

# **GMCA Constitution**

**28 June 2019**

**PART 1**  
**INTRODUCTION AND**  
**ARTICLES**

## PART 1

### INTRODUCTION AND ARTICLES

#### 1. INTRODUCTION

In this Constitution:

- 1.1 'the 2009 Act' means the Local Democracy, Economic Development and Construction Act 2009"
- 1.2 'AGMA' means the Association of Greater Manchester Authorities;
- 1.3 'the Combined Area' means the area consisting of the areas of the Constituent Councils;
- 1.4 'the Constituent Councils mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan;
- 1.5 'the Deputy Mayor' means the member of the GMCA appointed by the Mayor to be the Mayor's deputy pursuant to section 107C(1) of the 2009 Act and Article 3.4 of Part 1 of this Constitution;
- 1.6 'the Deputy Mayor for Policing and Crime' means the person appointed by the Mayor in respect of PCC functions, pursuant to Section 18 of the Police Reform and Social Responsibility Act 2011, as modified by the PCC Order;
- 1.7 'the GMCA' means the Greater Manchester Combined Authority;
- 1.8 'the GMCA Orders' mean:-
  - (a) the Greater Manchester Combined Authority Order 2011 as amended<sup>1</sup> ('the 2011 Order')
  - (b) the GMCA (Election of Mayor with Police and Crime Commissioner Functions) Order 2016<sup>2</sup> ('the Mayoral Order')
  - (c) the GMCA (Functions and Amendment) Order 2016<sup>3</sup> ('the 2016 Order')

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<sup>1</sup> S.I. No. 2011/908

<sup>2</sup> S.I. No. 2016/448

<sup>3</sup> S.I. No. 2016/1267

- (d) the GMCA (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017<sup>4</sup> ('the PCC Order')
- (e) the GMCA (Fire and Rescue Functions) Order 2017<sup>5</sup> ('The Fire Order')
- (f) the GMCA (Functions and Amendment) Order 2017<sup>6</sup> ('The 2017 Order')
- (g) the Greater Manchester Combined Authority (Public Health Functions) Order 2017<sup>7</sup> (The Public Health Order)**
- (h) the GMCA (Amendment) Order 2018<sup>8</sup> ('The 2018 Amendment Order')**
- (i) the GMCA (Adult Education Functions) Order 2018<sup>9</sup> ('The Adult Education Order')**
- (j) the GMCA (Functions and Amendment) Order 2019<sup>10</sup> ('the 2019 Order')**
- (k) Such other orders made by the Secretary of State in relation to GMCA pursuant to the 2009 Act

- 1.9 'The Mayor' means the person elected as mayor by the local government electors for the Combined Area.
- 1.10 'Mayoral functions' means any function of the GMCA which is exercisable only by the Mayor (or the Mayor's delegatee) by virtue of the GMCA Orders or any other enactment (whenever passed or made).
- 1.11 'Mayoral general function' means a mayoral function which is not a PCC function.
- 1.12 'PCC function' means a function of a Police and Crime Commissioner which is exercisable by the Mayor pursuant to and subject to any modifications in the Mayoral Order and the PCC Order.
- 1.13 'the Scrutiny Order' means the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
- 1.14 'TfGM' means Transport for Greater Manchester, being the Passenger Transport Executive for the Combined Area and the executive body of GMCA in relation to its transport functions;

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<sup>4</sup> S.I. No. 2017/470

<sup>5</sup> S.I. No. 2017/469

<sup>6</sup> S.I. No. 2017/612

<sup>7</sup> **S.I. No. 2017/1180**

<sup>8</sup> **S.I. No. 2018/444**

<sup>9</sup> **S.I. No. 2018/1141**

<sup>10</sup> **S.I. No. 2019/793**

- 1.15 'the **GM Transport Committee**' means the **Greater Manchester Transport Committee** being a joint committee established by the GMCA, **the Mayor** and the Constituent Councils.
- 1.16 The Constitution sets out how the Greater Manchester Combined Authority (hereafter referred to as 'GMCA') operates, how decisions are made and the procedures that are followed to ensure that GMCA operates efficiently, effectively and is both transparent and accountable.
- 1.17 The Constitution is made up of ten Parts.

## **2. FUNCTIONS OF THE GMCA**

- 2.1 The GMCA was established pursuant to the Order on 1<sup>st</sup> April 2011 as the combined authority for the Combined Area.
- 2.2 The GMCA is responsible for a range of functions across the Combined Area, including:-
- transport
  - economic development, regeneration and housing
  - strategic spatial planning
  - skills and training
  - police and crime
  - fire and rescue
  - **public health**
  - waste
- 2.3 The functions of the GMCA are those functions conferred or imposed on it by the GMCA Orders or any other enactment (whenever passed or made) or as may be delegated to it by or under the GMCA Orders or any other enactment (whenever passed or made).
- 2.4 The GMCA will exercise all its powers and duties in accordance with the law and this Constitution.
- 2.5 This Constitution is the Constitution of the GMCA.
- 2.6 The GMCA will monitor and evaluate the operation of the Constitution as set out at Article 13 below.

## **3. MEMBERS OF THE GMCA**

- 3.1 Each of the 10 Constituent Councils appoint one of its elected members to be a Member of the GMCA.
- 3.2 In addition, each Constituent Council will appoint another of its elected members to act as a Member of the GMCA in the absence of the member appointed under Article 3.1 ('Substitute Member').
- 3.3 There shall be a Mayor for the area of the GMCA elected by the local government electors of the area, and the Mayor by virtue of that office is a member of the GMCA.
- 3.4 The Mayor must appoint one of the members of the GMCA to be the Deputy Mayor.
- 3.5 Except to the extent that various functions are to be exercised only by the Mayor (or may be exercised by the Mayor's delegatee) all Members will:

- (a) collectively be the ultimate policy makers of the GMCA;
  - (b) bring views of their communities into the GMCA's decision-making process; and
  - (c) maintain the highest standards of conduct and ethics.
- 3.6 Members will at all times observe the Code of Conduct for Members set out in Part 7 of this Constitution.
- 3.7 Members will be entitled to receive travel and subsistence allowances, and the Mayor will be entitled to receive the mayoral allowance in accordance with the Member's Allowances Scheme set out in Part 8 of this Constitution.
- 3.8 The independent members of the Audit Committee, the independent member of the Standards Committee and the Independent Person for Standards will be entitled to receive allowances, including allowances for travel and subsistence, in accordance with the Member's Allowances Scheme set out in Part 8 of this Constitution.
- 3.9 Each Member will be allocated a portfolio of responsibilities by the Mayor at the Annual Meeting of the GMCA, and the various portfolios will be published on the GMCA's website.

#### **4. CHAIRING THE GMCA**

- 4.1 The Mayor shall be Chair of the GMCA.
- 4.2 The GMCA may appoint at least two and no more than three of its Members as Vice-Chair(s).
- 4.3 The procedure for the appointment of the Vice-Chair(s) is set out in the GMCA Procedure Rules in Part 5 of this Constitution.

#### **5. MEETINGS AND PROCEDURE**

- 5.1 The GMCA usually meets every month but additional meetings may take place within the monthly period should the need arise.
- 5.2 There are three types of GMCA meeting:
- (a) the annual meeting;
  - (b) ordinary meetings; and
  - (c) extraordinary meetings;

and they will be conducted in accordance with the GMCA Rules of Procedure set out in Part 5 of this Constitution.

#### **6. RESPONSIBILITY FOR FUNCTIONS**

- 6.1 Only the GMCA will exercise the functions set out in Part 3 Section A of this Constitution.
- 6.2 Only the Mayor will exercise the functions set out in Part 3, Section B I and those PCC functions reserved to the Mayor in Part 9 of this Constitution.
- 6.3 The GMCA may delegate the discharge of the GMCA's functions which are not reserved to the GMCA to committees, sub-committees, officers, joint committees or other local authorities, pursuant to section 101 of the Local Government Act 1972.
- 6.4 The Mayor may delegate the discharge of mayoral general functions (which are not reserved under Article 6.2) to the Deputy Mayor or any member or officer of the GMCA or, in the case of fire and rescue functions to a Fire Committee, provided that:-
  - (a) the Mayor's political adviser (as appointed under article 16 of the 2016 Order) is not to be treated as an officer for the purpose of this Article 6.4, and
  - (b) the Mayor may only delegate to the Deputy Mayor for Policing and Crime the discharge of PCC functions (and not the discharge of general functions)
- 6.5 The GMCA has delegated the discharge of the GMCA functions to committees, officers and the **GM Transport Committee** in accordance with the scheme of delegation contained in Part 3, sections C, D, E and F of this Constitution.
- 6.6 The Mayor has delegated the discharge of mayoral general functions in accordance with the scheme of delegation contained in Part 3, of this Constitution.
- 6.7 The Mayor has delegated the discharge of PCC functions in accordance with Part 9 of this Constitution.
- 6.8 The GMCA and the Mayor will review their scheme of delegation annually.

## **7. TRANSPORT FOR GREATER MANCHESTER (TFGM)**

- 7.1 Pursuant to the Order, TfGM is to be an executive body of the GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act.
- 7.2 In the application of the Local Government Act 1972 (arrangements for the discharge of functions) to the GMCA, TfGM is to be treated as if it were an officer of the GMCA.
- 7.3 Where arrangements are in force for the discharge of functions of a Constituent Council by the GMCA by virtue of –
  - (a) section 101(1)(b) of the Local Government Act 1972; or
  - (b) section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012;



TfGM is to be treated as if it were an officer of the GMCA for the purposes of section 101 of the Act of 1972 and for the purposes of those Regulations.

- 7.4 In the application of section 107D (3) (b) and 7(b) of the 2009 Act, TfGM is to be treated as if it were an officer of the GMCA.
- 7.5 TfGM has power to discharge any function which is the subject of arrangements entered into with it by virtue of the above Articles 7.1 to 7.4.

## **8. COMMITTEES OF THE GMCA**

- 8.1 The GMCA will establish a Standards Committee to assist the GMCA in its duty to promote and maintain high standards of conduct by Members of the GMCA pursuant to section 27 of the Localism Act 2011. The Standards Committee will discharge the roles and functions set out in Section A of Part 4, of this Constitution.
- 8.2 The GMCA must establish an Audit Committee to discharge the roles and functions set out in Schedule 5A of the 2009 Act and Section B of Part 4, of this Constitution.
- 8.3 The GMCA must appoint one or more Overview and Scrutiny Committees to discharge the roles and functions set out in Schedule 5A of the 2009 Act, the Scrutiny Order and Section E of Part 4 of this Constitution.
- 8.4 The GMCA will establish a Resources Committee to discharge the functions set out in Section C of Part 4, of this Constitution.
- 8.5 The GMCA will establish a Waste and Recycling Committee to discharge the functions set out in Section D of Part 4, of this Constitution
- 8.6 The GMCA may establish such other committees as it thinks fit to discharge its functions.
- 8.7 Committees established under Articles 8.1 to 8.5 may include as voting members any elected member of a Constituent Council even if such members are not members of GMCA.

## **9. JOINT ARRANGEMENTS**

- 9.1 The GMCA has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 9.2 Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

**9.3** The Mayor may enter into arrangements jointly with the GMCA and with the Constituent Councils in accordance with Section 101(5) of the Local Government Act 1972 for the discharge of the (transport related) functions listed in Schedule 2 to the 2019 Order.

**9.4** Where a joint transport committee is established in accordance with Article 9.3 the members of the joint committee must be appointed in accordance with the following requirements:

**(a)** The members appointed by the GMCA must be members or substitute members of the GMCA or members of the Constituent Councils.

**(b)** The members appointed by the Constituent Councils must be members of those councils.

**(c)** The members appointed by the Mayor must be members of the GMCA or of the Constituent Councils.

**(d)** In appointing members to the joint transport committee—

**(i)** the Mayor, the GMCA and the Constituent Councils must ensure that: the number of members of the committee does not exceed twenty three and members are appointed to act as substitute members of the joint transport committee in the absence of members of the committee; and

**(ii)** the GMCA and the Constituent Councils must ensure that the members of the committee appointed from among the members of the GMCA and the Constituent Councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils.

**(e)** Questions relating to the apportionment of membership under Article 9.4

**(d)(ii)** require a unanimous vote in favour by all members, or substitute members acting in place of those members, of the GMCA to be carried.

**9.5** Where a joint transport committee is established in accordance with Article 9.3:

**(a)** the Mayor must in each year appoint the chair of the joint transport committee from among the members of that committee; and

**(b)** if an office arises in the office of the chair, the Mayor must make an appointment to fill the vacancy at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

## **10. OFFICERS**

### **10.1.1 Statutory Officers**

The GMCA must appoint a Head of Paid Service, a Treasurer and a Monitoring Officer, whose responsibilities and delegations are as set out in Part 3 of this Constitution.

## **10.2 Chief Officers**

Chief Officers for the purposes of Part 3 (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Head of Paid Service, the Treasurer, the Monitoring Officer and the Chief Fire Officer.

## **10.3 Scrutiny Officer**

The GMCA must designate one of its officers as the Scrutiny Officer, whose responsibilities and functions are set out in Section C of Part 5 of this constitution. Provided that such officer may not be an officer of a constituent council.

## **10.4 Other Officers**

The GMCA will appoint as officers of the GMCA (subject to their agreement) the Chief Executives of the Constituent Councils.

## **10.5 General**

The GMCA may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

10.6 Officers will comply with the Code of Conduct for Officers set out in Part 7 of this Constitution.

## **11. DECISION MAKING**

### **11.1 Responsibility for decision making**

The GMCA and the Mayor will issue and keep up to date a record of what part of the GMCA or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in Part 3 of this Constitution.

### **11.2 Principles of decision making**

All decisions of the GMCA should be made in accordance with the following principles:

- (a) Proportionality (meaning the action must be proportionate to the results to be achieved);
- (b) Due consultation (including the taking of relevant professional advice);
- (c) Respect for human rights;
- (d) Presumption in favour of openness;
- (e) Clarity of aims and desired outcomes;

- (f) Due consideration to be given to alternative options;

### 11.3 Types of decision

- (a) **Decisions reserved to the GMCA**  
Decisions relating to the functions listed in Part 3, section A of this Constitution will be made by the GMCA and not delegated. The GMCA meeting will follow the GMCA Rules of Procedure set out in Part 5 of this Constitution when considering any matter.
- (b) **Decisions reserved to the Mayor**  
Decisions relating to the Mayor's general functions listed in Part 3, Section B I of this Constitution and decisions relating to the Mayor's PCC functions specified as being reserved to the Mayor in Part 9 of this Constitution will be made by the Mayor and not delegated.
- (c) **Decision making by Committees and Joint Committees established by the GMCA**
  - (i) Committees and Joint Committees established by the GMCA will follow those parts of the GMCA Rules of Procedure set out in Part 5 of this Constitution as apply to them.
  - (ii) **The GM Transport Committee** will follow the **GM Transport Committee Rules of Procedure** set out in Schedule 1 to the **GM Transport Committee Operating Agreement** made on **XXXX 2019** between the GMCA, **the Mayor** and the Constituent Councils.
- (d) **Decision making by Officers**  
Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution and other provisions of this Constitution.

## 12. FINANCE, CONTRACTS AND LEGAL MATTERS

### 12.1 Financial management

The management of the GMCA's financial affairs in relation to non PCC functions will be conducted in accordance with the Financial Procedures set out in Part 6 of this Constitution and in relation to PCC functions in accordance with the Financial Procedures in Part 9 of this Constitution.

#### 12.2.1 Legal proceedings

- (a) The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the GMCA or in any case where the Monitoring Officer considers that such action is necessary to protect the GMCA's interests.
- (b) Any notices to be served on the GMCA are to be sent to the Monitoring Officer at the Churchgate House, Oxford Street, Manchester, M1 6EU, which for the purposes of section 231 of the Local Government Act 1972 and any other enactment shall be regarded as the principal office of the GMCA.

#### **12.2.2 Authentication of documents**

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the GMCA, it will be signed by the Monitoring Officer or some other person duly authorised by the GMCA or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- (b) Any contract with a value exceeding £50,000 entered into by the GMCA shall be made in writing. Such contracts must be signed by a duly authorised officer of the GMCA or made under the Common Seal of the GMCA attested by an authorised officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the GMCA attested by an authorised officer.

#### **12.4 Common Seal of the GMCA**

The Common Seal of the GMCA will be kept in a safe place in the custody of the Monitoring Officer. A decision of the GMCA, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer.

### **13. REVIEW AND REVISION OF THE CONSTITUTION**

- 13.1 The Monitoring Officer will monitor and review the operation of the Constitution.
- 13.2 Changes to the Constitution will only be approved by the full GMCA after consideration of the proposal by the Monitoring Officer and in accordance with the GMCA Rules of Procedure in Part 5 of this Constitution, provided that such delegations made by the Mayor as are included in Part 3, 4 and 9 of this Constitution appear for information only, and may be revised by the Mayor following consultation with, and having given written notice to, the Monitoring Officer.

## **PART 2**

# **FUNCTIONS OF THE GMCA**

## PART 2

### FUNCTIONS OF THE GMCA

#### A INTRODUCTION

1. The functions of the GMCA are those functions conferred or imposed on it by the GMCA Orders or by any other enactment or as may be delegated to it by or under the GMCA Orders or any other enactment.
2. All functions are functions of the GMCA, but some functions are only exercisable by the Mayor. Part three of this Constitution sets out the responsibility for functions.
3. The functions of the GMCA derive from a wide range of sources, in particular:-
  - Functions transferred to the GMCA by the GMCA Orders from the former Greater Manchester Integrated Transport Authority ('GMITA'), Greater Manchester Fire and Rescue Authority ('GMFRA'), the Greater Manchester Police and Crime Commissioner ('GMPCC') and Greater Manchester Waste Disposal Authority, which bodies or posts were then abolished
  - Transport functions statutorily delegated (and effectively transferred) to the GMCA from the Constituent Councils
  - Functions of the Constituent Councils which pursuant to the GMCA orders are exercisable by the GMCA concurrently with the Constituent Councils
  - Functions of other public authorities (including the Secretary of State) which are exercisable in the GMCA area which pursuant to the GMCA Orders are exercisable by the GMCA concurrently with the public authority
  - Functions corresponding to those functions exercisable by other public authorities outside the GMCA area (e.g. in London) which pursuant to the GMCA Orders are exercisable by the GMCA in relation to the GMCA area
  - Consequential and incidental provisions in the GMCA Orders conferring functions on the GMCA
  - Functions conferred on combined authorities by general local authority legislation
  - Functions voluntarily delegated to the GMCA by the constituent councils.
4. All functions conferred on the GMCA by any enactment are functions of the GMCA, notwithstanding that an enactment may provide that certain functions may be exercised only by the Mayor (or the Mayor's delegatee)
5. When the GMCA was established in April 2011, its functions were limited to transport, economic development and regeneration. Subsequent orders and enactments have expanded the GMCA's responsibilities which can now be grouped under the following broad headings:
  - Transport
  - Economic Development, Housing and Regeneration

- **Strategic spatial planning**
- Education Skills and Training
- Police and Crime Commissioner Functions
- Fire and Rescue
- **Public health**
- Waste



## **B TRANSPORT**

### **1. Transport Functions of the former Greater Manchester Integrated Transport Authority (GMITA) transferred to the GMCA**

#### **1.1 Pursuant to the 2011 Order, the former GMITA was abolished and its functions transferred to the GMCA. In consequence:-**

- (a) The GMCA is the local transport authority ('LTA') and integrated transport authority ('ITA') for the area of Greater Manchester, and has all the functions of an LTA and ITA.
- (b) Without prejudice to the generality of the above, the GMCA is responsible for the discharge of the functions of an LTA and an ITA that are conferred or imposed by the Transport Acts 1968, 1983, 1985 and 2000, the Local Government Act 1972, the Transport and Works Act 1992, the Local Transport Act 2008, the Bus Services Act 2017, and the 2009 Act.
- (c) The GMCA must develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area, and must prepare and publish a local transport plan containing their policies and proposals for their implementation.
- (d) The GMCA is 'the Authority' for the purposes of the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969 and is responsible for the appointment of members to the Board of TfGM.
- (e) The GMCA has the power in a transport context under sections 99 and 102A of the Local Transport Act 2008 to take any action to achieve the promotion or improvement of the economic, social and environmental well-being of its area, and persons resident and present in, or travelling in or through the area.

### **2. Transport Functions of the Constituent Councils statutorily delegated to the GMCA**

#### **2.1 Pursuant to the 2011 Order, the following transport functions of the Constituent Councils are delegated to the GMCA:-**

- (a) The functions of the Constituent Councils under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals;
- (b) The functions of the Constituent Councils under section 23 (pedestrian crossings) of the Road Traffic Regulation Act 1984 so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and

- (c) The functions of the Constituent Councils under section 2 of the Road Traffic Reduction Act 1997 (duty of principal councils to make reports).
- 2.2 In consequence of subparagraphs (a) and (b) of paragraph 2.1 above the GMCA, in the discharge of the functions delegated to it by those provisions, is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980.
- 2.3 For the purposes of subparagraph (a) of paragraph 2.1 above 'traffic light signal' means a traffic sign of the size, colour and type prescribed by regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002 or another traffic sign of a like nature prescribed by those Regulations as from time to time amended or by any regulations for the time being replacing those Regulations.
- 2.4 The costs incurred by the GMCA in discharging the functions in paragraph 2.1 above shall, except so far as the Constituent Councils agree otherwise, be defrayed by the GMCA.
- 2.5 The costs so defrayed under paragraph 2.4 above shall, for the purposes of section 74(10) of the Local Government Finance Act 1988, fall to be treated as expenses attributable to the exercise of the GMCA's functions relating to transport.
- 2.6 Whilst the delegations given effect by paragraph 2.1 above remain in force, the functions delegated are not exercisable by the Constituent Councils either concurrently or instead of the GMCA, except so far as the GMCA sub-delegates any such function back to a Constituent Council.
- 2.7 In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the GMCA the functions delegated to the GMCA by paragraph 2.1 above are to be treated as if they were functions of the GMCA.
- 2.8 The GMCA, the Constituent Councils, the **GM Transport Committee** and TfGM will draw up and agree detailed Protocols in relation to the discharge of the transport functions set out at paragraphs 2.1 above, and paragraph 3.1 below.
- 2.9 The GMCA, the Constituent Councils, the **GM Transport Committee** and TfGM will keep the Protocols referred to at paragraph 2.8 above under regular review and may revise them from time to time, such revisions to be agreed by the Head of Paid Service of the GMCA, the Chief Executives of the Constituent Councils and the Chief Executive of TfGM.
- 2.10 Protocols drawn up, agreed, or revised under paragraphs 2.8 and 2.9 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
3. Transport Functions to be exercised by the GMCA concurrently with the Constituent Councils or the Secretary of State pursuant to the 2016 Order.

- 3.1 The following transport functions are exercisable by the GMCA concurrently with the Constituent Councils:
- (a) Powers under section 6 of the Highways Act 1980 to enter into agreements with the Secretary of State or Highways England relating to the exercise of functions with respect to trunk roads
  - (b) Powers under section 8 of the Highways Act to enter into agreements with local highway authorities or Highways England for the doing of certain works
  - (c) Functions under section 39(2) and (3) of the Road Traffic Act 1988 to prepare and carry out a programme of measures designed to promote road safety, and carry out studies into accidents.

3.2 The GMCA has a function in relation to its area corresponding to the function of the Secretary of State under section 154 of the Transport Act 2000 to make grants to operators of eligible bus services operating within its area. Such grants must be calculated in accordance with any regulations made or conditions determined, by the Secretary of State.

#### **4 Transport Functions Conferred on the GMCA, and Transport Functions Made Mayoral Functions, by the 2019 Order**

**4.1 Pursuant to the 2019 Order the GMCA has in relation to the Combined Area the functions contained in the following provisions that TfGM has in relation to that area:**

- (a) Section 149(1) of the Transport Act 2000 (reimbursement of operators);**
- (b) Section 150(1) and (2) of the Transport Act 2000 (procedure for reimbursement arrangements determined by authority)**
- (c) Sections 88 to 92 and 93(6) of the Transport Act 1985; and**
- (d) Section 9A(4) to (7) of the Transport Act 1968 (general functions of Authorities and Executives).**

**4.2 The functions set out at paragraph 4.1 above are exercisable by the GMCA instead of by TfGM. They are mayoral functions to the extent that they are listed in paragraph 4.3 below.**

**4.3 Schedule 1 of the 2019 Order also provides that the following transport functions of the GMCA are to be mayoral functions:**

- (a) the functions contained in section 9A(4) to (7) of the Transport Act 1968 (general functions of Passenger Transport Authorities and Executives) to the extent that such functions relate to bus services;**
- (b) The functions contained in the following provisions of the Transport Act 1985:**

- (i) section 88 (expenditure on public passenger transport services);
  - (ii) section 89 (obligation to invite tenders for subsidised services);
  - (iii) section 90 (provisions supplementary to section 89);
  - (iv) section 91 (exceptions from section 89);
  - (v) section 92 (general provisions with respect to the exercise of service subsidy functions);
  - (vi) section 93(1) (travel concession schemes); and
  - (vii) section 93(6).
- (c) The functions contained in the following provisions of the Transport Act 2000:
- (i) section 113C(1) to (11) (advanced quality partnership schemes);
  - (ii) section 113D(1) to (4) (advanced quality partnership schemes: registration restrictions);
  - (iii) section 113G(1) to (4) (notice and consultation requirements);
  - (iv) section 113H(1) to (11) (making of scheme);
  - (v) section 113I(1) to (5) (postponement of scheme or of provision of particular facilities, taking of particular measures or provision of particular standards of service);
  - (vi) section 113J(1) to (7) (effect of scheme);
  - (vii) section 113L(1) to (4) (variation or revocation of schemes);
  - (viii) section 123G(4) (response to consultation);
  - (ix) section 123H(1) to (10) (making and publication of scheme);
  - (x) section 123I(1) to (4) (postponement of local service contracts);
  - (xi) section 123J(6) (effect of local service contracts: registration requirements and provision of service);
  - (xii) section 123K(1) and (6)(local service contracts);
  - (xiii) section 123L(1) to (2) (exceptions to section 123K);
  - (xiv) section 123M(1) to (9) (variation of scheme);
  - (xv) section 123N(1) to (8) (revocation of scheme);
  - (xvi) section 123O(1) to (9) (interim services and replacement services);
  - (xvii) section 123P(1) and (2) (service permits);
  - (xviii) section 123Q(1) to (7) (application for service permit);
  - (xix) section 123R(1) to (9) (conditions);
  - (xx) section 123S(1) to (5) (revocation and suspension);
  - (xxi) section 134C(1) to (11) (advanced ticketing schemes);
  - (xxii) section 134D(1) to (4) (notice and consultation requirements);
  - (xxiii) section 134E(1) to (8) (making of scheme);
  - (xxiv) section 138A(1) to (14) (enhanced partnership plans and schemes);
  - (xxv) section 138F(1) to (12) (preparation, notice and consultation);
  - (xxvi) section 138G(1) to (11) (making of plans and schemes);
  - (xxvii) section 138I(1) to (6) (postponement of scheme or part of scheme);
  - (xxviii) section 138J(1) to (10) (effect of plans and schemes);
  - (xxix) section 138K(1) to (8) (variation);
  - (xxx) section 138L(1) to (10) (variation: preparation, notice and consultation);
  - (xxxii) section 138M(1) to (9) (variation: making the variation);

**(xxxii) section 138O(1) to (12) (revocation);**  
**(xxxiii) section 139(1) to (6) (information about bus services);**  
**(xxxiv) section 140(1) to (4) (duty of authority to make information available);**  
**(xxxv) section 143(1) to (6) (power to obtain information about local services);**  
**(xxxvi) section 143A (1) to (10) (power to obtain information: franchising schemes);**  
**(xxxvii) section 143B(1) to (11) (power to obtain information about local services: enhanced partnership schemes);**  
**(xxxviii) section 149(1) (mandatory concessions: supplementary); and**  
**(xxxix) section 150(1) and (2) (procedure for reimbursement arrangements determined by authority).**

## **C. ECONOMIC DEVELOPMENT, REGENERATION AND HOUSING**

1. Economic Development Housing and Regeneration Functions to be exercised by the GMCA concurrently with the Constituent Councils pursuant to the GMCA Orders.

1.1 The following economic development, housing and regeneration functions of the Constituent Councils are to be exercised by the GMCA concurrently with the Constituent Councils:-

- (a) The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
- (b) The duty under section 8(1) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation);
- (c) The duties under section 82 of the Environment Act 1995 (duty to cause a review to be conducted of air quality for the time being, and likely future quality within the relevant period, of air within the authority's area and associated duties);
- (d) The duty under section 83 of the Environment Act 1985 (duty to designate air quality management areas);
- (e) The duties under section 84 of the Environment Act 1985 (duties in relation to designated area);
- (f) The power under section 2 of the Local Government Act 2000 (promotion of well-being);
- (g) The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).
- (h) The power under section 17 of the Housing Act 1985 to acquire land compulsorily or by agreement for housing purposes
- (i) The duties under section 18 of the Housing Act 1985 with respect of land acquired for housing purposes
- (j) The following functions under Part IX of the Town and Country Planning Act 1990 in relation to the acquisition of land for development and other planning purposes:-
  - (i) section 226 (compulsory acquisition of land for development and other planning purposes)
  - (ii) section 227 (acquisition of land by agreement)
  - (iii) section 229 (appropriation of land forming part of a common)
  - (iv) section 230 (i)(a) (acquisition of land for purposes of exchange)
  - (v) section 232 (appropriation of land for planning purposes)
  - (vi) section 233 (disposal of land held for planning purposes)
  - (vii) section 235 (development of land held for planning purposes)
  - (viii) section 236 (extinguishment of rights over compulsorily acquired land)
  - (ix) sections 238, 239, and 241 (use and development of consecrated land, burial grounds and open space)

2. Housing and Regeneration Functions to be exercised concurrently with the Homes and Communities Agency (HCA) pursuant to the 2016 Order.

- 2.1 The following functions of the HCA under Part 1 of the Housing and Regeneration Act 2008 are exercisable by the GMCA in its area concurrently with the HCA:-
- (a) Section 5 (powers to provide housing or other land)
  - (b) Section 6 (powers for regeneration, development or effective use of land)
  - (c) Section 7 (powers in relation to infrastructure)
  - (d) Section 8 (powers to deal with land)
  - (e) Section 9 (acquisition of land compulsorily or by agreement)
  - (f) Section 10 (restrictions on disposal of land)
  - (g) Section 11 (main powers in relation to acquired land)
  - (h) Section 12 (powers in relation to statutory undertakers)
- 2.2 The functions in paragraph 2.1 must be exercised for the purposes of or for purposes incidental to the following objects:-
- (a) To improve the supply and quality of housing in the area
  - (b) To secure the regeneration and development of land or infrastructure in the area
  - (c) To support in other ways the creation, regeneration or development of communities or their continued well being
  - (d) To contribute to the achievement of sustainable development and good design.

3. Functions corresponding to the Functions of the Mayor of London

**Mayoral Development Corporations**

- 3.1 The GMCA has in relation to its area functions corresponding to the functions of the Mayor of London under Part 8 of the Localism Act 2011 in relation to the designation of mayoral development areas and in relation to mayoral development corporations consequently established by order of the Secretary of State.

**Spatial Development Strategy**

- 3.2 The GMCA has in relation to its area functions corresponding to the functions of the Mayor of London under part VIII (Planning) of the Greater London Authority Act 1999 in relation to the preparation and publication of a spatial development strategy.
4. Any requirement in any enactment for a Constituent Council to exercise any of the functions set out in paragraph 1 above may be fulfilled by the exercise of that function by the GMCA
5. The GMCA and the Constituent Councils will draw up and agree detailed Protocols in relation to the discharge of the economic development and regeneration functions set out in paragraph 1 above.
6. The GMCA and the Constituent Councils will keep the Protocols referred to at paragraph 5 above under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils and the Head of Paid Service of the GMCA.

7. Protocols drawn up, agreed, or revised under paragraphs 5 and 6 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of functions ) (England) Regulations 2012.



## **D. EDUCATION, SKILLS, TRAINING AND CULTURE**

1. Pursuant to the 2011 Order and the 2016 Order, the following functions of the Constituent Councils in relation to education, skills and training and exercisable concurrently by the GMCA:-
  - (a) The duties under section 15ZA, 15ZB, 15ZC, 17A and 18A (1)(b) of the Education Act 1996 and the powers under sections 514A and 560 of that Act (duties and powers relating to the provision of education and training for persons over compulsory school age)
  - (b) Section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals)
  - (c) Section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)
  - (d) Section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds)
  - (e) Section 15B of the Education Act 1996 (functions in respect of education for persons over 19)
  - (f) The following functions under the Education and Skills Act 2008:-
    - (i) section 10 (local authority to promote fulfilment of duty under section 2, i.e. for 16 and 17 year olds to participate in education and training)
    - (ii) section 12 (duty to make arrangements to identify persons not fulfilling the section 2 duty)
    - (iii) section 68, 70, 71 (functions in respect of support services)
2. Pursuant to the 2016 Order, the functions of the Constituent Councils under section 145 of the Local Government Act 1972 (provision of entertainments) are exercisable concurrently by the GMCA.
3. Any requirement in any enactment for a Constituent Council to exercise any of the functions set out in paragraphs 1 and 2 above may be fulfilled by the exercise of that function by the GMCA.
4. The GMCA and the Constituent Councils will draw up and agree detailed Protocols in relation to the discharge of the functions set out at paragraph 1 and 2 above, and the case of concurrent duties will enter into a formal operating agreement.
5. The GMCA and the Constituent Councils will keep the Protocols referred to at paragraph 4 above under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils and the Head of Paid Service of the GMCA.
6. Protocols drawn up, agreed, or revised under paragraphs 4 and 5 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

- 7. Adult Education functions of the Secretary of State transferred to the GMCA pursuant to the Adult Education Order**
- 7.1 The functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority in relation to the Area instead of the Secretary of State —**
  - (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)**
  - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities); and**
  - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)**
- 8 Adult Education functions of the Secretary of State to be exercisable concurrently with the GMCA pursuant to the Adult Education Order**
- 8.1 The functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority concurrently with the Secretary of State in relation to the Area —**
  - (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention); and**
  - (b) section 100(1)(provision of financial resources)**
- 9. The GMCA must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 Act in accordance with any direction given by the Secretary of State.**
- 10. In exercising the functions mentioned in paragraphs 7 and 8 above, the GMCA must have regard to guidance issued by the Secretary of State for the purpose of Article 5 of the Adult Education Order.**

**E. FIRE AND RESCUE**

1. Fire and Rescue Functions of the former Greater Manchester Fire and Rescue Authority (GMFRA) transferred to the GMCA.
  - 1.1 Pursuant to the Fire Order, the former GMFRA was abolished on 8 May 2017 and the functions transferred to the GMCA as mayoral functions.
  - 1.2 In consequence the GMCA is the Fire and Rescue Authority for the purposes of the Fire and Rescue Services Act 2004 ('the FRA 2004') and is responsible for the discharge of all the functions of a fire and rescue authority conferred or imposed by the FRA 2004 and any other enactment.

**F. POLICE AND CRIME COMMISSIONER (PCC) FUNCTIONS**

- 1.1 Police and Crime Commissioner Functions of the former PCC transferred to the GMCA to be exercisable by the Mayor pursuant to the Mayoral Order and the PCC Order.
- 1.2 The post of Greater Manchester PCC was abolished as from 8 May 2017
- 1.3 The Mayor is to be treated, in relation to PCC functions, as a Police and Crime Commissioner for the purposes of all PCC enactments (whenever passed or made) subject to the modifications in Schedule 1 of the PCC Order.
- 1.4 'PCC enactments' means any functions conferred on Police and Crime Commissioners by or under Part 1 of the Police and Social Responsibility Act 2011, or any other Act (whenever passed).

**G. WASTE**

1. Waste Disposal Functions of the former Greater Manchester Waste Disposal Authority (GMWDA) transferred to the GMCA.
- 1.1 Pursuant to the 2017 Order, the former GMWDA was abolished and the functions transferred to the GMCA on 1 April 2018.
- 1.2 In consequence the GMCA is the Waste Disposal Authority for the purposes of the Waste Regulation and Disposal (Authorities) Order 1985 and is responsible for the discharge of all the functions of a waste disposal authority conferred or imposed by the Waste Regulation and Disposal (Authorities) Order 1985, the Environmental Protection Act 1990 and any other enactment.

**H. PUBLIC HEALTH**

**1. Public health functions conferred on the GMCA pursuant to the Public Health Order**

**1.1 The functions of the constituent councils specified in section 2B(1) of the NHS Act 2006 (functions of local authorities and Secretary of State as to improvement of public health) are exercisable by the GMCA in relation to its area concurrently with the constituent councils.**

**1.2 In consequence of the conferral of the public health functions on the GMCA referred to in paragraph 1.1 above, certain provisions of the NHS Act 2006 and the Health Act 2009 apply to the GMCA as those provisions apply to the constituent councils in exercising those public health functions.**

## **I. INCIDENTAL PROVISIONS PURSUANT TO THE GMCA ORDERS**

1. The following provisions have effect as if the GMCA were a local authority for the purposes of these provisions:-
  - (a) Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority);
  - (b) Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings);
- 1.1 The GMCA shall have the power to exercise any of the functions described in subsection 1(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information) whether or not a scheme is made under that section.
- 1.2 Section 13 of the Local Government and Housing Act 1989 shall have effect as if in subsection (4) after paragraph (e) there were inserted : –  
'(ea) a committee appointed by the Greater Manchester Combined Authority;'  
And after subsection (4) there were inserted :  
  
'(4A) A person who is a member of a committee falling within paragraph (ea) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless he is a member of one of the constituent councils as defined by article 2 of the Greater Manchester Combined Authority Order 2011.'
- 1.3 The GMCA is the sole member of the Commission of the New Economy Limited and Manchester Investment and Development Agency Service Limited, companies limited by guarantee and registered in England with company numbers 05678007 and 3323710.
- 1.4 The GMCA is to be treated as a local authority, relevant authority or local enforcing authority (as appropriate) and have similar powers and duties as the Constituent Councils for the purposes of data sharing and the disclosure of information under the following provisions:-
  - (a) Section 17A (sharing of information) and section 115 (disclosure of information) of the Crime and Disorder Act 1998
  - (b) Section 113 of the Environment Act 1995 (disclosure of information)
  - (c) Section 122 of the Apprenticeships, Skills, Children and Learning Act 2009 (sharing of information for education and training purposes)
  - (d) The following sections of the Education and Skills Act 2008:-
    - (i) Section 14 (educational institutions – duty to provide information)
    - (ii) Section 16 (supplying of information by public bodies)

- (iii) Section 17 (sharing and use of information held for purposes of support services)
- (iv) Section 77 (supply of information by public bodies)

1.5 The GMCA has the function of making grants to the Constituent Councils under section 31 of the Local Government Act 2003, as modified by the 2017 Order. Such function is a mayoral function exercisable concurrently with the Secretary of State.



**J. FUNCTIONS CONFERRED ON A COMBINED AUTHORITY BY LOCAL GOVERNMENT LEGISLATION**

- 1.1 The GMCA shall have such other powers and duties as are conferred on a combined authority by any enactment.
- 1.2 Without prejudice to the generality of the above, such powers and duties include:
- (a) The duty to appoint a Head of Paid Service, a Monitoring Officer, an officer with responsibility for the administration of GMCA's financial affairs, a Scrutiny Officer and a Data Protection Officer;
  - (b) The power to borrow money for a purpose relevant to its functions;
  - (c) The power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;
  - (d) The power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;
  - (e) The power to pay subscriptions to the funds of local authority associations;
  - (f) The duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;
  - (g) The power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area;
  - (h) The power under section 113A of the Local Democracy, Economic Development and Construction Act 2009 to do anything it considers appropriate for the purpose of carrying out any of its functions.
- 1.3 The GMCA is a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).
- 1.4 The GMCA is a best value authority for the purpose of Section 1 of the Local Government Act 1999.
- 1.5 The GMCA is a public body for the purpose of the Freedom of Information Act 2000.
- 1.6 The GMCA is a public authority for the purposes of the Equality Act 2010.
- 1.7 The GMCA is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

## **K. MISCELLANEOUS ROLES OF THE GMCA**

### **1. Association of Greater Manchester Authorities (AGMA)**

- 1.1 The GMCA and the Constituent Councils are members of AGMA and have entered into joint arrangements, including an Operating Agreement and the establishment of a joint committee called the AGMA Executive Board.
- 1.2 The AGMA Executive Board may exercise those local authority functions delegated to it by the parties to the joint arrangements and set out in the Operating Agreement.
- 1.3 The Mayor will be the representative of the GMCA on the AGMA Executive Board.

### **2. Greater Manchester Local Enterprise Partnership**

- 2.1 The GMCA works in partnership with the Greater Manchester Local Enterprise Partnership (GM LEP) to deliver their joint strategic priorities as set out in the Greater Manchester Strategy and the Growth and Reform Plan. The LEP consists of 11 representatives of the private sector and 4 members of the GMCA.
- 2.2 The GMCA is the accountable body for funding awarded to the GM LEP where this falls within its statutory remit.
- 2.3 The private sector chair of the GM LEP is appointed (as laid out in its terms of reference) via an open and transparent recruitment process, overseen by the chair and vice chairs of the Greater Manchester Combined Authority (GMCA).
- 2.4 The process of appointing other members of the GM LEP is subject to agreement between the Chair of the GM LEP and the chair and vice chairs of the GMCA. The appointment of private sector members to the GM LEP is subject to the confirmation of the GMCA.

### **3. Ownership of Local Authority Companies**

- 3.1 The GMCA will be the sole member of the Commission for the New Economy Limited (Company Registration Number 05678007) and the Manchester Investment and Development Agency Service Limited (Company Registration Number 03323710).

### **4. Greater Manchester Accessible Transport Limited (GMATL)**

- 4.1 Following the dissolution of Greater Manchester Accessible Transport Trust (GMATT), the GMCA is the sole member of GMATL (Company Registration Number 02483763).

## 5. Transport for the North

- 5.1 The GMCA is a member of Transport for the North (TfN) which is a statutory body established under the Sub-national Transport Body (Transport for the North) Regulations 2018.
- 5.2 The Regulations give TfN various general functions:
- To prepare a transport strategy for its area
  - To provide advice to the Secretary of State ('SoS') about the exercise of transport functions in relation to its area (whether exercisable by the SoS or others)
  - To co-ordinate the carrying out of transport functions that are exercisable by different constituent authorities, with a view to improving efficiency and effectiveness
  - To make proposals to the SoS about the role and functions of TfN, including proposals to transfer further functions to TfN
- 5.3 The Regulations confer on TfN various local transport functions which can be exercised concurrently with local authorities or, where relevant, TfGM. These include:-
- (a) the power to make capital grants to fund facilities for public passenger transport under section 56 (2) of the Transport Act 1968
  - (b) the power to make ticketing schemes under sections 134C and 135 of the Transport Act 2000
  - (c) the right to be consulted on rail franchises affecting its area and the power to enter into agreements with the SoS in connection with rail services within its area under section 13 of the Railways Act 2005
  - (d) various powers under the Highways Act 1980, namely:-
    - Section 8 (power to enter agreements with local highways authorities and Highways England for doing certain works)
    - Section 24(2) (power to construct new highways)
    - Sections 25 and 26 (powers to enter into agreements for creation of footpaths)
    - Various functions relating to the acquisition of land for highways purposes
- 5.4 The Regulations also provide that TfN will be able to exercise certain highways functions jointly with the SoS and / or Highways England, namely:-
- Entering into agreements for works relating to trunk roads
  - Functions relating to environmental impact assessments
  - Functions relating to acquisition of land for trunk roads
- 5.5 The GMCA must appoint one of its elected members to be a voting member of TfN, being either the Mayor or the elected member with responsibility for transport.

- 5.6 In addition, the GMCA must appoint another of its elected members to be a voting member of TfN in the absence of the member appointed under Article 6.3 ('Substitute Member').
- 5.7 The GMCA is entitled to appoint one member of the authority to be a member of TfN's scrutiny committee.
- 5.8 The GMCA is also entitled to appoint one member of the authority to be a member of the scrutiny committee in the absence of the person appointed under Article 6.5 ('Substitute Member').

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

## **1. INTRODUCTION**

Responsibility for the discharge of Mayoral functions and the delegation of such responsibility rests with the Mayor. References to delegations of Mayoral General functions below are set out for reference only. The Mayor's delegations in relation to his Police and Crime Commissioner functions (the Mayor's PCC functions) are set out in Part 9 of the Constitution.

## **A FUNCTIONS RESERVED TO THE GMCA**

Only the GMCA will exercise the following functions:

1. Adopting and changing the GMCA Constitution;
2. The adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a sustainable community strategy, in Greater Manchester this is called the Greater Manchester Strategy;
3. The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009;
4. The approval of the Non Mayoral GMCA budget;
5. In relation to the Mayor's General Budget:
  - (a) the approval the draft budget (or revised draft budget), or
  - (b) the decision to veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the GMCA's recommendations as to the relevant amounts and calculations;
6. The issuing of the Mayoral combined authority precept stating separately the Police and Crime Commissioner component and the general component.
7. Insofar as the GMCA's revenue budget for transport is concerned, this includes approving the estimates of income and expenditure of the TfGM pursuant to 15(1)(b) of the Transport Act 1968, grants to be made to TfGM pursuant to section 13 of the Transport Act 1968 and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992;
8. Insofar as the GMCA's revenue budget for waste is concerned, this includes the setting of a waste levy pursuant to the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006.
9. The approval of borrowing limits of the GMCA;

10. Insofar as the GMCA's functions in respect of transport are concerned, this includes determining the borrowing limits of the GMCA in relation to transport matters pursuant to section 3 of the Local Government Act 2003, approving borrowing by TfGM pursuant to section 12(3) of the Transport Act 1968, and lending money to TfGM pursuant to section 12(4) of the Transport Act 1968;
11. Approval of the treasury management strategy and the investment strategy of the GMCA.
12. Subject to the Financial Regulations in Part 6 of this Constitution, approving the capital programme of the GMCA and TfGM and approving new transport schemes to be funded by the Greater Manchester Transport Fund;
13. The approval of capital schemes within the agreed capital programme and the agreed budget (including schemes for the purpose of the provision, improvement or development of facilities for public passenger transport, pursuant to Section 56(2) of the Transport Act 1968);
14. The acceptance of arrangements to delegate the functions of any person to the GMCA;
15. Questions relating to road user charging;
16. Granting approval to TfGM to promote or oppose any Bill in Parliament pursuant to section 10(1)(xxix) of the Transport Act 1968;
17. Making a written request to the Minister to authorise TfGM to purchase compulsorily any land which TfGM require for the purposes of their business pursuant to section 10(3) of the Transport Act 1968;
18. Exercise of GMCA's power, pursuant to section 15A(3) of the Transport Act 1968 to cause a review to be made of the organisation of TfGM's undertaking, and to give to TfGM such directions as appear from any such review to be requisite to ensure that TfGM's undertaking is organised in an efficient manner;
19. Making appointments to the Board of TfGM;
20. Approval of a Waste and Resources Strategy and such other plans or strategies as may be set out by the GMCA in its standing orders from time to time.
21. Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto);
22. Making decisions in relation to severance packages of £95,000 and over;
23. The determination of collective terms and conditions of staff.

## **B. GMCA FUNCTIONS RESERVED TO THE MAYOR**

### **Section B I**

#### **1. Budget**

1.1 The following functions are exercisable only by the Mayor:

- (a) functions in relation to the setting of the GMCA budget for the Mayor's general functions, as provided for in the Combined Authorities (Finance) Order 2017 [budget related functions reserved to the Mayor in relation to the Mayor's PCC functions are set out in Part 9 below ].

#### **2. Transport**

2.1 The following functions are exercisable only by the Mayor:

- (a) developing policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within Greater Manchester under s108 (1) (a) of the Transport Act 2000 ( the 2000 Act);
- (b) The adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a local transport plan (LTP) under section 108(3) of the Transport Act 2000;
- (c) The duty to keep the local transport plan under review and alter it if considered appropriate to do so including replacing the plan under section 109 (1) or (2) of the Transport Act 2000;
- (d) the following provisions of the 2000 Act, to the extent that they apply in relation to functions exercisable by the Mayor—
  - (i) section 108(1) (b);
  - (ii) section 108(2ZA) and (2ZB);
  - (iii) section 108(3B);
  - (iv) section 112 (plans and strategies: supplementary).

2.2 PROVIDED THAT:

- (a) Any exercise by the Mayor of the functions under section 108(1) (a), 108(3) and section 109(1) or (2) of the 2000 Act requires a vote in favour by at least 8 members of the GMCA or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA, in accordance with the voting arrangements set out at Part 5 of this Constitution.



- (b) Amendment of the following plans require a vote in favour by at least 7 members or substitute members acting in place of those members, appointed by the constituent councils present and voting on that question at a meeting of the GMCA:-
  - (i) a draft policy or a draft local transport plan prepared by the Mayor under sections 108(1) (a) or (3) (local transport plans) of the 2000 Act; or
  - (ii) a draft alteration or replacement of the local transport plan prepared under sections 109(1) and (2)

### **3. Compulsory Purchase Powers**

3.1 The following functions are exercisable only by the Mayor:

- (a) Compulsory acquisition of land under section 9(2) of the Housing and Regeneration Act 2008
- (b) Compulsory acquisition of land for development and other planning purposes under section 226 of the Town and Country Planning Act 1990
- (c) Compulsory acquisition of land for housing purposes under section 17 of the Housing Act 1985.

3.2 PROVIDED THAT:

Exercise of the functions specified at 3.1 above requires the consent of all members of the GMCA appointed by the Constituent Councils whose area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members (such consent to be provided at a meeting of the GMCA.)

### **4. Spatial Development Strategy**

4.1 The following functions are exercisable only by the Mayor:

- (a) Functions corresponding to those set out in sections 334 to 342 (public participation); (withdrawal); (publication); (examination in public); (review of matters affecting the strategy); (reviews of the strategy); (alteration or replacement); (matters to which the Mayor is to have regard)) and 346 (monitoring and data collection) of the Greater London Act 1999 ('the 1999 Act')

PROVIDED THAT:

The exercise by the Mayor of the functions corresponding to the functions specified in sections 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act requires a unanimous vote in favour by all members of the GMCA appointed by the Constituent Councils or substitute members acting in place of those members at a meeting of the GMCA.

## **5. Earnback**

- 5.1 Decisions in relation to the level or amount of 'earnback' (as described in paragraph 17 of the Greater Manchester Agreement of 3 November 2014) to be used or allocated to any exercise of a Mayoral General Function may only be exercised by the Mayor individually.

## **6. Mayoral Development Areas**

- 6.1 The following functions corresponding to functions contained in the provisions in the Localism Act 2011 (the 2011 Act), that the Mayor of London has in relation to Greater London are exercisable only by the Mayor —
- (a) section 197 (designation of Mayoral development areas ('MDAs');
  - (b) section 199 (exclusion of land from Mayoral development areas);
  - (c) section 200 (transfers of property etc. to a Mayoral development corporation ('MDC'));
  - (d) section 202 (functions in relation to Town and Country Planning);
  - (e) section 204 (removal or restriction of planning functions);
  - (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
  - (g) section 215 (reviews);
  - (h) section 216 (transfers of property, rights and liabilities);
  - (i) section 217 (dissolution: final steps);
  - (j) section 219 (guidance by the Mayor);
  - (k) section 220 (directions by the Mayor);
  - (l) section 221 (consents);
  - (m) paragraphs 1-4, 6 and 8 of Schedule 21

PROVIDED THAT:

The exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act in respect of any MDA requires the consent of:-

- (a) The Peak District National Park Authority if the proposal relates to the area of the Peak District National Park Authority
- (b) Each member of the GMCA appointed by a constituent council, or a substitute member acting in place of that member, whose Council's area contains the whole or any part of the area in respect of which it is proposed to exercise the functions, such consent to be given at GMCA Meeting.

6.2 A proposal by the Mayor to:

- (a) Designate any area of land as an MDA;
- (b) Alter the boundaries of an MDA so as to exclude an area of land;
- (c) Decide that a Mayoral Development Corporation (MDC) should be the local planning authority (LPA) for the purposes set out in section 202 (2) to (4) of the Localism Act 2011,

requires the consent of all members of the GMCA (or substitute members acting in their place) whose local government area contains any part of the area to be designated or excluded or in respect of which the Mayor wishes to decide that the MDC should be the LPA such consent to be provided at a meeting of the GMCA.

6.3 A proposal of the Mayor under paragraph 6.2 above may be rejected by the GMCA in accordance with the provisions of section 197 of the Localism Act 2011 as modified by the 2017 Order, but only if a motion to reject has been considered at a meeting of the GMCA and agreed to by two-thirds of the GMCA members (or substitute members acting in their place) present and voting on that motion.

## **7. Bus Franchising**

7.1 The following functions in relation to bus franchising may only be exercised by the Mayor individually:

- (1) the function of deciding whether to make a proposed franchising scheme (including in a case where the decision is to make a scheme jointly with one or more other franchising authorities).
- (2) the function of deciding whether to make a proposed variation to a franchising scheme (including in a case where the decision is to act jointly to vary a scheme).
- (3) the function of deciding whether to make a proposed revocation of a franchising scheme (including in a case where the decision is to act jointly to revoke a scheme).

## **8. Fire**

8.1 The following functions are reserved to the Mayor individually:

- (a) the power to enter into a reinforcement scheme with fire and rescue authorities under section 13 of the Fire and Rescue Services Act 2004 (FRSA);
- (b) the power to enter into arrangements under section 15 FRSA with a person who employs fire-fighters for securing the provision by that person of assistance for the purpose of the discharge of a function under section 7, 8 or 9 of the FRSA;

The power to enter into arrangements under section 16 of the FRSA for the discharge of a function under section 7, 8 9 or 11 of the FRSA;

- (c) appointing, or dismissing, the person responsible for managing the fire and rescue service;
- (d) approving the terms of appointment of that person;
- (e) holding that person to account for managing the fire and rescue service;
- (f) approving:-
  - (i) the local risk plan, and
  - (ii) the fire and rescue declaration;
- (h) approving plans, modifications to plans and additions to plans for the purpose of ensuring that:-
  - (i) so far as is reasonably practicable, the GMCA is able to continue to perform fire and rescue functions if an emergency occurs, and
  - (ii) the GMCA is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it; and
- (i) approving any arrangements for the co-operation of the GMCA in relation to its fire and rescue functions and other general Category 1 responders and general Category 2 responders in respect of the performance of the GMCA's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004 and any duties under regulations made in exercise of powers under that Act.

## **Section B II**

### **9. Power to Pay Grants**

Functions under section 31 of the Local Government Act 2003 (**grants to constituent councils**) are exercisable only by the Mayor or his delegatee.

## **10. Grants to Bus Operators**

The following functions in relation to buses are exercisable only by the Mayor or his delegatee:

10.1 Functions under section 154 (1) of the Transport Act 2000 (grants to bus operators).

## **C. COMMITTEES**

The terms of reference and the delegations to GMCA Committees are set out in Part 4 of this Constitution.

## **D. JOINT COMMITTEES**

### **Greater Manchester Transport Committee (GM Transport Committee)**

#### **1. Transport functions of the GMCA referred to the GM Transport Committee**

**1.1 The following transport functions of the GMCA are not delegated but are referred by the GMCA or, as the case may be, the Mayor to the GM Transport Committee in order for the GM Transport Committee to make recommendations (where appropriate) to the GMCA or, as the case may be, the Mayor in respect of:**

- (a) Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968; and**
- (b) Policy reviews and development on specific issues, undertaken by the GM Transport Committee on the direction of the Mayor and/or the GMCA.**

#### **2. Transport functions of the GMCA delegated to the GM Transport Committee**

**2.1 The following transport functions of the GMCA are delegated by the GMCA or, as the case may be, the Mayor to the GM Transport Committee, subject to the GM Transport Committee exercising these functions in accordance with any transport policies of the GMCA and the Mayor, the Local Transport Plan and the agreed transport budget and borrowing limits (and without prejudice to the GMCA's or, as the case may be, the Mayor's right to discharge such functions directly):**

- (a) Monitoring and overseeing the activities and performance of TfGM (and where appropriate recommending that the GMCA exercise the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the GM Transport Committee to be appropriate to secure the observance of the rights of the GMCA);**
- (b) Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;**
- (c) Considering what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139 to 143 of the Transport Act 2000;**
- (d) Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;**

- (e) Monitoring performance against the Local Transport Plan and other transport policies of the Mayor and the GMCA;**
- (f) Formulating, developing and monitoring procedures for public consultation on the GMCA's and the Mayor's transport policies;**
- (g) Active promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor;**
- (h) Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services;**
- (i) Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985; and**
- (j) Monitoring the operation and performance of Metrolink, bus and local rail services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor.**

**2.2. The following transport functions of the GMCA, which are delegated by the Constituent Councils to the GMCA, are sub-delegated by the GMCA to the GM Transport Committee, subject to the GM Transport Committee exercising these functions in accordance with any transport policies of the GMCA or the Mayor, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:**

- (a) In respect of those functions:**
  - (i) under section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and**
  - (ii) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals where "traffic light signals" means a traffic sign of the size, colour and type prescribed by any of the following regulations of the Traffic Signs Regulations 2002:**
    - Regulation 33 – Light signals for the control of vehicular traffic – standard form**



- Regulation 34 – Green arrow light signals for the control of vehicular traffic
- Regulation 37 – Light signals for control of vehicular traffic entering or proceeding on motorways and all purpose dual carriageway
- Regulation 39 – Light signals to control traffic at level crossings etc.
- Regulation 41 – Light signals for the control of tramcars
- Regulation 44 – Light signals for lane control of Vehicular traffic
- Regulation 45 – Warning light signal for motorways and all-purpose dual carriageway roads
- Regulation 46 – Matrix signs for motorways and all purpose dual carriageway roads
- Regulation 47 – Light signals at signal controlled pedestrian facilities
- Regulation 48 – Light signals at equestrian crossings
- Regulation 49 – Light signals at toucan crossings
- Regulation 52 – Light signals for pedestrian traffic at level crossings

the GMCA delegates to the GM Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- the development of policies relating to the installation, maintenance, and management of Traffic Light Signals that take both strategic and local strategies and frameworks into account; and
- the GMCA's budget for Traffic Light Signals.

(ii) Making arrangements for the discharge of the functions to be carried out in relation to Traffic Light Signals by TfGM.

(iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Traffic Light Signal function.

(b) In respect of those functions under section 2 of the Road Traffic Reduction Act 1997 ("the Transport Studies Function") the GMCA delegates to the GM Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- producing and updating policies in respect of the Transport Studies Function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives and GMCA's and the Constituent Council's budgets;
- settling budgets in respect of the Transport Studies Function

(ii) Making arrangements for the discharge of the functions to be carried out in relation to the Transport Studies Function by TfGM.

(iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Transport Studies Function.

2.3 In respect of functions under section 39 (2) and (3) of the Road Traffic Act 1988 ('the road safety function'), which may be exercised concurrently with Constituent Councils, the GMCA delegates to the GM Transport Committee responsibility for:

(a) Producing and developing policies in relation to the road safety function.

(b) Drawing up budgets in relation to the road safety function insofar as it is exercised by the TfGM. Determining the tasks to be carried out in relation to the road safety function by TfGM.

(c) Making recommendations to the GMCA and the Mayor in respect of the development of policies for the promotion and encouragement of safe transport to, from and within its area under s108 Transport Act 2000.

(d) Monitoring and overseeing the activities and performance of TfGM.

### ***3. Transport functions of the Constituent Councils delegated directly to the GM Transport Committee***

***3.1 The following transport related functions of the Constituent Councils will be delegated directly to the Transport Committee subject to the GM Transport Committee exercising these functions in accordance with any policies of the GMCA (as local transport authority), the Local Transport Plan and the terms of the delegation from the Constituent Councils:***

***(a) Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –***

***(i) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;***

- (ii) determining specific policies and objectives in relation to strategic roads;*
- (iii) monitoring the effectiveness of traffic authorities in managing their road network.*

*(b) Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.*

*[Paragraph 3 above is provided for information only, as it refers to functions of the Constituent Council's directly delegated to the GM Transport Committee.]*

## **E. TRANSPORT FOR GREATER MANCHESTER (TFGM)**

Transport functions of the GMCA delegated to Transport for Greater Manchester (TfGM)

1. To approve the entering into of Agreements by the GMCA under section 6 of the Highways Act 1980
2. To approve the entering into of Agreements under section 8 of the Highways Act 1980
3. To implement GMCA's policies in relation to cycling and walking and other behaviour change in use of transport.
4. To implement decisions taken by the GMCA, **the Mayor** and GM Transport Committee in a transport context to promote and improve the economic, social and environmental well-being of Greater Manchester.
5. In respect of the functions under -
  - 5.1 Section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and
  - 5.2 Section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals as prescribed by regulation 33, 34, 37,

39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002 or another traffic sign of a like nature prescribed by those Regulations

the GMCA delegates to TfGM responsibility for:

- (a) Designing and arranging for the construction of the traffic signals referred to in paragraphs 7.1 and 7.2 above (the “Traffic Light Signals”), (including carrying out any necessary statutory formalities) and associated equipment to meet the GMCA’s and Constituent Councils objectives and agreed programme;
- (b) Agreeing with the Constituent Councils (in their capacity as Local Transport Authorities), on a case by case basis, whether the TfGM or the relevant Constituent Council will be responsible for carrying out lining, installation of tactile paving and ancillary signing for Traffic Light Signals;
- (c) Producing and updating a Traffic Light Signals asset management plan which identifies cost effective programmes for replacing time expired Traffic Signals and associated equipment;
- (d) Maintenance and renewal of Traffic Light Signals;
- (e) Designing, managing and adjusting Traffic Light Signal timings in a manner that takes into account the needs of users of both the strategic and local road networks, following consultation with the relevant Constituent Council;
- (f) Coordinating the carrying out of Traffic Light Signal works with ancillary signing/lining and any complementary highway improvement works to be carried out by the relevant Constituent Council;
- (g) Entering into agreements under Section 278 of the Highways Act 1980.

6. In respect of the functions of the Constituent Councils pursuant to section 2 Road Traffic Reduction Act 1997 (the transport studies function), the GMCA delegates to TfGM responsibility for:

6.1 Providing a strategic transport analysis and advice service based on the databases and modelling resources which it maintains.

6.2 Maintaining the following Greater Manchester databases:

- (a) Road traffic accidents and casualties;
- (b) Transport assessment trip rate information;
- (c) Traffic volume, pedestrian and cycle counts;
- (d) Traffic interview surveys;
- (e) Traffic speeds (copy of Department for Transport's Trafficmaster database);
- (f) Passenger boarding and alighting counts;
- (g) Vehicle occupancy counts;
- (h) Key centre cordon and car park counts;
- (i) Such other Greater Manchester databases as are requested by the Constituent Councils.

6.3 Maintaining the following Greater Manchester models:

- (a) Strategy Planning (GMSPM2);
- (b) Public Transport Network (GMPTM);
- (c) SATURN (GMSATURN);
- (d) Transport Element of Emissions Inventory (EMIGMA).

6.4 Providing a cost effective traffic count, transport survey, modelling, analysis and advice service for the Constituent Councils, including modelling and forecasting support for scheme design for major and minor transport projects and operational, transport and economic appraisals of Constituent Council's strategies and developers' proposals.

7. In relation to the responsibilities delegated under paragraphs 5 and 6 –

- 7.1 To institute, conduct, prosecute or defend any legal proceedings;
- 7.2 Subject to any enactment or other provision of this Constitution, to do anything incidental to or calculated to facilitate the discharge of those responsibilities.

8. In relation to the Greater Manchester Road Activities Permit Scheme (GMRAPS), the GMCA has delegated to TfGM the powers and functions set out in Section B of Schedule 2 of the Agreement for the Operation and Management of the Greater Manchester Road Activities Permit Scheme dated 25<sup>th</sup> April 2013 and entered into between the GMCA, TfGM and the 10 Constituent Councils.

9. **Road Safety function**

In respect of the Road Safety function the GMCA delegates to TfGM responsibility for:

- a. Providing advice on the GM Road Safety strategy, risks, required behavioural changes, campaigns and publicity.
- b. Providing a service that identifies and analyses the contributory factors that cause high levels of casualties, the behaviours needed to be influenced and what locations need to be improved in order to meet GM safety objectives.

- c. Consulting the GM Casualty Reduction Partnership on proposed casualty reduction intervention programmes.
- d. Delivering Road Safety advice to GM Casualty Reduction Partners based on the analysis of casualty data to identify high risks and locations across Greater Manchester that have a high casualty problem.
- e. Delivering the Annual Road Safety publicity and communications programme, linked to national road safety, health and sustainable communities publicity programmes, to encourage responsible behaviour on Greater Manchester's roads.
- f. Analysing and sharing safety activity performance data, for use in press releases and web based publicity and educational materials in support of road safety objectives.
- g. Benchmarking of performance data, best practice and the most effective processes.
- h. Through joint work with the Health Service, providing publicity for active lifestyles, responsible drinking and drug-free road use.
- i. Monitoring and analysing the performance of safety camera sites

**9A The following functions of TfGM that pursuant to the 2019 Order were conferred on the GMCA are delegated back to TfGM, to the extent that such functions relate to the Passenger Transport Executive:**

- **Section 9A(4) to (7) of the Transport Act 1968 (general functions of Authorities and Executives), to the extent that such functions do not relate to bus services**

## **10. Mayor's Functions delegated to TfGM**

10.1 In relation to the Local Transport Plan (LTP):

- (a) To provide advice to the Mayor to enable the Mayor to develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within Greater Manchester.
- (b) To provide advice to the Mayor on preparation of the Local Transport Plan (LTP) and on proposals for the implementation of the LTP.
- (c) Where the GMCA has provided financial assistance to other persons or bodies (including the Constituent Councils) to implement the Mayor's transport policies or the LTP, at the request of and on behalf of the GMCA, to monitor and ensure compliance with any terms and conditions of such financial assistance.
- (d) To secure the implementation of the Mayor's transport policies and the LTP.

10.2 In relation to Buses:

To arrange for the payment of grants under section 154(1) Transport Act 2000 to bus operators.

**10.3 The following functions of TfGM that pursuant to the 2019 Order were conferred on the GMCA as Mayoral functions are delegated back to TfGM to the extent that such functions relate to the Passenger Transport Executive:**

**(a) Section 149(1) of the Transport Act 2000 (reimbursement of operators);**

**(b) Section 150(1) and (2) of the Transport Act 2000 (procedure for reimbursement arrangements determined by authority);**

**(c) Sections 88 to 92 and 93(6) of the Transport Act 1985; and**

**(d) Section 9A(4) to (7) of the Transport Act 1968 (general functions of Authorities and Executives), to the extent that such functions relate to bus services.**

## **F. SCHEME OF DELEGATION OF FUNCTIONS TO CHIEF OFFICERS AND SCHEDULE OF PROPER OFFICERS**

### **1. Introduction**

- 1.1 This Scheme of Delegation to Chief Officers and Schedule of Proper Officers for various functions has been prepared in accordance with section 101 of the Local Government Act 1972 (the 1972 Act), which enables the GMCA to delegate functions to officers and section 107D (3) of the Local Democracy, Economic Development and Construction Act 2009 which enables the Mayor to delegate Mayoral general functions. The Mayor's Delegations in relation to his PCC functions are set out in Part 9 below. The GMCA is also required by section 100G of the 1972 Act to maintain a list for public inspection specifying those powers of the GMCA which, for the time being, are exercisable from time to time by officers of the GMCA, and stating the title of the officer in question by whom the powers are exercisable.
- 1.2 Chief Officers in the context of this Part means the Head of Paid Service, the Treasurer, the Monitoring Officer and the Chief Fire Officer. Officers who are not Chief Officers for the purpose of this part of the Constitution include the Chief Executives of the Constituent Councils.
- 1.3 The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.
- 1.4 The exercise of delegated powers by officers is required to be in accordance with:
- a. Statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - b. The Constitution, the GMCA's Rules of Procedure including Access to Information Rules in Part 5 and the Financial Regulations set out Part 6 currently in force;
  - c. The revenue and capital budgets of the GMCA, subject to any variation thereof which is permitted by the GMCA's Financial Regulations; and
  - d. Any policy or direction of the GMCA, the **GM Transport Committee** or any other Committee acting in exercise of powers delegated to that Committee by the GMCA.
- 1.5 Officers may not exercise delegated powers where –
- a. The matter is reserved to the GMCA or the Mayor by law or by the GMCA's Constitution;
  - b. The matter is a function which cannot by law be discharged by an officer;



- c. The GMCA, a Committee, Sub-Committee or Joint Committee to which GMCA is a party, or (in the case of a mayoral function) the Mayor has determined that the matter should be discharged otherwise than by an officer;
  - d. The Head of Paid Service has directed that the officer concerned should not exercise a delegated function in special circumstances.
- 1.6 Before exercising delegated powers, particularly on matters involving the reputation of the GMCA, officers should consider the advisability of consulting the Head of Paid Service and/or the Chair of the GMCA.
- 1.7 Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.
- 1.8 Where, in relation to an item before the GMCA, the **GM Transport Committee** or a Committee, a Chief Officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.

## **2. General Delegations to all Chief Officers**

These functions may be Mayoral or non Mayoral depending on the circumstances

- 2.1 The day to day routine management, supervision and control of services provided for the GMCA or the Mayor by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the GMCA set out in Part 6 of this Constitution in relation to GMCA and the Mayor's non PCC functions and in accordance with the Financial Regulations applicable in relation to the Mayor's PCC functions contained in Part 9 below.
- 2.2 Subject to Financial Regulations, to accept tender(s) or bid(s) for the carrying out of works for the GMCA, the purchase, leasing or hiring of goods, materials and equipment by the GMCA, or the supply of services to the GMCA, where the estimated contract value does not exceed £250,000 or where it does exceed £250,000 with the agreement of the Treasurer provided in all cases that budget provision is available.
- 2.3 Subject to Financial Regulations, to enter into contract documentation following tender/bid acceptance.
- 2.4 To negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to the agreement of the Treasurer.
- 2.5 Where a contract contains provision for the extension to the contract period, the exercise of such extensions, subject to the agreement of the Treasurer.
- 2.6 Agreeing the assignment or novation of a contract.

- 2.7 Subject to Financial Regulations, to bid and tender for and enter into contract documentation for the supply of works, goods or services to other bodies where provided for in the relevant Business Plan.
- 2.8 Virement between heads of revenue and capital expenditure in accordance with Financial Regulations.
- 2.9 Subject to the agreement of the Treasurer: -
- a. the writing off of debts which are irrecoverable or losses due to burglaries, etc.; and
  - b. the writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc.
- 2.10 To exercise the responsibilities assigned to Chief Officers in Part 6 of this Constitution (Financial Regulations and Contract Procurement Rules)
- 2.11 In relation to staff and staffing matters within their direct or indirect line management responsibility:
- a. Day to day management of staff.
  - b. Determination of the payment of removal expenses, lodging allowances or travelling allowances.
  - c. Discipline, suspension and/or dismissal of employees.
  - d. Determination of staff grievances.
  - e. The filling of vacant posts within approved establishments
  - f. The determination of applications for paid and unpaid leave:
    - (i) for trade union training
    - (ii) for health and safety training
    - (iii) for paid leave for an employee to discharge her/his duties of the office of President of a Trade Union
    - (iv) for an employee to attend meetings etc. with pay as a member of a local authority or similar public body on condition that the employee only receives the difference between pay and any amount receivable under the Local Government Regulations etc. This does not include an employee attending such a body in their official capacity which would be as part of their official duties
    - (v) for personal or domestic reasons
    - (vi) for maternity and paternity pay
  - (g) Determination of requests for the reimbursement of post-entry training and examination fees
  - (h) Determination of proposals to attend training courses

### **3. Delegations to the Head of Paid Service**

These functions may be Mayoral functions or non Mayoral functions depending on the circumstances

- 3.1 To discharge the functions of the Head of Paid Service in relation to the GMCA as set out in Section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are to report to the GMCA where appropriate setting out proposals with respect to the coordination of the Mayor's or GMCA's functions, the number and grades of staff required and the organisation, appointment and proper management of the GMCA's staff.
- 3.2 To discharge any function of the GMCA or the Mayor which is neither the statutory responsibility of nor been specifically delegated to another officer, Committee or reserved to the GMCA or the Mayor under this Constitution or by law and may direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.
- 3.3 Take any action which is required as a matter of urgency in the interests of the GMCA, in consultation (where practicable) with the Chair of the GMCA.
- 3.4 Take preliminary steps to protect the rights and interests of the GMCA subject to consultation with the Chair of the GMCA in relation to any Bill or Statutory Instrument or Order in Parliament.
- 3.5 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the GMCA has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the GMCA not opposing any Private Bill.
- 3.6 Nominate, appoint and remove, in consultation with the Chair and Vice-Chairs of the GMCA, GMCA representatives on the board of companies, trusts and other bodies, of which the GMCA is a member, and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.
- 3.7 To provide a comprehensive policy advice service to the Mayor and the GMCA and **the GM Transport Committee** and in particular to advise on the Mayor's or the GMCA's plans and strategies, including the sustainable community strategy and the local transport plan.
- 3.8 Control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official GMCA publicity and official publications.

- 3.9 To approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc.
- 3.10 To authorise the attendance of officers at conferences or seminars which are appropriate to the work of the GMCA and within any policy framework from time to time laid down by the GMCA.
- 3.11 To be the authorised representative of the GMCA in respect of the Commission for the New Economy Limited (Company Registration Number 05678007) and the Manchester Investment and Development Agency Service Limited (Company Registration Number 03323710) pursuant to Section 323 of the Companies Act 2006 (as amended) and (in the absence of any other officer being appointed) any other company or organisation of which GMCA is a member, including attending and voting at general meetings of the company or organisation or nominating a member or officer of GMCA to do so.
- 3.12 To be the authorised representative of the GMCA on the board of Transport for Greater Manchester.
- 3.13 To manage investments made by the GMCA, which fall outside of the approved Treasury Management strategy, in consultation with the Portfolio Holder for Finance and Investments and the Treasurer and subject to subsequent reporting to the GMCA.
- 3.14 Except where delegated to the Chief Fire Officer:
- a. Establishment of new and additional posts at grades up to Grade 11 or equivalent, subject to funding being available.
  - b. In consultation with the Treasurer determination of requests or recommendations for acting-up/honoraria/additional payments, subject to funding being available.
  - c. In exceptional circumstances granting acceleration of increments for any staff within their substantive grade for merit and ability.
  - d. Determination of extensions of sickness allowance in consultation with the Treasurer.
  - e. Responsibility for the maintenance of an industrial relations framework.
  - f. In consultation with the Treasurer, the agreement of severance packages up to the value of £60,000.

## **Estate Management**

3.15 Except where delegated to TfGM or to the Chief Fire Officer:

- a. To acquire by agreement, land and property (including freehold chief rents) SUBJECT always to the purchase price, or the purchase price when added to other transactions in respect of the same project, being within the estimate of costs included in the GMCA's capital programme.
- b. To accept any offer or tender and agree and arrange for, the disposal of land or property and other interests in land or property provided the offer or tender does not exceed £500,000 and is the best consideration that can reasonably be obtained.
- c. In consultation with the relevant Portfolio Holder, to dispose of any interest in land at less than best consideration where the disposal will help the GMCA to secure the promotion or improvement of the economic, social or environmental well-being of the GMCA's area.
- d. Management of land, property, accommodation and facilities owned by the GMCA.

## **Waste Disposal**

3.16 All matters associated with the day-to-day operation of waste disposal functions.

## **Investment Funds**

3.17 In consultation with the relevant Portfolio Holder the variation of loans approved by the GMCA by up to 10% of the loan amount and to vary other loan conditions provided that the loan is to the same borrower on substantially the same terms.

## **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 .**

## **Secretariat**

**3.19 To provide a comprehensive administrative service to the GMCA.**

**3.20 Be the Proper Officer for ensuring the maintenance of public access to information in relation to GMCA documents, reports and background papers.**

#### **4. DELEGATIONS TO THE TREASURER**

These functions may be Mayoral functions or non Mayoral functions depending on the circumstances

- 4.1 To effect the proper administration of the GMCA's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- 4.2 The taking of all action required on borrowing, investment and financing subject to the submission to the Audit Committee and the GMCA of an annual report of the Treasurer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 4.3 To effect all insurance cover required in connection with the business of the GMCA and to settle all claims under such insurances arranged for the GMCA's benefit.
- 4.4 The preparation of manuals of financial and accounting procedures to be followed by Officers of the Constituent Councils working on GMCA matters.
- 4.5 To accept grant offers on behalf of the GMCA, subject to all the terms and conditions set out by the grant awarding body.
- 4.6 The submission of all claims for grant to the UK Government or the European Community (EC).
- 4.7 To make all necessary banking arrangements on behalf of the GMCA, to sign all cheques drawn on behalf of the GMCA, or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the facsimile signature of the Treasurer.
- 4.8 To monitor capital spending and submit a report to the GMCA at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the GMCA and those via TfGM.
- 4.9 In relation to revenue expenditure under the control of officers (including officers of TfGM), to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £25,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the GMCA for consideration of a supplemental estimate.
- 4.10 The approval of contracts and agreements proposed to be entered into by TfGM provided that, subject to any other requirement of this Constitution, the Treasurer may give a general consent to TfGM to enter into contracts or agreements the value of which does not exceed £5,000,000.
- 4.11 The collection of all money due to the GMCA, and the writing-off of bad debts.

- 4.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 4.13 To administer the scheme of Members' allowances.
- 4.14 To make all necessary arrangements to ensure the payment of staff employed by the GMCA.
- 4.15 To exercise the functions of the authority in relation to pensions and (without prejudice to the generality of this):
- a. to be the person specified to determine disputes in the first instance arising from the decisions of the Authority as scheme employer under the Local Government Pension Regulations, and
  - b. to determine the treatment of pensions for employees of contractors engaged to provide waste services to GMCA in situations where admission to the Greater Manchester Pension Fund is appropriate and to agree guarantees for Admission Agreements under the Local Government Pension scheme regulations.
- 4.16 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit Regulations 2015 including the requirement under Regulation 9 to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the GMCA at the end of the year to which it relates and of the GMCA's income and expenditure for that year.
- .
- 4.17 To discharge the functions of the GMCA under the Accounts and Audit Regulations 2015 (with the exception of those functions required to be exercised under these Regulations by the GMCA).
- 4.18 To sign certificates under the Local Government (Contracts) Act 1997.
- 4.19 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- 4.20 To determine an amount (not exceeding the sterling equivalent of 5,000 euros) being the maximum sum which the GMCA will receive in cash without the express written consent of the Treasurer.
- 4.21 To exercise the responsibilities assigned to the Treasurer in the Financial Regulations and the Contract Procurement Rules.
- 4.22 In respect of the Greater Manchester Pension Fund

- a. To exercise Local Government Pension Scheme Pensions discretions in line with agreed GMCA Pensions Discretion Statement
- b. To authorise the adoption and implementation of pay awards made nationally or locally under procedures recognised by the GMCA.
- c. To Implement the GMCA's Flexible and Early Retirement Policy.

4.23 To act as the GMCA's Senior Information Risk Owner and to arrange for the determination of requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and data protection legislation, including **dealing with internal reviews, complaints and data sharing or data processing.**

**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;**

**Mayoral Functions**

4.25 To release grants to bus service operators under section 154(1) Transport Act 2000 to TfGM



## 5. DELEGATIONS TO THE MONITORING OFFICER

These functions may be Mayoral functions or non Mayoral functions depending on the circumstances

The functions of the Monitoring Officer shall be as follows:

- 5.1 Should at any time it appear to the Monitoring Officer that any proposal, decision or omission by the GMCA has given rise to, or is likely to give rise to unlawfulness or maladministration, he/she will prepare a report to the GMCA with respect to that proposal, decision or omission.
- 5.2 Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. The GMCA has delegated to the Monitoring Officer the following powers to deal with matters of conduct and ethical standards in accordance with the requirements of the Localism Act 2011:
  - (i) To act as the GMCA's Proper Officer to receive complaints that GMCA Members have failed to comply with the GMCA's Code of Conduct for Members;
  - (ii) To determine, after consultation with the Independent Person and in accordance with the GMCA's Arrangements for dealing with Complaints that GMCA Members have failed to comply with the GMCA's Code of Conduct for Members ("the GMCA's Arrangements") whether to reject, informally resolve or investigate a complaint;
  - (iii) To seek informal resolution of complaints that GMCA Members have failed to comply with the GMCA's Code of Conduct for Members wherever practicable;
  - (iv) To refer decisions dealing with a complaint against a GMCA Member to the GMCA's Standards Committee in exceptional circumstances;
  - (v) To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation;
  - (vi) To issue guidance to be followed by an Investigating Officer on the investigation of complaints;
  - (vii) To confirm, after consultation with an Independent Person and in accordance with the GMCA's Arrangements, an Investigating Officer's finding of no failure to comply with the GMCA's Code of Conduct for Members;

- (viii) Where an Investigating Officer's report finds that the Subject Member has failed to comply with the GMCA's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the GMCA's Arrangements, either to seek a local resolution or to send a matter for local hearing.

### **GMCA's Register of Member's Interests**

- 5.3 In conjunction with the **Head of Paid Service** to prepare and maintain a GMCA Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the GMCA's Code of Conduct for Members, and ensure that it is available for inspection and published on the GMCA's website as required by the Act.

### **Dispensations**

- 5.4 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer:-
  - i) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - ii) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - iii) considers that granting the dispensation is in the interests of persons living in the GMCA's area; or
  - iv) considers that it is otherwise appropriate to grant a dispensation.
- 5.5 Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all members of the GMCA.
- 5.6 To act as the Solicitor to the GMCA.
- 5.7 To institute, conduct, prosecute and defend any legal proceedings on behalf of the GMCA, as may be necessary to protect and promote the GMCA's interests in accordance with any general policy laid down by the GMCA, subject to consultation with the Chair in any case where the matter is of significance to the GMCA's reputation or where the GMCA is to appeal to the Court of Appeal or the Supreme Court.
- 5.8 To settle, if appropriate, and in the interests of the GMCA, any actual or threatened legal proceedings.

- 5.9 To instruct Counsel and professional advisers, where appropriate.
- 5.10 To give undertakings on behalf of GMCA.
- 5.11 To supervise the preparation and sealing or signature of legal documents.
- 5.12 To authorise other officers to seal documents in accordance with Article 12.4 of the GMCA Constitution, or to sign documents which are not required to be under seal.
- 5.13 To complete all property transactions and contractual arrangements where terms have been agreed by the GMCA or Committees or Chief Officers acting under the Scheme of Delegation.
- 5.14 To determine exemptions under Section 36 of the Freedom of Information Act 2000.
- 5.15 To accept on behalf of the GMCA the service of notices, orders and legal procedures.
- 5.16 Under Section 223 of the Local Government Act 1972 to authorise officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the GMCA.
- 5.17 To be responsible for determinations in relation to and maintenance of the list of politically restricted posts.

## **6. MAYOR'S DELEGATIONS TO THE CHIEF FIRE OFFICER**

- 6.1 All matters associated with the day-to-day operation of the Fire and Rescue Service ('the Service').
- 6.2 The authorisation of employees to exercise statutory powers under section 44 of the Fire and Rescue Services Act 2004 (powers of fire-fighters etc. in an emergency etc.).
- 6.3 The appointment of authorised officers to exercise statutory powers under sections 45 and 46 of the Fire and Rescue Services Act 2004 (obtaining of information and investigating fires).
- 6.4 The powers of the Mayor in relation to fire safety and health and safety at work and any other legislation for which the Mayor has responsibility for enforcement.
- 6.5 The signature and service of any document or notice, and the issue, amendment, transfer, cancellation and revocation of licences for fireworks and the grant or non grant of storage certificates for petroleum.
- 6.6 The appointment of authorised officers and inspectors under legislation relating to fire safety and health and safety at work and any other legislation for which the Mayor has responsibility for enforcement, identifying the powers each authorised officer or inspector is empowered to exercise (including, but not limited to, the signature and service of documents and notices, powers of entry, inspection, procuring of samples, testing, requests for information and records).
- 6.7 The appointment of authorised officers to inspect premises for Fire Service purposes at the request of Constituent Councils in connection with applications received by them for licences or approvals under all relevant statutory provisions including those for which Constituent Councils are responsible and in connection with which requests for assistance are received.
- 6.8 The authorisation of appropriate persons to accompany inspectors on inspections carried out under the Health & Safety at Work etc. Act 1974.
- 6.9 The authorisation of appropriate persons to sign and serve any document or notice, and to issue, grant, not grant, amend, transfer, cancel and revoke licences, storage certificates and consents for fireworks, explosives, petroleum and flammable stacks.
- 6.10 The issuing of formal cautions under fire safety and Health and safety at Work for which the Mayor has responsibility for enforcement.
- 6.11 In consultation with the Monitoring Officer the institution of legal proceedings in relation to fire safety and health and safety at work and any other legislation for which the Mayor has responsibility for enforcement.

- 6.12 relation to the use of vehicles in accordance with any policy which may be laid down by the Mayor -
- a) the approval of the use of official cars by flexible-duty officers for social purposes and restricted journeys whilst away from duty but 'on call'; and
  - b) the approval of the use of official transport for attendance within the UK at events promoting learning and improvement
- 6.13 The raising of charges:
- a) for any item of equipment lost or damaged through negligence or carelessness on the part of Fire Service personnel;
  - b) for any item of personal uniformed equipment held after replacement, the amount of charge (if any) to be determined, taking into account the age and condition of the article at the time of loss, damage or replacement.
- 6.14 After consultation with the Treasurer, the determination within the policy adopted by the Mayor of charges for special services carried out by the Service and the waiving or modification of any such charges.
- 6.15 In accordance with the policy adopted by the Mayor determination of the occasions and the conditions under which fire appliances, personnel and equipment may be used to participate in processions, displays or other events organised by Constituent Councils or other bodies.
- 6.16 In consultation with the Treasurer, variations in the charges which may be prescribed in the annual review of charges to be made to other fire and rescue authorities and outside organisations for the training of personnel.
- 6.17 In accordance with the Firefighters' Pension Schemes, the determination of questions relating to the retirement of members of the Service on grounds of ill health and the payment of ordinary, ill health and the special pensions as appropriate, the counting of past service and the extension of service by not more than six months.
- 6.18 Within policy adopted by the Mayor, the determination of applications from uniformed members of the Service to take up employment outside their normal duties.
- 6.19 The nature/type of uniform and the application of scales of uniform issue.
- 6.20 The amendment of the scale of issue of uniform to all roles when necessary.

- 6.21 The attendance of uniformed Service personnel on training courses at the Fire Service College for periods not exceeding 26 consecutive weeks.
- 6.22 The approval of secondments of officers as instructors at the Fire Service College, provided the conditions of secondment are in accordance with recommendations of the relevant government department and the policy of the Mayor.
- 6.23 The making of reimbursements, in accordance with Part E NJC Scheme of Conditions of Service for Local Authority Fire and Rescue Services, to any driver who, following an investigation of an accident, is adjudged by the Chief Fire Officer to be blameless or where there are strong extenuating circumstances, provided that where, in the Chief Fire Officer's opinion, there exists an element of doubt about the extenuating circumstances surrounding any claim for reimbursement, a report be presented to the Mayor for a decision thereon.
- 6.24 After consultation with the Treasurer, the approval of increases in the scale of allowances for fire officers undress uniform to take account of inflation.
- 6.25 In relation to Fire and Rescue Service Staff within the County Fire Officer's direct or indirect line management responsibility:
- (a) Establishment of new and additional posts at grades up to Grade 11 or equivalent, subject to funding being available.
  - (b) In consultation with the Treasurer determination of requests or recommendations for acting-up/honoraria/additional payments, subject to funding being available
  - (c) In exceptional circumstances granting acceleration of increments for any staff within their substantive grade for merit and ability
  - (d) Determination of extensions of sickness allowance (in consultation with the Treasurer)
  - (e) Responsibility for the maintenance of an industrial relations framework
- 6.26 Management of land, property, accommodation and facilities owned by the GMCA in connection with fire and rescue functions

## 8. SCHEDULES OF PROPER OFFICERS

- 8.1 Section 112(1) of the Local Government Act 1972, provides that the GMCA shall appoint such officers as it thinks necessary for the appropriate discharge by the GMCA of such of its functions as fall to be discharged by them.
- 8.2 There are a number of specific references in enactments affecting the GMCA, which call for functions to be undertaken by what is termed the 'Proper Officer'. The following Schedules list such references and identify the Chief Officers responsible for their discharge:

### HEAD OF PAID SERVICE

The Head of Paid Service is appointed the Proper Officer for the purpose of:

Local Government Act 1972

Section 100B (2)	Determination of those reports which should be available for public inspection prior to a meeting of the GMCA the <b>GM Transport Committee</b> and any Committee of the GMCA and those which are likely to be heard in private and consequently which should not be released to the public
Section 100B (7)	Provision of documents to the press, additional to Committee reports
Section 100C (2)	Preparing written summaries of proceedings
Section 100D (1)	Making arrangements for list of, and background papers to reports, to be made available for public inspection.
Section 100F (2)	Determination of documents disclosing exempt information which may not be inspected by Members
Schedule 12 para 4 (2) (b)	Signature of Summonses to the GMCA
Schedule 12 para 4 (3)	Receipt of notices regarding address to which Summons to meetings of the GMCA is to be sent

and any other enactment (including the Greater Manchester Combined Authority Order 2011 as amended), other than an enactment in respect of which the GMCA or this Constitution has designated another officer as Proper Officer.

## TREASURER

The Treasurer to the GMCA is appointed the Proper Officer in relation to the following:

Local Government Act 1972

Section 115 (2)	Receipt of money due from Officers
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Local Government Act 1985

Section 73	Administration of the financial affairs of the GMCA
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## MONITORING OFFICER

The Monitoring Officer to the GMCA is appointed the Proper Officer in relation to the following:

Local Government Act 1972

Section 146 (1) (a) and (b)	Declaration and Certificates with regard to securities
Section 225 (1)	Deposit of Documents
Section 229 (5)	Certifications of photographic copies of documents
Section 234 (1) and (2)	Issuing and signing of formal notices
Section 236 (9) and (10)	Serving copies of Byelaws
Section 238	Certification of Byelaws

## GENERAL

All Officers in whose name reports are submitted to the GMCA via the **Head of Paid Service** and the Treasurer are appointed the proper officers in relation to the following:-

Local Government Act 1972



Section 100 D (1) (a)	Compilation and retention of lists of background papers and copies of the relevant documents and reports; and
Section 100 D (5)	Identifying and determining what are background papers

# **PART 4**

## **COMMITTEES**

## **PART 4**

### **COMMITTEES**

#### **Introduction**

1. To facilitate the discharge of certain of its functions the GMCA has established the following committees under Section 102 of the Local Government Act 1972:
  - STANDARDS COMMITTEE
  - RESOURCES COMMITTEE
  
2. To meet the requirements of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 the GMCA has established the following committees:
  - AUDIT COMMITTEE
  - OVERVIEW AND SCRUTINY COMMITTEES:
    - Corporate Issues and Reform Overview and Scrutiny Committee
    - Economy, Business Growth and Skills Overview and Scrutiny Committee
    - Housing, Planning and Environment Overview and Scrutiny Committee

## **A. STANDARDS COMMITTEE**

### **1. Purpose**

- 1.1 The GMCA has established a Standards Committee to deal with matters relating to member conduct and ethical standards.

### **2. Composition**

#### 2.1 Membership

The Standards Committee will be composed of:

- Five members of the GMCA (none of whom shall be the Mayor); and
- One person appointed by the GMCA who is not a Member or officer of the GMCA or an elected member or officer of any of the Constituent Councils (the 'Co-opted Independent Member').

#### 2.2 Co-opted Independent Member

The Co-opted Independent Member will not be entitled to vote at meetings of the Committee.

#### 2.3 Political Balance

In appointing members of the Standards Committee the GMCA will act in accordance with Rule 15.3 of the GMCA Procedure Rules set out in Section A of Part 5 of this Constitution.

#### 2.4 Chairing the Committee

The GMCA will appoint the Co-opted Independent Member as Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

#### 2.5 Quorum

The quorum for the Standards Committee is three, except in relation to the matters referred to in paragraphs 3.1(f) to (i) below. In respect of those specified matters the quorum is four, of whom at least one member must be the Co-opted Independent Member (provided that the Co-opted Independent Member is not prevented or restricted from participating by virtue of the GMCA's Code of Conduct).

## 2.6 Voting

Each member to have one vote, no member is to have a casting vote. The co-opted Independent member has no vote.

## 2.7 Questions at Meetings of the GMCA

The Committee will appoint one of its elected Members for the purpose of answering questions at meetings of the GMCA on the discharge of the Committee's functions.

## 3. Role and Function

3.1 The GMCA has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the GMCA's Standards Committee has the following role and functions:

- (a) to promote and maintain high standards of conduct by GMCA Members and by co-opted members of the GMCA's committees;
- (b) to assist GMCA Members and co-opted members of the GMCA's committees to observe the GMCA's Code of Conduct for Members;
- (c) to advise the GMCA on the adoption, revision or replacement of the GMCA's Code of Conduct for Members and the GMCA's Arrangements for Dealing with Complaints that GMCA Members or voting co-opted members have failed to comply with the GMCA's Code of Conduct for Members ('the GMCA's Arrangements');
- (d) to monitor the operation of the GMCA's Code of Conduct for Members and the GMCA's Arrangements;
- (e) to advise, train or arrange to train GMCA Members and co-opted members on matters relating to the GMCA's Code of Conduct for Members and other issues relating to standards and conduct;
- (f) to determine in accordance with the GMCA's Arrangements whether a GMCA Member or voting co-opted member has failed to comply with the GMCA's Code of Conduct for Members and, if so, to determine what action (if any) to take;
- (g) to take decisions in respect of a GMCA Member or voting co-opted member who is found on a hearing held in accordance with the **GMCA's** Arrangements to have failed to comply with the **GMCA's** Code of Conduct for Members ("the Subject Member"), such actions to include

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- publication of findings in respect of the Subject Member's conduct;
  - reporting such findings to the GMCA for information;
  - recommending to the GMCA that the Subject Member should be censured;
  - instructing the GMCA's Monitoring Officer to arrange training for the Subject Member;
  - recommending to the GMCA that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the GMCA;
  - placing such restrictions on the Subject Member's access to staff, buildings or parts of buildings provided **by, or** for the use of, the GMCA as may be reasonable in the circumstances;
- (h) to determine appeals against the GMCA Monitoring Officer's decision on the grant of dispensations;
- (i) to deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the GMCA's Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- (j) to report from time to time to the GMCA on ethical governance within the GMCA.

#### 4. **Additional Roles of Standards Committee**

4.1 The additional roles of the Standards Committee are:

- (a) to overview the GMCA's whistle blowing policy;
- (b) to consider the GMCA's Code of Corporate Governance.

#### 5. **Delegation**

5.1 The Standards Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. Any such sub-committee shall be chaired as determined by the Committee and shall have a quorum of three, except in relation to the matters referred to in paragraphs 3.1(f) to (i) above. In respect of those specified matters the quorum will be four, of whom at least one member must be the Co-opted Independent Member (provided that the Co-opted Independent Member is not prevented or restricted from participating by virtue of the GMCA's Code of Conduct).

## **B. Audit Committee**

This GMCA Audit Committee oversees all aspects of GMCA including Mayoral functions. The Mayor has also established an Audit Panel which oversees the control environment of the Chief Constable.

### **1. Statement of purpose**

- 1.1 The Audit Committee is a key component of corporate governance providing an independent, high-level focus on the audit, assurance and reporting framework underpinning financial management and governance arrangements. Its purpose is to provide independent review and assurance to Members on governance, risk management and control frameworks. It has delegated power to approve the annual accounts and it oversees year-end financial reporting, the Annual Governance Statement process and internal and external audit, to ensure efficient and effective assurance arrangements are in place.
- 1.2 The Constitution makes the GMCA's Treasurer responsible for discharging the functions of the 'responsible financial officer' under the Accounts and Audit Regulations 2015, including ensuring risk is appropriately managed.

### **2. Composition and Procedure**

#### **2.1 Membership**

The Audit Committee shall be appointed by the GMCA and shall have a total of six members, comprising:

- Five or four co-opted elected members of the Constituent Councils of the GMCA (who are not also Members or Substitute Members of the GMCA or Assistant Portfolio Holders);
- The GMCA will also appoint two substitute co-opted elected members who may be invited to attend as full members of the Audit Committee when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.
- One or two co-opted members, who are Independent Persons.

All members of the Committee will have voting rights.

#### **2.2 Independent Person**

For the purposes of paragraph 2.1 above an individual is an Independent Person if that person:

(i) is not a member, substitute member, co-opted member or officer of the GMCA;

(ii) is not a relative, or close friend, of a person within (i) above; and

(iii) was not at any time during the 5 years ending with their appointment to the Audit Committee a member, substitute member, co-opted member or officer of the GMCA.

[For the purposes of paragraph 2.2(ii) above 'relative' has the meaning contained in Article 2(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.]

### 2.3 Political Balance

In appointing co-opted elected members to the Audit Committee the GMCA must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together, in accordance with Rule 15.3 of the GMCA Procedure Rules set out in Section A of Part 5 of this Constitution.

### 2.4 Chairing the Committee

The Audit Committee will be chaired as determined by the Committee.

### 2.5 Quorum

At least two-thirds of the total number of members of the Audit Committee (i.e. four members) must be present at a meeting of the Audit Committee before any business may be transacted, as required by the Scrutiny Order.

### 2.6 Voting

Each member to have one vote, no member is to have a casting vote.

## 3. Role and Function

The overarching functions of the GMCA's Audit Committee are:

- 3.1 Reviewing and scrutinising the GMCA's accounting framework.
- 3.2 Reviewing and assessing the GMCA's risk management, internal control and corporate governance arrangements.
- 3.3 Reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the GMCA's functions.



- 3.4 Making reports and recommendations to the GMCA in relation to reviews conducted under paragraphs 3.1 to 3.3 above.
- 3.5 To require Members, including the Mayor, of the GMCA or Transport for Greater Manchester Committee, or senior officers of the GMCA, Transport for Greater Manchester to attend before the Audit committee to answer questions on relevant items.

In particular the functions of the GMCA's Audit Committee are:

#### **4. Approval of Accounts**

- 4.1 Approve under delegated powers the annual statement of accounts for GMCA including consolidated figures for Transport for Greater Manchester (TfGM]), MIDAS, Commission for New Economy, Chief Constable of Greater Manchester Police and Greater Manchester Accessible Transport Limited.
- 4.2 Approve accounts for the former Greater Manchester Waste Disposal Authority for the period ending 31 March 2018.

#### **5. Governance, risk and control**

- 5.1 Review corporate governance arrangements against the Code of Corporate Governance and the good governance framework.
- 5.2 Review the Annual Governance Statement (AGS) prior to approval to ensure it properly reflects the risk environment and supporting assurances.
- 5.3 Review the effectiveness of arrangements to secure value for money.
- 5.4 Ensure the assurance framework adequately addresses risks and priorities including governance arrangements in significant partnerships.
- 5.5 Monitor the GMCA's risk and performance management arrangements including review of the risk register, progress with mitigating action and the assurance map.
- 5.6 Consider reports on the effectiveness of internal controls.
- 5.7 Monitor the anti-fraud strategy, risk-assessment and any actions.

#### **6. Internal audit**

- 6.1 Approve the Internal Audit Charter.
- 6.2 Oversee Internal Audit's effectiveness including strategy, planning and process and ensure conformance with Public Sector Internal Audit Standards (PSIAS).

6.3 Approve (but not direct) the risk-based internal audit plan including resources, the reliability of other sources of assurance and any significant in-year changes.

6.4 Consider reports and assurances from the Treasurer in relation to:-

- Internal Audit performance including key findings and actions from audit assignments, significant non-conformance with PSIAS and the Quality Assurance and Improvement Programme.
- Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control.
- Risk management and assurance mapping arrangements.
- Progress to implement recommendations including concerns or where managers have accepted risks.
- Provision of assurances over the effectiveness of internal audit functions assuring the internal control environments of TfGM, MIDAS, Chief Constable for Greater Manchester Police, Greater Manchester Accessible Transport Limited and Commission for New Economy.

6.5 Contribute to the Quality Assurance and Improvement Programme, including the external quality assessment of internal audit.

6.6 Consider and comment on the Treasurer's Annual Review of the Effectiveness of the System of Internal Audit.

6.7 Develop effective communication with the Treasurer and senior audit staff.

## **7. External audit**

7.1 Consider reports including the Annual Audit Letter, assess the implications and monitor managers' response to concerns.

7.2 Comment on the nature and scope of work to ensure it gives value for money.

7.3 Advise on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

## **8. Financial reporting**

8.1 Consider whether accounting policies were appropriately followed and any need to report concerns to the GMCA.

- 8.2 Consider the Treasurers arrangements for the maintenance of the Police Fund and the Mayoral General Fund
- 8.3 Consider any issues arising from external audit's audit of the accounts.
- 8.4 Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with CIPFA's Code of Practice.
- 8.5 Make recommendations to the Treasurer and Monitoring Officer in respect of Part 6 of the GMCA's Constitution (Financial Procedures).

**9. Accountability arrangements**

- 9.1 Report the Committee's findings, conclusions and recommendations to the GMCA and the Mayor, as appropriate, on the effectiveness of governance, risk management and internal controls, financial reporting and internal and external audit functions.

## **C. RESOURCES COMMITTEE**

### **1. Purpose**

- 1.1 To consider issues relating to the establishment and implementation of human resource processes and policies of the GMCA.
- 1.2 To oversee issues relating to the effective and efficient use of ICT and Property resources for the GMCA.

### **2. Composition**

#### **2.1 Membership**

The Resources Committee will be appointed by the GMCA annually.

The Committee will comprise seven members of the GMCA.

#### **2.2 Political Balance**

In appointing members of the Resources Committee the GMCA will act in accordance with Rule 15.3 of the GMCA Procedure Rules set out in Section A of Part 5 of this Constitution.

#### **2.3 Chairing the Committee**

The GMCA shall appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

#### **2.4 Quorum**

The quorum for the Resources Committee shall be three.

#### **2.5 Voting**

Each member to have one vote, no member is to have a casting vote

### **3. Role and Function**

#### **3.1 The GMCA's Resources Committee has the following role and functions (except insofar as they are delegated to the Chief Fire Officer):**

- (a) To consider, approve and adopt any new, or significant revision to existing human resources strategies and policies insofar as they relate to the appointment, terms and conditions of employment and dismissal of staff.

- (b) To determine any other matters relating to the appointment, terms and conditions of employment and dismissal of staff which are neither covered by policies of the GMCA nor delegated to Officers under the GMCA's Scheme of Delegation.
- (c) To make decisions in relation to the establishment and remuneration of new and additional posts whose remuneration is, or is proposed to be, in excess of Grade 11 or equivalent, but less than £100,000, per annum.
- (d) To make recommendations to the GMCA in relation to the establishment and remuneration of new and additional posts whose remuneration is, or is proposed to be, £100,000 or more per annum.
- (e) To make decisions in relation to severance packages above £60,000 but less than £95,000.
- (f) To make recommendations to the GMCA in relation to severance packages of £95,000 or more.
- (g) To determine the payment of honoraria exceeding 12 months duration in respects of posts in excess of Grade 11 or equivalent.
- (h) To determine claims arising under the Scheme of Allowances for employees injured in the course of their employment above £10,000.
- (i) To determine policies relating to pensions and discretionary compensation for early termination of employment.
- (j) To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
- (k) The consideration of and recommendation to the GMCA of the determination of collective terms and conditions of service and the annual pay policy statement.
- (l) To consider the outcomes of staff engagement and consultation exercises, particularly issues raised by the Workforce Engagement Board.
- (m) The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.
- (n) To establish at the appropriate time panels of members as a sub-committee to act as appointment panels for the appointment of the Head of Paid Service and Chief Officers of the GMCA.
- (o) To consider major staffing and organisational reviews.

- (p) To provide the Head of Paid Service, Monitoring Officer and Treasurer with such staff as are in their opinion sufficient to allow their statutory duties to be performed.
- (q) To determine appeals against dismissal and to establish a Resources (Employee Appeals) Sub-Committee for this purpose.
- (r) To oversee ICT and Property matters and make recommendations to the GMCA where appropriate.
- (s) **Oversight of the GMCA's Business Plan.**

#### **4. Delegation**

- 4.1 In exercising the above powers and responsibilities, the Committee shall have delegated power to make decisions on behalf of the GMCA, except for any matter where:
  - (a) the Head of the Paid Service determines the matter should be considered by the GMCA; or
  - (b) the GMCA has resolved to determine the matter.
- 4.2 The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the GMCA where it considers this is appropriate.

## **D. WASTE AND RECYCLING COMMITTEE**

### **1. Purpose**

- 1.1 To consider issues relating to the establishment and implementation of waste disposal strategies and policies of the GMCA.
- 1.2 To oversee issues relating to the efficient and effective management of waste disposal operations including contracts and the behavioural change programme.

### **2. Composition**

#### **2.1 Membership**

The Waste and Recycling Committee will be appointed by the GMCA.

The Committee will comprise of 15 members appointed by the GMCA from the elected members of the Constituent Councils except Wigan.

#### **2.2 Political Balance**

In appointing elected members to the Waste Committee the GMCA must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together, in accordance with Rule 15.3 of the GMCA Procedure Rules set out in Section A of Part 5 of this Constitution.

#### **2.3 Chairing the Committee**

The GMCA shall appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

#### **2.4 Quorum**

The quorum for the Waste Committee shall be eight.

#### **2.5 Voting**

Each member to have one vote, no member is to have a casting vote

### **3. Role and Function**

The GMCA's Waste and Recycling Committee has the following role and functions.

- 3.1 The Committee is authorised by the GMCA to discharge any waste disposal functions, except for:
  - a) setting the waste levy;
  - b) setting the waste capital programme including determining sources of funding;

- c) approval of additional capital schemes which exceed £0.5m or are to be funded other than through the approved revenue budget (i.e. capital receipts or borrowing);
  - d) approving the Waste and Resources Strategy;
  - e) approving the basis of the Levy Allocation Methodology Agreement; and
  - f) approving the award of contracts where the value of the contract exceeds £10m.
- 3.2 To be consulted by the GMCA prior to the setting of the GMCA's general budget proposals insofar as it relates to the funding of the waste disposal functions.
- 3.3 To receive quarterly financial monitoring reports relating to waste disposal during the year.
- 3.4 'Waste disposal functions' are those conferred on the GMCA as a 'Waste Disposal Authority' by, or by virtue of any enactment.
- 3.5 The Chair will present matters to be considered by the GMCA on all items covered by the Committee's remit.



## **E. OVERVIEW AND SCRUTINY COMMITTEES**

### **1. Purpose**

- 1.1 The GMCA must establish one or more overview and scrutiny committees.
- 1.2 The GMCA has determined to establish three overview and scrutiny committees with the remits set out in paragraph 4 below.
- 1.3 The scrutiny procedure rules set out in section 5C give details on how these committees operate.

### **2. Composition**

#### **2.1 Membership**

An overview and scrutiny committee will be composed of fifteen members appointed by the GMCA from the elected members of the Constituent Councils. A Member of the GMCA (including a Substitute Member) or an Assistant Portfolio Holder may not be a member of an overview and scrutiny committee.

An overview and committee will have a least one member from each Constituent Council.

In making appointments to an overview and scrutiny committee the GMCA will have regard to any nominations made by Constituent Councils.

The GMCA will also appoint up to 16 substitute members who may be invited to attend as full members of all GMCA scrutiny committees when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.

#### **2.2 Political Balance**

In appointing the members of an overview and scrutiny committee the GMCA must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

#### **2.3 Chairing the Committee**

An overview and scrutiny committee will appoint its own chair, subject to meeting the requirement that the Chair is a member of the committee who is an 'appropriate person' that is a member of one of the Constituent Councils.

#### **2.4 Appropriate person**

An 'appropriate person' means:

- a person who is not a member of a registered political party of which the Mayor is a member;
- or, where the Mayor is not a member of a registered political party, a person who is not a member of a registered political party which has the most representatives among the members of the Constituent Councils on the GMCA or, where two or more parties have the same number of representatives, a member of any of those parties.

## 2.5 Quorum

At least two-thirds of the total number of members of an overview and scrutiny committee (i.e. ten members) must be present at a meeting of the overview and scrutiny committee before any business may be transacted.

## 2.6 Voting

Each member to have one vote, no member is to have a casting vote

## 3. Role and Function

The scrutiny procedure rules in section 5C of this constitution set out these roles and functions in more detail.

3.1 An overview and scrutiny committee shall, within the scope of its remit, exercise the overview and scrutiny functions set out in Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 ("the Scrutiny Order") and in particular shall have the following powers and responsibilities (to be exercised in accordance with the Overview and Scrutiny Procedure Rules set out in Section C of Part 5 of this Constitution):

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the GMCA;
- (b) to make reports or recommendations to the GMCA with respect to the discharge of any functions that are the responsibility of the GMCA;
- (c) to make reports or recommendations to the GMCA on matters that affect the GMCA's area or the inhabitants of the area;
- (d) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the Mayor of any general (but not Police and Crime Commissioner) functions;

- (e) to make reports or recommendations to the Mayor with respect to the discharge of any general (but not Police and Crime Commissioner) functions;
- (f) to make reports or recommendations to the Mayor on matters that affect the GMCA's area or the inhabitants of the area;
- (g) when exercising the power under (a) or (d) above, to have the power to:
  - direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee; and
  - recommend that the decision be reconsidered;
- (h) to publish details of how it proposes to exercise its powers under (g) above and its arrangements in connection with the exercise of those powers, having obtained the consent of the GMCA to the proposals and arrangements;
- (i) to consider matters referred to the committee by one of its members, by a Member of the GMCA, or a member of a Constituent Council, in accordance with Article 6 of the Scrutiny Order;
- (j) to consider matters referred to the committee by the GMCA or the Mayor;
- (k) to require the Members (including the Mayor and the Deputy Mayor) or officers of the GMCA to attend before the overview and scrutiny committee to answer questions;
- (l) to invite other persons to attend meetings of the overview and scrutiny committee; and
- (m) to appoint one or more overview and scrutiny sub-committees, and arrange for the discharge of any of the overview and scrutiny committee's functions by any such sub-committee.

#### **4. Overview and Scrutiny Committee Remits**

##### **4.1 Corporate Issues and Reform Overview and Scrutiny Committee**

The remit of this overview and scrutiny committee includes:-

- Matters of coordination and cross cutting policy themes
- Devolution and legislative matters
- Budget oversight and other financial matters, including consideration of budgets, levies and Mayoral general precept prior to formal determination
- GMCA organisational and staffing issues
- GM communications

- GM Connect data sharing
- GM's reform work
- Fire and rescue
- Fairness, equalities and cohesion

#### 4.2 Economy, Business Growth and Skills Overview and Scrutiny Committee

The remit of this overview and scrutiny committee includes:-

- Investment
- Science and technology
- GM's global brand
- Improving GM's international competitiveness
- Business support
- Skills and employment to support business growth
- Culture and sport

#### 4.3 Housing, Planning and Environment Overview and Scrutiny Committee

The remit of this overview and scrutiny committee includes:-

- Transport
- Regeneration
- Housing and planning (including homelessness)
- Low carbon
- Waste

# **PART 5**

## **RULES OF PROCEDURE**

## **SECTION A - GMCA PROCEDURE RULES**

### **1. Interpretation, Suspension and Chair's Ruling**

- 1.1 These Rules apply to meetings of the GMCA and, where appropriate, to meetings of Committees and Sub Committees of the GMCA.
- 1.2 References in these Rules to the 'Chair' mean the Member of the GMCA for the time being presiding at the meeting of the GMCA and, where appropriate, to the member presiding at a meeting of a Committee or Sub Committee of the GMCA.
- 1.3 These Rules should be read in conjunction with other parts of the GMCA's Constitution.
- 1.4 \*\*\*These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 1.5 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

### **2. Suspension and Revocation of GMCA Procedure Rules**

- 2.1 \*\*\*With the exception of the Rules marked by an asterisk (\*\*\*) any Rule may be suspended at a meeting of the GMCA either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting. A motion to suspend any Rules will not be moved without notice unless at least 8 Members of the GMCA are present.
- 2.2 Rules may be changed by the GMCA either at the Annual Meeting or by a motion on notice made at a meeting of the GMCA.

### **3. Membership of the GMCA**

- 3.1 \*\*\*Each Constituent Council shall appoint one of its elected members to be a Member of the GMCA.
- 3.2 \*\*\*Each Constituent Council shall appoint another of its elected members to act as a Member of the GMCA in the absence of the Member appointed under Rule 3.1 above ('the Substitute Member').
- 3.3 \*\*\*A person shall cease to be a Member or a Substitute Member of the GMCA if they cease to be a member of the Constituent Council that appointed them.

- 3.4 \*\*\*A person may resign as a Member or Substitute Member of the GMCA by written notice served on the proper officer of the Constituent Council that appointed them (who for the purposes of this Rule 3.4 shall be the Monitoring Officer of the Constituent Council that appointed them) and the resignation shall take effect on receipt of the notice by the proper officer.
- 3.5 \*\*\*Where a Member or Substitute Member of the GMCA's appointment ceases by virtue of Rule 3.3 or 3.4, the Constituent Council that made the appointment must, as soon as practicable, give written notice of that fact to the **Head of Paid Service** and appoint another of its elected members in that person's place.
- 3.6 \*\*\*A Constituent Council may at any time terminate the appointment of a Member or Substitute Member appointed by it to the GMCA and appoint another of its elected members in that person's place.
- 3.7 \*\*\*Where a Constituent Council exercises its power under Rule 3.6, it must give written notice of the new appointment and the termination of the previous appointment to the **Head of Paid Service** and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given (or such longer period as is specified in the notice).
- 3.8 \*\*\*For the purposes of this Rule 3, an elected mayor of a Constituent Council shall be treated as a member of the Constituent Council.

#### **4. Chair and Vice-Chairs**

- 4.1 \*\*\* The Mayor shall be the Chair of GMCA.
- 4.2 \*\*\*At least 2 and no more than 3 Vice-Chairs will be appointed annually by the GMCA from among its Members.
- 4.3 The Vice-Chairs will be appointed in accordance with the following principles:
- a. the Deputy Mayor will be appointed as one of the Vice-Chairs
  - b. if more than one political group is represented on the GMCA, no one political group may hold all the vice-chair positions;
  - c. if less than 3 political groups are represented, the GMCA may decide only to appoint two vice-chairs;
  - d. if at least 3 political groups are represented, the GMCA must appoint 3 vice-chairs and the three largest political groups will be entitled to one vice-chair;
  - e. for the purposes of (c) above, where two or more political groups have an equal number of seats on the GMCA, the group which also hold(s) the larger number

of Council seats in Greater Manchester will be regarded as being the larger political group;

f. for the purposes of this Rule, a single member may constitute a political group.

4.4 \*\*\*The appointment of the Vice-Chairs shall be the first business transacted at the Annual Meeting of the GMCA.

4.5 \*\*\*On a vacancy arising in the office of Vice-Chair(s) for whatever reason, the GMCA shall make an appointment to fill the vacancy at the next ordinary meeting of the GMCA held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The Member appointed shall hold such office for the remainder of the year in which such vacancy occurred.

4.6 \*\*\*Subject to these Rules, anything authorised or required to be done by, or in relation to, the Chair, may be done by, or in relation to, the Vice-Chairs.

## **5. Portfolios**

5.1 Each Member of the GMCA will be allocated a portfolio of responsibilities by the Mayor at the annual meeting of the GMCA.

5.2 Details of the portfolios and the GMCA members to whom they have been allocated will be published on the GMCA's website.

## **6. Assistant Portfolio Holders**

6.1 Subject to Rules 6.2 and 6.3 each GMCA member appointed by a constituent council may appoint an elected member of another constituent council to act as an assistant portfolio holder whose duties will be to provide support and assistance to the GMCA member in the carrying out of that member's duties in respect of the portfolio responsibilities allocated by the Mayor. Appointments will be made in accordance with a process (including provision for applications and nominations) to be agreed by the Mayor and the Vice-Chairs.

6.2 The person appointed as Assistant Portfolio Holder will be of a different gender from the GMCA member who appoints the Assistant Portfolio Holder.

6.3 An Assistant Portfolio Holder may not serve on an Overview and Scrutiny Committee or the Audit Committee.

6.4 Assistant Portfolio Holder will have a standing invitation to attend meetings of the GMCA, including parts of the meeting where exempt matters are being discussed, and will be entitled to speak (but not vote).

## **7. Meetings**



- 7.1 \*\*\*The Annual Meeting of GMCA shall be held in June on a date and at a time determined by the GMCA. This will usually be the last Friday in June.
- 7.2 \*\*\*Ordinary meetings of the GMCA for the transaction of general business shall be held on such dates and at such times as the GMCA shall determine. This will usually be the last Friday of the month, but may be varied to accommodate bank holidays and to ensure the effective transaction of GMCA business.
- 7.3 \*\*\*An Extraordinary Meeting of the GMCA may be called at any time by the Chair.

## 8. Admission of the Public

- 8.1 \*\*\*All meetings of the GMCA, its Committees and Sub-Committees shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:
- a. In accordance with Section 100A(2) of the Local Government Act 1972; or
  - b. By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

## 9. Notice of Meetings

- 9.1 At least five clear days before a meeting of the GMCA:
- a. notice of the time and place of the intended meeting shall be published by the **Head of Paid Service** and posted at Churchgate House, Oxford Street, Manchester, M1 6EU;
  - b. a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic mail to the usual email address of each Member, or any other email address notified to the **Head of Paid Service** by a Member
- 9.2 \*\*\*Lack of service on a Member of the GMCA of the summons shall not affect the validity of a meeting of the GMCA.
- 9.3 The following persons who are not members of the GMCA will have a standing invitation to attend meetings of the GMCA, including parts of the meeting where exempt matters are discussed:-

- a. the Substitute Members of the GMCA
- b. the Assistant Portfolio Holders (see also Rule 6)
- c. the Deputy Mayor for Policing and Crime
- d. the Chair of **the GM Transport Committee**
- e. the Chair of the Waste & Recycling Committee
- f. the Chair of the Standards Committee
- g. the Chair of the Audit Committee
- h. the Chair(s) of the Overview and Scrutiny Committee(s)
- i. the Chair of the Police and Crime Panel

9.4 Except where otherwise entitled under this Constitution, (for example, see Rules 3.2, 6.1), such persons are not entitled to vote and may only speak at the discretion of the Chair.

## 10. Cancelling Meetings

10.1 The Head of Paid Service may cancel or postpone any meeting, in consultation with the meeting Chair, prior to the issue of the agenda or subsequently if there is no business to be transacted.

## 11. Meeting Agendas

11.1 The Chair of the GMCA will decide upon the agenda for the meetings of the GMCA. The Chair may put on the agenda of any meeting any matter which the Chair wishes.

11.2 \*\*\*Any Member of the GMCA may require the **Head of Paid Service** to make sure that an item is placed on the agenda of the next available meeting of the GMCA for consideration.

11.3 Any item proposed to be included on the agenda for any meeting of the GMCA in accordance with Rules 11.1 and 11.2 above, which is not submitted before 5 days of the meeting shall not be included on the agenda for that meeting unless it is agreed by the Chair in consultation with the Head of Paid service. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

11.4 The **Head of Paid Service** shall set out in the agenda for each meeting of the GMCA the items of business requested by Members (if any) unless the Member concerned has given prior written notice to the **Head of Paid Service** prior to the issue of the agenda for the meeting, for it to be withdrawn. If the Member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the GMCA decides otherwise, be treated as withdrawn.

## Previous Decisions and Motions (Six Months Rule)

11.5 Decisions of the GMCA made within the last six months may not be changed, unless this Rule is suspended. (see Rule 2.1).

- 11.6 A motion or amendment in similar terms to one that has been rejected at a meeting of the GMCA in the past six months cannot be moved, unless this Rule is suspended.
- 11.7 \*\*\*Except in the case of business required by these Rules to be transacted at a meeting of the GMCA, and other business brought before the meeting as a matter of urgency, (and of which the **Head of Paid Service** shall have prior notice and which the Chair considers should be discussed at the meeting), no business shall be transacted at a meeting of the GMCA other than that specified in the agenda for the meeting.

## **12 Chair of Meeting**

- 12.1 \*\*\*At each meeting of the GMCA the Mayor, if present, shall preside.
- 12.3 \*\*\*If the Mayor is absent from a meeting of the GMCA, the Deputy Mayor, if present, shall preside.
- 12.3 If both the Mayor and Deputy Mayor are absent from a meeting of the GMCA, one of the other Vice-Chairs, if present, shall preside.
- 12.4 \*\*\*If all of Mayor, Deputy Mayor and Vice-Chairs of the GMCA are absent from a meeting of the GMCA, the **Head of Paid Service** shall invite the Members present to elect a Member to preside for the duration of the meeting or until such time as the Mayor, Deputy Mayor or a Vice-Chair joins the meeting.
- 12.4 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

## **13. Quorum**

- 13.1 No business shall be transacted at any meeting of the GMCA unless at least 8 of the Members are present.
- 13.2 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 13.3 If during any meeting of the GMCA the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the GMCA.

## **14. Order of Business**

- 14.1 At every meeting of the GMCA the order of business shall be to select a person to preside if the Mayor, Deputy Mayor or Vice-Chair(s) are absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -
- a. by the Chair at his/her discretion, or
  - b. on a request agreed to by the GMCA.

14.2 The Chair may bring before the GMCA at their discretion any matter that they consider appropriate to bring before the GMCA as a matter of urgency.

## 15. Committees

15.1 \*\*\* The GMCA must appoint an Audit Committee and one or more Overview and Scrutiny Committee(s) in accordance with the Scrutiny Order and Part 4 of this Constitution.

15.2 The GMCA will appoint a Standards Committee, a Resources Committee and a Waste and Recycling Committee in accordance with Part 4 of this Constitution.

15.3 \*\*\* Appointments of the above committees must be made so that the members of the committee drawn from the Constituent Councils taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing amongst the Constituent Councils when taken together. Where members of the committee are to be appointed from the members of the GMCA it may not be practicable to achieve political balance.

16. Submission of **GM Transport Committee** Proceedings and Proceedings of any Committee or Sub-Committee of GMCA

16.1 Except where the **GM Transport Committee** or any Committee or Sub-Committee of the GMCA, is acting under delegated authority, the Minutes of the proceedings of the **GM Transport Committee**, and the Minutes of any Committee or Sub-Committee of the GMCA, shall be submitted to the GMCA for confirmation. Confirmation by the GMCA of those Minutes shall constitute approval of the proceedings of the **GM Transport Committee** and any Committee or Sub-Committee of the GMCA.

16.2 The Chair of the **GM Transport Committee**, or any Committee or Sub-Committee of the GMCA, (or other member of the **GM Transport Committee**, or any Committee or Sub-Committee of the GMCA acting in their place), shall deal with matters arising during any debate by the GMCA on the proceedings of the **GM Transport Committee** or any Committee or Sub-Committee of the GMCA.

16.3 The Chair of the **GM Transport Committee** or any Committee or Sub-Committee of the GMCA, (or other member of the **GM Transport Committee** or any Committee or Sub-

Committee of the GMCA acting in their place), may, with the consent of the GMCA, withdraw any item on the Minutes of the **GM Transport Committee** or any Committee or Sub-Committee of the GMCA, or correct any factual inaccuracy, which might otherwise result in the GMCA being misinformed on any item in Minutes of the **GM Transport Committee** and any Committee or Sub-Committee of the GMCA.

16.4 Where **the GM Transport Committee** or any Committee or Sub-Committee of the GMCA is acting under delegated authority, the Minutes of the proceedings of the **GM Transport Committee**, and the Minutes of any Committee or Sub-Committee of the GMCA, shall be submitted to the GMCA for information.

## **17 Rules of Debate**

17.1 Motion or amendment shall not be discussed unless it has been proposed and seconded.

17.2 A Member shall address the Chair and direct any speech to the question under discussion. If two or more Members indicate they wish to speak, the Chair shall call on one to speak first.

17.3 An amendment shall be relevant to the Motion and shall be either:-

- a. to leave out words from the Motion;
- b. to leave out words from, and insert or add others to, the Motion;
- c. to insert words in, or add words to, the Motion;

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal into or negating the original Motion before the GMCA.

17.4 A Member shall not speak for longer than five minutes on any matter without the consent of the Chair.

17.5 A Member may claim to speak on a point of order or in personal explanation, and shall be entitled to be heard. A point of order must relate only to an alleged breach of a specified statutory provision or the GMCA Constitution or these Rules of Procedure and the way in which the Member raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by the Member in the current debate which may appear to have been misunderstood. The ruling of the Chair on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

17.6 If an amendment is rejected, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved.

- 17.7 A further amendment shall not be moved until the GMCA has disposed of every amendment previously moved, provided that the Chair shall have discretion to allow debate to take place on two or more amendments.
- 17.8 A Member at the conclusion of a speech of another Member may move without comment:
- a. that the question be now put;
  - b. that the debate be adjourned;
  - c. that the GMCA proceed to the next business;
  - d. that this meeting of the GMCA be adjourned.
- 17.9 If such a Motion is seconded, the Chair shall, subject to the mover's right to reply, put the Motion to the vote, and if it is carried -
- i. in case (a) the Motion then before the GMCA shall, subject to the right to reply, be put to the vote; or
  - ii. in case (b) the debate on the Motion then before the GMCA shall stand adjourned until the next ordinary meeting of the GMCA; or
  - iii. in case (c) the Motion then before the GMCA shall be regarded as lost and the GMCA shall proceed to the next item on the Agenda, if any; or
  - iv. in case (d) the meeting shall stand adjourned.
- 17.10 If the Chair is of the opinion that the matter before the GMCA has been sufficiently discussed the Chair may put the Motion that the question now be put.
- 17.11 The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretation of these Rules of Procedure and upon matters rising in debate shall be final and shall not be open to discussion.
- 17.12 A Motion to exclude the press and public in accordance with Section 100A of the Local Government Act, 1972 may be moved, without notice, at any meeting of the GMCA during an item of business whenever it is likely that if members of the public were present during that item there would be disclosure to them of confidential or exempt information as defined in Section 100A of the 1972 Act.

## **18. Voting**

- 18.1 \*\*\*Subject to Rules 18.5 to 18.11, any questions that are to be decided by the GMCA are to be decided by a majority of the Members or Substitute Members, acting in place of Members, present and voting on that question at a meeting of the GMCA.
- 18.2 \*\*\*Each Member of the GMCA, or Substitute Member acting in that Member's place, is to have one vote and no Member of the GMCA or Substitute Member is to have a casting vote.

- 18.3 Whenever a vote is taken at meetings of the GMCA it shall be by a show of hands. On the requisition of any member of the GMCA, supported by two other Members who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against that question or abstained from voting.
- 18.4 \*\*\*A Member of the GMCA, or Substitute Member acting in that Member's place may demand that his/her vote be recorded in the Minutes of the meeting.
- 18.5 \*\*\*Questions that are to be decided by the GMCA relating to the following matters require that at least 8 Members of the GMCA, or Substitute Member(s) acting in place of Member(s), vote in favour for any vote to be carried:-
- a. the adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a plan or strategy of the following descriptions:
    - i. a sustainable community strategy (in Greater Manchester this is the Greater Manchester Strategy);
    - ii. approving the capital programme of the GMCA and TfGM and approving new transport schemes to be funded by the Greater Manchester Transport Fund;
    - iii. such other plans and strategies as may be determined by the GMCA from time to time.
  - b. The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA);
  - c. the approval of the budget of the GMCA;
  - d. the approval of borrowing limits, the treasury management strategy and the investment strategy;
  - e. the setting of a transport levy;
  - f. the acceptance of arrangements to delegate the functions or budgets of any person to the GMCA;
  - g. the amendment of these Rules of Procedure of the GMCA;
  - h. the approval of a transport policy developed by the Mayor under section 108 (1) (a) of the Transport Act 2000
  - i. the approval of a local transport plan prepared by the Mayor under section 108 (3) of the Transport Act 2000
  - j. the approval of the alteration or replacement of a local transport plan as proposed by the Mayor under section 109 (1) or (2) of the Transport Act 2000
- 18.6 \*\*\*Questions that are to be decided by the GMCA relating to road user charging require that all 11 Members of the GMCA, or Substitute Members(s) acting in place of Member(s), vote unanimously in favour for any vote to be carried.

18.7 \*\*\*The following plans may be amended by a vote in favour by at least 7 members (excluding the Mayor), or substitute members acting in their place, present and voting on that question at a meeting of the GMCA:-

- i. draft policy or draft local transport plan prepared by the Mayor under section 108 (1) (a) or (3) of the Transport Act 2000, or
- ii. a draft alteration or replacement of the local transport plan under sections 109 (1) and (2) of the Transport Act 2000

**18.7A\*\*\*In order to be carried questions relating to functions exercised pursuant to section 93(1) of the Transport Act 1985 (travel concession schemes) require a vote in favour:**

- a. **by at least 8 members, or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA; and**
- b. **by the Mayor (or the deputy Mayor acting in place of the Mayor).**

**18.7B\*\*\*Where the costs of expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in Schedule 1 of the 2019 Order are to be required to be met by the Constituent Councils (because the Mayor has decided not to fully meet those costs from other resources available to the Mayor) and it is proposed that, rather than apportioning such costs between the Constituent Councils in accordance with the proportion to the total resident population of the GMCA which resides in the area of each Constituent Council at the relevant date as estimated by the Statistics Board, some alternative apportionment of costs between the Constituent Councils is to instead be applied, then the members of the GMCA, or substitute members acting in place of those members, must unanimously agree to such an alternative apportionment.**

**18.7C\*\*\*Questions relating to the (politically balanced) apportionment of membership of a joint transport committee under Article 7(5)(b) of the 2019 Order require a unanimous vote in favour by all members, or substitute members acting in place of those members, of the GMCA to be carried.**

18.8 Questions relating the following functions in connection with the spatial development strategy (SDS), exercised pursuant to Part 8 of the Greater London Authority Act 1999 as applied by the GMCA Orders require a unanimous vote in favour by all members (or substitute members acting in their place), appointed by the constituent councils to be carried:-

- a. Section 335 (preparation of draft SDS)
- b. Section 336 (withdrawal of proposed SDS)
- c. Section 337 (publication of the SDS)
- d. Section 341 (alteration or replacement of the SDS)



18.9 \*\*\*Questions relating to expenditure **in respect of the following matters** require at least 7 votes (excluding the Mayor) in favour by members (or substitute members acting in their place) to be carried:

- a. **amounts payable under the arrangements made under article 14(4)(a) of the 2016 Order;**
- b. **amounts payable under the arrangements made under article 12(4)(a) of the 2017 Order.**

18.10 \*\*\*Questions relating to the use of 'earn back' budget cannot be carried without the vote of the Mayor or the deputy mayor acting in the place of the Mayor.

18.11 \*\*\*Any decision to veto the Mayor's draft general budget (or revised general budget) and approve the Mayor's draft budget incorporating the GMCA's recommendations must be decided by a two-thirds majority of the members of the GMCA (excluding the Mayor), or substitute members acting in their place, present and voting on the question at a meeting of the GMCA.

18.12 \*\*\*A proposal by the Mayor to acquire land compulsorily pursuant to:-

- a. Section 17 of the Housing Act 1985
  - b. Section 226 of the Town and County Planning Act 1990, or
  - c. Section 9 (2) of the Housing and Regeneration Act 2008
- requires the consent of all members of the GMCA (or substitute members acting in their place) whose area contains any part of the land subject to the CPO, such consent to be provided at a meeting of the GMCA.

18.13 \*\*\* A proposal by the Mayor to:-

- a. Designate any area of land as a mayoral development area (MDA)
  - b. Alter the boundaries of an MDA so as to exclude an area of land, or
  - c. Decide that a mayoral development corporation (MDC) should be the local planning authority for the purposes set out in section 202 (2) to (4) of the Localism Act 2011
- requires the consent of all members of the GMCA (or substitute members acting in their place) whose local government area contains any part of the area to be designated or excluded or in respect of which the Mayor wishes to decide that the MDC should be the local planning authority, such consent to be provided at a meeting of the GMCA.

18.14 \*\*\* A proposal of the Mayor under Rule 18.13 (a) may be rejected by the GMCA in accordance with the provisions of section 197 of the Localism Act 2011 as modified by the 2017 Order, but only if a motion to reject has been considered at a meeting of the GMCA

and agreed to by two-thirds of the GMCA members (or substitute members acting in their place) present and voting on that motion.

18.15 In relation to functions conferred under Part 4 (waste disposal) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017—

(a) the Member for the GMCA appointed by the Constituent Council for the local government area of Wigan, or any Substitute Member acting in place of that Member, does not have a vote; and

(b) subject to sub-paragraph (a), decisions relating to levying and budgets require a vote in favour by at least 7 Members, or Substitute Members acting in place of those Members, present and voting on that question at a meeting of the GMCA.

18.16 \*\*\*The proceedings of GMCA are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member

## **19. Conduct of Members**

19.1 If the Chair is of the opinion that at a meeting any Member of the GMCA, or Substitute Member acting in that Member's place, has misconducted, or is misconducting him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the GMCA, the Chair may notify the meeting of that opinion and may take any of the following actions either separately or in sequence:

- a. the Chair may direct the Member to refrain from speaking during all or part of the remainder of the meeting of the GMCA;
- b. the Chair may direct the Member to withdraw from all or part of the remainder of the meeting of the GMCA;
- c. the Chair may order the Member to be removed from the meeting of the GMCA; and
- d. the Chair may adjourn the meeting of the GMCA for such period as they consider expedient.

19.2 In the event of general disturbance, which in the opinion of the Chair, renders the orderly dispatch of business impossible the Chair, in addition to any other power vested in the Chair may, without question put, adjourn the meeting of the GMCA for such period as the Chair considers expedient.

## **20. Disturbance by Members of the Public**

20.1 If a member of the public interrupts the proceedings at any meeting of the GMCA the Chair shall warn him or her. If they continue the interruption the Chair shall order his or

her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

## **21. Notification and Declaration of Interests**

### **21.1 In this Rule:-**

'the Code' means the Conduct of Conduct for Members adopted by the GMCA under Section 28 of the Localism Act 2011;

'disclosable pecuniary interest' means an interest specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in paragraph 8 of the Code;

'Member of the GMCA' includes a Substitute Member when acting as a Member of the GMCA, and a voting co-opted member of a committee or sub-committee of the GMCA.

'personal interest' for the purpose of Rule 21.2 means an interest described in paragraph 7.2 of the Code, and for the purpose of Rule 21.3 and 21.4 means an interest described in paragraph 7.2 or 7.3 of the Code;

'prejudicial interest' means an interest described in paragraph 8.1 of the Code;

21.2 Members of the GMCA must within 28 days of their election or appointment to office notify the GMCA Monitoring Officer in writing of the details of their disclosable pecuniary interests (including, where required, interests of their partner) and their personal interests.

21.3 Where a member of the GMCA is present at a meeting and has a disclosable pecuniary interest or, subject to paragraphs 7.6 to 7.8 of the Code, a personal interest in any matter to be considered at the meeting, they must disclose the interest to the meeting.

21.4 Where a member of the GMCA has a disclosable pecuniary interest or, subject to paragraphs 8.3 and 8.4 of the Code, a prejudicial interest in any matter being considered at a meeting, they must not participate or vote on the matter and must withdraw from the room of the meeting while the matter is being considered.

## **22. Records**

22.1 The **Head of Paid Service** shall ensure that the names of the Members of the GMCA present at any meeting of the GMCA, and any Substitute Member acting in a Member's place, shall be recorded in the Minutes of the meeting concerned.

22.2 The Minutes of the proceedings of a meeting of the GMCA are to be kept in such form as the GMCA may from time to time determine.

22.3 The Minutes of the proceedings of a meeting of the GMCA shall be signed at the next suitable meeting of the GMCA by the person presiding at the meeting of the GMCA to which the Minutes relate.

- 22.4 Any minute purporting to be signed as mentioned in Rule 22.3 shall be received in evidence for the purposes of any legal proceedings without further proof.
- 22.5 Until the contrary is proved, a meeting of the GMCA, a Minute of whose proceedings has been signed in accordance with this Rule is deemed to have been duly convened and held, and all the Members of the GMCA present at the meeting, and any Substitute Member acting in a Member's place, are deemed to have been duly qualified.
- 22.6 For the purposes of this Rule the next suitable meeting of the GMCA is the next meeting of the GMCA.

## **SECTION B – ACCESS TO INFORMATION PROCEDURE RULES**

### **1. Scope**

- 1.1 Except as otherwise indicated, Rules 3 to 13 of these Procedure Rules apply to all meetings of the GMCA or its committees, including any committees established by the Mayor to discharge Mayoral general functions (together called “meetings”). Rules 14 to 18 apply in respect of any decision by a decision-maker (as defined in Rule 2.1(b)) that is a key decision. Rules 19 and 20 apply exclusively to decisions made by individual decision-makers. Rules 21 to 23 set out the specific rights of access to information applying to members of overview and scrutiny committees and the general rights of access to information applying to Members of the GMCA.
- 1.2 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **2. Definitions**

#### 2.1 In these Rules:

- (a) “committee” includes a committee established by the Mayor to discharge general functions;
- (b) “decision-maker” means the decision-making body by which, or the individual by whom, a decision is taken;
- (c) “individual” in Rule 2.1(b) includes the Mayor and, when exercising delegated functions, other Members of the GMCA and officers of the GMCA (including TfGM acting as an officer of the GMCA);
- (d) “mayoral decision” means a decision made or to be made by a decision-maker in connection with the discharge of a mayoral function (as defined in paragraph 1.10 of Part 1 of this Constitution);
- (e) “non-mayoral decision” means a decision made or to be made by a decision-maker in connection with the discharge of a function of the GMCA that is not a mayoral function;
- (f) “key decision” has the meaning given in Rule 14;
- (g) “political adviser” means a person appointed pursuant to Article 16 of the Greater Manchester Combined Authority (Functions and Amendment) Order 2016;

- (h) “private meeting” means a meeting, or part of a meeting, during which the public are excluded under Rule 10;
- (i) “public meeting” means a meeting which is open to the public in accordance with Rule 3.

### **3. Rights to Attend Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions in Rule 10.
- 3.2 While a meeting is open to the public any member of the public attending may report on that meeting by:
  - (a) filming, photographing or making an audio recording of proceedings at a meeting;
  - (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
  - (c) reporting or providing commentary, in writing, on proceedings at a meeting so that the report or commentary is available as the meeting takes place or later to persons not present (oral reporting or commentary is not permitted during a meeting, but may be provided outside or after the meeting).

### **4. Notices of Meetings**

- 4.1 The GMCA will give at least five clear days’ notice of any meeting by posting details of the meeting at the offices of the GMCA and on the GMCA's website.
- 4.2 Where the meeting is convened at shorter notice, notice of the meeting will be posted at the time the meeting is convened.

### **5. Access to Agenda and Reports Before the Meeting**

- 5.1 Subject to Rule 11 a copy of the agenda and any report for a meeting will be available for public inspection at the offices of the GMCA and on the GMCA's website.
- 5.2 Any document which is required by Rule 5.1 to be available for public inspection must be available for at least 5 clear days before the meeting except that -

- (a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened, and
- (b) where an item which would be available for public inspection is added to the agenda, copies of the revised agenda and any report relating to the item must be available for inspection when the item is added to the agenda;

but nothing in this Rule 5.2 requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the GMCA.

## **6. Supply of Copies**

6.1 The GMCA will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and
- (c) if the **Head of Paid Service** thinks fit, copies of any other documents supplied to Members in connection with an item;

to any person (including any newspaper) on payment of a charge for postage, copying and any other costs.

6.2 A reasonable number of copies of the agenda and reports for the public part of the meeting will be available for the use of members of the public present at the meeting.

6.3 The GMCA will also supply copies of documents available for public inspection under Rule 7 and Rule 8.2 to any person (including any newspaper) on payment of a charge for postage, copying or any other costs.

## **7. Access to Minutes etc After the Meeting**

7.1 The GMCA will make available at the GMCA's offices and on the GMCA's website as soon as reasonably practicable after a meeting copies of the following:

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

7.2 The above documents will be retained by the GMCA and be open to inspection for six years after the meeting.

## **8. Background Papers**

### **8.1 List of background papers**

The relevant Chief Officer will set out in every report and with every written statement made under Rule 20.1 a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

### **8.2 Public inspection of background papers**

The GMCA will make available for public inspection at the GMCA's offices, and in the case of delegated decisions falling within Rule 20.1 on the GMCA's website, one copy of each of the documents on the list of background papers. Such papers will be available from the time the report or written statement (to which they are background papers) is available until four years after the date of the meeting or, as the case may be, the date of the individual decision.

## **9. Summary of Public's Rights**

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and be available to the public at the GMCA's offices.

## **10. Exclusion of Access by the Public to Meetings**

10.1 Confidential information - requirement to exclude public



The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Meaning of confidential information

Confidential information means information given to the GMCA by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.

10.3 Exempt information - discretion to exclude public

The public may be excluded from meetings by a resolution passed by the meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

10.4 Meaning of exempt information

(a) Exempt information means information falling within the following 7 descriptions (subject to any qualifications).

	<b>Description</b>	<b>Qualification</b>
<b>1.</b>	Information relating to any individual	Information within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
<b>2.</b>	Information which is likely to reveal the identity of an individual.	Information within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
<b>3.</b>	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information within paragraph 3 is not exempt information if it is required to be registered under- (a) the Companies Acts (as defined in section 2 of the Companies Act 2006); (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Co-operative and Community Benefit Societies Act 2014; (e) the Building Societies Act 1986;or (f) the Charities Act 2011.

		Subject to the above, Information within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information within paragraph 5 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6.	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

10.5 A member or members of the public may be excluded from a public meeting by use of a lawful power in order to maintain orderly conduct or prevent misbehaviour at a meeting.

**11. Exclusion of Access by the Public to Reports**

- 11.1 If the **Head of Paid Service** thinks fit, the GMCA may exclude access by the public to the whole or part of any reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public.
- 11.2 Where the whole or any part of a report is not available for public inspection by virtue of Rule 11.1:
- (a) every copy of the whole report or part of the report must be marked "Not for Publication" and
  - (b) there must be stated on every copy of the report:
    - (i) that it contains confidential information; or
    - (ii) by reference to Schedule 12A of the Local Government Act 1972, the description of the exempt information by virtue of which the public are likely to be excluded during consideration of the item.

## **12. Business Containing Exempt Information**

- 12.1 A member of the public may request the Chief Officer who wrote a report to be considered at any meeting of the GMCA, its Committees or Sub-Committees to:
- (a) recommend that an item of business containing exempt information should be taken in public; and/or,
  - (b) allow him/her to inspect the report or any background document to a report.
- 12.2 Such a request must be made at least 48 hours before the meeting.
- 12.3 If such a request is refused, the Chief Officer must give a reason for the decision together with details of the appeals procedure under Rule 13.1
- 12.4 A decision by a Chief Officer under Rule 12.3 will remain valid unless altered on appeal to the meeting which is to consider the item concerned.

## **13. Public Rights of Appeal**

- 13.1 The procedure for appealing against a Chief Officer's decision in accordance with Rule 12.3 is as follows:
- (a) The appellant must write to the Head of Paid Service giving details of the item concerned together with the reason(s) for his / her request at least 24 hours before the meeting in question. The time of receipt of the appeal must be recorded as any received after this time will be invalid.

- (b) The appeal will be dealt with in private as the first item on the agenda.
- (c) Initially, only the Chief Officer (or representative) who refused the original request, the Head of Paid Service's representative and the members concerned may be present.
- (d) The Chief Officer will report the matter to the meeting giving his/her reasons for the decision and members will be allowed to ask questions.
- (e) The appellant will then be called into the meeting and the chair will summarise the reasons given for the refusal.
- (f) The appellant will give his / her reason(s) for the request and members will be allowed to ask questions of the appellant and the Chief Officer but having regard to the confidentiality of the item.
- (g) Both parties will withdraw and the meeting will then consider and determine the appeal.

13.2 Where an appeal relates to the inspection of an exempt document and is not dealt with under Rule 13.1 (being made either after the meeting in question or less than 24 hours before), the following procedural timetable will apply:

- (a) The appellant must submit the appeal in writing to the Head of Paid Service within 10 working days of the refusal by the Chief Officer;
- (b) The relevant body will determine the appeal within 8 weeks of its receipt.

## **14. Key Decisions**

14.1 A “key decision” means a decision of a decision-maker which is likely:

- (a) to result in the GMCA or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the GMCA’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards in the area of the GMCA.

14.2 For the purposes of 14.1(a) above the meaning of “significant expenditure” or “significant savings” is to be construed in accordance with any definition that has been agreed by the GMCA’s overview and scrutiny committee(s) and reported by the committee(s) to the GMCA. A financial threshold for key decisions under paragraph (a) of expenditure or savings by the GMCA of more than £500,000 has been set.

14.3 The following categories of delegated decisions by officers do not constitute key decisions as in each case they concern the implementation of a previous key decision agreed by the GMCA and/ or the Mayor, which scrutiny has had the opportunity to review:

(i) any decision to borrow money to meet the short term borrowing requirements of the GMCA, to fund the approved capital programme, to refinance maturing debt or to restructure the long term borrowing of the GMCA in line with the provisions of the Treasury Management Strategy;

(ii) any decision to invest funds in accordance with the Treasury Management Strategy approved by the GMCA;

(iii) the acceptance of tenders for contracts wholly or mainly involving capital expenditure where the GMCA’s approval to the detailed capital scheme has previously been issued.

The GMCA’s financial threshold of £500,000 for key decisions excludes decisions in the following categories:

(i) the settlement of any actual or threatened legal proceedings in the interests of the GMCA, subject to the Overview and Scrutiny Committee receiving a report at its next suitable meeting in the event of such a settlement;

(ii) the payment of ‘passported’ grants from central government whose grant conditions include express instructions on how and where monies are spent, so that the GMCA or the Mayor are unable to vary any aspect of the payment of that grant.

Note: Currently the Bus Service Operators Grants fall within this category.

14.4 For the purposes of these Rules no decision that involves the discharge of a PCC function is to be treated as a key decision.

## 15. Publicity and Procedure in Connection with Key Decisions

15.1 Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency), where a decision-maker intends to make a key decision, that decision must not be made unless at least 28 clear days before it is made:

(a) a document is published containing the information set out in Rule 15.2, and

- (b) that document is made available at the offices of the GMCA and published on the GMCA's website.

15.2 The document published under rule 15.1 must state -

- (a) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the GMCA;
- (b) the matter in respect of which the decision is to be made;
- (c) the decision-maker's name, and title if any;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision-maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

15.3 The document referred to above must not contain any confidential or exempt information or particulars of the advice of a political adviser, but should contain particulars of the matter to be decided.

## **16. General Exception**

16.1 Subject to Rule 17 (Special Urgency), where the publication of the intention to make a key decision under Rule 15 is impracticable, the decision may still be made but only if:

- (a) the Monitoring Officer has informed the chair of the relevant overview and scrutiny committee or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;
- (b) the Monitoring Officer has made a copy of that notice available to the public at the offices of the GMCA, and published it on the GMCA's website; and

- (c) at least 5 clear days have elapsed since the Monitoring Officer complied with (a) and (b).

16.2 As soon as reasonably practicable after the Monitoring Officer has complied with Rules 16.1 (a) and (b), he or she must make available at the GMCA's offices a notice setting out the reasons why compliance with Rule 15 is impracticable and publish that notice on the GMCA's website.

## **17. Special Urgency**

17.1. Where the date by which a key decision must be made, makes compliance with Rule 16 impracticable, the decision may only be made where the decision-maker has obtained agreement from:

- (a) the Chair of the relevant overview and scrutiny committee; or
- (b) if there is no such person, or if the chair of the relevant overview and scrutiny committee is unable to act, the Chair of the GMCA; or
- (c) where there is no chair of either the relevant overview and scrutiny committee or of the GMCA, one of the vice-chairs of the GMCA,

that the making of the decision is urgent and cannot reasonably be deferred.

17.2 As soon as reasonably practicable after the decision-maker has obtained such agreement under Rule 17.1, the decision-maker must make available at the offices of the GMCA a notice setting out the reasons that the making of this decision is urgent and cannot reasonably be deferred and publish that notice on the GMCA's website.

## **18. Reports to the GMCA**

18.1 When an overview and scrutiny committee can require a report

Where a decision has been made and:

- (a) was not treated as a key decision; and
- (b) a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,

the scrutiny committee may require the decision-maker to submit a report to GMCA within such reasonable period as the committee may specify (which shall normally be the next scheduled meeting of the GMCA).

## 18.2 Decision-maker's report to the GMCA

A report under Rule 18.1 must include details of:

- (a) the decision and the reasons for the decision;
- (b) the decision-maker by whom which the decision was made; and
- (c) if the decision-maker is of the opinion that the decision was not a key decision, the reasons for that opinion.

## 18.3 Reports on special urgency decisions

The Monitoring Officer will submit reports to the GMCA on the decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding cycle. The report will include the particulars of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## 19. Recording of Mayoral Decisions Made by Individuals

19.1 As soon as reasonably practicable after the Mayor or another Member of the GMCA has made a mayoral decision, that Member must produce or instruct the **Head of Paid Service** to produce a written statement of that mayoral decision which includes the information specified in Rule 19.3.

19.2 As soon as reasonably practicable after an officer has made a decision which is a mayoral decision, the officer must produce a written statement including the information specified in Rule 19.3.

19.3 The statement referred to in Rule 19.1 and 19.2 should include -

- a. a record of the decision including the date it was made;
- b. a record of the reasons for the decision;
- c. details of any alternative options considered and rejected when making the decision;



- d. a record of any conflict of interest declared by any member who is consulted by the member or officer which relates to the decision; and
  - e. in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 19.4 Any written statement produced in accordance with this Rule, and any report considered by the individual Member or officer relevant to a decision will be available for public inspection at the GMCA's offices and on the GMCA's website.
- 19.5 Decisions made by the Mayor will also be reported to the GMCA at its next meeting (except where the decision concerned was taken openly by the Mayor while sitting within a formal meeting of the GMCA).
- 19.6 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

## **20. RECORDING OF NON-MAYORAL DECISIONS MADE BY OFFICERS**

- 20.1 As soon as reasonably practicable after an officer has made a non-mayoral decision of the type referred to in Rule 20.2, the officer must produce a written statement including the information specified in Rule 20.3.
- 20.2 The non-mayoral decisions referred to in Rule 20.1 are those taken:
- (a) under a specific express authorisation; or
  - (b) under a general authorisation and the effect of the decision is to:
    - (i) grant a permission or licence;
    - (ii) affect the rights of an individual; or
    - (iii) award a contract or incur expenditure which materially affects the GMCA's financial position.
- 20.3 The statement referred to in Rule 20.1 should include:
- (a) a record of the decision including the date it was made;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and rejected when making the decision;

- (d) where the decision is taken under a specific express authorisation, the name of any member of the GMCA who has declared a conflict of interest in relation to the decision.

20.4 Any written statement produced in accordance with this Rule will be available for public inspection at the GMCA's offices and on the GMCA's website.

20.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

## **21. Overview and Scrutiny Committees Access to Documents**

### **21.1 Rights to copies**

Subject to Rule 21.3 below, a member of an overview and scrutiny committee or a sub-committee of such a committee is entitled to a copy of any document which is in the possession or under the control of the GMCA or the Mayor and which contains material relating to: -

- (a) any business that has been transacted at a meeting of a decision-making body of the GMCA; or
- (b) any decision that has been made by an individual member of the GMCA; or
- (c) any decision made by an officer under delegated powers.

21.2 Where a member of an overview and scrutiny committee or a sub-committee of such a committee requests a document under Rule 21.1, the GMCA or the Mayor must provide that document as soon as reasonably practicable and in any case no later than 10 clear working days after the GMCA or the Mayor receives the request.

### **21.3 Limit on rights**

A member of an overview and scrutiny committee or of a sub-committee of such a committee will not be entitled to:-

- (a) any document or part of a document that is in draft form;
- (b) any document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or any review contained in any programme of work of such a committee or sub-committee of such a committee; or

(c) any document containing the advice of a political adviser.

21.4 Where the GMCA or the Mayor determines that a member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document the GMCA, or as the case may be, the Mayor must provide the overview and scrutiny committee with a written statement setting out the reasons for that decision.

## **22. Additional Rights of Access for Members**

22.1 Subject to Rule 22.2, any document which:

- (a) is in the possession or under the control of the GMCA, and
- (b) contains material relating to any business to be transacted at a meeting of the GMCA or a committee or sub-committee of the GMCA;

shall, subject to Rule 22.2 below, be available for inspection by any Member of the GMCA.

22.2 Rule 22.1 does not require a document to be available for inspection if:

- (a) it contains confidential information (see Rule 10.2);
- (b) it appears to the Monitoring Officer to disclose exempt information under paragraph 1, 2, 4, 5 or 7 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4); or
- (c) it appears to the Monitoring Officer to disclose exempt information under paragraph 3 of Schedule 12A, but only to the extent that the information relates to any terms proposed or to be proposed by or to the GMCA in the course of negotiations for a contract.

[NB: documents containing exempt information by virtue of paragraph 3 where 22.2 (c) does not apply or by virtue of paragraph 6 of Schedule 12A will be available under this Rule]

22.3 The above rights are in addition to any other right that a member of a combined authority may have.

## **23. Rights of Members – ‘Need to Know’**

- 23.1 In addition to rights under Rule 22, Members will be entitled to access to documents and to attend the confidential part of meetings of committees and sub-committees where they can demonstrate a “need to know” in order to perform their duties as Members.
- 23.2 Subject to Rule 23.3 below, the circumstances where a “need to know” will be treated as arising will include -
- (a) Where the matter relates to a sub-committee of a committee of which the Member is a member;
  - (b) Where the GMCA is required to approve the decisions or recommendations of committees or sub-committees;
  - (c) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole GMCA;
  - (d) Where the matter relates specifically to the area of the Constituent Council that appointed the Member to the GMCA.
- 23.3 There will not be a “need to know” if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.
- 23.4 A Member wishing to see confidential or exempt GMCA, committee or sub-committee documents or to attend the confidential part of a meeting should make a written application to the Head of Paid Service, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform his/her duties.
- 23.5 Where access to documents or a meeting is refused by the Head of Paid Service, there will be a right of appeal to the relevant body.
- 23.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.

## **SECTION C – OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES**

1. Establishment
  - 1.1 Legislation requires that the GMCA must establish one or more overview and scrutiny committees.
  - 1.2 The GMCA has determined to establish three overview and scrutiny committees whose remit is set out in Section E of Part 4 of this Constitution. The GMCA may choose to review the scope and titles of these committees periodically.
  - 1.3 In these scrutiny procedure rules, any provisions referring to an overview and scrutiny committee also apply to any sub-committees established by an overview and scrutiny committee.
- 2 Membership
  - 2.1 The GMCA will appoint to each committee annually following the annual meetings of its constituent councils.
  - 2.2 Each overview and scrutiny committee shall comprise fifteen members appointed by the GMCA from the elected members of the constituent councils.
  - 2.3 Each committee will have a least one member from each constituent council.
  - 2.4 In appointing members to the overview and scrutiny committees the GMCA will have regard to any nominations made by constituent councils and also endeavour to ensure that the membership reflects the conurbation's diverse population.
  - 2.5 The GMCA must ensure that the members of the committee reflect (as far as reasonably practicable) the balance of political parties among members of the constituent councils across the whole GMCA area.
  - 2.6 The GMCA will also appoint up to 16 substitute members who may be invited to attend as full members of all GMCA scrutiny committees when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.
- 3 Committee Chair
  - 3.1 Each committee's Chair will be appointed from amongst its members.
  - 3.2 The Chair must be a member of the committee who is an 'appropriate person' who is a member of one of the Constituent Councils. This requirement is set out in legislation.
  - 3.3 An 'appropriate person' means:
    - a person who is not a member of a registered political party of which the Mayor is a member;

- or, where the Mayor is not a member of a registered political party, a person who is not a member of a registered political party which has the most representatives among the members of the Constituent Councils on the GMCA or, where two or more parties have the same number of representatives, a member of either of those parties.

3.4 An overview and scrutiny committee may choose to appoint a vice chair, the vice chair should also be an appropriate person as described in rule 3.3 above.

#### **4 Sub-Committees**

4.1 An overview and scrutiny committee may establish one or more overview and scrutiny sub-committees to discharge its functions.

4.2 The overview and scrutiny committee establishing the sub-committee shall determine the membership of the sub-committee, subject to meeting the requirements relating to political balance and chairing by an appropriate person (rules 2.5 and 3.2).

4.3 These rules also apply to any sub-committee established.

#### **5 Meeting Frequency**

5.1 Overview and scrutiny committees will schedule regular meetings, of sufficient frequency to effectively discharge their function.

5.2 Additional meetings may be requested by the chair of the relevant overview and scrutiny committee, or by any 5 members of the committee or by the Monitoring Officer. Notification of any additional meeting will be made by the Head of Paid Service.

#### **6 Quorum**

6.1 The quorum for an overview and scrutiny committee shall be two thirds of its total membership, 10 members. This is set out in legislation.

6.2 The quorum requirement also applies to any sub committees established.

6.3 No business shall be transacted unless there are 10 members present

6.4 The meeting must start no later than 15 minutes after its advertised starting time, if there are not 10 members present then no meeting can take place.

6.5 If a meeting is inquorate those members present may still wish to informally discuss any issues which were due to be discussed at the meeting. However this informal meeting cannot transact any formal business, its discussions cannot be minuted, and any issues which members wish to bring to a decision makers attention would need to be raised again at a formally constituted meeting of that scrutiny committee.

#### **7 Voting**

7.1 Each member of the overview and scrutiny committees has one vote.

- 7.2 No member is to have a casting vote.
- 7.3 Whenever a vote is taken at a meeting it shall be by a show of hands and voting will be recorded.
- 8 Overview And Scrutiny Committee Work Programme**
- 8.1 Overview and scrutiny committees and any sub-committees will be responsible for setting their own work programme, taking into account the wishes of members of that committee or sub-committee.
- 8.2 The overview and scrutiny committees shall also accommodate requests from the GMCA and/or the Mayor to review particular areas of activity as soon as their work programme permits.
- 8.3 To assist with their work overview and scrutiny committees will be provided with a copy of the Register of Key Decisions each time it is updated.
- 8.4 Legislation also requires the GMCA to allow:
- a. Any member of an overview and scrutiny committee or sub-committee
  - b. Any member of the GMCA
  - c. Any member of a Constituent Council
- to refer matters to an overview and scrutiny committees by notifying the Head of Paid Service in writing.
- 8.5 Matters to be referred must be:
- i. relevant to the functions of the committee and
  - ii. not an excluded matter<sup>11</sup>
- 8.6 The Chair of the relevant overview and scrutiny committee in consultation with the Monitoring Officer will determine whether a matter is an 'excluded matter'.
- 8.7 On receipt of a notice under Rule 8.4 the matter will be included on the agenda of the next meeting the relevant committee or sub-committee as long as it meets the statutory publication requirements.
- 8.8 When the overview and scrutiny committee considers a referred matter it must have regard to any representations made by the member referring the item as to whether it would be appropriate to exercise its powers in relation to the matter being referred.
- 8.9 If the committee decides not to exercise its powers in relation to the referred matter, it must notify the member who referred the matter of their decision and the reasons for it.
- 9 Procedure at Overview and Scrutiny Committee Meetings**

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<sup>11</sup> An excluded matter is one which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State for the purposes of section 9FC of the Local Government Act 2000.

- 9.1 Where the overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings.
- 9.2 Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the GMCA and/or the Mayor as appropriate and shall make its report and findings public.
- 9.3 An overview and scrutiny committee or sub-committee may make proposals to the GMCA and/or the Mayor about any policy developments that fall within the committee's remit.
- 9.4 They may use choose to use different investigative methods, including task and finish groups to discharge this policy review function.
- 9.5 Where an overview and scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another overview and scrutiny committee, then the committee conducting the review shall invite the Chair (or the Chair's nominee) of the other committee to attend its meetings when the matter is being reviewed.
- 10** Reports and recommendations of overview and scrutiny committees
- 10.1 The GMCA's overview and scrutiny committees may publish a report or make recommendations which may require the GMCA or Mayor to:
- (a) consider the report or recommendations made by the committee;
  - (b) respond to the overview and scrutiny committee indicating what (if any) action the GMCA or Mayor proposes to take;
  - (c) publish their response to the overview and scrutiny committee's report or recommendations;
  - (d) if the committee's report or recommendations were made in response to a matter referred by a member under rule 8.4 that member must also be provided with the response.
- 10.2 The GMCA or the Mayor must respond to a committee's report or recommendations as soon as is practicable, but no later than two months from the date on which the GMCA or the Mayor received the reports or recommendations.
- 10.3 The agenda for GMCA meetings shall include the minutes of the previous month's scrutiny meetings which will highlight any recommendations for the GMCA to consider.
- 10.4 Where the Mayor has delegated decision making power to another Member of the GMCA, and an overview and scrutiny committee wishes to make recommendations regarding this decision they will submit a copy of their report to that delegated decision-maker (ie the Member of the GMCA) for consideration as well as the Head of Paid Service and the Mayor.
- 10.5 If the Member with delegated decision making power does not accept the recommendations of the overview and scrutiny committee then they must refer the matter to the Mayor for consideration before responding to the scrutiny committee in writing. This response will also be copied to the Head of Paid service.



10.6 Where a report or recommendation of an overview and scrutiny committee or a response of the GMCA or the Mayor's response is published any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Article 8 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

## **11** Rights of Overview and Scrutiny Committee Members to Documents

11.1 Members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section B of Part 5 of this Constitution.

11.2 There may also be more detailed liaison between the GMCA and/or the Mayor and overview and scrutiny committees as appropriate depending on the particular matter under consideration.

11.3 Additionally the Chairs of the GMCA's overview and scrutiny committees have a standing invitation to attend meetings of the GMCA including parts of the meeting where exempt items are discussed.

## **12** Members and Officers Giving Account

12.1 Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any GMCA function (including any mayoral general functions), within the remit of the committee.

12.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the GMCA (including the Mayor) or officer of the GMCA to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement GMCA policy; and/or
- (c) their performance;

and it is the duty of those persons to attend if so required.

12.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the overview and scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

## **13** Attendance by Others

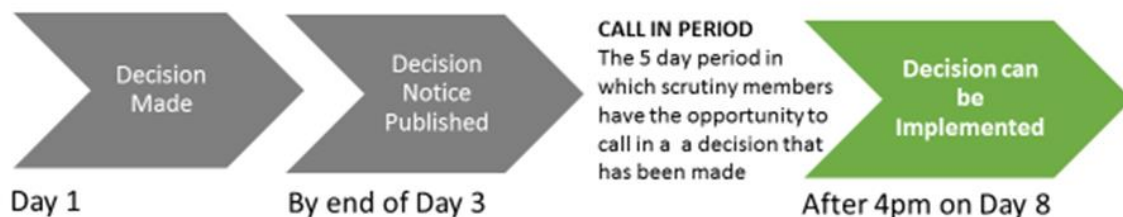
13.1 An overview and scrutiny committee may invite people other than members of the GMCA and/or the Mayor to support their deliberations on a matter. It may for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector or partner organisations.

## **14** Call-In Of Decisions

14.1 Call-in is one of a range of tools that scrutiny can use to influence decision-making.

- 14.2 Members appointed to the GMCA's three Scrutiny Committees have the power to call-in:  
The decisions made by:
- a. Greater Manchester Combined Authority (GMCA)
  - b. Greater Manchester Elected Mayor (for decisions relating to his general functions only)
- The decisions made under delegated powers by:
- c. A Member of the GMCA exercising delegated mayoral general functions
  - d. A Committee of the GMCA
  - e. A Committee established by the Mayor to exercise mayoral general functions.
  - f. Transport for Greater Manchester Committee,
- and key decisions made under delegated powers by:
- g. Officers of the GMCA, including Transport for Greater Manchester (as set out in Part 3 Sections E and F of the Constitution).
- 14.3 When the GMCA or any of its committees (with delegated decision-making powers), makes a decision; or when the mayor makes decision relating to his/her mayoral general functions, a decision notice will be published which sets out the decision/s that have been made. This notice will also be made available at the offices of the GMCA. The decision notice should be usually published within working 2 days of the decision being made.
- 14.4 It is the responsibility of the GMCA's Head of Paid Service to send electronic copies of the records of all such decisions to all members of the GMCA and all members of the GMCA's overview and scrutiny committees and any scrutiny sub committees (if established). This notice will enable members of the scrutiny committees to review the decisions that have been made and consider whether they would like any further information about them.
- 14.5 Each decision notice will bear the date on which they are published and will specify the date that the decision will come into force. Decisions may be implemented from 4.00 pm on the fifth day after the day on which the decision was published, unless before that time three members of the committee decide to call it in. The members must give notice in writing to the Head of Paid Service that they wish to call-in the decision, stating their reason(s) why the decision should be scrutinised.
- 14.6 The period between the publication of the decision notice and the time a decision may be implemented is the call-in period. The diagram below illustrate

## Decision Making Timeline



NOTE: For Key Decisions there is an additional requirement to publish an intention to make a decision on the Register of Key Decisions 28 clear days in advance (in practice this means 30 days)

14.7 A decision may not be called in if the overview and scrutiny committee concerned has already made recommendations to the decision-maker and those recommendations have been accepted by the decision-maker either in whole or without significant addition or modification.

### 14.8 Budget Scrutiny

Provided that the views and recommendations (if any) of the Corporate Issues & Reform Overview & Scrutiny Committee on the proposals for the Transport levy, Waste levy and statutory contributions, non-mayoral GMCA Budget, Mayor's draft General Budget and Mayoral combined authority precept have been formally reported to both the Mayor and the GMCA and considered by them, the decisions of the GMCA to set the annual budgets, levies and precept shall not be susceptible to call in.

A report shall be provided to the next suitable meeting of the Corporate Issues & Reform Overview & Scrutiny Committee if its recommendations are not substantially accepted.

## 15 Call-in Procedure

15.1 The purpose of call in is to give an overview and scrutiny committee the opportunity to consider whether they should ask the decision maker to review their decision. If three members of an overview and scrutiny committee request to call-in a decision the Head of Paid Service must notify the relevant decision-maker of the call-in except where paragraph 16.4 applies.

15.2 The Head of Paid Service must then convene a meeting of the overview and scrutiny committee on such date as he/she may determine, where possible after consultation with the chair of the overview and scrutiny committee.

15.3 The meeting must be convened within ten working days of the decision to call-in. In the event that it is not possible to convene a quorate scrutiny meeting within this period such a meeting must instead be convened as soon as practicable to consider the call in. The decision-maker will have the right to attend the meeting to explain the reasons for the decision and to answer questions at the meeting. At the scrutiny meeting in which the call-in is reviewed the overview and scrutiny committee will consider the reasons for call-in and the decision-maker's response to any questions the committee may agree to. The committee may decide to:

- a. Make no recommendations (in which case the decision will stand and may be implemented with immediate effect); or
  - b. Refer the matter back to the decision-maker with a recommendation that the decision-maker: changes aspects of the decision; reconsiders the decision in light of the committee's views; or does something else before the final decision is made.
- 15.4 If a decision is referred by a meeting of the overview and scrutiny committee the decision-maker must reconsider the original decision before adopting a final decision. After reconsidering their decision the decision maker must write to the overview and scrutiny committee and set out if they have amended their decision or explain the reasons why their decision stands.
- 16 Urgent decisions: Call-in**<sup>12</sup>
- 16.1 In Greater Manchester the grounds for a decision to be considered as urgent (and therefore not subject to call-in) are that if any delay likely to be caused by the call-in process would seriously prejudice the legal or financial position of the GMCA or the constituent councils, or the interests of the residents of Greater Manchester.
- 16.2 The chair of the relevant overview and scrutiny committee must agree both that the making of the decision is urgent, cannot reasonably be deferred and that it can be treated as a matter of urgency. In the absence of the chair of the relevant overview and scrutiny committee, the chair of the GMCA must agree the grounds of urgency, or in the absence of the chair of the GMCA, the vice chair of the GMCA may agree the grounds for urgency.
- 16.3 As soon as agreement has been obtained by the decision maker that the making of the decision is urgent the decision maker must publish a notice in its offices and on its website which states the reason why the decision is urgent and cannot reasonably be deferred.
- 16.4 Where a decision is exempted from call-in it will become effective immediately or (if later) as soon as the agreement of the chair of the relevant overview and scrutiny committee (or of the chair or vice chair of the GMCA) has been obtained.
- 16.5 Decisions taken as a matter of urgency must be reported to the next meeting of the GMCA, together with the reasons for urgency.
- 16.6 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the GMCA with proposals for review if necessary.
- 17 Scrutiny Officer**
- 17.1 The GMCA must designate one of its officers as the scrutiny officer of the overview and scrutiny committee(s) to discharge the following functions:
- a. to promote the role of the overview and scrutiny committee(s);
  - b. to provide support and guidance to the overview and scrutiny committee(s) and to members of such committees; and

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<sup>12</sup> The GMCA's Constitution under its access to information procedure rules also contains provision for a key decision, in certain exceptional circumstances, to proceed despite it being impracticable to meet the ordinary 28 clear day public notice requirement for such decisions. This is covered under rule 16 (General Exception) and rule 17 (Special Urgency) of those procedure rules.

- c. to provide support and guidance to Members of the GMCA and to the Mayor in relation to the functions of the overview and scrutiny committee(s).

19.3 The GMCA may not designate as the scrutiny officer any officer of a Constituent Council.

# **PART 6**

## **FINANCIAL PROCEDURES**

## PART 6

### FINANCIAL PROCEDURES

#### PART 6 SECTION A – GMCA FINANCIAL REGULATIONS

THESE REGULATIONS APPLY TO ALL OFFICERS CONDUCTING GMCA MATTERS INCLUDING GENERAL MAYORAL MATTERS BUT EXCLUDING THOSE SPECIFIC MATTERS RELATING TO MAYORAL POLICE AND CRIME COMMISSIONER FUNCTIONS WHERE THE REGULATIONS IN PART 9 WILL APPLY

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## **1. General**

- 1.1. These Regulations shall be read in conjunction with the Rules of Procedure (see Part 5A) and the Responsibility for Functions (see Part 3) where GMCA general functions reserved to the Mayor are set out.
- 1.2. These Regulations lay down for the guidance of Members and officers, principles to be followed in securing the proper administration of the GMCA's financial affairs and shall be reviewed at intervals of not more than three years.
- 1.3. The Treasurer, as the officer responsible for the proper administration of the GMCA's financial affairs, shall report to the GMCA any significant failure to comply with these Regulations which comes to his/her attention.
- 1.4. The Head of Paid Service and the Treasurer shall be responsible for the accountability and control of all resources managed by them on behalf of the GMCA.
- 1.5. For the purposes of complying with these Regulations, the Treasurer shall be provided with any information he/she may require and shall have access to any documents and records as necessary.
- 1.6. Whenever any matter arises which may involve financial irregularity the Treasurer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Treasurer and after consultation with the Head of Paid Service, be referred by them to the GMCA. Further, in a case where the Head of Paid Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

## **2. Staffing**

- 2.1. The Head of Paid Service will be responsible for providing overall management to staff employed by the GMCA.
- 2.2. The Head of Paid Service and the Treasurer will be responsible for ensuring that there is proper use of evaluation or other agreed systems for determining remuneration.
- 2.3. The Treasurer will:
  - 2.3.1. Ensure that budget provision exists for all existing and new employees.
  - 2.3.2. Ensure that appropriate mechanisms are in place to support the payment of salaries and any other related expenses to staff.
  - 2.3.3. Set out and issue a staff expenses scheme to be followed where staff incur personal expenses when carrying out their duties on behalf of the GMCA.



- 2.4. Chief Officers must ensure that appointments are made in accordance with the approved establishment and scales of pay and the adequate budget provision is available. Officers must produce an annual staffing budget (including on costs and overheads) which should be an accurate forecast of staffing levels and associated costs.
- 2.5. Payroll documents must be retained and stored for the defined period in accordance with guidance issued by the Treasurer.
- 2.6. The payment of all pensions to former firefighters and their dependents shall be made by the Treasurer or under arrangements approved by him.
- 2.7. Chief Officers shall notify the Treasurer of all matters affecting payment to employees - including appointments, resignations, dismissals, suspensions, secondments and pay awards, absences from duty for sickness and other reasons affecting pay, information necessary to maintain records of service for pension purposes, income tax and national insurance.
- 2.8. Claims for payments of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted to the Treasurer in a form approved by him.

### 3. Accounting Arrangements

- 3.1. The Treasurer shall prepare a manual of financial and accounting procedures to be operated by officers working on GMCA matters.
- 3.2. All accounting and financial arrangements shall be determined by the Treasurer who shall be consulted before any **system**, form or document of a financial or costing nature is introduced.
- 3.3. The Treasurer shall be responsible for the submission of all claims for grant to Government Departments, or to the EU. Chief Officers must ensure expenditure is compliant with relevant grant conditions.
- 3.4. At the end of the financial year Chief Officers must supply the Treasurer with information in such form and by such date as he/she may determine to enable him/her to close the GMCA's Accounts promptly.
- 3.5. The Accounts must be approved by the **Audit Committee, which has delegated power to carry out this function from** GMCA, within the statutory deadlines.
- 3.6. If the Auditor's Report requires any material amendment to be made to the Accounts, this must be then reported to the **Audit Committee, which has delegated power to carry out this function from** GMCA, as soon as practicable after the receipt of the audit report.

### 4. Banking Arrangements and Cheques

- 4.1. All arrangements with the GMCA's bankers, including the ordering and safe custody of cheques, shall be made by the Treasurer who shall be authorised to operate such banking accounts, as he/she considers necessary.
- 4.2. All cheques drawn on behalf of the GMCA shall be signed by, or bear the facsimile of the Treasurer, or the signature of any other duly authorised officer.
- 4.3. The Treasurer will maintain a schedule of signatories for each bank account.

## **5. Budgetary Control**

- 5.1. The detailed form of the programme of capital expenditure and revenue estimates shall be determined by the Treasurer after consultation with appropriate Chief Officers, in accordance with any general directions of the GMCA and the Mayor for the Mayoral General Functions.
- 5.2. It is the responsibility of Chief Officers to ensure service plans reflect agreed budget estimates. Chief Officers are responsible for the continuous exercise of budgetary control and service performance throughout the year, and are responsible for reporting on variations to the Treasurer.
- 5.3. Where the GMCA operates in partnership or similar arrangements, Chief Officers must set out the roles and responsibilities of all parties including a sound framework of internal controls. All proposed financial arrangements must be subject to prior approval of the Treasurer and subject to compliance checks as deemed necessary.

## **6. Capital and Revenue Budgets**

### **6.1. GMCA Budget**

- 6.1.1. The Treasurer, in consultation with appropriate Chief Officers and the Chief Executive of TfGM, shall prepare an annual programme of capital expenditure for submission to the GMCA, together with proposals for financing that programme. The programme will separately identify capital expenditure relating to both schemes promoted by the GMCA and those via TfGM.
- 6.1.2. The Treasurer, in consultation with appropriate Chief Officers and the Chief Executive of TfGM, shall prepare annual estimates of revenue expenditure and income, indicating the levy (in relation to the GMCA's transport functions) and additional amounts payable by the Constituent Councils (in relation to the GMCA's non transport functions) necessary to finance the net expenditure for the next financial year.

### **6.2. Mayor's General Budget**

- 6.2.1. The Treasurer, in consultation with appropriate Chief Officers and the Mayor shall prepare annual estimates of revenue expenditure and income and a capital programme associated

with the Mayor's General Functions, indicating the general component of the Mayor's Precept to be levied and any associated borrowing requirement.

6.2.2. The Mayor will submit the draft Mayor's General Budget, the general component of the Mayor's Precept and associated borrowing requirement to GMCA for consideration and approval.

**6.2.3. GMCA may approve the draft Mayor's General Budget.**

6.2.4. GMCA may veto the draft Mayor's General Budget, the general component of the Mayor's Precept and **associated borrowing and** propose changes to the Mayor who may then submit a revised draft budget for consideration and approval.

6.2.5. GMCA will approve the **revised draft** Mayor's General Budget, the general component of the Mayor's Precept incorporating any GMCA recommendations as to the relevant amounts and any associated borrowing requirements.

**7. Control of Expenditure**

**7.1. Capital Schemes**

7.1.1. Before a capital scheme for which provision is made may proceed, Chief Officers must prepare a fully costed scheme report for presentation to the GMCA and the Mayor as appropriate, justifying the need for the expenditure. The Treasurer will report on the revenue implications of the scheme.

7.1.2. After a capital scheme has been approved in detail by the GMCA or the Mayor, Chief Officers and the Chief Executive of TfGM shall inform the Treasurer as soon as practicable of any likely overspending and the Treasurer will report to the GMCA or the Mayor as appropriate. If the overspending is likely to exceed the approved capital cost, the revised estimates shall be referred to the GMCA or the Mayor along with proposals for further funding if appropriate.

7.1.3. Where no borrowing is required to finance a capital scheme, the capital budget of the GMCA and/or TfGM may be increased in-year on the following basis:

7.1.3.1. in relation to GMCA's capital budget, by up to £100,000 with the approval of the Treasurer;

7.1.3.2. in relation to TfGM's capital budget, by up to £100,000 –

7.1.3.2.1. by TfGM, if wholly funded by TfGM's own resources, or

7.1.3.2.2. if otherwise, with the approval of the Treasurer;

7.1.3.3. in relation to GMCA's **general and** transport capital budget and TfGM's capital budget, **over** £100,000 with the approval of **the GMCA**;

7.1.3.4. all other increases need the approval of GMCA.  
7.1.4.

## 7.2. GMCA Revenue Budget

7.2.1. The GMCA will determine the amounts to be allocated to GMCA Functions. The Head of Paid Service in conjunction with Chief Officers will monitor expenditure against this approval, and report on a regular basis agreed with the Treasurer to the GMCA showing forecast variations from the budget allocated. It will be a matter for the GMCA to determine from this information whether expenditure priorities should be changed within the funding envelopes available.

7.2.2. For revenue expenditure any likely overspending shall be reported by Chief Officers as soon as practicable to the Treasurer. Where it is not possible to finance an overspending by a transfer between expenditure heads (see virements below), the matter shall be referred to the GMCA for consideration.

7.2.3. The GMCA will determine guidelines for carrying forward of surplus and deficits on budget headings. The Treasurer will administer the scheme of carry forward within the guidelines approved by the GMCA.

## 7.3. Mayor's General Revenue Budget

7.3.1. . The Head of Paid Service in conjunction with Chief Officers will monitor expenditure against the approved **Mayor's General Revenue Budget**, and report on a regular basis agreed with the Treasurer to the Mayor showing forecast variations from the budget allocated. It will be a matter for the Mayor to determine from this information whether expenditure priorities should be changed within the funding envelopes available.

7.3.2. For revenue expenditure any likely overspending shall be reported by Chief Officers as soon as practicable to the Treasurer. Where it is not possible to finance an overspending by a transfer between expenditure heads (see virements below) the matter shall be referred to the Mayor for consideration.

7.3.3. The Mayor will determine guidelines for carrying forward of surplus and deficits on budget headings. The Treasurer will administer the scheme of carry forward within the guidelines approved by the Mayor.

7.4. Grants for capital or revenue purposes to outside organisations and persons for which provision is made in the appropriate budget shall not be paid except by agreement with the Treasurer who shall make such arrangements as he/she considers necessary for this purpose. **The Treasurer shall keep a register of grants to outside organisations excluding GM Districts.**

## 8. Virements

- 8.1. The Treasurer shall be authorised to approve virements between expenditure heads within the limits as set out in these Regulations. Anything in excess of these limits shall be reported for approval to the GMCA or Mayor as appropriate. Virements are deemed to be:
- 8.1.1. Revenue - A transfer of budget for a different purpose to that set out in the approved Budget;
- 8.1.2. Capital - a movement of budget between approved capital schemes.
- 8.2. In accordance with the scheme of virement and associated thresholds, the Treasurer is responsible for considering reports submitted by Chief Officers in respect of virement proposals for revenue and capital expenditure.
- 8.3. In conjunction with Chief Officers, the Treasurer is to report to and seek the prior approval of the GMCA or the Mayor for any revenue expenditure where it is **funded by a** release of earmarked sums from reserves or will have an adverse impact on a priority within the approved budget.
- 8.4. The Treasurer is to report and seek the approval of the Head of Paid Service (in consultation with the Chair of the GMCA) to the exercise of the virement powers of the GMCA where a matter is urgent.
- 8.5. Appropriate Officers are to ensure compliance with the scheme of virement (see tables below).

#### Revenue Budgets

Threshold	GMCA Function	Mayoral General Function
<b>Up to £50,000</b>	Chief Officers to exercise virements on budgets under their control during the year following approval by the Treasurer.	<b>Chief Officers to exercise virements on budgets under their control during the year following approval by the Treasurer.</b>
<b>Above £50,000</b>	Requests must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Requests must be notified to the Treasurer who will report and seek approval from the GMCA.	<b>Requests must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Requests must be notified to the Treasurer who will report and seek approval from the Mayor.</b>

#### Capital Programme

Threshold	GMCA Capital	Mayoral General Capital	TfGM Capital
Up to £100,000	Chief Officers to exercise in year virement on budgets under their control following approval by the Treasurer.	Chief Officers to exercise in year virement on budgets under their control following approval by the Treasurer.	TfGM to exercise in year virement on budgets under their control provided they are wholly funded by TfGM resources, otherwise following approval by the Treasurer.
)			
Above £100,000	Requests must specify the proposed expenditure and the source of funding, Requests must be notified to the Treasurer who will report and seek approval from the GMCA	Requests must specify the proposed expenditure and the source of funding, Requests must be notified to the Treasurer who will report and seek approval from the Mayor	Requests must specify the proposed expenditure and the source of funding, Requests must be notified to the Treasurer who will report and seek approval from the GMCA

## 9. Maintenance of Balances/Reserves/Provisions

- 9.1. The Treasurer will ensure that there are clear protocols for the establishment and use of balances/reserves/provisions and, in consultation with Chief Officers, will establish reserves and/or provisions and provide guidance on how to incur expenditure from balances/reserves/provisions.
- 9.2. The Treasurer is to seek GMCA or Mayoral, as appropriate, approval the use of balances, reserves or provisions in addition to those already approved in setting the original budget.
- 9.3. Chief Officers must ensure that the use of reserves or provisions when approved is planned into the budget and used only for the purposes for which they were intended.

## 10. Borrowing and Investments

- 10.1. The Treasurer shall be the GMCA's registrar of stocks, bonds, bills and mortgages and all borrowings shall be made by, or under the supervision, of the Treasurer in the name of the GMCA.
- 10.2. The Treasurer shall maintain records of all monies borrowed and shall be responsible for the day to day administration of borrowed monies.
- 10.3. The Treasurer shall ensure that the **CIPFA** Treasury Management Code of Practice and the Prudential Code are complied with and shall, as recommended by the Codes of Practice,

periodically submit relevant reports to the GMCA in relation to the GMCA's **treasury management activity**.

## **11. Contracts**

- 11.1. All contracts on behalf of the GMCA shall be subject to the GMCA's Rules of Procedure in Part 5, Section A of this Constitution and the Responsibility for Functions in Part 3 of this Constitution.
- 11.2. The Treasurer shall be informed as soon as possible by Chief Officers of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the GMCA and shall carry out such checks as he/she considers necessary during the currency of a contract. Contracts entered into by TfGM are subject to TfGM Standing Orders and are not covered by this Regulation.
- 11.3. Payment to contractors on account shall be authorised only on certified documents signed by a duly authorised Officer, showing the total amount of the contract, value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 11.4. Every variation of a contract or addition to the original specification shall be authorised, in writing, by a duly authorised Officer. Any such variation or addition which necessitates an increase in the amount of an accepted tender or estimate by more than £2,500 on projects up to £30,000 or 5% of the accepted tender or estimate on projects over £30,000 or involves a substantial modification of a scheme, shall be reported to the Treasurer as soon as possible. No order shall be placed, nor any payment certified, in respect of any such variation or addition until this has been approved by the Treasurer.
- 11.5. The final certificate on a contract or accepted estimate shall be issued by the duly authorised Officer after he/she has submitted to the Treasurer a detailed statement of account, together with such vouchers or documents as he/she may require.
- 11.6. In the case of contracts for works entered into by the GMCA and supervised and managed by architects or persons other than the GMCA's own officers, the agreement with the person having control of the work shall provide that he/she furnish to the GMCA for inspection by their officers, all documents and vouchers relating to prime costs, provisional sums, etc. Subject to the rights of other parties to the contract, the final certificate shall not be issued, nor the balance under such contract paid until:
  - (a) The Treasurer with the assistance of any appropriate officer has had the opportunity to examine the accounts, vouchers and documents, and
  - (b) If any question of propriety of payment arises, the GMCA shall have authorised payment.
- 11.7. Claims received from contractors in respect of matters clearly not within the terms of the appropriate contract shall be referred to the Head of the Paid Service for consideration of

the GMCA's legal liability and to the Treasurer for financial consideration, before settlement is negotiated.

## **12. Estates and Property**

- 12.1. The Head of Paid Service shall maintain a terrier of all estates and properties owned by the GMCA in a form approved by the Treasurer.
- 12.2. The Monitoring Officer shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Treasurer.
- 12.3. Chief Officers shall ensure that records and assets are properly maintained and securely held. They shall also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

## **13. Assets for Disposal**

### **13.1. Land and Buildings**

**13.1.1. The disposal of assets are subject to statutory provisions, in particular the overriding duty under section 123 of the Local Government Act 1972 to obtain the best consideration that can be reasonably obtained for the disposal of land which includes the granting of leases in excess of 7 years.**

**13.1.2. The General Disposal Consent (England) 2003 gives a Local Authority the ability to dispose of assets, or grant a lease in excess of 7 years for less than the best consideration reasonably obtainable, where:-**

**13.1.2.1. The Authority considers that the purpose for which the land and property is to be disposed is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the whole or any part of its area or any persons resident or present in its area; and**

**13.1.2.2. The difference between the full market value and the actual consideration payable does not exceed £2m**

### **13.2. Disposal Methods**

**13.2.1. The disposal method for all assets including plant, vehicles and machinery will be appropriate to each disposal and may range from seeking formal quotations, electronic auctions to using public auctions. The Treasurer will be consulted on the appropriate disposal method for all disposals by Chief Officers.**

## **14. Income**

- 14.1. The collection of all money due to the GMCA shall be under the supervision of the Treasurer.



- 14.2. All money received by an officer on behalf of the GMCA shall, without delay, be paid intact to the Treasurer or, as he may direct, to the GMCA bank account.
- 14.3. Chief Officers will provide the Treasurer details in connection with work completed, goods supplied or services rendered and of all other amounts due as may be required to record correctly all sums receivable by the GMCA and to ensure prompt rendering of accounts for the collection of income.
- 14.4. Chief Officers will notify the Treasurer promptly of all money due to the GMCA and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the GMCA.
- 14.5. All receipt forms, books, tickets and other such items shall be ordered and supplied to departments by the Treasurer who shall satisfy himself/herself as to the arrangements for their control.
- 14.6. The Treasurer shall be authorised to write off bad debts. Requests to write off any individual debt in excess of £100,000 must be referred to the GMCA for information.
- 14.7. Every transfer of official money from one officer to another shall be evidenced in the records of the departments concerned by the signature of the receiving officer.

## **15. Insurance**

- 15.1. The Treasurer shall, subject to any general direction of the GMCA, arrange such insurances in the name of the GMCA as he/she considers necessary, and shall inform Chief Officers annually of the insurances in force in respect of his/her department.
- 15.2. Chief Officers shall give prompt notification to the Treasurer of all new risk, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3. Chief Officers shall inform the Treasurer promptly in writing of any event which may involve the GMCA in a claim on the GMCA's insurers.
- 15.4. Indemnities on behalf of the GMCA can only be given by the Head of Paid Service.

## **16. Risk Management**

- 16.1. The GMCA shall approve the risk management strategy and shall review the effectiveness of risk management. The Treasurer shall prepare and promote the risk management strategy and develop appropriate risk management controls.
- 16.2. Chief Officers shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be included in the Corporate Risk Register which will be subject to periodic review. Chief Officers should notify the Treasurer, in writing of any loss, liability or damage or any event likely to lead to a claim.

16.3. Chief Officers shall take responsibility for risk management within their areas of responsibility, having regard from relevant advice from specialists (e.g. fire safety, health and safety, insurance) and shall undertake regular reviews of risk within their own Departments.

**17. CIPFA Treasury Management Code of Practice 2011**

17.1. In line with CIPFA recommendations, the GMCA has adopted the following four clauses:

17.1.1. To create and maintain, as the cornerstones for effective treasury management:

17.1.2. A Treasury Management Policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;

17.1.3. Suitable Treasury Management Practices (TMPs), setting out the manner in which the GMCA will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

17.1.4. The GMCA will receive reports on its Treasury Management Policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in its TMPs.

17.1.5. The GMCA delegates responsibility for the implementation and regular monitoring of its Treasury Management Policies and Practices to the Audit Committee, and for the execution and administration of treasury management decisions to the Treasurer of the Combined Authority, who will act in accordance with the GMCA's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

17.1.6. The GMCA has nominated its Audit Committee to ensure effective scrutiny of the Treasury Management Strategy and Policies.

**18. Internal Audit**

18.1. The Treasurer shall, so far as he/she considers necessary:

18.1.1. Arrange for the internal audit of all accounts and financial transactions of the GMCA and its officers.

18.1.2. Supervise security arrangements and the custody and safeguarding of GMCA moneys and property, including any funds entrusted to the GMCA or its officers.

18.1.3. (Undertake investigations in order to ensure that value for money is obtained and loss through wastage minimised.

- 18.2. The Treasurer will make arrangements so that internal auditors have the authority:
- 18.2.1. To have access to Authority premises at reasonable times.
  - 18.2.2. To have access to documents, records and equipment in the possession of the Authority.
  - 18.2.3. To require any officer of the Authority to account for cash, stores or any other Authority asset under their control.
  - 18.2.4. Where possible, to have access to records belonging to third parties, such as contractors, when required
  - 18.2.5. To receive information concerning any matter under investigation.
  - 18.2.6. To have access to the Head of Paid Service and the Audit Committee.
- 18.3 Chief Officers must inform the Treasurer, as soon as possible, of any matter which involves irregularities or any suspected irregularity concerning cash, stores, other property or any irregularity in the exercise of the functions of the GMCA. The Treasurer may investigate and report on any matter which he believes involves or may involve irregularities concerning cash, stores or other property of the GMCA or any suspected irregularity in the exercise of the functions of the GMCA.

**19. Requisitions and Purchase Orders for Work, Goods & Services**

- 19.1. The GMCA Contract Procurement Rules set out at Part 6 Section B of the GMCA Constitution will apply.
- 19.2. **Requisitions and Purchase** orders for works, goods and services are to be approved by the Chief Officer or their delegated officer up to £250,000 and by the Treasurer or delegated officer over £250,000.

**20. Payment of Accounts**

- 20.1. Chief Officers shall be responsible for the certification and submission of invoices and other claims to the Treasurer who shall make safe and efficient arrangements for the payment of such accounts.

**21. Petty Cash**

- 21.1. The Treasurer shall make such arrangements as he/she considers necessary for defraying petty cash and other expenses by means of an imprest system.

**22. Taxation**

- 22.1. The Treasurer is;
  - 22.1.1. Responsible for ensuring that taxation advice is available to Chief Officers to ensure compliance with relevant legislation.
  - 22.1.2. Responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
  - 22.1.3. To complete all HM Revenue and Customs returns regarding Pay As You Earn (PAYE).
  - 22.1.4. To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
  - 22.1.5. To provide details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme
  - 22.1.6. To maintain an up-to-date register of VAT de minimis payments in accordance with the VAT Act 1994.
- 22.2. Chief Officers are to:
  - 22.2.1. Ensure that the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all output tax is properly identified and recorded.
  - 22.2.2. Ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
  - 22.2.3. Ensure that the Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994.
  - 22.2.4. Ensure that all persons employed by the Council are added to the Council's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
  - 22.2.5. Follow any guidance on taxation that may be issued by the Treasurer

## **23 Internal Control**

- 23.1 The Treasurer is responsible for ensuring that the financial management of the GMCA is adequate and effective and that there is a sound system of internal control and sound procedures for the management of risk. The responsibility for maintaining and reviewing the system of internal control rests with the GMCA.
- 23.2 The Treasurer is responsible for advising on effective systems of internal control. These arrangements shall ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

## **24 Stock and Stores**

- 24.1 Each Chief Officer shall be responsible for the care and custody of stocks and stores within his area of responsibility.
- 24.2 The Treasurer shall arrange for periodic checks of stocks by persons other than store-keepers and shall ensure that all stocks are checked at least once in every year.
- 24.3 Chief Officers will dispose of surplus materials, stores or equipment by competitive tender, public auction, e-bay type auction or in a manner approved by the Treasurer.
- 24.4 Adjustments which may be necessary for surpluses or deficiencies of stock shall be subject to the approval of the Treasurer, or delegated officer.
- 24.5 The Treasurer shall be authorised to write off or make adjustments in respect of deficiencies or surpluses of stock. Requests to write off items in excess of £50,000 must be reported to the GMCA for information.

## **25 Security**

- 25.1 Chief Officers are responsible for maintaining proper security at all times for buildings, stocks, stores, furniture, equipment, cash, documentation and information under their control.
- 25.2 Each Chief Officer shall be responsible for maintaining proper security and privacy of information and data held, as required by the Data Protection legislation.
- 25.3 All staff shall comply with the standards and principles set out in the GMCA's ICT Security policies.

## **26 Purchase Cards**

- 26.1 Purchase Cards shall be operated strictly within the procedures and policy determined by the Treasurer and GMCA respectively.**
- 26.2 Contravention of the procedures or policy will result in the rescinding of the Purchase Card facility.**

## **27 Bids for External Funding**

- 27.1 Where third parties invite GMCA to bid for additional resources (e.g. capital grants), care should be taken to ensure that the costs and risks associated with preparing a bid do not outweigh the benefits of receiving additional funding. All costs associated with bidding should be financed from the relevant service budget unless GMCA or the Mayor has specifically approved alternative financing arrangements. Successful bids typically require GMCA to deliver specific outcomes or provide additional matched funding. Failure to meet these obligations could result in the clawback of funding from the donor organisation. Any decision to bid for external funding must take account of the costs, risks and obligations associated with the bid being accepted by the provider of the funding.**

**27.2 The Treasurer shall be notified by Chief Officers of all external bids for additional resources and any additional confirmed funding. Copies of original correspondence confirming funding allocations shall also be forwarded by Chief Officers to the Treasurer.**

## **PART 6 SECTION B - GMCA CONTRACT PROCUREMENT RULES**

**THESE RULES APPLY TO ALL GMCA PROCUREMENTS INCLUDING GENERAL MAYORAL PROCUREMENTS BUT EXCLUDING SPECIFIC PROCUREMENTS RELATING TO MAYORAL POLICE AND CRIME COMMISSIONER FUNCTIONS WHERE THE RULES IN PART 9 WILL APPLY**

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A BRIEF GUIDE TO CONTRACT PROCUREMENT RULES

1. These Contract Procurement Rules (issued in accordance with section 135 of the Local Government Act 1972), are intended to promote good purchasing practice (including the delivery of social value and the application of ethical procurement principles) and public accountability and deter corruption.
2. Officers responsible for purchasing must comply with these Contract Procedure Rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. (For example if Rule 8.1 would normally require that quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions).
3. For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include **electronic** as well as hard copy.
4. Key considerations for officers engaged in purchasing works, goods and services include:
  - Follow the rules if you purchase goods or services or order building work;
  - Take all necessary legal, financial and professional advice;
  - Declare any personal financial interest in a contract. Corruption is a criminal offence;
  - Conduct any Best Value review and appraise the purchasing need;
  - Check whether there is an existing GMCA Contract, OGC Buying Solutions/Crown Commercial Service agreement, AGMA and other joint purchasing arrangements you can make use of before undergoing a competitive process;
  - Normally allow at least four weeks for submission of bids (not to be submitted by e-mail unless allowed for in the Invitation to Tender documents);
  - Keep bids confidential;
  - Complete a written contract or GMCA order before the supply or works begin;
  - Identify a contract manager with responsibility for ensuring the contract delivers as intended;
  - Keep records of dealings with suppliers;
  - Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.
5. GMCA is committed to meeting needs for goods, services and works in a way that achieves value for money on a whole life basis in terms of generating benefits to society and the economy of Greater Manchester whilst maximising environmental sustainability.



## SCOPE OF CONTRACT PROCUREMENT RULES

### 1. Basic Principles

All purchasing and disposal procedures must:

- Achieve Best Value for public money spent;
- Be consistent with the highest standards of integrity;
- Ensure fairness in allocating public contracts;
- Comply with all legal requirements;
- Ensure that Non-Commercial Considerations do not influence any Contracting Decision;
- Support the GMCA's corporate aims and policies;
- Comply with the GMCA's corporate Procurement Strategy and other relevant policies;
- Include considerations of social value in line with the GMCAs policy and the Public Services (Social Value) Act 2012;

### 2. Officer Responsibilities

#### 2.1 Officers

2.1.1 Officers responsible for purchasing or disposal must comply with these Contract Procurement Rules, the GMCA's Financial Regulations, the GMCA's Social Value Policy, the GMCA's Code of Conduct for Employees and with all UK and European Union binding legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on behalf of GMCA also comply with these rules.

2.1.2 Officers must:

- Have regard to the GMCA's Purchasing Guidance including any relevant Gateway procedures;
- Check whether a suitable GMCA contract exists before seeking to let another contract; where a suitable GMCA contract exists, this must be used unless there is an auditable reason not to;
- Keep the records required by Rule 6;
- Take all necessary legal, financial and professional advice.

2.1.3 When any employee either of the GMCA or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal and personnel advice before proceeding with inviting Tenders or Quotations.

#### 2.2 Chief Officers

2.2.1 Chief Officers must:

- Ensure their staff comply with Rule 2.1;
- Keep registers of:
  - Contracts completed by signature rather than by the GMCA's seal (see Rule 18.3) and arrange their safekeeping on GMCA premises;
  - Exemptions recorded under Rule 3.2.
- **Provide an electronic copy of all contracts and exemptions to Procurement Section.**

2.3 The Officer must comply with the GMCA Code of Conduct for Employees and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.

2.4 Officers shall comply with section 117 of the Local Government Act 1972 in relation to the declaration of interest in contracts.

### 3. Exemptions, Collaborative and E-Procurement Arrangements

3.1 The GMCA has power to waive any requirements within these Contract Procedure Rules for specific projects unless it would be unlawful to do so.

3.2 A Chief Officer may (subject to Treasurer's written approval where the Total Value is likely to exceed £50,000) waive any requirements within these Contract Procedure Rules, where they are satisfied:

- Goods are to be bought at auction and the GMCA's best interest will be served by purchase through auction and has agreed an upper limit for bids; or
- Only one contractor can provide the goods, services or works required and there is no reasonable alternative contractor; or
- The need for the goods, services or works is so urgent that the time needed to comply with these Contract Procedure Rules would be prejudicial to the GMCA's interests, or
- There are value for money reasons justifying a waiver

Applications to waiver any requirement shall be made using the waiver template documentation available from the Procurement Team.

3.3 Where a proposed contract or agreement is subject to the EU Procedure, a Chief Officer and the Treasurer have no delegated powers. No exemption under Rules 3.1 and 3.2 can be used if the EU Procedure applies.

3.4 All exemptions, and the reasons for them, must be recorded by the Chief Officer. The Treasurer will monitor use of exemptions.

3.5 In order to secure Value for Money, the GMCA may enter into collaborative procurement arrangements with local authorities, government departments, public bodies, public

sector buying organisations and may use Framework Agreements let by local authorities, government departments, public bodies or public service purchasing consortium.

3.6 All purchases made via a public sector buying organisation are deemed to comply with these Contract Procedure Rules and no exemption is required. However, purchases above the EU Threshold must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedures on behalf of the GMCA and other consortium members.

3.7 Advice must be sought from the **Procurement Team prior to entering into a contract** through collaboration with local authorities or other public bodies to ensure compliance with the procurement rules.

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#### 4. Relevant Contracts

4.1 All Relevant Contracts and Framework Agreements must comply with these Contract Procurement Rules. A Relevant Contract is any arrangement made by the GMCA for the carrying out of works or for the supply of goods, materials or services. These include arrangements for:

- The carrying out of construction and engineering works;
- The supply or disposal of goods;
- The hire, rental or lease of goods or equipment; and
- The delivery of services.

4.2 Relevant Contracts do not include:

- Contracts of employment which make an individual a direct employee of GMCA; or
- Agreements relating to the acquisition, disposal or transfer of land which do not form part of a wider transaction under which the GMCA procures works, goods or services.
- **Instruction of counsel**

#### COMMON REQUIRMENTS

#### 5. Steps Prior to Purchase

5.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance in the Purchasing Guidance, by:

- Satisfying themselves that they have the necessary authority to deal with the purchase and that there is budget provision for the purchase;
- Taking into account the requirements from any relevant Best Value review appraising the need for the expenditure and its priority defining the objectives of the purchase;
- Assessing the risks associated with the purchase and how to manage them;

- In consultation with the Procurement Team considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium;
- Consulting users as appropriate about the proposed procurement method, social value opportunities, contract standards and performance and user satisfaction monitoring, terms and conditions that are to apply to the proposed contract;
- Setting out these matters in writing if the Total Value of the purchase exceeds £50,000.

5.2 and by confirming that:

- There is GMCA Member or delegated approval for the expenditure and the purchase accords with the approved policy framework and Scheme of Delegation as set out in the GMCA Constitution.

6. Records

6.1 **Where the Total Value is below £10,000 a purchase order is sufficient record, unless additional records are deemed appropriate having taken into account considerations in Rule 5.1**

6.2 Where the Total Value is **£10,000 to £49,999**, the following records must be kept:

- A unique reference number for the contract (**obtained from the Procurement Section**) and the title of the contract;
- Invitations to quote or tender and Quotations or Tenders;
- A record:
  - of any exemptions and the reasons for them;
  - of any Contracting Decision and the reasons for it including the evaluation of the Quotation or Tender;
- Written records of communications with the successful contractor or an electronic record if a written record of the transaction would not normally be produced.

6.3 Where the Total Value exceeds £50,000 the Officer must record:

- A unique reference number for the contract (**obtained from the Procurement Section**) and the title of the contract;
- The method for obtaining bids (see Rule 8.1);
- Any Contracting Decision and the reasons for it;
- Any exemption under Rule 3 together with reasons for it;
- The Award Criteria;
- Invitation to Tender documents sent to and Tender documents received from Candidates;
- Pre-tender market research (if any);
- Clarification and post-tender negotiation (to include minutes of any meetings);
- The contract documents – **an electronic copy to be provided to Procurement Section**;
- Post-contract evaluation and monitoring;

- Communications with Candidates and with the successful contractor throughout the period of the procurement.

6.3 Records required by this rule must be kept for six years after the end of the contract.

## 7. Advertising

### 7.1 Identifying and Assessing Potential Candidates

**7.1.1. Officers shall ensure that, for Relevant Contracts or Framework Agreements a sufficiently accessible advertisement is published.** . Examples of where such advertisements may be placed include:

- The GMCA’s website;
- E portals specifically created for contract advertisements such as the UK Government Contracts Finder;
- A local or national newspaper or specialist publication;
- National official journals, or the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure).

7.1.2 Officers are responsible for ensuring that all Candidates for a Relevant Contract have necessary:

- Economic and financial standing; and
- Technical ability and capacity;

to fulfil the requirements of the GMCA.

## CONDUCTING PURCHASES

### 8. Competition Requirements for Purchase and Partnership Arrangements

The Officer must calculate the Total Value.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the Monitoring Officer.

#### 8.1 Purchasing – Competition Requirements

8.1.1 Where the Total Value for a purchase is within the values in the first column below, the procedure in the second and third columns must be followed.

Total Value	Procedure	Advert Placement
Up to £9,999.99	One written quotation	

£10,000 to £49,999.99	At least three written quotations	
£50,000 – EU Threshold	Invitation to Tender by advertisement to at least three Candidates	E portal and the UK Government Contracts Finder
Above EU Threshold	EU Procedure	E portal and the UK Government Contracts Finder

8.1.2 Irrespective of Rule 8.1.1 Relevant Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF–GN-1-004) as amended from time to time.

8.1.3 An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these contract procedure rules.

8.1.4 Where the Total Value exceeds £50,000 the Procurement Team should be consulted prior to the commencement of the procedure.

## 8.2 Providing Services to External Purchasers

8.2.1 The Treasurer must be consulted where contracts to work for organisations other than the GMCA are contemplated and any bid, tender and contract for work shall be made in accordance with the Financial Regulations.

## 8.3 Collaborative and Partnership Arrangements

8.3.1 Collaborative and partnership arrangements where services/goods/works are supplied to the GMCA are subject to all UK and EU procurement legislation and must follow these contract procedure rules. If in doubt, Officers must seek the advice of the Monitoring Officer and the Treasurer.

## 8.4 The Appointment of Consultants to Provide Professional Services

8.4.1 Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined below.

Total Value	Procedure	Advert Placement
Up to £30,000	One written quotation	
£30,001 – EU Threshold	Three written quotations	E portal up to £50,000 then E portal and UK

		Government Contracts Finder
Above EU Threshold	EU Procedure	E portal and UK Government Contracts Finder

Agreements shall be completed as specified in Rule 18.2 (Contract Formalities)

- 8.4.2 Irrespective of Rule 8.4.1 Relevant Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF–GN-1-004) as amended from time to time.
- 8.4.3 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.
- 8.4.4 Records of consultancy appointments shall be maintained in accordance with Rule 6.
- 8.4.5 Consultants shall be required to provide evidence of, and maintain appropriate professional indemnity insurance policies for the periods specified in the respective agreement.
- 8.4.6 The instruction of the Authority’s External Auditors for additional pieces of work must only be carried out by the Treasurer.**
- 8.4.7 The instruction of external legal advisers must only be carried out by the Monitoring Officer.
- 8.4.8 The instruction of counsel shall not be subject to the requirements of Rules 8.4.1 – 8.4.4 (inclusive).

**9. PRE-TENDER MARKET RESEARCH AND CONSULTATION**

9.1 The Officer responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential Candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition.

## 10. STANDARDS AND AWARD CRITERIA

10.1 The Officer must ascertain the standards necessary to properly describe the subject matter of the contract having regard to any relevant British, European or international standards.

10.2 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the authority. The basic criteria shall be one of the following:

- 'most economically advantageous', where considerations of quality, price, social value and other relevant factors apply, or
- 'lowest price' where payment is to be made by the GMCA (provided that lowest price is not permissible under the EU Procedure),

If the first criterion is adopted (most economically advantageous) it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant social value and environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

Supplier suitability assessment questions may also be asked by the GMCA provided such are relevant to the subject matter of the procurement, are proportionate and are used to assess whether **candidates** meet requirements or minimum standards of suitability, capability, legal status and financial standing. Officers shall have regard to the Purchasing Guidance when defining the Award Criteria.

10.3 Award Criteria must not include:

- Non-Commercial Considerations that are prohibited under UK and European Union law
- Matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

## 11. INVITATIONS TO TENDER/QUOTATIONS

11.1 The Invitation to Tender shall state that the GMCA reserves the right to reject a Tender that is not received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this requirement shall be considered without the Treasurer's prior approval and shall not be considered under any circumstances when it is received after the other Tenders have been opened.

11.2 All Invitations to Tender shall include the following:



- 11.2.1 A specification that describes the GMCA's requirements in sufficient detail to enable the submission of competitive offers.
- 11.2.2 A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- 11.2.3 A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
- 11.2.4 Notification that Tenders are submitted to the GMCA on the basis that they are compiled at the tenderer's expense.
- 11.2.5 A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms.
- 11.2.6 Unless the Tender is sought in accordance with an electronic tendering process which is approved by the Treasurer and Monitoring Officer and/or which is permitted by the Invitation to Tender documents, a statement that any Tenders submitted by fax or other electronic means shall not be considered.
- 11.3 All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 18).
- 11.4 The Invitation to Tender or Quotation may state that the GMCA is not bound to accept any Quotation or Tender.

## 12. SHORTLISTING

- 12.1 Shortlisting for contracts or agreements which are not subject to the EU Procedure may only be undertaken where permitted by UK law. Special rules apply to Short listing for contracts or agreements which are subject to the EU Procedure and these are set out in the EU Procedure.

## 13. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS

- 13.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods (see guidance in the Purchasing Guidance).
- 13.2 All Tenders must be returned in accordance with the Invitation to Tender.
- 13.3 Tenders received by any means (e.g. email) other than the electronic tendering process approved by the Treasurer and Monitoring Officer must be rejected.
- 13.4 Each Tender must be:

- suitably recorded so as to verify the date and precise time it was received
- adequately protected on receipt to guard against amendment of its contents

#### 14. CLARIFICATION PROCEDURES

14.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) are the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.

#### 15. EVALUATION

15.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate's response must not be given to another Candidate.

15.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.

#### 16. POST TENDER NEGOTIATIONS

16.1 Post tender negotiations under the EU Procedure can only be undertaken on the grounds allowing for such specified in the EU Procedure. For all other procedures if post-tender negotiations are necessary after a single-stage Tender process or after the second stage of a two-stage Tender process, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

16.2 Post-tender negotiation must only be conducted in accordance with the guidance issued by the Monitoring Officer who, together with the Treasurer, must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by a team of at least two officers, one of whom must be from a division independent to that leading the negotiations.

16.3 Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

## 17. AWARD OF CONTRACTS AND FRAMEWORK AGREEMENTS AND DEBRIEFING CANDIDATES

17.1 The Officer may accept **quotations, tenders and bids** received up to **£50,000.00** in value in respect of proposed contracts and Framework Agreements, provided **that** they have been sought and evaluated fully in accordance with these contract procurement rules **and that budget provision is available.**

17.2 The Officer in consultation with the Head of Procurement may accept tenders **or bids** received over £50,000 and up to **£250,000** in value in respect of proposed contracts and Framework Agreements, provided they have been sought and evaluated fully in accordance with these contract procurement rules and, in respect of proposed contracts and Framework Agreements that are expected to exceed £250,000 (relating to either expenditure or income) with the additional approval of the Treasurer.

17.3 For contracts and Framework Agreements subject to the EU Procedure, the Officer must notify all Candidates simultaneously and as soon as possible of the intention to award the contract or Framework Agreement to the successful Candidate and provide information required by the EU Procedure specifying the name(s) of the successful Candidate(s), the award criteria and the reasons for the decision including the score of the Candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender. The Officer must provide unsuccessful Candidates with a period of at least ten days in which to challenge the decision before the Officer awards the contract or Framework Agreement. If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract or Framework Agreement and shall immediately seek the advice of the Monitoring Officer. The requirement to notify candidates of the intention to award a contract or Framework Agreement in this Rule 17.3 does not apply to:

- contracts and Framework Agreements that are not subject to the EU Procedure (such as social and other specific services listed under the EU Procedure, or where the value is under the EU Threshold) and
- contracts subsequently called off and awarded based on a Framework Agreement that was let in accordance with the EU Procedure

17.4 If a Candidate requests in writing the reasons for a Contracting Decision relating to an unsuccessful Quotation or Tender it has submitted, the Officer must give in writing the name(s) of the successful Candidate(s), the award criteria and the reasons for the

decisions including the score of the candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender.

## CONTRACT AND OTHER FORMALITIES

### 18. CONTRACT DOCUMENTS

#### 18.1 Relevant Contracts

18.1.1 All Relevant Contracts that exceed £50,000 shall be in writing.

18.1.2 All Relevant Contracts, irrespective of value, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)
- the provisions for payment (i.e. the price to be paid and when)
- the time, or times, within which the contract is to be performed
- the provisions for the Authority to terminate the contract.

18.1.3 The GMCA's standard terms and conditions or standard contract forms issued by a relevant professional body must be used wherever possible.

18.1.4 In addition, every contract or agreement must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- data protection requirements, if relevant
- Equality Act requirements
- Anti-bribery compliance
- Freedom of Information Act requirements
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
- that the GMCA shall pay the contractor and the contractor shall pay its subcontractors within 30 days of an undisputed invoice.

18.1.5 The formal advice of the Monitoring Officer must be sought for the following contracts:

- those involving leasing arrangements
- where it is proposed to use a supplier's own terms or
- those that are complex in any other way.

#### 18.2 Contract Formalities

18.2.1 Agreements shall be completed as follows:

Total Value	Method of completion	By
Up to £50,000	Signature	Authorised Signatory
£50,001 - £75,000	Two signatures or sealing	Two Authorised Signatories or see Rule 18.3
Above £75,000	Sealing	See Rule 18.3

18.2.2 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances.

### 18.3 Sealing

18.3.1 Where contracts are completed by each side as a deed, such contracts shall be executed by the fixing of the GMCA's seal, and must be witnessed by an Authorised Signatory.

18.3.2 Every GMCA sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.

18.3.3 A contract must be sealed where:

- the GMCA may wish to enforce the contract more than six years after its end
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
- there is any doubt about the authority of the person signing for the other contracting party, or
- the Total Value exceeds £75,000 **unless the Monitoring Officer does not consider that sealing is necessary.**

## 19. BONDS AND PARENT COMPANY GUARANTEES

19.1 The Officer must consult the Treasurer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:

- the Total Value exceeds £250,000, or
- selection and/or award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate.

19.2 The Officer must consult the Treasurer about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or

- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

## CONTRACT MANAGEMENT

### 20. MANAGING CONTRACTS

- 20.1 Chief Officers are to name contract managers for all new contracts. All contracts must have a GMCA contract manager for the entirety of the contract.
- 20.2 Contract managers must follow the procedures set out in the GMCA's Purchasing Guidance.
- 20.3 Anyone awarding a contract must notify the Treasurer of the details of that contract if for any reason the tender has not been issued via the Procurement Section.
- 20.4 The Treasurer must maintain a central register of all contracts let with a value in excess of £50,000.

### 21. RISK ASSESSMENT AND CONTINGENCY PLANNING

- 21.1 A business case must be prepared for all procurements with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
- 21.2 For all contracts with a value of over £75,000, contract managers must consider maintaining a risk register during the contract period, undertake appropriate risk assessments and for identified risks ensure contingency measures are in place.

### 22. CONTRACT MONITORING, EVALUATION AND REVIEW

- 22.1 The Treasurer may require that a GMCA-developed Gateway review process may be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.
- 22.2 During the life of the contract, the Officer must monitor in respect of:
- Performance
  - Compliance with specification and contract
  - Cost
  - Any Value for Money requirements
  - Social value requirements
  - User satisfaction and risk management.

## DEFINITIONS

Authorised Signatory	An officer authorised by the Monitoring Officer in accordance with the GMCA's Constitution to sign a contract or witness the GMCA's seal.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11.2.5).
Award Procedure	The procedure for awarding a contract as specified in Rules 8, 10 and 15.
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the GMCA. This terminology has now in many instances been superseded by Value for Money.
Candidate	Any person <b>or organization</b> who applies for, asks or is invited to submit a Quotation or Tender.
Chief Officers	The Officers defined as such in the GMCA Constitution.
Code of Conduct	The Code of Conduct for Employees as set out from time to time in the GMCA Constitution.
Committee	A committee which has power to make decisions for the GMCA.
Constitution	The constitutional document approved by the GMCA of which those Contract Procedure Rules form part.
Consultant	Specialist advisers engaged to provide <b>professional</b> services to the GMCA.
Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• award of contract or Framework Agreement</li> <li>• any decision to terminate a contract.</li> </ul>
<b>Delegated Officer</b>	<b>The Officer authorized by the Chief Officer to approve requisitions and purchase orders.</b>
EU Procedure	The procurement procedure required by the EU for goods, works and services where the Total Value exceeds the EU Threshold.
EU Threshold	The value at which the EU public procurement directives apply.
European Economic Area	The members of the European Union, and Norway, Iceland and Liechtenstein
Financial Regulations	The GMCA's financial regulations outlining Officer responsibilities for financial matters prepared by the Treasurer and becoming part of the GMCA Constitution.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. <b>This includes Dynamic Purchasing Systems as defined in legislation.</b>

Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
Head of Procurement	The Officer as designated by the Treasurer
High Profile	A high-profile purchase is one that could have an impact on functions integral to GMCA service delivery should it fail or go wrong.
High Risk	A high-risk purchase that is in the opinion of the Treasurer one which presents the potential for substantial exposure on the GMCA's part should it fail or go wrong.
High Value	A high-value purchase is where the value exceeds the EU Threshold values.
Invitation to Tender	Invitation to tender documents in the form required by these Contract Procedure Rules.
Monitoring Officer	As identified in the GMCA Constitution
Non-Commercial Considerations	<ul style="list-style-type: none"> <li>(a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</li> <li>(b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</li> <li>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</li> <li>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</li> <li>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</li> <li>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</li> <li>(g) Financial support or lack of financial support by contractors for any institution to or from which the GMCA gives or withholds support.</li> <li>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</li> </ul> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.</p>



Officer	The Officer designated by the Chief Officer to deal with the <b>procurement and award of the</b> contract in question.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the GMCA, the GMCA can require the parent company to do so instead.
Procurement Strategy	The document setting out the GMCA's approach to procurement and key priorities for the next few years.
Procurement Team	The Team under the Treasurers responsibility for Procurement Services.
<b>Public Sector Buying Organisation</b>	<b>An organisation which procures goods and services contracts and frameworks to be made available to the public sector.</b>
Purchasing Guidance	Any guidance documents issued from time to time by the Treasurer that support the implementation of these Contract Procurement Rules.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these contract procedure rules apply (see Rule 4).
Shortlisting	The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.
Tender	A Candidate's offer submitted in response to a GMCA Invitation to Tender.
Total Value	The whole of the value (net of VAT) or estimated value (in money or equivalent value) calculated as follows: <ul style="list-style-type: none"> <li>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</li> <li>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</li> <li>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</li> <li>(d) in the case of framework agreements and dynamic purchasing systems, the maximum estimated value of all contracts envisaged for the total term of the framework agreement or the dynamic purchasing system.</li> </ul>
Treasurer	As identified in the GMCA Constitution.
TUPE of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)	Subject to certain conditions, the regulations applying where responsibility for the delivery of works or services for the GMCA is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers,

	enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.
Value for Money	Value for money is not the lowest possible price; it is the most economically advantageous proposal that combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.

# **PART 7**

## **CODES AND GUIDANCE**

## SECTION A: CODE OF CONDUCT FOR MEMBERS

### Part 1 General Provisions

#### 1 Introduction and Scope

1.1 The Greater Manchester Combined Authority is determined to promote and maintain high standards of conduct by its Members, Co-opted Members and those councillors from Greater Manchester's districts appointed to roles in which they act on behalf of the GMCA. The GMCA has adopted a Code of Conduct for Members in line with its obligations under section 27(2) of the Localism Act 2011.

1.2 This Code mandatorily applies to those acting as Members of the GMCA (including the Mayor and Substitute Members), voting Co-opted Members of the GMCA's committees or Appointed Members of Joint Committees, and references to "official capacity" are to be construed accordingly.

1.3 Compliance with this Code is a statutory requirement for those identified in paragraph 1.2. To promote good governance the GMCA strongly recommends voluntary compliance with the Code by non-voting Co-opted Members of the GMCA's committees and by elected members from Greater Manchester's ten districts when they otherwise act for or represent the GMCA. Where a member is only subject to the Code through voluntary compliance (as described in this paragraph) they will not in law be subject to the statutory obligations relating to member conduct under Chapter 7, Part 1 of the Localism Act 2011 nor can the conduct of such a member, insofar as it concerns that member's GMCA role, amount to any of the criminal offences referred to in this Code. However, the conduct of a member who has agreed to voluntarily be subject to the Code may be considered under the GMCA's arrangements for determining whether a member has breached the Code.

1.4 In this Code – 'meeting' means any meeting of:

- the GMCA; or
- any of the GMCA's Committees or Sub-Committees, Joint Committees or Joint Sub-Committees.

For the purposes of this Code "Committee" includes **any** Fire Committee **that may be** established by the Mayor.

1.5 This Code does not have effect in relation to a member's conduct other than where it is in that member's official capacity.

1.6 This Code will be reviewed every two years by the GMCA's Standards Committee or earlier if required by a change in legislation.

## 2 General Principles

- 2.1 The Code and the associated guidance are based on the following general principles.
- 2.2 Members must behave according to the highest standards of personal conduct in everything they do when acting as a Member or voting Co-opted Member (or in the case of those voluntarily subject to compliance with the Code in accordance with paragraph 1.3 above, where they are otherwise acting on behalf of the GMCA). They must observe the following principles of conduct, some of which are set out in law. The seven principles of Standards in Public Life known as the Nolan Principles underpin the provisions of the GMCA's Code of Conduct for Members. They are set out in paragraphs 2.3 to 2.9 below.
- 2.3 Selflessness: holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- 2.4 Integrity: holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 2.5 Objectivity: in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- 2.6 Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- 2.7 Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- 2.8 Honesty: holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 2.9 Leadership: holders of public office should promote and support these principles by leadership and example.
- 2.10 Where those covered by this Code act as a representative of the GMCA:
- (a) on another relevant authority, they must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, they must comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.

**2.11** It is an individual's responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the GMCA. A failure by a Member coming within the scope of paragraph 1.2 above to declare a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and/or disqualification from office for a period of up to 5 years.

### **3** General Obligations for Members

#### **3.1** You must not:-

- a.** Do anything which may knowingly cause the GMCA to breach the Equality Act 2010;
- b.** Bully or be abusive to any person;
- c.** Intimidate or attempt to intimidate any person who is or is likely to be:
  - a complainant
  - a witness, or
  - involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the GMCA's Code of Conduct; or
- d.** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the GMCA.

#### **3.2** You must not:

- a.** Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - i.** You have the consent of a person authorised to give it;
  - ii.** You are required to do so by law;
  - iii.** The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - iv.** the disclosure:
    - is reasonable and in the public interest; and
    - is made in good faith and in compliance with the reasonable requirements of the GMCA; or
- b.** prevent another person from gaining access to information to which that person is entitled by law.

**3.3** You must not conduct yourself in such a way which could reasonably be regarded as bringing your office or the GMCA into disrepute.

#### **3.4** You:

- a.** must not use or attempt to use your position as a Member improperly to confer on or secure for myself or any other person, an advantage or disadvantage; and

- b. must, when using or authorising the use by others of the resources of the GMCA:
  - act in accordance with the GMCA’s reasonable requirements;
  - ensure that such resources are not used improperly for political purposes (including party political purposes); and
- c. must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

**3.5** When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- a. The GMCA’s Treasurer (section 73 officer); or
- b. The GMCA’s Monitoring Officer

where that officer is acting pursuant to his or her personal statutory duties.

**3.6** You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the GMCA.

## Part 2 Disclosable Pecuniary Interests

### 4 Notification of Disclosable Pecuniary Interests

- 4.1** Within 28 days of becoming a Member or a Voting Co-opted Member (or in the case of those subject to voluntary compliance with the Code in accordance with paragraph 1.3 above, within 28 days of being appointed to a GMCA body or appointed to act as a representative of the GMCA) you must notify the Monitoring Officer of any disclosable pecuniary interests.
- 4.2** A ‘disclosable pecuniary interest’ is an interest of yourself, or of your partner (if you are aware of your partner's interest), within the descriptions set out in the table below.
- 4.3** ‘Partner’ means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the GMCA) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992.
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the GMCA: <ul style="list-style-type: none"> <li>a. under which goods or services are to be provided or works are to be executed: and,</li> <li>b. which has not been fully discharged.</li> </ul>
Land	Any beneficial interest in land which is within the area of the GMCA
Licence	Any licence (alone or jointly with others) to occupy land in the area of the GMCA for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - <ul style="list-style-type: none"> <li>a. the landlord is the GMCA: and</li> <li>b. the tenant is a body in which you or your partner has a beneficial interest.</li> </ul>
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> <li>a. that body (to your knowledge) has a place of business or land in the area of the GMCA; and</li> <li>b. either -</li> </ul>



	<ul style="list-style-type: none"> <li>i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul>
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**4.4** For the purposes of the above table:

- a. 'a body in which you or your partner has a beneficial interest' means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest;
- b. 'director' includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union;
- c. 'land' excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income; and
- d. 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**5** Non Participation in Case of Disclosable Pecuniary Interest

**5.1** If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- a. You must not participate in any discussion of at the meeting.
- b. You must not participate in any vote taken on the matter at the meeting.
- c. If the interest is registered you must disclose the interest to the meeting (as required by GMCA Procedure Rule 16.3).
- d. If the interest is not registered, you must disclose the interest to the meeting.
- e. If the interest is not registered and not the subject of a pending notification, you must notify the GMCA's Monitoring Officer of the interest within 28 days.
- f. You must also withdraw from the meeting while the matter is being considered (as required by GMCA Procedure Rule 16.4).

**6** Offences

**6.1** It is a criminal offence for a Member coming within the scope of paragraph 1.2 above to:

- a. Fail to notify the GMCA's Monitoring Officer of any disclosable pecuniary interest within 28 days of appointment as a Member of the GMCA or a voting Co-opted Member;
- b. Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the GMCA's Register;
- c. Fail to notify the GMCA's Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the GMCA Register that you have disclosed to a meeting;
- d. Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- e. Knowingly or recklessly provide information that is false or misleading in notifying the GMCA's Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

**6.2** The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a Member of Co-opted Member for up to 5 years.

## Part 3 Other Interests

### 7 Notification of Personal Interests

**7.1** In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must within 28 days of your election or appointment to office notify the GMCA's Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 7.2 below for inclusion in the register of interests.

**7.2** You have a personal interest in any business of the GMCA where it relates to or is likely to affect:

- a. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the GMCA;
- b. any body of which you are in a position of general control or management which
  - i. exercises functions of a public nature;
  - ii. is directed to charitable purposes; or
  - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

**7.3** You also have a personal interest in the business of the GMCA where a decision might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward(s), affected by the decision.

**7.4** A relevant person is:

- a. a member of your family or any person with whom you have a close association; or
- b. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- c. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d. any body of a type described in paragraph 7.2 a. or b.

**7.5** Subject to paragraphs 7.6 to 7.8 below, where you have a personal interest described in paragraph 7.2 or 7.3 above in any business of the GMCA, and you are aware or ought reasonably to be aware of the existence of that personal interest, and you attend a meeting at which the business is considered, you must disclose to the meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 7.6 Where you have a personal interest in any business of the GMCA which relates to or is likely to affect a body described in paragraph 7.2 a. or b.i, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 7.7 Where you have a personal interest in any business of the GMCA of the type mentioned in paragraph 7.2 c, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 7.8 Where you have a personal interest but, by virtue of paragraph 11, sensitive information relating to it is not registered in the GMCA's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 7.9 Where you have a personal interest in any business of the GMCA and you have made an **individual** decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## 8 Non Participation In Case of Prejudicial Interest

- 8.1 Where you have a personal interest in any business of the GMCA you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
- a. affects your financial position or the financial position of a person or body described in paragraph 7.4 ;or
  - b. relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 7.4.
- 8.2 Subject to paragraphs 8.3 and 8.4, where you have a prejudicial interest in any business of the GMCA:
- a. You must not participate in any discussion of the matter at the meeting.
  - b. You must not participate in any vote taken on the matter at the meeting.
  - c. You must disclose the interest to the meeting.
  - d. If the interest is not registered and not the subject of a pending notification, you must notify the GMCA's Monitoring Officer of the interest within 28 days.
  - e. You must withdraw from the meeting while the matter is being considered (as required by GMCA Procedure Rule 16.4).
- 8.3 Where you have a prejudicial interest in any business of the GMCA, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to

attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

**8.4** Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the GMCA in respect of:

- a. school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- b. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
- c. any ceremonial honour given to Members.

**8.5** If you are making a decision or discharging a function alone, and you become aware of a prejudicial interest in a matter being dealt with or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## **9** Interests Arising in Relation to Overview and Scrutiny Committees

**9.1** In any business before an Overview and Scrutiny Committee of the GMCA (or of a Sub-Committee of such a Committee) where:

- a. that business relates to a decision made (whether implemented or not) or action taken by the GMCA or another of the GMCA's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and
- b. at the time the decision was made or action was taken, you were a Member of the GMCA, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may attend the meeting of the Overview and Scrutiny Committee (or Sub-Committee) for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

## **Part 4 General Matters Relating To Parts 2 And 3**

### **10 Register of Interests**

- 10.1** Subject to paragraph 11 any disclosable pecuniary interests or personal interests notified to the GMCA's Monitoring Officer will be included in the GMCA's Register of interests. A copy of the Register will be available for public inspection and will be published on the GMCA's website.

### **11 Sensitive Interests**

- 11.1** This applies where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the GMCA's Monitoring Officer agrees. In these circumstances, if the interest is entered on the GMCA's Register of interests, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

### **12 Dispensations**

- 12.1** The GMCA may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

## **SECTION B: GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS**

### **1 General Introduction**

- 1.1** The Code of Conduct requires Members to notify the Monitoring Officer in writing of any gift or hospitality he/she receives which may be to the value of one hundred pounds or more. It is also a breach of the Code to act in such a way as to bring the GMCA into disrepute or for a member to use his/her position as a member of the GMCA improperly to confer on or secure for him/herself or any other person advantage or disadvantage.
- 1.2** The following guidance aims to assist members in complying with the Code of Conduct for Members but it also goes beyond these basic provisions and seeks to provide wider guidance so members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.
- 1.3** Standards Committee will review this guidance every two years, unless new legislation requires the guidance to be updated before the next scheduled review.

### **2 Legal Position**

- 2.1** The Bribery Act 2010 provides that it is a criminal offence for a Member to request, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing anything or showing favour or disfavour to any person in their official capacity. It is for the Member to demonstrate that any such rewards have not been corruptly obtained.

### **3 Gifts and Hospitality**

- 3.1** Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the GMCA or may be applying to the GMCA for some sort of decision in respect of which it is imperative that the member's independence should not be compromised.
- 3.2** The following rules should be applied: Other than the exceptions listed in (b) below a member should refuse any gift offered to them or to an immediate relative of the member, by any person who has or may seek to have dealings with the GMCA. It is recommended that members should notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift (unless the gift falls within I or II below). The Monitoring Officer will maintain the register for this purpose.
- 3.3** The exceptions where it may be appropriate to accept a gift are set out below. Members should note that the Code of Conduct for Members requires all gifts and hospitality of one hundred pounds or more to be notified to the Monitoring Officer, who will maintain a register for this purpose.

- 3.4 The gift is of purely token, advertising value given to a wide range of people, e.g. pens, key rings and other promotional items. As such promotional gifts will usually be less than one hundred pounds in value generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift.
- 3.5 A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the GMCA. Again because such gifts would be of a small value generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift.
- 3.6 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer as set out above.
- 3.7 Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the GMCA and should be registered with the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than the one hundred pounds specified in the Code). The Monitoring Officer in consultation with the chair of the Standards Committee will determine whether it is appropriate to retain the gift in question.
- 3.8 Whilst it may be acceptable to accept a token or small gift on one occasion members should refuse repeated gifts, even if these are individually not of a significant value.

## 4 Hospitality

- 4.1 It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that members' judgment would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality of one hundred pounds or more is required by the Code of Conduct to be registered. However members may wish to notify the Monitoring Officer of hospitality offered but refused and hospitality which is less than the one hundred pounds limit specified in the Code.
- 4.2 Some examples of hospitality which may be acceptable follow but much may depend on the particular circumstances, for example who is providing the hospitality, why the member is there and the nature of the dealings between the Authority, the member and the provider of the hospitality:
- i. A working meal provided to allow parties to discuss or continue to discuss business.
  - ii. An invitation to attend a dinner or function of a Society, Institute or other non-commercial body with whom the GMCA has contact.
  - iii. Invitations to attend functions where the member represents the GMCA (opening ceremonies, public speaking events, conferences).



## 5 Unacceptable Hospitality

5.1 The following are examples of unacceptable hospitality:

- i. Holidays, including accommodation and travel arrangements
- ii. Offers of theatre tickets for the member and his family or free travel
- iii. Personal invitations for evenings out with representatives from a company or firm who have dealings with the GMCA or who are likely to have dealings in the future.

5.2 Members are again urged to err on the side of caution and if in any doubt as to the integrity of the offer / invite the member should consult the Monitoring Officer or refuse.

## 6 Notifications

6.1 Notifications of gifts and hospitality should be sent to the **Head of Paid Service** who will administer the register on behalf of the Monitoring Officer.

6.2 A form for this purpose is available from the **Head of Paid Service**.

## 7 The Register

7.1 The Register referred to in this protocol will be subject to scrutiny by the Standards Committee and regular inspection by the Monitoring Officer, the Head of Internal Audit and the District Auditor. The Register of Gifts and Hospitality of one hundred pounds or more should be available for public inspection. For consistency registrations as regards gifts & hospitality offered and refused, or gifts and hospitality of a value less than one hundred pounds will also be available for public inspection.

## 8 Gifts Which Cannot Be Retained

8.1 Where the Monitoring Officer in consultation with the Chair of the Standards Committee determines that it would not be appropriate for a member to retain a gift, that gift will be returned, utilised by the GMCA or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer and Chair of the Standards Committee.

## 9 Advice and Sanctions

9.1 Members are advised to seek the advice of the Monitoring Officer in cases where their position is unclear. Breaches of this guidance may result in a breach of the Code of Conduct for members.

9.2 Breaches of this guidance which do not result in a breach of the Code of Conduct will be reported by the Monitoring Officer to the Standards Committee.

## SECTION C: OFFICER CODE OF CONDUCT

### 1. INTRODUCTION

- 1.1. The Greater Manchester Combined Authority is at the forefront of innovation in the delivery of devolved government and sub-regional co-operation to ensure the well-being and advancement of the community of the Greater Manchester region.
- 1.2. The residents of Greater Manchester, the constituent local authorities and public sector partners within it are entitled to expect the highest standards of behaviour and conduct from the employees of Greater Manchester Combined Authority (GMCA).
- 1.3. The GMCA Officer Code of Conduct sets out both expectations and standards of professional and personal behaviour from its officers in respect of colleagues, residents and the community in the delivery of these services. It expects that its employees will strive to ensure that they are courteous, respectful, efficient and impartial in the provision of services to all groups and individuals within that community.

### 2. SCOPE

- 2.1. This Code applies to all employees of the GMCA. It is expected that where other professional codes of conduct apply to specific groups of staff, that compliance with this Code will be an additional requirement to any specific professional codes of conduct.
- 2.2. The GMCA is committed to conduct of the highest standard such that public confidence in its integrity is maintained and as such expects all those who provide services to and on behalf of the GMCA to adhere to the principles set out within this Code of Conduct. This includes contractors and secondees.

### 3. GENERAL PRINCIPLES

The key principles underpinning all employee's conduct are:

- ***Honesty, Integrity, Impartiality and Objectivity***  
*An employee must perform their duties with honesty, integrity, impartiality and objectivity.*
- ***Accountability***  
*An employee must be accountable for their actions*
- ***Respect for Others***  
*An employee must treat others with respect, not discriminate unlawfully against any person and treat all employees and elected members of the Authority professionally*

- **Stewardship**  
*An employee must use any public funds entrusted to or handled by them in a responsible and lawful manner and not make personal use of property or facilities of the Authority unless properly authorised to do so.*
- **Personal Interests**  
*An employee must not in their official capacity or personal capacity allow their personal interests to conflict with the Authority's requirements or use their position improperly to confer an advantage or disadvantage to any person.*
- **Declaration of Interests**  
*An employee must comply with any requirements of the Authority to declare interests and hospitality, benefits or gifts received as a consequence of their employment.*

Employees will not, either in an official capacity or in any other circumstances conduct themselves in a manner which could reasonably be regarded as bringing the GMCA into disrepute.

#### **4. EQUALITY**

- 4.1. Employees must ensure that GMCA policies relating to equality and equal opportunities are followed and that all members of the community, customers and colleagues are treated with fairness and equity.
- 4.2. Additionally, all employees must make sure that they are aware of factors which result in discrimination against those with protected characteristics as defined by the Equality Act,2010 (namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) Employees must undertake their duties so as to seek to redress any equality and oppression experience by those with protected characteristics.
- 4.3. If employees themselves become victims of harassment at work they should report it to their line manager at the earliest opportunity.
- 4.4. All employees with managerial and supervisory roles have a responsibility for the performance of other employees who they manage. Employees at all levels can expect to be directed in their work, and held accountable for their performance by their manager.

#### **5. SERVICE PROVISION**

- 5.1. Each employee should make every effort to understand the law governing their service and inform their manager or the GMCA's Monitoring Officer of any impropriety, breach of procedure, unlawfulness or maladministration.

#### **6. POLITICAL NEUTRALITY AND WORKING WITH MEMBERS**

- 6.1. Elected Members have a key role to play in the governance and management of the GMCA. Both Officers and Elected Members are public servants and indispensable to one another in ensuring efficient and effective government. Mutual respect between officers and elected members of the GMCA are essential to good local government.
- 6.2. It is essential that elected members and officers conduct their relationship with mutual respect and courtesy and that both parties avoid seeking to exert undue influence over the other. Additionally, close personal familiarity can damage the relationship and prove embarrassing to both colleagues and elected members and should be avoided.
- 6.3. Whether or not an employee's post is politically restricted, they must follow every lawfully expressed policy of the GMCA and not allow their personal or political opinions to interfere with their work. Where they are required to give advice to elected members and colleagues, it should be done with impartiality except in circumstances where posts are political appointments and/or the level of political restriction applied is varied by regulations.

## **7. DEALING WITH THE PRESS AND MEDIA**

- 7.1. Unless required to in the course of their work, an employee must not deal direct with the Press or the media.
- 7.2. If canvassed by the Press in the course of their work employees must seek advice and authorisation from their line manager on providing any article, publication or interview on any aspect of the GMCA's work.

## **8. DISCLOSURE OF INFORMATION AND INFORMATION SECURITY**

- 8.1. The GMCA is committed to the principle of open government and will act in compliance with information rights legislation in promoting transparency and participation in the Authority's decision-making processes.
- 8.2. Employees must ensure that the Authority's information assets are managed securely and protected against accidental and unauthorised disclosure, damage or loss.
- 8.3. Employees must not:
  - Prevent another person from gaining access to information to which they are lawfully entitled
  - Subject to the Authority's Whistleblowing Policy, they must not disclose information as set out below, unless they have the specific authority to do so
  - The above applies to
    - personal data about an individual, including employees protected by the Data Protection Act;
    - information given in confidence where there is a reasonable expectation that confidentiality will be maintained;

- commercially sensitive information;
- Confidential or exempt proceedings and any reports or other documents connected to these.

Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor share it with others who might use it in this way.

## **9. PROPRIETY IN FINANCIAL/PROCUREMENT MATTERS**

### **9.1. Contracts and Contractors**

An employee must not seek or accept any gift or personal inducement in connection with the procurement of works, goods or services.

### **9.2. Relationships**

Employees should inform their manager about relationships of a business, private or personal nature with external contractors or potential contractors. If involved in the tendering process, they should ensure that it is open and above board, observing the rules related to separation of roles during tendering.

### **9.3. Sponsorship**

Where the GMCA wishes to sponsor an event, employees must ensure that they, their partner, or relative do not benefit in any way from such sponsorship without full disclosure to their manager or the Monitoring Officer.

### **9.4. Hospitality/Gifts**

Invitations to social or sporting events should be accepted only where the GMCA should be seen to be represented and with authorisation of the Head of Service. If the employee does accept hospitality they should be mindful of all the circumstances. They should get advance authority and keep a record of such occasions, and ensure that it is recorded on the GMCA's hospitality register. They should not accept any significant personal gifts from contractors and outside suppliers.

## **10. DECLARATION OF INTERESTS**

**10.1.** Employees should not subordinate their duty to their private interests or put themselves in a position where duty and private interests conflict. An employee must declare any financial interests which could conflict with the GMCA's interests to their manager or the Monitoring Officer. Non-financial interests should also be declared, where a conflict of interest could be involved e.g. membership of outside bodies in a personal capacity, other secondary employment, role as a volunteer with other organisations, any relevant convictions/offences that could impact on their employment.

**10.2.** Employees should be mindful not to place themselves in a situation where involvement in outside bodies could compromise their continuing professional duty to the interests of the GMCA. When serving on outside bodies the employee will be

expected to represent and promote the interests and policies of the GMCA as circumstances dictate.

- 10.3.** Employees should also declare membership of any organisation which is not open to the public, has no formal membership and has commitment of allegiance and which has secrecy about its rules, membership and conduct.

## **11. PROPRIETY IN EMPLOYMENT MATTERS**

- 11.1.** Employees involved in the recruitment process must ensure that all appointments are made on merit. It is unlawful for an employee to make an appointment which is based upon anything other than the ability of the candidate to undertake the duties of the post.
- 11.2.** In order to avoid any possible accusation of bias, employees should not be involved in the recruitment process where they are related to an applicant or have a close personal relationship with that person, outside the workplace. In all such circumstances, a declaration of interest must be made by the panel member.
- 11.3.** Similarly, employees should not be involved in decisions relating to promotion or pay adjustments for any other employee who is a relative, partner, or close personal friend.

## **12. INDEMNIFICATION OF EMPLOYEES**

- 12.1.** Employees will be indemnified from personal legal action against them when acting in good faith in the discharge of their duties with the GMCA.

## **13. BREACH OF CODE OF CONDUCT**

- 13.1.** This Code sets out key expectations with regards to employee conduct. For avoidance of doubt where an employee is unclear about the application of this Code, they must seek advice from their line manager.
- 13.2.** Breaches of this Code may lead to the formal disciplinary action depending on the circumstances. Serious breaches of this Code may lead to an employee being dismissed from the service of the GMCA.

## SECTION D MEMBER / OFFICER RELATIONS GUIDANCE

### 1 Introduction and Principles

- 1.1 The purpose of this guidance is to set a framework for the conduct of member officer relations which will ensure the smooth running of the business of the GMCA. Its guidance should be heeded by Members of the GMCA, its committees and joint committees and Officers of the GMCA, and of constituent councils providing services to GMCA, its committees and joint committees.
- 1.2 In this guidance, references to members of the GMCA include references, where appropriate, to members of its committees and joint committees (including **the GM Transport Committee**) and, references to officers of the GMCA include references where appropriate to officers of the constituent councils who provide services to the GMCA, its committees and joint committees.
- 1.3 Given the variety and complexity of such relations, this guidance does not seek to be prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.4 This guidance is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the guidance is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 It also seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.6 This guidance should be read in conjunction with the Members' and Employees' Codes of Conduct and any guidance issued by the Standards Committee and/or the Monitoring Officer.

### 2 General Points

- 2.1 Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the GMCA, its committees and joint committees. Their job is to give advice to Members and to carry out work under the direction and control of the GMCA, its committees and joint committees.
- 2.2 At the heart of this guidance is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore, it is

important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

- 2.3 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. This is a long-standing tradition in public service as an Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Head of Paid Service of the GMCA who will then look into the facts and report back to the Member.
- 2.4 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer in a manner that is incompatible with the overall objectives of this policy. Such matters should be raised with the Officer's immediate line manager or the Head of Paid Service.
- 2.5 Nothing in this guidance shall prevent an officer expressing a relevant concern under the GMCA's Whistle Blowing Policy.
- 2.6 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with the Head of Paid Service of the GMCA who will take appropriate action including approaching the individual Member concerned or discussing the matter with the Monitoring Officer where they consider there may be a breach of the Members' Code of Conduct.

### 3 Officer Support to Members: General Points

- 3.1 Officers must act in the best interests of the GMCA, its committees and joint committees as a whole and must not give politically partisan advice.
- 3.2 Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided therefore that could give rise to the appearance of improper conduct or behaviour.
- 3.3 Certain statutory officers – the Head of Paid Service of the GMCA, the Treasurer and the Monitoring Officer have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members. In particular Members are reminded of the duty under the Code of Conduct to have regard to any advice given by the Treasurer or the Monitoring Officer.
- 3.4 The following key principles reflect the way in which Officers generally relate to Members:
- 3.5 Officers undertaking work for the GMCA are accountable to the GMCA through the Head of Paid Service.



- 3.6 Support from Officers is needed for all the GMCA's functions. Day-to-day managerial and operational decisions should remain the responsibility of the Head of Paid Service of the GMCA and other Officers.
- 3.7 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that in these circumstances it is the Officer, rather than the Member or Members, who legally takes the action and it is the Officer who is accountable for it. If this action is a key decision the officer has to ensure that the procedures to publicly notify such decisions are followed as set out in the constitution.
- 3.8 Finally, it should be remembered that GMCA Officers undertaking work for the GMCA are accountable to the Head of Paid Service of the GMCA and whilst Officers should always seek to assist a Member, they must not, in so doing go beyond the bounds of whatever authority they have been given by the Head of Paid Service.

#### 4 Officer Advice to Party Groups

- 4.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the GMCA as a whole and not any political group, combination of groups or any individual Member of the GMCA. The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with a Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members.

#### 5 Attendance at Party Political Group Meetings

- 5.1 There is now statutory recognition for 'party groups'. It is common practice for such groups to give preliminary consideration to matters of GMCA business in advance of such matters being considered by the relevant decision making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 5.2 Attendance at meetings of party groups is voluntary for Officers and must be authorised by the Head of Paid Service of the GMCA.
- 5.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- i. Officer assistance must not extend beyond providing information and advice in relation to matters of GMCA business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of Officers.

- ii. Party group meetings, whilst they form part of the preliminaries to GMCA decision making, are not formal decision making bodies of the GMCA and are not empowered to make decisions on behalf of the GMCA. Conclusions reached at such meetings do not therefore rank as GMCA decisions and it is essential that they are not interpreted or acted upon as such; and
- iii. Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of GMCA business, this cannot act as a substitute for providing all necessary information and advice to the relevant GMCA decision making body when the matter in question is considered.

**5.4** Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the GMCA. Such persons are not bound by the GMCA's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.

**5.5** Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other Officers of the GMCA so far as that is necessary to performing their duties.

**5.6** Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Head of Paid Service of the GMCA who will discuss them with the relevant group leader(s).

## **6** Members' Access to Information and to Authority Documents

**6.1** Members have various statutory and common law rights to inspect GMCA documents. A Member must not disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and must not prevent another person from gaining access to information to which that person is entitled by law. A breach of these requirements is a breach of the code of conduct and actionable by way of complaint to the GMCA's Standards Committee. If the breach is serious a civil action may be brought against the Member and / or the GMCA for damages.

**6.2** The Freedom of Information Act 2000 (FoIA) brought additional rights and responsibilities regarding the disclosure of information. A 'publication scheme' has been produced by the GMCA and is available on the information bar under Data Protection and FOI which appears on every page of the GMCA's website.

## **7** Correspondence

- 7.1** Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of ‘silent copies’ should not be employed.
- 7.2** Official letters on behalf of the GMCA should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member or the Chair. Letters which, for example, create legal obligations or give instructions on behalf of the GMCA should never be sent out in the name of a Member.

## **8** Publicity and Press Releases

- 8.1** In recent years, all authorities have increasingly used publicity to keep the public informed and to encourage public participation. The Government has issued a Code of Recommended Practice on Local Authority Publicity and all local authorities must have regard to the provisions of any such Code in coming to any decision on publicity. In particular members and officers should note that during the election period special rules apply with regard to local authority publicity.
- 8.2** Officers and Members of the GMCA will, therefore, in making decisions on publicity, take account of the provisions of the Code of Recommended Practice on Local Authority Publicity and any further guidance issued by the Head of Paid Service of the GMCA. If in doubt Officers and / or Members should seek advice from the Head of Paid Service or the Monitoring Officer.
- 8.3** All press releases are issued through the Head of Paid Service on behalf of the GMCA. Press releases are not issued by the GMCA on behalf of political groups. They can contain the comments of Members and Committee Chairs where they are speaking in connection with the roles given to them by the GMCA. Officer’s comments can be included on professional and technical issues.

## **9** Officer / Member Guidance Review and Interpretation

- 9.1** Monitoring compliance with this guidance is the responsibility of the Standards Committee and the Monitoring Officer. This guidance will be reviewed by the Standards Committee every two years, unless changes to legislation necessitate an update before the next scheduled review.
- 9.2** Questions of interpretation of this guidance will be determined by the Monitoring Officer.

## **SECTION E CODE OF CORPORATE GOVERNANCE**

### **1 INTRODUCTION**

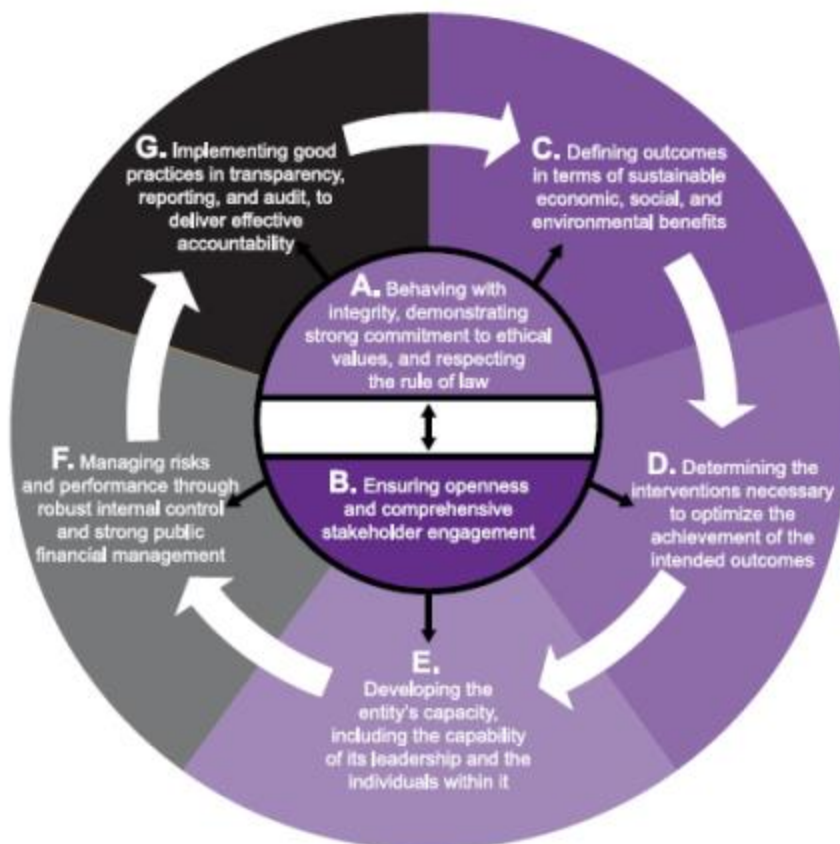
- 1.1** This Code of Corporate Governance sets out the Greater Manchester Combined Authority's (GMCA's) governance standards. 'Corporate governance' describes how the GMCA (the Authority) directs and controls what it does.
- 1.2** Good governance provides the conditions for the GMCA and its partners to work effectively, economically and ethically. The Authority should carry out its functions in a way that demonstrates accountability, transparency, effectiveness, integrity, and inclusivity. Good governance will support the Authority to pursue its vision and secure its agreed objectives.
- 1.3** The GMCA's governance framework comprises the legislative requirements, principles, management systems and processes – including the Authority's Constitution, Operating Agreement and Protocols – and cultures and values through which the Authority exercises its leadership, fulfils its functions, and by which it is held accountable for its decisions and activities.
- 1.4** This Code is a public statement that sets out the way in which the GMCA and its attendant structures will fulfil these principles in practice and demonstrate its commitment to good corporate governance. The business of the Authority will be conducted in accordance with the Seven Principles of Public Life identified in The Nolan Committee Report (1995), namely: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.
- 1.5** This Code will be reviewed annually to ensure it continues to be fit for purpose and relevant. The Authority will review the effectiveness of its governance arrangements and internal control systems and publish the review outcomes in an annual governance review. These standards ensure the Authority is doing the right things, in the right way in a timely, inclusive, open, effective, honest and accountable manner.
- 1.6** This new Code reflects the GMCA's arrangements for the year 2018-19 only, as it is planned that the GMCA will take on responsibility for further new functions in the year 2019-20.
- 1.7** The governance of the combined area of Greater Manchester is still subject to a series of Parliamentary orders which continue to provide the legislative framework in which the GMCA and the elected mayor operate.
- 1.8** The GMCA's most recent powers which relate to the functions of the former Waste Disposal Authority came into force on the 1st April 2018 and follow the mayoral powers of 2017/18.

### **2 What is Good Governance**

2.1 [International Framework: Good Governance in the Public Sector](#) (CIPFA/IFAC) describes governance as the:

*arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.....To deliver good governance in the public sector, both governing bodies and individuals working for [an authority] must try and achieve their authority's objectives while acting in the public interest at all times.*

2.2 The diagram below illustrates the principles of good governance, which is seen as dynamic process involving continuous evaluation and review and improvement. The following sections of this document describe how the GMCA fulfils the requirements set out in the seven principles good governance described in the diagram.



- 3** A. BEHAVING WITH INTEGRITY, DEMONSTRATING STRONG COMMITMENT TO ETHICAL VALUES, AND RESPECTING THE RULE OF LAW.
- 3.1** The GMCA fosters a culture of behaviour based on shared values, ethical principles and good conduct that is put into practice by members and officers alike.
- 3.2** The leadership of the GMCA embodies these values and creates a climate of openness, support and respect that covers the whole organisation. It establishes, monitors and maintains the organisation's ethical standards and performance.
- 3.3** One of the challenges of working across the combined area of Greater Manchester is being clear about the relationships and roles between the districts and the GMCA. There is an operating agreement between each district and the GMCA which sets out their respective roles and also [governance protocols](#) developed as part of the first devolution agreement in November 2014.

### **Behaving With Integrity**

- 3.4** The GMCA is committed to maintaining its values and integrity and operates a whistleblowing policy ([update link](#)) to ensure that individuals who draw attention to factors that compromise the GMCA's integrity are adequately protected and supported in doing so.

### **Demonstrating Strong Commitment to Ethical Values**

- 3.5** The leadership of the Combined Authority has put in place robust policies and procedures which put its values into practice; these include:
- 3.6** A voluntary Standards Committee, composed of elected Members and an independent co-opted member, with responsibility for promoting and maintaining high standards of conduct; assisting Members to observe the Member Code of Conduct; overseeing the Authority's Whistleblowing Policy and monitoring the Member/Officer Protocol.
- 3.7** A Member Code of Conduct and arrangements for determining allegations that a Member has acted in breach of the Authority's Member Code of Conduct as required by the Localism Act 2011.
- 3.8** A Code of Conduct for Officers ([link](#)) which makes it clear what standards are expected from staff across the organisation in the performance of their duties.
- 3.9** A [Register of Member's Interests](#) records members' interests in other bodies or land or assets in the Combined Authority's area and also outlines the process for registering gifts and hospitality.
- 3.10** Systems for reporting and dealing with any incidents of wrongdoing including fraud, corruption, bribery and money laundering.

## Respecting the Rule of Law

- 3.11** The GMCA has a Monitoring Officer (the GMCA’s Solicitor) who is a member of both the GMCA’s Senior Management Team (SMT) and the Wider Leadership Team. The Monitoring Officer ensures that decisions are taken in a lawful and fair way and agreed procedures are followed and that all applicable statutes, regulations and procedure rules are complied with.
- 3.12** The GMCA uses its legal powers to promote its values and priorities to the full benefit of the citizens and communities across Greater Manchester. The GMCA has full regard to the extent of its powers and does not act beyond them, and will observe specific requirements in legislation as well as general responsibilities of public law.
- 3.13** The GMCA’s decision making process will adhere to the principles of good administrative law, respect human rights and demonstrate rationality, legality and natural justice.

## Dealing With Breaches of Legal and Regulatory Power

- 3.14** The GMCA appoints Statutory Officers that have the skills, resources and support necessary to perform effectively in their roles. These statutory officers include:
- Head of the Paid Service (Chief Executive)
  - Monitoring Officer
  - Chief Finance Officer (GMCA Treasurer - Section 73 officer)
- 3.15** The officers working on GMCA business support these statutory officers as well as other key post holders and elected members to fulfil their responsibilities within legislative and regulatory requirements.

## 4 B. ENSURING OPENNESS AND COMPREHENSIVE STAKEHOLDER ENGAGEMENT

### Openness

- 4.1** The GMCA sets out its commitment to openness in this Code, the Constitution and Annual Governance Statement.
- 4.2** Decisions taken by the GMCA subject to limited exemptions, are made in public, [minuted](#) (alongside the reasons and the evidence considered) and information relating to those decisions is made available to the public. This includes access through [live webcasts](#) of the public part only of the Authority, Police and Crime Panel and Overview and Scrutiny meetings which remain online for six months.
- 4.3** The Authority ensures that, subject to limited exemptions, its most significant decisions are recorded and that information relating to such decisions is made available to the public. The Authority publishes its intention to take key decisions through the GMCA’s Register of Key Decision’s which is published monthly along with

GMCA's papers. Decisions taken at each meeting of the GMCA and Transport for Greater Manchester Committee are published on the web page relating to that meeting and are also circulated by email to members of the GMCA Scrutiny Pool.

4.4 The GMCA has established three thematic overview and scrutiny committees. The overarching purpose of these new structure is to improve the quality of decisions made by the GMCA and elected Mayor. The committees will do this by:

- Reviewing the work and decisions of the GMCA and the elected Mayor, and
- By acting as a critical friend in the development of policy and new work streams.

The three GM scrutiny committee are:

- Corporate Issues and Reform (GMCA as a corporate entity & pupil sector reform)
- Economy, Business Growth and Skills
- Housing, Planning and Environment (including transport and regeneration)

4.5 The GMCA's approach is consistent with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Authority holds its key meetings in public with the agenda and public reports available on the GMCA's website. However, certain exclusions apply where there is a need to comply with confidentiality laws. The Authority allows for people to make comments live through social media. The Authority informs, consults and involves residents in significant decisions and their views are submitted to those making decisions for consideration.

4.6 In May 2017 the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 transferred all property, rights and liabilities of the former Police and Crime Commissioner for Greater Manchester to the GMCA and made the functions of the police and crime commissioner in Greater Manchester, functions exercisable by the Mayor.

4.7 In accordance with the legislation, the Mayor has arranged for the Deputy Mayor for Policing and Crime to exercise PCC functions and he has made a Mayor's PCC Scheme of delegation as set out in the Police and Crime Commissioner Functions - Governance Documents contained in Part 9 of the GMCA Constitution.

4.8 A newly constituted Police and Crime Panel, which is a joint committee of the Constituent Councils, was established in 2017. Membership of the Police and Crime Panel may no longer include members or substitute members of the GMCA. The role of the GMPCP is to scrutinise and review decisions made or actions taken by the Mayor, the Deputy Mayor for Policing and Crime and any other person who exercises any PCC function of the Mayor.

## **Engaging Comprehensively with Institutional Stakeholders**



- 4.9 The Authority develops and maintains relationships with leaders of other organisations across the private, public and voluntary sector. They to help deliver the shared vision for the city region through formal governance structures and through partnership working.

### **Engaging With Individual Citizens and Service Users Effectively**

- 4.10 The GMCA consults communities, individuals, service users and other stakeholders whenever there is a legal duty to do so. The Authority informs, consults and involves residents on strategic matters and issues of interest to them. This dialogue is sustained and encouraging through a number of channels, including the live streaming of GMCA meetings and through an active social media presence on Facebook, and Twitter.
- 4.11 The Authority is committed to considering and acting upon feedback from residents and stakeholders has a transparent complaints handling procedure which enables the Authority to learn effectively from the complaints it has received.

## **5 C. DEFINING OUTCOMES IN TERMS OF SUSTAINABLE ECONOMIC, SOCIAL, AND ENVIRONMENTAL BENEFITS**

### **Defining Outcomes**

- 5.1 The GMCA's strategic plan: the Greater Manchester Strategy [[link: https://www.greatermanchester-ca.gov.uk/ourpeopleourplace](https://www.greatermanchester-ca.gov.uk/ourpeopleourplace)] is jointly owned by the GMCA and the GM Local Enterprise Partnership.
- 5.2 The Greater Manchester Strategy sets out Greater Manchester's ambitions for the conurbation and both bodies are jointly responsible for ensuring that the ambitions contained within these plans are delivered.
- 5.3 The Strategy sets out a vision to make Greater Manchester one of the best places in the world to grow up, get on and grow old. Our approach to achieving this vision is structured around 10 priorities, reflecting the life journey:
- Priority 1: Children starting school ready to learn
  - Priority 2: Young people equipped for life
  - Priority 3: Good jobs, with opportunities for people to progress and develop
  - Priority 4: A thriving and productive economy in all parts of Greater Manchester
  - Priority 5: World-class connectivity that keeps Greater Manchester moving
  - Priority 6: Safe, decent and affordable housing
  - Priority 7: A green city-region and a high quality culture and leisure offer for all
  - Priority 8: Safer and stronger communities
  - Priority 9: Healthy lives, with quality care available for those that need it
  - Priority 10: An age-friendly city-region

- 5.4 At the heart of the Greater Manchester Strategy is a single Outcomes Framework, which provides a set of headline outcomes, measures, and 2020 targets for each of the strategy's 10 priorities, which informs the decisions all Greater Manchester partners take on investment and service commissioning.
- 5.5 To enable the GMCA and GM LEP to understand performance across all strategic priorities, GM published a six-monthly performance dashboard setting out progress towards the target and measures set out in the Outcomes Framework [link: <https://www.greatermanchester-ca.gov.uk/ourpeopleourplace>]
- 5.6 Greater Manchester Strategy's priorities provide the strategic context for the allocation of resources. For the financial year 2018-19 the GMCA has set out a one year budget, but from 2019-20 it will set a medium-term financial strategy. This will set out the new organisation's financial assumptions and provide a set of goals for financial decision making for the next three years. This will support the organisation to balance its longer-term vision with short term imperatives.

### **Sustainable Economic, Social and Environmental Benefits**

- 5.7 The Greater Manchester Strategy's vision for the conurbation is predicated on developing a modern and productive economy, where residents are able to contribute to and benefit from growth, and where social and environmental objectives are delivered alongside GM's economic ambitions. All of its priorities are focused on delivering this vision and ensuring that everyone in GM realises their potential and all parts of Greater Manchester become thriving places.
- 5.8 An Equalities Impact Assessment has been undertaken for the new Greater Manchester Strategy and its Implementation Plan, with no significant adverse impacts identified against any groups with protected characteristics.
- 5.9 A leader portfolio for fairness, equality and cohesion has been established to ensure that all of the conurbation can play the fullest part and benefit from the growth of Greater Manchester.
- 5.10 The portfolio holder's work will be informed in part, by the Equality Act (2010) and help work to ensure that:
- GM's key strategic initiatives proactively embed the principles of promoting fairness, equality and cohesion within their design (and in so doing fulfil the requirements of the general equality duty);
  - As an employer the GMCA integrates the consideration of fairness, equality and cohesion into its day-to-day business and adopts best practice to fulfil the aims of the general equality duty.
- 5.11 Finally, the GMCA has been proactive in using Social Value as an enabler to deliver additional benefits for suppliers and partners across all procurement and commissioning activity. GM understands that social value can be used to reinforce the

core objectives of the GM strategy and to increase the spending power – in the widest sense of the word - of every pound spent in GM. The GMCA’s funding is subject to the provisions of the Public Services (Social Value) Act 2012 and so has adopted a [Social Value Policy](#) whose objectives are:

- promote employment and economic sustainability – tackle unemployment and facilitate the development of skills
- raise the living standards of local residents – working towards living wage, maximise employee access to entitlements such as childcare and encourage suppliers to source labour from within Greater Manchester
- promote participation and citizen engagement – encourage resident participation and promote active citizenship
- build the capacity and sustainability of the voluntary and community sector – practical support for local voluntary and community groups
- promote equity and fairness – target effort towards those in the greatest need or facing the greatest disadvantage and tackle deprivation across the borough
- promote environmental sustainability – reduce wastage, limit energy consumption and procure materials from sustainable sources

5.12 As of early-2018 the GMCA Social Value Policy is being reviewed in light of the revised Greater Manchester Strategy.

## 6 Determining the Interventions Necessary to Optimise the Achievement of the Intended Outcomes

### Determining Interventions

6.1 The GMCA provides decision makers with objective and rigorous analysis of options, covering intended outcomes, financial impact and associated risks supporting efficient service delivery.

6.2 Greater Manchester has invested heavily in developing the evidence base which underpins its policy interventions. This has been a distinctive feature of GM's approach to developing strategic interventions. High quality evidence (including a forecasting model) together with Treasury Green Book compliant techniques for undertaking cost benefit analysis on policy interventions have been developed over the last decade. Key aspects of GM's strategic approach to evidence include the MIER (2008) – the Manchester Independent Economic Review: a significant assessment of the opportunities and challenges faced by Greater Manchester; the Greater Manchester Forecasting Model – an externally commissioned model which provides a twenty year forward look; and the Greater Manchester ‘Deep Dive’ work – an assessment of sectoral growth opportunities and the driver and barriers to enhanced productivity and labour market participation performance link: <http://www.neweconomymanchester.com/publications/deep-dive-research>].

6.3 As part of the delivery arrangements for the Greater Manchester Strategy, a 2-year Implementation Plan is published detailing the specific actions and activities

underway to deliver GM's strategic vision and ambitions. This was developed with the input from a wide range of partners. Performance is reported every 6-months on delivery against milestones and reported to the GMCA, GM LEP and Overview and Scrutiny Committees.

### **Planning Interventions**

- 6.4 The GMCA plans its activity through its budget and business planning cycle and does this in consultation with internal and external stakeholders to ensure that work delivered across different organisations and partners complement each other and avoid duplication.
- 6.5 This is facilitated by GM's [comprehensive governance structures](#) which support the delivery of GM's priorities across the conurbation and co-ordinate their activity. The effectiveness of interventions are monitored through the provision of regular performance reports to thematic meetings such as the Low Carbon Hub and as well as the GMCA itself.

### **Optimising Achievement of Intended Outcomes**

- 6.6 GMCA is required to secure value for money as set out in the Code of Audit Practice 2010. The GMCA has to put in place proper arrangements to:
- secure economy, efficiency and effectiveness in its use of resources
  - ensure proper stewardship and governance
  - review regularly the adequacy and effectiveness of these arrangements.
  - consider the GMCA's arrangements to secure economy, efficiency and effectiveness.
- 6.7 The GMCA's approach to investing in interventions which will deliver its intended outcomes is guided by its investment strategy, which focuses on maximising the uplift in jobs and GVA. GM's model was originally developed for transport investment but has since been expanded to include regeneration and economic development investment funds to support businesses and has been complemented by more recent work using cost benefit analysis in the development of public service reform interventions.
- 6.8 The Authority procures goods and services in compliance with EU, UK and Council regulations and ensure that value for money is obtained through a balanced consideration of social, economic and environmental impacts that can be derived from procurement spend.
- 7 E. DEVELOPING THE ENTITY'S CAPACITY, INCLUDING THE CAPABILITY OF ITS LEADERSHIP AND THE INDIVIDUALS WITHIN IT

### **Developing the Organisation's Capacity**

- 7.1 The GMCA monitors its governance and staffing to support the delivery of planned work programme. The Authority ensures that resources are directed to those activities that will make the greatest contribution to the conurbation's vision through its budget and business planning process.
- 7.2 Where possible the Authority seeks information about functions, expenditure and performance from comparator organisations and uses these findings to inform its own work. Where intelligence suggests different ways of doing things will lead to improved value for money these options are explored.
- 7.3 The GMCA continues to develop all aspects of its approach to workforce planning and development following the transition to the new GMCA in April 2017.

### **Developing The Capability of the Organisation's Leadership and Other Individuals**

- 7.4 The roles and responsibilities of members and senior officers are clearly defined within the GMCA Constitution, Operating Agreement and Protocols. The Constitution also sets out the GMCA's scheme of delegation (see part 3 section D) and a protocol governing member/officer relations so that elected members and senior officers have a shared understanding of their respective roles.
- 7.5 The GMCA is committed to developing the capability of people with governance responsibilities and ensuring that officers working on GMCA business understand the importance of governance within their role. An induction and training programme for members and officers is tailored to individual needs and provides an opportunity to learn about new developments as well as their governance responsibilities.
- 7.6 The Authority has an open approach to external and peer review and inspection and actively considers constructive feedback.

## **8 F. MANAGING RISKS AND PERFORMANCE THROUGH ROBUST INTERNAL CONTROL AND STRONG PUBLIC FINANCIAL MANAGEMENT**

### **Managing Risk**

- 8.1 The GMCA maintains a risk register, which supports the identification and management of key risks. The risk register is reviewed at every meeting of the [Audit Committee](#) and informs decision making, protects the Authority's reputation and other assets and is compliant with statutory and regulatory obligations. The GMCA's Corporate Risk Register names risk managers for each of its key strategic risks.

### **Managing Performance**

- 8.2 Regular performance reports are provided to the GMCA's thematic meetings who manage the Authority's work programme as well as the GMCA itself. As mentioned in section 6, the GMCA has developed a 2-year Implementation Plan and a Dashboard for the purpose of publishing performance on a six monthly basis. This report is

considered by the GMCA as well as Joint Audit and Scrutiny Committees, and the GM Local Enterprise Partnership. The GMCA also receives a quarterly financial update, and well as regular reports on its capital programme.

- 8.3 Relevant, objective and reliable performance information is used to inform decision making, alongside the financial implications and risk information associated with each decision.

### **Effective Overview and Scrutiny**

- 8.4 The Authority believes that effective overview and scrutiny of decisions leads to improved decision making and improved public services. The Authority has established and maintains an effective [Scrutiny function](#) as required by the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 which is able to constructively challenge decision-makers, including those who work in partnership with the Authority, and policy makers.

### **Robust Internal Control**

- 8.5 Internal control systems support the Authority to achieve its objectives by managing its risks while complying with regulations and organisational policies. This safeguards the Authority's resources against loss, fraud, misuse and damage and safeguards the confidentiality and integrity of its ICT and information systems. The Authority maintains clear policies and arrangements in respect of counter fraud and anti-corruption.
- 8.6 The Authority's [Audit Committee](#) provides a further source of assurance of the GMCA's approach to risk management and the control environment.

### **Managing Data**

- 8.7 The Authority is committed to safeguarding the personal data it holds and sharing this data only in circumstances permitted by law. Its approach to data protection is set out in its publication scheme. The Authority is committed to the safe-sharing of data - where appropriate- with other agencies where this supports the delivery of the Greater Manchester Strategy's priorities and vision.
- 8.8 The GMCA complies with the [Local Government Transparency Code 2015](#) by publishing accurate data within appropriate time frames in the areas mandated by the Code on the [GMCA website](#). The Authority regularly reviews the quality and accuracy of the data it produces, and uses in decision making and performance monitoring.

### **Strong Public Financial Management**

- 8.9 The Authority's approach to financial management ensures that public money is safeguarded at all times and used appropriately, economically, efficiently and

effectively. Its approach supports both long term achievement of objectives and short term financial and operational performance.

**8.10** The Section 73 Officer, the GMCA's Treasurer, ensures that appropriate advice is given on all financial matters, proper financial records and accounts are kept, and oversees an effective system of internal financial control. The Treasurer ensures well developed financial management is integrated at all levels of planning and control including management of financial risks and controls.

**8.11** The GMCA maintains a prudential financial framework; keeps its commitments in balance with available resources; and monitors income and expenditure levels to ensure that this balance is maintained and takes corrective action if necessary.

**9. G. IMPLEMENTING GOOD PRACTICES IN TRANSPARENCY, REPORTING, AND AUDIT TO DELIVER EFFECTIVE ACCOUNTABILITY**

**Implementing Good Practice in Transparency**

**9.1** The Authority is committed to publishing information including reports in a manner which is accessible to residents and other stakeholders. The publication of information will strike a balance between satisfying the demands of transparency and becoming too onerous for users to understand.

**Implementing Good Practices in Reporting**

**9.2** The Authority seeks to demonstrate to its stakeholders that it has delivered its priorities. It publishes an Annual Report setting out how it has performed, charting the city region's progress towards delivering its vision. There is also an annual review of the effectiveness of its governance framework including its system of internal control and an Annual Governance Statement which is published alongside its accounts.

**Assurance and Effective Accountability**

**9.3** The GMCA welcomes peer challenge, internal and external review and audit, and inspections from regulatory bodies. Officers and relevant member bodies consider any recommendations made and put in place arrangements for the implementation of actions agreed to be taken as a result. There is clear oversight from the GMCA and wider leadership team on the conclusions and resultant actions.

**Monitoring and Review**

**9.4** This Code is reviewed on an annual basis to ensure it is kept up to date. Where the review identifies that changes to the Code are necessary, the revised Code will be submitted to Standards and Audit Committee for comments before being incorporated within the GMCA's Constitution.

**9.5** The GMCA has two committees that are jointly responsible for monitoring and reviewing corporate governance arrangements. These committees are:

- Audit Committee – responsible for approving the GMCA's annual accounts and responding to the auditor's annual management letter. It also oversees the effectiveness of the GMCA's governance and risk management arrangements, the internal control environment and associated anti-fraud and anti-corruption arrangements
- Standards Committee – responsible for promoting and maintaining high standards of conduct amongst Members, for advising the GMCA on the adoption and revision of the Code of Conduct for Members, and for monitoring the operation of the Code.

**9.6** Full terms of reference for each of these Committees are included in the GMCA's Constitution. The GMCA's members are informed of the work of these Committees through minutes submitted to the GMCA.

**9.7** The GMCA will ensure that corporate governance arrangements are kept under continual review by updating, as appropriate, these Committees on:

- The work of Internal and External Audit
- The opinion of other review agencies and inspectorates
- Opinions from the GMCA's Statutory Officers
- General matters relating to the implementation of the Code
- The production of the Annual Governance Statement and actions planned to address arising governance issues.

### **The Annual Governance Statement**

**9.8** Each year the GMCA publishes an Annual Governance Statement to accompany the Annual Accounts. The Statement provides an overall assessment of the GMCA's corporate governance arrangements and how it adheres to the governance standards set out in this Code. Evidence relating to the principles of this Code is reviewed and analysed to assess the robustness of the GMCA's governance arrangements.

**9.9** The Statement includes an appraisal of the key controls in place to manage the GMCA's principal governance risks and the effectiveness of systems and processes governing decision making and financial control. The Statement also provides details of where improvements need to be made. Actions to address significant governance issues are identified and recorded in an action plan. The Annual Governance Statement is audited by the GMCA's external auditors as part of the audit of the annual accounts.





## **SECTION F ANTI-FRAUD & CORRUPTION POLICY**

### **1 Introduction**

- 1.1 The GMCA Treasurer, in conjunction with Chief Officers, is responsible for the development and maintenance of GMCA anti-fraud and corruption policies and fraud risk management processes.**
- 1.2 The GMCA Audit Committee is responsible for obtaining assurance over GMCA corporate governance and risk management arrangements, the control environment and associated anti-fraud and corruption arrangements.**
- 1.3 The GMCA is committed to ensuring that the people of Greater Manchester can have complete confidence that the affairs of the GMCA, and its committees and joint committees are conducted in accordance with the highest standards of probity and accountability. The GMCA is consequently committed to combating fraud and corruption, wherever it may arise, in relation to any of the GMCA's activities.**
- 1.4 The GMCA expects Members and employees to demonstrate the highest standards of honesty and integrity. This includes compliance with appropriate legislation, Member and Employee Codes of Conduct, Standing Orders, Financial Regulations, conditions of service, standards of appropriate professional bodies, and any other standards, guidelines or instructions which are relevant to the particular service or activity.**
- 1.5 The GMCA is committed to establishing and maintaining effective arrangements to prevent fraud and corruption. The GMCA recognises however, that in any large complex organisation there is an inherent risk of fraud and corruption and so effective arrangements have been established to detect and investigate all incidents or situations where fraud and corruption is suspected.**
- 1.6 The GMCA will not tolerate dishonesty on the part of any of the Members or employees of the GMCA or any persons or organisations involved in any way with the GMCA. Where fraud or corruption is detected the GMCA will rigorously pursue appropriate action against the persons concerned including legal and/or disciplinary action.**
- 1.7 The GMCA is committed to creating and maintaining an anti-fraud and corruption culture. This includes establishing arrangements which enable officers, or other persons, to express concerns and suspicions without fear or repercussions or intimidation and in the knowledge that the information will be treated confidentially and will be investigated fully and rigorously.**
- 1.8 The GMCA is committed to working constructively with the police and other relevant agencies in relation to combating fraud or corruption within the GMCA or within the wider community.**

**1.9** The GMCA will seek to ensure that its stance on anti-fraud and corruption is widely publicised. All officers and Members of the GMCA will be made aware of the anti-fraud and corruption policies and supporting procedures in respect of:

- Anti-Fraud and Corruption
- Anti-Bribery
- Anti-Money Laundering
- Whistleblowing

**1.10** Policies and procedures are available on the GMCA website.

## **SECTION G COMPLAINTS AND WHISTLEBLOWING**

### **1 Introduction**

- 1.1 The GMCA wants to provide high-quality services for all members of the public and is committed to the highest possible standards of openness, probity and public accountability in discharging its functions. The GMCA takes this commitment seriously. It has robust procedures to deal with the serious concerns of employees and others set out in its approach to whistleblowing, and complaints from members of the public in its complaints procedure.**
- 1.2 Detailed policies dealing with both of these matters are available on the GMCA's website, including signposting to specific services which now fall within the GMCA's remit: for instance the Police and Crime Commissioner functions of the GMCA (exercisable only by the Mayor), matters concerning the GMCA's Fire responsibilities, as well as transport and matters concerning the Local Enterprise Partnership.**

### **2 Whistleblowing**

- 2.1 The Greater Manchester Combined Authority is committed to the highest possible standards of openness, probity and accountability. The GMCA Whistleblowing Policy is a vital part of our governance arrangements and is designed to allow employees or others, with serious concerns about any aspect of the GMCA's work or that of its partners, to come forward and voice those concerns without fear of reprisal.**
- 2.2 The GMCA will seek to protect individuals who make certain disclosures with regard to any instances of malpractice or wrongdoing and to seriously consider and investigate them in the public interest.**
- 2.3 In the event that an individual becomes aware of activities which they believe to be illegal, improper, unethical or inconsistent with this Constitution, individuals are encouraged to report their concerns in line with procedures set out in the Whistleblowing policy.**
- 2.4 There are separate whistleblowing policies and referral processes in place for GMCA, GMFRS and GMP respectively and referrals should be made to the relevant body.**
- 2.5 The detailed policies and procedures in relation to the above are made available on the GMCA website. Referrals will be handled as follows:**

#### **Greater Manchester Combined Authority**

- 2.6 Whistleblowing concerns related to the GMCA functions, including Greater Manchester Fire and Rescue Service, will be referred to the Head of Internal Audit and Risk Management.**
- 2.7 The GMCA Standards Committee are responsible for reviewing the Whistleblowing Policies and approving any necessary changes. The GMCA Treasurer and relevant Chief Officer are responsible for monitoring the effectiveness of the Whistleblowing Policy and**

process with periodic reports provided to Audit Committee on the outcome of whistleblowing referrals.

### **Greater Manchester Police**

- 2.8 Whistleblowing concerns related to GMP matters will be referred to the Head of Internal Audit and Risk Management.**
- 2.9 The Independent Police Ethics Panel are responsible for reviewing the Whistleblowing Policies and approving any necessary changes. The GMCA Treasurer and Chief Constable are responsible for monitoring the effectiveness of the Whistleblowing Policy and process with periodic reports provided to Police Audit Panel on the outcome of whistleblowing referrals. The GMCA encourages anybody, employees and others, with serious concerns about any aspect of the GMCA's work or its partners, to come forward and voice those concerns without fear of reprisal.**
- 2.10 The GMCA will seek to protect individuals who make certain disclosures with regard to any instances of malpractice or wrongdoing and to seriously consider and investigate them in the public interest.**
- 2.11 In the event that an individual becomes aware of activities which they believe to be illegal, improper, unethical or inconsistent with this Code, a whistleblowing referral should be made to the relevant body, namely Fire, Police or GMCA respectively. The Whistleblowing Policy along with contact information for each body can be viewed on the GMCA website.**

## **3 Complaints**

- 3.1 The GMCA needs to know when things go wrong with our service. We are committed to putting you first and providing quality customer service. This includes:**
- **Dealing with any complaint quickly and fairly;**
  - **Keeping the complainant informed about what is happening with their complaint;**
  - **Treat the information given to us in line with data protection legislation;**
  - **Explaining the reason for our decision;**
  - **Use the information gathered through dealing with complaints to review and improve the way we provide services.**

- 3.2 There are three stages to the GMCA's complaints procedure:**

**Step One - Informal Complaint:** where possible, the Head of Governance and Scrutiny will do their best to help resolve the issue for you.

**Step Two - Formal Complaint:** If the Head of Governance and Scrutiny has not been able to help put things right, or the complainant is not happy with the result, the next step is to make a formal complaint. The complaint will be handled by a senior manager in the team being complained about.

**Step 3 - Complaint Review:** If a complainant has been through Steps 1 and 2 of the complaints procedure and is still not happy with the results of the investigations, the GMCA's monitoring officer to review your complaint.

**3.3** The GMCA is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who make them. However, there are occasions when contact from a complainant becomes too frequent or complex that it hinders our consideration of their complaints, or those made by other people. In such cases the GMCA may take action to limit the contact the complainant has with the GMCA. Such occurrences are rare, and the GMCA will first write to the complainant to advise that their contact is no longer considered reasonable.



# **PART 8**

## **MEMBERS ALLOWANCES**



## **PART 8 - MEMBERS ALLOWANCES**

- 1. The 2011 Order (as amended) enables the GMCA to establish an Independent Remuneration Panel (“IRP”) which may make recommendations to the GMCA and to the constituent councils regarding the allowances payable to—**
  - (a) members appointed to the GMCA;**
  - (b) the Mayor ; and**
  - (c) members of a committee or sub-committee of the GMCA**
  
- 2. The IRP must consist of at least 3 members, none of whom:-**
  - (a) is also a member of the GMCA or committee or sub-committee of the GMCA, or a member of a Constituent Council; or**
  - (b) is disqualified from being or becoming a member of the GMCA**
  
- 3. Subject to paragraph 4 below no remuneration is to be payable by the GMCA to its members other than allowances for travel and subsistence.**
  
- 4. The GMCA may pay an allowance to the Mayor or a member of a committee or sub-committee of the GMCA who is not an elected member of a constituent council, but only if it has considered recommendations made by the IRP which contain recommendations for the payment of such an allowance. Where the IRP recommends the payment of an allowance, the GMCA must pay an allowance to the Mayor or a member of a committee or sub-committee of the GMCA who is not an elected member of a constituent council not exceeding the allowance recommended by the IRP.**
  
- 5. The IRP has recommended an allowance for the Mayor of £110,000 a year, and this recommendation has been accepted by the GMCA.**
  
- 6. The IRP has recommended:**
  - a. an annual allowance of £1,485 be paid to the Independent Member appointed to the GMCA Audit Committee;**
  - b. an inclusive annual allowance of £3,713 be paid when the Chair of the GMCA Audit Committee is an Independent Member;**
  - c. the Independent Chair of the Standards Committee be paid the following allowances:**
    - Annual Allowance: £1,126**
    - Sitting on Standards (Hearings) Sub-Committee: £161 per meeting**
  - d. the Independent Person appointed under the Localism Act 2011 be paid the following allowances:**
    - Annual Allowance: £901**
    - If attending Standards (Hearings) Sub-Committee:£161 per meeting**

## **A. MEMBERS ALLOWANCES SCHEME**

### **1. Interpretation**

In this Scheme “Year” means the 12 months ending on the Sunday after the first Thursday in May.

### **2. Renunciation**

A member may by notice in writing given to the Treasurer elect to forego any part of his or her entitlement to an allowance under this Scheme.

### **3. Claims/Payments**

All claims relating to subsistence and travelling expenses must be supported by receipts.

### **4. Amendments to Scheme**

Amendments to this scheme can be made by the GMCA at any time.

## **B. Allowance Payable to Mayor**

The allowance payable to the Interim Mayor shall be **£110,000 a year** *[The allowance is not index-linked, but should be reviewed in 2020 with the outcome of the review to be applicable from the beginning of the next Mayoral term in May 2020].*

## **C. Allowances Payable to the Independent Members and Independent Person**

The allowances and remuneration paid to the Independent Members of the Audit and Standards Committees and the Standards Independent Person are indexed to the annual percentage cost of living increase that is applied each year as set by the National Joint Council for Local Government Services.

The allowances for Independent Members of the Audit and Standards Committees and the Standards Independent Person are paid from the date of their appointment in June 2017 in accordance with the provisions of the 2018 Order that gives the Authority to pay such allowances including backdating.

## **D. Scheme of travel and subsistence allowance as authorised pursuant to the Order**

### **1. Definition of Qualifying Duties**

The definition of duties qualifying for the payment of travel and subsistence allowances shall include any duty carried out by any member of the GMCA in accordance with a request, authorisation or designation by the GMCA; or in accordance with a request by the

Clerk or Chief Officer for the purpose of, or in connection with the discharge of the functions of the GMCA.

## **2. Travel**

- (a) Members are expected to travel by standard class rail. First class travel is considered acceptable only in the following circumstances:
  - Additional space and privacy is required during the journey in order to work
  - Where the cost of discounted first class travel is less than that of the cheapest available standard class ticket
- (b) Rail tickets are available from the GMCA office; however, members wishing to make their own travel arrangements (other than by private car) may claim a sum equal to the cost of the rail fare or their actual expenses, whichever is the lesser.
- (c) Expenditure may be refunded for:
  - (i) Pullman car, seat reservation, deposit or portorage of luggage; and
  - (ii) sleeper reservation on overnight journeys; subject to a reduction by one third of any subsistence allowance payable for that night.
- (d) The rate for travel by taxi shall be:
  - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
  - (ii) in any other case, the amount of the fare for travel by public transport.

## **3. Motor Mileage**

3.1 The authorised rate where members travel by their own car or van, or one belonging to a member of their family, or one otherwise provided for their use is 45p per mile (all engine sizes) up to 10,000 miles per annum.

3.1 The above rates may be increased:

- (a) in respect of the carriage of passengers, not exceeding four, to whom a travel allowance would otherwise be payable, by 5 pence per mile.
- (b) by the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

## **4. Bicycle**

Members who travel to approved duties by bicycle will be reimbursed at a rate of 20 pence per mile.

## **5. Subsistence**

### **Day Subsistence**

- 5.1 Day subsistence rates are on a 'meals' basis, with eligibility based on the time of day the meal is taken and time away from home, as follows:
- (a) Breakfast allowance (more than 4 hours away from normal place of residence before 11:00 am) £5.59
  - (b) Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2:00 pm) £7.59
  - (c) Tea allowance (more than 4 hours away from normal place of residence including the period between 3:00 pm to 6:00 pm) £3.06
  - (d) Evening meal allowance (more than 4 hours away from the normal place of residence after 7:00 pm) £9.50

### **Overnight Accommodation**

- 5.2 The cost of overnight accommodation will be paid where necessary at a reasonable rate for a 3 star hotel.
- 5.3 The amount claimed should not be higher than the amount actually incurred and any reimbursement at a higher rate than is specified will only be permitted when prior agreement to the cost has been given by the Clerk to the GMCA.

### **Meals provided free of charge**

- 5.4 The rates specified in 5.1 and 5.2 above are to be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

## **6. Meals on Trains**

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

## **7. Claims / Payments**

Claims for payments under this scheme shall be made in writing to the Treasurer / Finance Officer of the Constituent Council which has nominated the member to serve on the GMCA, on a quarterly basis, in arrears, or at more frequent intervals if the member so chooses.

Payments shall be made by the nominating Constituent Council on the same basis. All payments are rechargeable to the GMCA by the Constituent Councils, on a quarterly basis.



## **PART 9**

# **POLICE AND CRIME COMMISSIONER FUNCTIONS – GOVERNANCE DOCUMENTS**

# Mayor's PCC Scheme of Consent



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## 1. Introduction and Background

The **Mayor** and Chief Constable are required, on an annual basis, to produce an annual governance statement. As part of this process **the Mayor and Chief Constable** should have an Integrated Scheme of Governance which describes the strategies, arrangements, instruments and controls to ensure good governance.

The Scheme of Consent is a key document in the Integrated Scheme of Governance. It details the key roles of the **Mayor** and Chief Constable and sets out the activities which the Chief Constable is able to act in his/her own name, through the consent of the **Mayor**. Consent refers to the formal approval or agreement by the **Mayor** for the Chief Constable to enter into certain transactions in the Chief Constable's own name.

This document should be read in conjunction with the following documents that comprise the Integrated Scheme of Governance:

- **Mayor's PCC** Financial Regulations;
- **Mayor's PCC** Contract Standing Orders;
- **Mayor's PCC** Schemes of Delegations; **and**
- **Chief Constable's Schemes of Delegations**

This Scheme of Consent will be reviewed at least on an annual basis.

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## 2. Scope

This Scheme of Consent identifies those powers which may be exercised by the **Mayor** and by the Chief Constable. It provides clarity on their relationship and confirms the functions that the Chief Constable can legally undertake in his/her own name, though the consent of the Mayor. It also sets out any limits on the powers given to the Chief Constable with the consent of the **Mayor** and any reporting requirements placed on the Chief Constable by the **Mayor** in relation to those powers.

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## 3. Roles & Responsibilities

### 3.1 The Mayor's PCC Functions

The key roles and primary responsibilities of the **Mayor in relation to PCC functions** include:

- Securing the maintenance of the Greater Manchester Police Force;
- Providing for an efficient and effective police service for the Greater Manchester area;

- Setting out the strategic direction and objectives of the Greater Manchester Police Force through the publication of a Police and Crime Plan;
- Providing a link between the police and the local communities, including obtaining and representing the views of the local people, councils and criminal justice organisations;
- Setting out the Force's budget and allocating funds and assets to the Chief Constable;
- Setting out the Crime and Disorder Reduction grants for the Greater Manchester area;
- Setting the **PCC component of the** Precept;
- Appointing and when necessary dismissing the Chief Constable;
- Holding the Chief Constable to account for the performance of the Force on behalf of the people of Greater Manchester, ensuring that he has regard to the Police and Crime Plan, the Strategic Policing Requirement and Codes of Practice issued by the Secretary of State;
- Holding the Chief Constable to account for the exercise of his/her duties in relation to value for money; and
- Preparing and publishing an annual report on progress in the delivery of the Police and Crime Plan.

The **GMCA** owns all the assets used by both **the Mayor (in connection with his PCC functions)** and the Force and all contracts will be entered into in **the name of the GMCA, but all functions in relation to such assets and all decisions relating to such contracts and assets are to be made by the Mayor or through arrangements made under section 18 of the Police Reform and Social Responsibility Act 2011.**

**The Mayor** has responsibility for the financial administration of his **PCC functions**, and for ensuring the financial probity of the Force. **The GMCA** is the recipient of funding relating to policing and crime reduction, including government grant, council tax precept and other sources of income. How this money is allocated is matter for the **Mayor**, in consultation with the Chief Constable or in accordance with any grant terms.

The **Mayor** also has wider community safety, crime reduction and criminal justice responsibilities than those solely relating to the responsibilities and activities of the Force. When exercising any duties and functions, the **Mayor** must have regard to:

- The views of the people in the Greater Manchester area, including victims of crime;
- Any report or recommendation made by the Police and Crime Panel in respect of the Police and Crime Plan, the proposed **PCC component of the** annual precept and the annual report for the previous financial year; and
- The Police and Crime Plan and any guidance issued by the Secretary of State, including the Strategic Policing Requirement.

The **Mayor** will be responsible for handling complaints and conduct matters in relation to the Chief Constable, monitoring complaints against police officers and staff, and complying with the requirements of the Independent Police Complaints Commission.

### 3.2 Chief Constable

The Chief Constable is responsible for maintaining the Queen's Peace and for the direction and control of the Force. The Chief Constable holds office under the Crown but is appointed by the **Mayor**.

The Chief Constable is accountable to the law for the exercise of police powers and to the **Mayor** for the delivery of efficient and effective policing, management of resources and expenditure by the Force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the public.

The key roles and primary responsibilities of the Chief Constable include:

- To lead the Force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts impartially;
- To support the **Mayor** in the delivery of the strategy and objectives set out in the Police and Crime Plan;
- To have regard to the Strategic Policing Requirement in respect of the Force's national and international policing responsibilities;
- Being the operational voice of policing in the Force area, regularly explaining to the public the operational action of his/her officers and staff;
- Entering into collaboration agreements with other Chief Constables, other policing bodies and partners to improve the efficiency or effectiveness of policing;
- To remain politically independent of the **Mayor**;
- To manage all complaints against the Force, its officers and employees, except in relation to him/herself; and
- To notify and brief the **Mayor** of any matter or investigation on which he may need to provide public assurance.

## 4. Terms and Definitions

<b>Code of Governance</b>	A statement giving clarity to the way the <b>GMCA acting through the Mayor in relation to PCC functions</b> and the Chief Constable will <b>undertake their statutory functions</b> .
<b>Contract Standing Orders</b>	A single set of Standing Orders relating to contracts explaining the procedures to be followed for the procurement of goods, works and services.
<b>Financial Regulations</b>	A set of documented procedures explaining the working financial relationship between the <b>Mayor</b> , the Chief Constable, <b>the Treasurer to the GMCA and the Chief Finance Officer of the Chief Constable</b> having regard to the role of the <b>Head of Paid Service</b> .

**Integrated Scheme of Governance**

A collective term for the governance framework documents. This includes the Code of Governance, Scheme of Consent, **Mayor's PCC** Financial Regulations, **Mayor's PCC** Contract Standing Orders and Schemes of Delegation.

**Scheme of Consent**

A document that details the key roles of the **Mayor** and Chief Constable and sets out the activities which the Chief Constable is able to act in his/her own name through the consent of the **Mayor**

**Mayor's PCC Scheme of Delegation**

An official document from the **Mayor** assigning authority and responsibility to **members of the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions** to carry out specific activities or functions or from the Chief Constable assigning authority and responsibility to his officers and staff to carry out specific activities or functions.

**The Force / Greater Manchester Police Force**

A collective term that refers to the Chief Constable, police officers, staff employed by the Chief Constable, Police Community Support Officers, special constabulary, cadets and volunteers.

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## 5. Scheme of Consent

### 5.1 Legal Context

This Scheme has been made in accordance with the respective powers of **the Mayor** and Chief Constable, pursuant to the Police Act 1996 as amended by subsequent and future legislation (including subordinate legislation) and in particular the Police Reform and Social Responsibility Act 2011 **and PCC Order**. Due regard must be given to, and this Scheme should be read in conjunction with, all other legal requirements of the **Mayor** and/or the Chief Constable, and specifically the provisions of:

- The Policing Protocol;
- The Financial Management Code of Practice; and
- The Strategic Policing Requirement.

**The Mayor** and Chief Constable have the powers:

- Expressly stated in legislation;
- Necessarily and properly required for carrying into effect the purposes of their incorporation as set out in legislation; and/or
- That may be fairly regarded as incidental to, or consequential on, those things which legislation authorises.

#### 5.1.1 Statutory PCC Functions and Powers of the Mayor

The core statutory functions of the **Mayor in relation to his PCC functions** are to secure the maintenance of the Force, ensure that the Force is efficient and effective and hold the Chief Constable to account for the exercise of his/her functions.

The Police Reform and Social Responsibility Act 2011 confers wide general powers on a Police and Crime Commissioner, **and these powers are to be treated as transferred to the Mayor by virtue of the PCC Order, subject to the terms of the said Order**. The **Mayor** may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of **his/her** functions. **Such functions are to be taken as functions of the GMCA exercisable by the Mayor**. This includes **approving the** entering into of contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land).

The **Mayor** must not restrict the operational independence of the Force and/or the Chief Constable.

#### 5.1.2 Statutory Functions and Powers of the Chief Constable

The Chief Constable has the core function of preserving the Queen's Peace and enforcing the law through the officers of the Force and his/her staff.

The Police Reform and Social Responsibility Act 2011 confers wide general powers on a Chief Constable. They may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions. The Chief Constable can only enter into contracts or agreements or acquire or dispose of property (other than land) in his/her own name with the consent of the **Mayor**, but this restriction does not apply to contracts or agreements in relation to the employment of police staff.

The Chief Constable may not borrow money unless legislation specifically permits him/her to do so.

### 5.1.3 Discharge of PCC Functions

The **Mayor's PCC** Scheme of Consent clarifies what the Chief Constable can do legally in his/her own name, through the consent of the **Mayor**. These are not delegations from the **Mayor** to the Chief Constable or any officer or staff employed by Chief Constable. Nothing in this Scheme is intended to restrict the Chief Constable's operational independence.

To enable the **Mayor** to exercise **his PCC** functions he will need reasonable access to information held by the Force and officers and staff employed by the Chief Constable. This access must not be unreasonably withheld or obstructed by the Chief Constable.

The **Mayor** may not arrange for any constable or any person employed by the Chief Constable to exercise any of the **Mayor's PCC** functions.

There are legislative requirements upon the **GMCA** and Chief Constable to appoint certain **statutory** officers. The roles and responsibilities of these officers can be found in the **Mayor's PCC** Financial Regulations.

It is recognised that the **Mayor** or the Chief Constable do not need to exercise their functions or powers personally, unless required to do so as a matter of law. The **Mayor** and the Chief Constable can delegate those powers they are not obliged to exercise personally to their staff and officers. Those powers which may be exercised by **either officers or members of GMCA staff deployed wholly or partly in relation to the Mayor's PCC functions** or the Chief Constable's officers and staff can be found in **the Mayor's PCC Scheme of Delegation** and the Chief Constable's Scheme of Delegation.

## 5.2 Consent from the Mayor to the Chief Constable

### 5.2.1 Ownership of Assets

The **GMCA** will own and fund all assets, regardless of whether they are used by the **Mayor**, the Force or by both.

## 5.2.2 Acquiring and Disposing of Assets

The **Mayor** does not give consent for the Chief Constable to buy or lease assets in his own name.

The **Mayor** does give consent for the Chief Constable or his/her delegate to buy or lease **operational** assets (other than land or buildings) in the name of the **GMCA** where those assets are needed to deliver operational policing, subject to the requirements of the **Mayor's PCC** Financial Regulations, **Mayor's PCC** Contract Standing Orders and **Mayor's PCC** Scheme of Delegation.

The Chief Constable may dispose of surplus vehicles and items of equipment without prior approval from the **Mayor**, subject to the requirements of the **Mayor's PCC** Financial Regulations. Disposals of land and buildings must be reported to the **Mayor** for approval prior to the disposal.

## 5.2.3 Responsibility for the Daily Administration of Assets

The **Mayor** consents for the Chief Constable or his delegate to undertake the responsibility for the day-to-day management of all assets used by the Force and the administration of property owned or leased by the **GMCA in connection with the exercise of PCC functions** and used by the Force.

## 5.2.4 Ownership of Existing Contracts

All contracts **which immediately before 8<sup>th</sup> May 2017 were contracts in the name of the Police and Crime Commissioner** will transfer to and vest in the **GMCA on the 8<sup>th</sup> May 2017**, regardless of whether they are used by the **Mayor**, the Force or by both.

The Chief Constable or his/her delegate may raise orders on all existing contracts subject to the requirements of the **Mayor's PCC** Financial Regulations, **Mayor's PCC** Contract Standing Orders and **Mayor's PCC** Scheme of Delegation.

## 5.2.5 Entering into New Contracts

The **Mayor** does not give consent for the Chief Constable to enter into contracts in his own name, save as set out in section 5.2.6 below.

The **Mayor** does give consent for the Chief Constable to enter into contracts for operational policing in the name of the **GMCA** subject to the requirements of the **Mayor's PCC** Financial Regulations, **Mayor's PCC** Contract Standing Orders and **Mayor's PCC** Scheme of Delegation.



The Chief Constable or his/her delegate may raise orders on all new contracts subject to the requirements of the **Mayor's PCC** Financial Regulations, **Mayor's PCC** Contract Standing Orders and **Mayor's PCC** Scheme of Delegation.

**Where it is deemed appropriate by the Treasurer to the GMCA, GMCA wide contracts must be used.**

The Procurement Governance Group will provide the necessary assurances for contracts which are being entered into under this provision. A member of staff of the GMCA deployed wholly or partly in relation to the Mayor's PCC functions must be in attendance at meetings of the Procurement Governance Group.

### **5.2.6 Data Processing Agreements**

The **Mayor** consents for the Chief Constable to enter into Data Processing Agreements in his own name subject to the requirements of the **Mayor's PCC** Financial Regulations, **Mayor's PCC** Contract Standing Orders and **Mayor's PCC** Scheme of Delegation.

### **5.2.7 Responsibility for the Daily Administration of Contracts**

The **Mayor** consents for the Chief Constable or his/her delegate to undertake the responsibility for the day-to-day management and administration of contracts, subject to the requirements of the **Mayor's PCC** Financial Regulations and **Mayor's PCC** Contract Standing Orders.

## **5.3 Key Principles**

Any powers allocated pursuant to this Scheme must also be exercised in accordance with the provisions of the current policies, procedures, precedents, plans, strategies and budgets of the Chief Constable **and the Mayor or GMCA (which relate to the Mayor's PCC functions)**. This includes but is not limited to the Police and Crime Plan.

Consideration must be given to any issues that arise from the allocation of powers in this Scheme which may have a significant financial, legal or reputational risk for the **Mayor** or the Force. These issues must be reported to the **Mayor**, via the Chief Constable or the Chief Finance Officer to the Chief Constable, prior to any decision being made or where this is not possible, within 24 hours or as soon as practically possible.

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## **6. Associated Documents**

- Chief Constable's Schemes of Delegation
- Code of Governance

- Contract Standing Orders
- Financial Management Code of Practice
- Financial Regulations
- Police Act 1996
- **Mayor's PCC** Scheme of Delegation
- Police Reform and Social Responsibility Act 2011
- Policing Protocol
- Strategic Policing Requirement
- **The PCC Order**

## **7. Statutory Compliance**

### **7.1 Freedom of Information Act (2000)**

This document may be discloseable to the public, either on the **GMCA** website or upon request.

### **7.2 Equality Act 2010**

Finance Governance Group, as part of due diligence, has given due consideration to the protected characteristics and has detected no implications that need to be addressed as part of the **Mayor's PCC** Scheme of Consent.

Equality issues may arise in the exercise of specific functions (i.e. procurement of goods and the award of contracts) but these are subject to competition. Specific policies and procedures will need to be followed and it is expected that the **Mayor** and the Force recognise **their** obligations arising from the Equality Act 2010.

## **Mayor's PCC Scheme of Delegation**

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## 1. Introduction and Background

The **Mayor** is required, on an annual basis to produce an annual governance statement in **respect of his PCC functions**. As part of this process the **Mayor** should have a code of corporate governance which describes the strategies, arrangements, instruments and controls to ensure good governance.

This Scheme of Delegation provides a framework which enables business to be carried out lawfully and efficiently, ensuring that decisions are not unnecessarily delayed and are taken at the appropriate level. It forms part of the overall corporate governance framework for the **Mayor in respect of his PCC functions**. This document should be read in conjunction with the following documents that comprise the Integrated Scheme of Governance:

- **Mayor's PCC** Financial Regulations;
- **Mayor's PCC** Contract Standing Orders; and
- **Mayor's PCC** Scheme of Consent.

This Scheme details the formal delegations of **PCC functions** by the **Mayor to officers and members of staff of the GMCA deployed wholly or partly in relation to the Mayor's PCC functions** and will be reviewed at least annually.

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## 2. Scope

The **Mayor's PCC** Scheme of Delegation aims to clarify those powers which, for the benefit of good business practice, are given **by the Mayor** to the senior officers and staff **of the GMCA who are deployed wholly or partly in relation to the Mayor's PCC Functions**. This Scheme of Delegation does not apply to the Chief Constable and GMP who will have their own Scheme of Delegation.

Any further delegations of these powers, to enable decisions to be made at the most appropriate level, are detailed in Appendix 1. The **Mayor** may limit these powers, consent to additional delegations or remove any powers (apart from those powers that are given by law).

Any powers or duties placed on officers and staff should be exercised lawfully in accordance with this **Mayor's PCC** Scheme of Delegation, the **Mayor's PCC** Contract Standing Orders, **the Mayor's PCC** Financial Regulations and relevant policies, procedures, plans, strategies and budgets.

This Scheme does not identify all the statutory duties which are contained in specific laws and regulations, however it provides the framework in which the various duties and powers are exercised. The authorised officers and staff are responsible for

ensuring that the members of staff they supervise are aware of and comply with the provisions and obligations of this scheme.

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### **3. Roles & Responsibilities**

#### **3.1 The Mayor**

In accordance with the provisions of the PCC Order the Mayor is to be treated in relation to the Mayor's PCC functions as a police and crime commissioner for the purposes of all PCC enactments (whenever passed or made) subject to modifications and exceptions which are set out in the Schedules to the Order. Accordingly, the Mayor has a statutory duty and electoral mandate to ensure an efficient and effective police service and to hold the police to account on behalf of the public.

All property, rights and liabilities which immediately before 8 May 2017 were property, rights and liabilities of the former Police and Crime Commissioner for Greater Manchester transferred to and vested in the GMCA on 8 May 2017.

However, all functions in relation to such property, rights and liabilities are to be exercised by the Mayor and all decisions relating to such property rights and liabilities are to be made by the Mayor or under delegation arrangements made under section 18 of the Police Reform and Social Responsibility Act 2011 (this excludes loans and financial instruments which transferred to the GMCA).

The following functions can only be exercised by the Mayor:

- (a) issuing a police and crime plan;
- (b) appointing the Chief Constable, suspending the Chief Constable, or calling upon the Chief Constable to retire or resign;
- (c) calculating the policing component of the precept.

The GMCA is the legal contracting body who owns all the PCC assets but the Mayor is responsible for approving the capital and revenue budgets, monitoring financial outcomes and approval of the Strategic Financial Outlook in relation to his PCC functions. The Mayor is also responsible for approving the overall framework of accountability and control, and monitoring compliance.

#### **3.2 The Treasurer to the GMCA**

The Treasurer to the GMCA has a fiduciary duty by virtue of his appointment as the person responsible for the administration of the GMCA's financial affairs pursuant to section 73 Local Government Act 1985.

The Treasurer to the GMCA is responsible for:

- The day to day financial management of the budget **determined by the Mayor in respect of his PCC functions** in accordance with the **Mayor's PCC** Financial Regulations and to account to the **Mayor** for the management of those funds;
- **Maintenance of the Police Fund including determining appropriate allocations of costs and income from other GMCA budgets and transfers of resources to/from such other budgets.**
- Control of all financial systems and procedures; and
- The preparation and dissemination of the **Mayor's** Financial Instructions, providing detailed guidance on the operation of specific financial processes controlled by the **Mayor in respect of the Mayor's PCC functions**

### 3.3 Budget Holders

To achieve best use of resources and align financial and operational responsibility, budgets have been allocated to Budget Holders by the **Mayor**. Budget Holders are accountable to the **Mayor** for the budgets that have been allocated to them. They are **responsible for the charges that will be made to the Police Fund on such basis as is agreed by the Treasurer to the GMCA.**

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## 4. Terms and Definitions

**Annual Revenue Budget**      The revenue budget is a plan, expressed in monetary terms, covering a financial year (which for 2017/18 runs from 8 May 2017 to 31 March 2018 and for subsequent years runs from 1 April to 31 March). It enables the **Mayor** to incur expenditure and forms the basis on which to monitor his financial performance.

**Budget Holders**              Budget Holders are members of staff who have been allocated a budget to run the areas for which they are responsible. This does not involve expenditure which exceeds the approved budget.



<b>Capital Budget</b>	The capital budget relates to the acquisition or enhancing of fixed assets, such as buildings, equipment and IT <b>within such limits as determined by the Treasurer to the GMCA.</b>
<b>Carry Forward</b>	A carry forward is the process of transferring resources between accounting years. This may increase or decrease the resources available to Budget Holders in the following year and is subject to the approvals contained in the Scheme of Financial Delegation.
<b>Contract</b>	A contract is an agreement between two parties for the supply of goods and/or services. The terms and conditions applied to the contract provide clarity and protection for all parties involved.
<b>Delegation</b>	The assignment of authority and responsibility to another person to carry out specific activities or functions. The person who has delegated the work remains accountable for the outcome of the delegated work
<b>Ex-Gratia Payment</b>	An ex-gratia payment is a payment made by the <b>Mayor</b> where no legal obligation exists.
<b>Forecast</b>	A forecast is a prediction (based on latest available information and reasonable assumptions) of what a Budget Holder thinks his/her financial <b>position will be in respect of charges to and from the Police Fund</b> at some point in time in the future (i.e. financial year end).
<b>Quotation</b>	A quotation is a document that a vendor or service provider gives to a customer, to describe specific goods and services that can be provided and its cost.
<b>Risk</b>	Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event.
<b>Sensitive Issues</b>	Any issues that arise which may have a potential reputational risk for the <b>Mayor</b> must be reported to the <b>Mayor</b> before any decision can be made.

<b>Sponsorship</b>	Supporting an event, activity or organisation by providing money or benefit in kind of value to the sponsored event. This is usually in return for some form of “benefit” by association with the police (e.g. logos on police cars).
<b>Strategic Financial Outlook</b>	The Strategic Financial Outlook is a medium term (4 year) estimate of the annual income and expenditure requirements for the <b>Mayor in relation to his PCC functions.</b>
<b>Tender</b>	A tender is a formal sealed bid or written offer to carry out work, supply goods or buy assets at a stated fixed price. It will usually contain detailed information on requirements and terms associated with a potential contract.
<b>Unofficial Funds</b>	Unofficial funds are funds approved by the <b>Mayor</b> to be held for exceptional purposes.
<b>GMP</b>	<b>Greater Manchester Police</b>

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## 5. The Mayor's PCC Scheme of Delegation

### 5.1 General Principles of Delegation

This Scheme of Delegation provides authorised **officers and** staff with the legal authority to carry out specific **PCC functions** on behalf of the **Mayor**. In carrying out these duties they must comply with all other statutory and regulatory requirements and relevant professional guidance including:

- Police Reform and Social Responsibility Act 2011 (**as modified by the PCC Order**) and other relevant legislation issued under this Act;
- **The Mayor's PCC** Financial Regulations;
- **The Mayor's PCC** Contract Standing Orders;
- Home Office Financial Management Code of Practice; and
- CIPFA Statement on the role of the Chief Financial Officer to the Police and Crime Commissioner.

The **Treasurer to the GMCA** has statutory powers and duties relating to his/her position and therefore, does not rely **solely** on delegation for these powers or duties.

With exception to these statutory powers, **the delegated powers of any** person to whom a power is delegated under this Scheme may **give authority to another officer to exercise the delegation upon their behalf and in their name, with the approval of the Head of Paid Service (in relation to operational matters) or the Treasurer to the GMCA (in relation to finance related matters)**. These **authorities** are shown in Appendix 1. The formal responsibility and accountability for the effective discharge of these **functions** remains in law with the person to whom the power was delegated by the **Mayor**.

Giving delegation to authorised officers and staff under this scheme does not prevent them from referring a matter to the **Mayor** for a decision if it is considered appropriate, (for example, because of sensitive issues or any matter that may have a significant financial, legal or reputational implication). The **Mayor** may ask that a specific matter be referred to him for a decision and not be dealt with under powers of delegation.

When authorised staff are considering a professional or technical matter that is within the sphere of competence of another member of professional staff, they should consult with the appropriate person before authorising any action.

All decisions authorised officers and staff make under delegated powers given to them by the **Mayor** must be recorded and be available for inspection by the **Mayor**.

Consideration must be given to any issues that arise from delegations granted within this

scheme which may have a potential reputational risk for the **Mayor**. Any such issues must be reported to the Mayor, prior to any decision being made or where this is not possible, within 24 hours or as soon as practically possible.

Each decision/action taken by any officer **or member of staff** should have regard to legal and other responsibilities including, health and safety, duty of stewardship and morality.

In addition, the **Mayor** is ultimately accountable for the Police Fund. Delegations for approvals relating to the Police Fund are set out in this scheme.

The **Mayor** may **choose** to delegate certain responsibilities **to a panel or board**. These responsibilities are detailed in the terms of reference for that panel as set out in Appendix 6.

In the event that a public enquiry is to be overseen by the **Mayor**, this Scheme of Delegation will apply, except where the authorisation/instruction is given by Central Government Departments ordering the enquiry. It should be noted that the final decision maker for all such enquiries will be the Government Department concerned. Any resources relating to such an enquiry would need to be reflected and recorded appropriately. If financial, this will be reflected in the statement of accounts and all other resources/decisions will be recorded at **the Resources Board**. In addition, a six monthly value for money review is undertaken by HMIC.

**If for any reason the Mayor is unable to act or the office of the Mayor is vacant the Deputy Mayor appointed under section 107C of the 2009 Act must act in the place of the Mayor.**

## **5.2 Delegations from the Mayor**

It is recognised that, unless a power or function of the **Mayor** must, as a matter of law, be exercised personally by him; these functions may be exercised by staff **or officers** that have been given delegated authority to act on his behalf. This Scheme is a record of the formal delegations that are in effect at the time of its publication. It does not attempt to list all matters which form part of everyday management responsibilities.

Detailed financial management responsibilities of the **Treasurer** to the **GMCA in relation to PCC functions**, including a number of delegated powers, are set out in the **Mayor's PCC** Financial Regulations.

(Further details on these delegations are listed at 8.2)

### **5.2.1 Treasurer to the GMCA**

Delegations to the **Treasurer to the GMCA:**

- To ensure that the financial affairs of the **Mayor in relation to the discharge of his PCC functions** are properly administered having regard to probity, legality and appropriate standards;
- To assist the **Mayor** in planning the **Mayor's budget in relation to the discharge of his PCC functions**;
- To undertake the day to day management of the **Mayor's budget in relation to the discharge of the Mayor's PCC functions**, in accordance with the **Mayor's PCC Financial Regulations**; and
- To commit expenditure within the approved budget to meet the policies and objectives agreed in the Police and Crime Plan.
- **Determine relevant Prudential Indicators relating to the Mayor's PCC Functions and for inclusion in the GMCA Treasury Management Strategy.**

**The Director of Finance (Police and Crime) is authorised to undertake the functions of the Treasurer to the GMCA (when he/she is unavailable for an extended period) as directed by the Mayor.**

(Further details on these delegations are listed at 8.4)

### **5.2.2 Head of Paid Service**

Delegations to the **Head of Paid Service** –

- To grant essential or casual car user allowances

(Further details on these delegations are listed at 8.3)

### **5.2.3 Monitoring Officer**

Delegations to the Monitoring Officer:

- To institute, defend or participate in any legal proceedings in relation **to the Mayor's PCC functions.**
- **To affix the common seal of the GMCA to agreements which grant or convey an interest in land, and any other agreement which in the opinion of the Monitoring Officer should be sealed.**
- **The affixing of the Common Seal of the GMCA will be attested by the Monitoring Officer or some other person authorised by the monitoring Officer.**
- **To obtain legal or other expert advice and to appoint professionals.**

#### 5.2.4 Urgent Provisions

If any matter which would normally be referred to the **Mayor** (or **Deputy Mayor for Policing and Crime**) for a decision arises and cannot be delayed, the matter may be decided by the **Treasurer to the GMCA in respect of financial and related issues and the Head of Paid Service in respect of operational issues.**

**In the absence of the Treasurer to the GMCA (i.e. when he/she is unavailable for an extended period) the matter may be decided Director of Finance (Police and Crime).**

**In the absence of the Head of Paid Service (i.e. when he/she is unavailable for an extended period) the matter may be decided by the Deputy Chief Executive.**

Urgent decisions taken must be reported to the **Mayor** within 24 hours or as soon as practically possible.

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## 6. Associated Documents

- CIPFA Statement on the role of the Chief Financial Officer to the Police and Crime Commissioner and the Chief Finance Officer to the Commissioner;
- **Mayor's PCC** Contract Standing Orders;
- **Mayor's PCC** Financial Regulations;
- Home Office Financial Management Code of Practice;
- Police Reform and Social Responsibility Act 2011 (**as modified by the PCC Order**); and
- **Mayor's PCC** Scheme of Consent.

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## 7. Statutory Compliance

### 7.1 Freedom of Information Act (2000)

This document will be available on the **GMCA's** website and will be available to the public on request.

### 7.2 Equality Act 2010

Equality issues may arise in the exercise of specific functions (i.e. procurement of goods and the award of contracts) but these are subject to competition. Specific

policies and procedures will need to be followed and the **Mayor** recognises his obligations arising from the Equality Act 2010.

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## **8. Appendices**

## 8.1 Appendix 1 – Scheme of Financial Delegation

1. All employees are to ensure these financial delegation limits are complied with
2. All arrangements are subject to separation of duties to reduce fraud and malpractice
3. Where these limits are inadequate to deal with the actual circumstances, details are to be referred to the **Treasurer** to the **GMCA**, for consideration
4. These financial delegations do not prevent an officer from referring any decision to the **Mayor** if it is necessary because of sensitive issues or significant financial or reputational implications

### 8.1.1 Financial Planning and Budgetary Control

Activity	Authorising Limit	Principal Authoriser	Deputy Authoriser
Approve Revenue and Capital Business Cases * <b>see note</b>	Less than £500,000 (Minor Business Cases)	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>
Increases to Approved Revenue and Capital <b>Major</b> Business Cases * <b>see note</b>	Increase of up to and including 10% on Business Cases with a total value more than £5,000,000	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>
Increases to Approved Revenue and Capital <b>Minor</b> Business Cases	If Revised Value less than £500,000	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>
Monitor and Approve Forecast Outturns (Revenue)	All Forecasts	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Monitor and Approve Forecast Outturns (Capital)	All Forecasts	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Year End Revenue Carry Forwards	All	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>
Approve Slippage in Capital Programmes	No Financial Impact on the Following Year	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>



**\*Where such approvals will require borrowing or an amendment to prudential indicators these will require GMCA approval**

**Note: Minor project is up to £500,000. Major Project greater than £500,000.**

### 8.1.2 Contract Standing Orders

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Approve Tenders (for goods and services above £500,000)	£500,000 and above	Mayor	Deputy Mayor for Policing and Crime
Approve Quotations (for goods and services below £500,000)	Less than £50,000	Primary Budget Holder	Secondary Budget Holder
	<b>Between £50,000- £249,999</b>	Primary Budget Holder in conjunction with Procurement Officer	Secondary Budget Holder in conjunction with Procurement Officer
	<b>Between £250,000 - £499,999</b>	Treasurer to the GMCA	Director of Finance (Police and Crime)
Contract Extensions and Variations * see note	Value to Date + Estimated Value of Extension £500,000 and above	Mayor	Deputy Mayor for Policing and Crime
	Value to Date + Estimated Value of Extension Less than £500,000	Treasurer to the GMCA	Director of Finance (Police and Crime)
Approve Exemptions	More than £50,000	Mayor	Deputy Mayor for Policing and Crime
	Less than £50,000	Treasurer to the GMCA	Director of Finance (Police and Crime)

### 8.1.3 Ordering and Payment of Goods and Services

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Approve Purchase Orders and Pay Only Invoices/Credit Notes	£250,000 and above	Treasurer to the GMCA	Director of Finance (Police and Crime)
	<b>Up to £250,000</b>	Primary Budget Holder	Secondary Budget Holder
	<del>Less than £20,000</del>	<del>Budget Holder</del>	<del>Budget Manager</del>

Approve Purchase Order and Invoice Authorisation Limits	All	Treasurer to the GMCA	Director of Finance (Police and Crime)
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#### 8.1.4 Ordering and Payment of Goods and Services – Feeder Systems

Activity	Authorising Limit	Principal Authoriser	Deputy Authoriser
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Not applicable at this stage as the Mayor does not use GMP's feeder systems

#### 8.1.5 Banking and Income Collection

Activity	Authorising Limit	Principal Authoriser	Deputy Authoriser
Approve External Invoices and Credit Notes (for Goods and Services Provided by the Mayor) Excluding Sponsorship	More than £20,000	Treasurer to the GMCA	Director of Finance (Police and Crime)
	Less than £20,000	Budget Holder	Secondary Budget Holder
Initiate Debt Recovery Procedures (in line with Financial Regulations)	All	Treasurer to the GMCA	Director of Finance (Police and Crime)
Authorise Debt Write Off (Excludes Write Off Requests Resulting from Theft or Fraud)	Individual Items less than £10,000 or Less than £100,000 in Total for the Financial Year	Treasurer to the GMCA	Director of Finance (Police and Crime)
Authorise Debt Write Off Resulting from Theft or Fraud	All	Mayor	Deputy Mayor for Policing and Crime
Authorise the Opening of Unofficial Bank Accounts	All	Treasurer to the GMCA	Director of Finance (Police and Crime)

#### 8.1.6 Management of Assets and Risks

Activity	Authorising Limit	Principal Authoriser	Deputy Authoriser
Purchase of Land and Property	All	Mayor	Deputy Mayor for Policing and Crime

<b>Disposal of Land and Property</b>	<b>All</b>	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>
<b>Indemnities in connection with use of other's premises</b>	<b>All</b>	<b>Director of Land and Property to GMCA</b>	
Write off Stock Discrepancies / Disposals of Obsolete Stock , Equipment and Materials	Individual Items less than £10,000 or Less than £100,000 in Total for the Financial Year	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Disposal of Surplus Items of Equipment	Estimated Amount Less than £10,000	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Buy Assets	All Assets (Excluding Land and Property)	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Lease Assets	All Leases	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Exercise the Powers and Duties of the Police (Property) Regulations 1997	All	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Authorise and Remove Access to Finance Systems	All	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Approve Financial Settlement of Civil Damage and Cost Claims	Total Value (Claims + Legal Costs) More than £50,000	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>
	Total Value (Claims + Legal Costs) Less than £50,000	<b>Monitoring Officer (in consultation with the Treasurer to the GMCA)</b>	
	Total Value (Claims + Legal Costs) Less than £25,000	<b>Monitoring Officer</b>	
Approve Financial Assistance to Officers and Staff (under the direction and control of the Mayor) in Legal	All	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>

Proceedings taken by or against them whilst performing police duties			
<b>Receive, consider and decide upon all applications and requests from Special Constables, Police Community Support Officers or their representatives for death or disability benefits</b>	<b>All</b>	<b>Mayor</b>	<b>Deputy Mayor for Policing and Crime</b>

### 8.1.7 Ex-Gratia Payments

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Ex-Gratia Payments * see note	Total Value (Claims + Legal Costs) More than £50,000	<b>Mayor</b>	<b>Deputy Mayor Policing and Crime</b>
	Total Value (Claims + Legal Costs) Less than £50,000	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
	Total Value (Claims + Legal Costs) Less than £25,000	<b>Monitoring Officer</b>	

\* The Chief Constable's Chief Finance Officer will be required to produce a quarterly report on the amounts approved below £50,000.

### 8.1.8 External Funding

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Approve External Funding from Central Government and Other Public Sector Bodies	Matched Funding Less than £50,000	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>

### 8.1.9 Sponsorship

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Approve Individual Sponsorship for Community and Award Events (providing it does not imply that the <b>Mayor</b> endorse the sponsoring organisation or its products)	In Kind and/or Value Less than £10,000	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>

#### **8.1.10 Urgent Matters**

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Financial and Related Issues	All	<b>Treasurer to the GMCA</b>	<b>Director of Finance (Police and Crime)</b>
Operational Issues	All	<b>Head of Paid Service</b>	<b>Deputy Chief Executive</b>

#### **8.1.11 Appendix 2 – Cheque Signatories**

<b>Bank Account</b>	<b>Signatory Limit</b>	<b>Authorised Signatory</b>
Drawings Account	All Pre-Printed Cheques	<b>Treasurer to the GMCA</b>
	All Other Cheques	<b>Treasurer to the GMCA and approved Finance Officers</b>



## **8.2 Appendix 3 - Delegations to Deputy Mayor for Policing and Crime**

### **8.2.1 The following functions can only be exercised by the Mayor:**

- (d) issuing a police and crime plan;**
- (e) appointing the Chief Constable, suspending the Chief Constable, or calling upon the Chief Constable to retire or resign;**
- (f) calculating the policing component of the precept.**

### **8.2.2 The Deputy Mayor for Policing and Crime, if they have been delegated the following functions by the Mayor, cannot then delegate them further:**

- i) Determining police and crime objectives;**
- ii) Attending at a meeting of the police and crime panel when required to do so;**
- iii) Preparing an annual report to the police and crime panel.**

### **8.2.3 In addition to the delegations set out in Appendix 1, the Mayor also delegates the powers listed below to the Deputy Mayor for Policing and Crime to exercise on the Mayor's behalf in accordance with this scheme.**

### **8.2.4 Support the Mayor in holding the Chief Constable to account for the exercise of his duty to have regard to the Police and Crime Plan and the Strategic Policing Requirement by monitoring the performance of GMP.**

### **8.2.5 To consider complaints submitted to the Mayor in relation to the exercise of PCC functions.**

### 8.3 Appendix 4 - Delegations to the Head of Paid Service

#### General

- 8.3.1 Prepare the Police and Crime Plan in consultation with **the Mayor** and GMP.
- 8.3.2 Prepare an annual report for submission to the **Mayor**.
- 8.3.3 Provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.

#### Financial

- 8.3.4 The financial management responsibilities of the **Head of Paid Service** are set out in the financial regulations.
- 8.3.5 To manage the budget of the **Mayor insofar as it relates to his PCC functions**, along with the **Treasurer to the GMCA** particularly to:
  - Order goods and services and spend on items provided for in the revenue budget.
  - ask for and accept quotations and tenders for goods and services provided for in the revenue budget
  - manage, along with the **Treasurer to the GMCA** any spend on capital schemes originated by the **Mayor in relation the exercise of PCC functions**
- 8.3.6 To appoint Independent Custody Visitors or other volunteers for the **Mayor** and terminate appointments if necessary.

#### Other



- 8.3.7 To sign, on behalf of the **Mayor**, any indemnity needed to enable him/her to perform any legal duties. However, if giving an indemnity could have significant financial implications, that indemnity can only be signed with the approval of the **Treasurer to the GMCA**.
- 8.3.8 To consider, with the **Mayor**, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing a person to investigate the complaint.
- 8.3.9 In relation to a grievance against the Chief Constable, to take the appropriate action to investigate the grievance, applying the appropriate procedure, and reporting the outcome to the **Mayor**.
- 8.3.10 To respond to consultations on proposals affecting the **Mayor in relation to his PCC functions** after first taking the views of the **Mayor**, the **Treasurer to the GMCA and the Chief Finance Office to the Chief Constable** and/or the Chief Constable, as appropriate.
- 8.3.11 To make sure, in consultation with the Chief Constable, appropriate arrangements are made to gather the community's views on the policing of Greater Manchester and preventing crime.

## 8.4 Appendix 5 - Delegations to the Treasurer to the GMCA

### Introduction

The Scheme of Governance identifies the role of the **Treasurer to the GMCA**. As the financial adviser to the **Mayor in respect of his PCC functions** there is a statutory responsibility to manage his/her financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit (England) Regulations 2015.

The **Treasurer to the GMCA** must ensure that the financial affairs of the **Mayor in relation to the exercise of his PCC functions**, and GMP are properly administered having regard to their probity, legality and appropriate standards. In conjunction with the Chief Finance Officer to the Chief Constable, he/she will report any financial issues or failures of control to the **Mayor** and/or Chief Constable as appropriate.

The formal delegations, listed below, are those given to the **Treasurer to the GMCA**, which are in effect at the time of the publication of this scheme.

The **Director of Finance (Police and Crime)** is authorised to undertake the functions of the **Treasurer to the GMCA (when the Treasurer is unavailable for an extended period)** as directed by the **Mayor**.

- 8.4.1 **To approve and monitor the Prudential Indicators, which will be included in the GMCA Treasury Management Strategy.**
- 8.4.2 **To maintain Police Fund and seek assurances that there are appropriate arrangements in place for the preparation of GMP's accounts.**
- 8.4.3 To seek assurances that there are appropriate arrangements in place within GMP for its financial management.
- 8.4.5 To undertake the day to day financial management of the **Mayor's** revenue and capital budgets **insofar as they relate to PCC functions.**
- 8.4.6 To commit expenditure within the approved budget (in consultation with the **Mayor**) to meet the policies and objectives agreed with the **Mayor** and reflected in the Police and Crime Plan.
- 8.4.7 To manage the financial arrangements in relation to any grants awarded by the **Mayor** or Deputy **Mayor for Policing and Crime.**
- 8.4.9 To authorise payments, without having to get approval and regardless of whether or not provision has been made in the revenue budget in relation to:
  - payments **required** by law

- payments ordered by the court
  - payments due under any lawful agreement entered into by the **Mayor**.
- 8.4.10 To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- 8.4.11 To sign cheques of behalf of the **Mayor** or Deputy **Mayor (PCC)** **insofar as they relate to PCC functions**, (following their approval) in consultation with the **Head of Paid Service**.
- 8.4.12 To prepare and annually review draft financial and contract regulations, in consultation with GMP, for approval by the **Mayor**, or Deputy Mayor for Policing and Crime **insofar as such regulations relate to PCC functions**.
- 8.4.13 To determine when assets are surplus to requirements or obsolete and arrange for disposal in line with Appendix 1, subject to there being a framework in place to ensure the disposal is appropriate, and that there is an auditable trail.
- 8.4.14 Provide for an adequate and effective internal audit service in accordance with the relevant legislation and Codes of Practice.
- 8.4.15 To report to the **Mayor** and the external auditor any unlawful or potentially unlawful spending by any police officer or employee **of the GMCA deployed wholly or partly in relation to the Mayor's PCC functions** regardless of whose direction and control that person is under.
- 8.4.16 To ensure that the **Mayor** is represented at joint Police and Crime/GMP financial meetings (currently Resources Board, Revenue Review Group, Capital Review Group, Finance Governance Group and Finance and Insurance Working Group) and any relevant new or successor groups, and that information from such meetings is fed back to the **Mayor**. The **Treasurer to the GMCA** and **Mayor** or officer attending on his behalf is able to defer a decision for the consideration of the **Mayor**. If this situation occurred an officer from GMP would have an opportunity to discuss any concerns with the **Mayor**.

## **8.5 Appendix 6 - Terms of Reference for Panels and Boards**

### **8.5.1 Joint Mayor PCC/Chief Constable Audit Panel**

#### **Accounts/Financial Reporting**

To review the financial statements **of the Chief Constable and the relevant parts of the GMCA groups accounts** and the external auditor's opinions and reports and to monitor actions taken in response to issues raised by external audits.

For 2016/17 accounts, year ending 7<sup>th</sup> May 2017, this will include both the Chief Constable accounts and those of the PCC

To review the Statutory Statement of Accounts including:

- changes in compliance with accounting policies and procedures
- unadjusted miss-statements in the financial statements
- major judgemental areas
- significant adjustments resulting from the audit

#### **Internal Control Environment**

Be satisfied as to the effectiveness of the internal control framework in operation **by the Mayor (in respect of his PCC functions)** and Greater Manchester Police (GMP) and advising them as appropriate.

Be satisfied that both **the Mayor and Chief Constable's** assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.

### **Corporate Risk Management**

Approve the **Mayor (insofar as it relates to his PCC functions)** and GMP's corporate risk management strategy and framework and provide assurance that an appropriate, effective framework is in place for assessing and managing the key risks (financial and non-financial) to both organisations.

### **Compliance, Whistle blowing and Fraud**

Review the adequacy of the **Mayor's** and Chief Constable's arrangements for its employees and its contractors to raise concerns, in confidence about possible wrongdoing in financial reporting or other matters.

Ensure that these arrangements allow proportionate and independent investigation of such matters and appropriate follow up action.

Review the procedures for detecting fraud.

### **Internal Audit**

Advise the **Mayor** and GMP on the appropriate arrangements for internal audit and approving the Internal Audit Strategy.

To review (but not direct), the Internal Audit Programme of work and monitor performance against it.

To review summary Internal Audit reports and receive the Annual Report from the **Treasurer to the GMCA..**

Ensure appropriate action is taken in response to audit findings, particularly in areas of high risk.

Ensure that there is an effective relationship between internal auditors, external auditors and other relevant bodies.

To receive reports from Internal Audit on the outcome of any work in relation to completed investigations and recommendations of the Independent Police Complaints Commission.

## **External Audit**

Endorse the external audit programme.

Review the External Auditor's Annual Governance Report in relation to the Chief Constable and any other relevant reports including progress on the implementation of agreed recommendations.

Receive the Annual Audit Letter.

## **Membership**

Membership of the Panel shall be determined by the Mayor and Chief Constable in accordance with the provisions of the Financial Management Code of Practice for the Police Forces of England and Wales.

## **Other Matters**

The Committee shall:

Have access to sufficient resources to undertake its duties, including access to assistance as required.

Be provided with appropriate and timely training, both in the form of an induction for new members and on an on-going basis for all members.

Arrange for periodic reviews of its own performance and at least annually, review its constitution and terms of reference to ensure it is operating at maximum effectiveness and recommend to the **Mayor** and GMP any changes it considers necessary.

### 8.5.2 Greater Manchester Justice and Rehabilitation Executive Terms of Reference

- A strategic leadership group for the whole of the criminal justice system linking to wider public service reform, which brings together the Transforming Justice, Transforming Rehabilitation and relevant Victims Services agendas.
- Using the Public Service Reform methodology to strategically plan a GM-wide reform agenda for Justice and Rehabilitation, developing new delivery and investment models based on robust evaluation and service redesign.
- To act as a monitoring, policy development and commissioning body for initiatives which seek to improve outcomes for victims in Greater Manchester aligned to the **Mayor's** approach to Victim Services Commissioning.
- To respond to Transforming Rehabilitation by providing leadership with:
  - Engagement with all local public services to ensure services are integrated, coordinated and sequenced effectively
  - Future of Integrated Offender Management (IOM)
- Ensure there is a clear plan for effectively managing the MOJ Financial Incentive Model payments.
- Understand the interactions, opportunities and risks for how Justice and Rehabilitation links with other reform themes, for example Troubled Families / Complex Dependency.
- Receive reports and commission work from the Programme Board, which is in turn supported by the Data & Analysis Group. To receive reports and commission work from the appropriate reporting and representative bodies such as the IOM Futures Board, GM Resettlement consortium, Restorative Justice Steering group
- Explore opportunities to both drive and respond to policy changes relating to the CJS, in order to develop investment approaches which increase efficiency and effectiveness and reduce demand.
- Link to the GM Police & Crime Steering Group, which provides oversight of the wider police and crime agenda. This will ensure effective alignment with community safety and crime reduction activities, and integration with local partners.
- To develop a Justice and Rehabilitation approach for Greater Manchester devolution.

#### **Core Membership:**

**Mayor** (Chair)

Lead AGMA Chief Executive

Chief Constable GMP

Chief Executive NW National Probation Service

Chief Executive GM and Cheshire Community Rehabilitation Company  
Strategic Lead for GM Public Service Reform  
GMFRS Lead Officer

**Associate Membership:**

Public Health Link  
GM Crime and Disorder Housing Providers Forum

**Administration and governance:**

- **Meetings will be administrated and supported by members of staff employed by the GMCA and deployed wholly or partly in respect of the Mayor's PCC functions** and additional support will provided by strategic partners, through the Programme Board.
- Meetings will be held every 2 months – Meeting dates to be circulated for 12 months. Items for agenda to be notified to the **Mayor** 10 working days prior to any meeting.
- Late items will be accepted at the discretion of the Chair.
- Agenda and relevant paperwork will be distributed 3 working days prior to the meeting.
- Minutes will be distributed 5 working days post the meeting taking place.
- The agenda will be split into Part 1 (open items) and Part 2 (restricted) when appropriate, to ensure compliance with the **Mayor's PCC** Scheme of Governance. Those with an interest as defined by the Scheme of Governance will be excluded from any commissioning decisions. The Programme Board will also be managed along these lines.
- All parties unless directed by the Chair can access Gate 1 papers but any party with a potential interest in funding decisions to be excluded , as appropriate, from subsequent gate papers and key commissioning decisions and discussions - in line with the **Mayor's PCC** Scheme of Governance.
- All Gate 1 papers should be published in the public domain unless exempt based on legitimate conditions relating to the **Mayor's PCC** Scheme of Governance.
- All parties to agree and sign a declaration of interest policy





### **8.5.3 The Independent Police Ethics Panel**

The Mayor will establish an Independent Ethics Panel to support the work of Greater Manchester Police (GMP).

#### **1. Purpose**

The Panel will be a forum for police officers and members of the public to air and obtain advice and guidance on important ethical issues in policing and to proactively influence police culture so police decision-making is confidently made, legally correct, morally defensible and able to stand up to vigorous public scrutiny.

#### **2. Terms of Reference**

**The scope, membership, governance arrangements and terms of reference of the Panel are to be determined by the Mayor.**



#### 8.5.4 Independent Advisory Group on Policing of Protests (Protest Panel)

##### Aims

- To improve public trust and confidence in the policing of demonstrations and protests in Greater Manchester
- To improve the police's approach to the management of protests and demonstrations by having informed input from panel members
- To advise the **Mayor** and Chief Constable on best practice
- To support the **Mayor** and Chief Constable in ensuring professional policing standards when operations are ongoing, and confidence in complaints handling and resolution.

##### Terms of Reference

- To provide strategic advice to the **Mayor**, his **Deputy Mayor for Policing and Crime and any members of staff deployed wholly or partly in relation to the Mayor's PCC functions**, the Chief Constable and appropriate agencies on GMP's approach to the policing of protests and demonstrations in Greater Manchester.
- To regularly review policies, practices and procedures on the policing of protests and demonstrations in Greater Manchester.
- To provide active and informed input into the development of new policies, practices and procedures on the policing of protests and demonstrations.
- To consider issues raised by communities and organisations over the policing of protests and demonstrations.
- To ensure the proper procedures are in place at Greater Manchester Police to respond effectively when people complain about the policing of a protest or demonstration.
- To advise during the planning process of specific major protests or demonstrations in Greater Manchester.
- To attend major protests or demonstrations, observing police activity and interaction with demonstrators.
- To contribute the debrief process following a major protest or demonstration.
- To provide local and strategic advice as and when required by any division or branch of Greater Manchester Police.

- To observe for a purpose to enable further understanding of the processes, and monitor how and why things happen.

## 8.5.5. GM Health and Justice Partnership Board

### Governance arrangements and terms of reference

#### Vision

***“To provide strategic direction, governance and support for the needs of victims and offenders in Greater Manchester, within or on the edge of the criminal justice system at critical points, to achieve better health and justice outcomes”***

#### Aims and Objectives

- To provide a Greater Manchester wide strategic forum that brings together the health and justice agendas and identifies areas for joint working.
- Through this, provide a mechanism through which there can be a broader integration of health and justice, considering the criminal justice journey across an integrated pathway, including key transition points.
- To provide an arena into which strategic risks in relation to health and justice can be raised and explored.
- To develop and oversee an annual Greater Manchester Health and Justice Plan; ensuring that it meets the aims and objectives set out in other relevant GM plans, (locality plans, police and crime plan, GM health and social care strategy, GM MH and wellbeing strategy)including a commitment to addressing austerity pressures, improving quality and responding to demand issues.
- To provide a mechanism through which to facilitate joint commissioning across the health and justice sectors.
- To encourage innovation and continue to demonstrate a strong partnership commitment to positive health and justice outcomes for victims and offenders.
- To work with both National and GM partners to improve data sharing processes to enable a clear flow of information across the whole criminal justice pathway.
- To raise the profile of Greater Manchester’s health and justice work at both a Greater Manchester and a national level.
- To provide a platform through which to consider current and emerging health and justice policies, their interactions with each other and the implications of these.
- To continue to be the overarching escalation route in relation to any jointly commissioned projects (currently integrated custody healthcare/liaison and diversion and SARC forensics). To include the oversight of significant contractual

issues and receipt of updates where performance notices have been or are planned to be issued.

- Provide updates on relevant health policy initiatives and national/regional developments, identifying any local implications and areas for action. This will include members’ agreement to the timely sharing of information and consulting on developments likely to impact on respective partners.

Mayor
NHSE (NW Team)
NHSE (National Team)
GM Children’s Services
NOMS (HMPPS)
GM Health and Social Care Partnership
GM Adult Social Care
GMP
GM Public Service Reform
GM CCGs
Commissioner of mental health and learning disability services (CCGs)
Courts (magistrates)
GM substance Misuse lead
Public Health

- Link into other relevant forums within Greater Manchester, to ensure working is aligned and updates are fed through the appropriate routes.

**MEMBERSHIP**

**GOVERNANCE ARRANGEMENTS**

Any review will be included as part of Combined Authority work.

Existing arrangements are that any relevant work will report into Justice and Rehabilitation Executive, Victims Programme Board and Joint Commissioning Board.

## 8.5.6 Procurement Governance Group

### Terms of Reference

#### 1. Purpose

1.1. The Procurement Governance Group (PGG) is accountable to the **Mayor** and has been established to guide and advise on the forward procurement plan and to ensure that appropriate approvals can be made by the **Mayor** and that governance and best practice is in place.

1.2. Given the financial importance of procurement policy, both in terms of total spend and in relation to the budget, the Group has responsibility for the development, dissemination and co-ordination of procurement policy and practice for Greater Manchester Police (GMP).

1.3. The Group has specific responsibilities including, but not limited to:

- 1.3.1. develop procurement policy and to monitor the implementation of that policy within GMP;
- 1.3.2. establish the strategies and objectives for implementing that procurement policy;
- 1.3.3. ensure adherence to legal obligations and future development of EC legislation as they relate to procurement in the wider public sector;
- 1.3.4. consider reports and provide advice on tenders, contract extensions and contract variations, that will require the approval of the PCC;
- 1.3.5. ensure that procurement policy pays due regard to the requirements of GMP's wider policy commitments, including VfM, equality, sustainability, economic, social and environmental standards; *and*



- 1.3.6. carry out contract monitoring to ensure contracts are being managed and continue to deliver value for money to the Force.

## **2. Composition**

- 2.1. Membership of the Group shall comprise of representatives from both GMP and the Mayor-

### **GMP Representatives**

- 2.1.1. Assistant Chief Officer and Chair of the Group
- 2.1.2. Head of Business Support Services and Vice Chair
- 2.1.3. Strategic Financial Advice & Reporting Manager
- 2.1.4. Head of Procurement (Interim)
- 2.1.5. Solicitor

### **Mayor Representatives**

- 2.1.6. Deputy Chief Executive
- 2.1.7. **Treasurer to GMCA** or Principal Accountant

### **Secretariat**

- 2.1.8. Procurement Section

### **Other**

- 2.1.9. By invitation, the Group will be supplemented by other attendees from across GMP, or sourced externally, if more relevant experience and expertise is considered necessary at any given meeting.

## **3. Quorum**

- 3.1. Three members attending in person, via teleconference or via videoconference.
- 3.2. The quorum must include either the Partnership Manager or **Treasurers to the GMCA / Principal Accountant in respect of the Mayor's PCC functions** and either the Assistant Chief Officer or the Head of Business Support from GMP.

## **4. Attendance**

- 4.1. Group members to aim to attend 100% of meetings.

## **5. Frequency of Meetings**

- 5.1. The Group will consider the frequency and timing of meetings needed to allow it to discharge all of its responsibilities.
- 5.2. Under normal circumstances the Group will meet at least monthly.

## 6. Papers

- 6.1. The **Head of Paid Service** to agree the agenda with the Chair.
- 6.2. The Head of Procurement will prepare a tender programme (Procurement Activity Report) covering at least the 12 months following each meeting, detailing the items expected to be considered at each meeting.
- 6.3. The procurement activity report will be a living document and is to be a standard agenda item.
- 6.4. Papers to be distributed to members of the Group and those in attendance five working days in advance of the meeting.

## 7. Authority and Approval

- 7.1. The Group has full authority to investigate all matters that fall within these Terms of Reference, which include but are not limited to:
  - 7.1.1. Tender awards < £500,000
  - 7.1.2. Contract extensions and contract variations < £500,000 total value of contract
  - 7.1.3. Tender exemptions < £500,000
- 7.2. The exception being any tender or contract < £500,000 that the **Mayor** has expressed an interest in approving regardless of value.

## 8. Delegated Authority

- 8.1. Urgent matters can be approved outside the meeting by either the Assistant Chief Officer or the Chief Finance Officer in consultation with the **Treasurer to the GMCA**. The nominated deputy of the Assistant Chief Officer or the Chief Finance Officer is authorised to approve urgent matters in his/her absence, again in consultation with the **Mayor**
- 8.2. Any approval made outside the meeting must be recorded in the agenda of the meeting following the decision.

## 9. Review of Terms of Reference

These terms of reference are to be reviewed annually and more frequently should the need arise

### **8.5.7 Greater Manchester Victims Service Programme Board Terms of Reference**

The Greater Manchester Victims Service Programme is a multi-agency board established to coordinate multiple victim-focused work streams across the Greater Manchester area. Principles of operation:

The Board will oversee the delivery of victims' services across multiple agencies in order to:

- Simplify the landscape for victims and ensuring a more consistent and coordinated approach.
- The Board will have regard to the **Mayor's** Police and Crime Plan and associated documents and the Ministry of Justice Commissioning Framework
- The Board will seek to improve the journey of all victims through the criminal justice service.
- The Board will take into account a focus on ensuring an enhanced service and specialist support is available for victims of serious crime, and those who are vulnerable, intimidated or persistently targeted.
- The Board will ensure the voice of the victim at the heart of the Criminal Justice Service, through effective collaboration investment and innovation.
- The Board will ensure victims feel engaged and supported during their journey.

#### **Key responsibilities:**

The Greater Manchester Victim Services Programme Board will:

- Act as a strategic leadership group for the whole of the victim services commissioning linking to wider public service reform.
- Strategically plan a GM-wide reform agenda for victim services, developing new delivery and investment models based on robust evaluation and service redesign.
- To act as a monitoring, policy development and commissioning body for initiatives which seek to improve outcomes for victims in Greater Manchester aligned to the **Mayor's** approach to Victim Services Commissioning.
- Providing leadership with:
  - GM's overall 'victim services strategy'
  - Engagement with partners and providers
  - Ensure we are identifying the right priorities for victims in Greater Manchester
  - Engagement with all local public services to ensure services are integrated, coordinated and sequenced effectively
- Ensure there is a clear plan for effectively managing the MOJ grant funds.

- Drive the development of multi-agency approaches to victim services.
- Understand the interactions, opportunities and risks for how victim services with other reform themes, for example Troubled Families / Complex Dependency.
- Consider appropriate measures to monitor delivery against the aims and objectives of the programme, and ensure delivery of improvements in victim service provision and performance.
- Ensure the people's voice is used to shape service delivery, including our most vulnerable victim groups.
- Ensure compliance with the duties contained within the Victims Code of Practice and EU Directive; in particular ensuring support services are accessible to all victims even if a crime is not reported to a statutory agency such as the Police.
- Receive reports and commission work from the specified working groups and workstreams.
- To receive reports and commission work from the appropriate reporting and representative bodies such as:
  - GMP
  - Public Service Reform
  - New Economy
  - LCJB
  - Justice and Rehabilitation Executive including the Restorative Justice Steering Group
  - Mental Health Strategic Partnership Board
- Link to the GM Police & Crime Steering Group, which provides oversight of the wider police and crime agenda. This will ensure effective alignment with community safety and crime reduction activities, and integration with local partners.
- Link to the Greater Manchester devolution agenda to explore and align opportunities for transforming victim's services.

#### **Administration:**

- Meetings will be administrated and supported by the **Mayor's** Programme Manager and additional support provided by strategic partners.
- Meetings will be held every 2 months – meeting dates to be circulated for 12 months. Items for agenda to be notified to Programme Manager 10 working days prior to any meeting.
- Late items will be accepted at the discretion of the Chair.

- Agenda and relevant paperwork will be distributed 5 working days prior to the meeting.
- Minutes will be distributed 5 working days post the meeting taking place.

### **Core Membership:**

The Board will include a core membership, as below, which will be supplemented by business leads, project managers, and others as required:

- Chair – **Head of Paid Service**
- **Mayor** Strategic support : **Treasurer to the GMCA**, Partnership Manager Criminal justice, Partnership Manager Communities
- GMP: ACC, Finance/Procurement
- New Economy
- PSR
- Provider representative
- LCJB representative
- NHS England
- Public Health representative
- Local Authority representative
- Police and Crime Panel/Community Safety Partnership representative
- VCSE infrastructure organisation representative
- CCG (Wigan/Bury lead for Health & Justice)
- Director Children’s Services/Education Board
- Victim Services Hub: GMP Lead, Local Implementation Officer, Programme Management Officer
- CPS, HMCS, Probation
- GMFRS

## The Mayor's PCC Financial Regulations

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## 1. Introduction and Background

Public sector accounting is covered by a range of government legislation and accounting standards, which have been designed to ensure accountability of public funds. These **Mayor's PCC** Financial Regulations are part of the overall financial regulatory framework which encompasses all aspects of the **Mayor's (insofar as they relate to his PCC functions)** and Chief Constable's financial operations.

The **offices of** Police and Crime Commissioner and the Chief Constable have been established **as corporation soles by the Police Reform and Social Responsibility Act 2011** to employ staff and hold funds in their official capacity. **However, following the introduction of an elected Mayor for Greater Manchester who will exercise PCC functions, the Greater Manchester police area no longer has the office of Police and Crime Commissioner.**

**Instead, the Mayor is to be treated as a Police and Crime Commissioner for the purposes of all police and crime commissioner enactments (whenever passed or made). Any PCC function exercisable by the Mayor is to be taken as a function of the GMCA exercisable by the Mayor acting individually or by a person under delegated arrangements, So whilst any property, rights and liabilities may vest legally in the GMCA as the corporate entity, it is the Mayor who has public accountability for the delivery and performance of the police service, in conjunction with a statutory duty and electoral mandate to hold the police to account on behalf of the public.**

To conduct their business effectively, the **Mayor** and the Chief Constable need to ensure that they have sound financial policies in place and that they are strictly adhered to by means of appropriate controls. Part of this process is to adopt and implement Financial Regulations. These regulations ensure that their financial matters are conducted properly and in compliance with all necessary requirements.

The **Mayor's PCC** Financial Regulations are divided into a number of sections, each with detailed requirements relating to the section heading. References are made throughout the individual sections to levels of authority. These are also summarised in Appendix 1.

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## 2. Scope

The **Mayor's PCC** Financial Regulations are designed to establish financial responsibilities, to confer duties, rights and powers upon the **Mayor, GMCA staff, the Chief Constable and his/her** officers and staff and to provide clarity about the financial accountabilities of groups and individuals. They apply to all employees and officers of the service and anyone acting on their behalf. Breaches of a serious nature may result in disciplinary proceedings against the individuals concerned.

The **Mayor**, Chief Constable and all officers and employees have a general responsibility for taking appropriate action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, properly authorised and provides value for money.

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### **3. Changes to the Financial Regulations**

**The Mayor's PCC** Financial Regulations will be reviewed at least on an annual basis. Amendments not seeking to increase any authority levels and which have no reputational risk for the **Mayor** and/or Chief Constable can be authorised by the **Treasurer** to the **GMCA** and the Chief Finance Officer to the Chief Constable. Any amendments will be reported monthly to the **Mayor** and Chief Constable via the **Finance Governance Group**.

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## 4. Roles & Responsibilities

### 4.1 The Mayor

The **Mayor** has a statutory duty and electoral mandate to ensure an efficient and effective police service and to hold the police to account on behalf of the public. He is responsible for approving the policy framework, the overall framework of accountability and control, and monitoring compliance. This includes:

- The Police and Crime Plan;
- Financial Strategy;
- Annual Revenue Budget;
- Capital Programme;
- Strategic Financial Outlook; and
- Risk Management Strategy.

### 4.2 Chief Constable

The Chief Constable is responsible for the day to day financial management of the Force and the preparation of Chief Constable's Financial Instructions to provide detailed guidance on the operation of specific financial processes controlled by the Force. In operating day to day financial management, the Chief Constable must ensure compliance with the approved policies and levels of authorisation set by the **Mayor**.

Under paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Police Reform and Social Responsibility Act 2011, the Chief Constable is required to appoint a person to be responsible for the proper administration of the Chief Constable's financial affairs, referred to as the Chief Finance Officer to the Chief Constable.

### 4.3 Treasurer to the GMCA

The Treasurer to the GMCA has a fiduciary duty by virtue of his appointment as the person responsible for the administration of the GMCA's financial affairs pursuant to section 73 Local Government Act 1985.

The **Treasurer** to the **GMCA** is responsible for:

- Ensuring that the financial affairs of the **Mayor (insofar as they relate to the Mayor's PCC functions)** are properly administered and that financial regulations are observed and kept up to date;
- Ensuring regularity, propriety and value for money in the use of public funds;
- **Maintenance of the Police Fund including determining appropriate allocations of costs and income from other GMCA budgets and transfers of resources to/from such other budgets**

- **Prepare accounting statements relating to the Police Fund for consolidation into the GMCA Statement of Accounts**
- Reporting to the **Mayor (and to the Police and Crime Panel where it relates to the Mayor's PCC functions)** and to the External Auditor any unlawful or potentially unlawful expenditure by the **Mayor (in relation to PCC functions)** or staff **employed the GMCA and deployed wholly or partly in relation to the Mayor's police and crime commissioner functions** (Section 114, Local Government Finance Act 1988);
- Reporting to the **Mayor** and to the External Auditor, in consultation with the Monitoring Officer where practicable, when it appears that expenditure is likely to exceed the resources (including sums borrowed and reserves) available to meet that expenditure (Section 114, Local Government Finance Act 1988) **(insofar as such expenditure relates to the Mayor's PCC functions); and**
- Advising the **Mayor** on the application of value for money principles by the Force to support him/her in holding the Chief Constable to account for efficient and effective financial management.

The **Treasurer** to the **GMCA** has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the **Mayor** on expenditure **(insofar as such expenditure relates to the Mayor's PCC functions)** and preparing each year, in accordance with proper practices in relation to accounts, a statement of the **Police Fund for reference in the GMCA Statement of Accounts and inclusion of the Chief Constable's accounts in to the GMCA Statement of Accounts.**

The **Treasurer** to the **GMCA** is his professional advisor on financial matters **relating to police and crime commissioner functions.** To enable them to fulfil these duties and to ensure that the **Mayor** is provided with adequate financial advice the **Treasurer** to the **GMCA:**

- Must be actively involved in, and able to bring influence to bear on all strategic business decisions of the **Mayor (insofar as they relate to PCC functions)**, to ensure that the financial aspects of immediate and longer term implications, opportunities and risks are fully considered and aligned with the **Mayor's** financial strategy;
- Must lead the promotion and delivery by the **Mayor** of good financial management **insofar as it relates to PCC functions**, so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively; and
- Must ensure that the finance function is resourced and fit for purpose.

#### **4.4 Chief Finance Officer to the Chief Constable**

The Chief Finance Officer to the Chief Constable has a fiduciary duty by virtue of their appointment as the person responsible for proper financial administration of the Force, under the Police Reform and Social Responsibility Act 2011. The Act includes requirements and formal powers to safeguard lawfulness and propriety in expenditure.

The Chief Finance Officer to the Chief Constable is responsible for:

- Ensuring that the financial affairs of the Force are properly administered and that financial regulations are observed;
- Reporting to the Chief Constable (where it relates to his/her officers and staff), the **Mayor** and the External Auditor any unlawful or potentially unlawful expenditure by the Chief Constable or officers and staff of the Chief Constable (Section 114, Local Government Finance Act 1988);
- Reporting to the Chief Constable, the **Mayor** and the External Auditor, in consultation with the Monitoring Officer where practicable, when it appears that expenditure of the Force is likely to exceed the resources (including sums borrowed and reserves) available to meet that expenditure (Section 114, Local Government Finance Act 1988); and
- Advising the Chief Constable on value for money in relation to all aspects of the Force's expenditure.

The Chief Finance Officer to the Chief Constable has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the Force on expenditure and preparing each year, in accordance with proper practices, a statement of the Chief Constable's accounts.

The Chief Finance Officer to the Chief Constable is his/her professional advisor on financial matters. To enable them to fulfil these duties they:

- Must be a key member of the Chief Constable's Command Team, helping it to develop and implement strategy and to resource and deliver the **Mayor's PCC** objectives sustainably, and in the public interest;
- Must be actively involved in, and able to bring influence to bear on all strategic business decisions of the Chief Constable, to ensure immediate and longer term implications, opportunities and risks are fully considered;
- Must lead the promotion and delivery by the Chief Constable of good financial management, so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively; and
- Must ensure that the finance function is resourced and fit for purpose.

#### 4.5 Monitoring Officer

**The Monitoring Officer is responsible for ensuring the legality of the actions of the Mayor in respect of his PCC functions and his/her staff.**

### 5. Terms and Definitions

<b>Annual Revenue Budget</b>	The approved amount to spend of specified items. It provides a basis on which to monitor financial performance.
<b>Budget Holders</b>	Employees of the <b>GMCA</b> deployed wholly or partly in relation to the <b>Mayor's PCC</b> functions and police

officers or employees of Chief Constable who have been allocated a budget to run the services for which they are responsible.

**Capital Budget**

A capital budget relates to the acquisition or enhancing of fixed assets, such as buildings, equipment and IT with a minimum cost of £20,000 and an expected useful life in excess of one year. All vehicles are capitalised regardless of value.

**CIPFA**

Chartered Institute of Public Finance and Accountancy.

**Ex-gratia Payment**

A payment made where no legal liability or obligation to pay exists.

**Mayor's PCC Financial Regulations**

A set of documented procedures to secure proper administration of the **Mayor's (insofar as they relate to PCC functions)** and Chief Constable's financial affairs through accountability, internal controls and risk management.

**Forecast**

A prediction, based on latest available information (and reasonable assumptions) of the estimated financial position at some point of time in the future (i.e. financial year end).

**Group Accounts**

A consolidated statement showing the **overall** financial position of the **GMCA, which will include Mayoral PCC functions** and **the** Chief Constable's single entity account.

**Intellectual Property**

Certain activities undertaken **by or on behalf of the Mayor** or the Force may give rise to items that could be subject to patents, copyright, design rights or trademarks, such as software development. These items are collectively known as Intellectual Property.

**Project Sponsors**

Project sponsors are responsible for initiating, monitoring and ensuring completion of a capital scheme.

**Reward Payment**

A payment for the supply of additional information in a criminal investigation.

**Risk**

The chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event.

<b>Scheme of Consent</b>	A document that details the key roles of the <b>Mayor</b> and Chief Constable and sets out the activities which the Chief Constable is able to act in his/her own name through the consent of the <b>Mayor</b> .
<b>Mayor’s PCC Scheme of Delegation</b>	An official document from the <b>Mayor</b> assigning authority and responsibility to his/her staff to carry out specific activities or functions or from the Chief Constable assigning authority and responsibility to his/her officers and staff to carry out specific activities or functions.
<b>Sponsorship</b>	The support of event, activity or organisation by providing money or benefit in kind or value to the sponsored event. This is usually in return for some form of “benefit” by association with the police.
<b>Strategic Financial Outlook</b>	A medium term (4 year) estimate of the annual revenue and capital income and expenditure requirements for the Force and <b>Mayor (insofar as it relates to the Mayor’s PCC functions)</b> .
<b>The Force / Greater Manchester Police Force</b>	A collective term that refers to the Chief Constable, police officers, staff employed by the Chief Constable, Police Community Support Officers, special constabulary, cadets and volunteers.
<b>Unofficial Funds</b>	Funds approved by the Chief Constable to be held for exceptional purposes.

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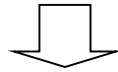
## 6. Procedure

### 6.1 Financial Management Framework

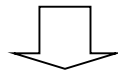
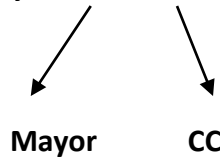
These Regulations should not be seen in isolation, but as part of the overall regulatory and governance framework that includes the **Mayor’s PCC Scheme of Consent, Mayor’s PCC Contract Standing Orders, Mayor’s PCC Scheme of Delegation, and the Chief Constable’s Scheme of Delegation.**



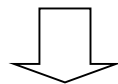
**INTEGRATED SCHEME OF GOVERNANCE**  
(collective term for governance framework documents)



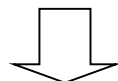
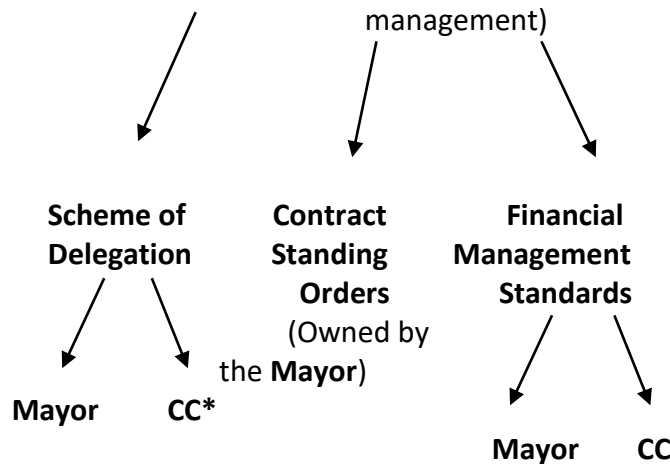
**CODE OF GOVERNANCE**  
(How the **Mayor** and the Force will operate)



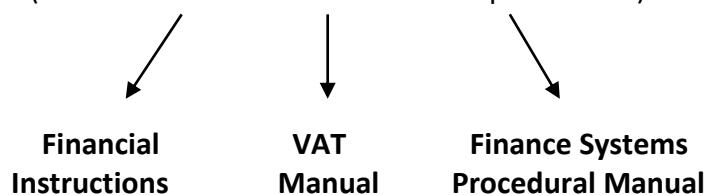
**SCHEME OF CONSENT**  
(**Mayor** setting out the activities which the CC is able to act in his own name through the consent of the **Mayor**)

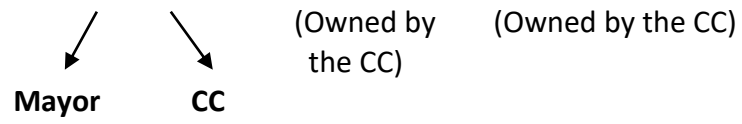


**FINANCIAL REGULATIONS**  
(Required by statute. A set of documented procedures to secure proper administration of the **Mayor** and CC's financial affairs through accountability, internal controls and risk management)



**FINANCIAL OPERATING MANUALS**  
(Detailed financial instructions and procedures)





**\* This will include Financial, HR, Insurance and Legal delegations.**

### 6.1.1 Financial Management Standards

The **Mayor**, Chief Constable, all officers and employees have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working and the controls that are in place to ensure those standards are met.

The **Treasurer** to the **GMCA**, where it relates to **the Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Ensuring that all officers and employees are aware of, and comply with, proper financial management standards; and
- Ensuring that all officers and employees are properly managed, developed, trained and have adequate support to carry out their financial duties effectively.

### 6.1.2 Accounting Systems, Records and Returns

Maintaining proper accounting records is one of the ways in which the **Mayor** and Chief Constable discharge their responsibility for stewardship of public resources. **GMCA** and the Chief Constable are required to prepare annual accounts which are subject to detailed review by the External Auditor. The audit provides assurance that proper arrangements have been made for securing economy, efficiency and effectiveness in the use of resources.

The **Treasurer** to the **GMCA** in consultation with the Chief Finance Officer to the Chief Constable is responsible for:

- Determining the accounting policies for **GMCA** and the Force, in accordance with recognised accounting practices;
- Approving the main accounting systems and procedures employed by **GMCA** and the Chief Constable; and
- Making proper arrangements for the audit of the set of accounts in accordance with the Accounts and Audit Regulations 2011.

The Chief Finance Officer to the Chief Constable is responsible for:

- Agreeing any fundamental changes to accounting policies or procedures with the **Treasurer** to the **GMCA, in relation to the Chief Constable's accounts**; and
- Updating the Chief Constable's Financial Instructions, detailing the Force's accounting procedures.

The **Treasurer** to the **GMCA** and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Ensuring that all transactions, material commitments, contracts, and other essential accounting information are recorded completely, accurately and on a timely basis;

- Maintaining adequate records to provide a management trail leading from the source of income and expenditure through to the accounting statements; and
- Ensuring that key control accounts are reconciled on a timely and accurate basis.

### 6.1.3 Annual Statement of Accounts

The Chief Constable has a statutory duty to prepare annual accounts to present fairly the operations during the year. These accounts must be prepared in accordance with proper practices as set out in the Code of Practice in Local Authority Accounting in the United Kingdom. **These will then be consolidated in to the GMCA Statement of Accounts.**

The accounts are subject to an independent review by the External Auditor, to provide assurance that proper accounting policies have been followed and arrangements have been made for securing economy, efficiency and effectiveness.

The **Treasurer** to the **GMCA** is responsible for:

- Drawing up the timetable for the final accounts preparation, in consultation with the Chief Finance Officer to the Chief Constable and External Auditors; and
- Preparing, signing and dating the **GMCA** statement of accounts, stating that they present fairly the financial position at the accounting date and their income and expenditure for the financial year just ended.

The **Treasurer** to the **GMCA**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Selecting suitable accounting policies and applying them consistently;
- Making judgements and estimates that are reasonable and prudent for all foreseeable events;
- Complying with the Code of Practice on Local Authority Accounting; and
- Publishing the approved and audited single entity and group accounts in accordance with the statutory timetable.

The Chief Finance Officer to the Chief Constable is responsible for:

- Complying with the accounting guidance provided by the **Treasurer** to the **GMCA** and supplying him/her with appropriate information upon request within a reasonable timescale; and
- Preparing, signing and dating the Chief Constable's statement of accounts, stating that it presents fairly the financial position of the Force at the accounting date and its income and expenditure for the financial year just ended.

The Chief Constable is responsible for:

- Approving his/her single entity accounts in accordance with the statutory timetable.

## 6.2 Financial Planning and Control

The **Mayor** and the Force **are together** responsible for commissioning crime reduction services and delivering a range of policing activities. **They** require systems to enable resources to be allocated according to priorities. Financial planning is essential for **them** to function effectively.

The financial planning process should be directed by the policy framework, the business planning process and the need to meet key objectives.

The planning process should be continuous and cover at least 4 years. The process should include a detailed budget, which is an annual plan that covers the forthcoming financial year. This will allow the **Mayor** and the Force to plan, monitor and manage the way funds are allocated and spent.

It is recognised that financial planning in the police service will be constrained by the quality and timing of information made available from central government on resource allocation.

### **6.2.1 Strategic Financial Outlook**

The **Mayor** and the Chief Constable share a responsibility to provide effective financial and budget planning for the short, medium and longer term. This is achieved by preparing a medium term (4 year) estimate of the annual income and expenditure requirements for the **Mayor** and the Force, called the Strategic Financial Outlook. The Strategic Financial Outlook should take in to account the inter-dependencies of revenue budgets and capital investment, having regard to affordability and CIPFA's Prudential Code for Capital Finance in Local Authorities. It should also be aligned with the Police and Crime Plan.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Approving, in consultation with the Chief Constable, the Strategic Financial Outlook which includes funding and spending plans for both revenue and capital.

The **Treasurer to the GMCA (insofar as it relates to the Mayor's PCC functions)** in consultation with the Chief Finance Officer to the Chief Constable is responsible for:

- Determining the format of the Strategic Financial Outlook to be presented to the **Mayor**. This must comply with all legal requirements and with the latest guidance issued by CIPFA;
- Preparing the Strategic Financial Outlook of proposed income and expenditure for submission to the **Mayor**, having regard to:
  - The Police and Crime Plan
  - Policy requirements approved by the **Mayor** as part of the policy framework
  - Unavoidable future commitments, including legislative requirements
  - Initiatives already underway
  - Proposed service developments and plans
  - Revenue implications of the proposed capital programme

- Preparing a medium term forecast of potential resources, including options for the allocation of funds to/from reserves and use of provisions, and an assumption about future levels of government funding; and
- Prioritising spending plans to enable the **Mayor** to make informed judgements about future funding levels and planning the use of resources.

### 6.2.2 Annual Revenue Budget

The revenue budget provides an estimate of the annual income and expenditure requirements for **Mayor** and the Force and sets out the financial implications of their strategic policies. It provides the authority to incur expenditure and a basis on which to monitor financial performance.

The **Mayor**, in consultation with the Chief Constable, will plan the overall annual budget including separate budgets for the Force and the **Mayor**. This will take into consideration funding from government and other sources, and balance the expenditure needs of the policing service against the level of local taxation. This should meet the statutory requirements to achieve a balanced budget under the Local Government Act 2003 and be completed in accordance with the statutory timeframe.

The impact of the annual budget on priorities and funding of future years as set out in the Police and Crime Plan and Strategic Financial Outlook should be clearly identified.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Obtaining the views of the local community on the proposed expenditure, including capital expenditure, in the financial year prior to the year to which the proposed expenditure relates;
- Producing a draft Police and Crime Plan, in consultation with the Chief Constable, which sets out the proposed use of resources for the financial period for consideration by the Police and Crime Panel;
- Presenting the proposed budget and council tax recommendations to the Police and Crime Panel for consideration; and
- Approving the proposed budget and council tax recommendations, having regard to the report by the Police and Crime Panel on the proposed **police component of the precept**.

The **Treasurer** to the **GMCA** is responsible for:

- Determining the timetable for and format of the revenue and capital budgets to be presented to the **Mayor**, in consultation with the Chief Finance Officer to the Chief Constable. The format is to comply with all legal requirements and the latest CIPFA guidance;
- Advising the **Mayor** on the appropriate level of general balances, earmarked reserves and provisions to be held;

- Submitting the budget estimates, council tax implications, precept requirements and allocations required to/from, reserves or provisions to the **Mayor** for approval; and
- Submitting the council tax requirement return to central government and **the GMCA** precept request to appropriate bodies, in accordance with the legal requirement.

The **Treasurer** to the **GMCA**, where it relates to the **Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Preparing detailed budget estimates for the forthcoming financial year in accordance with the agreed timetable.

### 6.2.3 Budgetary Control

Budget management ensures that once the **Mayor** has approved the budget, the resources allocated are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, enabling the **Mayor** and the Chief Constable to review and adjust budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined areas of the budget.

The key controls for managing and controlling the revenue budget are:

- All budgets must be identified to a person who is accountable for controlling and/or monitoring that budget;
- Budget managers will accept responsibility for the budgets under their direct control, the level of service to be delivered and understand their financial responsibility; and
- Budget responsibility is aligned as closely as possible to the decision making process that commits the expenditure.

The **Mayor** is responsible for:

- Identifying the staff that will be responsible for managing and controlling the budgets for the **Mayor (insofar as the budgets relate to the Mayor's PCC functions)**.

The Chief Constable is responsible for:

- Identifying the officers and staff who will be responsible for managing and controlling Force budgets.

### 6.2.4 Revenue Budget Monitoring

By continuously identifying and explaining variances against budgetary targets, the **Mayor** and the Force can identify changes in trends and resource requirements at the earliest opportunity. The **Mayor** and the Chief Constable operate within an annual cash limit,



approved when setting the overall budget. To ensure that they do not overspend, each budget holder is required to manage expenditure within their budget allocation.

The **Treasurer** to the **GMCA**, where it relates to the **Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Ensuring that all budgets are allocated to budget holders who will take responsibility for the budgets under their control;
- Providing appropriate financial information to enable budgets to be monitored effectively;
- Providing sufficient advice, support and training to enable budget holders to undertake budgetary control responsibilities;
- Ensuring that total spending for operational policing remains within the overall allocation of resources and take corrective action where significant variances from the approved budget are forecast; and
- Submitting a budget monitoring and forecasting report to the **Mayor** on a regular basis throughout the year, containing the most recently available financial information.

The **Treasurer** to the **GMCA** is responsible for:

- The budgets for the **Mayor, insofar as they relate to Mayor's PCC functions**; and
- Scrutiny of the Chief Constable's budget monitoring statements.

Budget Holders are required to:

- Manage income and expenditure within their service area;
- Monitor performance on a monthly basis and report to their **Treasurer/** Chief Finance Officer **as the case may be** on variances within their own service area; and
- Take any action necessary to avoid an adverse variation to their budget allocation and alert their **Treasurer/**Chief Finance Officer **as the case may be** to any problems.

### 6.2.5 Capital Programme

Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the **Mayor** or Chief Constable. This can comprise land, buildings, plant, equipment and vehicles. Capital assets shape the way in which services are delivered in the long term and may create prevailing financial commitments in the form of financing costs and revenue running costs.

Capital investment will only be considered if it is affordable, prudent and sustainable. CIPFA's Prudential Code sets out the framework under which the Force and the **Mayor** will consider their spending plans. The capital programme should be linked to an approved appropriate strategy.

Approval of the capital programme for the following year does not authorise expenditure to be incurred until individual projects have been formally approved, in line with the total

annual limit agreed by the **Mayor**. Project sponsors can incur expenditure after an individual project has been approved, providing that expenditure on the scheme does not exceed the amount contained in the specific project approval.

The Chief Constable is responsible for:

- Ensuring that the Force does not enter into finance leases or other credit arrangements without the approval of the **Mayor** and the **Treasurer to GMCA**; and
- Preparing a capital Strategic Financial Outlook for the Force covering the current and subsequent four years.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Approving the annual capital budget and how it is to be financed. **Where borrowing is required this will need to be approved by GMCA.**

The **Treasurer to the GMCA (insofar as it relates to the Mayor's PCC functions)** is responsible for:

- Making recommendations to the **Mayor** on the most appropriate level of revenue support and appropriate levels of borrowing, under the Prudential Code, to support the capital programme; and
- Managing capital schemes originated by the **Mayor**.
- **Seeking approval from GMCA for borrowing requirements**

The Chief Finance Officer to the Chief Constable is responsible for:

- Preparing a rolling programme of proposed capital expenditure by the Force for consideration by the **Mayor**. Each scheme must estimate the total capital cost of a project;
- Ensuring that each capital project has a named sponsoring individual responsible for initiating, monitoring and ensuring completion of the scheme;
- Identifying, in consultation with the **Treasurer to the GMCA**, available sources of funding for the capital programme, including the identification of potential capital receipts;
- Prioritising spending plans to enable the **Mayor** to make informed judgements as to which schemes should be included in the capital programme;
- Monitoring expenditure throughout the year against the approved annual capital programmes managed by the Force;
- Ensuring that increases to Force capital schemes are approved in accordance with the limits for project approvals in Appendix 1;
- Submitting capital monitoring reports to the **Mayor** on a regular basis throughout the year. These monitoring reports will show the spending to date and compare projected income and expenditure with the approved programme. The reports should be in a format agreed with the **Treasurer to the GMCA**;
- Preparing a business case for all new capital schemes;

- Ensuring the items are not transferred between revenue and capital budgets without the prior approval of the **Mayor**; and
- Ensuring that aborted capital expenditure is written-off in accordance with the authorisation levels in Appendix 1.

The Project Sponsor is responsible for:

- Ensuring that all capital projects undergo an assessment that demonstrates value for money and the costs and benefits of the scheme, including all additional revenue and capital costs.

### **6.2.6 Maintenance of Balances and Reserves**

Reserves are maintained as a matter of prudence. They enable the **Mayor (insofar as it relates to his PCC functions)** and Chief Constable to provide for cash flow fluctuations and unexpected costly events, protecting them from overspending the annual budget, should such events occur. Reserves for specific purposes may also be maintained where it is likely that spending requirements will occur in the future.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Approving the policy on reserves and balances, including lower and upper parameters for the level of the general balances.
- Approving the creation of new earmarked reserves. The purpose, usage and basis of transactions should be clearly defined for each reserve created; and
- Approving the allocations of money to/from balances and reserves, as part of the annual budget setting process.

The **Treasurer** to the **GMCA** is responsible for:

- Advising the **Mayor** on the reasonable level of balances and reserves, taking account of the views of the External Auditors; and
- Reporting to the **Mayor** on the adequacy of reserves and balances, before the annual budget and council tax are approved.

The Chief Constable is responsible for:

- Ensuring the approved annual budget is sufficient to finance foreseeable operational requirements; and
- Presenting a business case to the **Mayor** for one-off items to be funded from reserves.

### **6.3 Management of Risk and Resources**

It is essential that there are robust, integrated systems for identifying and evaluating all potential significant corporate risks to the **Mayor** and the Force. This should include the proactive participation of all those associated with planning and delivering services.

All organisations, whether private or public sector face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk cannot be eliminated altogether; however risk management is the planned and systematic approach

to identification, evaluation and control of risk. Its objectives are to secure **police related** assets of the **GMCA** and to ensure the Force's continued corporate and financial wellbeing. It is an integral part of good business practice.

Procedures should be in place to identify, assess, prevent or contain material known risks, with a monitoring process to regularly review the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be formalised and conducted on a continuing basis.

The **Mayor, in respect of his PCC functions** and the Chief Constable, for the Force, are responsible for:

- Approving the risk management policy statement and strategy; and
- Reviewing the effectiveness of risk management.

Chief Officers (**insofar as it relates to the Mayor's PCC functions**) are responsible for:

- Preparing the risk management policy statement for the Force and/or **Mayor**;
- Promoting a culture of risk management awareness, throughout the Force and/or **those members of staff of the GMCA who are deployed wholly or partly in relation to the Mayor's PCC functions** ;
- Maintaining and/or implementing new procedures to assess, prevent or contain material known risks;
- Reviewing the effectiveness of risk reduction strategies and the operation of controls; and
- Ensuring that appropriate business continuity plans are developed, implemented and tested on a regular basis.

The **Treasurer** to the **GMCA**, in consultation with the Head of Paid Service where it relates to the **Mayor's PCC functions**, and the Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Advising the **Mayor**, and Chief Constable, for the Force, on the safeguarding of **police related** assets, including risk management and insurance;
- Determining acceptable levels of risk and what should be insured against; and
- Ensuring that a comprehensive risk register is completed and kept up to date, and that corrective action is taken at the earliest opportunity to mitigate the identified risk.

The Chief Finance Officer to the Chief Constable is responsible for:

- Ensuring that claims made by the Force against insurance policies are completed promptly;
- Notifying the **Treasurer** to the **GMCA where** new risks require insurance and about any alterations affecting existing insurance; and
- Making all appropriate officers and employees aware of their responsibilities for managing relevant risks and provide information on risk management initiatives.

### **6.3.1 Internal Controls**

Internal control refers to the systems of control devised by management to help ensure that the **Mayor's** and the Force's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the assets and interests of the whole organisation are safeguarded.

The combined entity, comprising the **GMCA** and the Force, is complex and requires internal controls to manage and monitor progress towards strategic objectives. These controls are necessary to identify, meet and monitor compliance with statutory obligations.

The whole organisation faces a wide range of financial, administrative and commercial risks, from internal and external factors, which threaten the achievement of its objectives. A system of internal control is necessary to manage these risks and provide measurable achievement of:

- Efficient and effective operations;
- Reliable financial information and reporting;
- Compliance with laws and regulations; and
- Risk management.

The key objective of an internal control system is to promote ownership by defining roles and responsibilities.

The **Mayor (in relation to his PCC functions)** and the Chief Constable, for the Force, are responsible for:

- Implementing effective systems of internal control. They must comply with all applicable statutes and regulations, and other relevant statements from best practice and ensure that public resources are properly safeguarded and used economically, efficiently and effectively;
- Ensuring that effective internal controls are operating in managerial control systems, including policies, setting objectives and plans, monitoring financial and other performance information, taking appropriate anticipatory and remedial action where necessary; and
- Ensuring that effective internal controls are operating for financial and operational systems and procedures, including physical safeguards for assets, segregation of duties, authorisation and approval procedures and robust information systems.

### **6.3.2 Internal Audit Requirements**

Internal audit is an assurance function that must provide assurance regarding the adequacy and effectiveness of controls in responding to risks within the organisation's governance, operations and information systems on the:

- Achievement of the organisation's objectives;
- Reliability and integrity of financial and operational information;
- Effectiveness and efficiency of operations and programmes;
- Safeguarding of assets; and
- Compliance with laws, regulations, policies, procedures and contracts.

The **Mayor** and the Chief Constable are also able to request that Internal Audit carry out value for money studies or other specific projects, but they must maintain the

independence and objectivity of the internal audit team and consider any impact that undertaking this work may have on the internal audit plan for assurance work.

The requirement for an internal audit function is set out in the Accounts and Audit Regulations 2011 (as amended), which states that a relevant body must maintain an adequate and effective internal audit of its accounting records and of its system of internal control, in accordance with the proper practices in relation to internal control.

In fulfilling this requirement the **Mayor** and the Chief Constable must have regard to the Code of Practice for Internal Audit in Local Government in the United Kingdom, issued by CIPFA and the Public Sector Internal Audit Standards. In addition, the Statement on the Role of the Head of Internal Audit in Public Service Organisations issued by CIPFA, sets out best practice and should be used to assess arrangements to drive up the audit quality and governance arrangements.

The Financial Management Code of Practice recommends that the **Mayor (insofar as in relation to the Mayor's PCC functions)** and Chief Constable have a shared Internal Audit Service. **This takes the form of a GMCA shared Internal Audit Service.** In addition to fulfilling the relevant Accounts and Audit Regulations requirements Internal Audit should:

- Satisfy the **Mayor** and the Chief Constable that effective control systems are in place; and
- Satisfy the External Auditor that financial systems and internal controls are effective and the Police Fund is managed so as to secure value for money.

The Internal Audit Charter is a formal document that defines Internal Audit's purpose, authority and responsibility. The Charter establishes Internal Audit's position within the organisation. It authorises access to records, personnel and physical properties relevant to the performance of engagements and defines the scope of Internal Audit activities.

Final approval of the Internal Audit Charter resides with **GMCA** and **the** Chief Constable. The Internal Audit function is monitored by the **GMCA Audit Committee**

The Audit **Panel** is responsible for:

- Providing assurance to the **Mayor** and Chief Constable on the internal control environment and that the potential for risk is minimised;
- Advising the **Mayor** and Chief Constable on the Internal Audit Strategy, in relation to **the Force and, where deemed appropriate by the Treasurer to the GMCA, the Mayor's PCC functions** ;
- Monitoring (but not directing) the Internal Audit Plan, **relating to the Force and, where deemed appropriate by the Treasurer to the GMCA, the Mayor's PCC functions**, and advising on items for inclusion in the plan;
- Receiving progress reports on the Internal Audit work plan and advising the **Mayor** and Chief Constable when appropriate action is not taken in response to audit findings, particularly in areas of high risk; and



- Considering the Head of Internal Audit's Annual Report and annual opinion on the internal control environment for the Force.

The **Mayor (insofar as it relates to his PCC functions)** and the Chief Constable are responsible for:

- Ensuring the provision of an adequate and effective internal audit function;
- Approving the Internal Audit Plan;
- Ensuring that Internal Audit has direct access to all senior officers and employees where necessary; and
- Ensuring that internal auditors have authority to:
  - Access Force premises at reasonable times;
  - Access all assets, records, documents, correspondence, control systems and appropriate personnel, subject to appropriate security clearance;
  - Receive any information and explanation considered necessary concerning any matter under consideration;
  - Require any police officer or employee to account for cash, stores or any other asset under their control; and
  - Access records belonging to third parties, such as contractors, when required.

The Internal Audit function is responsible for:

- Preparing, in consultation with the **Treasurer** to the **GMCA** and the Chief Finance Officer to the Chief Constable, an Internal Audit Plan **relating to the Force** for consideration by the **Mayor** and Chief Constable;
- Delivering an annual Internal Audit Report that can be used to inform the governance statements. The annual internal audit opinion must conclude on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control. It must incorporate an opinion, a summary of the work that supports that opinion and conform with the CIPFA Code of Practice for Internal Audit and the Public Sector Internal Audit Standards; and
- Ensuring that Internal Audit co-ordinates its activities with the External Auditors and other review bodies within the Force.

Chief Officers for both the **Mayor (insofar as it relates to the Mayor's PCC functions)** and the Force are responsible for:

- Providing such information as requested to assist with the internal audit planning process;
- Considering and responding promptly to control weaknesses, issues and recommendations in audit reports; and
- Ensuring that all critical or significant agreed actions arising from the audit are carried out in accordance with the agreed action plan.

### 6.3.3 External Audit Requirements

The external auditors have rights of access to all documents and information necessary for audit purposes.

The basic duties of the external auditors are governed by Section 5 of the Local Government Finance Act 1998 and the Local Government Act 1999. The Code of Audit Practice prescribes the way in which auditors appointed by the Audit Commission carry out their functions under the Local Audit and Accountability Act 2014.

In auditing the annual accounts **for the Chief Constable** the external auditors must satisfy themselves that:

- The accounts are prepared in accordance with the relevant regulations;
- They comply with the requirements of all other statutory provisions applicable to the accounts;
- Proper practices have been observed in the compilation of the accounts;
- The accounts 'presents fairly' the financial position of the the Chief Constable; and
- The whole organisation has made proper arrangements for securing economy, efficiency and effectiveness.

The **Mayor (insofar as in relation to his PCC functions)** and Chief Constable are responsible for:

- Approving the external audit work plan and fee;
- Receiving and approving the annual audit letter; and
- Publication of the annual audit letter.

The Audit **Panel** are responsible for:

- Monitoring the external audit work plan and fee;
- Monitoring the liaison between internal and external audit, ensuring that this is effective and advising the **Mayor** where this may be improved;
- Reviewing the annual audit letter; and
- Advising the **Mayor** on the content of the annual audit letter and progress made in implementing recommendations.

The **Treasurer** to the **GMCA**, where it relates to the **Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Liaising with the external auditors and advising the **Mayor** and Chief Constable on their responsibilities in relation to external audit;
- Ensuring there is effective liaison between external and internal audit;
- Ensuring that, for the purposes of their work, the external auditors are given the access to which they are statutory entitled to in relation to premises, assets,

records, documents, correspondence, control systems and personnel, subject to appropriate security clearance;

- Responding to draft action plans and ensuring that agreed recommendations are implemented in a timely manner; and
- Providing the Home Office with a copy of the annual audit letter.

The Head of Internal Audit is responsible for:

- Ensuring the external auditors receive copies of all Internal Audit reports as they are issued.

#### **6.3.4 Preventing Fraud and Corruption**

The **Mayor** and Chief Constable will not tolerate fraud or corruption in the administration of their responsibilities, whether inside or outside of the organisation. Their expectations of propriety and accountability is that all police officers and staff at all levels will act with integrity and lead by example in ensuring adherence to legal requirements, rules, procedures and practices. They also expect that individuals and organisations (i.e. suppliers, contractors and service providers) with whom they come into contact will act with honesty and integrity. These expectations are embedded within the procurement process and Contract Standing Orders.

The **Mayor** and the Chief Constable each have policies and procedures in place to assist staff and officers to make protected disclosures (known more commonly as “whistleblowing”). The **Mayor** and the Chief Constable also have procedures in place for dealing with complaints made by the general public and others, such as contractors. Those procedures will ensure that any concerns and complaints raised are proportionately investigated and that action is taken to address any improper conduct.

Any police officer or employee of the Chief Constable **and any member of staff of the GMCA** who suspects fraud, misappropriation of property or resources, corruption or other financial irregularity in respect of the **exercise of PCC functions by the Mayor or officers**, or the Force must ensure that this is reported to their Chief Finance Officer.

The the Chief Constable, for the Force, is responsible for:

- Maintaining the policy relating to whistleblowing and ensuring that all police officers and employees of the the Chief Constable are aware of it;
- Promoting a culture that will not tolerate fraud or corruption; and
- Ensuring that adequate and effective control systems are in place.

The **Treasurer** to the **GMCA** is responsible for:

- Notifying the **Head of Paid Service** of any suspected fraud, theft, irregularity, improper use or misappropriation of the **GMCA’s** property or resources.

The Chief Finance Officer to the Chief Constable is responsible for:

- Notifying the Chief Constable and **Treasurer** to the **GMCA** of any suspected fraud, theft, irregularity, improper use or misappropriation of property or resources of the Chief Constable or the **GMCA**.

### 6.3.5 Security of Assets

The **GMCA** and the Force **manage** assets in the form of land, property, vehicles, equipment, furniture and other items. Taken together these are worth many millions of pounds. It is important that these assets are safeguarded and used efficiently in service delivery. There should be proper arrangements for the security of assets and information required for service operations, and for the disposal, enhancement and replacement of assets. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

The **GMCA** owns and funds all assets regardless of whether they are used by the **Mayor (insofar as they relate to his PCC functions)**, the Force or both.. The Chief Constable has day-to-day management of all assets used by the Force but is only able to acquire property (other than land or buildings) with the consent of the **Mayor**. The Chief Constable is not permitted by law to acquire or dispose of land.

Resources are only to be used for the purposes of the **Mayor's PCC functions** or the Force, and should be available for use when required and properly accounted for.

The **Mayor, (insofar as it relates to his PCC functions)** and the Chief Constable, for the Force, are responsible for:

- Ensuring that assets and records of assets are properly maintained and securely held;
- Ensuring that contingency plans for the security of assets and the continuity of service in the event of disaster or system failure are in place;
- Ensuring that valuable and portable items (i.e. laptops) should be identified with security markings as belonging to the **GMCA (insofar as being used for PCC Functions)** or the Force;
- Ensuring that an asset register is maintained for all fixed assets in excess of the limits in Appendix 1, to provide information about fixed assets so they are safeguarded and valued in accordance with statutory and management requirements;
- Ensuring that the asset register is updated when changes occur in respect to condition or ownership; and
- Ensuring that all police officers and staff are aware of their responsibilities with regard to safeguarding assets and information, including the requirements of the Data Protection Act and software copyright legislation.

The **Head of Paid Service** is responsible for:

- Arranging the safe custody of all title deeds.

### 6.3.6 Inventories

The **Mayor (insofar as it relates to his PCC functions)** and the Chief Constable, for the Force, are responsible for:

- Ensuring that inventories are maintained, in a format approved by their Chief Finance Officer **and the Treasurer to the GMCA**, that record an adequate description of portable and desirable items (i.e. laptops) in accordance with the requirements in Appendix 1; and
- Ensuring that the existence and condition of a random sample of items are verified on an annual basis.

### 6.3.7 Stocks and Stores

Stocks must be maintained at reasonable levels so as to balance the need for availability and the risk of obsolescence. Where significant, values of stocks and stores at 31<sup>st</sup> March each year should be certified and included in the annual accounts.

The Chief Finance Officer to the Chief Constable is responsible for:

- Making arrangements for the control of Force stocks and stores and maintaining detailed stores accounts in a form approved by the **Treasurer to the GMCA**;
- Ensuring that a complete stock check is completed and certified by an authorised member of staff at least once a year, either by means of continuous or annual stock take;
- Ensure that a complete stock check is completed whenever stock keeping duties change;
- Writing off discrepancies between the actual level of stock and the book value of stock, in accordance with the approval levels in Appendix 1; and
- Writing off obsolete stock or equipment and materials surplus to requirements in accordance with the approval levels in Appendix 1.

### 6.3.8 Intellectual Property

Certain activities undertaken **by or on behalf of the Mayor in respect of his PCC functions** or the Force may give rise to items that could be subject to patents, copyright, design rights or trademarks (i.e. software development). These items are known collectively as intellectual property. If any intellectual property is created by an employee during the course of employment, then as a general rule, this will belong to the employer not the employee.

The **Mayor (insofar as it relates to his PCC functions)** and the Chief Constable, for the Force, are responsible for:

- Approving the intellectual property policy for the **GMCA** and the Force; and

- Ensuring that police officers and employees are aware of the content of the intellectual property policy.

### **6.3.9 Disposal of Capital Assets**

It would be uneconomical and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the Mayor's Schemes of Delegation relating to PCC Functions. All requests to write-off capital assets must be approved in accordance with the approval levels and requirements in Appendix 1.

Where an existing capital asset, on the asset register, is being traded in to reduce the cost of a replacement, this will need the approval of the **Treasurer to the GMCA**. All asset disposals must be recorded in the asset register or inventory as appropriate.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Approving the disposal of land and buildings; and
- Determining the appropriate method of disposal for surplus land and buildings.

The **Treasurer to the GMCA** is responsible for:

- Approving the trade in of capital assets on the asset register to reduce the cost of the replacement.

The Chief Finance Officer to the Chief Constable is responsible for:

- Disposing of surplus assets (except land and buildings) in accordance with the approval levels in Appendix 1; and
- Disposing of surplus vehicles in accordance with the approval levels in Appendix 1.

### **6.3.10 Police Property Act Fund**

The Police (Property) Act 1997 is a fund whereby allocations are received from the sale of recovered stolen goods or property that has been found. If the owners of the recovered items are not traceable then they are sold at auction. The monies from the sale of goods are then redistributed by way of grants or donations to local charitable bodies that support and complement local policing and crime reduction priorities.

The Chief Finance Officer to the Chief Constable is responsible for:

- Approving the sale of recovered stolen goods or property that has been found, in accordance with the authorisation levels in Appendix 1; and
- Determining those items of crime property which may be retained for police purposes.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Approving donations to charitable bodies within the Greater Manchester area in accordance with the requirements of the Police (Property) Act 1997.

### **6.3.11 Treasury Management**

**The Treasury Management function will be provided by the GMCA. Processes will be in place to ensure that the correct allocation of income and expenditure associated with the Treasury Management Function to the Police Fund. Prudential Indicators relating to the Police Fund will be incorporated in to the GMCA Treasury Management Strategy.**

### 6.3.12 Banking Arrangements

**All banking arrangements will be managed by GMCA for which the Treasurer to the GMCA is responsible.**

The Chief Finance Officer to the Chief Constable is responsible for:

- Making banking arrangements for any covert accounts required for operational policing purposes and ensuring that they are maintained in accordance with clear procedures; and
- Ordering, controlling and issuing the cheques required from Force bank accounts to support operational policing.

### 6.3.13 Imprest Accounts / Petty Cash

Imprest accounts are petty cash floats and/or bank accounts that are used to enable small incidental payments to be made quickly. A record of payments from the account should be maintained to control the account and ensure that expenditure can be substantiated, accurately reflected in the accounts and correctly reimbursed to the account holder. Under no circumstances must any imprest account go overdrawn.

The **Treasurer to the GMCA**, where it relates to the **Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Authorising the use of imprest accounts for the purpose of paying petty cash and other expenses.

The Chief Finance Officer to the Chief Constable is responsible for:

- Setting the limits on the use of Force imprest accounts;
- Preparing detailed financial instructions for dealing with petty cash;
- Ensuring that records of all transactions and petty cash advances are maintained;
- Ensuring that the accounts are regularly reimbursed and do not go overdrawn; and
- Reviewing the arrangements for the safe custody and control of these accounts.

### 6.3.14 Custody of Unofficial Funds

Unofficial funds are funds approved by **the** Chief Constable to be held for exceptional purposes.

No unofficial fund should be opened without specific approval of the **Mayor** where it relates to **his PCC functions**, and the Chief Constable, where it relates to the Force. Any charity donations received must go through the Force Sports and Social Club.



The **Mayor (where it relates to his PCC functions)** and the Chief Constable, for the Force, are responsible for:

- Approving new unofficial funds; and
- Agreeing the audit requirements for new unofficial funds.

All police officers and staff are responsible for:

- Ensuring that no unofficial funds are set up in the name of the **Mayor** without obtaining **his** permission; and
- Ensuring that no unofficial funds are set up in the name of the Chief Constable and/or the Force without obtaining his/her permission.

### **6.3.15 Seized Cash and Private Property**

The Chief Constable is required to exercise a duty of care and safeguard evidential and non-evidential property pending decisions on its ownership, or private property of an individual (i.e. a suspect in custody).

The Chief Constable is responsible for:

- Determining the procedures for the safekeeping of the private property of a person, other than a member of staff, under his/her guardianship or supervision, and ensuring that they are made available to all appropriate employees;
- Determining the procedures for the safekeeping of found or seized property and ensuring that they are made available to all appropriate employees; and
- Issuing separate financial instructions for dealing with cash, including cash seized under the Proceeds of Crime Act.

All police officers and staff are responsible for:

- Notifying the Chief Constable in the case of loss or diminution in value of such private property.

### **6.3.16 Gifts, Loans and Sponsorship**

In accordance with the Police Act 1996, the **Mayor** may decide to accept donations of money and gifts, or loans of other property or services, if they will enable the police either to enhance or extend the service which they would normally be expected to provide.

As a general rule, the **Mayor** does not allow sponsorship relating to operational policing, however he/she may approve sponsorship in a limited number of circumstances (i.e. sponsorship for community or award events). Where sponsorship is accepted it must be made clear that the **Mayor** or the Force do not endorse the sponsoring organisation or its products.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Approving the policy on gifts, loans and sponsorship;
- Reviewing the protocol for acceptance of sponsorship on an annual basis; and
- Reviewing the monthly report on all gifts, loans and sponsorship.

The Chief Finance Officer to the Chief Constable is responsible for:

- Ensuring that Force sponsorship is approved in accordance with the requirements and approval limits in Appendix 1;
- Presenting a monthly report on all gifts, loans and sponsorship to the **Mayor**;
- Maintaining a central register of all sponsorship initiatives and agreements; and
- Banking cash from sponsorship activity in accordance with normal income procedures.

#### **6.4 Systems and Procedures**

There are many systems and procedures relating to the control of Force and the assets **held by the GMCA in respect of the Mayor's PCC functions**, including purchasing, costing and management systems. This information must be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

It is vital that operating systems and procedures are secure and that basic data exists to enable objectives, targets, budgets and plans to be formulated and measured.

The **Treasurer to the GMCA** and the Chief Finance Officer to the Chief Constable have a statutory responsibility to ensure that the financial systems are sound and should therefore be notified of any proposed new developments or changes. The financial systems must not be replaced, significantly upgraded or added to without the approval of the **Treasurer to the GMCA**.

The **Treasurer to the GMCA** is responsible for:

- Approving the replacement, significant upgrades and additions to existing financial systems.

The **Treasurer to the GMCA**, where it relates to the **Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Ensuring that systems are secure, adequate internal control exists and accounting records are properly maintained and held securely;
- Ensuring that effective contingency arrangements, including back up procedures are in place in the event of a failure in computer systems; and
- Ensuring that all employees are aware of their responsibilities with regard to safeguarding the security of Force systems, including maintaining restricted access to the information held on them and compliance with the information and security policies.

#### 6.4.1 Income

Income is vital to the Force and effective systems are necessary to ensure that all income due is identified, collected, receipted and banked promptly.

The **Mayor** and the Chief Constable should adopt the **National Police Chiefs Council (NPCC)** national charging policies and national guidance when applying charges under Section 25 of the Police Act 1996. **NPCC** charging policies should also be adopted in respect of mutual aid. This ensures a standard approach for all Forces.

The **Mayor (insofar as it relates to his PCC functions)** is responsible for:

- Authorising the level of fees and charges for policing services and collection policies.

The **Treasurer to the GMCA**, where it relates to the **the Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Making arrangements for the collection of all income due to the **Mayor in respect of his PCC functions** or the Force, and approving the procedures, systems and documentation for its collection, including the correct charging of VAT;
- Producing a charging policy for the supply of goods and services, including the appropriate charging of VAT, for consideration by the **Mayor**;
- Ensuring that all income is paid fully and promptly into the **GMCA** bank account and appropriate details are recorded on the paying-in slips to provide an audit trail; and
- Ensuring that income is not used to cash personal cheques or make other payments.

The Chief Finance Officer to the Chief Constable is responsible for:

- Ordering and supplying, to appropriate staff, all receipt forms or books and be satisfied as to the arrangements for their control;
- Ensuring that official receipts or other suitable documentation are issued for all income received;
- Operating an effective debt collection process; and
- Ensuring that debts which cannot be recovered are written-off in accordance with the approval limits in Appendix 1.

#### 6.4.2 Ordering and Paying for Goods and Services

Public money should be spent in accordance with the policies of the **Mayor** and Chief Constable. **Both have** a statutory duty to ensure financial probity and best value. These **Mayor's PCC** Financial Regulations help to ensure that the public can receive value for money and should be read in conjunction with the **Mayor's PCC** Contract Standing Orders.

The **Mayor (insofar as it relates to his PCC functions)** and the Chief Constable, for the Force, are responsible for:

- Ensuring that all police officers and staff declare any links that they may have with purchasers, suppliers and contractors if they are engaged in contractual or purchasing decisions.

The **Treasurer to the GMCA** , where it relates to **the Mayor's PCC functions** , and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Maintaining a procurement policy covering the principles to be followed for the purchase of goods and services;
- Ensuring official orders are raised for all work, goods and services to be supplied to the **Mayor in respect of his PCC functions** or the Force, apart from the exemptions detailed in the **Mayor's** or the Chief Constable's Financial Instructions;
- Ensuring that orders are not raised for any personal or private purchase, and that personal or private use is not made of Force contracts;
- Ensuring that goods and services ordered are appropriate and that there is adequate budgetary provision. Quotation and tenders must be obtained in line with the **Mayor's PCC Contract Standing Orders**;
- Ensuring that payments are made to the correct person, at the correct amount, on time and be recorded properly, regardless of the method of payment; and
- Ensuring that VAT is recovered where appropriate.

#### **6.4.3 Payments to Employees**

Employee costs are the largest item of expenditure for the Force. It is important that controls are in place to ensure accurate, timely and valid payments are made in accordance with individuals' conditions of employment.

The Chief Constable, for the Force, are responsible for:

- Ensuring that all appointments are made in accordance with approved establishments, grades and pay scales and adequate budget provision is available.

The Chief Finance Officer to the Chief Constable is responsible for:

- Ensuring proper authorisation procedures are in place for starters, leavers, variations, enhancements and pensions;
- Ensuring the secure and reliable payment of salaries, overtime, police pensions, compensation and other emoluments to existing and former employees;
- Making arrangements for the payment of all travel and subsistence claims;
- Ensuring that payroll transactions are only processed through the payroll system;
- Ensure that payments to individuals employed on a self-employed, consultant or subcontract basis are only made in accordance with HM Revenue and Customs requirements;

- Ensuring that full records are maintained of payments in kind and promptly accounted for in HM Revenue and Customs returns;
- Ensuring the accurate and timely payment of tax, superannuation and other deductions to the relevant body; and
- Preparing detailed financial instructions for dealing with payments to employees.

#### 6.4.4 Taxation

Tax issues are very complex and the penalties for incorrectly accounting for tax are often severe. Taxation governance policies and procedures should be based on the principles of integrity in compliance and reporting, maintenance of an up-to-date knowledge of current tax legislation and controlling and managing risks.

The **Mayor (insofar as in relation to his PCC functions)** and the Force must comply with all tax regulations and statutory disclosure requirements. Openness, honesty and transparency must be paramount in all dealings with the tax authorities. Compliance and preventing unnecessary liabilities from arising is best achieved by having:

Strong and well documented procedures;

- Clarity of responsibility and accountability;
- Strong technical positions and clear explanations of those positions;
- Appropriately documented evidence to support decisions;
- Submission of all returns by their due dates;
- Well established relationships with the tax authorities;
- Strong compliance procedures ensuring accurate and complete returns;
- A strategic tax register that is reviewed annually and has a detailed assessment of the risk, including but not limited to:
  - A full description of the issue, including a clear summary of the facts
  - An assessment of the financial and non-financial costs and implications
  - An assessment of the probability of the risk crystallising
  - Recommendations; and
- A review of tax risk management as part of the annual assessment of the Force's control environment by Internal Audit.

The Chief Finance Officer to the Chief Constable, is responsible for:

- Ensuring compliance with all tax regulations and statutory disclosure requirements;
- Ensuring that all officers and employees are aware of, and comply with, all relevant approvals and procedures;
- Ensuring the completion of all HM Revenue and Customs PAYE returns and that payment is made in accordance with statutory requirements;
- Ensuring the correct VAT liability is attached to all income due and all VAT on purchases comply with HM Revenue and Customs regulations;
- Providing details to HM Revenue and Customs regarding the Construction Industry Tax Deduction Scheme; and

- Ensuring that appropriate technical staff have access to up to date guidance notes and professional advice.

The Chief Finance Officer to the Chief Constable is responsible for:

- Ensuring the timely completion of VAT inputs and outputs to **GMCA to allow for a consolidated claim to be made to** HM Revenue and Customs, in accordance with statutory requirements.

#### 6.4.5 Purchase Cards

Purchase cards are an alternative method of buying and paying for low value goods, which generate a high volume of invoices. This should generate an efficiency from lower transaction costs (i.e. fewer invoices processed and paid for through the integrated accounts payable system), as well as reducing the number of petty cash transactions.

The Chief Finance Officer to the Chief Constable is responsible for:

- Providing detailed financial instructions to card holders;
- Authorising and maintaining control over the issue of cards; and
- Ensuring that the purchase card accounts are reconciled to the ledger on a monthly basis.

Purchase Card holders are responsible for:

- Ordering and paying for goods and services in accordance with the procurement policy, **the Mayor's PCC** Contract Standing Orders and all procedures issued by their Chief Finance Officer **or Treasurer**.

#### 6.4.6 Ex-gratia Payments

An ex-gratia payment is a payment made by the **Mayor in relation to his PCC functions** or the Force where no legal liability or obligation to pay has been established.

The Chief Constable is responsible for:

- Making ex-gratia payments to members of the public in accordance with the authorisation levels in Appendix 1 for:
  - Damage or loss to property or for personal injury
  - Costs incurred as a result of police action where such action is likely to facilitate or is conducive or incidental to the discharge of any of the functions of the Force;
- Making ex-gratia payments to a police officer, police staff or any member of the extended police family in accordance with the authorisation levels in Appendix 1, for damage or loss of property or for personal injury; and
- Maintaining details of ex-gratia payments in a register.

### 6.4.7 Reward Payments

A reward payment is a payment for the supply of additional information in a criminal investigation. This must be accompanied by a risk assessment of the opportunities and threats that offering a reward might create on the credibility of witnesses or the behaviour of the offender. It should be made clear to any potential witnesses that there is no guarantee of a reward being made.

The Chief Constable is responsible for:

- Making reward payments in accordance with national guidelines and the authorisation levels in Appendix 1, for the supply of information aiding a criminal investigation:
  - If it is thought that offering a cash reward would bring an investigation to an early conclusion, reducing the resources required for the enquiry;
  - In the latter stages of an investigation, where all lines of enquiry have been exhausted and the Senior Investigating Officer hopes to revive media attention before the decision is made to close the case;
  - Where, in the opinion of the Senior Investigating Officer, the offer of a more substantial reward than that available through Crimestoppers is necessary as part of the investigating strategy; and
  - Where it is unlikely that a financial reward may be offered by any private or public body (e.g. a bank, an insurance company, the victim's family or the media). If any private or public body has offered a reward, the Senior Investigating Officer should contact the person offering the reward to make sure it is suitable and that the Chief Constable will not be made financially liable.
- Advising the **Mayor** of any payments that have been made.

### 6.5 External Arrangements

Public bodies are increasingly encouraged to provide seamless service delivery through working closely with other public bodies, local authorities, agencies and private sector providers.

Joint working arrangements can take a number of different forms, each with its own governance arrangements. These include:

- Partnerships where members work together as equal partners, with a shared vision for a geographic or themed policy area, and agree a strategy in which each partner contributes towards its delivery; and
- Collaboration agreements to improve the efficiency or effectiveness of one or more police force or Police and Crime Commissioners.

Stakeholders engaged in joint working arrangements have common responsibilities:

- To act in good faith at all times and in the best interests of the partnership's aims and objectives;
- To be willing to take on a role in the broader programme, appropriate to the skills and resources of the contributing organisation;
- To be open about any conflicts that might arise;
- To encourage joint working and promote the sharing of information, resources and skills;
- To keep secure any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
- To promote the joint arrangement.

In all joint working arrangements the following key principles must apply:

- Before entering into the agreement, a risk assessment has been prepared; and
- All risk and insurance issues are understood fully and considered.

For more complex arrangements, involving pooling of resources and budgets, the following key principles must also apply:

- Such agreements do not impact adversely upon the services provided by the Force;
- Project appraisal is in place to assess the viability of the project in terms of resources, staffing and expertise;
- All arrangements are properly documented;
- Regular communication is held with other partners throughout the project in order to achieve the most successful outcome;
- Audit and control requirements are satisfied;
- Accounting and taxation requirements, particularly VAT, are understood fully and complied with; and
- An appropriate exit strategy has been produced.

The Force element of all joint working arrangements must comply with the **Mayor's PCC** Financial Regulations.

### **6.5.1 External Funding**

External funding can be a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the whole organisation. Funds from external agencies provide additional resources to enable the **Mayor** to commission crime reduction services and the Force to deliver its policing objectives.

The main source of funding for the Force will tend to be specific government grants and additional contributions from local authorities. All external funding will be received by the **GMCA**.

The **Mayor (in relation to his PCC functions)** and the Chief Constable, for the Force, are responsible for:



- Ensuring that match-funding requirements and exit strategies are considered prior to entering into any agreements and that future Strategic Financial Outlook forecasts reflect these requirements.

The **Treasurer to the GMCA**, where it relates to **the Mayor's PCC functions**, and Chief Finance Officer to the Chief Constable, where it relates to the Force, are responsible for:

- Ensuring that all funding notified by external bodies is approved in accordance with the authorisation levels in Appendix 1, received and properly accounted for; and
- Ensuring that all claims for funds are made by the due date and any audit requirements specified in the funding agreement are met.

The Chief Constable is responsible for:

- Ensuring that funds are acquired only to meet policing needs and objectives;
- Ensuring that key conditions of funding and any statutory requirements are complied with and the responsibilities of the accountable body are clearly understood; and
- Ensuring that any conditions placed on the Force in relation to external funding are in accordance with the approved policies of the **Mayor**.

### 6.5.2 Work for External Bodies

**GMCA (in relation to the Mayor's PCC functions)** and the Chief Constable may provide services to other bodies outside of their normal obligations, for which charges are made (e.g. training and special services). Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is not ultra vires.

The **Treasurer to the GMCA** and the Chief Constable are responsible for:

- Ensuring that requests for services are costed, that no contract is subsidised by the Force and that, where possible, payment is received in advance of the delivery of the service so that the Force is not put at risk from any liabilities such as bad debts.
- Ensuring that appropriate insurance arrangements are in place;
- Ensuring that all contracts or agreements are properly documented;
- Ensuring that such contracts or agreements do not impact adversely on the services provided by the Force; and
- Ensuring that recharges are calculated in line with national guidance on charging.

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## 7. Associated Documents

- Chief Constable's Financial Instructions
- Chief Constable's Scheme of Delegation
- **Mayor's PCC** Code of Governance

- **Mayor's PCC Contract Standing Orders**
  - **Mayor's PCC Financial Management Code of Practice**
  - **Mayor's PCC Scheme of Delegation**
  - **Police Reform and Social Responsibility Act 2011**
  - **Mayor's PCC Scheme of Consent**
  - **The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017**
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## **8. Statutory Compliance**

### **8.1 Freedom of Information Act (2000)**

This document will be available on the GMCA's website and will be available to the public on request.

### **8.2 Equality Act 2010**

Equality issues may arise in the exercise of specific functions (i.e, procurement of goods and the award of contracts) but these are subject to competition. Specific policies and procedures will need to be followed and the **Mayor** recognises his obligations arising from the Equality Act 2010.

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## **9. Appendix 1 – Delegated Financial Limits and Reporting Requirements**

### **9.1 Financial Planning and Budgetary Control**

#### **9.1.1 Project Approvals**

The annual revenue and capital estimates should identify all of the proposed major projects. A major project shall be defined as one in excess of the estimated value of £500,000. Projects with an estimated cost of less than this amount will be deemed as a minor project.

There is no differentiation between capital and revenue projects in terms of the approval process. Any projects, whether they are capital, revenue or a combination of the two will require the approval of the **Mayor** if they are in excess of £500,000. The Estates Maintenance and Vehicle Replacement Programmes, within the approved annual budget, may be approved by the Estates Strategy Design Group and the Fleet Group.

Where the cost of a major project increases by the lesser of 10% or £500,000, this variation will require the approval of the **Mayor**. Variations below this amount can be approved by the Chief Constable.

Resources Board can approve any increases to minor projects provided that the new revised implementation cost does not exceed £500,000. Where the revised cost of a minor project exceeds £500,000 this must be approved by the **Mayor**.

### **9.1.2 Budget Transfers and Forecasts**

Monthly revenue and capital budget monitoring statements will be shared with the **Treasurer to the GMCA**. Forecasts will be agreed at the Revenue Review Group or Capital Review Group, which a representative **of the Mayor** will attend. That representative will have the power to defer a decision for the consideration of the **Mayor**.

### **9.1.3 Year End Carry Forwards**

The Chief Constable may approve all individual revenue carry forwards up to £500,000.

Requests for individual revenue budget carry forwards in excess of £500,000 must be authorised by the **Mayor**.

The Chief Constable may approve slippage in the capital programme provided that no additional funding is required to fund the slippage. Where additional funding is required this must be approved by the **Mayor**

## **9.2 Contracting**

### **9.2.1 Ordering of Goods and Services**

Quotations should be obtained or tenders invited from suppliers or contractors in accordance with the requirements set out in the Contract Standing Orders.

Detailed estimates for each scheme in the approved capital programme shall be prepared by the responsible officer before tenders are sought or commitments made.

### 9.3 Assets

#### 9.3.1 Asset Register

The **Mayor (insofar as it relates to his PCC functions)** shall maintain an asset register for all fixed assets with a value in excess of the limits shown below:

Land and Buildings	All values
Vehicles	All values
Plant and Equipment	£20,000

#### 9.3.2 Personal Equipment

The Chief Constable and **Head of Paid Service** shall maintain inventories of all computers and personal equipment issued to police officers and staff within their own office.

#### 9.3.3 Asset Disposal / Write-off's

Disposals of land and buildings are to be reported to the **Mayor** for approval in advance of the disposal. The **Mayor** will determine the appropriate method of disposal of surplus land and buildings.

The Chief Constable may dispose of surplus vehicles and items of equipment, or sell recovered stolen goods and property that has been found, up to an estimated value of £10,000 per item. Disposals above this value and their method of disposal require the prior approval of the **Mayor**.

Requests to write-off aborted capital expenditure must be referred to the Finance Governance Group for approval.

### 9.4 Write-off's

#### 9.4.1 Stock Write-off's

Discrepancies between the actual level of stock and the book value of stock may be written-off by the Chief Constable up to the levels shown below. Amounts for write-off above this value must be referred to the **Treasurer to the GMCA** for approval.

Individual Items	£10,000
Overall Annual Limit on all Stock	£100,000

Obsolete stock, or equipment and materials surplus to requirements may be written-off by the Chief Constable up to the levels shown below. Amounts for write-off above this value must be referred to the **Treasurer to the GMCA** for approval.

Individual Items	£10,000
Overall Annual Limit on all Stock	£100,000

If it is likely that the overall limit will be exceeded this should be reported to the **Mayor** who may determine to increase the overall limit for the year. The approval limits for the Chief Constable excludes any amount that has been approved by the **Mayor**.

### 9.4.2 Irrecoverable Debt

Debts may be written-off by the Chief Constable up to the level shown below. Amounts for write-off above this value (**insofar as they relate to the Mayor's PCC functions**) must be referred to the **Treasurer to the GMCA** for approval.

Individual Items	£10,000
Overall Annual Limit	£100,000

If it is likely that the overall limit will be exceeded this should be reported to the **Mayor** who may determine to increase the overall limit for the year.

### 9.4.3 Theft and Fraud

All cases where write-off action results from theft or fraud shall be referred to the **Treasurer to the GMCA** and the Chief Finance Officer to the Chief Constable for approval up to a maximum of £10,000; and to the **Mayor** or approval of amounts in excess of that sum.

All write-off's must be reported to the **Mayor** on a monthly basis.

## 9.5 Other Payments

### 9.5.1 Ex-gratia Payments

The Constable may make ex-gratia payments up to the value shown below:

Ex-gratia Payments	£50,000
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Payments in excess of £50,000 should be determined in consultation with the **Mayor**.

### 9.5.2 Civil Claims

The Constable may defend or settle civil claims up to the value shown below:

Civil Claims	£50,000
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Claims that require settlement, or defence of a claim, in excess of £50,000 should be determined in consultation with the **Mayor**. Consideration needs to be given to the overall legal costs prior to settling or defending any claim.

### 9.5.3 Reward Payments

The Chief Constable may offer reward payments up to the value shown below:

Reward Payment	£50,000
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If the amount to be offered is more than £50,000, the **Mayor** and the **Head of Paid Service** must be consulted to approve the offer and agree the amount.

When a reward is offered, the **Mayor** must be told as soon as possible.

## **9.6 External funding, Sponsorship and Income Generation**

### **9.6.1 External Funding**

The Chief Constable may accept external funding from central government and other public sector bodies which has a match funding requirement of less than £250,000.

External funding from central government and other public sector bodies that requires match funding in excess of £250,000 must be authorised by the **Mayor**.

Any external funding from commercial organisations must be authorised by the **Mayor**.

All external funding must be reported to the **Mayor** on a monthly basis.

### **9.6.2 Sponsorship**

As a general rule sponsorship relating to operational policing is not acceptable, however the **Mayor** accepts that sponsorship may be acceptable in a limited number of circumstances (i.e. sponsorship for community events and award events).

In these circumstances the Chief Constable may approve individual sponsorship's (in kind and/or value up to £10,000).

Sponsorship in excess of £10,000 or any other type of sponsorship must be authorised in advance by the **Mayor**.

Where sponsorship is accepted it must be made clear that the Force does not endorse the sponsoring organisation or its products.

This protocol should be reviewed on an annual basis.

All sponsorship **relating to PCC functions** must be reported to the **Mayor** on a monthly basis.

### **9.6.3 Income Generation**

Income generation is acceptable providing that it is not at the expense of operational policing and it does not have a potential reputational risk for the **Mayor**.

Individual agreements above £500,000 must have the prior approval of the **Mayor**.

### **9.6.4 Charitable Activities**

Charitable activities linked to policing objectives are acceptable providing that it is not at the expense of operational policing and it does not have a potential reputational risk for the **Mayor**.



## Mayor's PCC Contract Standing Orders

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## 1. Introduction and Background

The purpose of these Contract Standing Orders is to:

- Ensure value for money is obtained through the Force's procurement activity;
- Provide a framework for employees and police officers to ensure open, fair and transparent processes;
- Protect employees and police officers from any allegations of acting unlawfully or unfairly in the procurement of goods, works and/or services; and
- Ensure compliance with relevant legislation on the procurement of goods, works and/or services.

Procurement is the process by which the Force manages the acquisition of all its goods, works and services. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of contracts.

A contract is an agreement between two parties for the supply of goods, works and/or services. Employees should avoid giving verbal commitments to suppliers as this can constitute a contract.

The terms and conditions applied to the contract provide clarity and protection for all parties involved and the specification of the requirement should be clearly understood by everyone. The length and complexity of a contract is likely to depend on the extent of the cost and complexity of the goods, works or service to be supplied.

As a large public sector organisation, all contracts **must** comply with statutory requirements including, but not limited to:

- EU Treaty;
- Any relevant EU Directive in force in the United Kingdom, including any requirement for aggregation;
- Any laws of the United Kingdom, including any Act of Parliament requiring the letting of contracts by competitive tendering or relating to Best Value;
- Regulations for the provision of certain equipment or services for police purposes; and
- The requirement of the Code of Practice for Local Authorities on Data Transparency to publish copies of contracts and tenders to businesses, the voluntary community and the social enterprise sector on the website.

**Under no circumstances can the procurement of goods, works and/or services be deliberately or artificially divided into a number of separate contracts in order to avoid the obligations set out in these orders, or any statute or EU Directive.** However, contracts can be divided into lots (within the total contract value) to allow the **process** to be more accessible to small and medium size enterprises or third sector organisations.

All orders and contracts must be in the name of the **Greater Manchester Combined Authority ("the GMCA")** and made in accordance with these Standing Orders, **but all decisions in relation to**

**such contracts are to be made by the Mayor or under arrangements made pursuant to section 18 of the Police Reform and Social Responsibility Act 2011.** Any dispute regarding the interpretation of these orders will be referred to the **Treasurer to the GMCA** whose decision shall be final.

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## 2. Scope

The **Mayor's PCC Contract** Standing Orders support the financial governance arrangements of the **Mayor in relation to his PCC functions** and the Chief Constable of Greater Manchester Police. They provide clear rules for all officers, employees and police officers to ensure all procurement activity is undertaken in an open, transparent, fair and competitive manner. Compliance with these orders will ensure that value for money is achieved and will give the public confidence that the Force and **Mayor** are meeting their fiduciary responsibilities.

All officers, employees, police officers and others responsible for ordering goods, works and services and/or managing or supervising a contract must adhere to these Standing Orders and the **Mayor's PCC** Financial Regulations. The **Mayor's PCC Contract** Standing Orders shall apply irrespective of whether the contract is financed with monies provided by the **Mayor from the police fund** or any other person or body (i.e. grants from local government organisations or partnership monies). **Failure to comply with these requirements could result in disciplinary proceedings.**

Every effort should be made to ensure that best value for money is achieved for the acquisition and delivery of all:

- Goods or materials;
- Services and consultancy;
- Building works; and
- The supply of goods or services to third parties which provide the Force with an income.

Contract monitoring should continue throughout the lifetime of any contract (to ensure that best value for money is maintained in the quality and standard of all goods, works and services supplied) and in the review of proposals to change or vary any feature of any contract during its lifetime.

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## 3. Changes to the Contract Standing Orders

The **Mayor's PCC** Contract Standing Orders will be reviewed at least on an annual basis. Amendments not seeking to increase any authority levels and which have no reputational risk for the **Mayor in relation to his PCC functions** and/or Chief Constable can be authorised by the **Treasurer to the GMCA** and the Chief Finance Officer to the Chief Constable. Any amendments will be reported monthly to the **Mayor** and Chief Constable via the Finance Governance Group .

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## 4. Roles & Responsibilities (in respect of PCC functions)

### 4.1 Mayor

The **GMCA** owns all assets regardless of whether they are used by the **Mayor in relation to his PCC functions** or the Force and all contracts will be entered into in **its** name. **The Mayor** is responsible

for approving the overall framework of accountability and control, ensuring that effective delegations are in place and monitoring compliance.

## 4.2 Procurement Section

The Procurement Section must be advised at the outset of any procurement activity or contract negotiation with an estimated value of £50,000 or above and will be responsible for managing all procurement activities for these contracts. The Procurement Section can also provide advice and guidance on procurement activities for contracts with an estimated value under £50,000.

The Head of Procurement is responsible for ensuring that a Procurement Activity Report is maintained and appropriate policies and procedures are in place and adhered to for:

- The whole tendering process (i.e. initial tender, specifications and standards, evaluation and appointment of contractors and consultants);
- The use of sub contractors;
- Contract variations;
- The novation of an existing contract, in consultation with Legal Services;
- Cancellation of existing contracts;
- Declarations of interest in a contract;
- Collaborative contracts;
- The adoption of Framework Agreements;
- Exemptions; and
- Recording and retention of information in relation to procurement activity.

Failure to engage the services of the Procurement Section at the outset of any procurement exercise with an estimated value of £50,000 or above may delay or prevent the award of any contract.

## 4.3 Authorised signatories

The **Mayor's PCC Scheme of Financial Delegation and the Chief Constable's Scheme of Financial Delegation** contains a list of those officers and staff that have been granted specific authority to carry out procurement activities on behalf of the **Mayor in relation to his PCC functions** . These authorised signatories will ensure that purchases are compliant with all financial instructions and sufficient resources are available.

## 4.4 All officers, employees and police officers

All those responsible for ordering goods, works and services and/or engaged in any activities or processes leading up to the award of a contract or in its subsequent delivery should:

- Ensure contracts are let in accordance with these Standing Orders;
- Show no undue favour to or discriminate against any contractor or potential contractor;
- Carry out their work in accordance with the highest standards of propriety and proper practice, including respecting the confidentiality of commercial information; and
- Not breach the gifts, services, discounts and hospitality policy.

## 4.5 Declaration of Interest

All those responsible for ordering goods, works and services and/or engaged in any activities or processes leading up to the award of a contract or in its subsequent delivery must declare any personal interest which may affect, or be seen by others to affect, their impartiality in any matter relevant to their duties. The procedure to be followed is detailed in Section 6.3 – Declarations of Interest.



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## 5. Terms and Definitions

<b>Assignment</b>	The transfer of rights held by one party (the assignor) to another party (the assignee).
<b>Contract</b>	A legally abiding agreement (including purchase orders, leases and service level agreements) to acquire, purchase or sell goods, services or building works.
<b>Declaration of Interest</b>	Any personal interest which may affect or be seen by others to affect your impartiality in any matter relevant to your duties must be declared.
<b>Framework Agreement</b>	A contract set up by a public sector organisation for some or any public sector organisations to use. It will specify the terms and conditions under which purchases can be made throughout the term of the agreement.
<b>Goods</b>	Physical items that can be purchased (for example, food, clothing and equipment).
<b>Lease</b>	A contract which allows one party to use the property or other assets belonging to another party for a specified period in exchange for payment.
<b>Novation</b>	An act of either replacing an obligation to perform with a new obligation or replacing a party to the agreement with a new party. Novation creates a new contract and is valid only with the consent of all parties to the original agreement.
<b>Option to Extend Contract</b>	An agreement with the opportunity to increase the length of time specified in the contract at the end of the original term (for example, a two year contract with the option to extend for a further two years).
<b>Procurement Section</b>	<b>Means either the GMP or GMCA procurement section.</b>
<b>Purchasing Consortium</b>	Where two or more public sector bodies (i.e. Local Authorities, <b>Combined Authorities</b> , police forces and Police and Crime Commissioners) join together for the purpose of procuring goods, works or services at a better price than could be obtained if each purchased them alone.

<b>Purchase Order</b>	An agreement between two parties for the supply of goods, works and/or services. In legal terms it is classed as a form of contract.
<b>Quotation</b>	A document that a vendor or service provider gives to a customer to describe specific goods, works and services that can be provided and their cost.
<b>Select List</b>	A list of suppliers for a specific contract where the pool from which realistic or competitive bids is limited.
<b>Sensitive Issues</b>	Any issues that arise from procurement activities which may have a potential reputational risk for the <b>Mayor in relation to his PCC functions</b> and/or the Chief Constable must be reported to the <b>Mayor</b> before any decision can be made.
<b>Services</b>	The performance of specific duties, work or professional activities for a fee (for example, the maintenance of equipment and consultancy).
<b>Standing List</b>	A list of suitable contractors or suppliers for a particular type of work, goods or services.
<b>Tender</b>	A formal sealed bid, written or electronic offer to carry out work, supply goods or buy assets at a stated fixed price. It will usually contain detailed information on requirements and terms associated with a potential contract.
<b>Works</b>	Infrastructure projects to construct, improve, demolish, repair or maintain buildings.

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## 6. Procedure

### 6.1 Use of Existing Contracts

Where the **former** Police and Crime Commissioner **for Greater Manchester** has implemented a contract for the supply of goods, works and/or services **which transferred and vested in the GMCA on the 8<sup>th</sup> May 2017, you must use that contract.** An existing contract also includes Regional and National arrangements, where the **former** Police and Crime Commissioner **for Greater Manchester** or the Force are not the lead authority but have committed to use them. The Chief Constable's Financial Instructions contain the procedures you will need to follow in order to establish whether an existing contract is in place.

Where best value for money can be substantiated, the acquisition of goods and materials, or provision of services may be made through an appropriate framework contract awarded by another force or public body where the conditions of contract allow the **Mayor in relation to his PCC functions** or the Force to be a contract participant.

### 6.1.1 Use of GMCA Contracts

**Where it is deemed appropriate by the Treasurer to the GMCA, GMCA wide contracts must be used.**

## 6.2 Competitive Procurement

Where works, goods or services are not available from an existing contract, competition should be encouraged from potential providers. The procedure to be followed is determined by reference to the estimated value of the purchase. The estimated value is the aggregate cost that is reasonably anticipated over the lifetime of the provision. If the lifetime is unknown, then the aggregate cost should be based on 48 months. For option to extend contracts, the lifetime will be the maximum length of the contract, including the term of the extension.

All tendering procedures, including obtaining quotes, from planning to the award and signing of a contract, shall be undertaken in a manner so as to ensure:

- Sufficient time is given to plan and run the process;
- Equal opportunity and equal treatment;
- Openness and transparency;
- Probity; and
- Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).

Most contract awards should be in the basis of the 'most economically advantageous tender' which means the tender that offers the best combination of price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after sales service, technical assistance, delivery date, delivery period and period of completion.

The procedures to be followed at each level are summarised below:

### 6.2.1 Quotations

For contracts under £50,000 employees and police officers should apply the general principles of these Standing Orders. However, the procedures used to obtain quotations will be:

Less than £5,000	<b>A minimum of one quote</b> (by e-mail, catalogue or price list) must be obtained in advance from a reputable supplier. The employee or police officer should be able to provide a rationale for why they selected the provider used.
£5,000 - £10,000	<b>Three competitive quotations</b> (by e-mail, catalogue or price list) must be obtained in advance from reputable suppliers. The employee or police

officer should be able to provide a rationale for why they selected the provider used.

£10,000 - £49,999     **Three formal written quotations** (in writing or by e-mail) must be obtained in advance from reputable suppliers. The employee or police officer should be able to provide a rationale for why they selected the provider used.

Please note:

- No formal advertising of quotations under £50,000 is required.
- Where possible local suppliers should be made aware of the opportunity to quote.
- The award criteria will either be the most economically advantageous tender (MEAT) or the lowest price.
- If the award is to a new supplier to the Force, a Supplier Request Form should be completed and a purchase order should be raised to place the order.
- All documentation to be retained by Divisional or Branch Administration for three years or the life of the contract, whichever is the longer.
- Compliance with Section 6.3 – Declarations of Interest should be adhered to.

## 6.2.2 Tenders

For contracts over £50,000 but less than the Public Procurement EU Threshold, a public notice should be placed by inviting tenders for the contract via the Force's e-tendering system, bluelight.

The public notice should be placed to encourage competition, but also ensure local suppliers are made aware of the opportunity. The local newspaper can also be used where there are a high number of local suppliers who could fulfil the requirement. The Small Business Service (SBS) New Opportunities Portal: [supply2.gov.uk](http://supply2.gov.uk) should also be used to advertise requirements more widely. Local trade or other groups may also be notified.

For contracts over the Public Procurement EU Threshold, the procedures in the Public Contracts Regulations must be followed.

The award criteria will either be:

- The most economically advantageous tender; or
- The lowest price.

Wherever possible, the most economically advantageous tender should be used as the award criteria.

Where contracts are of a type and value which means that they are subject to the EU Rules then there are four main types of EU procedures available. These are open, restricted, competitive dialogue and competitive negotiated procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of EU procedure should be sought from the Procurement Section.

## 6.3 Declarations of Interest

### 6.3.1 Police Officers and Employees of the Chief Constable or members of staff of the GMCA deployed wholly or partly in relation to the Mayor's PCC functions

All those responsible for ordering goods, works and services and/or engaged in any activities or processes leading up to the award of a contract, or in its subsequent delivery, are required to declare a personal interest which may affect, or be seen by others to affect, their impartiality.

All declarations of interest will be reviewed by Procurement Governance Group to determine if there is a conflict of interest. These reviews will also consider the appropriate course of action in all the circumstances. Failure to make such a declaration, or making a false declaration could result in disciplinary proceedings. A register of all declarations received and the action taken will be held by Procurement.

### 6.3.2 Persons or Organisations Providing Quotations or Tenders

Every person or organisation that provides a formal quotation or tender must be told to make a declaration, in writing, if any of their directors, partners or employees directly involved in the tender process is:

- A current or former officer and/or employee of the Chief Constable or the GMCA **deployed wholly or partly in relation to Mayor's PCC functions** or
- Related to an officer or employee of the **Chief Constable or the GMCA deployed wholly or partly in relation to the Mayor's PCC functions** who has powers of influence or control over the award of the contract.

These declarations will be reviewed by Procurement Governance Group to determine if there is a conflict of interest and whether it would be appropriate to award the contract. These reviews will also consider the appropriate course of action in all the circumstances. A register of all declarations received and the action taken will be held by Procurement.

If any person or organisation providing a formal quotation or tender fails to make such a declaration, or makes a false declaration, that quotation or tender may not be considered for approval. If it is determined after the award of a contract that a false declaration has been made the **Mayor** has the power to terminate that contract.

Suppliers, potential suppliers and any person or business that is likely to engage in a tender process, or other negotiations regarding the provision of goods and services, should be made aware that a policy exists in relation to gifts, services, discounts and hospitality. They must not offer any gift or hospitality to an officer or employee that if accepted would result in a breach of this policy.

The **Mayor** may cancel a contract (**insofar as it relates to his PCC functions**) and recover any resulting loss if the contractor, or any person employed by or acting for them, has done the following (this is a non-exhaustive list):

- Offered, given or agreed to give someone a gift or consideration of any kind in return for them doing or not doing any action relating to a contract with the **GMCA in relation to the Mayor's PCC functions**;
- Committed any offence under the Prevention of Corruption Acts 1889 to 1960; or
- Given any fee or reward which it is an offence to receive.

## 6.4 Tender Process

All contracts with an estimated value above £50,000 will be required to use the following formal tender process, which will be managed by the Procurement Section.

### 6.4.1 Specification

Once a need has been identified a detailed specification must be drawn up. The specification must identify the goods, works or services to be supplied in sufficient detail to allow suppliers to respond on an equal basis.

The specification must detail which elements are considered essential and which elements are considered desirable.

### 6.4.2 Selection of the Procurement Route

The e-tendering system, which places advertisements on the bluelight website, should be used in all cases. Although not mandatory, it is also recommended when using a standing list, select list or government framework that has been approved by the **former** Police and Crime Commissioner **for Greater Manchester or the Mayor in relation to PCC functions**. This will ensure that the contract gets entered onto the Force's Contracts Register and provides a full auditable process of contracts being entered into.

Significant (with an estimated value of £500,000 or above) or sensitive contracts require approval of the **Mayor** for the procurement route and award criteria before being advertised.

### 6.4.3 Selection Criteria

The aim of any procurement exercise should be to achieve Value for Money. The **Mayor**, therefore, has a standard approach to defining the price and quantity ratio for the selection criteria. Individual clients are responsible for ensuring the optimum combination of whole life cost and quantity. Indicative ranges of price/quality ratios for various types of project are given below and a different cost/quantity ratio will only be considered in exceptional circumstances.

The proposed selection criteria must be approved by the Procurement Governance Group in advance of the invitation to tender.

## Risk and Value Matrix

Risk	High	<p><b>Bottleneck (Ratio Range 40:60 to 10:90)</b></p> <ul style="list-style-type: none"> <li>• Few Sources of Supply and alternatives available</li> <li>• Complex specifications</li> <li>• If supply fails, impact on organisation could be significant.</li> </ul> <p>E.g. Tasers; Speed Cameras</p>	<p><b>Strategic (Ratio Range 60:40 to 50:50 to 40:60)</b></p> <ul style="list-style-type: none"> <li>• Strategic to Operations</li> <li>• Limited Supply Base</li> <li>• High Value Spend Area</li> <li>• Specification may be complex</li> </ul> <p>E.g. IS Strategic Development Partner</p>
	Low	<p><b>Routine (Ratio Range 90:10 to 80:20)</b></p> <ul style="list-style-type: none"> <li>• Low Value</li> <li>• Many Existing Alternatives</li> <li>• Standard specification</li> <li>• Low value to switch suppliers</li> </ul> <p>E.g. Stationery</p>	<p><b>Leverage (Ratio Range 70:30 to 60:40)</b></p> <ul style="list-style-type: none"> <li>• High spend area</li> <li>• Many Sources of Supply</li> <li>• “Buying Power”</li> </ul> <p>E.g. Police Uniform; Hayes Temp Staff</p>
		Low	High
Value £			

#### 6.4.4 Invitation to Tender Document

The invitation to tender (ITT) must state the deadline for receiving bids from potential suppliers and must allow at least 10 working days from the publication of the ITT for the return of completed tenders. **If the estimated value of the goods, works or services is in excess of the EU thresholds, the EU Procurement Directives and associated timescales must be followed.**

#### 6.4.5 Receipt and Opening of Tenders

Only tenders that are received before the stated deadline will be considered. The **Mayor** supports the use of e-tendering as the standard system for the invitation and receipt of tenders. This electronically records tender activity, provides an electronic seal facility and provides a full audit of all transactions associated with the process. If either Chief Finance Officer (namely that of the GMCA or that of the Chief Constable) authorises that the e-tendering system will not be used (e.g. due to a technical difficulty), tenders must be stored in a secure and confidential manner as required by the following sealed bid procedure.

The opening of tenders not received through the e-tendering system must be agreed with the Head of Procurement and recording of these details shall be subject to the following regulations:

- They shall not be opened before the appointed time;

- They shall be opened at one time by not less than two persons approved by the Head of Procurement for the purpose, including at least one who will not be involved in the direct management of the contract;
- The appropriate tender details shall be recorded on the Tender Opening Records form which shall be ruled off (to prevent the addition of further entries) and then signed by each member of the tender opening panel; and
- Once the tenders have been opened they must be circulated only to those directly involved in tender evaluation and contract letting activities.

A record of all tenders received and all the tender documentation or an audit trail of the electronic submission must be kept for three years.

If a tender is received after the deadline has passed, bluelight will automatically record the submission as a late tender. Any tender received on the bluelight e-tendering portal and/or in the post room or reception after the closing date and time, will not be accepted unless the circumstances cannot be attributed to the tenderer, such as mail strikes, e-tendering portal downtime or adverse weather conditions.

If a tender appears to contain a mistake or discrepancy which may affect the tender figures, the tenderer must be given the opportunity to confirm, withdraw or correct the offer (the correction of genuine errors is permitted for tenders which are compliant in all other aspects). Details of this must also be recorded. Tender documents should state the method for dealing with errors.

If suppliers are bidding against each other online (by 'reverse auction') a member of the procurement team must be present when the bids are received.

## 6.5 Evaluation of Quotations and Tenders

The evaluation of quotations for all goods, works and services should be based on the principle of best overall value for money (covering cost, quality and effectiveness). The evaluation process must be objective, systematic, thorough and fair.

The evaluation of tender submissions must be carried out by an evaluation team based on the most economically advantageous tender or the lowest price. Wherever possible, the most economically advantageous tender should be used as the award criteria.

The tender documents must state the award criteria that will be used. Where the award criteria is the most economically advantageous tender, the tender documents must list the evaluation criteria along with the score or importance that is attached to each of them. The evaluation team must contain the appropriate stakeholders (including a representative of the **Mayor in relation to his PCC functions** where appropriate) and cover all the skills required to consider the tender bids fairly, transparently and consistently.

Where appropriate, before specific tenders are evaluated the **Mayor** or persons authorised to act on his/her behalf may request the **Treasurer to the GMCA** to approve financial standing of the firms or, if the contract value is more than £500,000, to carry out a detailed financial appraisal of the proposed contractors.



## 6.6 Acceptance of Quotations and Tenders

Prior to accepting a quotation or tender a due diligence exercise should be undertaken to ensure that the contract has been properly procured in accordance with the relevant legislation and with particular reference to these Standing Orders.

The following procedures shall be applied for the acceptance of a quotation or tender:

- Quotations and tenders must only be accepted by the persons authorised in the Scheme of Financial Delegation;
- Acceptance of a **quotation** must be made in writing, this can be by e-mail or by raising a purchase order;
- On accepting a **tender**, notification must be given to the successful supplier and the unsuccessful suppliers. The notification must state the basis of the acceptance of the winning tender. Unsuccessful suppliers must be given the reason why their individual tender was unsuccessful and be offered feedback on their tender submission;
- Tenders subject to EU Procurement Regulations must observe a 10 day standstill period between notification of award and entering into a contract;
- The notification of award must make clear that it is subject to a formal contract and that any challenge may negate the ability of the Force to enter into such a contract;
- The **GMCA's** terms and conditions shall apply; and
- The **GMCA's** standard conditions should apply for common contracts.

## 6.7 Exemptions

All employees and police officers are required to follow the quotation and tender requirements detailed in Section 6.2 – Competitive Procurement. Exemptions to these requirements will only be granted in exceptional circumstances and must be authorised in line with the approvals contained in the relevant Scheme of Financial Delegation. **Failure to obtain a valid exemption before the goods, works or services are purchased may result in disciplinary proceedings.**

The only circumstances that will be considered are:

- a) Where it can be evidenced that only one supplier is able to undertake the work or service or supply of goods for technical or security reasons or because of exclusive rights;
- b) The goods or services are required so urgently that competition is impractical (a genuine unforeseeable operational need arises). Failure to take action within appropriate timescales does not constitute grounds for an urgency exemption; or
- c) Supply of goods, services or works where it can be evidenced that there is no valid commercial reason to obtain quotations or tenders.

Records of all exemptions that have been approved should be held and will be reported to the **Mayor** via the Procurement Governance Group on a monthly basis or if a potential exemption is considered sensitive, guidance should be sought from the **Mayor** before approval is granted.

The exemption should set out the background, the rule being exempted, the reason the exemption is required, how value for money will be demonstrated and the legal or financial risks or implications.

Exemptions may only be made where the relevant law is complied with.

## **6.8 Form of Contract**

A contract is an agreement between two parties for the supply of goods, works and/or services. This includes formal written contracts, leases and purchase orders.

Contracts must be in writing, sealed with the Common Seal (where appropriate) and signed by the persons authorised by the **Mayor** in his/her **PCC** Scheme of Financial Delegation.

Each contract must state that the contractor cannot assign (transfer) any part of the contract without written permission from the **Mayor**.

Proposed payment arrangements under a contract and payments in advance must be agreed by the relevant Chief Finance Officer **or Treasurer** before the contract is signed. Contracts with a value of more than £50,000 must provide for the contractor to pay damages if they fail to meet the terms of the contract. This provision should be in all contracts where possible.

## **6.9 Variations and Cancellations to Contracts**

Where a significant change occurs to the specification during the course of the tendering process, that process should be stopped and, ordinarily, it will be expected that the entire process should be restarted.

Contract variations during the term of the contract will be undertaken through the evaluation of the terms and conditions of the variation and approval as appropriate. Prior to any contract variation being approved, the full cost, timing and other implications should be identified and agreed with the contractor. Variations which increase expenditure must have funding secured and approved prior to agreement.

Should it become clear that any contract variations would have led to the tendering process used being inappropriate (e.g. shortly after commencing the contract, additional terms are recognised which meant that an EU process should have been followed), guidance should be sought from the Head of Procurement as to whether the contract should be halted and re-tendered.

All contract variations should be notified to all relevant parties in writing and will require authorisation in advance and in accordance with the approvals contained in the relevant Scheme of Financial Delegation. The contract should clearly identify appointed officers or staff of both parties who have the authority to agree variations.

Should one party wish to novate a contract to a third party, approval to do so should be given in advance by the **Mayor**. Where a contract manager becomes aware that a contract may be subject to novation, they should notify the Procurement Section. The Procurement Section will undertake a qualification questionnaire on the party to whom the contract will transfer, to identify any particular risks that the novation may present to the **Mayor**, and take any necessary action as a result.

Other than at the natural expiry of an agreed term, no contract should be cancelled without having due regard to legal advice as to whether this is within the contractual terms and conditions.

Approval from the **Mayor** should be sought, as only he/she may terminate or suspend a contract, in accordance with the express or implied terms of the contract. He/she may also take any further action with regard to any contract as the Force is legally entitled to take.

## 6.10 Contract Extensions

Any contract which provides for (an) extension(s) may be extended in accordance with its terms, subject to performance and value of money considerations.

The Chief Finance Officer to the Chief Constable may approve an extension to a contract provided that such extension is not contrary to the EU Regulations or the Force's Standing Order obligations and that any consequent change in price does not exceed the approved budget for the contract. A contract should not be extended if not expressly permitted by the contract without seeking advice from the Head of Procurement or **the Solicitor to the Chief Constable**. The EU rules on the aggregation of contracts will apply.

Where the terms of the contract do not expressly provide for an extension, an exemption will be required and is subject to approval. These should only be extended in exceptional circumstances. The Chief Finance Officer to the Chief Constable may approve an extension if:

- The total value of the contract (value to date plus the estimated value of the extension) does not exceed £500,000; and
- Any extensions (within the approved contractual terms) do not exceed the existing total contract value.

All proposed contract extensions that have been approved must be reported to the **Mayor** on a monthly basis via the Procurement Governance Group. Where the total value of the contract

exceeds £500,000 and the option to extend was not approved as part of the original contract, the extension must be authorised by the **Mayor**.

All contract extensions must be reported to the **Mayor** in a timely manner to allow for the appraisal of options and the demonstration of value for money. The proposed extension should be for the same or a lesser value and period than the original contract and wherever practical, a contract should not be extended more than once.

### **6.11 Contracts Register**

The Head of Procurement must maintain a central register of all contracts let with a value in excess of £50,000.

Anyone awarding a contract must notify the Procurement Section of the details of that contract if for any reason the tender has not been issued on bluelight or via the Procurement Section.

### **6.12 Contract Management and Monitoring**

The lead contract officer must ensure that systems are in place to manage and monitor contracts at regular review meetings with the supplier in respect of:

- Compliance with specification and contract;
- Performance;
- Cost;
- User satisfaction; and
- Risk management.

Where the estimated contract value exceeds the relevant EU threshold, the lead contract officer should prepare a six-monthly monitoring report to the Procurement Governance Group.

Where the contract is corporate in nature or has an estimated contract value of £500,000 or more the lead contract officer should prepare an annual monitoring report to the Procurement Governance Group.

Where the contract terms provide for credits to be offset against payments due or otherwise enable payments to be reduced on account of failure by the contractor to deliver the contract to the specified standards, any decision to waive entitlement to the credit or reduced payment shall be authorised by the **Mayor**.

### **6.13 Land and Property Purchases and Leases**

**In respect of the Mayor's PCC functions**, the approval of the **Mayor** is required before any land or property can be purchased or any lease is agreed, renewed or relinquished.

### **6.14 Other Leases**

The lease of other assets required for operational policing must be approved by the Chief Finance Officer to the Chief Constable, **following agreement from the Treasurer to the GMCA**. All leases must be in the name of the **GMCA**.

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## **7. Associated Documents**

- Business Code of Conduct for Procurers of Goods and Services
- Chief Constable's Financial Instructions
- Chief Constable's Scheme of Delegation
- Directives of the European Community
- **Mayor's PCC** Financial Regulations
- Gifts, Services, Discounts and Hospitality Policy
- **Mayor's PCC** Scheme of Delegation
- Procurement Policy and Procedures
- **Mayor's PCC** Scheme of Consent
- ACPO Portfolio guidance
- **The PCC Order**

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## 8. Statutory Compliance

### 8.1 Freedom of Information Act (2000)

This document may be disclosable to the public, either on the **GMCA's** website or upon request.

### 8.3 Equality Act 2010

Finance Governance Group, as part of due diligence, has given due consideration to the protected characteristics and has detected no implications that need to be addressed as part of these Standing Orders.

Equality issues may arise in the exercise of specific functions (i.e. procurement of goods and the award of contracts) but these are subject to competition. Specific policies and procedures will need to be followed and it is expected that the **Mayor in relation to PCC functions** and the Force recognise **their** obligations arising from the Equality Act 2010.



**PART 10**  
**MANAGEMENT STRUCTURE**





## PART 10 MANAGEMENT STRUCTURE

