

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: 06.07.2018

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

COPIES TO: Mayor Norma Redfearn and Cllr Simon Henig, Vice Chairs of the NECA Leadership Board
Simon Hart, Vice Chair of the Overview and Scrutiny Committee

SUBJECT: Consent to the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018

NOTICE BY: Peter Judge, Monitoring Officer

This notice in accordance with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 sets out 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.

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 publication of 28 clear days 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 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:

16.07.2018 (or before 20 July) – within 24 hours of a request from the Ministry of Housing, Communities and Local Government

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

The Head of Paid Service on the advice of the Monitoring Officer and with the agreement of the two Vice Chairs of NECA to formally consent to the Secretary of State making the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.

2.3 Description

On the 26th April 2018, the NECA Leadership Board agreed to delegate to the Head of Paid Service, on the advice of the Monitoring Officer and with the agreement of the two Vice Chairs of NECA, to formally consent to the making of an order by the Secretary of State, when the consent was formally requested by the Ministry of Housing, Communities and Local Government.

It was also agreed on the 26th April 2018, that the delegated authority could only be exercised if the seven current constituent authorities of NECA and NECA had

entered into the Deed of Co-operation, and the order met all requirements agreed between MHCLG and the constituent authorities.

The Deed of Co-operation was completed on the 4th July 2018.

Following the execution of Deed, correspondence was received from the MHCLG on the 5th July 2018 that identified the requirements for formal consent to the making of the Order. It is MHCLG's intention to lay the order by 24 July 2018 and have indicated that this process can take up to three days. Accordingly, it is understood that consent will be sought during week commencing the 16th July 2018 and should be actioned within 24 hours.

2.4 Decision Maker

The Head of Paid Service

2.5 Thematic Area

Corporate issue.

2.6 Consultation Process

Consultation has taken place with:

- NECA Statutory Officers and Constituent Authorities
- Wide consultation has taken place across the whole of the NECA area
- The North of Tyne Authorities have engaged with the Secretary of State and the MHCLG

2.7 Background Documents

Report to the NECA Leadership Board - 26 April 2018

Delegated Decision – 04.07.2018 – North of Tyne Proposals Consent to the Secretary of State's Order

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 this item on the Forward Plan for a 28 day period. This Notice has been completed at the earliest opportunity, today the 6th July 2018 following correspondence received from the MHCLG on the 5th July 2018 and passed to

the Monitoring Officer on 6th July 2018; that outlines that consent is required by NECA on week commencing the 16th July. The draft order is currently being considered by the Chief Legal Advisers to the Joint Committee on Statutory Instruments and accordingly the final form of the order will not be available before 16 July 2018. Parliamentary Summer Recess commences on 24th July 2018.

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.

DEPUTY

Head of Paid Service: ..

Monitoring Officer: ..