

ITEM 5 – PROPOSED UPDATE TO MDC CONSTITUTION

Report of the Corporation Solicitor of the Stockport Mayoral Development Corporation

1. INTRODUCTION & PURPOSE OF THE REPORT

- 1.1. The Stockport Town Centre West Mayoral Development Corporation was established on 2 September 2019 by the Stockport Town Centre West Mayoral Development Corporation (Establishment) Order 2019, pursuant to powers devolved to the Greater Manchester Mayor under The Greater Manchester Combined Authority (Functions and Amendment) Order 2017.
- 1.2. Since its establishment and upon reaching a greater stage of maturity, there have been various reviews of the governance arrangements of the MDC. The most recent review was an external review, conducted by the Shared Legal Service of Manchester City Council. Following this, certain amendments are now proposed to the constitution.

2. AMENDMENT TO BOARD MEMBERSHIP

- 1.1. The MDC Board is designed to have a membership that combines both elected members and external specialist expertise. While the first interim board had wider representation which included Stockport Council and GMCA officers this was to help launch Stockport MDC. Now that the MDC is well established, the Board membership has been reviewed to ensure ongoing compliance with the relevant legislation.
- 1.2. Following on from this review, where Council and Combined Authority officers are currently members of the Board and are in politically restricted posts, it is proposed that their membership status on the Board be converted to an associate board member rather than a full member. This would enable them to continue to be members of the Board and will not affect their ability to participate in the Board discussions. The only change will be that such associate members will not have any voting rights. This would be a simple change and would ensure compliance with the regulatory framework while continuing to facilitate delivery by having such skilled officers at the Board.
- 1.3. Section 12.2.5 of the Constitution requires a number of elements which must be satisfied for a Board meeting to be quorate including attendance by either the GMCA or Homes England member, attendance by at least one elected member of the Council and for at least as many public sector members to be in attendance as

private sector members. It is proposed that the quoracy requirements be updated to require at least 4 voting members, require representation by an associate board member and to remove the requirement for either the GMCA or Homes England representative to be present (on the basis of the change to the membership of the GMCA representative).

- 1.4. If the concept of an associate board member is introduced, the associate board members would have the same rights as the current observers to the Board. The key difference however is that an associate board member must be present for a Board meeting to be quorate.

3. RECOMMENDATIONS

- 3.1. The Board are recommended to consider the following:

- 3.1.1. Introducing the concept of an associate board member and agreeing that the board membership of the Council's representative and GMCA's representative is converted to associate board member;

- 3.1.2. Updating the quoracy requirements for Board meetings to require at least 4 voting members, to require representation by an associate board member and to remove the requirement for either the GMCA or Homes England representative to be present;

- 3.1.3. Clarifying that decisions of the Board shall be made by voting members.

- 3.2. The Board are recommended to instruct the Corporation Solicitor to make the relevant changes to the Constitution to effect the above recommendations (along with any necessary accompanying changes) and agree that these changes shall take effect at the close of this meeting.