

Report To:	COUNCIL
Date:	21 May 2019
Executive Member/ Reporting Officer:	Councillor Brenda Warrington – Executive Leader Sandra Stewart – Director (Governance and Pensions)
Subject:	AMENDMENTS TO CONSTITUTION
Report Summary:	<p>The report outlines, for Members information, revised Executive Member portfolio arrangements.</p> <p>In addition the report sets out proposed new arrangements for GM Transport governance arrangements and proposes changes to the terms of reference of the Overview (Audit) Panel and the Audit Panel.</p>
Recommendations:	<ul style="list-style-type: none"> (i) That the revised Executive Member portfolios be noted; (ii) That the establishment of the new GM Transport Committee as a joint committee of the 10 districts, GMCA and Mayor be approved. (iii) That the Terms of Reference and Operating Agreement for the Committee as set out in Appendix 1 of the report be agreed. (iv) That the functions set out in the Terms of Reference be delegated to the Transport Committee. (v) That the Council appoint one Member to the Transport Committee for 2019 – 2020. (vi) That the revised Terms of Reference for the Audit Panel and Overview (Audit) Panel as set out in Appendix 2 be approved. (vii) That the Council adopt the ‘STAR’ Procurement Standing Orders made pursuant to Section 135 of the Local Government Act 1972 set out in Appendix 3, which will ensure we are aligned with Stockport Council, Trafford Council, and Rochdale Council to facilitate a more economical, efficient and effective discharge of Procurement Functions via a shared procurement service known as “STAR”. (viii) That the Executive Member with responsibility for Finance be appointed as the Council’s representative on the STAR Joint Committee (ix) That it be agreed that the Borough Solicitor may make such consequential amendments to the Constitution as may be required to reflect the changes made above.
Links to Community Strategy:	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
Policy Implications:	There are no policy implications.
Financial Implications: (Authorised by the Section 151 Officer)	There are no direct financial implications

**Legal Implications:
(Authorised by the Borough
Solicitor)**

Section 9P of the Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution which contains a copy of the authority's standing orders for the time being. The Borough Solicitor is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. It should be noted that under the Leader and Cabinet form of executive, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, does not rest with the Council, but is the responsibility of the Leader. The Leader may determine to exercise executive functions personally or to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member, an area committee or an officer of the Council (without prejudice to the Leader's ability to exercise such functions personally). Where the Leader delegates the exercise of functions to the Executive it may in turn delegate to officers. In these circumstances, the recommended delegations of executive functions as set out in section 1 are for the purpose of information only.

The changes to the Transport arrangements are compliant with the GMCA Transport Order

Risk Management:

It is important to continually monitor and review the effectiveness of the Constitution to ensure good governance.

Access to Information:

Background Papers:

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report.
Greater Manchester Combined Authority Transport Order

Greater Manchester Combined Authority Constitution

TfGMC Terms of Reference and Operating Agreement

The background papers relating to this report can be inspected by contacting Robert Landon, Head of Democratic Services by:



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1. EXECUTIVE MEMBER PORTFOLIOS

- 1.1 Set out below for Members information are the revised Executive Member portfolios put in place by the Executive Leader setting out generally the thematic areas covered with further detail to be published in the constitution:

Executive Member	Portfolio Outline
Executive Leader	Strategic Oversight; to represent the Council externally; Principal political spokesperson; oversight of the annual budget and all council functions; Chair of Greater Manchester Pension Fund; Member of Greater Manchester Combined Authority.
Deputy Executive Leader (Children and Families)	Deputise for Executive Leader as and when required; Children's Social Care; Safeguarding (incl. Tameside Safeguarding Children Board); Youth Provision; Children with disabilities; Early Help and Troubled Families; Support services (incl. early intervention, behaviour, respite, communication, sensory & autism); Looked after children - Corporate Parenting; Children's Centres; Health as it relates to Children's Services.
Finance and Economic Growth	to lead on capital and revenue budget preparation and monitoring; to lead on performance management; to lead on all corporate services, information technology; and communication. To lead on Strategic economic development; investment and enterprise, growth activities including land disposals.
Housing, Planning and Employment	to lead on job creation employment initiatives; housing regeneration; housing matters; inward investment; Strategic planning and major development matters.
Lifelong Learning, Culture and Heritage	Early years learning and school readiness; education attainment and achievement; school development and support; schools capital programme; special educational needs; skills and training. Culture and heritage including libraries.
Neighbourhoods, Community Safety and Environment	Waste Collection, disposal and recycling; Carbon Reduction; Environmental Health and Public Protection (incl. Licensing and Trading Standards); Engineering operations and Highway development. To lead on the functions of the Council as highways authority; highway maintenance and improvement works; and to lead on all matters that create inclusive neighbourhoods crime and disorder, recreational and sports facilities and all environmental enforcement matters.
Transport and Connectivity	Strategic transport matters include matters such as Tameside Interchange and Longdendale bypass; regional and sub-regional transport matters together with Transportation, fleet management and on and off street parking with particular emphasis on Green Travel.
Health and Social Care	Development and implementation of Integrated Care Organisation together with leading on Adult Social Care.

2. TRANSPORT GOVERNANCE

- 2.1 The GMCA agrees that it is vital that the exercise of transport powers across all modes is undertaken collectively as far as is possible by the Mayor, GMCA and Districts acting in concert, bringing together their respective transport functions and budgets so they can be co-ordinated in a coherent manner.
- 2.2 The proposed Transport Committee, as a joint committee comprising members from all of these bodies, has an important role to play as part of this, particularly in relation to operational oversight and performance monitoring of all transport modes (including highways) and scheme delivery.
- 2.3 A joint committee of the GMCA, Mayor and District Councils enables the appropriate functions to be delegated from all of these bodies, equipping one body with broad and balanced elected member representation from across Greater Manchester to assess all modes of transport as a whole.
- 2.4 Accordingly, what is proposed by the Combined Authority as the basic structure for GM transport governance is as follows:
 - **Mayor and GMCA:** to continue to undertake all strategic decision-making in relation to policy, strategy (LTP), funding and scheme decision-making.
 - **New joint Transport Committee:** refocused role as transport user champion – performance monitoring / management of all modes and highway network, holding operators to account, oversight on delivery (eg capital and other schemes) and ensuring the integration of transport policy within the parameters set by the Local Transport Plan (ie Transport Strategy 2040) and existing policy. A well briefed and informed Committee will be in a strong position to make recommendations to the Mayor, GMCA and Districts, as appropriate.
 - **Greater Manchester Scrutiny:** Scrutiny of Mayoral, GMCA and Transport Committee decisions as above, including wider integration with spatial issues, housing, environment, is currently undertaken by the Housing, Planning & Environment Overview and Scrutiny Committee. Transport budget issues are scrutinised by the Corporate Issues & Reform Overview and Scrutiny Committee.
- 2.5 The Transport Committee will continue to undertake decisions in relation to supported bus services, within agreed policy and budgets. This will require the bus functions that Order 3 transfers from the GMCA to the Mayor to be delegated to the new Transport Committee.
- 2.6 The proposed approach to transport governance outlined above will also provide greater clarity for the GM Scrutiny Committees, and in particular the Housing, Planning and Environment Scrutiny Committee, which includes transport in its remit, in undertaking their scrutiny, functions.
- 2.7 This will enable elected members, be they decision-makers or those with a scrutiny role, to be clear about their role and that of the bodies they are appointed to, as well as understanding the roles of related bodies. This is increasingly important when elected members may have multiple and overlapping roles, for example serving on a Licensing Panel and the Transport Committee.
- 2.8 The clearer distinction between where major transport decisions are taken (GMCA and Mayor), and where transport performance and operational delivery and integration is monitored and operators are held to account (Transport Committee), will help ensure that Scrutiny processes and oversight at the city-region level can be exercised in an efficient manner that avoids duplication.

- 2.9 There has been significant change to GM governance since 2011, when the existing Transport for Greater Manchester Committee was established. In that time period, the mayoral combined authority has been established, major reforms of scrutiny arrangements and the former waste, fire and police authorities undertaken, and more recently the confirmation of GM Order 3 (which was agreed by all of the Districts) has specific implications for transport governance.
- 2.10 GM Order 3 represents a further step on the journey to equip GM with more robust governance arrangements better able to utilise existing and new powers and functions devolved to GM, and achieve the economic, social and environmental objectives in the GM Strategy.
- 2.11 The Order makes a series of changes, including conferring all operational bus powers on the Mayor, enables the Mayor to enter into joint arrangements with the GMCA and Districts in relation to transport functions and makes provision for a new joint Transport Committee.
- 2.12 All GM local authorities consented to the new Order in January 2019. In terms of membership arrangements, the Order states :
- 1.—(1) Where a joint transport committee is established in accordance with article 6 the members of the joint transport committee must be appointed in accordance with paragraphs (2) to (5).
- (2) The members appointed by the GMCA must be members or substitute members of that authority or members of the constituent councils.
- (3) The members appointed by the constituent councils must be members of those councils.
- (4) The members appointed by the Mayor must be members of the GMCA or of the constituent councils.
- (5) In appointing members to the joint transport committee—
- (a) the Mayor, the GMCA and the constituent councils must ensure that—
- (i) the number of members of the committee does not exceed twenty three;
- (ii) members are appointed to act as members of the joint transport committee in the absence of the members appointed under paragraph (1) (“substitute committee members”); and
- (b) the GMCA and the constituent councils must ensure that the members of the committee appointed from among the members of the GMCA and the constituent councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.
- 2.13 In terms of constituting the new Joint Transport Committee, ensuring political, and geographical balance, the following is recommended:-
- Districts appoint to 11 places on the Joint Committee,
 - The CA to appoint to one place on the Joint Committee,
 - The Mayor to be a member of the Joint Committee and
 - The remaining 10 members are appointed by Mayor to ensure political balance across GM is represented.
 - That the committee shall select and recommend to the Mayor its own Chair.
- 2.14 The Operating Agreement, attached at **Appendix 1**, has been amended to reflect the Order and sets out how those appointments will be made. Clause 3.10 of the Agreement states that the appointments made by the Mayor to the 10 remaining places will reflect the wishes of the relevant political group as to the members to be appointed to the Committee allocated to that political group.

Revised Terms of Reference for the Transport Committee

- 2.15 The proposed Terms of Reference for the Committee are included in the Operating Agreement (**Appendix 1**). They set out the key areas of work for the Committee and the delegations from the Mayor, GMCA and the districts. The Terms of Reference more

accurately reflect the proposed role of the Committee and do not make any changes to the delegations from the Districts.

- 2.16 The three key areas of work for the new joint transport committee, which will comprise representatives from each District, the GMCA and the Mayor, will be to ensure:
- Accountability: active and regular monitoring of the performance of the transport network, including the highway network (including the operation of the GM Road Activities Permit Scheme, road safety activities, eTransport Committee) as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and infrastructure providers to public account, and
 - Implementation: oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and as noted above, decisions over subsidised bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate, and
 - Policy Development: undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.
- 2.17 With regard to decisions about subsidised bus services, it is proposed that the new Transport Committee undertakes this function, given the local nature of such decision-making, within the policy context and funding as determined by the Mayor.
- 2.18 Specific policy development work that the Committee was asked to explore by the GMCA, the Mayor or the Districts could be undertaken by task and finish groups, comprising an appropriate selection of Transport Committee members. This group would undertake the policy development process outside of formal Committee meetings, supported by TfGM as appropriate, and provide recommendations for consideration by the whole Committee before subsequent presentation to the GMCA or the Mayor.

Operating Agreement

- 2.19 The first Operating Agreement was entered into between GMCA and the districts in 2011. It set out how the Committee would be appointed to, the Terms of Reference of the Committee, and other provisions relating to Transport Protocols, funding and scrutiny arrangements.
- 2.20 The proposed amendments update the membership and appointment process; include the Mayor as a signatory as he now has specific transport powers; deletes the references to a joint scrutiny committee as the CA now has Scrutiny functions; retains the same funding provisions and the Rules of Procedure.

Transport Committee training for members and work programme

- 2.21 If the proposals for the new committee are approved it is recommended that officers are asked to organise and provide training for new members prior to its first meeting. This can include member involvement in developing and agreeing the Committee's overall work programme.
- 2.22 The following section elaborates, through examples, how a revised Transport Committee might work in practice, to better support the transport agenda being pursued by the Mayor, GMCA and GM local authorities to help cement an effective and long term consensus.

Example One: The Transport Committee is informed of large scale bus de-registrations from the commercial network.

- 2.23 The standard report on changes to the bus network is received by the Transport Committee, and members' comments and the operator's response noted. Transport Committee informs the Mayor's Transport Board, such that the Mayor can seek explanations or action at a more senior level. The issue may also be raised at GMCA, to the extent that any service withdrawals requiring replacement will impact significantly on the Subsidised Bus budget. The Transport Committee may also wish to inform the Housing, Planning & Environment

Scrutiny Committee, either formally or otherwise, to provide them with reassurance that the issue is being addressed.

Example Two: Tracking performance and patronage of public transport network.

- 2.24 Regular, comparable and clear performance monitoring reports to Transport Committee. Operators attend, and are held to account for service delivery by members. Consistently inadequate performance that is beyond the remit or capacity of TfGMC to secure improvements to be referred to Mayor's Transport Board and TfN (if relating to rail).

Example Three: Policy Reviews

- 2.25 Transport policy and strategy decisions are primarily for the Mayor, subject to the GMCA's agreement. For a formal revision of the LTP, a draft would be submitted by the mayor and would require approval by seven GMCA members in order to go forward to public consultation, then at least eight would be required to approve the post-consultation final version.
- 2.26 With regard to less significant transport strategy or policy measures, there may be a role for Transport Committee to consider and recommend any changes, if requested by the Mayor/GMCA, and then present its recommendations to GMCA. Examples might include revisions to School Bus policy, Metrolink bylaws, use of bus lanes.

3. OVERVIEW (AUDIT) PANEL/AUDIT PANEL

- 3.1 The report proposes changes to the terms of reference for the Audit Panel and Overview (Audit) Panel, to reflect recent guidance from CIPFA on the role of the Audit Committee. The proposed changes will align the terms of reference of the Audit Panel with current guidance and revised legal timescales for approval of the Annual Statement of Accounts and Annual Governance Statement.
- 3.2 Section 151 of the Local Government Act 1972 requires that '*every local authority shall make arrangements for the proper administration of their financial affairs*'. The Council is a public authority that is subject to the audit of its annual accounts by an external auditor. The Local Audit and Accountability Act 2014, Part 5 specifies the 'Conduct of local audit'. Part 9 of the Accounts and Audit Regulations 2015 requires that the statement of accounts must be considered by a committee or full council and approved by a resolution of that body.
- 3.3 The International Standard on Auditing (UK and Ireland) 260 deals with the external auditor's responsibility to communicate with those charged with governance (TCWG) in an audit of financial statements. External Audit is required to communicate all audit related matters with TCWG.
- 3.4 Those Charged with Governance are the person(s) or organisations(s) (for example, a corporate trustee) with responsibility for overseeing the strategic direction of the entity and obligations related to the accountability of the entity. This includes overseeing the financial reporting process.
- 3.5 In most Local Government bodies the Audit Committee is identified as TCWG based on their terms of reference usually covering internal control and assurance systems, risk management, corporate governance, fraud and corruption and the financial reporting process.
- 3.6 The Audit Panel is the Committee of Tameside Council that undertakes the role of the Audit Committee and is therefore identified as TCWG for the purpose of External Audit communications.

3.7 The Chartered Institute of Public Finance and Accountancy (CIPFA) has recently issued an updated position statement on the role of the Audit Committee in Local Government. This sets out the core functions of the Audit Committee, which should include:

- To be satisfied that the authority's assurance statements, including the annual governance statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievement of the authority's objectives;
- In relation to the authority's internal audit functions:
 - oversee its independence, objectivity, performance and professionalism
 - support the effectiveness of the internal audit process
 - promote the effective use of internal audit within the assurance framework;
- Consider the effectiveness of the authority's risk management arrangements and the control environment, reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations;
- Monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption;
- Consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control;
- Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process; and
- Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

External Audit Communication

3.8 External Audit is required to communicate all audit related matters with TCWG. The International Standard on Auditing (UK and Ireland) 260 identifies those matters which External Audit must communicate with TCWG and which report these matters would normally be included within.

Matter to be communicated:	Included in:
Respective responsibilities of auditor and management/those charged with governance	Audit Plan
Overview of the planned scope and timing of the audit. Form, timing and expected general content of communications.	Audit Plan
Views about the qualitative aspects of the entity's accounting and financial reporting practices, significant matters and issues arising during the audit and written representations that have been sought.	Audit Findings Report
Confirmation of independence and objectivity	Audit Findings Report
Details of non-audit work performed	Audit Findings Report
Material weaknesses in internal control identified during the audit	Audit Findings Report
Identification or suspicion of fraud involving management and/or others which results in material misstatement of the financial statements	Audit Findings Report

Non-compliance with laws and regulations	Audit Findings Report
Expected modifications to auditor's report, or emphasis of matter	Audit Findings Report
Unadjusted misstatements and material disclosure omissions	Audit Findings Report
Significant matters arising in connection with related parties	Audit Findings Report
Significant matters in relation to going concern	Audit Findings Report

- 3.9 All these matters should be communicated to the Audit Panel as TCWG for the Council. The Audit Plan is prepared before the end of the financial year to which it relates and is usually presented to TCWG before the end of March. The Audit Findings Report is prepared following the completion of the external audit of the financial statements and must be presented to TCWG before external audit will issue an opinion on the financial statements. This must be before 31 July of each year to meet statutory deadlines for the conclusion of the audit.

Proposed Changes

- 3.10 To better align with the recent CIPFA guidance on the role of the Audit Committee, and to enable External Audit to report all their required matters to TCWG to revised timescales, it is proposed that some changes are made to the terms of reference for the Audit Panel and the Overview (Audit) Panel. **Appendix 2** identifies the proposed changes to the terms of reference.
- 3.11 The changes would see the delegations concerning the statement of accounts moved from Overview (Audit) Panel to the Audit Panel. In light of the proposed changes it is also proposed that the Overview (Audit) Panel be re-named the Overview Panel to better reflect its role and role of the Audit Panel.

4. CHANGES TO PROCUREMENT STANDING ORDERS - STAR

- 4.1 Stockport Council, Trafford Council, Rochdale Council and Tameside Council have agreed, through an Inter Authority Agreement ("IAA") to facilitate the joint delivery of Procurement Functions with a view to the attainment of a more economical, efficient and effective discharge of its Procurement Functions via a shared procurement service to be identified as "STAR". Each of the STAR members have agreed to establish and participate in a joint committee (the "Joint Committee") and have agreed to delegate their Executive and Non-Executive functions relating to the operation of STAR to the Joint Committee. Other authorities may, from time to time, join the IAA.
- 4.2 A local authority may make standing orders with respect to the making of contracts by them or on their behalf under Section 135 of the Local Government Act 1972. Compliance with the Rules and observance of European and domestic law from which they emanate (in particular the principles relating to non-discrimination, equal treatment and transparency) is mandatory for all Officers and Members. The Rules ensure that procurement activity is undertaken in a legally compliant, transparent, fair and competitive manner.
- 4.3 Decisions relating to procurement are among the most important decisions that can be made by the Council its Members and Officers because the money involved is public money and the Council is concerned to ensure that high quality Supplies, Services and the execution of Works are procured. Efficient use of resources in order to achieve Best Value is therefore an imperative.

- 4.4 These Rules shall apply to all procurement activity where the Council is to procure any Supplies, Services or the execution of Works, or enters into a Concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).
- 4.5 For the avoidance of doubt, these Rules shall apply to Framework Agreements, DPS and to any arrangement made by, or on behalf of the Council (including Schools) for the carrying out of Works or for the supply of Supplies or Services.
- 4.6 Where relevant, the Council shall have regard to the Public Services (Social Value) Act 2012 ("the Act"). This requires commissioners and procurers at the pre- procurement stage to consider how what is to be procured may improve social, environmental and economic well-being of the Council's relevant area, how it might secure any such improvement and to consider the need to consult. The Council and Officers should refer to the Procurement Handbook for further guidance.
- 4.7 The STAR Joint Committee previously approved by Council on the 24 July 2019 following Cabinet on the 20 June 2019 shall monitor compliance with the Rules and undertake an annual review of the Rules. The Joint Committee may present recommendations for amendments to the Rules to the Council from time to time and any such amendments shall be subject to the Council's own ratification procedures. Any failure to comply with any of the provisions of these Rules must be reported immediately to the SRO for Legal. Failure by any Officer or Member to comply with the provisions of these Rules may lead to disciplinary action being taken against them.

5.0 RECOMMENDATIONS

- 5.1 As set out on the front of the report.

APPENDIX 1 OPERATING AGREEMENT

This Agreement is made on[] 2019
between:

- (1) **Greater Manchester Combined Authority (“the GMCA”)**
- and
- (2) **The Mayor for the area of the Greater Manchester Combined Authority (“the Mayor”)**
- and
- (3) The Borough Council of Bolton, Bury Metropolitan Borough Council, The Council of the City of Manchester, Oldham Borough Council, Rochdale Metropolitan Borough Council, Salford City Council, The Metropolitan Borough Council of Stockport, Tameside Metropolitan Borough Council, Trafford Metropolitan Borough Council, Wigan Borough Council (“the Constituent Councils”)

WHEREAS:

- (A) On 1st April 2011 the GMCA was established as a Combined Authority for the combined area and the Greater Manchester Integrated Transport Area was dissolved and the ITA abolished.
- (B) The functions of the GMCA are those functions conferred or imposed on it, or delegated to it, by the Greater Manchester (Combined Authority) Order 2011 (S.I. , (“the **GMCA Order**”) or by any other enactment, including all the transport functions of the former Greater Manchester Integrated Transport Authority (the “**GMITA**”) which transferred to the GMCA on the abolition of the GMITA.
- (C) The Constituent Councils were established as local authorities by the Local Government Act 1972 with all the functions of a metropolitan district council, and in particular the Constituent Councils are the local highway authority and local traffic authority for their area.
- (D) The functions of the GMCA conferred on it by the GMCA Order include those transport functions of the Constituent Councils delegated to the GMCA by article 8 of the 2011 Order.
- (E) Pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI 2016/448) provision was made for the election of a Mayor for the GMCA Area (and the GMCA became a “mayoral combined authority”). Pursuant to section 107D (Functions of mayors: general) of the Local Democracy, Economic Development and Construction Act 2009 (the “**LDEDCA**”) the Secretary of State may by order make provision for any function of mayoral combined authority to be a function exercisable only by the Mayor (“**Mayoral Functions**”).
- (F) On 4 April 2019 The Greater Manchester Combined Authority (Functions and Amendment) Order 2019 (SI 2019/793) (the “**GMCA Transport Order**”) came into force. Pursuant to article 4 of the GMCA Transport Order, the transport functions of the GMCA specified in Schedule 1 of the GMCA Transport Order are general functions exercisable only by the Mayor (“**Mayoral Transport Functions**”).
- (G) Pursuant to Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order provision was made for the Mayor to enter into arrangements jointly with the GMCA and with the Constituent Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Transport Functions which are listed at Schedule 2 GMCA Transport Order (the “**Joint Transport Committee**”, hereinafter referred to as “**GM Transport Committee**”).

- (H) Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order sets out the statutory requirements in relation to membership of the GM Transport Committee and voting arrangements for any questions to be decided by the GM Transport Committee.
- (I) The Parties wish to co-operate with each other in the exercise of their functions and in particular their transport functions and have entered into this Agreement in order to facilitate this co-operation and the operation of the GM Transport Committee.

THIS AGREEMENT witnesses as follows:

1. Definitions

In this Agreement –

- 1.1 **Constituent Councils** mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan.
- 1.2 **GMCA Order** means the Greater Manchester Combined Authority Order 2011.
- 1.3 **the GM Transport Committee** means the Greater Manchester Transport Committee being a joint committee established by the Parties pursuant to the GMCA Transport Order.
- 1.4 **the GMCA Transport Order** means The Greater Manchester Combined Authority (Functions and Amendment) Order 2019.
- 1.5 **the LDEDCA 2009** means the Local Democracy, Economic Development and Construction Act 2009.
- 1.6 **the LGA 1972** means the Local Government Act 1972.
- 1.7 **the LGA 2000** means the Local Government Act 2000.
- 1.8 **the LGHA 1989** means the Local Government and Housing Act 1989.
- 1.9 **the Mayor** means the person elected as the Mayor of the GMCA pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI 2016/448)
- 1.10 **the 2012 Regulations** means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.11 **the Parties** mean the GMCA, the Mayor and the Constituent Councils.
- 1.12 **the Relevant Date** in relation to a payment for a financial year means 30th June in the financial year which commenced two years previously.
- 1.13 **the Secretary** means such person as shall be appointed by the GMCA to discharge the role of Secretary on behalf of the GM Transport Committee..
- 1.14 **the TfGMC** means the Transport for Greater Manchester Committee being a joint committee established by the Parties.
- 1.15 **the TfGM** means Transport for Greater Manchester being the executive body of GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the LDEDCA 2009.

2. Interpretation

- 2.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement;
- 2.2 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.
- 2.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 2.4 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 2.5 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time.

- 2.6 A reference to “this Agreement” or to any other agreement or document referred to in this Agreement is a reference to this Agreement or such other document or agreement as varied from time to time.
- 2.7 References to clauses and Schedules are to the Clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the relevant Schedule.
- 2.8 No person other than a party to this Agreement shall have any rights to enforce any term of this Agreement.
- 2.9 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.
- 2.10 If any court or competent authority finds that any provision of this Agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected.
- 3. Establishment of GM Transport Committee**
- 3.1 Pursuant to Section 101(5) of the LGA 1972, Section 20 of the LGA 2000, Regulations 3,4, 11 and 12 of the 2000 Regulations and articles 6, 7, 8 and 9 of the GMCA Transport Order,, the Parties agree to enter into arrangements to discharge certain of their functions relating to transport jointly and for this purpose to establish a joint committee to be called the Greater Manchester Transport Committee (the “**GM Transport Committee**”). The Mayoral Transport Functions which the Mayor may decide to arrange to be discharged by the GM Transport Committee are those listed in Schedule 2 of the GM Transport Order.
- 3.2 Pursuant to article 5(a)(i) of the GM Transport Order, the number of members of the GM Transport Committee shall not exceed 23.
- 3.3 Each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to be members of GM Transport Committee. Manchester City Council shall appoint two of their elected members to be members of the GM Transport Committee.
- 3.4 Each of the Constituent Councils are expected to appoint their district’s executive member with responsibility for transport to be a member of the GM Transport Committee.
- 3.5 Pursuant to article 5(a)(ii) of the GM Transport Order, each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.3 above. Manchester City Council is expected to appoint two of their elected members to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.3 above.
- 3.6 The GMCA will appoint one member of the GMCA to be a member of the GM Transport Committee.
- 3.7 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.6 above.
- 3.8 The Mayor will be a member of the GM Transport Committee.
- 3.9 Pursuant to article 5(a)(ii) of the GM Transport Order, the Mayor will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the Mayor’s absence.
- 3.10 The Mayor will appoint ten additional members of the GM Transport Committee, comprising one elected member of each of the Constituent Councils. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will be made so as to ensure that the members of the GM Transport Committee, taken as a whole, reflect as far as reasonably practicable the balance of political parties for the time being prevailing among the Constituent Councils when taken together as required by article 5(b) of the GM Transport Order. The appointments to the GM Transport Committee made by the Mayor under this clause

- 3.10 will reflect the wishes of the relevant political group as to the members to be appointed to any seat on the GM Transport Committee allocated to that political group.
- 3.11 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint elected members of the Constituent Councils to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.10 above.
- 3.12. Pursuant to article 7(6) of the GM Transport Order, questions relating to the apportionment of membership under clause 3.10 require a unanimous vote in favour by all members, or substitute committee members acting in place of those members, of the GMCA to be carried.

4. Terms of Reference of the GM Transport Committee TRANSPORT COMMITTEE

Terms of Reference

1. Overview

The Transport Committee, as a joint committee of the ten Greater Manchester district councils ('the Constituent Councils'), the GMCA and the Mayor, brings together the principal local transport decision-making bodies.

The primary role of the Transport Committee is not to replicate strategic decision-making functions, but to ensure that through its work, those bodies are able to make informed and co-ordinated decisions by being fully informed about the operation and performance of the transport system, its individual modes and the infrastructure it relies on, including the Key Route Network.

It also has an important role in helping shape the development of transport strategy and policies, and in advising the GMCA and the Mayor on specific transport issues, as directed by them. In relation to bus services, the Transport Committee will undertake the function of making decisions in relation to the supported bus network, which has been delegated by the Mayor.

In summary the three key areas of work for the Transport Committee will be to ensure:

- **Accountability:** active and regular monitoring of the performance of the transport network, including the Key Route Network, the operation of the GM Road Activities Permit Scheme, road safety activities, etc as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and transport infrastructure providers to public account, and to recommend appropriate action as appropriate;
- **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and decisions over supported bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate; and
- **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.

2. Transport functions of the Greater Manchester Combined Authority ('GMCA') referred to the Transport Committee

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

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

3. **Transport functions of the GMCA delegated to the Transport Committee**

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

- (a) Monitoring and overseeing the activities and performance of TfGM (and where appropriate recommending that the GMCA exercise the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the Transport Committee to be appropriate to secure the observance of the rights of the GMCA);
- (b) Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;
- (c) Considering what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139 to 143 of the Transport Act 2000;
- (d) Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;
- (e) Monitoring performance against the Local Transport Plan and other transport policies of the Mayor and the GMCA;
- (f) Formulating, developing and monitoring procedures for public consultation on the GMCA's and the Mayor's transport policies;
- (g) Active promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor;
- (h) Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services;
- (i) Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985; and
- (j) Monitoring the operation and performance of Metrolink, bus and local rail services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor.

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

- (a) In respect of those functions:
 - (i) under section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and

(ii) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals where “traffic light signals” means a traffic sign of the size, colour and type prescribed by any of the following regulations of the Traffic Signs Regulations 2002:

- Regulation 33 – Light signals for the control of vehicular traffic – standard form
- Regulation 34 – Green arrow light signals for the control of vehicular traffic
- Regulation 37 – Light signals for control of vehicular traffic entering or proceeding on motorways and all purpose dual carriageway
- Regulation 39 – Light signals to control traffic at level crossings etc.
- Regulation 41 – Light signals for the control of tramcars
- Regulation 44 – Light signals for lane control of Vehicular traffic
- Regulation 45 – Warning light signal for motorways and all-purpose dual carriageway roads
- Regulation 46 – Matrix signs for motorways and all purpose dual carriageway roads
- Regulation 47 – Light signals at signal controlled pedestrian facilities
- Regulation 48 – Light signals at equestrian crossings
- Regulation 49 – Light signals at toucan crossings
- Regulation 52 – Light signals for pedestrian traffic at level crossings

the GMCA delegates to the Transport Committee responsibility for:

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

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

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

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

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

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

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

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

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

- 3.3 In respect of functions under section 39 (2) and (3) of the Road Traffic Act 1988 ('the road safety function'), which may be exercised concurrently with Constituent Councils, the GMCA delegates to the Transport Committee responsibility for:
- (a) Producing and developing policies in relation to the road safety function.
 - (b) Drawing up budgets in relation to the road safety function insofar as it is exercised by the TfGM. Determining the tasks to be carried out in relation to the road safety function by TfGM.
 - (c) Making recommendations to the GMCA and the Mayor in respect of the development of policies for the promotion and encouragement of safe transport to, from and within its area under s108 Transport Act 2000.
 - (d) Monitoring and overseeing the activities and performance of TfGM.

4. Transport functions of the Constituent Councils delegated directly to the Transport Committee

- 4.1 The following transport related functions of the Constituent Councils will be delegated directly to the Transport Committee subject to the Transport Committee exercising these functions in accordance with any policies of the GMCA (as local transport authority), the Local Transport Plan and the terms of the delegation from the Constituent Councils:
- (a) Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –
 - (i) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;
 - (ii) determining specific policies and objectives in relation to strategic roads;
 - (iii) monitoring the effectiveness of traffic authorities in managing their road network.
 - (b) Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

5 GM Transport Committee – Other Provisions

- 5.1 The GM Transport Committee may establish sub-committees.
- 5.2 When establishing a sub-committee, the GM Transport Committee will determine -
- (i) the terms of reference of the sub-committee
 - (ii) the size and membership of the sub-committee
 - (iii) the Chair (and Vice-Chair, if any) of the sub-committee
 - (iv) any delegated powers of the sub-committee
 - (v) the period (where appropriate) for which the sub-committee will remain constituted.
- 5.3 Appointments to sub-committees will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 5.4 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to the GM Transport Committee

by the GMCA under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.

5.5 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a Mayoral Transport Function listed in Schedule 2 of the GMCA Transport Order which the Mayor has delegated to the GM Transport Committee under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.

5.6 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to them by the Constituent Councils under the GM Transport Committee Terms of Reference, arrange for its discharge by an officer of one of the Constituent Councils and may enter into agreements with TfGM for the provision of services by TfGM.

5.7 The GM Transport Committee will establish a scheme of delegation to sub-committees and officers and will review the scheme annually.

5.8 The GM Transport Committee will conduct its business in accordance with this Agreement, including the Rules of Procedure set out in Schedule 1.

6. Transport Protocols

6.1 The Parties will draw up and agree detailed Protocols in relation to the operation and discharge of those functions –

- delegated from the Constituent Councils to GMCA pursuant to Article 8 of the GMCA Order, and
- delegated by the Constituent Councils to the GM Transport Committee by virtue of the GM Transport Committee Terms of Reference.

6.2 The Parties will keep the Protocols under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils, the Head of Paid Service of the GMCA and the Chief Executive of TfGM.

6.3 Protocols drawn up, agreed or revised under this Clause will not override anything provided for or required by this Agreement and will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the LGA 1972 and the 2012 Regulations.

7. Funding of Constituent Council Transport Functions delegated by the GMCA Order

7.1 For the financial year beginning on 1st April 2011, the Constituent Councils will meet the costs of the GMCA reasonably attributable to the exercise of those transport functions of the Constituent Councils delegated to the GMCA by virtue of Article 8 of the GMCA Order.

7.2 The amount payable by each of the Constituent Councils is to be determined by apportioning the costs of the GMCA referred to in Clause 7.1 between the Constituent Councils in such proportions as they may agree or, in default of agreement, in proportion to the total resident population on 30th June 2009 of the area of each council concerned as estimated by the Register General.

7.3 In the financial year beginning on 1st April 2012 and in subsequent financial years the costs of the GMCA referred to in Clause 7.1 shall be recovered from the Constituent Councils as part of the levy issued to those councils pursuant to the Transport Levying Bodies Regulations 1992, as amended, except where and to the extent that all the Constituent Councils agree that costs should be defrayed by the Constituent Councils and not the GMCA pursuant to Article 8(4) of the GMCA Order.

7.4 Without prejudice to the generality of Article 8(4) of the GMCA Order, it is agreed that each Constituent Council will be responsible for defraying the costs of the initial installation of traffic signs that are traffic light signals or pelican or puffin crossings in their area, except insofar as such costs are met by the third parties pursuant to agreements under Section 278 of the Highways Act 1980 or otherwise.

8. Amendments to this Agreement

8.1 This Agreement may be amended following a resolution approved by all the Parties.

8.2 The operation of this Agreement will be subject to an annual review.

9. Dispute Resolution

9.1 Any dispute between the Parties arising out of this Agreement which cannot be settled shall be referred to the Head of Paid Service of the Parties to the dispute who will negotiate to resolve the matter in good faith.

10. Notices

10.1 Any notice, demand or other communication required to be served on the GMCA under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the GMCA's Monitoring Officer at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the GMCA's Monitoring Officer at the time of personal delivery or on the second working date after the date of posting as the case may be.

10.2 Any notice, demand or other communication required to be served on the Mayor under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post or email or facsimile transmission to the Office of the GM Mayor at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU the Town Hall, Manchester M60 2LA. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Mayor at the time of personal delivery or on the second working date after the date of posting or transmission as the case may be.

10.3 Any notice, demand or other communication required to be served on one or more of the Constituent Councils under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the monitoring officer(s) of the Constituent Council(s) concerned at the principal office of the Constituent Council or such other address as has been notified to the Parties. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Constituent Council(s) concerned at the time of personal delivery or on the second working date after the date of posting as the case may be.

IN WITNESS whereof the Parties have caused this Agreement to be executed the day, month and year first before mentioned.

Signed by **GMCA**

Authorised Signatory

Dated

Signed by the **GMCA Mayor**

Dated

Signed by The Borough Council of Bolton

Authorised Signatory

Dated

Signed by **Bury Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by The Council of the City of Manchester

Authorised Signatory

Dated

Signed by Oldham Borough Council

Authorised Signatory

Dated

Signed by Rochdale Metropolitan Borough Council

Authorised Signatory

Dated

Signed by Salford City Council

Authorised Signatory

Dated

Signed by The Metropolitan Borough Council of Stockport

Authorised Signatory

Dated

Signed by Tameside Metropolitan Borough Council

Authorised Signatory

Dated

Signed by Trafford Metropolitan Borough Council

Authorised Signatory

Dated

Signed by Wigan Borough Council

Authorised Signatory

Dated

SCHEDULE 1

GM Transport Committee Rules of Procedure

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

- 1.1 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.
- 1.2 References in these Rules to the "Chair" means the member of the GM Transport Committee for the time being presiding at the meeting of the GM Transport Committee, and a meeting of the GM Transport Committee. References in these Rules to the "Secretary" means the officer of the GMCA who is appointed to discharge the role of the Secretary to the GM Transport Committee.
- 1.3 These Rules shall apply to the GM Transport Committee and any Sub Committee of the GM Transport Committee, and any reference to the GM Transport Committee shall accordingly include reference to a Sub Committee of the GM Transport Committee.
- 1.4* Except for those provisions which accord with the provisions of the Local Government Acts (and which are indicated with an asterisk *) any Rule may be suspended at a meeting of the GM Transport Committee with the consent of the majority of the whole number of members of the GM Transport Committee but not otherwise.
- 1.5* These Rules (except for those Rules marked with asterisk*) may be varied or revoked by a decision of a two-thirds majority of the GM Transport Committee and any motion to vary or revoke any of these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the GM Transport Committee which shall determine the matter having considered a report of the secretary to the GM Transport Committee on the proposed variation or revocation.

2. Chair and Vice-Chairs

- 2.1* The Chair of the GM Transport Committee will be appointed annually by the Mayor from among its members and shall, unless they resign, cease to be members of the GM Transport Committee or become disqualified, act until their successor becomes entitled to act as Chair.
- 2.2* The appointment of the Chair, for recommendation to the Mayor shall be the first business transacted at the Annual Meeting of the GM Transport Committee.
- 2.3* On a vacancy arising in the office of Chair for whatever reason, the GM Transport Committee shall recommend an appointment to fill the vacancy at the next ordinary meeting of the GM Transport Committee held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The member appointed shall hold such office for the remainder of the year in which such vacancy occurred.

3. Meetings

- 3.1* The Annual Meeting of the GM Transport Committee shall be held in June or the month after local elections on a date and at a time determined by the GM Transport Committee.

- 3.2* Ordinary meetings of the GM Transport Committee TfGMC for the transaction of general business shall be held on such dates and at such times as the GM Transport Committee shall determine.
- 3.3* An Extraordinary Meeting of the GM Transport Committee may be called at any time by the Chair .

4. Notice of Meetings

- 4.1 At least five clear days before a meeting of the GM Transport Committee or one of its Sub Committees:
- (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; and
 - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic email to the usual email address of each member of the GM Transport Committee, or any other email address notified to the Secretary by a member of the GM Transport Committee.
- 4.2* Lack of service on a member of the GM Transport Committee of the summons shall not affect the validity of a meeting of the GM Transport Committee.
- 4.3* A member of the GM Transport Committee may require a particular item of business, including any motion, which is relevant to the powers of the GM Transport Committee, to be discussed at an ordinary meeting of the GM Transport Committee subject to at least eight clear days notice of such intention being given to the Secretary in writing, signed by the member concerned and specifying the business to be discussed. The Secretary shall set out in the agenda for each meeting of the GM Transport Committee the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given prior written notice to the Secretary prior to the issue of the agenda for the meeting, for it to be withdrawn. If the member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the GM Transport Committee decides otherwise, be treated as withdrawn. A member shall not have more than one item of business, or motion, standing in their name to be discussed at any meeting of the GM Transport Committee.
- 4.4 No motion by way of notice to rescind any resolution which has been passed within the preceding six months, nor any motion by way of notice to the same effect as any motion which has been negatived within the preceding six months, shall be in order, unless the notice thereof shall have been given in time for inclusion on the agenda for the meeting, in accordance with paragraph 4.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.
- 4.5* Except in the case of business required by these Rules to be transacted at a meeting of the GM Transport Committee, and other business brought before the meeting as a matter of urgency, and of which the Secretary shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the GM Transport Committee other than that specified in the agenda for the meeting.

5. Chair of Meeting

- 5.1* At each meeting of the GM Transport Committee the Chair, if present, shall preside.
- 5.2* If the Chair is absent from a meeting of the TfGMC, the Secretary shall invite the members present to elect a member to preside for the duration of the meeting or until such time as the Chair joins the meeting.
- 5.3 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

6. Quorum

- 6.1* No business shall be transacted at any meeting of the full GM Transport Committee unless at least 8 of the members are present).
- 6.2* The quorum for any meeting of a Sub Committee of the GM Transport Committee shall be one third of the membership of that body.
- 6.3 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 6.4 If during any meeting of the GM Transport Committee the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the GM Transport Committee.

7. Order of Business

- 7.1 At every meeting of the GM Transport Committee the order of business shall be to select a person to preside if the Chair is absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -
 - (a) by the Chair at his/her discretion, or
 - (b) on a request agreed to by the GM Transport Committee
- 7.2 The Chair may bring before the GM Transport Committee at their discretion any matter that they consider appropriate to bring before the GM Transport Committee as a matter of urgency.

8. Submission of Sub Committee Proceedings

- 8.1 Except where a Sub Committee appointed by the GM Transport Committee is acting under delegated authority, the Minutes of the proceedings of each of the GM Transport Committee's Sub Committees shall be submitted to the GM Transport Committee for confirmation. Confirmation by the GM Transport Committee of those Minutes shall constitute approval of the proceedings of those Sub Committees.
- 8.2 The Chair of a Sub Committee, or other member of the Sub Committee acting in their place, shall deal with matters arising during any debate on the proceedings of the Sub Committee.

- 8.3 A Chair of a Sub Committee, or other member of the Sub Committee acting in their place, may, with the consent of the GM Transport Committee, withdraw any item on the Minutes of that Sub Committee, or correct any factual inaccuracy, which might otherwise result in the GM Transport Committee being misinformed on any item in the Sub Committee's Minutes.
- 8.4 When considering the Minutes of the proceedings, no motion or amendment shall be made or proposed, or any discussion allowed upon any matter which, although within the province of the Sub Committee, does not appear in the Minutes of the proceedings.

9. Rules of Debate

Motions

- 9.1 A Motion (or amendment) shall not be discussed unless it has been proposed and seconded. It shall, if required by the Chair, be put in writing and handed to the Chair, who shall determine whether it is in order before it is further discussed or put to the meeting.
- 9.2 A member when seconding a Motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. No member may, except at the discretion of the Chair, address the GM Transport Committee more than once on any Motion. The mover of the original Motion may reply but shall confine such reply to answering previous speakers and shall not introduce any new matter into the debate. After the reply the question shall be put forthwith.
- 9.3 A member when speaking shall address the Chair. If two or more members signify their desire to speak, the Chair shall call on one to speak: the other or others shall then remain silent. While a member is speaking no other member shall intervene unless to raise a point of order or by way of personal explanation.
- 9.4 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Chair.

Amendments to Motions

- 9.5 An amendment shall be relevant to the Motion and shall be either:-
- (a) to refer a subject of debate to a Sub Committee for consideration or reconsideration: or
 - (b)
 - (i) to leave out words from the Motion
 - (ii) to leave out words from, and insert or add others to, the Motion:
 - (iii) to insert words in, or add words to, the Motion:

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

- 9.6 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. The mover of an amendment shall read the same before speaking to it.
- 9.7 If an amendment is negated, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further

amendment may be moved, except any amendment which would be inconsistent with that already carried. The right of reply under paragraph 9.2 above shall not extend to the mover of an amendment which, having been carried, has become the substantive Motion. No member shall move more than one amendment on any Motion.

9.8 A member may, with the consent of the GM Transport Committee, signified without discussion:-

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

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

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

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

- (a) That the Motion be amended
 - (b) That the GM Transport Committee proceed to the next business
 - (c) That the question be put
 - (d) That the debate be adjourned
 - (e) That the meeting be adjourned
 - (f) That the member named be warned
 - (g) (By the Chair under paragraph 11.2 below) That the member named leave the meeting, or
 - (h) That the press and, they shall first give the mover of the original Motion a right of reply, and then put to the vote the Motion to proceed to the next business; if this latter Motion is carried, the original Motion or amendment under discussion shall be deemed to be withdrawn
- (a) on a Motion that the question be put, unless in their opinion the Motion or amendment before the meeting has not been sufficiently discussed, they shall first put to the vote the Motion that the question be put and, if it is carried, they shall then give the mover of the original Motion their right of reply under paragraph 9.2 above, before putting the Motion or any amendment then under discussion to the vote
- (b) on a Motion to adjourn the debate, if, in the Chair's opinion, the Motion or amendment before the meeting has not been sufficiently discussed, and cannot reasonably be sufficiently discussed on that occasion, they shall put to the vote a Motion to adjourn the debate to the next meeting of the GM Transport Committee, or to a time stated, without giving the mover of the original Motion their right of reply on that occasion; if the adjournment Motion is carried, then, on the resumption of the debate, the Chair shall reintroduce the Motion or amendment before the meeting at the time the debate was adjourned, and the member who moved the adjournment of the debate shall be entitled to speak first
- (c) on a Motion to adjourn a meeting of the GM Transport Committee until a specified date and time, the Chair shall forthwith put such a Motion to the

vote without giving any right of reply to the mover of any Motion under discussion and, if the Motion is carried, the remaining business of the day shall stand adjourned until the date and time stated in the Motion. On the resumption of the meeting of the GM Transport Committee the procedure in paragraph 9.11(c) above shall apply

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

Points of Order

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

Motion to exclude the Press and Public

- 9.16 A Motion to exclude the press and public in accordance with Section 100A of the Local Government Act, 1972 may be moved, without notice, at any meeting of the GM Transport Committee during an item of business whenever it is likely that if members of the public were present during that item there would be disclosure to them of confidential or exempt information as defined in Section 100A of the 1972 Act.

10. Voting

- 10.1 Whenever a vote is taken at meetings of the GM Transport Committee it shall be by a show of hands. On the requisition of any member of the GM Transport Committee, supported by four other members who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each member present gave their vote for or against that question or abstained from voting.
- 10.2* In the case of an equality of votes, the Chair shall have a second, or casting, vote.
- 10.3* A member may demand that his/her vote be recorded in the Minutes of the meeting.

11. Conduct of Members at meetings

- 11.1 If at a meeting any member of the GM Transport Committee, misconducts him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the GM Transport Committee, the Chair or any other member may move "That the member named be warned" and the Motion if seconded shall be put and determined without discussion.

11.2 If the member named continues such misconduct after a Motion under the foregoing paragraph has been carried, the Chair shall either:-

- (a) move "That the member named leave the meeting" (in which case the Motion shall be put and determined without seconding or discussion)
- (b) adjourn the meeting of the GM Transport Committee for such period as they consider expedient

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

12. Disturbance by Members of the Public

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

13. Interests of Members

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

14. Appointment of Sub Committees

14.1 The GM Transport Committee shall at the Annual Meeting appoint such Sub Committees as it has at that, or any earlier meeting, resolved to establish; may, at any time, appoint such other Sub Committees as are necessary to carry out the work of the GM Transport Committee; and may, at any time, dissolve a Sub Committee or alter its membership.

14.2 The terms of reference of Sub Committees shall be approved by the GM Transport Committee and shall be subject to review at each Annual Meeting.

14.3 The GM Transport Committee shall at each Annual Meeting, or whenever there is a vacancy in such office, appoint the Chair of each Sub Committee.

14.4 The GM Transport Committee may at any time remove a member from the office of a Sub Committee and appoint another member to fill the resultant vacancy.

14.5 A member may resign from the office of Chair of a Sub Committee by notice in writing delivered to the Secretary, the resignation to take effect from the time of receipt of such notice.

14.6 Wherever possible, a programme of dates and times of Sub Committee meetings for the ensuing year shall be approved at the Annual Meeting of the GM Transport Committee, or, on the first appointment of a Sub Committee, at any other meeting of the GM Transport Committee. Such a programme shall, however, be capable of variation by the GM Transport Committee, and, in case of urgency, by the Chair of the Sub Committee.

14.7 GM Transport Committee members may attend a meeting of any Sub Committee of which they are not a member, but shall not, without the consent of the Chair,

take part in any proceedings. They shall not, in any event, move any Motion or amendment, or vote at such a meeting. Such members may attend a Sub Committee meeting during consideration of any business indicated on the agenda as likely to be considered when the public have been excluded, provided advance written notice has been given to the Secretary of the member's intention to attend for the discussion of such business, and his or her reasons for so doing.

- 14.8 A member of the GM Transport Committee who has moved a Motion that has been referred to any Sub Committee shall have notice of the meeting of the Sub Committee at which it is proposed to consider the Motion. They shall have the right to attend the meeting and if the member attends, they shall be afforded an opportunity of explaining the Motion.

15. Publication of Reports

- 15.1* Reports or other documents for the consideration of the GM Transport Committee or a Sub Committee shall be marked "Private & Confidential Not for Publication" only if the Secretary, as Proper Officer under Section 100B(2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act.

- 15.2 A Member of the GM Transport Committee or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules 16 and 17 below.

- 15.3* Copies of the agenda of meetings of the GM Transport Committee or its Sub Committees, including prints of reports or other documents to be submitted to the GM Transport Committee or Sub Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at Churchgate House, Oxford Street, the Town Hall, Manchester, M1 6EU.

- 15.4* Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to members of the .

16. Access to Information Procedure Rules

- 16.1 Except as otherwise indicated, these rules apply to all meetings of the GM Transport Committee and its Sub Committees.

- 16.2 The Rules in Section 16 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.

- 16.3 The GM Transport Committee will supply copies of:

- (a) any agenda and reports that are open to public inspection
- (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda
- (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item
- (d) to any person on payment of a charge for postage and any other costs.

- 16.4 The GM Transport Committee will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
 - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - (c) the agenda for the meeting
 - (d) reports relating to items when the meeting was open to the public
- 16.5 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based
 - (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information
- 17. Exclusion of access by the public to meetings**
- (a) Confidential information – requirement to exclude public**
- 17.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- 17.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.
- (b) Meaning of confidential information**
- 17.3 Confidential information means information given to the GM Transport Committee by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.
- (c) Meaning of exempt information**
- 17.4 Exempt information means information falling within the following categories (subject to any qualifications):
- (i) information relating to any individual
 - (ii) information which is likely to reveal the identity of any individual
 - (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information)
 - (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the GM Transport Committee or a Minister of the Crown and employees of, or office holders under, the GM Transport Committee
 - (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
 - (vi) information which reveals that the GM Transport Committee proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment
 - (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

(e) Exclusion of Access by the public to reports

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

DRAFT

PROPOSED TERMS OF REFERENCE FOR AUDIT PANEL AND OVERVIEW (AUDIT) PANEL
(amendments in red, bold and italics)

Audit Panel	Overview (Audit) Panel
<p>Role</p> <p>To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.</p> <p><i>To undertake the functions of an Audit Committee in accordance with the CIPFA Statement on Audit Committees in Local Authorities.</i></p> <p>The Panel shall comprise a membership of 8 Members and is subject to the rules of political balance.</p> <p>The Panel shall be chaired by the Chair of the Overview (Audit) Panel.</p> <p>Terms of Reference</p> <ol style="list-style-type: none"> 1. To overview the arrangements for internal control (both financial and non-financial). 2. Consider the Annual Audit Letter from our External Auditors. 3. Approve (but not direct) both external and internal audit's strategy, annual plans and monitor performance. <i>4. Consider accounting policies and review of the statement of accounts (but not agreement).</i> 5. Review summary internal audit reports and the main issues arising and seek assurance that management action has been taken where necessary. <i>6. Receive the annual report and Head of Internal Audit opinion on the Council's corporate governance, risk management and internal control arrangements.</i> 7. Consider the reports of other regulators and inspectors. 8. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors. 9. Be satisfied that the authority's assurance statements, including the 	<p>Role</p> <p>The Overview (Audit) Panel shall act as a mechanism to allow for dialogue between Executive and Scrutiny to provide a constant rolling review (but not scrutiny) of Council activities and will have responsibility to overview the Council's service improvement programme and budget. It will also provide an important role in forward business planning for the Council's agenda.</p> <p>The Panel will also provide for agenda planning for future scrutiny programmes and provide important links for policy review and future policy development.</p> <p>The Panel will receive and consider final reports from Scrutiny Panels and co-ordinate the scrutiny processes including co-ordination of scrutiny reviews involving more than one Scrutiny Panel.</p> <p>To provide a facility for the Main Opposition Group Spokespersons to be invited to attend meetings of the Panel (with speaking rights) in respect of items relating to their brief.</p> <p><i>To have delegated powers to approve the unaudited statement of accounts.</i></p> <p><i>To approve the audited statement of accounts.</i></p>

~~**Statement on Internal Control**~~
Annual Governance Statement,
properly reflect the risk environment
and any actions required to improve it.

10. To review existing and proposed arrangements, recommend changes and receive assurance that the systems of corporate governance are operating effectively and in accordance with best practice.
- 11. Review and approval of the annual Statement of Accounts, including the Annual Governance Statement and related matters. Approval of accounting policies and consideration of whether there are any concerns arising from the financial statements or external audit that need to be brought to the attention of the Council.**
- 12. Receive and consider the external auditor's report and opinion on the financial statements.**
- 13. Monitor action taken in response to any matters raised in the external auditor's report.**
- 14. Monitor action taken in response to any matters raised in the Annual Governance Statement.**