Exclude the member from the Combined Authority's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member.

In deciding what sanction (if any) to set, the Governance Committee will consider all relevant circumstances including any views expressed by the Independent Persons.

The Governance Committee will then resume the public session and the Chair will announce the decision and the reasons for that decision.

If the matter is a complicated one, where the complaint has a number of aspects, the Governance Committee can decide to consider the evidence and reach a finding on each aspect separately.

The Governance Committee will then consider in open session whether there are any recommendations which it wishes to make arising from consideration of the allegation.

7. Notice of findings

The Monitoring Officer will make a short written decision available on the day of the hearing and a full written decision in draft will be prepared as soon as possible.

Within two weeks of the end of the hearing, the Monitoring Officer will circulate a full written decision, to the Member and the Complainant.

At the same time the Monitoring Officer shall arrange for a summary of the findings to be published as may be directed by the Governance Committee.

Where the Governance Committee determines that there has not been a breach of the Code of Conduct, the notice shall:

- state that the Governance Committee found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding and not be published if the Member so requests.

Where the Governance Committee determines that there has been a failure to comply with the Code of Conduct but no action is required, the notice shall:

- state that the Governance Committee found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure specify the details of the failure; and give reasons for the decision reached.

Where the Governance Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:

- state that the Governance Committee found that the Member had failed to comply with the Code of Conduct;
- specify the details of the failure;
- give reasons for the decision reached; and
- specify the sanction imposed.

Copies of the agenda, reports and minutes of a hearing, as well as any background papers, apart from sections of documents relating to parts of the hearing that were held in private, will be available for public inspection for six years after the hearing.

8. Confidentiality and disclosure of information

Where the Chair of the Governance Committee considers that the report and/or any of the written statements in response are likely to disclose any exempt information and in consequence that it is likely that the Governance Committee will, during consideration of these matters, not be open to the public, he/she shall instruct the legal adviser to not provide copies of these papers to the press or public or permit their inspection by the press or public in advance of the meeting.

The Hearing will be held in public except for those parts of its proceedings which involve exempt information and during the deliberations of the Governance Committee

Annex 3**Review of Decisions****1. Initial Assessment Decisions**

If a Complainant is aggrieved by a decision by the Monitoring Officer to not investigate a complaint then the Complainant may request the Monitoring Officer to reconsider their decision.

The Monitoring Officer will consult the Independent Person and the Chair of the Governance Committee, and take their views into account, before deciding whether to uphold or vary their original decision.

2. Findings of Governance Committee following a hearing

If a member is aggrieved by a finding of Governance Committee that they have failed to comply with the Code, or with the sanction imposed, they may request a review by an Independent Person from another local authority in accordance with the following procedure:

- The member must request a review, with their detailed reasons for seeking a review, within 5 working days of the publication of the decision notice otherwise the decision of the Governance Committee will become final.
- The request for a review must be in writing and must be submitted to the Monitoring Officer.

If a request for a review is received, the decision of the Governance Committee will be held in abeyance pending completion of the review process.

If a request for a review is received the decision of the Governance Committee (including all the papers considered by the Committee) will be referred to an Independent Person of a Constituent Authority not being the home authority of the Member. The Independent Person will review the case on the information provided and will provide a report to the Governance Committee. The report to the Governance Committee will provide any comments the Independent Person considers are appropriate and relevant taking into account the basis of the request for review from the Member.

Upon the receipt of the Independent Person's report, the Governance Committee will consider the Independent Person's comments, the reasons submitted for the review by the Member and will determine whether to confirm the decision of the Governance Committee, amend the decision or substitute it with an alternative decision; this could include concluding that no breach of the Code occurred.

No further right of appeal or review of the Governance Committee's decision within the Authority is available. However, if the Member or the Complainant considers that the Authority has failed to deal with the complaint properly, they may make a complaint to the Local Government Ombudsman.

Part 6.2 Code of Conduct for Officers

1. Introduction

The way that officers conduct themselves influences the public's opinion of the Combined Authority. This code of conduct is intended to support officers in maintaining standards and to help to protect Officers from misunderstanding or criticism. This Code applies to all officers of the Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority.

2. Summary

Officers within the Combined Authority are expected to:

- a) treat others with respect;
- b) work with colleagues to achieve goals;
- c) maintain high standards of performance and behaviour;
- d) promote the values and aims of the council and implement relevant council policies and procedures; and
- e) seek help if for any reason they are unable to do their job

Any Officer, who is unsure about any aspect of the code, should check with their manager.

3. Treating others with respect

Officers are expected to treat people with courtesy and consideration and respect an individual's right to privacy.

An Officer must not do anything that compromises or is likely to compromise the impartiality of a Member of the Combined Authority.

The Combined Authority Member/Officer Relations Protocol states that elected members should treat Officers with respect. Officers should treat councillors with respect and avoid over-familiarity, which may be unwelcome and embarrass others.

Officers should deal with customers and service users in a courteous, efficient and unbiased manner and follow the policies and procedures of the Combined Authority.

Officers should apply the same high standards to their dealings with colleagues and with the elected members. They should treat their colleagues with respect and according to their individual needs.

In order to deliver the plans and policies of the NECA, it is expected that its Officers will work together and support each other.

4. Maintaining High Standards

Residents of the Combined Area and those using services provided by the NECA are entitled to expect the highest standard of conduct. Officers have responsibilities to the community they serve. Officers will strive to ensure courteous, respectful, efficient and impartial service to all groups and individuals within that community. The following sections detail the standards expected in particular areas. If an allegation is made and it is proved that, for example, a gift has been given to an Officer, he/she will have to demonstrate that the reward has not been corruptly obtained.

An Officer must not bribe/attempt to bribe another individual, personally take a bribe or knowingly allow another to.

5. Gifts

Public Officers are prohibited by law from accepting gifts or rewards, and must show neither favour nor disfavour to anyone in their official capacity. To safeguard themselves, Officers must not accept any gift or other benefit offered to them, their partner or a family member by any person or organisation who has, or wishes to have, dealings with the Combined Authority. Officers should refuse them with courtesy and tact (there may be exceptions, including gifts of token value. In these circumstances Officers should check with a manager. However, if in doubt, they should err on the side of caution). Officers should give a proper explanation and failure to do so might put them or their job at risk. In declining the offer of a gift, a possible way for Officers to avoid offending someone may be to suggest they write to the Head of Paid Service expressing their appreciation.

Although the law does not allow individuals to accept gifts, the Combined Authority is legally able to accept gifts, so another possible way of not offending someone who has offered a gift, which can be put into general use, may be for the Officer to explain that he/she is accepting it on behalf of the NECA. This means the Officer will have to hand it over to their manager where it will become the property of the NECA and could be used in one of the NECA's establishments.

Officers should inform their manager if they are offered a gift as this will need to be recorded even if the gift / hospitality has not been accepted.

6. Hospitality

Officers should accept offers of hospitality (which must be authorised) only in the circumstances described below:

- a) There is a need to pass on information or represent the Combined Authority in the community.
- b) Attend social or sporting functions only when these are part of the life of the community or where the Combined Authority should be seen to be represented.
- c) It is acceptable for an Officer to accept hospitality through attendance at relevant conferences and courses if it is clear that the hospitality is business rather than personal, where the Head of Paid Service gives permission in

advance and is satisfied that any procurement decisions are not compromised.

Be careful about timing as the host could be seeking to do business with the Combined Authority or to obtain a decision from it. Officers should check with their manager first if they are offered hospitality, as this will need to be recorded, even if they have not accepted the hospitality or it is not authorised.

If Officers are involved in visits to inspect equipment etc., they should avoid jeopardising the integrity of subsequent purchasing decisions by ensuring that the Combined Authority meets the cost of such visits.

To assist in the application of the Code of Conduct fairly and consistently, the guidance below should be followed when considering the acceptance of gifts or hospitality:

- a) What is the context of the offer? Any offer must be impartial, for example, if an offer is received from an organisation currently bidding for a contract, or has recently won a contract, this could be interpreted as not impartial and should be declined.
- b) What is the value of the offer? High value offers would be questionable and should be declined.
- c) What reason is given by the Officer for accepting the offer? There must be a clear business reason for acceptance.
- d) Should the Officer attend the event but pay for the hospitality, for example, an Officer attending an event to promote networking opportunities.
- e) Could the offer of a gift be accepted on behalf of the Combined Authority rather than by the individual?
- f) Is there any doubt about the appropriateness of accepting the gift or hospitality? If there is any doubt as to the integrity or honesty, the manager should refuse permission to accept.

7. Sponsorship

The rules regarding the acceptance of gifts or hospitality also apply to an outside organisation that wishes to sponsor an activity organised by the Combined Authority.

If the Combined Authority wishes to sponsor an event or service, Officers, and their partners, spouses or relatives must not benefit from it in a direct way. If an Officer has an interest in an event or service that the Combined Authority wishes to sponsor, he/she should inform their manager. This should also be done even if the sponsorship has not been accepted.

Where the Combined Authority, through sponsorship, grant aid, financial or other means, gives support in the community, Officers must ensure that impartial advice is given and there is no conflict of interest involved.

8. Use of Resources

The Combined Authority is responsible for the safekeeping of public buildings and the control of public money. Officers should be open as far as possible, and

be ready to answer for their actions. Officers should use NECA resources for authorised, official purposes only.

Officers should strive to ensure value for money to the local community and avoid any legal challenge to the council by using any public money in their care responsibly and lawfully.

9. Additional and Outside Employment

The Combined Authority has to be satisfied that conflicts of interest do not arise with an Officer's additional / outside employment. For this reason, Officers must inform their manager that they intend to seek any outside employment (paid or unpaid, and / or where expenses may be offered), which may have a conflict of interest with their role in the Combined Authority. If Officers are unsure if their additional / outside employment does cause a conflict of interest they should seek advice from their manager.

Officers may be required to refund some or all of their income/expenses from their other activity if it is a function of their employment with the Combined Authority.

The Combined Authority will not unreasonably prevent Officers from carrying out other employment. If a manager refuses an Officer's request they will explain their reasons for doing so.

Officers should not take outside employment if it conflicts with or overlaps with their official duties.

Officers should be aware of the terms of their contract of employment.

10. Personal Interests

Officers must not make official decisions about matters in which they have a personal involvement.

Officers should declare if:

- a) they have any personal interests, whether financial or not, which could overlap or bring about conflict with the Authority's work; or
- b) they belong to any society or organisation which is not open to the public without formal membership and which has secrecy about rules, membership or conduct, with a commitment of allegiance to the organisation.

The purpose of this declaration is to protect Officers from allegations of bias, interest or favouritism.

11. Relationships with suppliers or contractors

In circumstances where an Officer has a financial interest in a contract to which the Combined Authority is a party, or which is proposed to be entered into by the NECA or any of its joint committees, committees, or sub-committees or if an Officer has any relationships of a personal or a business nature with external

contractors or service suppliers, or possible contractors or suppliers, he/she must declare this.

12. Communicating Information

Officers must not use information gained at work for their personal gain or pass it to others who do not have a legitimate work involvement.

Officers should be aware of what information they can and cannot release. If an Officer needs guidance on this, they should speak to their manager. Officers should only reveal information regarding other Officers if they have obtained the approval of the person concerned first, or the law permits the information to be disclosed.

When completing and responding to reference enquiries Officers should give an honest and factual response. Officers should also be aware that failure to comply with this obligation could result in a criminal offence.

13. Copyright and Intellectual Property

If an Officer's employment entails them creating items of intellectual property, such as literary, musical and dramatic works, works of art, original drawings or design, performances and broadcasts (including material placed on the Internet) they belong to the Authority, unless the Authority specifically agrees otherwise. Officers should also ensure that nothing they create in the course of their employment infringes copyright, beyond that which would be accepted as "fair dealing" i.e. normally copies of parts of a work. If an Officer is in doubt he/she should discuss the matter with their manager who may seek legal advice if appropriate.

14. Data Protection

Officers must observe the requirements of the data protection legislation and follow the Authority's computer security policy. Officers may disclose personal data about an individual, from which he or she can be identified and which is held on computer equipment or manual records, only to those who are registered as receivers of such information.

15. Giving Fair Advice

When asked, Officers should give fair advice without bias.

Officers should serve all Members in the same manner and respect their rights.

If an Officer is required to advise a meeting of a political group of Elected Members they should first seek the authority of the Head of Paid Service to attend the meeting. The Officer must remain politically neutral by ensuring that he/she does not show bias towards any particular group. Officers are advised to keep a summary of the key points of their advice. If he/she offers a briefing to one political group he/she should offer one to the other groups on the same topic, within an appropriate timescale.

16. Political Neutrality

Officers must in the discharge of their duties act at all times in a politically neutral way. In doing so they must not favour or disadvantage any political group or politician in how they undertake their duties.

17. Seeking help

If anything prevents an Officer from doing their job with the Authority he/she should inform their one-up manager.

18. Breaches of the Code

Breaches of this code of conduct may lead to action being taken under the Combined Authority's Discipline Procedure.

Part 6.3 Member/Officer Relations Protocol

This section provides general guidance for Members and Officers in their relations with one another. It reflects the basic principles underlying the respective rules of conduct that apply to Members and Officers. This protocol cannot cover every eventuality nor is it prescriptive. Its intention is to offer guidance on some of the issues that commonly arise.

Members and Officers are all public servants who depend on each other in carrying out their work. Members are responsible to the people of the Combined Area who they serve for as long as their term of office lasts, while Officers are responsible to the Authority. Their job is to give impartial advice to the [Leadership Board NELB](#) and to NECA's joint committees and committees as well as individual Members, and to carry out the NECA's work. The responsibility for decision making in relation to the NECA's work is set out in Part 3 of the Constitution.

Mutual respect between Members and Officers is essential to good local government. Mutual respect and courtesy should prevail in all meetings and contacts (both formal and informal) between Members and Officers. To be most effective Members and Officers will work closely and cohesively together. However, close personal familiarity between individual Members and Officers can damage this important relationship.

The relationship has to operate without any risk of compromising the ultimate responsibilities of Officers to the Authority as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members.

1. Roles of Members

Members have many different roles:

- a) Members are the policy makers and carry out a number of strategic and corporate functions collectively approving the Authority's policy framework, strategic plans and budget.
- b) Developing and reviewing policy and strategy.
- c) Monitoring and reviewing policy implementation and service quality.
- d) Members express political values and support the policies of the political party or group to which they belong (if any).
- e) Representing their communities and bringing their views into the Authority's decision making processes, thus becoming advocates for their communities.
- f) Being involved in partnerships with other organisations as community leaders.
- g) Representing the Authority on other bodies and acting as ambassadors for the Combined Authority.

- h) Members may have roles relating to their position as members of the Leadership Board NELB or Overview and Scrutiny Committee or other committees and sub committees of the NECA.

2. Roles of Officers

Officers' main roles are as follows:

- a) Providing advice to the Leadership Board NELB, to NECA's joint committees and committees and Members to enable them to fulfil their roles.
- b) Managing and providing services for which they are responsible.
- c) Being accountable for ensuring those services are efficient and effective.
- d) Advising the Leadership Board NELB, NECA's joint committees and committees and Members in respect of those services.
- e) Initiating proposals for policy development.
- f) Implementing the Authority's policies.
- g) Ensuring the Authority acts lawfully.
- h) Representing the Authority on external organisations.

3. Respect and Courtesy

An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

4. The Combined Authority's Reputation

Members and Officers both have an important role in engendering a good reputation for the Combined Authority. In particular they should:

- a) protect and promote the legitimacy of democratic local government;
- b) promote a positive relationship between Members and Officers and be careful not to undermine it;
- c) avoid criticism of the Combined Authority when formally representing it; and
- d) avoid personal criticism of other Members and Officers.

5. Undue pressure

In any dealings between Members and Officers neither should try to take advantage of their position.

In their dealings with Officers, Members should be aware that it is easy for Officers to be overawed and feel at a disadvantage. This can be even more so where Members hold leading roles. However it is also possible for Members, particularly newer Members to be overawed by Officers. Members and Officers must always be mutually respectful regardless of their role within the Authority.

Members must not pressurise any Officer to do things s/he has no power to do, or to work outside of normal duties or hours.

Apart from decisions that are clearly illegal, Officers should usually carry out decisions of the NECA. However, instructions should never be given to Officers to act in a way that is unlawful as ultimately this could damage the Authority's interests. Officers have a duty to express their reservations in this sort of situation, and the Monitoring Officer or Chief Finance Officer may get involved as they have a statutory duty to intervene where illegality or maladministration is possible.

To assist Members in decision making they should be informed of all legal and financial considerations, and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular NECA decision, the Member concerned should draw this to the attention of the Head of Paid Service.

In similar terms, Officers should not use undue influence to pressure an individual Member to make a decision in his/her favour, nor raise personal matters to do with their job, or make claims or allegations about other Officers to Members.

The Authority has procedures for consultation, grievance and discipline and there is a right to report actions of concern under the Authority's Whistleblowing Policy.

As mentioned above, the Authority has adopted separate Codes of Conduct for Members and Officers. One shared aim of the codes is to improve and maintain the Authority's reputation and so they demand very high standards of conduct.

Under the Members' Code of Conduct Members must promote equality, treat others with respect and not do anything that compromises the unbiased nature of those who work for the Authority. In particular, Members should never act in a way which an independent observer might consider to be bullying, harassment or trying to get special treatment.

6. Personal and Business Relationships

Members and Officers must work together closely to effectively undertake the Authority's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Members and Officers can be damaging to mutual respect.

It is important not to allow any personal or business connection or relationship with any other Members or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.

Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of unfairness or favouritism.

Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest. It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

7. Officers' Advice to Members

Members are entitled to ask the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer for such advice and information as they reasonably need to help them in discharging their role as a Member of the Council. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.

It is important for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their Constituent Areas and be invited to Authority initiated events within or affecting their Constituent Areas.

Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources. Resources are finite and Members should act reasonably in the number and content of the requests they make.

Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the NECA and when implementing its lawful decisions, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions. Political neutrality in carrying out their work ensures that Officers are able to act impartially in the best interests of the Authority. Special legal rules exist which limit the political activities of senior Officers. All senior posts are 'politically restricted', which means that the Officers in those posts are not allowed to speak or write in such a way that could affect public support for a political party. However they can speak or write in a way which is necessary in order to perform their duties properly.

If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the Head of Paid Service. Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

Officers can advise on matters relating to the Authority's business. However, the Officer may need to tell his or her manager about the discussions, if that is necessary to enable a matter to be properly dealt with.

Officers can usually give information confidentially unless doing so would not be in the Authority's best interests (for example, if it went against their obligation to

protect the Authority's legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Member of the [Leadership Board](#) ~~NELB~~) cannot be used when acting in a different capacity (for example, when representing his/her ward). Confidential information can only be given to those entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others.

Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled below. Members' rights to inspect documents are contained partly in legislation and partly at common law.

If a Member asks for information or advice relating to the work of a particular service, and it appears likely or possible that the issue could be raised or a question asked at a subsequent meeting on the basis of that information, the relevant Chair of the Committee should be advised about the information provided.

Officers are required to serve the Authority as a whole. They are responsible to the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, and not to individual Members whatever office they may hold.

8. Politically Restricted Posts

There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:

- a) being a Member of Parliament, a Member of the European Parliament or a local authority member;
- b) acting as an election agent or sub agent for a candidate for any of those bodies;
- c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;
- d) canvassing on behalf of a political party or an election candidate;
- e) speaking in public in support of a political party; and
- f) publishing written or artistic works affecting support for a political party.

9. Member Briefings and Political Group Briefings

General matters of the Authority's policy, development, and performance as well as specific policy issues can be the subject of all party briefings.

There is statutory recognition of political groups. It is common practice for political groups to give preliminary consideration to matters of Authority business before the matters are considered by the relevant decision making forum.

Senior Officers may be asked to attend political group meetings called to address Authority business. All requests for briefings of political groups should be directed to the Head of Paid Service. If attendance is requested the Chief Executive's agreement must be obtained and s/he will determine the appropriate Officer to attend and all groups must be offered the same facilities if they so request.

Where officers do attend political group meetings certain matters need to be understood by Members and Officers about this process:

- a) Officer support in these circumstances will be to provide information and advice and to answer questions about matters of Authority business;
- b) these meetings are not decision making meetings and conclusions reached at them are not the Authority's decisions;
- c) where Officers provide information and advice at these meetings this is not a substitute for providing all necessary information and advice to the decision making forum;
- d) if the meeting includes non-Members of the Authority, Officers may not be able to provide the information and advice they would to a meeting of Members to prevent disclosure of confidential information to non-Members; and
- e) Officers should not be asked for, or give advice or comments on political business, and should not expect to be present at meetings or parts of meetings when matters of political business are to be discussed.

The requirements as to declaring interests apply to political group meetings. The meeting should keep to the requirements of declaring interests, including the requirement to record any declared interests in the record of the meeting.

Officers should respect the confidentiality of any discussions at which they are present with Members in this context. They may however have to brief the Head of Paid Service on the nature of issues raised at the meeting.

It is accepted that a Member of one political group will not have a need to know and has no right to inspect a document, which is confidential to another political group.

When responding to questions at a political group meeting Officers will need to bear in mind the rules as to access to information, and where appropriate the need for Members to show that they have a 'need to know'.

It is recognised that political groups may have in attendance party representatives who are not elected Members of the Authority. At his/her discretion, the Head of Paid Service may permit an Officer to give a political group briefing when such representatives are likely to be present. The Head of Paid Service's decision is final. In any event, if such representatives are present, they:

1. Must comply with the requirements relating to the declaration of any interests and take any necessary consequent action.
2. Must not receive any documentation that contains confidential or exempt information

3. Must not be present when any confidential or exempt information is considered.

Members should be aware that where political group meetings are arranged to deal with non Authority business, particularly matters of a purely party political nature, and which may be attended by non-Members, the Head of Paid Service may consider the meeting to be a political meeting and therefore provision of the Authority's resources and attendance by Officers to be inappropriate.

It must not be assumed that an officer is supportive of a particular policy or view considered at a political group meeting simply because he/she has attended or provided information to the meeting.

Officers will respect the confidentiality of any political group discussions at which they are present and, unless requested to do so by that political group, will not relay the content of such discussions to another political group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

In their dealings with political groups, officers must treat each group in a fair and even-handed manner.

Officers should not attend nor be asked to attend political group meetings at any pre-election period (the time between the election being announced and election day).

At any other meeting arranged by a political group or individual Member, Officers can only attend to provide information which is publicly available. Whether an Officer can attend will be a decision for the Head of Paid Service. If an Officer who is invited to attend a public meeting is concerned that the meeting is or is becoming a political meeting the Officer will withdraw from the meeting as soon as reasonably practicable to ensure that the political neutrality of the Officer is seen to be maintained.

It is acknowledged that some Authority staff may receive and handle messages for members on topics unrelated to the Authority. Whilst these will often concern diary management, care should be taken to avoid the Authority's resources being used for private or party political purposes.

10. Head of Paid Service

The Head of Paid Service's responsibility is to the Authority as a whole and not to any political group.

The Head of Paid Service is expected to work closely with the [Leadership Board NELB](#) and its Chair and Vice Chair. This is subject to maintaining his/her position as politically neutral.

Everyone should respect the political neutrality of the Head of Paid Service. S/he should not be asked to play any role or undertake any task which is likely to prejudice that neutrality or make it difficult for him/her to continue to serve successive administrations of whatever political persuasion.

The Head of Paid Service is able to give advice on a confidential basis about procedural matters to any Member. All Members of the Authority have access to the Head of Paid Service.

The following principles govern the relationship between the Head of Paid Service and political groups:

- a) It is proper for the Head of Paid Service to develop a working relationship with all political groups on the Authority.
- b) The Head of Paid Service is free to provide information and answer procedural inquiries to Members of any group. S/he will not advise as to the policies which any group should pursue.
- c) The Head of Paid Service will draw the attention of the NELB Leadership Board to any case where consideration should, in his opinion, be given to affording information, consultation, or representation to other committees.

When the Head of Paid Service attends a meeting of any political group, s/he will ensure that the part s/he plays in the proceedings is consistent with his/her political neutrality.

The foregoing principles apply similarly to the Monitoring Officer and Chief Finance Officer, who shall act under the general direction, and after seeking the advice of, the Head of Paid Service.

11. Correspondence

When a Member sends any letter, fax or e-mail to an Officer, if s/he is also sending a copy to another person s/he should make this clear to the Officer. Similarly if an Officer sends information to a Member and copies that information to any other person, s/he should make that clear to the Member concerned.

Communication between Members and Officers will normally be confidential, and should not be disclosed to third parties unless there are overriding obligations to disclose it to protect the Authority's interests.

A Member may however disclose information to a constituent if the information deals with a ward matter which the constituent has raised, provided the information is not confidential and that disclosure will not harm the interests of the Authority or another party. As a general rule personal information about a third party will be confidential. It is best to seek advice if there is any doubt as to whether information can be disclosed. Where the Officer providing the information considers that the whole or any part of the information should be treated as confidential then this will be indicated and Members will respect that position.

Other than in the case of information sent by Members in their capacity as ward councillors, official letters sent on behalf of the Authority should normally be sent out in the name of the appropriate Officer rather than in the name of a Member. In certain exceptional circumstances (for example, when making representations to a Government Minister or writing to the leader of another local authority) it may be

appropriate for a letter to be issued in the name of the Chair of the [Leadership Board](#) [NELB](#).

Members should not send letters which appear to create obligations, accept or deny any liability, or give instructions on behalf of the Authority. An Officer must always send any such letter.

12. Members' access to documents and information

Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members.

13. Interpretation, complaints and allegations of breaches

This part of the protocol should be read in conjunction with the Authority's "whistleblowing" policy which may be found at Part 6.5 of this Constitution.

Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

A Member who is unhappy about the actions taken by, or conduct of, an officer should endeavour wherever possible to:

- avoid personal attacks on, or abuse of, the officer.
- ensure that any criticism is well founded and constructive.
- avoid making criticism in public.
- take up the concern with the officer privately.

If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.

A serious breach of this protocol by an officer may lead to an investigation under the Authority's disciplinary procedure. There are special rules that apply to the Authority's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and these can be found in the Officer Employment Rules of Procedure at Part 4.5 of the Constitution.

An Officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant political group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Authority's Governance Committee.

Part 6.4 Anti-Fraud and Corruption Policy

1. The Combined Authority's Commitment

The Combined Authority is committed to sound corporate governance and supports the Seven Principles of Public Life for the conduct of its Members and Officers, namely:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership.

Fraud and corruption cheats the local taxpayers who have the right to expect Members and Officers to perform their functions in an honest and proper manner.

The Combined Authority seeks in the first instance to prevent fraud and corruption and will take all action necessary to identify any occurrences if suspected. If any such instances are detected they will be investigated in a correct and agreed manner. The Combined Authority pledges to pursue the recovery of losses and the suitable punishment of those responsible.

2. Prevention

Prevention will be achieved through:

- staffing policies
- making members aware of their responsibilities
- internal control systems and
- liaison with outside agencies

2.1. Officers

As a public employer, the Combined Authority is obliged to maintain, and is entitled to expect, high standards of conduct among its officers to ensure that public confidence in their integrity and impartiality is not undermined. The public is entitled to demand conduct of the highest standard and that Officers work honestly and without bias in order to achieve the Authority's objectives.

The Combined Authority recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at recruitment stage to establish, as far as possible, the propriety and integrity of potential staff. In this regard temporary and contract staff are treated in the same manner as permanent officers.

Managers should ensure that procedures laid down by the Authority's Personnel Officer in the Recruitment and Selection Guidelines and Code of Practice are followed and, in particular, that written references are obtained before employment offers are confirmed.

Officers are expected to follow the Authority's Code of Conduct which includes regulations regarding the registration of interests, gifts and hospitality. Officers are reminded that they must operate within Section 117 of the Local Government Act 1972 regarding the disclosure of pecuniary interests in contracts relating to the Combined Authority, or the non-acceptance of any fees or rewards whatsoever other than their proper remuneration.

The Combined Authority recognises that the continuing success of its anti-fraud and corruption strategy and its general credibility will depend largely on the effectiveness of its training programmes and the responsiveness of Officers throughout the organisation. To facilitate this, the Authority supports the concept of induction and continuing training and Officer appraisal, particularly for Officers involved in internal control systems, to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced. The Authority has in place a Disciplinary Procedure for all Officers and the possibility of disciplinary action against Officers who ignore such training and guidance is clear.

2.2. Members

Members are expected to operate honestly and without bias. Their conduct is governed by:

- The Code of Conduct for Members
- The Constitution

These matters include rules on the declaration and registration of potential areas of conflict between Members' duties and responsibilities on behalf of the Combined Authority, and any other areas of their personal or professional lives. These will be regularly drawn to the attention of Members.

2.3. Internal Control System

The internal control system comprises the whole network of financial, operational and managerial systems established within the Constituent Authorities to ensure that objectives of the Combined Authority are achieved in the most economical and efficient manner.

The Financial Regulations of the Combined Authority (see Part 5) provide the framework for financial control. Under Financial Regulations Managers are required to ensure that:

- Arrangements, guidelines and procedures for the proper administration of the financial affairs of the Combined Authority are operated in accordance with Financial Regulations;
- The Chief Finance Officer is informed where there has been a failure to comply with Financial Regulations or where amendment or revision of a regulation is considered necessary; and
- The Chief Finance Officer is informed as soon as possible of any matters involving, or suspected of involving, irregularity in the use of the Combined Authority resources or assets.

The Audit and Strategic Risk service of the Constituent Authority identified by the Head of Paid Service for this purpose independently monitors the existence, appropriateness and effectiveness of internal controls.

2.4. Liaison

Arrangements are in place now and will continue to develop which encourage the exchange of information between the Combined Authority and other agencies on national and local fraud and corruption activity.

The Authority acknowledges that in order to prevent fraudsters using multiple identities and addresses, it cannot afford to work in isolation and must liaise with other organisations. To this end the Authority has a number of external contacts that include:

- Northumbria Police
- Tyne and Wear District Treasurers
- Universities and Colleges
- UK Border Agency
- DWP
- Jobcentre Plus
- Federation Against Software Theft (F.A.S.T.)

All liaisons are subject to adherence to Data Protection Legislation and regard to the confidentiality of information.

2.5. Partners

Arrangements are in place within partner organisations, Nexus and TT2 to identify, investigate and appropriately report incidents of fraud and corruption which may occur within those organisations.

2.6. Strategy

The Audit and Strategic Risk service of the Constituent Authority identified by the Head of Paid Service for this purpose will implement the policy on the Combined Authority's behalf.

3. Detection and Investigation

Where fraud and corruption still happen, systems should assist in revealing the occurrences and people should be encouraged to do likewise. They must then be investigated in a fair and impartial manner.

3.1. Detection

The array of preventative systems, particularly internal control systems and audit, within the Authority generally should be sufficient in themselves to deter fraud, but they have also been designed to provide indications of any fraudulent activity.

The Combined Authority's officers are an important element in its stance on fraud and corruption and they are positively encouraged to raise any concerns that they may

have on any issues associated with the Authority's activities. They can do this in the knowledge that such concerns will be treated in confidence and properly investigated. If necessary, a route other than a line manager may be used to raise such concerns. Examples of possible routes are:

- Audit and Strategic Risk Service
- Chief Finance Officer
- Monitoring Officer

Members of the public are also encouraged to report concerns through any of the above routes or, if appropriate, through the Combined Authority's complaints procedure.

If Officers feel unable to raise their concerns through any of the internal routes, then they may wish to raise them through Public Concern at Work (telephone 020 7404 6609), a registered charity whose services are free and strictly confidential. See also Part 6.5 Whistleblowing Policy.

The Code of Conduct requires Officers of the Combined Authority to report any illegality or impropriety to their manager or supervisor. Financial Regulations require the Chief Finance Officer to investigate matters that involve, or may involve, financial irregularity.

3.2. Investigation

Depending on the nature and the anticipated extent of the allegations, Internal Audit will normally work closely with management and other agencies, such as the police, to ensure that all allegations are properly investigated and reported upon and where appropriate, maximum recoveries are made for the Authority. The follow up of any allegation of fraud and corruption received will be through agreed procedures which ensure that:

- matters are dealt with promptly;
- all evidence is recorded;
- evidence is sound and adequately supported;
- all evidence is held securely;
- where appropriate, the police and the Authority's Insurance Officer are notified;
- the Authority's Disciplinary Procedures are implemented; and
- the rules of natural justice are incorporated.

The procedures and reporting lines are an integral part of the Combined Authority's anti-fraud culture that ensures:

- consistent treatment of information about fraud and corruption;
- proper investigation by an independent and experienced audit team;
- the proper implementation of a fraud investigation plan;
- restitution or compensation; and
- the optimum protection of the Authority's interests.

Where financial impropriety is discovered, referral to the police is a matter for the Chief Finance Officer, in consultation with the relevant officers of the Authority.

In deciding whether to recommend referral the following factors are taken into account:

- the amount of the loss and duration of the offence;
- the suspect's physical and mental condition;
- voluntary disclosure and arrangement for restitution; and
- the strength of the evidence.

The Combined Authority's Disciplinary Procedures will be used as appropriate irrespective of police involvement.

There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations may be dealt with as a disciplinary matter and may leave the complainant open to an action for defamation.

The External Auditor also has powers to investigate independently fraud and corruption and the Combined Authority can make use of these services.

4. Summary

The Authority has a clear commitment to minimising the possibility of corruption and theft or other misuse of public money and assets. It pledges to prevent fraud and corruption but to take all action necessary to identify fraud and corruption if suspected, and pursue the recovery of losses and the punishment of those responsible.

The Authority's Officers and Members are expected to have the highest standards of conduct and to be vigilant in combating fraud and corruption in all its guises.

The Authority has implemented a clear network of systems and procedures to assist in the fight against fraud and corruption. These arrangements will keep pace with any future developments, in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation or related responsibilities.

Part 6.5 Whistleblowing Policy and Procedure

1. Introduction

The NECA is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrongdoing.

The NECA is therefore committed to a policy for confidential reporting of concerns, “whistleblowing”, which seeks to protect individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest.

Whistleblowing is when a member of staff raises concerns about the activities of the organisation they work for which are ethically or legally questionable.

The aims of the policy are to:

- Provide for a culture of zero tolerance toward fraud and corruption.
- Encourage officers and others with serious concerns about any aspect of the NECA’s work to feel confident to come forward and voice those concerns.
- Provide ways for officers to raise concerns at an early stage and in the right way and enable them to get feedback on any action taken.
- Ensure that officers know what to do if they are not satisfied with actions taken.
- Provide re-assurance that officers who raise concerns in good faith can do so without fear of reprisals or victimisation.

This policy covers any wrongdoing relating to unlawful conduct, financial malpractice or dangerous working environments.

It is available for use by all Officers of the NECA and Officers of Constituent Authorities providing services to the NECA, its committees, sub-committees and joint committees.

It is not to be used where other more appropriate procedures are available. There are existing procedures which enable officers to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a complaint. This policy covers concerns that fall outside the scope of these existing procedures.

The NECA will seek to ensure that its stance on whistleblowing is widely publicised and that officers have access to appropriate guidance.

2. Whistleblowing Procedures for Officers

Officers are often the first to realise that there may be something seriously wrong within an authority. Normally Officers would be expected to raise any concerns initially with their line manager. However they may feel that expressing their concerns would be disloyal to their colleagues or to the NECA or may also fear harassment or victimisation. It may be easier to ignore these concerns than report what may just be a suspicion of malpractice.

Whistleblowing is the process for raising a concern about suspected wrongdoing, especially in circumstances where the whistleblower feels forced to raise that concern

outside the normal management reporting line. For instance, the whistleblower may be concerned about the actions of their own line management, or about the failure of their line management to act over suspected wrongdoing on the part of others.

The Whistleblowing policy encourages and enables officers and others with serious concerns about any aspect of the NECA's work or those engaged in work for the NECA to come forward and voice those concerns. It recognises that most cases will need to proceed on a confidential basis. At the same time, the provisions of the Public Interest Disclosure Act 1998 (PIDA) provide protection from harassment and victimisation for officers who raise concerns in good faith.

3. Aims and scope of this Policy

This policy aims to:

- Make you feel confident to raise concerns and to question and act upon concerns about practice.
- Give you avenues to raise your concerns and receive feedback on any action taken.
- Guarantees that you receive a response to your concerns and ensures that you are aware of the process to follow if you are not satisfied.
- Reassure you that you will be protected from possible reprisals or victimisation.

There are existing procedures in place if you have a grievance relating to your own employment or consider that you are being harassed due to your race or sex or age, or if you are concerned about health and safety risks, including risks to the public as well as to other Officers. Indeed you are under a legal obligation to report to your supervisor or manager any work situation which you consider to represent:

- a danger to the health and safety of yourself, fellow Officers or members of the public; or
- a shortcoming in the Authority's arrangements for health and safety.

If you are reluctant to raise such health and safety concerns with your supervisor or manager, or if you have raised them and are concerned about the response, then arrangements exist for you to raise the health and safety concerns with the Head of Paid Service and/or with Health and Safety Representatives from the relevant trade union.

This policy is intended to cover concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other Officers;
- damage to the environment;
- the unauthorised use of public funds;
- fraud and corruption; sexual or physical abuse of clients; any attempt to prevent disclosure of any of the above, or
- other conduct which gives you cause for concern.

Thus any serious concerns that you have about any aspect of service provision or the conduct of your staff or members of the Combined Authority or others acting on behalf of the Combined Authority can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Combined Authority subscribes to; or
- is against the Combined Authority's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

This policy supplements and does not replace the corporate complaints procedure, or the grievance procedure and other procedures established to deal with aspects of harassment i.e. sexual, racial and age harassment, and with health and safety concerns.

4. Harassment or Victimisation

The Combined Authority is committed to good practice and high standards and aims to be supportive of its Officers.

The Combined Authority recognises that the decision to report a concern can be a difficult one to make. However uncovering malpractice will be doing a service to the Authority. You will be doing your duty to your employer and those for whom you are providing a service.

The Combined Authority will fulfil its responsibility to ensure that you are NOT harassed, victimised or otherwise disadvantaged when you raise a concern. Any allegation concerning an Officer who engages in any form of victimisation or harassment against you as a result of your raising a concern will be the subject of a thorough investigation and disciplinary action will be taken if the case is proved.

Allegations by an Officer who is the subject of disciplinary investigations or proceedings concerning the conduct of those proceedings can only be raised through the disciplinary appeals procedures.

5. Confidentiality

All concerns will be treated in confidence wherever possible and every effort will be made to preserve your anonymity if you so wish. You may need however to come forward as a witness, but if you wish to be supported by a representative of your choice then this would be available to you.

6. Anonymous allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible or practicable by the Combined Authority.

7. Untrue allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no

action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you.

8. How to raise a concern

If you are an officer of the Combined Authority, as a first step, you should raise concerns with your immediate manager or their manager. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, for example if you believe that your immediate manager or their managers are involved, you should approach the Monitoring Officer.

The manager receiving notification of concerns under this policy will inform the Monitoring Officer that a confidential report has been received and provide a copy. If the concern relates to financial irregularities or failures of financial controls the manager receiving the report must immediately notify the Chief Finance Officer.

Concerns may be raised verbally or in writing. Reports should be sent to your immediate manager or their superior or to the appropriate Chief Officer and a copy sent to the Monitoring Officer.

If you are a contractor, as a first step, you should normally raise concerns with your manager, who will then inform the lead officer who is dealing with the particular contract. If you do not have a manager, you should raise your concerns direct with the lead officer. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your manager or the lead officer is involved, you should approach the Monitoring Officer direct.

Otherwise, the lead officer receiving notification of concerns under this Policy will inform the Monitoring Officer that a confidential report has been received and provide a copy. If the concern relates to financial irregularities or failures of financial controls the lead officer receiving the report will also immediately notify the Chief Finance Officer.

Concerns may be raised verbally or in writing. A copy of any report you send to your manager or lead officer should also be sent to the Monitoring Officer for monitoring purposes.

The Monitoring Officer is responsible for the maintenance and operation of this policy and will monitor how the complaint is handled and ensure that the requirements of this policy are fulfilled.

The earlier you express the concern the easier it will be to take action.

Officers and Contractors can get confidential, independent advice from the charity Public Concern at Work on 0207 404 6609. Their website is at www.pcaw.co.uk

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You can invite your trade union or professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

Concerns can also be raised through your trade union.

9. How the Combined Authority will respond

The Authority will respond to your concerns, and it will be necessary to investigate your concerns but this is not the same as either accepting or rejecting them.

Within **3 working days** of a concern being raised, you will be sent a written response:

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with this matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any enquiries have been made; and
- supply you with information on staff support mechanisms.

The Monitoring Officer will be sent a copy of this response.

Where appropriate, matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process.
- Be referred to the police or other statutory agencies.
- Be referred to the external auditor.

In order to protect individuals and those about whom concerns are raised, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The amount of contact between the individual considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officers, will seek further information from you.

Where any meeting is arranged, and this can be off-site if you so wish, you can be accompanied by a trade union or professional association representative or a friend.

The Combined Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Combined Authority will arrange for you to receive advice about the procedure.

The Combined Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the

outcomes of any investigation.

10. The Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and may report as necessary to the [NELB Leadership Board](#), but in such a way that your confidentiality will be preserved.

It is the responsibility of any manager/director who receives a whistleblowing report to provide the Monitoring Officer with:

- a copy of the original report immediately;
- the initial written response to the person raising the concern; and
- any further responses.

The Monitoring Officer as soon as possible must also be informed of the outcome(s) of any investigation and any actions instigated as a result.

11. How the matter can be taken further

This policy is intended to provide Officers and Contractors with an avenue within the Combined Authority to raise concerns and hopes any whistleblower would be satisfied with any action taken. If you are not satisfied with the outcome of the confidential report, a request in writing for the investigation and outcome to be reviewed can be made to the Head of Paid Service. If you remain dissatisfied and want to take the matter outside of the Combined Authority, advice is available from trade unions and local Citizens Advice Bureau on the options that are available.

One possibility is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the Combined Authority who can be contacted in certain circumstances (see The Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2003 www.legislation.hms.gov.uk). You should seek advice on the effect of the Act from the persons referred to above.

If you do take the matter outside of the Combined Authority, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Combined Authority (e.g. service users) or where you would commit an offence by making disclosure.

In order to ensure that you do not make any such disclosures it is advisable to check the position with the Monitoring Officer.

Part 7 Members Allowances

The Order provides that no remuneration is to be payable by the NECA to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the NECA.

A. Members Allowances Scheme

Note: All rates of allowance within this Section are effective from 29 April 2014.

1. Interpretation

In this Scheme “Year” means the 12 months ending with 31 March

2. Renunciation

A member may by notice in writing given to the Chief Finance Officer elect to forego any part of his or her entitlement to an allowance under this Scheme.

3. Claims/Payments

All claims relating to subsistence and travelling expenses must be supported by receipts.

4. Amendments to Scheme

Amendments to this scheme can be made by the [NELB Leadership Board](#) at any time.

B. Scheme of travel and subsistence allowance

1. Qualifying Duties

The definition of duties qualifying for the payment of travel and subsistence allowances shall include any duty carried out by any member of the NECA in accordance with a request, authorisation or designation by the [NELB Leadership Board](#); or in accordance with a request by the Monitoring Officer or Chief Officer for the purpose of, or in connection with the discharge of the functions of the NECA.

2. Travel

Members are expected to travel by standard class rail. First class travel is considered acceptable only in the following circumstances:

- a) Additional space and privacy is required during the journey in order to work.
- b) Where the cost of discounted first class travel is less than that of the cheapest available standard class ticket.

Members can make their own travel arrangements and (other than by private car) may claim a sum equal to the cost of the rail fare or their actual expenses, whichever is the lesser.

The rate for travel by taxi shall be:

- a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
- b) in any other case, the amount of the fare for travel by public transport.

3. Motor Mileage

The authorised rate where members travel by their own car or van, or one belonging to a member of their family, or one otherwise provided for their use is 45p per mile (all engine sizes) up to 10,000 miles per annum.

The above rates may be increased by the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

4. Bicycle

Members who travel to approved duties by bicycle will be reimbursed at a rate of 20p per mile.

5. Subsistence

Day Subsistence

Day subsistence rates are on a 'meals' basis, with eligibility based on the time of day the meal is taken and time away from home, as follows:

Breakfast rate	A rate of up to £5.00 may be paid where a Member leaves home earlier than usual and before 6.00 am and incurs a cost on breakfast taken away from home.
One meal	(Five hour rate) - A rate of up to £5.00 may be paid where the Member has been away from his home/normal place of work for a period of at least five hours and has incurred a cost on a meal.
Two meal	(Ten hour rate) - A rate of up to £10.00 may be paid where the Member has been away from his home/normal place of work for a period of at least ten hours and has incurred a cost on a meal or meals.
Late evening meal	A rate of up to £15.00 may be paid where the Member has to work later than usual, finishes work after 8.00 pm having worked a normal day and has to buy a meal which would usually be taken at home.

If the Member is paid an allowance under the five or ten hour rule, the late meal allowance could still be paid if they finished work after 8.00 pm and purchased a meal that would usually be taken at home.

It is important to remember that subsistence rates are maximum amounts and claims for such expenses should total the amount actually incurred or the maximum amount whichever is the lesser amount. Receipts must be submitted.

Overnight Accommodation

- a) The cost of overnight accommodation will be paid where necessary at a reasonable rate for a 3 star hotel.
- b) The amount claimed should not be higher than the amount actually incurred and any reimbursement at a higher rate than is specified will only be permitted when prior agreement to the cost has been given by the NECA Monitoring Officer.

Meals provided free of charge

The rates specified above are to be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

6. Meals on Trains

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

7. Claims / Payments

Claims for payments under this scheme shall be made in writing to the Chief Finance Officer of the Constituent Authority which has nominated the Member to serve on the NECA, on a quarterly basis, in arrears, or at more frequent intervals if the Member so chooses. Payments shall be made by the nominating Constituent Authority on the same basis. All payments are rechargeable to the NECA by the Constituent Authorities on a quarterly basis.

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North East Combined Authority

North East Leadership Board

DATE: 16 June 2015

SUBJECT: Programme of Meetings

REPORT OF: Monitoring Officer

EXECUTIVE SUMMARY

The purpose of this report is to invite Members to agree the programme of meetings for the Municipal Year 2015/16.

In order to discharge its functions effectively, the North East Combined Authority (the Authority) and its committees and the sub-committee are advised to meet according to the programme set out in Appendix A. The programme has been developed in consultation with the constituent local authorities.

RECOMMENDATIONS

It is recommended that the Leadership Board agree the proposed programme of meetings, as set out in Appendix A.

North East Combined Authority

North East Leadership Board

1 Background Information

- 1.1 The North East Combined Authority's responsibilities for functions in relation to transport, economic development and regeneration, including skills, are set out in the Authority's Constitution, together with details of the committee structure to assist with the discharge those functions effectively. The proposed programme of meetings was developed taking into consideration a number of aspects, including key areas of work, effective reporting structure, efficiency, consistency and requirements of internal and external audit. The programme of meetings was developed in consultation with the constituent local authorities.

2 Proposals

- 2.1 In order to discharge its functions effectively, the Authority and its committees and the sub-committee should meet according to the programme of meetings set out in Appendix A.

3 Next Steps

- 3.1 If agreed, the programme of meetings will be published and shared with Officers and Members.

4 Potential Impact on Objectives

- 4.1 As part of decision making processes, the Authority is required to have an effective committee structure. Having a programme of meetings will have a positive impact on the Authority's objectives.

5 Finance and Other Resources

- 5.1 The proposed programme of meetings was designed to minimise costs whilst supporting effective governance.

6 Legal

- 6.1 There are no specific legal implications arising from this report.

7 Other Considerations

7.1 Consultation/Community Engagement

The programme of meetings was developed in consultation with the constituent local authorities.

North East Combined Authority

North East Leadership Board

7.2 Human Rights

There are no specific human rights implications arising from this report.

7.3 Equalities and Diversity

There are no specific equality and diversity implications arising from this report.

7.4 Risk Management

The proposed programme of meetings is aimed at assisting the Authority with the operation of an effective governance structure. It should, therefore, have a positive effect on the Authority's ability to manage risks.

7.5 Crime and Disorder

There are no specific crime and disorder implications arising from this report.

7.6 Environment and Sustainability

There are no specific environment and sustainability implications arising from this report.

8 Background Documents

8.1 The North East Combined Authority Constitution

9 Links to the Local Transport Plans

9.1 This report has no direct links to the Local Transport Plans.

10 Appendices

10.1 Appendix A – Proposed Programme of Meetings

11 Contact Officers

11.1 Vivienne Geary, viv.geary@northtyneside.gov.uk Tel: 0191 643 5339 Victoria Miller, victoria.miller@newcastle.gov.uk Tel: 0191 211 5118

12 Sign off

- Head of Paid Service ✓
- Monitoring Officer ✓
- Chief Finance Officer ✓

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Appendix A

North East Combined Authority

Programme of scheduled meetings 2015/16

Meeting		Jun 2015	Jul 2015	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016	May 2016	Jun 2016
North East Leadership Board	Tue 2pm	16 (Ann)	14	15		17		19	2*		19		21 (Ann)
Economic Development and Regeneration Advisory Board	Tue 10am		7**		6		1			1			
Governance Committee	Fri 2pm		10	11			11		12				
Overview and Scrutiny Committee	Tue 2pm	22 M	21	08	20				09	22			
Transport North East Committee	Thur after TWSC		9			24 T			26 F		28		
Transport North East (Tyne and Wear) Sub-Committee (TWSC)	Thur 2pm		9	17		24 T		28	26 F		28		

Notes: * Denotes "A provisional date"; ** denotes "1.30pm"; **M** denotes "Monday"; **T** denotes "Tuesday", **F** denotes "Friday"

Venues: Meetings will rotate across the seven constituent local authorities.

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