

Notice to Chair/Vice-Chair of the Overview and Scrutiny Committee of a general exception to the publication of the intention to make a key decision

DATE: 19 November 2021

TO: Chair/Vice-Chair of the Overview and Scrutiny Committee, North of Tyne Combined Authority (NTCA)

SUBJECT: NTCA Borrowing Powers and Debt Cap Agreement 2021-2022

NOTICE BY: John Softly, Monitoring Officer

Executive Summary:

This notice informs Chair/Vice-Chair of the Overview and Scrutiny Committee under Paragraph 12 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 that it is impracticable to include the above item on the NTCA 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 of Tyne Combined Authority website.

This notice ensures that at least 5 clear days have elapsed between the agenda for the meeting/notice of decision, which includes the matter, being made available and the day of the meeting/decision-making.

1. Background

- 1.1 Where a decision maker intends to make a key decision, that decision must not be made until at least 28 clear days public notice has been given.
- 1.2 Where the publication of the intention to make a key decision is impracticable, that decision may only be made where:
 - the Chair/Vice-Chair of the Overview and Scrutiny Committee (or Vice-Chair in the absence of Chair) has been informed of the matter about which the decision is to be made;
 - notice to the Chair/Vice-Chair has been made available for public inspection at the Combined Authority's Office and published on the Combined Authority's website; and
 - 5 clear days have elapsed from the day on which notice to the Chair/Vice-Chair was made publicly available.
- 1.3 This notice is to inform the Chair/Vice-Chair of the Overview and Scrutiny Committee that it has been impracticable to give 28 clear days public notice of the item set out below for the reasons set out below and that it is intended that the key decision 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

30 November 2021

2.2 Matter in respect to which decision is to be made

Provision of borrowing powers by central government to the Combined Authority.

2.3 Description

In order for central government to provide statutory borrowing powers, NTCA must: (a) enter into an agreement with central government as to the maximum borrowing permitted (debt cap); and (b) consent to the making of the necessary regulations by central government.

2.4 Decision Maker

Cabinet.

2.5 Consultation Process

The Managing Director, Monitoring Officer, Chief Finance Officer, Mayor and Cabinet Member for Investment and Resources have all been consulted on this matter.

2.6 Background Documents

None

2.7 Reasons why impracticable to give 28 days clear notice

Since its creation in 2018 NTCA has been in discussions with central government regarding the provision of borrowing powers. Central government has very recently requested that NTCA has in place the necessary approvals to enter into a debt cap agreement and consent to the necessary regulations so that they can be made January 2022. This means that a decision on these matters must be made at the November Cabinet meeting.

The Monitoring Officer 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.

John Softly
Monitoring Officer

Date of Notice: 19 November 2021

The Chair/Vice-Chair of the Overview and Scrutiny Committee has been notified of this matter on the following date: 19 November 2021