



# **Constitutional and Nomination Committee**

Date: Wednesday, 15 May 2019

Time: 9.30 am

Venue: Council Chamber - Manchester City Council

Everyone is welcome to attend this committee meeting.

## **Access to the Council Chamber**

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

## **Membership of the Constitutional and Nomination Committee**

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**Councillors** - Karney (Chair), Curley, Flanagan, Lanchbury, Leech, Leese, S Murphy, N Murphy, Razaq and Reeves

## Agenda

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- 1. Urgent Business**  
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**  
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**  
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 6  
To approve as a correct record the minutes of the meeting held on 27 March 2019.
- 5. Membership of Committees 2019/20 and Appointment of Chairs of Committees** 7 - 12  
The report of the City Solicitor is attached.
- 6. Appointments to Joint Authorities and Joint Committees**  
The report of the City Solicitor will follow.
- 7. Appointment of Lead Members**  
The lead members appointed will follow:  
  
**Gay Men**  
**Disabled people**  
**Lesbians**  
**Race**  
**Women**  
**Valuing Older People**  
**City Centre**  
**Intergenerational**  
**Mental Health Champion**
- 8. Terms of Office of the Independent Members of the Standards Committee and the Independent Persons** 13 - 16  
The report of the City Solicitor and Monitoring Officer is attached.

**9. The Council's Constitution**

The report of the City Solicitor will follow.

**10. Greater Manchester Transport Committee - Roles and Responsibilities**

17 - 54

The report of the City Solicitor is attached.

**11. Redesignation of polling places for the European Parliamentary Elections on 23 May 2019.**

The report of the Chief Executive will follow.

## Information about the Committee

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The Constitutional and Nomination Committee deals with the appointment of councillors to serve on committees and certain external organisations.

The Committee also considers proposed changes to the Council Constitution and recommendations for the granting of civic honours to individuals and organisations. Business for consideration at a meeting is set out on the agenda sheet.

Copies of the agenda are available beforehand from the reception area at the Main Entrance of the Town Hall in Albert Square and may be viewed on the Council's website up to seven days prior to the date of the meeting (see web information below). Some additional copies are available at the meeting from the Committee Officer.

It is the Council's policy to consult people as fully as possible before making decisions which affect them. Members of the public do not have a right to speak at meetings but may do so if invited by the Chair. If you have a special interest in an item on the agenda and want to speak, tell the Committee Officer, who will pass on your request to the Chair.

Agenda, reports and minutes of all Council meetings can be found on the Council's website [www.manchester.gov.uk](http://www.manchester.gov.uk)

Joanne Roney OBE  
Chief Executive,  
3<sup>rd</sup> Floor, Town Hall Extension,  
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## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This agenda was issued on **Tuesday, 7 May 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA.

## **Constitutional and Nomination Committee Minutes of the meeting held on 27 March 2019**

**Present:** Councillor Karney - In the Chair  
Councillors: Curley, Leech, S Murphy, and N Murphy

**Apologies:** Councillors Flanagan, Lanchbury, Leese, Razaq and Reeves.

### **CN/19/4 Minutes**

#### **Decision**

To approve as a correct record, the Minutes of the meeting held on 30 January 2019

### **CN/19/5 Membership of Council committees and representation on joint boards and joint committees**

#### **Decisions**

1. To request the Council to agree to suspend Procedural Rule 25.1 to allow the following decisions which involve reconsideration of a decision taken by the Council within the previous six months.
2. To recommend the Council to make the following changes in appointments to Committees and Joint Committees of the Council.

#### **Membership of Committees**

The Committee reviewed the membership of committees.

#### **Decision**

To recommend the Council to make the following changes in appointments to Committees and Joint Committees of the Council.

#### **Standards Committee**

#### **Decision**

1. To note the current membership of the Standards Committee.
2. To note the minutes of the meeting of the Standards Committee which took place on 21 March 2019.
3. To defer a final decision to extend the term of office for co-opted members of the Standards Committee to 15 May 2019.

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**Manchester City Council  
Report for Resolution**

**Report to:** Constitutional and Nomination Committee – 15 May 2019

**Subject:** Membership of Committees 2019/20 and the Appointment of Chairs of Committees

**Report of:** The City Solicitor

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**Purpose of report**

The Constitutional and Nomination Committee is asked to make recommendations to the Council about the size and composition of the Council's committees and to appoint chairs and deputy chairs of the committees detailed in this report.

**Recommendations**

The Committee is asked to make recommendations to Council about:

1. the size of the Council's committees;
  2. the appointment of members to serve on the various committees listed in the report;
  3. the appointment of members to serve as chairs of scrutiny committees, chairs of non executive committees, and the deputy chairs of the Planning and Highways Committee, and Licensing and Appeals Committee;
  4. the appointment of a member for the purpose of answering questions at Council on the work of the Standards Committee, in accordance with Article 9 of the Council Constitution.
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**Contact Officers**

Andrew Woods  
Governance Team Leader  
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**Background documents**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Section 15-17, Local Government and Housing Act 1989.
- The Local Government (Committee and Political Groups) Regulations 1989.
- Health and Social Care Act 2012
- Council Constitution.



## Background

Government regulations require the Council to appoint membership of its committees in accordance with the principles of political balance as far as reasonably practicable. Due to the composition of the Council after the election, there are no restrictions to the number of seats on each committee. Details of the suggested number of available seats on each committee are included below. The Committee is asked to make recommendations to the Council about the membership of these committees.

Art Galleries [14 elected members and 7 co-opted members]  
 Audit Committee [9 elected members and 2 co-opted members]  
 Children and Young People Scrutiny Committee [14 members and 7 co-opted members]  
 Communities and Equalities Scrutiny Committee [14 members]  
 Constitutional and Nomination Committee [9 members]  
 Economy Scrutiny Committee [14 members]  
 Health Scrutiny Committee [14 members]  
 Licensing and Appeals Committee [15 members]  
 Licensing Committee [15 members]  
 Licensing Policy Committee [6 members]  
 Neighbourhoods and Environment Scrutiny Committee [14 members]  
 Personnel Committee [10 members] - Membership formula comprises the Leader of the Council (or a Deputy) the 6 Executive Members and the Assistant Executive Member (Finance and Human Resources)  
 Planning and Highways Committee [15 members]  
 Resources and Governance Scrutiny Committee [15 members]  
 Standards Committee [6 elected members, 1 Parish member, 2 Independent people]  
 Standing Executive Consultative Panel [6 Assistant Executive Members].

## Other Committees

Some of the Council's committees are subject to specific rules about membership. These details are included below. The Committee is asked to make recommendations to Council about the membership of these committees.

## Employee Appeals Committee

The composition of the Committee was amended in October 2013 to consist of the following structure:

- the Executive Member with a relevant portfolio (i.e. Executive Member for the service in which the employee was working or the Executive Member with a portfolio relevant to the specific subject area of the appeal) or an appropriate Assistant Executive Member,
- and two members drawn from drawn from the Council's Executive Members or the Assistant Executive Members, or elected members drawn from a prescribed 'pool' of 15 members.

The Constitutional and Nomination Committee is asked to confirm this composition

and agree the members in the prescribed pool.

### **Health and Wellbeing Board**

The membership of the Health and Wellbeing Board comprises of councillors as well as NHS and council officers.

The membership was agreed at the meeting of Council on 27 March 2013 and subsequent amendments have been agreed through the Constitutional and Nomination Committee. The membership of the Board is set out below. The Board has also agreed that each member should have a named substitute

Leader of the Council (Chair)  
 Executive Member for Adults (MCC)  
 Executive Member for Public Service Reform (MCC)  
 Executive Member for Children (MCC)  
 Chair, Manchester Health and Care Commissioning  
 Clinical Director, Manchester Health and Care Commissioning  
 GP Member, North Manchester Health and Care Commissioning  
 GP Member, South Manchester Health and Care Commissioning  
 GP Member, Central Manchester Health and Care Commissioning  
 Chair, Manchester University NHS Foundation Trust  
 Chair, University Hospital South Manchester  
 Chair, Pennine Acute Hospital Trust  
 Chair, Greater Manchester Mental Health NHS Foundation Trust  
 Voluntary and Community Sector representative  
 Chair, Healthwatch  
 Primary Care representative  
 Strategic Director of Children's Services  
 Director of Public Health  
 Strategic Director of Adult Social Services

### **Standards Committee**

The Standards Committee consists of six councillors, 2 co-opted members and 1 member from Ringway Parish Council. The committee is asked to agree membership for 2019/20.

## **Chairs and Deputy Chairs**

The Committee is asked to recommend the appointment of the chairs of the following scrutiny committees, and the committees discharging non executive functions.

- Art Galleries Committee
- Audit Committee
- Children and Young People Scrutiny Committee
- Communities and Equalities Scrutiny Committee
- Constitutional and Nomination Committee
- Economy Scrutiny Committee
- Health Scrutiny Committee
- Licensing and Appeals Committee
- Licensing Committee
- Licensing Policy Committee
- Neighbourhoods and Environment Scrutiny Committee
- Planning and Highways Committee
- Resources and Governance Scrutiny Committee
- Standards Committee (this should be an independent member of the committee)

## **Deputy Chairs**

The Committee is asked to recommend the appointment of the Deputy Chair of the Planning and Highways Committee, the Licensing Committee, and the Licensing and Appeals Committee.

## **Standards Committee: Article 9 Appointment**

The Committee is asked to recommend the appointment of a member for the purpose of answering questions at Council about the work of the Standards Committee, in accordance with Article 9 of the Council's Constitution.

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**Manchester City Council**

**Report to:** Constitutional and Nomination Committee  
Council

**Subject:** Terms of Office of the Independent Members of the Standards  
Committee and the Independent Persons

**Report of:** City Solicitor and Monitoring Officer

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**Purpose of the Report**

To invite Council to extend the terms of office of the two independent co-opted members of the Standards Committee and the Council's two Independent Persons.

**Recommendation**

That the Constitutional and Nomination Committee recommend that Council extend the terms of office of Nicolē Jackson & Geoff Linnell (the two independent co-opted members of the Standards Committee) and Alan Eastwood & Sarah Beswick (the Council's two Independent Persons) for two years commencing on 18 November 2019.

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**Wards Affected:** All

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**Contact Officers:**

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Name: Peter Hassett  
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**Background documents (available for public inspection):**

There are no background documents to this report.

## **1.0 Background**

- 1.1 The Localism Act 2011 fundamentally changed the local authority standards regime in England abolishing 'Standards for England' (formerly the 'Standards Board') and giving the responsibility for investigating alleged breaches of its Member Code of Conduct to Councils. The Committee on Standards in Public Life ("the CSPL") has completed a review of how the local government ethical standards regime has been operating and published a report on 30 January 2019 with a number of recommendations for change. This report was considered by the Council's Standards Committee at its meeting in March 2019.
- 1.2 The Council has retained a Standards Committee the role of which includes promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives. In 2015 the Council appointed 2 Independent Members to its Standards Committee and 2 'Independent Persons' each for 4 year terms. Further information on these roles is set out below.
- 1.3 Members are invited to consider the extension of the terms of office of the Council's Independent Members of the Standards Committee and the Independent Persons.

## **2.0 Independent Members of the Standards Committee**

- 2.1 The Standards Committee is composed as follows:
- Six elected Members of Manchester City Council (none of whom may be the leader of any political group and no more than one of whom may be a member of the Executive);
  - One Member of Ringway Parish Council who is not a Member of Manchester City Council (the Parish Member); and
  - Two people appointed by the Council who are not councillors or officers of the Council (Independent Members).
- 2.2 Independent Members are not entitled to vote at meetings.
- 2.3 The Council appoints one of the Independent Members as Chair of the Standards Committee. In the absence of the appointed Chair, the Committee is chaired by the other Independent Member.

## **3.0 Independent Persons**

- 3.1 Section 28 (7) of the Localism Act 2011 requires all English local authorities to appoint Independent Persons (IPs) to help them to discharge their duty to promote and maintain high standards of conduct by their Councillors and co-opted members and any Parish Councillors.

3.2 An IP must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

3.3 Independent Persons have the following roles:

- An IP's views **must** be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate;
- The authority may also seek an IP's views on an allegation that it has not decided to investigate. However, there is no requirement for the authority to do so, or to take those views into account;
- A member or co-opted member of the authority (or of a parish council in its area) may seek an IP's views on an allegation made against them.

#### **4. Recommendations of the Committee on Standards in Public Life ("the CSPL")**

4.1 In relation to Independent Persons the CSPL has recommended to the Government that to avoid any possibility that their independence is compromised by a long period of involvement with a single Council, IP appointments should be for a fixed term of 2 years, renewable once. It remains to be seen whether the Government accepts the CSPL's recommendations. In the meanwhile, it is proposed to extend terms of the Independent Member and Independent Persons appointments which will expire later this year.

#### **5. Terms of Office of the Independent Members and Independent Persons**

5.1 On 18 November 2015 the Council resolved to:

- extend Alan Eastwood's term of office as an Independent Person for four years commencing on 18 November 2015;
- appoint Sarah Beswick to act as an Independent Person for a term of office of four years commencing on 18 November 2015;
- appoint Nicolē Jackson as an independent co-opted member and Chair of the Standards Committee for a term of office of four years commencing on 18 November 2015;
- appoint Geoff Linnell as an independent co-opted member of the Standards Committee for a term of office of four years starting on 18 November 2015.

5.2 The terms of office of all four will therefore expire on 17 November this year.

5.3 Whilst the CSPL recommendation in relation to the terms of office of Independent Persons is considered by the Government it is proposed that the terms of office of the Council's two IPs be extended for two years commencing on 18 November this year. It is also recommended that the terms of office of the Council's two Independent Members of the Standards Committee similarly be extended. All four have indicated their willingness to continue in office and

this extension is supported by the Standards Committee.

- 5.4 It is envisaged that in 2021 the offices of the two Independent Members of the Standards Committee and the two Independent Persons be advertised with a view to appointing new membership with effect from 18 November 2021.

**6. Recommendation**

The recommendation appears at the front of this report.



Manchester City Council  
Report for Resolution

**Report to:** Constitutional and Nomination Committee – 15 May 2019  
Council – 15 May 2019

**Subject:** GM Transport Committee – Role and Responsibilities

**Report of:** City Solicitor

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### **Purpose of the Report**

This report outlines the current GM transport governance arrangements. In the context of the Devolution Agreement and specifically the GMCA Transport Order 3, it then presents some broad revised terms of reference for a reconstituted GM Transport Committee, options for its structure, responsibilities and examples of how it might work in practice.

### **Recommendations:**

The Council is recommended:

1. To approve the establishment of the new GM Transport Committee as a joint committee of the 10 districts, GMCA and Mayor.
  2. To approve the Terms of Reference and Operating Agreement for the Committee as set out in Schedule 1 of the report.
  3. To delegate the functions as set out in the Terms of Reference to the Transport Committee.
  4. To appoint two members to the Transport Committee for 2019 – 2020, one being the Executive Member for Environment, Planning & Transport, and one other Councillor as recommended by the Constitutional and Nomination Committee.
  5. To appoint as a substitute for the Executive Member the Assistant Executive Member for Environment, Planning & Transport, and to appoint another Councillor as the second substitute as recommended by the Constitutional and Nomination Committee.
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### **Contact Officers:**

Fiona Ledden – City Solicitor  
Liz Treacy – GMCA Monitoring Officer  
Rod Fawcett – TFGM

Risk Management – N/A  
Legal Considerations – Compliant with the GMCA Transport Order

Financial Consequences – Revenue – N/A  
Financial Consequences – Capital – N/A

**Background Papers:**

GMCA Transport Order  
GMCA Constitution  
TfGMC Terms of Reference and Operating Agreement

## 1. Strategic Policy Context

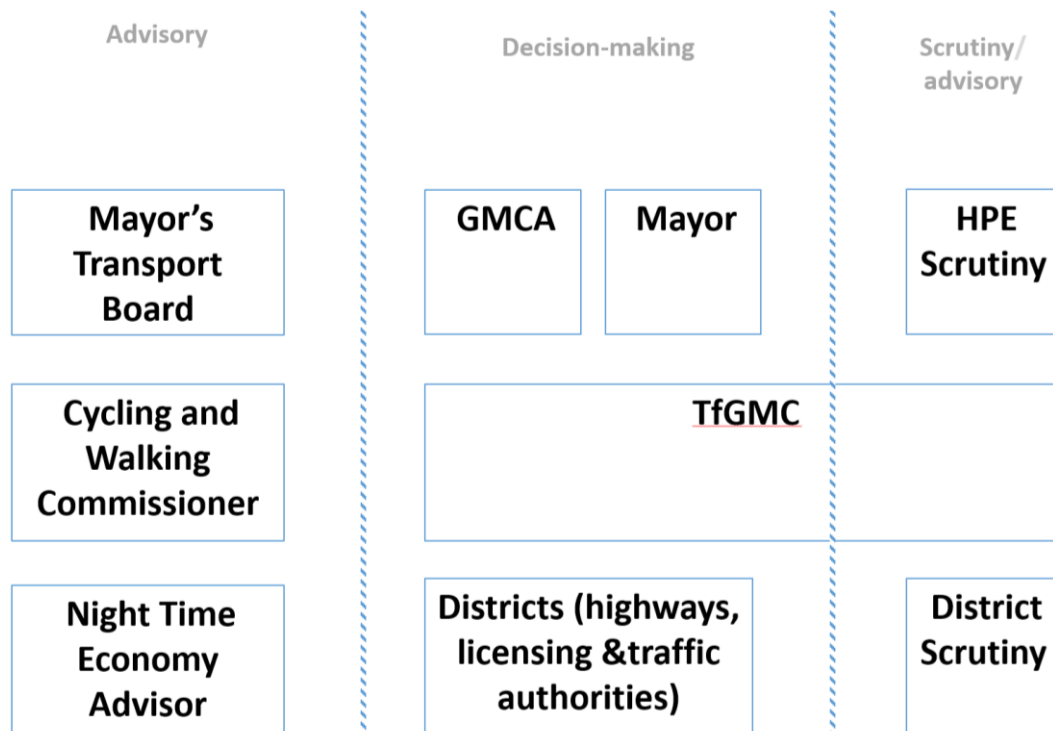
- 1.1 Greater Manchester (GM) has approached its growth and reform agenda from the principle of place-based integration of policy development and service delivery. This is echoed by GM's 2040 Transport Strategy, which promotes the development of one integrated transport system for the city-region that will maximize the impact of our transport assets in support of GM's economic, social and environmental ambitions.
- 1.2 Our ambition for integrated transport in support of place and people will be most efficiently achieved if managed by an accountable, efficient and well-informed governance system. Furthermore, transport infrastructure and services need to be managed and co-ordinated in a manner that directly supports GM's wider public policy agendas, such as spatial planning, health and housing, as set out in the Greater Manchester Strategy.
- 1.3 Given the long development periods required for transformative infrastructure and new regulatory structures to be delivered, any new system will need to provide stable governance to foster a long-term consensus over transport investment and policy.
- 1.4 To this extent then, it will be vital that the exercise of transport powers across all modes is undertaken collectively as far as is possible by the Mayor, GMCA and Districts acting in concert, bringing together their respective transport functions and budgets so they can be co-ordinated in a coherent manner.
- 1.5 The Transport Committee, as a joint committee comprising members from all of these bodies, has an important role to play as part of this, particularly in relation to operational oversight and performance monitoring of all transport modes (including highways) and scheme delivery.
- 1.6 A joint committee of the GMCA, Mayor and District Councils enables the appropriate functions to be delegated from all of these bodies, equipping one body with broad and balanced elected member representation from across Greater Manchester to assess all modes of transport as a whole.
- 1.7 Accordingly, what is proposed as the basic structure for GM transport governance is as follows.
  - **Mayor and GMCA:** to continue to undertake all strategic decision-making in relation to policy, strategy (LTP), funding and scheme decision-making.
  - **New joint Transport Committee:** refocused role as transport user champion – performance monitoring / management of all modes and highway network, holding operators to account, oversight on delivery (eg capital and other schemes) and ensuring the integration of transport policy within the parameters set by the Local Transport Plan (ie Transport Strategy 2040) and existing policy. A well briefed and informed Committee will be in a strong position to make recommendations to the Mayor, GMCA and Districts, as appropriate

- **Greater Manchester Scrutiny:** Scrutiny of Mayoral, GMCA and Transport Committee decisions as above, including wider integration with spatial issues, housing, environment, is currently undertaken by the Housing, Planning & Environment Overview and Scrutiny Committee. Transport budget issues are scrutinised by the Corporate Issues & Reform Overview and Scrutiny Committee.

- 1.8 The Transport Committee will continue to undertake decisions in relation to supported bus services, within agreed policy and budgets. This will require the bus functions that Order 3 transfers from the GMCA to the Mayor to be delegated to the new Transport Committee.
- 1.9 The proposed approach to transport governance outlined above will also provide greater clarity for the GM Scrutiny Committees, and in particular the Housing, Planning and Environment Scrutiny Committee, which includes transport in its remit, in undertaking their scrutiny, functions.
- 1.10 This will enable elected members, be they decision-makers or those with a scrutiny role, to be clear about their role and that of the bodies they are appointed to, as well as understanding the roles of related bodies. This is increasingly important when elected members may have multiple and overlapping roles, for example serving on a Licensing Panel and the Transport Committee.
- 1.11 The clearer distinction between where major transport decisions are taken (GMCA and Mayor), and where transport performance and operational delivery and integration is monitored and operators are held to account (Transport Committee), will help ensure that Scrutiny processes and oversight at the city-region level can be exercised in an efficient manner that avoids duplication.

## **2 Current Transport Governance Arrangements**

- 2.1 The diagram below shows the primary transport decision-making bodies in GM, alongside the various advisory and scrutiny bodies.



- 2.2 The above structures exist within a much broader set of GM governance arrangements, all of which are underpinned by GM-wide officer networks to support work programmes. TfGM's board structure also provides for Non-Executive Directors, who act in an advisory capacity. All TfGM Board appointments are made by GMCA.
- 2.3 The number and membership of the current Transport for Greater Manchester Committee was modelled on the GM Integrated Transport Authority, which was disestablished in 2011 with its functions, powers and responsibilities passed to the GMCA.
- 2.4 The existing terms of reference of the TfGMC Committee do make reference to it making recommendations to GMCA, for example in relation to formulating general policies, considering proposals to promote or oppose Bills, eTransport Committee. It is proposed to retain this broad scope of activities.

### 3 New Joint Transport committee – Revised Membership

- 3.1 There has been significant change to GM governance since 2011, when the existing Transport for Greater Manchester Committee was established. In that time period, the mayoral combined authority has been established, major reforms of scrutiny arrangements and the former waste, fire and police authorities undertaken, and more recently the confirmation of GM Order 3 (which was agreed by all of the Districts) has specific implications for transport governance.

- 3.2 GM Order 3 represents a further step on the journey to equip GM with more robust governance arrangements better able to utilise existing and new powers and functions devolved to GM, and achieve the economic, social and environmental objectives in the GM Strategy.
- 3.3 As set out above these arrangements provide for the joining-up of the GM public policy agenda, within which transport is an essential supporting component, for example in relation to spatial planning, housing, skills and health.
- 3.4 The Order makes a series of changes, including conferring all operational bus powers on the Mayor, enables the Mayor to enter into joint arrangements with the GMCA and Districts in relation to transport functions and makes provision for a new joint Transport Committee.
- 3.5 All GM local authorities consented to the new Order in January 2019. In terms of membership arrangements, the Order states :
- 1.—(1) Where a joint transport committee is established in accordance with article 6 the members of the joint transport committee must be appointed in accordance with paragraphs (2) to (5).
- (2) The members appointed by the GMCA must be members or substitute members of that authority or members of the constituent councils.
- (3) The members appointed by the constituent councils must be members of those councils.
- (4) The members appointed by the Mayor must be members of the GMCA or of the constituent councils.
- (5) In appointing members to the joint transport committee—
- (a) the Mayor, the GMCA and the constituent councils must ensure that—
- i the number of members of the committee does not exceed twenty three;
  - ii members are appointed to act as members of the joint transport committee in the absence of the members appointed under paragraph (1) (“substitute committee members”); and
- (b) the GMCA and the constituent councils must ensure that the members of the committee appointed from among the members of the GMCA and the constituent councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.
- 3.6 In terms of constituting the new Joint Transport Committee, ensuring political, and geographical balance, the following is recommended:-
- Districts appoint to 11 places on the Joint Committee,
  - The CA to appoint to one place on the Joint Committee,
  - The Mayor to be a member of the Joint Committee and

- The remaining 10 members are appointed by Mayor and will be made to ensure political balance across GM is represented.
- That the committee shall select and recommend to the Mayor its own Chair

3.7 The Operating Agreement has been amended to reflect the Order and sets out how those appointments will be made. Clause 3.10 of the Agreement states that the appointments made by the Mayor to the 10 remaining places will reflect the wishes of the relevant political group as to the members to be appointed to the Committee allocated to that political group. This would mean that, if the political balance across GM remains the same as it is prior to the May 2019 local elections the 10 places would be made up of 4 labour members, 4 Conservative members and 2 Liberal Democrats. The three political parties will inform the Mayor of their preferences and they will be appointed by the Mayor.

#### 4 Revised Terms of Reference for the Transport Committee

4.1 The proposed Terms of Reference for the Committee are included in the Operating Agreement (Schedule 1). They set out the key areas of work for the Committee and the delegations from the Mayor, GMCA and the districts. The Terms of Reference more accurately reflect the proposed role of the Committee and do not make any changes to the delegations from the Districts.

4.2 The three key areas of work for the new joint transport committee, which will comprise representatives from each District, the GMCA and the Mayor, will be to ensure:

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

4.3 With regard to decisions about subsidised bus services, it is proposed that the new Transport Committee undertakes this function, given the local nature of such decision-making, within the policy context and funding as determined by the Mayor.

4.4 Specific policy development work that the Committee was asked to explore by the GMCA, the Mayor or the Districts could be undertaken by task and

finish groups, comprising an appropriate selection of Transport Committee members. This group would undertake the policy development process outside of formal Committee meetings, supported by TfGM as appropriate, and provide recommendations for consideration by the whole Committee before subsequent presentation to the GMCA or the Mayor.

## 5. Operating Agreement

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

## 6. Transport Committee training for members and work programme

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

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

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

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

- 6.4 Regular, comparable and clear performance monitoring reports to **Transport Committee**. Operators attend, and are held to account for service delivery by



members. Consistently inadequate performance that is beyond the remit or capacity of TfGMC to secure improvements to be referred to **Mayor's Transport Board** and **TfN** (if relating to rail).

### **Example Three: Policy Reviews**

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

### **Recommendations**

The recommendations appear on the front page of the report.

## Schedule 1

### OPERATING AGREEMENT

This Agreement is made on[     ] 2019

between:

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

and

**(2)The Mayor for the area of the Greater Manchester Combined Authority (“the Mayor”)**

and

**(3) The Borough Council of Bolton, Bury Metropolitan Borough Council, The Council of the City of Manchester, Oldham Borough Council, Rochdale Metropolitan Borough Council, Salford City Council, The Metropolitan Borough Council of Stockport, Tameside Metropolitan Borough Council, Trafford Metropolitan Borough Council, Wigan Borough Council (“the Constituent Councils”)**

#### WHEREAS:

- (A) On 1<sup>st</sup> April 2011 the GMCA was established as a Combined Authority for the combined area and the Greater Manchester Integrated Transport Area was dissolved and the ITA abolished.
- (B) The functions of the GMCA are those functions conferred or imposed on it, or delegated to it, by the Greater Manchester (Combined Authority) Order 2011 (S.I. , (“the **GMCA Order**”) or by any other enactment, including all the transport functions of the former Greater Manchester Integrated Transport Authority (the “**GMITA**”) which transferred to the GMCA on the abolition of the GMITA.
- (C) The Constituent Councils were established as local authorities by the Local Government Act 1972 with all the functions of a metropolitan district council, and in particular the Constituent Councils are the local highway authority and local traffic authority for their area.
- (D) The functions of the GMCA conferred on it by the GMCA Order include those transport functions of the Constituent Councils delegated to the GMCA by article 8 of the 2011 Order.
- (E) Pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI

2016/448) provision was made for the election of a Mayor for the GMCA Area (and the GMCA became a “mayoral combined authority”). Pursuant to section 107D (Functions of mayors: general) of the Local Democracy, Economic Development and Construction Act 2009 (the “**LDEDCA**”) the Secretary of State may by order make provision for any function of mayoral combined authority to be a function exercisable only by the Mayor (“**Mayoral Functions**”).

- (F) On 4 April 2019 The Greater Manchester Combined Authority (Functions and Amendment) Order 2019 (SI 2019/793) (the “**GMCA Transport Order**”) came into force. Pursuant to article 4 of the GMCA Transport Order, the transport functions of the GMCA specified in Schedule 1 of the GMCA Transport Order are general functions exercisable only by the Mayor (“**Mayoral Transport Functions**”).
- (G) Pursuant to Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order provision was made for the Mayor to enter into arrangements jointly with the GMCA and with the Constituent Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Transport Functions which are listed at Schedule 2 GMCA Transport Order (the “**Joint Transport Committee**”, hereinafter referred to as “**GM Transport Committee**”).
- (H) Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order sets out the statutory requirements in relation to membership of the GM Transport Committee and voting arrangements for any questions to be decided by the GM Transport Committee.
- (I) The Parties wish to co-operate with each other in the exercise of their functions and in particular their transport functions and have entered into this Agreement in order to facilitate this co-operation and the operation of the GM Transport Committee.

**THIS AGREEMENT** witnesses as follows:

**1. Definitions**

In this Agreement –

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

1.14 “the TfGMC” means the Transport for Greater Manchester Committee being a joint committee established by the Parties.

1.15 “the **TfGM**” means Transport for Greater Manchester being the executive body of GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the LDEDCA 2009.

## **2. Interpretation**

2.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement;

2.2 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.

2.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

2.4 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

2.5 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time.

2.6 A reference to “this Agreement” or to any other agreement or document referred to in this Agreement is a reference to this Agreement or such other document or agreement as varied from time to time.

2.7 References to clauses and Schedules are to the Clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the relevant Schedule.

2.8 No person other than a party to this Agreement shall have any rights to enforce any term of this Agreement.

2.9 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.

2.10 If any court or competent authority finds that any provision of this Agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected.

## **3. Establishment of GM Transport Committee**

3.1 Pursuant to Section 101(5) of the LGA 1972, Section 20 of the LGA 2000, Regulations 3, 4, 11 and 12 of the 2000 Regulations and articles

6, 7, 8 and 9 of the GMCA Transport Order,, the Parties agree to enter into arrangements to discharge certain of their functions relating to transport jointly and for this purpose to establish a joint committee to be called the Greater Manchester Transport Committee (the “**GM Transport Committee**”). The Mayoral Transport Functions which the Mayor may decide to arrange to be discharged by the GM Transport Committee are those listed in Schedule 2 of the GM Transport Order.

- 3.2 Pursuant to article 5(a)(i) of the GM Transport Order, the number of members of the GM Transport Committee shall not exceed 23.
- 3.3 Each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to be members of GM Transport Committee. Manchester City Council shall appoint two of their elected members to be members of the GM Transport Committee.
- 3.4 Each of the Constituent Councils are expected to appoint their district’s executive member with responsibility for transport to be a member of the GM Transport Committee.
- 3.5 Pursuant to article 5(a)(ii) of the GM Transport Order, each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.3 above. Manchester City Council is expected to appoint two of their elected members to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.3 above.
- 3.6 The GMCA will appoint one member of the GMCA to be a member of the GM Transport Committee.
- 3.7 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.6 above.
- 3.8 The Mayor will be a member of the GM Transport Committee.
- 3.9 Pursuant to article 5(a)(ii) of the GM Transport Order, the Mayor will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the Mayor’s absence.
- 3.10 The Mayor will appoint ten additional members of the GM Transport Committee, comprising one elected member of each of the Constituent Councils. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will be made so as to ensure that the members of the GM Transport Committee, taken as a whole, reflect as far as reasonably practicable the balance of political parties for the time being prevailing among the Constituent Councils when taken together

as required by article 5(b) of the GM Transport Order. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will reflect the wishes of the relevant political group as to the members to be appointed to any seat on the GM Transport Committee allocated to that political group.

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

#### 4. Terms of Reference of the GM Transport Committee

### TRANSPORT COMMITTEE

#### Terms of Reference

##### 1. Overview

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

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

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

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

- **Accountability:** active and regular monitoring of the performance of the transport network, including the Key Route Network, the operation of the GM Road Activities Permit Scheme, road safety activities, etc as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and transport infrastructure

providers to public account, and to recommend appropriate action as appropriate;

- **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and decisions over supported bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate; and
- **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.

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

- 2.1 The following transport functions of the GMCA are not delegated but are referred by the GMCA or, as the case may be, the Mayor to the Transport Committee in order for the Transport Committee to make recommendations (where appropriate) to the GMCA or, as the case may be, the Mayor in respect of:
- (a) Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968; and
  - (b) Policy reviews and development on specific issues, undertaken by the Transport Committee on the direction of the Mayor and/or the GMCA.

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

- 3.1 The following transport functions of the GMCA are delegated by the GMCA or, as the case may be, the Mayor to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA and the Mayor, the Local Transport Plan and the agreed transport budget and borrowing limits (and without prejudice to the GMCA's or, as the case may be, the Mayor's right to discharge such functions directly):
- (a) Monitoring and overseeing the activities and performance of TfGM (and where appropriate recommending that the GMCA exercise the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the Transport Committee to be appropriate to secure the observance of the rights of the GMCA);
  - (b) Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;



- (c) Considering what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139 to 143 of the Transport Act 2000;
  - (d) Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;
  - (e) Monitoring performance against the Local Transport Plan and other transport policies of the Mayor and the GMCA;
  - (f) Formulating, developing and monitoring procedures for public consultation on the GMCA's and the Mayor's transport policies;
  - (g) Active promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor;
  - (h) Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services;
  - (i) Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985; and
  - (j) Monitoring the operation and performance of Metrolink, bus and local rail services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor.
- 3.2. The following transport functions of the GMCA, which are delegated by the Constituent Councils to the GMCA, are sub-delegated by the GMCA to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA or the Mayor, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:
- (a) In respect of those functions:
    - (i) under section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and
    - (ii) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals where "traffic light signals" means a traffic sign of the size, colour and type prescribed by any of the following regulations of the Traffic Signs Regulations 2002:

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

the GMCA delegates to the Transport Committee responsibility for:

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

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

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

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

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

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

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

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

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

- 4.1 The following transport related functions of the Constituent Councils will be delegated directly to the Transport Committee subject to the Transport Committee exercising these functions in accordance with any policies of the GMCA (as local transport authority), the Local Transport Plan and the terms of the delegation from the Constituent Councils:
- (a) Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –
    - (i) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;

- (ii) determining specific policies and objectives in relation to strategic roads;
  - (iii) monitoring the effectiveness of traffic authorities in managing their road network.
- (b) Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

## **6. GM Transport Committee – Other Provisions**

- 5.1 The GM Transport Committee may establish sub-committees.
- 5.2 When establishing a sub-committee, the GM Transport Committee will determine -
- (i) the terms of reference of the sub-committee
  - (ii) the size and membership of the sub-committee
  - (iii) the Chair (and Vice-Chair, if any) of the sub-committee
  - (iv) any delegated powers of the sub-committee
  - (v) the period (where appropriate) for which the sub-committee will remain constituted.
- 5.3 Appointments to sub-committees will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 5.4 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to the GM Transport Committee by the GMCA under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.
- 5.5 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a Mayoral Transport Function listed in Schedule 2 of the GMCA Transport Order which the Mayor has delegated to the GM Transport Committee under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.
- 5.6 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to them by the Constituent Councils under the GM Transport Committee Terms of Reference, arrange for its discharge by an officer of one of the

Constituent Councils and may enter into agreements with TfGM for the provision of services by TfGM.

- 5.7 The GM Transport Committee will establish a scheme of delegation to sub-committees and officers and will review the scheme annually.
- 5.8 The GM Transport Committee will conduct its business in accordance with this Agreement, including the Rules of Procedure set out in Schedule 1.

## **6. Transport Protocols**

- 6.1 The Parties will draw up and agree detailed Protocols in relation to the operation and discharge of those functions –
- delegated from the Constituent Councils to GMCA pursuant to Article 8 of the GMCA Order, and
  - delegated by the Constituent Councils to the GM Transport Committee by virtue of the GM Transport Committee Terms of Reference.
- 6.2 The Parties will keep the Protocols under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils, the Head of Paid Service of the GMCA and the Chief Executive of TfGM.
- 6.3 Protocols drawn up, agreed or revised under this Clause will not override anything provided for or required by this Agreement and will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the LGA 1972 and the 2012 Regulations.

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

- 7.1 For the financial year beginning on 1<sup>st</sup> 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 30<sup>th</sup> June 2009 of the area of each council concerned as estimated by the Register General.
- 7.3 In the financial year beginning on 1<sup>st</sup> April 2012 and in subsequent financial years the costs of the GMCA referred to in Clause 7.1 shall be

recovered from the Constituent Councils as part of the levy issued to those councils pursuant to the Transport Levying Bodies Regulations 1992, as amended, except where and to the extent that all the Constituent Councils agree that costs should be defrayed by the Constituent Councils and not the GMCA pursuant to Article 8(4) of the GMCA Order.

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

## **8. Amendments to this Agreement**

- 8.1 This Agreement may be amended following a resolution approved by all the Parties.
- 8.2 The operation of this Agreement will be subject to an annual review.

## **9. Dispute Resolution**

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

## **10. Notices**

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

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

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

Signed by **GMCA**

Authorised Signatory

Dated

Signed by the **GMCA Mayor**

Dated

Signed by **The Borough Council of Bolton**

Authorised Signatory

Dated

Signed by **Bury Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **The Council of the City of Manchester**

Authorised Signatory

Dated

Signed by **Oldham Borough Council**

Authorised Signatory

Dated

Signed by **Rochdale Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Salford City Council**

Authorised Signatory

Dated

Signed by **The Metropolitan Borough Council of Stockport**

Authorised Signatory



Dated

Signed by **Tameside Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Trafford Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Wigan Borough Council**

Authorised Signatory

Dated

## **SCHEDULE 1**

### **GM Transport Committee**

#### **Rules of Procedure**

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

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

#### **2. Chair and Vice-Chairs**

- 2.1\* The Chair of the GM Transport Committee will be appointed annually by the Mayor from among its members and shall, unless they resign, cease to be members of the GM Transport Committee or become disqualified, act until their successor becomes entitled to act as Chair.
- 2.2\* The appointment of the Chair, for recommendation to the Mayor shall be the first business transacted at the Annual Meeting of the GM Transport Committee.

- 2.3\* On a vacancy arising in the office of Chair for whatever reason, the GM Transport Committee shall recommend an appointment to fill the vacancy at the next ordinary meeting of the GM Transport Committee held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The member appointed shall hold such office for the remainder of the year in which such vacancy occurred.

### **3. Meetings**

- 3.1\* The Annual Meeting of the GM Transport Committee shall be held in June or the month after local elections on a date and at a time determined by the GM Transport Committee.
- 3.2\* Ordinary meetings of the GM Transport Committee TfGMC for the transaction of general business shall be held on such dates and at such times as the GM Transport Committee shall determine.
- 3.3\* An Extraordinary Meeting of the GM Transport Committee may be called at any time by the Chair.

### **4. Notice of Meetings**

- 4.1 At least five clear days before a meeting of the GM Transport Committee or one of its Sub Committees:
- (a) notice of the time and place of the intended meeting shall be published by the Secretary and posted at Churchgate House, Oxford Street, Manchester, M1 6EU; and
  - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic email to the usual email address of each member of the GM Transport Committee, or any other email address notified to notified to the Secretary by a member of the GM Transport Committee.
- 4.2\* Lack of service on a member of the GM Transport Committee of the summons shall not affect the validity of a meeting of the GM Transport Committee.
- 4.3\* A member of the GM Transport Committee may require a particular item of business, including any motion, which is relevant to the powers of the GM Transport Committee, to be discussed at an ordinary meeting of the GM Transport Committee subject to at least eight clear days notice of such intention being given to the Secretary in writing, signed by the member concerned and specifying the business to be discussed. The Secretary shall set out in the agenda for each meeting of the GM Transport Committee the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given prior written notice to the Secretary prior to the issue of the agenda for the meeting, for it to be withdrawn. If the member concerned is not present at the meeting when an item of

which they have given notice comes up for discussion, this item shall, unless the GM Transport Committee decides otherwise, be treated as withdrawn. A member shall not have more than one item of business, or motion, standing in their name to be discussed at any meeting of the GM Transport Committee.

- 4.4 No motion by way of notice to rescind any resolution which has been passed within the preceding six months, nor any motion by way of notice to the same effect as any motion which has been negated within the preceding six months, shall be in order, unless the notice thereof shall have been given in time for inclusion on the agenda for the meeting, in accordance with paragraph 4.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.
- 4.5\* Except in the case of business required by these Rules to be transacted at a meeting of the GM Transport Committee, and other business brought before the meeting as a matter of urgency, and of which the Secretary shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the GM Transport Committee other than that specified in the agenda for the meeting.

## **5. Chair of Meeting**

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

## **6. Quorum**

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

the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the GM Transport Committee.

## **7. Order of Business**

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

- (a) by the Chair at his/her discretion, or
- (b) on a request agreed to by the GM Transport Committee

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

## **8. Submission of Sub Committee Proceedings**

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

8.2 The Chair of a Sub Committee, or other member of the Sub Committee acting in their place, shall deal with matters arising during any debate on the proceedings of the Sub Committee.

8.3 A Chair of a Sub Committee, or other member of the Sub Committee acting in their place, may, with the consent of the GM Transport Committee, withdraw any item on the Minutes of that Sub Committee, or correct any factual inaccuracy, which might otherwise result in the GM Transport Committee being misinformed on any item in the Sub Committee's Minutes.

8.4 When considering the Minutes of the proceedings, no motion or amendment shall be made or proposed, or any discussion allowed upon any matter which, although within the province of the Sub Committee, does not appear in the Minutes of the proceedings.

## **9. Rules of Debate**

### **Motions**

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

#### **Amendments to Motions**

- 9.5 An amendment shall be relevant to the Motion and shall be either:-
- (a) to refer a subject of debate to a Sub Committee for consideration or reconsideration: or
  - (b)
    - (i) to leave out words from the Motion
    - (ii) to leave out words from, and insert or add others to, the Motion:
    - (iii) to insert words in, or add words to, the Motion:
- but such omission, insertion or addition of words shall not have the effect of negating the Motion before the GM Transport Committee.
- 9.6 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. The mover of an amendment shall read the same before speaking to it.
- 9.7 If an amendment is negated, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved, except any amendment which would be inconsistent with that already carried. The right of reply under paragraph 9.2 above shall not extend to the mover of an amendment which, having been carried, has

become the substantive Motion. No member shall move more than one amendment on any Motion.

- 9.8 A member may, with the consent of the GM Transport Committee, signify without discussion:-
- (a) alter a Motion of which they have given notice
  - (b) with the consent of their seconder alter a Motion which they have moved:
- if in either case the alteration is one which could be made as an amendment thereto.
- 9.9 A Motion or amendment may be withdrawn by the mover with the consent of the GM Transport Committee (which shall be signified without discussion) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 9.10 When a Motion is under debate no other Motion shall be moved except the following:-
- (a) That the Motion be amended
  - (b) That the GM Transport Committee proceed to the next business
  - (c) That the question be put
  - (d) That the debate be adjourned
  - (e) That the meeting be adjourned
  - (f) That the member named be warned
  - (g) (By the Chair under paragraph 11.2 below) That the member named leave the meeting, or
  - (h) That the press and 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 GM Transport Committee proceed to the next business", "That the question be put", "That the debate be adjourned" or "That this meeting of the GM Transport Committee 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 GM Transport Committee, or to a time stated, without giving the mover of the original Motion their right of reply on that occasion; if the adjournment Motion is carried, then, on the resumption of the debate, the Chair shall reintroduce the Motion or amendment before the meeting at the time the debate was adjourned, and the member who moved the adjournment of the debate shall be entitled to speak first
- (d) on a Motion to adjourn a meeting of the GM Transport Committee until a specified date and time, the Chair shall forthwith put such a Motion to the vote without giving any right of reply to the mover of any Motion under discussion and, if the Motion is carried, the remaining business of the day shall stand adjourned until the date and time stated in the Motion. On the resumption of the meeting of the GM Transport Committee the procedure in paragraph 9.11(c) above shall apply

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

### **Points of Order**

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



- 9.15 Whenever the Chair intervenes during a debate a member then speaking or offering to speak shall give way.

### **Motion to exclude the Press and Public**

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

### **10. Voting**

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

### **11. Conduct of Members at meetings**

- 11.1 If at a meeting any member of the GM Transport Committee, misconducts him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the GM Transport Committee, the Chair or any other member may move "That the member named be warned" and the Motion if seconded shall be put and determined without discussion.
- 11.2 If the member named continues such misconduct after a Motion under the foregoing paragraph has been carried, the Chair shall either:-
- (a) move "That the member named leave the meeting" (in which case the Motion shall be put and determined without seconding or discussion)
  - (b) adjourn the meeting of the GM Transport Committee for such period as they consider expedient
- 11.3 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in him or her may, without

question put, adjourn the meeting of the GM Transport Committee for such period as he or she considers expedient.

## **12. Disturbance by Members of the Public**

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

## **13. Interests of Members**

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

## **14. Appointment of Sub Committees**

- 14.1 The GM Transport Committee shall at the Annual Meeting appoint such Sub Committees as it has at that, or any earlier meeting, resolved to establish; may, at any time, appoint such other Sub Committees as are necessary to carry out the work of the GM Transport Committee; and may, at any time, dissolve a Sub Committee or alter its membership.
- 14.2 The terms of reference of Sub Committees shall be approved by the GM Transport Committee and shall be subject to review at each Annual Meeting.
- 14.3 The GM Transport Committee shall at each Annual Meeting, or whenever there is a vacancy in such office, appoint the Chair of each Sub Committee.
- 14.4 The GM Transport Committee may at any time remove a member from the office of a Sub Committee and appoint another member to fill the resultant vacancy.
- 14.5 A member may resign from the office of Chair of a Sub Committee by notice in writing delivered to the Secretary, the resignation to take effect from the time of receipt of such notice.
- 14.6 Wherever possible, a programme of dates and times of Sub Committee meetings for the ensuing year shall be approved at the Annual Meeting of the GM Transport Committee, or, on the first appointment of a Sub Committee, at any other meeting of the GM Transport Committee. Such a programme shall, however, be capable of variation by the GM Transport Committee, and, in case of urgency, by the Chair of the Sub Committee.

- 14.7 GM Transport Committee members may attend a meeting of any Sub Committee of which they are not a member, but shall not, without the consent of the Chair, take part in any proceedings. They shall not, in any event, move any Motion or amendment, or vote at such a meeting. Such members may attend a Sub Committee meeting during consideration of any business indicated on the agenda as likely to be considered when the public have been excluded, provided advance written notice has been given to the Secretary of the member's intention to attend for the discussion of such business, and his or her reasons for so doing.
- 14.8 A member of the GM Transport Committee who has moved a Motion that has been referred to any Sub Committee shall have notice of the meeting of the Sub Committee at which it is proposed to consider the Motion. They shall have the right to attend the meeting and if the member attends, they shall be afforded an opportunity of explaining the Motion.

## **15. Publication of Reports**

- 15.1\* Reports or other documents for the consideration of the GM Transport Committee or a Sub Committee shall be marked "Private & Confidential Not for Publication" only if the Secretary, as Proper Officer under Section 100B(2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act.
- 15.2 A Member of the GM Transport Committee or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules 16 and 17 below.
- 15.3\* Copies of the agenda of meetings of the GM Transport Committee or its Sub Committees, including prints of reports or other documents to be submitted to the GM Transport Committee or Sub Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at Churchgate House, Oxford Street, the Town Hall, Manchester, M1 6EU.
- 15.4\* Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to members of the .

## **16. Access to Information Procedure Rules**

- 16.1 Except as otherwise indicated, these rules apply to all meetings of the GM Transport Committee and its Sub Committees.
- 16.2 The Rules in Section 16 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.
- 16.3 The GM Transport Committee will supply copies of:
- (a) any agenda and reports that are open to public inspection
  - (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda
  - (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item
  - (d) to any person on payment of a charge for postage and any other costs.
- 16.4 The GM Transport Committee will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
  - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (c) the agenda for the meeting
  - (d) reports relating to items when the meeting was open to the public
- 16.5 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based
  - (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information

## **17. Exclusion of access by the public to meetings**

### **(a) Confidential information – requirement to exclude public**

- 17.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

- 17.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.

**(b) Meaning of confidential information**

- 17.3 Confidential information means information given to the GM Transport Committee by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.

**(c) Meaning of exempt information**

- 17.4 Exempt information means information falling within the following categories (subject to any qualifications):
- (i) information relating to any individual
  - (ii) information which is likely to reveal the identity of any individual
  - (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information)
  - (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the GM Transport Committee or a Minister of the Crown and employees of, or office holders under, the GM Transport Committee
  - (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
  - (vi) information which reveals that the GM Transport Committee proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment
  - (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

**(e) Exclusion of Access by the public to reports**

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

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