

Report to:	Council		
Date of meeting:	06 September 2023		
Report of:	Lee Fallows, Director of Corporate Resources	Report Number:	33542
Reporting Officer:	Helen Gorman, Borough Solicitor		
Contact Officer:	Helen Gorman		
Report title:	Establishment of a Greater Manchester Joint Scrutiny Committee		
<u>CONFIDENTIALITY</u>			
<u>Non-confidential</u>			
This report does not contain information which means it should be considered without the press or members of the public being present.			
Purpose:	To establish a Greater Manchester Joint Scrutiny Committee to scrutinise decisions of the Clean Air Charging Authorities Committee and the Clean Air Administration Committee.		
Recommendations:	The Council is recommended 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 2.		
<u>Decision:</u>			
<u>Background documents:</u>			

<u>Consultation with other officers</u>				
Finance	Yes	10/08/2023	Janet Pollard	
Legal	Yes	09/08/2023	Helen Gorman	
HR	Yes	10/08/2023	Dawn Cunliffe	
Procurement	No			
Climate Change	Yes	16/08/2023	Nicola Farrell	
Information Governance	Yes	10/08/2023	Zawaar Bokhari	
Equality Impact Assessment	Yes	10/08/2023	Rebecca Albrow	
Post consultation reports Please confirm that the consultation response has been taken into consideration in making the recommendations.			Y/N	
Vision outcomes Please identify the appropriate Vision outcome(s) that this report relates or contributes to by putting a cross in the relevant box.			<u>1. Start Well</u>	<input checked="" type="checkbox"/>
			<u>2. Live Well</u>	<input checked="" type="checkbox"/>
			<u>3. Age Well</u>	<input checked="" type="checkbox"/>
			<u>4. Prosperous</u>	<input checked="" type="checkbox"/>
			<u>5. Clean and Green</u>	<input checked="" type="checkbox"/>
			<u>6. Strong and Distinctive</u>	<input type="checkbox"/>

1 INTRODUCTION & BACKGROUND

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

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

1.1.2 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).

1.1.3 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:

1.1.4 action required under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2020 (other than the making of the joint local charging scheme);

1.1.5 the exercise of their powers under sections 176, 177 and 192 of the Transport Act 2000;

1.1.6 the application of the Constituent Authorities' shares of any net proceeds of a joint local charging scheme made by them.

1.2 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.

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

1.3.1 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.

1.3.2 This includes, but is not limited to:

1.3.3 Making and varying a joint local charging scheme order;

1.3.4 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.

2 PROPOSAL

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.

3 OPTIONS

3.1 Section 2 sets out the proposal which can either be agreed or not agreed. It would seem sensible to scrutinise decisions made at GM collectively by a combined GM scrutiny committee. Members could still scrutinise decisions made at GM at the relevant Bolton Council scrutiny committee.

4 IMPACTS AND IMPLICATIONS

4.1 Financial

There are no financial implications associated with this report.

4.2 Legal

As set out in this report.

4.3 HR

No implications.

4.4 Climate Change

4.4.1 There are no climate change implications associated with this report.

4.5 Information Governance

No implications.

4.6 Other

None.

5 EQUALITY IMPACT ASSESSMENT (EIA)

5.1 Under the Equality Act 2010, the council has a general duty to have due regard to the need to:

1. **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
3. **foster good relations** between people who share a protected characteristic and people who do not share it.

5.2 It is important to consider how the proposals contained within this report may impact positively or negatively on protected characteristics.

5.3 It has been determined that due to the nature of the decision, it is not anticipated that the proposals within this report will have a differential impact on any of Bolton's diversity groups, including staff. A full EIA is therefore not required at this stage, however the EIA Screening Tool has been completed and is included at Appendix 1.

6 CONSULTATION AND ENGAGEMENT

6.1 Consultation has taken place regarding the proposed Clean Air Plan but does not need to take place for these governance arrangements.

7 VISION 2030

- 7.1 The proposal assists in further developing arrangements for the GM Clean Air Plan and assists in meeting the first 5 outcomes.

RECOMMENDATIONS

The Council is recommended to:

- 8.1 Agree to the establishment of a GM Clean Air Joint Scrutiny Committee
8.2 Agree the Terms of Reference of the Committee as set out in Appendix 2.

APPENDIX 1

Equality Impact Assessment

Initial Screening for relevance: Details of Impact (Part 1)

Directorate:	Corporate		
Section:	Legal and Democratic		
Person completing this form:	Helen Gorman	Date:	09 August 202

Title of report or proposal:		Report No	
Establishment of a Greater Manchester Joint Scrutiny Committee		33542	
Brief details of proposal, including the aims, objectives and purpose (all strategies, policies, reviews, projects, existing proposals, etc will be referred to as 'proposal'):			
To establish a Greater Manchester Joint Scrutiny Committee to scrutinise decisions of the Clean Air Charging Authorities Committee and the Clean Air Administration Committee.			
'Proposal' status (please tick)	Proposed / New	<input checked="" type="checkbox"/>	Existing (i.e.: routine recommission) (If an EIA has previously been completed please include the date) Click or tap to enter a date.
Bolton Council Led	<input type="checkbox"/>	Partner Led (Please attach partner EIA, and complete section 3 - EIA sign off sheet, as screening not needed)	Click or tap here to enter text.

Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to their workforce.

Under the Equality Act 2010, the council has a general duty to have due regard to the need to:

1. **eliminate unlawful discrimination, harassment**, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
3. **foster good relations** between people who share a protected characteristic and people who do not share it.

By completing the following questions the three parts of the equality duty will be consciously considered as part of the decision-making process.

Details of the outcome of the Equality Impact Assessment must also be included in the main body of the report.

Initial Screening for relevance: Details of Impact (Part 1)

Which stakeholder groups will potentially be impacted?									
Residents	<input checked="" type="checkbox"/>	Partners	<input checked="" type="checkbox"/>	Workforce	<input checked="" type="checkbox"/>	Service users	<input checked="" type="checkbox"/>	Businesses	<input checked="" type="checkbox"/>
CVS Sector	<input checked="" type="checkbox"/>	Members	<input checked="" type="checkbox"/>	Other (please state)	Click or tap here to enter text.				

Anticipated Negative Impacts														
Protected Characteristics / Groups	N/A	Age	Armed Forces	Care Leavers	Caring Status	Disability	Gender Reassignment	Marriage / Civil Partnership	Pregnancy & maternity	Race	Religion / Belief	Sex	Sexual Orientation	Socio-economic
1) Will the 'proposal' potentially present any challenges / barriers to any protected groups?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Will any group be potentially excluded as a result of implementing your 'proposal'?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Does the 'proposal' have the potential to worsen existing discrimination or inequality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Will the 'proposal' have a potential negative impact on community / partnership relations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Anticipated Positive Impacts

Protected Characteristics / Groups	N/A	Age	Armed Forces	Care Leavers	Caring Status	Disability	Gender Reassignment	Marriage / Civil Partnership	Pregnancy & maternity	Race	Religion / Belief	Sex	Sexual Orientation	Socio-economic
5) The 'proposal' could potentially reduce known inequalities , promoting equality of outcome or opportunity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) The 'proposal' has the potential to support inclusion and engagement from protected groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) The 'proposal' has the potential to foster good relations between people.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) The proposal could reduce the potential for harassment or discrimination .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultation / engagement / research findings	Consultation has taken place regarding the proposed Clean Air Plan but does not need to take place for these governance arrangements.													

Brief bullet point summary of positive / negative impacts:

There are none for this proposal.

Details of any cumulative impact

None

Decision:

* All reports to the Executive Member which propose a new policy / procedure or are a savings review should continue to undertake a full EIA (part 2).

No major adverse impact identified, therefore a full EIA is not required (complete sign off sheet in section 3 and send to your Departmental Equalities Lead)	<input checked="" type="checkbox"/>
Impacts identified in screening process, therefore a full EIA is required.	<input type="checkbox"/>
This is a new policy, business improvement review or savings review, therefore a full EIA is required.	<input type="checkbox"/>

Equality Impact Assessment

3) EIA Sign Off

This EIA form and report has been checked and countersigned by the Directorate Equalities Officer before proceeding to Executive Cabinet Member(s)

Screening tool completed (please tick)	<input checked="" type="checkbox"/>	Full EIA completed (please tick)	Yes	N/A
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
EIA review date (if applicable).		N/A		

Please confirm the outcome of this EIA:

Positive impact for one or more groups justified on the grounds of promoting equality - proceed	<input type="checkbox"/>
No major impact identified, therefore no major changes required – proceed	<input checked="" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
The EIA identifies actual or potential discrimination - stop and rethink	<input type="checkbox"/>

Report Officer

Name: Helen Gorman

Date: 09 August 2023

Directorate Equalities Lead Officer

Name: Rebecca Albrow

Date: 10/08/2023

APPENDIX 2

Terms of Reference

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 and one member of the Greater Manchester Combined Authority. 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.