

# **GMCA Constitution**

**June 2019 – Draft 15 April 2019**

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

## PART 1

### INTRODUCTION AND ARTICLES

#### 1. INTRODUCTION

In this Constitution:

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

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

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

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

- (d) the GMCA (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 <sup>4</sup>(‘the PCC Order’)
  - (e) the GMCA (Fire and Rescue Functions) Order 2017<sup>5</sup> (‘The Fire Order’)
  - (f) the GMCA (Functions and Amendment) Order 2017<sup>6</sup> (‘The 2017 Order’)
  - (g) Such other orders made by the Secretary of State in relation to GMCA pursuant to the 2009 Act
- 1.9 ‘The Mayor’ means the person elected as mayor by the local government electors for the Combined Area.
- 1.10 ‘Mayoral functions’ means any function of the GMCA which is exercisable only by the Mayor (or the Mayor’s delegatee) by virtue of the GMCA Orders or any other enactment (whenever passed or made).
- 1.11 ‘Mayoral general function’ means a mayoral function which is not a PCC function.
- 1.12 ‘PCC function’ means a function of a Police and Crime Commissioner which is exercisable by the Mayor pursuant to and subject to any modifications in the Mayoral Order and the PCC Order.
- 1.13 ‘the Scrutiny Order’ means the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
- 1.14 ‘TfGM’ means Transport for Greater Manchester, being the Passenger Transport Executive for the Combined Area and the executive body of GMCA in relation to its transport functions;
- 1.15 ‘the TfGMC’ means the Transport for Greater Manchester Committee being a joint committee established by the GMCA and the Constituent Councils.
- 1.16 The Constitution sets out how the Greater Manchester Combined Authority (hereafter referred to as ‘GMCA’) operates, how decisions are made and the procedures that are followed to ensure that GMCA operates efficiently, effectively and is both transparent and accountable.
- 1.17 The Constitution is made up of ten Parts.

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

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

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

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

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

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

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

- (a) collectively be the ultimate policy makers of the GMCA;
- (b) bring views of their communities into the GMCA's decision-making process; and
- (c) maintain the highest standards of conduct and ethics.

3.6 Members will at all times observe the Code of Conduct for Members set out in Part 7 of this Constitution.

3.7 Members will be entitled to receive travel and subsistence allowances, and the Mayor will be entitled to receive the mayoral allowance in accordance with the Member's Allowances Scheme set out in Part 8 of this Constitution.

**3.8 The independent members of the Audit Committee, the independent member of the Standards Committee and the Independent Person for Standards will be entitled to receive allowances, including allowances for travel and subsistence, in accordance with the Member's Allowances Scheme set out in Part 8 of this Constitution.**

3.9 Each Member will be allocated a portfolio of responsibilities by the Mayor at the Annual Meeting of the GMCA, and the various portfolios will be published on the GMCA's website.

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

4.1 The Mayor shall be Chair of the GMCA.

4.2 The GMCA may appoint at least two and no more than three of its Members as Vice-Chair(s).

4.3 The procedure for the appointment of the Vice-Chair(s) is set out in the GMCA Procedure Rules in Part 5 of this Constitution.

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

5.1 The GMCA usually meets every month but additional meetings may take place within the monthly period should the need arise.

5.2 There are three types of GMCA meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings;

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

## **6. RESPONSIBILITY FOR FUNCTIONS**

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

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

- 7.1 Pursuant to the Order, TfGM is to be an executive body of the GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act.
- 7.2 In the application of the Local Government Act 1972 (arrangements for the discharge of functions) to the GMCA, TfGM is to be treated as if it were an officer of the GMCA.

7.3 Where arrangements are in force for the discharge of functions of a Constituent Council by the GMCA by virtue of –

- (a) section 101(1)(b) of the Local Government Act 1972; or
- (b) section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012;

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

7.4 In the application of section 107D (3) (b) and 7(b) of the 2009 Act, TfGM is to be treated as if it were an officer of the GMCA.

7.5 TfGM has power to discharge any function which is the subject of arrangements entered into with it by virtue of the above Articles 7.1 to 7.4.

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

8.1 The GMCA will establish a Standards Committee to assist the GMCA in its duty to promote and maintain high standards of conduct by Members of the GMCA pursuant to section 27 of the Localism Act 2011. The Standards Committee will discharge the roles and functions set out in Section A of Part 4, of this Constitution.

8.2 The GMCA must establish an Audit Committee to discharge the roles and functions set out in Schedule 5A of the 2009 Act and Section B of Part 4, of this Constitution.

8.3 The GMCA must appoint one or more Overview and Scrutiny Committees to discharge the roles and functions set out in Schedule 5A of the 2009 Act, the Scrutiny Order and Section E of Part 4 of this Constitution.

8.4 The GMCA will establish a Resources Committee to discharge the functions set out in Section C of Part 4, of this Constitution.

**8.5 The GMCA will establish a Waste and Recycling Committee to discharge the functions set out in Section D of Part 4, of this Constitution**

8.6 The GMCA may establish such other committees as it thinks fit to discharge its functions.

8.7 Committees established under Articles 8.1 to 8.5 may include as voting members any elected member of a Constituent Council even if such members are not members of GMCA.



## **9. JOINT ARRANGEMENTS**

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

## **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, the Chief Fire Officer, and the Secretary.**

### **10.3 Scrutiny Officer**

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

### **10.4 Secretary**

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

### **10.5 Other Officers**

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

### **10.6 General**

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

- 10.7 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) TfGMC will follow the TfGMC Procedure Rules set out in Schedule 2 to the TfGMC Operating Agreement made on 1<sup>st</sup> April 2011 between the GMCA and the Constituent Councils.
- (d) **Decision making by Officers**

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution and other provisions of this Constitution.

## **12. FINANCE, CONTRACTS AND LEGAL MATTERS**

### **12.1 Financial management**

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

### **12.2 Legal proceedings**

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

### **12.3 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 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
- Education Skills and Training
- Police and Crime Commissioner Functions
- Fire and Rescue
- **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 TfGMC 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 TfGMC 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.

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

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

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

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

2. Housing and Regeneration Functions to be exercised concurrently with the Homes and Communities Agency (HCA) pursuant to the 2016 Order.
- 2.1 The following functions of the HCA under Part 1 of the Housing and Regeneration Act 2008 are exercisable by the GMCA in its area concurrently with the HCA:-
  - (a) Section 5 (powers to provide housing or other land)
  - (b) Section 6 (powers for regeneration, development or effective use of land)
  - (c) Section 7 (powers in relation to infrastructure)
  - (d) Section 8 (powers to deal with land)
  - (e) Section 9 (acquisition of land compulsorily or by agreement)
  - (f) Section 10 (restrictions on disposal of land)
  - (g) Section 11 (main powers in relation to acquired land)
  - (h) Section 12 (powers in relation to statutory undertakers)
- 2.2 The functions in paragraph 2.1 must be exercised for the purposes of or for purposes incidental to the following objects:-
  - (a) To improve the supply and quality of housing in the area
  - (b) To secure the regeneration and development of land or infrastructure in the area
  - (c) To support in other ways the creation, regeneration or development of communities or their continued well being
  - (d) To contribute to the achievement of sustainable development and good design.
3. Functions corresponding to the Functions of the Mayor of London

### **Mayoral Development Corporations**

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

### **Spatial Development Strategy**

- 3.2 The GMCA has in relation to its area functions corresponding to the functions of the Mayor of London under part VIII (Planning) of the Greater London Authority Act 1999 in relation to the preparation and publication of a spatial development strategy.
4. Any requirement in any enactment for a Constituent Council to exercise any of the functions set out in paragraph 1 above may be fulfilled by the exercise of that function by the GMCA

5. The GMCA and the Constituent Councils will draw up and agree detailed Protocols in relation to the discharge of the economic development and regeneration functions set out in paragraph 1 above.
6. The GMCA and the Constituent Councils will keep the Protocols referred to at paragraph 5 above under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils and the Head of Paid Service of the GMCA.
7. Protocols drawn up, agreed, or revised under paragraphs 5 and 6 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of functions ) (England) Regulations 2012.

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

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

## **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. 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.

## I. 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.

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

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

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

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

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

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

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

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

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

## **5. Transport for the North**

**5.1 The GMCA is a member of Transport for the North (TfN) which is a statutory body established under the Sub-national Transport Body (Transport for the North) Regulations 2018.**

**5.2 The Regulations give TfN various general functions:**

- **To prepare a transport strategy for its area**
- **To provide advice to the Secretary of State ('SoS') about the exercise of transport functions in relation to its area (whether exercisable by the SoS or others)**
- **To co-ordinate the carrying out of transport functions that are exercisable by different constituent authorities, with a view to improving efficiency and effectiveness**
- **To make proposals to the SoS about the role and functions of TfN, including proposals to transfer further functions to TfN**

**5.3 The Regulations confer on TfN various local transport functions which can be exercised concurrently with local authorities or, where relevant, TfGM. These include:-**

- (a) the power to make capital grants to fund facilities for public passenger transport under section 56 (2) of the Transport Act 1968**
- (b) the power to make ticketing schemes under sections 134C and 135 of the Transport Act 2000**
- (c) the right to be consulted on rail franchises affecting its area and the power to enter into agreements with the SoS in connection with rail services within its area under section 13 of the Railways Act 2005**
- (d) various powers under the Highways Act 1980, namely:-**
  - **Section 8 (power to enter agreements with local highways authorities and Highways England for doing certain works)**
  - **Section 24(2) (power to construct new highways)**
  - **Sections 25 and 26 (powers to enter into agreements for creation of footpaths)**
  - **Various functions relating to the acquisition of land for highways purposes**

**5.4 The Regulations also provide that TfN will be able to exercise certain highways functions jointly with the SoS and / or Highways England, namely:-**

- **Entering into agreements for works relating to trunk roads**
- **Functions relating to environmental impact assessments**

- **Functions relating to acquisition of land for trunk roads**
- 5.5 The GMCA must appoint one of its elected members to be a voting member of TfN, being either the Mayor or the elected member with responsibility for transport.**
  - 5.6 In addition, the GMCA must appoint another of its elected members to be a voting member of TfN in the absence of the member appointed under Article 6.3 ('Substitute Member').**
  - 5.7 The GMCA is entitled to appoint one member of the authority to be a member of TfN's scrutiny committee.**
  - 5.8 The GMCA is also entitled to appoint one member of the authority to be a member of the scrutiny committee in the absence of the person appointed under Article 6.5 ('Substitute Member').**





# **PART 3**

## **RESPONSIBILITY FOR FUNCTIONS**

## 1. INTRODUCTION

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

## A FUNCTIONS RESERVED TO THE GMCA

Only the GMCA will exercise the following functions:

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

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

22. Making decisions in relation to severance packages of £95,000 and over;
23. The determination of collective terms and conditions of staff.

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

### **1. Budget**

1.1 The following functions are exercisable only by the Mayor:

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

### **2. Transport**

2.1 The following functions are exercisable only by the Mayor:

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

2.2 PROVIDED THAT:

- (a) Any exercise by the Mayor of the functions under section 108(1) (a), 108(3) and section 109(1) or (2) of the 2000 Act requires a vote in favour by at least 8 members of the GMCA or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA, in accordance with the voting arrangements set out at Part 5 of this Constitution.
- (b) Amendment of the following plans require a vote in favour by at least 7 members or substitute members acting in place of those members,

appointed by the constituent councils present and voting on that question at a meeting of the GMCA:-

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

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

3.1 The following functions are exercisable only by the Mayor:

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

3.2 PROVIDED THAT:

Exercise of the functions specified at 2.1 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 5.2 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. Buses

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, or dismissing, the person responsible for managing the fire and rescue service;
- (e) approving the terms of appointment of that person;
- (f) holding that person 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.

## 9. Power to Pay Grants

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

## **10. Buses**

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

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

## **C. COMMITTEES**

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

## **D. JOINT COMMITTEES**

### **Transport for Greater Manchester Committee (TfGMC)**

#### **1 Transport functions of the GMCA referred to the TfGMC**

- 1.1 The following transport functions of the GMCA (which were transferred from the former GMITA to the GMCA by way of the 2011 Order) are not delegated but are referred by GMCA to the TfGMC in order for the TfGMC to make recommendations (where appropriate) to the GMCA in respect of:
- (a) New transport schemes to be funded by the Greater Manchester Transport Fund;
  - (b) Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968;
  - (c) 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;
  - (d) Any exercise by GMCA of the 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 secure that TfGM's undertaking is organised in the most efficient manner.
  - (e) Formulating general policies with respect to the availability and convenience of public passenger services pursuant to Sections 9A(5) to (7) of the Transport Act 1968;
  - (f) Considering the creation and development of:-
    - (i) Advanced Quality Partnership Schemes pursuant to Sections 113 -130 of the Transport Act 2000;
    - (ii) Advanced Ticketing Schemes pursuant to Sections 134 C-134G of the Transport Act 2000; and
    - (iii) Concessionary Travel Schemes pursuant to Sections 93- 104 of the Transport Act 1985;
  - (g) Considering variations in charges for transport services or facilities provided by TfGM, pursuant to Section 15(2) of the Transport Act 1968.

## 2. Transport functions of the GMCA delegated to the TfGMC

- 2.1 The following transport functions of the GMCA (which were transferred from the former GMITA to the GMCA by way of the 2011 Order) are delegated by the GMCA to the TfGMC, subject to the TfGMC exercising these functions in accordance with any transport policies of the GMCA **and the Mayor**, the Local Transport Plan and the agreed transport budget and borrowing limits (and without prejudice to the GMCA's right to discharge such functions itself):
- (a) Monitoring and overseeing the activities and performance of TfGM (including the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the TfGMC to be appropriate to secure the observance of the rights of the GMCA);
  - (b) Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;
  - (c) Considering what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139-143 of the Transport Act 2000;
  - (d) Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;
  - (e) Monitoring the GMCA's transport budget pursuant to Section 15A (2) of the Transport Act 1968;
  - (f) Monitoring performance against the Local Transport Plan and other **transport policies of the Mayor and the GMCA**;
  - (g) Formulating, developing and monitoring procedures for public consultation on, and lobbying for, the GMCA **and the Mayor's** transport policies including taking responsibility for the active promotion of Greater Manchester's transport interests;
  - (h) Monitoring and considering issues relating to Metrolink contracts;
  - (i) Considering issues arising from the rail franchising process in accordance with the Rail Protocol agreed between the **GMCA** and the Department for Transport;

- (j) Considering the level of support of local rail services over and above that in the baseline franchise specification in accordance with the Rail Protocol agreed between the City Region and the Department for Transport;
- (k) Considering issues arising from the implementation of schemes for the introduction of Smartcards;
- (l) Authorising:-
  - (i) the disposal of any land by the TfGM pursuant to Section 10(1)(xxiii) of the Transport Act 1968;
  - (ii) the acquisition of any land by the TfGM pursuant to Section 10(1)(xx) of the Transport Act 1968; and
  - (iii) the development of any land of TfGM pursuant to Section 10(1)(xxii) of the Transport Act 1968;
- (m) Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services;
- (n) Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985;
- (o) Monitoring the performance of Metrolink services and initiating appropriate action;
- (p) Monitoring the operation and performance of bus and local rail services and influencing accordingly;
- (q) Authorising agreements between TfGM and
  - (i) any person in connection with the building, refurbishment, repair, maintenance, operation or staffing of a rail network, station or light maintenance depot pursuant to Section 10(1)(via) of the Transport Act 1968;
  - (ii) any person providing passenger transport services by air pursuant to Section 10(1)(vii) of the Transport Act 1968;
  - (iii) any owner of any locomotive or rolling stock pursuant to Section 10(1)(viic) of the Transport Act 1968;

2.2. The following transport functions of the GMCA (which were delegated by the Constituent Councils to the GMCA pursuant to the Order) are sub-delegated by the GMCA to the TfGMC, subject to the TfGMC exercising these functions in

accordance with any transport policies of the GMCA, 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 allpurpose 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 TfGMC responsibility for:

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

- the development of policies relating to the installation, maintenance, and management of Traffic Light Signals

that take both strategic and local strategies and frameworks into account; and

- the GMCA's budget for Traffic Light Signals.

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

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

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

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

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

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

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

2.3 In respect of functions under section 39 (2) and (3) of the Road Traffic Act 1988 ('the road safety function') the GMCA delegates to TfGMC responsibility for:

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

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

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

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



## E. TRANSPORT FOR GREATER MANCHESTER (TFGM)

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

1. To approve the entering into of Agreements by the GMCA under section 6 of the Highways Act 1980
2. To approve the entering into of Agreements under section 8 of the Highways Act 1980
3. To implement GMCA's policies in relation to cycling and walking and other behaviour change in use of transport.
4. To implement decisions taken by the GMCA, **the Mayor** and Transport for Greater Manchester Committee in a transport context to promote and improve the economic, social and environmental well-being of Greater Manchester.
5. In respect of the functions under -
  - 5.1 Section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and
  - 5.2 Section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals as prescribed by regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002 or another traffic sign of a like nature prescribed by those Regulations

the GMCA delegates to TfGM responsibility for:

- (a) Designing and arranging for the construction of the traffic signals referred to in paragraphs 7.1 and 7.2 above (the "Traffic Light Signals"), (including carrying out any necessary statutory formalities) and associated equipment to meet the GMCA's and Constituent Councils objectives and agreed programme;
- (b) Agreeing with the Constituent Councils (in their capacity as Local Transport Authorities), on a case by case basis, whether the TfGM or the relevant Constituent Council will be responsible for carrying out lining, installation of tactile paving and ancillary signing for Traffic Light Signals;

- (c) Producing and updating a Traffic Light Signals asset management plan which identifies cost effective programmes for replacing time expired Traffic Signals and associated equipment;
- (d) Maintenance and renewal of Traffic Light Signals;
- (e) Designing, managing and adjusting Traffic Light Signal timings in a manner that takes into account the needs of users of both the strategic and local road networks, following consultation with the relevant Constituent Council;
- (f) Coordinating the carrying out of Traffic Light Signal works with ancillary signing/lining and any complementary highway improvement works to be carried out by the relevant Constituent Council;
- (g) Entering into agreements under Section 278 of the Highways Act 1980.

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

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

6.2 Maintaining the following Greater Manchester databases:

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

6.3 Maintaining the following Greater Manchester models:

- (a) Strategy Planning (GMSPM2);

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

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

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

7.1 To institute, conduct, prosecute or defend any legal proceedings;

7.2 Subject to any enactment or other provision of this Constitution, to do anything incidental to or calculated to facilitate the discharge of those responsibilities.

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

## 9. **Road Safety function**

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

- a. Providing advice on the GM Road Safety strategy, risks, required behavioural changes, campaigns and publicity.
- b. Providing a service that identifies and analyses the contributory factors that cause high levels of casualties, the behaviours needed to be influenced and what locations need to be improved in order to meet GM safety objectives.
- c. Consulting the GM Casualty Reduction Partnership on proposed casualty reduction intervention programmes.
- d. Delivering Road Safety advice to GM Casualty Reduction Partners based on the analysis of casualty data to identify high risks and locations across Greater Manchester that have a high casualty problem.
- e. Delivering the Annual Road Safety publicity and communications programme, linked to national road safety, health and sustainable communities publicity programmes, to encourage responsible behaviour on Greater Manchester's roads.
- f. Analysing and sharing safety activity performance data, for use in press releases and web based publicity and educational materials in support of road safety objectives.

- g. Benchmarking of performance data, best practice and the most effective processes.
- h. Through joint work with the Health Service, providing publicity for active lifestyles, responsible drinking and drug-free road use.
- i. Monitoring and analysing the performance of safety camera sites

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

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

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

### 10.2 In relation to Buses:

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

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

### **1. Introduction**

- 1.1 This Scheme of Delegation to Chief Officers and Schedule of Proper Officers for various functions has been prepared in accordance with section 101 of the Local Government Act 1972 (the 1972 Act), which enables the GMCA to delegate functions to officers and section 107D (3) of the Local Democracy, Economic Development and Construction Act 2009 which enables the Mayor to delegate Mayoral general functions. The Mayor's Delegations in relation to his PCC functions are set out in Part 9 below. The GMCA is also required by section 100G of the 1972 Act to maintain a list for public inspection specifying those powers of the GMCA which, for the time being, are exercisable from time to time by officers of the GMCA, and stating the title of the officer in question by whom the powers are exercisable.
- 1.2 Chief Officers in the context of this Part means the Head of Paid Service, the Treasurer, the Monitoring Officer, Chief Fire Officer, and the Secretary. 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 TfGMC 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 TfGMC 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 TfGMC 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 and including Spinal Column Point 58 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.**

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

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

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

may give a general consent to TfGM to enter into contracts or agreements the value of which does not exceed £5,000,000.

- 4.11 The collection of all money due to the GMCA, and the writing-off of bad debts.
- 4.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 4.13 To administer the scheme of Members' allowances.
- 4.14 To make all necessary arrangements to ensure the payment of staff employed by the GMCA.
- 4.15 To exercise the functions of the authority in relation to pensions and (without prejudice to the generality of this):
  - a. to be the person specified to determine disputes in the first instance arising from the decisions of the Authority as scheme employer under the Local Government Pension Regulations, **and**
  - b. to determine the treatment of pensions for employees of contractors engaged to provide waste services to GMCA in situations where admission to the Greater Manchester Pension Fund is appropriate and to agree guarantees for Admission Agreements under the Local Government Pension scheme regulations.**
- 4.16 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit Regulations 2015 including the requirement under Regulation 9 to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the GMCA at the end of the year to which it relates and of the GMCA's income and expenditure for that year.
- 4.17 To prepare a statement of accounts for the **former Greater Manchester Waste Disposal Authority** for the period ending **31 March 2018**.
- 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 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.

### **Mayoral Functions**

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

## 5. DELEGATIONS TO THE MONITORING OFFICER

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

The functions of the Monitoring Officer shall be as follows:

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

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

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

- 5.3 In conjunction with the Secretary 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. DELEGATIONS TO THE SECRETARY**

- 6.1 To provide a comprehensive administrative service to the GMCA.
- 6.2 Be the Proper Officer for ensuring the maintenance of public access to information in relation to GMCA documents, reports and background papers.

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

- 7.1 All matters associated with the day-to-day operation of the Fire and Rescue Service ('the Service').
- 7.2 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.).
- 7.3 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).
- 7.4 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.
- 7.5 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.
- 7.6 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).
- 7.7 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.
- 7.8 The authorisation of appropriate persons to accompany inspectors on inspections carried out under the Health & Safety at Work etc. Act 1974.
- 7.9 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.
- 7.10 The issuing of formal cautions under fire safety and Health and safety at Work for which the Mayor has responsibility for enforcement.
- 7.11 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.

7.12 relation to the use of vehicles in accordance with any policy which may be laid down by the Mayor -

a) the approval of the use of official cars by flexible-duty officers for social purposes and restricted journeys whilst away from duty but 'on call'; and

b) the approval of the use of official transport for attendance within the UK at events promoting learning and improvement

7.13 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.

7.14 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.

7.15 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.

7.16 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.

7.17 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.

7.18 Within policy adopted by the Mayor, the determination of applications from uniformed members of the Service to take up employment outside their normal duties.

7.19 The nature/type of uniform and the application of scales of uniform issue.

7.20 The amendment of the scale of issue of uniform to all roles when necessary.

7.21 The attendance of uniformed Service personnel on training courses at the Fire Service College for periods not exceeding 26 consecutive weeks.

- 7.22 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.
- 7.23 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.
- 7.24 After consultation with the Treasurer, the approval of increases in the scale of allowances for fire officers undress uniform to take account of inflation.
- 7.25 In relation to Fire and Rescue Service Staff within the County Fire Officer's direct or indirect line management responsibility:
- (a) Establishment of new and additional posts at grades up to Grade 11 and including Spinal Column Point 58 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
- 7.26 Management of land, property, accommodation and facilities owned by the GMCA in connection with fire and rescue functions

## 8. SCHEDULES OF PROPER OFFICERS

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

### HEAD OF PAID SERVICE

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

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

**PART 4**

**COMMITTEES**



## **PART 4**

### **COMMITTEES**

#### **Introduction**

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

## **A. STANDARDS COMMITTEE**

### **1. Purpose**

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

### **2. Composition**

#### 2.1 Membership

The Standards Committee will be composed of:

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

#### 2.2 Co-opted Independent Member

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

#### 2.3 Political Balance

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

#### 2.4 Chairing the Committee

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

#### 2.5 Quorum

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

## 2.6 Voting

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

## 2.7 Questions at Meetings of the GMCA

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

## 3. Role and Function

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

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

### 1. Statement of purpose

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

### 2. Composition and Procedure

#### 2.1 Membership

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

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

All members of the Committee will have voting rights.

#### 2.2 Independent Person

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

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

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

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

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

### 2.3 Political Balance

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

### 2.4 Chairing the Committee

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

### 2.5 Quorum

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

### 2.6 Voting

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

## 3. Role and Function

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

3.1 Reviewing and scrutinising the GMCA's accounting framework.

3.2 Reviewing and assessing the GMCA's risk management, internal control and corporate governance arrangements.

3.3 Reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the GMCA's functions.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

## **7. External audit**

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

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

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

## **8. Financial reporting**

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

8.2 Consider the Treasurers arrangements for the maintenance of the Police Fund and the Mayoral General Fund

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

## **9. Accountability arrangements**

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

## **C. RESOURCES COMMITTEE**

### **1. Purpose**

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

### **2. Composition**

#### 2.1 Membership

The Resources Committee will be appointed by the GMCA **annually**.

The Committee will comprise five 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 (including Spinal Column Point 58) 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 (including Spinal Column Point 58) or equivalent.
- (h) To determine claims arising under the Scheme of Allowances for employees injured in the course of their employment above £10,000.
- (i) To determine policies relating to pensions and discretionary compensation for early termination of employment.
- (j) To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
- (k) The consideration of and recommendation to the GMCA of the determination of collective terms and conditions of service and the annual pay policy statement.
- (l) To consider the outcomes of staff engagement and consultation exercises, particularly issues raised by the Workforce Engagement Board.
- (m) The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.
- (n) To establish at the appropriate time panels of members as a sub-committee to act as appointment panels for the appointment of the Head of Paid Service and Chief Officers of the GMCA.
- (o) To consider major staffing and organisational reviews.

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

#### **4. Delegation**

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

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

### **1. Purpose**

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

### **2. Composition**

#### **2.1 Membership**

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

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

#### **2.2 Political Balance**

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

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

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

#### **2.4 Quorum**

**The quorum for the Waste Committee shall be eight.**

#### **2.5 Voting**

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

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

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

- 3.1 The Committee is authorised by the GMCA to discharge any waste disposal functions, except for:**

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

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

### **1. Purpose**

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

### **2. Composition**

#### 2.1 Membership

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

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

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

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

#### 2.2 Political Balance

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

#### 2.3 Chairing the Committee

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

#### 2.4 Appropriate person



An 'appropriate person' means:

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

## 2.5 Quorum

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

## 2.6 Voting

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

## 3. Role and Function

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

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

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

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

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

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

The remit of this overview and scrutiny committee includes:-

- Matters of coordination and cross cutting policy themes
- Devolution and legislative matters

- Budget oversight and other financial matters, **including consideration of budgets, levies and Mayoral general precept prior to formal determination**
- GMCA organisational and staffing issues
- GM communications
- GM Connect data sharing
- GM's reform work
- Fire and rescue
- Fairness, equalities and cohesion

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

The remit of this overview and scrutiny committee includes:-

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

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

The remit of this overview and scrutiny committee includes:-

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

# **PART 5**

## **RULES OF PROCEDURE**

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

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

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

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

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

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

- 3.1 \*\*\*Each Constituent Council shall appoint one of its elected members to be a Member of the GMCA.

- 3.2 \*\*\*Each Constituent Council shall appoint another of its elected members to act as a Member of the GMCA in the absence of the Member appointed under Rule 3.1 above ('the Substitute Member').
- 3.3 \*\*\*A person shall cease to be a Member or a Substitute Member of the GMCA if they cease to be a member of the Constituent Council that appointed them.
- 3.4 \*\*\*A person may resign as a Member or Substitute Member of the GMCA by written notice served on the proper officer of the Constituent Council that appointed them (who for the purposes of this Rule 3.4 shall be the Monitoring Officer of the Constituent Council that appointed them) and the resignation shall take effect on receipt of the notice by the proper officer.
- 3.5 \*\*\*Where a Member or Substitute Member of the GMCA's appointment ceases by virtue of Rule 3.3 or 3.4, the Constituent Council that made the appointment must, as soon as practicable, give written notice of that fact to the 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 Churchgate House, Oxford Street, Manchester, M1 6EU;
- b. a summons to attend the meeting, specifying an agenda for the meeting, **shall be sent by electronic mail to the usual email address of each Member**, or any other email address notified to the 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 TfGMC
- e. the Chair of the **Waste & Recycling** Committee
- f. the Chair of the Standards Committee
- g. the Chair of the Audit Committee
- h. the Chair(s) of the Overview and Scrutiny Committee(s)
- i. the Chair of the Police and Crime Panel

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

## **10. Cancelling Meetings**

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

## **11. Meeting Agendas**

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

11.2 \*\*\*Any Member of the GMCA may require the 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 Head of Paid service. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

11.4 The 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 taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing amongst the Constituent Councils when taken together. **Where members of the committee are to be appointed from the members of the GMCA it may not be practicable to achieve political balance.**

## 16. Submission of TfGMC Proceedings and Proceedings of any Committee or Sub-Committee of GMCA

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

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

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

16.4 Where TfGMC or any Committee or Sub-Committee of the GMCA is acting under delegated authority, the Minutes of the proceedings of the TfGMC, 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

18.8 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 statutory contributions payable by Constituent Councils to the Mayor under article 14 (4) (a) of the 2016 Order require at least 7 votes (excluding the Mayor) in favour by members (or substitute members acting in their place) to be carried.

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

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

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

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

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

- a. Designate any area of land as a mayoral development area (MDA)
- b. Alter the boundaries of an MDA so as to exclude an area of land, or

c. Decide that a mayoral development corporation (MDC) should be the local planning authority for the purposes set out in section 202 (2) to (4) of the Localism Act 2011

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

18.14 \*\*\* A proposal of the Mayor under Rule 18.13 (a) may be rejected by the GMCA in accordance with the provisions of section 197 of the Localism Act 2011 as modified by the 2017 Order, but only if a motion to reject has been considered at a meeting of the GMCA and agreed to by two-thirds of the GMCA members (or substitute members acting in their place) present and voting on that motion.

18.15 **In relation to functions conferred under Part 4 (waste disposal) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017—**  
**(a) the Member for the GMCA appointed by the Constituent Council for the local government area of Wigan, or any Substitute Member acting in place of that Member, does not have a vote; and**

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

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

## **19. Conduct of Members**

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

- a. the Chair may direct the Member to refrain from speaking during all or part of the remainder of the meeting of the GMCA;
  - b. the Chair may direct the Member to withdraw from all or part of the remainder of the meeting of the GMCA;
  - c. the Chair may order the Member to be removed from the meeting of the GMCA; and
  - d. the Chair may adjourn the meeting of the GMCA for such period as they consider expedient.
- 19.2 In the event of general disturbance, which in the opinion of the Chair, renders the orderly dispatch of business impossible the Chair, in addition to any other power vested in the Chair may, without question put, adjourn the meeting of the GMCA for such period as the Chair considers expedient.

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

- 20.1 If a member of the public interrupts the proceedings at any meeting of the GMCA the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

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

- 21.1 In this Rule:-  
'the Code' means the Conduct of Conduct for Members adopted by the GMCA under Section 28 of the Localism Act 2011;  
'disclosable pecuniary interest' means an interest specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in paragraph 8 of the Code;  
'Member of the GMCA' includes a Substitute Member when acting as a Member of the GMCA, and a voting co-opted member of a committee or sub-committee of the GMCA.  
'personal interest' for the purpose of Rule 21.2 means an interest described in paragraph 7.2 of the Code, and for the purpose of Rule 21.3 and 21.4 means an interest described in paragraph 7.2 or 7.3 of the Code;  
'prejudicial interest' means an interest described in paragraph 8.1 of the Code;
- 21.2 Members of the GMCA must within 28 days of their election or appointment to office notify the GMCA Monitoring Officer in writing of the details of their disclosable pecuniary interests (including, where required, interests of their partner) and their personal interests.
- 21.3 Where a member of the GMCA is present at a meeting and has a disclosable pecuniary interest or, subject to paragraphs 7.6 to 7.8 of the Code, a personal interest in any matter to be considered at the meeting, they must disclose the interest to the meeting.
- 21.4 Where a member of the GMCA has a disclosable pecuniary interest or, subject to paragraphs 8.3 and 8.4 of the Code, a prejudicial interest in any matter being considered at a meeting, they must not participate or vote on the matter and must withdraw from the room of the meeting while the matter is being considered.

## **22. Records**

- 22.1 The 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**

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

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

### 10.1 Confidential information - requirement to exclude public

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

### 10.2 Meaning of confidential information

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

### 10.3 Exempt information - discretion to exclude public

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

### 10.4 Meaning of exempt information

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

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

		<p>(d) the Co-operative and Community Benefit Societies Act 2014;</p> <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 (b) to make an order or direction under any enactment.	Information within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

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

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

11.1 If the 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.**

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

- (i) the settlement of any actual or threatened legal proceedings in the interests of the GMCA, subject to the Overview and Scrutiny Committee receiving a report at its next suitable meeting in the event of such a settlement;**
- (ii) the payment of ‘passported’ grants from central government whose grant conditions include express instructions on how and where**

**monies are spent, so that the GMCA or the Mayor are unable to vary any aspect of the payment of that grant.**

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

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

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

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

- (a) a document is published containing the information set out in Rule 15.2, and
- (b) that document is made available at the offices of the GMCA and published on the GMCA's website.

15.2 The document published under rule 15.1 must state -

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

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

## **16. General Exception**

- 16.1 Subject to Rule 17 (Special Urgency), where the publication of the intention to make a key decision under Rule 15 is impracticable, the decision may still be made but only if:
- (a) the Monitoring Officer has informed the chair of the relevant overview and scrutiny committee or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;
  - (b) the Monitoring Officer has made a copy of that notice available to the public at the offices of the GMCA, and published it on the GMCA's website; and
  - (c) at least 5 clear days have elapsed since the Monitoring Officer complied with (a) and (b).
- 16.2 As soon as reasonably practicable after the Monitoring Officer has complied with Rules 16.1 (a) and (b), he or she must make available at the GMCA's offices a notice setting out the reasons why compliance with Rule 15 is impracticable and publish that notice on the GMCA's website.

## **17. Special Urgency**

- 17.1. Where the date by which a key decision must be made, makes compliance with Rule 16 impracticable, the decision may only be made where the decision-maker has obtained agreement from:
- (a) the Chair of the relevant overview and scrutiny committee; or
  - (b) if there is no such person, or if the chair of the relevant overview and scrutiny committee is unable to act, the Chair of the GMCA; or
  - (c) where there is no chair of either the relevant overview and scrutiny committee or of the GMCA, one of the vice-chairs of the GMCA,

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

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



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

### **18.1 When an overview and scrutiny committee can require a report**

Where a decision has been made and:

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

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

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

A report under Rule 18.1 must include details of:

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

### **18.3 Reports on special urgency decisions**

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

## **19. Recording of Mayoral Decisions Made by Individuals**

19.1 As soon as reasonably practicable after the Mayor or another Member of the GMCA has made a mayoral decision, that Member must produce or instruct the 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 decision which is a mayoral decision, the officer must produce a written statement including the information specified in Rule 19.3.

- 19.3 The statement referred to in Rule 19.1 and 19.2 should include -
- a. a record of the decision including the date it was made;
  - b. a record of the reasons for the decision;
  - c. details of any alternative options considered and rejected when making the decision;
  - d. a record of any conflict of interest declared by any member who is consulted by the member or officer which relates to the decision; and
  - e. in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 19.4 Any written statement produced in accordance with this Rule, and any report considered by the individual Member or officer relevant to a decision will be available for public inspection at the GMCA's offices and on the GMCA's website.
- 19.5 Decisions made by the Mayor will also be reported to the GMCA at its next meeting (except where the decision concerned was taken openly by the Mayor while sitting within a formal meeting of the GMCA).
- 19.6 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

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

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

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected when making the decision;
- (d) where the decision is taken under a specific express authorisation, the name of any member of the GMCA who has declared a conflict of interest in relation to the decision.

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

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

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

### **21.1 Rights to copies**

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

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

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

### **21.3 Limit on rights**

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

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

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

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

22.1 Subject to Rule 22.2, any document which:

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

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

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

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

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

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

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

23.1 In addition to rights under Rule 22, Members will be entitled to access to documents and to attend the confidential part of meetings of committees and sub-committees where they can demonstrate a “need to know” in order to perform their duties as Members.

23.2 Subject to Rule 23.3 below, the circumstances where a “need to know” will be treated as arising will include -

(a) Where the matter relates to a sub-committee of a committee of which the Member is a member;

(b) Where the GMCA is required to approve the decisions or recommendations of committees or sub-committees;

(c) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole GMCA;

(d) Where the matter relates specifically to the area of the Constituent Council that appointed the Member to the GMCA.

23.3 There will not be a “need to know” if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.

23.4 A Member wishing to see confidential or exempt GMCA, committee or sub-committee documents or to attend the confidential part of a meeting should make a written application to the Head of Paid Service, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform his/her duties.

23.5 Where access to documents or a meeting is refused by the Head of Paid Service, there will be a right of appeal to the relevant body.

23.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.

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

### **1. Establishment**

- 1.1 Legislation requires that the GMCA must establish one or more overview and scrutiny committees.**
- 1.2 The GMCA has determined to establish three overview and scrutiny committees whose remit is set out in Section E of Part 4 of this Constitution. The GMCA may choose to review the scope and titles of these committees periodically.**
- 1.3 In these scrutiny procedure rules, any provisions referring to an overview and scrutiny committee also apply to any sub-committees established by an overview and scrutiny committee.**

### **2 Membership**

- 2.1 The GMCA will appoint to each committee annually following the annual meetings of its constituent councils.**
- 2.2 Each overview and scrutiny committee shall comprise fifteen members appointed by the GMCA from the elected members of the constituent councils.**
- 2.3 Each committee will have a least one member from each constituent council.**
- 2.4 In appointing members to the overview and scrutiny committees the GMCA will have regard to any nominations made by constituent councils and also endeavour to ensure that the membership reflects the conurbation's diverse population.**
- 2.5 The GMCA must ensure that the members of the committee reflect (as far as reasonably practicable) the balance of political parties among members of the constituent councils across the whole GMCA area.**
- 2.6 The GMCA will also appoint up to 16 substitute members who may be invited to attend as full members of all GMCA scrutiny committees when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.**

### **3 Committee Chair**

**3.1 Each committee's Chair will be appointed from amongst its members.**

**3.2 The Chair must be a member of the committee who is an 'appropriate person' who is a member of one of the Constituent Councils. This requirement is set out in legislation.**

**3.3 An 'appropriate person' means:**

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

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

### **4 Sub-Committees**

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

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

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

### **5 Meeting Frequency**

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

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

## **6 Quorum**

- 6.1 The quorum for an overview and scrutiny committee shall be two thirds of its total membership, 10 members. This is set out in legislation.**
- 6.2 The quorum requirement also applies to any sub committees established.**
- 6.3 No business shall be transacted unless there are 10 members present**
- 6.4 The meeting must start no later than 15 minutes after its advertised starting time, if there are not 10 members present then no meeting can take place.**
- 6.5 If a meeting is inquorate those members present may still wish to informally discuss any issues which were due to be discussed at the meeting. However this informal meeting cannot transact any formal business, its discussions cannot be minuted, and any issues which members wish to bring to a decision makers attention would need to be raised again at a formally constituted meeting of that scrutiny committee.**

## **7 Voting**

- 7.1 Each member of the overview and scrutiny committees has one vote.**
- 7.2 No member is to have a casting vote.**
- 7.3 Whenever a vote is taken at a meeting it shall be by a show of hands and voting will be recorded.**

## **8 Overview And Scrutiny Committee Work Programme**

- 8.1 Overview and scrutiny committees and any sub-committees will be responsible for setting their own work programme, taking into account the wishes of members of that committee or sub-committee.**
- 8.2 The overview and scrutiny committees shall also accommodate requests from the GMCA and/or the Mayor to review particular areas of activity as soon as their work programme permits.**
- 8.3 To assist with their work overview and scrutiny committees will be provided with a copy of the Register of Key Decisions each time it is updated.**
- 8.4 Legislation also requires the GMCA to allow:**
  - a. Any member of an overview and scrutiny committee or sub-committee**



- b. **Any member of the GMCA**
- c. **Any member of a Constituent Council**

**to refer matters to an overview and scrutiny committees by notifying the Head of Paid Service in writing.**

**8.5 Matters to be referred must be:**

- i. **relevant to the functions of the committee and**
- ii. **not an excluded matter<sup>7</sup>**

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

**8.7 On receipt of a notice under Rule 8.4 the matter will be included on the agenda of the next meeting the relevant committee or sub-committee as long as it meets the statutory publication requirements.**

**8.8 When the overview and scrutiny committee considers a referred matter it must have regard to any representations made by the member referring the item as to whether it would be appropriate to exercise its powers in relation to the matter being referred.**

**8.9 If the committee decides not to exercise its powers in relation to the referred matter, it must notify the member who referred the matter of their decision and the reasons for it.**

## **9 Procedure at Overview and Scrutiny Committee Meetings**

**9.1 Where the overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings.**

**9.2 Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the GMCA and/or the Mayor as appropriate and shall make its report and findings public.**

**9.3 An overview and scrutiny committee or sub-committee may make proposals to the GMCA and/or the Mayor about any policy developments that fall within the committee’s remit.**

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<sup>7</sup> An excluded matter is one which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State for the purposes of section 9FC of the Local Government Act 2000.

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

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

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

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

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

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

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

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

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

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

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

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

## **13 Attendance by Others**

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

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

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

14.2 **Members appointed to the GMCA's three Scrutiny Committees have the power to call-in:**

**The decisions made by:**

- a. **Greater Manchester Combined Authority (GMCA)**
- b. **Greater Manchester Elected Mayor (for decisions relating to his general functions only)**

**The decisions made under delegated powers by:**

- c. **A Member of the GMCA exercising delegated mayoral general functions**
- d. **A Committee of the GMCA**
- e. **A Committee established by the Mayor to exercise mayoral general functions.**
- f. **Transport for Greater Manchester Committee,**

**and key decisions made under delegated powers by:**

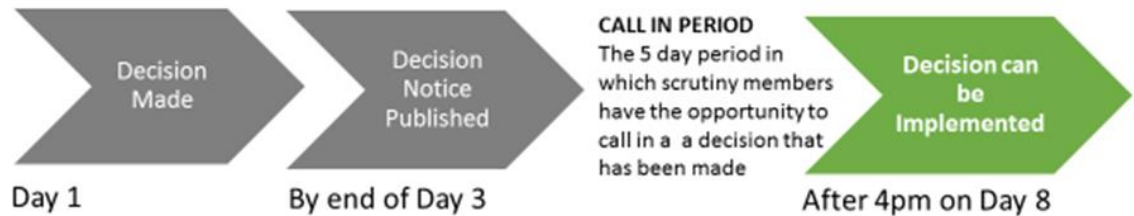
- g. **Officers of the GMCA, including Transport for Greater Manchester (as set out in Part 3 Sections E and F of the Constitution).**

14.3 **When the GMCA or any of its committees (with delegated decision-making powers), makes a decision; or when the mayor makes decision relating to his/her mayoral general functions, a decision notice will be published which sets out the decision/s that have been made. This notice will also be made available at the offices of the GMCA. The decision notice should be usually published within working 2 days of the decision being made.**

14.4 **It is the responsibility of the GMCA's Head of Paid Service to send electronic copies of the records of all such decisions to all members of the GMCA and all members of the GMCA's overview and scrutiny committees and any scrutiny sub committees (if established). This notice will enable members of the scrutiny committees to review the decisions that have been made and consider whether they would like any further information about them.**

- 14.5 Each decision notice will bear the date on which they are published and will specify the date that the decision will come into force. Decisions may be implemented from 4.00 pm on the fifth day after the day on which the decision was published, unless before that time three members of the committee decide to call it in. The members must give notice in writing to the Head of Paid Service that they wish to call-in the decision, stating their reason(s) why the decision should be scrutinised.
- 14.6 The period between the publication of the decision notice and the time a decision may be implemented is the call-in period. The diagram below illustrate

**Decision Making Timeline**



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

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

14.8 **Budget Scrutiny**

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

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

15 **Call-in Procedure**

- 15.1 **The purpose of call in is to give an overview and scrutiny committee the opportunity to consider whether they should ask the decision maker to review their decision. If three members of an overview and scrutiny committee request to call-in a decision the Head of Paid Service must notify the relevant decision-maker of the call-in except where paragraph 16.4 applies.**
- 15.2 **The Head of Paid Service must then convene a meeting of the overview and scrutiny committee on such date as he/she may determine, where possible after consultation with the chair of the overview and scrutiny committee.**
- 15.3 **The meeting must be convened within ten working days of the decision to call-in. In the event that it is not possible to convene a quorate scrutiny meeting within this period such a meeting must instead be convened as soon as practicable to consider the call in. The decision-maker will have the right to attend the meeting to explain the reasons for the decision and to answer questions at the meeting. At the scrutiny meeting in which the call-in is reviewed the overview and scrutiny committee will consider the reasons for call-in and the decision-maker's response to any questions the committee may agree to. The committee may decide to:**
- a. **Make no recommendations (in which case the decision will stand and may be implemented with immediate effect); or**
  - b. **Refer the matter back to the decision-maker with a recommendation that the decision-maker: changes aspects of the decision; reconsiders the decision in light of the committee's views; or does something else before the final decision is made.**
- 15.4 **If a decision is referred by a meeting of the overview and scrutiny committee the decision-maker must reconsider the original decision before adopting a final decision. After reconsidering their decision the decision maker must write to the overview and scrutiny committee and set out if they have amended their decision or explain the reasons why their decision stands.**

## **16 Urgent decisions: Call-in <sup>8</sup>**

- 16.1 **In Greater Manchester the grounds for a decision to be considered as urgent (and therefore not subject to call-in) are that if any delay likely to be caused by the call-in process would seriously prejudice the legal or financial position of the GMCA or the constituent councils, or the interests of the residents of Greater Manchester.**

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<sup>8</sup> The GMCA's Constitution under its access to information procedure rules also contains provision for a key decision, in certain exceptional circumstances, to proceed despite it being impracticable to meet the ordinary 28 clear day public notice requirement for such decisions. This is covered under rule 16 (General Exception) and rule 17 (Special Urgency) of those procedure rules.

- 16.2 **The chair of the relevant overview and scrutiny committee must agree both that the making of the decision is urgent, cannot reasonably be deferred and that it can be treated as a matter of urgency. In the absence of the chair of the relevant overview and scrutiny committee, the chair of the GMCA must agree the grounds of urgency, or in the absence of the chair of the GMCA, the vice chair of the GMCA may agree the grounds for urgency.**
- 16.3 **As soon as agreement has been obtained by the decision maker that the making of the decision is urgent the decision maker must publish a notice in its offices and on its website which states the reason why the decision is urgent and cannot reasonably be deferred.**
- 16.4 **Where a decision is exempted from call-in it will become effective immediately or (if later) as soon as the agreement of the chair of the relevant overview and scrutiny committee (or of the chair or vice chair of the GMCA) has been obtained.**
- 16.5 **Decisions taken as a matter of urgency must be reported to the next meeting of the GMCA, together with the reasons for urgency.**
- 16.6 **The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the GMCA with proposals for review if necessary.**
- 17 Scrutiny Officer**
- 17.1 **The GMCA must designate one of its officers as the scrutiny officer of the overview and scrutiny committee(s) to discharge the following functions:**
- a. to promote the role of the overview and scrutiny committee(s);**
  - b. to provide support and guidance to the overview and scrutiny committee(s) and to members of such committees; and**
  - c. to provide support and guidance to Members of the GMCA and to the Mayor in relation to the functions of the overview and scrutiny committee(s).**
- 19.3 **The GMCA may not designate as the scrutiny officer any officer of a Constituent Council.**

