STATUTORY INSTRUMENTS

2018 No. 444

LOCAL GOVERNMENT, ENGLAND

The Greater Manchester Combined Authority (Amendment) Order 2018

Made - - - - 28th March 2018

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1)(a), 107G, 114(1) and 117(5) of, and paragraph 6 of Schedule 5C to, the Local Democracy, Economic Development and Construction Act 2009(**1**) ("the 2009 Act").

In accordance with section 104(10) of the 2009 Act, the councils whose local government areas are comprised in the area of the Greater Manchester Combined Authority and the Greater Manchester Combined Authority have consented to the making of this Order(**2**).

The Secretary of State, having regard to a scheme prepared and published under section 112 of the 2009 Act(**3**), considers that—

(a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates, and

(b) any consultation required by section 113(2) of the 2009 Act(**4**) has been carried out.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and the need to secure effective and convenient local Government(**5**).

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

(**1**) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the 2016 Act. Article 17(2) of the Greater Manchester Combined Authority (Functions and Amendment) Order 2017 provides that for the purposes of section 104(1)(a) of the Local Democracy, Economic Development and Construction Act 2009 (constitution) (c. 20), section 84(2)(a) of the Local Transport Act 2008 (constitutional arrangements) (c. 26) applies in relation to a committee or sub-committee of the GMCA as it applies to members of the GMCA. Section 107G was inserted by section 5 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Subsections (2), (2A) and (3) of section 117 were substituted by section 13 of the 2016 Act, Schedule 5C was inserted by section 4(2) of, and Schedule 2 to, the 2016 Act and subsections (1A) and (5) were inserted by paragraph 29 of Schedule 5 to the 2016 Act.

(**2**) This Order relates to the Greater Manchester Combined Authority, which was established by the Greater Manchester Combined Authority Order 2011 (S.I. 2011/908) as amended by the Greater Manchester Combined Authority (Amendment) Order 2015 (S.I. 2015/960), the Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267) and by the Greater Manchester Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/612).

(**3**) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.

(**4**) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.

(**5**) Section 113(3) of the 2009 Act requires the Secretary of State, when making an order under sections 104, 105, 106 or 107 in relation to an existing combined authority, to have regard to these matters.

Citation and commencement

1.—(1) This Order may be cited as the Greater Manchester Combined Authority (Amendment) Order 2018.

(2) This Order comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"the 2011 Order" means the Greater Manchester Combined Authority Order 2011(**6**); and

"GMCA" means the Greater Manchester Combined Authority, a body corporate established by the 2011 Order(**7**).

Amendment of the Greater Manchester Combined Authority Order 2011

3.—(1) Schedule 1 (constitution) to the 2011 Order is amended as follows.

(2) In paragraph 3 (proceedings)—

(a) in sub-paragraph (1) for "(4) and (4A)" substitute "(4), (4A) and (4B)";

(b) after sub-paragraph (4A) insert—

"(4B) Questions relating to the Housing Investment Fund as described in paragraph 13 of the Greater Manchester Agreement of 3rd November 2014(**8**) cannot be carried without the vote of the Mayor or the deputy Mayor acting in place of the Mayor(**9**).".

(3) In paragraph 3B(1) (independent remuneration panel)—

(a) in sub-paragraph (a), omit "and";

(b) after "the Mayor" insert—

"; and

(c) members of a committee or sub-committee of the GMCA."

(4) In paragraph 3C (remuneration)—

(a) in sub-paragraph (1), after "the GMCA to its members" insert "or a member of a committee or sub-committee of the GMCA";

(b) after sub-paragraph (1) insert—

"(1A) Sub-paragraphs (2) and (3) apply in relation to allowances payable other than allowances for travel and subsistence."

(c) in sub-paragraph (2), after "an allowance to the Mayor" insert "or a member of a committee or sub-committee of the GMCA who is not an elected member of a constituent council"; and

(d) in sub-paragraph (3)(a), after "the allowance recommended by the independent remuneration panel to the Mayor" insert "or a member of a committee or sub-committee of the GMCA who is not an elected member of a constituent council".

(**6**) S.I. 2011/908 as amended by S.I. 2015/960, S.I. 2016/1267 and S.I. 2017/612.

(**7**) Article 3(2) of the 2011 Order provides that "the combined authority is to be a body corporate and to be known as the Greater Manchester Combined Authority ("the GMCA")".

(**8**) The Greater Manchester Agreement of 3 November 2014 is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf. A written copy of the Greater Manchester Agreement of 3 November 2014 is available on request from the Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF.

(**9**) Section 107C of the 2009 Act provides that the deputy mayor must act in place of the mayor if for any reason the mayor is unable to act or if the office of mayor is vacant.