
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of functions of local authorities and other public authorities on the Greater Manchester Combined Authority (“the GMCA”).

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under sections 104, 105 and 105A of the 2009 Act.

The Secretary of State may provide for there to be a mayor for the area of a combined authority where the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority consent under section 107B(3) of the 2009 Act.

Article 3 of the Order provides that the GMCA is to have in relation to its area functions corresponding to the functions that the Mayor of London has under the Localism Act 2011 in relation to Mayoral development areas and Mayoral development corporations. It also provides that any designation of a Mayoral development area by the GMCA requires the consent of all members of the GMCA who are elected members of a constituent council whose council area contains any part of the area to be designated as a mayoral development area.

Article 4 and the *Schedule* applies Chapter 2 of Part 8 (Mayoral development corporations) of, and Schedule 21 (Mayoral development corporations), Schedule 22 (Mayoral development corporations: consequential and other amendments), and paragraph 9 of Schedule 24 (transfers under scheme under section 200(1) or (4) or 216(1)) to, the Localism Act 2011 in relation to areas designated by the GMCA and corporations established as a consequence of such designation.

Articles 5 and *6* apply sections 1 (disqualification and political restriction of certain officers and staff), 2 and 3A (politically restricted posts and exemptions from restriction) of the Local Government and Housing Act 1989 in relation to a Mayoral development corporation established as a consequence of this Order as if it were a local authority and section 5 of that Act (designation and reports of monitoring officer) as if a mayoral development corporation established as a consequence of this Order were a committee of the GMCA. *Article 7* applies section 32 of the Local Government Act 2003 to ensure that a Minister of the Crown has power to pay a grant under section 31(1) of the Local Government Act 2003 towards expenditure incurred or to be incurred by a Corporation.

Part 3 of the Order confers further grant functions on the GMCA in relation to its area. *Article 8* provides for the GMCA to pay a grant under section 31 of the Local Government Act 2003 to constituent councils, including in respect of their highways functions, which is exercisable concurrently with a Minister of the Crown.

Part 4 of the Order concerns the waste disposal functions of the combined authority. *Article 9* dissolves the Greater Manchester Waste Disposal Authority and transfers its functions to the GMCA. *Article 10* makes general adaptations to primary and subordinate legislation, so that references to the Greater Manchester Waste Disposal Authority, a waste disposal authority or area are to be treated as referring to the GMCA and extending to the areas of the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside and Trafford. *Article 11* provides for continuity when functions, property, rights and liabilities are transferred under Part 4 of this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 5 of the Order makes provision for the funding of the functions conferred on the GMCA. *Article 12* provides that the functions are to be funded by contributions from the GMCA's constituent councils.

Part 6 of the Order provides for miscellaneous matters. *Article 13* provides data-sharing powers to the GMCA for the exercise of its functions. *Article 14* provides for the Greater Manchester Passenger Transport Executive (Transport for Greater Manchester) to be treated as an officer of the GMCA for the purposes of arrangements made by the Mayor under section 107D(3)(b) of the 2009 Act to exercise any general function of the Mayor. *Article 15* sets out the functions of the GMCA which are to be only exercisable by the Mayor, including how general functions of the Mayor are to apply to the earn back provision in paragraph 17 of the Greater Manchester Agreement of 3rd November 2014, which is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf.

Part 7 of the Order provides for amendments to the Greater Manchester Combined Authority Order 2011 which establishes the GMCA. *Article 16* makes provision in the GMCA's constitution relating to the GMCA's voting arrangements, overview and scrutiny committee and other committees and remuneration. *Article 17* modifies the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356) to prevent an exit payment from its pension fund being made on the abolition of the Greater Manchester Waste Disposal Authority, and applies section 84(2)(a) of the Local Transport Act 2008 to committees and sub-committees of the GMCA.

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