

## **Agenda for a meeting of the Executive to be held Remotely on Tuesday, 24 November 2020 at 10.30 am**

### **Members of the Executive – Councillors**

<b>LABOUR</b>
Hinchcliffe (Chair)
I Khan
Ross-Shaw
Ferriby
Jabar
Farley

### **Notes:**

- A webcast of the meeting will be available to view live on the Council's website at <https://bradford.public-i.tv/core/portal/home> and later as a recording.
- Any Councillors and members of the public who wish to make a contribution at the meeting are asked to email [jill.bell@bradford.gov.uk](mailto:jill.bell@bradford.gov.uk) & [yusuf.patel@bradford.gov.uk](mailto:yusuf.patel@bradford.gov.uk) by **10.30 on Friday 20 November 2020** and request to do so. In advance of the meeting those requesting to participate will be advised if their proposed contribution can be facilitated and those participants that can be will be provided with details how to electronically access the meeting. Councillors and members of the public with queries regarding making representations to the meeting please email Jill Bell & Yusuf Patel.
- Approximately 15 minutes before the start time of the Executive meeting the Governance Officer will set up the electronic conference arrangements initially in private and bring into the conference facility the Portfolio Holders, the Chief Executive and the Council's legal advisor so that any issues can be raised before the start of the meeting. The officers presenting the reports at the meeting of the Executive will have been advised by the Governance Officer of their participation and will be brought into the electronic meeting at the appropriate time.

### **From:**

Parveen Akhtar  
City Solicitor

Agenda Contact: Jill Bell / Yusuf Patel

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### **To:**

## **A. PROCEDURAL ITEMS**

### **1. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

### **2. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Jill Bell / Yusuf Patel - 01274 434580 434579)

### 3. **RECOMMENDATIONS TO THE EXECUTIVE**

To note any recommendations to the Executive that may be the subject of report to a future meeting. (Schedule to be tabled at the meeting).

(Jill Bell / Yusuf Patel - 01274 434580 434579)

## **B. STRATEGIC ITEMS**

**LEADER OF COUNCIL & CORPORATE**

*(Councillor Hinchcliffe)*

### 4. **WEST YORKSHIRE DEVOLUTION**

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The Chief Executive will submit a report (**Executive Document “CO”**) which seeks to:

- Consent in principle to the draft Order, to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal.
- Delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of CBMDC and each Constituent Council and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise.

**Recommended –**

- (1) To consider and comment on the content of this report, along with the draft Order.**
- (2) To consent in principle to the draft Order to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal.**
- (3) To delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise.**

- (4) To note the updated timetable set out in Appendix 1 to this report and the next steps which are subject to the consent being given by the Constituent Councils and Combined Authority, to the Order that the Secretary of State will lay in Parliament in December 2020.**
- (5) To refer this report and appendices to Council to consider, provide any comments, and endorse the Executive decisions taken.**
- (6) To resolve that this decision is exempt from call-in on the grounds of urgency, for the reasons set out in paragraph 6.1 of this report.**

Overview & Scrutiny Committee: Corporate

Michael Bowness, Assistant City Solicitor - 07582 103658 and  
Phil Witcherley, Head of Policy and Performance - 07970 684889)



## Report of the Chief Executive to the meeting of Executive to be held on 24<sup>th</sup> November 2020

**CO**

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**Subject: West Yorkshire Devolution**

### **Summary statement:**

On 11 March 2020, the Chancellor announced a “minded to” Mayoral Devolution Deal for the West Yorkshire area (which covers the Local Authority areas of Bradford, Leeds, Wakefield, Kirklees and Calderdale). A report submitted to Executive on 24 March outlined the details of the devolution deal, its benefits for Bradford District, its people and its businesses and set out the required next steps.

The detail of the proposed changes to the governance arrangements required for implementation of the deal were reported to Executive on 19 May. It requires that there will be a directly elected Mayor for West Yorkshire to be elected in May 2021.

The reports which went to Executive in March and May 2020:

- endorsed the “minded to” deal on behalf of Bradford District,
- approved a statutory review to be undertaken jointly with the other West Yorkshire Councils and the Combined Authority,
- provided for a draft Governance scheme to be produced for consideration, and
- agreed a consultation to take place in June and July 2020 on the devolution proposals and its governance.

Once the consultation was completed a summary of the outcome was reported to Executive on 8 September 2020. Due consideration was given to the comments and suggestions made and it was not proposed that anything was raised which required representations to be made for significant changes to the proposals.

All the constituent authorities agreed to submit a summary of the responses to the Secretary of State for Communities in order to progress the West Yorkshire Mayoral Combined Authority Devolution Deal.

Following these approvals this report seeks consent in principle to the draft Order (which will follow) to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal, and to delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of CBMDC and the other Constituent Councils and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order (as a result of any technical issues which may arise).

Kersten England, Chief Executive

**Portfolio: Leader**

Report Contacts:

**Overview & Scrutiny Area: Corporate**

Michael Bowness, Assistant City Solicitor Tel: 07582 103658

Phil Witcherley, Head of Policy and Performance Tel. 07970 684889

## 1. SUMMARY

1.1 The West Yorkshire “minded-to” Devolution Deal was announced as part of the Budget on 11 March 2020. Subject to statutory processes, this will lead to the adoption of a mayoral combined authority model with additional functions.

1.2 At their meetings in September, the Combined Authority and each Constituent Council:

- Considered the outcome of the public consultation on the Scheme, which was undertaken jointly by the Constituent Councils and the Combined Authority; and
- Resolved to submit the summary of the consultation responses to the Secretary of State.

1.3 Subsequently the consultation summary report, along with representations from Leeds City Council and Kirklees Council were submitted to the Secretary of State. This submission, along with the Scheme have then been used to draft the Order.

1.4 Following these approvals this report seeks to:

- Consent in principle to the draft Order, to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal.
- Delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of CBMDC and each Constituent Council and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise.

## 2. BACKGROUND

### Benefits of the Deal

2.1 As previously reported, the Deal will devolve a range of powers and responsibilities to West Yorkshire Combined Authority. It will unlock significant long-term funding and give the region greater freedom to decide how best to meet local needs.

2.2 The ‘minded to’ devolution deal, the biggest ever of its kind, and establishing a Mayoral Combined Authority will enable more:

**Funding:** to invest in our people, businesses and communities

**Powers:** to shape West Yorkshire and take decisions closer to people

**Influence:** to shape Government policy and access further devolution and funds

2.3 The ‘minded to’ devolution deal offers both investment and decision making which are crucial to fulfil West Yorkshire’s potential and meet current challenges. The deal brings:

- Control of £38m per year allocation of gainshare investment funding over 30 years, to drive growth and take forward our priorities

- A five-year integrated transport settlement starting in 2022/23, and agreement to explore West Yorkshire Mass Transit
- New powers relating to transport, including easier access to bus franchising and a regional approach to control of a Key Route Network
- Devolution of Adult Education powers and the Adult Education Budget to shape local skills provision to respond to local needs
- £25m Heritage Fund to support the establishing of a potential 'British Library North'
- New powers on planning, focusing on zero carbon
- £3.2m to support development of a pipeline of housing sites across West Yorkshire
- Transport infrastructure development and funding for the Bradford Station Masterplan and the Outline Business Case for Leeds Station redevelopment
- Ongoing partnership with the Environment Agency on identifying and addressing flood risk management requirements with £101m allocated for West Yorkshire flood risk management schemes
- £200,000 for the Yorkshire Leaders Board
- £75,000 West Yorkshire Local Digital Skills Partnership
- Piloting the new National Green Infrastructure Standards with Natural England and DEFRA
- Transfer of Police & Crime Commissioner (PCC) functions to the new Mayor in 2021
- Commitment to working in partnership to explore an "Act Early" Health Institute
- Strengthened collaboration and partnership with Government

2.4 Devolution and Mayoral Combined Authority preparations are already having an impact on access to funding and increased opportunities for the region. These have been sought and secured through:

- £317m Transforming Cities Fund, the largest allocation to any region, to deliver transformational walking and cycling schemes across West Yorkshire and creating jobs
- £67m funding for new homes on Brownfield sites
- A seat at the national table on economic recovery

2.5 The initial gainshare funding for the financial year 2020/2021 will be available prior to the first Mayoral election, but subject to: the establishing legislation being in place; and a revised Assurance Framework being approved.

### **Benefits for Bradford**

This is a deal that will guarantee long term funding for Bradford district that will allow critical investment in public transport, support business, improve skills and living standards while tackling the climate emergency. It will mean more of the decisions with major impacts on our region which are currently made by Government will be taken locally with direct Bradford Council involvement. This Deal will mean West Yorkshire will have the arrangements in place to negotiate with Government for further powers and funding for regeneration and public services in the years ahead.

The Deal will help the Council, alongside key partners, work with the other West Yorkshire authorities to:

- draw down the £63m Adult Education Budget and support the vital skills investment for our District's young people and adults;
- work with the Government's commitment to develop a modern, low carbon, mass transit system;
- shape bus services fit for 21<sup>st</sup> century with access to bus franchising powers giving more local control over bus services, especially as we respond to the Covid pandemic;
- support local businesses, innovation and trade, especially as we work together on our shared economic ambitions and immediate economic recovery plan;
- invest and prepare for a zero carbon future and build resilience in the face of the climate and environment emergency, including programmes for decent homes and energy conservation;
- support better neighbourhoods and more affordable housing with the development of a pipeline of housing sites across West Yorkshire, including Bradford District, through access the Government's new Brownfield Regeneration Fund
- make a positive difference to people's lives and the quality of local neighbourhoods – from digital infrastructure, safer streets, flood risk management and better greenspaces.

Specific commitments for Bradford District include:

- An additional £500,000 in direct funding to help Bradford Council develop a masterplan for Bradford city centre, maximising regeneration opportunities from Northern Powerhouse Rail.
- A package of measures to transform Bradford City Centre through pedestrianisation, new cycle infrastructure and better access to Bradford Interchange
- A new park-and-ride for South Bradford providing alternative access to the city centre and key employment sites
- Support for an ActEarly research hub (building on the Born in Bradford work at Bradford Royal Infirmary) which focuses on early interventions in childhood health to improve lives and opportunities for children and their families. (We are currently working with Born in Bradford to look at how we might reshape this proposal in light of the response to the Coronavirus pandemic).

In addition to this, we are working with the Combined Authority on developing these and other commitments in the context of the impact of the on-going COVID-19 pandemic.

### **Process for enacting the deal**

- 2.6 The Local Democracy, Economic Development and Construction Act 2009 sets out statutory processes to be followed before any Order is made. Each aspect has a specific statutory procedure to be followed. In addition, the consent of each Constituent Council and the Combined Authority is required to any Regulations giving the Combined Authority powers to borrow for non-transport functions,

however these are to be progressed separately and at a later date to the making of the Order.

- 2.7 The process to enact the deal is set out in the timetable at appendix 1 to this report. This process addresses all statutory procedural requirements. Stages 1-4 are now complete. The following sections of the report provide a summary of the draft Order. The full document will follow as appendix 2 to this paper. A letter from the Secretary of State will also follow.
- 2.8 As previously reported, between 25 May and 19 July 2020, we asked the public and stakeholders for feedback on the devolution deal through a formal public consultation. We published a governance review and the Scheme which gave the detail of the 'minded-to' devolution deal signed between West Yorkshire leaders and the Government in March 2020. A total of 4,413 responses were received, making it the largest ever public consultation on English regional devolution, despite the challenges of Covid-19. The feedback received was considered by the Combined Authority and Constituent Councils in September and then submitted to the Secretary of State.
- 2.9 A wide range of views were offered as part of the consultation responses. The high-level themes were included and responded to in the reports that were considered by the Combined Authority and Constituent Councils in September. Commitment was also made to reflect on the views expressed in devolution consultation and provide detailed responses. To ensure it is clear how views have been reflected the Combined Authority has responded to the comments raised through 'you said, we did' communications, which have been published on the YourVoice website. The themes covered include:
- General – cost, bureaucracy, decision making
  - Governance – decision making, local communities
  - Transport – ticketing, climate emergency
  - Employment and skills – unemployment, upskilling
  - Housing and planning – affordable housing, energy efficiency
  - Police and crime – accountability, politicisation
  - Finance – taxes, value for money
- 2.10 In addition, during the process of taking the consultation responses through Constituent Council meetings, although support was received, some issues were raised. The main issues raised were in relation to: scrutiny of the devolution implementation; and local engagement and decision making regarding the agreement of the Spatial Development Strategy. (NB. The SDS provisions have not been included in the Order but will follow at a later date).
- 2.11 These issues were raised in the letter to the Secretary of State, which accompanied the Consultation Summary Report.
- 2.12 As part of the work that the Combined Authority is undertaking to become a mayoral combined authority, scrutiny arrangements are being reviewed to ensure they are fit for purpose. As part of this work the Combined Authority's Overview and Scrutiny Committee are holding a range of working groups to discuss, review and

make recommendations for change. The Chair of this committee has contacted Overview and Scrutiny Chairs from Constituent Councils to offer them an opportunity to comment on this work, particularly any views on how scrutiny at a West Yorkshire level can engage with local scrutiny in the future.

## **Draft Order**

- 2.13 A letter confirming that the Secretary of State has formally decided that the statutory tests have been met and that the implementation of the devolution deal should proceed is expected imminently. The draft of the Mayoral Order will accompany this letter and will be published for consideration by Councils. Officers of the Combined Authority have liaised closely with government officials in relation to the intended wording of the Order.
- 2.14 The Order is a technical document which will ultimately become legislation. It includes details of:
- When the functions will commence
  - The election of Mayor
  - The Mayor's Political adviser
  - Education, skills and training functions
  - Housing, regeneration and planning functions
  - Mayoral development corporation
  - Transport functions
  - Mayoral functions
  - Funding
  - Police and Crime Commissioner functions
- 2.15 The draft Order, which is at appendix 2 to this report, is expected to reflect the 'minded to' devolution deal and Scheme. Any changes will be reported alongside the publication of the Order.
- 2.16 Once the Order has been made the functions detailed in the Order will be conferred on the Combined Authority in line with the following timescales
- Combined Authority functions will be conferred once the Order has been made in parliament.
  - Mayoral functions, once the mayor is in office.
- 2.17 Following ministerial approval of the draft Order there is still much work to be undertaken to implement and operationalise the Order. The Combined Authority and Constituent Councils will work closely together to develop and agree local protocols before the Order is made. These protocols will:
- Provide further clarity that no functions are taken away from the Constituent Councils.
  - Detail how any functions which are held concurrently between the Combined Authority and the Constituent Councils will be operated
  - Detail how consent functions will work in practice.

## **Next Steps**

- 2.18 As part of the parliamentary process, in parallel to the consents sought through this paper, the draft Order is being considered by Parliament's Joint Committee on Statutory Instruments (JCSI). Their role is to focus on the technical quality of the draft Order as opposed to the policy content and amendments at this point would be those required to ensure that the Order is well drafted. The JCSI process may therefore lead to technical amendments being made to the Order; these will be non-negotiable.
- 2.19 In order to facilitate any technical amendments to the draft Order, following the consent of each Constituent Council and the Combined Authority, it is proposed that authority is delegated to the Managing Director of the Combined Authority, in consultation with the Chief Executive and Leader of each Constituent Council and the Chair of the Combined Authority to finalise and consent to the Order, further to any technical amendments which may arise.
- 2.20 The Order will then be laid in parliament in early December 2020.
- 2.21 Appendix 1 to this report sets out the timeline for implementing the deal.

## **Police and Crime Commissioner**

- 2.22 To support understanding of the degree of work required to transfer the Police and Crime Commissioner functions to the Mayor in May 2021, an external due diligence exercise was commissioned by the Combined Authority through a competitive tender process. The scope of this critical exercise included an understanding of the scale of the transfer, the mechanisms necessary to transfer PCC functions, as well as the instruments and resourcing required to enable this.
- 2.23 An external due diligence exercise and risk assessment on the transferring of PCC functions has concluded that there are no insurmountable barriers to the transfer. Key areas of risks have been identified including resourcing of the transfer work; staff transition; future changes to the funding model; the Parliamentary timetable for agreeing the Order; and future funding and fleet replacement for the National Air Police Service (NPAS), all of which have identified risk mitigation actions assigned. A full project plan for the transfer of functions with appropriate resourcing is now in development.
- 2.24 The arrangements for the Police and Crime Panel (PCP), which provides scrutiny of the work of the PCC, will remain as per the current arrangements. That is, the PCP will be retained as a joint committee, supported by Wakefield Council as the Support Services Authority to the panel. This could be reviewed at a later date in light of potential changes arising from the Home Office's PCC review and subject to further discussion and agreement.

## **3. FINANCIAL & RESOURCE APPRAISAL**

- 3.1 The 'minded to' Devolution Deal includes a number of flagship funding

arrangements including £38m for 30 years into the West Yorkshire Investment Fund, £317m from the Transforming Cities Fund and control over the £63m annual Adult Education budget. The implications of these and the other funding provisions contained within the 'minded to' Deal will be subject to future reports.

#### **4. RISK MANAGEMENT AND GOVERNANCE ISSUES**

The Mayoral Combined Authority programme is risk managed through the WYCA corporate risk procedures and reported in public to the Combined Authority (CA) Governance and Audit Committee. Bradford Council elected members, through Executive and nominated positions on CA bodies provide local democratic leadership, scrutiny and representation for the best interests of Bradford District, its citizens and communities.

#### **5. LEGAL APPRAISAL**

- 5.1 It is proposed that this decision is exempt from call-in on the grounds of urgency as any delay caused by the call-in process would prejudice the Combined Authority's and Constituent Councils' interests and delay the consent to the draft Order, which would have a significant detrimental impact on the proposed timeline set out in Appendix 1.
- 5.2 S101(5) Local Government Act 1972 provides that two or more local authorities (defined to include a Combined Authority) may discharge any of their functions jointly and may arrange for the discharge of those functions by an officer of one of the authorities.
- 5.3 As part of the statutory process, a public consultation was previously undertaken. The summary of the results was submitted to the Secretary of State and has been taken into account during the drafting of the Order.

#### **6. OTHER IMPLICATIONS**

##### **6.1 EQUALITY & DIVERSITY**

Equalities Impact Assessments have been undertaken for both the consultation process and the overall implementation of the deal. These assessments have taken account of the obligations under section 149 of the Equality Act 2010 (i.e. the public sector equality duty). It is not expected that the proposals described in this report will have any adverse impacts on people with protected characteristics. The Combined Authority will ensure that the equality impact assessments are reviewed throughout the devolution implementation process.

##### **6.2 SUSTAINABILITY IMPLICATIONS**

As part of the Deal text, the Government welcomed West Yorkshire's commitment to becoming a net zero carbon economy by 2038, with significant progress by 2030. There are, however, no immediate implications on sustainability arising as a direct result of the report.

### **6.3 GREENHOUSE GAS EMISSIONS IMPACTS**

Not applicable

### **6.4 COMMUNITY SAFETY IMPLICATIONS**

No direct issues arising from this report.

### **6.5 HUMAN RIGHTS ACT**

No direct issues arising from this report.

### **6.6 TRADE UNION**

In due course, it is anticipated that the establishment of the Mayoral Combined Authority will have staffing implications in terms of additional resources to deliver the ambition of the Deal and these will be considered, with Trade Union and staff involvement, at the appropriate point to ensure operational effectiveness and efficiency of the Combined Authority and Local Authority partnership working and local service provision.

### **6.7 WARD IMPLICATIONS**

No direct issues arising from the report.

### **6.8 IMPLICATIONS FOR CORPORATE PARENTING**

No direct issues arising from the report.

### **6.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

No direct issues arising from the report.

## **7. NOT FOR PUBLICATION DOCUMENTS**

None

## **8. OPTIONS**

Not applicable

## **9. RECOMMENDATIONS**

9.1 To consider and comment on the content of this report, along with the draft Order.

9.2 To consent in principle to the draft Order, to establish a mayoral combined authority and associated changes as set out in the 'minded to' Devolution Deal.

- 9.3 To delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise.
- 9.4 To note the updated timetable set out in Appendix 1 to this report and the next steps which are subject to the consent being given by the Constituent Councils and Combined Authority, to the Order that the Secretary of State will lay in Parliament in December 2020.
- 9.5 To refer this report and appendices to Council to consider, provide any comments, and endorse the Executive decisions taken.
- 9.6 To resolve that this decision is exempt from call-in on the grounds of urgency, for the reasons set out in paragraph 6.1 of this report.

## **10. APPENDICES**

Appendix 1 – Timetable for implementation

Appendix 2 – Draft Order.

Appendix 3 – Letter from Luke Hall MP, Minister for Regional Growth and Local Government

Appendix 4 – Detail of the Order

## **11. BACKGROUND DOCUMENTS**

The 'minded to' Devolution Deal is referenced as a background document within this report.

## Devolution Implementation Timetable

## Appendix 1

Step	Action/Decision	When – proposed timescales	Who
1	Carry out <b>statutory Review</b>	April - May 2020	Each Constituent Council and the Combined Authority jointly
	Consider Review outcome and resolve: <ul style="list-style-type: none"> <li>• that an Order would be likely to improve statutory functions</li> <li>• <b>agree Scheme for publication</b></li> <li>• agree to consult public on the Scheme</li> </ul>	W/c 18 May 2020	Each Constituent Council, and the Combined Authority
2	<b>Publish Scheme</b>	25 May 2020	Constituent Councils and the Combined Authority jointly
3	<b>Consultation</b>	25 May 2020 - 19 July 2020	Constituent Councils and the Combined Authority jointly
4	Consider outcome of consultation and resolve to <b>submit a summary of responses to the Secretary of State</b>	1-8 September 2020	Each Constituent Council and the Combined Authority
5	Secretary of State approves proposals set out in Scheme and decides to lay draft Order/Regulations	November 2020	Secretary of State
5	<b>Consent to draft Order</b>	w/c 23 November 2020	Each Constituent Council and the Combined Authority
	Draft order scrutinised by the JCSI legal advisers	November 2020	Joint Committee on Statutory Instruments
	<b>Final consent to the order sought</b>	30 November	Constituent Councils and the Combined Authority by delegation
6	<b>Order laid</b>	Early December 2020	Secretary of State
	Order made and final deal published	January/February 2021	Secretary of State
-	Notice of Mayoral Election	March 2021	Mayoral Combined Authority
-	Election of Mayor	May 2021	-

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STATUTORY INSTRUMENTS

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**2020 No.**

**LOCAL GOVERNMENT, ENGLAND**

**TRANSPORT, ENGLAND**

**EDUCATION, ENGLAND**

**POLICE, ENGLAND AND WALES**

**The West Yorkshire Combined Authority (Election of Mayor  
and Functions) Order 2020**

*Made* - - - - - \*\*\*

*Coming into force* - - - - - \*\*\*

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The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1), 105(1) and (3), 105A(1), (2), (3) and (7), 107A, 107D(1), (5), (7) and (8), 107(E)(1) to (4), 107F(1), (5) and (6), 114(1) and (3), 115, 116, 117(5), paragraph 3 of Schedule 5B and Schedule

5C to the Local Democracy, Economic Development and Construction Act 2009(a) (“the 2009 Act”).

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act(b), considers that—

(a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates, and;

(b) any consultation required by section 113(2) of the 2009 Act(c) has been carried out.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities and the need to secure effective and convenient local government(d).

In accordance with sections 105(3A) and 105B(1) and (2) of the 2009 Act, the West Yorkshire Combined Authority (“the Combined Authority”) and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order(e).

In accordance with sections 107D(9) and 107F(4) of the 2009 Act the Combined Authority, and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

Accordingly, the Secretary of State makes the following Order:

## PART 1

### General

#### **Citation and commencement**

**1.—(1)** This Order may be cited as the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2020.

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(a) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c.1) (“the 2016 Act”). Section 105 was amended by sections 6, 9, and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Sections 107D and 107E were inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act 2011 (c. 20) and Schedule 5 to the 2016 Act.

(b) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.

(c) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.

(d) Section 113(3) of the 2009 Act requires the Secretary of State, when making an order under sections 104, 105, 106 or 107 of the 2009 Act in relation to an existing combined authority, to have regard to these matters.

(e) This Order relates to the West Yorkshire Combined Authority, which was established by the West Yorkshire Combined Authority Order (S.I. 2014/864).

(2) Save as provided in paragraphs (3) and (4) this Order comes into force on the day after the day on which it is made.

(3) Articles 4 and 27 come into force on the fourth day after the day of the election for the return of the Mayor.

(4) Articles 34(1), 35, 36, 37 and 38 come into force on 10th May 2021.

(5) Articles 6 and 7 of this Order only apply in relation to the provision of education or training in an academic year beginning on or after 1st August 2021.

(6) In paragraph (5), “academic year” means a period beginning with 1st August and ending with the next 31st July.

## **Interpretation**

### **2. In this Order—**

“the 1984 Act” means the Road Traffic Regulation Act 1984(a);

“the 1985 Act” means the Housing Act 1985(b);

“the 1988 Act” means the Road Traffic Act 1988(c);

“the 1989 Act” means the Local Government and Housing Act 1989(d);

“the 1990 Act” means the Town and Country Planning Act 1990(e);

“the 1999 Act” means the Greater London Authority Act 1999(f);

“the 2003 Act” means the Local Government Act 2003(g);

“the 2008 Act” means the Housing and Regeneration Act 2008(h);

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009(i);

“the 2011 Act” except in Part 10 and Schedule 5 means the Localism Act 2011(j),

“the BRS Act” means the Business Rate Supplements Acts 2009(k);

“the 1996 Regulations” mean the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996(l);

“the 2014 Order” means the West Yorkshire Combined Authority Order 2014(m);

“adult detention” has the meaning given by section 121(4) of the Apprenticeships, Skills, Children and Learning Act 2009;

“apprenticeship training” has the meaning given by section 83(5) of the Apprenticeships Skills Children and Learning Act 2009;

“the Area” means the area of the West Yorkshire Combined Authority;

“the Combined Authority” means the West Yorkshire Combined Authority;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3, following the designation of an area of land by the Combined Authority;

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(a) 1984 c. 27.

(b) 1985 c. 68.

(c) 1988 c. 52.

(d) 1989 c. 42.

(e) 1990 c. 8.

(f) 1999 c. 29.

(g) 2003 c. 26.

(h) 2008 c. 17.

(i) 2009 c. 20.

(j) 2011 c. 20.

(k) 2009. C.7.

(l) S.I. 1996/2489 amended in relation to England by S.I. 2009/1116.

(m) S.I. 2014/864.

“constituent councils” means the metropolitan district councils for the local government areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield;

“the deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;

“election for the return of the mayor” means an election held pursuant to article 3 of this Order;

“the ordinary day of election”, in relation to any year means the day which is the ordinary day of election in that year of councillors for counties in England and districts as determined in accordance with sections 37 and 37A of the Representation of the People Act 1983.

“Mayor” means the mayor for the Area, except in the term “Mayor of London”;

“non-constituent council” means the council for the local government area of York;

“the police and crime commissioner” means the police and crime commissioner for West Yorkshire;

“the PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992(a) (as modified by the Combined Authorities (Finance) Order 2017)(b) in respect of the mayor’s PCC functions; and

“the PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992 (as modified by the Combined Authorities (Finance) Order 2017) in respect of the mayor’s PCC functions.

## PART 2

### Election of Mayor

#### **Election of Mayor**

- 3.**—(1) There is to be a mayor for the Area.
- (2) The first election for the return of a mayor for the Area is to take place on 6th May 2021.
- (3) Subsequent elections for the return of a mayor for the Area shall take place—
- (a) on the ordinary day of election in 2024, and
  - (b) in every fourth year thereafter on the same day as the ordinary day of election.
- (4) The term of office of the mayor returned at an election for the return of a mayor for the Area—
- (a) begins with the fourth day after the day of the poll at the election for the return of a mayor for the Area, and
  - (b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area.

#### **Political adviser**

- 4.**—(1) The Mayor may appoint one person as the Mayor’s political adviser.
- (2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.
- (3) No appointment under paragraph (1) may extend beyond—

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(a) 1992 c. 14. Section 42A was inserted by section 75 of the Localism Act 2011 (c. 20) and amended by article 3 of S.I. 2014/389. Section 107G of the Local Government and Devolution Act 2016 (c.1) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

(b) S.I. 2017/611.

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups<sup>(a)</sup>), apply in relation to an appointment under paragraph (1) as if—

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
- (b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words “and that the appointment terminates” to the end of that subsection were omitted.

## PART 3

### Education, skills and training functions

#### Concurrent exercise of local authority functions

**5.—**(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals<sup>(b)</sup>);
- (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential<sup>(c)</sup>);
- (c) section 560A of the Education Act 1996 (work experience for persons over compulsory school age)<sup>(d)</sup>;
- (d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)<sup>(e)</sup>;
- (e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)<sup>(f)</sup>;
- (f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)<sup>(g)</sup>;
- (g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)<sup>(h)</sup>;

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(a) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by S.I. 2001/2237. There are other amendments not relevant to this Order.

(b) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by S.I. 2010/1158.

(c) 1996 c. 56. Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by S.I. 2010/1158.

(d) Section 560A was inserted by section 47 of the Apprenticeships, Skills, Children and Learning Act 2009.

(e) Section 10 was amended by S.I. 2010/1158.

(f) Section 12 was amended by S.I. 2010/1158.

(g) Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by S.I. 2010/1158

(h) Section 70 was amended by section 28 of the Education Act 2011 and by S.I. 2010/1158.

- (h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(a); and
- (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(b).

(3) The functions are exercisable concurrently with the constituent councils.

(4) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

(6) Section 10(c) of the Children Act 2004 (co-operation to ensure well-being) applies to the Combined Authority as it applies to a constituent council for the purposes of the provision of 14–19 education or training in the Area within the meaning of section 85(5) of the Education and Skills Act 2008.

### **Transfer of functions from the Secretary of State to the Combined Authority in relation to the Area**

6.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009(d) are exercisable by the Combined Authority in relation to the Area—

- (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)(e);
- (b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(f); and
- (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(g).

(2) The functions mentioned in paragraph (1) do not include —

- (a) any functions relating to apprenticeship training;
- (b) any functions relating to persons subject to adult detention; or
- (c) any power to make regulations or orders.

(3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

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(a) Section 71 was amended by section 28 of the Education Act 2011.

(b) Section 85 was amended by S.I. 2010/1158.

(c) 2004 c. 31. Section 10 was amended by section 39 of and paragraph 4 of Schedule 3 to the Offender Management Act 2007 (c. 21), section 169 of and paragraphs 82 and 83 of Part 2 of Schedule 1 to the Education and Skills Act 2008, section 193 and 266 of and Part 5 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009, sections 99 of and paragraphs 330 and 331 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 67 of and paragraph 23 of Schedule 16 to the Education Act 2011 (c. 21), section 55 of and paragraphs 127 and 128 of Schedule 5 to the Health and Social Care Act 2012 (c. 7), section 82 of and paragraph 80 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6), and by SI 2010/1158.

(d) 2009 c. 22.

(e) Section 86 was amended by paragraphs 1, 2 and 9 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c.20); by paragraphs 88 and 90 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6); and by section 30 of, and paragraphs 1 and 7 of Schedule 18 to, the Education Act 2011 (c.21).

(f) Section 87 was amended by paragraphs 1 and 10 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraph 91 of Part 2 of Schedule 3 to the Children and Families Act 2014.

(g) Subsection (1) is amended by section 114(2) of the Digital Economy Act 2017 (c. 30), on a date to be appointed. Section 88 was amended by paragraph 11 of Part 1 of Schedule 14 to the Deregulation Act 2015 and by section 73 of the Education Act 2011.

## **Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Area**

7.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority in relation to the Area—

- (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention); and
- (b) section 100(1) (provision of financial resources)(a).

(2) The functions mentioned in paragraph (1) do not include—

- (a) any function relating to apprenticeships training; or
- (b) any function relating to persons subject to adult detention.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Area.

## **Conditions on the exercise of functions mentioned in articles 6 and 7**

8.—(1) The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State.

(2) In exercising the functions mentioned in articles 6 and 7, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(b).

(3) In subsection (1), “award” has the same meaning as in regulation 2 of the Fees and Awards (England) Regulations 2007(c).

## **Modification of provisions in the Apprenticeships, Skills, Children and Learning Act 2009**

9.—(1) For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 6 and 7 sections 86 to 88, 90, 100, 101, 103, 115 and 121 of the Apprenticeships, Skills, Children and Learning Act 2009 apply in relation to the Combined Authority with the modifications set out in Schedule 1.

## **PART 4**

### **Housing, regeneration and planning**

## **Conferral of functions corresponding to functions that the HCA has in relation to the Area**

10.—(1) The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);

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(a) Section 100 was amended by section 27 of the Enterprise Act 2016 (c. 12); by Schedules 1 and 14 to the Deregulation Act 2015; and by paragraphs 1 and 9 of Schedule 18 to the Education Act 2011.

(b) The Secretary of State’s guidance was published on 23rd July 2018 and is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/730012/The\\_exercise\\_of\\_devolved\\_adult\\_education\\_functions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730012/The_exercise_of_devolved_adult_education_functions.pdf). Copies are available on request from the Department for Education, 20 Great Smith Street, London SW1P 3BT.

(c) S.I. 2007/779, as amended by S.I. 2007/2263, S.I. 2010/1172, S.I. 2010/1941, S.I. 2011/87, S.I. 2011/1043, S.I. 2011/1987, S.I. 2012/765, S.I. 2012/956, S.I. 2012/1653, S.I. 2015/971, S.I. 2016/584, S.I. 2017/114, and S.I. 2018/137.

- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(a);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of —

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

### **Acquisition and appropriation of land for planning and public purposes**

**11.** The functions of the constituent councils specified in the following provisions as applied by article 13(2) to (5) are exercisable by the combined authority in relation to the Area—

- (a) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(b);
- (b) section 227 of the 1990 Act (acquisition of land by agreement);
- (c) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (d) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (e) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (f) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(c);
- (g) section 235 of the 1990 Act (development of land held for planning purposes);
- (h) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(d);
- (i) section 238 of the 1990 Act (use and development of consecrated land);
- (j) section 239 of the 1990 Act (use and development of burial grounds);

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(a) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

(b) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.

(c) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(d) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

- (k) section 241 of the 1990 Act (use and development of open spaces);
- (l) section 17 of the 1985 Act (acquisition of land for housing purposes)(a); and
- (m) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes).

(2) The functions are exercisable concurrently with the constituent councils.

**Condition on the exercise of the functions conferred by articles 10 and 11**

**12.** The exercise of the functions in section 17 of the 1985 Act (insofar as this function is exercised for the compulsory purchase of land), 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined Authority requires the consent of —

- (a) each member of the Combined Authority appointed under paragraph 1 (2) of Schedule 7 to this Order whose area contains any part of the land subject to the proposed compulsory acquisition, or
- (b) substitute members acting in place of those members,

to be provided at a meeting of the Combined Authority.

**Application of provisions of 1985 Act, the 1990 Act and the 2008 Act**

**13.—**(1) This article has effect in consequence of articles 10 and 11.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined Authority as they apply to a constituent council.

(3) For the purposes of article 11(1)(l) and (m) the Combined Authority is to be treated as a local housing authority for the Area(b).

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land which has been vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(5) Chapters 1 and 2 of Part 1 of and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2.

**PART 5**

**Mayoral development corporation**

**Mayoral development corporation**

**14.—**(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2), that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)(a);

---

(a) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

(b) In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.

- (d) section 202 (functions in relation to town and country planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)(b);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

#### **Application of provisions in the 2011 Act**

**15.**—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(4) For the purposes of any transfer scheme relating to a Corporation under any provisions of the 2011 Act applied with modifications by this Order, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, section 235 of the 2011 Act (orders and regulations) applies in relation to—

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(a) Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(b) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

- (a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(a);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(b);
- (c) section 38 of the 1999 Act (delegation)(c);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(d);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(e);
- (f) section 73 of the 1999 Act (monitoring office)(f);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TFL for shared purposes)(g);
- (h) section 424 of the 1999 Act (interpretation)(h);
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(i); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(j).

(7) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

### **Mayoral development corporation: incidental provisions**

**16.—**(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(a), and

- 
- (a) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act
  - (b) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by S.I. 2012/1530.
  - (c) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of S.I. 2012/1530.
  - (d) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of S.I. 2008/2038.
  - (e) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
  - (f) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to S.I. 2000/1435.
  - (g) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017
  - (h) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
  - (i) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act
  - (j) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

(b) sections 2 and 3A (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of that section.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(b) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation but as if—

(a) each reference to a functional body were a reference to a Corporation;

(b) each reference to the Greater London Authority were a reference to the Combined Authority;

(c) each reference to the Mayor of London were a reference to the Mayor; and

(4) subsection (7) were omitted.

## PART 6

### Transport

#### Power to pay grant

17.—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising functions referred to in paragraphs (1) and (2), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined Authority of the functions specified in paragraphs (1) and (2), section 31 of the 2003 Act has effect as if—

(a) in subsection (1)—

(i) the reference to a Minister of the Crown were a reference to the Combined Authority;

(ii) the reference to a local authority in England were a reference to a constituent council;

(b) subsection (2) were omitted;

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(a) Section 1 was amended by section 80 of the Local Government Act 1972, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(b) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(1) and 23(1)(a) to (f) of SI 2001/2237.

- (c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;
- (d) subsection (6) were omitted.

(7) In this article “highway functions” means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

### **Grants to bus service operators**

**18.**—(1) Subject to paragraphs (2) to (4), the Combined Authority shall have in relation to the Area a function corresponding to the function in section 154(1) of the Transport Act 2000 (grants to bus service operators) which the Secretary of State has in relation to England.

(2) For the purpose of paragraph (1), section 154(1) of the Transport Act 2000 shall have effect as if “with the approval of the Treasury” were omitted.

(3) Grants made under paragraph (1) must be—

- (a) calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the Transport Act 2000; and
- (b) subject to sub-paragraph (a), of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by the Secretary of State by virtue of section 154(3) of the Transport Act 2000 and notified to the Combined Authority.

(4) Grants must not be made under paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) In this article, “eligible bus services” has the meaning given by section 154(5) of the Transport Act 2000.

### **Agreements between authorities and strategic highways companies**

**19.**—(1) The functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc)(a) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(b) are exercisable by the Combined Authority in relation to the Area.

(3) The functions referred to in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article—

- (a) “the 1980 Act” means the Highways Act 1980(c);
- (b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act(d).

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1 (2) of Schedule 7 to this Order.

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(a) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015, and S.I. 1995/1986.

(b) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.

(c) 1980 c. 66.

(d) This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015

## Traffic regulation

**20.**—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 1 (traffic regulation orders outside Greater London)(a);
- (b) section 2(4) (what a traffic regulation order may provide)(b);
- (c) section 9 (experimental traffic schemes)(c);

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) Part 1 of, and Schedule 9 to, the 1984 Act apply in relation to the exercise by the Combined Authority of the functions specified in paragraph (1) as they apply in relation to the exercise by the constituent councils of those functions.

(4) The 1996 Regulations apply in relation to orders made or proposed to be made by the Combined Authority in exercise of the functions specified in paragraph (1) as they apply in relation to orders made or proposed to be made by the constituent councils in exercise of those functions.

(5) For the purposes of paragraph (4), references in the 1996 Regulations to an order making authority are to be read as including references to the Combined Authority.

(6) In this article “local traffic authority” has the meaning given by section 121A(d) of the 1984 Act.

(7) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1 (2) of Schedule 7 to this Order.

## Transport functions related to traffic signs and pedestrian crossings

**21.**—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 23 (pedestrian crossings); and
- (b) section 65 (placing of traffic signs).

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) ) In consequence of subparagraphs (a) and (b) of paragraph (1) the Combined Authority, in the discharge of the functions conferred on it by those provisions—

- (a) is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980(e); and
- (b) is to be treated as a local traffic authority for the roads over which the functions are exercised.

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(a) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 36 of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 7 of Schedule 11 to the Transport Act 2000, section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

(b) Subsection (4) was amended by paragraph 18 of Schedule 8 to the New Roads and Street Works Act 1991.

(c) Section 9 was amended by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40), paragraph 4 of the Local Government Act 1985 (c. 51), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015.

(d) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.

(e) 1980 c. 66; section 62 was amended by the Transport Act 1981 (c. 56), Schedule 10, paragraph 1, by the Traffic Calming Act 1992 (c. 30) section 1(1), 3 and by the Local Government Act 1985 (c. 51) Schedule 17; section 278 was substituted by the New Roads and Street Works Act 1991 section 23.

(4) In this article “local traffic authority” has the meaning given by section 121A(a) of the 1984 Act.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1 (2) of Schedule 7 to this Order.

### **Apparatus affected by highway, bridge or transport works**

**22.**—(1) The functions of the constituent councils as highway authorities specified in the following enactments are exercisable by the Combined Authority in relation to the Area—

- (a) Sections 83, 84 and 85 of the New Roads and Street Works Act 1991(b); and
- (b) the 2000 Regulations.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) The 2000 Regulations apply in relation to the sharing of costs of diversionary works between the Combined Authority and undertakers as they apply in relation to the sharing of costs of diversionary works between a constituent council and undertakers.

(4) For the purposes of paragraph (3), references in the 2000 Regulations to an authority are to be read as including references to the Combined Authority.

(5) In this article—

- (a) “the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) Regulations 2000(c);
- (b) “undertaker” has the same meaning as in sections 48(4) and (5) (streets, street works and undertakers) and 89(4) (public sewers, sewer authorities and related matters) of the 1991 Act(d); and
- (c) “diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations.

(6) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to Article 1(2) of Schedule 7 to this Order.

### **Permit Schemes**

**23.**—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the 2004 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 33 (preparation of permit schemes)(e);
- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(f); and
- (c) section 36 (variation and revocation of permit schemes)(g).

(2) The functions of the constituent councils as permit authorities specified in the 2007 Regulations are exercisable by the Combined Authority in relation to the Area.

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(a) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.

(b) Section 83 was amended by section 40 of, and Schedule 1 to the Traffic Management Act 2004 (c. 18).

(c) S.I. 2000/3314.

(d) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26) and section 89 was amended by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 57 of the Traffic Management Act 2004 (c. 18).

(e) Section 33 was amended by section 51 of, and Schedule 10 to, the Deregulation Act 2015 (c. 20).

(f) Section 33A was inserted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(g) Section 36 was substituted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(3) The functions mentioned in paragraph (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council, subject to the modifications in Schedule 4.

(5) The 2007 Regulations apply in relation to the content, preparation, operation, variation and revocation of permit schemes by the Combined Authority as they apply in relation to the content, preparation, operation, variation and revocation of permit schemes by a constituent council.

(6) For the purposes of paragraph (5), references in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined Authority.

(7) In this article—

(a) “permit scheme” is to be construed in accordance with section 32 of the 2004 Act; and

(b) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(a).

(8) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to Article 1(2) of Schedule 7 to this Order.

### **Bus lane contraventions**

**24.**—(1) The functions of the constituent councils in relation to each of their civil enforcement areas are exercisable by the Combined Authority in relation to the Enforcement Area.

(2) The functions are exercisable by the Combined Authority (in relation to the Enforcement Area) concurrently with each constituent council (in relation to its civil enforcement area).

(3) For the purposes of this article, the Combined Authority is to be treated as an approved local authority(b) for the Enforcement Area, and references in the 2005 Regulations to an approved local authority or to the combined area of such an authority are to be construed accordingly.

(4) In this article—

(a) “the 2005 Regulations” means the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005(c);

(b) “civil enforcement area” means an area falling within Schedule 8 to the Traffic Management Act 2004 (civil enforcement areas and enforcement authorities)(d) and which falls within a constituent council’s area;

(c) “Enforcement Area” means the area comprising the civil enforcement areas of the constituent councils.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to Article 1(2) of Schedule 7 to this Order.

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(a) S.I. 2007/3372, amended by S.I. 2015/958.

(b) Under section 144(3) of the 2000 Act an authority is an approved local authority if an order has been made designating the whole or any part of its area as a civil enforcement area for parking contraventions, and the Secretary of State has made an order specifying it as an approved local authority

(c) S.I. 2005/2757.

(d) 2004 c. 18.

## PART 7

### Additional functions

#### Other functions

**25.**—(1) The function of the constituent councils described in section 69 of the 2009 Act (duty to prepare an assessment of economic conditions) is exercisable by the Combined Authority in relation the Area.

(2) The function referred to in paragraph (1) is exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

(4) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

#### Data sharing

**26.**—(1) The functions of the constituent councils described in section 17A (sharing of information) of the Crime and Disorder Act 1998<sup>(a)</sup> are exercisable by the Combined Authority in relation to the Area.

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998<sup>(b)</sup>.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

## PART 8

### Mayoral functions

#### Functions exercisable only by the Mayor

**27.**—(1) The functions of the Combined Authority specified in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are the functions of the Combined Authority corresponding to the functions in the following enactments—

- (a) sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 of and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the 2011 Act;
- (b) section 154(1) of the Transport Act 2000 (grants to bus service operators);
- (c) section 17(3) of the 1985 Act;
- (d) section 9 (2) of the 2008 Act;
- (e) Section 31 of the 2003 Act; and
- (f) sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the Transport Act 2000 Act<sup>(a)</sup>;

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(a) Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48)

(b) Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); section 99 of, and paragraphs 231 and 238 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); section s 6 and 9 of and paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017; and by S.I. 2000/90, S.I. 2002/2469, S.I 2007/961, S.I 2008/912, S.I. 2010/866 and S.I. 2013/602.

(3) Any exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of—

- (a) each member of the Combined Authority appointed under article 1 (2) of Schedule 7 to this Order by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or
- (b) substitute members acting in place of those members; and
- (c) the National Park authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of—

- (a) each member of the Combined Authority appointed under paragraph 1 (2) of Schedule 7 to this Order by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or
- (b) substitute members acting in place of those members.

(5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) each member of the Combined Authority appointed under article 1 (2) of Schedule 7 to this Order whose local government area contains any part of the area to be designated as a Mayoral development area; or
- (b) substitute members acting in place of those members; and
- (c) the National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park.

(6) Any exercise by the mayor of the functions corresponding to the functions contained in section 17 (3) of the 1985 Act (acquisition of land for housing purposes) and section 9 (2) of the 2008 Act (acquisition of land) requires the consent of—

- (a) each member of the Combined Authority appointed under article 1 (2) of Schedule 7 to this order whose local government area contains any part of the land to subject to the proposed compulsory acquisition; or
- (b) substitute members acting in place of those members.

(7) For the purposes of the exercise of the general functions mentioned in paragraph (2) the members and officers may assist the Mayor in the exercise of the function.

(8) The members of the Combined Authority can amend the plans made pursuant to article 27 (2) (f) if a majority of members agree.

(9) For the purpose of paragraphs (3), (4), (5)(a), 5(b) and (6) the consent must be given at a meeting of the Combined Authority.

(10) For the purposes of the exercise of the functions mentioned in paragraph (2) the Mayor may do anything that the Combined Authority may do under Section 113A of the 2009 Act (general power of EPB or combined authority).

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(a) 2000 c .38. Section 108 was amended by section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the 2009 Act. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the 2009 Act. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010

## Joint committees

28.—(1) The Mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge general functions of the Combined Authority which are exercisable only by the Mayor pursuant to article 27.

(2) In this article “other council” means the council for a county or district in England.

## PART 9

### Funding

#### Funding

29.—(1) Subject to paragraphs (2) and (5), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in article 27(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in accordance with the proportion to the total resident population of the Combined Authority which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board.

(4) In relation to the expenditure mentioned in paragraph (2)—

- (a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—
  - (i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and
  - (ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred; and
- (b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992 is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of a levy issued by the Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992(a).

(6) For the purposes of paragraph (3) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the financial year in which such payment is made.

#### Transitional provision

30.—(1) This article applies in relation to—

- (a) a billing authority(b) whose area is within the Area; and
- (b) the financial year commencing on 1st April 2021 (“the relevant year”).

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(a) S.I. 1992/2789.

(b) See section 1(2) of the Local Government Finance Act 1992 for meaning of “billing authority”.

(2) The costs of the Mayor that are incurred in, or in connection with, the exercise of mayoral functions in the relevant year shall be met in the case of the Mayor's PCC functions, from precepts issued by the Police and Crime Commissioner for West Yorkshire under section 40 (issue of precepts by major precepting authorities) of the Local Government Finance Act 1992(a).

(3) A billing authority that has been issued with a precept by the Police and Crime Commissioner for West Yorkshire in respect of the relevant year must, on and after 10th May 2021, pay to the Mayor out of its collection fund(b) the amounts owing in respect of that precept in accordance with the Local Authorities (Funds) (England) Regulations 1992.

### **Conferral of Business Rate Supplements Functions**

**31.**—(1) The Combined Authority has, in relation to its area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the BRS Act.

(2) Paragraph (1) does not apply in relation to the function conferred by section 3(5) of the BRS Act.

**32.**—(1) The functions of the Combined Authority specified in article 31 are exercisable only by the Mayor.

(2) The members or officers of the Combined Authority may assist the Mayor in the exercise of the functions specified in article 31.

(3) For the purposes of the exercise of the functions specified in article 30 the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)(c).

(4) The Mayor must not make arrangements under section 107D(3)(b) of the 2009 Act (functions of mayors: general) in relation to the functions specified in paragraph (1), in relation to a political adviser appointed under Article 4 of this Order.

### **Adaptation of BRS in consequence of article 31**

**33.**—(1) For the purposes of article 31, the BRS Act applies to the Combined Authority as if —

- (a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRS Act include references to the Combined Authority.
- (b) references in that Act to a lower-tier authority are, in relation to the Combined Authority, references to a district council whose area forms part of the Combined Authority's area.

## **PART 10**

### **Police and Crime Commissioner functions**

#### **Police and Crime Commissioner functions**

**34.**—(1) The mayor for the Area shall exercise functions of a police and crime commissioner in relation to the Area.

(2) There is to be no police and crime commissioner for the Area from 10th May 2021.

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(a) 1992. c.14.

(b) See section 89 of the Local Government Finance Act 1988 (c. 41) for requirement for a billing authority to maintain a collection fund and section 90(2)(a) of that Act for the obligation to make payments out of that fund in respect of a precept issued by a major precepting authority.

(c) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of, and paragraph 25 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

(3) Any election of a police and crime commissioner for the area that would otherwise take place (whether before, on, or after 10th May 2021) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011(a) is not to take place.

(4) The term of office of the police and crime commissioner for West Yorkshire is to continue until 10th May 2021.

(5) Any election to fill a vacancy in the office of police and crime commissioner for West Yorkshire which would otherwise take place under section 51 of the Police Reform and Social Responsibility Act 2011 is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending on 10th May 2021.

(6) For the purpose of this Part “the 2011 Act” means the Police Reform and Social Responsibility Act 2011(b).

### **Transfer of police and crime commissioner functions**

**35.**—(1) Subject to paragraphs (2) and (3), the mayor is to be treated, in relation to the mayor’s PCC functions, as a police and crime commissioner for the purposes of all police and crime commissioner enactments (whenever passed or made)(c).

(2) In their application to the mayor, the police and crime commissioner enactments set out in Schedule 5 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to those enactments set out in Schedule 6.

### **Transfer of property, rights and liabilities**

**36.**—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 10th May 2021 were property, rights and liabilities of the police and crime commissioner are to transfer to, and by virtue of this paragraph vest in, the combined authority on 10th May 2021.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the mayor’s PCC functions on or after 10th May 2021—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the mayor;
- (c) any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the police fund kept by the mayor by virtue of section 21 of the 2011 Act.

(3) All monies held in the police fund kept by the police and crime commissioner under section 21 of the 2011 Act immediately before 10th May 2021 are, on that date, to transfer to the police fund kept by the mayor by virtue of that section (as applied in accordance with article 35 above).

(4) Nothing in paragraph (2) prevents the mayor from making arrangements under section 18(d) of the 2011 Act (as applied in accordance with article 35) in relation to the matters mentioned in paragraph (2).

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(a) 2011 c. 13.

(b) 2011 c. 13.

(c) The definition of “police and crime commissioner enactment” is at paragraph 12(5) of Schedule 5C to the 2009 Act.

(d) 2011 c. 13. Section 18 makes provision to permit (with certain restrictions) the delegation of functions by a police and crime commissioner to the deputy police and crime commissioner and to other persons. Section 18 has been amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2)

## Secondments

37. In the case of a person who, immediately before 10th May 2021 is seconded to the police and crime commissioner, the secondment is to have effect, after that time, as a secondment to the combined authority.

## Continuity

38.—(1) The abolition of the police and crime commissioner, the transfer or abolition of the commissioner's functions, and the transfer of the commissioner's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Order from the commissioner to the combined authority.

(3) There may be continued by or in relation to the combined authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is in the process of being done by or in relation to the commissioner immediately before 10<sup>th</sup> May 2021.

(4) Anything which—

- (a) was made or done by or in relation to the commissioner for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before 10th May 2021;

has effect as if made or done by or in relation to the combined authority.

(5) The combined authority is to be substituted for the commissioner in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and
- (b) are made or commenced before 10<sup>th</sup> May 2021.

(6) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

## Foreign property etc, perfection of vesting

39.—(1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999(a) (foreign property, rights and liabilities: perfection of vesting) apply to the transfer by this Order of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Order; and
- (b) references to the transferor and the transferee are to be construed accordingly.

## Transfers: supplementary provision

40.—(1) All property, rights and liabilities transferred by this Order are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become

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(a) 1999 c. 29.

exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.

(4) Paragraphs (1) to (3) above have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property, as they have effect in relation to the transfer made by this Order of land or other property.

(5) In this article—

“relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act; or
- (c) any deed or other instrument

### **Extension of financial year of Police and Crime Commissioner and Chief Constable for West Yorkshire**

**41.**—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014(a) for a relevant authority to prepare a statement of accounts for each financial year ending on 31st March is modified in the case of the police and crime commissioner and chief constable for the financial year which began on 1st April 2020 to require—

- (a) the police and crime commissioner, or after the transfer made by this Order, the combined authority in respect of the police and crime commissioner’s accounts; and
- (b) the chief constable;

to prepare a statement of accounts from that date for the period which ends on 9th May 2021.

(2) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015(b) (“the Regulations”) concerning the commencement of the period for the exercise of public rights under regulation 9(1)(b) of the Regulations, is modified in the case of the police and crime commissioner and the chief constable for the financial year which began on 1st April 2020 so as to require the relevant responsible financial officer to ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of the Regulations begins on 19th July 2021.

(3) In this article—

“the chief constable” means the chief constable of the police force for West Yorkshire;

“the relevant responsible financial officer” means—

- (a) in relation to the police and crime commissioner, the responsible financial officer for the combined authority; and
- (b) in relation to the chief constable, the responsible financial officer for the police force for West Yorkshire;

“responsible financial officer” has the same meaning as in the Regulations (see regulation 2(2))

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(a) 2014 c. 2.  
(b) S.I. 2015/234

## Modifications to the Local Government Act 1972

42.—(1) Section 86 of the Local Government Act 1972(a) applies in relation to the mayor with the following modification.

(2) After section 86(1)(c), insert—

“(d) ceases to be the mayor by virtue of section 63 of the 2011 Act;”

## PART 11

### Amendment of the 2014 Order

#### Amendment of the 2014 Order

43. Article 5 of the 2014 Order is omitted.

44. For Schedule 1 to the 2014 Order substitute the Schedule in Schedule 7 to this Order.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

*Name*

Parliamentary Under Secretary of State

Date

Ministry of Housing, Communities and Local Government

## SCHEDULE 1

Article 9

### Modification of provisions of the Apprenticeships, Skills, Children and Learning Act 2009 in their application to the Combined Authority

1. All references to provisions in this Schedule are to provisions in the Apprenticeships, Skills, Children and Learning Act 2009.

2. Section 86 has effect as if—

- (a) in subsection (1), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”;
- (b) subsection (1)(b) were omitted but not “and” at the end;
- (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted “paragraph (a)”;
- (d) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
- (e) in subsection (6), paragraph (c) in the definition of “training” were omitted; and
- (f) in subsection (7), the words “or (b)” were omitted.

3. Section 87 has effect as if for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.

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(a) 1972 c. 70. Section 86(2) was amended by section 59 of, and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments, but none is relevant.

4. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.

5. Section 90 has effect as if—

- (a) in subsection (1), for the first reference to “Secretary of State”, there were substituted a reference to “Combined Authority”;
- (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted “section 86(1)(a)”; and
- (c) in subsection (1)(a), (b) and (c) for each reference to “Secretary of State’s remit” there were substituted the words “Combined Authority’s remit”.

6. Section 100 has effect as if—

- (a) in subsection (1), for the reference to “Secretary of State” there were substituted “Combined Authority”;
- (b) in subsection (1)(a), for the reference to “Secretary of State’s remit” there were substituted “Combined Authority’s remit”;
- (c) in subsection (3), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
- (d) in subsection (4), for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”.

7. Section 101(a) has effect as if for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”.

8. Section 103(b) has effect as if—

- (a) for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
- (b) the words “or (1A)” were omitted.

9. Section 115(c) has effect as if—

- (a) for the reference to “Secretary of State”, there were substituted “Combined Authority”;
- (b) in subsection (2)(a), the word “, and” were omitted; and
- (c) in subsection (2), paragraph (b) were omitted.

10. Section 121(d) has effect as if—

- (a) in subsection (1), there were added at the appropriate place—  
“Combined Authority” means the West Yorkshire Combined Authority, a body corporate established under the West Yorkshire Combined Authority Order 2014;”;
- (b) in subsection (2)—
  - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
  - (ii) in paragraph (a), the words “or (b)” were omitted; and
- (c) in subsection (3)—

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(a) Section 101 was amended by paragraphs 3 and 14 of Part 1 of Schedule 14 to the Deregulation Act 2015.  
(b) Section 103 was amended by paragraphs 4 and 16 of Part 1 of Schedule 14 to the Deregulation Act 2015.  
(c) Section 115 was amended by paragraph 23 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 88 and 93 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6).  
(d) Subsection (1) is amended by paragraphs 1 and 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19) on a date to be appointed. Section 121 was amended by paragraph 22 of Part 1 of Schedule 1 and paragraph 27 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 1 and 12 of Schedule 18 to the Education Act 2011 (c.21).

- (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
- (ii) paragraphs (a) and (aa) were omitted.

## SCHEDULE 2

Article 13

### PART 1

#### Modification of the application of Chapter 2 of Part 1 of the 2008

**1.**—(1) Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021]”; and
- (c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined Authority”;

- (4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—  
““Combined Authority” means the body corporate established by the West Yorkshire Combined Authority Order 2014;”.

### PART 2

#### Modification of the application of Schedules 2 to 4 to the 2008 Act

**2.**—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to article 10 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021]”;

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 10 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021].

## Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

“the Area” means the area of the Combined Authority;

“the Combined Authority” means the Combined Authority, established by West Yorkshire Combined Authority Order 2014;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015; and

“National Park authority” means a National Park authority for a National Park.”

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

- (a) “the Greater London Authority” there were substituted “the Combined Authority”;
- (b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and
- (c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

- (a) in subsection (1) for “Greater London” there were substituted “the Area”;
- (b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;
- (c) in subsection (3)(d)—
  - (i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
  - (ii) for “the Mayor” there were substituted “the Mayor for the Area”; and
  - (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;
- (d) in subsection (3)(e)—
  - (i) for “the Mayor” there were substituted “the Mayor for the Area”; and
  - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
- (e) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined Authority”;
- (f) in subsection (4)—
  - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
  - (ii) paragraph (b) were omitted;
  - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council whose local government area”;
  - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park.”;

- (v) paragraphs (f) and (g) were omitted;
  - (g) in subsection (5)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
    - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
    - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
    - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
  - (h) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
  - (i) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
  - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—
- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
  - (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the Area”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
    - (i) in paragraph (a), for “a London borough council” there were substituted a reference to “a district council wholly or partly in the Area”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the Area”;
    - (iv) paragraph (k) were omitted;
  - (b) in subsection (4) paragraph (b) were omitted; and
  - (c) in subsection (10), the definitions of a “functional body” and “public authority” were omitted.
- (8) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (9) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—
- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
  - (c) in subsection (7), in the definition of “affected authority”, “(f) or (g)” were omitted.

- (10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
  - (b) in sub-sections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (11) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the Area”; and
  - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.
- (12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) or a district council wholly or partly in the Area”; and
  - (c) in subsection (4) the definition of “an affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
  - (b) in subsection (4)—
    - (i) the definition of “functional body” were omitted; and
    - (ii) in the definition of “permitted recipient”—
      - (aa) paragraph (b) were omitted,
      - (bb) in paragraph (d) for “a London borough council” there were substituted “a district council wholly or partly within the Area”, and
      - (cc) paragraph (e) were omitted.
- (14) Schedule 21 of the 2011 Act (Mayoral development corporations) has effect as if—
- (a) for each reference to—
    - (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
    - (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
  - (b) for each reference to “an MDC” there were substituted “the Corporation”;
  - (c) in paragraph 1(1)—
    - (i) “the Mayoral development corporation (“MDC”)” there were substituted “Corporation”;
    - (ii) for the reference to “the Mayor of London (“the Mayor”) there were substituted “the Combined Authority”;
  - (d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted a reference to “each relevant district council”;
  - (e) in paragraph 1(3)—
    - (i) sub-paragraph (a) were omitted; and
    - (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council”;
  - (f) in paragraph 1(5), for “MDC’s” there were substituted “Corporation’s”;

- (g) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council”;
- (h) in paragraph 3, for “MDC’s” there were substituted “Corporation’s”;
- (i) in paragraph 4(4) for “the London Assembly” there were substituted a reference to “the Combined Authority”;
- (j) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council”; and
- (k) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

## SCHEDULE 4

Article 23

### Permit schemes: modification of the application of part 3 of the 2004

1.—(1) Part 3 of the 2004 Act is modified as follows.

(2) Section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) has effect as if—

- (a) subsection (1) were omitted;
- (b) for subsection (2) there were substituted—

“(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined Authority shall not have effect in the combined area unless the Combined Authority gives effect to it by order.” And

- (c) subsection (3) were omitted.

(3) Section 36 (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

“(1) The Combined Authority may by order vary or revoke a permit scheme to the extent that it has effect in the combined area by virtue of an order made by the Combined Authority under section 33A(2).

(2) The Secretary of State may direct the Combined Authority to vary or revoke a permit scheme by an order under subsection (1).

(3) ) An order made by the Combined Authority under subsection (1) may vary or revoke an order made by the Combined Authority under section 33A(2), or an order previously made by the Combined Authority under subsection (1).”

Modifications of police and crime commissioner enactments in their  
application to the mayor

## PART 1

## Primary Legislation

**Police (Property) Act 1897**

- 1.—(1) The Police (Property) Act 1897(a) is modified as follows.  
(2) In section 2(2A), for the last reference to “relevant body” substitute “combined authority”.

**Trustee Investment Act 1961**

- 2.—(1) The Trustee Investments Act 1961(b) is modified as follows.  
(2) In paragraph 9 of Part 2 of Schedule 1, for “similar officer of the authority” substitute “similar officer of the combined authority deployed wholly or partly in relation to the PCC functions of the mayor”.

**Pensions (Increase) Act 1971**

- 3.—(1) The Pensions (Increase) Act 1971(c) is modified as follows.  
(2) In paragraph 51(aa) of Schedule 2, for “a police and crime commissioner” substitute “the police and crime commissioner for West Yorkshire or of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

**Local Government (Miscellaneous Provisions) Act 1976**

- 4.—(1) The Local Government (Miscellaneous Provisions) Act 1976(d) is modified as follows.  
(2) In section 29(1)(e), for “or transferred to the authority”, substitute “to the mayor, or transferred to the combined authority in relation to the mayor’s PCC functions.”.  
(3) In section 30(3)(a)(f), for “maintained by a local authority”, substitute “maintained by the mayor of the combined authority”.  
(4) In section 44(1), in paragraph (a)(g) of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “13, 14, 16, 29 and 38”.

**Local Government, Planning and Land Act 1980**

- 5.—(1) The Local Government, Planning and Land Act 1980(h) is modified as follows.  
(2) In section 99—

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- (a) 1897 c. 30. Section 2(2A) was inserted by section 1(2) and (3) of the Police (Property) Act 1997 (c. 30)  
(b) 1961 c. 62.  
(c) 1971 c. 56. Paragraph 51(aa) was inserted by section 99 of, and paragraph 97 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.  
(d) 1976 c. 57.  
(e) Section 29(1) was amended by section 190 of, and paragraph 14 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).  
(f) Section 30(3)(a) was inserted by paragraph 126 of Schedule 16 to the Police Reform and Social Responsibility Act (c. 13).  
(g) Section 44(1) was amended by section 119 of, and paragraph 43(a) of Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20); and section 99 of, and paragraph 127 of Schedule 16, to the Police Reform and Social Responsibility Act 2011; there are other amendments to this section, but none is relevant.  
(h) 1980 c. 65.

- (a) After subsection (2), insert—
  - “(2A) Where a notice under subsection (1) is received by the combined authority and it relates to land used wholly or partly in relation to the mayor’s PCC functions, the mayor is to make any representations (referred to in subsection (2)) on behalf of the combined authority to the Secretary of State.”;
- (b) in subsection (4)—
  - (i) in paragraph (dbzb) after “that Act”, insert “or (as the case may be) the mayor”(a);
  - (ii) omit paragraph (dc)(b).

**Dartford-Thurrock Crossing Act 1988**

6.—(1) The Dartford-Thurrock Crossing Act 1988(c) is modified as follows.

(2) In section 19(a)(i), for “a local policing body” substitute “the combined authority for use in relation to the exercise of the mayor’s PCC functions”.

**Local Government Finance Act 1988**

7.—(1) The Local Government Finance Act 1988(d) is modified as follows.

(2) In section 114(e) —

(a) for subsection (4)(b)(i) substitute—

“(i) a report relating to the mayor’s PCC functions, each member of the combined authority (including the mayor) and each member of the police and crime panel for the mayor’s area;”

(b) in subsection (8A)(b)(f) , for “relevant authority”, substitute “mayor”.

(3) In section 115—

(a) subsection (1B)(g) for “elected local policing body, that body”, substitute “of the combined authority in relation to the mayor’s PCC functions, the mayor (“the body”)”;

(b) in subsection (1F)(b), for “elected local policing body’s” substitute “combined authority’s”;

(c) in subsection (2)(h), for “any authority other than an elected local policing body”, substitute “any report other than one relating to the mayor’s PCC functions”.

(4) For section 116(2B)(i), substitute:

“(2B) In the case of the mayor, the chief finance officer of the combined authority must notify the auditor of the combined authority of any decision taken by the mayor in accordance with section 115”

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(a) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

(b) Section 99(4)(dc) was substituted by section 99 of, and paragraph 141 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(c) 1988 c. 20; section 19(a)(i) was substituted by section 99 of, and paragraph 177 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to section 19(a) that are not relevant to this Order.

(d) 1988 c. 41.

(e) Section 114(4)(b) was inserted by section 99 of, and paragraph 188(5) and of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(f) Subsection (8A)(b) was inserted by section 99 of, and paragraph 188(6) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(g) Subsections (1B) to (1F) were inserted by section 99 of, and paragraph 189(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(h) Subsection (2) was amended by section 99 of, and paragraph 189(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(i) Subsection (2B) was amended by section 99 of, and paragraph 190(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

## Road Traffic Act 1988

- 8.**—(1) The Road Traffic Act 1988(a) is modified as follows.
- (2) In section 144(2)(b)—
- (a) for “a local policing body” substitute “the combined authority for use in relation to the mayor’s PCC functions”;
  - (b) for “a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions”.

## Local Government and Housing Act 1989

- 9.**—(1) The Local Government and Housing Act 1989(b) is modified as follows.
- (2) In section 1—
- (a) in subsection (9)(c), for “an elected local policing body” substitute “the combined authority deployed predominantly in relation to the mayor’s PCC functions”;
  - (b) in subsection (10)(d), for “an elected local policing body does not include a deputy police and crime commissioner” substitute “the combined authority deployed predominantly in relation to the mayor’s PCC functions does not include the deputy mayor for policing and crime.”
- (3) In section 4—
- (a) omit subsections (1) and (1A)(e);
  - (b) for subsection (4)(f) substitute—

“(4) It shall be the duty of the head of the combined authority’s paid service, as soon as practicable after he has prepared a report relating to the mayor’s PCC functions under this section, to arrange for a copy of it to be sent to the members of the combined authority (including the mayor) and to the police and crime panel.”;
  - (c) in subsection (5)(g), omit “(other than an elected local policing body)”;
  - (d) in subsection (5A)(h), for “by the head of the body’s paid service” substitute “that relates to the mayor’s PCC functions”.
- (4) In section 5—
- (a) omit subsection (1C)(i);
  - (b) for subsection (3)(b)(a)(j), substitute—

“(a) in the case of a report relating to the mayor’s PCC functions, to the members of the combined authority (including the mayor) and to the police and crime panel; and”;

- 
- (a) 1988 c. 52; section 144(2)(b) was amended by section 99 of, and paragraph 197(3)(a) and (b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments the section, but none is relevant.
  - (b) 1989 c. 42.
  - (c) Subsection (9) was inserted by section 99 of, and paragraph 200 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and was amended by section 123 of the Policing and Crime Act 2017 (c. 3).
  - (d) Subsection (10) was inserted by section 123 of the Policing and Crime Act 2017
  - (e) Subsection (1A) was inserted by section 99 of, and paragraph 201(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (f) Subsection (4) was inserted by section 99 of, and paragraph 201(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (g) Subsection (5) was inserted by section 99 of, and paragraph 201(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (h) Subsection (5A) was inserted by section 99 of, and paragraph 201(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (i) Subsection (1C) was inserted by section 99 of, and paragraph 202(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (j) Subsection (3)(b)(a) was inserted by section 99 of, and paragraph 202(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

- (c) in subsection (5)
  - (i) for “a relevant authority” substitute “the mayor”;
  - (ii) in paragraph (a)(a) —
    - (aa) in sub-paragraph (i), omit “in the case of an elected local policing body”;
    - (bb) omit sub-paragraph (ii)
- (d) in subsection (8)(b), in the definition of “relevant authority” omit “and an elected local policing body”.
- (5) Omit section 7(1)(aa)(c).
- (6) Omit section 13(5ZA)(d).

## **Police Act 1996**

**10.—(1)** The Police Act 1996(e) Act is modified as follows.

(2) In section 22A(9)(a)(f), for “that body” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

(3) In section 41(g) —

- (a) in subsection (1), for “commissioner’s council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “PCC component council tax requirement”;
- (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government and Finance Act 1992”, substitute “determination by the mayor of the final amount of the PCC component”.

(4) In section 53E(h) —

- (a) in subsection (1)(a), for “a local policing body” substitute “the combined authority and are deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) in subsection (1)(b), for “the body” substitute “the combined authority”;

(5) In section 88(i) —

- (a) in subsection (5A)(j), for the first reference to “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) in subsection (6)(a)(k), for “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

(6) In section 92(1)(a), for “parish or community” substitute “parish, community, or combined authority”.

- 
- (a) Subsection (5)(a) was inserted by section 99 of, and paragraph 202(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (b) Subsection (8) was amended by section 99 of, and paragraph 202(6)(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to the section, but none is relevant.
  - (c) Section 7(1)(aa) was inserted by section 99 of, and paragraph 203(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (d) Section 13(5ZA) was inserted by section 7 of the Policing and Crime Act 2017 (c. 3).
  - (e) 1996 c.16.
  - (f) Section 22A was inserted by section 89(2) of the Police Reform and Social Responsibility Act 2011 (c. 13).
  - (g) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48); section 22 of the Police Reform and Social Responsibility Act 2011; and by paragraph 33 of Schedule 7 to the Localism Act 2011 (c. 20).
  - (h) Section 53E was inserted by section 125 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
  - (i) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50); sections 102(1) and (4) and 103(1) of the Police Reform Act 2002; paragraph 80(3) of Schedule 4 and paragraph 1 of Schedule 17, to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 42 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; by S.I. 2012/1809, and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).
  - (j) Subsection (5A) was inserted by section 59 of, and paragraph 80(3) of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15); and amended by section 99 of, and paragraph 42(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).
  - (k) Subsection (6)(a) was amended by section 99 of, and paragraph 42(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(7) In section 96(1B)(b), for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “PCC component is determined by the mayor”.

### **Police Reform Act 2002**

**11.**—(1) The Police Reform Act 2002 Act(c) is modified as follows.

(2) In section 40(7)(d)(d), for “local policing body” substitute “combined authority and are deployed wholly or partly in relation to the mayor’s PCC functions”.

(3) In section 42(7)(e) —

- (a) for the first reference to “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) for the second reference to “local policing body” substitute “combined authority”;
- (c) for “or body” substitute “or authority”.

### **Proceeds of Crime Act 2002**

**12.**—(1) The Proceeds of Crime Act 2002(f) is modified as follows.

(2) For section 55(8)(aa) substitute—

“(aa) a member of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions;”.

### **Local Government Act 2003**

**13.**—(1) The Local Government Act 2003(g) is modified as follows.

(2) In section 7—

- (a) in subsection (1)(a), for “its part”, substitute “the part of the combined authority”;
- (b) in subsection (2), for “on the part of the authority”, substitute “on the part of the combined authority”.

### **Railways and Transport Safety Act 2003**

**14.**—(1) The Railways and Transport Safety Act 2003(h) is modified as follows.

(2) For paragraph 7(2)(c) of Schedule 4, substitute—

“(c) a member of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions.”.

- 
- (a) Section 92(1) was amended by section 25(4)(a) of the Police Reform and Social Responsibility Act 2011. There are other amendments, but none is relevant.
  - (b) Section 96(1B) was inserted by section 14(3) of the Police Reform and Social Responsibility Act 2011.
  - (c) 2002 c. 30.
  - (d) Section 40(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (e) Section 42(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (f) 2002 c. 29; paragraph (aa) was inserted by section 99 of, and paragraph 305 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (g) 2003 c. 26.
  - (h) 2003 c. 20; paragraph 7(2)(c) was inserted by section 99 of, and paragraph 328 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

## **Local Government and Public Involvement in Health Act 2007**

**15.**—(1) The Local Government and Public Involvement in Health Act 2007(a) is modified as follows.

(2) For section 15(1)(a), substitute—

“(a) for the transfer of functions, property, rights or liabilities from a local authority, combined authority in relation to the mayor’s PCC functions, or local policing body for any area to another local authority, combined authority in relation to the mayor’s PCC functions, or local policing body whose area consists of or includes the whole or part of that area;”.

## **Local Democracy, Economic Development and Construction Act 2009**

**16.**—(1) The 2009 Act is modified as follows

(2) In paragraph 9(1)(a) of Schedule 5B(b), for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime”.

## **Police Reform and Social Responsibility Act 2011**

**17.**—(1) The Police Reform and Social Responsibility Act 2011 is modified as follows.

**18.** In section 5(c)—

- (a) in subsection (1), for “ordinary election” substitute “election for the return of a mayor”;
- (b) in subsection (13)— (i) in the definition of “financial year”, for “year of the police and crime commissioner” substitute “year of the combined authority”; (ii) omit the definition of “ordinary election”.

**19.** In section 7(7)(d)—

- (a) in the definition of “financial year”, for “year of the elected local policing body” substitute “year of the combined authority”
- (b) omit the definition of “ordinary election”;
- (c) in the definition of “planning period” for “ordinary election” substitute “election for the return of a mayor”;
- (d) in the definition of “qualifying day” for “ordinary election” substitute “election for the return of a mayor”.

**20.** In section 16—

(a) for subsection (1), substitute—

“(1) This section applies where the mayor is required or authorised by any Act—

- (a) to appoint a person to a specified post in the combined authority; or
- (b) to designate a person as having a specified duty or responsibilities in connection with the exercise of the mayor’s PCC functions.”;

(b) in subsection (2), for “the body” substitute “the combined authority”.

**21.** In section 18(a) —

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- (a) 2007 c. 28; section 15(1)(a) was amended by section 74 of, and paragraph 14(2)(a) of Schedule 10 to, the Police Reform and Social Responsibility Act 2011.
  - (b) 2009 c. 20; paragraph 9(1) of Schedule 5B was inserted by section 2 of, and paragraph 1 of Schedule 1 to, the Cities and Local Government Devolution Act 2016 (c. 1)
  - (c) There are amendments to section 5, none of which are relevant to this Order.
  - (d) Section 7 was amended by section 181 of, and paragraph 97 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

- (a) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
- (b) in subsection (6)—
  - (i) after paragraph (d), insert—
    - “(da) a deputy mayor under section 107C of the 2009 Act.”;
  - (ii) after paragraph (h), insert
    - (i) the combined authority”;
- (c) in subsection (7)—
  - (i) for paragraph (f), substitute—
    - “(f) calculating the PCC component council tax requirement.”
  - (ii) omit paragraphs (g) and (h)(b);
  - (iii) for subsection (10), substitute—
    - “(10) The deputy mayor for policing and crime is a member of staff of the combined authority, unless they are a member of the combined authority.”.

**22.** In section 21, after subsection (3) insert—

“(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred in or otherwise relates to, the exercise of the mayor’s PCC functions.”.

**23.** In section 28—

- (a) omit subsections (1A) and (1B)(c);
- (b) in subsection (6)(a), after “police and crime commissioner” insert, “, the deputy mayor for policing and crime and any other person who exercises any function of the mayor pursuant to arrangements made under section 18”.

**24.** In section 29—

- (a) for subsection (1), substitute—
  - “(1) A police and crime panel may require—
    - (a) the mayor;
    - (b) the deputy mayor for policing and crime;
    - (c) members of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions; and
    - (d) any members of the combined authority who exercise any function of the mayor pursuant to arrangements made under section 18,
 to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”.
- (b) for subsection (2), substitute—
  - “(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given to—
    - (a) the mayor in relation to the mayor’s PCC functions;
    - (b) the deputy mayor for policing and crime; or
    - (c) a member of the combined authority who exercises any function of the mayor pursuant to arrangements made under section 18.”.

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(a) Section 18 was amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(b) Paragraphs (7)(g) and (h) were added by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(c) Subsections (1A) and (1B) were added by section 6 of, and paragraph 89 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3).

- (c) for subsection (5), substitute—
  - “(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;
- (d) in subsection (6), after “commissioner” insert “or “the deputy mayor for policing and crime”.

**25. In section 30—**

- (a) in subsection (1), for “relevant police and crime commissioner” substitute “the mayor so far as acting in the exercise of PCC functions”;
- (b) for subsection (3), substitute—
  - “(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the mayor is to be treated as holding that office during that suspension.”.

**26. In section 31(3), for paragraphs (b) to (d) substitute—**

“(b) deputy mayor for policing and crime.”.

**27. In section 62—**

- (a) for subsection (1), substitute—
  - “(1) The police and crime panel must appoint a person to exercise the mayor’s PCC’s functions (the “acting commissioner”) if the mayor is suspended from the exercise of PCC functions in accordance with section 30.”;
- (b) in subsection (2), for “member of the police and crime commissioner’s staff” substitute “member of the staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or the deputy mayor for policing and crime”;
- (c) after subsection (2), insert—
  - “(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;
- (d) omit subsection (3);
- (e) for subsection (5), substitute—
  - “(5) Any property or rights vested in the combined authority in relation to the mayor’s PCC functions can be dealt with by the acting commissioner.”;
- (f) omit subsection (6)(c);
- (g) in subsection (7)—
  - (i) omit “incapacitated or”;
  - (ii) omit “(6)(c) or”;
- (h) omit subsection (8).

**28. For section 63, substitute—**

- “(1) Subsection (2) applies where—
  - (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the mayor because the mayor is unable to act; and
  - (b) the mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting mayor was appointed.
- (2) At the end of that 6 month period—
  - (a) the mayor ceases to be the mayor, and
  - (b) accordingly, the office of mayor becomes vacant.”.

**29.** For section 64(3) to (4A)(a), substitute—

(3) A person is disqualified from being elected at an election held under this Order if—

- (a) the person has been nominated as a candidate for election as police and crime commissioner for an election for any other police area at an ordinary election, and
- (b) the ordinary election is held on the same day as the election to return the mayor.

(4) A person is disqualified from being elected as the mayor at an election other than an election held under this Order if—

- (a) the person is the police and crime commissioner for any other police area; or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”.

**30.** In section 65(b)—

(a) in subsection (1)(e), insert after paragraph (ii)—

(iii) the combined authority.”;

(b) for subsection (1A)(c), substitute—

“(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime— (a) from being elected as mayor at an election held under this Order; (b) from being elected at an election held otherwise than under this Order to fill a vacancy in the office of mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”.

**31.** In section 70—

(a) for subsection (1), substitute—

“(1) A person elected to the office of mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;

(b) omit subsection (2);

(c) in subsection (5), for “office” substitute “the duty of exercising police and crime commissioner functions as mayor”;

(d) for subsection (6), substitute—

“(6) In this section—

“appropriate officer” means the person designated as the head of paid service by the combined authority under section 4(1)(a) of the Local Government Act 1989; “specified declaration” means the following declaration—

I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as West Yorkshire Mayor.

In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:

I will serve all the people of West Yorkshire.

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(a) Subsections (3A) and (4A) were inserted into section 64 by article 10 of the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470).

(b) Section 65(1) was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(c) Subsection (1A) was inserted by section 123 of the Policing and Crime Act 2017 (c. 3).

I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.”;

(e) omit subsection (7).

**32. In Schedule 1—**

(a) for paragraph 1, substitute—

“**1.** This Schedule applies in relation to the mayor in the exercise of PCC functions.”;

(b) for paragraph 4, substitute—

“**4.** —(1) The mayor must make authorised pension payments.

(2) In this paragraph “authorised pension payments” means—

(a) pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire,

which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;

(c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “paragraph”;

(d) in paragraph 8(a)—

(i) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

(ii) for sub-paragraph (3) and (3A), substitute—

“(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person’s term of office ends no later than the third day after the day of the poll at an election for the return of a mayor.

“(3A) The terms and conditions must also provide for the deputy mayor for policing and crime’s appointment to end when, following an election held to fill a vacancy in the office of the appointing mayor, the person elected makes and delivers a declaration under section 70.”.

(e) for paragraph 9(1), substitute—

“(1) The mayor must notify the police and crime panel of each proposed appointment by the mayor of a deputy mayor for policing and crime.”;

(f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “election for the return of the mayor”;

(g) for paragraph 13, substitute—

“**13.** — (1) The mayor may pay —

(a) remuneration, allowances and gratuities to members of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions; and

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(a) Paragraph 8 was amended by section 122(2) and (3) of the Policing and Crime Act 2017 (c. 3)

- (b) to the deputy mayor for policing and crime where that person is not a member of staff of the combined authority, allowances and gratuities.
- (2) The mayor may pay—
  - (a) pensions to, or in respect of, persons who have been members of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions; and
  - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions.
- (3) In this paragraph “allowances” —
  - (a) in relation to a member of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment in relation to such functions; and
  - (b) in relation to a deputy mayor for policing and crime who is not a member of the combined authority’s staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person’s duties as deputy mayor for policing and crime.”;
- (h) for paragraph 15(2), substitute—
 

“(2) A person who is—

  - (a) a member of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions; or
  - (b) a member of the combined authority exercising the mayor’s PCC functions;
 

has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the mayor’s PCC functions as a member of staff or as a member of the combined authority, unless it is shown to have been done otherwise than in good faith.”;
- (i) for paragraph 16, substitute—
 

“16. References to the financial year of the mayor are to be read as if they were references to the financial year of the combined authority.”.

**33. In Schedule 5—**

- (a) in paragraph 1—
  - (i) for sub-paragraph (1), substitute—
 

“(1) The mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached”;
  - (ii) for sub-paragraph (3), substitute—
 

“(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;
- (b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;
- (c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;
- (d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;
- (e) in paragraph 5(3)—
  - (i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;

- (ii) in paragraph (b), for “issue a different precept” substitute “determine a different PCC component”;
- (f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “determine that the proposed PCC component is to be the PCC component”;
- (g) in paragraph 8—
  - (i) in sub-paragraph (1), for “issuing of precepts” substitute “determining the amount of the PCC component”;
  - (ii) in sub-paragraph (4), for “precept that may be issued” substitute “amount of the PCC component”.

**34. In Schedule 6(a) —**

- (a) for paragraph 21, substitute—
 

“**21.** The mayor, a member of the combined authority appointed by the constituent councils, or substitute members acting in place of those members may not be a member of the police and crime panel for the area.”;
- (b) in paragraph 22(a), for the words “police and crime commissioner for that police area” substitute “combined authority”;
- (c) in paragraph 33, after sub-paragraph (1) insert—
 

“(1A) But this paragraph does not apply if the elected mayor of that executive is a member of the combined authority appointed by the constituent councils.”.
- (d) in paragraph 34, after sub-paragraph (1) insert—
 

“(1A) But this paragraph does not apply if the current mayor of that executive is a member of the combined authority appointed by the constituent councils.”.

**35. In Schedule 7—**

- (a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime (unless the holder of that office is a member of the combined authority)”;
- (b) for paragraph 4, substitute—
 

“**4.** — (1) This paragraph applies in relation to qualifying complaints which—

  - (a) relate to a holder of the office of—
    - (i) mayor; or
    - (ii) deputy mayor for policing and crime, if the holder of that office is a member of the combined authority, and
  - (b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with the combined authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.”.

**36. In Schedule 8—**

- (a) for paragraph 4(10), substitute—
 

“(10) For that purpose, “relevant post-election period” means the period that—

  - (a) begins with the day of the poll at an election for the return of the mayor; and
  - (b) ends with the day on which the person elected as mayor delivers a declaration under section 70.”;
  - (b) for paragraph 15(8), substitute—

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(a) There are amendments to Schedule 6, none of which is relevant to this instrument.

- “(8) For that purpose, “relevant post-election period” means the period that—
- (a) begins with the day of the poll at an election for the return of the mayor; and
  - (b) ends with the day on which the person elected as mayor delivers a declaration under section 70.”.

#### **Local Audit and Accountability Act 2014**

- 37.**—(1) The Local Audit and Accountability Act 2014(a) is modified as follows.
- (2) In Schedule 4—
- (a) for paragraph 2(4)(a), substitute—  
“(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (the “relevant authority concerned”) is a combined authority where the mayor exercises PCC functions;”;
  - (b) for paragraph 2(5), substitute—  
“(5) Where the relevant authority concerned is a combined authority where the mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

## **PART 2**

### **Secondary Legislation**

#### **Motor Vehicles (Third Party Risks) Regulations 1972**

- 38.**—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(b) are modified as follows.
- (2) For regulation 7(3), substitute—
- “(3) in the case of a motor vehicle owned by the combined authority for use wholly or partly in relation to the mayor’s PCC functions, a certificate in Form F signed by some person authorised in that behalf by the mayor that the motor vehicle is owned by the combined authority for use in relation to the mayor’s PCC functions.”

#### **Official Secrets Act 1989 (Prescription) Order 1990**

- 39.**—(1) The Official Secrets Act 1989 (Prescription) Order 1990(c) is modified as follows.
- (2) In Schedule 2, for “a Deputy police and crime commissioner”, substitute “a Deputy mayor for policing and crime”.

#### **Police (Disposal of Sound Equipment) Regulations 1995**

- 40.**—(1) The Police (Disposal of Sound Equipment) Regulations 1995(d) and modified as follows.
- (2) In regulation 4(4), for “local policing body” substitute “combined authority”.

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(a) 2014 c. 2.  
(b) S.I. 1972/1217; regulation 7(3) was amended by S.I. 2011/3058. There are other amending instruments, but none is relevant.  
(c) S.I. 1990/200; amended by S.I. 2012/2900. There are other amending instruments, but none is relevant.  
(d) S.I. 1995/722; regulation 4 was amended by S.I. 2000/1549 and S.I. 2011/3058.

### **Police (Property) Regulations 1997**

- 41.**—(1) The Police (Property) Regulations 1997(a) are modified as follows.
- (2) In regulation 6(6), for “relevant authority” substitute “combined authority”.
- (3) In regulation 7(1), for “vest in them” substitute “vest in the combined authority”.

### **Health and Safety (Enforcing Authority) Regulations 1998**

- 42.**—(1) The Health and Safety (Enforcing Authority) Regulations 1998(b) are modified as follows.
- (2) In regulation 4(3)(d), for “a local policing body” substitute “the combined authority in relation to the mayor’s PCC functions”.

### **Motor Vehicles (Driving Licences) Regulations 1999**

- 43.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(c) are modified as follows.
- (2) In regulation 23(1)(c)(ii)(d), for “local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”.
- (3) In regulation 24(1)(d)(ii)(e), for “local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”.
- (4) In regulation 58(2)(c)(ii)(f), for “local policing body” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

### **Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

- 44.**—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(g) is modified as follows.
- (2) For paragraph 2 of Section 6 of Schedule 1, substitute—
- “**2.** The combined authority in relation to employees deployed wholly or partly in relation to the mayor’s PCC functions.”.

### **Motor Vehicles (Access to Driver Licensing Records) Regulations 2001**

- 45.**—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(h) are modified as follows.
- (2) In regulation 3(2), for “local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”

### **Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001**

- 46.**—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001(i) are modified as follows.

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(a) S.I. 1997/1908; regulations 6 and 7 were amended by S.I. 2002/2313 and S.I. 2013/2318.

(b) S.I. 1998/494; regulation 4(3)(d) was amended by S.I. 2011/3058. There are other amending instruments, but none is relevant.

(c) S.I. 1999/2864.

(d) Regulation 23(1)(c) was substituted by S.I. 2011/3058. There are other amending instruments, but none is relevant.

(e) Regulation 24(1)(d) was inserted by S.I. 2011/3058. There are other amending instruments, but none is relevant.

(f) Regulation 58(2)(c)(ii) was substituted by S.I. 2011/3058.

(g) S.I. 1999/2277; paragraph 2 of Section 6 of Schedule 1 was substituted by S.I. 2012/2733.

(h) S.I. 2001/3343; regulation 3 was amended by S.I. 2011/3058.

(i) S.I. 2001/2645; regulation 2(1)(b) was amended by S.I. 2012/61.

(2) In regulation 2(1)(b), for “a local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”.

### **Police Regulations 2003**

**47.**—(1) The Police Regulations 2003(a) are modified as follows.

(2) In regulation 7(7)(a), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “the deputy mayor for policing and crime”.

(3) In regulation 24(1)(b), for “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

### **Docking of Working Dogs’ Tails (England) Regulations 2007**

**48.**—(1) The Docking of Working Dogs’ Tails (England) Regulations 2007(b) are modified as follows.

(2) In regulation 2, for the definition of “police identification” substitute—

“police identification” means evidence that the person presenting the identification is—

- (a) a police officer;
- (b) employed by the combined authority and deployed wholly or partly in relation to the mayor’s PCC functions;
- (c) contracted to work for the mayor in relation to the mayor’s PCC functions; or
- (d) contracted to work for, or otherwise employed by, the chief officer of police.

### **REACH Enforcement Regulations 2008**

**49.**—(1) The Reach Enforcement Regulations 2008(c) are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “the combined authority in relation to the mayor’s PCC functions”.

### **Elected Local Policing Bodies (Specified Information) Order 2011**

**50.**—(1) The Elected Local Policing Bodies (Specified Information) Order 2011(d) is modified as follows.

(2) In article 1(2)—

(a) for the definition of “election” substitute—

““election” means an election for the return of a mayor;”;

(b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”

(c) for the definition of “senior employee”, substitute—

““senior employee” means a member of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions and whose salary exceeds £50,000;”

and;

(d) for the definition of “staff”, substitute—

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(a) S.I. 2003/527; regulation 24(1)(b) was amended by S.I. 2011/3026.

(b) S.I. 2007/1120; regulation 2 was amended by S.I. 2012/61.

(c) S.I. 2008/2852; paragraph 5(c) of Part 3 of Schedule 3 was amended by S.I. 2011/3058. There are other amendments but none is relevant.

(d) S.I. 2011/3050

““staff” means members of staff employed by the combined authority deployed wholly or partly in relation to the mayor’s PCC functions but does not include the deputy mayor for policing and crime.””.

(3) In the Schedule—

- (a) in paragraph 2—
  - (i) omit the first reference to “of the elected local policing body”;
  - (ii) for each of the remaining two references to “elected local policing body” substitute “combined authority”;
- (b) in paragraph 3(a) —
  - (i) for sub-paragraph (b), substitute—

“(b) the PCC component;”;
  - (ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;
- (c) in paragraph 4(b) —
  - (i) for the first reference to “elected local policing body”, substitute “combined authority in relation to the mayor’s PCC functions”;
  - (ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the combined authority in relation to the mayor’s PCC functions, or occupied for the purpose of”;
  - (iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;
  - (iv) for sub-paragraph (d), substitute—

“(d) a list of every contract with a value not exceeding £5,000 —

    - (i) which the mayor has entered into, or is to enter into, on behalf of the combined authority in relation to the mayor’s PCC functions; or
    - (ii) to which the chief officer of the police force maintained by the mayor is, or is to be, a party,

including the value of the contract, the identity of every other party to the contract and the purpose of the contract”.

### **Policing Protocol Order 2011**

**51.**—(1) The Policing Protocol Order 2011(c) is modified as follows.

(2) In the Schedule—

- (a) in paragraph 5, for “each PCC” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) for paragraph 13, substitute—

“**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

**13A.** The staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions are accountable to the directly elected mayor to enable the mayor to exercise their PCC functions.”;
- (c) in paragraph 16, for “precept” substitute “PCC component”;
- (d) in paragraph 17(d), for “precept” substitute “PCC component”;

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(a) Paragraph 3 of the Schedule was amended by S.I. 2012/2479 and by S.I. 2013/1816.

(b) Paragraph 4 of the Schedule was amended by S.I. 2012/2479.

(c) S.I. 2011/2744.

- (e) in paragraph 24—
  - (i) in sub-paragraph (a), for “precept” substitute “PCC component”;
  - (ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “suspended from the exercise of PCC functions”;
  - (iii) omit sub-paragraph (i);
- (f) after paragraph 24, insert—

“**24A.** Complaints against the mayor and deputy mayor for policing and crime (if that person is a member of the combined authority) will be dealt with in accordance with the combined authority’s existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

### **Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

**52.**—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(a) are modified as follows.

- (2) In regulation 2—
  - (a) after the definition of “document”, insert—
    - “head of paid service” means the head of paid service designated by the combined authority under section 4(1)(a) of the Local Government and Housing Act 1989(b);
  - (b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (c) in the definition of “relevant office”, for paragraph (b) substitute—
    - “(b) deputy mayor for policing and crime;”.
- (3) In regulation 7—
  - (a) for paragraph (1)(a), substitute—
    - “(a) the monitoring officer appointed by the combined authority under section 5(1)(a) of the Local Government and Housing Act 1989;”;
  - (b) in paragraph (2), omit “a chief executive or”;
  - (c) for paragraph (3), substitute—
    - “(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the combined authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.
- (4) In regulation 15(3)(a), for “the office holder’s staff” substitute “staff deployed by the combined authority wholly or partly in relation to the mayor’s PCC functions”
- (5) For regulation 28(1)—
  - (a) omit paragraph (a);
  - (b) for paragraph (b), substitute—
    - “(b) the deputy mayor for policing and crime who is not a member of the combined authority at the time when the complaint is recorded;”.
- (6) For regulation 29, substitute—

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(a) S.I. 2012/62, to which there are amendments not relevant to this Order.  
 (b) 1989 c. 42.

**“29.— Resolution in accordance with the combined authority’s code of conduct.**

(1) If a complaint to which this Part applies concerns the conduct of—

- (a) the mayor; or
- (b) the deputy mayor for policing and crime who is a member of the combined authority at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the combined authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the combined authority’s code of conduct adopted under section 27(2) of the Localism Act 2011(a).

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

**Police Appeals Tribunals Rules 2012**

**53.—**(1) The Police Appeals Tribunals Rules 2012(b) are modified as follows.

(2) In rule 15(4) for “relevant local policing body” substitute “combined authority”.

**Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012**

**54.—**(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012(c) are modified as follows.

(2) In regulation 3(2)—

- (a) in sub-paragraph (c), omit “or”;
- (b) in sub-paragraph (d), after “(c).” insert “, or”;
- (c) after sub-paragraph (d) insert—  
“e) the combined authority.”.

**Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012**

**55.—**(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012(d) are modified as follows.

(2) In regulation 4(2), for “may issue the proposed precept as the precept” substitute “may determine that the proposed PCC component is the final amount of the PCC component”.

(3) In regulation 5(2), for “precept that he now proposes to issue” substitute “PCC component that he now proposes to determine”.

(4) In regulation 6(2)—

- (a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “finalising the revised precept as the PCC component to be determined”;
- (b) in sub-paragraph (b), for “precept that should be issued” substitute “PCC component that should be determined”.

(4A) In regulation 7 (police and crime commissioner’s consideration of second report), for “1st March” substitute “the penultimate working day in February”

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(a) 2011 c. 20.  
(b) S.I. 2012/2630, to which there are amendments not relevant to this Order.  
(c) S.I. 2012/2087.  
(d) S.I. 2012/2271.

- (5) In regulation 8—
- (a) in paragraph (2)—
    - (i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “finalise the revised precept as the PCC component to be determined”;
    - (ii) in sub-paragraph (b), for “issue a different precept” substitute “finalise a different amount of the PCC component”.
  - (b) in paragraph (3)—
    - (i) in sub-paragraph (a), for “issue a precept” substitute “finalise the PCC component”;
    - (ii) in sub-paragraph (b), for “issue a precept” substitute “finalise the PCC component”

### **Local Government Pension Scheme Regulations 2013**

- 56.**—(1) The Local Government Pension Scheme Regulations 2013(a) are modified as follows.
- (2) After regulation 64(8), insert—
- “(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the commissioner’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the combined authority by virtue of The West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021].
- (8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”

### **Local Audit (Auditor Resignation and Removal) Regulations 2014**

- 57.**—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014(b) are modified as follows.
- (2) In regulation 2—
- (a) in paragraph (3), for “police and crime commissioner” substitute “combined authority”;
  - (b) in paragraph (4), for “a police and crime commissioner” substitute “the combined authority in relation to the mayor’s PCC functions”.

### **Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**

- 58.**—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(c) is modified as follows.
- (2) In article 4(d)—
- (a) omit “or” at the end of paragraph (ii);
  - (b) insert “or” at the end of paragraph (iii);
  - (c) after paragraph (iii), insert—
    - “(iv) the mayor ceasing to hold office by virtue of section 63 of the 2011 Act.”.

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(a) S.I. 2013/2356, to which there are amendments not relevant to this Order.  
 (b) S.I. 2014/1710, to which there are amendments not relevant to this Order.  
 (c) S.I. 2017/69.

## Exclusion of legislation from application to the combined authority mayor with policing and crime functions

### Primary legislation

1. Section 28 of the Leasehold Reform Act 1967(a).
2. The following provisions of the Local Government Act 1972(b) —
  - (a) section 102(6) to (11);
  - (b) section 223(2);
  - (c) paragraph 6ZA of Part 1 of Schedule 12.
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976(c).
4. Section 14(1)(caa) of the Rent Act 1977(d).
5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980(e).
6. Sections 33 and 41 of the Local Government (Miscellaneous Provisions) Act 1982(f).
7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983(g).
8. Section 60 of the County Courts Act 1984(h).
9. Sections 80(1), 157(1), 171(2), 573(1), paragraph 2(1) of Schedule 1, grounds 7 and 12 in Schedule 2, ground 5 in Schedule 3, paragraph 7(1) of Schedule 4 and paragraph 5(1)(b) of Schedule 5 to the Housing Act 1985(i).
10. Section 38 of the Landlord and Tenant Act 1985(j).
11. Section 7 of the Local Government Act 1986(k).
12. Section 58 of the Landlord and Tenant Act 1987(l).
13. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988(m).

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- (a) 1967 c. 88. Section 28(5)(a) was amended by section 99 of, and paragraph 85 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13). There are other amending Acts but none is relevant.
  - (b) 1972 c. 70. Section 102(6) to (11) and paragraphs 6ZA and the quoted words in paragraph 6B of Schedule 12 were inserted by section 7 of the Policing and Crime Act 2017 (c. 3). Section 223 was amended by paragraph 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 and by section 99 of, and paragraph 109 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amending Acts but none is relevant.
  - (c) 1976 c. 80. Section 5(3)(baa) was inserted by section 43 of, and paragraph 52 of Schedule 4 to, the Police and Magistrates' Courts Act 1994 (c. 29), and was amended by section 99 of, and paragraph 134 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (d) 1977 c. 42. Section 14(1)(caa) was inserted by section 43 of, and paragraph 53 of Schedule 4 to, the Police and Magistrates' Courts Act 1994, and was amended by section 99 of, and paragraph 135 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
  - (e) 1980 c. 65.
  - (f) 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34); section 119 of and paragraph 56(2)(a) of Schedule 6, to the Local Democracy, Economic Development and Construction Act 2009; and section 99 of, and paragraph 156 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 59 of, and paragraphs 6(1) and 16(a) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments to section 33, but none is relevant.
  - (g) 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6). Section 13B was substituted by section 8 of, and paragraph 6 of Schedule 1 to, the Representation of the People Act 2000 and amended by section 74 of, and paragraph 3 of Schedule 10 to, the Police Reform and Social Responsibility Act 2011. There are other amendments but none is relevant.
  - (h) 1984 c. 28.
  - (i) 1985 c. 68.
  - (j) 1985 c. 70.
  - (k) 1986 c. 10.
  - (l) 1987 c. 31.
  - (m) 1988 c. 50.

- 14.** Sections 111, 113, 114 and 114A Local Government Finance Act 1988**(a)**.
- 15.** Section 39 of the Local Government Finance Act 1992**(b)**.
- 16.** Section 33 of the Value Added Tax Act 1994**(c)**.
- 17.** Section 94 of the Police Act 1996**(d)**.
- 18.** Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000**(e)**.
- 19.** Sections 21 and 22 of the Local Government Act 2003**(f)**.
- 20.** The following provisions of the Fire and Rescue Services Act 2004**(g)**—
- (a) section 3(7) and (9);
  - (b) section 4A;
  - (c) Schedules A1 and A2.
- 21.** The following provisions of the Police Reform and Social Responsibility Act 2011—
- (a) section 1, subsections (1) to (4)**(h)**;
  - (b) sections 50 to 61**(i)** ;
  - (c) section 69;
  - (d) sections 71 to 75;
  - (e) section 102(3);
  - (f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2) and (4), and 7;
  - (g) Schedule 6, paragraphs 33 to 35;
  - (h) Schedules 9 and 10.
- 22.** Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014**(j)**.
- 23.** Sections 5(7)(a) and (9)(a) of, and paragraph 92 of Schedule 1 to, the Policing and Crime Act 2017**(k)**.

### Secondary Legislation

- 24.** The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012**(l)**.
- 25.** Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012**(m)**.
- 26.** Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012**(n)**.
- 27.** Police and Crime Commissioner (Elections) Order 2012**(o)**.

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- (a) 1988 c. 41
  - (b) 1992 c. 14
  - (c) 1994 c. 23.
  - (d) 1996 c. 16.
  - (e) 2000 c. 36.
  - (f) 2003 c. 26.
  - (g) 2004 c. 21
  - (h) 2011 c. 13. Section 1, to which there are amendments not relevant to this Order.
  - (i) Section 42 was amended by section 140(5) and (6) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
  - (j) 2014 c. 2.
  - (k) 2017 c. 3.
  - (l) S.I. 2012/2553.
  - (m) S.I. 2012/1918.
  - (n) S.I. 2012/2088.
  - (o) S.I. 2012/1917.

**28.** The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013(**a**)—

- (a) Part 1, Paragraph 6;
- (b) and Part 4.

**29.** Article 7 of the Chancellor of the Duchy of Lancaster Order 2015(**b**).

**30.** Police and Crime Commissioner (Elections) Order 2015(**c**).

**31.** Transfer of Functions (Police and Crime Commissioner Elections) Order 2015(**d**).

**32.** Police and Crime Commissioner (Designation of Police Area Returning Officers) Order 2015(**e**).

**33.** Police and Crime Commissioner (Designation of Local Authorities) Order 2015(**f**).

**34.** Police and Crime Commissioner (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016(**g**).

**35.** The Police and Crime Commissioner Elections (Amendment) Order 2016(**h**).

**36.** Police and Crime Commissioner Elections (Returning Officers' Accounts) (Amendment) Regulations 2016(**i**).

## SCHEDULE 7

Article 44

### “SCHEDULE 1 Constitution

#### **Membership**

**1.**—(1) Subject to sub-paragraph (3), the Combined Authority shall comprise ten members in addition to the Mayor as provided for in the following sub-paragraphs.

(2) Each of the constituent councils shall appoint one of its elected members as a member of the Combined Authority.

(3) The constituent councils shall agree the appointment of another elected member from three of the constituent councils, so that the constituent council members taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils; in the absence of such agreement no members shall be appointed under this sub-paragraph.

(4) The non-constituent council shall appoint one of its elected members to be a member of the Combined Authority.

(5) Each constituent council and the non-constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the members appointed under sub-paragraphs (2) to (4) (“the substitute member”).

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- (a) S.I. 2013/2356.
  - (b) S.I. 2015/1376.
  - (c) S.I. 2015/665.
  - (d) S.I. 2015/1526.
  - (e) S.I. 2015/2031.
  - (f) S.I. 2015/2028.
  - (g) S.I. 2016/514.
  - (h) S.I. 2016/300.
  - (i) S.I. 2016/488.

(6) The substitute members for members appointed under sub-paragraph (3) must be appointed jointly by the constituent councils.

(7) The Leeds City Region Enterprise Partnership shall nominate one of its members to be a member of the Combined Authority (“Local Enterprise Partnership Member”).

(8) The Leeds City Region Enterprise Partnership shall nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (7) (“the substitute member”).

(9) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member and substitute member.

(10) A person ceases to be a member or substitute member of the Combined Authority if they cease to be—

- (a) a member of the constituent council or non-constituent council that appointed them; or
- (b) a member of the Local Enterprise Partnership that nominated them.

(11) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the council, combined authority or the chair or vice-chair of the Local Enterprise Partnership (as the case may be) of—

- (a) the constituent council or non-constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them,

and the resignation shall take effect on receipt of the notice by the proper officer of the council, combined authority or chair or vice-chair of the Local Enterprise Partnership (as the case may be).

(12) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (10) or (11)—

- (a) the constituent council or the non-constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place;
- (b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person’s place.

(13) The Combined Authority shall appoint a member nominated under sub-paragraph (12)(b) at the next ordinary meeting of the Combined Authority.

(14) A constituent council or the non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another of its elected members in that person’s place.

(15) The appointment of the members and substitute members for members appointed under sub paragraph (3) can only be terminated jointly by the constituent councils.

(16) Where a constituent council or the non-constituent council exercises its power under sub-paragraphs (14) and (15), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(17) The Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person’s place.

(18) Where the Local Enterprise Partnership exercises its power under sub-paragraph (17), it shall give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(19) The Combined Authority shall appoint a member nominated under sub-paragraph (18) and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(20) For the purposes of this paragraph, an elected mayor of a constituent council or non-constituent council is to be treated as a member of the constituent council or non-constituent council.

### **Chairman and vice-chairman**

2.—(1) For the period up until the Mayor begins their term of office in accordance with article 3 (4) (a) of the West Yorkshire Combined Authority (Election of Mayor and Functions) [Order 2020/2021, the Combined Authority must appoint a chairman and a vice chairman from amongst its members.

(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

### **Proceedings**

3.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) For the period up until the Mayor begins their term of office in accordance with article 3 (4) (a) of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021] no business shall be transacted at a meeting of the Combined Authority unless at least three members or substitute members appointed by the constituent councils are present.

(3) Upon the Mayor beginning their term of office in accordance with article 3 (4) (a) the West Yorkshire Combined Authority (Election of Mayor and Functions) [Order 2020/2021], no business shall be transacted at a meeting of the Combined Authority unless the Mayor or the deputy Mayor acting in place of the Mayor and at least three members of the Combined Authority appointed by Constituent Councils under paragraph 1(2) or the substitute member acting in their place are present.

(4) Where the deputy mayor is acting in the place of the Mayor they cannot also act in their capacity as a Combined Authority Member.

(5) The substitute member for the deputy mayor may act in the capacity of a Combined Authority member when the deputy mayor is acting in the place of the mayor.

(6) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(7) If a vote is tied on any matter it shall be deemed not to have been carried.

(8) Members appointed by the non-constituent council, the Local Enterprise Partnership Member and non-constituent council and Local Enterprise Partnership substitute members shall be non-voting members of the Combined Authority.

(9) Proposals for decisions by the Combined Authority may be put forward by the Mayor or any member of the Combined Authority.

(10) Questions relating to functions of the Combined Authority conferred by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021] and not solely exercisable by the Mayor pursuant to Article 27 cannot be carried without the Mayor's vote in favour of the question.

(11) The following decisions of the Combined Authority require those voting in favour to include at least three members appointed under paragraph 1 (2)—

- (a) approving the Combined Authority's budget; and

(b) issuing the levy pursuant to article 29 (5) of the West Yorkshire Combined Authority (Election of Mayor and Functions) [Order 2020/2021].

(12) Reference to a two thirds majority in article 8 (4) of the Combined Authorities (Finance) Order 2017(a) is to be read as reference to a five eights majority.

(13) Any decision of the Mayor which gives rise to a financial liability for a constituent council requires the consent of the member appointed by that constituent council.

(14) The proceedings of the Combined Authority shall not be invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

### **Committees**

**4.**—(1) The Combined Authority shall appoint one or more committees as an overview and scrutiny committee, or as the case may be committees, of the Combined Authority.

(2) The Combined Authority shall appoint at least one member of each of the constituent councils and the non-constituent council to an overview and scrutiny committee appointed by the Combined Authority.

(3) Members appointed from the non-constituent council to the overview and scrutiny committee of the Combined Authority, and members appointed from the non-constituent council or the Local Enterprise Partnership to any other committee or sub-committee of the Combined Authority, shall be non-voting members of the committee or sub-committee but may be given voting rights by resolution of the Combined Authority.

### **Records**

**5.**—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or subcommittee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

### **Standing orders**

**6.** The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

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(a) S.I. 2017/611.

## **Remuneration**

7.—(1) Subject to paragraphs 8 and 9 no remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme approved by the Combined Authority.

8.—(1) The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority regarding the allowances payable to—

- (a) the Mayor; and
- (b) the Deputy Mayor provided that the Deputy Mayor is not a leader or elected mayor of a Constituent or non- Constituent Council or the Chair of the LEP.

(2) An independent remuneration panel must consist of at least three members none of whom—

- (a) is also a member of the Combined Authority or is a member of a committee or sub-committee of the Combined Authority or a member of a constituent council of the Combined Authority; or
- (b) is disqualified from being or becoming a member of the Combined Authority.

(3) The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (2) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

9.—(1) The Combined Authority may only pay an allowance to the Mayor or the Deputy Mayor if—

- (a) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 7 (1) which contains recommendations for such an allowance; and
- (b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.

10. The Combined Authority must consider a report from the independent remuneration panel before approving a scheme under paragraph 7 (1).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the conferral of functions of local authorities and other public authorities on the West Yorkshire Combined Authority (“the Combined Authority”).

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under section 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.

Under sections 107A(1) and 107B(3) of the 2009 Act the Secretary of State may provide for there to be a mayor for the area of a combined authority with the consent of the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority. Paragraph 3 of Schedule 5B to the 2009 Act provides that the Secretary of State may make provision for the dates on which and years in

which mayoral elections for the area of a combined authority may or must take place, the intervals between elections for the return of a mayor and the term of office of a mayor.

Article 3 of the Order creates the position of mayor for the area of the West Yorkshire Combined Authority. Article 3 further specifies the term of office for the mayor for the area of the West Yorkshire Combined Authority, and the dates on which elections for the return of a mayor shall take place and the intervals between elections. Article 4 provides for the appointment of a political advisor to the Mayor.

Article 5 of the order confers on the Combined Authority functions of the constituent councils in relation to education, skills and training to be exercisable by the Combined Authority in the Combined Authority's area concurrently with the constituent councils. Article 6 of the Order provides for the transfer to the Combined Authority of adult education functions under 86 to 88 of the Apprenticeships, Skills Children and Learning Act 2009, with the exception of such functions relating to apprenticeships training, persons subject to adult detention or any power to make regulations or orders. The transferred functions will be exercisable by the Combined Authority instead of by the Secretary of State in relation to the area of the Combined Authority.

Article 7 also provides for the functions of the Secretary of State under section 90 of the Apprenticeships, Skills, Children and Learning Act 2009, which relate to the encouragement of education and training for persons aged 19 or over, and under section 100(1) of that Act, which relate to the provision of financial resources, to be exercisable by the Combined Authority in relation to the area. The functions will be exercisable by the Combined Authority concurrently with the Secretary of State.

Article 8 sets conditions on the exercise of the functions mentioned in Articles 6 and 7. The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State. In addition, in exercising the transferred functions, the Combined Authority must have regard to guidance issued by the Secretary of State (as amended from time to time or replaced by a subsequent document).

Article 9 and Schedule 1 to the Order apply certain provisions of the Apprenticeships, Skills, Children and Learning Act 2009 with modifications to the Combined Authority for the purpose of the Combined Authority exercising the functions conferred on it by articles 6 and 7.

Article 10 to the Order confers on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency.

Articles 11 makes provision about the acquisition and appropriation of land for planning and public purposes. Article 12 sets out conditions on the exercise of various functions. Article 13 and Schedule 2 applies and modifies relevant provisions in legislation.

Part 5 of the Order confers on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 3 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which makes provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of the Order confers transport functions on the Combined Authority. Article 17 applies section 31 of the Local Government Act 2003 to ensure that a Minister of the Crown's power to

pay a grant under section 31(1) of the Local Government Act 2003 is exercisable by the Combined Authority in relation to its area towards expenditure incurred or to be incurred by a constituent council. Article 18 confers on the Combined Authority functions to give grants to bus service operators. Article 19 confers functions to enter into agreements in respect of highways functions. Article 20 confers on the Combined Authority functions in relation to traffic regulation.

Articles 21 to 24 provide for certain transport functions of the constituent councils to be exercisable by the Combined Authority in relation to the Combined Authority's area.

Part 7 of the Order confers additional functions to be exercisable by the Combined Authority. The functions are to be exercised concurrently.

Article 27 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor. Article 28 makes provision in relation to Joint Committees.

Article 29 makes provision for the funding, by the constituent councils of those costs of the combined Authority that relate to the exercise of its functions.

Article 30 is a transitional provision relating to the Police and Crime Commissioner precept.

Article 31 provides that the Combined Authority is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the BRS Act to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area. Article 32 provides that the functions are exercisable only by the Mayor, that the Mayor may be assisted by members or officers of the authority in the exercise of the functions and that the general power of the Combined Authority under section 113A of the 2009 Act is conferred on the Mayor for the purposes of those functions. Article 33 provides for modification of the Business Rate Supplements Act 2009.

Part 10 of the Order makes provision for the Mayor for the area of the combined authority to exercise functions of a police and crime commissioner ("PCC"). Article 35 of this Order provides that, in relation to the mayor's PCC functions, the mayor is to be treated as a PCC for the purposes of all legislation affecting PCCs. This is subject to certain modifications of such in their application to the mayor set out in Schedule 5 to the Order and does not apply in respect of the legislative provisions listed in Schedule 6 to the Order.

Articles 36 to 40 make transitional provision in relation to the transfer of functions, in particular in relation to transfer of property, rights and liabilities. The property, rights and liabilities of the PCC for West Yorkshire are to transfer to the West Yorkshire Combined Authority. In relation to such property, rights and liabilities (and any acquired in relation to the mayor's PCC functions after the transfer) the mayor is to exercise all functions in relation to such property etc, make all decisions relating to it. Any receipts arising from such property, rights and liabilities or from property, rights and liabilities acquired in the future, are to be paid into the police fund.

Article 41 extends the period in which the statement of accounts required by the Local Audit and Accountability Act 2014 in relation to the PCC for West Yorkshire (or, after the transfer, the combined authority in respect of the PCC's accounts), and the chief constable for that area is to be prepared.

Article 42 applies section 86 of the Local Government Act 1972 ("the 1972 Act") in relation to the mayor but with a modification to that section which has the effect that where a mayor ceases to be mayor by virtue of being unable to act for more than six months (see section 63 of the Police Reform and Social Responsibility Act 2011), the combined authority shall declare the office of mayor to be vacant, unless there is a High Court declaration under Part 5 of the 1972 Act.



Ministry of Housing,  
Communities &  
Local Government

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16 November 2020

Cllr Susan Hinchcliffe  
Cllr Shabir Pandor  
Cllr Denise Jeffery  
Cllr Tim Swift  
Cllr Judith Blake

Dear Susan, Shabir, Denise, Tim and Judith,

### **West Yorkshire Devolution Deal**

Following your submission to the Secretary of State of the governance review, scheme and consultation required by statute for the implementation of the West Yorkshire devolution deal which we agreed and announced on 11 March, I am pleased to confirm that the Secretary of State is satisfied the statutory tests to implement the deal are met. We are now finalising the necessary Order and I enclose a copy of a near final draft which may be subject to further minor legal drafting amendments. We intend to lay the Order before Parliament in early December, subject to each of your councils and the combined authority consenting to the Order. Accordingly, I am now inviting you to put in place arrangements enabling your council's formal consent to be confirmed.

As you see, the Order will provide for certain functions of local and public authorities to be exercised by the West Yorkshire Combined Authority (the "WYCA"), and for certain specified functions of the WYCA to be exercisable only by the Mayor of the WYCA. It also amends certain governance arrangements. The provisions in the Order correspond to the proposals published in your Governance Review and Scheme with two exceptions in regard to strategic planning powers and strategic infrastructure tariff. Given our intention to reform the planning system (as set out in the "Planning for the Future" white paper) we are committing that we will seek to confer these powers (or equivalent as established through the ongoing planning reform process) to WYCA when the position is clearer.

My officials will keep closely in touch with your officers as the legal drafting of the Order is finalised and your councils give formal consent to the finalised Order.

Finally, thank you for all your hard work to get to this point. Implementing the West Yorkshire deal will be a significant step for everyone in West Yorkshire providing critical support to the economic recovery of West Yorkshire communities from the impact of Covid-19 and I am delighted we are moving forward.

Yours sincerely,

**LUKE HALL MP**

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## **Appendix 4 – Detail of the Order**

- 1.1 The Secretary of State has now formally decided that the statutory tests have been met and that the implementation of the devolution deal should proceed. The Mayoral Order has therefore been drafted.
- 1.2 The draft Order, which is appendix 2 to the main report, has been reviewed to ensure it reflects the 'minded to' devolution deal and Scheme and includes the expected functions and supporting legislation. Upon review there are two areas of deviation from the 'minded to' devolution deal or the Scheme namely, Spatial Planning and Highways powers.
- 1.3 Functions relating to the Spatial Development Strategy (SDS) and Strategic Infrastructure Tariff (SIT) were a part of the 'minded to' devolution deal and the Scheme. Due to the ongoing national planning reforms that are underway, through the Planning White Paper, Government have decided to remove the SDS and SIT from the draft Order at this time. A letter from the Minister for Regional Growth and Local Government, explaining these changes is included at appendix 3 to the main paper.
- 1.4 Government officials have indicated that once the outcome of the planning reform is complete, the relevant equivalent functions will be conferred to West Yorkshire. It is currently unknown what this will look like, or the timescales associated, further correspondence is expected from Government.
- 1.5 Officers will develop proposals, in line with the Scheme, regarding how local collaboration on spatial planning will continue in the interim, particularly with regards to mass transit and the climate emergency, which were planned to be at the heart of any Spatial Development Strategy.
- 1.6 The operational highways functions within the Order are consistent with the 'minded to' devolution deal and Scheme. The highways functions conferred will cover the Combined Authority area of West Yorkshire. The functions can however only be exercised with the unanimous approval of the five Combined Authority members appointed by Constituent Councils.
- 1.7 The KRN and the roads which constitute it, in respect of which the concurrent powers of the Combined Authority will apply, will be defined locally at a subsequent time and agreed with the consent of the Constituent Councils. This model offers flexibility to define and change the KRN locally and over time by agreement.

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