



THE NEWCASTLE CHARTER

Part 3 - Responsibility for Functions

Comprising:

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NB. The following are separate documents: Part 3.13, Part 3.14 and Tables 3.1 - 3.3

3.1 - Responsibility for Functions - Summary

The purpose of this part of the Constitution is to set out who is responsible for making the various decisions in the Council.

1.1 Who can be Decision Makers?

Under this constitution, there are a number of different decision-makers: -

1. Full Council
2. A Committee or Sub-Committee of the Council
3. Ward Committee
4. The Executive Leader
5. The Cabinet
6. A Committee of Cabinet
7. An individual Cabinet Member
8. A Joint Committee
9. An Officer

The Leader of the Council delegated power to make executive decisions to individual Cabinet members in May 2011.

1.1.1 Advisory Bodies

The Council and/or the Leader can also set up Advisory Committees and Joint Advisory Committees. Details are included in this Part.

1.1.2 Scrutiny Committees

Scrutiny committees are responsible for the overview and scrutiny function. They cannot exercise other functions and make decisions. Details are also included in this Part for information.

1.2 Allocation of Functions

There are different categories of functions.

- A. **Non-executive functions - Council only.** These are functions that by law can only be exercised by full Council. These are set out in Article 4.02 of the Constitution.
- B. **Local Choice Functions.** These are functions that by law the Council can decide whether they should be categorised (wholly or in part) as executive or non-executive functions. Once categorised, they are treated in accordance with the following paragraphs. Local choice functions are set out in Table 3.1 below.
- C. **Other Non-executive functions.** These are functions that by law cannot be exercised by the Leader, the Cabinet or a Committee of Cabinet. These functions are set out in Table 3.2 below. It also includes local choice functions that the Council has decided should be treated as non-executive functions. These decisions can only be made by:

- (i) Full Council;
- (ii) a committee or sub-committee of the Council;
- (iii) an area forum (i.e. a ward committee);
- (iv) a delegated officer; or
- (v) a joint committee.

D. **Executive Functions.** All other functions are executive functions. These decisions can only be made by:

- (a) The Leader; or
- (b) Any of the following who have been delegated power by the Leader:
 - (i) Cabinet;
 - (ii) a Committee of Cabinet;
 - (iii) an individual Cabinet member;
 - (iv) a ward committee;
 - (v) a Delegated Officer; or
 - (vi) a joint committee.

1.3 Who decides - Non-Executive Functions?

- (a) The Council may decide whether to delegate non-executive functions to a committee, sub-committee, area forum, delegated officer or joint committee.
- (b) Where a non-executive function has been delegated to a committee, the committee may further delegate to a sub-committee or delegated officer.
- (c) Where a non-executive function has been delegated to a sub-committee, the sub-committee may further delegate to a delegated officer.

1.4 Who decides - Executive Functions?

The Leader may decide whether to delegate executive functions to a committee of Cabinet, an individual Cabinet member, an area forum, a Delegated Officer or a joint committee.

1.5 Removal of Delegation

- (a) Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.
- (b) Where a function has been delegated, the decision-maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

1.6 Who may exercise officer delegations?

Where a function has been delegated to an officer(s) ("delegated officer(s)"), the decision may be taken in the name of (but not necessarily personally by) such delegated officer(s) by another officer(s) ("authorised officer(s)") in

accordance with arrangements made from time to time by such delegated officer(s) for this purpose.

3.2 - Non-Executive Functions - Council Only

2. Only the Council shall exercise those functions listed in Article 4.02 of this Constitution.

3.3 - Allocation of Local Choice Functions

3. Local choice functions are listed in Table 3.1.
 - 3.1 The local choice function listed in the first column of Table 3.1 shall be an executive function where “EX” appears in the second column in relation to that function.
 - 3.2 The local choice function listed in the first column of Table 3.1 shall be a non-executive function where “NX” appears in the second column in relation to that function.
 - 3.3 The local choice function listed in the first column of Table 3.1 shall be both an executive and a non-executive function where “Both” appears in the second column, subject to the further limitations (if any) in the third column in relation to that function.
 - 3.4 Where further functions are prescribed as local choice functions, until the Council resolves otherwise:
 - 3.4.1 If the function was previously treated as an executive or a non-executive function, it shall continue to be so treated; and
 - 3.4.2 Otherwise, it shall be treated as a non-executive function.
 - 3.5 In the case of the local choice functions designated as non-executive functions or as executive and non-executive functions in Table 3.1:
 - 3.5.1 Where “Council” appears in the third column of Table 3.1 in relation to a local choice function, the function shall be reserved to Council;
 - 3.5.2 Where “Council/Const” appears in the third column of Table 3.1 in relation to that function, the Council will normally exercise that function having received a report from Constitutional Committee; and
 - 3.6 In all other cases, the functions shall be delegated to the Committee identified in the third column of Table 3.1 and, without prejudice to other provisions of this Constitution, may be exercised by the officer identified in the fourth column.

Note: Table 3.3 contains a consolidated table of delegations in the case of local choice functions and non-executive functions.

3.4 - Executive Functions

What are Executive Functions?

4 Executive functions are determined by law and the provisions of this Constitution.

4.1 All the functions of the Council are executive functions except for:

4.1.1 Those reserved by law to full Council (Part 3.2 and Article 4.02);

4.1.2 Local choice functions designated as exclusively non-executive functions (Part 3.3); and

4.1.3 Non-Executive functions (Part 3.5).

Note: Table 3.3 contains a consolidated table of delegations in the case of local choice functions and non-executive functions.

4.2 Executive functions will be exercised by the Cabinet collectively except where the Leader:

4.2.1 Reserves the exercise of any function to him/herself;

4.2.2 Delegates functions to a Committee of Cabinet (Part 3.4);

4.2.3 Delegates functions to a Delegated Officer (Part 3.13);

4.2.4 Delegates functions to a Ward Committee (Part 3.7); or

4.2.5 Delegates functions under joint arrangements (Part 3.12).

4.2.6 Delegates functions to an individual Cabinet member (Part 3.4)

Discharge of Executive Functions

4.3 Executive functions will be discharged in accordance with the Cabinet Procedure Rules (Part 4D) and the Access to Information Procedure Rules (Part 4B).

4.4 The Cabinet will take all necessary steps to prepare the Council's budget and those plans and strategies which constitute the Council's policy framework as set out in Article 4 of this Constitution, prior to their approval and/or adoption by full Council. It will act in accordance with the Budget and Policy Framework Procedure Rules (Part 4C).

Cabinet Committees

4.5 Details of Cabinet Committees will be included in this Part of the Constitution and are as follows:

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| A. CABINET DELEGATED COMMITTEE |
| 1. To deal with urgent matters between meetings |
| Membership: Leader and any two other Cabinet members. |

NB 4.5B is subject to review

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| B. DISCRETIONARY RATE RELIEF COMMITTEE |
| 1. The determination of applications for Discretionary Rate Relief (DRR) (Section 47 of the Local Government Finance Act 1988) (RV of £17,999 upwards) (excluding applications for 'Retail Rate Relief') |
| Membership: Deputy Leader and any two other Cabinet members |

Cabinet Members Portfolios

- 4.6 The Leader is responsible for allocating Cabinet members' portfolios. Details are included in this Part of the Constitution and any variations will be reported to Council for information. More details of portfolio responsibilities are given in the Appendix to this Part.

| Portfolio | Member |
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| Leader of the Council | Cllr Nick Kemp, Byker Ward |
| Deputy Leader of the Council and Cabinet Member for a Healthy, Caring City | Cllr Karen Kilgour, West Fenham Ward |
| A Dynamic City | Cllr Irim Ali, Wingrove Ward |
| A Connected, Clean City | Cllr Jane Byrne, Monument Ward |
| A Growing City | Cllr Lesley Storey, South Jesmond Ward |
| Resources and Cabinet Secretary | Cllr Paul Frew, Walkergate Ward |
| A Resilient City | Cllr Paula Maines, Kenton Ward |
| A Thriving City | Cllr Alex Hay, Kingston Park South and Newbiggin Hall Ward |

Appendix to Part 3.4 Cabinet Member Portfolios

1. Leader of Council

Provides political leadership in the coordination of Council policies, strategies and service delivery.

Provides democratic leadership to residents and stakeholders, ensuring a collaborative approach to the development and delivery of services that meet people's needs and aspirations.

Ensures that the Council's approach to inclusive economic development and regeneration in the city is effective, integrated and enabling.

Provides political leadership in the development of local, sub-regional and regional strategy and partnerships, and promotes and enhances Newcastle's reputation at national, European and international levels.

The Leader is responsible for:

- Communications
- External relationships
- Combined Authority
- Governance and devolution
- International strategy
- Overall leadership of the council
- Oversight of major regeneration projects
- Promotion of the city, locally, nationally, and internationally
- Strategic policy coordination
- Capital projects
- Local Plan
- Leading inclusive economic strategy
- City centre transformation

2. Cabinet Portfolios 2023/24

| Deputy Leader of Council and Cabinet Member for a Healthy, Caring City |
|---|
| Supports and deputises for the Leader where needed. Works with the Leader to provide political and strategic leadership across all areas of Council delivery. Ensures that the political governance and accountability of the Council are |

clear and effective, overseeing key planning and risk management processes.

As Cabinet member for a Healthy, Caring City, responsible for ensuring safe, effective adult social care and public health services. Strategic focus is to reduce health inequalities so that residents enjoy longer, healthier lives and are able to live as independently as possible for as long as possible.

Responsibilities

The Deputy Leader and Healthy, Caring City portfolio holder is responsible for:

- Political governance and organisational accountability, including Council, Cabinet and committee forward planning
- Democratic and Members' Services
- Elections and electoral registration
- Legal Services and The Newcastle Charter
- Adult social care
- Health and social care integration
- Housing with specialised support
- Political leadership in relation to legislation and guidance
- Public health
- Leading anti-poverty strategy

Adult social care includes:

- adults with long term social care needs
- in house and commissioned care services
- learning disabilities
- autism and mental health
- prevention
- specialist services
- business continuity and risk
- social care finance
- safeguarding
- Dementia Friendly City

- support to unpaid carers to improve their health, wellbeing and quality of life

Health and social care integration includes:

- Collaborative Newcastle
- adult social care financial viability
- joint funding with health (Better Care Fund)
- intermediate care
- Integrated Care System (ICS)

Public health includes:

- delivery of the statutory public health outcomes framework
- preventative health
- embedded public health across council activity
- promotion of healthy neighbourhoods

A Dynamic City

Provides political leadership for housing and planning strategies, ensuring that the city prospers through innovative physical and economic regeneration.

Responsible for the Council's approach to tackling homelessness and rough sleeping in Newcastle and overseeing advice and support for people facing homelessness.

Leads the Council's approach to cooperative development in delivery of housing and planning functions, and in opportunities for expanding social housing across the city.

Leads the Council's approach to embedding equality and diversity in Council activity.

Responsibilities

The Cabinet member for a Dynamic City is responsible for:

- Oversight of city housing strategy
- Capital investment programme in YHN/Council stock
- Housing Revenue Account

- Planning
- Tackling homelessness and rough sleeping, advice and support for people facing homelessness
- Private sector housing
- Working with housing associations
- Improved advice and support for people living in the private rented sector
- Registered Social Landlords and house of multiple occupation (HMO) licencing
- Licencing and regulatory issues (not including taxis). Trading standards. Public protection and enforcement
- Equalities and diversity

A Connected, Clean City

Leads the Council's approach to environment and transport priorities, including low carbon plans and improving connectivity for living, working and visiting the city.

Ensures that the Council's environment and transport agenda is integrated and effective, through proactive partnerships and policy oversight of its regulatory functions for environment, transport, infrastructure, public protection and place.

Leads the Council's work with residents and communities to promote sustainability, cleaner air and cleaner and safer streets.

Responsible for improving all aspects of the local environment to create cleaner and greener neighbourhoods.

Responsibilities

The Cabinet member for a Connected, Clean City is responsible for:

- Strategic transport planning and infrastructure, local transport schemes and lobbying for improvement of public transport
- Tackling air pollution, Clean Air Zone (CAZ)
- Council response to climate emergency/Net Zero
- Biodiversity
- Tree planting and maintenance programme

- Increasing recycling rates
- Waste, garden waste and street cleaning services
- Tackling environmental crime including fly tipping, littering, graffiti and dog fouling
- Low traffic neighbourhoods with improved accessibility, signage and street lighting
- School Streets
- Parking, traffic management and enforcement
- Road and footway maintenance through capital investment programme
- Utilities and contractor relations

A Growing City

Responsible for delivering on our commitment to give children and young people the best start in life.

Has the statutory role of lead member for children's services, including our duties in relation to looked after children.

Leads on our priorities for children and young people, including tackling child poverty, driving educational achievement and attainment, and ensuring that young people are at the heart of decision making for our services.

Responsibilities

The Cabinet member for a Growing City is responsible for children's services. That includes:

- Corporate parenting
- Child protection and protecting children from exploitation
- Special education needs and disabilities (SEND) services
- Tackling child poverty
- Integrated support for children and families including early years services, nurseries, family centres and Connexions
- Youth offending
- Commissioning and delivery of youth and play services
- Education and schools, including achievement and attainment,

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| <p>sufficiency of places, promotion of inclusion and school improvement (including inspections, behaviour, attendance and enrichment)</p> <ul style="list-style-type: none"> • Working towards UNICEF Child Friendly City status |
| <p>Resources and Cabinet Secretary</p> |
| <p>Oversees the Council's strategic financial and performance management. This includes setting a balanced budget and monitoring delivery of the capital investment programme.</p> <p>Responsible for driving social value through the Council's commissioning and procurement strategies, overseeing the Council's transformation programme and Corporate Plan, and for ensuring an effective and supported workforce.</p> <p>Manages Cabinet's forward plan.</p> <p>Responsibilities</p> <p>The Cabinet Member for Resources, and Cabinet Secretary, is responsible for:</p> <ul style="list-style-type: none"> • Financial strategy, including budget setting, budget monitoring, financial policy and performance • Revenue collection, business rates, council tax, council tax support and benefits • Social Value through commissioning and procurement • The Council's pension fund • Council-wide performance management • Workforce matters including human resources and trade union relations • Digital transformation, including customer services • Oversight of the Council's move to being a Real Living Wage Employer • Risk Management • Information Governance and Cyber Security • Corporate Plan • Capital Programme • Property portfolio • Political oversight of transformation programme |

- Management of cabinet forward plan

A Resilient City

Leads the Council's approach to working with local communities across the city, ensuring that cultural, sporting and leisure opportunities are integrated and accessible to all.

Responsible for ensuring that resident engagement is proactive and enabling, supports an inclusive economy and fulfils the Council's statutory requirements.

Provides political leadership for the Council's community partnerships and voluntary and community sector liaison, and for ensuring that Newcastle remains a safe, resilient and welcoming city for all.

Responsibilities

The Cabinet member for a Resilient City is responsible for:

- Urban Green/parks, green spaces, allotments
- Play areas and leisure facilities
- Leisure Centre management
- Libraries and customer services
- Registrars, cemeteries, and crematorium services
- Taxi licensing
- The Newcastle Fund
- Voluntary and Community Sector (VCS) Compact and VCS liaison
- Crime, community safety and resilience planning
- Promoting good community relations and combatting hate crimes
- Community assets and asset transfers
- Neighbourhood devolution and parish councils
- Ward governance and budget
- Refugees and asylum seekers
- City of Sanctuary

- Veterans and the Armed Forces Family/Armed Forces Covenant, including Co-operative Council

Crime, community safety and resilience planning includes:

- Safe Newcastle Partnership
- Tackling antisocial behaviour
- Liaison with Northumbria Police
- Liaison with other crime and criminal justice partners
- Crime and policing panel
- CCTV policy
- Tackling modern slavery and human trafficking

A Thriving City

Provides political leadership for the Council's approach to inclusive economic development, overseeing the implementation of economic strategy with city stakeholders, ensuring that real benefits are delivered for all residents.

Drives the Council's strategies for apprenticeships, adult education, skills and job creation. Responsible for ensuring that culture is embedded at the heart of the city's approach to inclusive economic development.

Leads on neighbourhood renewal and works closely with the Cabinet member for a Connected, Clean City on transport matters.

Responsibilities

The Cabinet member for a Thriving City is responsible for:

- Economic development
- Adult education, skills and apprenticeships
- Promoting job creation and quality employment
- Business support and relations
- Social Finance
- Welfare reform
- Digital inclusion

- City centre regeneration and the Business Improvement District
- Neighbourhood renewal
- Newcastle's Culture Compact
- Culture, heritage and sport

3.5 - Non-Executive Functions

5 Non-executive functions are listed in Table 3.2.

Non-executive functions are also those local choice functions so designated in Part 3.3 and Table 3.1.

Reserved to Council

5.1 The non-executive function listed in the first column of Table 3.2 by reference to the statutory provision in the second column shall be reserved to Council where “Council” appears in the third column in relation to that function.

5.2 In relation to any such function, where “Council/Const” also appears in the third column in relation to that function, the Council will normally exercise that function having received a report from the Constitutional Committee.

Non-Executive Committees

5.3 In order to exercise its non-executive functions, the Council will establish the following committees:-

| Committee | Number of Members |
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| Constitutional Committee | 13 councillors |
| Constitutional Delegated Sub-Committee | Chair, Vice-Chair plus 1 opposition member from Constitutional Committee |
| Chief Executive’s Appraisal Panel | Leader, Deputy Leader and Leader of Opposition |
| Planning Committee | 14 councillors |
| Planning Delegated Sub-Committee | Chair, Vice-Chair plus 1 opposition member from Planning Committee |
| Planning Enforcement Action Sub-Committee | Chair, Vice-Chair plus 1 opposition member from Planning Committee |
| Regulatory and Appeals Committee | 14 councillors |
| Regulatory and Appeals Sub-Committee(s) | 3 councillors from Regulatory and Appeals Committee (to include Chair or Vice-Chair where practicable) |
| Licensing Committee | 14 councillors |
| Licensing Sub-Committee | 3 councillors (including whenever possible the Chair or Vice-Chair) |

5.4 Any member of the Council may be appointed to these Committees (including Cabinet members).

- 5.5 The Council may co-opt others to be members (who are not otherwise disqualified) as non-voting members.
- 5.6 Political balance requirements apply.

Licensing Functions

- 5.7 Licensing Committee is also established to exercise the non-executive functions of licensing under the Licensing Act 2003 and Gambling Act 2005. See Part 3.5A for special provisions about that Committee and its functions.

Terms of Reference and Delegations

- 5.8 The following sets out the terms of reference and delegations of the non-executive committees:
- N.B. Table 3.3 contains a consolidated table of delegations for local choice functions and non-executive functions.

| A. CONSTITUTIONAL COMMITTEE | |
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| Terms of Reference | |
| 1. | To deal with all non-executive functions of the Council that are not reserved to full Council (either by law or by this Constitution) and which have not been delegated to Planning Committee, Regulatory and Appeals Committee or another committee or joint committee of the Council. |
| 2. | To be the guardian of the Council’s constitution (including elections, parish councils, byelaws, standing orders, and financial regulations). |
| 3. | To deal with strategic human resource issues and the appointment of staff not delegated to officers. |
| Delegations | |
| 4. | To exercise the non-executive functions listed in the first column of Table 3.2 by reference to the statutory provision in the second where “Const” appears in the third column in relation to that function. |
| 5. | To exercise the local choice functions designated as non-executive functions listed in the first column of Table 3.1 where “Const” appears in the third column in relation to that function. |
| 6. | To make recommendations to full Council on the exercise of the non-executive function listed in the first column of Table 3.2 by reference to the statutory provision in the second where “Council/Const” appears in the third column in relation to that function. |
| 7. | To make recommendations to full Council on the exercise of the local choice functions designated as non-executive function listed in the first column of Table 3.1 where “Council/Const” appears in the third column in relation to that function. |
| 8. | To consider and approve the Council’s annual statement of accounts and statement of internal control under the Audit and Account Regulations 2003. |

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| <ol style="list-style-type: none"> 9. To approve revisions to the Local Code of Corporate Governance as required. 10. (a) To appoint Authority Governors where there is more than one suitable applicant for a vacancy or where the Executive Director of Children's Services (or an Authorised Officer appointed by him) considers there may be some grounds for refusing an applicant, either because the criteria may not be met or the application has not been properly made or for any other reason. <li style="padding-left: 20px;">(b) To review the criteria or application process for Authority Governors. <li style="padding-left: 20px;">(c) To review a determination by the Executive Director of Children's Services (or an Authorised Officer appointed by him) that any volunteer for an Education Appeals Panel is not suitable for appointment to, or retention on, the lists of members from whom Panel Members are drawn if such a review is requested by the volunteer. |
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| A.1. CONSTITUTIONAL DELEGATED SUB-COMMITTEE |
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| Delegations |
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| <ol style="list-style-type: none"> 1. To deal with urgent matters within the delegations of the Constitutional Committee between meetings. |
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| A.2. CHIEF EXECUTIVE'S APPRAISAL PANEL |
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| Delegations |
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| <ol style="list-style-type: none"> 1. To appraise the Chief Executive; 2. To review the Chief Executive's salary point at least annually and to decide, taking into account the level of performance achieved by the post-holder, on progression within the approved range; and 3. To set targets for the forthcoming year. |
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N.B. Constitutional Committee established this Panel as a sub-committee on 16 April 2003

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| B. PLANNING COMMITTEE |
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| Terms of Reference |
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| <ol style="list-style-type: none"> 1. The Council's planning functions in so far as they are non-executive functions. |
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| Delegations |
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| <ol style="list-style-type: none"> 2. To exercise the non-executive function listed in the first column of Table 3.2 by reference to the statutory provision in the second where "P" appears in the third column in relation to that function. 3. To exercise the local choice functions designated as non-executive functions |
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listed in the first column of Table 3.1 where “P” appears in the third column in relation to that function.

N.B. Planning Committee formerly dealt with Building Control Matters. These are now executive functions and fall within Executive’s responsibility if not exercised by a Delegated Officer.

B.1. PLANNING DELEGATED SUB-COMMITTEE

Delegations

1. To deal with urgent matters within the delegations of the Planning Committee between meetings.

B.2. PLANNING ENFORCEMENT ACTION SUB-COMMITTEE

Delegations

1. To deal with enforcement matters within the delegations of the Planning Committee.

NB C is subject to review

C. REGULATORY AND APPEALS COMMITTEE

Terms of Reference

1. The Council’s licensing and regulatory functions in so far as they are non-executive functions and except (i) those licensing functions defined in the Licensing Act 2003 and Gambling Act 2005 (for which see Part 3.5A) and (ii) the licensing of sexual entertainment venues.
- 2A. Appeals against decisions of the Chief Executive of Your Homes Newcastle which he or she considers should be determined by the Committee e.g. because the case involves:-
 - unusual circumstances; or
 - raises points of principle or policy which are not covered by existing guidelines; or
 - otherwise involves important or significant issues.
- B. Reviews of any decision to seek possession of a dwelling let under an Introductory Tenancy where the reason for the decision is not based solely on rent arrears.
- C. Reviews of any decision to seek possession of a dwelling based on the Absolute Ground for possession introduced by section 84A of the Housing Act 1985.
- 3A. All aspects of the Local Government Finance Acts 1988 and 1992 in so far as they relate to Council Tax and non-domestic rates.
- B. Issues connected with the following: -

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| <ul style="list-style-type: none"> 1.1. Applications for additional Council tax rebate (Council Tax Benefits Regulations 1992) 1.2. Determinations of entitlement to charitable relief in respect of non-domestic rates (Sections 43 and 45 of the Local Government Finance Act 1988). 1.3. Applications for Discretionary Relief of Rates (Section 47 of the Local Government Finance Act 1988) 1.4. Applications for Reduction or Remission of Rates (Section 49, Local Government Finance Act 1988) 1.5. To approve rebate for a period before the date on which a claim is, or is treated as, made in circumstances where there is good cause for failure to make the claim at an earlier date (Regulation 60(18) Council Tax Benefit (General) Regulations 1992) 4A. Corporate disputes (at final stage of procedure for individual grievances or collective disputes as part of joint panel). B. Disciplinary appeals (final stage only). 5A. To consider any objections or representations received in respect of a proposed traffic regulation decision and to make appropriate recommendations to the decision maker in light of those objections or representations. B. Where there is a public right to object to a proposed traffic regulation decision, any objections received will normally be reported to the Committee for its consideration unless there are exceptional circumstances which in the decision maker's opinion, after consultation with the Chair of the Committee, make it unreasonable or impracticable to report them to the Committee prior to a decision being made. Where there is no right to object to a proposed traffic regulation decision, but nevertheless representations are received in respect of it, it will be for the judgement of the decision maker as to whether those representations are reported to the Committee. It is not anticipated that any representations about temporary traffic regulation orders will be reported to the Committee. C. "Traffic regulation decisions" include decisions made under the Road Traffic Regulation Act 1984 and any associated decisions (e.g. regarding road humps under the Highways Act 1980). 6. To deal with all other appeals and/or consider objections/representations in respect of decisions made or proposed to be made by the Council where a Delegated Officer decides to refer the matter to the Committee. e.g. Blue Badges |
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| <p>Delegations</p> <ul style="list-style-type: none"> 7. To exercise the non-executive function listed in the first column of Table 3.2 |
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by reference to the statutory provision in the second where “R” appears in the third column in relation to that function.

8. To exercise the local choice functions designated as non-executive functions listed in the first column of Table 3.1 where “R” appears in the third column in relation to that function.

N.B. This Committee will meet as an advisory panel when it is dealing with matters under 5A, B or C above. Because it will be dealing with executive functions, it will be making recommendations to the relevant Delegated Officer.

C.1. REGULATORY AND APPEALS SUB-COMMITTEE(S)

Delegations

To deal with all matters within the delegations of the Regulatory and Appeals Committee except:

1. where the Regulatory and Appeals Committee directs that any particular matter shall be referred to it;
2. where a Regulatory and Appeals Sub-Committee decides to refer any particular matter to the Regulatory and Appeals Committee
3. where a Regulatory and Appeals Sub-Committee is unable to discharge any function referred to it because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it, the Sub-Committee must refer the matter either to the Regulatory and Appeals Committee or to another Regulatory and Appeals Sub-Committee which must discharge that function; and
4. where the Director of Regulatory Services and Public Protection considers that any particular matter should be dealt with by the Regulatory and Appeals Committee instead of a Regulatory and Appeals Sub-Committee.

Note:

- (1) The Service Manager Democratic Services, after consultation with the Chair or (in his/her absence) the Vice Chair, shall be responsible for constituting and convening such number of Sub-Committees as are required to deal with necessary business. More than one Sub-Committee may be established at any time.
- (2) A Sub-Committee shall comprise three members of the Regulatory and Appeals Committee and, where practicable, shall include the Chair or the Vice Chair. The members other than the Chair or Vice Chair shall be selected by the Service Manager Democratic Services by rotation.

EFFECT OF COMMITTEE DELEGATIONS FOR NON-EXECUTIVE FUNCTIONS

5.9 The following provisions regulate the operation of non-executive functions by committees of the Council:

COMMITTEE DELEGATION RULES

Delegation to Committees

1. Where the Council has delegated functions to Committees and Sub-Committees:
 - 1.1. This includes full power to act under all statutory provisions and the provisions of all instruments made under statutory provisions (including those which may be enacted or made in the future) which relate to or are incidental, conducive or facilitative to the exercise of the delegated functions.
 - 1.2. This also includes full power to do anything which is calculated to facilitate, or is conducive or incidental to the exercise of the delegated functions.

Further Committee Delegations

2. Provided that it is satisfied that financial provision exists and that the work cannot be reasonably carried out by itself:-
 - 2.1. A Committee may set up a Sub-Committee and delegate any of its delegated functions to it;
 - 2.2. A Committee or Sub-Committee may set up a Group or Forum and decide its terms of reference.
 - 2.3. Where financial provision needs to be made, Council approval shall be required.

Further Officer Delegations

3. A Committee or a Sub-Committee may delegate any of its delegated functions to an officer or officers of the Council.

Removal of Delegated Functions

4. Notwithstanding a delegation of the Council's functions, a body listed in column (A) below may direct a body listed in column (B) below not to exercise a delegated function but instead may exercise the delegated function itself provided that the matter has not been finally dealt with and/or has not had legal effect: -

| <u>(A)</u> | <u>(B)</u> |
|------------|---|
| Council | Committee, Sub-Committee, officer or officers |
| Committee | Sub-Committee, officer or officers |

Sub-Committee Officer or officers.

Restrictions on the Exercise of Delegations

5. The exercise of the delegated functions shall be subject to:-
 - 5.1. All legal provisions, including:-
 - 5.1.1. Local Government Act 1974, section 31A (Consideration of certain Ombudsman reports);
 - 5.1.2. Local Government Finance Act 1988, sections 115 and 139 (Reports of the Chief Finance Officer and certain functions relating to non-domestic rating);
 - 5.1.3. Local Government and Housing Act 1989, sections 4(5) and 5(5) (Reports of the Head of Paid Service and the Monitoring Officer);
 - 5.1.4. Local Government Finance Act 1992, section 67 (Certain functions relating to council tax);
 - 5.2. The Council's Standing Orders (Council Procedure Rules (Part 4A)); and
 - 5.3. The Council's Financial Regulations (Part 4F).
 - 5.4. All other provisions of the Council's Constitution

Delegated Sub-Committees

6. Delegated Sub-Committees appointed by the Council or a committee have power to deal with any matter which has been delegated to their respective Committee which must be dealt with as a matter of urgency between meetings.

Protocols

7. The Council may adopt Protocols to guide the operation of the new governance of the City.

Interpretation

8. The expressions below shall be interpreted as follows:-
 - 8.1. "the Council" means the Council of the City of Newcastle upon Tyne;
 - 8.2. "the Council's functions" includes all the duties, powers and functions of the Council;
 - 8.3. "the delegated functions" means such of the Council's functions that have been delegated by the Council;
9. Where the Council's functions have been delegated to a body that is referred to as a Group, Forum or Panel, such body shall constitute a Committee or Sub-Committee of the Council for the purposes of local government law notwithstanding its title.

10. A purposive approach shall be taken in interpreting the delegations. In particular:-
 - 10.1. To give effect to the Council's intention that all functions shall be delegated to a Committee, except where reserved by law to the Council; and
 - 10.2. To avoid duplication in decision making.
11. In the event of there being any doubt as to the interpretation of the delegations, the issue shall be referred to the Monitoring Officer or the Deputy Monitoring Officer whose decision shall be final.

Validity

12. The validity of a decision shall not be questioned on the grounds: -
 - 12.1. that it ought to have been made by the Council or a Committee instead of another Committee or Sub-Committee or *vice versa* whether because the issue is or is not of corporate and/or strategic significance or for any other reason;
 - 12.2. that it ought to have been made by a different Committee or Sub-Committee because the matter falls within the delegations of that other Committee or Sub-Committee as well as the delegations of the Committee or Sub-Committee which made the decision;
 - 12.3. that it ought not to have been made by a Delegated Sub-Committee because the matter was not urgent or for any other reason;
13. The validity of a decision shall not be questioned on the grounds that the terms of an agreed protocol have not been followed.

STANDARDS COMMITTEE

5.10 The Council has also appointed a Standards Committee under Article 9 of this Constitution. Details are included here for information purposes:-

D1. STANDARDS COMMITTEE

Terms of Reference

1. Promoting and maintaining high standards of conduct by councillors and co-opted members;
2. Assisting the councillors and co-opted members to observe the Members' Code of Conduct;
3. Advising the Council on the adoption or revision of the Members' Code of Conduct;
4. Monitoring the operation of the Members' Code of Conduct;

5. Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
6. Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct so far as not delegated to the Monitoring Officer;
7. To assist and advise parish councils in the city if requested and as appropriate in relation to the discharge of functions 1-6 above in respect of their parish councillors;
8. Dealing with written allegations that a councillor or co-opted member (or former councillor or co-opted member) of the Council or a parish councillor or a former parish councillor in the City has failed, or may have failed, to comply with the Members' Code of Conduct.
9. Dealing with complaints that a councillor or co-opted member of the Council has failed, or may have failed, to comply with one of the Council's local protocols.
10. Promoting and maintaining high standards of conduct by officers;
11. Assisting officers to observe the Code of Conduct for Employees;
12. Advising the Council on the adoption or revision of the Code of Conduct for Employees.
13. Monitoring the operation of the Code of Conduct for Employees;
14. Reviewing and revising the levels of allowances and expenses for the Independent Persons;
15. Approving a version for publication of the arrangements for dealing with complaints against members and revising and amending such documentation from time to time as it thinks fit;
16. Deciding what actions to take in respect of a member who is found on a hearing to have failed to comply with the code of conduct, including:
 - (a) Issuing a formal censure.
 - (b) Recommending to Council, or to the Parish Council, the issue of a formal censure by the Council or by the Parish Council.
 - (c) Publishing its findings in respect of the Member's conduct.
 - (d) Reporting its findings to Council, or to the Parish Council, for information.
 - (e) Recommending to the Council, or to the relevant Parish Council, that the Member be removed from any or all Committees or Sub-Committees (subject to the approval of the member's Group if applicable).
 - (f) Recommending to the Council, or to the Parish Council, that the Member be removed from being the chair or vice chair of any Committees or Sub-Committees.
 - (g) Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio

responsibilities.

- (h) Instructing the Monitoring Officer to, or recommending that the Parish Council, arrange training for the Member.
- (i) Recommending to the Council, or to the Parish Council, that the Member be removed, from one or more outside appointments to which he/she has been appointed or nominated by the Council or by the Parish Council.

N.B. There are special rules about membership (see Article 9)

5.11 The Standards Committee has appointed the following Sub-Committee to help it discharge its functions:

D.1. THE STANDARDS (URGENT DISPENSATIONS) SUB-COMMITTEE

Terms of Reference

- 1. To deal with urgent applications for dispensations from the declaration of interest requirements.

Membership

Normally 3 members of the Standards Committee - 1 independent member (the Chair and independent joint vice chair to alternate), plus 2 members of the Council (one from each of the political groups). Selection on a rotation basis by the Service Manager Democratic Services.

3.5A Licensing Functions and the Late Night Levy

Licensing Act 2003, Gambling Act 2005, and Police Reform and Social Responsibility Act 2011

Introduction

- 5A This Part sets out how the Council will exercise its Licensing Functions under the Licensing Act 2003, the Gambling Act 2005 and its functions in relation to the Late Night Levy under Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. Licensing Functions are those functions defined in the Licensing Act 2003 for the regulation of the sale of alcohol, supply of alcohol by a club, regulated entertainment and late night refreshment, Licensing functions under the Gambling Act 2005 include the licensing of premises for gambling and the granting of certain permissions.

Statement of Licensing Policy

- 5A.1 Cabinet will be responsible for preparing the Statement of Licensing Policy for submission to Council for approval. A Cabinet Member will be responsible for overseeing the preparation as part of his/her portfolio.
- 5A.2 The Statement will be prepared in accordance with the Licensing Act 2003, regulations made under the Act and guidance issued by the Secretary of State.
- 5A.3 The Budget and Policy Framework Procedure Rules (Part 4C) do not apply to the Statement.
- 5A.4 Council must agree the Statement and any revisions to the Statement.

Statement of Gambling Policy

- 5A.5 Cabinet will be responsible for preparing the Gambling Policy for submission to Council for approval. A Cabinet Member will be responsible for overseeing the preparation as part of his/her portfolio.
- 5A.6 The Gambling Policy will be prepared in accordance with the Gambling Act 2005, regulations made under the Act and guidance issued by the Gambling Commission.
- 5A.7 The Budget and Policy Framework Procedure Rules (Part 4C) do not apply to the Policy.
- 5A.8 Council must agree the Policy and any Revisions to the Policy.

The Late Night Levy

5A.8A Council is responsible for deciding whether the late night levy requirement is to apply in the City, the details of the levy, and any amendments to the late night levy requirement in accordance with sections 125, 132 and 133 of the Police Reform and Social Responsibility Act 2011, on the recommendation of Cabinet.

5A.8B A Cabinet member will be responsible for overseeing the late night levy as part of his/her portfolio.

Early Morning Alcohol Restriction Orders

5A.8C Council is responsible for making, and varying or revoking an early morning alcohol restriction order under section 172A of the Licensing Act 2003, on the recommendation of Licensing Committee or a Licensing Sub-Committee.

Licensing Committee

5A.9 The Council will establish a Licensing Committee comprising 12 members of the Council.

5A.10 Statutory political balance rules do not apply to membership of the Licensing Committee and any Sub-Committee.

5A.11 The Council shall appoint the chair and vice-chair of the Licensing Committee and may appoint additional vice-chairs from time to time.

5A.12 The Licensing Committee shall exercise all the Council's licensing functions except -

- (1) the functions in relation to the Statement of Licensing Policy which are reserved to Council,
- (2) the functions in relation to the Gambling Policy which are reserved to Council; and
- (3) where the Licensing Committee is unable to discharge any function delegated to it because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it, the committee must refer the matter back to Council and the Council must discharge that function.

5A.12A In addition to its above licensing functions (as a statutory Licensing Committee under the 2003 and 2005 Acts) the Licensing Committee shall also exercise all the Council's functions relating to the licensing of sexual entertainment venues in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3.

- 5A.12B The Licensing Committee shall also be responsible for dealing with appeals by persons who have been refused membership of the Newcastle Best Practice Scheme or whose membership has been cancelled.

Licensing Sub-Committee

- 5A.13 Licensing Committee hereby establishes Licensing Sub-Committees comprising three members of the Licensing Committee.
- 5A.14 The Service Manager Democratic Services, after consultation with the chair or (in his/her absence) vice-chair, shall be responsible for constituting and convening such number of Sub-Committees as are required to deal with necessary business. More than one Sub-Committee may be established at any time.
- 5A.15 A Sub-Committee shall comprise three members (cross party where possible) of the Licensing Committee and, whenever possible, shall include the Chair or the vice-chair. The members other than the chair or vice-chair shall be selected by the Service Manager Democratic Services by rotation.
- 5A.16 A Licensing Sub-Committee shall have power to exercise all the functions of the Licensing Committee except –
- (1) where the Licensing Committee directs that any particular matter shall be referred to it;
 - (2) where a Licensing Sub-Committee decides to refer any particular matter to the Licensing Committee;
 - (3) where a Licensing Sub-Committee is unable to discharge any function referred to it because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it, the Sub-Committee must refer the matter either to the Licensing Committee or to another Licensing Sub-Committee which must discharge that function; and
 - (4) where the Director of Regulatory Services and Public Protection considers that any particular matter should be dealt with by the Licensing Committee instead of a Licensing Sub-Committee.

Director of Regulatory Services and Public Protection

- 5A.17 The Licensing Committee delegates to the Director of Regulatory Services and Public Protection power to exercise all the functions of the Licensing Committee (including those delegated to a Licensing Sub-Committee) **except** -

- (1) those functions identified in section 10(4) of the Licensing Act 2003;

Note: Section 10(4) refers to -

(a) any function under-

- (i) section 18(3) (determination of application for premises licence where representations have been made),
- (ii) section 31(3) (determination of application for provisional statement where representations have been made),
- (iii) section 35(3) (determination of application for variation of premises licence where representations have been made),
- (iv) section 39(3) (determination of application to vary designated premises supervisor following police objection),
- (v) section 44(5) (determination of application for transfer of premises licence following police objection),
- (vi) section 48(3) (consideration of police objection made to interim authority notice),
- (vii) section 72(3) (determination of application for club premises certificate where representations have been made),
- (viii) section 85(3) (determination of application to vary club premises certificate where representations have been made),
- (ix) section 105(2) (decision to give counter notice following objection to a standard temporary event notice),
- (x) section 120(7) (determination of application for grant of personal licence following police objection),
- (xi) section 121(6) (determination of application for renewal of personal licence following police objection), or
- (xii) section 124(4) (revocation of licence where convictions come to light after grant etc.),

(b) any function under section 52(2) or (3) (determination of application for review of premises licence) in a case where relevant representations (within the meaning of section 52(7)) have been made,

(c) any function under section 88(2) or (3) (determination of application for review of club premises certificate) in a case where relevant representations (within the meaning of section 88(7)) have been made, or

(d) any function under section 167(5) (review following closure order), in a case where relevant representations (within the meaning of section 167(9)) have been made.

- (2) those functions identified in S154 (4) Gambling Act 2005, namely:-
 - a) determination of an application for a premises licence in respect of which representations have been made under section 161 (and not withdrawn),
 - b) determination of an application for the variation of a premises licence in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn),
 - c) determination of an application for transfer following representations by the Commission,
 - d) determination of an application for a provisional statement under section 204 in respect of which representations have been made under S161 as applied by section 204 (and not withdrawn)
 - e) a review of a premises licence under section 201
- (3) Other Gambling Act Functions, namely:-
 - a) determination of an application for club gaming/club machine permits under Schedule 12 where objections have been received and not withdrawn,
 - b) determination of an application to cancel club gaming/club machine permits under paragraph 21 of Schedule 12,
 - c) decision to give a counter notice in relation to a temporary use notice under S224
- (4) where the Licensing Committee or a Licensing Sub-Committee directs that any particular matter shall be referred to it; and
- (5) where the Director of Regulatory Services and Public Protection considers that any particular matter should be dealt with by the Licensing Committee or a Licensing Sub-Committee instead of by him/her.

5A.18 Subject to section 10(4) of the Licensing Act 2003, and S154(4) of the Gambling Act 2005 the Licensing Committee or (subject to any direction by the Licensing Committee) a Licensing Sub-Committee

may arrange for the discharge of its functions by the Director of Regulatory Services and Public Protection.

- 5A.19 Where a function has been delegated to the Director of Regulatory Services and Public Protection, the decision shall be taken in the name of (but not necessarily personally by) the Director of Regulatory Services and Public Protection in accordance with arrangements made from time to time by him/her for this purpose.
- 5A.20 The Director of Regulatory Services and Public Protection shall be a “Proper Officer” of the Council for the purpose of the Council’s Licensing Functions in addition to any other proper officer designated under this Constitution.
- 5A.21 The “Proper Officer” function of the Director of Regulatory Services and Public Protection shall be exercised in the name of (but not necessarily personally by) the Director of Regulatory Services and Public Protection in accordance with arrangements made from time to time by him/her for this purpose.
- 5A.22 Where the Director of Regulatory Services and Public Protection is for any reason unable to act or the post is vacant, except where Licensing Committee makes other provision, the Assistant Director of Regulatory Services and Public Protection is appointed to exercise the functions delegated to the Director of Regulatory Services and Public Protection and to act as “Proper Officer”.
- 5A.22A The Council delegates to the Director of Regulatory Services and Public Protection powers to do all things necessary to implement the late night levy within the City, including:-
- (a) Power to publish notice of the decisions in accordance with regulation 9(1)(b) of the Late Night Levy (Application and Administration) Regulations 2012;
 - (b) Power to determine whether the holders of any relevant late night authorisations fall within any permitted exemption or reduction categories and in particular whether the holders of any relevant late night authorisations who are members of any business-led best practice scheme fall within the permitted reduction category;
 - (c) Subject always to the statutory role of Licensing Committee and its Sub-Committees, to make arrangements for free applications to vary authorisations before the beginning of the first levy year and determine such applications in accordance with regulations 9(1)(c) and 9(5) of the Late Night Levy (Application and Administration) Regulations 2012;
 - (d) Power to determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the 2011 Act;

- (e) Power to publish annual notices under section 130(5) of the 2011 Act relating to anticipated expenses and the net amount of the levy payments;
- (f) Power to make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012; and
- (g) Power to determine from time to time when and for what purposes the Council will apply the non-specified proportion of the net amount of the levy payments.

Rules of Procedure

5A.23 The Licensing Committee and any Licensing Sub-Committee shall operate in accordance with regulations made under section 9(2) of the Licensing Act 2003, in relation to its functions under both that Act and the Gambling Act 2005.

5A.24 Subject to such regulations, the Licensing Committee may regulate its own procedure and that of any Sub-Committees.

5A.25 The Licensing Committee and any Sub-Committees shall operate in accordance with the other provisions of this Constitution in so far as they are consistent with the Licensing Act 2003 and the Gambling Act 2005, any regulations under those Acts, any statutory and other guidance issued under both Acts and any specific provision made by the Licensing Committee.

Other Functions of the Council

5A.26 Where a matter relates to a Licensing Function and another Function of the Council, the Licensing Function shall be dealt with in accordance with this Part and the Other Function shall be dealt with by the appropriate Committee or Delegated Officer in accordance with the provisions of this Constitution.

5A.27 Where the Other Function is dealt with by Council, it shall receive a report from the Licensing Committee, a Licensing Sub-Committee or the Director of Regulatory Services and Public Protection before discharging the function, unless the matter is urgent.

5A.28 Where the Other Function is dealt with by another Committee of the Council or Delegated Officer, the decision-makers who are respectively dealing with the Licensing Function and the Other Function shall take into account any representations made by each other before discharging their respective function, unless the matter is urgent.

NOTE

5A.29 These provisions reflect the effect of the Local Authorities (Functions and Responsibilities) (England) (Amendment)

Regulations 2013 which came into force on 1 October 2013 and so do not apply to decisions made by the Council before that date in relation to the Late Night Levy, which were made in accordance with the law then prevailing.

3.6 Scrutiny Committees

Appointment of Scrutiny committees

- 6 Scrutiny committees are appointed by the Council under Article 6 of this Constitution to carry out the overview and scrutiny function in accordance with the Scrutiny Committee Procedure Rules in Part 4E of this Constitution.
- 6.1 Details of the scrutiny committees which have been appointed are set out in Article 6 of this Charter.

3.7 - Ward Committees

General

- 7 Council under Article 10 of this Constitution has established 26 Ward Committees.

Delegations

- 7.1 They may exercise executive and non-executive functions. Council is responsible for delegating non-executive functions and Cabinet is responsible for delegating executive functions.
- 7.2 The details of their delegations are set out in this part of the constitution.

Community Planning

- 7.3 In addition to their delegated powers, ward committees have a key role in the Council's community planning structure in order to represent the views of their communities and to influence policy formulation and decision making in respect of their communities.

Decision Making

- 7.4 Decisions should be made in close consultation with partner organisations and community representatives.
- 7.5 Decisions by ward committees are open to scrutiny by Scrutiny committees. In view of the extent of their delegated powers, decisions will not currently be subject to call-in by scrutiny committees before implementation. This may change if wider delegations are given in the future.
- 7.6 The delegations of Ward Committees are set out below:

| WARD COMMITTEES | |
|--------------------------------|--|
| Non-Executive Functions | |
| None | |
| Executive Functions | |
| 1. | To promote effective community participation in the Council's decision making processes and to ensure that the Council's policies, strategies and services are communicated effectively to, and influenced by, residents in the Ward. |
| 2. | To assist the effective formulation and implementation of relevant Council policies, strategies and services, such as Decent Neighbourhoods Standards, Newcastle Future Needs Assessment, local views, needs and aspirations and offering appropriate advice and recommendations under delegation 10 below whenever considered necessary. |
| 3. | To promote and develop joint and co-ordinated working with Ward residents, key partners and other stakeholders within the Ward, including service providers and users and in particular to work with such persons and bodies in relation to any new or emerging local or national initiatives relevant to the Ward e.g. the Decent Neighbourhood Standards and local devolution. |

4. To facilitate and encourage effective and inclusive engagement between residents, partners and stakeholders within the Ward. This will aim to provide the most effective joint analysis of, and solutions to, local issues. This process will recognise the importance of taking into account, and reflecting, diverse and minority interests and views and devolution of decision making to the most appropriate local level.

To assist this process, each Ward Committee may have a standing item on its agenda for information about any planning applications or appeals or other proposed developments considered likely by officers or the Chair to have a potentially significant impact on the ward.

5. If Wards wish, to prepare and maintain (within the parameters of its other delegated powers) a specific Ward Plan to reflect the needs and priorities of the ward and how it is proposed these be addressed, having regard to the Council Plan.

The Ward Plan could initially reflect Decent Neighbourhood Standards and the Newcastle Future Needs Assessment, local intelligence and knowledge to identify and assess the needs and priorities of the Ward and seek to ensure these are adequately reflected in the Ward Plan, and if possible in the Council Plan.

6. To seek to ensure that the objectives of the Council Plan are delivered within the Ward.

7. To regularly monitor performance, assess local needs and accordingly influence service standards and priorities for service delivery in the Ward in respect of each of the following important local services (and such other functions as may be delegated to it from time to time):

- **Local street cleansing and grounds maintenance**
- Neighbourhood Parks and Open Spaces
- **Street lighting maintenance**
- **Road and pavement work**
- **Community safety**
- **Local environmental services**
- **Street Wardening**
- Local open space and equipped play provision
- Sports / Arts / Health Development schemes
- Community Buildings and assets
- Community Cohesion
- Consultation rights on educational developments (Primary School specific)
- Recycling initiatives
- Road safety
- Play and Youth services

8. To determine service standards in line with the Decent Neighbourhood Standards and service delivery priorities **in respect of the functions set out in bold type in delegation 8 above**, subject to operational and resource constraints and requirements, and subject also to compliance with overall Council policies and strategic objectives (which where necessary shall be adjudicated upon by the Cabinet. This delegated power will, subject to the prior formal agreement of the Cabinet, be extended to the other functions listed in delegation 7 above on an incremental basis following assessment of their appropriateness and operational readiness).
9. To deal with any matters remitted to it by, and to refer appropriate issues to:
 - the Cabinet (in relation to executive functions);
 - the Council's Constitutional Committee (in relation to any non-executive function);
 - a relevant scrutiny committee (in relation to any scrutiny issue);
 - any other ward committee (in relation to any inter-ward issue);
 - any relevant outside body
10. To work jointly with other Ward Committees, including exploration of potential local joint commissioning where this is considered appropriate and in the interests of Ward residents.
11. To decide on the appropriate allocation of its Ward Budget to support local projects, initiatives and research.
12. To administer and make appropriate decisions as to the use of any specific additional budgets allocated to it by the Cabinet or Council.

3.8 - Advisory Committees, including Audit Committee

General

8 Council under Article 11 of this Constitution has established Advisory Committees.

8.1 Details of the Advisory Committees are as follows:

| A | AUDIT COMMITTEE |
|----------------------------|--|
| Terms of Reference: | |
| 1. | To act as the principal advisory committee to the Council and the Cabinet to provide independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes |
| 2. | In particular, to consider and analyse the following functions in relation to audit, risk and governance issues and to advise the Council and Cabinet, and their respective Committees and officers upon such other financial matters as and when it considers it necessary: <ul style="list-style-type: none"> • To 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. • In relation to the internal audit function to oversee its independence, objectivity, performance and professionalism, support the effectiveness of the internal audit, and promote the effective use of internal audit within the assurance framework. • 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 with other organisations. • Monitor the effectiveness of the control environment, including arrangements for ensuring value for money and productivity, the robustness of mechanisms to deliver strategic objectives, particularly in a changing environment, and for managing the authority's exposure to the risks of fraud and corruption. • Consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control. • 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. • 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. |
| 3. | To liaise with, have access to and receive advice and information from other Committees, officers of the Council and the Council's external auditors and/or inspectors as is necessary to achieve the above objectives. |

| |
|---|
| <p>INFORMAL ANNUAL GOVERNANCE SUB-GROUP – TERMS OF REFERENCE</p> <ol style="list-style-type: none"> 1. To receive and review the sources of assurance which support the production of the Council’s Annual Governance Statement. 2. To review the Annual Governance Statement considering it separately to the Accounts. 3. To recommend the approval of the Annual Governance Statement. |
| <p>Membership:</p> <p>5 councillors plus 4 independent co-optees (voting) - politically balanced. (Chair to be independent co-optee).</p> |
| <p>Body/Delegated Officer to be advised:</p> <p>Full Council and its committees as appropriate, Cabinet and its committees as appropriate and Delegated Officers as appropriate</p> |

| |
|--|
| <p>B HISTORIC ENVIRONMENT ADVISORY PANEL</p> |
| <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To advise the Council on policy and strategy activity in the field of the conservation of historic buildings and areas including issues such as heritage strategy development, conservation area character statements, detailed advice and guidelines preparation and the integration of conservation into other relevant Council policies and strategies. 2. To consider ways in which amenity societies can help the Council progress and support conservation activity in the City. |
| <p>Membership:</p> <p>5 councillors plus representatives of the 5 national heritage based organisations and of 2 local groups (North of England Civic Trust and Northumberland and Newcastle Society) - politically balanced.</p> |
| <p>Body/Delegated Officer to be advised:</p> <p>Council, Planning Committee and Director of Housing, Planning and Transportation</p> |

C. CORPORATE PARENT ADVISORY COMMITTEE

Terms of Reference:

1. To develop a Group of councillors with the knowledge and expertise in issues relating to Looked After Children
2. To advocate the interests of Looked After Children within the Council and wider communities
3. To monitor the work of the Council and other related agencies in contributing towards positive outcomes for Looked After Children
4. To provide advice to decision makers in relation to Looked After Children issues.
5. To provide formal comments on all proposals and to be consulted about all policy decisions affecting Looked After Children.
6. To promote involvement by all councillors in the corporate parenting role
7. To consult with and listen to Looked after Children and to respond to their views and take into account the issues they raise when acting on their behalf.
8. To establish links with similar bodies in other Local Authorities to benchmark good practice.
9. To ensure that the Council, as the corporate parent meets the diverse needs of Looked After Children.
10. To develop and implement an annual work programme which will include:-
 - Participation where possible in the programme of member visits to children's homes and other service areas
 - Consideration of the reports of the councillors who undertake such visits
 - Consideration of regular submission of the Children in Need and Sector Specific development reports to Corporate Parent Advisory Committee
 - Consideration of regular reports on the interests of children looked after including those produced through Viewpoint
 - Discussion of matters of concern with officers, foster carers and others as considered appropriate by the Group
 - Discussion of matters of interest with Looked After Children to include regular representation of the Children in Care Council
11. To make annual reports regarding the activities of Corporate Parent Advisory Committee and work programme to (a) Cabinet (b) the Service Delivery Scrutiny Committee (c) full Council (d) Children and Young People Looked After by the Council.

Membership:

7 councillors – politically balanced. (Chair – Cabinet Member for Children's Services)

Body/Delegated Officer to be advised:

Cabinet and Executive Director of Children's Services and other chief officers

D. MANSION HOUSE TRUST ADVISORY COMMITTEE

Terms of Reference:

1. To advise the Council in its function as sole Trustee of the Mansion House Trust

Membership:

3 councillors plus Lord Mayor and 3 external advisors - politically balanced

Body/Delegated Officer to be advised:

Executive and Service Manager Democratic Services

Appeal Panels

- 8.2 See Part 3.10 in relation to Appeal Panels which also constitute Advisory Committees.

3.9 - Joint Consultative Committee

General

- 9 This forms part of the Council's Employee Relations Framework. It is consultative and not decision-making.

| A COUNCIL JOINT COMMITTEE |
|---|
| <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To consult on corporate and strategic issues affecting the workforce. 2. Forum with the Trades Unions for the discussion and establishment of matters of principle or policy relating to health, safety and welfare, corporate standards on health, safety and welfare, and cost effective strategies towards implementing legislation. 3. Advise the Council as may be appropriate on matters relating to health, safety and welfare, and in particular ensure compliance with the Health and Safety at Work etc. Act 1974, the management of Health and Safety at Work Regulations 1992 and all associated legislation. 4. Recommend guidelines for the establishment and operation of Directorate Health, Safety and Welfare Committees. 5. Monitor health and safety arrangements and performance throughout the Authority and make recommendations. 6. Consider any matters referred to it by the Cabinet or any Directorate Health, Safety and Welfare Committee. |
| <p>Membership: 4 councillors - politically balanced</p> |

3.10 Appeal and other Panels

General

- 10 The determination of an appeal against any decision made by or on behalf of the Council is a local choice function.
- 10.1 The Council has determined that this should be a non-executive function (Table 3.1, Parts 3.3 and 3.4).

Committee of the Council

- 10.2 Until May 2011, Appeal Panels were appointed to determine appeals. However, appeals are now dealt with by the Regulatory and Appeals Committee.
- 10.3 Most of the actual decisions against which appeals are made in respect of executive functions. The Council has decided that the determination of such appeals (being a local choice function) should not be an executive responsibility and can therefore be determined by Regulatory and Appeals Committee or its sub-committees.

Membership

- 10.4 Membership of Regulatory and Appeals sub-committees shall be drawn from the members of the Regulatory and Appeals Committee by the Service Manager Democratic Services. Each sub-committee shall contain 3 members except where the constitution or law provides otherwise.
- 10.5 Members are required to have received training for sub-committees dealing with housing appeals, personnel appeals and traffic regulation decisions.
- 10.6 There are no current Appeals Panels

Adoption and Fostering Panels

- 10.7 The Council must appoint at least one member of the Council to its Adoption Panel. This member must be either a member of Cabinet or a member of the scrutiny committee whose remit includes the overview and scrutiny of social services functions.
- 10.8 The Council is not obliged to apply the same criteria to any member appointments to its Fostering Panel.

3.11 Informal Groups

- 11 The Council or Cabinet may from time to time establish informal working groups to deal with particular matters.
- 11.1 They will not have decision-making powers.
- 11.2 Membership of the groups is at the discretion of the body setting them up. They may include Cabinet members, other councillors, co-optees and officers. Political balance requirements do not apply. They are not committees, sub-committees, advisory committees or advisory sub-committees of the Council.
- 11.3 The current Informal Groups are –
- Town Moor Joint Working Group
 - Voluntary Sector Liaison Group
- 11.4 Details of the membership are included in Part 8 of this Constitution.

3.12 Joint Arrangements

- 12 The Council's powers to enter into joint arrangements are set out in Article 12 of this Constitution.
- 12.1 Details are included in this part of the Constitution.
- 12.2 The precise details of the delegated functions are set out in the agreements between the appointing authorities.

| GATESHEAD NEWCASTLE PARTNERSHIP | |
|--|---------------------------------------|
| Function: To guide and oversee the economic development of Newcastle and Gateshead | |
| Membership: 6 members | Status: Advisory - any members |
| Appointed by: Council | Politically balanced? No |

| JOINT TYNE BRIDGES COMMITTEE | |
|--|---------------------------------------|
| Function: Management of the cross-Tyne bridges | |
| Membership: 4 members (4 substitutes) | Status: Advisory - any members |
| Appointed by: Council | Politically balanced? Yes |

| NORTH EAST PURCHASING ORGANISATION | |
|---|--|
| Function: Purchasing consortium | |
| Membership: 3 members | Status: Executive - any members |
| Appointed by: Council | Politically balanced? No |

| JOINT STREET LIGHTING COMMITTEE | |
|--|--|
| Function: To administer, maintain and develop the City Council and North Tyneside Council's Joint Street Lights Private Finance Initiative in accordance with an agreement between the two Councils dated 31 March 2004. | |
| Membership: 2 members (2 substitutes) | Status: Executive - any members |
| Appointed by: Council | Politically balanced? No |

| TYNE AND WEAR ARCHIVES AND MUSEUMS JOINT COMMITTEE | |
|--|---|
| Function: Management of the Council's Archives and Museums | |
| Membership: 3 members (7 substitutes) | Status: Executive - any members. |
| Appointed by: Council | Politically balanced? No but applied |

| TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE | |
|---|--|
| Function: Co-ordination of trading standards and management of the Metrology Laboratory | |
| Membership: 4 members (2 substitutes) | Status: Executive - any members |
| Appointed by: Council | Politically balanced? No |

Health Act Arrangements

12.3 The Council has entered into the following arrangements with NHS bodies under sections 75, 76, 256 and 257 National Health Service Act 2006.

| Function: A section 256 Transfer Memorandum of Agreement has been drafted but is yet to be agreed. It sets out the level of funds to be transferred from the PCT to the Council, how those funds will be deployed, and how they will benefit local services. |
|--|

3.12A Education Bodies

12A The Council is required to establish the following bodies to deal with Education matters.

12A.1 They are not Council committees but are independent bodies.

12A.2 Brief details are included in this part for information.

| EDUCATION ADMISSIONS APPEAL PANELS | |
|--|--|
| Legislation - | School Standards and Framework Act 1998, ss.94 and 95 The School Admissions (Appeals Arrangements) (England) Regulations 2012 |
| Function - | School Admission Appeals |
| Membership - A Panel comprises at least 3 persons selected by the Assistant Director Education from a pool of volunteers who have undergone training. The pool comprises two categories: lay persons; and persons with experience in education. Council members are not eligible. | |

| EDUCATION EXCLUSIONS: INDEPENDENT REVIEW PANELS | |
|--|---|
| Legislation - | Education Act 2002, as amended by the Education Act 2011 The School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012 The Education and Inspections Act 2006 The Education (Provision of Full-time Education for Excluded Pupils) (England) Regulations 2007 |
| Function - | School Exclusion Appeals |
| Membership - A Panel comprises 3 or 5 persons selected by the Assistant Director Education from a pool of volunteers who have undergone training. The pool comprises three categories: lay person (Chair); school governors; and head teachers or ex-head teachers within five years of retirement. Council members are not eligible. | |

| SCHOOLS FORUM | | | |
|--|--|--|--|
| Legislation - | School Standards and Framework Act 1998, s.47A, s 138(7) Schools Forums (England) Regulations 2010 | | |
| Function - | Advising on the schools budget | | |
| <p>Membership - 21 Members:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>School members:</u> Primary schools - 6 Secondary schools - 3 Academy schools - 3 Special schools - 1 Nursery schools - 1 <u>Governor reps:</u> Primary schools - 1 Secondary schools - 1 </td> <td style="width: 50%; vertical-align: top;"> <u>Non-School Members:</u> Diocesan Board - 1 Trade Union - 1 * Provider of 16 to 19 Education - 1 Private, Voluntary and Independent Early Years - 2 </td> </tr> </table> <p>wef from Oct 2012 Educational Funding Agency has an observer status</p> <p>* Due to take effect from 1 January 2014</p> | | <u>School members:</u> Primary schools - 6 Secondary schools - 3 Academy schools - 3 Special schools - 1 Nursery schools - 1 <u>Governor reps:</u> Primary schools - 1 Secondary schools - 1 | <u>Non-School Members:</u> Diocesan Board - 1 Trade Union - 1 * Provider of 16 to 19 Education - 1 Private, Voluntary and Independent Early Years - 2 |
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