

**GMCA**  
**CONSTITUTION**

**JULY 2024**

# GMCA Constitution 2024 – Contents

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# **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 Economy, Business and Inclusive Growth' means the member of the GMCA appointed to be the policy brief lead for Economy, Business and Inclusive Growth. The Deputy Mayor for Economy, Business and Inclusive Growth is neither the member of the GMCA appointed by the Mayor to be the Mayor's deputy pursuant to section 107C(1) of the 2009 Act nor 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 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;
- 1.8 'the GMCA' means the Greater Manchester Combined Authority;

1.9 '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')
- (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') as amended by the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020<sup>6</sup>
- (f) the GMCA (Functions and Amendment) Order 2017<sup>7</sup> ('The 2017 Order')
- (g) the Greater Manchester Combined Authority (Public Health Functions) Order 2017<sup>8</sup> (The Public Health Order)
- (h) the GMCA (Amendment) Order 2018<sup>9</sup> ('The 2018 Amendment Order')
- (i) the GMCA (Adult Education Functions) Order 2018<sup>10</sup> ('The Adult Education Order')
- (j) the GMCA (Functions and Amendment) Order 2019<sup>11</sup> ('the 2019 Order')
- (k) Such other orders made by the Secretary of State in relation to GMCA pursuant to the 2009 Act

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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

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

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

<sup>6</sup> SI No. 2020/ 641

<sup>7</sup> S.I. No. 2017/612

<sup>8</sup> S.I. No. 2017/1180

<sup>9</sup> S.I. No. 2018/444

<sup>10</sup> S.I. No. 2018/1141

<sup>11</sup> S.I. No. 2019/793

- 1.10 'The Mayor' means the person elected as mayor by the local government electors for the Combined Area.
- 1.11 '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).
- 1.12 'Mayoral general function' means a mayoral function which is not a PCC function.
- 1.13 '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.
- 1.14 'the Scrutiny Order' means the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
- 1.15 '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.
- 1.16 'the Bee Network Committee' means the joint transport committee established by the GMCA, the Mayor and the Constituent Councils.
- 1.17 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.
- 1.18 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
  - education, 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.
- 3.10 The Member appointed to be the policy brief lead for Economy, Business and Inclusive Growth shall be known as the Deputy Mayor for Economy, Business and Inclusive Growth.

## **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 the Deputy Mayor for Policing and Crime or a Fire Committee (such arrangements may not have effect concurrently), 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 fire and rescue functions (and not the discharge of general functions other than fire and rescue)
- 6.5 The GMCA has delegated the discharge of the GMCA functions to committees, officers and the Bee Network Committee in accordance with the scheme of delegation contained in Part 3, sections C, D, E, F and G 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 a vacancy 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 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 Secretary**

The GMCA will appoint a Secretary whose responsibilities and delegations are as set out in Part 3 of this Constitution.

## **10.4 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.

## **10.5 Information Governance Appointments**

### **10.5.1 Data Protection Officer**

The GMCA must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation. The DPO must be independent, an expert in data protection, adequately resourced, and report to the highest management level. They will assist GMCA to monitor internal compliance, inform and advise on its data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the Information Commissioner's Office (ICO).

### **10.5.2 Senior Information Risk Owner**

As a public authority, in alignment with the UK GDPR, it is considered by the Information Commissioner's Office to be best practice for GMCA to appoint a Senior Information Risk Owner (SIRO). The SIRO takes overall ownership of the organisation's information risk, acts as a champion for information risk on the Executive Board and provides written advice to the Accounting Officer on the content of the organisation's annual governance statement regarding information risk. The SIRO reports to the Chief Executive.

## **10.6 Head of Internal Audit**

The GMCA must appoint a Head of Internal Audit in order to comply with its internal audit obligations contained in the Accounts and Audit Regulations 2015.

## **10.7 Other Officers**

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

## **10.8 General**

The GMCA may engage such staff (referred to as officers), as it considers necessary to carry out its functions. 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 Bee Network Committee will follow the Bee Network Committee Rules of Procedure set out in Part 5 of this Constitution GMCA (as may be amended by the Bee Network Committee from time to time).

#### **(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 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 Broadhurst House, 56 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.

### **12.3 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 minor amendments which do not materially affect the constitution or are required by law may be made by the Monitoring Officer, and 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 Bee Network 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 Bee Network 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);  
(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 are 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 Business Board**

- 2.1 The Greater Manchester (GM) Business Board provides GMCA with a strong, independent and diverse business voice in the delivery of the Greater Manchester Strategy (GMS).
- 2.2 The GM Business Board consists of the Mayor along with three further GMCA members and a maximum of 15 representatives of the private sector (including any co-opted members as agreed by GMCA), one whom shall be appointed by the Board as the Chair of the Greater Manchester Business Board.
- 2.3 The Board also appoints up to two Deputy Chairs subject to GMCA approval.
- 2.4 The Board proposes an annual set of GMS priorities to lead on for approval by GMCA. This includes both short term issues and longer term responsibilities to support Greater Manchester's sustainable economic growth and the resources available to do this.

- 2.5 The Board supports GMCA colleagues and partners to implement these priorities through the provision of advice, guidance and constructive challenge to help shape and drive their delivery
- 2.6 The private sector chair of the Greater Manchester Business Board is appointed via an open and transparent recruitment process, overseen by the portfolio lead for Economy, Business and Inclusive Growth and approved by GMCA.
- 2.7 The remaining private sector members (including any co-opted members) are appointed using an open and transparent recruitment process overseen by the Chair of the Board and one of the public sector Business Board members with the appointments confirmed by the GMCA.
- 2.8 The Chair of the Greater Manchester Business Board has right to attend and speak at GMCA meetings in a non-voting capacity.
- 2.9 GMCA is responsible for all functions and monitoring arrangements previously overseen by the GM Local Enterprise Partnership such as Enterprise Zones, Local Growth Fund and Get Building Fund.
- 2.10 GMCA will invite the Business Board to endorse any significant funding proposals relating to these functions.

### **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 of 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.

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;

- (c) 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;
- (d) appointing, suspending or dismissing, the Chief Fire Officer;
- (e) approving the terms of appointment of the Chief Fire Officer;
- (f) holding the Chief Fire Officer to account for managing the fire and rescue service;
- (g) 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 delegate.

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

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

- 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**

### **D1 - Bee Network Committee**

The Bee Network Committee is a Joint Committee of the Mayor, the GMCA and the Constituent Councils pursuant to the Greater Manchester Combined Authority (Functions and Amendment) Order 2019 (the GM Transport Order).

#### **Appointments**

1. The number of members of the Bee Network Committee shall not exceed 16.
2. Each Constituent Council shall appoint one of their elected members to be a member of Bee Network Committee.
3. Each of the Constituent Councils is expected to appoint their district's executive member with responsibility for transport to be a member of the Bee Network Committee.
4. Each Constituent Council shall appoint one of their elected members to act as substitute member of the Bee Network Committee in the absence of the member appointed in accordance with clause 3 above.
5. The GMCA will appoint one member of the GMCA to be a member of the Bee Network Committee.
6. The GMCA will appoint one member or substitute member of the GMCA to act as substitute member of the Bee Network Committee in the absence of the member appointed in accordance with clause 5 above.
7. The Mayor will be a member of the Bee Network Committee.
8. The Mayor will appoint, one member or one substitute member of the GMCA (insofar as is reasonably practicable) or (if not reasonably practicable) an elected

member of one of the constituent councils to act as substitute member of the Bee Network Committee in the Mayor's absence.

9. The Mayor will appoint up to 4 additional members to the Bee Network Committee, from the elected members of the Constituent Councils. The appointments to the Bee Network Committee made by the Mayor under this clause 9 will be made so as to ensure that the members of the Bee Network Committee, taken as a whole, reflect as far as reasonably practicable the balance of political parties for the time being prevailing among the Constituent Councils when taken together. The appointments to the Bee Network Committee made by the Mayor under this clause 9 will reflect the wishes of the relevant political group as to the members to be appointed to any seat on the Bee Network Committee allocated to that political group.
10. The GMCA will appoint elected members of the Constituent Councils to act as substitute members of the Bee Network Committee in the absence of the members appointed in accordance with clause 9 above.

## **Terms of Reference**

### **1. Overview**

- 1.1. As a joint committee of the ten Greater Manchester district councils ('the Constituent Councils'), the GMCA and the Mayor, the Bee Network Committee brings together the principal transport decision-makers in Greater Manchester, allowing a holistic, integrated view of transport to be taken.
- 1.2. The Bee Network Committee is responsible for overseeing delivery of Greater Manchester Local Transport Plan set by GMCA and within the transport budgets set by the GMCA.
- 1.3. The Committee leads transport decision-making at a city regional level, and is responsible for monitoring the performance of Greater Manchester's transport network, and the performance of Transport for

Greater Manchester (TfGM), the local government body responsible for delivering Greater Manchester's transport strategy and commitments.

- 1.4. The Committee has an important role in developing transport policy and advising the Constituent Councils, the GMCA and Mayor on specific transport issues.
- 1.5. The Committee also supports shared ownership of the transport agenda across the city region, informed by local priorities and driven by consensus. It facilitates an integrated approach to policy development to support the delivery of Greater Manchester's integrated 'London-style' transport system, the 'Bee Network', which will change the way people travel across the city region.
- 1.6. In summary, the four key roles for the Bee Network Committee are:
  - a. **Decision-Making** – Approving significant changes to transport network operations, and the draw down of funding to invest in transport infrastructure and operations.
  - b. **Performance Monitoring** – Oversight of the performance and financial sustainability of the transport network, holding transport operators and Transport for Greater Manchester (TfGM) to account.
  - c. **Policy Development** – Developing transport policy to support the delivery of the Local Transport Plan and the Greater Manchester Strategy, within the parameters of the budgets set by GMCA.
  - d. **Local Coordination** – Facilitating coordination between the Constituent Councils to support effective highways management and infrastructure delivery.

## **2. Transport functions of the GMCA delegated or referred to the Bee Network Committee**

- 2.1. The following transport functions of the GMCA are delegated or (where indicated) referred for the making of recommendations, by the GMCA or, as the case may be, the Mayor to the Bee Network Committee, without prejudice to the GMCA's or, as the case may be, the Mayor's right to discharge such functions directly. They are subject to the Bee Network 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:
- a. Determine a programme of reviews to inform changes to the transport network;
  - b. Determine any proposed changes to the transport network resulting from the programme of network reviews, subject to compliance with any statutory requirements. For example, the introduction of new routes, withdrawal of existing routes, or major changes to routes, frequencies or vehicle specifications;
  - c. Receive updates on other operational changes to the transport network, such as: schedule changes to improve reliability, minor route changes, capacity changes, changes in response to emergency events and planned temporary changes;
  - d. Determining the operation of subsidised bus services in Greater Manchester;
  - e. Determining the operation of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985;
  - f. Approving the draw down of capital funds to invest in transport infrastructure, services and operations in accordance with the budgets set and the capital programme/s approved by the GMCA;
  - g. Monitoring the performance of Greater Manchester's transport network, including the parts of the network which are not within the



control of the Mayor, the GMCA or local authorities such as rail services and the strategic highways network managed by National Highways;

- h. Monitoring delivery of the Local Transport Plan and other transport policies of the Mayor and the GMCA;
- i. Monitoring delivery of key transport programme including, but not limited to, the transport capital programme;
- j. 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 Bee Network Committee to be appropriate to secure the observance of the rights of the GMCA);
- k. Ensuring that TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968 and monitoring the operation and performance of these services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor;
- l. Ensuring that 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;
- m. Undertaking policy reviews and development, to support the delivery of the Local Transport Plan and the Greater Manchester Strategy, in accordance with any transport policies of the GMCA or Mayor, and the GMCA's agreed transport budget and borrowing limits;
- n. Reviewing fares, tariffs, charges and concessions functions and providing recommendations to the GMCA, in accordance with any transport policies of the GMCA and the Mayor, the Local Transport Plan and the agreed transport budget and borrowing limits;

- o. Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968 and making recommendations to the GMCA as to whether it should approve such proposals; and
- p. Promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor.

2.2 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 Bee Network 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; and
- d. Monitoring and overseeing the activities and performance of TfGM, in respect of the road safety function.

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

3.1. The following transport related functions of the Constituent Councils will be delegated directly to the Bee Network Committee subject to the Bee Network 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. These functions enable the Bee Network Committee to coordinate local authority transport responsibilities, where cross border cooperation is required.
- b. 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; and
  - iii. monitoring the effectiveness of traffic authorities in managing their road network.

3.2 The delegated functions referred to in paragraph 3.1 enable the Bee Network Committee to coordinate local authority transport responsibilities, where cross border cooperation is required.

## **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. Formulating, developing and monitoring procedures for public consultation on the GMCA's and the Mayor's transport policies.
4. 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.
5. To implement GMCA's policies in relation to cycling and walking and other behaviour change in use of transport.
6. To implement decisions taken by the GMCA, the Mayor and the Bee Network Committee in a transport context to promote and improve the economic, social and environmental well-being of Greater Manchester.
7. The following transport functions of the GMCA, which are delegated by the Constituent Councils to the GMCA, are sub-delegated to TfGM by the GMCA, subject to TfGM 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 TfGM 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) discharging the Traffic Light Signals 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 TfGM 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) discharging the Transport Studies Function.

8. In respect of the functions under -

8.1. 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

8.2. 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 8.1 and 8.2 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.

9. 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:

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

9.2. 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.

9.3. 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).



- 9.4. 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.
10. In relation to the responsibilities delegated under paragraphs 8 and 9–
- 1.1. To institute, conduct, prosecute or defend any legal proceedings;
  - 1.2. Subject to any enactment or other provision of this Constitution, to do anything incidental to or calculated to facilitate the discharge of those responsibilities.
11. 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.
12. Road Safety Function
- 12.1. In respect of functions under section 39(2) and 39(3) of the Road Traffic Act 1988 ('the road safety function'), which may be exercised concurrently with Constituent Councils, the GMCA delegates to TfGM responsibility for:
- 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.
- 12.2. 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

**13.** 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

**14.** In relation to the Bus Franchising service permit scheme, the GMCA delegates authority to TfGM to respond to and /or defend any appeals that a bus operator

may make to the Traffic Commissioner under section 123T of the Transport Act 2000, regarding any decision made by TfGM when exercising the functions under sections 123P to 123S of the Transport Act 2000 as delegated to TfGM by the Mayor.

15. In relation to Bus Franchising Scheme the GMCA delegates authority to TfGM to:

15.1. undertake and manage the procurement process for on-bus equipment, other equipment, any systems and associated services which are necessary for the implementation and operation of the Scheme on its behalf (including authority to determine the appropriate method of procurement as required and recommend preferred bidders).

15.2. manage the implementation and operation of the Scheme, the Local Service Contracts and any contracts for on-bus equipment, other equipment, systems and associated services in accordance with the provisions of an agreed Protocol with the GMCA.

**16. Mayor's Functions delegated to TfGM**

16.1. 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.

16.2. In relation to Buses:

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

16.3. 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.

16.4. In relation to Bus Franchising Service Permits:

All functions from and including section 123P through to and including section 123S of the Transport Act 2000 to allow TfGM to operate the administration of the service permit scheme and conditions regime.

## **F. DEPUTY MAYOR FOR POLICING AND CRIME (Fire and Rescue Functions)**

1. The Mayor delegates all fire and rescue functions to the Deputy Mayor for Policing and Crime to exercise on the Mayor's behalf in accordance with the GMCA's Constitution, with the exception of:
  1. those functions that cannot be delegated by virtue of article 6 of the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (set out at Part 3 Section B1 paragraph 8 of the constitution), and
  2. the functions delegated to Chief Officers under the Scheme of Delegation to Chief Officers and the Schedule of Proper Officers, contained in Part 3 Section G of the Constitution (prepared in accordance with section 101 of the Local Government Act 1972, and section 107D(3) of the Local Democracy, Economic Development and Construction Act 2009).
  
2. The Mayor will exercise any fire and rescue functions delegated to the Deputy Mayor for Policing and Crime in the absence of the Deputy Mayor for Policing and Crime or where Deputy Mayor for Policing and Crime has a conflict of interest.

## **G. SCHEME OF DELEGATION OF FUNCTIONS TO CHIEF OFFICERS, OTHER 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 Deputy Head of Paid Service (Deputy Chief Executive), 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 Bee Network 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 Bee Network 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 Bee Network 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.

## **Brownfield Funding Programme**

3.18 In consultation with the relevant Portfolio Holder the variation of grants approved by the GMCA by up to 10% of the grant amount and to vary other grant conditions provided that the grant will continue to be on substantially the same terms.

## **Mayoral Development Corporations - Acquisition of Land**

3.19 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 .

In the absence of the Head of Paid Service, the above delegations may be exercised by the Deputy Chief Executive

## **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 grants to outside bodies and organisations in accordance with grant procedures in place at the time of making the grant.
- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 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.

4.12 The collection of all money due to the GMCA, and the writing-off of bad debts.

4.13 To supervise procedures for the invitation, receipt and acceptance of tenders.

4.14 To administer the scheme of Members' allowances.

4.15 To make all necessary arrangements to ensure the payment of staff employed by the GMCA.

4.16 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.

4.17 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.

4.18 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).



- 4.19 To sign certificates under the Local Government (Contracts) Act 1997.
- 4.20 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.
- 4.21 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.
- 4.22 To exercise the responsibilities assigned to the Treasurer in the Financial Regulations and the Contract Procurement Rules.
- 4.23 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.
- 4.24 To act as the GMCA's Senior Information Risk Owner (SIRO) 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.
- 4.25 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)(b) of the Transport Act 1968;

## **Mayoral Functions**

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

The Treasurer is designated as the GMCA's Chief Finance Officer for the purposes of Section 73 of the Local Government Act 1985. The functions of the Chief Finance Officer include:

1. responsibility for the administration of financial affairs under section 73 of the Local Government Act 1985
2. exercise of the duties of the Chief Finance Officer under Section 114, 115 & 116 of the Local Government Finance Act 1988 and Section 25 of the Local Government Act 2003, namely ensuring lawfulness and financial prudence of decision-making.

In the absence of the Treasurer, the above delegations may be exercised by the Deputy Section 73 Officer.

## **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 In 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 Chief 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

In the absence of the Chief Fire Officer, the above delegations may be exercised by the Deputy Chief Fire Officer.

## **7. DELEGATIONS TO THE SECRETARY**

7.1 To provide a comprehensive administrative service to the GMCA.

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

## **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 any 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

## **SECRETARY**

The Secretary to the GMCA is appointed the Proper Officer in relation to the following

### **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 Bee Network Committee and any Committee of the GMCA and those which are likely to be heard in private and consequently which should Head of Paid Service 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

## GENERAL

All Officers in whose name reports are submitted to the GMCA via the Secretary and the Treasurer are appointed the proper officers in relation to the following:-

Local Government Act 1972

Section 100D (1) (a)	Compilation and retention of lists of background papers and copies of the relevant documents and reports; and
Section 100D (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
  - GMCA 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 –
- 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 a Joint Audit Panel (Police and Crime) which oversees the control environment of the Police and Crime Commissioner and 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 eight members, comprising:

- 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.
- Four 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.]

\* The length of tenure for Independent Members will be set at 2 terms of 3 years plus 3 x 1 year giving a maximum of 9 years.

## 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. six members) must be present at a meeting of the Audit Committee before any business may be transacted, **with a minimum of two Independent Members in attendance**, 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 the Bee Network 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), NW Evergreen Holdings Limited, Greater Manchester Fund of Funds Limited, Commission for New Economy and Chief Constable of Greater Manchester Police.

#### **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.
- 5.8 Receive the annual report of the Chair of the Joint Audit Panel – Police and Crime and the minutes of meetings of the Panel as, amongst other things, a means of providing assurance with regard to GMP's internal control environment and risk management framework for the management of operational risk.

## **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 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 Head of Audit and Assurance 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, Chief Constable for Greater Manchester Police, NW Evergreen Holdings Limited.

6.5 Contribute to the Internal Audit 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 Head of Audit and Assurance 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.

## **10. Delegation**

10.1 The Audit Committee shall not appoint sub-committees for the purpose of discharging any of the Committee's 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.
- 1.3 To oversee and approve the GMCA's Annual Business Plan and maintain oversight of the delivery and performance of key objectives and targets.

### **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) To approve the GMCA's Business Plan and maintain oversight of the delivery and performance of key objectives and targets.

#### **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.

The GMCA will also appoint up to 15 substitute members who may be invited, in accordance with rules on political balance below, to attend as full members of the Waste and Recycling Committee when apologies have been received. Substitute members will be appointed from the nominations received from 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 (except Wigan) 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. The GMCA may appoint a Vice-Chair of the Committee. If a Vice-Chair is appointed, in the absence of the appointed Chair, the appointed Vice-Chair will Chair the meeting. If no Vice-Chair is appointed, 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 COMMITTEE**

### **1. Purpose**

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

### **2. Composition**

#### **2.1 Membership**

The overview and scrutiny committee will be composed of twenty 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 the overview and scrutiny committee.

The overview and scrutiny committee will have at least one member from each Constituent Council.

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

The GMCA will also appoint up to twenty substitute members who may be invited to attend as full members of the overview and 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.

## 2.2 Political Balance

In appointing the members of the 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

The 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. fourteen 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 The 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 nor fire and rescue) functions;
  - (e) to make reports or recommendations to the Mayor with respect to the discharge of any general (but not Police and Crime Commissioner nor fire and rescue) 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 Remit**

### **4.1 GMCA Overview and Scrutiny Committee**

The remit of the overview and scrutiny committee includes:-

- To review and evaluate the performance of the Mayor and GMCA, and the way it works with its partners to deliver for local people;
- To contribute to policy development in respect of high profile, complex issues affecting the whole of Greater Manchester;
- To investigate complex cross-cutting issues with a particular focus on the delivery of the Greater Manchester Strategy.

# **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 Secretary 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 Secretary 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 Secretary and posted at Broadhurst House, 56 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 Secretary 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 Bee Network 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 Fire 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 Secretary may cancel or postpone any meeting, in consultation with the meeting Chair, prior to the issue of the agenda or subsequently in the event of an emergency or 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 Secretary 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 Secretary. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

11.4 The Secretary 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 Secretary 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 Secretary 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 Secretary 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 (in the case of the Waste and Recycling Committee, not including Wigan) taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing amongst the Constituent Councils (in the case of the Waste and Recycling Committee, not including Wigan) 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 Bee Network Committee Proceedings and Proceedings of any Committee or Sub-Committee of GMCA**

16.1 Except where the Bee Network Committee or any Committee or Sub-Committee of the GMCA, is acting under delegated authority, the Minutes of the proceedings of the Bee Network 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 Bee Network Committee and any Committee or Sub-Committee of the GMCA.

16.2 The Chair of the Bee Network Committee, or any Committee or Sub-Committee of the GMCA, (or other member of the Bee Network 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 Bee Network Committee or any Committee or Sub-Committee of the GMCA.

16.3 The Chair of the Committee or any Committee or Sub-Committee of the GMCA, (or other member of the Bee Network 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 Bee Network 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 Bee Network Committee and any Committee or Sub-Committee of the GMCA.

16.4 Where the Bee Network Committee or any Committee or Sub-Committee of the GMCA is acting under delegated authority, the Minutes of the proceedings of the Bee Network 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 4 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.

'other registrable interest' for the purpose of Rule 21.2 means an interest described in paragraph 5 to Appendix B of the Code,

'Non registrable interest' means an interest described in paragraphs 6, 7 or 8 to Appendix B 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 other registrable interests.

**21.3** Where a member of the GMCA is present at a meeting and has a disclosable pecuniary interest or, an interest described in paragraphs 5, 6, 7 or 8 to Appendix B of the Code 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, an interest described in paragraphs 5, 6, or 8 to Appendix B of the Code 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 Secretary 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 Secretary 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

- 1.3. 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;

		<p>(e) the Building Societies Act 1986; or</p> <p>(f) the Charities Act 2011.</p> <p>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.</p>
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	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.

	(b) to make an order or direction under any enactment.	
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 Secretary 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.

14.4 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.

14.5 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 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 overview and scrutiny committee; or
- (b) if there is no such person, or if the chair of the overview and scrutiny committee is unable to act, the Chair of the GMCA; or
- (c) where there is no chair of either the 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) the 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 Secretary 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 key 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 key decision, the officer must produce a written statement including the information specified in Rule 20.2.

20.2 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.

20.3 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.

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

## **21. Overview and Scrutiny Committee(s) 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 one overview and scrutiny committee 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 this committee 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 the committee annually following the annual meetings of its constituent councils.
- 2.2 The overview and scrutiny committee shall comprise twenty members appointed by the GMCA from the elected members of the constituent councils.
- 2.3 The committee will have at least one member from each constituent council.
- 2.4 In appointing members to the overview and scrutiny committee 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 twenty substitute members who may be invited to attend as full members of the overview and scrutiny 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.

### **3 Committee Chair**

3.1 The 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 The 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 The 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 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 The Overview and scrutiny committee will schedule regular meetings, of sufficient frequency to effectively discharge their function.

5.2 Additional meetings may be requested by the chair of the 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 the overview and scrutiny committee shall be two thirds of its total membership, 14 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 14 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 committee 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 The Overview and scrutiny committee 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 committee 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 the overview and scrutiny committee 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 committee 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>12</sup>

8.6 The Chair of the overview and scrutiny committee in consultation with the Monitoring Officer will determine whether a matter is an 'excluded matter'.

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<sup>12</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.

- 8.7 On receipt of a notice under Rule 8.4 the matter will be included on the agenda of the next meeting the 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**

- 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 The 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.

## **10 Reports and recommendations of the overview and scrutiny committee**

- 10.1 The GMCA's overview and scrutiny committee 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 the 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 the 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 the 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 the overview and scrutiny committee 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 committee as appropriate depending on the particular matter under consideration.
- 11.3 Additionally the Chair of the GMCA's overview and scrutiny committee has 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 The overview and scrutiny committee or any 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 The 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 Scrutiny Committee 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 but excluding fire and rescue functions)

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. Bee Network Committee,

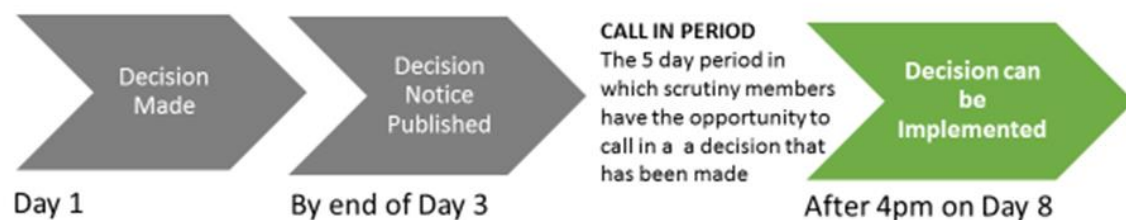
and key decisions made under delegated powers by:

- g. Officers of the GMCA, including Transport for Greater Manchester (as set out in Part 3 Sections E and G 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 Secretary 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 committee and any scrutiny sub committees (if established). This notice will enable members of the scrutiny committee 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 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 GMCA 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 GMCA Overview & Scrutiny Committee if its recommendations are not substantially accepted.

## **15 Call-in Procedure**

- 15.1 The purpose of call in is to give the overview and scrutiny committee the opportunity to consider whether they should ask the decision maker to review their decision. If three members of the 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**

- 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 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 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 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
- 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).

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

## **SECTION D – BEE NETWORK COMMITTEE**

### **RULES OF PROCEDURE**

#### **1. Interpretation, Suspension and Variation/Revocation of Rules of Procedure**

- 1.1 These Rules shall apply to the Bee Network Committee.
- 1.2 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.
- 1.3 References in these Rules to the “Chair” mean the member of the Bee Network Committee for the time being presiding at the meeting of the Bee Network Committee. References in these Rules to the “Secretary” means the officer of the GMCA who is appointed to discharge the role of the Secretary to the Bee Network Committee.
- 1.4 \* Except for those provisions which accord with the provisions of the Local Government Acts (and which are indicated with an asterisk \*) any Rule may be suspended at a meeting of the Bee Network Committee with the consent of the majority of the whole number of members of the Bee Network Committee but not otherwise.
- 1.5 \* These Rules (except for those Rules marked with asterisk\*) may be varied or revoked by a decision of a two-thirds majority of the Bee Network Committee and any motion to vary or revoke any of these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Bee Network Committee which shall determine the matter having considered a report of the Secretary to the Bee Network Committee on the proposed variation or revocation.



## **2. Chair**

- 2.1 \* The Chair of the Bee Network Committee will be appointed annually by the Mayor from among its members and shall, unless they resign, cease to be members of the Bee Network Committee or become disqualified, act until their successor becomes entitled to act as Chair.
- 2.2 The appointment of the Chair, for recommendation to the Mayor shall be the first business transacted at the Annual Meeting of the Bee Network Committee.
- 2.3 \* On a vacancy arising in the office of Chair for whatever reason, the Bee Network Committee shall recommend an appointment to fill the vacancy at the next ordinary meeting of the Bee Network Committee 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.

## **3. Meetings**

- 3.1 \* The Annual Meeting of the Bee Network Committee shall be held in June or the month after local elections on a date and at a time determined by the Bee Network Committee.
- 3.2 \* Ordinary meetings of the Bee Network Committee for the transaction of general business shall be held on such dates and at such times as the Bee Network Committee shall determine.
- 3.3 \* An Extraordinary Meeting of the Bee Network Committee may be called at any time by the Chair.

## **4. Notice of Meetings**

- 4.1 At least five clear days before a meeting of the Bee Network Committee:
- (a) notice of the time and place of the intended meeting shall be published by the Secretary and posted at Broadhurst House, Oxford Street, Manchester, M1 6EU; and
  - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic email to the usual email address of each member of the Bee Network Committee, or any other email address notified to notified to the Secretary by a member of the Bee Network Committee.
- 4.2 \* Lack of service on a member of the Bee Network Committee of the summons shall not affect the validity of a meeting of the Bee Network Committee.
- 4.3 \* A member of the Bee Network Committee may require a particular item of business, including any motion, which is relevant to the powers of the Bee Network Committee, to be discussed at an ordinary meeting of the Bee Network Committee subject to at least eight clear days' notice of such intention being given to the Secretary in writing, signed by the member concerned and specifying the business to be discussed. The Secretary shall set out in the agenda for each meeting of the Bee Network Committee the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given prior written notice to the Secretary 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 Bee Network Committee decides otherwise, be treated as withdrawn. A member shall not have more than one item of business, or motion, standing in their name to be discussed at any meeting of the Bee Network Committee.
- 4.4 No motion by way of notice to rescind any resolution which has been passed within the preceding six months, nor any motion by way of notice to the same effect as any motion which has been negatived within the preceding six months,

shall be in order, unless the notice thereof shall have been given in time for inclusion on the agenda for the meeting, in accordance with paragraph 4.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.

- 4.5 \* Except in the case of business required by these Rules to be transacted at a meeting of the Bee Network Committee, and other business brought before the meeting as a matter of urgency, and of which the Secretary 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 Bee Network Committee other than that specified in the agenda for the meeting.

## **5. Chair of Meeting**

- 5.1 \* At each meeting of the Bee Network Committee the Chair, if present, shall preside.
- 5.2 \* If the Chair is absent from a meeting of the Bee Network Committee, the Secretary shall invite the members present to elect a member to preside for the duration of the meeting or until such time as the Chair joins the meeting.
- 5.3 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.

## **6. Quorum**

- 6.1 \* No business shall be transacted at any meeting of the full Bee Network Committee unless at least 6 of the members are present).
- 6.2 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.
- 6.3 If during any meeting of the Bee Network Committee 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 Bee Network Committee.

## **7. Order of Business**

7.1 At every meeting of the Bee Network Committee the order of business shall be to select a person to preside if the Chair is 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 Bee Network Committee

7.2 The Chair may bring before the Bee Network Committee at their discretion any matter that they consider appropriate to bring before the Bee Network Committee as a matter of urgency.

## **8. Rules of Debate**

### **Motions**

8.1 A Motion (or amendment) shall not be discussed unless it has been proposed and seconded. It shall, if required by the Chair, be put in writing and handed to the Chair, who shall determine whether it is in order before it is further discussed or put to the meeting.

8.2 A member when seconding a Motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. No member may, except at the discretion of the Chair, address the Bee Network Committee more than once on any Motion. The mover of the original Motion may reply but shall confine such reply to answering previous speakers

and shall not introduce any new matter into the debate. After the reply the question shall be put forthwith.

- 8.3 A member when speaking shall address the Chair. If two or more members signify their desire to speak, the Chair shall call on one to speak: the other or others shall then remain silent. While a member is speaking no other member shall intervene unless to raise a point of order or by way of personal explanation.
- 8.4 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Chair.

### **Amendments to Motions**

- 8.5 An amendment shall be relevant to the Motion and shall be:-

- (i) to leave out words from the Motion
- (ii) to leave out words from, and insert or add others to, the Motion:
- (iii) to insert words in, or add words to, the Motion:

but such omission, insertion or addition of words shall not have the effect of negating the Motion before the Bee Network Committee.

- 8.6 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. The mover of an amendment shall read the same before speaking to it.
- 8.7 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, except any amendment which would be inconsistent with that already carried. The right of reply under paragraph 9.2

above shall not extend to the mover of an amendment which, having been carried, has become the substantive Motion. No member shall move more than one amendment on any Motion.

8.8 A member with the consent of the Bee Network Committee, signified without discussion:-

- (a) alter a Motion of which they have given notice
- (b) with the consent of their seconder alter a Motion which they have moved:

if in either case the alteration is one which could be made as an amendment thereto.

8.9 A Motion or amendment may be withdrawn by the mover with the consent of the Bee Network Committee (which shall be signified without discussion) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

8.10 When a Motion is under debate no other Motion shall be moved except the following:-

- (a) That the Motion be amended
- (b) That the Bee Network Committee proceed to the next business
- (c) That the question be put
- (d) That the debate be adjourned
- (e) That the meeting be adjourned
- (f) That the member named be warned
- (g) (By the Chair under paragraph 11.2 below) That the member named leave the meeting, or
- (h) That the press and public be excluded (in accordance with Section 100A of the Local Government Act, 1972)

8.11 A member who has not already spoken on the item under consideration may move without comment at the conclusion of a speech of another member "That

the Bee Network Committee proceed to the next business”, “That the question be put”, “That the debate be adjourned” or “That this meeting of the Bee Network Committee be adjourned” and on the seconding of that Motion the Chair shall proceed as follows:

- (a) on a Motion to proceed to the next business, unless in their opinion the original Motion or amendment has been insufficiently discussed, they shall first give the mover of the original Motion a right of reply, and then put to the vote the Motion to proceed to the next business; if this latter Motion is carried, the original Motion or amendment under discussion shall be deemed to be withdrawn
- (b) on a Motion that the question be put, unless in their opinion the Motion or amendment before the meeting has not been sufficiently discussed, they shall first put to the vote the Motion that the question be put and, if it is carried, they shall then give the mover of the original Motion their right of reply under paragraph 9.2 above, before putting the Motion or any amendment then under discussion to the vote
- (c) on a Motion to adjourn the debate, if, in the Chair’s opinion, the Motion or amendment before the meeting has not been sufficiently discussed, and cannot reasonably be sufficiently discussed on that occasion, they shall put to the vote a Motion to adjourn the debate to the next meeting of the Bee Network Committee, or to a time stated, without giving the mover of the original Motion their right of reply on that occasion; if the adjournment Motion is carried, then, on the resumption of the debate, the Chair shall reintroduce the Motion or amendment before the meeting at the time the debate was adjourned, and the member who moved the adjournment of the debate shall be entitled to speak first
- (d) on a Motion to adjourn a meeting of the Bee Network Committee until a specified date and time, the Chair shall forthwith put such a Motion to the vote without giving any right of reply to the mover of any Motion under discussion and, if the Motion is carried, the remaining business of

the day shall stand adjourned until the date and time stated in the Motion. On the resumption of the meeting of the Bee Network Committee the procedure in paragraph 9.11(c) above shall apply

- 8.12 No member may move any of the Motions in paragraph 9.11 above on more than one occasion at each meeting and, when such a Motion is not carried, a second Motion of the like nature shall not be made within half an hour unless, in the opinion of the Chair, the circumstances of the question are materially altered.

### **Points of Order**

- 8.13 A member may, with the permission of the Chair, raise a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of the Rules of Procedure or statutory provision and the member shall specify which part of the Rules of Procedure or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by the member which they consider to have been misunderstood in the present debate.
- 8.14 The ruling of the Chair on a point of order, or the admissibility of a personal explanation, shall not be open to discussion.
- 8.15 Whenever the Chair intervenes during a debate a member then speaking or offering to speak shall give way.

### **Motion to exclude the Press and Public**

- 8.16 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 Bee Network Committee 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 Local Government Act 1972.

## **9. Voting**

- 9.1 Whenever a vote is taken at meetings of the Bee Network Committee it shall be by a show of hands. On the requisition of any member of the Bee Network Committee, supported by four 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.
- 9.2 \* In the case of an equality of votes, the Chair shall have a second, or casting, vote.
- 9.3 \*A member may demand that his/her vote be recorded in the Minutes of the meeting.

## **10. Conduct of Members at meetings**

- 10.1 If at a meeting any member of the Bee Network Committee, misconducts 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 Bee Network Committee, the Chair or any other member may move "That the member named be warned" and the Motion if seconded shall be put and determined without discussion.
- 10.2 If the member named continues such misconduct after a Motion under the foregoing paragraph has been carried, the Chair shall either:-
- (a) move "That the member named leave the meeting" (in which case the Motion shall be put and determined without seconding or discussion)
  - (b) adjourn the meeting of the Bee Network Committee for such period as they consider expedient

- 10.3 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in him or her may, without question put, adjourn the meeting of the Bee Network Committee for such period as he or she considers expedient.

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

- 11.1 If a member of the public interrupts the proceedings at any meeting 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.

## **12. Interests of Members**

- 12.1 \* A member must have regard to the Code of Conduct for Members of the local authority for which they are an elected member and their obligations in relation to the disclosures of, and possible withdrawal from a meeting, for reason of personal, prejudicial interests and disclosable pecuniary interests.

## **13. Publication of Reports**

- 13.1 \* Reports or other documents for the consideration of the Bee Network Committee shall be marked "Private & Confidential Not for Publication" only if the Secretary, as Proper Officer under Section 100B(2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act.
- 13.2 A Member of the Bee Network Committee or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules 14 and 15 below.

- 13.3 \* Copies of the agenda of meetings of the Bee Network Committee, including prints of reports or other documents to be submitted to the Bee Network Committee (other than reports or other documents marked “Not for Publication”) shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at Broadhurst House, Oxford Street, the Town Hall, Manchester, M1 6EU.
- 13.4 \* Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to members of the Bee Network Committee.

#### **14. Access to Information Procedure Rules**

- 14.1 Except as otherwise indicated, these rules apply to all meetings of the Bee Network Committee.
- 14.2 The Rules in Section 14 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.
- 14.3 The Bee Network Committee will supply copies of:
- (a) any agenda and reports that 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
  - (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item
  - (d) to any person on payment of a charge for postage and any other costs.
- 14.4 The Bee Network Committee will make available copies of the following for six years after a meeting:

- (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
- (d) reports relating to items when the meeting was open to the public

14.5 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based
- (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

## **15. Admission of the Public**

15.1 \*All meetings of the Bee Network Committee 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.

## **15.2 Exclusion of access by the public to meetings**

### **(a) Confidential information – requirement to exclude public**

15.2.1 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.

15.2.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.

### **(b) Meaning of confidential information**

15.3 Confidential information means information given to the Bee Network Committee by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.

### **(c) Meaning of exempt information**

15.4 Exempt information means information falling within the following categories (subject to any qualifications):

- (i) information relating to any individual
- (ii) information which is likely to reveal the identity of any individual
- (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information)

- (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the Bee Network Committee or a Minister of the Crown and employees of, or office holders under, the Bee Network Committee
- (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- (vi) information which reveals that the Bee Network Committee 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
- (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

In each case, information 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.

**(d) Exclusion of Access by the public to reports**

- 15.5 If the Secretary thinks fit, the Bee Network Committee may exclude access by the public to reports which in his/her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

# **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 certified by managers in accordance with policies approved by the Treasurer.

### **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 and other organisations. 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 business 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 £500,000 with the approval of the Treasurer;

7.1.3.2. in relation to TfGM's capital budget, –

7.1.3.2.1. by up to £100,000, if wholly funded by TfGM's own resources, or

7.1.3.2.2. between £100,000 - £500,000 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 £500,000 with the approval of the GMCA;

7.1.4 Where borrowing will be required to fund planned capital expenditure prior approval from the GMCA is needed before any increase can be made to the capital programme.

## 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.

7.2.4 Where additional external funding is awarded after the annual revenue budget has been approved by GMCA, the GMCA and/or TfGM budget may be increased in-year on the following basis:

7.2.4.1. In relation to GMCA's revenue budget, by up to £500,000 with the approval of the Treasurer;

7.2.4.2. In relation to TfGM's revenue budget -



- 7.2.4.2.1. by up to £100,000, if wholly funded by TfGM's own resources, or
- 7.2.4.2.2. between £100,000 - £500,000, with the approval of the Treasurer;
- 7.2.4.3. In relation to GMCA's general and transport revenue budget and TfGM's revenue budget, over £500,000 with the approval of 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.

## 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.	Chief Officers to exercise virements on budgets under their control during the year following approval by the Treasurer.

<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.	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.
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### 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. CIPFA Treasury Management Code of Practice 2021**

- 11.1 In line with CIPFA recommendations, the GMCA has adopted the following four clauses:
  - 11.1.1 This organisation will create and maintain, as the cornerstones for effective treasury and investment management:

- 11.1.1.1 a treasury management policy statement stating the policies, objectives and approach to risk management of its treasury management activities;
- 11.1.1.2 suitable Treasury Management Practices (TMPs) setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities;
- 11.1.1.3 Investment Management Practices (IMPs) for investments that are not for treasury management purposes.

The content of the policy statement, TMPs and IMPs will follow the recommendations contained in Sections 6, 7 and 8 of the TM Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the TM Code's key principles.

- 11.1.2 This organisation (i.e. full GMCA) will receive reports on its treasury and investment 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 and IMPs.
- 11.1.3 This organisation 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, who will act in accordance with the organisation's policy statement, TMPs and IMPs, and if they are a CIPFA member, CIPFA's Standard of Professional Practice on treasury management.

- 11.1.4 This organisation nominates the Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

## **12. Contracts**

- 12.1. 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.
- 12.2. 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.
- 12.3. 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.
- 12.4. 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 shall be reported to the Treasurer as soon as possible as follows:
- 12.4.1. Increase of £2,500 on projects up to £30,000, or
- 12.4.2. Increase of 10% or £100,000 (whichever is lower) on projects over £30,000, or
- 12.4.3. Substantial modification of a scheme.

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.

- 12.5. 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.
- 12.6. 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.
- 12.7. 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.

### **13. ASSETS, ESTATES AND PROPERTY, ASSETS FOR DISPOSAL, STOCKS AND STORES**

#### **Assets**

- 13.1 Chief Officers are responsible for the care and custody of all current and fixed assets of the relevant service (including stocks, stores, inventory items

and all other items used for the Authority's purposes, including property). These items must only be used for the authorised purposes of the Authority. Assets must be recorded in the Authority's Asset Register, in accordance with the CIPFA Code of Practice.

- 13.2 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.

### **Asset Register**

- 13.3 The Treasurer must ensure that an Asset Register in accordance with agreed auditing standards is maintained. This will include all land and property.
- 13.4 Each Chief Officer must immediately notify the Treasurer of the acquisition of any asset having a value of £10,000 or more.
- 13.5 Each Chief Officer must immediately notify the Treasurer of the disposal (or transfer to another Service) of any asset (or part of any asset) which is included on the Asset Register.
- 13.6 The Treasurer is to approve and keep records of all leases entered into by the Authority, in accordance with IFRS 16 Leases.
- 13.7 In respect of any item acquired by lease the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.
- 13.8 All Right of Use Assets, as defined in IFRS 16 Leases, must be identified during the procurement process and relevant details provided to the Treasurer for accounting purposes.



## **Estates and Property**

- 13.9 The Head of Paid Service must ensure that the detailed record of all land and property owned by the GMCA is included in the GMCA's Asset Register.
- 13.9 The Monitoring Officer shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Treasurer.

## **Assets for Disposal**

- 13.10 The disposal of assets is 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.
- 13.11 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:-
- (a) 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
  - (b) The difference between the full market value and the actual consideration payable does not exceed £2m
- 13.12 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.

- 13.13 Leased items should only be disposed of in accordance with the instructions of the lessor.

### **Stock and Stores**

- 13.14 Each Chief Officer shall be responsible for the care and custody of stocks and stores within his area of responsibility.
- 13.15 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 (that being 31 March).
- 13.16 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.
- 13.17 Adjustments which may be necessary for surpluses or deficiencies of stock shall be subject to the approval of the Treasurer, or delegated officer.
- 13.17 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.

## **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 they 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 considered necessary, and shall inform Chief Officers annually of the insurances in force in respect of the GMCA.
- 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 business areas.

## **17 Internal Audit**

17.1 The Treasurer shall, so far as they considers necessary:

17.1.1 Arrange for the provision of an internal audit service in line with the Accounts and Audit (England) Regulations 2015. The internal audit function will be independent in its planning and operation and will conform with the United Kingdom Public Sector Internal Audit Standards (PSIAS) and associated guidance on PSIAS published by CIPFA.

- 17.1.2 Supervise security arrangements and the custody and safeguarding of GMCA moneys and property, including any funds entrusted to the GMCA or its officers.
  - 17.1.3 Undertake investigations in order to ensure that value for money is obtained and loss through wastage minimised.
- 17.2 The Treasurer will make arrangements so that internal auditors have the authority:
- 17.2.1 To have access to GMCA premises at reasonable times.
  - 17.2.2 To have access to documents, records and equipment in the possession of the GMCA.
  - 17.2.3 To require any officer of the GMCA to account for cash, stores or any other GMCA asset under their control.
  - 17.2.4 Where possible, to have access to records belonging to third parties, such as contractors, when required
  - 17.2.5 To receive information concerning any matter under investigation.
  - 17.2.6 To have access to the Head of Paid Service and the Audit Committee.
- 17.3 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.

## **18 Requisitions and Purchase Orders for Work, Goods & Services**

- 18.1 The GMCA Contract Procurement Rules set out at Part 6 Section B of the GMCA Constitution will apply.
- 18.2 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.

## **19 Payment of Accounts**

- 19.1 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.

## **20 Taxation**

- 20.1 The Treasurer is;
- 20.1.1 Responsible for ensuring that taxation advice is available to Chief Officers to ensure compliance with relevant legislation.
- 20.1.2 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.
- 20.1.3 To complete all HM Revenue and Customs returns regarding Pay As You Earn (PAYE).
- 20.1.4 To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
- 20.1.5 To provide details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme.

20.1.6 To maintain an up-to-date register of VAT de minimis payments in accordance with the VAT Act 1994.

20.2 Chief Officers are to:

20.2.1 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.

20.2.2 Ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

20.2.3 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.

20.2.4 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.

20.2.5 Follow any guidance on taxation that may be issued by the Treasurer.

## **21 Internal Control**

21.1 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.

21.2 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.

## **22 Security**

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

## **23 Purchase Cards**

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

## **24 Bids for External Funding**

- 24.1 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.



24.2 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 AND GRANT 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 AND TO GMCA GRANTS**

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### **DEFINITIONS**

## A BRIEF GUIDE TO CONTRACT PROCUREMENT RULES AND GRANT 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.

## **CONTRACTS OR GRANTS**

### **Distinguishing between a contract and a grant**

It is important to distinguish whether obligations arise as a result of a grant or a contract because different legal frameworks apply to grants and to contracts. The description given to the relationship by the parties will not necessarily be decisive. The outcome will depend on all the circumstances.

There is no one factor that determines whether an arrangement is a grant agreement or a contract. The arrangement must be considered as a whole.

The question of whether an obligation arises as a result of a grant or a contract is one that affects state entities providing funds, usually to not-for-profit or third sector organisations (which can include charities), to facilitate outcomes.

**NB** – Advice can be obtained from the Procurement Section

### **Contract**

Usually, a contract will be entered into following a procurement process (often an Invitation to Tender or Request for Quotation):

- The provider will be contractually bound to provide the services, works or goods.
- The commissioner will be contractually bound to pay the provider for the services, works or goods.
- There will be a detailed specification drawn up to meet the GMCA's requirements setting out the services the provider is to carry out, the works to be performed or the goods to be provided.
- There will be, among others, provisions in the contract:
  - setting out what happens if either party does not comply with the terms of the contract;
  - determining what will happen if the contract is terminated; and
  - dealing with whether the provider can subcontract the services or the provision of the works or goods.

### **Breach of Contract**

A breach of contract occurs whenever a party fails to perform a contractual duty as required by its terms. The principal remedy in English law for breach of contract is an award of damages.

### **Grant**

A grant is a gift of funds for a specific purpose. Under a grant agreement, the funder makes a payment to the recipient for a specific purpose. The recipient is not obliged to deliver any goods or services to the funder (so no liability for damages will arise by the recipient failing to perform), although the funder may claw back grant which has not been spent for that specific purpose or is misapplied.

Usually, under a grant agreement:

- The funder will give money to the recipient to assist it to meet the recipient's objectives. The funds are to be used to undertake activities that are not being undertaken for the direct benefit of the GMCA.
- The recipient organisation has the choice of either undertaking the funded services or activities or handing back the money without incurring further costs.
- The only material obligation placed on the GMCA under the grant agreement will be to pay the grant to the recipient .

\*The recipient organisation must return any unspent grant to the GMCA.

A grant agreement may not be suitable, for example, where the GMCA has a statutory duty to provide a service as a grant agreement would not secure the delivery of the services because the organisation is not contractually bound to provide services to the GMCA.

### **Breach of Grant Agreement**

Grant agreements normally enable the funder to withhold or suspend payment of the grant and/or require repayment of all or part of the grant if the recipient organisation:

- Misuses the grant
- Fails to comply with the terms and conditions of the grant agreement
- Acts negligently in delivering the project
- Obtains duplicate funding from a third party
- Provides the funder with misleading or inaccurate information
- Commits fraud or bribery
- Ceases to operate, is wound up, dissolved or becomes insolvent

## **Contracting authorities as grant recipients**

Contracting authorities which receive grant monies to fund contracts will be subject to the procurement rules in terms of how they spend that grant. A failure to comply may result in grant funding being clawed back.

## **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 applicable legal requirements, including

- The Public Contracts Regulations 2015
- The Concession Contracts Regulations 2016



- The Public Services (Social Value) Act 2012

#### 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 Statutory 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 Statutory 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 Central Purchasing Bodies.
- 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 Statutory Threshold must be let under the Statutory Procedure, unless the consortium or Central Purchasing Body has satisfied this requirement already by letting its agreement in accordance with the Statutory Procedures on behalf of the GMCA or specifying the GMCA as a potential user.
- 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.

#### **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, works 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.

6.4 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) where applicable (even if there is no requirement within the Statutory 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 – Statutory Threshold (including VAT)	Invitation to Tender by advertisement to at least three Candidates	E portal and the UK Government Contracts Finder

Above Statutory Threshold (including VAT)	Statutory Procedure	E portal and the UK Government Contracts Finder
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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 other organisations 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 applicable 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 – Statutory Threshold	Three written quotations	E portal up to £50,000 then E portal and UK Government Contracts Finder
Above Statutory Threshold	Statutory 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 Statutory 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 law

NB - This does not prevent the GMCA from exercising any function with reference to a non-commercial matter to the extent that it is necessary or expedient to do so to enable or facilitate compliance with a duty imposed on the GMCA by section 1 of the Public Services (Social Value) Act 2012.

## **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 Statutory 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 Statutory Procedure and these are set out in the Statutory 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 Statutory 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 a Statutory 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 Statutory Procedure can only be undertaken on the grounds allowing for such specified in the Statutory 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.
- 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 may accept tenders or bids received:
- 17.2.1 in consultation with the relevant Director over £50,000 and up to £100,000 in value, and
  - 17.2.2 in consultation with the relevant Director and the Head of Procurement over £100,000 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 Statutory 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 Statutory 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 Statutory Procedure (such as social and other specific services listed under the Statutory Procedure, or where the value is under the Statutory Threshold) and
- contracts subsequently called off and awarded based on a Framework Agreement that was let in accordance with the Statutory 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:

<b>Total Value</b>	<b>Method of completion</b>	<b>By</b>
Up to £75,000	Signature	Authorised Signatory Unless the agreement must be sealed in accordance with Rule 18.3.3.
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.

### 18.4 Signatures

Authorised Signatories may sign and witness the sealing of documents by way of electronic signature.

## 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 at the start of the procurement process. 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 procurement and contracting guidance.

20.3 Anyone awarding a contract in excess of £50,000 must notify the Treasurer of the details of that contract if for any reason the tender has not been issued via the Procurement Team.

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 Statutory 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, 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 All contracts should be assessed before commencement of the procurement process to identify those deemed to be High Risk, High Value, or High Complexity. Performance of these contracts and suppliers should be periodically reported the Treasurer through the contract period.

22.2 During the life of the contract, the Officer must monitor in respect of:

- Performance
- Compliance with specification and contract
- Cost
- Supplier financial and corporate well being
- Any Value for Money requirements
- Social value requirements
- User satisfaction and risk management.

22.3 The Contract Manager must make adequate preparation for the end of the contract including:

- An exit strategy or a plan for transition to another supplier
- Lessons learned to inform the specification and strategy for any re-procurement

## GRANTS

### 23. GRANTS –TRANSPARENCY, AWARD CRITERIA, GRANT AGREEMENTS, MONITORING, EVALUATION AND REVIEW

#### 23.1 TRANSPARENCY - AWARD CRITERIA

Where there is more than one likely possible grant recipient, grants should be awarded following an open, fair, transparent process.

The Officer must define award criteria that are appropriate to the grant programme.

Bids for grants must be evaluated and awarded in accordance with the award criteria.

All grant awards should be approved by the Treasurer.

Before awarding any grant, the officer shall ensure compliance with prevailing subsidy rules, adhering to the GMCA Grant Award Procedure and seeking advice from the Procurement Team as appropriate.

#### 23.2 GRANT AGREEMENTS

Grant agreements should specify that the GMCA may withhold or suspend payment of the grant and require repayment of all or part of the grant if, among other matters, the recipient organisation:

- o Misuses the grant
- o Fails to comply with the terms and conditions of the grant agreement
- o Obtains duplicate funding from a third party
- o Provides the GMCA with misleading or inaccurate information
- o Commits fraud or bribery
- o Ceases to operate, is wound up, dissolved or becomes insolvent

### **23.3 MONITORING EVALUATION AND REVIEW**

During the life of the grant agreement, the Officer must monitor in respect of:

- Compliance with grant conditions
- Spend against profile
- Programme outcomes

### **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.
Candidate	Any person or organisation who applies for, asks or is invited to submit a Quotation or Tender.
Central Purchasing Body	Means a contracting authority which provides centralised purchasing activities and which may also provide ancillary purchasing activities
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 professional 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>
Delegated Officer	The Officer authorised by the Chief Officer to approve requisitions and purchase orders.
Statutory Procedure	The procurement procedure required by UK law for goods, works and services where the Total Value exceeds the Statutory Threshold.
Statutory Threshold	The values at which the relevant UK public procurement law applies.
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.
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 Statutory 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	<p>(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').</p> <p>(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.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(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').</p>

	<p>(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.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the GMCA gives or withholds support.</p> <p>(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.</p> <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 procurement and award of the contract in question.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company whereby 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.
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 (inclusive 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 Transfer 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	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. MEMBERS CODE OF CONDUCT**

### **MEMBERS MODEL CODE OF CONDUCT**

Definitions

General principles of member conduct

Application of the Code of Conduct

Standards of member conduct

General Conduct

1. Respect
2. Bullying, harassment and discrimination
3. Impartiality of officers of the GMCA
4. Confidentiality and access to information
5. Disrepute
6. Use of position
7. Use of GMCA resources and facilities
8. Complying with the Code of Conduct Protecting your reputation and the reputation of the GMCA
9. Interests
10. Gifts and Hospitality

Appendix A – The Seven Principles of Public Life

Appendix B - Registering Interests

- Non-participation in case of disclosable pecuniary interest
- Disclosure of Other Registerable Interests
- Disclosure of Non-Registerable Interests
- Table 1 – Disclosable Pecuniary Interests
- Table 2 – Other Registrable Interests

## **Member Model Code of Conduct**

### **Definitions**

For the purposes of this Code of Conduct, a “member” means a member including the directly elected Mayor and substitute members, a co-opted member of the GMCA including councillors from Greater Manchester’s districts appointed to roles in which they act on behalf of the GMCA. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

### **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and

- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor, or are appointed as a member and continues to apply to you until you cease to hold office/be a member of the GMCA.

This Code of Conduct applies to you when you are acting in your capacity as a member which may include when:

- you misuse your position as a member
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a member

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member.



Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

## **Standards of Member Conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

### **General Conduct**

The general conduct guidance follows below:

#### **1. Respect**

**As a member:**

**1.1 I treat other members and members of the public with respect.**

**1.2 I treat GMCA employees, employees and representatives of partner organisations and those volunteering for the GMCA with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members/councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the GMCA, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and GMCA employees, where concerns should be raised in line with the GMCA's member - officer protocol.

## **2. Bullying, harassment and discrimination**

**As a member:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the GMCA's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the GMCA**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the GMCA**

Officers work for the GMCA as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a member:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i) I have received the consent of a person authorised to give it;**
  - ii) I am required by law to do so;**
  - iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv) the disclosure is:**
    - 1. reasonable and in the public interest; and**

- 2. made in good faith and in compliance with the reasonable requirements of the GMCA, and**
- 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the GMCA must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the GMCA and may lower the public's confidence in your or the GMCA's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the GMCA into disrepute.

You are able to hold the GMCA and fellow members to account and are able to constructively challenge and express concern about decisions and processes

undertaken by the GMCA whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a member:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the GMCA provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of GMCA resources and facilities**

**As a member:**

**7.1 I do not misuse GMCA resources.**

**7.2 I will, when using the resources of the GMCA or authorising their use by others:**

- **a. act in accordance with the GMCA's requirements; and**
- **b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the GMCA or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the GMCA to assist you in carrying out your duties as a member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of GMCA/local authority buildings and rooms.

These are given to you to help you carry out your role as a member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the GMCA's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a member:**

**8.1 I undertake Code of Conduct training provided by the GMCA.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the GMCA or its governance. If you do not understand or are concerned about the GMCA's processes in handling a complaint you should raise this with your Monitoring Officer.

**Protecting your reputation and the reputation of the local authority**

## **9. Interests**

**As a member:**

### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, GMCA employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011. **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

**As a member:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the GMCA or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the GMCA, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a member. If you are unsure, do contact your Monitoring Officer for guidance.



## **Appendix A – The Seven Principles of Public Life**

The principles are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

## **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B - Registering Interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"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.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non-participation in case of disclosable pecuniary interest**

4. Where you have a Disclosable Pecuniary Interest, as set out in Table 1, in any matter to be considered or being considered at a meeting, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **Disclosure of Other Registerable Interests**

5. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (**as set out in Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests**

6. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which affects –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied .

8. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

**Table 1: Disclosable Pecuniary Interests**

Subject	Description
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 and Property	Any beneficial interest in land which is within the area of the GMCA. Land excludes an easement, servitude, interest or right in or over the land which does not give you or your partner (alone or jointly with another) a right to occupy or to receive income.
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 is a partner of or a director of or has a has a beneficial interest in the securities.</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 - <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</li> </ul> </li> </ul>

	which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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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 an industrial and provident society;
- c. '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.

<b>Table 2: Other Registrable Interests</b>	
You must register as an Other Registrable Interest:	
a)	any unpaid directorships
b)	any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
c)	any body
	(i) exercising functions of a public nature
	(ii) 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) of which you are a member or in a position of general control or management

## **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 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 Deputy Director of Internal Audit. 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 Bee Network 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.

**1.7** This guidance relates to interactions and relations between Members and Officers both in-person and via digital and other means, including through Social Media.

## **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** Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change their professional advice.

**3.3** 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.

**3.4** 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.

**3.5** The following key principles reflect the way in which Officers generally relate to Members:

**3.6** Officers undertaking work for the GMCA are accountable to the GMCA through the Head of Paid Service.

**3.7** 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.

**3.8** 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.

**3.9** 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. The rights of members to inspect GMCA documents are set out in the constitution in the Access to Information Procedure rules. Members and Officers should both be mindful of their obligations under data protection legislation.

**6.2** 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.

**6.3** The Freedom of Information Act 2000 (FoIA) and Environmental Information Regulations 2004 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** The governance of the combined area of Greater Manchester is subject to a series of Parliamentary orders which continue to provide the legislative framework in which the GMCA and the elected mayor operate.

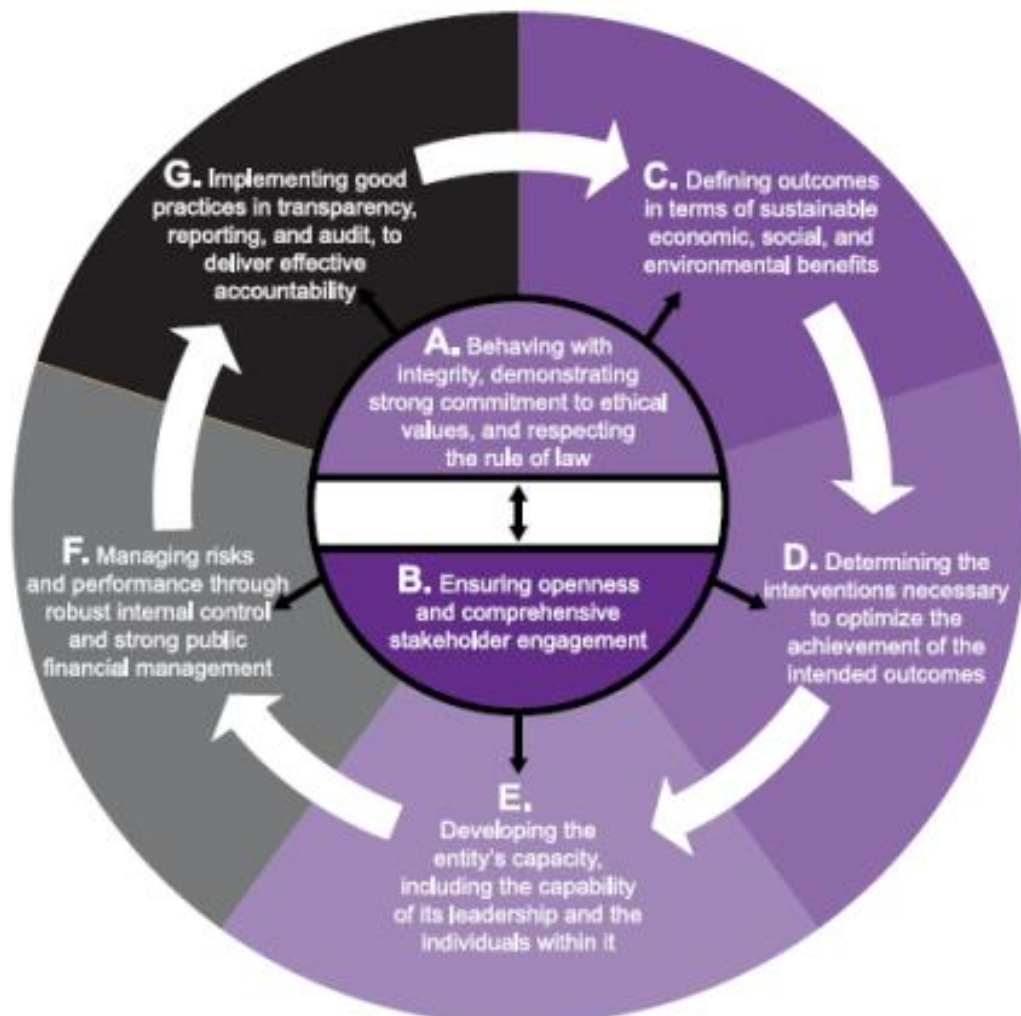
## 2 What is Good Governance

### 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 [whistle-blowing policy](#) to ensure that individuals who draw attention to factors that compromise the GMCA's integrity are adequately protected and supported in doing so. The Policy was updated in February 2023 to ensure that it remains up-to-date and compliant with legislation. Information on how to report concerns can be located on both the external facing GMCA website and the staff intranet.

#### **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. The Code of Conduct is reviewed annually by the Standards Committee.
- 3.8** A Code of Conduct for Officers 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. Each members recorded register of interests can be found on their individual member pages on the GMCA website.
- 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 Fire 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 the Bee Network 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 one overview and scrutiny committee. 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.
- 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 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** The Police and Crime Panel, which is a joint committee of the Constituent Councils, was established in 2017. Following the passing in parliament of the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 – the GM Mayor was permitted to incorporate fire and rescue into the functions exercised by the GM Deputy Mayor. As of June 2020, the Panel evolved into the Police, Fire & Crime Panel. Membership of the Police, Fire 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.

**4.10** Partnership working arrangements shall be registered by the authorising Director in the Partnership Register, held by the Deputy Director, Audit and Assurance.

### **Engaging With Individual Citizens and Service Users Effectively**

**4.11** 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.

**4.12** The Authority is committed to considering and acting upon feedback from residents and stakeholders. A transparent complaints handling procedure is in place 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 [ [About Greater Manchester](#) ] 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 2021-2031 sets out a vision to make Greater Manchester a place where everyone can live a good life, growing up, getting on and growing old in a greener, fairer and more prosperous city region.

At the heart of the Strategy stood three shared outcomes:

- People's Wellbeing: better homes, jobs, transport, and health, living in vibrant communities
- Thriving Organisations: which succeed and look after their people, places and planet
- Leading the UK and the World: in sectors including low carbon and digital

**5.5** To enable the GMCA and GM LEP to understand performance across all strategic priorities, headline progress measures, targeted indicators and qualitative assessments will form the basis of the comprehensive performance framework and progress monitoring of the delivery of the Greater Manchester Strategy.

### **Sustainable Economic, Social and Environmental Benefits**

**5.6** 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.

**5.7** 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.

**5.8** The leader portfolio for Equalities, Inclusion and Cohesion continues to ensure that all of the conurbation can play the fullest part and benefit from the growth of Greater Manchester.

**5.9** The portfolio holder's work is 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 equalities, inclusion 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 equalities, inclusion and cohesion into its day-to-day business and adopts best practice to fulfil the aims of the general equality duty.

**5.10** 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 Framework** whose objectives are:

- To provide the best employment that you can
- To keep the air clean in Greater Manchester
- To create the employment and skills opportunities that we need to build back better
- To be part of a strong local community
- To make your organisation greener
- To develop a local, GM based and resilient supply chain

## **6 D. 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.

### **Planning Interventions**

- 6.3** 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.
- 6.4** 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**

- 6.5** 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.
- 6.6** 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.

- 6.7** The Authority procures goods and services in compliance with UK and Authority 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.

### **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 **owners** 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.
- 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 GMCA'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 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 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 Deputy Director of **Audit and Assurance**
- 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 **either** the Deputy Director of Internal Audit **via the GMCA Whistleblowing Policy or the Professional Standards Branch via the Confidential Reporting Policy.**
- 2.9 The Independent Police Ethics Committee 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 **relevant** 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 - Formal Complaint:** The complaint will be handled by a senior manager in the team being complained about.



Step Two - Complaint Review: If a complainant has been through Step 1 of the complaints procedure and is unhappy with the outcome they can ask for the complaint to be reviewed.

- 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.

**Section H: GMCA International Visits Protocol**

**Contents:**

1. Introduction
2. Determining an appropriate visit
3. Seeking authorisation
4. Travel and subsistence
5. Following the visit

## 1. Introduction

- 1.1 The GMCA has an ambition to be world renowned in many areas of its work, and therefore international visits may assist in achieving this outcome. The following protocol has been written to support officers and elected members to determine whether a visit is appropriate, understand the process for seeking authorisation and to be aware of the travel and subsistence allowance available.

## 2. Determining an appropriate visit

- 2.1 When considering an international visit, it is important to consider the following issues, even if the visit is being paid for by a third party organisation.
- Is the visit for the purpose of, or in connection to the discharge of functions for the GMCA?
  - Consider and identify the relevant Portfolio lead(s)
  - Does the visit support the GMCA's low carbon ambitions? i.e. Could the same objectives be achieved through a telephone call or video call or is the trip essential?
  - Are there benefits to the GMCA from the visit to the GMCA's International Strategy from attending in person?
  - Determine who needs to attend in consultation with the portfolio leads
  - Identify budget from which the cost of the visit will be met
  - Use the Foreign Office website in order to check the latest travel advice in order to risk assess your visit i.e. are there political tensions, community unrest, areas to avoid etc.
  - Is the visit covered by the [GMCA's travel insurance](#), if not, does there need to be an additional policy purchased?
  - Research which vaccinations and visas will be required.
  - Seek further advice from the International Team, if appropriate

### **3. Seeking authorisation**

- 3.1 Elected members representing the GMCA should seek authorisation from the Chief Executive Officer and GM Mayor for any international visits. This should be done in writing before the trip is arranged or any tickets purchased.
- 3.2 Officers of the GMCA should first seek their Director's approval and then authorisation from the Chief Executive Officer, in writing.
- 3.3 Upon presenting this request, the following details should be provided –
- Location
  - Length of trip
  - Purpose of trip
  - Choice of travel (and cost)
  - Choice of accommodation (and cost)
  - Overall budget required
  - Means by which costs will be paid, i.e. is cash required
  - Consideration of the issues outlined in section 2 above
- 3.4 The choice of travel and accommodation should be in accordance with the GMCA's Constitution guidance on travel and subsistence as outlined in section 4 of this protocol.
- 3.5 If leading a large delegation, further authorisation should be sought for -
- The parameters for booking a conference venue
  - The budget allocation for providing a corporate dinner
  - Confirmation as to whether the GMCA will cover any additional costs for visas, vaccinations, travel, accommodation, subsistence etc

### **4. Travel and subsistence**

- 4.1 For international visits, the most appropriate, efficient, environmentally sustainable and economical mode of transport eg air, sea, rail should be sought with the costs & source of funding identified.

- 4.2 Required vaccinations and visas should be sought by the individual and claimed back through the expenses process at their constituent authority.
- 4.3 The following extract from the GMCA's Constitution applies where appropriate

–

#### **Rail travel –**

- 4.4 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
- 4.5 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.
- 4.6 Expenditure may be refunded for: (i) Pullman car, seat reservation, deposit or portage of luggage; and (ii) sleeper reservation on overnight journeys; subject to a reduction by one third of any subsistence allowance payable for that night.

#### **Taxis -**

- 4.7 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.

#### **Subsistence –**

- 4.8 Foreign travel may require higher levels of subsistence in order to reflect the cost of living or ensure the most appropriate location is selected for

accommodation and dining, in line with the completed risk assessment. However, such requests need to be outlined when seeking authorisation. In relation to day subsistence the GMCA Constitution states:

- 4.9 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:
- Breakfast allowance (more than 4 hours away from normal place of residence before 11:00 am) £5.59
  - Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2:00 pm) £7.59
  - 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
  - Evening meal allowance (more than 4 hours away from the normal place of residence after 7:00 pm) £9.50
- 4.10 The cost of overnight accommodation will be paid where necessary at a reasonable rate for a 3 star hotel. 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 Chief Executive Officer GMCA & TfGM.
- 4.11 Meals provided free of charge. The rates specified 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.
- 4.12 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.
- 4.13 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.

- 4.14 The protocol applies the Constitution's guidance as above to both elected members and officers of the GMCA.

## **5. Following the visit**

- 5.1 In order to evaluate the outcomes of the visit it is important that feedback is provided to the relevant Director so that these can be measured against the original objectives of the visit and assurances can be provided for any future visits.



# **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, members of the GMCA Overview & Scrutiny Committee, members of the GMCA Audit Committee 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 not exceeding the allowance recommended by the IRP.
  
5. The allowances set out in the Scheme are as recommended by the IRP and accepted by the GMCA.

## **A. MEMBERS' ALLOWANCES SCHEME**

### **1. Interpretation**

In this Scheme "Year" means the period of approximately 12 months beginning on the date of the Annual General Meeting of the GMCA and ending on the day before the date of the Annual General Meeting of the GMCA in the following calendar year.

### **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 Mayor shall be as per the Schedule, and shall be 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.

## **C. Allowances Payable to the Independent Members and Independent Person**

Allowances shall be as set out in the Schedule. 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.

**D. Allowance Payments to members of GMCA Overview & Scrutiny Committee**

Allowances shall be as set out in the Schedule. The allowances and remuneration paid to the members and substitutes of the GMCA Overview & Scrutiny Committee 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.

**E. 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.

3.2 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.

## Schedule - Allowances and Remuneration 24/25<sup>13</sup>

<b>Mayoral Remuneration</b>	<b>(per annum)</b>
Mayor	£118267.40

<b>Audit Committee</b>	
Independent Member	£1,716.00
Independent Member when also the Chair	£4,289.00 <sup>14</sup>

<b>Standards Committee</b>	
Independent Chair of the Standards Committee	£1,301.00
Independent Person appointed under the Localism Act 2011	£1,042.00

<b>Overview &amp; Scrutiny</b>	<b>Allowance (per annum)</b>
Chair	£10,060.00
Members	£3,353.00
Substitute Members	£557.00 + £140 per meeting attended

<sup>13</sup> Amounts quoted have not yet been indexed for 24/25. Indexation will be applied (and payment backdated) once the annual percentage cost of living increase for 24/25 has been set by the National Joint Council for Local Government Services.

<sup>14</sup> Inclusive of the annual allowance as an Independent Member



# **PART 9**

## **POLICE AND CRIME COMMISSIONER FUNCTIONS – GOVERNANCE DOCUMENT**

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# 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, through 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 **Office for Police Conduct**.

### **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 GMCA acting through the Mayor in relation to PCC functions and the Chief Constable will undertake their statutory functions.
<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 Mayor, the Chief Constable, the Treasurer to the GMCA and the Chief Finance Officer of the Chief Constable having regard to the role of the Head of Paid Service.
<b>Integrated Scheme of Governance</b>	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.
<b>Scheme of Consent</b>	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

<b>Mayor's PCC Scheme of Delegation</b>	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.
<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.

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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 disclosable 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

<b>Annual Revenue Budget</b>	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.
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<b>Budget Holders</b>	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 within such limits as determined by the Treasurer to the GMCA.
<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 Mayor 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 position will be in respect of charges to and from the Police Fund 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 Mayor must be reported to the Mayor 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 Mayor in relation to his PCC functions.
<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 Mayor to be held for exceptional purposes.
<b>GMP</b>	Greater Manchester Police

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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 Revised 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 Deputy Section 73 Officer to the GMCA** 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 and to sign other legal documentation.
- 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 by the Deputy Section 73 Officer to the GMCA.

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 Director of Police Crime Criminal Justice and Fire.

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 of the Chief Constable;
- 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>Deputy Section 73 Officer to the GMCA</b>

Monitor and Approve Forecast Outturns (Capital)	All Forecasts	<b>Treasurer to the GMCA</b>	<b>Deputy Section 73 Officer to the GMCA</b>
Year End Revenue Carry Forwards	All	<b>Mayor</b>	<b>Deputy Section 73 Officer to the GMCA</b>
Approve Slippage in Capital Programmes	No Financial Impact on the Following Year	<b>Treasurer to the GMCA</b>	<b>Deputy Section 73 Officer to the GMCA</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
	Between £50,000-£249,999	Primary Budget Holder in conjunction with Procurement Officer	Secondary Budget Holder in conjunction with Procurement Officer
	Between £250,000 - £499,999	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
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	<b>Deputy Section 73 Officer to the GMCA</b>
Approve Exemptions	More than £50,000	Mayor	Deputy Mayor for Policing and Crime
	Less than £50,000	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>

### 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	<b>Deputy Section 73 Officer to the GMCA</b>
	Up to £250,000	Primary Budget Holder	Secondary Budget Holder
Approve Purchase Order and Invoice Authorisation Limits	All	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>

### 8.1.4 Ordering and Payment of Goods and Services – Feeder Systems

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
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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

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Approve External Invoices and Credit Notes (for Goods and Services Provided by the Mayor) Excluding Sponsorship	More than £20,000	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
	Less than £20,000	Budget Holder	Secondary Budget Holder
Initiate Debt Recovery Procedures (in line with Financial Regulations)	All	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
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	<b>Deputy Section 73 Officer to the GMCA</b>
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	<b>Deputy Section 73 Officer to the GMCA</b>

## 8.1.6 Management of Assets and Risks

<b>Activity</b>	<b>Authorising Limit</b>	<b>Principal Authoriser</b>	<b>Deputy Authoriser</b>
Purchase of Land and Property	All	Mayor	Deputy Mayor for Policing and Crime
Disposal of Land and Property	All	Mayor	Deputy Mayor for Policing and Crime
Indemnities in connection with use of other's premises	All	Director of Land and Property to GMCA	
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	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
Disposal of Surplus Items of Equipment	Estimated Amount Less than £10,000	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
Buy Assets	All Assets (Excluding Land and Property)	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
Lease Assets	All Leases	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
Exercise the Powers and Duties of the Police (Property) Regulations 1997	All	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
Authorise and Remove Access to Finance Systems	All	Treasurer to the GMCA	
Approve Financial Settlement of Civil Damage and Cost Claims	Total Value (Claims + Legal Costs) More than £50,000	Mayor	Deputy Mayor for Policing and Crime

	Total Value (Claims + Legal Costs) Less than £50,000	Monitoring Officer (in consultation with the Treasurer to the GMCA)	
	Total Value (Claims + Legal Costs) Less than £25,000	Monitoring Officer	
Approve Financial Assistance to Officers and Staff (under the direction and control of the Mayor) in Legal Proceedings taken by or against them whilst performing police duties	All	Mayor	Deputy Mayor for Policing and Crime
Receive, consider and decide upon all applications and requests from Special Constables, Police Community Support Officers or their representatives for death or disability benefits	All	Mayor	Deputy Mayor for Policing and Crime

### 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	Mayor	Deputy Mayor Policing and Crime

	Total Value (Claims + Legal Costs) Less than £50,000	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
	Total Value (Claims + Legal Costs) Less than £25,000	Monitoring Officer	

\* 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	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</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	Treasurer to the GMCA	<b>Director of Police Crime Criminal Justice and Fire</b>

### 8.1.10 Urgent Matters

Activity	Authorising Limit	Principal Authoriser	Deputy Authoriser
Financial and Related Issues	All	Treasurer to the GMCA	<b>Deputy Section 73 Officer to the GMCA</b>
Operational Issues	All	Head of Paid Service	<b>Director of Police Crime Criminal Justice and Fire</b>

### 8.1.11 Appendix 2 – Cheque Signatories

Bank Account	Signatory Limit	Authorised Signatory
Drawings Account	All Pre-Printed Cheques	Treasurer to the GMCA
	All Other Cheques	Treasurer to the GMCA and approved Finance Officers

## 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:

- 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.

8.2.2 The following functions **have been delegated** by the Mayor **to the Deputy Mayor for Policing Crime, but the Deputy Mayor for Policing and Crime** cannot then delegate them further:

- i) Determining police and crime objectives;
- ii) Attending at a meeting of the police **fire** and crime panel when required to do so;
- iii) Preparing an annual report to the police **fire** 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.

8.2.6 Determining reviews under Schedule 3 of the Police Reform Act 2002, where the local policing body is the appropriate authority.

### **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 Deputy Section 73 Officer to the GMCA 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.
- 8.4.4 To undertake the day to day financial management of the Mayor's revenue and capital budgets insofar as they relate to PCC functions.
- 8.4.5 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.

- 8.4.6 To manage the financial arrangements in relation to any grants awarded by the Mayor or Deputy Mayor for Policing and Crime.
- 8.4.7 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.
- 8.4.8 To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- 8.4.9 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.
- 8.4.10 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.
- 8.4.11 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.
- 8.4.12 Provide for an adequate and effective internal audit service in accordance with the relevant legislation and Codes of Practice.
- 8.4.13 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.
- 8.4.14 To ensure that the Mayor is represented at joint Police and Crime/GMP financial meetings 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 Terms of Reference for the Greater Manchester Joint Audit Panel (Police and Crime)**

#### **PURPOSE**

The Joint Audit Panel is a key component of the Deputy Mayor for Policing and Crime (the Deputy Mayor) and the Chief Constable's for Greater Manchester corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Panel is to provide independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes in operation within the Chief Constable's Corporation Sole and the GM Mayor's PCC functions.

#### **Governance, Risk and Control**

The panel will Review the corporate governance arrangements against the Delivering Good Governance in Local Government: Framework (CIPFA/Solace, 2016) ('the Framework') including the ethical framework and consider the local code of governance.

1. Review the Annual Governance Statement prior to approval and consider whether it properly reflects the governance, risk and control environment and supporting assurances and identify any actions required for improvement.
2. Consider the arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
3. Consider the framework of assurance and ensure that it adequately addresses the risks and priorities of the Police, Crime and Criminal Justice Directorate and the constabulary.
4. Monitor the effective development and operation of risk management processes, review the risk profile of the Force and PCC functions, and monitor progress of the Deputy Mayor / the Chief Constable in addressing risk-related issues reported to them.
5. Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

6. Review arrangements for the assessment of fraud risks and potential harm from fraud and corruption and monitor the effectiveness of the counter fraud strategy, actions and resources.
7. Review the governance and assurance arrangements for significant partnerships or collaborations.
8. Review and consider the Anti-Fraud, Corruption and Bribery Policy on a bi-annual basis.
9. Receive and review a report from the CFO (Force Section 151 Officer) detailing the current status of all fraud investigations in progress and any sanctions and redress taken.
10. The JAP will review and approve the Anti-Fraud, Corruption and Bribery work plan produced by the Professional Standards Branch (PSB).

## **Internal Audit**

The Panel will:

11. Annually review the internal audit charter and resources.
12. Consider the adequacy of the performance of the internal audit service and its independence.
13. Monitor (but not direct) the Internal Audit Plan, relating to the Force and advise on items for inclusion in the plan.
14. Receive progress reports on the Internal Audit work plan and advising the Deputy Mayor and Chief Constable when appropriate action is not taken in response to audit findings, particularly in areas of high risk;
15. Consider the Head of Internal Audit's annual report and opinion, and a regular summary of the progress of internal audit activity against the audit plan, and the level of assurance it can give over corporate governance arrangements.
16. Consider the Head of Internal Audit's statement of the level of conformance with the Public Sector Internal Audit Standards and the results of the Quality Assurance Improvement Programme that support the statement – these will indicate the reliability of the conclusions of internal audit.
17. Consider internal audit reports and such detailed reports as the panel may request from the Deputy Mayor / Chief Constable, including issues raised or recommendations made by the internal audit service, management response and progress with agreed actions.
18. Consider a report on the effectiveness of internal audit to support the Annual Governance Statement where required to do so by the Accounts and Audit Regulations 2015.

19. Consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To make recommendations on safeguards to limit such impairments and periodically review their operation

## **External Audit**

The Panel will:

20. Support the independence of external audit through consideration of the External Auditor's annual assessment of its independence and review of any issues raised by either PSAA or the auditor panel as appropriate.
21. Comment on the scope and depth of External Audit work, its independence and whether it gives satisfactory value for money.
22. Consider the external auditor's annual management letter, relevant reports and the report to those charged with governance.
23. Consider specific reports as agreed with the External Auditor.
24. Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

## **Financial Reporting**

The Panel will:

25. Review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit of the financial statements that need to be brought to the attention of the Deputy Mayor / Chief Constable.
26. Consider the External Auditor's report to those charged with governance on issues arising from the audit of the financial statements.

## **Accountability Arrangements**

In line with the GMCA Constitution, the Panel will:

27. Have clear rights of access to other committees.
28. On a timely basis report to the Deputy Mayor and the Chief Constable with its advice and recommendations in relation to any matters that it considers relevant to governance, risk management and financial management.
29. Report to the Deputy Mayor and the Chief Constable on its findings, conclusions and recommendations concerning the adequacy and effectiveness of their

governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

30. Review its performance against its terms of reference and objectives on an annual basis and report the results of this review to the PCC and the Chief Constable.

31. Report to the GMCA Audit Committee on Police Fund activity and assurance.

32. Publish an annual report on the work of the panel.

## **Membership**

The Panel will comprise a maximum of five members including the Chair, who are independent of the Chief Constable and the Mayor. The meeting will only be quorate if at least three members are in attendance.

Initial term of office to be three years with up to a further three years on renewal.

Chair to be agreed by the Deputy Mayor and Chief Constable after considering applications for those interested.

## **Meetings**

The Audit Panel will meet at least five times a year.

The Chair of the Panel may convene additional meetings, as they deem necessary. Audit Panel meetings will normally be attended by, the Chief Finance Officer(s), or appropriate senior and qualified substitute, the Chief Constable or appropriate senior and qualified substitute, the Head of Internal Audit and the appointed External Auditor.

The Panel will have the right to call, as required, any other GMP police officers/staff and officers with responsibility for the GM Mayors Police, Crime and Criminal Justice functions, including the Mayor/Deputy Mayor.

## **Skills**

To aid the Panel in delivering its purpose all Members will be required to undergo appropriate training which will be funded by the authority.

## **Review**

The Panel will review its terms of reference annually.



## 8.5.2 Greater Manchester Justice and Rehabilitation Executive Terms of Reference

### Greater Manchester Justice and Rehabilitation Executive Terms of Reference

The Justice and Rehabilitation Executive Board will act as a strategic leadership group for the whole of the criminal justice system in Greater Manchester linking to wider public service reform.

It will:

- Use the Public Service Reform methodology to strategically plan a Greater Manchester-wide reform agenda for Justice and Rehabilitation, developing delivery and investment models based on robust evaluation and service redesign.
- Focus on Reducing Harm and Offending for the Police & Crime Plan –Standing Together
- Provide leadership over four priority areas:
  - Youth Justice Transformation: An integrated offer for Greater Manchester's young people
  - Smarter Justice: Taking a problem-solving approach and using family centred principles
  - Reforming Adult Offender Management: From conviction to custody to resettlement and rehabilitation
  - Improving the Victim Journey: Joining up the system to improve the quality of service and experience.
- Provide wider to support of delivery of the Greater Manchester Justice Devolution Deal and Memorandum of Understanding.
- Ensure there is a clear plan for spending Financial Incentive Mechanism payments effectively.
- Drive the development of multi-agency sustainable models and solutions for priority themes.

- Understand the interactions, opportunities, and risks for how Justice and Rehabilitation links with the GM Strategy
- Link to Greater Manchester Police & Crime governance structures, which provide oversight of the wider police and crime agenda.

## **Membership**

Greater Manchester Deputy Mayor

Police and Crime Lead

Greater Manchester Public Service Reform Team

Devolution Lead National Probation Service

Regional Probation Director

Assistant Chief Constable – Greater Manchester Police

Greater Manchester Police

GM DCS Lead (Chair of Youth Justice Transformation Steering Group)

Chief Crown Prosecutor Head of Northwest CPS

Head of Crime Northwest HMCTS

CA JRE Lead

VCSE Lead Reps

Regional Prison Director

Plus, work-stream leads as required and others to be invited as required by the business plan delivery.

## **Meetings**

Meetings will take place on a quarterly basis and will be held via Microsoft Teams and in person.

## 8.5.3 The Independent Police Ethics Committee

### The Independent Police Ethics Committee Terms of Reference

#### 1. Purpose

We are a forum for police officers, police staff and others employed by Greater Manchester Police (GMP) and members of the public to obtain advice and guidance on important ethical issues in policing and to proactively influence police culture so police decision-making is confidently made, morally defensible and able to stand up to vigorous public scrutiny.

The committee aims to contribute to GMP's trust and confidence strategy by:

1. Influencing ethical changes in Force policy.
2. Contributing to the debate on Police Policies and Practices.
3. Anticipating and identifying future ethical challenges that the police service will face and influencing GMP's response.
4. Promoting the use of The College of Policing National Decision Model and Code of Ethics, and the importance of professional ethics in all aspects of policing.
5. Advising GMP on how it may adopt or adapt professional practice where there are specific ethical considerations.
6. Undertaking thematic working groups to focus on the detail of specific ethical considerations.
7. Being available to offer independent advice to Greater Manchester Police during live operational matters.

Through its work the Committee seek to provide advice to GMP, enabling it to improve ethical standards in all areas of policing.

The committee will not undertake a scrutiny function in respect of police decisions or performance, responsibility for scrutiny of GMP sits with the Mayor and Deputy Mayor and the GM Police and Crime Panel have responsibility for holding the Mayor and Deputy Mayor to account.

The Committee may wish to engage with other forums that have a scrutiny or advisory role with GMP to inform their areas of focus (see referral system).

## **2. Scope of our work**

Our work can be divided into two key areas:

1. An 'Advisory Role' – supporting police practices
2. A 'Leadership in Ethics Role' - strategically influencing police culture

In our advisory role we will act as a point of reference and support for the GMCA, the GMP and members of the public to obtain advice and guidance on 'ethical issues in policing'. Where appropriate reports and advice will be published however, in some circumstances confidential advice may be sought meaning that publication would be inappropriate.

In our leadership in ethics role we are a strategic driving force for change within GMP's police culture promoting an ethical code of conduct as being central to the scope of policing and strongly encouraging ethical values to underpin all police conduct. We will contribute to the development and delivery of training products in this area as requested.

The Committee should avoid receiving information only items unless this has a purpose of informing ethical thematic areas of focus.

The Committee may want to consider any duplication with other scrutiny or advisory forums before undertaking a piece of work.

## **3. Referral System/Choosing areas of ethical focus**

A work plan will be developed in consultation with GMCA and GMP. This will allow members of the committee to make decisions on the topics that they feel they can make the greatest contribution on whilst ensuring that there is no duplication between the work of the committee and

- The GM Police and Crime Panel (who hold the Mayor and deputy Mayor to account)
- Independent Scrutiny Panels (that consider how Stop and Search is conducted)
- Independent Advisory Groups (who inform police practice)
- Independent Custody Visitors (who highlight practice in Police Custody) and
- GM Equality Panels (who consider equality issues across all public services).

It is recommended however that the Committee engage with these groups to understand their ethical concerns and to agree areas of focus and to add the greatest value and avoid duplication of effort.

The committee will also welcome written requests for advice to enquire into an ethical issue in policing from any police officer, police staffing association, community group or member of the public. The Committee should have a direct relationship with the GMP Internal Ethics Committee to receive areas of ethical concerns from police officers and the lead should sit on the Committee to ensure a direct link. The Committee may also want to engage with police staff bodies to understand concerns. Any request for advice should be sent by email to [ethics.committee@greatermanchester-ca.gov.uk](mailto:ethics.committee@greatermanchester-ca.gov.uk) and addressed to the Chair of the Committee.

The request for advice is reviewed by us as a committee. We will at first instance decide whether the request for advice is an important ethical issue in policing and in the public and police interest to provide advice and guidance on.

Should we accept to provide advice and guidance on the ethical issue in policing we may ask the referrer and any other interested parties to attend meetings or provide written submissions.

Once we have made our enquiry into the ethical issue in policing we may publish our advice and guidance. Our committee aims to work in an open and transparent manner. However, in certain 'sensitive' enquiries into an ethical issue we may consider protecting the anonymity of the referrer and other persons involved.

#### **4. Standing Orders**

- Declaration of Interests will be the first item on the agenda at each meeting
- Appointments to the committee will be agreed jointly by GMCA and GMP.
- The Committee will consist of at least 5 members and will not exceed 11 members
- In order for decisions to be valid, 5 Committee members shall form a quorum
- The Committee will meet at least 4 times a year and in a timely manner to allow appropriate decision making
- Committee members will serve a term of two years and may serve two terms on the committee
- The effectiveness of the Ethics Committee will be periodically reviewed by agreement between the Deputy Mayor and the Chair of the Committee.

#### **5. Support for the Ethics Committee**

The GMCA will provide administrative and policy support to the committee, GMP will attend the committee.

## 8.5.4 Greater Manchester Gender-Based Violence Board ToRs

### **Greater Manchester Gender Based Violence Board**

#### **Terms of Reference**

##### **Purpose**

The Gender-Based Violence (GBV) Board has been established by GMCA to drive and oversee implementation of the city-region's ten-year Gender-Based Violence Strategy. It is tasked with ensuring ongoing collaboration of public sector agencies, partners including from the voluntary and community sector, and the communities of Greater Manchester, to deliver systemic change in order to reduce and eradicate gender-based violence.

##### **Membership**

The GBV Board comprises senior representatives from core public agencies, voluntary and community organisations, members of the community and named/designated professionals and key roles. Other relevant agencies, organisations, sectors and individuals will be invited to engage/take part in line with the GBV Strategy, as and when required:

- Deputy Mayor for Policing, Crime, Criminal Justice and Fire.
- GMCA (including GM Violence Reduction Unit).
- Engagement, Communications and Campaigns.
- Schools.
- Local Authority representation.
- National Probation Service (Greater Manchester).
- Health (Clinical Commissioning Groups, GM Provider Federation, Mental Health commissioning, GM Health & Social Care Partnership).

- Academia
- Community Members.
- Greater Manchester Police.
- Voluntary and Community sector organisations who support victims and survivors.
- Crown Prosecution Service Northwest.
- Community Safety Partnership representation.

In due course, a Victim and Survivor Advisory Panel will be appointed, though this will take some time. When the Panel is established a chair and vice-chair will be appointed who will automatically be appointed. In the meantime, two community members have been appointed to the Board, to ensure the voice of lived experience is represented directly.

### **Responsibilities:**

The objectives of the GM Gender-Based Violence Board are as follows:

1. Set the strategic direction and priorities for the delivery of the Gender-Based Violence Strategy.
2. Guide, oversee, approve and monitor progress of detailed delivery plans prepared to deliver the strategic priorities.
3. Ensure that the voice of lived experience of gender-based violence is effectively gathered, listen to and heard, and is the golden thread in all aspects of development and delivery.
4. Assist in building and maintaining appropriate strategic and partnership support for the delivery of the ambitions set out within the Gender-Based Violence Strategy.

5. Advocate to ensure high standards of practice are applied consistently across the whole of Greater Manchester.
6. Approve allocation of resources and finance to support delivery of the Gender-Based Violence Strategy.
7. Ensure strategic alignment between this programme and other key programmes of work across Greater Manchester.
8. Provide effective and constructive challenge to agencies and sectors in respect of their practice, performance and contribution towards delivery of the strategy.
9. Lobby government in relation to gender-based violence policy and process where there is clear evidence that such changes are needed.
10. Define the desired outcomes, measures and indicators of improvement and success.
11. Establish a cycle of publishing annual plans and progress reports.

### **Chairing arrangements**

The GBV Board will be co-chaired by the Deputy Mayor and a member of the Board who has lived experience of gender-based violence, or whose organisation provides support or services to victims and survivors.

The Deputy Mayor's position as chair is a permanent arrangement, whilst the co-chair will be appointed by the Board on a bi-annual basis.

### **Frequency**

The Board will meet on a quarterly basis. The frequency of this will be reviewed regularly to ensure that this continues to ensure effective delivery of the Strategy.



## **Secretariat**

A named officer from the Greater Manchester Combined Authority will provide administrative support to the Board, including arranging diaries, booking meeting rooms, taking minutes and circulating papers.

## 8.5.5 Greater Manchester Drug and Alcohol Transformation Board

### TERMS OF REFERENCE *(Updated May 2023)*

<b>Board Name</b>	Greater Manchester Drug and Alcohol Transformation Board	
<b>Joint Chairs</b>	<p>Kate Green (Deputy Mayor for Greater Manchester)</p> <p>David Regan (GM DsPH Lead for Drugs &amp; Alcohol, Director of Public Health Manchester City Council, Director of Population Health &amp; Nursing Manchester Health &amp; Care Commissioning)</p>	
<b>Membership</b>	<b>Role</b>	<b>Current office holder</b>
	Deputy Mayor for Greater Manchester	Kate Green
	GM DsPH Lead for Drugs & Alcohol	David Regan
	Assistant Chief Constable: GMP	Colin McFarlane
	Detective Superintendent - Serious & Organised Crime, GMP Drug Lead	John Griffith
	Director of GM Probation Service	Chris Edwards
	Deputy Chief Executive, GMCA	Andrew Lightfoot
	Portfolio Holder for Homelessness, Healthy Lives and Quality Care, Salford City Mayor	Paul Dennett
	Director of Primary Care and Strategic Commissioning GM NHS	Rob Bellingham
	Community Safety Lead, Salford City Council	Jeanette Staley
	Head of Reform, GMCA	Dave Kelly
	Head of Serious Violence & Organised Crime, GMCA	Damian Dallimore
	Strategic Lead Clinical Commissioner – Mental Health & Disabilities, GM NHS	Sandy Bering
	Director of Population Health, GM NHS	Jane Pilkington
	Director of Public Service Reform, GMCA	Jane Forrest
Corporate Director Children's Services	Jill McGregor	
Director of Police, Crime, Criminal Justice & Fire, GMCA	Neil Evans	
Strategic Lead for Substance Misuse, GMCA	Mark Knight	

	Deputy Director, NW OHID	Aimee Stimpson	
	GM Executive Lead for Policing & Crime	Sandra Stewart	
	Data and Digital Lead (Lead Analyst - Police, Criminal Justice and Fire), GMCA	Joanne Beese	
	Executive Director, Big Life Group	Simon Kweeday	
	CEO, Early Break	Vicky Maloney	
	Flowhesion Foundation Lead and Say 'NO' to Drugs Campaign Chairman	Sadiq Tania	
	<p>If core members are unable to attend, they should send a deputy on their behalf.</p> <p>Ad Hoc or additional members will be invited to meetings as appropriate.</p> <p><i>Core membership to potentially expand in line with the requirements of the national drug strategy and guidance on partnerships and accountability.</i></p>		
<b>Nominated Deputies</b>	<b>Role</b>	<b>Name</b>	<b>Nominated By</b>
	Detective Superintendent - Serious & Organised Crime, GMP Drug Lead	John Griffith	Colin McFarlane
	Head of Community Integration, GM Probation Service	Kelly Dale	Chris Edwards
	Executive Support Member for Social Care and Mental Health	Cllr Hannah Robinson-Smith	Paul Dennett
	Associate Director – Transition & Development, GM NHS	Sara Roscoe	Rob Bellingham
	Strategic Partnerships Manager, Bury Council	Chris Woodhouse	Jeanette Staley
	Strategy Principal - Multiple Disadvantage, GMCA	Tabz O'Brien	Dave Kelly
	TBC		Sandy Bering
	Head of Population Health Transformation	David Boulger	Jane Pilkington
	Head of Reform, GMCA	Dave Kelly	Jane Forrest

	TBC		Jill McGregor
	GMCA Head of Serious Violence & Organised Crime	Damian Dallimore	Neil Evans
	Substance Misuse Strategy and Partnership Officer, GMCA	Philip Leigh	Mark Knight
	Health and Wellbeing Manager, OHID NW	Susan Barton-Johal	Aimee Stimpson
	Assistant Director of Population Health	James Mallion	Sandra Stewart
	Principal Researcher, VRU GMCA	Louis Richards	Joanne Beese
	Head of Operations for Drug and Alcohol and Criminal Justice Services, BLG	Donna Turner	Simon Kweeday
	Operational Director, Early Break	Janine Day	Vicky Maloney
	Chief Executive, The Flowhesion Foundation	Abdul Hafeez Siddique	Sadiq Tania
<b>Meeting Structure and Administration</b>	<b>Frequency:</b>	Quarterly	
	<b>Agenda:</b>	The agenda and papers will be issued by GMCA a week prior to the meeting.	
	<b>Notes:</b>	Action notes will be taken to provide an overview of main discussion points, key decisions and actions. Members are asked to review and provide amendments where necessary before each meeting.	
	<b>Actions:</b>	Actions will be highlighted in meeting notes and considered at the start of each meeting.	

<b>Aims and Objectives</b>	<p>The Board will aim to reduce the harms caused by drugs and alcohol by fostering understanding and collaboration between partners working in and across our ten Greater Manchester localities; adding value to their work where and when this is appropriate and mutually agreed.</p> <p>The Board will fulfil the role of the Combating Drugs Partnership (CDP) for Greater Manchester.</p> <p>The work of the Board will be driven by ten strong localities with responsibility for commissioning in the context of a GM strategy and framework that sets standards, and all localities are fully bought in to.</p> <p>The Board will encourage an active sector-led improvement approach across Greater Manchester; promoting collaboration and the exchange of best practice and innovation across localities to scale up and lift the performance of the GM system.</p> <p>The Board will actively seek opportunities to influence policy at the city-region and national levels.</p> <p>In the forthcoming year, the Board will specifically:</p> <ul style="list-style-type: none"> <li>• Oversee the development and reporting of a GM Drug and Alcohol Strategic Outcomes Framework.</li> <li>• Identify the commitments it wishes to prioritise for implementation in the GM Drug and Alcohol Strategy (2019-2023).</li> <li>• Accept reports from sub-groups commencing with those recommended in the GM Drug and Alcohol External Review (e.g. criminal justice, homelessness, and worklessness).</li> <li>• Accept reports from the GM Drug and Alcohol Commissioners Business Planning Group on best practice against the outcomes agreed.</li> <li>• Consider the range of funding streams available across cohorts where substance misuse is a common theme and, to maximise resources, make recommendations on their potential alignment or pooling.</li> </ul>
<b>Information Sharing</b>	<p>Notes of the meeting will be shared with all members of the Board and members are responsible for feeding back to their respective organisations, localities and structures.</p>
<b>Accountability</b>	<p>This Board will report to Greater Manchester Health and Justice Board.</p> <p>Members of this Board will have responsibility for reporting meeting outcomes within their own organisations, localities and structures.</p>
<b>Review Date</b>	<p>These terms of reference will be reviewed in July 2023.</p>

## 8.5.6 Procurement Governance Group

### Terms of Reference

#### 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 UK legislation as they relate to procurement in the wider public sector;

1.3.4. consider reports and provide advice on tenders, contract awards, contract extensions and contract variations, that will require the approval of the Mayor;

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 and Contract Management

2.1.5. Solicitor

2.1.6 IS Commercial Lead (if IS Contracts are on the agenda)

Mayor Representatives

2.1.7. **Deputy Section 73 Officer to GMCA** or Head of Finance (Management Accountancy)

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 Deputy Section 73 Officer to GMCA or Head of Finance (Management Accountancy) **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 Procurement and Contract Management** 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 and approve 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 within the scope of the original award

7.1.3 and contract variations < £500,000 total value of contract (question – should there be a % value too ?)

7.1.4. 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 **Deputy Section 73 Officer 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 Violence Reduction Programme Governance Board Terms of Reference**

### **Greater Manchester Violence Reduction Programme Governance Board Terms of Reference**

#### **Purpose**

Greater Manchester is one of eighteen national priority areas of the Home Office violence reduction programme. This priority status is accompanied by an ongoing annual funding settlement for Greater Manchester. This status and funding came with a set of obligations, including the formation of a Violence Reduction Governance Board, comprising senior officers from a specified set of organisations and agencies. This Governance Board is required to oversee the implementation of the Greater Manchester violence reduction programme, scrutinise performance and provide fiscal assurance to the Home Office.

#### **Objectives**

The objectives of the GM Violence Reduction Programme Board are as follows:

1. Set the strategic direction of the programme and ensure adherence to the priorities of the GM Health and Justice Strategy and Standing Together Plan.
2. Oversee the implementation of the GM serious violence action plan.
3. Receive and scrutinise performance reports for the programme.
4. Ensure that the programme is delivered on time and in budget in accordance with the contractual arrangements between GMCA and government.
5. Assist in building and maintaining appropriate partnership support for the programme, including assisting in overcoming barriers encountered by the GM Violence Reduction Unit.
6. Ensure high standards of practice are applied consistently across all of Greater Manchester.
7. Review and scrutinise the action plans and devolved budgets of all ten Community Safety Partnerships.
8. Ensure the programme is consistent with the Mayor's commitment to a community led approach to tackling violence.
9. Ensure strategic alignment between this programme and other key programmes of work across Greater Manchester.
10. Provide government with the required information as part of our contractual arrangements regarding the police surge and VRU funding.
11. Lobby government in relation to policy and process where there is clear evidence that such changes are needed.

#### **Chairing arrangements**

The meeting is Chaired by Kate Green, Deputy Mayor for Police, Crime, Criminal Justice and Fire and Vice Chaired by Assistant Chief Constable Sarah Jackson from Greater Manchester Police

## Frequency and duration

The Board will meet quarterly and each meeting will last no longer than one hundred and twenty minutes (120).

## Membership

In addition to the chair and vice chairs, the following people comprise the governance board:

<b>Name</b>	<b>Position / Organisation</b>	<b>Role in relation to the board</b>
Kate Green (Chair)	Deputy Mayor of Greater Manchester	Chair of the Violence Reduction Governance Board
Antony Edkins	VRU Education Lead	Education Lead for the GM VRU
Colin McFarlane	Assistant Chief Constable for Prevention, Custody and CJU	Policing Lead
Caroline Hemingway	Superintendent, Greater Manchester Police	GM VRU Policing Lead
Damian Dallimore	Programme Manager (Programme Challenger and GM VRU), Greater Manchester Combined Authority	VRU Director
Dan Diamond	Partnership lead, Greater Manchester Combined Authority	VRU Partnership Lead
Dawn Yates-Obé	Chief Executive, Bolton Community and Voluntary Sector	Communities Lead
Debbie Watson	Director of Population Health, Tameside Council	Lead DPH for GM
Dr Martin Smith	Trauma Consultant, Salford Royal Foundation Trust / Adult Major Trauma Network Chair	Clinical Lead
Jacque Allen	Chief Executive, Your Housing Group	Housing Lead
Kelly Dale	Head of Community Integration, GM Probation	Probation Lead
Leon Parkes	Director of Prevention and Protection, Greater Manchester Fire & Rescue Service	GMFRS Lead
Louis Richards	Principal Researcher, Greater Manchester Combined Authority	Research Lead for the GM VRU

Dr Rachel Jenner	Emergency Medicine Consultant at Royal Manchester Children's Hospital	Clinical Lead for the GM VRU
Deborah Thompson	Public Health Consultant, Greater Manchester Health and Social Care Partnership	Public Health Lead
Gemma Marsh	Director of Working Skills	Life Readiness lead
Professor Helen Lowey	VRU, Greater Manchester Combined Authority	Public Health Lead for the GM VRU
Jane Forrest	Director Public Service Reform, Greater Manchester Combined Authority	Violence reduction public service reform lead
Jill McGregor	Director of Children's Services, Trafford Council	Lead DCS for CYP
Marie Stock	Principal, The Manchester College	GM Education & FE Lead
Paul Axon	Chief Executive, Positive Steps	Youth Justice Lead
Sarah Keaveny	Head of Communications, Greater Manchester Combined Authority	Violence reduction partnership communications lead

### **Accountability**

This Governance Board reports on progress and performance to the Greater Manchester Health and Justice Board and the Greater Manchester Police and Crime Panel. This will comprise quarterly updates and a comprehensive annual report into both meetings. The Chairs of these meetings will agree on timings for inclusion on the respective forward look documentation.

### **Spending arrangements**

The Board is responsible for agreeing the high-level spending decisions for the overall programme budget. The board delegates the commissioning arrangements for the programme to senior officers in the Violence Reduction Unit up to the value of £50,000. Any spending in excess of £50,000 will be in line with GMCA's or GMP's scheme of delegation and will be approved by senior leadership and senior finance managers in each organisation.

### **Secretariat**

A named officer from the Greater Manchester Combined Authority will provide administrative support to this governance board, including arranging diaries, booking meeting rooms, taking minutes and circulating papers.

# 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.

## **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 GMCA deployed wholly or partly in relation to the Mayor's PCC functions and police officers or employees of Chief Constable who have been allocated a budget to run the services for which they are responsible.
<b>Capital Budget</b>	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.
<b>CIPFA</b>	Chartered Institute of Public Finance and Accountancy.
<b>Ex-gratia Payment</b>	A payment made where no legal liability or obligation to pay exists.
<b>Mayor's PCC Financial Regulations</b>	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.
<b>Forecast</b>	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).
<b>Group Accounts</b>	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.

<b>Intellectual Property</b>	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.
<b>Project Sponsors</b>	Project sponsors are responsible for initiating, monitoring and ensuring completion of a capital scheme.
<b>Reward Payment</b>	A payment for the supply of additional information in a criminal investigation.
<b>Risk</b>	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 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.
<b>Mayor's PCC Scheme of Delegation</b>	An official document from the Mayor 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 Outlook</b>	<b>Financial</b> A medium term (4 year) estimate of the annual revenue and capital income and expenditure requirements for the Force and Mayor (insofar as it relates to the Mayor's PCC functions).

<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**

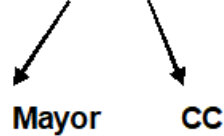
### **6.1 Financial Management Framework**

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)



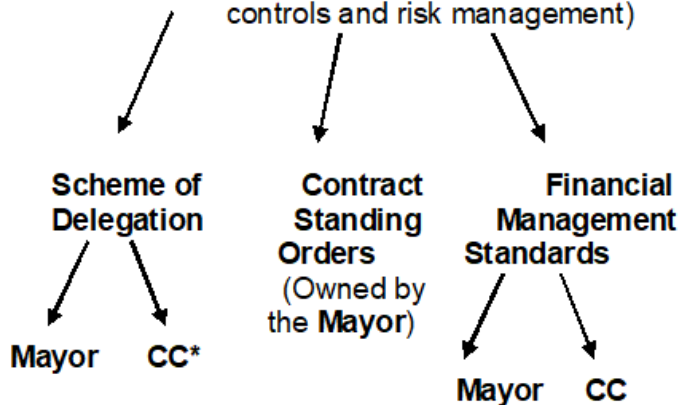
**CODE OF GOVERNANCE**  
(How the **Mayor** and the Force will operate)



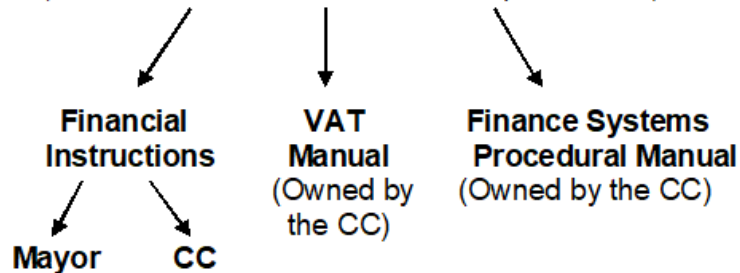
**SCHEME OF CONSENT**  
(**Mayor** setting out the activities which the CC is able to act in his own name through the consent of the **Mayor**)



**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 into 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 Deputy Director 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 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 Deputy Director 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 Chief Constable, for the Force, is responsible for:

- Maintaining the policy relating to whistleblowing and ensuring that all police officers and employees of 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 Fund 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) Regulations 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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8.1	<u>Freedom of Information Act (2000)</u> .....	.
8.2	<u>Equality Act 2010</u> .....	.



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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>	Means either the GMP or GMCA procurement section.
<b>Purchasing Consortium</b>	Where two or more public sector bodies (i.e. Local Authorities, Combined Authorities, 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 Mayor in relation to his PCC functions and/or the Chief Constable must be reported to the Mayor 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  | A minimum of one quote (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  | Three competitive quotations (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

<b>Risk</b>	<b>High</b>	<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>
	<b>Low</b>	<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>
		<b>Low</b>	<b>High</b>
<b>Value £</b>			

#### **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, approved by the persons authorised by the Mayor in his/her PCC Scheme of Financial Delegation and sealed with the Common Seal (where appropriate) or signed either by the persons authorised by the Mayor in his/her PCC Scheme of Financial Delegation or by the Monitoring Officer.

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
- National Police Chiefs Council (NPCC) 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**

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