

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

Executive Summary:

DATE: 19.11.2018

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

COPIES TO: Cllr Iain Malcolm and Cllr Simon Henig, Chair and Vice Chair of the NECA Leadership Board
Simon Hart, Vice Chair of the Overview and Scrutiny Committee

SUBJECT: Dispensations under the Localism Act 2011

NOTICE BY: Peter Judge, Monitoring Officer

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) 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.

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 will 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 be made until at least 28 clear days public notice has been given.
- 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 at the Council offices and published on the Council's 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.

2. Notice Details

2.1 Date of Decision required:

4.12.2018

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

Dispensations under the Localism Act 2011.

2.3 Description

In accordance with delegations given to the Audit and Standards Committee by the NECA Leadership Board, the Committee will be invited to grant dispensations to the Members and Substitute Members of the NECA Leadership Board in relation to directorships they hold as a result of their offices with their relevant Constituent Authority. For example, each Leader is a member of the Newcastle International Airport Limited board. The paper will also invite the Committee to agree a process for granting dispensations between meetings. Specifically, the Committee will be invited to allow the granting of dispensations and renewals of dispensations by the Monitoring Officer when they are in accordance with the parameters agreed by the Committee or when it is

impracticable for the Committee to consider the matter before the conflict of interest would arise. Such delegation will include an obligation to report to the Committee and reserving to the Committee the right to vary, terminate or confirm a dispensation given in this way.

2.4 Decision Maker

Audit and Standards Committee

2.5 Thematic Area

Corporate issue

2.6 Consultation Process

Consultation has or will take place with:

- NECA Statutory Officers and Constituent Authorities Chief Legal Officers

2.7 Background Documents

Audit and Standards Committee (formerly Governance Committee), 9 December 2014

Audit and Standards Committee (formerly Governance Committee), Paper 6, December 2016

Audit and Standards Committee (formerly Governance Committee), 5 December 2017

Localism Act 2011

NECA Constitution

2.8 Reasons why impracticable to give 28 days clear notice

The Secretary of State made the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Functions and Establishment) Order 2018 which became effective on 2 November 2018. The Leadership Board met on 13 November 2018 and made certain appointments to the Leadership Board. As a result of various appointments it is desirable to confirm or grant new dispensations to Members and Substitute Members.

These dispensations will need to extend to the Members and Substitute Members of the newly constituted North East Joint Transport Committee. It will

have its inaugural meeting on 20 November 2018. It was considered appropriate that the matter should not be added to the Forward Plan until the membership of these bodies was confirmed.

The procedure contemplated will allow future dispensations requests to be considered promptly and in an appropriate and transparent manner.

The NECA Head of Paid Service has examined the background and context of this decision and concurs that it is impracticable for this decision to be placed on the Forward Plan 28 days before it is made.

Head of Paid Service: [REDACTED]

Monitoring Officer: [REDACTED]