

Part B – The Council
Section B1:- Council

In Part B:-

This Section (B1) of the Constitution explains the process of electing Councillors (or “Members”) to the Council and then goes on to explain about meetings of the Council. It then sets out the roles, responsibilities and functions of the Council.

Section B2 sets out the details of each of the authority’s committees. There is an overview of what the committee does and a detailed terms of reference section which sets out the extent of the committee’s powers. Membership details of committees are available from the Council’s website.

Section B3 sets out the roles and attributes of all Councillors, and then explains about the additional requirements of Councillors who undertake certain roles. The additional requirements in respect of Cabinet roles are set out in Section C2.

Section B4 sets out the rules that govern Council meetings.

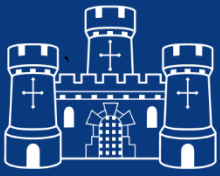
Section B5 sets out the rules that govern Committee meetings.

NEWCASTLE
UNDER LYME
BOROUGH COUNCIL



The Constitution

NEWCASTLE·UNDER·LYME BOROUGH COUNCIL



Part B – The Council
Section B1:- Council

In this Section:-

- 1. Elections and Members of the Council**
- 2. Meetings of the Council**
- 3. The Roles, Responsibilities and Functions of Council**
- 4. The Budget and Policy Framework**
- 5. Functions Reserved to Council**
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NEWCASTLE
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BOROUGH COUNCIL



1. Elections and Members of the Council

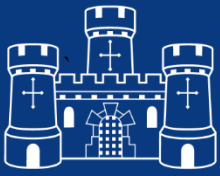
- 1.1 The Borough of Newcastle-under-Lyme is divided into 21 areas known as “**Wards**”. Every four years the 21 Wards elect between 1 and 3 Councillors (depending on the size of the Ward) to represent them. In total, 44 Councillors are elected to form the Council.
- 1.2 The term “**Council**” is used to refer to all 44 Councillors collectively. It is these Councillors who are responsible for deciding what the Borough’s priorities are and how to use the authority’s resources to deliver those priorities. Councillors are also referred to as “Elected Members”, or simply “**Members**”.
- 1.3 More information on Ward boundaries, elections, and the current membership and political composition of the council can be found on the authority’s website.

2 Meetings of the Council

- 2.1 Council usually meets 7 times a year. There are three types of Council meeting:-
 - (a) Annual Council – The annual meeting of the Council which usually occurs in March, April or May. This meeting is usually where Members are appointed to various roles and Council agrees its priorities for the coming year.
 - (b) Ordinary Meetings – Ordinary meetings are usually held every two months to receive reports and updates on key priorities, debate issues, and make decisions that can only be made by the full Council such as adopting or amending the budget and policy framework.
 - (c) Special Meetings – Special meetings are called when urgent business arises that must be dealt with by Council before the next programmed Ordinary Meeting.
- 2.2 Council meetings are conducted in accordance with the Council Procedure Rules which can be found in Section B4.
- 2.3 More information on Council meetings and how the public can take part in those meetings can also be found in Section B4.

3 The Roles, Responsibilities and Functions of Council

- 3.1 Section A1 contains an overview of Council and its relationship with the Cabinet. That section also explains about local authority functions, and how Council has decided to:-
 - (a) “reserve” certain functions that only it can exercise



(b) establish committees to discharge certain functions (c) make the Cabinet responsible for certain functions (d) delegate everything else to officers.

3.2 Section A1 also explains how Council has put arrangements in place governing how the Cabinet and Officer delegations operate.

3.3 Section B2 contains more information on the council's committee arrangements.

3.4 Section C contains more information on the council's executive arrangements (the legal term for the way the Cabinet works).

3.5 Part F contains more information on officers and the powers delegated to officers.

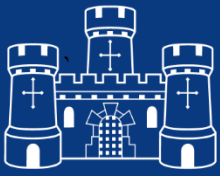
4 The Budget and Policy Framework

4.1 Council is responsible for considering and adopting proposals put to it by the Cabinet in a number of policies and budgets which capture the authority's priorities and how it allocates its resources. Once adopted, the successful proposals will form the Budget and Policy Framework that the authority will work to.

4.2 The process of setting the authority's budget involves setting the level of council tax and business rates and taking decisions about investments and the level of borrowing. Taking into account projected income and any contingency funds, Council will allocate financial resources to different services areas and projects. It will also set limits on the amount of money that can be transferred between budgets (virement limits) without further approval.

4.3 The Budget and Policy Framework consists of the following core policies, plans, strategies and budgets that must be approved by Council:-

- (a) Sustainable Community Strategy
- (b) Corporate Plan and Annual Performance Report
- (c) Treasury Management Strategy
- (d) Investment Strategy
- (e) Commercial Strategy
- (f) Capital Strategy
- (g) Flexible Use of Capital Receipts Strategy
- (h) Licensing Policy Statement
- (i) Enforcement Strategy
- (j) Food Law Enforcement Service Plan



- (k) Gambling Statement of Principles
- (l) Homelessness Strategy
- (m) Local Development Plan Documents
- (n) Asset Management Plans
- (o) Any other Plan or strategy where the Council determines that any decision on its adoption or approval should be taken by it rather than the Cabinet

4.4 These plans form the core of the Budget and Policy Framework and any proposal to amend these plans, adopt policies or take decisions that are not in accordance with these plans can only be decided by Council.

4.5 There will however be a number of supplementary policies, plans, strategies, operating procedures or protocols in force from time to time which sit under these plans that do not need to be approved by the Council. Those supplementary documents can be approved by the relevant committee, Cabinet, Cabinet Member, or officer with responsibility for the area of operations concerned.

5 Functions Reserved to Council

5.1 Council can “reserve” functions to itself, that is to say it can decide that it will exercise certain functions even if the law allows those functions to be exercised by others.

5.2 The following is a list of functions that Council has reserved to itself. The following list also includes some of the more significant functions that the law says Council must undertake itself. It is not intended to be a complete list of functions that Council must, in law, undertake itself:-

Electoral

- (a) Appointing a Returning Officer for local government elections
- (b) Dividing the constituency into polling districts
- (c) Exercising powers in respect of holding elections
- (d) Appointing an Electoral Registration Officer
- (e) Making decisions concerning district boundaries, electoral divisions, wards or polling districts and the location of polling stations

Constitutional

- (f) Approving the Budget and Policy Framework
- (g) Adopting and changing the constitution (except for consequential changes to be made by the Monitoring Officer as set out in Part E)
- (h) Appointing and removing the Leader of the Council.



- (i) Appointing and removing the Mayor, Deputy Mayor, Chairs and Vice Chairs of committees.
- (j) Agreeing and/or amending the terms of reference of committees, deciding on their political composition and making appointments to them. In the event of changes to political balance, the Chief Executive shall have the authority to amend the proportionalities (to comply with the rules of political balance). The Chief Executive shall have the authority to amend appointments to committees in accordance with the wishes of Group Leaders.
- (k) Approving the Scheme of Delegation to Officers
- (l) Approving the Schedule of dates of meetings for Council
- (m) Adopting the Council's Code of Conduct for elected members and appointing Independent Persons under the Localism Act 2011
- (n) Adopting or reviewing a Members' Allowances Scheme following advice from an independent remuneration panel.
- (o) Changing the name of the area
- (p) Conferring the title of Honorary Alderman or Freedom of the Borough
- (q) Making, enacting, adopting, amending, or revoking by laws and promoting or opposing the making of local legislation or personal bills in Parliament.

Financial Provision

- (r) The adoption, approval or amendment of an annual budget, any supplementary estimates and any plan or strategy for the control of the Council's borrowing or expenditure
- (s) Setting of Council Tax
- (t) The making of decisions about any matter in the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget.

Service Provision

- (u) Authorising applications to the Secretary of State for the transfer of housing land
- (v) Considering matters referred to it by Cabinet, committee or in some other manner (but matters which are by law Cabinet functions cannot be determined by Council).
- (w) To approve the adoption of Conservation Areas, Character Area Character Appraisals and Management Plans and Article 4 Directions.

Reporting



- (x) Considering a report from the Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989.
- (y) Considering a report from the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and/or in respect of a finding of maladministration made by the Local Government and Social Care Ombudsman.
- (z) Approving any draft plans and strategies which require Ministerial approval
- (aa) Considering a report of the Chief Finance Officer in accordance with Section 115 of the Local Government and Finance Act 1988.
- (bb) Considering any public interest report brought by the external auditor.

Human Resources

- (cc) Functions relating to the Health and Safety at Work Act 1974 (Part 1)
- (dd) Functions relating to Local Government Pensions (Regulations under the Superannuation Act 1972)
- (ee) Appointment/ of the Head of the Paid Service and the Monitoring Officer and Chief Finance Officer (s151 officer)
- (ff) Dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer (s151 Officer) but always in accordance with the Officer Employment Procedure Rules.
- (gg) To designate an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer
- (hh) To approve the Council's Annual Pay Statement

6 Appointments to Outside Bodies

6.1 Council has decided that it will make appointments to the following outside bodies. Ward Members will typically be appointed to represent the council on ward-based bodies. All other appointments to outside bodies shall be made by the Cabinet.

- (a) Community Centre Management Committees
- (b) Residents' Associations
- (c) Charities and Charitable Trusts or Funds
- (d) Committees and Panels of Outside Bodies
- (e) Go Kidsgrove
- (f) Stoke-on-Trent and North Staffordshire Theatre Trust Limited (New Victoria Theatre)
- (g) Aspire Housing Board
- (h) Campaign to Protect Rural England – County Branch
- (i) Local Government Association
- (j) Locality Action Partnerships



- (k) Business Improvement District
- (l) Newcastle Partnership
- (m) Enjoy Staffordshire Destination Management Partnership
- (n) Staffordshire Health and Care Overview and Scrutiny Committee
- (o) Staffordshire Health and Wellbeing Board
- (p) Staffordshire Joint Sustainability Board
- (q) Corporate Parenting Panel
- (r) Staffordshire Police, Fire and Crime Panel and associated Panels
- (s) Stoke-on-Trent and Staffordshire Local Enterprise Partnership
- (t) Staffordshire Leaders Board
- (u) Waste and Mineral Site Liaison Committees
- (v) West Midland Reserve Forces and Cadets Association
- (w) District Councils' Network
- (x) LGiU Assembly.

6.2 Appointments to outside bodies will be for one year and can be renewed thereafter.

6.3 Council portfolio holders shall be appointed as of right to designated outside bodies

7 Honorary Aldermen

7.1 To be eligible for appointment as an Honorary Alderman in accordance with paragraph 5.2(p) above prospective appointees shall:-

- (a) not be a serving Member of the Council
- (b) be a person of distinction who has rendered eminent services to the Council and the community
- (c) have served a period of not less than 12 years on the Council in total (which need not have been continuous)
- (d) ordinarily have held a substantive office on the Council such as Mayor, Committee Chair, Group Leader, or Cabinet Member
- (e) Any such appointment must be made by a resolution passed by not less than two thirds of the members voting thereon at a special meeting of the Council.

8 Responsibility for Local Choice Functions



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9

Either Way Functions

- 9.1** The “either way” functions set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 2; where they are functions of this authority, will be the responsibility of and exercised by the Cabinet. . Unless a local choice function is specifically reserved in this constitution to Cabinet, it stands delegated to officers in accordance with Part E.