

OPERATING AGREEMENT

This Agreement is made on

2011

between:

(1) Greater Manchester Combined Authority (“the GMCA”)

and

(2) 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, (“the GMCA Order”) or by any other enactment, including all the functions of the ITA which transferred to the GMCA on the abolition of the ITA.
- (C) The functions of the GMCA include those transport functions of the Constituent Councils delegated to the GMCA by article 8 of the GMCA Order.
- (D) The functions of the GMCA include those economic development and regeneration functions set out in Schedule 3 to the GMCA Order which are to be exercised concurrently with the Constituent Councils.
- (E) 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.
- (F) The Parties wish to co-operate with each other in the exercise of their functions and in particular their transport, economic development and regeneration functions.

THIS AGREEMENT witnesses as follows:

1. Definitions

In this Agreement –

- 1.1 “The AGMA Operating Agreement and Constitution” means the Agreement between the Constituent Councils entered into on the 29th August 2008 as amended from time to time.
- 1.2 “the Constituent Councils” mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan.
- 1.3 “The Executive Board” means the AGMA Executive Board established by the AGMA Operating Agreement and Constitution.
- 1.4 “the GMCA Order” means the Greater Manchester Combined Authority Order 2011.
- 1.5 “the ITA” means the Greater Manchester Integrated Transport Authority.
- 1.6 “the LDEDCA 2009” means the Local Democracy, Economic Development and Construction Act 2009.
- 1.7 “the LGA 1972” means the Local Government Act 1972.
- 1.8 “the LGA 2000” means the Local Government Act 2000.
- 1.9 “the LGHA 1989” means the Local Government and Housing Act 1989.
- 1.10 “the 2000 Regulations” means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.
- 1.11 “the Parties” mean the GMCA 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 Executive Board pursuant to Clause 15.4 of the AGMA Operating Agreement and Constitution.
- 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 TfGMC

- 3.1 Pursuant to Section 101(5) of the LGA 1972, Section 20 of the LGA 2000 and Regulations 4, 11 and 12 of the 2000 Regulations, 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 Transport for Greater Manchester Committee (“the TfGMC”).
- 3.2 Each Constituent Council shall appoint a number of their elected members to be members of TfGMC, such number being as set out below:

Bolton	-	3
Bury	-	2
Manchester	-	5
Oldham	-	3
Rochdale	-	3
Salford	-	3
Stockport	-	4
Tameside	-	3
Trafford	-	3
Wigan	-	4

- 3.3 The Parties shall make their appointments to TfGMC in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989, notwithstanding anything to the contrary in the 2000 Regulations. Appointments will be made in accordance with the principle of giving effect to the wishes of the relevant political group as to the member(s) to be appointed to any seat allocated to that political group.
- 3.4 The Constituent Councils shall arrange for the appointment of an independent remuneration panel to advise them on appropriate levels of special responsibility allowances to be payable to their members of TfGMC in respect of duties and responsibilities undertaken as members of TfGMC.

4. Terms of Reference of TfGMC

- 4.1 The discharge of all the transport functions of GMCA are delegated to TfGMC with the exception of those functions set out in Clause 4.2. For the avoidance of doubt, the transport functions of GMCA are:
- 4.1.1 all the functions of the ITA transferred to GMCA by the GMCA Order;
- 4.1.2 the transport functions of the Constituent Councils delegated to GMCA by article 8 of the GMCA Order;
- 4.1.3 any function relating to transport conferred or imposed upon a combined authority or the GMCA specifically by any enactment.
- 4.2 The following transport functions of GMCA are not delegated to TfGMC –
- 4.2.1 setting the GMCA's revenue budget for transport, including approving the estimates of income and expenditure of TfGM pursuant to Section 15(1)(b) of the Transport Act 1968, determining grants to be made to TfGM pursuant to Section 13 of the Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992;

- 4.2.2 determining the borrowing limits of the GMCA in relation to transport matters pursuant to Section 3 of the Local Government Act 2003;
 - 4.2.3 approving borrowing by TfGM pursuant to Section 12(3) of the Transport Act 1968, and lending money to TfGM pursuant to Section 12(4) of the Transport Act 1968;
 - 4.2.4 approving the transport capital programme of GMCA and TfGM;
 - 4.2.5 developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan pursuant to Sections 108-112 of the Transport Act 2000;
 - 4.2.6 approving new transport schemes to be funded by the Greater Manchester Transport Fund;
 - 4.2.7 granting approval to TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968;
 - 4.2.8 making a written request to the Minister to authorise TfGM to purchase compulsorily any land which TfGM require for the purposes of their business pursuant to Section 10(3) of the Transport Act 1968.
 - 4.2.9 exercising the power under Section 15A(3) of the Transport Act 1968 to cause a review to be made of the organisation of TfGM's undertaking, and giving TfGM such directions as appear from any such review to be requisite to secure that TfGM's undertaking is organised in the most efficient manner.
 - 4.2.10 ratifying the appointment of the Director General/Chief Executive of TfGM and other executive and non-executive directors of TfGM, pursuant to Section 9(2) of the Transport Act 1968.
- 4.3 The functions set out in Clause 4.2 (with the exception of 4.2.10) are referred to TfGMC which may make recommendations to GMCA.
- 4.4 The discharge of the following functions of the Constituent Councils are delegated to TfGMC –
- 4.4.1 carrying out actions to facilitate the performance by local traffic authorities of their duty to manage road traffic on their own roads and facilitating the same on other local authorities' road pursuant to sections 16 and 17 (except for sub-sections 17(2) and (3)) of the Traffic Management Act 2004.

- 4.4.2 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.
- 4.5 Nothing in this Agreement shall prevent the GMCA from exercising the functions set out in Clause 4.1 or Clause 4.2 or the Constituent Councils from exercising the functions in Clause 4.4.
- 4.6 Without prejudice to the generality or any provision of Clauses 4.1 to 4.4 above, specific terms of reference of TfGMC are set out in Schedule 1.
5. **TfGMC – Other Provisions**
- 5.1 TfGMC may establish sub-committees.
- 5.2 When establishing a sub-committee, TfGMC 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 TfGMC and any sub-committee of TfGMC may, in respect of a function delegated to TfGMC by the GMCA under Clause 4.1 arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.
- 5.5 TfGMC and any sub-committee of TfGMC, in respect of a function delegated to them by the Constituent Councils under Clause 4.4, may 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.
- 5.6 TfGMC will establish a scheme of delegation to sub-committees and officers and will review the scheme annually.
- 5.7 TfGMC will conduct its business in accordance with this Agreement, including the Rules of Procedure set out in Schedule 2.
- 5.8 The costs and liabilities incurred by the TfGMC shall be defrayed by the Parties as set out below:

5.8.1 the GMCA will meet such costs and liabilities as are reasonably attributable to the exercise of the functions of the GMCA delegated or referred to TfGMC under Clauses 4.1 and 4.3 of this Agreement;

5.8.2 the costs and liabilities reasonably attributable to the exercise of the functions delegated by the Constituent Councils to TfGMC under Clause 4.4 of this Agreement will be met by the Constituent Councils in such proportion as they may unanimously agree or, in default of agreement, in proportion to the total resident population at the Relevant Date of the area of each council concerned as estimated by the Registrar General.

6. Transport Protocols

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

6.1.1 delegated from the Constituent Councils to GMCA pursuant to Article 8 of the GMCA Order, and

6.1.2 delegated by the Constituent Councils to TfGMC by virtue of Clause 4.4 of this Agreement.

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 2000 Regulations.

7. Funding of 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. **Economic Development and Regeneration Protocols**

- 8.1 The Parties will draw up and agree detailed Protocols in relation to the discharge of the economic development and regeneration functions set out in Schedule 3 of the GMCA Order and Clause 8.3 below which are exercisable by the GMCA concurrently with the Constituent Councils, having regard to the provision in Article 10(3) of the GMCA Order that any requirement in any enactment for a Constituent Council to exercise such a function may be fulfilled by the exercise of that function by the GMCA.

- 8.2 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 and the Head of Paid Service of the GMCA.

- 8.3 The economic development and regeneration functions referred to in Clause 8.1 are –

8.3.1 the duty under Section 8(1) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation)

8.3.2 the duties under Section 82 of the Environment Act 1995 (duty to cause a review to be conducted of quality for the time being, and the likely future quality within the relevant period, of air within the authority's area and associated duties)

8.3.3 the duties under Sections 83 and 84 of the Environment Act 1995 (duty to designate air quality management areas and duties in relation to such designated areas)

8.3.4 the duties under Section 15ZA, 15ZB, 15ZC, 17A, and 18A(1)(b) of the Education Act 1996 and the powers under Sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age)

- 8.3.5 the duty under Section 4(1) of the LGA 2000 (duty to prepare a strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom) and the power under Section 4(2) of the LGA 2000 (power to modify their sustainable communities strategy).
- 8.3.6 the power under Section 144 of the LGA 1972 (the power to encourage visitors and provide conference and other facilities)
- 8.3.7 the power under Section 2 of the LGA 2000 (promotion of well-being)
- 8.4 Clause 6.3 applies to protocols drawn up, agreed or revised under this clause as it does in relation to protocols under Clause 6.
- 8.5 It is agreed that the function under Section 69 of the LDEDCA 2009 (duty to prepare an assessment of economic conditions) will be exercised by the GMCA, and that pursuant to the Order any requirement for the Constituent Councils to exercise this function will be fulfilled by its exercise by the GMCA.

9. Scrutiny Arrangements

- 9.1 The Parties will establish joint scrutiny arrangements to enable the Constituent Councils to exercise an overview and scrutiny role in relation to the decisions and activities of the following bodies –
 - (a) the AGMA Executive Board
 - (b) the GMCA
 - (c) the TfGMC
 - (d) TfGM
- 9.2 The scrutiny arrangements are set out in Schedule 3.
- 9.3 The Constituent Councils will make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of GMCA and the business of TfGMC to be put to that council's representative on GMCA and one of their representatives on TfGMC at full council meetings of the Constituent Councils.

10. Review of Arrangements

- 10.1 The Parties will undertake, pursuant to Section 111 of the LDEDCA 2009, a joint review of the matters set out in Clause 10.2 to be commenced, whichever is the earlier of –
 - (a) the fifth anniversary of the date of this Agreement, or

- (b) immediately after notice is given by a Constituent Council requesting a joint review, provided that such notice is not given before the third anniversary of the date of this Agreement.

10.2 The matters are –

- (a) a matter in respect of which an order may be made under any of sections 104 to 107 of the LDEDCA 2009
- (b) a matter concerning GMCA that GMCA has power to determine
- (c) any other matter contained in this Agreement.

10.3 The provisions of this Clause are without prejudice to statutory rights of one or more of the Parties to undertake their own review at any time.

10.4 The Parties endorse the draft Agreement reached between the Constituent Councils pursuant to the resolution of the Executive Board on 26th February 2010, the terms of which are set out in Schedule 4.

11. Business Leadership Council

11.1 The Parties agree that the functions previously exercised by the Executive Board in respect of the establishment of the Business Leadership Council (“BLC”) and the appointment of its Chair and members will be exercised by the GMCA.

11.2 The BLC will advise the GMCA and as appropriate the Executive Board on their policies and priorities, conduct its own reviews in matters which affect the future economic well-being of Greater Manchester and may make representations to the GMCA and the Executive Board.

11.3 The appointment of the Chair of the BLC will be subject to confirmation by the GMCA and will be reviewed on an annual basis. The process of appointing other members of the BLC will be subject to agreement between the Chair of the BLC and GMCA.

12. Amendments to this Agreement

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

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

13. Dispute Resolution

13.1 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.

14. Notices

- 14.1 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 or e-mail or facsimile transmission to the GMCA's Monitoring Officer at 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 GMCA's Monitoring Officer at the time of personal delivery or on the second working date after the date or posting or transmission as the case may be.
- 14.2 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 or e-mail or facsimile transmission to the monitoring officer(s) of the Constituent Council(s) concerned. 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 or posting or transmission 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 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

SUMMARY OF PROPOSED TERMS OF REFERENCE OF THE TRANSPORT FOR GREATER MANCHESTER COMMITTEE (TFGMC)

A.

The following functions of the GMITA will be referred by GMCA to the TfGMC in order for them to make recommendations to the GMCA in respect of:

1. The GMCA's revenue budget for transport, including approving the estimates of income and expenditure of the TfGM pursuant to Sections 15(1)(b) of the Transport Act 1968, grants to be made to TfGM pursuant to Section 13 of the Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992;
2. Determining the borrowing limits of the GMCA in relation to transport matters pursuant to Section 3 of the Local Government Act 2003;
3. Approving borrowing by TfGM pursuant to Section 12(3) of the Transport Act 1968, and lending money to TfGM pursuant to Section 12(4) of the Transport Act 1968;
4. Approving the capital programme of GMCA and TfGM;

5. Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan pursuant to Sections 108-112 of the Transport Act 2000;
6. Approving new transport schemes to be funded by the Greater Manchester Transport Fund;
7. Granting approval to TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968;
8. Making a written request to the Minister to authorise TfGM to purchase compulsorily any land which TfGM require for the purposes of their business pursuant to Section 10(3) of the Transport Act 1968.
9. Any exercise by GMCA of the power pursuant to Section 15A(3) of the Transport Act 1968 to cause a review to be made of the organisation of TfGM's undertaking, and to give to TfGM such directions as appear from any such review to be requisite to secure that TfGM's undertaking is organised in the most efficient manner.

B.

The following functions of the GMITA will be delegated to the TfGMC, subject to the TfGMC exercising these functions in accordance with any transport policies of the CA, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:

1. Formulating general policies with respect to the availability and convenience of public passenger services pursuant to Sections 9A(5)-(7) of the Transport Act 1968;
2. Monitoring and overseeing the activities and performance of TfGM (including the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to TfGMC to be appropriate to secure the observance of the rights of the GMCA);
3. Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;
4. Considering and approving the creation and development of:-
 - (i) Quality Partnership Schemes pursuant to Sections 114-123 of the Transport Act 2000;
 - (ii) Quality Contracts Schemes pursuant to Sections 124-134 of the Transport Act 2000;
 - (iii) Ticketing Schemes pursuant to Sections 135-138 of the Transport Act 2000; and
 - (iv) Concessionary Travel Schemes pursuant to Sections 93-104 of the Transport Act 1985;
5. Determining what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139-143 of the Transport Act 2000;
6. 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;
7. Monitoring the GMCA's transport budget pursuant to Section 15A(2) of the Transport Act 1968;
8. Approving releases for capital schemes within the agreed capital programme and the agreed budget for the scheme concerned (including approving capital payments for the purpose of the provision, improvement or development of facilities for public passenger transport, pursuant to Section 56(2) of the Transport Act 1968);

9. Monitoring performance against the Local Transport Plan and other GMCA transport policies;
10. Formulating, developing and monitoring procedures for public consultation on, and lobbying for, the GMCA's transport policies including taking responsibility for the active promotion of Greater Manchester's transport interests;
11. Determining issues arising from Metrolink contracts;
12. Determining variations in charges for transport services or facilities provided by TfGM, pursuant to Section 15(2) of the Transport Act 1968;
13. Determining issues arising from the rail franchising process in accordance with the Rail Protocol agreed between AGMA and the Department for Transport;
14. Approving the level of support of local rail services over and above that in the baseline franchise specification in accordance with the Rail Protocol agreed between Manchester City Region and the Department for Transport;
15. Considering issues arising from the implementation of schemes for the introduction of Smartcards;
16. Authorising:-
 - (i) the disposal of any land by the TfGM pursuant to Section 10(1)(xxiii) of the Transport Act 1968;
 - (ii) the acquisition of any land by the TfGM pursuant to Section 10(1)(xx) of the Transport Act 1968; and
 - (iii) the development of any land of TfGM pursuant to Section 10(1)(xxii) of the Transport Act 1968;
17. Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services pursuant to Section 10(1)(via) of the Transport Act 1968;
18. 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;
19. Monitoring the performance of Metrolink services and initiating appropriate action;
20. Monitoring the operation and performance of bus and local rail services and influencing accordingly;
21. Authorising agreements between TfGM and

- (i) any person providing passenger transport services by air pursuant to Section 10(1)(vii) of the Transport Act 1968;
- (ii) any owner of any locomotive or rolling stock pursuant to Section 10(1)(viii) of the Transport Act 1968.

C.

The following transport related functions of the Constituent Councils will be delegated to the GMCA. They will then be sub-delegated to TfGMC subject to the TfGMC exercising those functions in accordance with any policies of the GMCA, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:

1. Preparing reports containing an assessment of the levels of road traffic in the GMCA's area and a forecast of growth in those levels pursuant to Section 2 of the Road Traffic Reduction Act 1997 or otherwise;
2. Functions of the Constituent Councils pursuant to section 65 of the Road Traffic Regulation Act 1984 (placing of traffic signs), so far as it relates to traffic signs that are "traffic light signals". In this paragraph "traffic light signal" means a traffic sign of the size, colour, and type prescribed by regulation 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002 or another traffic sign of a like nature prescribed by those Regulations as from time to time amended or by any regulations for the time being replacing those Regulations.
3. Functions of the Constituent Councils pursuant to 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.

D.

The following transport related functions of the Constituent Councils will be delegated directly to the TfGMC subject to the TfGMC 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:

1. 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 –
 - (a) 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;

- (b) determining specific policies and objectives in relation to strategic roads;
 - (c) monitoring the effectiveness of traffic authorities in managing their road network.
- 2. 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.

SCHEDULE 2

Transport for Greater Manchester 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 TfGMC for the time being presiding at the meeting of the TfGMC, and a meeting of a Sub Committee of the TfGMC.
- 1.3 These Rules shall apply to the TfGMC and any Sub Committee of the TfGMC, and any reference to the TfGMC shall accordingly include reference to a Sub Committee of the TfGMC.
- 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 TfGMC with the consent of the majority of the whole number of members of the TfGMC, 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 TfGMC 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 TfGMC which shall determine the matter having considered a report of the Secretary on the proposed variation or revocation.

2. Chair and Vice-Chairs

- 2.1* The Chair and three Vice-Chairs of the TfGMC will be appointed annually by the TfGMC from among its members and shall, unless they resign, cease to be members of the TfGMC or become disqualified, act until their successors become entitled to act as Chair and Vice-Chairs.
- 2.2* The appointment of the Chair and Vice-Chairs shall be the first business transacted at the Annual Meeting of the TfGMC.
- 2.3* On a vacancy arising in the office of Chair or Vice-Chair for whatever reason, the TfGMC shall make an appointment to fill the vacancy at the next ordinary meeting of the TfGMC 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.

- 2.4* In the case of an equality of votes in respect of the appointment of a Chair, the person presiding at the meeting shall give a casting vote in addition to any other vote they may have.
- 2.5* Subject to these Rules, anything authorised or required to be done by, or in relation to the Chair, may be done by, or in relation to, the Vice-Chairs.

3. Meetings

- 3.1* The Annual Meeting of the TfGMC shall be held in June or the month after local elections on a date and at a time determined by the TfGMC.
- 3.2* Ordinary meetings of the TfGMC for the transaction of general business shall be held on such dates and at such times as the TfGMC shall determine.
- 3.3* An Extraordinary Meeting of the TfGMC may be called at any time by the Chair or, if the Chair is unable to act, by the Vice Chairs acting jointly.

4. Notice of Meetings

- 4.1 At least five clear days (in accordance with the Local Authority Access to Meetings and Documents (Period of Notice) (England) Order 2002) before a meeting of the TfGMC or one of its Sub Committees:
 - (a) notice of the time and place of the intended meeting shall be published at the Town Hall, Manchester; and
 - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be left at or sent by post to all members of the TfGMC (or, in the case of a Sub Committee, to members of the relevant Sub Committee) and electronic mail to the usual place of residence of each member, or any other address notified to the Secretary by a member. Members of the TfGMC who are not members of the relevant Sub Committee will receive the agenda in electronic format only, unless specifically requested otherwise.
- 4.2* Lack of service on a member of the TfGMC of the summons shall not affect the validity of a meeting of the TfGMC.
- 4.3* A member of the TfGMC may require a particular item of business, including any motion, which is relevant to the powers of the TfGMC, to be discussed at an ordinary meeting of the TfGMC 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 TfGMC 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 TfGMC 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 TfGMC.

- 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 TfGMC, 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 TfGMC other than that specified in the agenda for the meeting.

5. Chair of Meeting

- 5.1* At each meeting of the TfGMC the Chair, if present, shall preside.
- 5.2* If the Chair is absent from a meeting of the TfGMC, one of the Vice-Chairs, if present, shall preside.
- 5.3* If the Chair and all the Vice-Chairs of the TfGMC are 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 (or Vice-Chair) joins the meeting.
- 5.4 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

6. Quorum

- 6.1* No business shall be transacted at any meeting of the full TfGMC unless at least one third of the members are present (i.e. 11 members as the TfGMC is presently constituted).
- 6.2* The quorum for any meeting of a Sub Committee of the TfGMC 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 TfGMC 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 TfGMC.

7. Order of Business

- 7.1 At every meeting of the TfGMC the order of business shall be to select a person to preside if the Chair and Vice-Chairs are absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -

- (a) by the Chair at his/her discretion, or
- (b) on a request agreed to by the TfGMC.

- 7.2 The Chair may bring before the TfGMC at their discretion any matter that they consider appropriate to bring before the TfGMC as a matter of urgency.

8. Submission of Sub Committee Proceedings

- 8.1 Except where a Sub Committee appointed by the TfGMC is acting under delegated authority, the Minutes of the proceedings of each of the TfGMC's Sub Committees shall be submitted to the TfGMC for confirmation. Confirmation by the TfGMC of those Minutes shall constitute approval of the proceedings of those Sub Committees.

- 8.2 The Chair or Vice-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 or Vice-Chair of a Sub Committee, or other member of the Sub Committee acting in their place, may, with the consent of the TfGMC, withdraw any item on the Minutes of that Sub Committee, or correct any factual inaccuracy, which might otherwise result in the TfGMC 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 TfGMC 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 TfGMC.
- 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 TfGMC, signified without discussion:-

- (a) alter a Motion of which they have given notice; or
- (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 TfGMC (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 TfGMC 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 public be excluded (in accordance with Section 100A of the Local Government Act, 1972).

9.11 A member who has not already spoken on the item under consideration may move without comment at the conclusion of a speech of another member "That the TfGMC proceed to the next business", "That the question be put", "That the debate be adjourned" or "That this meeting of the TfGMC be adjourned" and on the seconding of that Motion the Chair shall proceed as follows:

- (a) on a Motion to proceed to the next business, unless in their opinion the original Motion or amendment has been insufficiently discussed, 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.
- (b) 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.

- (c) 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 TfGMC, 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.
- (d) on a Motion to adjourn a meeting of the TfGMC 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 TfGMC 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 TfGMC 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 TfGMC it shall be by a show of hands. On the requisition of any member of the TfGMC, 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 TfGMC, 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 TfGMC, 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); and
 - (b) adjourn the meeting of the TfGMC 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 TfGMC 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 TfGMC 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 TfGMC; 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 TfGMC and shall be subject to review at each Annual Meeting.
- 14.3 The TfGMC shall at each Annual Meeting, or whenever there is a vacancy in such office, appoint the Chair and (where necessary) the Vice-Chair of each Sub Committee.
- 14.4 The TfGMC may at any time remove a member from the office of Chair or Vice-Chair of a Sub Committee and appoint another member to fill the resultant vacancy.
- 14.5 A member may resign from the office of Chair or Vice-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 Pending the filling by the TfGMC of a casual vacancy in the office of Chair or a Sub Committee, the Vice-Chair shall act as Chair.
- 14.7 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 TfGMC, or, on the first appointment of a Sub Committee, at any other meeting of the TfGMC. Such a programme shall, however, be capable of variation by the TfGMC, and, in case of urgency, by the Chair or Vice-Chair of the Sub Committee.
- 14.8 TfGMC 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.
- 14.9 A member of the TfGMC 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 TfGMC 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 TfGMC 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 TfGMC or its Sub Committees, including prints of reports or other documents to be submitted to the TfGMC 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 the Town Hall, Manchester.

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 TfGMC.

16. Access to Information Procedure Rules

16.1 Except as otherwise indicated, these rules apply to all meetings of the TfGMC 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 TfGMC 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; and
- (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item

to any person on payment of a charge for postage and any other costs.

16.4 The TfGMC 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; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

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 TfGMC 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 TfGMC or a Minister of the Crown and employees of, or office holders under, the TfGMC;
- (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
- (vi) information which reveals that the TfGMC 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

18.5 If the Secretary thinks fit, the TfGMC 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.

SCHEDULE 3

PROTOCOL FOR SCRUTINY ARRANGEMENTS

FOR AGMA EXECUTIVE BOARD, GMCA, TfGMC AND TfGM

This protocol provides a framework for carrying out joint scrutiny work of:

- A. The AGMA Executive Board (“the Executive Board”) within the arrangements of the AGMA Constitution and Operating Agreement;
- B. The Greater Manchester Combined Authority (GMCA);
- C. The Transport for Greater Manchester Committee (TfGMC); and
- D. Transport for Greater Manchester (TfGM).

This protocol will be reviewed annually to ensure it remains relevant.

2. Objectives of scrutiny of the Executive Board, GMCA, TfGMC and TfGM

2.1 These arrangements have been established to act as a focus for the scrutiny and challenge of the Executive Board and Commissions, the GMCA, the TfGMC and TfGM, and for investigating matters of strategic importance to residents within the combined administrative area covered by the Constituent Councils;

2.2 The role of these arrangements will include:-

2.2.1 monitoring:-

- (i) the decisions of the Executive Board;
- (ii) the decisions of the GMCA; and
- (iii) major and strategic decisions of the TfGMC which are taken by the TfGMC in accordance with the delegations set out in Schedule 1, Parts B, C and D of this Operating Agreement;

and to make recommendations for improvement and/or change;

2.2.2 investigating matters of strategic importance to residents of the Constituent Councils and reporting with recommendations to the Executive Board, the GMCA, or the TfGMC as appropriate;

2.2.3 reviewing and commenting upon the following periodic reports to the Executive Board in advance of their submission for approval to the Executive Board:-

- (i) any budgets for sub regional functions which are the responsibility of the Executive Board; and

- (ii) Annual refreshes of AGMA Commission Work Programmes as detailed in Clause 8.4 of the AGMA Operating Agreement and Constitution;

2.2.4 reviewing the performance of the Executive Board and the GMCA against objectives within the Greater Manchester Strategy;

2.2.5 facilitating the exchange of information about the work of AGMA, the GMCA and the TfGMC and to share information and outcomes from reviews;

2.2.6 The role of these arrangements in relation to TfGM will include:

- (i) monitoring TfGM's delivery of transport services against the Local Transport Plan and to make recommendations for improvement and/or changes;
- (ii) obtaining explanations from TfGM regarding its delivery of transport services.

2.2.7 Scrutiny in respect of the AGMA Health function will be undertaken in accordance with separate statutory arrangements.

2.2.8 The terms of reference for these scrutiny arrangements and the work programme in relation to scrutiny of the Executive Board, the GMCA, the TFGMC and TfGM will be subject to an annual review.

3. Operation of Scrutiny Arrangements for the Executive Board, GMCA, TfGMC and TfGM

3.1 A pool of elected members (the "Scrutiny Pool") will be established which will comprise of 3 councillors from each of the Constituent Councils. Appointees to the Scrutiny Pool must not be members of the Executive Board, the GMCA (including substitute members) or the TfGMC. Both sexes must be represented within the 3 elected members from each of the Constituent Councils.

3.2 Appointments to the Scrutiny Pool by the Constituent Councils will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.

3.3 Any elected member appointed to the Scrutiny Pool under these scrutiny arrangements who is also appointed as a substitute for an Executive Board member under section 6.1 of the AGMA Operating Agreement, or to any AGMA Commission, or AGMA Sub Committee cannot participate in the operation of the scrutiny arrangements on any issues which were taken at any meeting of the Executive Board, or any AGMA Commission or AGMA Sub Committee at which they were present.

3.4 Any elected member appointed to the Scrutiny Pool under these scrutiny arrangements who is also appointed to any Committee or Sub Committee of the GMCA cannot participate in the operation of the scrutiny

arrangements on any issues which were taken at any meeting of the GMCA or any Committee or Sub Committee of the GMCA at which they were present.

- 3.5 The term of office for members of the Scrutiny Pool will be one year from the date of the annual council meeting of the Constituent Council that appoints them to the Scrutiny Pool unless:-
- 3.5.1 they cease to be an elected member of the Constituent Council that appointed them;
 - 3.5.2 they wish to no longer participate in these arrangements; or
 - 3.5.3 the Secretary is advised by any of the Constituent Councils that it wishes to change one or more of its appointees to the Scrutiny Pool in accordance with paragraphs 3.1-3.3 of this Clause 3.
- 3.6 Non-voting members may be co-opted to participate in these arrangements from all or any of the associated authorities or from other organisations as the Scrutiny Pool members may decide.

4. Meetings of Scrutiny Pool Members

- 4.1 The members appointed to the Scrutiny Pool under Clause 3 above will hold at least one joint annual meeting and may convene additional joint meetings in accordance with these arrangements.
- 4.2 At the annual joint meeting the Scrutiny Pool members will:
- (i) elect a Chair and Vice Chair. The Chair and Vice Chair must come from different political groups.
 - (ii) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months.
 - (iii) agree to establish Scrutiny Panels from amongst their number in order to carry out agreed areas of review and scrutiny.
- 4.3 The quorum for this annual meeting and any other joint meetings held under this Clause 4 will be 10, and must include representatives of at least 7 of the Constituent Councils.
- 4.4 The principle of decision making at any such joint meeting shall be that, wherever possible decisions will be made by agreement, without the need for a vote. If a vote is necessary it will be a simple majority of those present and the Chair will not have a casting vote.
- 4.5 The venue for each annual meeting and any other joint meetings held under this Clause 4 will be decided by the Chair and notified to Constituent Councils for inclusion on their Council web sites.

- 4.6 Notice of the annual meeting and any other joint meetings held under this Clause 4 will be sent to each Scrutiny Panel member in accordance with the requirements of the Local Government Act 1972.
- 4.7 The Chair will approve the agenda for each annual meeting and any other joint meetings held under this Clause 4; however, any member of the Scrutiny Panel will be entitled to require an item to be placed on the agenda for the meeting.
- 4.8 Subject to paragraphs 4.1-4.7 of this Clause 4, meetings will proceed in accordance with the Rules of Procedure set out at Schedule 3 to the AGMA Operating Agreement.

5. Call in of decisions

5.1 Call in of decisions of Executive Board, GMCA and TfGMC

- 5.1.1 Members of the Scrutiny Pool appointed under this Protocol will have the power to call in:-
- (i) any decision of the Executive Board;
 - (ii) any decision of the GMCA;
 - (iii) any major or strategic decision of the TfGMC which is taken by the TfGMC in accordance with the delegations set out in Schedule 1, Parts B, C and D of this Operating Agreement.

5.2 Publication of Notice of Decisions

5.2.1 When:-

- (i) a decision is made by the Executive Board or the GMCA, or
- (ii) a major or strategic decision is made by the TfGMC in accordance with the delegations set out in Schedule 1, Parts B, C and D of this Operating Agreement,

the decision shall be published, including where possible by electronic means, and shall be available from the normally within 2 days of being made. It shall be the responsibility of the Secretary to send electronic copies of the records of all such decisions to all members of the Scrutiny Pool within the same timescale.

- 5.2.2 The notices referred to at paragraph 5.2.1 above will bear the date on which they are published and will specify that the decision will come into force, and may then be implemented, as from 4 .00 pm on the fifth day after the day on which the decision was published, unless 5 members of the Scrutiny Pool object to it and call it in.

5.3 Call-in of decisions of Executive Board, GMCA, and TfGMC

- 5.3.1 During the "Call-in" period specified at paragraph 5.2.2 above the Secretary shall:-

- (j) call-in a decision of the Executive Board for scrutiny by a joint meeting of Scrutiny Pool members if so requested by any five members from the Scrutiny Pool, and shall then notify members of the Executive Board of the call-in. The Secretary shall call a joint meeting of Scrutiny Pool members on such date as he/she may determine, where possible after consultation with the Chair of the Scrutiny Pool, and in any case within 2 weeks of the decision to call-in;
- (ii) call-in a decision of the GMCA for scrutiny by a joint meeting of Scrutiny Pool members if so requested by any five members from the Scrutiny Pool, and shall then notify members of the GMCA of the call-in. The Secretary shall call a joint meeting of Scrutiny Pool members on such date as he/she may determine, where possible after consultation with the Chair of the Scrutiny Pool, and in any case within 2 weeks of the decision to call-in;
- (iii) call in a major or strategic decision made by the TfGMC in accordance with the delegations set out in Schedule 1, Parts B, C and D of this Operating Agreement for scrutiny by a joint meeting of Scrutiny Pool members if so requested by any five members from the Scrutiny Pool, and shall then notify members of the TfGMC of the call-in. The Secretary shall call a joint meeting of Scrutiny Pool members on such date as he/she may determine, where possible after consultation with the Chair of the Scrutiny Pool, and in any case within 2 weeks of the decision to call-in.

5.3.2 If, having considered :-

- (i) a decision made by the Executive Board or the GMCA; or
- (ii) a major or strategic decision made by the TfGMC in accordance with the delegations set out in Schedule 1, Parts B, C and D of this Operating Agreement;

the joint meeting of Scrutiny Pool members is still concerned about it, then it may refer it back to the Executive Board, the GMCA or the TfGMC (as appropriate) for reconsideration, setting out in writing the nature of its concerns. If a decision is referred by a joint meeting of Scrutiny Pool members to the Executive Board, the GMCA or the TfGMC (as appropriate), then the Executive Board, the GMCA or the TfGMC (as appropriate) will reconsider the decision before adopting a final decision.

5.3.3 If, following an objection to:-

- (i) a decision of the Executive Board, or the GMCA; or
- (ii) a major or strategic decision made by the TfGMC in accordance with the delegations set out in Schedule 1, Parts B, C and D of this Operating Agreement;

the joint meeting of Scrutiny Pool members does not refer it back to the Executive Board or the GMCA or the TfGMC (as appropriate) for reconsideration, the decision shall take effect on the date of the joint meeting of Scrutiny Pool members.

5.3.4 The call-in procedure set out above, shall not apply where:-

- (i) the decision being taken by the Executive Board, or the GMCA; or
- (ii) the major or strategic decision made by the TfGMC in accordance with the delegations set out in Schedule 1, Parts B, C and D of this Operating Agreement;

is urgent.

A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of the GMCA, the Constituent Councils, or the residents and/or businesses of Greater Manchester. The record of the decision and the notice by which it is made public shall state whether in the opinion of the decision making body, the decision is an urgent one, and therefore not subject to call-in. The Executive Board or the GMCA or the TfGMC (as appropriate) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

6. Key principles for the operation of the scrutiny arrangements

- 6.1 The Constituent Councils will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers of other bodies or agencies.
- 6.2 Members of the Scrutiny Pool will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Councils or elsewhere and will not duplicate the work of existing bodies or agencies.
- 6.3 Subject to prior consultation, the Constituent Councils will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements.
- 6.4 While it is ultimately for each Constituent Council to decide who it considers the most appropriate person(s) to speak on its behalf at any meetings set up under these arrangements consideration will be given to meeting specific requests.
- 6.5 Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement.
- 6.6 Members appointed under these arrangements may request the attendance of officers employed by the Constituent Councils to answer questions and give evidence at any meetings set up under these

arrangements. All such requests must be made via the Chief Executive of the relevant Constituent Council. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.

- 6.7 When considering any matter in respect of which a Scrutiny Panel member appointed under these arrangements is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of any deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

7. Scrutiny Panels

- 7.1 The annual meeting of members of the Scrutiny Pool will establish Scrutiny Panels to undertake agreed scrutiny reviews. Membership of the Scrutiny Panels will be determined at the annual meeting and the principle of political balance from across Scrutiny Pool members must be applied when membership is agreed.
- 7.2 Scrutiny Panels established by this Clause 7 shall include representatives from at least 7 of the Constituent Councils. Each Scrutiny Panel shall appoint a Chair and Vice Chair from amongst its members. Unless unanimously agreed by all members appointed to any Scrutiny Panel, the Chair and Vice Chair of each Scrutiny Panel must come from different political groups.
- 7.3 Scrutiny Panels established under this Protocol must be appointed to carry out specific scrutiny tasks and be time limited. Their continuation will be subject to confirmation at each annual meeting of the Scrutiny Pool members. Any Scrutiny Panel continuing for more than two years must be subject to confirmation by the Executive Board and/or the GMCA as appropriate.
- 7.4 The Executive Board and/or the GMCA may also, if they choose, request that a Scrutiny Panel drawn from amongst members appointed under Clause 3 of this Protocol be appointed to examine a specific issue in more detail and report back its findings to the Executive Board and/or the GMCA as appropriate.

8. Reviews and recommendations

- 8.1 The process of joint scrutiny will be an open and transparent process designed to engage the Constituent Councils, their residents and other stakeholders.
- 8.2 Meetings will be held in public unless the meeting decides to convene in private in order to discuss confidential or exempt information, in accordance with the relevant provisions of the LGA 1972 or LGA 2000.

- 8.3 The terms of reference, timescale and outline of any review will be agreed by Scrutiny Pool members appointed at their annual meeting.
- 8.4 Different approaches to scrutiny reviews may be taken in each case but members will seek to act in an inclusive manner and will take evidence from a wide range of opinion. The Scrutiny Pool will make specific efforts to engage with hard to reach groups.
- 8.5 The primary objective of any Scrutiny Panel established under these arrangements will be to reach consensus on its recommendations, but where a minimum number of 2 members express an alternative to the majority view, they will be permitted to produce a minority report.
- 8.6 Voting if needed will be by a show of hands and a simple majority will be required to approve any recommendation.

9. Budget and Administration

- 9.1 The annual meeting of Scrutiny Pool members will prepare a budget to cover the costs of operating these arrangements in the forthcoming year and will submit this to the Executive Board and to the GMCA for agreement.
- 9.2 Contributions to the costs of the joint scrutiny arrangements shall be determined by apportioning the costs in such proportions as the Constituent Councils unanimously agree or, in default of such agreement, in proportion to the total resident population at the Relevant Date of the area of each Constituent Council as estimated by the Registrar General.
- 9.3 The budget will be required to meet all officer support to the joint scrutiny arrangements, including research support.
- 9.4 The decisions and recommendations of any Scrutiny Panels set up under these arrangements will be communicated to the Executive Board and/or the GMCA and/or the TfGMC and/or the TfGM as appropriate, other Scrutiny Pool members and Constituent Councils as soon as possible after resolution by those appointed to any such Scrutiny Panel.

10. Support and advice to scrutiny arrangements

- 10.1 Members appointed to any Scrutiny Panel under these arrangements may ask individuals or groups to assist it on a review by review basis and may ask independent professionals for advice during the course of reviews. Such individuals or groups will not be able to vote.
- 10.2 Members appointed to any Scrutiny Panel under these arrangements may invite any other person to attend their meetings to answer questions or give evidence; however attendance by such persons cannot be mandatory.

11. Linking Sub-Regional Scrutiny with Local Scrutiny

- 11.1 The Scrutiny Officer of each Constituent Council will ensure that the work programmes and minutes relating to the work carried out by the Scrutiny Pool in scrutinising the Executive Board, GMCA, TfGMC and TfGM are circulated appropriately within their own Constituent Council's scrutiny arrangements.
- 11.2 The Secretary shall within 2 weeks of every meeting of a Scrutiny Panel produce an e-briefing for all members of the Constituent Councils that provides a user-friendly summary of the issues discussed at the Scrutiny Panel, together with links to any relevant reports and presentations. The Secretary shall quarterly produce an e-briefing for all members of the Constituent Councils that provides an updated work programme relating to the work to be carried out by the Scrutiny Panels in scrutinising the Executive Board, GMCA, TfGMC and TfGM.
- 11.3 Each Constituent Council will nominate one of the 3 members of that Constituent Council who have been appointed to the Scrutiny Pool in accordance with paragraph 3.1 of this Protocol to act as that Constituent Council's "AGMA Scrutiny Link". The AGMA Scrutiny Link will be responsible for reporting back to their own Constituent Council on the scrutiny work carried out by the Scrutiny Pool in relation to the Executive Board, GMCA, TfGMC and TfGM. The AGMA Scrutiny Link will also be responsible for reporting to the Scrutiny Pool any issues identified locally by their own Constituent Council which may warrant scrutiny at a sub-regional level. The nomination of an AGMA Scrutiny Link and the way in which this role will be performed will be determined by each Constituent Council.

SCHEDULE 4

DRAFT AGREEMENT ON THE REVIEW ARRANGEMENTS FOR THE ESTABLISHMENT OF A COMBINED AUTHORITY

THIS AGREEMENT is made on the day of ,
between: -

1. The Council of the City of Manchester;
2. The Borough Council of Bolton;
3. The Council of the Metropolitan Borough of Bury;
4. The Oldham Borough Council;
5. The Rochdale Borough Council;
6. The Council of the City of Salford;
7. The Metropolitan Borough Council of Stockport;
8. The Tameside Metropolitan Borough Council;
9. The Trafford Borough Council; and
10. The Wigan Borough Council

(each hereinafter a “Constituent Council” and together the “Constituent Councils”)

WHEREAS: -

- A. The Chancellor of the Exchequer announced Greater Manchester as one of two pilot City Regions in his budget announcement in 2009. As part of the pilot the Greater Manchester Strategy has been approved which sets out the key priorities to achieve long-term economic growth for the City Region and enable all parts of the City Region to enjoy improved opportunities from this growth. The first Ministerial Agreement was completed on the 18th December 2009 between the Association of Greater Manchester Authorities and the Government which had two purposes:

- to set out those areas where Greater Manchester and the Government have agreed that changes in policy and/or Governance are agreed and the next steps to be taken
- to provide the basis of an ongoing dialogue between officials to identify important areas of policy including those arising out of the pilots, where changes would be beneficial to raising the rate of growth in the City Region.

Government have made it clear that devolution of many of the powers and responsibilities to the City Region in the first Ministerial Agreement and beyond will be dependent upon the agreement by the Constituent Councils of more robust governance arrangements. It is in this context that a review of governance arrangements has been undertaken across the areas of the Constituent Councils

- B. Following a review under Section 108 of the Local Democracy Economic Development and Construction Act 2009 (LDEDCA) of the effectiveness and efficiency of transport and of the arrangements to promote economic development and regeneration within the area of the Constituent Councils (“the Combined Area”) the Constituent Councils have concluded that the establishment of a Combined Authority (CA) would be likely to improve –
- (a) the exercise of statutory functions relating to transport, economic development and regeneration in the Combined Area
 - (b) the effectiveness and efficiency of transport in the Combined Area
 - (c) economic conditions in the Combined Area
- C. Each Constituent Council has consented to the inclusion of its area in the scheme for the establishment of a CA published on [] set out in Schedule 1 (the Scheme).
- D. The Scheme includes proposals for the area, membership, voting arrangements and functions of the CA. It provides for the CA to have an executive delivery body to be named Transport for Greater Manchester (TfGM), currently named the Greater Manchester Passenger Transport

Executive (GMPTE). There is also a provision in the Scheme for the establishment of a joint committee to be called the Transport for Greater Manchester Committee (TfGMC), for enhanced scrutiny arrangements and for a subsequent review of all the arrangements relating to the CA.

- E. If the Secretary of State considers that establishing a CA is likely to improve –
- (i) the exercise of statutory functions relating to transport, economic development and regeneration in the Combined Area
 - (ii) the effectiveness and efficiency of transport in the Combined Area
 - (iii) economic conditions in the Combined Area

s/he may make an order under Section 103 of the LDEDCA establishing a CA, but may only do so after consulting the Constituent Councils, the Greater Manchester Integrated Transport Authority (GMITA) and such other persons considered appropriate and after a draft order has been approved by both Houses of Parliament.

- F. The order establishing the CA may be changed by a further order made by the Secretary of State under Section 113 of the LDEDCA in accordance with the statutory procedure in the LDEDCA.

Section 111 of the LDEDCA provides that any one or more of the CA or the Constituent Councils may undertake a review relating to the CA or one or more areas of the CA. Such a review can be on one or more of the matters in respect of which an order can be made under Section 104 – 107 of the LDEDCA including changing the boundaries of a CA by adding or removing an area to or from an existing authority (with the authority's consent). No change can be made to the areas included in the CA without an order of the Secretary of State following such a review and the publication of a scheme by the authority or authorities carrying out the review.

- G. Paragraph 46 of the Scheme contains the following provision relating to a review of matters in respect of the CA.

“The CA and its constituent councils will undertake a joint review of the arrangements pursuant to Section 111, Local Democracy, Economic Development and Construction Act 2009 to be commenced on whichever is the earlier of:-

(a) the fifth anniversary of the commencement date of the arrangements,

Or

(b) immediately after notice is given by a Constituent Council requesting a joint review, provided that such notice is not given before the third anniversary of the commencement date.

This commitment is without prejudice to the statutory rights of one or more of the Constituent Councils to undertake their own review at any time.”

- H. The Constituent Councils wish to record the arrangements which have been agreed between them for the conduct of any future review in relation to the CA or any one or more areas of the CA under sections 111 and 112 of the LDEDCA, in the event that the Secretary of State makes an order establishing a CA under Section 103 of the LDEDCA

IT IS HEREBY AGREED as follows:-

1. The Constituent Councils will develop a set of indicators (the indicators) based on the priorities in the Greater Manchester Strategy (and any delivery plan developed thereunder) which will be agreed by each Constituent Council and which may be used by the CA and Constituent Councils to assist in assessing performance of the CA including use in any review under Section 111 of the LDEDCA.

2. The Constituent Councils will undertake a joint review with the CA to be commenced on whichever is the earlier of
 - (a) the fifth anniversary of the commencement date of the CA or
 - (b) immediately after a Constituent Council serves notice on the CA and other Constituent Councils requesting a joint review provided that such notice is not given before the third anniversary of the commencement date.

3. The matters which will be considered in any joint review include:
 - (i) Performance of the CA against the indicators
 - (ii) Performance of the CA in improving the exercise of the relevant statutory functions, economic conditions and transport in the CA's area and in the area of individual Constituent Councils
 - (iii) Costs and value for money
 - (iv) Constitutional arrangements including membership and voting
 - (v) Functions of the CA
 - (vi) The boundaries of the CA
 - (vii) Relationship of the CA to its executive delivery body, the TfGM (currently GMPTE)
 - (viii) Any other criteria reasonably considered relevant by any of the Constituent Councils or the CA

4. The Constituent Councils will procure that in any joint review an independent person is commissioned to report on:
 - (i) The performance of the CA against the indicators and other review criteria, and
 - (ii) Any changes to the CA's functions, area, constitutional arrangements which would be likely to improve:
 - (a) the exercise of statutory functions relating to transport, economic development and regeneration or
 - (b) the effectiveness and efficiency of transport and the economic conditionsin the area of the CA or an area of a Constituent Council.

Any representations, reports and other information submitted by a Constituent Council will be taken into account in the review

5. In the event that a Constituent Council decides either alone or together with another Constituent Council to undertake a review under Section 111 of the LDEDCA which is not a joint review as provided for in Clauses 2 to 4, each Constituent Council agrees as follows:
 - (i) each Constituent Council undertaking such a review will give notice to the other Constituent Councils and the CA setting out the matters which are to be the subject of the review
 - (ii) each Constituent Council (whether or not undertaking such a review) will provide and will procure that the CA provides such information or independent reports including the reports referred to at Clause 4 above as are reasonably required by the reviewing Constituent Council or Councils in order to conduct such a review.

6. If one or more Constituent Councils or the CA, having undertaken a joint review as provided for in Clauses 2 to 4 or a review under Clause 5, publishes a scheme under Section 112 of the LDEDCA proposing the removal of an area or areas from the area of the CA (with the consent of the Constituent Council(s) for the area or areas), each of the remaining Constituent Councils will take all reasonable steps to support the removal of the said area(s) from the area of the CA including in any response to the Secretary of State in the course of his/her consultation on any proposed order.

TO BE SIGNED BY ALL AGMA LEADERS AND CHIEF EXECUTIVES