
STATUTORY INSTRUMENTS

2017 No. 612

The Greater Manchester Combined Authority
(Functions and Amendment) Order 2017

PART 7

Amendment of the Greater Manchester Combined
Authority Order 2011; consequential provision

Amendment of the Greater Manchester Combined Authority Order 2011

16.—(1) Schedule 1 (constitution) to the 2011 Order is amended as set out in the following paragraphs.

(2) In paragraph 3 (proceedings)—

(a) in sub-paragraph (1)—

- (i) after “(2B)” insert “(2C), (2D), (2E) and (2F)”;
- (ii) for “and (4)” substitute “, (4) and (4A)”.

(b) after sub-paragraph (2B) insert—

“(2C) Subject to sub-paragraph (2D), questions relating to the adoption, amendment, modification, revision, variation, withdrawal or revocation or replacement of a local transport plan under the following provisions of the Transport Act 2000⁽¹⁾ require a vote in favour by at least 8 members, or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA—

- (a) section 108(1)(a) (local transport plans);
- (b) section 108(3) (local transport plans); and
- (c) section 109(1) and (2) (further provision about plans: England).

(2D) The following plans may be amended by a vote in favour by at least 7 members, or substitute members acting in place of those members, appointed by the constituent councils present and voting on that question at a meeting of the GMCA—

- (a) a draft policy or a draft local transport plan prepared by the Mayor under sections 108(1)(a) or (3) (local transport plans) of the 2000 Act; or
- (b) a draft alteration or replacement of the local transport plan prepared under sections 109(1) and (2) (further provision about plans: England) of the 2000 Act.

(2E) In relation to functions conferred under Part 4 (waste disposal) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017—

⁽¹⁾ 2000 c. 38. Sections 108 and 109 were amended by sections 7(1) and (2), 8 and 9 of, and paragraphs 41 and 42 of Part 3 of Schedule 4 and Part 1 of Schedule 7 to the Local Transport Act 2008 (c. 26), and by paragraphs 95 to 97 of the 2009 Act.

- (a) the member for the GMCA appointed by the district council for the local government area of Wigan, or any substitute member acting in place of that member, does not have a vote; and
- (b) subject to sub-paragraph (a), decisions relating to levying and budgets require a vote in favour by at least 7 members, or substitute members acting in place of those members, present and voting on that question at a meeting of the GMCA.

(2F) In relation to functions conferred under article 3(1) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017, the Mayor or the deputy Mayor acting in place of the Mayor(2) cannot—

- (a) participate in any consideration under section 197(3)(f) (designation of Mayoral development areas) of the Localism Act 2011; or
- (b) be included as a consultee for the purposes of section 197(4)(a) of that Act.”;
- (c) sub-paragraph (3)(a)(ii) is omitted; and
- (d) after sub-paragraph (4), insert—

“(4A) Questions relating to the use of earn back budget as described in paragraph 17 of the Greater Manchester Agreement of 3rd November 2014(3) cannot be carried without the vote of the Mayor or the deputy Mayor acting in place of the Mayor.”.

(3) After paragraph 3 (proceedings) insert—

“Committees– general

3A.—(1) Save as provided in paragraph (2), the GMCA must, when appointing members of a committee or a sub-committee of the GMCA, appoint such number of members of each of the constituent councils, so that the members of the committee drawn from the constituent councils taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among the constituent councils when taken together.

(2) If the GMCA appoint a committee to exercise any of the functions conferred by article 9(1) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017, the GMCA must appoint such number of members of the councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford, so that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among these councils when taken together.

Independent remuneration panel

3B.—(1) The GMCA may establish an independent remuneration panel who may make recommendations to the GMCA and to the constituent councils regarding the allowances payable to—

- (a) members appointed to the GMCA; and
- (b) the Mayor.

(2) An independent remuneration panel must consist of at least three members none of whom—

(2) Section 107C of the 2009 Act provides that the deputy mayor must act in place of the mayor if for any reason the mayor is unable to act or if the office of mayor is vacant.

(3) The budget relates to the quantum of the earn back deal of £900 million over 30 years, which is subject to an assessment every 5 years. The Greater Manchester Agreement of 3rd November 2014 is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf.

- (a) is also a member of the GMCA or is a member of a committee or sub-committee of the GMCA or a member of a constituent council of the GMCA; or
 - (b) is disqualified from being or becoming a member of the GMCA.
- (3) The GMCA may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the GMCA may determine.

Remuneration

3C.—(1) Save as provided for in sub-paragraphs (2) and (3)(a), no remuneration is to be payable by the GMCA to its members other than allowances for travel and subsistence.

(2) The GMCA may only pay an allowance to the Mayor if the GMCA has considered recommendations made by the independent remuneration panel established under paragraph (3B) which contains recommendations for the payment of such an allowance.

(3) Where the independent remuneration panel recommends the payment of an allowance—

- (a) the GMCA must pay an allowance not exceeding the allowance recommended by the independent remuneration panel to the Mayor; and
- (b) the constituent council may, in accordance with its own scheme of allowances, pay an allowance not exceeding the allowance recommended by the independent remuneration panel to an elected member of that council.”.

(4) After paragraph (5) (standing orders) insert—

“Overview and scrutiny committees

5A. The GMCA must ensure the appointment of an appropriate person (as defined by paragraph 3(5) of Schedule 5A to the 2009 Act⁽⁴⁾) to be the chairman of any overview and scrutiny committee appointed by the GMCA or any sub-committee of such an overview and scrutiny committee.”.

(5) Omit paragraph 6 (remuneration).

Consequential provision

17.—(1) Regulation 64 of the Local Government Pension Scheme Regulations 2013 (special circumstances where revised actuarial valuations and certificates must be obtained)⁽⁵⁾ has effect in relation to the GMCA as though after paragraph (8) there were inserted—

“(8A) Paragraph (8B) applies where the exiting employer is the Greater Manchester Waste Disposal Authority and the liabilities of the fund in respect of benefits due to the Greater Manchester Waste Disposal Authority’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Greater Manchester Combined Authority by virtue of this Order.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

(2) For the purposes of section 104(1)(a) of the 2009 Act (constitution) section 84(2)(a) of the Local Transport Act 2008 (constitutional arrangements)⁽⁶⁾ applies in relation to a committee or sub-committee of the GMCA as it applies to members of the GMCA.

⁽⁴⁾ Schedule 5A was inserted by section 8 of, and Schedule 3 to, the 2016 Act.

⁽⁵⁾ S.I. 2013/2356. Regulation 64 was amended by S.I. 2014/1146 and by S.I. 2015/755.

⁽⁶⁾ 2008 c. 26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
