

Notice to all Members of the Joint Transport Committee Overview and Scrutiny Committee of a general exception to the publication of the intention to make a key decision

Executive Summary:

DATE: 11 November 2019

TO: Chair of the Joint Transport Committee Overview and Scrutiny Committee

COPIES TO: Chair and Vice-Chair of the Joint Transport Committee, Tyne and Wear Sub-Committee

SUBJECT: The following matters of General Exception are noted:

Tyne Tunnel Byelaws

- i. Authorise Interim Stage 1 to proceed;
- ii. Approve the byelaws appended to this report; and
- iii. Authorise officers to progress the statutory process for amending the byelaws.

NOTICE BY: Nicola Robason, Deputy Monitoring Officer

This notice informs the chair of the NE JTC 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 and North East Joint Transport Committee webpage.

In accordance with section 30 of the Joint Transport Committee Rules of Procedure, this notice ensures 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 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 North East JTC Overview and Scrutiny Committee that it has been impracticable to give 28 clear days' public notice of the item set out below for the reasons set out below and that it is intended that the key decision 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:

21 November 2019

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

- (i) Authorise Interim Stage 1 to proceed;**
- (ii) Approve the byelaws appended to the report; and**
- (iii) Authorise the officers to progress the statutory process for amending the byelaws.**

This report will invite the Joint Transport Committee, Tyne and Wear Sub-Committee (TWSC) to authorise the implementation of Post-Pay, which is the first stage of the Tyne Tunnel moving towards an electronic payment and barrier free system. This implementation of Post-Pay will require changes to the current 2010 Byelaws in relation to when and how the tolls are to be paid.

2.3 Description

- (i) Authorise Interim Stage 1 to proceed;**
- (ii) Approve the byelaws appended to the report; and**

(iii) Authorise the officers to progress the statutory process for amending the byelaws.

This report invites the Joint Transport Committee, Tyne and Wear Sub-Committee to authorise Interim Stage 1 to proceed, to approve the byelaws appended to the report and to authorise officers to progress the statutory process for amending the byelaws.

2.4 Decision Maker

Joint Transport Committee, Tyne and Wear Sub-Committee.

2.5 Thematic Area

Transport

2.6 Consultation Process

Members of the Committee and Statutory Officers have been consulted with in regards to both items.

2.7 Background Documents

None.

2.8 Reasons why impracticable to give 28 days clear notice

The Officers have been working with TT2 and both parties' external legal advisers to redraft the byelaws to reflect the first stage of the Tyne Pass Project. The Post-Pay system cannot be implemented until the byelaws have been amended and this is a matter of priority for TT2. The decision must be taken as soon as possible so that the statutory process to amend the byelaws can be undertaken and the move towards Post-Pay can commence. A delay to this decision being made would impact on financial and procurement issues for TT2.

Head of Paid Service:

Monitoring Officer: