

North Tyneside Council
Report to the Elected Mayor
Date: 22 April 2024

Title: Appointment of Member and Substitute Members to the North East Mayoral Combined Authority

Portfolio(s): Devolution and Development of the new Mayoral Combined Authority	Cabinet Dame Norma Member(s): Redfearn DBE
---	---

Responsible Officer: Paul Hanson, Chief Executive Tel: (0191) 643 7001

Wards affected: All

PART 1

1.1 Executive Summary:

On 28 December 2022 HM Government announced a “minded to” devolution deal with the seven councils across the North East (i.e. Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland).

To implement the deal, it was necessary for legislation to be made that established the new North East Mayoral Combined Authority (“the Combined Authority”) which covers the area of the seven councils and replaces the two existing combined authorities in the region, namely the North East Combined Authority (“NECA”) and the North of Tyne Combined Authority (“NTCA”).

That legislation, namely, The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 was made on 20 March 2024 following the completion of legislative process set out in the Local Democracy, Economic Development and Construction Act 2009. Parts of the Order, including that which enables the election of the Mayor to the Combined Authority to take place, came into force on 21 March 2024. The remainder of

the Order comes into force on 7 May 2024, which is the day on which the Combined Authority comes into existence and NECA and NTCA are abolished.

In accordance with the terms of the Order, the Authority, as a constituent council of the Combined Authority, must appoint one elected member to the Combined Authority. That member will be known as a “Constituent Council Member” of the Combined Authority. The Order also requires the Authority to appoint two other elected members, either of whom can act as a member of the Combined Authority in the absence of the “Constituent Council Member”. These members will each be a “Substitute Constituent Council Member” of the Combined Authority.

In accordance with the Elected Mayor’s delegation scheme set out paragraph 3 of Part 3.4 of the Authority’s Constitution – “Responsibility for Executive Functions and the Elected Mayor’s Delegation Scheme” – the Elected Mayor has authority to: –

“approve the appointment of representatives to serve on those outside bodies that exercise executive functions”.

Such an “outside body” would include the Combined Authority.

This report seeks the appointment by the Elected Mayor of the Authority’s “Constituent Council Member” and “Substitute Constituent Council Members” to the Combined Authority so that they will be in place for the inaugural meeting of the Combined Authority on 7 May 2024.

1.2 Recommendation(s):

It is recommended that the Elected Mayor:

1. Appoint herself, Dame Norma Redfearn, Elected Mayor of North Tyneside Council, to be a member of the North East Mayoral Combined Authority and to become a “Constituent Council Member” of that Authority with effect from 7 May 2024; and
2. Subject to the matter referred to in paragraph 1.5.12 of this report, appoint Councillor Carl Johnson and Councillor Karen Clark to act as a member of the North East Mayoral Combined Authority in the absence of Dame Norma Redfearn and to be “a Substitute Constituent Council Member” of the North East Mayoral Combined Authority with effect from 7 May 2024.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 22 March 2024.

1.4 Council Plan and Policy Framework

This report relates to the following priority(ies) in the 2020/24 Our North Tyneside Plan:

All aspects of the 2021/25 'Our North Tyneside' Council Plan and in particular a 'Thriving North Tyneside', a 'Secure North Tyneside', and a 'Green North Tyneside' are engaged by this report.

1.5 Information:

Background

- 1.5.1 The North East Devolution Deal, and The North East Mayoral Combined Authority (Establishment and Functions) Order 2024 ("the Order") puts the Deal agreed between the Elected Mayor and Leaders of the seven constituent councils and HM Government into effect.
- 1.5.2 The Order, as stated, was made the Secretary of State on 20 March 2024 following a debate on the Order in both Houses of Parliament.
- 1.5.3 In making the Order, the Secretary of State was satisfied that all the necessary legislative steps and criteria set out in the Local Democracy, Economic Development and Construction Act 2009 had been met in full and that making the Order would secure effective and convenient local government.
- 1.5.4 Reports were taken to Cabinet on 16 January 2023, 1 June 2023 and 30 October 2023 which set out in detail the contents of the North East Devolution Deal, the legislative process that would be followed in seeking the establishment of the Combined Authority and the abolition of NECA and NTCA. The Scheme that formed the basis of the Order and set out how the Combined Authority would operate was the subject of public consultation between 26 January 2023 and 23 March 2023. The findings of the public consultation on the Scheme and the contents of the draft Order which became the Order made on 20 March 2024 were also reported to Cabinet. These reports are included in the background papers section of this report. Similar reports were taken to the Cabinets of the

other constituent councils as well as NECA's Leadership Board and NTCA's Cabinet.

- 1.5.5 All seven constituent councils, NECA, NTCA and the Mayor of NTCA all agreed to the making of the Order establishing the Combined Authority and abolishing NECA and NTCA.
- 1.5.6 The Order requires each of the constituent councils to appoint one elected member to be a member of the Combined Authority and to be known as a "Constituent Council Member".
- 1.5.7 The Order also requires each constituent council to appoint two elected members, either of whom may act as a member of the Combined Authority in the absence of the "Constituent Council Member". Such members will be known as a "Substitute Council Member".
- 1.5.8 As the Combined Authority is an outside body that exercises executive functions, the Elected Mayor has the delegated authority to make appointments to that Authority.
- 1.5.9 A person who is appointed a "Constituent Council Member" or a "Substitute Constituent Council Member" will cease to hold such positions if –
 - (a) They resign from the Combined Authority;
 - (b) They cease to be a member of the constituent council that appointed them;
 - (c) The constituent council that appointed them terminates their appointment.
- 1.5.10 The Constituent Council Member will be a voting member of the Combined Authority. If the Constituent Council Member is absent when a vote is taken, the Substitute Constituent Council Member will have the vote of the Constituent Council Member.
- 1.5.11 It will be necessary for the Elected Mayor to have made her appointments to the Combined Authority so that the "Constituent Council Member" and if necessary "Substitute Council Member" can attend the first meeting of the newly constituted Combined Authority on 7 May 2024.
- 1.5.12 As the Elected Mayor will be well aware, there is an "all out" local election in North Tyneside on 2 May 2024 which means that all seats on the Council will be decided at that election. Should Councillors Johnson and/or Clark not be re-

elected as members of the Authority, the Elected Mayor will be required to use her delegated authority to appoint an alternative "Substitute Council Member", or Members, as the case may be, to the Combined Authority.

1.6 Decision options:

The following decision options are available for consideration by the Elected Mayor: -

Option 1

To agree the recommendations in paragraph 1.2 of this report

Option 2

Not to agree the recommendations in paragraph 1.2 of this report

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Order requires the Authority to appoint one of its members to the Combined Authority and to be the Authority's "Constituent Council Member". Whereas the Order does not specify that the member should be an Elected Mayor or Leader, given the regional and significance of the Combined Authority, it is expected that each of the constituent councils will appoint their respective Elected Mayor/Leader of Council to be its member of the Combined Authority.

As stated, the Order also requires two members to be appointed by the Authority to act as "Substitute Constituent Council Members" to the Combined Authority who will act as members of the Combined Authority in the absence of the "Constituent Council Member".

By making the appointments as set out paragraph 1.2 the Authority will be acting in accordance with the Establishment and Functions Order referred to in this report.

1.8 Appendices:

None.

1.9 Contact officers:

Paul Hanson, Chief Executive – Tel (0191) 6437001

David Dunford, Senior Business Partner Strategic Finance Tel (0191) 643 7027

John Barton, Legal Manager, Regulatory, Legal Services – Tel (0191) 643 5354

1.10 Background information:

The following background papers have been used in the compilation of this report and are available at the office of the author:

- (1) The North East Mayoral Combined Authority (Establishment and Functions) Order 2024
- (2) Cabinet Report 16 January 2023
- (3) Cabinet Report 1 June 2023
- (4) Cabinet Report 30 October 2023
- (5) Devolution Deal

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from this report.

2.2 Legal

The legal implications are dealt with in the body of the report.

The Elected Mayor has the delegated authority as set out in Part 3.4 of the Authority's Constitution to approve the appointment of representatives to serve on outside bodies that exercise executive functions. Such a body would include the North East Mayoral Combined Authority.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Elected Mayor, Cabinet members and senior managers are aware of the establishment of the North East Mayoral Combined Authority.

2.3.2 External Consultation/Engagement

An extensive public consultation on the establishment of the North East Mayoral Combined Authority took place between 26 January 2023 and 23 March 2023.

2.4 Human rights

There are no human rights implications arising from this report.

2.5 Equalities and diversity

There are no equality or diversity implications arising from this report.

2.6 Risk management

If the appointments are not made before the Combined Authority meets on 7 May 2024 the Authority will have failed to have acted in accordance with the provisions of The North East Mayoral Combined Authority (Establishment and Functions) Order 2024.

2.7 Crime and disorder

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

2.8 Environment and sustainability

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

PART 3 – SIGN OFF

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer

- Assistant Chief Executive