



## Part A – Your Council

### Section A1 – An Overview of Newcastle-under-Lyme Borough Council

#### **In Part A:-**

**This Section** (A1) of the constitution provides an overview of the key components of Newcastle-under-Lyme Borough Council and a brief explanation of what they do and how they operate. The key components are:-

- Council
- Cabinet
- Scrutiny
- Officers

The rest of the constitution contains more detailed information about each of these components and how they operate.

**Section A2** explains the core objective of the council's approach to decision making and outlines how we achieve this objective. It sets out the principles that all decision makers must follow.

**Section A3** explains some of the rights and responsibilities of the people who live and work in the borough and how they can get involved in everything that the council does. It also explains how citizens can submit a petition to the council.



**Part A – Your Council**

**Section A1:- An Overview of Newcastle-under-Lyme Borough Council**

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- 2. Cabinet**
- 3. The Relationship Between Council and Cabinet**
- 4. Local Authority Functions and Powers**
- 5. Distribution and Delegation of Functions and Powers**
  - Council Functions
  - Council Committees and Officers
  - Cabinet Functions (known in law as Executive Functions)
- 6. Scrutiny**
- 7. Officers**

**NEWCASTLE  
UNDER LYME  
BOROUGH COUNCIL**



## 1. Council

- 1.1 Every four years the residents of the borough of Newcastle-under-Lyme elect 44 Councillors (known as members of the council, or simply “**Members**”) to represent them.
- 1.2 The phrase “the council” refers to Newcastle-under-Lyme Borough Council as a whole. The term “**Council**” means all 44 Members acting collectively. These 44 Members are responsible for deciding what the borough’s priorities are and how to use the council’s resources to deliver those priorities.
- 1.3 You can find more information about the roles and responsibilities of Council and how it operates in Part B.

## 2. Cabinet

- 2.1 The Cabinet is a group of Members that meets regularly and is responsible for formulating proposals to Council about what the borough’s priorities should be, and how Council should use its resources to deliver them. Once agreed by Council, these proposals become the council’s “**Budget and Policy Framework**” (or simply the “**Framework**”). Local government legislation often refers to the Cabinet as the “Executive”.
- 2.2 The Cabinet is responsible for making all of the necessary arrangements to ensure that the priorities identified by Council are delivered within the budgets and policies that Council sets.
- 2.3 More information about the roles and responsibilities of the Cabinet, individual Cabinet Members and how they operate can be found in Part C.

## 3. The Relationship Between Council and the Cabinet

- 3.1 Following elections to the council, Council chooses one Member to be the Leader of the Council (“**the Leader**”). The Leader then chooses between 2 and 9 more Members to form the Cabinet.



3.2 The Cabinet recommends the Framework to Council, but Council decides whether or not to adopt it. Council may adopt the Cabinet's proposals either with or without amendments. It may also choose to formulate and adopt its own Framework.

3.3 Once the Council adopts the Framework, the Cabinet is responsible for implementing it. The Cabinet has a lot of discretion as to how it implements the Framework but it must always act in accordance with the Framework set down by Council. Ultimately, the Cabinet is accountable to Council for its performance.

#### **4. Local Authority Functions and Powers**

4.1 Local authorities have a wide range of legal powers, duties and functions. They have powers to carry out the various legal duties required of them by law ("mandatory functions"), and to engage in a wide range of other activities, either to supplement their mandatory functions, or to generally improve the wellbeing of their area ("discretionary functions").

4.2 The law separates local authority functions (whether mandatory or discretionary), and any associated powers, into three main classes.

4.3 The first class of functions are functions that cannot be the sole responsibility of the Cabinet. An example of this class of function would be the process of adopting the Budget and Policy Framework. Cabinet and Council share that function as explained above.

4.4 The second class of functions are functions that cannot be the responsibility of the Cabinet. These are mainly functions that are often described as "regulatory" functions, such as deciding planning and licensing applications.

4.5 The third class of functions can be the responsibility of the Cabinet, but do not have to be. These are known as "local choice" functions. The Council has to decide whether or not the Cabinet should be responsible for discharging any or all of these functions. Section B1 sets out who is responsible for local choice functions in Newcastle-under-Lyme.

#### **5. Distribution and Delegation of Functions and Powers**



- 5.1 It would be impractical for Council (i.e. all 44 Members) to meet every time a council function needed to be discharged. For that reason, Council must arrange for the distribution and delegation of some of its functions and powers.

### **Council Functions**

- 5.2 Council has decided which local choice functions to allocate to the Cabinet. It has also decided which of the functions, referred to in paragraphs 4.3 and 4.4 above it wants to exercise (or reserve to) itself. These functions are set out in Section B1 but generally relate to strategic matters such as setting budgets and adopting key strategic policies.

### **Council Committees and Officers**

- 5.3 To deal with the functions which Council has not reserved to itself, and which cannot be delegated to the Cabinet, Council has delegated powers to a number of committees, and to the authority's employees, who are known as "Officers". These arrangements are explained in Section B2 and E2.

### **Cabinet Functions (known in law as Executive Functions)**

- 5.4 The Council has decided that all other powers and functions that are not subject to the arrangements set out in paragraphs 5.2 and 5.3 above will be discharged by the Cabinet. Whilst these powers have been delegated to the Cabinet, Council has put arrangements in place to govern how the Cabinet can discharge these powers. These arrangements are explained in Part C.

## **6. Scrutiny**

- 6.1 The Council appoints overview and scrutiny committees that are responsible for reviewing and scrutinising all of the council's work. In particular, the Scrutiny function is responsible for ensuring the effectiveness of the Cabinet.
- 6.2 Scrutiny committees have a mandate to undertake reviews and scrutinise action (or inaction) in relation to their subject areas or in respect of particular matters before, during, or after a decision is made. The scrutiny committees assist Council and the



Cabinet in developing the Budget and Policy Framework and in monitoring the performance of the authority, its committees, Members and Officers. It can make recommendations for change and has powers to intervene in the decision making process in certain circumstances.

6.3 Effective scrutiny arrangements are an essential part of good governance in any local authority. They are necessary to achieve value for money and best practice and to ensure that there are appropriate checks and balances on the exercise of powers.

6.4 More information about the roles and responsibilities of the scrutiny committees and how they operate can be found in Part D.

## 7. **Officers**

7.1 The term “Officers” is used to describe all the people who work for or with the council to deliver services and can include employees, contractors, consultants, agency staff and volunteers. Officers advise and support Members, implement their decisions and manage the day-to-day delivery of services. The majority of decisions and actions taken by the council will be taken by Officers under arrangements that the Council has put in place for the delegation of powers.

7.2 Some officers have specific legal duties to ensure that the council acts within the law and uses its resources wisely. These officers are known as “Statutory Officers” or “Proper Officers” and have specific legal titles in addition to their normal job titles. More information about the roles and responsibilities of Officers can be found in Part E.

