

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: 7th June 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: Purchase of Site at Howdon for Satellite Depot by Nexus

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 ordinarily be made until at least 28 clear days public notice has been given.
- 1.2 Where the 28 day prior 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 Combined Authority's offices and published on the Combined Authority'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:

19th June 2018

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

Purchase of Site at Howdon for Satellite Depot by Nexus

2.3 Description

The report to the Leadership Board outlines that in order to redevelop the existing Metro depot site in Gosforth and to construct a new maintenance facility, whilst allowing the depot to remain operational, it is necessary to temporarily relocate around 20 Metrocars to a satellite depot facility. The Leadership Board are asked to approve the purchase of land at Howdon to facilitate the satellite depot.

2.4 Decision Maker

Leadership Board

2.5 Thematic Area

Transport

2.6 Consultation Process

Public consultation has been held on the new Metro fleet design and engagement events held in Gosforth for the main depot local residents. Baseline noise monitoring has taken place at the closest residential points to the Howdon site whereby residents allowed equipment to be stored on their premises and were provided with a letter to inform of the works. An independent valuation of the site has been prepared by Knight Frank, who have confirmed the valuation.

2.7 Background Documents

- Valuation report from Knight Frank to Nexus
- Plan of proposed site at Howdon

2.8 Reasons why impracticable to give 28 days' clear notice

It is necessary to consider this matter at the meeting on 19th June 2018 to enable the purchase of the site at Howdon without delay. In order for construction to commence on the main depot for the new fleet, which is desired immediately following the fleet contract award, the Satellite Depot must first be operational to stable 10 trains to facilitate the space required at Gosforth. The Satellite Depot will be subject to a separate Design and Build OJEU procurement, full planning permission followed by construction and commissioning of the site by the winning bidder in advance of March 2020.

Nexus will be issuing a Prior Information Notice (PIN) to commence the procurement imminently, and similarly a full planning application will be submitted and require approving in advance of commencing the procurement Selection Questionnaire (SQ). Neither the PIN, nor planning application may be issued until Nexus have surety of purchase of Howdon. Should approval to purchase not be granted, Nexus would be required to revisit alternative site options, which would significantly delay this procurement, which may in turn affect the programme of the main fleet contract.

Negotiation with the council has moved swifter than it was considered to and as such, Nexus are now able to seek approval for the final cost rather than seek delegated approval for the estimated cost.

The NECA Head of Paid Service and the Monitoring Officer 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: [REDACTED]

Monitoring Officer: [REDACTED]