
**Report from Service
Area:**

Chief Executive's Office

Responsible Officer:

**Viv Geary; Head of Law and
Governance**

Tel: (0191)6435339

Wards affected:

All Wards

PART 1

1.1 Purpose:

This report relates to the exercise of the delegated authority given to the Chief Executive by Cabinet on 19 March 2018 to enter into a side agreement, known as a "Deed of Co-Operation" as part of the process in establishing the North of Tyne Combined Authority.

1.2 Recommendation(s):

It is recommended that:

1. The Chief Executive in consultation with the Elected Mayor and Monitoring Officer agree the terms of the Deed of Co-Operation to be entered into by the constituent authorities of the North East Combined Authority and the North of Tyne Combined Authority once established, and to authorise the sealing of the Deed.

1.3 Council Plan and Policy Framework

This report relates to the following themes in the Council Plan – Our North Tyneside 2014-18 - Our people, Our Places, Our Economy and Our Partners.

1.4 Information:

1.4.1 Background

1.4.2 On 19 March 2018 Cabinet approved in principle to giving consent to the making of an Order establishing the North of Tyne Combined Authority. That approval in principle was subject to no material issue being raised by full Council in relation to the question of consent.

1.4.3 Also on 19 March 2018 Cabinet gave delegated authority to the Chief Executive, in consultation with the Elected Mayor and Monitoring Officer, to finalise the terms of the side agreement with the North East Combined Authority regarding the support arrangements associated with these proposals and to take all other steps necessary to implement the proposals contained in the recommendations to Cabinet.

- 1.4.4 On 22 March 2018 full Council noted the Cabinet Report of 19 March 2018 and raised no material issue with consent being given to the making of an Order establishing the North of Tyne Combined Authority.
- 1.4.5 As part of the continued partnership working between the Constituent Authorities North of the Tyne and South of the Tyne and the North East Combined Authority (NECA), detailed discussions between the Chief Legal Officers of NECA and the Constituent Authorities have taken place over several months with a view to finalising a side agreement relating to the support arrangements that will be put in place on the establishment of the North of Tyne Combined Authority.
- 1.4.6 The side agreement deals with ancillary matters that whilst being of importance are not matters that it would be appropriate to include in secondary legislation such as the Order establishing the North of Tyne Combined Authority. The side agreement is to be known as the “Deed of Co-Operation” has been agreed and is to be signed as a Deed by all parties.
- 1.4.7 The terms of the Deed of Co-Operation have been agreed and finalised by all the parties and it is now appropriate for the Deed to be signed as a Deed by the Authority.
- 1.4.8 The main terms of the Deed of Co-Operation are as follows:-
- It will form a framework for collaborative working and a continuation of the strong working relationship between the Constituent Authorities and the commitment that the two Combined Authorities have made to work together constructively.
 - Confirmation that the Combined Authorities will establish a Transport Joint Committee and that the Joint Committee shall establish a TWSC and such other sub-committees as it deems fit.
 - The setting out of those matters that must be determined by a unanimous vote of the Transport Joint Committee members, and those that can be determined by a simple majority vote.
 - Confirmation that the Proper Officer for Transport will develop in consultation with Constituent Authorities and the Combined Authorities transport strategies.
 - The reservation of specified matters to TWSC.
 - The delegation of certain transport functions from the Transport Joint Committee to the County Councils.
 - Provision for the Accountable Bodies of the North East LEP and the Transport Joint Committee with a view to NECA supporting the Transport Joint Committee and NTCA supporting the North East LEP.
 - Provision for staff transfers relating to the Accountable Body functions – essentially, it is envisaged that this will be by way of secondment until 1 April 2019 and then by TUPE transfer.
 - Provision for how the future running costs of the North East LEP and the Transport Joint Committee will be split amongst the 7 Constituent Authorities.
- 1.4.9 As part of the process of reaching agreement with the South of Tyne Constituent Authorities, it has been agreed to meet certain employer pension contributions arising from the transfer of the North East LEP staff to NTCA for a limited period (i.e. 1 April 2019 to 31 March 2020) and also certain professional costs which the South of Tyne Constituent Authorities and NECA will incur as a result of the changes to the working arrangements around the LEP and transport.

1.5 Decision options:

The following decision options are available for consideration:

Option 1

To agree the final terms of the Deed of Co-Operation and to authorise the signing of the Deed following consultation with the Elected Mayor and the Monitoring Officer; or

Option 2

Not agree the final terms of the Deed of Co-Operation and to authorise the signing of the Deed following consultation with the Elected Mayor and the Monitoring Officer.

Option 1 is the recommended option.

1.4 Reasons for recommended option:

Option 1 is recommended for the following reasons:

There has been agreement between the seven Constituent Authorities and NECA as to the contents of the Deed of Co-Operation and the Deed will ensure that there is a framework for co-operation between the Constituent Authorities and the Combined Authorities.

1.5 Appendices:

None.

1.6 Contact officers:

Viv Geary; Head of Law and Governance – Tel; 0191 6435339

1.7 Background information:

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

- The Local Democracy, Economic Development and Construction Act 2009
- The Mindset to Deal
- Cabinet Report (with Appendices) of 19 March 2018
- Minutes of Cabinet meeting of 11 19 March 2018
- Council Report of 22 March 2018
- Minutes of Council meeting of 22 March 2018

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The financial implications are dealt with in the report.

2.2 Legal

By entering into the Deed of Co-Operation, the Authority, together with the other parties to it, will be legally bound to honour the terms of the Deed. Non-compliance could amount to a breach of the Deed and a claim made to the Courts by one or all of the other parties to enforce the terms of the Deed.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Elected Mayor, Cabinet Members and other Members have been given briefings in relation to devolution for North of Tyne. Full Council has also been consulted in relation to the proposal to establish the North of Tyne Combined Authority.

2.3.2 External Consultation/Engagement

The North of Tyne Devolution Deal has been widely reported and the governance review and Schemes will be subject to an 8 week public consultation process.

2.4 Human rights

There are no material human rights issues.

2.5 Equalities and diversity

There are no material equality or diversity issues. An Equality Impact Assessment was undertaken as part of the consultation process on establishing the North of Tyne Combined Authority.

2.6 Risk management

There are no risks associated with this report.

2.7 Crime and disorder

There are no crime and disorder issues.

2.8 Environment and sustainability

There are no material environmental and sustainability issues.