



# **Stockport Town Centre West Mayoral Development Corporation**

## **Constitution**

**3 September 2025**

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**Document Version Control**

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Version 1.3	3 September 2025	Amendments to make provision for associate members (officio) and to update quoracy requirements	3 September 2025

# 1 INTRODUCTION AND DEFINITIONS

## 1.1 In this Constitution:

**"the 2019 Order"** means the Stockport Town Centre West Mayoral Development Corporation (Establishment) Order 2019;

**"the 2011 Act"** means the Localism Act 2011 (as amended);

**"Area"** has the meaning given in paragraph 5;

**"Associate Member"** means an associate member for the time being of the Corporation, appointed pursuant to paragraph 6.14;

**"Associate Member (Officio)"** has the meaning given to it in paragraph 6.14;

**"Board"** means the board of Members for the time being of the Corporation or the Members present or deemed to be present at a duly convened quorate meeting;

**"Code of Conduct for Members"** means the code of conduct for Members set out in Part 5 of this Constitution;

**"Code of Conduct for Officers"** means the code of conduct for officers set out in Part 5 of this Constitution;

**"Combined Area"** means the area consisting of the areas of the Constituent Councils;

**"Constituent Councils"** as defined in the 2017 GMCA Order;

**"Contract Procurement Rules"** means the contract procedure rules set out in Part 3 of this Constitution;

**"Corporation"** means Stockport Town Centre West Mayoral Development Corporation established pursuant to the 2019 Order;

**"Council"** means The Metropolitan Borough Council of Stockport;

**"Deputy Chair"** (if any) means a Member of the Corporation appointed by the Chair to hold the position of Deputy Chair and to exercise such of the functions of the Chair of the Corporation under this Constitution;

**"Financial Procedure Rules"** means the financial procedure rules set out in Part 4 of this Constitution;

**"Financial Year"** shall mean a period of 12 months ending on 31<sup>st</sup> March;

**"GMCA"** means the Greater Manchester Combined Authority;

**"GMCA Orders"** means:

- (a) the Greater Manchester Combined Authority Order 2011 as amended (**'the 2011 GMCA Order'**);
- (b) the GMCA (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 (**'the GMCA Mayoral Order'**);
- (c) the GMCA (Functions and Amendment Order 2016 (**'the 2016 GMCA Order'**);
- (d) the GMCA (Functions and Amendment Order 2017 (**'the 2017 GMCA Order'**); and
- (e) such other orders made by the Secretary of State in relation to the GMCA pursuant to legislation;

**"GM Mayor"** means the Greater Manchester Mayor;

**"GM Mayoral Functions"** means any function of the GMCA which is exercisable only by the GM Mayor by virtue of the GMCA Orders or any other enactment (whenever passed or made) and including those functions set out in Part 2 Section A of this Constitution;

**"Member"** means a member for the time being of the Corporation appointed pursuant to paragraph 6.4;

**"Scheme of Delegation"** means the scheme of delegation set out in Part 2 Section C of this Constitution;

**"Strategic Business Plan"** means the Corporation's strategic business plan for the next Financial Year, which shall include the Corporation's annual budget.

- 1.2 This Constitution sets out how the Corporation operates, how decisions are made and the procedures that are followed to ensure that the Corporation operates efficiently, effectively and is both transparent and accountable.

## **2 OBJECTIVES**

- 2.1 The objectives of the Corporation are to lead the regeneration of the town centre west area of Stockport by:
  - 2.1.1 Delivering approximately 4,000 new homes set within a mixed use green urban village in accordance with the Strategic Business Plan;
  - 2.1.2 Contributing to the delivery of the social infrastructure and amenity required to support an increase in the residential population of the area and to benefit existing residents of the area;
  - 2.1.3 Attracting public and private sector investment to support the delivery of residential and employment growth; and
  - 2.1.4 Delivering a blueprint for brownfield development in a town centre context that fits with the GMCA's and the Council's overall strategic growth ambitions.
- 2.2 The Corporation will work closely with the Council, the GMCA and Homes England to achieve its objectives.

### **3 POWERS AND FUNCTIONS**

3.1 Article 3 of the 2017 GMCA Order confers on the GMCA in relation to the Combined Area certain functions in relation to mayoral development corporations corresponding to functions contained in the 2011 Act that the Mayor of London has in relation to Greater London.

3.2 The Corporation was established pursuant to the 2019 Order on 2 September 2019 as the Stockport Town Centre West Mayoral Development Corporation.

3.3 The Corporation will exercise all its powers and duties in accordance with the law, this Constitution and the Strategic Business Plan.

3.4 The Corporation has a number of specific powers and functions as set out in the 2011 Act, which include:

#### **3.4.1 Infrastructure**

3.4.1.1 To provide, or facilitate the provision of infrastructure;

#### **3.4.2 Land**

3.4.2.1 To regenerate or develop land or facilitate the regeneration or development of land;

3.4.2.2 To bring about the more effective use of land or facilitate the more effective use of land;

3.4.2.3 To provide buildings or other land or facilitate the provision of buildings or other land;

3.4.2.4 To carry out, or facilitate the carrying out of, the following activities in relation to land:

(a) acquiring, holding, improving, managing, reclaiming, repairing or disposing of buildings, other land, plant, machinery, equipment or other property;

(b) carrying out building and other operations (including converting or demolishing buildings); and

(c) creating an attractive environment.

### 3.4.3 **Land Acquisition**

- 3.4.3.1 To acquire land or new rights over land in its area or elsewhere, in accordance with the provisions of the 2011 Act; and in respect of such land
- (a) Powers to extinguish public rights of way (with the consent of the Secretary of State) and in relation to burial grounds and consecrated land; and
  - (b) Powers in relation to, and for, statutory undertakers.

### 3.4.4 **Businesses and Companies**

- 3.4.4.1 To carry on any business and to form or acquire interests in any body corporate.

### 3.4.5 **Financial Assistance**

- 3.4.5.1 To provide financial assistance to any person, in any form, including grants, loans, guarantee or indemnity, investment or the incurring of expenditure for the benefit of the person assisted;

3.5 The Corporation does not have the following powers and functions:

- 3.5.1 Functions in relation to Town and Country Planning (s202 of the 2011 Act);
- 3.5.2 Arrangements for the discharge of, or assistance with, planning functions (s203 of the 2011 Act);
- 3.5.3 Removal or restriction of planning functions (s204 of the 2011 Act); or
- 3.5.4 Powers in relation to discretionary relief from non-domestic rates (s214 of the 2011 Act).

## **4 RESPONSIBILITY FOR FUNCTIONS**

- 4.1 Only the GM Mayor will exercise the GM Mayoral Functions.
- 4.2 In exercising the GM Mayoral Functions as set out in Part 2 Section A the GM Mayor may be assisted by members and officers of the GMCA.
- 4.3 Only the Board will exercise the functions as set out in Part 2 Section B of this Constitution.
- 4.4 The Board may choose to delegate any of its functions to any of its members, committees or staff pursuant to Paragraph 7 of Schedule 21 to the 2011 Act. For

the avoidance of doubt, the Board does not have the power to delegate any GM Mayoral Functions, which are reserved to the GM Mayor under the 2017 Order or any other relevant legislation.

- 4.5 The Board has delegated the discharge of certain functions in accordance with the Scheme of Delegation.

## **5 BOUNDARY**

The area of responsibility of the Corporation is shown bounded externally by the inside edge of the red line on the plan set out in Part 1 of this Constitution.

## **6 BOARD MEMBERSHIP AND CHAIR**

- 6.1 Upon establishment of the Corporation, it is intended that the GM Mayor will be the Chair on an interim basis and will appoint Members to the Board. The GM Mayor will appoint one of the Members of the Board to become Chair of the Corporation once the GM Mayor chooses to relinquish his role as interim Chair.
- 6.2 The GM Mayor will look to appoint no less than three representatives from the private sector as Members to the Board as soon as practicably possible.
- 6.3 The Board shall take overall responsibility for the strategy and operation of the Corporation and for its reporting arrangements and accountability.
- 6.4 The GM Mayor, in consultation with the Leader of the Council, has the power at any time to appoint any person who is willing to act as a Member, either to fill a vacancy or as an addition to the existing Board membership.
- 6.5 At all times the Board must comprise a minimum of six Members.
- 6.6 Members must include the leaders of each of the three largest political groups in the Council and a representative of Homes England.
- 6.7 The representative of Homes England may nominate a substitute representative as a Member of the Board who may attend and vote in the absence of the relevant respective Member. The identity of any such a substitute representative shall be

approved by the Chair.

- 6.8 In appointing a person to be a Member, the GM Mayor:
  - 6.8.1 Must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, a matter relevant to the carrying-out of the Corporation's functions; and
  - 6.8.2 Must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person's functions as Member.
- 6.9 Members may resign by serving notice on the GM Mayor.
- 6.10 The GM Mayor, in consultation with the Leader of the Council, must appoint one of the Members as chair of the Corporation and may determine the period for which he or she is to hold office and may at any time remove him or her from office.
- 6.11 A person appointed to chair the Corporation:
  - 6.11.1 May resign that appointment, whether or not that person also resigns from Membership of the Corporation, by serving notice on the GM Mayor;
  - 6.11.2 Ceases to hold that appointment if that person ceases to be a Member.
- 6.12 The GM Mayor may terminate the appointment of any Member if:
  - 6.12.1 The Member has been absent from meetings of the Corporation for more than 3 months without the permission of the Corporation;
  - 6.12.2 The Member has become bankrupt or has made an arrangement with the Member's creditors;
  - 6.12.3 A debt relief order is made in respect of the Member (see Part 7A of the Insolvency Act 1986) or the Member is a person in respect of whom a debt relief restrictions order has effect (see Schedule 4ZB to that Act);

- 6.12.4 The Member has, since being appointed, ceased to be an elected member of the Council and the GM Mayor wishes to appoint an elected member of the Council to be a Member of the Corporation in that Member's place; or
- 6.12.5 In the opinion of the GM Mayor, the Member has failed to comply with the Member's terms of appointment or is otherwise unable, unfit or unsuitable to exercise the Member's functions as a Member.
- 6.13 The GM Mayor, in consultation with the Leader of the Council, may set allowances for Members. Any such allowances must be determined following consultation with a suitably experienced advisory body, which must be independent of the GMCA and the Council.
- 6.14 The Board may at any time appoint any person who is willing to act as an Associate Member or an Associate Member (Officio). Each of the Associate Members and the Associate Members (Officio) shall have the right to participate fully in board discussions and to receive all papers but shall not have voting rights.
- 6.15 Associate Members (Officio) must include the Chief Executive of Stockport Council and a representative of the GMCA.
- 6.16 The representative of the GMCA may nominate a substitute representative as an Associate Member (Officio) of the Board who may attend in the absence of the relevant Associate Member (Officio). The identity of any such substitute representative shall be approved by the Chair.
- 6.17 In the event that there is no Chair appointed or the Chair is absent from a meeting of the Board, the Deputy Chair shall act in their place or (in the event that there is no Deputy Chair appointed or the Deputy Chair is absent) the remaining Members shall elect one of themselves to chair the meeting.

## **7 MEETINGS AND MEETING PROCEDURE**

- 7.1 The Board shall meet at least 3 times per year but additional meetings may take place should the need arise.

7.2 Each meeting shall be conducted in accordance with the rules of procedure from time to time of the Corporation.

## **8 FUNDING ARRANGEMENTS**

The set-up and running costs of the Corporation shall be borne in full by the Council. Any contribution to those running costs made by any other organisation acting in partnership with the GM Mayor and the Council shall be at the discretion of that organisation and on terms agreed between that organisation, the Corporation, the GM Mayor and the Council.

## **9 COMMITTEES**

9.1 The Corporation may establish committees and sub-committees of the Board.

9.2 A committee may, with agreement of the Board, include persons who are not Members.

9.3 The Board must approve the Terms of Reference of any such committee or sub-committee.

## **10 ROLE OF THE GMCA MONITORING OFFICER IN RELATION TO THE CORPORATION**

10.1 Pursuant to Article 6 of the 2017 GMCA Order, Section 5 of the Local Government and Housing Act 1989 (Designation and reports of monitoring officer) applies in relation to the GMCA as if the Corporation were a committee of the GMCA.

## **11 OFFICERS**

### **11.1 Section 113 of the Local Government Act 1972**

For the purposes of Section 113 of the Local Government Act 1972 (Placing of staff of local authorities at disposal of other local authorities) each of the Constituent Councils and the GMCA are "local authorities". Pursuant to Section 113 of the Local Government Act 1972 any of the Constituent Councils may enter into an agreement with the GMCA for the placing at the disposal of the GMCA for the purposes of the GMCA's functions (including the GMCA's functions pursuant to Article 3 of the 2017 GMCA Order in relation to mayoral development corporations), on such terms as may be provided by the agreement, of the services of officers employed by any of the Constituent Councils.

## 11.2 **Chief Officers**

The Corporation shall appoint the following Chief Officers: a Chief Executive, a Finance Director and a Corporation Solicitor, whose respective responsibilities and delegations are as set out in the Scheme of Delegation.

## 11.3 **General**

11.3.1 The Corporation may engage such staff (referred to as officers), as it considers necessary to carry out its objectives.

11.3.2 Officers will comply with the Code of Conduct for Officers.

## 12 **DECISION MAKING**

### 12.1 **Decisions reserved to the GM Mayor**

Decisions relating to functions as set out in Part 2 Section A of this Constitution will be made by the GM Mayor only and not delegated.

### 12.2 **Decision making by the Board**

12.2.1 Decisions relating to functions as set out in Part 2 Section B of this Constitution will be made by the Board only and not delegated.

12.2.2 Decisions shall be made by majority vote of the Board.

12.2.3 The Chair will not have a second or casting vote and in the event of an equality of votes, the vote is deemed not to have been carried.

12.2.4 The Corporation may decide on its own procedure, and the procedure of any of its committees or sub-committees.

12.2.5 The quorum shall be five persons.. The quorum must:

12.2.5.1 include at least four Members;

12.2.5.2 include at least one Associate Member (Officio);

12.2.5.3 include at least one Member who is also an elected member of the Council; and

12.2.5.4 have present at least as many Members from the public sector as

Members from the private sector.

12.2.6 A duly convened meeting of the Board at which a quorum is present shall be competent to exercise all or any of the authorities, powers, and discretions for the time being vested in or exercisable by the Board.

12.2.7 If a Member ceases to be a member at a Board meeting, he or she can continue to be present and to act as a member and be counted in the quorum until the end of the meeting if no other Member objects and if otherwise a quorum of Members would not be present.

### 12.3 **Decision making by Chief Officers**

Chief Officers will exercise their delegated authority in accordance with the Scheme of Delegation.

### 12.4 **Principles of decision making**

The Corporation's decisions must be made in accordance with the following principles:

12.4.1 Proportionality (meaning the action must be proportionate to the results to be achieved);

12.4.2 Due consultation (including the taking of relevant professional advice where appropriate);

12.4.3 Respect for human rights, equality and diversity;

12.4.4 Clarity of aims and desired outcomes;

12.4.5 Due consideration to be given to alternative options;

12.4.6 Due consideration to be given to constitutional requirements of, and adherence to, the statutory and legal framework relating to Mayoral Development Corporations (including the Localism Act 2011 and the 2017 GMCA Order).

## 13 **REPORTING ARRANGEMENTS**

- 13.1 Prior to the start of each Financial Year, the Corporation must prepare a Strategic Business Plan. The Strategic Business Plan must be approved by the Corporation prior to the start of the Financial Year and then submitted to, and approved by, the GMCA and the Council. The Strategic Business Plan shall be adopted by the Corporation and come into force following such approval by the GMCA and the Council. For the avoidance of doubt in the event that such approvals by the GMCA and the Council take place after the start of a particular Financial Year then the previous Financial Year's Strategic Business Plan shall remain in force until such time as those approvals are given..
- 13.2 As soon as reasonably practicable after the end of each Financial Year, the Corporation must prepare an annual report on how it has exercised its functions during the year, including a copy of its audited statement of accounts for that year, and send that report to the GMCA and the Council.
- 13.3 The Corporation's officers shall respond promptly to requests from the Finance Director, and follow any advice and actions required in a timely manner. The Corporation shall make available any financial information reasonably requested by the GMCA or the Council.

## **14 FINANCIAL, CONTRACTUAL AND LEGAL MATTERS**

### **14.1 Financial management**

The management of the Corporation's financial affairs will be conducted in accordance with the Financial Procedure Rules.

### **14.2 Contracts**

Contracts made by the Corporation will comply with the Contract Procurement Rules.

### **14.3 Legal proceedings**

The Corporation Solicitor is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Corporation or in any case where the Corporation Solicitor considers that such action is necessary to protect the Corporation's interests.

### **14.4 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Corporation, it will be signed by the Corporation Solicitor or some other person duly authorised by the Corporation or the Corporation Solicitor, unless any enactment otherwise authorises or requires.

#### **14.5 Common Seal of the Corporation**

The Common Seal of the Corporation will be kept in a safe place in the custody of the Corporation Solicitor. A decision of the Corporation, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, which in the opinion of the Corporation Solicitor, should be sealed. The affixing of the Common Seal will be attested by the Corporation Solicitor or some other person authorised by the Corporation Solicitor.

#### **14.6 Reference(s) to the Corporation**

14.6.1 The Board, its Members and Officers acknowledge and recognise that the formal name of the Corporation being 'Stockport Town Centre West Mayoral Development Corporation' may be truncated and referred to as 'Stockport Mayoral Development Corporation' and/or 'Stockport MDC'.

14.6.2 The Corporation's full name will be utilised in legal documentation approved (and prepared) by the Corporation Solicitor in the bringing or defending of any legal proceedings and upon any legal notices to be served or received by the Corporation.

14.6.3 The Corporation will adopt the logo as that which endorses the front page of this document.

### **15 REVIEW AND REVISION OF THE CONSTITUTION**

15.1 The Constitution is a living document and shall be amended as the Corporation progresses. The Corporation Solicitor will monitor and review the operation of the Constitution

15.2 Authority is delegated to the Corporation Solicitor, in consultation with the Chief Executive of the Corporation, to make amendments to the Constitution in order to reflect organisational or legislative changes, or to make any minor textual or

grammatical corrections.

15.3 Any other changes shall be agreed by the Board.

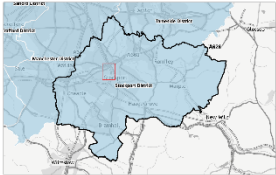
**16 REVIEW OF THE CORPORATION AND DISSOLUTION**

16.1 It is the duty of the GM Mayor to review, from time to time, the continuing in existence of the Corporation.

16.2 The GM Mayor may at any time make a scheme (a "transfer scheme") transferring to a permitted recipient, upon such terms as the GM Mayor considers appropriate, any property, rights or liabilities, which are for the time being vested in the Corporation. Any transfer scheme shall be made in accordance with Section 216 of the 2011 Act.

16.3 If no property, rights and liabilities are vested in the Corporation the GM Mayor may request the Secretary of State to revoke the order under Section 198 (2) of the 2011 Act, which established the Corporation.

# PART 1 – AREA OF RESPONSIBILITY OF THE CORPORATION



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

**Stockport Town Centre West  
Mayoral Development Corporation  
Boundary**

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## **PART 2 – RESPONSIBILITY FOR FUNCTIONS**

### **PART 2 - SECTION A – FUNCTIONS RESERVED TO THE GM MAYOR**

1. Pursuant to Article 15(1) of the 2017 GMCA Order, there are certain functions, GM Mayoral Functions, which are only exercisable by the GM Mayor and cannot be delegated. These are as follows:
  - (a) Designation of a Mayoral development area, pursuant to section 197 of the 2011 Act;
  - (b) Exclusion of land from a Mayoral development area, pursuant to section 199 of the 2011 Act;
  - (c) Transfer of property to a Mayoral development corporation, pursuant to section 200 of the 2011 Act;
  - (d) Functions in relation to Town and Country Planning, pursuant to section 202 of the 2011 Act;
  - (e) Removal of restriction of planning functions, pursuant to section 204 of the 2011 Act;
  - (f) Powers in relation to discretionary relief from non-domestic rates, pursuant to section 214 of the 2011 Act;
  - (g) Reviews of continuing in existence of any Mayoral development corporation, pursuant to section 215 of the 2011 Act;
  - (h) Transfers of property, rights and liabilities, pursuant to section 216 of the 2011 Act;
  - (i) Dissolution of a Mayoral development corporation: final steps, pursuant to section 217 of the 2011 Act;
  - (j) Guidance to a Mayoral development corporation, pursuant to section 219 of the 2011 Act;
  - (k) Directions to a Mayoral development corporation, pursuant to section 220 of the 2011 Act;
  - (l) Consents, pursuant to section 221 of the 2011 Act;
  - (m) The appointment of Members to the Board, pursuant to paragraph 1 of Schedule 21 to the 2011 Act (to include at least one elected member from Stockport Metropolitan Borough Council, and the appointment of one of the Members of the Board as the Chair of the Corporation);

- (n) The determination of the terms of appointment of members of the Corporation, pursuant to paragraph 2(1) of Schedule 21 to the 2011 Act;
  - (o) The removal of a member where the removal satisfies the criteria set out in paragraph 2(5) of Schedule 21 to the 2011 Act;
  - (p) The determination of collective terms and conditions of officers and staff of the Corporation, pursuant to paragraph 3(1) of Schedule 21 to the 2011 Act;
  - (q) The appointment of the first Chief Executive of the Corporation, pursuant to paragraph 3(2) of Schedule 21 to the 2011 Act;
  - (r) The determination of remuneration etc.; to Members of the Corporation, pursuant to paragraph 4(1) of Schedule 21 to the 2011 Act, and the determination of rates and eligibility criteria for such payments pursuant to paragraph 4(2) of Schedule 21 to the 2011 Act;
  - (s) The determination to make a payment of compensation to a person on ceasing to be a member of the Corporation, pursuant to paragraph 4(3) of Schedule 21 to the 2011 Act;
  - (t) The agreement of the proposals of the Board in relation to the rates and eligibility criteria for remuneration and other payments to be made by the Corporation to its staff and officers, pursuant to paragraph 4(6) of Schedule 21 to the 2011 Act;
  - (u) To agree the inclusion of persons who are not members of the Corporation to be included on any committee or sub-committee pursuant to paragraph 6(3) of Schedule 21 to the 2011 Act;
  - (v) To give directions to a Mayoral development corporation in relation to its procedures, pursuant to paragraph 8 of Schedule 21 to the 2011 Act.
2. Pursuant to Article 15(2)(a) of the 2017 GMCA Order, members and officers of the GMCA may assist the GM Mayor in the exercise of any of the GM Mayoral Functions listed at paragraph 1 above.
3. In the exercise of the GM Mayoral Functions the GM Mayor shall, where appropriate, give due regard to any recommendations made by the Board.

## **PART 2 – SECTION B – FUNCTIONS RESERVED TO THE BOARD**

1. The following Corporation functions are only exercisable by the Board and shall not be delegated:
  - (a) Adopting and changing the Constitution (other than amendments permitted pursuant to the Scheme of Delegation);
  - (b) The approval of the Strategic Business Plan;
  - (c) Subject to prior approval by the GMCA and the Council, the adoption of the Strategic Business Plan;
  - (d) The approval of the annual Corporation budget;
  - (e) The determination of the rates and eligibility criteria for staff of the Corporation; pursuant to paragraph 4(6) of Schedule 21 to the 2011 Act (subject to the agreement of the GM Mayor under paragraph 1(t) of Part 2 Section A above);
  - (f) The approval of the annual report and audited statement of accounts;
  - (g) The appointment of the Chief Executive, in consultation with the GM Mayor;
  - (h) The appointment of officers to act as the Finance Director and the Corporation Solicitor;
  - (i) The approval of the compulsory acquisition of land, with the consent of the GMCA and in consultation with the Council and GM Mayor;
  - (j) The approval of expenditure of £100,000 and over within the approved Strategic Business Plan and budget;
  - (k) The approval of expenditure outside of the approved Strategic Business Plan and budget;
  - (l) The approval of terms of reference for any committee or sub-committee;
  - (m) The making of recommendations to the GM Mayor in respect of the GM Mayor exercising the GM Mayoral Functions.

## **PART 2 – SECTION C – DELEGATION OF FUNCTIONS TO CHIEF OFFICERS**

1. This Scheme of Delegation of the Corporation has been adopted by the Board and can only be amended or varied by the Board.
2. Chief Officers in the context of this part means the Chief Executive, the Finance Director and the Corporation Solicitor.
3. The delegated powers of Chief Officers set out in this scheme may be exercised by other officers authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor the decisions taken.
4. The exercise of delegated powers by officers is required to be in accordance with and subject to:
  - 4.1 Statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - 4.2 this Constitution, the Contract Procedure Rules and Financial Procedure Rules currently in force;
  - 4.3 the revenue and capital budgets of the Corporation, subject to any variation thereof which is permitted by the Financial Procedure Rules; and
  - 4.4 any policy or direction of the Board or any committee sub-committee or joint committee acting in exercise of powers delegated to it by the Corporation.
5. Chief Officers may not exercise delegated powers where:
  - 5.1 the matter is reserved to the GM Mayor, the GMCA or to the Board, by law or under this Constitution;
  - 5.2 the matter is a function which cannot by law be discharged by an officer;
  - 5.3 the Board, or a committee, sub-committee or joint committee to which the Corporation is a party, has determined that the matter should be discharged otherwise than by an officer.
6. Where, in relation to an item before the Board or a joint committee, committee or sub-committee, a Chief Officer is given specific authority to determine a particular

matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.

## **7. GENERAL DELEGATIONS TO ALL CHIEF OFFICERS**

7.1 The day-to-day routine management, supervision and control of services provided for the Corporation by staff under its control in accordance with the Contract Procedure Rules and Financial Procedure Rules of the Corporation.

### **Human Resources**

7.2 Filling of vacant posts within approved establishments except Chief Officer posts.

### **Finance and Contracts**

7.3 Approval of expenditure of up to £100,000 in value for any one transaction or series of related transactions, within the approved budget.

### **Contracts**

7.4 The opening and acceptance of tenders or quotations and the placing of orders for goods, materials, works or services in accordance with the Contract Procedure Rules.

7.5 The award of contracts for which financial provision has been made in the Corporation's budget up to a limit of £100,000 in value for any one transaction or series of related transactions.

7.6 Where a contract contains provision for the extension to the contract period, the exercise of such extensions, subject to the agreement of the Finance Director.

## **8. DELEGATIONS TO THE CHIEF EXECUTIVE**

8.1 To discharge the functions of the Chief Executive in relation to the Corporation.

8.2 To be responsible for the corporate management and overall operational capacity of the Corporation, including the strategic management of the Corporation's staff.

8.3 To discharge any function of the Corporation which has not been specifically

delegated to another officer, committee or sub-committee or joint committee or reserved to the GM Mayor, the GMCA or the Board whether by law or by this Constitution.

- 8.4 To take all action which is necessary or required in relation to the exercise of any of the Corporation's functions (other than those functions which by law can be exercised only by the Corporation or by the GM Mayor, or by the GMCA), having regard to the Corporation's or GM Mayor's approved plans, policies or strategies and the Corporation's budget, and all enabling legislation.
- 8.5 To discharge any function that has been delegated to a Chief Officer where that Chief Officer is unable to act, through absence or otherwise or where the Chief Officer post with the delegated function is vacant or has been disestablished.
- 8.6 Subject to the agreement of the Finance Director:
  - 8.6.1 to write off debts which are irrecoverable or losses due to burglaries, etc.;
  - 8.6.2 to write off or make adjustments in respect of deficiencies or surpluses of stock, equipment, etc.
- 8.7 To approve development briefs in consultation with the Board.
- 8.8 To apply for planning permission unless the application is novel or contentious, or has financial implications which would make it subject to the approval of the Board.
- 8.9 To exercise strategic overview of the Corporation's press and media relations, the organisation of press conferences, publicity and public relations including the issue of official publicity and official publications.
- 8.10 To acquire by agreement, land and property (including freehold chief rents) subject always to the purchase price, or the purchase price when added to other transactions in respect of the same project, being within the estimate of costs included in the Strategic Business Plan and not exceeding £100,000.
- 8.11 To accept any offer or tender and agree and arrange for, the disposal of land or

property and other interests in land or property provided the offer or tender does not exceed £100,000 and is the best consideration that can reasonably be obtained.

- 8.12 In consultation with the Chair, and subject to the consent of the GM Mayor, to dispose of any interest in land at less than best consideration where the disposal will help the Corporation to secure the promotion or improvement of the economic, social or environmental well-being of the Area.
- 8.13 To manage all land, property, accommodation and facilities owned by the Corporation.

## **9. DELEGATIONS TO THE FINANCE DIRECTOR**

- 9.1 The Finance Director is responsible for the proper and lawful administration of the Corporation's financial affairs. The Finance Director shall provide advice and guidance to members on the financial and budgetary affairs and financial procedures of the Corporation.
- 9.2 To exercise the responsibilities assigned to the Finance Director in the Financial Procedure Rules and in the Contract Procedure Rules.
- 9.3 To effect the proper administration of the Corporation's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- 9.4 After consulting, so far as practicable with the Chief Executive and the Corporation Solicitor, to report to the Board if it appears to him/her that a decision has been made, or is about to be made which involves or would involve the Corporation incurring unlawful expenditure, or that a course of action has been taken or is about to be taken which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Corporation, or that an item of account is about to be made which is unlawful. Such a report will have the effect of prohibiting the proposal, decision or other action being implemented until the report has been considered.

- 9.5 The taking of all action required on borrowing, investment and financing subject to the submission to the Board of an annual report of the Finance Director on treasury management activities at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management and Prudential Codes.
- 9.6 To discharge the functions of the Corporation under the Accounts and Audit (England) Articles 2015 (with the exception of Articles 6(2), 9(2) and 20(1)).
- 9.7 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Articles made thereunder.
- 9.8 To authorise any named Officer of the Corporation to exercise functions delegated to the Finance Director, including the functions of a consultee in relation to the exercise of an officer's delegated powers.

## **10. DELEGATIONS TO THE CORPORATION SOLICITOR**

- 10.1 To be responsible for ensuring the legal administration of the Corporation. The Corporation Solicitor shall oversee and advise on the legal arrangements of the Corporation. The Corporation Solicitor will contribute to the promotion and maintenance of high standards of conduct and be responsible for dealing with matters of conduct and ethical standards.
- 10.2 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Council, or where the Corporation considers it expedient for the protection or promotion of the interests of the Area, subject to consultation with the Chief Executive in any case where the matter is of significance to Corporation's reputation or where Corporation is to appeal to the Court of Appeal or the Supreme Court.
- 10.3 To settle if appropriate and in the interests of the Corporation any actual or threatened legal proceedings.
- 10.4 To instruct Counsel and professional advisors, where appropriate.
- 10.5 To complete all property transactions and contractual arrangements where terms

have been agreed by the Corporation (including by the Board or Chief Officers acting under the Scheme of Delegation).

- 10.6 To accept on behalf of the Corporation the service of notices, orders and legal procedures.
- 10.7 To give undertakings on behalf of the Corporation.
- 10.8 To provide a comprehensive administrative service to the Corporation.
- 10.9 To oversee the Corporation's responsibilities under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 2018.
- 10.10 To seek informal resolution of complaints.
- 10.11 To maintain the Register of Members' interests and an up to date version of the Constitution and to ensure that it is available for inspection and published on the Corporation's website.
- 10.12 To be the proper officer for ensuring the maintenance of public access to information in relation to Corporation documents, reports and background papers.
- 10.13 To receive complaints from the GMCA Monitoring Officer concerning the administration of the Corporation's affairs.
- 10.14 To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all members of the Corporation.
- 10.15 To supervise the preparation and sealing or signing of documents.
- 10.16 To authorise other officers to seal documents in accordance with paragraph 14 of the Constitution, or to sign documents, which are not, required to be under seal.

10.17 To be responsible for promoting and maintaining high standards of conduct. The Corporation Solicitor will provide advice on the scope of powers and authority to take decisions, maladministration and probity to all Members and provide a comprehensive service to the Board.

10.18 Should at any time it appear to the Corporation Solicitor that any proposal, decision or omission by Corporation has given rise to, or is likely to give rise to, unlawfulness or maladministration, to as soon as practicable, prepare a report to the Board and the GMCA Monitoring Officer with respect to that proposal, decision or omission.

10.19 If it at any time it appears to the Corporation Solicitor that any proposal, decision or omission by the Corporation, by any committee, or sub-committee of the Corporation, by any person holding any office or employment under the Corporation or by any joint committee on which the Corporation is represented constitutes, has given rise to or is likely to or would give rise to:

- (a) a contravention by the Corporation, by any committee, or sub-committee of the Corporation, by any person holding any office or employment under the Corporation or by any such joint committee of any enactment or rule of law; or
- (b) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners);

to prepare a report to the Board and the GMCA Monitoring Officer with respect to that proposal, decision or omission.

10.20 It shall be the duty of the Corporation Solicitor, in preparing a report under paragraph 10.19 above:

- (a) to consult so far as practicable with the persons who are for the time being designated as the Corporation's Chief Executive and Finance Director; and
- (b) as soon as practicable after such a report has been prepared by the Corporation Solicitor, to arrange for a copy of it to be sent to the GMCA Monitoring Officer and each Member of the Corporation.

