

**\*Confidential by virtue of section 100A(2) of the Local Government Act 1972**

**North Tyneside Council**  
**Report to the Interim Chief Executive**  
**Date: 24 February 2025**

**Title: North East Devolution: The Combined Authorities (Adult Education Functions) (Amendment) Order 2025**

<b>Portfolio(s): Elected Mayor</b>  <b>Education, Inclusion, Employment and Skills</b>	<b>Cabinet Member(s):</b>  <b>Dame Norma Redfearn DBE</b>  <b>Councillor Steven Phillips</b>
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**Report from Service**

**Area:** Resources – Legal Services  
**Responsible Officer:** Stephen Ballantyne, Head of Law and Monitoring Officer Tel: 0191 643 5329  
**Wards affected:** None

**PART 1**

**1.1 Executive Summary:**

On 29 January 2025 the Interim Chief Executive on behalf of the Authority agreed in principle to the making of The Combined Authorities (Adult Education Functions) (Amendment) Order 2025 (“the Amendment Order”).

The purpose of this report is to now seek the Interim Chief Executive’s formal consent to the making of the Amendment Order. The Order will provide the North East Mayoral Combined Authority (NECA) (and the other Mayoral Combined Authorities named in the Amendment Order) with the power under section 100(1B) of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) to fund certain technical qualifications if it wishes to do so. The Amendment Order can only be made if NECA and its constituent councils, which of course includes this Authority, each consent to the making of the Order.

## **1.2 Recommendation(s):**

It is recommended that the Interim Chief Executive:

1. Having consulted with the Elected Mayor and Head of Law, issue the Authority's formal consent to the making of The Combined Authorities (Adult Education Functions) (Amendment) Order 2025\* appended to this report at Appendix 1.

## **1.3 Forward Plan:**

Twenty-eight days notice of this report has been given and it first appeared on the Forward Plan on 27 January 2025.

## **1.4 Council Plan and Policy Framework**

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

## **1.5 Information:**

### **1.5.1 Background**

1.5.2 The legal order which created NECA in May 2024, namely The North East Mayoral Combined Authority (Establishment and Functions) Order 2024, conferred a range of powers on NECA as part of the devolution of the Adult Education Budget from central government to Mayoral Combined Authorities. This means that, like other Mayoral Combined Authorities, NECA can decide at a local level which qualifications it wishes to fund to support skills development in its area.

1.5.3 The Department for Education (DfE) is now proposing to also confer on NECA the power under section 100(1B) of the 2009 Act. This will enable NECA to fund new, high-quality technical qualifications as well as the other qualifications which NECA can fund under its existing powers. The qualifications in question are new technical qualifications at levels 2 and 3 which were approved by the Institute for Apprenticeships and Technical Education (IfATE) in 2024.

1.5.4 The DfE is proposing to make a statutory order (i.e. the Amendment Order) to confer the section 100(1B) power on NECA and a number of other Mayoral Combined Authorities. The Amendment Order can only be made if each

Mayoral Combined Authority and its constituent councils consent to the making of the Amendment Order. All seven of NECA's constituent councils have been consulted on this matter and have each indicated in principle that they will consent to the making of the Amendment Order.

- 1.5.5 It should be stressed that the making of the Amendment Order does not mean that NECA and the other Mayoral Combined Authorities must fund these qualifications. It simply provides NECA and the other Mayoral Combined Authorities with the power to fund these qualifications if they consider it is appropriate to do so. NECA will hold the section 100(1B) power concurrently with central government, i.e. the Secretary of State for Education who will also continue to have the power to fund the qualifications in question.
- 1.5.6 The DfE has indicated that as it aims to lay the Order in Parliament in March 2025 each of the authorities' consents to the making of the Amendment Order, including this Authority, must be given to the Secretary of State before the end of February 2025.
- 1.5.7 The Secretary of State has now requested the Authority's formal consent to the making of the Amendment Order and the Interim Chief Executive is now being asked, following consultation with the Elected Mayor and Head of Law, to issue the Authority's formal consent to the making of the Amendment Order.

## **1.6 Decision options:**

The following decision options are available for consideration by the Interim Chief Executive.

### Option 1

To accept the recommendation in paragraph 1.2 of this report; or

### Option 2

Not to approve the recommendation in paragraph 1.2 of this report.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

NECA does not currently have the power to fund the newly reformed technical qualifications, which means that it will be unable to use its Adult Skills Fund

in connection with these new qualifications for the 2025/26 academic year. To ensure that adult learners across the North East, including North Tyneside, can access these qualifications, it is necessary for the Amendment Order to be made.

Without receiving the Authority's formal consent to the making of the Order, the Secretary of State will be unable to make the Amendment Order that will include NECA as one of the Mayoral Combined Authority areas that will be given the section 100(1B) power.

If formal consent is given by NECA and each of its constituent councils the Secretary of State will lay a report before Parliament explaining the effect of the Amendment Order and why she considers it appropriate to make the Amendment Order in relation to NECA's combined area, and the other combined areas referred to in the Amendment Order.

By laying the Amendment Order, the Secretary of State must be satisfied that the making of the Order will be likely to improve the economic, social and environmental well-being of some or all of the people who live and work in NECA's combined area and is appropriate having regard to the need to secure effective and convenient local government, and to reflect the identities and interests of the local communities in the combined area.

## **1.8 Appendices:**

Appendix 1: \*Draft of The Combined Authorities (Adult Education Functions) (Amendment) Order 2025.

Appendix 2: Transfer of funding powers for new technical qualifications – Government consultation 8 November – 6 December 2024.

## **1.9 Contact officers:**

Stephen Ballantyne, Head of Law and Monitoring Officer (0191) 643 5329  
John Barton, Manager , Regulatory Team, Legal Services (0191) 643 5354

## **1.10 Background information:**

- (1) The North East Mayoral Combined Authority (Establishment and Functions) Order 2024.
- (2) The Apprenticeships, Skills, Children and Learning Act 2009

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no direct financial implications to the Authority in relation to this report.

### **2.2 Legal**

There are no direct legal implications in relation to this report. The Interim Chief Executive is being asked to give the Authority's formal consent to the making of the Amendment Order. In seeking such consent, the Secretary of State responsible for the making of the Order is clearly satisfied that the statutory criteria that must be met before she makes the Order have been met.

The Interim Chief Executive has, along with the Assistant Chief Executive and Directors a General Delegation (GD6) that enables her to take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities. This decision therefore falls within the remit of both the Interim Chief Executive and the Assistant Chief Executive.

Although this decision is not a key decision, and therefore under the Openness in Public Bodies Regulation 2014 this decision does not need to be published, in the spirit of openness and transparency this decision will be published.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

The Mayor and senior managers have been consulted on this matter.

#### **2.3.2 External Consultation/Engagement**

Before the Amendment Order can be laid before Parliament, the Secretary of State must have carried out a public consultation on the Amendment Order and the conferral of the section 100(1B) power to NECA. Such consultation took place between 8 November 2024 and 6 December 2024. The consultation document is appended to this report at Appendix 2.

## 2.4 Human rights

There are no direct human rights implications in relation to this report.

## 2.5 Equalities and diversity

There are no equalities and diversity implications in relation to this report.

## 2.6 Risk management

There is no risk to the Interim Chief Executive on behalf of the Authority consenting to the making of the Amendment Order.

## 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 issues arising from this report.

## PART 3 – SIGN OFF

- Interim Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Interim Director of Corporate Strategy and Customer Service