

North East Combined Authority

North East Leadership Board (NELB)

Tuesday 15th April, 2014 at 2.30 pm

Meeting to be held in Committee Room 2, County Hall, Durham, DH1 5UL

Contact Officer: Victoria Miller, Tel: 0191 211 5118 victoria.miller@newcastle.gov.uk

AGENDA

Page No

1. **Membership of NELB**

Confirmation of the membership of NELB and appointment of Chair and Vice-Chairs for the Municipal Year 2014/15.

2. **Declarations of Interest**

Please remember to declare any personal interest where appropriate both verbally and by recording it on the relevant form (to be handed to the Democratic Services Officer).

Please also remember to leave the meeting where any personal interest requires this.

3. **Appointment of Statutory Officers**

1 - 6

Appointment of Chief Officers

4. **Delegation of Transport Functions to County Councils**

7 - 12

The Delegation of Transport Functions from the North East Combined Authority to the County Council of Durham and Northumberland County Council.

5. **Date and time of next meeting**

29 April 2014 at 2.00 pm

To all Members of NELB

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North East Combined Authority

North East Leadership Board (NELB)

DATE: 15 April 2014

SUBJECT: Appointment of Chief Officers

REPORT OF: Vivienne Geary, Head of Law and Governance, North Tyneside Council

EXECUTIVE SUMMARY

The purpose of this report is to agree the appointment and designation of nominated individuals to undertake the roles of Statutory Chief Officers for the Combined Authority, namely the Head of Paid Service, Monitoring Officer and Chief Finance Officer. It also advises the Leadership Board of the designation of the principal office of the Combined Authority.

RECOMMENDATIONS

It is recommended that the Leadership Board agree to the:

- a) designation of Jane Robinson, the Chief Executive of Gateshead Council as Head of Paid Service of the North East Combined Authority for an interim period of up to 6 months, and
- b) appointment of Vivienne Geary, Head of Law and Governance at North Tyneside Council as Monitoring Officer of the North East Combined Authority for an interim period of up to one year with a review of the arrangement after a period of 6 months, and
- c) appointment of Sonia Tognarelli, Head of Financial Resources at Sunderland City Council as Chief Finance Officer of the North East Combined Authority for an interim period pending the conclusion of a recruitment of a Chief Finance Officer for a longer term, and
- d) designation of the office of Monitoring Officer for the time being as the principal office for the North East Combined Authority.

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North East Leadership Board (NELB)

1 Background Information

- 1.1 The North East Combined Authority (the Authority) is created pursuant to the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA 2009) and by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Order 2014 ('the Order') which comes into force on 15 April 2014.
- 1.2 The Authority is a 'local authority' and therefore is under a duty to appoint or designate three Statutory Chief Officers, namely a Head of Paid Service, a Monitoring Officer and a Chief Finance Officer. Each of these Officers has personal responsibilities placed upon them arising through legislation, in particular by the Local Government and Housing Act 1989 in relation to the Head of Paid Service and the Monitoring Officer and the Local Government Act 1985 in relation to the Chief Finance Officer. The Head of Paid Service is required to report to the Leadership Board on staffing resources and arrangements for the proper management of these resources when they consider this appropriate. The Monitoring Officer is required to report on unlawful omissions or decisions which are or which are proposed to be taken. Finally the Chief Finance Officer, who is appointed to ensure the proper conduct of the Authority's financial affairs, has a responsibility to report where it is proposed to take a decision which will result in unlawful expenditure or which will result in a loss or deficiency or expenditure outside the Authority's available resources.
- 1.3 The statutory requirements relating to politically restricted posts apply to the Authority and these constraints apply to the Statutory Chief Officer roles.
- 1.4 The proposed Statutory Chief Officers are each employed in equivalent statutory roles by one of the seven local authorities within the Combined Authority area although, incidentally, different authorities. Each Authority has agreed to the secondment of these officers on a part time basis to enable the responsibilities in undertaking these roles to be fulfilled: North Tyneside Council for a period of up to one year (subject to a review after 6 months), Gateshead Council for up to six months and Sunderland City Council for an interim period pending the conclusion of the recruitment of a Chief Finance Officer. During this initial period longer term arrangements will be put in place for the support of the Authority moving forward.
- 1.5 The Local Government Act 1972 requires the Authority to specify a principal office for the service and acceptance of documents. The nominated Monitoring Officer is based in offices at Quadrant, The Silverlink North, Cobalt Business Park, Newcastle upon Tyne NE29 0BY. It is therefore recommended that this office be designated as the principal office of the Authority for the present.

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2 Proposals

- 2.1 The Leadership Board is requested to agree to the recommendations set out above to enable the Authority to comply with statutory obligations to appoint or designate a Head of Paid Service, Monitoring Officer and Chief Finance Officer and to specify a principal office.

3 Next Steps

- 3.1 The appointments and designations will be referred in relevant documentation and the statutory responsibilities will be fulfilled.

4 Potential Impact on Objectives

- 4.1 As part of decision making processes, the Authority is required to have regard to the views of the Officers. This is reflected in the Authority's Constitution which will be considered at the next meeting of the Leadership Board.

5 Finance and Other Resources

- 5.1 The provision of the support arrangements for the Authority is contained within the existing financial resources available to the Authority and a further report on the budget of the Authority will be submitted to the next meeting of the Leadership Board due to take place on 29 April 2014.

6 Legal

- 6.1 In making appointments to the Statutory Chief Officer roles and designating the Head of Paid Service and designating the principal office, the Authority will be in compliance with its legal obligations.

7 Other Considerations

7.1 Consultation/Community Engagement

The establishment of the 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 have also been discussions with residents at a resident forums and engagement with local businesses and those in the voluntary sector throughout the combined area.

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The Authorities currently employing the officers affected have agreed to the arrangements proposed on an interim basis as have the officers concerned. The officers have undertaken shadow roles during the process of establishing the Authority.

7.2 Human Rights

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

7.3 Equalities and Diversity

There are no specific equality and diversity implications arising from this report.

7.4 Risk Management

There are no specific risk management implications arising from this report.

7.5 Crime and Disorder

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

7.6 Environment and Sustainability

There are no specific environment and sustainability implications arising from this report.

8 Background Documents

- 8.1
 - The Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014.

9 Links to Plans in the Policy Framework

- 9.1 This report has no direct links to plans in the Policy Framework.

10 Appendices

- 10.1 Not applicable.

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11 Contact Officers

11.1 Jane Robinson, Head of Paid Service, Gateshead Council. Tel 0191 433 2050

Vivienne Geary, Monitoring Officer, North Tyneside Council. Tel 0191 643 5339

Sonia Tognarelli, Chief Finance Officer, Sunderland City Council. Tel 0191 561 1851

12 Sign off

- Head of Paid Service ✓
- Monitoring Officer ✓
- Chief Finance Officer ✓

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North East Combined Authority

North East Leadership Board (NELB)

Date: 15 April 2014

Subject: The Delegation of Transport Functions from the North East Combined Authority to the County Council of Durham and Northumberland County Council.

Report of: Vivienne Geary, Head of Law and Governance, North Tyneside Council

EXECUTIVE SUMMARY

The purpose of this report is to obtain agreement from the North East Leadership Board ("the Leadership Board") to the delegation of specific transport functions from the Leadership Board to the County Council of Durham and Northumberland County Council ("the County Councils").

Such delegations are in accordance with the Scheme submitted by the LA7 to the Secretary of State for the Department of Communities and Local Government in July 2013 and the Deed of Operation to be entered into by the NECA and the LA7 authorities.

RECOMMENDATIONS

It is recommended that the Leadership Board agree to delegate the Transport Functions identified in Appendix 1 of this report to the County Council of Durham and Northumberland County Council.

North East Combined Authority

North East Leadership Board (NELB)

1 Background Information

- 1.1 The legislation under which Combined Authorities are created provides that a Combined Authority such as the NECA, has sole responsibility for the discharge of strategic transport functions across the entire area of the Combined Authority. In order for this to be achieved, the transport functions previously undertaken by the Tyne and Wear Integrated Transport Authority are transferred to the NECA by the Order creating the Authority, for the Tyne and Wear Integrated Transport Area to be dissolved and the Tyne and Wear Integrated Transport Authority abolished. The functions, property, rights and liabilities of the former ITA transfer to the NECA immediately upon the Order coming into force. The Order enables the NECA to operate in place of the ITA and to undertake the transport functions previously undertaken by the ITA.
- 1.2 Insofar as the County Councils are concerned, the transport functions previously discharged by them are also transferred to the NECA to achieve a Combined Authority extending across the whole of the LA7 area and not just the former ITA area.
- 1.3 The Order made by the Secretary of State, which comes into force on 15 April 2014, reflects the fact that the transport functions previously undertaken by the County Councils under Parts 4 and 5 of the Transport Act 1985 and Part 2 of the Transport Act 2000 are transferred to the NECA. This means that such transport functions are no longer the responsibility of the County Councils, they are the responsibility of NECA. Unlike the position with the former ITA transport functions and specifically those undertaken by Nexus, the continuity provisions in the Order do not enable the County Councils to continue to discharge the transport functions previously undertaken by them simply by reference to the Order.
- 1.4 It was recognised in the early stages of the development of the Scheme submitted by the LA7 to the Secretary of State that the transport functions previously undertaken by the County Councils would be delegated by the Leadership Board to the County Councils. This enables the County Councils to continue to be responsible for the discharge of the operational transport functions previously undertaken by them until such time as there is greater integration of operational transport delivery across the whole of the combined area.
- 1.5 The transport functions to be delegated the County Councils by the NECA through the Leadership Board are set out in Appendix 1 of the report. Until such time as the transport functions set out in Appendix 1 are formally delegated to the County Councils by the Leadership Board, the functions remain with the NECA. The County Councils have no authority to discharge the transport functions without specific delegated authority being given to them by the Leadership Board.

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- 1.6 The Leadership Board has overall responsibility for strategic transport matters across the combined area. The Leadership Board has sole responsibility for specified transport functions as set out in the proposed Constitution and the Deed of Operation of the NECA. Within those arrangements the County Councils are required to provide regular reports to the NECA to provide assurance that these functions are being satisfactorily fulfilled.

2 Proposals

- 2.1 It is proposed that the North East Leadership Board delegate responsibility for the transport functions set out in Appendix 1 of this report to the County Councils with immediate effect.

3 Next Steps

- 3.1 The delegations to the County Councils will ensure continuity in the discharge of the transport functions previously discharged by them in their own right as Transport Authorities. The delegation will enable the County Councils to continue to fulfil these functions until such time as the Leadership Board determines that such arrangements should be changed.

4 Potential Impact on Objectives

- 4.1 By making the delegations to the County Councils as referred to in this report the NECA will be able to discharge effectively the transport functions transferred to it by the Order in accordance with the Scheme.

5 Finance and Other Resources

- 5.1 The delegation of the functions to the County Councils will not have any direct financial impact on the NECA.

6 Legal Implications

- 6.1 Article 8 of the Order creating the Combined Authority transfers specific transport functions contained in relevant Parts of the Transport Act 1985 and Transport Act 2000 from the County Councils to the NECA. Until such time as the transport functions are delegated back to the County Councils by the Leadership Board, the County Councils will not have authority to discharge the functions that are now vested with the NECA. The delegation from the NECA to the County Councils is achieved by using Section 101 of the Local Government Act 1972 which permits one Local Authority (which the NECA is for the purposes of Section 101) to delegate its functions to another Local Authority, in this case the respective County Councils.

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7 Other Considerations

7.1 Consultation/Community Engagement

The Scheme that was submitted to the Secretary of State contained specific proposals for the discharge of transport functions including the delegation of transport functions from the NECA to the County Councils. The Scheme was agreed by the Executive of each constituent authority and endorsed by the Council of each constituent authority. The Secretary of State also undertook a statutory consultation exercise on between November 2013 and January 2014 on the creation of the NECA.

In addition each LA7 constituent authority has undertaken consultation within their respective areas concerning the creation of the NECA.

7.2 Human Rights

There are no human right implications directly arising as a result of this report.

7.3 Equalities and Diversity

As a public body it is recognised that the NECA will have a duty to promote equality.

There are no equalities and diversity implications directly arising from this report.

7.4 Risk Management

There has been detailed consideration by transport officers from both the Tyne and Wear authorities and the County Councils and the delegation of the transport functions to the Counties is considered to be appropriate and consistent with the delivery of operational transport responsibilities in the Tyne and Wear area. The delegation of the operational transport functions on the making of the Order ensures that appropriate authority is given to the County Councils to continue to undertake that role.

7.5 Crime and Disorder

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

7.6 Environment and Sustainability

Transport does have an impact on the environment. The intention of the NECA is to have an overall sustainable integrated transport policy that will have as one of its aims to promote and encourage the use of public transport that will have a positive impact on the environment.

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8 Background Documents

- The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014
- The LA7 Scheme for the Establishment of a Combined Authority submitted to the Secretary of State

9 Appendices

Appendix 1 – Schedule of Transport Functions Delegated by the NELB to Durham County Council and Northumberland County Council.

10 Contact Officers

Jane Robinson, NECA Head of Paid Service, Tel 0191 433 2050

Vivienne Geary, NECA Monitoring Officer, Tel 0191 643 5339

Sonia Tognarelli, NECA Chief Finance Officer, Tel 0191 561 1851

11 Sign off

- | | |
|-------------------------|---|
| • Head of Paid Service | ✓ |
| • Monitoring Officer | ✓ |
| • Chief Finance Officer | ✓ |

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Appendix 1

The following transport functions will be delegated by the North East Leadership Board to The County Council of Durham and Northumberland County Council in relation to their respective administrative areas (and each County Council shall be able to exercise these functions provided that it does not cause the NECA to incur any expenditure other than that which the NELB has authorised for such purposes):

1. Considering and recommending to NELB the creation and development of:-
 - (i) Quality Partnership Schemes pursuant to sections 114-123 of the Transport Act 2000; and
 - (ii) Quality Contracts Schemes pursuant to sections 124-134 of the Transport Act 2000.
2. Implementing Concessionary Travel Schemes pursuant to sections 93 -105 of the Transport Act 1985;
3. Implementing Ticketing schemes pursuant to sections 135-138 of the Transport Act 2000
4. Determining the operation, performance and development of accessible transport provision (including the provision of grants) pursuant to section 106 of the Transport Act 1985;
5. All obligations of County Councils relating to mandatory travel concessions pursuant to sections 145A to 150 of the Transport Act 2000;
6. Those functions of County Councils set out in Part IV of the Transport Act 1985 (Passenger Transport in areas other than Integrated Transport Areas) under:

Section 63 – functions of local Councils with respect to passenger transport

Section 81 – provision, maintenance and operation of bus stations

Section 82 – bus stations: restriction on discriminatory practices