



Classification	Item No.
Open	

<b>Meeting:</b>	Council
<b>Meeting date:</b>	18 <sup>th</sup> January 2023
<b>Title of report:</b>	Establishment of Greater Manchester Joint Scrutiny Committee
<b>Report by:</b>	Leader of the Council
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### **Executive Summary:**

This report seeks to establish a Greater Manchester Joint Scrutiny Committee to scrutinise decisions of the Clean Air Charging Authorities Committee and the Clean Air Administration Committee.

Decisions of both committees are currently subject to Scrutiny by each District; the proposed joint Scrutiny arrangements will enable decisions to be scrutinised more effectively and efficiently on a Greater Manchester basis.

### **Recommendation(s)**

Council is requested to:

1. Agree to the establishment of a GM Clean Air Joint Scrutiny Committee;
2. Agree the Terms of Reference of the Committee as set out in Appendix A; and
3. Appoint a member and substitute to the Committee.

### **Background**

#### Clean Air Administration Committee

The ten Greater Manchester Districts and GMCA established the Clean Air Administration Committee in March 2021 and delegated to the committee -

- *the GMCA's and the Constituent Authorities' functions under sections 82 to 84 of the Environment Act 1995*

- *the GMCA's functions in relation to the Greater Manchester Clean Air Plan (including the taking of action likely to promote or improve the economic, social or environmental well-being of Greater Manchester in connection with it and the use of grants made by the Secretary of State under section 31 of the Local Government Act 2003 to implement that plan).*
- *the Constituent Authorities functions under the Greater Manchester Clean Air Plan including those under Part 3 of, and Schedule 12 to, the Transport Act 2000 and regulations made thereunder (excluding any decision thereunder that must be taken jointly by charging authorities) including, but not limited to:*
  - *action required under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2020 (other than the making of the joint local charging scheme);*
  - *the exercise of their powers under sections 176, 177 and 192 of the Transport Act 2000;*
- *the application of the Constituent Authorities' shares of any net proceeds of a joint local charging scheme made by them.*

*The discharge of such functions includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.*

### The Clean Air Charging Committee

The Clean Air Charging Committee was established in October 2021 by the ten districts with the following functions:

*The Committee shall have power to take all such decisions of the Constituent Authorities (as charging authorities) that must be taken jointly under Part 3 of, and Schedule 12 to, the Transport Act 2000 and any regulations made thereunder.*

*This includes, but is not limited to:*

- *Making and varying a joint local charging scheme order;*
- *Decisions of the charging authority under such a joint local charging scheme and the Road User Charging Schemes (Penalty charges, Adjudication and Enforcement) (England) Regulations 2013.*

### **Scrutiny Functions**

Decisions of both committees are currently subject to Scrutiny by each District. However, as the Committees are jointly exercising the functions of the authorities it is proposed that the Scrutiny arrangements are also exercised jointly. This will enable decisions to be scrutinised more effectively and efficiently and on a Greater Manchester basis and across both Committees.

Proposed Terms of Reference for the GM Scrutiny Committee are attached at Appendix A and recommendations are set out at the front of this report.

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**Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
This proposal has no impact on equalities.	

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**Legal Implications:**

The proposed Committee will avoid the 10 districts and GMCA separately scrutinising any decisions, thus enabling a more effective scrutiny process for both committees.

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**Financial Implications:**

There are no financial implications.

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## **Appendix A**

### **Clean Air Scrutiny Committee – Terms of Reference**

#### **General**

The Clean Air Scrutiny Committee (“the Scrutiny Committee”) is a joint committee created by the ten Greater Manchester local authorities (“the Constituent Authorities”) under section 101(5) of the Local Government Act 1972.

#### **Membership of the Scrutiny Committee**

The membership of the Scrutiny Committee shall be ten, consisting of one member appointed by each of the Constituent Authorities. The Constituent Authorities shall also each nominate a substitute member to attend and vote in their stead. Membership must reflect (as far as reasonably practicable) the political balance of the whole GM area.

#### **Role of the Committee**

The Scrutiny Committee’s role and function is as follows:

1. To review or scrutinise decisions made, or other actions taken by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
2. To review or scrutinise decisions made, or other actions taken, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
3. To make reports or recommendations to the Clean Air Charging Authorities Committee or the Air Quality Administration Committee concerning the discharge of their functions;
4. To Call-In decisions made by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
5. To Call-In decisions made, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
6. Any three members of the Scrutiny Committee can call in a decision of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee.
7. If the Scrutiny Committee does Call-In a decision it can:
  - (a) Direct that a decision is not to be implemented while it is under review or scrutiny by the Scrutiny Committee; and
  - (b) Recommend that the decision be reconsidered.
8. To establish formal sub committees or informal task and finish groups if they wish.

9. Attendance
  - Members of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee;
  - Officers exercising delegated functions of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee;must attend meetings of the Scrutiny Committee, if invited, to answer questions.
10. Other people may be invited to attend meetings of the Scrutiny Committee, but are not obliged to attend.

### **Operation of the Scrutiny Committee**

11. The Committee shall appoint a Chair at its first meeting.
12. The Quorum of the Committee shall be two thirds of its members (7 members).
13. Each member shall have one vote.
14. The Chair shall not have a casting vote.
15. Unless required by law, decisions shall be made by a simple majority.
16. The Committee will meet as often as required.