Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

The Greater Manchester Combined Authority (Amendment) Order 2015

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104 and 114 of the Local Democracy, Economic Development and Construction Act 2009(**a**).

The Secretary of State, having regard to a scheme prepared and published by the Greater Manchester Combined Authority under section 112 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve—

(a) the exercise of statutory functions relating to transport in the area to which this Order relates,

(b) the effectiveness and efficiency of transport in that area,

(c) the exercise of statutory functions relating to economic development and regeneration in that area, or

(d) economic conditions in that area.

The Secretary of State has consulted—

(a) the Greater Manchester Combined Authority,

(b) the constituent councils of the Greater Manchester Combined Authority, namely the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan; and

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

(**a**) 2009 c. 20. Sections 117(2), (2A)-(3) were substituted for section 117(2)-(3) by section 13 of the Localism Act 2011 (c. 20).

The councils whose areas are comprised in the area of the Greater Manchester Combined Authority and the Greater Manchester Combined Authority have consented to the making of this Order.

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

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

Accordingly, the Secretary of State makes the following Order:

Citation and commencement

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

Amendments to the Greater Manchester Combined Authority Order 2011

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

3. In article 2 (interpretation)—

(a) before the definition of "combined area" insert—

""acting Interim Mayor" means a vice-chair appointed by the GMCA to exercise the functions of the Interim Mayor in accordance with paragraph 2A of Schedule 1 during any vacancy in the office of Interim Mayor;";

(b) after the definition of "GMCA" insert—

""Interim Mayor" means the additional member appointed in accordance with paragraph 1A of Schedule 1."

4.—(1) Schedule 1 (constitution) is amended as follows.

(2) After paragraph 1 (membership) insert—

"**Interim Mayor**

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

(2) Any person who satisfies each of the following conditions is eligible for appointment as Interim Mayor—

(a) the person is resident in the area of any one of the constituent councils of the GMCA;

(b) the person is—

(i) an elected member of a constituent council;

(ii) an elected mayor of a constituent council;

(iii) the Greater Manchester Police and Crime Commissioner; or

(iv) a Member of Parliament or Member of the European Parliament with a constituency wholly or partly within the area of the GMCA;

(**a**) S.I. 2011/908.

(c) the person holds such elected office at the date of application for the position of Interim Mayor and on the date of appointment.

(3) A person may not be appointed as Interim Mayor unless—

(a) the person is eligible to be appointed under sub-paragraph (2);

(b) the person has submitted an application in accordance with any application procedure and timetable determined by the GMCA;

(c) the person has been nominated by at least one member of the GMCA in accordance with any application procedure and timetable determined by the GMCA following consideration by the GMCA of all applications for the office; and

(d) the appointment has been approved by the GMCA by a simple majority at a meeting of the GMCA following a vote of its members.

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

(5) At the conclusion of the fixed term determined under sub-paragraph (4), the GMCA may appoint a further Interim Mayor in accordance with this paragraph.

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

(7) The GMCA may terminate the appointment of the Interim Mayor, or the acting Interim Mayor where one has been appointed, provided that at least 7 members of the GMCA vote in favour of a resolution to terminate such appointment at a meeting of the GMCA.

(8) In sub-paragraph (7) "member" does not include the Interim Mayor, or acting Interim Mayor where one has been appointed.

(9) Where a person ceases to be an Interim Mayor or an acting Interim Mayor by virtue of sub-paragraph (6) or (7), the GMCA may appoint a further Interim Mayor in accordance with this paragraph.".

(3) In paragraph 2 (chair and vice-chair (s)), in sub-paragraph (1) before "The GMCA" insert "Subject to paragraph 2A".

(4) After paragraph 2 insert—

"Chair and vice chair(s) – Interim Mayor

2A.—(1) Where the GMCA has appointed an Interim Mayor—

(a) the Interim Mayor becomes the chair of the GMCA;

(b) the GMCA may appoint one or more vice-chairs from among its members; and

(c) the appointment of any vice-chair under sub-paragraph (b) must take place as the first item of business of the first meeting of the GMCA following the appointment of the Interim Mayor.

(2) If a vacancy arises in the office of Interim Mayor, the GMCA—

(a) may appoint a vice-chair as acting Interim Mayor to exercise the functions of Interim Mayor until a permanent appointment of a new Interim Mayor can be made; and

(b) must commence the appointment process referred to in paragraph 1A(3) to fill the vacancy at the next ordinary meeting of the GMCA, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting."
.

(5) In paragraph 3 (proceedings) after sub-paragraph (5) insert—

"(6) Subject to sub-paragraph (7), the Interim Mayor is to have one vote and no casting vote.

(7) An Interim Mayor who is not an elected member of a constituent council shall be a non-voting member of the GMCA(**a**).

(8) Where the Interim Mayor is a voting member (including where the Interim Mayor has been given voting rights by resolution of the GMCA)—

(a) for the reference in sub-paragraph (3) to "7" substitute "8"; and

(b) for the reference in sub-paragraph (4) to "10" substitute "11".

(9) Sub-paragraph (8) does not apply where there is an acting Interim Mayor."

(6) In the final paragraph (remuneration)—

(a) in sub-paragraph (1) for "No remuneration" substitute "Subject to sub-paragraph (3), no remuneration";

(b) after sub-paragraph (2) insert—

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

(a) the GMCA has considered a report published by an independent remuneration panel established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003(**b**) which contains recommendations for such an allowance; and

(b) the allowance paid by the GMCA does not exceed the amount specified in the recommendation made by the independent remuneration panel.".

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

Name
Minister of State
Date Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

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

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

The Secretary of State may only make changes to existing combined authority arrangements for an area where a scheme for such an authority has been published under section 112 of the 2009 Act. This Order has been made following the publication of such a scheme on 19th December 2014 by the constituent councils whose areas together make up the Greater Manchester Combined Authority. The scheme is available at http://www.manchester.gov.uk/gmca.

Article 4 of the Order allows for the appointment of an additional member of the Greater Manchester Combined Authority, to be known as the Interim Mayor, and provides for the eligibility requirements, appointment process, the maximum term of appointment, voting rights, the procedures concerning resignation and termination and remuneration. Article 4(6) amends the final paragraph (remuneration) of Schedule 1 of the Greater Manchester Combined Authority Order (S.I. 2011/908).

(**a**) See section 85(5) of the Local Transport Act 2008 and section 104 of the Local Democracy, Economic Development and Construction Act 2009 for powers of combined authorities to resolve that non-voting members may have voting rights.
(**b**) S.I. 2003/1021

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

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