

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: 22 November 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:

1. Appointment of NECA representatives on Transport for the North Board and Transport for the North Overview and Scrutiny Committee;
2. Approval of additional delegations to the North East Joint Transport Committee; and
3. Approval of the Joint Transport Committee Standing Orders.

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) 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 December 2018

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

There are three matters covered by this notice:

1. Appointment of NECA representatives on Transport for the North Board and Transport for the North Overview and Scrutiny Committee;
2. Approval of additional delegations to the North East Joint Transport Committee; and
3. Approval of the Joint Transport Committee Standing Orders.

2.3 Description

Appointment of NECA representative on Transport for the North Board and Transport for the North Overview and Scrutiny Committee

At its meeting on 13 November 2018, the Leadership Board agreed a procedure by which nominations could be agreed between meetings. Leaders have asked

that this matter be considered at the next meeting of the Leadership Board. This request was made less than 28 clear days prior to the Leadership Board meeting.

Approval of additional delegations to the North East Joint Transport Committee

By Deed of Co-operation dated 4 July 2018, agreement was reached between the seven Local Authorities of the former NECA area and NECA. This agreement also bound the North of Tyne Combined Authority. In accordance with clause 5.6 of the Deed the parties committed to delegate additional responsibilities to the Joint Transport Committee. These delegations must be made in the same terms.

There is a wish to put these delegations in place as soon as possible to ensure the terms of the Deed are honoured.

Approval of the Joint Transport Committee Standing Orders

In accordance with the Deed of Co-operation referred to above, it is intended that in future the Joint Transport Committee will be delegated authority to determine its own rules of procedure. However, the JTC does not currently hold that authority. It approved the proposed Standing Orders at its meeting on 20 November 2018. The Standing Orders must now be approved by each Combined Authority. As the Standing Orders were only approved by the JTC, less than 28 clear days prior to the next Leadership Board meeting, it has not been possible to give full notice.

2.4 Decision Maker

NECA Leadership Board

2.5 Thematic Area

Corporate issues and Transport issues

2.6 Consultation Process

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

2.7 Background Documents

NECA Leadership Board – 13 November 2018

- Appointment of NECA’s Committees and Sub-Committees, including Confirmation of Membership and appointment of Chairs, Vice-Chairs and Independent Persons, Appointments to the North East Joint Transport Committees and Appointment to Outside Bodies for the Municipal Year 2018/19

North East Joint Transport Committee papers – 20 November 2018

- Adoption of Joint Transport Committee Standing Orders, including Rules of Procedure and proposals in relation to the Code of Conduct for Members

2.8 Reasons why impracticable to give 28 days clear notice

Due to the reasons outlined in the description above, it has been impracticable to include these items on the Forward Plan for a 28 day period. This Notice has been completed at the earliest opportunity.

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

Head of Paid Service:

Monitoring Officer: