

## Consultation and Agreement

- The Chair and the Vice Chairs of the NECA have been consulted on this matter and have agreed that it is appropriate for the **Head of Paid Service** to use the delegated powers given to her by the Leadership Board of the NECA and to make an urgent decision.

The Chair and Vice Chairs agreed that this decision is urgent because of the need to progress activity in relation to the franchise management agreement. This matter cannot be left until the next meeting of the Leadership Board on 20 June 2018.

Agreement received from Chair of the NECA – [Not applicable](#)

Agreement received from 1<sup>st</sup> Vice Chair of the NECA – Yes – [4 April 2018](#)

Agreement received from 2<sup>nd</sup> Vice Chair of the NECA – Yes – [4 April 2018](#)

- The Chair of the NECA Overview and Scrutiny Committee has been consulted and has agreed that the decision proposed is reasonable in all the circumstances, that it should be treated as a matter of urgency, and that it should be exempt from call-in.

Agreement received from the Chair of NECA Overview and Scrutiny Committee – Yes – [3 April 2018](#)

## Record of the Decision

### 1. Subject of Decision

To authorise (consent to) NECA entering into the franchise management agreement with Transport for the North and Rail North Limited.

### Thematic Lead Area

Transport

### 2. Executive Summary

The purpose of the report is to authorise the Monitoring Officer to enter into the franchise management agreement with Transport for the North and Rail North Limited.

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### 3. Why the Decision is Urgent

The Leadership Board on the 7 August 2017 authorised provisional consent to the signing of a new Franchise Management Agreement with Transport for the North. The Leadership Board further authorised delegated authority to the Head of Paid Service to consent to the signing of this agreement following consultation with the Chair of the Leadership Board and Monitoring Officer.

The final terms of the Franchise Management Agreement have now been agreed (on 27 March 2018) and this decision is urgent because the agreement needs to be completed from 5 April 2018 reflecting the creation of Transport for the North on 1 April 2018 and the need to replace the predecessor agreement as soon as possible.

### 4. Decision

(a) Having consulted the Vice-Chairs of the NECA Leadership Board and the Monitoring Officer, the Head of Paid Service is recommended to authorise NECA to enter into the franchise management agreement with Transport for the North and Rail North Limited.

(b) Note that the Monitoring Officer will then execute the Agreement in accordance with NECA constitutional authority.

#### 4(a). If Exempt or Confidential, please provide a reason:

N/A

### 5. Alternative options considered

If the Franchise Agreement is not entered into on 5 April (or as soon as possible thereafter) it will result in delay Transport for the North being able to enter into this agreement and other legal agreements relating to the transfer of Rail North matters to Transport for the North. This will have an adverse impact on the delivery of the organisation and the outcomes delivered on behalf of all the constituent authorities.

### 6. Reason for Decision

The decision is being put forward to enable TfN to operate once it becomes part of Transport for the North once it becomes a Sub-national Transport Body on 1 April 2018.

The reasons for NECA deciding to become part of TfN is set out in previous reports to the Leadership Board. Overall one of the main benefits of NECA becoming part of TfN is the added influence a Sub-national Transport Body can have with the Department of Transport and the national delivery agencies of Network Rail and Highways England when setting and

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allocating national infrastructure spending.

### 7. Date of Consultation with the Monitoring Officer and their Relevant Comments

Date: 29 March 2018

Comments: The Monitoring Officer has approved the process to be followed in accordance with the Constitution and the relevant Combined Authority Overview and Scrutiny Regulations. The Monitoring Officer is also content that the case for urgency is properly made out and can be put to decision makers.

### 8. Date of Consultation with Chief Finance Officer and their Relevant Comments

Date: 29 March 2018

Comments: The Financial Implications assessment is based upon information provided by Nexus, which was included in the report to NELB in August 2017 and updated on the basis of comments from Nexus.

### 9. Contact Officer

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**Approved:**

**Date of the Decision:** 5 April 2018