



THE NEWCASTLE CHARTER

Part 1 - Legal Background and Organisation and Governance Structure

PART 1: NEWCASTLE CITY COUNCIL - LEGAL BACKGROUND AND ORGANISATION AND GOVERNANCE STRUCTURE

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1.1 Legal Background

Since 1999, Newcastle City Council has been operating under an Executive style of political management in response to the Government's White Paper *Local Leadership, Local Choice* and the then Local Government Bill.

Following the enactment of the Local Government Act 2000, the Council appointed a Constitutional Forum to oversee public consultation on the three forms of executive government available under the Act: -

- Leader and Cabinet
- Elected Mayor and Cabinet
- Elected Mayor and Council Manager

The Constitutional Forum published its report in September 2001.

At a special meeting of the City Council on 12 September 2001, the Council resolved to adopt the Leader and Cabinet form, with effect from the Annual Meeting in May 2002.

Changes to the 2000 Act made by the Local Government and Public Involvement in Health Act 2007 required the Council to adopt one of two forms of executive arrangements to take effect from May 2010:

- Leader and Cabinet
- Elected Mayor and Cabinet

Following public consultation the Council at a special meeting on 4 November 2009 resolved to adopt the Leader and Cabinet form, with effect from 10 May 2010.

The Newcastle Charter

The Newcastle Charter is the constitution of the City Council.

The Charter sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Charter comprises 17 Articles which set out the basic rules governing the Council's business together with more detailed procedures and codes of practice, rules and protocols.

The Legal Status of Newcastle City Council

The City Council was established by the Local Government Act 1972 from the 1 April 1974. It comprised the areas of: -

- The County Borough of the City and County of Newcastle upon Tyne; and
- From the County of Northumberland, the areas of:-
 - Gosforth Urban District Council
 - Newburn Urban District Council
 - In the Castle Ward Rural District, the parishes of:-
 - Brunswick
 - Dinnington
 - Hazlerigg
 - North Gosforth; and
 - Woolsington; and
 - The Moot Hall and Precincts, Newcastle upon Tyne.

The Act established the **metropolitan district of Newcastle upon Tyne** and a Council to be known as **The Newcastle upon Tyne District Council**.

In the same year, the Queen on the advice of the Privy Council granted two charters to the metropolitan district of Newcastle upon Tyne: -

- Firstly, a charter that conferred on the district, the status of a **Borough** and entitled the chairman and vice-chairman of the Council to the style of **Mayor** and **Deputy Mayor**.
- Secondly, a charter that conferred on the district the status of a **City** and entitled the chairman and the vice-chairman to the style of **Lord Mayor** and **Deputy Lord Mayor**.

As a result of this, the City Council's legal name is: -

The Council of the City of Newcastle upon Tyne

The charters also preserved the rights to appoint local officers of dignity that were exercisable by the Lord Mayor Aldermen and Citizens of the City and County of Newcastle upon Tyne and the privileges and rights of the citizens.

- One such right was to appoint a Sheriff for the City. In 1996, the City Council resolved to exercise that right again in recognition of the forthcoming 600th anniversary of the City first being granted the right to appoint its own sheriff. By convention the Deputy Lord Mayor is also appointed to be Sheriff.
- The City Council also has the right to appoint an Honorary Recorder for the City. By convention, the Senior Circuit Judge at Newcastle Crown Court is appointed.

The Local Government Act 1972 also gives the City Council the right to appoint Honorary Aldermen and Honorary Freemen of the City.

- The title of honorary **Alderman** can be conferred on persons who have rendered eminent services to the City Council as past members.

- The title of honorary **Freeman** can be conferred on persons of distinction and persons who have rendered eminent services to the City.

County of Tyne and Wear

The Local Government Act 1972 also established the **Metropolitan County of Tyne and Wear** and **The Tyne and Wear County Council**.

The Local Government Act 1985 abolished the Tyne and Wear County Council from 1 April 1986. However the **Tyne and Wear Metropolitan County** still exists as an administrative area for various legal and administrative purposes, including: -

- The Crown appoints a Lord Lieutenant and High Sheriff for Tyne and Wear;
- Joint Authorities have county-wide functions, including:-
 - The Tyne and Wear Integrated Transport Authority; and
 - The Tyne and Wear Fire and Rescue Authority.
- There are also a number of joint committees and bodies that the five Tyne and Wear Districts have set up to co-ordinate functions through the county.

Parish Councils

There are six Parish Councils in the City: -

- Blakelaw and North Fenham (established in 2001) – now known as Blakelaw and North Fenham Community Council
- Brunswick
- Dinnington
- Hazlerigg
- North Gosforth; and
- Woolsington

1.2 Wider Context

The diagram at **Figure 1** shows the wider context of the governance of the city.

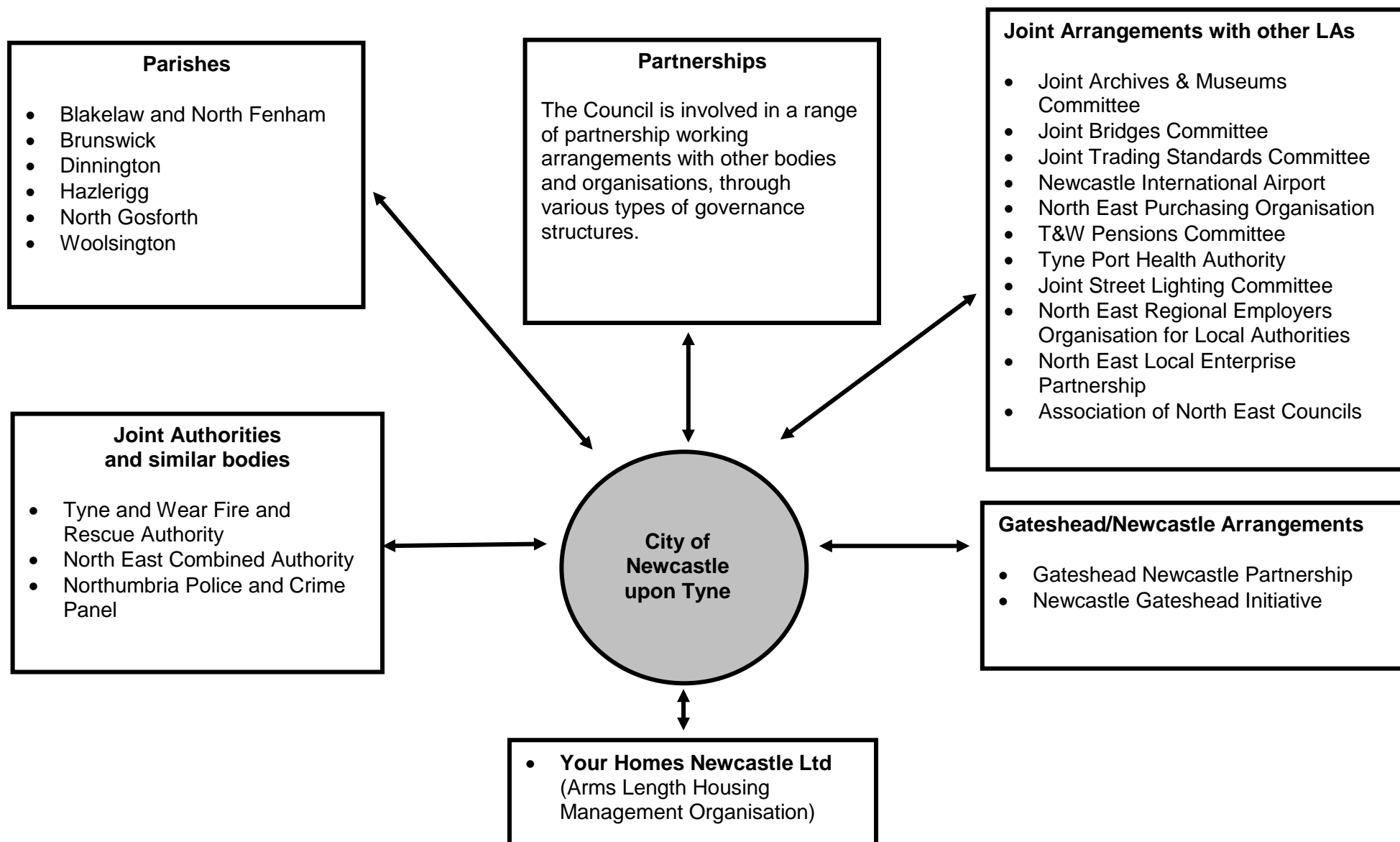
Gateshead and Newcastle Partnership

The Council also works in partnership with Gateshead Council to deliver various partnership initiatives and these are also shown in Figure 1.

Joint Arrangements

The Council has joint working arrangements with various local bodies and these too are shown in Figure 1.

Figure 1: The Wider Context of the Governance of the City



1.3 Political Structure

The Council

The Council is composed of 78 councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Council currently operates a Leader and Cabinet (Executive) structure. Some councillors have specific responsibility for an area of the Council's activities (a portfolio) and these councillors come together and meet as the Cabinet. The Cabinet has authority to make important decisions about services and the implementation of Council policies. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year.

The Council meeting is the public forum for debating key issues facing the city. It appoints the Executive Leader and holds him/her to account, as well as members of the Cabinet (who are appointed by the Leader). The Council also appoints the regulatory and non-executive committees of the Council, advisory committees, ward committees and overview and scrutiny committees. Overview and scrutiny committees assist in policy development and scrutinise decisions made by the Cabinet and other bodies.

Citizens may present petitions and deputations to the Council meeting. They may also ask questions at public question time.

The Cabinet (Executive)

The Leader appoints a Cabinet, consisting of up to nine other councillors, as well as him/herself. The Cabinet is the part of the Council which is responsible for most strategic decisions. Executive decisions can be made by the Leader or any of the following persons or bodies to whom the Leader delegates power to make executive decisions: the full Cabinet; a committee of the Cabinet; an individual Cabinet member; or a Delegated Officer.

In May 2011, the Leader delegated the power to make such decisions to any individual Cabinet member.

When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. (In this Charter, the "Forward Plan" means the "Notice of proposed key decisions and notice of private meetings of Cabinet and Procurement Committee" referred to in Part 4B). The Forward Plan is widely available so that other councillors and the public are aware of the major matters that will be considered in the future so that they can express their views to the Cabinet members.

When the Cabinet meets to take decisions or to discuss major decisions which are to be made in the future, the meetings will be open for the public to attend except where personal or confidential matters are being discussed.

The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this

must be referred to the Council as a whole to decide.

Non-Executive Committees

Some decisions such as those about planning, licensing, employment, elections and the constitution cannot be made by the Cabinet. Separate committees have been set up to either make these decisions or to make recommendations to the City Council.

Advisory Committees

Advisory Committees have been set up to advise the Council, Cabinet and officers before they make decisions.

Ward Committees

Ward Committees have been set up to act as a forum for the debate of locally based issues and to make local decisions.

Overview and Scrutiny Committees

There are two scrutiny committees - Overview and Scrutiny Committee and Health Scrutiny Committee - (referred to in this Charter as “scrutiny committees”) who support the work of the Cabinet and the Council as a whole. They make reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.

Scrutiny committees also monitor the decisions of the Cabinet and others.

They can ‘call-in’ some decisions which have been made by the Cabinet or a Cabinet member (or an officer) but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision-maker reconsider the decision.

A diagram showing the committee structure can be seen at **Figure 2**.

Figure 2: The Governance of the City Council: the Committee Structure

CITY COUNCIL				
EXECUTIVE DOMAIN	SHARED DOMAIN			NON-EXECUTIVE DOMAIN
EXECUTIVE BODIES	AREA COMMITTEES	ADVISORY COMMITTEES	JOINT COMMITTEES	NON-EXECUTIVE COMMITTEES
Cabinet Cabinet Delegated Committee Procurement Committee	Ward Committees (26)	Audit Committee Corporate Parent Advisory Committee Mansion House Trust Advisory Committee Wellbeing for Life Board Historic Environment Advisory Panel	Joint Tyne Bridges North East Purchasing Organisation T&W Joint Archives and Museums (TWA&M) T&W Trading Standards Newcastle International Airport – LA7 Joint Street Lighting North East Joint Health Overview and Scrutiny Committee T & W Pensions	Standards Committee Constitutional Committee* Chief Executive's Appraisal Panel Planning Committee* Planning Enforcement Action Sub-Committee Licensing Committee Regulatory and Appeals Committee *These Committees also have a Delegated Sub-Committee
OUTSIDE THE DOMAINS		JOINT AUTHORITIES		
Informal Groups (Not part of the Governance of the Council)	Town Moor Joint Working Group Voluntary Sector Liaison Group	T&W Fire and Rescue Authority		
	JOINT CONSULTATIVE COMMITTEES			
	Council Joint Committee Directorate Joint Committees			
				SCRUTINY COMMITTEES
				Overview and Scrutiny Committee Health Scrutiny Committee

1.4 Officer Structure

The Council has people working for it (called ‘officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Its Head of Service is the Chief Executive. Some senior officers called Delegated Officers have been given power to make decisions on behalf of the Council. Some officers also have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the council. This can be found in **Part 5 Codes and Protocols** of this Charter

(a) Directorates

Council officers are divided into five Directorates:

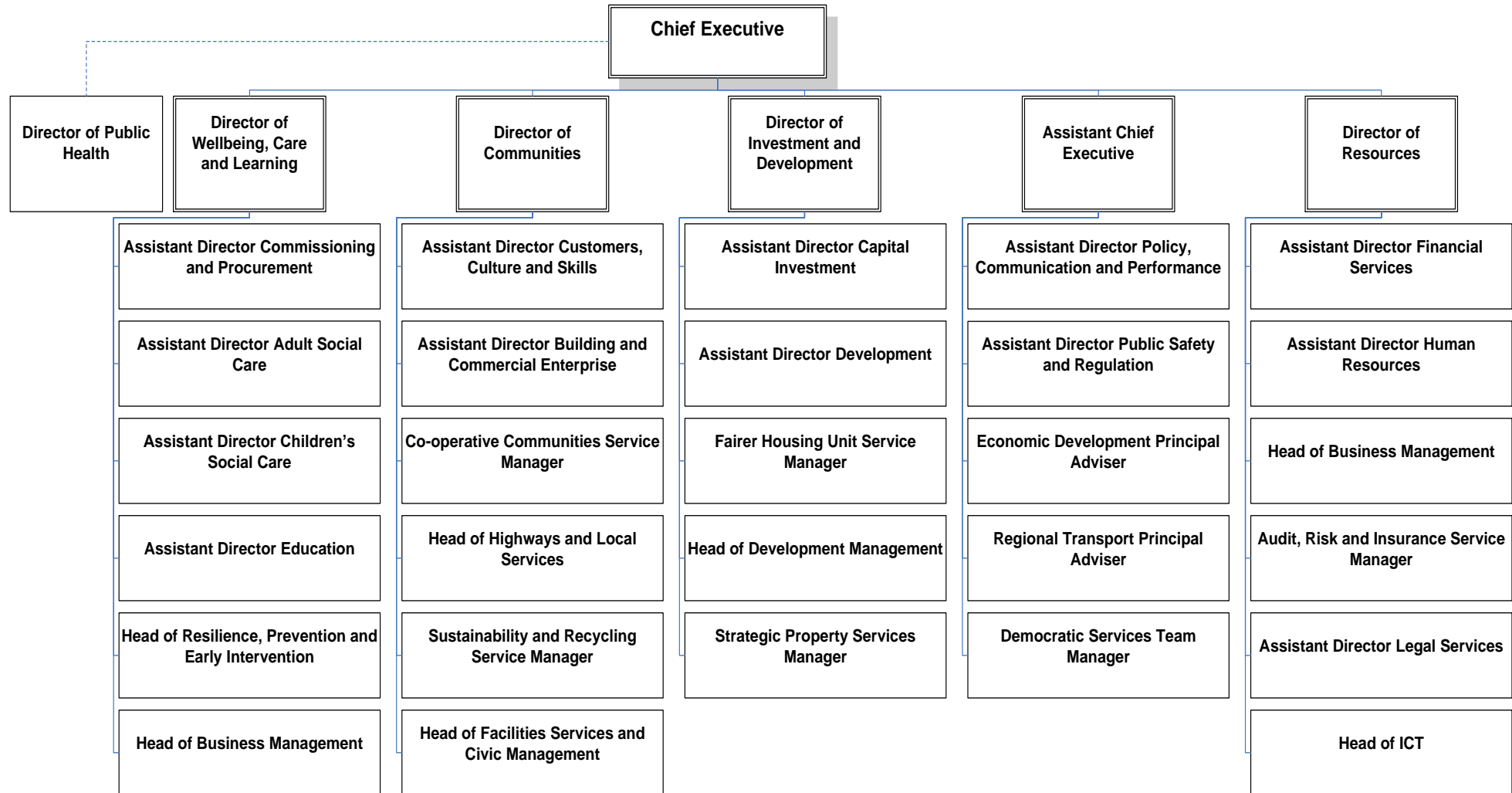
- Wellbeing, Care & Learning
- Communities
- Assistant Chief Executive
- Resources
- Investment and Development

(b) Management Structure

The senior management structure is set out in diagrammatic form at **Figure 3** below.

NB Figure 3 is to be updated

Figure 3: Senior Management Structure



1.5 Summary of Constitution

The Council is required under section 37 of the Local Government Act 2000 to have a written constitution comprising specified documents and such other information which it thinks appropriate.

The whole of this Charter is the Council's constitution. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Charter comprises 17 Articles which set out the basic rules governing the Council's business, together with more detailed procedures and codes of practice in separate rules and protocols.

The constitution is made up of the following parts:

Part 1 – Legal Background and Organisation and Governance Structure

Part 2 – The Articles – these set out the purpose of the constitution and explain the rights of citizens and how the key parts of the Council operate.

Part 3 - Responsibility for Functions – this sets out who is responsible for making the various decisions in the Council.

Part 4 – Rules of Procedure - this includes the Council's standing orders and financial regulations.

Part 5 – Codes and Protocols (known as the ethical governance framework) - this includes the Code of Conduct for Members.

Part 6 – Members' Allowances Scheme- this sets out the allowances paid by the Council to Councillors and co-opted members.

Part 7 – Miscellaneous Guidance – this includes guidance on political balance and right to time off work for council duties.

Part 8 – Members and Appointments - this contains details about councillors and appointments to committees and other bodies.