



Greater Manchester Waste Disposal Authority

Authority Meeting - Budget Setting

10th February 2017

Joint Report of the Clerk and Treasurer & Deputy Clerk

Greater Manchester Combined Authority (GMCA) Extended Functions - Future of the Greater Manchester Waste Disposal Authority (the Authority)

1. Purpose

- 1.1 The report sets out an update on progress with the Statutory Orders for the extended GMCA. In doing so it advises that the transfer of the powers and functions of the Authority will not now take place until at least April 2018 (i.e. 12 months later than originally proposed). However, proposals are being progressed to allow some early moves to be made to enable Authority staff to be co-located with their future GMCA colleagues, and hence to be able to link into the GMCA infrastructure and extended resources.

2. Recommendations

- 2.1 The Authority is asked to:
 - a) note the delay in merger of functions of the Authority into the extended GMCA, until April 2018;
 - b) request that the Clerk writes to all District Council Leaders requesting that, in so far as possible, existing District Member representatives are returned for the new Municipal Year to facilitate a smooth transition during 2017/18; and
 - c) note that the Authority is covered by a protocol, attached as Appendix A, designed to ensure transferring staff for in-scope services (including the Authority) are able to access wider opportunities in the GMCA.

3. Executive Summary

- 3.1 The Authority will not formally become part of the extended GMCA until at least April 2018, due to issues remaining to be resolved with Government about the powers needed to allow its orderly and appropriate transfer of functions. That will therefore require the Authority to remain as a separate legal entity for the 2017/18 financial year, and as such with its work programme/critical decisions on future direction of waste disposal arrangements to be made it would be useful to ensure that District Member representatives, if at all possible, remain for that period.
- 3.2 Despite the deferment to at least April 2018 early moves are being taken to allow co-location of the Authority's Officer core to be with their future GMCA colleagues. This will allow short term access to extended resources, and also enable a gradual transition to be made of systems and processes.

4. Introduction/Background

- 4.1 The Authority has been keep advised of proposals for the extended GMCA to take on its roles and responsibilities, and the series of Orders that need to be passed by Parliament in order for that to take effect. The Authority in submitting its response to consultations on the GMCA proposals agreed at its 15th July 2016 meeting that it was supportive of the proposed merger.
- 4.2 A verbal update was provided at the last Authority meeting on the 20th January 2017 advising that, due to negotiations on powers not having been concluded in time for proposals to be included in the Statutory Order process, it had been proposed that the merger of the Authority into the GMCA will take place not earlier than April 2018. That means that the Authority will remain in effect for the 2017/18 financial year.
- 4.3 This report provided an update on the practicalities of that delay, and proposals to co-locate staff of the Authority with future GMCA colleagues as soon as practical and probably from April 2017, when the GMCA Headquarters building (Churchgate House, Oxford Street, in Manchester City Centre) becomes available.

5. Current Position

- 5.1 The process to conclude the Statutory Orders has been advancing well and most of these have either been concluded, or nearing their final stages. Those Orders will pave the way for the extension of functions, including the transfer of the existing Police and Crime Commissioner, Fire and Rescue Service (GMFRS) Authority and the Interim Mayor from May 2017. The provisions relating to the Authority are included in Order 2 which is expected to be confirmed shortly.
- 5.2 The Authority, being a Joint Waste Disposal Authority (JWDA) set up under the 1985 Local Government Act, and subsequent JWDA Regulations, has a set of powers that are dissimilar to most of local government. For example we are not a best value Authority and do not have the 'general powers of wellbeing'. We do however have the ability to borrow for the purposes of waste disposal, which is important to our savings programme. As noted in paragraph 4.2 negotiations on the powers for the GMCA have yet to conclude, and as a result it has been proposed and agreed with Government to defer the merger of the Authority into the GMCA until at least April 2018. In practical terms the GMWDA will need to continue as is for the 2017/18 financial year, setting its own budget and levy and also ensuring that Members continue to make criterial decisions on our future disposal arrangements.
- 5.3 That ambitious timeline for including the Authority in the Orders was flagged as a potential issue, and indeed in our responses to the GMCA consultations Authority Members recommended that if delay happened arrangements should be made to ensure, in so far as possible, that benefits of the extended GMCA could be advanced. That included a suggestion that consideration be given to the early merger of staffing resources of the Authority into the GMCA.
- 5.4 The Leaders Transition Group has been overseeing the potential for early transfer of employees of the Authority into the GMCA (under the Transfer of Undertakings Protection of Employees (TUPE) Regulations), and also how we might be able to make early moves into the GMCA infrastructure. Due to a number of legal concerns it is not proposed that TUPE will take effect until at least April 2018, but instead it is proposed that:

- a) Authority Officer core relocates to Churchgate House in April 2017, so as to allow co-location of staff with the extended GMCA organisation. That in turn will allow us to gain advantages from the GMCA extended resource (including colleagues from Transport for Greater Manchester (TfGM), finance, human resources (HR) and core investment team). It is also proposed that the Contract Renegotiation Team remains at Metropolitan Place, Oldham due to the extra space requirements/minimise cost associated with the existing lease with Oldham Council;
- b) that as soon as practical the Information Communications Technology (ICT) services for the Churchgate House office are provided via the GMCA infrastructure (which is being built on an extended GMFRS systems); and
- c) that the Authority's staff are able to take advantage of posts within the GMCA, as they become available, as an in-scope service covered by the GMCA approved protocol attached as Appendix A.

As a result of the above staff affected by the move will not be placed at disadvantage by the delay.

6. Consultation

- 6.1 The process of transition is being overseen by a Leaders Transition Group who report to the GMCA and District Council Leaders. The Chair of the Authority attends the GMCA update meetings. At an Officer level all organisations which are part of the proposed extended GMCA meet monthly, under the chairmanship of the GMCA Deputy Chief Executive, as a 'Chief Officer' Transition Group, on which the Treasurer & Deputy Clerk sits. That Officer Group has been involved in the initial thinking on transition, organisational values, roles and responsibilities, systems and processes and also structures.
- 6.2 Colleagues within the Authority are being kept advised of progress on the GMCA merger via monthly whole team meetings. Detailed arrangements for the April 2017 transition to Churchgate House, and how individuals will be provided with appropriate protections from the change in administrative base, are being worked up.

7. Risk Assessment

- 7.1 There are currently no specific risks associated with the content of this report within the register and that continues to be the same.

8. Comments of the Solicitor

- 8.1 Legal issues are addressed in the body of the report. In the interim period between the disestablishment of the Authority and its powers and functions being transferred to the GMCA, the Authority continues to exist as a separate entity and the constitution and governance arrangements of the Authority continue to be of effect. (CB)

9. Comments of the Deputy Treasurer

- 9.1 The continuation of the Authority will result in the setting of a budget for 2018/19. If and when extra costs to the Authority are incurred from the Transitional Arrangements then funding will be identified from existing resources. (MS)

10. Business Plan Objective and Performance Status

- 10.1 The Authority operates a performance monitoring system which illustrates progress to achieve an objective/sub-objective by assigning either a 'Red, Amber, Green' (RAG) status.
- 10.2 For Members clarity, 'Red' means that the objective is in danger of not being met, 'Amber' means the objective is behind schedule to be delivered but may still be achieved and 'Green' means the objective is on track.
- 10.3 The information contained within this report relates to the objective(s)/sub-objectives below and have been assigned the following performance RAG status.

Objective		RAG Status	Direction of Travel
2.	Deliver sound Corporate Governance and services that demonstrate value for money and optimising savings in all service areas	Green	
3.	Embrace new ways of working to enable an efficient and motivated workforce to meet the needs of residents and partners	Amber	

The following is a list of the background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information, as defined by that Act.

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