

Greater Manchester Combined Authority

Date: 30 June 2023

Subject: Review of GMCA Constitution and Approval of Revised Members Code of Conduct

Report of: Gillian Duckworth, GMCA Solicitor & Monitoring Officer

Purpose of Report

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

Recommendations:

The GMCA is requested to:

1. Adopt the revised constitution accompanying this report as the Constitution of the GMCA.
2. Adopt the Members Code of Conduct attached at Appendix A.
3. Authorise the Monitoring Officer to make any changes of a typographical nature to the Constitution.

Contact Officers

Gillian Duckworth, Monitoring Officer – GMCA

Gillian.Duckworth@greatermanchester-ca.gov.uk

Gwynne Williams, Deputy Monitoring Officer – GMCA

williamsq@manchesterfire.gov.uk

Equalities Impact, Carbon and Sustainability Assessment:

No implications arising directly from this report

Risk Management

No implications arising directly from this report

Legal Considerations

The Constitution requires an annual review which this report satisfies

Financial Consequences – Revenue

No implications arising directly from this report

Financial Consequences – Capital

No implications arising directly from this report

Number of attachments to the report: 1

Comments/recommendations from Overview & Scrutiny Committee

N/A

Background Papers

None

Tracking/ Process

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

No

Exemption from call in

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

No

GM Transport Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction/Background

1.1. The Monitoring Officer is required to monitor and review the operation of the GMCA's Constitution and, where appropriate, to propose changes to the Constitution to the GMCA for approval.

The Monitoring Officer has carried out such a review and recommends a revised version of the GMCA Constitution for approval. New wording appears in tracked changes in the revised version in the [GMCA Constitution AmendedTrackedChanges.pdf](#)

1.2. There have been no new statutory orders conferring functions on the GMCA or orders amending existing statutory orders since the last review.

2. Parts 1, 2 and 3 of the Constitution - Bee Network Committee and TfGM

2.1. The GMCA received a report of the Chief Executive and the Monitoring Officer at its meeting on 26 May 2023 on the Bee Network- Improving Greater Manchester's Transport Governance.

2.2. The GMCA:

2.2.1. approved the establishment of a new joint transport committee (the Bee Network Committee) of the GMCA, the Mayor and the ten Greater Manchester constituent councils;

2.2.2. approved the Terms of Reference of the Bee Network Committee, as set out in Appendix 2, to the report;

2.2.3. approved the delegation of functions of the GMCA, as set out in the Terms of Reference to the Bee Network Committee;

2.2.4. noted the delegation of Mayoral functions, as set out in the Terms of Reference.

2.2.5. approved the Rules of Procedure for the Bee Network Committee, as set out in Appendix 3 to the report.

2.3. The Constitution has been amended to reflect the establishment of the new committee and the resolutions set out in paragraph 2.2 above. In summary,

2.3.1. Part 1 refers to the committee's Rules of Procedure for decision making;

2.3.2. Part 2 is updated to refer to the name of the Bee Network Committee replacing the former GMTC;

2.3.3. Part 3 – Section D - is substantially amended to incorporate the Bee Network Committee's Terms of Reference and delegated functions.

2.4. The report to the GMCA of 26 May 2023 advised that it was the intention to delegate some additional functions of a day-to-day operational nature to TfGM, for example, local bus information, consultation procedures, transport and road safety studies. The report advised that these revisions to TfGM's functions would be included in the annual review of the constitution.

2.5. Part 3 – Section E of the Constitution has been amended to include within TfGM's delegated functions related to the following:

2.5.1. Formulating, developing and monitoring procedures for public consultation on transport policies;

2.5.2. Considering what local bus information should be made available, and the way in which it should be made available;

2.5.3. Pedestrian crossings so far as it relates to Pelican and Puffin crossings;

2.5.4. Placing of traffic signs in so far as they are traffic light signals;

2.5.5. Making policy recommendations in respect installation, maintenance, and management of Traffic Light Signals, and the GMCA's budget for Traffic Light Signals

2.5.6. Making policy recommendations in respect of the Transport Studies Function, and the GMCA's budget for the Transport Studies function;

2.5.7. A programme of measures designed to promote road safety under sections 39(2) and 39(3) of the Road Traffic Act 1988 (the road safety function).

2.6. The detailed wording can be found in Part 3 – Section E of the Constitution.

2.7. In addition, Members are asked to note that the Mayor has delegated the mayoral function relating to Bus Franchising Service Permits to TfGM (Part 3 – Section E – paragraph 15.4).

2.8. In relation to appeals arising out of the Bus Franchising Service Permit scheme, it is proposed that the GMCA delegates authority to TfGM to respond to and /or defend any appeals that a bus operator may make to the Traffic Commissioner Part 3 – Section E – paragraph 14).

3. Part 4 – Committees – Audit Committee

3.1. At its meeting on 25 January 2023, following the consideration of a report on the Committee's responsibilities and its relationship with the Joint Audit Panel, the Audit Committee resolved to recommend that the GMCA amend the Committee's Terms of Reference.

3.2. The following additional paragraph has been added to the Audit Committee's Governance, Risk and Control function:

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

4. Part 5 – GMCA Procedure Rules

4.1. Rule 10 has been amended to include provision for the Secretary to cancel or postpone any meeting, in consultation with the meeting Chair, in event of an emergency.

5. Part 6 – Financial Procedures

5.1. Part 6B – Contract Procurement Rules have been amended to include further provision as to procedures for the award of grants.

6. Part 7 – Codes – Members Code of Conduct

6.1. At its meeting on 10 February 2023 the Standards Committee considered a report on the publication of the Local Government Association Model Code of Conduct for Members.

6.2. The Committee resolved to recommend the adoption of the LGA Model Code of Conduct by the GMCA with following modifications:

6.2.1. the obligations relating to the declaration of disclosable pecuniary interests follow the statutory wording contained in the Localism Act 2011;

6.2.2. the threshold for gifts and hospitality remain at the current level of £100.

6.3. Attached at Appendix A is the proposed new Members Code of Conduct, adapted for GMCA.

Other Codes

6.4. Minor amendments have been made to the Member/Officer Relations Guidance at Section D.

6.5. A new protocol on International Visits had been added at Section H.

7. Consequential Amendments

7.1. Amendments required as a consequence of the above substantive revisions have been made throughout the document.

8. Future Revisions

7.1 Further revisions to the Constitution are likely to be required during the municipal year as a consequence of the integration of Local Enterprise Partnership functions within the functions of the GMCA.

9. Recommendations

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