

# North Tyneside Council Report to Cabinet Date: 24 March 2014

**ITEM 3  
Combined Authority –  
Appointments to  
Committees and Sub-  
Committee of the  
Combined Authority**

**Portfolio(s): Elected Mayor**

**Cabinet Member(s): Norma Redfearn**

**Report from Service Area:** Law and Governance

**Responsible Officer:** Viv Geary (Tel 643 5339)  
Head of Law and Governance

**Wards affected:** All

## **PART 1**

### **1.1 Purpose:**

The purpose of this report is to seek from Cabinet appropriate appointments and delegations to the Elected Mayor and Head of Law and Governance to ensure that the processes are in place for the nominations to be made to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority (the Combined Authority).

### **1.2 Recommendation(s):**

It is recommended that Cabinet:

- (1) Appoint Councillor F Lott as the member with the portfolio responsibility for transport to the proposed Transport North East Committee of the Combined Authority and to the proposed Transport North East (Tyne and Wear) Sub-Committee;
- (2) That the Elected Mayor be given the delegated authority to appoint one further member of the Authority to the proposed Transport North East Committee of the Combined Authority;
- (3) That delegated authority is given to:
  - a. the Head of Law and Governance to seek nomination of two elected members of the Overview and Scrutiny Committee from the Chair of the Committee for appointment to the proposed Overview and Scrutiny Committee of the Combined Authority, and
  - b. to the Elected Mayor to nominate on behalf of the Authority those members so identified to the Combined Authority for appointment to the proposed Overview and Scrutiny Committee of the Combined Authority;

(4) That delegated authority is given to:

- a. the Head of Law and Governance to seek nomination of one elected member of either the Authority's Audit or Standards Committees from the Chair of the Standards Committee for appointment to the proposed Governance Committee of the Combined Authority, and
- b. the Elected Mayor to nominate on behalf of the Authority the member so identified to the Combined Authority for appointment to the Governance Committee of the Combined Authority.

(5) That delegated authority is granted to the Elected Mayor in consultation with the Chief Executive and the Head of Law and Governance to make alternative or any additional nominations to the Combined Authority if the current proposed arrangements for decision-making within the Combined Authority change.

### **1.3 Forward plan:**

Notice of this report first appeared on the Forward Plan published on 17 March 2014. It has not been practicable to give the required 28 days notice as the appointments requested in the report need to be made after the establishment of the Combined Authority. It is possible that the Combined Authority could be established on 1 April 2014 or very soon thereafter.

### **1.4 Council plan and policy framework:**

This report relates to priorities identified in the Council Plan 2012-15 including Priority 2 - Maintaining excellent education, training and employment opportunities, including apprenticeships and working in collaboration with partners and Priority 5 – The regeneration of the north bank of the Tyne.

### **1.5 Information:**

- 1.5.1 The Local Democracy, Economic Development and Construction Act 2009 created the legal framework for the formation of a Combined Authority. The legal process that must be adhered to in order to establish a Combined Authority has been undertaken and has culminated in the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (the Order) being laid before both Houses of Parliament by the Secretary of State.
- 1.5.2 At the end of the statutory consultation period undertaken between November 2013 and January 2014 the Secretary of State was satisfied that the Order should be laid before Parliament because he believed that making the Order would be likely to improve :-
  - The exercise of statutory functions relating to economic development and regeneration in the area to which the Order relates;
  - The effectiveness and efficiency of transport in the area; and
  - The economic conditions in the area.

- 1.5.3 The Combined Authority has a corporate identity and is for the purposes of a great deal of local government legislation classed as a 'Local Authority'. The Combined Authority will be responsible for discharging transport functions previously undertaken by the Tyne and Wear Integrated Transport Authority and some of the Transport Functions that were the responsibility of Durham County Council and Northumberland County Council prior to the making of the Order. On the making of the Order the Integrated Transport Authority will be abolished.
- 1.5.4 The Combined Authority will also discharge certain economic development and regeneration functions concurrently with the LA7 constituent authorities. Those functions are set out in detail in the Order and relate to the encouragement of visitors to the area and the provision of conference facilities, the provision of education and training for persons over compulsory school age and the preparation of an assessment of the economic conditions in the area.

### **Transport Functions and Committees**

- 1.5.5 The Combined Authority is required to have a Constitution. Included in the proposed Constitution is the detail of how the Combined Authority's functions will be delegated and which body or officer will discharge those functions on behalf of the Combined Authority's Leadership Board. Detailed consideration of how the transport functions will be discharged and by which body within the Combined Authority has taken place. Whereas it is proposed that certain transport functions will remain with the Leadership Board of the Combined Authority, it is expected that the bulk of transport functions will be undertaken by other bodies or officers.
- 1.5.6 The transport functions not reserved to the Leadership Board are proposed to be discharged by the following bodies:-

#### **a) Transport North East Committee (TNEC)**

This is a Committee consisting of 14 members, 2 from each LA7 constituent authority. One of the members from each constituent authority will be the member with the portfolio responsibility for transport. In addition to having certain functions delegated to it, it is proposed that the Leadership Board will also refer certain transport matters to TNEC for a recommendation before the Leadership Board makes a decision. [As it is proposed that 2 members from each constituent authority will be appointed to TNEC there will be no requirement for the appointment to be based on the rules of political balance.]

#### **b) Transport North East (Tyne and Wear) Sub-Committee (TWSC)**

This is a proposed Sub-Committee of TNEC and would deal only with the transport functions relating to the Tyne and Wear Authority areas. It will consist of 5 members made up of the 5 transport portfolio holders from the Tyne and Wear Authorities. TWSC will amongst other things supervise and monitor NEXUS.

#### **c) Durham and Northumberland**

The intention is that the Combined Authority will delegate to the respective executives of the County Councils specified operational transport functions and it is likely that the executives will in turn delegate functions to officers within the Counties as considered appropriate.

## **Other Committees**

### **1.5.7 Overview and Scrutiny Committee**

The Combined Authority is required by the terms of the Order laid before Parliament to have an Overview and Scrutiny Committee. No member of the Combined Authority can sit on the Overview and Scrutiny Committee. It is proposed that the committee will consist of 14 members, that is, 2 members from each Authority with the nominations to the committee being based on the political balance prevailing at each constituent authority. In accordance with this arrangement 2 members of the Labour Group would be nominated. It is proposed that these nominations are sought through the Chair of Overview and Scrutiny from the membership of the Overview and Scrutiny Committee and submitted on behalf of the Authority to the Combined Authority by the Elected Mayor.

### **1.5.8 Governance Committee (Audit and Standards responsibilities)**

It is proposed that the Combined Authority will have a joint Audit and Standards Committee which will be known as the Governance Committee with 1 member nominated from each constituent authority. Given the expertise acquired by members that sit on Audit and Standards Committees, it is proposed that a nomination is sought through the Chair of the Governance Committee from the Authority's Audit and Standards Committee members. The nomination to the Combined Authority is proposed to be delegated to the Elected Mayor.

## **1.6 Decision Options:**

The following decision option is available for consideration by Cabinet:-

- a) Adopt the recommendations set out in paragraph 1.2; or
- b) Not adopt the recommendations set out in paragraph 1.2 and for Cabinet to suggest alternative methods of identifying members for the Combined Authority's proposed Committees and Sub-Committee

## **1.7 Reasons for recommended option:**

- 1.7.1 It is recommended that Cabinet adopt the recommendations set out in paragraph 1.2 to have arrangements in place enable the Combined Authority to create appropriate frameworks for decision making as soon as that Authority comes into being. As a result of this requirement it is necessary to identify members from each of the Constituent Authorities prior to the formal creation of the Combine Authority who will be in a position to undertake these new roles. The proposed Committee and Sub-Committee structure will also enable the Combined Authority to operate efficiently and effectively.

## **1.8 Appendices:**

Appendix A – The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014

## **1.9 Contact officers:**

Viv Geary – Head of Law and Governance – Tel 643 5339

John Barton – Lawyer – Tel 643 5354

Vicki Dixon – Senior Manager, Commercial Finance and Major Contracts – Tel 643 5723

## **1.10 Background information:**

- The Local Democracy, Economic Development and Construction Act 2009.
- Cabinet Reports of 24 June 2013 and 10 March 2014
- Council Report of 27 June 2013

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The establishment of a Combined Authority has financial implications for the Constituent Authorities but there are core financial principles insofar as the Combined Authority is concerned. For transport costs, the total contribution from each Constituent Authority for the year does not exceed the equivalent cost as it would have been calculated under previous arrangements. In terms of any other costs, these will be offset by efficiency gains achieved through existing resources and utilising the skills and capacity that already exist within the Constituent Authorities.

Members will receive an allowance for serving on the committees of the Combined Authority which will be funded through the Combined Authority budget.

### **2.2 Legal**

In determining that the Order should be laid before Parliament, the Secretary of State is satisfied that the making of the Order creating the Combined Authority is likely to improve the exercise of statutory functions relating to economic development and regeneration in the area, the effectiveness and efficiency of transport in the area and the economic conditions in the area. The Secretary of State will have had regard to the consultation responses received during the statutory consultation exercise when deciding to lay the Order. The majority of responses were supportive of the establishment of a Combined Authority.

The Order once it comes into force abolishes the Tyne and Wear Integrated Transport Authority (TWITA) and transfers the transport functions previously undertaken by TWITA to the Combined Authority. Transport functions undertaken by the County Councils are also transferred to the Combined Authority although these functions are proposed to be delegated to the County Councils for discharge. Further arrangements are proposed for transport functions to be undertaken by the Combined Authority through TNEC and the TWSC.

The economic development and regeneration functions given to the Combined Authority will be exercised concurrently with the Constituent Authorities. It is expected that Protocols will be developed so as to determine how these shared functions will be discharged in practice between the Combined Authority and the Constituent Authorities.

No requirement for political balance of the proposed Committees arises as none of the constituent authorities are invited to nominate more than 2 members for the committees and sub committees referred to in the report. It is open to the Leadership Board of the Combined to seek political balance within any of the proposed committees should the Board so wish.

The appointment of members to the Combined Authority is a responsibility of Cabinet and may be delegated to the Elected Mayor.

### **2.3 Consultation/community engagement**

The establishment of a Combined Authority has been the subject of widespread consultation both by the Secretary of State and each of the Constituent Authorities. The responses to the consultation can be viewed on the DCLG website. There has also been discussions with residents at a resident forum panel and engagement with local businesses and those in the voluntary sector. There have also been various newspaper articles in the local press regarding the establishment of a Combined Authority.

### **2.4 Human rights**

There are no human rights implications directly arising from this report.

### **2.5 Equalities and diversity**

There are no equality and diversity issues arising directly from this report.

### **2.6 Risk management**

There has been engagement with representatives from the Department for Communities and Local Government at an early stage in the process which has resulted in an Order that reflects what the LA7 Authorities are trying to achieve through the establishment of the Combined Authority.

### **2.7 Crime and disorder**

There are no crime and disorder implications directly arising from this report.

### **2.8 Environment and sustainability**

There are environmental and sustainability implications arising from this report. The issue of transport is closely linked to the environment and if there is to be a region wide position taken in relation to transport then environmental issues could be dealt with at a region wide level. In terms of sustainability the main reason for considering the establishment of a combined authority is to improve the economic climate of the region and to promote sustainable economic growth and regeneration for the region.

### **PART 3 - SIGN OFF**

- Chief Executive  x
- Mayor/Cabinet Member(s)  x
- Chief Finance Officer  x
- Monitoring Officer  x
- Strategic Manager Policy, Partnerships, Performance and Communications  x