

Part 2.2 – The Mayor

1. Overview

- 1.1 The Mayor of the Authority is directly elected by the electorate across the area of its constituent councils (“the Combined Area”). The Mayor is a member of the Authority’s Cabinet and chairs meetings of the Cabinet. The Mayor’s role in Cabinet decision-making is set out in Part 2.1 of this Constitution. Furthermore, some functions of the Authority can only be exercised by the Mayor as set out below.

2. Term of Office

- 2.1 The Mayor’s term of office generally begins on the fourth day after the day of the poll at the election for a Mayor save that the term of office for the first Mayor began on 7 May 2024.
- 2.2 The duration of each term of office is 4 years. The second election for a Mayor will be in 2028.
- 2.3 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.
- 2.4 The term of office of each Mayor will end on the third day after the day of the poll at the next election for a Mayor.

3. Deputy Mayor

- 3.1 The Mayor must appoint one of the Constituent Council Cabinet Members as Deputy Mayor, who will carry out the responsibilities of the Mayor if the Mayor is absent or unable to act
- 3.2 The Deputy Mayor holds office until the end of the term of office of the Mayor, provided that a person will cease to be the Deputy Mayor if at any time:
- 3.2.1 the Mayor removes the person from office;
 - 3.2.2 the person resigns as Deputy Mayor; or
 - 3.2.3 the person ceases to be a Cabinet Member.
- 3.3 If a vacancy occurs in the office of Deputy Mayor, the Mayor must appoint another Constituent Council Cabinet Member as Deputy Mayor.
- 3.4 The Deputy Mayor must act in place of the Mayor if for any reason:
- 3.4.1 the Mayor is unable to act; or
 - 3.4.2 the office of Mayor is vacant.
- 3.5 If for any reason:
- 3.5.1 the Mayor is unable to act or the office of Mayor is vacant; and
 - 3.5.2 the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant
- the other Cabinet Members must act together in place of the Mayor, taking decisions by simple majority.
- 3.6 Where the Deputy Mayor acts as the Mayor the Deputy Mayor shall not be treated as a Constituent Council Cabinet Member for the purposes of Part 2.1 of this Constitution in

relation to the quorum or voting arrangements at Cabinet meetings nor in relation to the requirement for Constituent Council Cabinet Member consent to the exercise of any of the mayoral functions in paragraphs 7.1 and 7.2 below.

4. Mayor's Political Adviser

- 4.1 The Mayor may appoint one person as the Mayor's Political Adviser. Such person shall be appointed as an employee of the Authority.
- 4.2 No appointment under paragraph 4.1 may extend beyond:
- 4.2.1 the term of office for which the Mayor who made the appointment was elected; or
 - 4.2.2 where the Mayor who appointed the political adviser ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.
- 4.3 A person appointed under paragraph 4.1 is to be regarded for the purposes of Part 1 of the Local Government and Housing Act 1989 (political restriction of officers and staff) as holding a politically restricted post under a local authority. Subject to paragraph 4.4 below, section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups) shall apply to an appointment under paragraph 4.1 as if the appointment were made in pursuance of that section and the Authority was a relevant authority for the purposes of that section.
- 4.4 Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph 4.1 as if the words "and that the appointment terminates" to the end of that subsection were omitted.

5. Mayoral Functions

- 5.1 Under the terms of the Order the functions set out in Table 1 at the end of this Part of the Constitution are general functions which can only be exercised by the Mayor.
- 5.2 The Mayor also has such other general functions which have been or may be conferred by other legislation. These include:
- 5.2.1 the power under section 40 of the Local government Finance Act 1992 to issue a council tax precept on behalf of the Authority;
 - 5.2.2 the power under the Transport Act 2000 to make, vary or revoke a bus franchising scheme.
- 5.3 Subject to the requirements set out in Part 2.1 and below, the Mayor does not generally require the approval of other Cabinet Members to make a decision on the functions set out in paragraphs 5.1 and 5.2 above except that, where the Mayor proposes to exercise such functions as identified in the third column of Table 1 below, the Mayor can only do so with the consent of:
- 5.3.1 the Constituent Council Cabinet Member appointed by each constituent council whose area contains any part of the land in relation to which the function is to be exercised; and

- 5.3.2 (in the case of the exercise of the functions relating to town and country planning contained in section 202(2) to (4) of the Localism Act 2011 in respect of land in the area of the Northumberland National Park Authority) the Northumberland National Park Authority.
- 5.4 The exercise by the Mayor of any function also requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised if it would lead to a financial liability falling directly upon that constituent council or if the requirement for such consent is otherwise specified in the Authority's Constitution.
- 5.5 The Mayor will consult the Cabinet on any policy or strategy relating to the exercise of a Mayoral Function. 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). The other Cabinet Members shall be entitled to make representations to the Mayor during the course of a Cabinet meeting before the Mayor makes a Mayoral Decision.

6. Mayoral Budget-setting

- 6.1 Before 1st February each year the Mayor must notify the Cabinet of their draft mayoral budget for their areas of responsibility for the forthcoming financial year. The Mayor's draft budget shall set out for the forthcoming year the Mayor's strategies, spending plans, and how the Mayor intends to meet the costs of their functions (including the relevant amounts and calculations). The Mayor has the power (under the Combined Authorities (Finance) Order 2017) to set a precept on local council tax bills to help pay for their work. The provisions below are to be read in conjunction with that Order (or any successor order).
- 6.2 The Cabinet must review the Mayor's draft budget and may make a report to the Mayor on the draft budget, which:
- 6.2.1 shall set out whether or not the Cabinet would approve the draft budget in its current form; and
- 6.2.2 may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
- 6.3 The Mayor's draft budget shall be deemed to be approved by the Authority unless the Cabinet makes a report under paragraph 6.2 to the Mayor before 8th February.
- 6.4 Where the Cabinet makes a report under 6.2 the Mayor must consider that report and decide whether or not to make revisions to the draft budget and notify the Cabinet of the reasons for that decision and, where the Mayor makes revisions, the revised draft budget.
- 6.5 The Cabinet may veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the recommendations set out in the report to the Mayor under paragraph 6.2. Any such proposal by Cabinet shall be passed if five of the Constituent Council Cabinet Members agree. .
- 6.6 In the event that the Mayor subsequently proposes any variation to the Mayor's budget, then this variation shall be presented to and considered by Cabinet, and may be amended by Cabinet if five of the Constituent Council Cabinet Members agree to the amendment.

7. Delegations

7.1 The Mayor may arrange for the following to exercise any general functions of the Mayor:

7.1.2 the Deputy Mayor;

7.1.2 another Cabinet Member;

7.1.3 an officer of the Authority; or

7.1.4 a joint committee consisting of the Authority, constituent councils and other councils (including another combined authority).

7.2 The Mayor will maintain and publish a scheme setting out how responsibility for the exercise of particular mayoral functions is delegated to the Deputy Mayor, an individual Cabinet Member (in which circumstances the procedural provisions above shall apply) or officer of the Authority.

8. Recording of Decision Making

8.1 All Mayoral Decisions will be fully 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 Authority's Overview and Scrutiny Committee (see Part 3.3 below)

Table 1 – Mayoral functions set out in the Order

Statutory provision	Description	Constituent Council Cabinet Member Consent
Section 17(3) of the Housing Act 1985	Compulsory acquisition of land for housing purposes	Required
Section 9(2) of the Housing and Regeneration Act 2008	Compulsory acquisition of land	Required
Sections 334 to 337 and 341 of the Greater London Act 1999	Provisions relating to the adoption of a spatial development strategy	Required
Sections 108, 109 and 112 of the Transport Act 2000	Local transport plans	Not required
Section 154(1) of the Transport Act 2000	Grants to bus service operators);	Not required
Section 31 of the Local Government Act 2003	Power to pay grant to the constituent councils in relation to the exercise of highway functions	Not required
Sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 and paragraphs 1 to 4, 6 and 8 of Schedule 21 of the Localism Act 2011	Designation of mayoral development areas and creation of mayoral development corporations);	Required for: i. the designation of a mayoral development area under section 197(1); ii. the exclusion of land under section 199(1); and iii. the exercise of powers under sections 202(2) to 204 in relation to town and country planning
Business Rate Supplements Act 2009	Functions relating to Business Rates Supplements	Not required