

Greater Manchester Combined Authority

Date: 12 July 2024
Subject: Review of GMCA Constitution
Report of: Gillian Duckworth, GMCA Solicitor & Monitoring Officer

Purpose of Report

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

Recommendations:

The GMCA is requested to:

1. Adopt the revised constitution accompanying this report as the Constitution of the GMCA.

Contact Officers

Gillian Duckworth, GMCA Solicitor & Monitoring Officer

Gillian.Duckworth@greatermanchester-ca.gov.uk

Sarah Bennett, Deputy Monitoring Officer – GMCA

Sarah.Bennett@greatermanchester-ca-.gov.uk

Equalities Impact, Carbon and Sustainability Assessment:

No implications arising directly from this report.

Risk Management

No implications arising directly from this report.

Legal Considerations

The GMCA must monitor and evaluate the operation of the Constitution as set out in Article 13. This Report is presented in accordance with that Article.

Financial Consequences – Revenue

No implications arising directly from this report.

Financial Consequences – Capital

No implications arising directly from this report.

Number of attachments to the report: 1

Comments/recommendations from Overview & Scrutiny Committee

N/A

Background Papers

None

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution

No

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

No

Bee Network Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction/Background

- 1.1. The Monitoring Officer is required to monitor and review the operation of the GMCA's Constitution and, where appropriate, to propose changes to the Constitution to the GMCA for approval.
- 1.2. The Monitoring Officer has carried out such a review and recommends a revised version of the GMCA Constitution for approval. New wording appears in tracked changes in the revised version: [GMCA Draft Constitution 2024.pdf \(greatermanchester-ca.gov.uk\)](#)

2. Part 1 – Introduction and Articles

- 2.1. Provision has been made for the policy brief lead for Economy, Business and Inclusive Growth to be known as the Deputy Mayor for Economy, Business and Inclusive Growth.
- 2.2. Additional wording has been added to clarify the role of the Data Protection Officer and to add a description of the Senior Information Risk Owner.

2.3. Revisions to the Constitution

- 2.3.1. The GMCA has previously granted authority to the Monitoring Officer to make changes of a typographical nature to the Constitution. For clarity and transparency, it is now proposed that this is, along with the right to make other minor changes and changes required by Law, added to the Constitution itself.

3. Part 2 – Functions of the GMCA

3.1. Greater Manchester Business Board

- 3.1.1. In March 2022, the Greater Manchester Local Enterprise Partnership (LEP) received a letter from Government stating that LEPs would be integrated into local democratic institutions following the policy announcement made in the Levelling Up White Paper.
- 3.1.2. GMCA subsequently agreed the principles by which the LEP would be integrated and a proposed model for the existing LEP to evolve into the GM business board. This model has been approved by Government.

3.1.3. At present the GMCA constitution simply notes the existence of the LEP and it should therefore be updated to reflect the newly integrated Business Board as part of the functions of the GMCA.

4. Part 3 – Responsibility for Functions

4.1. Bee Network Committee and Transport for Greater Manchester (TfGM)

4.1.1. At its meeting on 30th June 2023 the GMCA agreed to incorporate the Terms of Reference for the Bee Network Committee into the Constitution. It is now proposed that, for clarity and transparency those details be updated to include the procedures for appointments.

4.1.2. To reflect the fact that Bus Franchising is now moving into a business as usual phase it is recommended that the delegations to TfGM relating to on-bus equipment, other equipment, any systems and associated services necessary for the implementation and operation of the bus franchising scheme and to the management of the bus franchising scheme as a whole are included as standing delegations.

4.2. Officer Delegations

4.2.1. Brownfield Funding

4.2.1.1. At its meeting on 29th September 2023 the GMCA received a Report entitled GM Brownfield Programme and subsequently agreed to grant a delegation to the GMCA Chief Executive acting in conjunction with the Portfolio Lead for Housing and the Lead Member of the relevant district to approve increases of up to 10% on brownfield funding allocations previously approved by the Combined Authority and other variations to funding conditions in the period up to 31 March 2024.

4.2.1.2. The Report proposed that this delegation be granted pending consideration of a standing delegation in the Constitution, which is now proposed for inclusion.

4.2.2. Deputy Treasurer

4.2.2.1. References to the Deputy Treasurer within the Officer Delegations have been amended to Deputy s73 Officer. This is an administrative change reflecting that the new Deputy Section 73 Officer will no longer have the job title Deputy Treasurer.

4.2.2.2. It is also proposed that this amendment is made throughout the Constitution wherever Deputy Treasurer was previously used.

5. Part 4 – Committees

5.1. Audit Committee

5.1.1. Some minor amendments have been proposed to strengthen the relationship between the Audit Committee and the Joint Audit Panel.

5.1.2. Wording is proposed to make it clear that the Audit Committee cannot appoint sub-committees. This has always been the case but it was not previously stated in the Constitution.

5.2. Waste and Recycling Committee

5.2.1. A number of changes have been proposed to the arrangements for the Waste and Recycling Committee to improve representation of all of the relevant Constituent Councils and the smooth running of the Committee.

5.2.2. It is now recommended that substitutes be sought and appointed and that the GMCA be able to appoint a standing Vice-Chair.

5.2.3. A change has also been made to make it clear that the political balance requirements should not take into account political balance in Wigan.

6. Part 5 – Rules of Procedure

6.1. Minor amendments are proposed in relation to political balance on the Waste and Recycling Committee and in relation to the publication of decisions to reflect the legal position.

7. Part 6 – Financial Procedures

- 7.1. As part of preparations for the requirements of the Procurement Act 2023 and in furtherance of best practice new contract management and monitoring arrangements are being put in place and it is proposed that the Contract Procurement Rules should be updated to reflect these arrangements.
- 7.2. A number of minor amendments are proposed to reflect current processes and procedures and to update references to guidance and codes of practice.

8. Part 8 – Members’ Allowances

- 8.1. The agreement to pay allowances to Overview and Scrutiny Committee Members has been incorporated along with minor amendments to make this Part easier to follow and the current year’s allowances clearer.
- 8.2. Other than the payments to Overview and Scrutiny Members, the proposed amendments are purely structural. No changes are being proposed to the substantive content.

9. Part 9 – Police and Crime Commissioner Functions

- 9.1. Minor updates are proposed to clarify that the Monitoring Officer is able to sign legal documentation as well as apply the seal and to update a number of Terms of Reference to reflect those agreed by those bodies.

10. Consequential and General Amendments

- 10.1. Amendments required as a consequence of the above substantive revisions have been made throughout the document.
- 10.2. Other minor amendments typographical/formatting amendments are proposed throughout the Constitution to aid accessibility.

11. Recommendations

Recommendations are set out at the beginning of this report.