

# **NORTH EAST COMBINED AUTHORITY**

## **Notice of General Exception**

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### **Notice to the Chair of Overview and Scrutiny Committee of a general exception to the publication of the intention to make a key decision**

**DATE:** 18 April 2018

**TO:** David Taylor Gooby, Chair of the Overview and Scrutiny Committee

**COPIES TO:** Mayor Norma Redfearn, North Tyneside Council and Cllr Simon Henig, Leader of Durham Council (Vice Chairs of the NECA Leadership Board)

Simon Hart, Vice Chair of the Overview and Scrutiny Committee

**SUBJECT:** Proposed Leadership Board - 26 April 2018: North of Tyne Proposals – Consent to Secretary of State’s Order

**NOTICE BY:** Peter Judge, Monitoring Officer

#### **Executive Summary:**

This notice informs the Chair of the Overview and Scrutiny Committee under Paragraph 12 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 that it is impracticable to include the above item on the NECA Forward Plan for a period of 28 clear days before the decision is made.

In accordance with Paragraph 12 (1(b)) & 12 (3) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 a copy of this notice will be published on the North East Combined Authority website and made available at its principal office.

In accordance with section 31 of the Leadership Board Rules of Procedure set out in Part 4.1 of the NECA Constitution, this notice confirms that at least 5 clear days have elapsed between the agenda for the meeting, which includes the matter, being made available and the day of the meeting.

**1. Background:**

- 1.1 Where a decision maker intends to make a key decision, that decision must not ordinarily be made until at least 28 clear days public notice has been given. This notice is ordinarily given by inclusion on NECA's Forward Plan which is published on its website and regularly circulated to relevant members.
- 1.2 Where the publication of the intention to make a key decision is impracticable, that decision may only be made where the Chair of the Overview and Scrutiny Committee has been informed of the matter about which the decision is to be made, notice to the Chair has been made available for public inspection and published on the NECA website, and after 5 clear days have elapsed following the day on which notice to the Chair was made publicly available.
- 1.3 This notice is to inform the Chair of the Overview and Scrutiny Committee that it has been impracticable to give 28 clear days public notice of the item(s) set out below for the reasons set out below and that it is intended that the key decision(s) will be made on the date specified below.
- 1.4 Notice is also given to the public that the reasons why compliance with the requirements for publicity in connection with key decisions are impracticable are set out below.
- 1.5 Detail of this decision has been included on the NECA forward plan since 20 March 2018 for a meeting to take place on the 17 April, this meeting has been postponed.

**2. Notice Details:**

**2.1 Date of Decision required:**

26 April 2018.

**2.2 Matter in respect to which decision is to be made:**

North of Tyne Proposals – Consent to Secretary of State's Order

**2.3 Description:**

The paper provides an update to the report presented to the Leadership Board on the 20 March 2018, and the recent consultation on North of Tyne proposals, including the creation of a North of Tyne Mayoral Combined Authority following the amendment of the current NECA boundaries. The paper invites the Leadership Board to consent in principle to a proposed Secretary of State's Order to amend the NECA boundary, to remove the North of Tyne authority areas (Newcastle upon Tyne, North Tyneside and Northumberland) and to make certain provisions in relation to the governance of

transport. The paper also invites the Leadership Board to delegate authority to approve the final form to the Secretary of State's proposed Order.

**2.4 Decision Maker:**

The NECA Leadership Board.

**2.5 Thematic Area:**

Corporate issue.

**2.6 Consultation Process:**

Consultation has taken place with all NECA Statutory Officers and Constituent Authorities.

Wide public consultation has taken place across the whole of the existing NECA area. The North of Tyne authorities have engaged with the Secretary of State and MHCLG.

**2.7 Background Documents:**

- North of Tyne 'minded to' devolution deal
- North of Tyne Consultation Report
- Report to North East Leadership Board 20 March 2018

**2.8 Reasons why impracticable to give 28 days' clear notice:**

It was agreed by the Vice Chairs of the Leadership Board and the Chair of the Overview and Scrutiny Committee that this matter was included on the Forward Plan for a meeting of the NECA Leadership Board on the 17<sup>th</sup> April. On the 13<sup>th</sup> April it was agreed that the meeting should be postponed until the week commencing the 23<sup>rd</sup> April to allow additional time for the seven local authorities to finalise detailed proposals for joint working in the future. Leadership Board Members or their Deputies are next available to consider the matter on the 26<sup>th</sup> April. This date means that the amended entry on the Forward Plan and this notice of the meeting amounts to less than the prescribed period of 28 days.

It is necessary to consider this matter at the meeting on the 26<sup>th</sup> April to comply with the previous timetable communicated by MHCLG and the North of Tyne Authorities, and to honour the commitment made by all participant authorities to consider the decision accordingly. This timetable also avoids any undue delay which would result, if the matter was deferred for another 28 days or until the next scheduled meeting.