

**AGENDA ITEM 4****REPORT TO THE TEES VALLEY  
COMBINED AUTHORITY CABINET****9<sup>TH</sup> DECEMBER 2022****REPORT OF THE DEPUTY MONITORING OFFICER****GOVERNANCE AND APPOINTMENTS****SUMMARY**

This report requests ratification for the Vice Chair of the Combined Authority Transport Committee and the appointment of 3 independent representatives on to the TVCA Audit & Governance Committee. The report notes the resignation of Peter Judge, Monitoring Officer, and sets out the interim arrangements for the discharge of the Monitoring Officer function. The report also brings forward proposed amendments to the TVCA Constitution and details an Urgent Decision with authorisation of a delegation required from Cabinet (paragraph 8).

**RECOMMENDATIONS**

It is recommended that the Combined Authority Cabinet:-

- agrees the appointments and resignations as set out in this report;
- note the resignation of The Monitoring Officer and agree interim arrangements for the discharge of Monitoring Officer functions;
- approve the amendments to the Constitution;
- Note the “Urgent Decision” ; and
- Following the “Urgent Decision” authorise the Chief Executive to approve for execution on behalf of the Tees Valley Combined Authority any such legal agreements.

**DETAIL****Transport Committee**

1. At its meeting on 20<sup>th</sup> October 2022 the Tees Valley Combined Authority Transport Committee nominated Councillor Tom Cassidy from Hartlepool Borough Council as the Vice Chair of the Committee.

**TVCA Audit and Governance Committee**

2. Cabinet is asked to agree the appointments of Andrew Evans, Lee Webb and Iain Robson as independent representatives on to the TVCA Audit and Governance Committee, subject to the relevant amendments to the Constitution (see paragraph 6 of this report). The appointments follow a recruitment campaign and interview process.

## **Monitoring Officer**

3. Cabinet is asked to note that the Monitoring Officer, Peter Judge, has left the Combined Authority. Until his replacement is appointed, the Deputy Monitoring Officer will assume the role of Acting Monitoring Officer.

## **Amendments to the Constitution**

4. At its meeting on 17<sup>th</sup> November, the Freeport Board agreed that the frequency of the meetings change from at least 6 times a year to a quarterly cycle.
5. It is proposed therefore to amend the TVCA Constitution to read as follows:-  
  
“The Freeport Board shall ~~hold at least [six] meetings per year~~ meet quarterly and but may convene additional meetings as necessary”.
6. It is also proposed to amend article 85 the Constitution to allow for the appointment of up to 5 independent persons to the Audit & Governance Committee. The Constitution will read as follows:-

“The membership of the Committee shall also include up to ~~four~~ five independent persons for the purposes of providing advice in relation to standards matters under Localism Act 2011 and assisting the Committee in the discharge of its financial functions.”

## **Urgent Decision**

7. Cabinet is asked to note an Urgent Decision taken by the Group Chief Executive, in consultation with The Chair, to take the Lead in the Darlington Station Improvement Project in accordance with section 19 of the Combined Authority's Constitution. Prior to this decision, Darlington Borough Council has proposed to deliver the project with Tees Valley Combined Authority as a funder. In discussions with Darlington Borough Council, it has been agreed that TVCA will manage this complex and high profile project with support from Darlington Borough Council.

## **Darlington Railway Station Improvement Project ('the Project')**

8. Following the Urgent Decision referred to above, and in order to progress the Project, there will be a requirement for the Tees Valley Combined Authority to enter into a number of legal agreements.
9. Cabinet is asked to delegate to the Chief Executive, the approval for execution on behalf of the Tees Valley Combined Authority of any such legal agreements.

## **FINANCIAL IMPLICATIONS**

10. Support for the governance of the Tees Valley Combined Authority is provided from within the Authority's core budget, as agreed by Cabinet through the annual budget process, and funded through resources devolved from central government.

## **LEGAL IMPLICATIONS**

11. The report relates to the Constitution of the Combined Authority which sets out the appropriate statutory framework. The Constitution came into effect on 8<sup>th</sup> May 2017 and is legally binding.
12. Any legal implications as a result of the Urgent Decision referred to in paragraph 7 and the delegation contained in paragraph 8 will be managed by liaising with the Combined Authority's legal advisors both internal and external and the appointed project managers.

## **RISK ASSESSMENT**

13. This report is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

## **CONSULTATION & COMMUNICATION**

14. The five Constituent Local Authority Leaders have been appropriately consulted on appointments, and nominations have been made through each council. The Mayor has also been consulted on these proposals.

## **EQUALITY & DIVERSITY**

15. The TVCA Equality Framework set out how TVCA ensures compliance with its duties under The Equality Act 2010 and The Equality Act 2010 (Specific Duties) Regulations 2011 and our commitment to ensure that all our policies and practices seek to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different parts of the community.

## **LOCAL ENTERPRISE PARTNERSHIP**

16. The items in this report have been circulated to the Chair of the Local Enterprise Partnership in advance of coming forward to Cabinet.

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