Draft Order laid before Parliament under section 117(2) and (3A) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

The Cheshire and Warrington Combined Authority Order 2026

Made - - - - ***

Coming into force in accordance with article 1(2) and (3)

The Secretary of State makes this Order in exercise of the powers conferred by sections 103(1), 104(1), 104C(1) and (6), 105(1) and (3), 105A(1), (2) and (3), 107A(1), 107D(1), (5), (7) and (8), 107E(1) and (2), 113D, 114(1) and (3) and 117(1A) and (5) of, paragraph 3 of Schedule 5A to, and paragraph 3 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(**a**) ("the 2009 Act") and section 3(5)(b) of the Local Audit and Accountability Act 2014(**b**).

In making this Order, the Secretary of State—

(a) is satisfied that the area to which this Order relates meets the conditions set out in section 103(2) and (5) of the 2009 Act(**c**);

(b) considers that the making of the Order is likely to improve the economic, social and environmental well-being of some or all of the people who live and work in the area to which the Order relates, in accordance with sections 105B(1)(b) and 110(1)(a) of the 2009 Act(**d**);

(**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") and by section 64 of the Levelling-up and Regeneration Act 2023 (c. 55) ("the 2023 Act"). Section 104C was inserted by section 64 of the 2023 Act. Section 105 was amended by sections 6, 9 and 14 of the 2016 Act and by section 64 of the 2023 Act. Section 105A was inserted by section 7 of the 2016 Act. Section 107A was inserted by section 2 of the 2016 Act. Sections 107D and 107E were inserted by section 4 of the 2016 Act and section 107D was amended by section 64 of the 2023 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 107G was inserted by section 5(3) of the 2016 Act. Section 117 was substituted by section 13(2) of the Localism 2011 Act (c. 20), and amended by Schedule 5 to the 2016 Act and section 68 of the 2023 Act. Schedule 5A was inserted by section 8 of, and Schedule 3 to, the 2016 Act and amended by S.I. 2021/1265. Schedule 5B was inserted by section 2 of, and Schedule 1 to, the 2016 Act and amended by section 70 of the 2023 Act. There are other amendments to these provisions but none is relevant.

(**b**) 2014 c. 2.

(**c**) Section 103(5) was amended by paragraph 189 of Schedule 4 to the Levelling-up and Regeneration Act 2023.

(**d**) Section 105B was inserted by section 7 of the Cities and Local Government Devolution Act 2016 ("the 2016 Act"). Section 110(1) to (3) was substituted by section 14(7) of the 2016 Act. Section 110(1)(a) to (ab) was substituted by section 65(5) of the Levelling-up and Regeneration Act 2023.

(c) has had regard to the need to secure effective and convenient local government and to reflect the identities and interests of local communities, in accordance with section 110(1)(aa) of the 2009 Act;

(d) has carried out a consultation in accordance with section 110(2) of the 2009 Act;

(e) considers that the functions specified in articles 8, 9 and 15 can appropriately be exercised by the Combined Authority.

In accordance with sections 104(10), 105(3A), 105B(1)(b), 107B(3)(a), 107D(9) and 110(1)(b) of the 2009 Act, Cheshire East Borough Council, Cheshire West and Chester Borough Council and Warrington Borough Council have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act, the Secretary of State has laid a report before Parliament 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) and (3A) of the 2009 Act.

PART 1

General

Citation, commencement and extent

1.—(1) This Order may be cited as the Cheshire and Warrington Combined Authority Order 2026.

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

(3) Part 5 (mayoral functions) comes into force on 10th May 2027.

(4) This Order extends to England and Wales.

Interpretation

2. In this Order—

"the 1989 Act" means the Local Government and Housing Act 1989(**a**);

"the 2000 Act" means the Transport Act 2000(**b**);

"the 2003 Act" means the Local Government Act 2003(**c**);

"the 2009 Act" means the Local Democracy, Economic Development and Construction Act 2009;

"the Area" means the area consisting of the areas of the constituent councils;

"the Combined Authority" means the Cheshire and Warrington Combined Authority as established by article 3;

(**a**) 1989 c. 42.
(**b**) 2000 c. 38.
(**c**) 2003 c. 26.

"constituent councils" means Cheshire East Borough Council, Cheshire West and Chester Borough Council and Warrington Borough Council;

"election for the return of the mayor" means an election held pursuant to article 6;

"the mayor" means the mayor for the Area;

"member" is to be interpreted in accordance with paragraph 1(3) of the Schedule.

PART 2

Establishment of the Combined Authority

Establishment

3.—(1) There is established as a body corporate a combined authority for the areas of the constituent councils.

(2) The combined authority is to be known as the Cheshire and Warrington Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by or under this Order or any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

Modification of financial reporting requirements

4. The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts) for a relevant authority to prepare a statement of accounts for each financial year(**a**) is, in respect of the Combined Authority—

(a) disapplied in respect of the financial year beginning on 1st April 2025;

(b) modified in respect of the financial year beginning on 1st April 2026 to require the Authority to prepare a statement of accounts for that year in respect of the period beginning with the day after the day on which this Order is made, whether or not that day is earlier than 1st April 2026, and ending with 31st March 2027.

Constitution

5. The Schedule makes provision about the constitution of the Combined Authority.

PART 3

Election of mayor

Mayor

6.—(1) There is to be a mayor for the Area.

(2) The first election for the return of the mayor is to take place on 6th May 2027.

(3) Subsequent elections for the return of the mayor must take place 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 the mayor in 2027—

(a) begins with 10th May 2027, and

(**a**) "Financial year" is defined in section 3(4) of the Local Audit and Accountability Act 2014.

(b) ends, subject to paragraph (8), with the third day after the day of the poll at the next election for the return of the mayor.

(5) The term of office of the mayor returned in each subsequent fourth year—

(a) begins, subject to paragraph (7), with the fourth day after the day of the poll at the election for the return of the mayor, and

(b) ends, subject to paragraph (8), with the third day after the day of the poll at the next election for the return of the mayor.

(6) In this article "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 and districts in England as determined in accordance with section 37 of the Representation of the People Act 1983(**a**).

(7) Where for the purposes of paragraph (5)(a) the fourth day would otherwise be a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday under the Banking and Financial Dealings Act 1971(**b**) in England and Wales or a day appointed as a day of public thanksgiving or mourning, the fourth day is instead deemed to be the first day thereafter which is not one of those specified days.

(8) Where paragraph (7) applies the reference in paragraphs (4)(b) and (5)(b) to the third day is deemed to be the day before the day deemed to have effect in accordance with paragraph (7).

Political adviser

7.—(1) The mayor may appoint one person as their 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—

(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) Section 9(1), (3), (4) to (4C), (8), (9) and (11) of the 1989 Act (assistants for political groups)(**c**) applies 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 from "and that the appointment terminates" to the end of that subsection were omitted.

(**a**) 1983 c. 2. Section 37 was amended by section 18(2) of the Representation of the People Act 1985 (c. 50), renumbered by section 17 of, and paragraph 5 of Schedule 3 to, the Greater London Authority Act 1999 (c. 29), and further amended by S.I. 2018/1310.

(**b**) 1971 c. 80.

(**c**) 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 (c. 28) and by S.I. 2001/2237. There are other amendments not relevant to this instrument.

PART 4

Transport etc.

Local transport functions under the Transport Act 1985

8.—(1) Subject to paragraph (2), the following functions of the constituent councils specified in the Transport Act 1985(**a**) are exercisable by the Combined Authority in relation to the Area concurrently with the constituent councils—

(a) section 63 (functions of local councils with respect to passenger transport in areas other than integrated transport areas and passenger transport areas)(**b**),

(b) section 71 (exemption for councils running small bus undertakings),

(c) section 81(2) and (5) (provision, maintenance and operation of bus stations)(**c**), and

(d) sections 106 (grants for transport facilities and services)(**d**) and 106A (grants for bus services)(**e**).

(2) Any exercise of the functions mentioned in paragraph (1)(d) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Local transport functions under the Transport Act 2000

9.—(1) Subject to paragraph (2), the functions of the constituent councils as local transport authorities specified in sections 108 (local transport plans)(**f**), 109 (further provisions about plans: England)(**g**) and 112 (plans and strategies: supplementary)(**h**) of the 2000 Act are exercisable by the Combined Authority in relation to the Area instead of by the constituent councils.

(2) During the transition period the functions referred to in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) In this article, the "transition period" means the period beginning with the day after the day on which this Order was made and ending with 31st March 2027.

(**a**) 1985 c. 67.

(**b**) Section 63 was amended by paragraph 39(1) of Part 2 of Schedule 7 and Schedule 18 to the Local Government (Wales) Act 1994 (c. 19); paragraph 11 of Schedule 11 to the Transport Act 2000; sections 10(9) and (10) and 68 of, and paragraph 20 of Part 2 of Schedule 4 and Part 1 of Schedule 7 to, the Local Transport Act 2008 (c. 26); and S.I. 1996/974.

(**c**) There are amendments to section 81 not relevant to these Regulations.

(**d**) Section 106 was amended by paragraph 37 of Schedule 4 to the Local Transport Act 2008, paragraph 66 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 and paragraph 82 of Schedule 4 to the Levelling-up and Regeneration Act 2023 (c. 55).

(**e**) Section 106A was inserted by section 27 of the Local Government and Rating Act 1997 (c. 29).

(**f**) Section 108 was amended by sections 7 to 9 and 77 of, and paragraphs 41 and 42 of Schedule 4 and Part 1 of Schedule 7 to, the Local Transport Act 2008 (c. 26), paragraph 96 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), and paragraphs 124 and 125 of Schedule 4 to, the Levelling-up and Regeneration Act 2023.

(**g**) Section 109 was amended by paragraph 3 of the Schedule to the Transport (Wales) Act 2006 (c. 5), section 9 of the Local Transport Act 2008, paragraph 97 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 and paragraph 126 of Schedule 4 to the Levelling-up and Regeneration Act 2023.

(**h**) Section 112 was amended by sections 10(3) to (5) and 11 of, and Part 1 of Schedule 7 to, the Local Transport Act 2008, and by paragraph 48 of Schedule 26 to, the Equality Act 2010 (c. 15).

Power to pay grant

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

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

(3) Paragraph (4) applies where, further to the exercise of any function referred to in paragraph (1), 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 that council's highway functions.

(4) In determining the amount referred to in paragraph (3), the Combined Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of the functions referred to in paragraph (3).

(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 paragraph (1), 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;

(c) 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.

Amendment of the Sub-national Transport Body (Transport for the North) Regulations 2018

11.—(1) The Sub-national Transport Body (Transport for the North) Regulations 2018(**a**) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) in the definition of "constituent authorities"—

(a) for "Cheshire East Council", substitute "The Cheshire and Warrington Combined Authority"; and

(b) omit "Cheshire West and Chester Council" and "Warrington Borough Council".

(**a**) S.I. 2018/103, amended by S.I. 2018/1133; 2023/187, 1432; 2024/402; 2025/113, 117 and 118.

PART 5
Mayoral functions

Functions exercisable only by the mayor

12.—(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 set out in—

(a) sections 108 (local transport plans), 109 (further provision about plans: England), and 112 (plans and strategies: supplementary) of the 2000 Act;

(b) section 31 (power to pay grant) of the 2003 Act so far as conferred on the Combined Authority under article 10.

(3) For the purposes of the exercise of the general functions mentioned in paragraph (2), the members and officers of the Combined Authority may assist the mayor in the exercise of the functions.

(4) 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)(**a**).

Joint committee

13. The mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other local authorities in accordance with section 101(5) of the Local Government Act 1972 (arrangement for discharge of functions by local authorities)(**b**) for the discharge of the general functions of the Combined Authority which are exercisable only by the mayor pursuant to article 12.

PART 6
Funding

Funding

14.—(1) Subject to paragraph (3), the constituent councils must ensure that the costs of the Combined Authority which are 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 referred to in article 12, 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 paragraph (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 of the total resident population

(**a**) Section 113A was inserted by section 13(1) of the Localism Act 2011 (c. 20) and amended by paragraph 25 of Schedule 5 to the Cities and Local Government Devolution Act 2016.
(**b**) 1972 c. 70.

of the Combined Authority which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board(**a**).

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

(a) to the extent to which such expenditure is met by amounts payable under paragraph (3)—

(i) the mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring such expenditure, and

(ii) in the absence of such agreement, no such expenditure may be incurred;

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992 (issue of precepts by major precepting authorities)(**b**) is to be disregarded from any calculation of the costs of the expenditure.

(5) 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 to be made.

PART 7

Additional functions

Data sharing

15.—(1) The functions of the constituent councils described in section 17A of the Crime and Disorder Act 1998(**c**) (sharing of information) 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 of the Crime and Disorder Act 1998(**d**) (disclosure of information).

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

Incidental provisions

16.—(1) The following provisions of the Local Government Act 1972 have effect in relation to the Combined Authority as if it were a local authority—

(a) section 142(2) (power to arrange for publication of information etc relating to the functions of the authority)(**e**), and

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(**a**) The Statistics Board is established in section 1 of the Statistics and Registration Service Act 2007 (c. 18).

(**b**) 1992 c. 14. Section 40 was amended by section 83 of the Greater London Authority Act 1999, section 79 of, and paragraph 7 of Schedule 17 to the Localism Act 2011 (c. 20) and section 5 of the Cities and Local Government Devolution Act 2016 (c. 1).

(**c**) 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48) and amended by paragraph 45 of Schedule 19 to the Data Protection Act 2018 (c. 12).

(**d**) Section 115 was amended by paragraphs 150 and 151 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); paragraph 7 of Schedule 9 to the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); paragraphs 231 and 238 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); paragraphs 83 and 90 of Schedule 5 to the Health and Social Care Act 2012 (c. 7); paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017 (c. 3); paragraph 1(1) of Schedule 1 and paragraph 57 of Schedule 4 to the Health and Care Act 2022 (c. 31); and S.I. 2000/90, 2002/2469, 2007/961, 2008/912, 2010/866 and 2013/602.

(**e**) Section 142(2) was amended by section 3(1)(c) of the Local Government Act 1986 (c. 10).

(b) section 222 (power to prosecute and defend legal proceedings)(**a**).

(2) Section 13 of the 1989 Act (voting rights of members of certain committees)(**b**) has effect as if—

(a) in subsection (4) after paragraph (h) there were inserted—

"(i) subject to subsection (4A), a committee appointed by the Cheshire and Warrington Combined Authority.";

(b) after subsection (4) there were inserted—

"(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee is for all purposes to be treated as a non-voting member of that committee or sub-committee unless that person is—

(a) a member of one of the constituent councils, as defined by article 2 of the Cheshire and Warrington Combined Authority Order 2026, or

(b) a non-constituent member of the Cheshire and Warrington Combined Authority and that Authority has passed a resolution to the effect that such members are to have voting rights.".

(3) In Part 2 of Schedule 3 to the Local Government Pension Scheme Regulations 2013(**c**) (pension funds), in the table insert at the end—

"An employee of the Cheshire and Warrington Combined Authority established by the Cheshire and Warrington Combined Authority Order 2025	Cheshire West and Chester Council".

(4) The functions of the constituent councils under section 1 of the Localism Act 2011 (local authority's general power of competence)(**d**), to the extent that those functions are exercisable for the purpose of economic development and regeneration, are exercisable by the Combined Authority in relation to the Area.

(5) The functions referred to in paragraph (4) are exercisable concurrently with the constituent councils.

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

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

Name
Minister of State
Date Ministry of Housing, Communities and Local Government

(**a**) Section 222 was amended by Schedules 1 and 2 to the Policing and Crime Act 2017 (c. 3) and by S.I. 2022/372.
(**b**) Section 13 was amended by paragraph 156 of Schedule 19 to the Education Act 1993 (c. 35); paragraph 36 of Part 1 of Schedule 4 and Part 1 of Schedule 9 to the Police and Magistrates' Courts Act 1994 (c. 29); Schedule 24 to the Environment Act 1995 (c. 25); paragraph 96 of Schedule 37 to the Education Act 1996 (c. 56); paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); Part 4 of Schedule 5 to the Children Act 2004 (c. 31); paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); paragraph 14 of Schedule 14 and by Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23); paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); paragraph 12 of Schedule 5 to the Cities and Local Government Devolution Act 2016; section 7 of the Policing and Crime Act 2017 (c. 3); S.I. 2001/1517 and 2010/1158.
(**c**) S.I. 2013/2356. There are amendments to Part 2 which are not relevant to this instrument.
(**d**) 2011 c. 20.

SCHEDULE

Article 5

Constitution

Membership

1.—(1) Each constituent council must appoint two of its elected members to be members of the Combined Authority.

(2) Each constituent council must appoint one named elected member ("substitute member") for each member appointed by that council under sub-paragraph (1), either of whom may act as a member of the Combined Authority in the absence of a member appointed under sub-paragraph (1).

(3) In this Schedule, except in paragraph 2(1), "member" means a member appointed under sub-paragraph (1) and a substitute member, where that substitute member is acting in place of a member appointed under sub-paragraph (1).

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

(a) they cease to be an elected member of the constituent council that appointed them, or

(b) the constituent council that appointed the member terminates their appointment.

(5) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them and the resignation takes effect on receipt of that notice.

(6) Where a member or substitute member of the Combined Authority's appointment ceases by virtue of sub-paragraph (4) or (5), the constituent council that made the appointment must, 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.

(7) The term "proper officer" in this paragraph, in relation to a body and any purpose or area, means an officer appointed by the body for that purpose or area.

Chairs and vice-chair

2.—(1) Before the election for the return of the mayor, the Combined Authority must appoint a chair and a vice chair from amongst its members and these appointments are to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority.

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

(3) If a vacancy arises in the office of chair or vice chair, 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.

(4) The vice-chair must act in place of the chair if for any reason—

(a) the chair is unable to act, or

(b) the office of chair is vacant.

(5) If for any reason—

(a) the chair is unable to act or the office of chair is vacant, and

(b) the vice-chair is unable to act or the office of vice-chair is vacant,

no meeting of the Combined Authority may take place.

(6) The chair of the Combined Authority ceases to hold office, and the office of vice chair is abolished, at the end of the day before the first mayor's term of office begins(**a**).

Non-constituent and associate members

3.—(1) The Combined Authority must have no more than six non-constituent members and associate members(**b**).

(2) Each nominating body(**c**) of the Combined Authority must nominate another person to act as a member of the Combined Authority in the absence of the member appointed under section 104A(3) of the 2009 Act (non-constituent members of a combined authority).

(3) An associate member appointed under section 104B of the 2009 Act (associate members of a combined authority) must nominate another person to act as a member of the Combined Authority in their absence.

Proceedings

4.—(1) Subject to article 8(4) of the Combined Authorities (Finance) Order 2017(**d**), any decision of the Combined Authority is to be decided by a simple majority of the members present and voting on that decision at a meeting of the Combined Authority and, after the beginning of the first mayor's term of office, such majority is to include the mayor, or the deputy mayor acting in place of the mayor.

(2) Before the first mayor's term of office begins, no business is to be transacted at a meeting of the Combined Authority unless the chair, or vice-chair acting in place of the chair and three of the members appointed by the constituent councils are present.

(3) After the mayor's term of office begins, no business is to 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 four members appointed by the constituent councils are present.

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

(5) Each member is to have one vote and no member is to have a casting vote.

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

(7) The proceedings of the Combined Authority are not 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.

(**a**) Section 107A(6) of the Local Democracy, Economic Development and Construction Act 2009 (section 107A was inserted by section 2(1) of the Cities and Local Government Devolution Act 2016) provides that the mayor for the area of a combined authority is by virtue of that office a member of, and chair of, the combined authority.

(**b**) For the meaning of "non-constituent member" and "associate member" see sections 104A and 104B of the Local Democracy, Economic Development and Construction Act 2009. These were inserted by section 64 of the Levelling-up and Regeneration Act 2023.

(**c**) "nominating body" is defined in section 120 of the 2009 Act.

(**d**) S.I. 2017/611, as amended by S.I. 2024/652.

Records

5.—(1) The Combined Authority must make arrangements for the names of 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) is to be received in evidence without further proof.

(5) Unless the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, 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 to attend.

(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, provided that the standing orders are consistent with this Schedule, and may vary or revoke any such orders.

Remuneration

7.—(1) Subject to sub-paragraphs (2) and (3), no remuneration or allowances are 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.

(2) The Combined Authority may pay an allowance to—

(a) the mayor,

(b) the deputy mayor provided that the deputy mayor is not a leader or elected mayor of a constituent council and is not in receipt of an allowance from a constituent council for any other role,

(c) members appointed to the overview and scrutiny committee of the Combined Authority and any sub-committee of that committee, and

(d) members appointed to the audit committee of the Combined Authority.

(3) The Combined Authority may only pay an allowance to a person listed in sub-paragraph (2)(a) to (d) if—

(a) the Combined Authority has—

(i) established an independent remuneration panel in accordance with article 16 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (independent remuneration panels) ("the 2017 Order")(**a**), and

(**a**) S.I. 2017/68. Article 16 was inserted by S.I. 2024/430.

(ii) considered a report published by the independent remuneration panel mentioned in paragraph (i) which contains recommendations for such an allowance, and

(b) the allowance paid does not exceed the amount specified in the recommendation made by the independent remuneration panel.

(4) Article 16(2)(a) of the 2017 Order applies in relation to the Combined Authority as if after "sub-committee of that authority" there were inserted "or a member of a constituent council or a member of a district council".

Constitution

8. The Combined Authority may make provision about its constitution, provided that the provision made is consistent with this Schedule.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Cheshire and Warrington Combined Authority ("the Combined Authority") and provides for the election of the mayor and confers certain functions of local authorities and other public authorities on the Combined Authority.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) 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 in their area.

Part 2 establishes the new Combined Authority for the local government areas of Cheshire East Borough Council, Cheshire West and Chester Borough Council and Warrington Borough Council and makes provision for its constitution (in the Schedule).

Part 3 provides for the election of the mayor and for the appointment of a political advisor to the mayor.

Part 4 confers on the Combined Authority functions relating to transport. It transfers functions relating to local transport planning and public transport from the local authorities to the Combined Authority and confers powers for the mayor to pay grants.

Part 5 sets out the functions of the Combined Authority which are to be only exercisable by the mayor and makes provision in relation to joint committees.

Part 6 makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its functions.

Part 7 confers additional functions to be exercisable by the Combined Authority concurrently with the constituent councils, including functions relating to economic development and data sharing.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sectors. The impact on the public sector is that conferring functions on the Combined Authority should lead to operational efficiencies that could lead to reduced costs.

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ISBN 978-0-34-827791-3

£8.90

http://www.legislation.gov.uk/id/ukdsi/2026/9780348277913

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