Date: 27th April 2018
Subject: GMCA Governance Review
Report of: Andy Burnham, Mayor of Greater Manchester

PURPOSE OF REPORT
To consider arrangements for the carrying out of the Mayor’s Fire and Rescue function and the GMCA (CA) Waste disposal function and to make recommendations on how Mayoral, District and CA functions on transport can be delivered.

RECOMMENDATIONS:

1. Fire
   To note the Mayor’s decision, following consultation with GMCA members;
   • To pursue the amendment of the GM PCC Order to provide for the Deputy Mayor PCC to exercise delegable Fire and Rescue functions.
   • To include advice and support on Fire and Rescue issues in so far as possible as matters for the Police and Crime Panel to consider.
   • To seek permission to rename the Police and Crime Panel as the Police, Crime and Fire Panel.
   • To disestablish the Fire Committee
   • To make the appropriate representation and appointments to the bodies set out in Section 8.

2. Waste Disposal
   • To invite two nominations from each District for the establishment of a Waste Committee as a CA committee from 2nd July 2018.
   • To agree that the Committee will have between 12-15 members to ensure political proportionality and gender balance.
   • To agree that the size and Chair of the Committee will be agreed at the June CA AGM.
   • To agree the Terms of Reference of the Committee at the June AGM which will include delegated authority to progress contract negotiations.
3. **Transport**
   - To request Districts to consider the functions, size and membership of TfGMC as a joint committee of the Districts, the CA and the Mayor.
   - To agree to determine the re-constitution of TfGMC at the June CA AGM.
   - To request Districts to make appointments to the existing TfGMC at their annual meetings for the period May-July 2018, and that those appointments include the Transport Portfolio holder in each district.

4. That portfolio governance and the wider engagement of GM elected members be reviewed after the CA AGM in June. The review to be overseen by portfolio leads supported by the Monitoring Officer and Assistant Director, Governance and Scrutiny.

5. To note that this Report will be considered by the Corporate Issues and Reform Overview and Scrutiny Committee at their June meeting.

**CONTACT OFFICERS:**

Liz Treacy  CA Monitoring Officer  
Julie Connor Assistant Director of Governance and Scrutiny

Risk Management – see paragraph  
Legal Considerations – see paragraph  
Financial Consequences – Revenue – see paragraph  
Financial Consequences – Capital – see paragraph

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<td>Does this report relate to a major strategic decision, as set out in the GMCA Constitution (paragraph 14.2) or in the process (paragraph 13.1 AGMA Constitution) agreed by the AGMA Executive Board:</td>
<td>Yes / No</td>
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<td>Are there any aspects in this report which means it should be considered to be exempt from call in by the AGMA Scrutiny Pool on the grounds of urgency?</td>
<td>NO</td>
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<td>TfGMC Overview &amp; Scrutiny Committee</td>
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1. **GMCA COMMITTEES BACKGROUND**

1.1 GMCA has a number of committees to which the Districts make nominations and the CA or the Mayor makes the appointments. The CA also has a number of other bodies – Boards, Commissions, working groups that are involved in the governance of the CA and these will be reviewed and reported on as part of a future report.

1.2 In terms of current committees these are either GMCA committees, Mayoral Committees, or provided for in legislation which includes Standards, Audit and Overview and Scrutiny Committees. CA and Mayoral Committees are optional; it is up to the CA and the Mayor to decide if they want to establish them.

1.3 A CA committee can be established by the CA to carry out CA functions. The CA will determine and agree its terms of reference including any delegated decision making. A Waste Committee would be a CA committee.

1.4 A Mayoral committee can only be established to carry out Mayoral functions and if specified in the relevant Order. The Fire Committee is a CA committee but appointed by the Mayor. Within GMCA the Mayor has agreed to consider the views of all CA members in determining the requirement for and make up of any Mayoral Committee.

1.5 CA and Mayoral committees must reflect the political balance of the membership of all of the Districts combined. This may change after the 2018 local elections.

1.6 TfGMC is a joint committee of the GMCA and the 10 Districts with delegated functions from the Districts and the CA. It is not a CA or Mayoral Committee.

1.7 GMCA and the Districts have already signed up to a Governance Protocol that was developed to accompany the 2014 Devolution Agreement. The Protocol covers Governance and Leadership. It sets out the relationship between the CA and the Districts and how we will all work together including principles and common standards to promote understanding and transparency.

2. **GOOD GOVERNANCE**

2.1 There are a number of well-established principles of good governance for the public sector as set out by CIPFA, Local Government Ombudsman etc. In summary the principles should include:

i. Providing leadership and a strategic vision for the locality – experience and authority

ii. High quality decision making – evidence and knowledge

iii. Transparency – be clear about who is making which decision, ensure that the public understand the governance process

iv. Accountability – how are the decision makers held to account and scrutinised.
2.2 GMCA has considered how best to apply these principles to the establishment of any future CA or Mayoral Committees and in particular if there should be a standard approach to all committees or just those with decision making functions. For example in coming to decisions on Fire, Waste and Transport as set out in this report it has considered:

- Should all committees be of the same size and if so should that be 15 as established for the existing Fire and Scrutiny Committees?
- Should all committees be gender balanced or is this an aspiration to be worked towards?
- Should all formal committees established by the CA or in exercise of the Mayoral functions have delegated decision making functions?
- Should members where the Committee has delegated or functions be the relevant Executive/Portfolio member from each district?

Governance arrangements 2017/18

2.3 In 2017 the GMCA established three Scrutiny Committees – Housing, Planning and Environment; Corporate Issues and Reform Overview and Economy Business Growth and Skills with 15 non-executive members and 15 substitutes on each thereby doubling the number of members involved in scrutinising the decisions of the Mayor and the CA. This is the most comprehensive set of scrutiny arrangements of any of the new Combined Authorities and the committees themselves are gender balanced. The meetings of the Scrutiny committees, like the CA, are webcast live and open to the public to attend.

2.4 The Committees have agreed and published work plans which reflect the policy objectives of the CA. These work plans inform the decisions of the CA and enable the Committees to focus on pre-decision scrutiny as well as being key stakeholders in the formulation of CA policy. An example of this is the recent work of the Housing Planning and Environment Scrutiny committee which took evidence from a number of third sector organisations and individuals on homelessness and made recommendations to the CA.

2.5 In addition to formal scrutiny the Mayor also has an open question time in each district the week before it hosts the CA meeting on the last Friday of each month.

2.6 The CA also operates a system of Portfolio Leads where each Leader has an area of GMCA policy which is their responsibility to lead and support. During 2017/18 the role of the Assistant member to the Portfolio leads was refreshed to ensure that such roles delivered the CA’s ambition to be gender balanced in so far as possible so that each Portfolio lead appointed an assistant of the opposite gender to themselves.
PORTFOLIO GOVERNANCE AND GM ELECTED MEMBER INVOLVEMENT
2018/19

3.1 It is proposed that the wider portfolio governance structures referred to above should be reviewed post May 2018, to ensure that they are fit for purpose going forward and that they reflect the delivery and governance requirements of the new GMS and Implementation Plan and also any requirement for new governance around for eg Children and Economic Development.

3.2 In relation to the involvement of elected members in the work of the CA current governance and delivery arrangements across portfolios include for approximately 190 GM elected members (excluding Leaders). However this number simply reflects numbers appointed to the CAs various bodies it does not capture other ways of engagement and involvement by the CA or how GM work is communicated and shared within Districts. These are areas that are recommended for further review by portfolio leads following the June CA AGM when any portfolio changes have also been agreed. The review will engage with the 10 districts and will welcome views from all councillors on how they wish to engage with the CA to ensure that it is transparent and accountable across all authorities and is seen to be so.

3.3 It is therefore recommended that portfolio governance and the ongoing wider engagement and involvement of all GM elected members is reviewed post the CA June AGM and that the review includes oversight by Portfolio leads supported by the Monitoring Officer and Assistant Director Governance and Scrutiny.

4. FIRE AND POLICE AND CRIME COMMISSIONER

Current position

4.1 On 9 May 2017 the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (the Fire Order) came into force. It was made under the 2009 Act and its effect was to transfer the functions for fire and rescue for the Greater Manchester area to the GMCA; the functions are exercisable by the Mayor.

4.2 On the same day the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (the PCC Order) came into force. A police and crime commissioner has statutory power to appoint a deputy police and crime commissioner. Under combined authority arrangements the role is known as “deputy mayor for policing and crime”. The Mayor appointed the deputy mayor for policing and crime and conferred police and crime functions.

4.3 The Fire Order requires the Mayor to exercise certain functions personally. These functions are:
• The power to enter into arrangements under sections 13, 15 and 16 of the Fire and Rescue Services Act 2004 (reinforcement schemes etc)
• Appointing, or dismissing, the person responsible for managing the Fire and Rescue service ie the Chief Fire Officer; approving the terms of appointment of the Chief Fire Officer; and holding the Chief Fire Officer to account for managing the Fire and Rescue service.
• Approving the local risk plan – IRMP
• Approving the fire and rescue declaration – Annual Assurance Statement
• Approving Business Continuity Management plans
• Approving any arrangements with Category 1 and Category 2 under the Civil Contingencies Act 2004

In addition the functions in relation to the setting of the GMCA budget for the Mayor’s general functions (including Fire), as provided for in the Combined Authorities (Finance) Order 2017 cannot be delegated.

4.4 Save for those non-delegable functions, the 2009 Act allows the Mayor to delegate functions to the GMCA Deputy Mayor, any other member of the GMCA i.e. leaders or any officer of the GMCA. The Act also enables the Secretary of State to provide in a Fire Order for the Mayor to delegate functions to the Deputy Mayor for policing and crime, or to a committee (the Fire Committee).

4.5 The Fire Order, as agreed by the CA and Districts, enabled the Mayor to delegate functions to a Fire Committee of up to 15 local authority members. In 2017/18 the Mayor appointed a Fire Committee of 15 members which has terms of reference that are advisory in nature. The terms of the Fire Order do not provide for delegation of fire and rescue functions to the Deputy Mayor for policing and crime. The Mayor determined that the Fire Committee should have no delegated functions but simply an advisory role.

5. SCRUTINY/POLICE AND CRIME PANEL

5.1 As stated above, the GMCA has established three overview and scrutiny committees comprising of 15 backbench elected members of the ten constituent councils. The remit of the Corporate Issues and Reform Overview and Scrutiny Committee includes Fire and Rescue functions.

5.2 It is the role of the Police and Crime Panel to review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the Commissioner's functions.

5.3 Following the making of the PCC Order, membership of the Police and Crime Panel was revised. It now comprises ten elected backbench members of the ten constituent councils and two mandatory co-opted members.
5.4 The Police and Crime Panel is supported in the Police and Crime Structure by the Police and Crime Leads (officers’ group) and Police Crime Steering Group (members) whose role is to oversee, drive improvements, work planning and share good practice.

5.5 Whilst the Police and Crime Panel may not exercise any functions other than those conferred by the 2009 Act, they may consider matters outside of the scope of the Police and Social Responsibility Act 2011 for Police and Crime Panels, but in scope of the wider Community Safety Agenda.

5.6 The Police and Crime Steering Group is the driver for police and crime matters and hold the Leads meeting to account for completing detailed pieces of work. As an elected member led meeting it reports primarily to the Police and Crime Panel. The Police and Crime Leads group will primarily take its direction from and report back to the Police and Crime Steering group. As an officer led group it will also report back as appropriate to the CA Wider Leadership Team.

6. BLUE LIGHT COLLABORATION

6.1 The Policing and Crime Act 2017 introduced a new statutory duty on the police, fire and rescue and emergency ambulance service to keep opportunities to collaborate under review. The duty is to keep under consideration whether entering into a collaboration agreement with one or more other relevant emergency services in England could be in the interests of the efficiency or effectiveness of that service and those other services.

6.2 In July 2017, Her Majesty’s Inspectorate of Constabulary’s remit was extended by the Policing and Crime Act 2017, to include inspections of Fire & Rescue services in England, and was renamed Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). As a result of this inspection, HMICFRS will assess and report on the efficiency and effectiveness of the 45 fire and rescue services in England.

7. REVIEW OF FIRE AND RESCUE FUNCTIONS

7.1 The Mayor has announced a whole service review of fire and rescue including leadership and culture.

7.2 The CA also needs to consider the role of the Fire Committee, in consultation with the CA members, and whether an advisory body in the existing form of representatives from all Districts with this sole function is required, as in particular the scrutiny function now rests with the Corporate Scrutiny Committee, advice on community safety matters can be provided by the Police and Crime Panel and the
Committee has no delegated functions. Members will also be cognisant of the issues identified in the Kerslake Report on co-ordination and communication between the emergency services.

7.3 It could be considered in the light of the principles of good governance set out above, and the recommendations of the Kerslake Review, that it would provide clearer, more transparent and accountable leadership for the PCC and Fire functions of the Mayor for the advisory body functions to rest with the Deputy PCC, Police and Crime Panel and CA members as appropriate. The decision making would rest with the Mayor and he is accountable both to Scrutiny and directly to the public for the exercise of those functions. We will seek permission to rename the Police and Crime Panel the Police Crime and Fire Panel.

8. POSSIBLE ALTERNATIVE ARRANGEMENTS UNDER COMBINED AUTHORITIES

8.1 There are longer term options that would enable the Mayor to delegate those decisions that can be delegated instead of continuing with an advisory Fire Committee. The most appropriate of these would be to request the Secretary of State to amend the Fire Order to enable the Mayor to delegate fire and rescue functions to the deputy mayor for policing and crime, the Secretary of State may also provide for the police and crime panel to have oversight of all of those functions. This would require an amendment to the existing Orders.

8.2 Prior to an order being made the Mayor can hold all the functions himself and take advice and support from officers, CA members and the Police and Crime Panel on matters of Community Safety. The Deputy Mayor (PCC) can continue to provide advice and support but, as now, cannot take any decisions without an amendment to the relevant Orders. Scrutiny would remain with the Corporate Issues Overview and Scrutiny Panel.

9. REPRESENTATIVES ON OUTSIDE BODIES

9.1 There is a need to appoint representatives in relation to fire and rescue on the following outside bodies:

- Directorships (two) to North West Fire Control Limited – the local authority controlled company established by the four fire and rescue authorities for Cheshire, Cumbria, Lancashire and Greater Manchester to perform the statutory functions of emergency call handling and mobilisation of fire and rescue resources
- The Local Government Association in relation to Fire and Rescue – the forum for national policy development in relation to fire and rescue
• The North West Fire Forum – the aim of this advisory forum is to influence the effectiveness and efficiency of fire and rescue service activities to deliver value
• The Association of Metropolitan Fire and Rescue Authorities – a lobbying organisation for metropolitan fire and rescue authorities

10. **WASTE DISPOSAL FUNCTIONS**

**Current position**

10.1 Members will be aware that the GMWDA was abolished and all of its functions transferred to the CA on 1st April 2018. Waste disposal is now a CA function (not a Mayoral function). Interim governance arrangements have been put in place as agreed by the CA on 29 March 2018 to enable the CA to continue with the complex and financially significant procurement exercise to replace the now terminated PFI arrangement.

10.2 The Order transferring functions confirmed that in relation to the waste disposal functions of the CA the Wigan member of the CA does not have a vote, and that decisions relating to levying and budgets for Waste Disposal functions require a vote in favour by at least 7 members.

10.3 In terms of CA committees if the CA decided to establish a Waste Committee it must appoint from all Districts except Wigan and must reflect the political balance of those Councils taken together except Wigan.

10.4 The previous GMWDA consisted of 19 members from across the Districts. Wigan Council were entitled to attend as observers but have not done so for some years.

10.5 The Waste Authority had 3 committees – Special Purposes, Audit and Standards and Selection; a petitions sub group; and 3 Task and Finish Groups – Communications and Behaviour Change, Interim Services, and Re-procurement. The Authority also fed into national policy development and had links with other Joint Waste Authorities.

11. **WASTE COMMITTEE**

11.1 As the contract negotiations are complex and sensitive and will have significant impacts on all of the Districts it is proposed that a Waste Committee with delegated decision making functions is established made up of representatives of the district Councils to provide political leadership and policy direction.
11.2 In terms of the size and makeup of the Committee the figure of 15 has been established as a benchmark for Scrutiny however the Waste Committee will not include Wigan Council and could therefore be smaller.

11.3 On the basis of the current political make up of Districts a committee of 15 without Wigan would be 11 Labour, 3 Conservative, 1 Liberal Democrat; for a committee of 12 it would be 9 Labour, 2 Conservative, 1 Liberal Democrat. The exact size of Committee will need to be confirmed after the May local elections to ensure political balance.

11.4 The CA may also wish to consider whether the Districts should be requested to nominate Waste Portfolio holders to sit on the Committee. Given the complexity of the issues and the timing of the contract negotiations it might reasonable to make such a request for 2018/19. However, it is as important that the appointed members are able to attend and engage with the issues.

11.5 With regard to the Terms of Reference of a Waste Committee the previous constitutional arrangements of the Authority retained specified powers and functions to the Authority and delegated all other functions to its Committees or Officers. The Authority functions included determining the levy, appointing the Chief Executive and Treasurer, approving the Waste Management Strategy, approving and adopting the Business Plan etc. It is proposed to review the functions as some now rest with the CA and others may be appropriate for a Waste Committee to carry out as delegated functions. Further work will be undertaken on a Terms of Reference for the CA AGM in June.

11.6 The appointment of the Chair of the Committee can be made either by the CA or the Committee. As the Committee is carrying out functions delegated to it by the CA it is proposed that the CA appoints the Chair. It should be noted that this is likely to require a significant time commitment during the letting of the new contract.

11.7 Waste functions will be subject to scrutiny by the Housing and Planning Overview and Scrutiny Committee.

12. TRANSPORT

Background

12.1 When GMCA was established in 2011, the former Greater Manchester Integrated Transport Authority (GMITA) was abolished and its functions transferred to GMCA.

12.2 In view of GMCA’s other functions and the fact that all GMCA members were also leaders of their constituent councils, it was decided that there should be a committee to deal with the more operational issues and also to monitor TfGM. This would also provide a role for former members of the GMITA, many of whom had experience in transport matters.
12.3 It would have been possible for this committee to be constituted merely as a committee of GMCA. However, it was decided that it should be established as a joint committee of GMCA and the 10 constituent councils. The rationale for this was that, given GMCA is responsible for the local transport plans and public transport and the constituent councils are the highway / traffic authorities, it would enable transport issues to be considered in an integrated way. It would also better enable political balance across GM to be maintained than if it were a committee of GMCA and had to reflect the political balance on the GMCA. The majority of the joint committees' functions were delegated to it by GMCA. However, functions relating to traffic management and road safety were delegated to the joint committee by the constituent councils.

12.4 The joint committee, called Transport for Greater Manchester Committee (TfGMC), was established by GMCA and the constituent councils under section 101 (5) of the LGA 1972. There is an operating agreement entered into by all Districts and GMCA setting out the size of the Committee, it has 33 members, the same number as the former GMITA and the same Terms of Reference. Some of the main functions delegated to it by GMCA relate to bus services.

12.5 TfGMC has 3 sub committees which meet bi monthly – Capital Projects and Policy, Bus Network, and TfGM Services and Metrolink and Rail networks. The Capital Projects sub-committee looks across the whole City Region on developing and implementing projects; the Metrolink and rail sub-committee consider performance information, service failures etc; and the Bus Services sub-committee considers all bus services changes which are made approximately every 6 weeks.

13 CURRENT POSITION

13.1 The history and evolution of governance in Greater Manchester explains the complex set of arrangements that currently exist to govern its transport services. There is a tradition of co-operation between the 10 Districts, and the creation of a Combined Authority and directly elected Mayor marks a step change in Greater Manchester's governance. Through a series of devolution deals, the Mayor and GMCA now have a broad range of responsibilities, of which transport is just one. At the same time, a new Greater Manchester Strategy is now in place with newly defined priorities recognising the important role of transport in connecting people to jobs and opportunities both at a local and city region level. These changes present an opportunity to reflect on existing transport governance arrangements, the new powers of the Mayor and the GMCA and the joint working with Districts to ensure they are transparent, accountable, modern and efficient.

14. BUS SERVICES
14.1 In terms of a review of the role and remit of TFGMC it is relevant that decisions on the future arrangements for bus services are now a mayoral function and it is proposed that other functions relating to buses should also become mayoral functions.

14.2 When this happens, it is thought that there will be a need for the Mayor to be able to delegate the exercise of some of his bus functions to a committee or joint committee. For example, precise details of bus routes are a matter which require very local knowledge and the Mayor or his cabinet members may not necessarily have the time or capacity to deal with such issues. However, unless there is specific provision in an order it would not be possible for the Mayor to delegate any of his transport functions to a committee or joint committee.

14.3 Officers are in discussions with Government on the precise form of the Order and have proposed that the order should be made to enable the Mayor to enter into joint arrangements with the GMCA and the 10 constituent councils in relation to transport functions of the Mayor, the GMCA and the constituent councils, including the establishment of a joint committee.

14.4 The joint committee route is necessary if transport is to be dealt with in an integrated way. It should be noted that a committee established by the Mayor himself would only be able to discharge mayoral functions (and not general CA or district functions).

14.5 It should be noted that as a joint committee with delegated authority from each district. It also requires members with detailed local knowledge of their area to respond to for example proposed changes in bus services routes.

15. PROPOSALS FOR 2018/19

15.1 Districts are requested to consider how TFGMC should be constituted to meet the new functions and arrangements for transport in GM and to report back to the June AGM. In the meantime Districts are requested to appoint to the current structure at their Annual Meetings in May.

15.2 If the CA and Districts do wish to make changes to TFGMC then it must be agreed by all Districts and the CA.

15.3 It is proposed that the Districts are requested to appoint their Transport and Highways Portfolio Leads to TFGMC as the committee is carrying out delegated functions of all parties.
16. **PROPOSALS FOR 2019/20**

16.1 It is considered that provision should be made enabling the Mayor to enter into joint arrangements with the GMCA and the constituent councils in relation to the Mayor’s transport functions. [The arrangements would also cover certain transport functions of the GMCA and the constituent councils]

16.2 Appointments to the joint committee are to be made by the Mayor, the GMCA and each of the constituent councils. The Chair of the joint committee would be appointed by either the GMCA or the Mayor (to be determined).

16.3 In the making their appointments, the Mayor, GMCA and the constituent councils must ensure that the members of the joint committee drawn from the constituent councils taken as a whole reflect so far as reasonably practicable the balance of the political parties for the time being prevailing among the constituent councils when taken together.

17 **ALLOWANCES**

17.1 The CA cannot pay any allowances to its members, excepting the Mayor. This was agreed by all Districts and is set out in the 2017 CA Order.

17.2 The CA can, however, establish an Independent Remuneration Panel and make recommendations to constituent Councils on allowances for CA members.