



Department for  
Communities and  
Local Government

# Proposal to amend the constitution of the Greater Manchester Combined Authority

Consultation



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# Chapter 1 - The consultation

## Why we are consulting

1. On 3<sup>rd</sup> November 2014 the Government and Greater Manchester concluded a devolution agreement<sup>1</sup> which provided for an offer of powers and budgets from Government on the basis that Greater Manchester will deliver certain reforms and measures. Central to this agreement is a reformed governance system for Greater Manchester which will involve Greater Manchester adopting a model of a directly elected mayor covering the whole of the Greater Manchester area, not just one local authority. The agreement provides for primary legislation to be sought to enable this change, with the potential for the first Greater Manchester mayoral elections taking place in early 2017. The agreement which the Government has reached with Greater Manchester also provides that *“as an interim stage, as soon as Parliamentary time allows, steps will be taken to amend the Combined Authority order to create an eleventh leader as Chair, who will be the appointed Mayor until a Mayor is elected.”*
2. This consultation, undertaken in accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act), invites views on an Order which, subject to Parliamentary approval, the Secretary of State intends to make under Section 113 of the 2009 Act. This Order will make the necessary amendments to the Greater Manchester Combined Authority Order 2011 to provide for the creation of the eleventh member of the Greater Manchester Combined Authority, as agreed in the devolution agreement, who will be known as the Interim Mayor.
3. Before making an Order under Section 113 of the 2009 Act, certain procedural steps must be undertaken, and there are a number of statutory conditions which the Secretary of State must consider. First the combined authority or councils concerned must themselves undertake a governance review and propose a scheme which sets out the operational and governance arrangements which the combined authority or councils are seeking to be given effect through an Order under the 2009 Act. Once the combined authority or councils have undertaken these steps it is open to the Secretary of State to make an Order giving effect to the combined authority’s or councils’ proposals, subject to his consulting on the proposed Order, his considering the statutory conditions, and to Parliamentary approval of that Order.
4. As to consultation, the 2009 Act requires that the Secretary of State must consult each appropriate authority and such other persons, if any, the Secretary of State considers appropriate. The appropriate authorities which the statute requires the Secretary of State to consult are:
  - a combined authority;

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<sup>1</sup> Greater Manchester Agreement: devolution to the GMCA & transition to a directly elected mayor  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/369858/Greater\\_Manchester\\_Agreement\\_i.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf)

- a county council whose area, or part of whose area, is within an area of a combined authority or could be within a proposed area of a combined authority;
  - a district council whose area is within an area of a combined authority or could be within a proposed area of a combined authority.
5. The statutory conditions are that the Secretary of State must consider, having regard to the scheme published by the combined authority or councils concerned, that making the proposed Order would be likely to improve:
- the exercise of statutory functions relating to transport in the area to which the Order relates,
  - the effectiveness and efficiency of transport in that area,
  - the exercise of statutory functions relating to economic development and regeneration in that area, or
  - economic conditions in that area.

The statute also requires that the Secretary of State, in making the Order, must have regard to the need:

- to reflect the identities and interests of local communities, and
  - to secure effective and convenient local government.
6. The Combined Authority with the councils of Greater Manchester has carried out a governance review and proposed a scheme for amended governance arrangements for the Combined Authority, involving an interim mayor as the eleventh member, who will chair the Authority. The Secretary of State also considers that implementing this change through the proposed Order would fulfil the statutory conditions. This is because the proposed governance changes open the way for taking forward elements of the devolution agreement to support further economic growth across Greater Manchester, and actions specifically designed to improve the effectiveness and efficiency of transport and economic development functions.
7. Accordingly, given the proposals which the Greater Manchester Combined Authority and councils have made, and having regard to the devolution agreement that the Government has reached with Greater Manchester, the Secretary of State is now consulting on a proposal to make an amending Order that would provide for the Greater Manchester Combined Authority to have an eleventh member who would be the Chair of the combined authority.

## Who we are consulting

8. In this case the statutory consultees are the metropolitan district councils of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan; and the Greater Manchester Combined Authority.
9. In addition the Secretary of State considers in this case it is also appropriate to consult:
- the local enterprise partnership concerned – “Greater Manchester Local Enterprise Partnership” and
  - the Business Leadership Council.
10. The Secretary of State will also have regard to any comments received from members of the public and others.

## How to respond

11. Your response must be received by 13 February 2015. It can be sent by email to [collaborate@communities.gsi.gov.uk](mailto:collaborate@communities.gsi.gov.uk) or in writing to:

Kathy Billington  
Department for Communities and Local Government  
Local Democracy Division  
2<sup>nd</sup> Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Please title your response "Response to Proposal to amend the constitution of Greater Manchester Combined Authority".

## Confidentiality and data protection

12. Any responses to this consultation may be made public. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
13. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
14. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. The Department will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# Chapter 2- The Scheme proposed by the combined authority and councils

## The scheme

15. On 19<sup>th</sup> December 2014 the Greater Manchester Combined Authority published in accordance with the statute<sup>2</sup> a scheme with proposals for amending the current Greater Manchester Combined Authority Order. The proposed amendments would provide for the appointment of an eleventh member to the Combined Authority who would be chair of the Combined Authority and be known as the “Interim Mayor”.
16. Before preparing this scheme, the Combined Authority had, as required by the 2009 Act, undertaken a review of the governance arrangements across Greater Manchester. The document describing the review and its conclusions, and the scheme, may be viewed at <http://www.manchester.gov.uk/gmca> Paragraphs 17 to 24 in this document outline the findings of the Combined Authority’s governance review, and their conclusions which underpin the proposals in the scheme.

## The governance review

17. The governance review explains the strong and long history of effective collaboration shared by the ten local authorities within Greater Manchester. The Association of Greater Manchester Authorities was established in 1986 following abolition of the Greater Manchester council; and building further on this voluntary federation, a formal integrated governance arrangement was developed through the establishment of the Greater Manchester Combined Authority in April 2011.
18. This partnership working and strong governance arrangements have evolved over time to meet the needs of the economic regeneration agenda as it has developed. The Greater Manchester Combined Authority is considered to provide strong and effective governance in relation to its responsibilities and powers covering transport, economic development and regeneration. The evolution has not only ensured that the governance arrangements have remained robust and fit for purpose, but that there continues to be ownership and commitment from the ten local authorities. The authorities have been able to establish which functions are best delivered at a local level as well as a Greater Manchester level. And the Combined Authority has been able to establish a highly effective partnership with business leaders, enabling it to play a key role in developing the strategic direction of Greater Manchester.

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<sup>2</sup> The Local Democracy, Economic Development and Construction Act 2009

19. The Combined Authority's governance review considered the current effectiveness and efficiency of existing governance arrangements for economic development, regeneration and transport in Greater Manchester in relation to the delivery of the transport, economic development and regeneration functions, both in terms of the Combined Authority's existing role and in the light of the new responsibilities and opportunities provided under the devolution agreement with the Government.

## **The case for change**

20. The Combined Authority's governance review concluded that the Combined Authority currently lacks the leadership capacity to deliver further economic growth; and that nationally centralised governance and an emphasis on national delivery models are limiting the extent to which Greater Manchester can drive the outcomes needed locally. Examples cited include:

- a mismatch between the supply of and demand for skills;
- ineffective public services to address complex dependency, leaving people trapped in a cycle of dependency;
- a lack of joined up national and local, public and private business support infrastructure; and
- barriers to unlocking development sites for new housing.

21. For these reasons, the Government and Greater Manchester made a devolution agreement which sought to support economic growth across Greater Manchester and strengthen its leadership capacity. Both the governance review and devolution agreement recognise that the significant devolution of powers and responsibilities will best be achieved through a directly elected mayor as an eleventh member of the Combined Authority, providing clear and direct accountability, and supporting the districts and the combined authority to work effectively together to deliver services and support growth at the most appropriate spatial level.

22. Under the agreement the Government intends to seek primary legislation which would enable Greater Manchester to introduce a new, directly elected mayor. The directly elected mayor for the area will provide overall leadership, be directly accountable to the area's electorate and receive powers in relation to transport, housing, and strategic planning (planning subject to approval by unanimous vote of the Mayor's Cabinet) to drive through reforms to stimulate the area's economic growth. The agreement also sets out that Greater Manchester Combined Authority will receive additional responsibilities, including for devolved business support budgets; an opportunity to reshape and restructure the provision of further education in the area; and work with Government and its agencies on issues of complex dependency, school readiness and the Work Programme.

23. The governance review concludes that the introduction of an interim mayor is a necessary first step to begin the process to support the devolution of powers. Before the necessary primary legislation can be obtained, the proposed transitional measure to improve governance and increase leadership capacity within the Combined Authority would be to appoint an eleventh member to chair the Combined Authority's board. This would enhance the leadership capacity of the Combined Authority and support it to deliver the additional responsibilities provided under the devolution agreement, and therefore support the area's promotion of economic growth and transport.

24. In particular, the governance review highlighted:

- the enhanced Earnback agreement will enable Greater Manchester to deliver the Trafford Park Metrolink Extension;
- Greater Manchester will work with Government and agencies to reshape further education services and improve school readiness of children;
- Greater Manchester will have devolved responsibility for budgets relating to business support and responsibility for Housing Investment Fund to accelerate delivery of housing.
- the work on complex dependency will be scaled up, including an opportunity for Greater Manchester to co-commission the Work Programme.

These are all initiatives improving transport and the economy in Greater Manchester, which will be facilitated by the proposed governance change of including an eleventh member of the Combined Authority, who as interim mayor will chair the Combined Authority.



## Chapter 3 - Issues for consultation

25. Having regard to the Greater Manchester Combined Authority's proposals and the devolution agreement between Greater Manchester and the Government, the Secretary of State is considering making an Order under the 2009 Act which, if Parliament approves, would amend the constitution of the Greater Manchester Combined Authority to enable the Combined Authority to appoint an additional (eleventh) member of the Board who would Chair the Board.
26. Under the 2009 Act the Secretary of State can make the Order only if, having regard to the Combined Authority's scheme and governance review, he considers that the proposed amendments to the Combined Authority would be likely to improve the exercise of statutory functions relating to economic development, regeneration or transport; the effectiveness and efficiency of transport; or the economic conditions in the area.
27. Elements of the devolution agreement were prioritised to support further economic growth across Greater Manchester and include actions specifically designed to improve the effectiveness and efficiency of transport and economic development functions. The Secretary of State considers that to be successful these initiatives and actions need stronger Greater Manchester wide governance and that including the eleventh member would provide an appropriate strengthening of the governance arrangements at this stage. The Secretary of State accordingly considers that the proposed transitional arrangements would be likely to improve the exercise of statutory functions relating to economic development, regeneration or transport; the effectiveness and efficiency of transport; and the economic conditions in the area.
28. In making his final judgement the Secretary of State would welcome views on this matter from consultees and other commenting in response to this consultation. Chapter 2 of this consultation sets out the views and conclusions of the combined authority to which consultees and others may wish to have regard in their responses to this consultation.

**Question 1 – do you consider that enabling an additional board member to chair the Combined Authority would in the circumstances of Greater Manchester be likely to improve the provision of transport in the area and its effectiveness and efficiency, the provision of economic development and regeneration in the area, or the economic conditions in the area? And if so, in what regards?**

29. The Secretary of State also recognises in making the Order he must to have regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government. Again the Secretary of State would welcome the views of consultees and others on these matters when responding to the consultation.

**Question 2 – how do you consider an additional board member may impact on the identities and interests of local communities and on securing effective and convenient local government?**

30. Accordingly, given the proposals which the Greater Manchester Combined Authority and councils have made, and having regard to the devolution agreement that the Government has reached with Greater Manchester, the Secretary of State is now consulting on a proposal to make an amending Order that would provide for the Greater Manchester Combined Authority to have an eleventh member who would be the Chair of the combined authority. Were the Secretary of State to make such an Order, he is minded that it should provide for a Combined Authority with a constitution as described in the Annex to this consultation document. A draft of an Order to give effect these proposals can be found at the end of this document. The Secretary of State would welcome the views of consultees and others on these matters when responding to the consultation.

**Question 3 – do you have any comments on the proposed constitutional arrangements as set out in Annex A and the draft Order?**

# Annex A

## Proposed amendments to the constitution of the Greater Manchester Combined Authority

**The Order makes amendments to give effect to the following:**

### **Membership**

1. To require the Combined Authority to appoint an eleventh member to the Board - to be known as the Interim Mayor - following an appointments process to be specified by the Combined Authority.
2. To be eligible to apply and be appointed, candidates at the date of application and appointment must be a resident within Greater Manchester and hold an elected office within the area – that is an elected councillor or mayor of one of the ten local authorities, the Police and Crime Commissioner, a MP or a MEP.
3. Candidates will be required to apply for the position and following a shortlisting process, must be nominated by a Combined Authority Member. Combined Authority Members then vote on shortlisted candidates and the Interim Mayor is appointed by a majority vote.
4. The position will be held for a period of two years, subject to the post of Interim Mayor continuing to exist. The Interim Mayor may be appointed for one further term.
5. The Combined Authority members can terminate the appointment on a vote of 7 of the 10 members.
6. The Interim Mayor can resign by giving notice to the proper officer.
7. If the appointment is terminated or the Interim Mayor resigns, the vice chair of the Combined Authority will act as chair, and a new appointment will be made, following the same appointment process as laid out above.

### **Chair**

8. The Interim Mayor will be made the chair of the Combined Authority and the Combined Authority may appoint a vice chair. If the appointment is terminated or the Interim Mayor resigns, the vice chair of the Combined Authority will act as chair until a new appointment is made.

### **Executive Arrangements**

9. Executive arrangements will not apply to Greater Manchester Combined Authority.

### **Remuneration**

10. No remuneration will be provided to Combined Authority members with the exception of the Interim Mayor. The Interim Mayor will be entitled to an allowance, to be determined by the remaining Combined Authority members. The allowance cannot exceed that recommended by the Greater Manchester Independent Remuneration Panel.

## **Proceedings**

11. The Chair will have one vote and no casting vote, but will not be able to vote on matters relating to the position of Interim Mayor.
12. The majority required for decisions on matters specified in paragraphs 3(3) of Schedule 1 to GMCA Order 2011 will increase from the current 7 out of 10 members, to 8 out of the 11.
13. The majority required for decisions on road user charging will increase from the current 10 out of 10 members, to 11 out of the 11.

## **Miscellaneous and consequential**

14. A minor change is made to insert “or under” into Article 3(3) of the GMCA Order 2011.



(c) such other persons as the Secretary of State considered appropriate.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

### **Citation and Commencement**

1. This Order may be cited as the Greater Manchester Combined Authority (Amendment) Order 2015 and shall come into force the day after it is made.

### **Interpretation**

2. In this Order—

“the GMCA” means the Greater Manchester Combined Authority.

### **Amendments to the Greater Manchester Combined Authority Order 2011**

3. The Greater Manchester Combined Authority Order 2011(a) is amended as set out in the following articles.

4. In article 3 (3) (Establishment) after “delegated to it by” insert “or under”.

5.—(1) Schedule 1 (Constitution) is amended as follows.

(2) After paragraph 1 (Membership) insert—

#### **“ Interim Mayor**

##### **1B.**

(1) The GMCA may appoint an additional member, to be known as the Interim Mayor.

(2) The following persons resident in any one of the district councils for the area comprised in the GMCA are eligible for appointment as Interim Mayor—

- (a) an elected member of a constituent council;
- (b) an elected mayor of a constituent council;
- (c) the Greater Manchester Police and Crime Commissioner; or
- (d) a sitting Member of Parliament including MPs and MEPs;

and must hold such elected office at the date of application for the position of Interim Mayor and on the date of appointment.

(3) Persons who are eligible for appointment as Interim Mayor under sub-paragraph (2) may apply to be appointed, according to an application procedure and timetable to be determined by the GMCA.

(4) In appointing the Interim Mayor,—

- (a) the GMCA must consider all applications submitted in accordance with its application procedure, such application procedure to include an application

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(a) S.I. 2011/908.

process, to be followed by a shortlisting process before applicants are nominated for appointment;

- (b) one or more members of the GMCA appointed under paragraph 1(1) must nominate the applicants to be considered for the appointment; and
- (c) the appointment of the Interim Mayor must be confirmed by the GMCA following a vote of its members.

(5) The appointment of the Interim Mayor is to be for a fixed term to be determined by the GMCA, up to a maximum of 2 years.

(6) At the conclusion of the fixed term determined under sub-paragraph(3), the GMCA may appoint an Interim Mayor for a fixed term to be determined by the GMCA, up to a maximum of 2 years.

(7) A person may resign as Interim Mayor by written notice served on a proper officer of the GMCA and the resignation shall take effect on receipt of the notice by the proper officer.

(8) The GMCA may terminate the appointment of the Interim Mayor or the Acting Interim Mayor provided that at least 7 members of the GMCA vote in favour of a resolution to terminate such appointment at a meeting of the GMCA.

(9) The Interim Mayor or the Acting Interim Mayor will not have a vote where the GMCA exercises its powers under sub-paragraph (8).

(10) Where an Interim Mayor's membership ceases by virtue of sub-paragraph (7) or (8), the GMCA must appoint another eligible person as the Interim Mayor."

(3) In paragraph 2 (Chair and vice-chairs(s))—

- (a) omit sub-paragraph (1);
- (b) before sub-paragraph (2) insert—

“(1A) The GMCA must appoint the Interim Mayor as chair of the GMCA and may appoint one or more vice-chairs from among its members.

(1B) The appointment of the vice-chair(s) under sub-paragraph (1A) must take place as the first item of business of the first meeting of the GMCA following the appointment of the Interim Mayor”;

- (c) In sub-paragraph (2) omit “chair or”
- (d) after sub-paragraph (2) insert—

“(2A) If a vacancy arises in the office of Interim Mayor, the GMCA must:

- (a) appoint a vice-chair as Acting Interim Mayor until a permanent appointment of a new Interim Mayor can be made; and
- (b) commence the appointment process specified at paragraph 1B(4) to permanently fill the vacancy at the next ordinary meeting of the GMCA, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.”;

- (e) in sub-paragraph (3), omit “chair or”.

(4) In paragraph 3 (Proceedings)—

- (a) in sub-paragraph (3) for “7” substitute “8”;
- (b) in sub-paragraph (4) for “10” substitute “11”.

(5) In paragraph 1 (Remuneration)—

- (a) in subsection (1), for “No remuneration” substitute “Except for the Interim Mayor, no remuneration”.
- (b) After sub-paragraph (2) insert

“(3) The GMCA may only pay an allowance to the Interim Mayor if—

- (a) the GMCA has considered a report published by an independent remuneration panel which contains recommendations for such an allowance; and
- (b) the allowance paid by the GMCA does not exceed the amount specified in the recommendation made by the independent remuneration panel.”.

Signed by authority of the Secretary of State for Communities and Local Government

*Name*  
Parliamentary Under Secretary of State

Date Department for Communities and Local Government

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This order amends the Greater Manchester Combined Authority Order (S.I. 2011/908).

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise functions relating to transport and to economic development and regeneration in their area.

The Secretary of State may only make changes to existing combined authority arrangements for an area where a scheme for such an authority has been published under section 112 of the 2009 Act. This Order has been made following the publication of such a scheme on 19th December 2014 by the constituent councils whose areas together make up the Greater Manchester Combined Authority (“GMCA”). The scheme is available at [http://www.agma.gov.uk/cms\\_media/files/item\\_6\\_gm\\_devolution\\_agreement.pdf?static=1](http://www.agma.gov.uk/cms_media/files/item_6_gm_devolution_agreement.pdf?static=1).

Article 5 of the Order allows for the appointment of an additional member of the Greater Manchester Combined Authority, to be known as the Interim Mayor, and provides for the eligibility requirements, appointment process, the maximum term of appointment and the procedures concerning resignation and termination.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.