

## **Part 1.2 - Overview of Decision-Making Arrangements**

### **1. Introduction**

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

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

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

### **3. The Cabinet**

- 3.1 The Cabinet comprises the following members (“Cabinet Members”):
- 3.1.1 the Mayor;
  - 3.1.2 one elected member appointed by each of the seven constituent councils (a “Constituent Council Cabinet Member”);
  - 3.1.3 the Chair of the Authority’s Business Board (the “Business Board Cabinet Member”);
  - 3.1.4 a representative of the community and voluntary sector (the “CVS Cabinet Member”).
- 3.2 Each constituent council will also appoint two elected members as Substitute Constituent Council Cabinet Members either of whom may act as a Cabinet Member in the absence of its Constituent Council Cabinet Member.
- 3.3 Similarly, the Cabinet will also appoint another member of the Business Board as a Substitute Business Board Cabinet Member and another representative of the community and voluntary sector as a Substitute CVS Cabinet Member.

### **4. The Mayor**

- 4.1 The first election of the Mayor took place in May 2024 and the Mayor will serve a 4 year term of office. Each election of the Mayor will take place on the “ordinary day” of election in the relevant year, ie the date when local authority elections are normally held. The Mayor must appoint one of the Constituent Council Cabinet Members as Deputy Mayor, who will carry out the responsibilities of the Mayor when they are absent.

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

- 5.1 The Mayor will be the Chair of the Cabinet.
- 5.2 As noted above, decisions on Mayoral Functions must be made by the Mayor (“Mayoral Decisions”). Decisions on all other functions are matters for Cabinet (“Cabinet Decisions”).
- 5.3 Cabinet Decisions will be taken at Cabinet meetings. For decisions to be taken at a Cabinet meeting, the following Members must be present:
- 5.3.1 the Mayor, or (in their absence) the Deputy Mayor; and
  - 5.3.2 at least 5 Constituent Council Cabinet Members.
- 5.4 As far as is reasonably possible, all decisions taken by Cabinet will be by way of consensus. However, if it is not possible for all members of Cabinet to agree on a particular issue, then a vote will be taken. The following Members will be entitled to vote:
- 5.4.1 the Mayor or (in their absence) the Deputy Mayor; and
  - 5.4.2 the Constituent Council Cabinet Members.
- 5.5 Each voting member of the Cabinet, including the Mayor, will have one vote. No Cabinet Member has a casting vote. If the vote is tied, then the proposal is not approved.
- 5.6 Cabinet decisions will generally be taken by way of a simple majority but certain decisions are subject to unanimity or other specific requirements. These are set out in paragraph 5 of Part 2.1 of the Constitution.
- 5.7 All decisions taken by Cabinet will ordinarily be made in public. Decisions will be recorded and published (unless there are specific reasons why non-publication is permissible). Cabinet Decisions are subject to call-in by the Overview and Scrutiny Committee.
- 5.8 In order to promote efficient decision-making, Cabinet may also delegate certain decisions, for example to a committee or officer of NECA. Cabinet has approved a range of delegations to officers which are set out in Part 2.7 of the Constitution.

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

- 6.1 As noted above, the Order provides the Mayor with a number of statutory functions and other legislation provides the Mayor with further functions. These are described in Part 2.2 of this Constitution. The Mayor is responsible for making decisions on the exercise of these functions, subject to the requirements described in Part 2.2.
- 6.2 The Mayor must prepare a draft annual budget for their areas of responsibility for the coming financial year. The draft budget shall set out the Mayor’s spending plans and how the Mayor intends to meet the costs of their functions. The Mayor has the power to set a precept on local council tax bills to help pay for their work. The Cabinet may amend the Mayor’s budget proposals if 5 or more of the Constituent Council Cabinet Members agree to the amendment

- 6.3 The Mayor will make Mayoral Decisions in an open and transparent manner during the course of formal Cabinet meetings (except for urgent Mayoral Decisions where the Chair of Overview and Scrutiny Committee has agreed the grounds for urgency).
- 6.4 All Mayoral Decisions will be recorded and published (unless there are any specific reasons why non-publication is permissible). As with Cabinet Decisions, Mayoral Decisions are subject to call-in by the Overview and Scrutiny Committee (see below).

## 7. **Committees and advisory boards**

- 7.1 The Authority currently has 2 committees, namely

- 7.1.1 the Overview and Scrutiny Committee; and
- 7.1.2 the Audit and Standards Committee.

The Cabinet may decide to set up further committees as it considers appropriate.

### **Overview and Scrutiny Committee** (see Part 2.4 of the Constitution)

- 7.2 Scrutiny of the decisions of the Mayor and Cabinet will be carried out by the Overview and Scrutiny Committee. The committee comprises 2 representative members from each of the constituent councils (and those members must not be members or substitute members of NECA's Cabinet). The composition of the committee must reflect political balance taken across the constituent councils as a whole. The chair of the committee will be an "appropriate person" (as defined in legislation), ie an elected member of the Overview and Scrutiny Committee who is not of the same political party as the Mayor.
- 7.3 The Overview and Scrutiny Committee will be entitled to call-in and scrutinise decisions taken either by the Cabinet or the Mayor. Following such call-in of a decision the committee may refer the matter back to the Cabinet or the Mayor for further consideration. In certain situations where a matter is urgent the chair of the Overview and Scrutiny Committee may agree that a matter will not be subject to the call-in process.

### **Audit and Standards Committee** (see Part 2.5 of the Constitution)

- 7.4 The Audit and Standards Committee will discharge the Authority's audit and risk responsibilities and deal with matters relating to the Code of Conduct for Members. The committee will comprise 2 members from each constituent council and one independent person who will be a "co-opted" member of the committee (ie this person is not an elected member).

### **Advisory Boards** (see Part 2.3 of the Constitution)

- 7.5 The Authority may establish one or more advisory boards to provide advice to the Mayor and Cabinet on the exercise of their functions. Each advisory board will be an informal working group and not a committee or subcommittee of the Authority for the purpose of local government legislation. As such, an advisory board does not have decision-making powers, political balance rules do not apply to its membership and it is not subject to the access to information rules which apply to local authority meetings.
- 7.6 The Authority must establish a Business Board but the Cabinet will determine what other advisory boards are required and also their terms of reference, procedural arrangements and membership.