

GREATER MANCHESTER INTEGRATED TRANSPORT AUTHORITY

Report for Resolution

DATE: 28 August 2009
SUBJECT: GMITA CONSTITUTION
REPORT OF: THE CLERK TO THE AUTHORITY

PURPOSE OF REPORT

To present for approval a revised Constitution following an annual review of the document and amended in accordance with decisions made at the Annual Meeting of the Authority on 19 June 2009.

RECOMMENDATION

That the revised Constitution be adopted (Version 9) including the section on Members' Allowances considered in a report earlier in the agenda

BACKGROUND DOCUMENTS

Minutes of the Annual Meeting of the Authority held on 19 June 2009.

CONTACT OFFICER

Terry Bowers 0161-234 3302 t.bowers@manchester.gov.uk

INTRODUCTION

1.1 On 5 December 2003, the Authority adopted a formal Constitution. It was agreed that this should be reviewed each year following the Annual meeting to ensure that the document was continuously appraised and kept up to date.

1.2 At the Annual Authority meeting held on 19 June 2009 the Authority reviewed its committee structures and Terms of Reference and approved amendments that have now been incorporated in the Constitution.

2. REVISIONS

2.1 The following revisions have been made to Version 8 of the Constitution :

- PART 1 – Section 2.1 – **changes to membership of the Authority**
- PART 2 – Section A. - **Amendments to the Committee structure and terms of reference**
- PART 7 – Section A (Schedule 1) - **Members' Allowances Special Responsibility Allowances and revised mileage rates**

3. RECOMMENDATIONS

The recommendations appear on the front sheet of this report.

APPENDIX

Revised Constitution – Version 9.

SIR HOWARD BERNSTEIN
Clerk to the Authority



GREATER MANCHESTER INTEGRATED TRANSPORT AUTHORITY

CONSTITUTION

(Version 9 - Revised August 2009)

PART 1 – INTRODUCTION

1. The Constitution

1.1 The Constitution sets out how the Greater Manchester Integrated Transport Authority (hereafter referred to as the ‘Authority’) operates, how decisions are made and the procedures which are followed to ensure that the Authority operates efficiently, effectively and is both transparent and accountable.

1.2 The Constitution is made up of six parts:

PART 1

Introduction (pages 2-4)

PART 2

Responsibility for functions (pages 5-14)

PART 3

Rules of procedure (pages 15-28)

PART 4

Financial procedures (pages 29-34)

PART 5

Codes of conduct (pages 35-45)

PART 6

Members/Officer Relations Protocol (pages 46-50)

PART 7

Members’ allowances (pages 51-58)

2. How the Authority Operates

2.1 The Authority is made up of 33 elected members appointed each year by the 10 Greater Manchester District Councils. It determines the policies for public transport in the County. The Greater Manchester Passenger Transport Executive (hereafter referred to as the ‘Executive’) puts the Authority’s policies into practice and provides the Authority with expert professional advice to enable it to make appropriate and informed decisions.

The membership of the Authority as presently constituted comprises:

Bolton(3)	David Chadwick	Lab
	Colin Shaw	Con
	David Wilkinson	Lib Dem
Bury(2)	Yvonne Creswell	Con
	Barry Theckston	Con

Manchester(5)	Andrew Fender	Lab
	Edward McCulley	Lab
	Val Stevens	Lab
	Keith Whitmore	Lib Dem
	David Sandiford	Lib Dem
Oldham(3)	John Dillon	Lib Dem
	David Jones	Lab
	Richard Knowles	Lib Dem
Rochdale(3)	Alan Godson	Lab
	Peter Davison	Lib Dem
	Peter Evans	Lib Dem
Salford(3)	Barry Warner	Lab
	Jim Dawson	Lab
	Ian Macdonald	Con
Stockport(4)	Peter Scott	Lab
	David White	Lib Dem
	Stuart Corris	Lib Dem
	Craig Wright	Lib Dem
Tameside(3)	Alan Whitehead	Lab
	Mike Smith	Lab
	Doreen Dickinson	Con
Trafford(3)	Roland Griffin	Lab
	Dylan Butt	Con
	Brian Rigby	Con
Wigan(4)	Eunice Smethurst	Lab
	Mark Aldred	Lab
	Patricia Holland	Lab
	Michael Winstanley	Con

2.2 The Authority is responsible, together with, and through the Executive, for:

- Specifying the level and quality of services on the local trains and tram (Metrolink) networks, and some of the bus network.
- Operating a concessionary fares scheme.
- Subsidising bus services that are socially necessary, but not commercially viable.
- Subsidising services that support District Council Crime & Disorder Strategies e.g., 'Night Bus'.
- Subsidising school bus services.

- Paying for accessibility improvements, a Travel Voucher Scheme and a Ring and Ride service for people who have difficulty in using ordinary buses, trains or trams.
- Co-ordinating public transport safety and security initiatives with operators, police and the Districts.
- Planning major strategic investments.
- Promoting the public transport network.
- The running of bus stations and the provision of bus services and stops.
- The provision of travel information.

2.3 The key objective of the Authority is to provide the people of Greater Manchester with the best possible public transport network: integrated, accessible and safe, high quality and which provides an attractive alternative to the private car.

3. How Decisions are Made

3.1 The Authority and its 33 members meet approximately every two months but additional meetings may take place within the two month period should the need arise. The Authority delegates business to both its Committees and to Officers (see Part 2). The determination of the Authority's Committees together with their terms of reference is undertaken each year at the Annual Meeting of the Authority.

PART 2 - RESPONSIBILITY FOR FUNCTIONS

A. The Authority and its Committees

1. Authority

1.1. The discharge of all duties and responsibilities of the Authority provided for within the Transport Acts 1968, 1983, 1985 and 2000, the Local Government Act 1972 and the Transport & Works Act 1992 and the Local Transport Act 2008 including:

- (i) Making appointments to the Board of the Executive;
- (ii) Formulating general policies with respect to the description of public passenger services;
- (iii) Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services to, from and within its area;
- (iv) Instructing the Executive to secure the provision of such public passenger transport services as it considers appropriate to secure public transport requirements within the area in accordance with the Authority's policies;
- (v) A duty to produce Local Transport Plans;
- (vi) Produce a Bus Strategy as part of the Local Transport Plan;
- (vii) Having regard to the Local Transport Plan, consider making a Quality Partnership Scheme, a Quality Contracts Scheme, a Ticketing Scheme and establishing Travel Concession Schemes;
- (viii) Determine what local bus information should be made available and the way it should be made available;
- (ix) The delegation of any of its duties and responsibilities as appropriate and, conversely, the Authority can undertake the duties of its committees.

2. Policy and Resources Committee

(20 Members – meets regularly within the two month cycle of meetings)

- 2.1 Formulates and reviews the policies of the Authority with reference to all matters within the functions of the Authority.
- 2.2 Formulates the policies of the Local Transport Plan
- 2.3 Monitors the operation, impact and effectiveness of the Authority's policies.
- 2.4 Advises the Authority on the determination of its Policy Priorities and, under delegated authority, review and ensure their effective delivery.

- 2.5 Monitors performance, under delegated authority, against key performance indicators/targets as set out in the Authority's Annual Report and the Local Transport Plan considers the implications for future policies and budget priorities
- 2.6 Formulates, monitors and develops, under delegated authority, procedures for public consultation on the policies adopted by the Authority.
- 2.7 Without prejudice to the delegated powers of the Capital Projects Committee, the Bus Network and GMPTE Services Committee and the Rail and Metrolink Networks Committee, considers all financial questions relating to the functions of the Authority.
- 2.8 Prepares the capital and revenue budgets of the Authority and makes recommendations to the Authority on the amount of the levy to be billed to the District Councils in Greater Manchester.
- 2.9 Monitors, under delegated authority, expenditure on the revenue budget.
- 2.10 Considers all matters concerned with the relationship between the Authority and the Executive including the:
- appointment and organisation of the Executive;
 - capital and revenue programmes of the Executive and the making of revenue grants to it;
 - variations in concessionary bus, rail and Metrolink fare levels;
 - approval, under delegated authority, of the disposal of any land by the Executive;
 - formulation of general policies with regard to public transport services the Authority considers it appropriate for the Executive to secure to meet any unmet requirements; and
 - formulation of policies concerned with measures to be taken by the Executive to promote the availability of public transport and the convenience of the public (including elderly and disabled people) in using passenger transport services.
- 2.11 Considers any other matters relating to the direction and operation of the Authority's business not otherwise referred to any other committee.

3. Bus Network and GMPTE Services Committee

(13 Members – meets regularly within the two month cycle of meetings)

In accordance with the Authority's policies for integrated public transport:

- 3.1 Considers all matters relating to the operation and service performance of the bus network in Greater Manchester, including commercially registered and subsidised services; bus stations and bus stops; passenger information services; contract

monitoring; vehicle standards; and passenger safety for the subsidised bus network.

3.2 Considers the operation, performance and development of the Authority's accessible transport provision.

3.3 Monitors:

- the detailed performance of the tendered bus network;
- the detailed operation and performance of the accessible transport services provided by the Authority;
- commercial bus services which make use of GMITA/GMPTE facilities such as bus stations, concessionary fares and Section 106 (1) grants to bus operators;

3.4 Under delegated authority, reviews closely and approves all proposed changes to the subsidised bus network and ensures that the cost of the subsidised general services is kept within the appropriate budget or any cash limit set by the Authority.

3.5 Under delegated authority, approves any operational proposals relating to the Executive's provision of bus station, stop/shelter and passenger information services

3.6 Discharges the above within capital and revenue budgets determined by the Authority

4. Rail and Metrolink Networks Committee

(13 members – meets regularly within the two month cycle)

In accordance with the Authority's policies for integrated public transport :

4.1 Considers all matters relating to the operation and service performance of local rail and Metrolink services in Greater Manchester, together with related facilities, including the status of individual rail stations within the Executive's monitoring system, and the promotion of local rail and Metrolink services

4.2 under delegated authority, reviews and approves all issues concerned with the level of, and support of, local rail services

4.3 monitors, the performance of local rail services and the performance of Metrolink services.

5. Emergency Committee

(20 Members – meets as business dictates)

5.1 Acts under delegated authority to determine any urgent matters that may arise during periods when the Authority is in recess.

6. Capital Projects Committee

(13 Members – meets regularly within the two month cycle)

- 6.1 Approves under delegated authority all releases for capital schemes within the capital programme determined by the Policy Committee .
- 6.2 Monitors the progress of all capital schemes within the Authority's capital programme.
- 6.3 Reviews the arrangements adopted by the Greater Manchester Passenger Transport Executive (GMPTE) for the procurement of a representative cross section of capital projects including the procurement routes and contractual arrangements used to ensure that they deliver best value to the GMITA/E.
- 6.4 Reviews the processes used for the evaluation and selection of design and delivery teams including the methods of assessment used to evaluate design and contractor bids and the arrangements proposed for the effective co-ordination of the design and delivery process.
- 6.5 Examines the internal GMPTE arrangements for managing and supporting the delivery of capital projects including the skill set currently available to meet the requirements of the capital programme over time.
- 6.6 Considers and resolves under delegated authority issues arising from the rail franchise replacement process.
- 6.7 Considers and resolves under delegated authority issues arising from the tendering and implementation of all Metrolink contracts.
- 6.8 Considers and resolves under delegated authority issues arising from the implementation of the Authority's schemes for the introduction of Smartcards which fall to be resolved by the GMITA.
- 6.9 Considers and resolves under delegated authority issues relating to the choice of a second city centre Metrolink route in conjunction with Manchester and Salford City councils.
- 6.10 Considers and gives any necessary approvals and authorisations under delegated authority to the Executive in relation to Metrolink fares.

7. Standards Committee

(8 Authority Members and 3 Independent Members – meets as business dictates)

- 7.1 Advises the Authority on the promotion and maintenance of high standards of conduct on the part of its members.
- 7.2 Advises the Authority on the adoption or revision of the Code of Conduct for Members
- 7.3 Assess written allegations of breaches of the Code of Conduct for Members

- 7.4 Reviews on the request of a complainant a decision that no action be undertaken in respect of an allegation
- 7.5 Deals with any reports from a Case Tribunal or Interim Case Tribunal, and any report from the Monitoring Officer, or any matter referred to it for determination by the Monitoring Officer, an Ethical Standards Officer or the Standards Board for England
- 7.6 Monitors the operation of the Code of Conduct.
- 7.7 Grants dispensations to Members from requirements in the Code of Conduct preventing Members participating in decision making.

**8. Audit Committee
(7 Authority Members and 1 Independent Member)**

- 8.1 Considers and advises the Authority on its Statement of Accounts in accordance with the Accounts and Audit Regulations 2003.
- 8.2 Considers the District Audit's Annual Audit and Inspection Letter in accordance with Accounts and Audit Regulations 2003 and monitors the Authority's response to individual issues of concern identified.
- 8.3 Considers and advises the findings of the Authority's annual review of the effectiveness of its System of Internal Control, including the effectiveness of its system of internal audit.
- 8.4 Oversees the effectiveness of the Authority and Executive's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- 8.5 Challenges the Authority's performance management arrangements.
- 8.6 Oversees and reviews the Authority's internal audit strategy, and receives reports, as appropriate, from the Internal Auditor.
- 8.7 Engages with the District Auditor and external inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.

B. Scheme of Delegation of Functions to Chief Officers/Schedule of Proper Officers

1 Introduction

- 1.1 This Scheme of Delegation to Chief Officers and Schedule of Proper Officers for various functions has been prepared in accordance with section 101 of the Local Government Act, 1972, which enables the Authority to delegate any of its functions to its officers. The Authority is also required by Section 100G of the Act to maintain a list for public inspection specifying those powers of the Authority which, for the time being, are exercisable from time to time by Chief Officers of the Authority, and stating the title of the Officer in question by whom the powers are exercisable.
- 1.2 Chief Officers in the context of this document mean the Clerk or the Treasurer.
- 1.3 The exercise of delegated powers by Chief Officers is required to be in accordance with the Authority's Rules of Procedure and Financial Regulations currently in force, and to be consistent with any policy or direction of the Authority or a Committee acting in exercise of powers delegated to that Committee by the Authority.

2. General Delegations to Chief Officers

- 2.1 The day to day routine management, supervision and control of services provided for the Authority by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the Authority.
- 2.2 The exercise by Chief Officers of delegated functions in respect of staffing matters shall be subject to the Lead District's Scheme of Delegation of Functions to Chief Officers.

Contracts and Accounts

- 2.3 The disposal of surplus or obsolete equipment to the person submitting the highest quotation up to a limit of £10,000 in value.
- 2.4 The acceptance of the lowest tender or quotation:-
 - (a) for the supply of goods, materials or services for which financial provision has been made in the Revenue Budget up to a limit of £100,000 in value for any one transaction, and
 - (b) for building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Authority and does not exceed £250,000.
- 2.5 The invitation of quotations for contracts not exceeding £25,000 in value for the supply of goods, materials or services or the execution of works from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the Authority.

2.6 The provision of services or the purchase of materials or minor items of equipment up to a total cost of £10,000 within one order or series of related orders for which provision has been made in the revenue estimates.

3. Delegations to the Clerk

3.1 To provide a comprehensive administrative and policy advice service to the Authority.

3.2 To initiate and defend legal proceedings as may be necessary to protect and promote the Authority's interests in accordance with any general policy laid down by the Authority.

3.3 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the Authority has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the Authority not opposing any Private Bill.

3.4 To authorise the attendance of Officers at conferences or seminars which are appropriate to the work of the Authority and within any policy framework from time to time laid down by the Authority.

3.5 To approve the provision of reasonable hospitality to representatives of other joint authorities, local authorities, organisations etc visiting the Authority where the proposed expenditure in any one case does not exceed £400.

3.6 To conduct press, publicity and public relations within prescribed policy including the approval and issue of all official Authority publications.

3.7 To supervise procedures for the invitation, receipt and acceptance of tenders, and the preparation and sealing or signature of legal documents.

4. Delegations to the Treasurer

4.1 To effect the proper administration of the Authority's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.

4.2 The taking of all action required on borrowing, investment and financing subject to the submission to the Policy and Resources Committee of an annual report of the Treasurer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.

4.3 To effect all insurance cover required in connection with the business of the Authority and to settle all claims under such insurances arranged for the Authority's benefit.

- 4.4 The preparation of manuals of financial and accounting procedures to be followed by Officers of the Lead District working on Authority matters.
- 4.5 To accept grant offers for and on behalf of the Authority, subject to all the terms and conditions set out by the grant awarding body
- 4.6 The submission of all claims for grant to the UK Government or the European Community (EC).
- 4.7 To make all necessary banking arrangements on behalf of the Authority, to sign all cheques drawn on behalf of the Authority or to arrange for such cheques to bear the facsimile signature of the Treasurer.
- 4.8 The Treasurer to monitor capital spending and submit a report to the Policy and Resources Committee at not more than quarterly intervals.
- 4.9 In relation to revenue expenditure under the control of the Chief Officers, to consider reports of Chief Officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £20,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the Policy and Resources Committee for consideration of a supplemental estimate.
- 4.10 The collection of all money due to the Authority, and the writing-off of bad debts.

5. Monitoring Officer

- 5.1 Under the provisions of the Local Government & Housing Act 1989, the Authority shall appoint a Monitoring Officer and a Deputy Monitoring Officer. The functions of the Monitoring Officer shall be as follows.
- 5.2 Should at any time it appear to the Monitoring Officer that any proposal, decision or omission by the Authority has given rise to, or is likely to give rise to unlawfulness or maladministration, he/she will prepare a report to the Authority with respect to that proposal, decision or omission.
- 5.3 Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- 5.4 To receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- 5.5 Conduct Investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- 5.6 Be the proper officer for ensuring the maintenance of public access to information in relation to Authority documents, reports and background papers.

5.7 Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all members.

6. **Schedule of Proper Officers**

6.1 Section 112(1) of the Local Government Act 1972, provides that the Authority shall appoint such Officers as it thinks necessary for the appropriate discharge by the Authority of such of its functions as fall to be discharged by them.

6.2 There are a number of specific references in the 1972 and 1985 Acts, which call for functions to be undertaken by what is termed the "Proper Officer". This schedule lists such references and identifies the Officers responsible for their discharge.

CLERK

The Clerk to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 84	Receipt of Declaration of Resignation of Office by a member of the Authority
Section 96 (1)	Receipt of Notices of Pecuniary interest
Section 96 (2)	Keeping a record of disclosures of Pecuniary Interest under Section 94
Section 100B (2)	Determination of those reports which should be available for public inspection prior to a meeting and those which are likely to be heard in private and consequently which should not be released to the public
Section 100B (7)	Provision of documents to the press, additional to committee reports
Section 100C (2)	Preparing written summaries of proceedings
Section 100D (1)	Making arrangements for lists of, and background papers to reports, to be made available for public inspection
Section 100F (2)	Determination of documents disclosing exempt information which may not be inspected by members
Section 146 (1) (a) and (b)	Declaration and Certificates with regard to securities
Section 225 (1)	Deposit of documents

Section 229 (5)	Certifications of photographic copies of documents
Section 234 (1) and (2)	Issuing and signing of formal notices
Section 236 (9) and (10)	Serving copies of Byelaws
Section 238	Certification of Byelaws
Schedule 12 para 4(2) (b)	Signature of Summonses to the Authority
Schedule 12 para 4 (3)	Receipt of notices regarding address to which summons to meetings is to be sent

TREASURER

The Treasurer to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 115(2)	Receipt of money due from Officers
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Local Government Act 1985

Section 73	Administration of the financial affairs the Authority
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GENERAL

All Officers in whose name reports are submitted to the Authority via the Clerk, the Treasurer, and the Chief Executive of the GMPTE are appointed the proper officers in relation to the following:-

Local Government Act 1972

S100D (I) (a)	Compilation and retention of lists of background papers and copies of the relevant documents and reports; and
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Section 100D (5)	Identifying and determining what are background papers
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PART 3: 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 of Procedure in relation to all questions of order and matters arising in debate shall be final.
- 1.2 In the Constitution 'Chair' means the member of the Authority for the time being presiding at a meeting of the Authority, and a meeting of a Committee or other constituent body of the Authority.
- 1.3 The following constitution shall apply to any Committee, or constituent body of the Authority, and any reference to the 'Authority' shall accordingly include reference to a Committee or constituent body.
- 1.4 Except for those provisions which accord with the provisions of the Local Government Acts (which are indicated with an asterisk *) any article may be suspended at a meeting of the Authority with the consent of a majority of the whole number of members of the Authority, but not otherwise.
- 1.5 These articles may only be varied or revoked by decision of the Authority and any motion to vary or revoke any of these articles shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority which shall determine the matter having considered a report of the Clerk on the proposed variation or revocation.

2. Constitution of the Authority

- 2.1 Every Member of the Authority shall be a representative of the local authority by whom they have been appointed, and shall continue in office in accordance with Sections 31-33 of the Local Government Act 1985, as amended by Section 10 of the Local Government Act 1986: provided that if a member fails throughout a period of six consecutive months from the date of their last attendance to attend any meetings of the Authority or its Committees, they shall, unless the failure to attend was due to some reason approved by the Authority before the expiry of that period, cease to be a member of the Authority.

- 2.2* The membership of the Authority as presently constituted shall comprise:

Bolton Metropolitan Borough Council	3 Members
Bury Metropolitan Borough Council	2 Members
Manchester City Council	5 Members
Oldham Metropolitan Borough Council	3 Members
Rochdale Metropolitan Borough Council	3 Members
Salford City Council	3 Members

Stockport Metropolitan Borough Council	4 Members
Tameside Metropolitan Borough Council	3 Members
Trafford Metropolitan Borough Council	3 Members
Wigan Metropolitan Borough Council	4 Members
Total	33 Members

3. Chair

- 3.1* The Chair and Vice-Chair shall be appointed annually by the Authority from among its members and shall, unless they resign, cease to be members of the Authority or become disqualified, act until their successors become entitled to act as Chair or Vice-Chair.
- 3.2* The appointment of the Chair and Vice-Chair shall be the first business transacted at the Annual Meeting of the Authority
- 3.3* On a vacancy arising in the office of Chair or Vice-Chair for whatever reason, the Authority shall make an appointment to fill the vacancy at the next ordinary meeting of the Authority 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.
- 3.4* In the case of an equality of votes in respect of the appointment of a Chair, the person presiding at the meeting shall give a casting vote in addition to any other vote they may have.
- 3.5* Subject to these articles, anything authorised or required to be done by, or in relation to the Chair, may be done by, or in relation to, the Vice-Chair.

4. Meetings

- 4.1* The Annual Meeting of the Authority shall be held in June or the month after local elections on a date and at a time determined by the Authority.
- 4.2* Ordinary meetings of the Authority for the transaction of general business shall be held on such dates and at such times as the Authority shall determine.
- 4.3* An Extraordinary Meeting of the Authority may be called at any time by the Chair.
- 4.4* If the Chair refuses to call an Extraordinary Meeting of the Authority after a requisition for that purpose, signed by three members of the Authority, has been presented to them, or if, without so refusing, the Chair does not call an Extraordinary Meeting within seven days after the requisition has been presented to them, then any three members of the Authority on that refusal or on the expiration

of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of the Authority.

5. Notice of Meetings

- 5.1 At least five clear days (in accordance with the Local Authority Access to Meetings and Documents (Period of Notice) (England) Order 2002) before a meeting of the Authority or one its committees:
- (a) notice of the time and place of the intended meeting shall be published at the Town Hall, Manchester.
 - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be left at or sent by post to all members of the Authority (or, in the case of a committee, to members of the relevant committee) and electronic mail to the usual place of residence of each member, or any other address notified to the Clerk by a member. Members of the Authority who are not members of the relevant committee will receive the agenda in electronic format only, unless specifically requested otherwise.
- 5.2* Lack of service on a member of the Authority of the summons shall not affect the validity of a meeting of the Authority.
- 5.3* A member of the Authority may require a particular item of business, including any motion, which is relevant to the powers and duties of the Authority, to be discussed at an ordinary meeting of the Authority subject to at least eight clear days notice of such intention being given to the Clerk in writing, signed by the member concerned and specifying the business to be discussed. The Clerk shall set out in the agenda for every meeting of the Authority the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given written notice to the Clerk, 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 Authority 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 Authority.
- 5.4 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 negative 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 5.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.
- 5.5* Except in the case of business required by these Standing Orders to be transacted at a meeting of the Authority, and other business brought before the meeting as a matter of urgency, and of which the Clerk 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 Authority other than that specified in the agenda for the meeting.

6. Chair of Meeting

- 6.1* At each meeting of the Authority the Chair, if present, shall preside.
- 6.2* If the Chair is absent from a meeting of the Authority, the Vice-Chair, if present, shall preside.
- 6.3* If both the Chair and Vice-Chair of the Authority are absent from a meeting of the Authority, the Clerk shall invite the members present to elect a Member to preside for the duration of the meeting or until such time as the Chair (or Vice-Chair) joins the meeting.
- 6.4 Any power or duty of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

7. Quorum

- 7.1* No business shall be transacted at any meeting of the full Authority unless at least one quarter of the members are present (i.e. 9 members as the Authority is presently constituted).
- 7.2* The quorum for any meeting of a Committee or constituent body of the Authority shall be one third of the membership of that body.
- 7.3 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.
- 7.4 If during any meeting of the Authority 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 Authority.

8. Order of Business

- 8.1 At every meeting of the Authority the order of business shall be to select a person to preside if the Chair or Vice-Chair are absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -
 - (a) by the Chair at his/her discretion, or
 - (b) on a request agreed to by the Authority.
- 8.2 The Chair may bring before the Authority at their discretion any matter that they consider appropriate to bring before the Authority as a matter of urgency.

9. Submission of Committee Proceedings

- 9.1 Except where a Committee appointed by the Authority is acting under delegated authority, the Minutes of the proceedings of each of the Authority's committees shall be submitted to the Authority for confirmation. Confirmation by the Authority of those Minutes shall constitute approval of the proceedings of those Committees. Where a Committee is acting under delegated authority, then the minutes of those proceedings (or that part of those proceedings which has been dealt with under delegated authority) shall be submitted to the Authority for information only.
- 9.2 The Chair or Vice-Chair of the Committee, or other member of the Committee acting in their place, shall deal with matters arising during any debate on the proceedings of the Committee.
- 9.3 A Chair or Vice-Chair of a Committee, or other member of the Committee acting in their place, may, with the consent of the Authority, withdraw any item on the Minutes of that Committee, or correct any factual inaccuracy which might otherwise result in the Authority being misinformed on any item in the Committee's Minutes.
- 9.4 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 Committee, does not appear in the Minutes of the proceedings.

10. Rules of Debate

- 10.1 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.
- 10.2 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 Authority 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.
- 10.3 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.
- 10.4 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 Authority.

10.5 An amendment shall be relevant to the Motion and shall be either:-

- (a) to refer a subject of debate to a 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 Authority.

10.6 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.

10.7 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 10.2 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.

10.8 A member may, with the consent of the Authority, signify without discussion:-

- (a) alter a Motion of which they have given notice; or
- (b) with the consent of their seconder alter a Motion which they have moved:

if in either case the alteration is one which could be made as an amendment thereto.

10.9 A Motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Authority (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.

10.10 When a Motion is under debate no other Motion shall be moved except the following:-

- (a) That the Motion be amended
- (b) That the Authority 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 12.2 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).

10.11 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 Authority proceed to the next business", "That the question be put", "That the debate be adjourned" or "That this meeting of the Authority 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 been insufficiently 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 10.2 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 Authority, 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 Authority 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 Authority the procedure in paragraph 10.11(c) above shall apply.

10.12 No member may move any of the Motions in paragraph 10.11 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.

- 10.13 A member may, with the permission of the Chair, rise on 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 Constitution or statutory provision and the member shall specify the part of the Constitution 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.
- 10.14 The ruling of the Chair on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.
- 10.15 Whenever the Chair intervenes during a debate a member then speaking or offering to speak shall give way.
- 10.16 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 Authority 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.
- 10.17 If during the consideration of any item of business any matter arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, conduct, superannuation or conditions of service, of any person employed by the Authority in circumstances under which disclosure to the public as indicated in Standing Order 10.16 might take place, a motion under Standing Order 10.16 shall be moved forthwith by the Chair.

11. Voting

- 11.1 Whenever a vote is taken at meetings of the Authority it shall be by show of hands. On the requisition of any member of the Authority and before the vote is taken, and supported by four other members who signify their support by rising in their places, 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.
- 11.2* In the case of an equality of votes, the Chair shall have a second, or casting, vote.
- 11.3 A member may demand that his/her vote be recorded in the Minutes of the meeting.

12. Conduct of Members

- 12.1 If at a meeting any member of the Authority, misconducts him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by willfully obstructing the business of the Authority, 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.
- 12.2 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); or
- (b) adjourn the meeting of the Authority for such period as they consider expedient.

12.3 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 Authority for such period as he or she considers expedient.

13. Disturbance by Members of the Public

13.1 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.

14. Interests of Members

14.1* A member must have regard to Part II of the Code of Conduct for Members (Part 5 – Codes of Conduct) and their obligations in relation to the disclosures of, and possible withdrawal from a meeting, for reason of personal and prejudicial interests (paragraphs 9.1 and 11.1 to 11.2 of Part 5).

15. Appointment of Committees

15.1 The Authority shall at the Annual Meeting appoint such Committees or constituent bodies as it has at that, or any earlier meeting, resolved to establish; may, at any time, appoint such other Committees or constituent bodies as are necessary to carry out the work of the Authority; and may, at any time, dissolve a Committee or alter its membership.

15.2 The terms of reference of Committees shall be approved by the Authority and shall be subject to review at each Annual Meeting.

15.3 The Authority shall at each Annual Meeting, or whenever there is a vacancy in such office, appoint the Chair and the Vice-Chair of each Committee, and shall not, as a matter of policy, automatically appoint the Chair and Vice-Chair of the Authority as the Chair and Vice-Chair of any Committee.

15.4 The Authority may at any time remove a member from the office of Chair or Vice-Chair of a Committee and appoint another member to fill the resultant vacancy.

15.5 A member may resign from the office of Chair or Vice-Chair of a Committee by notice in writing delivered to the Clerk, the resignation to take effect from the time of receipt of such notice.

15.6 Pending the filling by the Authority of a casual vacancy in the office of Chair of a Committee, the Vice-Chair shall act as Chair.

- 15.7 Where possible, a programme of dates and times of Committee meetings for the ensuing year shall be approved at the Annual Meeting of the Authority, or, on the first appointment of a Committee, at any other meeting of the Authority. Such a programme shall, however, be capable of variation by the Committee, and, in case of urgency, by the Chair or Vice-Chair of the Committee.
- 15.8 Authority members may attend a meeting of any 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 meeting. Such members may attend a 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 Clerk of the member's intention to attend for the discussion of such business, and his or her reasons for so doing.
- 15.9 A member of the Authority who has moved a Motion that has been referred to any Committee shall have notice of the meeting of the 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.

16. Publication of Reports

- 16.1* Reports or other documents for the consideration of the Authority or a Committee shall be marked "Private & Confidential Not for Publication" only if the Clerk, as Proper Officer under Section 100B(2) of the Local Government Act 1972 and Regulation 3(4) of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 determines that this should be done on one or more of the grounds specified in the Act/Regulations.
- 16.2 A Member of the Authority 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 sections 17 and 18 below.
- 16.3* Copies of the agenda of meetings of the Authority or its Committees, including prints of reports or other documents to be submitted to the Authority or Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at the Town Hall, Manchester.
- 16.4* 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 Authority.

17. Access to Information Procedure Rules

17.1 Except as otherwise indicated, these rules apply to all meetings of the Authority, its committees and sub-committees and public meetings.

17.2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

17.4 The Authority will supply copies of:

(a) any agenda and reports that are open to public inspection;

(b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and

(c) if the Clerk thinks fit, copies of any other documents supplied to councillors in connection with an item

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

17.5 The Authority 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.

17.6 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

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

18. Exclusion of access by the public to meetings

(a) Confidential information – requirement to exclude public

- 18.1 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.
- 18.2 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

- 18.3 Confidential information means information given to the Authority 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

- 18.4 Exempt information means information falling within the following categories (subject to any condition)
- (i) Information relating to any individual
 - (ii) Information which is likely to reveal the identity of an 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 authority or a Minister of the Crown and employees of, or office holders under, the Authority
 - (v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
 - (vi) Information which reveals that the authority 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.

(d) Exclusion of Access by the public to reports

- 18.5 If the Clerk thinks fit, the Authority 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.

PART 4 – FINANCIAL REGULATIONS

(Adopted by the Authority In December 2003)

1. General

- 1.1 These Regulations shall be read in conjunction with Rules of Procedure (see Part 3) and the Responsibility for Functions (see Part 2) delegated to Chief Officers.
- 1.2 These Regulations lay down for the guidance of members and officers, principles to be followed in securing the proper administration of the Authority's financial affairs and shall be reviewed at intervals of not more than three years.
- 1.3 The Treasurer, as the officer responsible for the proper administration of the Authority's financial affairs, shall report to the Authority any significant failure to comply with these Regulations which comes to his/her attention.
- 1.4 The Clerk and Treasurer shall be responsible for the accountability and control of all resources managed by them on behalf of the Authority.
- 1.5 For the purposes of complying with these Regulations, the Treasurer shall be provided with any information he/she may require and shall have access to any documents and records as necessary.
- 1.6 Whenever any matter arises which may involve financial irregularity the Treasurer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Treasurer and after consultation with the Clerk, be referred by them to the Policy and Resources Committee. Further, in a case where the Clerk advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2 Accounting Arrangements

- 2.1 The Treasurer shall prepare a manual of financial and accounting procedures to be operated by officers of the Lead District working on Authority matters.
- 2.2 All accounting and financial arrangements shall be determined by the Treasurer who shall be consulted before any form or document of a financial or costing nature is introduced.
- 2.3 The Treasurer shall be responsible for the submission of all claims for grant to Government Departments, or to the EU.
- 2.4 At the end of the financial year the Treasurer shall be supplied with information in such form and by such date as he/she may determine to enable him/her to close the Authority's Accounts promptly.
- 2.5 The Accounts must be approved by the Authority prior to Audit and within 6 months of the year end.

- 2.6 If the Auditor's Report requires any material amendment to be made to the Accounts, this must be then reported to the Authority as soon as practicable after the receipt of the audit report.

3. Banking Arrangements and Cheques

- 3.1 All arrangements with the Authority's bankers, including the ordering and safe custody of cheques, shall be made by the Treasurer who shall be authorised to operate such banking accounts, as he/she considers necessary.
- 3.2 All cheques drawn on behalf of the Authority shall be signed by, or bear the facsimile of the Treasurer, or the signature of any other duly authorised officer.

4. Budgetary Control

- 4.1 The detailed form of the programme of capital expenditure and revenue estimates shall be determined by the Treasurer after consultation with appropriate Officers, in accordance with any general directions of the Policy and Resources Committee.

Capital and Revenue Budgets

- 4.2 The Treasurer, in consultation with appropriate Officers and the Chief Executive of the GMPTE, shall prepare an annual programme of capital expenditure for submission to the Policy and Resources Committee and Authority, together with proposals for financing that programme.
- 4.3 The Treasurer, in consultation with appropriate Officers and the Chief Executive of the GMPTE, shall prepare annual estimates of revenue expenditure and income, indicating the levy necessary to finance the net expenditure for the next financial year.

Control of Expenditure

- 4.4 Before a capital scheme for which provision is made in the Capital Programme may proceed, a fully costed scheme report shall be presented to the Policy and Resources Committee, justifying the need for the expenditure. The Treasurer will report on the revenue implications of the scheme. Letting the contract, for capital schemes managed by the GMPTE, will be subject to GMPTE Standing Orders.
- 4.5 After a scheme has been approved in detail by the Policy and Resources Committee, the Chief Executive of the GMPTE shall inform the Treasurer as soon as practicable of any likely overspending. If the overspending is likely to be greater than 5% of the approved capital cost after an appropriate allowance for price increases, the revised estimates shall be referred to the Policy and Resources Committee. If the overspending is within 5% of the approved capital cost after an appropriate allowance for price increases, the Treasurer shall be authorised to approve a supplemental estimate but shall report the details of such approvals, at not more than quarterly intervals, to the Policy and Resources Committee.

- 4.6 In approving the Revenue Budget, the Authority will determine the amounts to be allocated to various expenditure heads to be met from the GMPTE's Revenue Grant, in accordance with the Authority's published Policy Statement. The Chief Executive will monitor expenditure against this approval, and report on a regular basis agreed with the Treasurer to the Policy and Resources Committee showing actual and projected expenditure from the Revenue Grant. It will be a matter for the Policy and Resources Committee to determine from this information whether expenditure priorities should be changed.
- 4.7 For revenue expenditure any likely overspending shall be reported as soon as practicable to the Treasurer. The Treasurer shall be authorised to approve transfers between expenditure heads up to a maximum of £25,000. Anything in excess of this amount shall be reported for approval to the Policy and Resources Committee. Where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the Policy and Resources Committee for a supplemental estimate.
- 4.8 Grants for capital or revenue purposes to outside organisations and persons for which provision is made in the appropriate budget shall not be paid except by agreement with the Treasurer who shall make such arrangements as he/she considers necessary for this purpose.

5. Borrowing and Investments

- 5.1 The Treasurer shall be the Authority's registrar of stocks, bonds, bills and mortgages and all borrowings shall be made by, or under the supervision, of the Treasurer in the name of the Authority.
- 5.2 The Treasurer shall maintain records of all monies borrowed and shall be responsible for the day to day administration of borrowed monies.
- 5.3 The Treasurer shall ensure that the Treasury Management Code of Practice and the Prudential Code are complied with and shall, as recommended by the Codes of Practice, periodically submit relevant reports to the Policy and Resources Committee in relation to the Authorities borrowings.
- 5.4 The Lead Authority investment regulations shall apply.

6. Contracts

- 6.1 All contracts on behalf of the Authority shall be subject to the Authority's Rules of Procedure and the Responsibility of Functions.
- 6.2 The Treasurer shall be informed as soon as possible of all contracts, agreements, awards or other instruments involving the payment of receipt of money on behalf of the Authority and shall carry out such checks as he/she considers necessary during the currency of a contract. Contracts entered into by the GMPTE are subject to GMPTE Standing Orders and are not covered by this Regulation.

- 6.3 Payment to contractors on account shall be authorised only on certified documents signed by an authorised Officers or other authorised officer, showing the total amount of the contract, value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 6.4 Every variation of a contract or addition to the original specification shall be authorised, in writing, by a duly authorised Officer or other duly authorised officer. Any such variation or addition which necessitates an increase in the amount of an accepted tender or estimate by more than £2,500 on projects up to £30,000 or 5% of the accepted tender or estimate on projects over £30,000 or involves a substantial modification of a scheme, shall be reported to the Policy and Resources Committee as soon as possible. No order shall be placed, nor any payment certified, in respect of any such variation or addition has been approved by the Policy and Resources Committee.
- 6.5 The final certificate on a contract or accepted estimate shall be issued by the appropriate Officer or duly authorised officer after he/she has submitted to the Treasurer a detailed statement of account, together with such vouchers or documents as he/she may require.
- 6.6 In the case of contracts for works entered into by the Authority and supervised and managed by architects or persons other than the Authority's own officers, the agreement with the person having control of the work shall provide that he/she furnish to the Authority for inspection by their officers, all documents and vouchers relating to prime costs, provisional sums, etc. Subject to the rights of other parties to the contract, the final certificated shall not be issued, nor the balance under such contract paid until:
- a. The Treasurer with the assistance of any appropriate officer has had the opportunity to examine the accounts, vouchers and documents, and
 - b. If any question of propriety of payment arises, the Authority shall have authorised payment.
- 6.7 Claims received from contractors in respect of matters clearly not within the terms of the appropriate contract shall be referred to the Clerk for consideration of the Authority's legal liability and to the Treasurer for financial consideration, before settlement is negotiated.

7. Estates and Property

The Clerk shall maintain a terrier of all estates and properties owned by the Authority in a form approved by the Treasurer.

The Clerk shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Treasurer.

8. Income

- 8.1 The collection of all money due to the Authority shall be under the supervision of the Treasurer.
- 8.2 All money received by an officer on behalf of the Authority shall, without delay, be paid intact to the Treasurer or, as he may direct, to the Authority bank account.
- 8.3 The Treasurer shall be furnished with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required to record correctly all sums receivable by the Authority and to ensure prompt rendering of accounts for the collection of income.
- 8.4 The Treasurer shall be notified promptly of all money due to the Authority and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Authority.
- 8.5 All receipt forms, books, tickets and other such items shall be ordered and supplied to departments by the Treasurer who shall satisfy himself/herself as to the arrangements for their control.
- 8.6 The Treasurer shall refer to the Clerk without delay all debts which he/she is unable to recover.
- 8.7 The Treasurer shall be authorised to write off bad debts.
- 8.8 Every transfer of official money from one officer to another shall be evidenced in the records of the departments concerned by the signature of the receiving officer.

9. Insurance

- 9.1 The Treasurer shall, subject to any general direction of the Policy and Resources Committee, arrange such insurances in the name of the Authority as he/she considers necessary, and shall inform appropriate Officers annually of the insurances in force in respect of his/her department.
- 9.2 Appropriate Officers shall give prompt notification to the Treasurer of all new risk, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 9.3 Appropriate Officers shall inform the Treasurer promptly in writing of any event which may involve the Authority in a claim on the Authority's insurers.
- 9.4 Indemnities on behalf of the Authority can only be given by the Clerk.

10. Internal Audit

10.1 The Treasurer shall, so far as he/she considers necessary:

- a. Arrange for the internal audit of all accounts and financial transactions of the Authority and its officers.
- b. Supervise security arrangements and the custody and safeguarding of Authority moneys and property, including any funds entrusted to the Authority or its officers.
- c. Undertake investigations in order to ensure that value for money is obtained and loss through wastage minimised.

10.2 The Treasurer, or his/her authorised representative, shall have authority to:

- a. Enter at all reasonable times on any Authority premises/land, or premises/land of the Lead Authority used for Authority business.
- b. Have access to all records, documents and correspondence relating to any financial and other transactions of the Authority and make such checks as he/she considers necessary.
- c. Require and receive such explanations as are necessary concerning any matters under examination.
- d. Require any officer of the authority to produce stores, all cash under his/her control including unofficial funds and any other authority property controlled by him/her.

11. Orders for Work, Goods & Services

11.1 Lead Authority Financial Regulations will apply

12. Payment of Accounts

12.1 Appropriate Officers shall be responsible for the certification and submission of invoices and other claims to the Treasurer who shall make safe and efficient arrangements for the payment of such accounts.

13. Petty Cash

13.1 The Treasurer shall make such arrangements as he/she considers necessary for defraying petty cash and other expenses by means of an imprest system.

PART 5 – CODES OF CONDUCT

A. CODE OF CONDUCT FOR MEMBERS

PART I – GENERAL PROVISIONS

Introduction and interpretation

- 1 (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
"meeting" means any meeting of –
 - (a) the Authority;
 - (b) any of the Authority's committees or joint committees.
sub-committees;"member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's Monitoring Officer and an authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3. (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not –
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is -
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You -
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either-

(a) it relates to or is likely to affect -

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body -

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is –

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

- 10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business –
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) any ceremonial honour given to members; and
 - (iv) setting council tax or a precept under the Local Government Finance Act 1992.

Effect of prejudicial interests on participation

- 11. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority -

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee; and
- (b) you must not seek improperly to influence a decision about that business.

Part 3 - Registration of Members' Interests

Registration of members' interests

- 12. (1)** Subject to paragraph 14, you must, within 28 days of -
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer

Sensitive information

- 13. (1)** Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Standards of Conduct for Members

The General Principles

Selflessness — members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity — members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity — members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness — members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement — members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others — members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law — members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

Stewardship — members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership — members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

B. CODE OF CONDUCT FOR OFFICERS

Manchester City Council's Code of Conduct, as lead district authority, applies to Integrated Transport Authority staff. The following guide highlights the key elements of the Code.

1. Standards

- 1.1 Manchester residents and those using Council services are entitled to expect the highest standard of conduct. Employees have responsibilities to the community they serve. Employees will strive to ensure courteous, respectful, efficient and impartial service to all groups and individuals within that community.

2. Open Government

- 2.1 Employees can help contribute towards the Council's policy of open government, must not restrict anyone exercising a right to access information and should be aware of what Council information is open to the public.

3. Equal Opportunity Issues

- 3.1 Employees must ensure that Council policy relating to equality and equal opportunity is followed. All members of the local community, customers and colleagues have a right to be treated with fairness and equity.
- 3.2 Additionally, all employees must make sure they are aware of the factors which result in black and ethnic minority people, disabled people, women, gay men and lesbians suffering inequality and oppression and undertake their duties so as to seek to redress this. If they become a victim of harassment at work they should report it to their manager at the earliest opportunity.

4. Appointments

- 4.1 Where employees are involved in appointments they must do so on the basis of merit and comply with the Recruitment and Selection Code of Practice.

5. Political Neutrality and Working with Councillors

- 5.1 Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity can damage that relationship and prove embarrassing to both colleagues and Councillors.
- 5.2 Whether or not an employees post is politically restricted, they must follow every lawfully expressed policy of the Council and not allow their personal or political opinions to interfere with their work. Where they are required to give advice to Councillors and colleagues, it should be done with impartiality.

6. Service Provision and Quality

- 6.1 Employees should strive for a quality service and bring to the attention of management any deficiency in service provision that they find.
- 6.2 Each employee should understand the law governing their service and inform their manager or the Chief Executive of any impropriety, breach of procedure, unlawfulness or maladministration.

7. Council Property and Use of Facilities

- 7.1 The use of public funds is entrusted to employees in a responsible and lawful manner, ensuring value for money for the local community.
- 7.2 Employees must not undertake outside work of any sort within their workplace, use Council facilities only for Council business and respect the intellectual property of the Council which must not be used for personal gain or benefit.

8. Information Technology and Data Security

- 8.1 Employees should ensure that they follow the Council's security procedures when using computers and when storing and managing data.

9. Indemnification of Employees

- 9.1 Employees will be indemnified from personal legal action against them when acting in good faith in the discharge of their duties.

10. The Media

- 10.1 Unless required to do so in the course of their work an employee must not deal direct with the press or the media.

11. Contracts and Contractors

- 11.1 An employee must not seek or accept any gift or personal inducement in connection with the procurement of works, goods or services.

Employees should inform their manager about relationships of a business or private nature with external contractors or potential contractors. If involved in the tendering process, they should ensure that it is open and above board, observing the rules relating to separation of roles during tendering.

12. Sponsorship

- 12.1 Where the Council wishes to sponsor an event, employees must ensure that they, their partner, or relative, do not benefit in any way from such sponsorship without full disclosure the manager of the employee concerned.

13. Hospitality and Gifts

- 13.1 Invitations to social or sporting events should be accepted only when they are part of the life of the community or where the Council should be seen to be represented.
- 13.2 If an employee accepts hospitality they should be mindful of all the circumstances. They should get advanced authority and keep a record of such occasions. They should not accept any significant personal gifts from contractors and outside suppliers.

14. Outside Commitments

- 14.1 Officers graded above Scale 6 require the written consent of their line manager before taking up any outside employment. Employees of all grades should not

undertake outside work if official duties overlap with the proposed work or if it causes a conflict of interest.

15. Personal Interests : Financial and Non-Financial

- 15.1 An employee must declare any financial interests which could conflict with the Council's interests to their manager.
- 15.2 Non-financial interests that it could be considered could bring about conflict with the Council's interests should also be declared e.g. membership of outside bodies in a personal capacity.
- 15.3 Employees should be mindful not to place themselves in a situation where involvement in outside bodies could compromise their continuing professional duty to the interests of the Council.
- 15.4 When serving on outside bodies as a Council appointee, an employee will of course be expected to represent and promote the Council's interests and policies as the circumstances dictate.
- 15.5 Employees should also declare membership of any organisation which is not open to the public, has no formal membership and has commitment of allegiance and which has secrecy about its rules, membership or conduct.

16. Standard of Dress and Appearance

- 16.1 There is a general expectation that dress will be appropriate to duties and responsibilities.
- 16.2 Some departments have introduced dress codes to suit the services they provide and to meet the expectations of the public. Where such codes are established, employees will be expected to meet the service standard set.

PART 6 – MEMBER/OFFICER RELATIONS PROTOCOL

1. Introduction and Principles

- 1.1 The purpose of this Protocol is to guide Members of the Authority and Officers of the Authority and the Executive (“Officers”) in their relations with one another in such a way as to ensure the smooth running of both organisations.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.5 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct (that apply from time to time) and any guidance issued by the Standards Committee and/or Monitoring Officer.

2. General Points

- 2.1 Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Authority and the Executive. Their job is to give advice to Councillors and the Authority, and to carry out the Authority's work under the direction and control of the Authority, the Executive, and Committees.
- 2.2 At the heart of this Protocol is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 2.3 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. This is a long-standing tradition in public service as an Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Clerk to the Authority (and/or the Chief Executive of the

GMPTE). The Clerk to the Authority will then look into the facts and report back to the Member. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures, in the case of a GMITA Officer, or the GMPTE's procedures if a GMPTE Officer.

- 2.4 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Section/Division/Department at or in a manner that is incompatible with the overall objectives of this Protocol. Such matters should be raised with the Officers immediate line manager.
- 2.5 Nothing in this protocol shall prevent a GMITA or GMPTE officer expressing a relevant concern under the Authority's Confidential Whistle Blowing Policy.
- 2.6 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with the Clerk to the Authority or the GMPTE's Chief Executive as appropriate. In these circumstances the Clerk to the Authority or the Chief Executive will take appropriate action including approaching the individual Member concerned or discussing the matter with the Monitoring Officer where they consider there may be a breach of the Members code of conduct.

3. Officer Support to Members: General Points

- 3.1 Officers must act in the best interests of the Authority and Executive as a whole and must not give politically partisan advice.
- 3.2 Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided therefore that could give rise to the appearance of improper conduct or behaviour.
- 3.3 Certain statutory officers - the Clerk to the Authority, the Treasurer and the Monitoring Officer have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members. In particular Members are reminded of the duty under the Code of Conduct to have regard to any relevant advice given by the Treasurer or Monitoring Officer.
- 3.4 The following key principles reflect the way in which Officers generally relate to Members:
 - Officers undertaking work for the GMITA are accountable to the Authority through the Clerk or the Chief Executive of the GMPTE;
 - support from Officers is needed for all the Authority's functions including full Authority, and Committees, individual Members representing their communities etc;
 - day-to-day managerial and operational decisions should remain the responsibility of the Clerk to the Authority, GMPTE Chief Executive and other Officers.

- 3.5 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that in these circumstances it is the Officer, rather than the Member or Members, who legally takes the action and it is the Officer who is accountable for it.
- 3.6 Finally, it should be remembered that GMITA Officers undertaking work for the GMITA are accountable to the Clerk to the Authority and GMPTE Officers to the Chief Executive and that whilst Officers should always seek to assist a Member, they must not, in so doing go beyond the bounds of whatever authority they have been given by the Clerk to the Authority and the Chief Executive.

4. Officer Advice to Party Groups

- 4.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Authority as a whole and not any political group, combination of groups or any individual Member of the Authority. The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with a Member, Lead Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members.

4.2 Attendance at Party Political Group Meetings

There is now statutory recognition for 'party groups'. It is common practice for such groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the relevant decision making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

- 4.3 Attendance at meetings of party groups is voluntary for Officers and must be authorised by the Clerk to the Authority and the Chief Executive of the GMPTE.
- 4.4 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- 4.4.1 Officer assistance must not extend beyond providing information and advice in relation to matters of Authority business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of Officers.
- 4.4.2 Party group meetings, whilst they form part of the preliminaries to Authority decision making, are not formal decision making bodies of the Authority and are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and it is essential that they are not interpreted or acted upon as such; and

- 4.4.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Authority decision making body when the matter in question is considered.
- 4.5 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Authority. Such persons are not bound by the Authority's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.
- 4.6 Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group and that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other Officers of the Authority so far as that is necessary to performing their duties.
- 4.7 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Clerk to the Authority who will discuss them with the relevant group leader(s).

5. Members' Access to Information and to Authority Documents

- 5.1 The rights of members to inspect Authority documents are set out in the constitution in the Access to Information Procedure rules.
- 5.2. A Member must not disclose information given to him in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and must not prevent another person from gaining access to information to which that person is entitled by law. A breach of these requirements is a breach of the code of conduct and actionable by way of a complaint to the Authority's Standards Committee. If the breach is serious a civil action may be brought against the Member and / or the Authority for damages.
- 5.3 The Freedom of Information Act (FOI Act) 2000 brought additional rights and responsibilities regarding the disclosure of information. The Act became fully operational in 2005 and a "publication Scheme" was produced by the Authority in 2003.

6. Correspondence

Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.

Official letters on behalf of the Authority should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member or the Chair. Letters which, for example, create legal obligations or give instructions on behalf of the Authority should never be sent out in the name of a Member.

7. Publicity and Press Releases

- 7.1 In recent years, all authorities have increasingly used publicity to keep the public informed and to encourage public participation. The Government has issued a Code of Recommended Practice on Local Authority Publicity and all local authorities must have regard to the provisions of any such Code in coming to any decision on publicity. In particular members and officers should note that during the election period special rules apply with regard to local authority publicity
- 7.2 Officers and Members of the Authority will, therefore, in making decisions on publicity, take account of the provisions of the Code of Recommended Practice on Local Authority Publicity and any further guidance issued by the Clerk to the Authority. If in doubt Officers and /or Members should seek advice from the Clerk to the Authority or the Monitoring Officer.
- 7.3 All press releases are issued through the Press Office on behalf of the Authority. Press releases are not issued by the Authority on behalf of political groups. They can contain the comments of Members and Committee Chairs where they are speaking in connection with the roles given to them by Authority. Officer's comments can be included on professional and technical issues.

8. Officer/Member Protocol

- 8.1 Monitoring compliance with this protocol is the responsibility of the Standards Committee and the Monitoring Officer.
- 8.2 Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

PART 7 – MEMBERS ALLOWANCES

A. Members Allowances Scheme

*Note: All rates of allowance within this Section are effective from 19 June 2009 with the exception of * which is effective from 28 August 2009.*

1. Interpretation

1.1 In this Scheme

“Councillor” means a member of the Authority who is a Councillor

“Year” means the 12 months ending with 31 March.

2 Basic Allowance

2.1 Subject to paragraphs 5.1 to 5.4 below, for each year a basic allowance of £4152 per annum or £346 per month shall be allocated to each Councillor.

3. Special Responsibility Allowances

3.1 For each year a Special Responsibility Allowance (SRA) shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme.

3.2 Where members hold more than one post that attracts a SRA, they will not be permitted to draw more than one SRA.

3.3 Subject to paragraphs 5.1 - 5.4 below, the amount of such allowance shall be as specified against that special responsibility in that Schedule.

4. Renunciation

A Councillor may by notice in writing given to the Treasurer elect to forego any part of his or her entitlement to an allowance under this Scheme.

5. Part-year Entitlements

5.1 The provisions of this paragraph, and paragraphs 5.2 to 5.4 below, regulate the entitlement of a Councillor to basic or special responsibility allowances where, during a year, this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

5.2 If an amendment to this Scheme changes the amount of basic or special responsibility allowance to which a Councillor is entitled, adjustments to entitlements will be based on:

- (i) beginning with the year and ending with the day before the first amendment in that year.

- (ii) beginning with the day on which an amendment is made and ending the day before any subsequent amendment takes place or (if none) at the end of the year.

- 5.3 Where the term of office of a Councillor begins or ends other than at the beginning or at the end of a year, the entitlement of that Councillor to a basic allowance will be based on the proportion of service in relation to a full year.
- 5.4 Where a Councillor receives a special responsibility allowance during part of a year, the allowance will be based on the proportion of time the special responsibilities were undertaken, in relation to a full year.
- 5.5 For the purposes of calculating part-year allowances, the relevant period will be measured in whole months plus the number of days in any part month. The monthly allowance will be the annual allowance divided by 12 and rounded up to the nearest £0.50. The daily allowance will be the annual allowance divided by 365 and rounded to the nearest £0.01.

6. Claims/Payments

Claims for basic and special responsibility allowances under this scheme shall be made in writing to the Treasurer/Finance Officer of the Greater Manchester District Council which has nominated the Councillor to serve on the GMITA on a quarterly basis, in arrears, or at more frequent intervals if the Councillor so chooses. Payments shall be made by the nominating District Council on the same basis. All payments are rechargeable to the GMITA by the District Councils, on a quarterly basis.

7. Dependent and Child Care Allowance

- 7.1 The Authority has agreed that a Dependent and Child Care Allowance be paid.
- 7.2 In the case of Child Care Allowance, this is based on rates similar to those of the Local Government Association, which is actual expenditure incurred up to a maximum of £4.81 per hour. The allowance will be paid out on a basis of self monitoring for instance,
 - A member must register that they have a dependent child living with them under the age of 14.
 - Claim the allowance on production of a signed statement by the Member, which declares that the child care has been provided by a child minder or by a member of the immediate family not normally resident at the Members home address.
- 7.3 A Dependent Carers Allowance for elderly and/or disabled dependants is available to Members. Rates for elderly and/or disabled dependants will be paid at a similar rate charged by their constituent district council Social Services Department (at an agreed maximum to be set by the GMITA) for provision of a Home Care Assistant. This allowance will only be paid on the production of a receipt for actual expenditure incurred. The Dependent Carers Allowance is subject to reasonable

claims and competence to pay such an allowance and available to Members who have an express need for such an allowance. This express need should take the form of a written declaration by a Member, which is then lodged with the Standards Committee. Although maximum limits have not been prescribed, it will be paid out on the basis of what is deemed to be generally reasonable expenses.

- 7.4 It should be noted that Members cannot claim for multiple carers for multiple dependants within the same category of care.

8. Suspension

- 8.1 When an elected member or co-optee is suspended from acting as a member of the Authority or a committee they are appointed to after being found in breach of the Code of Conduct then the Standards Committee is empowered to suspend in whole or part the allowances payable to that member and/or co-optee (including travel and subsistence allowances).
- 8.2 Where a suspension has already been served (but only confirmed after adjudication) the Authority shall require the member to repay any allowances received during that period.

9. Amendments to Scheme

Amendments to this scheme can be made by the GMITA at any time.

10. Lobbying Expenses

Whilst it is anticipated that the majority of the budget set aside for lobbying activities will be spent by GMITA/E officials in the organisation of pre-planned major events (e.g. party conferences) it is expected that on occasion leading members will wish to lobby in pursuit of GMITA policy independently. The following protocol is to be followed to cover such activity:

1. There should only be one budget for lobbying as agreed by the Authority on an annual basis.
2. The lobbying budget will be administered by the GMPTE
3. The budget holder, and administrator, is the Lobbying Manager
4. The Lobbying strategy is agreed by the Authority and amended by them as and when
5. Spend on lobbying activities must be "reasonable". A degree of transparency will be required to ensure that the Authority is able to have comfort that lobbying monies are being efficiently used and well-directed.
6. Approval that planned lobbying is consistent with the lobbying strategy should be obtained in advance from the Lobbying Manager.

7. The Finance Director, GMPTE will authorise payments subject to the conditions above (5 - reasonable expenses; 6 - fit with lobbying strategy). The Finance Director will keep a record of the category of spend (according to the lobbying strategy) against which expenses are to be logged.
8. The Authority should at regular intervals be able to see what has been spent. On an annual basis a report containing a summary of lobbying costs should be tabled before the GMITA Standards Committee. The report should allow the GMITA to identify (i) what individual Lead Members have spent in summary, and (ii) the categories of spend (as per the lobbying strategy) on which lobbying monies have been spent.
9. The Lobbying Manager will determine, in discussion with the appropriate member(s), whether an appropriate officer(s) should be invited to forthcoming activities.

SCHEDULE 1

The following are specified with effect from 19 June 2009 (with the exception of * payable from 28 August 2009) as the special responsibilities in respect of which special responsibility allowances (SRAs) are payable and the amounts of those allowances.

SPECIAL RESPONSIBILITY¹²³	AMOUNT PAYABLE
BAND 1 Chair, GMITA	£26,556 pa
BAND 2 Vice Chair, GMITA/Chair, Policy and Resources Cttee.	£19,917 pa
BAND 3 Chair, Rail and Metrolink Network Cttee Chair, Bus Network and GMPTE Services Cttee. Chair, Capital Projects Cttee	£8,851 pa £8,851 pa £8,851 pa
BAND 4 Opposition Group Leader	£6,639 pa
BAND 5 Vice Chair, Policy and Resources Cttee	£4,979 pa
BAND 6 Opposition Deputy Group Leader Chair, Audit Committee	£2,656 pa £2,656 pa
BAND 7 Vice Chair, Bus Network and GMPTE Services Cttee Vice Chair Rail and Metrolink Networks Cttee. Vice Chair, Capital Projects Cttee. Single Equalities Spokesperson*	£2,213 pa £2,213 pa £2,213 pa £2,213 pa
BAND 8 Chair, Standards Cttee.	£1,170 pa
BAND 9 Section 41 Spokespersons Independent Members Standards Committee	£804 pa £804 pa

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- 1. No one member is entitled to receive more than one SRA at any given time.*
 - 2. No more than 24 of the members of the GMITA are to be in receipt of SRAs at any given time.*
 - 3. The overall number of SRAs is capped both at the present overall number and numbers at each individual level.*

b. Scheme of travel and subsistence allowance as authorised by the Local Government Act 1972 (Sections 174 and 175)

1. Definition of Qualifying Duties

The definition of duties qualifying for the payment of travel and subsistence allowances shall include any duty carried out by any member of the Authority in accordance with a request, authorisation or designation by the Authority; or in accordance with a request by the Clerk or Chief Officer for the purpose of, or in connection with the discharge of the functions of the Authority.

2. Travel

- (a) The rate for travel by public transport shall be first class fare.
- (b) Rail tickets are available from the GMITA office; however, members wishing to make their own travel arrangements (other than by private car) may claim a sum equal to the cost of the rail fare or their actual expenses, whichever is the lesser.
- (c) Expenditure may be refunded for:
 - (i) Pullman car, seat reservation, deposit or portorage of luggage; and
 - (ii) sleeper reservation on overnight journeys; subject to a reduction by one third of any subsistence allowance payable for that night.
- (d) The rate for travel by taxi shall be:
 - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
 - (ii) in any other case, the amount of the fare for travel by public transport.

3. Motor Mileage

3.1 The authorised rate where members travel by their own car or van, or one belonging to a member of their family, or one otherwise provided for their use is 40p per mile (all engine sizes) up to 10,000 miles per annum.

3.2 The above rates may be increased:

- (a) in respect of the carriage of passengers, not exceeding four, to whom a travel allowance would otherwise be payable, by 5 pence per mile.
- (b) by the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

4. Bicycle

- 4.1 Members who travel to approved duties by bicycle will be reimbursed at a rate of 20 pence per mile.

5. Subsistence

Day Subsistence

- 5.1 Day subsistence rates are on a 'meals' basis, with eligibility based on the time of day the meal is taken and time away from home, as follows.
- (a) Breakfast allowance (more than 4 hours away from normal place of residence before 11:00am) £5.59
 - (b) Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2:00pm) £7.59
 - (c) Tea allowance (more than 4 hours away from normal place of residence including the period 3:00pm to 6:00pm) £3.06
 - (d) Evening meal allowance (more than 4 hours away from the normal place of residence ending after 7:00pm) £9.50

Overnight Accommodation

- 5.2 The cost of overnight accommodation will be paid where necessary at a reasonable rate for a 3 star hotel.
- 5.3 The amount claimed should not be higher than the amount actually incurred and any reimbursement at a higher rate than is specified will only be permitted when prior agreement to the cost has been given by the Clerk to the Authority.

Meals provided free of charge

- 5.4 The rates specified in 5.1 and 5.2 above are to be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

6. Meals on Trains

- 6.1 When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

7. Claims /Payments

- 7.1 Claims for payments under this scheme shall be made in writing to the Treasurer / Finance Officer of the Greater Manchester District Council which has nominated the Councillor to serve on the GMITA, on a quarterly basis, in arrears, or at more frequent intervals, if the Councillor so chooses. Payments shall be made by the nominating District Council on the same basis. All payments are rechargeable to the GMITA by the District Councils, on a quarterly basis.
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