

DATE: 20th July 2018

SUBJECT: Consent to the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018

REPORT OF: Peter Judge, Monitoring Officer

EXECUTIVE SUMMARY

The purpose of this report is to invite the Head of Paid Service to exercise the delegation given to her by the Leadership Board on the 26 April 2018 to formally consent to the making of the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.

The conditions for the exercise of the delegation have each been satisfied. A formal request for consent was received from the Ministry of Housing, Communities and Local Government this afternoon requesting a decision no later than 5pm today.

RECOMMENDATIONS

The Head of Paid Service is recommended to:

- i. Note that:
 - a. each of the seven Constituent Authorities of NECA and NECA have executed a Deed of Co-Operation addressing the Heads of Terms and agreement made by the Leadership Board and the Constituent Authorities.
 - b. That Vice Chairs, Councillor Simon Henig and Elected Mayor Norma Redfearn have each expressly consented to the exercise of this delegation.
 - c. In addition, each Constituent Authority Chief Executive has indicated separately that they are content on behalf of their Authority that NECA gives its consent.
 - d. Notice has been properly given on the Forward Plan and the Overview and Scrutiny Committee has been engaged, noting the need to implement the decision immediately.
 - e. That the Monitoring Officer and the Chief Finance Officer are content that the delegation be exercised.
- ii. Consent to the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.

1. Background

- 1.1 On the 26th April 2018, a report was received by the Leadership Board 'North of Tyne Proposals – Consent to the Secretary of State's Order' where they resolved to agree in principle to amend NECA's boundary to remove the Local Government areas of Newcastle upon Tyne, North Tyneside and Northumberland and to permit the creation of a Mayoral Combined Authority, covering these areas. This also included arrangements to establish the joint transport governance arrangements, which cover the seven local authorities.
- 1.2 Following the Leadership Board on the 26 April, the seven Local Authorities have signed a 'Deed of Co-operation' setting out how they will work together going forward.
- 1.3 Councillor Simon Henig and Elected Mayor Norma Redfearn, the Vice Chairs of NECA have each consented to the exercise of the delegation.
- 1.4 In addition, by email the Chief Executives of each of the seven Constituent Authorities of NECA have indicated that they are content that this delegation be exercised.
- 1.5 This report outlines the next steps in the parliamentary process and follows the expressed delegation that was given to the Head of Paid Service to communicate NECA's formal consent to the Secretary of State to lay the final Order.

2. Proposals

- 2.1 The proposal is that the Head of Paid Service exercise the delegation given at the Leadership Board on 26 April 2018, being satisfied that all pre-conditions for the exercise of that delegation have been fulfilled. Additionally that the Head of Paid Service signs a letter to be sent to the Ministry of Housing, Communities and Local Government communicating that consent.

3. Reasons for the Proposals

- 3.1 The draft order (20 July 2018) has been examined in comparison to the previous draft (5 July 2018). A small number of amendments have been made which relate to NECA and the Joint Transport Committee. A review identifies:
 - formatting changes
 - the addition of Article 3(4)
 - removal of words in paragraph 1(3) of Schedule 2
 - clarification wording added to paragraph 5(1) of Schedule 2
 - the extension of the words "or non-constituent council" in paragraph 5(6)(d)

of Schedule 2

- the addition of paragraph 1(2) of Schedule 5 having the effect of changing the citation to the 2014 Order

The Monitoring Officer concludes that the order reflects the agreement reached between the Constituent Authorities and addresses all necessary matters. The amendments from the 5 July 2018 version clarify the drafting.

The value of the amendments to Schedule 2, paragraph 5(6)(d) might create an opportunity for unanticipated consequences given the uncertainty of the intended meaning of “non-constituent council” but this is not a matter which should prevent the consent to this order.

4. Alternative Options Available

4.1 There are two options available to the Decision Maker:

- Option 1: exercise the delegation and give formal consent to the Secretary of State’s Order; or
- Option 2: Decline to exercise the delegation.

Option 1 is the preferred option.

5. Next Steps and Timetable for Implementation

5.1 The next steps are outlined throughout the report for the Secretary of State to lay the Order.

6. Potential Impact on Objectives

6.1 There are no known impacts on objectives regarding this report.

7. Financial and Other Resources Implications

7.1 There are no known implications as a result of this report.

8. Legal Implications

8.1 The order significantly modifies the Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014. The order, when made, will remove Newcastle upon Tyne, North Tyneside and Northumberland from the boundaries of NECA and create a

new Combined Authority. The order also prescribes that transport functions may only be exercised through a joint transport committee, supported by Audit and Overview Committees. The order also transfers certain assets (those relating to transport inherited from the former ITA) into joint names of NECA and the new Combined Authority.

9. Key Risks

9.1 There are no key risks in regards to the proposals within this report.

10. Equality and Diversity

10.1 There are no key risks in regards to the implications of this report.

11. Crime and Disorder

11.1 There are no key risks in regards to the implications.

12. Consultation/ Engagement

12.1 As described earlier in this report, consultation and engagement has taken place in regards to the Order.

13. Other Impacts of the Proposals

13.1 There are no other known impacts arising from this report.

14. Appendices

14.1 Appendix 1 - Final Order

15. Background Papers

15.1 None.

16. Contact Officer(s)

NORTH EAST COMBINED AUTHORITY

Delegated Decision Report



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17. Sign Off

- 17.1
- Head of Paid Service: ✓
 - Monitoring Officer: ✓
 - Chief Finance Officer: ✓