



## NTCA Constitution

### Part 1.2 Overview of Decision Making Arrangements

## **Part 1.2 Overview of decision-making arrangements**

### **1. Introduction**

- 1.1 The later parts of the Constitution (ie Parts 2 to 6) set out the detailed decision-making arrangements which apply to NTCA. The sections below are intended to provide a short guide to how NTCA works. It should be stressed that, if there are any questions of interpretation, then the detail set out in the later parts of the Constitution will take precedence over the short guide below.

### **2. The legal status of NTCA**

- 2.1 NTCA is a mayoral combined authority. It has a range of functions which are set out in the statutory order which created it (“the Order”) and in other legislation. Some of these are identified as being Mayoral Functions. Decisions on these functions must be made by the Mayor. Decisions on all other functions must be taken by the Mayor and representatives of the constituent councils acting together as the Cabinet.

### **3. The Cabinet**

- 3.1 The Cabinet comprises the following members (“Cabinet Members”):
- a. the Mayor (or Interim Mayor up to the election of the Mayor in May 2019);
  - b. 2 representatives from each constituent council; and
  - c. a representative of the North East Local Enterprise Partnership (“LEP”).
- 3.2 Each constituent council will also nominate 2 substitute members to represent the constituent council in the absence of either of its Cabinet Members. Similarly, the LEP will nominate a substitute member to represent it in the absence of its Cabinet Member.
- 3.3 The Cabinet will also be able to appoint a person, nominated by the Mayor, to undertake the role of the Mayor’s Ambassador for Business. He or she will be invited to attend Cabinet meetings as an observer but will not be a Cabinet Member. Other Mayoral Ambassadors for other sectors may be appointed in the future.

### **4. The Mayor and the Interim Mayor**

- 4.1 The first election of the Mayor will take place in May 2019. The next election will take place in 2024 and from that point there will be a 4 year term of office. Each election of the Mayor will take place on the “ordinary day” of election in the relevant year, ie the date when local authority elections are normally held. The Mayor must appoint one of the Cabinet Members as Deputy Mayor, who

will carry out the responsibilities of the Mayor when he or she is absent.

- 4.2 Prior to the election of the Mayor in 2019, the Cabinet of NTCA will appoint an Interim Mayor to carry out certain aspects of the role of the Mayor.

## **5. Cabinet decision-making**

- 5.1 The Mayor will be the Chair of the Cabinet. Prior to the election of the Mayor, the Interim Mayor will be the Chair of the Cabinet.

- 5.2 As noted above, decisions on Mayoral Functions must be made by the Mayor ("Mayoral Decisions"). Decisions on all other functions are matters for Cabinet ("Cabinet Decisions").

- 5.3 Cabinet Decisions will be taken at Cabinet meetings. For decisions to be taken at a Cabinet meeting, the Mayor, Deputy Mayor or Interim Mayor must be present and each constituent council must be represented by at least one of their appointed Cabinet Members.

- 5.4 As far as is reasonably possible, all decisions taken by Cabinet will be by way of consensus. However, if it is not possible for all members of Cabinet to agree on a particular issue, then a vote will be taken. The following Cabinet Members will be entitled to vote:

- a. the Mayor or (in his/her absence) the Deputy Mayor\*; and
- b. one of each constituent council's Cabinet Members\*\*

*(\* Prior to the election of the Mayor, the Interim Mayor may vote if he or she is also a member of one of the constituent councils.)*

*(\*\* It is for each constituent council to decide which of its appointed Cabinet Members shall exercise its vote and, if those Cabinet Members are absent, which of its substitute members should exercise that vote.)*

- 5.5 Each voting member of the Cabinet, including the Mayor, will have one vote. Most decisions will be taken by way of a simple majority. No Cabinet Member has a casting vote. If the vote is tied, then the proposal is not approved.

- 5.6 Certain significant matters must be approved by the voting Cabinet Members appointed by all 3 constituent councils. These include key strategy documents of the NTCA and its budget. They are set out at para 4.11 of Part 2.1.

- 5.7 If a Cabinet Decision is made but the Mayor votes against that decision, then the Mayor may seek a review of that decision within 24 hours of it being made. Such a review will require Cabinet to reconsider the decision and the Cabinet may then confirm or change its original decision. Cabinet Decisions will also be subject to call-in by NTCA's Overview and Scrutiny Committee (see section 10 below).

- 5.8 All decisions taken by Cabinet will ordinarily be made in public. Decisions will be recorded and published (unless there are specific reasons why non-publication is permissible).
- 5.9 In order to promote efficient decision-making, Cabinet may also delegate certain decisions to a committee or officer of NTCA. Cabinet has approved a range of delegations to officers which are set out in Part 2.9.

## **6. Mayoral decision-making**

- 6.1 The Mayor has the following powers under the Order:
- a. the creation of Mayoral Development Corporations to support development on strategic sites in the North of Tyne area; and
  - b. certain compulsory purchase powers.
- 6.2 Subject to the comments below, the Mayor does not generally require the approval of other Cabinet members to make a Mayoral Decision except that, where the Mayor proposes to exercise either of the above powers, he or she can only do so with the consent of the Cabinet members appointed by the constituent councils in whose area the land in question lies.
- 6.3 Each year the Mayor must prepare a draft annual budget for his or her areas of responsibility for the coming financial year. The draft budget shall set out the Mayor's spending plans and how the Mayor intends to meet the costs of his or her functions. The Mayor has the power (under the Combined Authorities (Finance) Order 2017) to set a precept on local council tax bills to help pay for their work.
- 6.4 The Cabinet may amend the Mayor's budget proposals if 2/3 of the Cabinet Members who have a vote (excluding the Mayor) agree to the amendment.
- 6.5 The Mayor will make Mayoral Decisions in an open and transparent manner during the course of formal Cabinet meetings (except for urgent Mayoral Decisions where the Chair of Overview and Scrutiny Committee has agreed the grounds for urgency).
- 6.6 The Mayor may decide to ask the Deputy Mayor, a Cabinet member or officer of NTCA to make decisions on his/her behalf.
- 6.7 All Mayoral Decisions will be recorded and published (unless there are any specific reasons why non-publication is permissible). As with Cabinet Decisions, Mayoral Decisions are subject to call-in by the Overview and Scrutiny Committee (see below).

7. **Joint Transport Committee**

7.1 Under the terms of the Order, NTCA is required to exercise certain transport functions and responsibilities jointly with NECA, which covers the areas of Durham, Gateshead, South Tyneside and Sunderland. This is achieved through a Joint Transport Committee which comprises 3 representatives appointed by NTCA and 4 representatives appointed by NECA. Most of the decisions of the Joint Transport Committee are made by way of a simple majority but certain decisions require unanimity.

8. **Housing and Land Board**

8.1 NTCA has established a Housing and Land Board to provide robust governance on an integrated strategic approach to improving the quality and quantity of homes in the North of Tyne area.

8.2 The Board is an advisory rather than decision-making body. Its membership includes Cabinet Members of NTCA and representatives from central government as well as other key public sector and private sector stakeholders.

9. **Inclusive Economy Board**

9.1 NTCA has also established an Inclusive Economy Board with the aim of advising the Cabinet on shaping its policies and driving forward a new model of delivery to create an Inclusive Economy consistent with the Authority's Inclusive Economy Policy Statement.

9.2 Again, the Board is an advisory rather than decision-making body.

10. **Overview and Scrutiny Committee**

10.1 Scrutiny of the decisions of the Mayor and Cabinet will be carried out by an Overview and Scrutiny Committee comprising 3 representative members from each of the constituent councils (and those members must not be members or substitute members of NTCA's Cabinet).

10.2 In accordance with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 the composition of the Committee must reflect political balance taken across the constituent councils as a whole. The Chair of the Committee will be an Appropriate Person (as defined in the 2017 Order), ie an elected Member of the Overview and Scrutiny Committee who is not of the same political party as the Mayor.

10.3 The Overview and Scrutiny Committee will be entitled to call-in and scrutinise decisions taken either by the Cabinet or the Mayor. Following such call-in of a decision the Committee may refer the matter back to Cabinet or the Mayor for further consideration. In appropriate situations where a matter is urgent formal procedures will be adopted whereby the Chair of the Overview and Scrutiny Committee may agree that a matter will not be subject to the call-in process.

10.4 Scrutiny of the decisions of the Joint Transport Committee are dealt with by a separate joint overview and scrutiny committee established between NECA and NTCA.

11. **Audit and Standards Committee**

11.1 The responsibility for fulfilling the audit and risk responsibilities and for dealing with matters relating to the Code of Conduct for Members of NTCA will be undertaken by the Audit and Standards Committee. The Committee will comprise 3 members from each constituent council and one independent person who will be a co-opted member of the Committee.

11.2 The audit and risk responsibilities of the Joint Transport Committee are dealt with by a separate joint audit committee established between NECA and NTCA.