



## NTCA Constitution

### Part 2 - Responsibility for Functions

## **PART 2 - RESPONSIBILITY FOR FUNCTIONS**

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## **Part 2.1 The Cabinet**

### **1. Overview**

- 1.1 The members of NTCA are collectively referred to as “the Cabinet”.
- 1.2 The Cabinet is responsible for exercising all decision-making powers on behalf of NTCA except where:
  - 1.2.1 the decision relates to a Mayoral Function (see Part 2.2 below); or
  - 1.2.2 the decision relates to a transport function which is the responsibility of the Joint Transport Committee (see Part 2.3 below).
- 1.3 Cabinet may also delegate the responsibility for a decision to a committee of NTCA or an officer of NTCA.

### **2. Membership**

- 2.1 The Cabinet comprises the following members (“Cabinet Members”):
  - 2.1.1 the Mayor (or Interim Mayor up to the election of the Mayor in May 2019);
  - 2.1.2 two elected members<sup>1</sup> from each constituent council as appointed by that constituent council; and
  - 2.1.3 a representative of the LEP as nominated by the LEP and appointed by the Cabinet.
- 2.2 Each constituent council will also appoint two substitute elected members to represent the constituent council in the absence of its Cabinet Members. Similarly, the LEP will nominate a substitute member to represent it in the absence of its Cabinet Member and the Cabinet shall appoint that substitute member. (The members appointed or nominated pursuant to this paragraph are referred to as “Substitute Members”.)
- 2.3 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.
- 2.4 The process for the appointment of the Mayor’s Ambassador for Business (and other Mayoral Ambassadors) is set out at paragraph 6 of Part 2.2 below.

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<sup>1</sup> For the purposes of these provisions an elected mayor of a constituent council is to be treated as an elected member of that council.

### **3. Term of membership**

3.1 A Cabinet Member or a Substitute Member other than the Mayor shall cease to be a Cabinet Member or Substitute Member if they cease to be

3.1.1 a member of the constituent council that appointed them; or

3.1.2 a member of the LEP that nominated them.

3.2 A person may resign as a Cabinet Member or Substitute Member by serving written notice on:

3.2.1 the proper officer of the constituent council which appointed them; or

3.2.2 the chair or vice-chair of the LEP which nominated them

and the resignation shall take effect on receipt of the notice by the proper officer of the constituent council or chair or vice-chair of the LEP (as the case may be).

3.3 Where a Cabinet Member's or Substitute Member's appointment ceases by virtue of paragraphs 3.1 or 3.2 above:

3.3.1 the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to NTCA and appoint another of its elected members in that person's place; or

3.3.2 the LEP must, as soon as practicable, give written notice of that fact to NTCA and nominate another of its members in that person's place and, on receipt of that notice, the Cabinet shall appoint that person as a Cabinet Member at its next meeting.

3.4 A constituent council may at any time terminate the appointment of a Cabinet Member or Substitute Member appointed by it and appoint another one of its members in that person's place by giving written notice to NTCA. The said termination and appointment shall take effect at the end of the period of one week beginning with the date on which the notice is given or such longer period (not exceeding one month) which may be specified in the notice.

3.5 The LEP may at any time terminate the appointment of a Cabinet Member or Substitute Member nominated by it and nominate another of its members in that person's place by giving written notice to NTCA. Subject to paragraph 3.6 below the said termination and appointment shall take effect at the end of the period of one week beginning with the date on which the notice is given or such longer period (not exceeding one month) which may be specified in the notice.

3.6 At its next meeting the Cabinet shall appoint as a Cabinet Member the replacement member nominated by the LEP.

#### **4. Cabinet Meetings**

- 4.1 Cabinet Decisions will be taken at meetings of Cabinet. Cabinet meetings will be conducted in accordance with the principles set out below and the Cabinet Procedure Rules at Part 3.1 of this Constitution.

##### Quorum

- 4.2 For decisions to be taken at a meeting of Cabinet, the following Cabinet Members must be present:
- 4.2.1 a Cabinet Member or Substitute Member from each constituent council who is entitled to vote (see paragraph 4.8 below);
  - 4.2.2 the Mayor or the Deputy Mayor (acting in the place of the Mayor) or (in the period prior to the election of the Mayor) the Interim Mayor, acting Interim Mayor, or Vice Chair in the absence of the Interim Mayor.

##### Chair

- 4.3 The Cabinet shall appoint one of the Cabinet Members to act as Chair until an Interim Mayor is appointed. The appointment of a Chair is to be the first business transacted after the appointment of Cabinet Members at the first meeting of the Cabinet.
- 4.4 A person ceases to be the Chair of the Cabinet if they cease to be a Cabinet Member. If a vacancy arises in the office of Chair, the Cabinet shall appoint a new Chair at its next ordinary meeting or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.
- 4.5 Where the Cabinet has appointed an Interim Mayor:
- 4.5.1 the Interim Mayor becomes the Chair of the Cabinet;
  - 4.5.2 the Cabinet may appoint one or more Vice-Chairs from among the Cabinet Members who shall act as the Chair of the Cabinet in the absence of the Interim Mayor or an Acting Interim Mayor; and
  - 4.5.3 the appointment of any such Vice-Chair must take place as the first item of business of the first meeting of the Cabinet following the appointment of the Interim Mayor.
- 4.6 If a vacancy arises in the office of Interim Mayor, the Cabinet:
- 4.6.1 may appoint a Vice-Chair as Acting Interim Mayor to exercise the functions of Interim Mayor until a permanent appointment of a new Interim Mayor can be made; and

- 4.6.2 must commence an appointment process in accordance with paragraph 4 of Part 2.2 of this Constitution to fill the vacancy at the next ordinary meeting of the Cabinet or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.
- 4.7 Upon their election, the Mayor shall become the Chair of the Cabinet. The Deputy Mayor (as appointed by the Mayor) shall act as the Chair of the Cabinet in the absence of the Mayor.

#### Voting rights and procedure

- 4.8 Only one of the Cabinet Members appointed by each constituent council shall be entitled to vote on any decision to be taken by Cabinet. Each constituent council shall notify NTCA as to which of its Cabinet Members shall be entitled to vote (“the Voting Member”). The other Cabinet Member appointed by that constituent council shall not be entitled to vote (“the Non-voting Member”) unless the Voting Member is absent or agrees that the Non-voting Member should be allowed to vote in their place. If both its Cabinet Members are absent, then the constituent council shall notify NTCA which of its Substitute Members shall be entitled to vote.
- 4.9 The following Cabinet Members are entitled to vote on decisions to be taken by Cabinet:
- 4.9.1 one Cabinet Member or Substitute Member appointed by each constituent council (in accordance with paragraph 4.8);
  - 4.9.2 the Mayor (or in the absence of the Mayor) the Deputy Mayor; and
  - 4.9.3 the Interim Mayor if that person is also a member of a constituent council.

The Cabinet Member and the Substitute Member nominated by the LEP are not entitled to vote (unless the Cabinet agrees by a majority vote that the said Cabinet Member shall be entitled to vote and, in their absence, that the said Substitute Member shall be entitled to vote).

- 4.10 Each voting member of the Cabinet, including the Mayor, will have one vote. Save for those matters set out in para 4.11 below, Cabinet decisions will be taken by way of a simple majority. No Cabinet Member has a casting vote. If a vote is tied, then the proposal is not approved.
- 4.11 A decision on the following matters can only be made with the approval of each constituent council’s Cabinet Member or Substitute Member who is entitled to vote:
- 4.11.1 the adoption of any strategic growth plan as provided for in this Constitution or the alteration, withdrawal or replacement of that plan;

- 4.11.2 the approval of growth schemes set out in any strategic growth plan, or the alteration, withdrawal or replacement of that plan;
- 4.11.3 the approval of NTCA's annual budget excluding any spending plans related to the functions conferred on the Mayor under Part 2.2 of this Constitution or the functions conferred on the Joint Transport Committee under Part 2.3 of this Constitution;
- 4.11.4 the approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of NTCA or the alteration, withdrawal or replacement of those limits or that strategy;
- 4.11.5 the approval of such other plans and strategies as may be determined by NTCA and set out in this Constitution excluding any plans or strategies related to the functions conferred on the Joint Transport Committee under Part 2.3 of this Constitution; and
- 4.11.6 the approval of NTCA's Constitution and standing orders and any amendments (save that the Monitoring Officer is authorised to make such amendments to give effect to changes in the law which apply directly to NTCA and which need to be reflected in its Constitution and to make typographical and stylistic corrections or improvements).

#### Mayoral review

- 4.12 If a Cabinet Decision is made but the Mayor votes against that decision, then the Mayor may seek a review ("Mayoral Review") of that decision by making an application to the Monitoring Officer within 24 hours of the decision being made. The request for a review must be in writing and should state the Mayor's reasons for disagreeing with the decision.
- 4.13 Where an application for review is made in accordance with paragraph 4.12, the Cabinet must reconsider the decision at a subsequent meeting (which shall generally be held at the expiry of the period during which a Cabinet decision may be called in by the Overview and Scrutiny Committee under Part 3.3 of this Constitution). At that meeting the Cabinet will consider the reasons for the request for the review and reconsider its original decision. The Cabinet must then vote on the question under consideration in accordance with paragraphs 4.8 to 4.11 above. NTCA must publish the reasons for any decision taken following a further vote on a question under these provisions. These must be published on the Combined Authority's website as soon as reasonably practicable. A Cabinet decision made under this paragraph 4.13 shall not be subject to a further Mayoral Review.

#### Validity of proceedings

- 4.14 The proceedings of the Cabinet are not invalidated by any vacancy among the Cabinet Members or Substitute Members or by any defect in the appointment or qualifications of any Cabinet Member or Substitute Member.

**5. Committees and other bodies**

5.1 In addition to the committees and other bodies set out in this Part 2 of the Constitution the Cabinet may establish:

5.1.1 such other committees or subcommittees as it sees fit (which may include the co-option of any member of a constituent council or other persons); and

5.1.2 such advisory boards and ad-hoc working groups as it considers may be expedient to assist it.

**6. Delegations**

6.1 The Cabinet shall maintain and publish a scheme setting out where responsibility for the exercise of the Cabinet's functions is delegated:

6.1.1 to a committee or subcommittee;

6.1.2 to an officer of NTCA; or

6.1.3 by way of joint arrangements with another authority.

6.2 The delegations to officers are set out at Part 2.9 of this Constitution.

## **Part 2.2 – The Mayor**

### **1. Overview**

- 1.1 The Mayor of NTCA is directly elected by the electorate across the North of Tyne area. The Mayor is a member of NTCA’s Cabinet and chairs meetings of Cabinet. The Mayor’s role in Cabinet decision-making (including the ability of the Mayor to seek a Mayoral Review of a Cabinet decision) is set out in Part 2.1 of this Constitution. Furthermore, some functions of NTCA can only be exercised by the Mayor as set out in paragraph 7 below.
- 1.2 Prior to the election of the first Mayor in May 2019 NTCA shall appoint an Interim Mayor to chair Cabinet meetings and discharge certain aspects of the Mayor’s role (see below).

### **2. Term of office**

- 2.1 The first election of the Mayor will take place on 2 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.
- 2.2 The Mayor’s term of office begins on the fourth day after the day of the poll at the election for a Mayor. It ends on the third day after the day of the poll at the next election for a Mayor.

### **3. Deputy Mayor**

- 3.1 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.
- 3.2 The Deputy Mayor holds office until the end of the term of office of the Mayor, provided that a person will cease to be the Deputy Mayor if at any time:
  - 3.2.1 the Mayor removes the person from office;
  - 3.2.2 the person resigns as Deputy Mayor; or
  - 3.2.3 the person ceases to be a Cabinet Member.
- 3.3 If a vacancy occurs in the office of Deputy Mayor, the Mayor must appoint another Cabinet Member as Deputy Mayor.
- 3.4 The Deputy Mayor must act in place of the Mayor if for any reason:
  - 3.4.1 the Mayor is unable to act; or
  - 3.4.2 the office of Mayor is vacant.
- 3.5 If for any reason:
  - 3.5.1 the Mayor is unable to act or the office of Mayor is vacant; and

3.5.2 the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant the other Cabinet Members must act together in place of the Mayor, taking decisions by a simple majority.

#### **4. Interim Mayor**

4.1 Prior to the first election of the Mayor, the Cabinet must appoint as a Cabinet Member (in addition to the Cabinet Members set out in paragraphs 2.1.2 and 2.1.3 of Part 2.1 above) a person who shall be known as “the Interim Mayor”.

4.2 A person is eligible for appointment as the Interim Mayor if:

4.2.1 they are resident in the area of any one of the constituent councils; and

4.2.2 they hold elected office (both at the date of application for the position of Interim Mayor and at the date of appointment as the Interim Mayor) as:

a. an elected member of a constituent council;

b. an elected mayor of a constituent council;

c. the Northumbria Police and Crime Commissioner; or

d. a Member of Parliament or Member of the European Parliament with a constituency wholly or partly within the North of Tyne area.

4.3 A person may only be appointed as Interim Mayor if –

4.3.1 the person is eligible to be appointed under paragraph 4.2;

4.3.2 the person has submitted an application in accordance with any application procedure and timetable determined by NTCA;

4.3.3 the person has been nominated by at least one Cabinet Member in accordance with the said application procedure and timetable following consideration by the Cabinet of all applications for the office; and

4.3.4 the appointment has been approved by a simple majority of the voting Cabinet Members at a meeting of the Cabinet.

4.4 The Interim Mayor must cease to hold office on 6 May 2019.

4.5 A person may resign as Interim Mayor by written notice served on the proper officer of NTCA and the resignation will take effect on receipt of the notice by the proper officer.

4.6 The Cabinet may terminate the appointment of the Interim Mayor, provided that the voting Cabinet Members (other than the Interim Mayor) vote in favour of a resolution to terminate such appointment at a meeting of the Cabinet.

- 4.7 Where a person ceases to be an Interim Mayor by virtue of paragraph 4.5 or 4.6, the Cabinet may appoint a further Interim Mayor in accordance with this paragraph 4.
- 4.8 Where the Interim Mayor would also be a Cabinet Member by virtue of being appointed by a constituent council under paragraph 2.1.2 of Part 2.1, the Interim Mayor will cease to be treated as a Cabinet Member appointed under paragraph 2.1.2 of Part 2.1 and the constituent council must appoint another of its elected members to be a Cabinet Member under that paragraph.

## **5. Mayor's Political Adviser**

- 5.1 The Mayor may appoint one person as the Mayor's Political Adviser. Such person shall be appointed as an employee of NTCA.
- 5.2 No appointment under paragraph 5.1 may extend beyond:
- 5.2.1 the term of office for which the Mayor who made the appointment was elected; or
  - 5.2.2 where the Mayor who appointed the political adviser ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.
- 5.3 A person appointed under paragraph 5.1 is to be regarded for the purposes of Part 1 of the Local Government and Housing Act 1989 (political restriction of officers and staff) as holding a politically restricted post under a local authority. Subject to paragraph 5.4 below, section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups) shall apply to an appointment under paragraph 5.1 as if the appointment were made in pursuance of that section and NTCA was a relevant authority for the purposes of that section.
- 5.4 Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph 5.1 as if the words "and that the appointment terminates" to the end of that subsection were omitted.

## **6. Mayor's Ambassador for Business**

- 6.1 The Mayor may nominate one person to be the Mayor's Ambassador for Business and the Cabinet will appoint such a person to that role if a majority of voting members agree to the appointment, subject to paragraphs 6.2 and 6.3.
- 6.2 Any person who satisfies the following conditions is eligible to be nominated for appointment as the Mayor's Ambassador for Business:
- 6.2.1 the person is resident, or operates a business, in the area of one of the constituent councils; and

- 6.2.2 the person is proposed to be the Mayor's Ambassador for Business by a recognised business organisation.
- 6.3 A person may not be appointed as the Mayor's Ambassador for Business unless they submit an application (in accordance with any application procedure and timetable determined by the Cabinet) and they satisfy both conditions in paragraph 6.2 at the date of their appointment.
- 6.4 The Mayor's Ambassador for Business will hold his/her position for as long as the Mayor holds office or the Mayor, with the support of the majority of the voting members of Cabinet, terminates the Ambassador's appointment.
- 6.5 The Mayor's Ambassador for Business will attend Cabinet meetings as an observer but shall not be entitled to remain during those parts of a Cabinet meeting when the press and the public have been excluded.
- 6.6 The Mayor's Ambassador for Business will comply with NTCA's Code of Conduct for Members.
- 6.7 To assist and advise NTCA in fulfilling its responsibilities, further Mayoral Ambassadors representing other sectors such as the Community and Voluntary Sector may be appointed by a majority of the voting Cabinet Members.

## **7. Mayoral functions**

- 7.1 Under the terms of the Order the following functions are general functions which can only be exercised by the Mayor.
- 7.1.1 the compulsory acquisition of land under section 9(2) of the Housing Regeneration Act 2008 or section 17(3) of Housing Act 1985; and
- 7.1.2 the designation of Mayoral Development Areas and creation of Mayoral Development Corporations under sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the Localism Act 2011.
- 7.2 Subject to the requirements set out below, the Mayor does not generally require the approval of other Cabinet members to make a decision on the functions set out in paragraph 7.1 above except that, where the Mayor proposes to exercise such functions, the Mayor can only do so with the consent of:
- 7.2.1 (in the case of the functions in paragraph 7.1.1 above) the Cabinet Members or Substitute Members appointed by the constituent council(s) whose area contains any part of the land to be acquired compulsorily;
- 7.2.2 (in the case of the functions in paragraph 7.1.2 above) the Cabinet Members or Substitute Members appointed by the constituent council(s) whose area contains any part of the land in question; and

7.2.3 (in the case of the exercise of the functions relating to town and country planning contained in section 202(2) to (4) of the 2011 Act in respect of land in the area of the Northumberland National Park Authority) the Northumberland National Park Authority.

7.3 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). The other Cabinet Members shall be entitled to make representations to the Mayor during the course of a Cabinet meeting before he or she makes a Mayoral Decision.

## **8. Mayoral Budget-setting**

8.1 Each year the Mayor must prepare a draft mayoral budget for his or her areas of responsibility for the forthcoming financial year. The draft mayoral budget shall set out for the forthcoming year the Mayor's strategies, 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.

8.2 The Cabinet may amend the Mayor's draft strategies, spending plans and budget proposals if 2/3 of the Cabinet Members who have a vote (excluding the Mayor) agree to the amendment.

8.3 In the event that the Mayor subsequently proposes any variation to the Mayor's strategies, spending plans and budget proposals, then this variation shall be presented to and considered by Cabinet, and may be amended by Cabinet if 2/3 of the Cabinet Members who have a vote (excluding the Mayor) agree to the amendment.

## **9. Delegations**

9.1 The Mayor may arrange for the following to exercise any general functions of the Mayor:

9.1.1 the Deputy Mayor;

9.1.2 another Cabinet Member; or

9.1.3 an officer of NTCA.

9.2 The Mayor will maintain and publish a scheme setting out where responsibility for the exercise of particular mayoral functions, if any, are delegated to the Deputy Mayor, an individual Member (in which circumstances the procedural provisions above shall apply) or officer of the Authority.

**10. Recording of decision making**

- 10.1 All Mayoral Decisions will be fully 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 NTCA's Overview and Scrutiny Committee (see Part 3.3 below)

## **Part 2.3 – Joint Transport Committee**

### **1. Overview**

- 1.1 Under the terms of the Order, NTCA is required to exercise those transport functions and responsibilities set out in the Order jointly with the Durham, Gateshead, South Tyneside and Sunderland Combined Authority (referred to as “NECA”). This is achieved through a Joint Transport Committee (“JTC”) which comprises representatives appointed by NTCA and NECA respectively.

### **2. Membership**

- 2.1 The membership of the JTC comprises:
- 2.1.1 4 members appointed by NECA;
  - 2.1.2 3 members appointed by NTCA - the Elected Mayor shall be one of these unless he or she agrees otherwise.
- 2.2 NTCA and NECA shall appoint substitute members for each of the above.

### **3. Quorum**

- 3.1 No business of the JTC shall be transacted unless 2 members (or substitute members) from each Combined Authority are present.

### **4. Terms of Reference**

- 4.1 Under the terms of the Order, the JTC shall exercise the following functions on behalf of NTCA
- 4.1.1 its functions as an integrated transport authority or county council which are exercisable by virtue of article 7(1)(a) to (c) and (4) to (7) of the Order;
  - 4.1.2 its functions as an authority under Part 2 of the Transport Act 1968;
  - 4.1.3 its functions as a combined authority under Parts 4 and 5 of the Transport Act 1985;
  - 4.1.4 its functions as a local transport authority under Part 2 of the Transport Act 2000;
  - 4.1.5 anything to be done in relation to the property, rights and liabilities referred to in article 7(2) of the Order; and
  - 4.1.6 the setting of any transport levy to be issued under article 27(5) of the Order.

- 4.2 In addition to the functions set out in the Order and listed in paragraph 4.1 above, Cabinet has delegated the following functions to the JTC:
- 4.2.1 the appointment of a Host Combined Authority to hold, manage and account for the finances and staff deployed in relation to the discharge of transport functions in the Combined Area (ie the area of both NECA and NTCA);
  - 4.2.2 determining its own rules of procedure for the conduct of its proceedings (which to the extent necessary will be incorporated into the Host Combined Authority's standing orders or constitution) subject to the provisions on the quorum and proceedings contained in Schedule 2 of the Order;
  - 4.2.3 the appointment of members to any sub-committee and any individual co-optees to the JTC or any sub-committee;
  - 4.2.4 the appointment and dismissal of the Proper Officer for Transport;
  - 4.2.5 the approval of (and any amendment to or withdrawal of) all other major transport schemes (including such matters as Franchising Schemes, Advanced Quality Partnerships and/or Enhanced Partnership Plans and Schemes) which are funded from the North East transport budget which is managed by the JTC;
  - 4.2.6 the approval of (and any amendment to or withdrawal of) a public transport strategy across the Combined Area;
  - 4.2.7 decisions concerning the monitoring and overseeing of the activities and performance of the County Councils in the discharge of the transport functions delegated to them by the JTC;
  - 4.2.8 decisions concerning the monitoring the capital programme and the activities carried out by Nexus and the County Councils;
  - 4.2.9. decisions concerning recommendation or comments on the adequacy of resources, capacity and expert support required to assist the Proper Officer for Transport and the Regional Transport Team to discharge their functions; and
  - 4.2.10 decisions concerning governance including ensuring its own decision making is effective and ensuring the good governance of Nexus in accordance with the responsibilities applicable to the Combined Authorities as set out in the Transport Act 1968 and other relevant legislation.

## **5. Proceedings**

- 5.1 The JTC has adopted its own Standing Orders to regulate its proceedings. These were approved by NTCA's Cabinet on 4 December 2018.

## **Part 2.4 – Housing and Land Board**

### **1. Overview**

- 1.1 The purpose of the Housing and Land Board (“the Board”) is to provide robust governance around an integrated strategic approach to improving the quality and quantity of homes in the North of Tyne area.
- 1.2 The Board will act in an advisory capacity to support:
  - the delivery of NTCA’s housing growth ambitions; and
  - the alignment of public sector resources to maximise land supply, investment and impact on the delivery of housing through land supply, funding and statutory powers

### **2. Membership**

- 2.1 Membership of the Board will reflect the interests of NTCA, the Government, key public sector landholders and potentially private landlords, Registered Providers and private sector stakeholders.
- 2.2 The Cabinet shall appoint the members of the Board at its Annual Meeting of the Combined Authority. The members will comprise:
  - (a) the Chair of Homes England (who will chair meetings of the Board)
  - (b) the Mayor when elected
  - (c) a senior representative of MHCLG (as an observer)
  - (d) the Cabinet Member with portfolio responsibility for housing and a Cabinet Member appointed by each of the other two constituent councils
  - (e) the Chief Executive of the constituent council leading on housing
  - (f) a representative of Private Sector Developers
  - (g) two representatives of Registered Providers
  - (h) investment representatives from the private sector
  - (i) a representative from private landlords
  - (j) a representative on homelessness / voluntary sector issues
  - (k) a health representative
  - (l) a rural area representative

### **3. Quorum**

- 3.1 No business of the Board shall be transacted unless at least two thirds of the members are present.

### **4. Status**

- 4.1 The Board is an informal working group and not a joint committee, committee or subcommittee of NTCA. As such it does not have decision-making powers, political balance rules do not apply to its membership and it is not subject to the

access to information rules which apply to local authority meetings.  
Membership of the Board is at the discretion of the Cabinet.

## **5. Terms of Reference**

5.1 The Board will advise the Cabinet in its role of:

- Overseeing a strategic approach to the delivery of more and better homes across the North of Tyne area - this will enable an improved range of tenures and type of home, including affordable and specialist housing, within the overall number of net new homes
- Overseeing an integrated long term investment programme to increase supply and the pace of delivery of quality homes from x per year to y per year
- Coordinating existing local authority partnerships and delivery vehicles to support the delivery of key housing sites, expanding delivery options and remits in line with emerging opportunities
- Identifying opportunities for the assembly of strategic housing sites across multiple public and private landowners, as well as convening the appropriate partnerships and discussions to take these forward
- Overseeing the area's One Public Estate programme to maximise the use of surplus public sector land for housing and other uses
- Identifying opportunities for innovation, including making use of modular build initiatives
- Exploring how assets and further capital investments could be used to reduce future revenue burdens
- Exploring opportunities to improve the quality and management standards of private sector properties

5.2 The Board will be directly accountable to the Cabinet and will operate in an advisory capacity, monitoring and reporting progress and making recommendations as appropriate. Where appropriate the Board will seek the support of the Cabinet in securing Government intervention to overcome barriers to facilitate accelerated growth.

5.3 The Board may investigate any activity within its Terms of Reference. It may seek any information it requires from any Board member, or the organisation(s) represented by the Board member.

5.4 The Board may obtain outside independent professional advice and secure the attendance of external persons with the relevant experience and expertise if it considers this necessary.

5.5 The role of the Board will be reviewed by Cabinet on an annual basis.

## **Part 2.5 – Inclusive Economy Board**

**These provisions will be incorporated when approved by Cabinet.**

## **Part 2.6 – Overview and Scrutiny Committee**

### **1. Overview**

- 1.1 Effective scrutiny arrangements are an essential component of local democracy, enhancing accountability and transparency of decision making and enabling local councillors to represent the views of their constituents. These arrangements have been established to enable local councillors, on behalf of their communities, to scrutinise and challenge the Cabinet and the Mayor and to consider matters of strategic importance to residents within the North of Tyne area with a view to influencing their decisions.

### **2. Membership**

- 2.1 The Cabinet shall appoint an Overview and Scrutiny Committee which shall consist of 3 members of each of the constituent councils (who are not Cabinet Members or Substitute Members of NTCA) in such a manner that the members of the Overview and Scrutiny Committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together;
- 2.2 The Cabinet shall also appoint as substitute members (for those mentioned in paragraph 2.1 above) 3 members of each of the constituent councils (who are not Cabinet Members or Substitute Members of NTCA) in such a manner that the members of the Overview and Scrutiny Committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together.
- 2.3 Substitute members of the Committee may attend the meetings of the Committee to act in the place of an ordinary member of Committee appointed under paragraph 2.1.

### **3. Quorum**

- 3.1 No business of the Committee shall be transacted unless two-thirds of the members are present.

### **4. Chair**

- 4.1 The Chair of the Committee will be an “Appropriate Person” (as defined in the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017) which means that the Chair shall be a member of one of the constituent councils appointed under paragraph 2.1 above and:
- 4.1.1 (where the Mayor is a member of a registered political party) the Chair may not be a member of the same registered political party; or
- 4.1.2 (where the Mayor is not a member of a registered political party) the Chair may not be a member of the political party with the most

members of the constituent councils taken together.

- 4.2 The Chair of the Committee shall be appointed annually by the Cabinet at its Annual Meeting.

## **5. Terms of reference**

- 5.1 The Overview and Scrutiny Committee can:

- 5.1.1 Review or scrutinise decisions made, or other actions taken, by the Cabinet or the Mayor in connection with the discharge of any functions which are the Cabinet's or the Mayor's responsibility. (In exercising this function, the Committee may also direct that a decision is not to be implemented whilst it is under review or scrutiny and, furthermore, to recommend that the decision be reconsidered – this is referred to in this Constitution as “call-in”.)
- 5.1.2 Make reports or recommendations to the Cabinet or the Mayor (as appropriate) with respect to the discharge of their functions or on matters of strategic importance that affect the North of Tyne area or inhabitants.
- 5.1.3 Review the performance of the Cabinet and Mayor against objectives within their strategies and policies.
- 5.1.4 Facilitate the exchange of information about the work of the Cabinet and the Mayor and share information and outcomes from reviews.

## **6. Overview and Scrutiny Procedure Rules**

- 6.1 In carrying out its role the Committee shall at all times comply with the Overview and Scrutiny Procedure Rules at Part 3.3 of this Constitution and shall, in particular, be mindful of the key principles of scrutiny set out therein.

## **7. Delegation**

- 7.1 The Overview and Scrutiny Committee may establish such subcommittees, panels and ad-hoc working groups as it considers necessary to assist it and will do so at the annual meeting of the Overview and Scrutiny Committee.

## **Part 2.7 – Audit and Standards Committee**

### **1. Overview**

- 1.1 The Audit and Standards Committee is a key component of NTCA's corporate governance arrangements.
- 1.2 It is an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment; reporting on financial and other performance; and for the promotion and maintenance of high standards of conduct by its elected and co-opted members.
- 1.3 It is also responsible for promoting and maintain high standards of conduct by members of NTCA and its committees. The Committee will also review complaints made against Members in respect of alleged breaches of the Members' Code of Conduct in accordance with agreed adopted local arrangements (see Part 6 of the Constitution).

### **2. Membership**

- 2.1 The Cabinet shall appoint an Audit and Standards Committee which shall consist of:
  - 2.1.1 3 members of each of the constituent councils in such a manner that the members of the Audit and Standards Committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together; and
  - 2.1.2 one non-voting co-opted member who will act as Chair.
- 2.2 The Cabinet shall also appoint as substitute members (for those mentioned in paragraph 2.1 above) 3 members of each of the constituent councils (who are not Cabinet Members or Substitute Members of NTCA) in such a manner that the members of the Audit and Standards Committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together.
- 2.3 Substitute members may attend the meetings of the Committee to act in the place of an ordinary member of Committee appointed under paragraph 2.1.

### **3. Quorum**

- 3.1 No business of the Audit and Standards Committee shall be transacted unless two-thirds of the voting members are present.

#### **4. Terms of Reference**

The following functions are the responsibility of the Audit and Standards Committee:

##### **Audit**

The Committee's core functions are:

1. At a strategic overview level, to review and scrutinise the Authority's financial affairs.
2. To review and assess the Authority's risk management, internal control and corporate governance arrangements.
3. To review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Authority's functions.
4. To make reports and recommendations to the Authority in relation to reviews conducted under 1 to 3 above.

To discharge these core functions, the Committee will:

- a. be satisfied that the Authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the Authority's objectives.
- b. in relation to the internal audit function:
  - i. oversee its independence, objectivity, performance and professionalism;
  - ii. support the effectiveness of the internal audit process,
  - iii. promote the effective use of internal audit within the assurance framework.
- c. consider the effectiveness of the Authority's risk management arrangements and the control environment; review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations.
- d. monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and managing the Authority's exposure to the risks of fraud and corruption.
- e. consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control.

- f. support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process.
- g. review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

### Notes

- (i) The Committee's audit role is to review the relevant procedures of the Authority, and to maintain an overview on the framework of governance, risk management and control within the Authority, but not to make or review policy.
- (ii) For the avoidance of doubt, the Committee will review and scrutinise the Authority's financial affairs at a strategic overview level. Nothing in these terms of reference shall confer upon the Committee the power to regulate or control the finances of the Authority. Detailed reports on ongoing financial performance, budget setting and budget management, and requests to approve the financial statements shall be matters for the Cabinet.

### **Standards**

1. To promote and maintain high standards of conduct by Authority members and co-opted members.
2. To ensure the Authority's members and co-opted members observe the Members' Code of Conduct.
3. To advise the Cabinet on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train the Authority members and co-opted members on matters relating to the Members' Code of Conduct and Disclosable Pecuniary Interests.
6. To grant dispensations to the Authority members and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
7. To monitor complaints received by the Authority in respect of Member conduct.
8. To review the Whistleblowing Policy and recommend any changes to the Monitoring Officer for consideration by the Cabinet.

9. To conduct hearings following investigation and determine complaints made against members and co-opted members (including requests for review).
10. Where a member or co-opted member is found to have failed to comply with the Code of Conduct to take such action as may be necessary to promote and maintain high standards of conduct, in accordance with the powers available to the Committee.
11. To review the assessment criteria for complaints against members and co-opted members (included in the Authority's adopted local arrangements) as it considers appropriate from time to time and recommend any changes to the Monitoring Officer for consideration by the Cabinet.
12. To undertake such further functions as may be the responsibility of the Committee under the Combined Authority's adopted local arrangements in relation to the handling of complaints against members and co-opted members.
13. To appoint when required a Sub-committee to conduct hearings and determine complaints of breaches of the Code of Conduct for Members and for granting dispensations for members with registerable and non-registerable personal interests to enable Members to participate and vote at committee meetings.

Notes for Information:

- a. The Localism Act 2011 requires the Authority to appoint at least one Independent Person for their views to be sought and taken into account before the Audit and Standards Committee makes its decision on an allegation about a Member's conduct which has been investigated and at other times when considered appropriate. An Independent Person's views may also be sought by a Member who is the subject of a misconduct complaint. NTCA will appoint 2 Independent Persons for these purposes.
- b. The Members' Code of Conduct and all codes and protocols can be found in Part 5 of this Constitution.

## **Part 2.8 – Proper Officers**

There are a number of specific references in the legislation applicable to local government which call for functions to be undertaken by what is termed the ‘Proper Officer’. The following lists such references and identifies the Chief Officers responsible for their discharge.

### **1. Head of Paid Service**

- 1.1 The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority’s staff in accordance with section 4 of the Local Government and Housing Act 1989.
- 1.2 The Head of Paid Service cannot be the Monitoring Officer.

### **2. Chief Finance Officer**

- 2.1 The Chief Finance Officer has responsibility for ensuring lawfulness and financial prudence of decision making. The Chief Finance Officer is appointed Proper Officer in relation to the following:
  - 2.1.1 receipt of money due from officers (Local Government Act 1972, section 115(2)); and
  - 2.1.2 administration of the financial affairs of the Authority (Local Government Act 1985 section 73).

### **3. Monitoring Officer**

- 3.1 Under the provisions of the Local Government and Housing Act 1989, the Cabinet shall appoint a Monitoring Officer who will be responsible for promoting and maintaining high standards of conduct. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budgetary issues to all Members and provide a comprehensive administrative service to the Authority.
- 3.2 The Monitoring Officer to the Authority is appointed the Proper Officer in relation to the following under the Local Government Act 1972:
  - 3.2.1 Determination of those reports which should be available for public inspection prior to a meeting of the Cabinet or committee or subcommittee of NTCA, and those which are likely to be heard in private and consequently which should not be released to the public (section 100B (2));
  - 3.2.2 Provision of documents to the press, additional to committee reports (section 100B(7));
  - 3.2.3 Preparing written summaries of proceedings (section 100C (2));

- 3.2.4 Making arrangements for list of, and background papers to reports, to be made available for public inspection (section 100D (1))
  - 3.2.5 Determination of documents disclosing exempt information which may not be inspected by Members (section 100F (2)).
  - 3.2.6 Signature of Summonses to the Authority (paragraph 4 (2) (b) of Schedule 12).
  - 3.2.7 Receipt of notices regarding address to which Summonses to meetings of the Authority are to be sent (paragraph 4 (3) of Schedule 12).
  - 3.2.8 Declaration and Certificates with regard to securities (section 146 (1)(a) and (b)).
  - 3.2.9 Deposit of documents (section 225 (1)).
  - 3.2.10 Certifications of photographic copies of documents (section 229 (5)).
  - 3.2.11 Issuing and signing of formal notices (section 234 (1) and (2)).
  - 3.2.12 Serving copies of Byelaws (section 236 (9) and (10)).
  - 3.2.13 Certification of Byelaws (section 238).
- 3.3 The Monitoring Officer will maintain an up to date Register of Members' interests and an up to date version of the Constitution and will ensure that it is widely available for consultation by Members, officers and the public.
- 3.4 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee and be the Proper Officer for receipt and acknowledgement of complaints of failure by a Member of the Authority to comply with the Members Code of Conduct.
- 3.5 The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

#### **4. Scrutiny Officer**

- 4.1 The Authority must designate one of its officers as the scrutiny officer of the Overview and Scrutiny Committee to:
- 4.1.1 promote the role of the Overview and Scrutiny Committee;
    - i. provide support and guidance to the Overview and Scrutiny Committee and its members;

- ii. provide support and guidance to members of the Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee.

4.2 The Authority may not designate any officer of a constituent council as the scrutiny officer.

## 5. **General**

5.1 All officers in whose name reports are submitted to the Cabinet, and any Committee or sub-committee via the Monitoring Officer and Chief Finance Officer are appointed the Proper Officers in relation to the following under the Local Government Act 1972:

5.1.1 Compilation and retention of lists of background papers and copies of the relevant documents and reports (section 100D (1) (a))

5.1.2 Identifying and determining what are background papers (section 100D (5)).

## **Part 2.9 – Scheme of Delegations**

### **Introduction**

1. Section 101 of the Local Government Act 1972 enables NTCA to delegate any of its functions to its officers. This part of the Constitution specifies those powers of the Cabinet which, for the time being, are exercisable from time to time by officers of NTCA, and stating the title of the officer in question by whom the powers are exercisable.
2. Chief Officers in the context of this Constitution mean the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
3. The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers (“Authorised Officers”) authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.
4. The exercise of delegated powers by officers is required to be in accordance with:
  - a) Statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - b) this Constitution, the Cabinet Procedure Rules and Financial Regulations currently in force;
  - c) the revenue and capital budgets of NTCA, subject to any variation thereof which is permitted by NTCA’s Financial Regulations; and
  - d) any policy or direction of the Cabinet or any other committee acting in exercise of powers delegated to that committee by the Authority.
5. Officers may **not** exercise delegated powers where:
  - a) the matter is reserved to the Cabinet by law or by this Constitution;
  - b) the matter is a function which cannot by law be discharged by an officer;
  - c) the Cabinet, or a committee, sub-committee or joint committee to which NTCA is a party, has determined that the matter should be discharged otherwise than by an officer;
  - d) the Head of Paid Service has directed that the officer concerned should not exercise a delegated function in special circumstances.

6. Before exercising delegated powers, particularly on matters involving the reputation of the Authority, officers should consider the advisability of consulting the Head of Paid Service and/or the Mayor or Interim Mayor.
7. Where, in relation to an item before the Cabinet, or a joint committee, committee or sub-committee, a Chief Officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.
8. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.
9. All decisions made by officers under delegated authority will be fully recorded and published (unless there are specific reasons why non-publication is permissible).

**A. General Delegations to all Chief Officers**

GD1 The day to day routine management, supervision and control of services provided for the Authority by staff under their control in accordance with the Cabinet Procedure Rules and Financial Regulations of the Authority.

**Contracts and Accounts**

GD2 The disposal of surplus or obsolete equipment to the person submitting the highest quotation up to a limit of £10,000 in value.

GD3 The acceptance of the lowest tender or quotation:

- a) For the supply of goods, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £100,000 in value for any one transaction, and
- b) For building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Cabinet and does not exceed £250,000.

GD4 The invitation of quotations for contracts not exceeding £25,000 in value for the supply of goods, materials or services or the execution of works from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the Authority

GD5 The provision of services or the purchase of materials or minor items of equipment up to a total of £10,000 within one order or series of related orders for which provision has been made in the revenue estimates.

## **B. Delegations to the Head of Paid Service**

- HPS1 To discharge the functions of the Head of Paid Service in relation to the Authority as set out in section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are to report to the Cabinet where necessary setting out proposals with respect to the coordination of the Authority's functions, the number and grades of staff required and the organisation, appointment and proper management of the Authority's staff.
- HPS2 To engage officers on behalf of the Authority to coordinate its functions.
- HPS3 To discharge any function of the Authority which has not been specifically delegated to another officer, Committee or reserved to the Cabinet under Part 2.1 of this Constitution, and may direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.
- HPS4 Take any operational action which is required as a matter of urgency in the interests of the Authority, in consultation (where practicable) with the Mayor or Interim Mayor, the Monitoring Officer and the Chief Finance Officer.
- HPS5 Take preliminary steps to protect the rights and interests of the Authority subject to consultation with the Mayor or Interim Mayor in relation to any Bill or Statutory Instrument or Order in Parliament.
- HPS6 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the Authority has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the Authority not opposing any Private Bill.
- HPS7 Nominate, appoint and remove, in consultation with the Mayor or Interim Mayor, Authority representatives on the board of companies, trusts and other bodies, and to agree constitutional arrangements for such companies, trusts and other bodies, and give any necessary consent required within relevant constitutions.
- HPS8 To provide a comprehensive policy advice service to the Authority and, in particular, to advise on the Authority's plans and strategies included in the Budget and Policy Framework.
- HPS9 To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official Authority publicity and official publications.

- HPS10 To be the authorised representative of the Authority in respect of any company established pursuant to section 323 of the Companies Act 2006 (as amended) and any other company of which the Authority is a member.
- HPS11 To take an urgent decision where a decision needs to be made urgently and it is not practical to convene a quorate meeting of the Cabinet or relevant committee or subcommittee of the Authority, in consultation with the Chair (or in their absence a Vice Chair) of the Cabinet or relevant committee or subcommittee, the Chief Finance Officer and the Monitoring Officer.

**C. Delegations to the Chief Finance Officer**

- CF01 To effect the proper administration of the Authority's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- CF02 The taking of all action required on borrowing, investment and financing subject to the submission to the Cabinet of an annual report of the Chief Finance Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management and Prudential Codes.
- CF03 To effect all insurance cover required in connection with the business of the Authority and to settle all claims under such insurances arranged for the Authority's benefit.
- CF04 The preparation of manuals of financial and accounting procedures to be followed by officers of the constituent councils working on Authority matters.
- CF05 To accept grant offers on behalf of the Authority, subject to all the terms and conditions set out by the grant awarding body.
- CF06 The submission of all claims for grant to the UK Government or the European Union (EU).
- CF07 To make all necessary banking arrangements on behalf of the Authority, to sign all cheques drawn on behalf of the Authority, or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the facsimile signature of the Chief Finance Officer.
- CF08 To monitor capital spending and submit a report to the Cabinet at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the Authority.
- CF09 In relation to revenue expenditure under the control of officers, to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £25,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the Cabinet for consideration of a supplemental

estimate.

- CFO10 The collection of all money due to the Authority, and the writing off of bad debts.
- CFO11 To supervise procedures for the invitation, receipt and acceptance of tenders.
- CFO12 To administer the scheme of Mayoral allowances.
- CFO13 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Authority at the end of the year to which it relates and of the Authority's income and expenditure for that year.
- CFO14 To discharge the functions of the Authority under the Accounts and Audit (England) Regulations 2011 (with the exception of Regulations 4(3), 6(4) and 8(3)).
- CFO15 To sign certificates under the Local Government (Contracts) Act 1997.
- CFO16 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Regulations made thereunder.
- CFO17 To determine an amount (not exceeding the sterling equivalent of €5,000) being the maximum sum which the Authority will receive in cash without the express written consent of the Chief Finance Officer.
- CFO18 To exercise the responsibilities assigned to the Chief Finance Officer in the Financial Regulations

### **Supporting the Audit Regime**

- CFO19 Support the Audit and Standards Committee to:
- a) provide or procure independent assurance on the effectiveness of the risk management framework and the associated control environment;
  - b) provide or procure independent examination of the organisation's performance and how this affects the Authority's control environment and its exposure to risk; and
  - c) oversee the financial reporting process.

**D. Delegations to the Monitoring Officer**

- MO1 The Monitoring Officer is authorised to:
- a) institute, defend or participate in any administrative action and/or in any legal proceedings;
  - b) sign any document in any case where such action will facilitate the carrying out of decisions of the Cabinet; or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority's interests, or to further or achieve the objectives of the Authority; and
  - c) settle or otherwise compromise any such administrative action or legal proceedings if they have been commenced or there are reasonable grounds for believing such actions or proceedings may be contemplated.
- MO2 After consulting with the Head of Paid Service and Chief Finance Officer, to report to the Cabinet if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration as determined by the Local Government Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- MO3 To provide a comprehensive administrative service to the Authority.
- MO4 To accept on behalf of the Cabinet in-year changes to the membership of committees, sub-committees and joint committees. These changes must be notified in writing to the Monitoring Officer and will be effective when receipt of the notification is acknowledged in writing by the Monitoring Officer.
- MO5 To make minor changes to the Constitution and its associated documents to reflect organisational or legislative change when the power remains unaltered.
- MO6 To make any textual or grammatical corrections to the Constitution and its associated documents.

**Supporting the Standards Regime**

- MO7 To be the Proper Officer for receipt and acknowledgement of complaints of failure to comply with the Members' Code of Conduct under the Authority's adopted local arrangements.
- MO8 To receive and review complaints received in respect of any alleged breach by a Member of the Code of Conduct for Members and to act in accordance with the Authority's adopted local arrangements.

- MO9 The Monitoring Officer will either conduct or arrange for investigations to be conducted into alleged breaches of the Members' Code of Conduct and, as appropriate, submit such reports to the Audit and Standards Committee in accordance with the Authority's adopted local arrangements.
- MO10 The Monitoring Officer will undertake informal resolution of such complaints in accordance with the Authority's adopted local arrangements.