

Date: 28 June 2019
Subject: Review of GMCA Constitution
Report of: Liz Treacy, Monitoring Officer

PURPOSE OF REPORT

To report the Monitoring Officer’s review of the GMCA’s Constitution and recommend amendments.

RECOMMENDATIONS:

Members are requested to:

1. Adopt the revised constitution accompanying this report as the Constitution of the GMCA.
2. Note that the discharge of mayoral functions and the delegation of such responsibilities rests with the Mayor, and that the delegations of mayoral functions (and the arrangements in relation to such) set out in this constitution are for the information of the GMCA only.
3. Authorise the Monitoring Officer to make any changes of a typographical nature to the Constitution.

CONTACT OFFICERS:

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Risk Management – none arising directly out of this report

Legal Considerations – the Constitution requires an annual review which this report satisfies

Financial Consequences – none arising directly out of this report

Financial Consequences – none arising directly out of this report

Number of attachments included in the report: one

BACKGROUND PAPERS:

GMCA Constitution

S.I. No. 2017/1180

S.I. No. 2018/444

S.I. No. 2018/1141

S.I. No. 2019/793

Report to Audit Committee – Code of Corporate Governance – 12 June 2018

Report to Resources Committee – Key Employment Policies – 15 December 2017

Report to GMCA – Governance Report – Review of Remuneration of Independent Members – 29 March 2018

TRACKING/PROCESS		
Does this report relate to a major strategic decision, as set out in the GMCA Constitution		Yes / No
EXEMPTION FROM CALL IN		
Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?		No
TfGMC	Overview & Scrutiny Committee	
N/A	N/A	

1. INTRODUCTION

- 1.1. The Monitoring Officer is required to monitor and review the operation of the GMCA's Constitution and, where appropriate, to propose changes to the Constitution to the GMCA for approval.
- 1.2. The Monitoring Officer has carried out such a review and brings forward for approval a revised version of the GMCA Constitution, which accompanies this report. New wording appears in bold in the revised version.
- 1.3. The main revisions are as a result of the change in GM Transport governance arrangements following the making of the Transport Order, and the agreement to establish a new GM Transport Committee as a joint committee of the 10 districts, the GMCA and the Mayor. Those arrangements are the subject of a separate report on the agenda.
- 1.4. The delegations of mayoral functions (and the arrangements in relation to such) set out in this constitution are for the information of the GMCA only.

2. PARTS 1 & 2

- 2.1. Part 1 has been updated to refer to further Orders extending the powers of the GMCA and creating new mayoral functions:
 - 2.1.1. the Greater Manchester Combined Authority (Public Health Functions) Order 2017 (The Public Health Order)
 - 2.1.2. the GMCA (Amendment) Order 2018 ('The 2018 Amendment Order')
 - 2.1.3. the GMCA (Adult Education Functions) Order 2018 ('The Adult Education Order')
 - 2.1.4. the GMCA (Functions and Amendment) Order 2019 ('the 2019 Order')(transport)
- 2.2. Part 1 also sets out the new joint arrangements for Transport.
- 2.3. Part 2 sets out the revised functions in respect of Transport, and new functions in respect of Adult Education and Public Health.

3. PART 3

- 3.1. Part 3 sets out responsibility for functions and contains the revised functions of the new GM Transport Committee, both referred to and delegated to Committee.
- 3.2. It also sets out the functions that have been delegated back to TfGM by both the GMCA and the Mayor as a result of the Transport Order.

3.3. Head of Paid Service – the role of the Secretary has been removed and the functions of the Secretary have been included within the functions of the Head of Paid Service.

3.4. It is proposed that the following additional delegation is given to the Head of Paid –

Mayoral Development Corporations - Acquisition of Land

3.18 To discharge the function corresponding to the function contained in Section 207 (Acquisition of land) subsection 3 of the Localism Act 2011 in respect of Mayoral Development Corporations, in consultation with the Mayor and with the member(s) (or substitute member(s) acting in place of that member(s)) of the GMCA appointed by the Constituent Council(s) whose area(s) contain(s) any part of the land subject to the proposed compulsory acquisition .

3.5. It is proposed that the following additional delegation is given to the Treasurer –

TfGM – Property Transactions

4.24 Authorising:-

- a. the disposal of land of a value below £500,000 by TfGM pursuant to Section 10(1)(xxiii) of the Transport Act 1968;
- b. the acquisition of land of a value below £500,000 by TfGM pursuant to Section 10(1)(xx) of the Transport Act 1968;

4. PART 5 : RULES OF PROCEDURE

4.1. New paragraphs 18.7A, 18.7B and 18.7C have been added to reflect some special voting thresholds referred to in and a change brought about by the Transport Order.

5. PART 6: FINANCIAL PROCEDURES

5.1. Financial Procedure Rules and Contract Procedure Rules have been updated by the Treasurer.

6. PART 7: CODES OF CONDUCT AND PROTOCOLS

6.1. The Officer Code of Conduct approved by the Resources Committee on 15 December 2017 has been included in Part 7.

6.2. The GMCA's Code of Corporate Governance, noted by the Audit Committee on 12 June 2018 and approved by the GMCA on 29 June is now included in Part 7.

7. PART 8: MEMBER ALLOWANCES

7.1. Part 8 has been updated to set out the powers of the GMCA to pay allowances to independent members and to reflect the allowances payable to the independent members

of the Audit and Standards Committees and the Independent Person for Standards, agreed by the GMCA at its meeting on 29 March 2018.

8. RECOMMENDATIONS

8.1. Recommendations are set out at the beginning of this report.

