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

D R A F T S T A T U T O R Y I N S T R U M E N T S

2017 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

The West of England Combined Authority Order 2017

Made - - - -

Coming into force in accordance with article 1

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This Order is made in exercise of the powers conferred by sections 103(1), 104(1)(a), 105(1) and (3), 105A(1)(a) and (b), (2) and (3)(b), 107A(1) and (2), 107D(1), (7)(a), (b), (c), (d) and (e) and (8)(b), 113D(1), 114(1) and (3) and 117(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").

The Secretary of State, having had regard to a scheme prepared and published under section 109 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 this Order relates, and

(b) any consultation required by section 110(2) of the 2009 Act has been carried out.

The Secretary of State 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.

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

In accordance with sections 104(10), 105(3A) and 105B(2)(**d**) of the 2009 Act, the councils for the local government areas of Bath and North East Somerset, Bristol City and South Gloucestershire 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 of England Combined Authority Order 2017.

(**a**) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 ("the 2016 Act") (c. 1). Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, 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. Section 107A was inserted by section 2 of the 2016 Act. Section 107D was inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Subsections (2), (2A) and (3) of section 17 were substituted by section 13 of the 2011 Act, and section 117(5) was inserted by paragraph 29 of Schedule 5 to the 2016 Act. Schedules 5A and 5B were inserted by Schedules 3 and 1 respectively to the 2016 Act.

(**b**) Section 109 was amended by sections 6 and 12 of the 2016 Act.

(**c**) Section 110(4) of the 2009 Act requires the Secretary of State when making an order to establish a combined authority to have regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

(**d**) Section 105B was inserted by section 7 of the 2016 Act.

(2) This Order comes into force as provided for in the following paragraphs.

(3) Parts 1, 2, 3, 6 and 8 come into force on either—

(a) 1st February 2017, or

(b) if the Order is made on or after 1st February 2017, on the day after the day on which the Order is made.

(4) Parts 5 and 7 come into force on 8th May 2017.

(5) Part 4 comes into force on 8th May 2018.

Interpretation

2. In this Order—

"the 1985 Act" means the Housing Act 1985(**a**);

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

"the 1990 Act" means the Town and Country Planning Act 1990(**c**);

"the 1999 Act" means the Greater London Authority Act 1999(**d**);

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

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

"the 2004 Act" means the Planning and Compulsory Purchase Act 2004(**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;

"the 2011 Act" means the Localism Act 2011(**i**);

"the Area" means the area of the Combined Authority;

"Combined Authority" means the West of England Combined Authority as constituted by article 3;

"constituent councils" means the councils for the local government areas of Bath and North East Somerset, Bristol City and South Gloucestershire;

"Corporation" means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act following the designation of an area of land by the Combined Authority;

"the HCA" means the Homes and Communities Agency(**j**); and

"Mayor", except in the term "Mayor of London", means the mayor for the Combined Authority as provided for by article 5.

(**a**) 1985 c. 68.
(**b**) 1989 c. 42.
(**c**) 1990 c. 8.
(**d**) 1999 c. 29.
(**e**) 2000 c. 38.
(**f**) 2003 c. 26.
(**g**) 2004 c. 5.
(**h**) 2008 c. 17.
(**i**) 2011 c. 20.
(**j**) The HCA is a body corporate established under section 1 of the 2008 Act.

PART 2

Establishment of a combined authority for the West of England; election of the Mayor; funding

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 West of England Combined Authority.

(3) The functions of the combined authority are those functions conferred or imposed upon it by this Order or by 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).

Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

Mayor

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

(2) The first election for the return of a mayor is to take place on 4th May 2017.

(3) Subsequent elections for the return of a mayor for the Area 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 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.

(5) 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 in England and districts in accordance with sections 37 and 37A of the Representation of the People Act 1983(**a**).

Funding

6.—(1) The constituent councils must meet any reasonably incurred costs of the Combined Authority, other than the costs mentioned in paragraph (4), to the extent that the Combined Authority has not decided to meet these costs from other resources available to the Combined Authority.

(2) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraph (1) 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 proportion to the total resident population of the Area which resides in that council at the relevant date as estimated by the Statistics Board(**b**).

(3) The functions mentioned in articles 8(1), (4) and 9 may be funded out of the levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government

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(**a**) 1983 c. 2. Section 37 was amended by section 17 of, and Schedule 3 to, the 1999 Act and by section 60(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 37A was inserted by section 60(2) of the Local Government and Public Involvement in Health Act 2007.

(**b**) Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37).

Finance Act 1988 (levies)(**a**) and in accordance with the Transport Levying Bodies Regulations 1992(**b**).

(4) Subject to paragraph (5), the constituent councils must meet the costs of the expenditure reasonably incurred in, or in connection with, the exercise of the functions specified in articles 7, 10, 12(1)(a) to (e), 13 and 23, to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(5) In relation to the expenditure mentioned in paragraph (4), to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (2)—

(a) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (4) in advance of incurring this expenditure; and

(b) in the absence of the agreement specified in sub-paragraph (a), no such expenditure may be incurred.

(6) Section 39(1)(ab) of the Local Government Finance Act 1992(**c**) (precepting and precepting authorities) has effect in relation to the Combined Authority as if after "2009" there were inserted "other than the West of England Combined Authority".

(7) For the purposes of paragraph (2) 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.

PART 3

Transport

Power to pay grant

7.—(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) These functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising the 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 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—

(a) any other sources of funding available to the council for expenditure incurred or to be incurred in relation to the exercise of its highway functions; and

(b) the most recent determination by the Secretary of State of an amount of grant paid to the council for those purposes.

(**a**) c. 41. Section 74 was amended by section 117 of and paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); section 20 of and paragraph 21 of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19); section 120 of and Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the 1999 Act; section 109 of and paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); section 53 of and paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); section 22 of and paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 ; sections 119 and 146 of and paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the 2009 Act; section 99 of and paragraph 182(a) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); section 79 of and paragraphs 1 and 2 of Schedule 7 to the 2011 Act (c. 20); section 9 of the 2016 Act and by S.I. 1994/2825.

(**b**) S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.

(**c**) Section 39 was amended by section 35 of the Local Government (Wales) Act 1994; sections 82 and 43 of and paragraph 1 of Part 1 of Schedule 34 to the 1999 Act; section 83 of the 2003 Act; section 53 of and paragraph 81 of Schedule 1 to the Fire and Rescue Services Act 2004; section 32 of and paragraph 10 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36); section 26 of the Police Reform and Social Responsibility Act 2011; section 5 of the 2016 Act; and by S.I. 1999/3435.

(6) For the purposes of the exercise by the Combined Authority of the functions referred to 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;

(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.

(8) The exercise by the Combined Authority of the function specified in paragraph (1) on or before 7th May 2017 requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

Local transport

8.—(1) Subject to paragraph (2), the following are exercisable by the Combined Authority in relation to the Area—

(a) the functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(**a**); and

(b) the functions of the constituent councils as local transport authorities specified in Part 2 (local transport) of the 2000 Act.

(2) Functions which are exercisable by the constituent councils and contained in regulations made under section 144 of the 2000 Act (civil penalties for bus lane contraventions) are not exercisable by the Combined Authority.

(3) Subject to paragraph (4), the functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the constituent councils.

(4) The functions contained in sections 63 (functions of local councils with respect to passenger transport in areas other than integrated transport areas and passenger transport areas) and 64 (consultation and publicity with respect to policies as to services) of the Transport Act 1985 are exercisable by the Combined Authority jointly with the constituent councils.

(5) The exercise by the Combined Authority of the functions in sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the 2000 Act(**b**) on or before 7th May 2017 requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

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

(**b**) 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, and paragraphs 41 and 42 of Schedule 4 and Part 1 of Schedule 7 to the Local Transport Act 2008 (c. 26), and by section 119 of 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 2008, and by section 119 of and paragraph 97 of Schedule 6 to the 2009 Act. Section 112 was amended by sections 10 and 11 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 211 of and by paragraph 48 of Schedule 26 to the Equality Act 2010.

Agreements between authorities and strategic highways companies

9.—(1) The functions of the constituent councils specified in section 6 of the 1980 Act(**a**) (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) 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(**b**) of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) 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**); and

(b) "local highway authority" has the meaning given by section 329(1) of the 1980 Act(**d**).

PART 4

Planning

Spatial development strategy

10.—(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions in the 1999 Act, specified in paragraph (2), that the Mayor of London has in relation to Greater London.

(2) The functions in the 1999 Act are—

(a) section 334 (the spatial development strategy);

(b) section 335 (public participation)(**e**);

(c) section 336 (withdrawal);

(d) section 337 (publication)(**f**);

(e) section 338 (examination in public)(**g**);

(f) section 339 (review of matters affecting the strategy);

(g) section 340 (reviews of the strategy);

(h) section 341 (alteration or replacement)(**h**);

(i) section 342 (matters to which the Mayor is to have regard);

(**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, section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), 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.

(**e**) Section 335 was amended by section 29(1) and (2) of the Greater London Authority Act 2007 (c. 24) and section 228(2)(a), (b) and (c) and 237 of, and Part 33 of Schedule 25 to the 2011 Act.

(**f**) Section 337 was amended by section 118(2) of, and paragraph 22(1), and (2)(b) and (c) of Schedule 7 to, the 2004 Act and sections 109(7) and 237 of, and paragraphs 3 and 4 of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.

(**g**) Section 338 was amended by section 48(1) of, and paragraph 52 of Schedule 8 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and article 2(2) of, and paragraph 19 of the Schedule to, S.I. 2013/2042.

(**h**) Section 341 was amended by section 118(2) of and, paragraph 22(1) and (3) of Schedule 7 to, the 2004 Act, section 85(1) of, and paragraphs 9 and 10 of Schedule 5 to, the 2009 Act (c. 20) and sections 109(7) and 237 of, and paragraphs 3 and 5(a) and (b) of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.

(j) section 346 (monitoring and data collection)(**a**); and

(k) section 348 (Mayor's functions as to planning around Greater London).

(3) The exercise of any of the functions corresponding to the functions in sections 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act by the Combined Authority requires a unanimous vote in favour by all members of the Combined Authority, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

Adaptation of enactments in consequence of article 10

11.—(1) This article has effect in consequence of article 10(1).

(2) Part 8 of the 1999 Act applies in relation to the preparation and publication of a spatial development strategy by the Combined Authority as it applies in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 1 of Schedule 2.

(3) Sections 343 (regulations) and 420 (orders and regulations) of the 1999 Act apply in relation to the functions of the Secretary of State to make regulations by statutory instrument with respect to all or any of the following—

(a) the form and content of the spatial development strategy published by the Combined Authority;

(b) the documents (if any) the Secretary of State requires to accompany the spatial development strategy published by the Combined Authority;

(c) the procedure to be followed by the Combined Authority in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy, or in connection with any review under section 339 as modified by Part 1 of Schedule 2; and

(d) the procedure to be followed at an examination in public examining matters affecting the consideration of the spatial development strategy,

as they apply in relation to the functions of the Secretary of State to make such regulations in relation to the spatial development strategy published by the Mayor of London.

(4) Subject to paragraph (6) and to Schedule 2, in any enactment (whenever passed or made)—

(a) any reference to a spatial development strategy; or

(b) any reference which falls to be read as a reference to a spatial development strategy,

is to be treated as including a reference to a strategy prepared and published in accordance with the function conferred by article 10(1).

(5) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act(**b**) apply in relation to the preparation and publication of a spatial development strategy by the Combined Authority as they apply in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 2 of Schedule 2.

(**a**) Section 346 was amended by section 118(2) of, and paragraph 23(1) and (4) of Schedule 27 to, the 2004 Act.

(**b**) Section 19 was amended by sections 180 and 182 of the Planning Act 2008 (c. 29); section 85 of, and paragraph 14 of Schedule 5 to, the 2009 Act; and section 100 of the Deregulation Act 2015 (c. 20). Section 24 was amended by sections 85 and 146 of, and paragraph 15 of Schedule 5 and paragraph 1 of Schedule 7 to, the 2009 Act; section 222 of, and paragraph 55 of Schedule 22 to, the 2011 Act. Section 37 was amended by section 180 of the Planning Act 2008; section 56 of, and paragraph 81 of Schedule 8 to, the 2008 Act; section 85 of, and paragraph 174 of Schedule 5 to, the 2009 Act; and by section 222 of, and paragraph 56 of Schedule 22 to, the 2011 Act. Section 38 was amended by section 180 of the Planning Act 2008; section 82 of the 2009 Act; sections 109 and 116 of, and paragraph 13 of Schedule 8 and paragraph 6 of Schedule 9 to, the 2011 Act. Section 113 was amended by section 185 of the Planning Act 2008; section 85 of, and paragraph 19 of Schedule 5 to, the 2009 Act; and by section 91 of, and paragraph 8 of Schedule 16 to, the Criminal Justice and Courts Act 2015 (c. 2).

(6) Paragraph (4) does not apply to—

(a) section 41 of the 1999 Act (general duties of the Mayor in relation to his strategies)(**a**);

(b) section 356A of the 1999 Act (London Waste and Recycling Board)(**b**);

(c) section 10 of the London Olympic Games and Paralympic Games Act 2006(**c**); and

(d) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000(**d**).

Planning applications of potential strategic importance

12.—(1) The Combined Authority has, in relation to the Area, functions corresponding to the following functions that the Mayor of London has in relation to Greater London—

(a) section 2A of the 1990 Act (the Mayor of London: applications of potential strategic importance);

(b) section 2B of the 1990 Act (section 2A: supplementary provisions);

(c) section 2C of the 1990 Act (matters reserved for subsequent approval);

(d) section 2E of the 1990 Act (section 2A and planning obligations under section 106);

(e) section 2F of the 1990 Act (representation hearings);

(f) section 74 of the 1990 Act (directions etc as to method of dealing with applications); and

(g) the 2008 Order.

(2) Sections 2A, 2B, 2C, 2D, 2E and 2F of the 1990 Act apply in relation to the consideration of applications of potential strategic importance by the Combined Authority as they apply in relation to the consideration of applications of potential strategic importance by the Mayor of London.

(3) In section 2A(3)(a) of the 1990 Act as applied by paragraph (2) the references to "Greater London" are to be read as references to "the Area".

(4) The provisions in section 333 of the 1990 Act (orders and regulations) apply in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act in relation to the Combined Authority, as it applies in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act in relation to the Mayor of London(**e**).

(5) The provisions in the 2008 Order apply in relation to the Combined Authority's power to direct that applications for planning permission of potential strategic importance must be determined by the Combined Authority in place of the local planning authority as they apply in relation to the Mayor of London's power to direct that applications for planning permission of potential strategic importance must be determined by the Mayor of London in place of the local planning authority.

(6) The 2008 Order has effect as if—

(a) for every reference to "the Mayor" there were substituted "the Combined Authority";

(b) article 3 were omitted;

(c) in article 6—

(i) every reference to "Greater London" is to be read as a reference to "the Area",

(ii) in paragraph (2)(a) for "the Greater London Authority" there were substituted "the Combined Authority"; and

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(**a**) Section 41 was amended by sections 24, 28 and 41 of the Greater London Authority Act 2007; and sections 192, 225, 227 and 237 of and paragraph 2 of Schedule 23 and paragraph 1 of Schedule 25 to the 2011 Act.

(**b**) Section 356A was inserted by section 38 of the Greater London Authority Act 2007 and amended by sections 225 of, and paragraph 6 of Schedule 23 to, the 2011 Act.

(**c**) 2006 c. 12. Section 10 was amended by section 195 of, and paragraph 9 of Schedule 20 to, the 2011 Act.

(**d**) S.I. 2000/1491.

(**e**) The Secretary of State's power to make orders under sections 2A and 2F of the 1990 Act, is by statutory instrument, prescribing the circumstances in which, and the conditions subject to which, the Mayor of London may give a direction under section 2F of that Act and provision in relation to public admission to representation hearings and public access to documents, etc at such hearings under section 2F of that Act.

(iii) paragraphs (2)(c) and (f) were omitted;

(d) in the Schedule—

(i) in paragraph 1(2), for "Parts 1 and 2" there were substituted "Part 1";

(ii) paragraph 4 were omitted;

(iii) for Part 1 there were substituted—

"PART 1

Developments which are cross-boundary linear developments identified in the spatial development strategy for the area of the West of England Combined Authority as safeguarded schemes or schemes of strategic importance

1. Development for surface rail.

2. Development for bus ways.

3. Development for rapid transit.

4. Development for public highway infrastructure.

5. Development for bridges.

6. Development of flood defences."; and

(iv) Parts 2 and 3 were omitted.

(7) In this article "the 2008 Order" means the Town and Country Planning (Mayor of London) Order 2008(**a**).

PART 5

Mayoral development corporations

Conferral of functions on the Combined Authority

13.—(1) The Combined Authority has in relation to the Area functions corresponding to the following functions contained in the provisions in the 2011 Act, that the Mayor of London has in relation to Greater London—

(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);

(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);

(i) section 217 (dissolution: final steps);

(j) section 219 (guidance by the Mayor);

(k) section 220 (directions by the Mayor);

(**a**) S.I. 2008/580.

(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).

(2) The exercise by the Combined Authority of the functions corresponding to the functions contained in section 197 (designation of Mayoral development areas) of the 2011 Act requires the consent of all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be designated as a Mayoral development area.

(3) The exercise by the Combined Authority of the functions corresponding to the functions contained in section 199 (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be excluded from a Mayoral development area, to be provided at a meeting of the Combined Authority.

(4) The exercise by the Combined Authority 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 all members of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions.

(5) For the purposes of paragraphs (2), (3) and (4), the consent must be given at a meeting of the Combined Authority.

Application of provisions in the 2011 Act

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

(2) Subject to paragraph (6), in any enactment passed or made on or before the date on which this Part comes into force—

(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.

(3) For the purposes of any transfer scheme 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.

(4) 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), 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act) or making provision for varying the way in which a relevant tax has effect from time to time 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, the provisions in section 235 of the 2011 Act (orders and regulations) apply in relation to—

(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 they apply 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) and making provision for varying the way in which a relevant tax has effect from time to time in relation to a transfer of land to or from a Mayoral development corporation.

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

(6) Paragraph (2) 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 officer)(**f**);

(g) section 424 of the 1999 Act (interpretation)(**g**);

(h) section 24(4) of the 2004 Act (conformity with spatial development strategy)(**h**); and

(i) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(**i**).

Incidental provisions

15. The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

(**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 article 2 of 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 and amended by section 224 of the Planning Act 2008, 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 (c. 28), 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 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21 and 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.

(**h**) 2004 c. 5. Section 24 was amended by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(**i**) 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.

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

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

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

17. 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;

(d) subsection (7) were omitted.

PART 6

Housing and regeneration

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

18.—(1) The functions of the 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);

(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)(**d**);

(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 may exercise the functions contained in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to, the following objects—

(a) to improve the supply and quality of housing in the Area;

(b) to secure the regeneration or development of land or infrastructure in the Area;

(**a**) Section 1 was amended by section 80 of the Local Government Act 1972 (c. 70), Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) and paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(**b**) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 and amended by Part 1 of Schedule 7 to the 2009 Act and paragraph 4 of Part 1 of Schedule 25 to the 2011 Act.

(**c**) 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 of 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 and articles 1(2), 2(l) and 23(1)(a) to (f) of SI 2001/2237.

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

(c) to support in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and

(d) to contribute 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 contained in the provisions specified in paragraph (1) are—

(a) exercisable concurrently with the HCA; and

(b) subject to Schedules 2 and 3 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.

(5) Section 23(3) of the Land Compensation Act 1961 (compensation where planning decision made after acquisition)(**a**) applies in relation to an acquisition by the Combined Authority as it applies to the HCA.

Acquisition and appropriation of land for planning and public purposes

19.—(1) The functions of the constituent councils specified in the following provisions as applied by article 21(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 237 of the 1990 Act (power to override easements and other rights)(**e**);

(j) section 238 of the 1990 Act (use and development of consecrated land);

(k) section 239 of the 1990 Act (use and development of burial grounds);

(l) section 241 of the 1990 Act (use and development of open spaces);

(m) section 17 of the 1985 Act (acquisition of land for housing purposes)(**f**); and

(n) 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.

(**a**) 1961 c. 33. Section 23 was amended by section 66 of, and paragraph 1 of Schedule 14 to, the Planning and Compensation Act 1991 (c. 34), sections 181 and 187 of, and paragraph 1 of Schedule 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and by section 56 of, and paragraph 2 of Schedule 8 to, the 2008 Act.

(**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.

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

(**e**) Section 237 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 and by section 194 of, and paragraph 4 of Schedule 9 to, the Planning Act 2008.

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

Condition on the exercise of the functions conferred by articles 18 and 19

20.—(1) The exercise by the Combined Authority of the functions specified in articles 18 and 19 on or before 7th May 2017 require a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

(2) The exercise by the Combined Authority of the functions in section 17 of the 1985 Act (acquisition of land for housing purposes) (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the 2008 Act (acquisition of land) and section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes) requires the consent of—

(a) all members of the Combined Authority appointed by the constituent councils 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 the 1985 Act, the 1990 Act and the 2008 Act

21.—(1) This article has effect in consequence of articles 18 and 19.

(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 19(1)(m) and (n), the Combined Authority is to be treated as a local housing authority for the Area(**a**).

(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 the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under the functions specified in article 19(1) and land acquired by the Combined Authority 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 4.

PART 7

Functions of the Combined Authority exercisable only by the Mayor; political advisers

General functions of the Combined Authority exercisable only by the Mayor

22.—(1) The following functions(**b**) are general functions exercisable only by the Mayor—

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

(b) the functions of the Combined Authority corresponding to—

(i) section 31 of the 2003 Act (power to pay grant);

(ii) sections 334 to 342 and 346 of the 1999 Act;

(**a**) 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.

(**b**) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act references to "general functions", in relation to a mayor for the area of a combined authority, are to any functions exercisable by the mayor other than PCC functions.

(iii) sections 2A to 2C, 2E and 2F of the 1990 Act; and

(iv) the functions specified in article 13(1).

(2) For the purposes of the exercise of the general functions mentioned in paragraph (1)—

(a) the Mayor must consult the Combined Authority before exercising these functions;

(b) members and officers may assist the Mayor in the exercise of these functions; and

(c) the Mayor may do anything that the Combined Authority may do under Chapter 1 of Part 1 of the 2011 Act.

(3) The following decisions by the Mayor require the consent of the Combined Authority member, or substitute member acting in that member's place, appointed by the constituent council in whose area the decision will apply—

(a) the designation of any area of land as a mayoral development area leading to the establishment, by order, of a Corporation;

(b) the compulsory purchase of land or buildings by the Mayor;

(c) any decision that could lead to a financial liability falling directly upon that constituent council;

(d) the designation of any area as a Clean Air Zone; and

(e) such other matters as may be contained in the Combined Authority constitution and agreed with the Mayor.

Political advisers

23.—(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—

(a) the term of office for which the Mayor who made the appointment was elected; or

(b) where the Mayor who appointed the political adviser 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)(**a**), 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 "and that the appointment terminates" to the end of that subsection were omitted.

(**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.

PART 8

Additional functions

General power of competence

24. Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) has effect in relation to the Combined Authority as it has effect in relation to a local authority(**a**).

Economic development and regeneration functions

25.—(1) The functions of the constituent councils set out in Schedule 5 are exercisable by the Combined Authority in relation to the Area.

(2) The functions are 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.

Incidental provisions

26. The following provisions have effect as if the Combined Authority were a local authority for the purposes of those provisions—

(a) section 113 of the Local Government Act 1972 (power to place staff at the disposal of other local authorities)(**b**);

(b) section 142(2) of the Local Government Act 1972 (power to arrange for publication of information etc relating to the functions of the authority)(**c**); and

(c) section 222 of the Local Government Act 1972 (power to prosecute and defend legal proceedings)(**d**).

27.—(1) The Combined Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)(**e**) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to "that area" were a reference to the Area.

28. Section 13 of the 1989 Act (voting rights of members of certain committees)(**f**) has effect in relation to the Combined Authority as if—

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

(**a**) Section 113D of the 2009 Act as inserted by section 10 of the 2016 Act enables the Secretary of State by order to confer the general power of competence, found in Chapter 1 of Part 1 of the 2011 Act, on a combined authority.

(**b**) 1972 c. 70. Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.

(**c**) Section 142 was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10); there are other amendments which are not relevant to this instrument.

(**d**) To which there are amendments not relevant to this instrument.

(**e**) 1985 c. 51.

(**f**) Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates' Courts Act 1994; by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the 2009 Act; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; and by S.I. 2010/1158.

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

(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 shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the West of England Combined Authority Order 2017.".

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

"An employee of the West of England Combined Authority established by the West of England Combined Authority Order 2017	Bath and North East Somerset Council"

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

Name
Parliamentary Under Secretary of State
Date Department for Communities and Local Government

SCHEDULE 1

Article 4

Membership

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

(2) Each constituent council must appoint two of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) ("the substitute member").

(3) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of the constituent council that appointed them.

(4) 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 the notice by the proper officer of the council.

(5) Where a member or substitute member of the Combined Authority's appointment ceases by virtue of sub-paragraph (3) or (4), 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.

(6) A 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 one of its elected members in that person's place.

(7) Where a constituent council exercises its power under sub-paragraph (6), it must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment is to take effect and the previous appointment terminate at the end of 14 days from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(**a**) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.

Chair and vice-chair

2.—(1) The Combined Authority must appoint a chair from among its members and the appointment is 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 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, 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 chair of the Combined Authority ceases to hold office on 8th May 2017(**a**).

3.—(1) The Combined Authority must appoint a vice-chair from among its members and the appointment of the vice-chair is to be the first business transacted after the appointment of members of the Combined Authority and the chair of the Combined Authority, at the first meeting of the Combined Authority

(2) A person ceases to be 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 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 of the Combined Authority ceases to hold office on 7th May 2017.

(5) The office of vice-chair of the Combined Authority is abolished with effect from 8th May 2017.

Proceedings

4.—(1) Any questions that are to be decided by the Combined Authority are to be decided by a majority of the members present and voting on that question at a meeting of the Combined Authority, and such majority is to include the Mayor, or the deputy Mayor acting in place of the Mayor, and substitute members, acting in place of members.

(2) No business is to be transacted at a meeting of the Combined Authority unless at least two members appointed by the constituent councils, including the Chair or substitute members acting in place of members are present at the meeting.

(3) If the Mayor is in post, no business is to be transacted at a meeting of the Combined Authority unless at least three members are present at the meeting, and such members include—

(a) the Mayor, or the deputy Mayor acting in place of the Mayor; and

(b) at least two members appointed by the constituent councils or substitute members acting in place of members.

(4) 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.

(5) Decisions must be carried by a majority of the Mayor and members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question.

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

(7) A decision on a question relating to the following matters requires a unanimous vote in favour by the Mayor and all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that

(**a**) Section 107A(6) of the 2009 Act provides that the mayor for the area of a combined authority is by virtue of that office a member of, and the chair of, the combined authority.

question at a meeting of the Combined Authority at which all members of the Combined Authority are present to be carried—

(a) approval of the Combined Authority's constitution and standing orders and any amendments; and

(b) adoption of a spatial development strategy.

(8) A decision on a question relating to the following matters requires a unanimous vote in favour at a meeting of the Combined Authority at which all members of the Combined Authority are present, by all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question to be carried—

(a) approval of borrowing limits; and

(b) treasury management strategy including reserves, investment strategy, borrowing and budget of the Combined Authority, the amount of any expenses to be met by the constituent councils and the amount of any levy.

(9) A decision on a question relating to the exercise of the functions of the Combined Authority requires a vote in favour at a meeting of the Combined Authority at which all members of the Combined Authority are present, except for—

(a) where responsibility for the exercise of the function has been delegated in accordance with the constitution of the Combined Authority (and which may include delegation of such powers and functions of the Combined Authority to sub-committees or to officers as the Combined Authority considers appropriate); and

(b) matters which fall to be considered by the Combined Authority's overview and scrutiny committee and audit committee(**a**).

(10) 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.

(11) The provisions in this Schedule relating to the Mayor or deputy Mayor only have effect where the Mayor, or deputy Mayor, as the case may be, are in office.

Overview and scrutiny committees

5.—(1) An overview and scrutiny committee appointed by the Combined Authority may not include any substitute member of the Combined Authority.

(2) No business is to be transacted at a meeting of an overview and scrutiny committee unless at least two members from each constituent council are present at the meeting.

(3) The Combined Authority must appoint an appropriate person(**b**) who is a member of one of the constituent councils to be the chair of any overview and scrutiny committee or a sub-committee of such a committee, appointed by the Combined Authority.

Records

6.—(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.

(**a**) Paragraphs 1(1) and 4(1) of Schedule 5A to the 2009 Act require a combined authority to arrange for the appointment of one or more overview and scrutiny committees and for the appointment of an audit committee.

(**b**) See paragraph 3(5) of Schedule 5A to the 2009 Act.

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

(5) Until 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.

(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

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

Remuneration

8.—(1) Save as provided for in sub-paragraph (2), no remuneration is to be payable by the Combined Authority to its members other than allowances for travel and subsistence.

(2) The Combined Authority may only pay an allowance to the Mayor or to a member or substitute member of the Combined Authority if—

(a) the Combined Authority has considered a report published by an independent remuneration panel established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003(**a**) 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.

SCHEDULE 2

Article 11

Spatial development strategy

PART 1

Modification of the application of Part 8 of the 1999 Act

1.—(1) Part 8 of the 1999 Act (planning) is modified in accordance with the following provisions.

(2) Part 8 of the 1999 Act has effect as if—

(a) sections 344 (amendments of the Town and Country Planning Act 1990), 345 (Town and Country Planning Act 1990: costs of appeals) and 349 (abolition of joint planning committee for Greater London) were omitted;

(b) for every reference to—

(i) "Greater London" there were a reference to "the West of England";

(ii) "the Mayor" there were a reference to "the Combined Authority";

(iii) "he" there were a reference to "the Combined Authority", save for section 337(6) (publication);

(**a**) S.I. 2003/1021.

(iv) "under section 343" there were substituted "relating to the Combined Authority under section 343".

(3) Section 334 of the 1999 Act (the spatial development strategy) has effect as if—

(a) in subsection (3) for "his" there were substituted "its";

(b) for subsection (4) there were substituted—

"(4) The spatial development strategy must include statements dealing with the general spatial development aspects of such of the Combined Authority's other policies or proposals as involve considerations of spatial development.".

(4) Section 335 of the 1999 Act (public participation) has effect as if—

(a) in subsection (2)(a) for "his" there were substituted "its";

(b) subsection (3)(aa) were omitted;

(c) in subsection (3)(b), for "London borough council" there were substituted "constituent council";

(d) in subsection (4), for the words after "include" to the end there were substituted—

"—

(a) voluntary bodies some or all of whose activities benefit the whole or part of the West of England;

(b) bodies which represent the interests of different racial, ethnic or national groups in the West of England;

(c) bodies which represent the interests of different religious groups in the West of England; and

(d) bodies which represent the interests of different persons carrying on business in the West of England.";

(e) for subsection (8) there were substituted—

"(8) In this section "the prescribed period" means such period as may be prescribed by, or determined in accordance with, regulations relating to the Combined Authority made under section 343 below.".

(5) Section 336 of the 1999 Act (withdrawal) has effect as if —

(a) in subsection (3)—

(i) paragraph (a) were omitted; and

(ii) paragraph (b) were omitted.

(6) Section 338 of the 1999 Act (examination in public) has effect as if for "Authority" there were substituted "the Mayor of the West of England".

(7) Section 339 (review of matters affecting the strategy) has effect as if in subsection (2) for "his" there were substituted "its".

(8) Section 342 of the 1999 Act (matters to which the Mayor is to have regard) has effect as if—

(a) for subsection (1) there were substituted—

"(1) In exercising its functions under the preceding provisions of this Part, the Combined Authority shall have regard to—

(a) the National Planning Policy Framework;

(b) the effect that the proposed spatial development strategy or revision would have on—

(i) the health of persons in the West of England;

(ii) health inequalities between persons living in the West of England;

(iii) the achievement of sustainable development in the United Kingdom;

(iv) climate change and the consequences of climate change;

(v) the need to ensure that the strategy is consistent with national policies and the EU obligations of the United Kingdom; and

(c) such other matters as the Secretary of State may prescribe."; and

(b) subsection (2) were omitted.

(9) Section 347 of the 1999 Act (functional bodies to have regard to the strategy), has effect as if there were substituted—

"Constituent councils to have regard to the strategy

347. In exercising any function, each of the constituent councils and the Combined Authority shall have regard to the spatial development strategy, but this is without prejudice to section 24 of the Planning and Compulsory Purchase Act 2004 as modified by Part 2 of Schedule 1 to the West of England Combined Authority Order 2017 (which requires certain documents of a constituent council to be in general conformity with the strategy).".

(10) Section 348 of the 1999 Act (Mayor's functions as to planning around Greater London) has effect as if—

(a) in subsections (1), (2) and (3) for "his" there were substituted "its";

(b) in subsection (3), for "London borough councils" there were substituted "constituent councils"; and

(c) in subsection (4), for "the Authority" there were substituted "the Combined Authority".

(11) Section 350 of the 1999 Act (interpretation of Part VIII) has effect as if —

(a) the following definitions were inserted, in the appropriate places—

""constituent councils" means the district councils for the local government areas of Bath and North East Somerset, Bristol City and South Gloucestershire;"

""the Combined Authority" means the West of England Combined Authority established by the West of England Combined Authority Order 2017;"

""Mayor of the West of England" is the person elected to the position established by article 5 of the West of England Combined Authority Order 2017;"

""the West of England" means the area of the Combined Authority as specified in article 2 of the West of England Combined Authority Order 2017;"; and

(b) subsection (2) were omitted.

PART 2

Modification of the application of the 2004 Act

2.—(1) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act are modified in accordance with the following provisions.

(2) Section 19 of the 2004 Act, shall have effect as if for subsection (2)(c) there were substituted—

"(c) the spatial development strategy if the authority is a constituent council of the Combined Authority or if any of the authority's area adjoins the West of England;"

.

(3) Section 24 of the 2004 Act has effect as if—

(a) for subsection (1)(b) there were substituted—

"(b) the spatial development strategy if the authority is a constituent council of the Combined Authority.";

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

"(4A) A local planning authority which is a constituent council of the Combined Authority—

(a) must request the opinion in writing of the Combined Authority as to the general conformity of a development plan document with the spatial development strategy;

(b) may request the opinion in writing of the Combined Authority as to the general conformity of any other local development document with the spatial development strategy.";

(c) after subsection (5) there were inserted—

"(5A) The Combined Authority may give an opinion as to the general conformity of a local development document with the spatial development strategy irrespective of whether a request is made under subsection (4A)."; and

(d) in subsection (7) for each "Mayor" there were substituted "Mayor of the West of England".

(4) Section 37 of the 2004 Act has effect as if after subsection (6A)(**a**), there were inserted—

"(6B) In relation to the Combined Authority, in this section—

"constituent council" means one of the district councils for the local government areas of Bath and North East Somerset, Bristol City and South Gloucestershire;

"the Combined Authority" means the West of England Combined Authority established by the West of England Combined Authority Order 2017;

"Mayor of the West of England" is the person elected to the position established by article 5 of the West of England Combined Authority Order 2017;

"spatial development strategy", in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers under article 10 of the West of England Combined Authority Order 2017; and

"the West of England" is the area of the Combined Authority as specified in article 2 of the West of England Combined Authority Order 2017.".

(5) Section 38 of the 2004 Act has effect as if—

(a) after subsection (2) there were inserted—

"(2A) For the purposes of any area in the West of England the development plan is—

(a) the spatial development strategy;

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area; and

(c) the neighbourhood development plans which have been made in relation to that area.";

(b) after subsection (10) there were inserted—

"(11) In this section—

"the Combined Authority" means the West of England Combined Authority established by the West of England Combined Authority Order 2017;

"spatial development strategy", in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers conferred by article 10 of the West of England Combined Authority Order 2017; and

"the West of England" is the area of the Combined Authority as specified in article 2 of the West of England Combined Authority Order 2017".

(6) Section 113 of the 2004 Act has effect as if—

(a) in subsection (1), after "the Mayor of London's", there were inserted "or the Combined Authority's";

(**a**) Section 37(6A) was inserted by section 85 of, and paragraph 17 of Schedule 5 to, the 2009 Act.

(b) in subsection (11)(e), after "the Mayor of London", there were inserted "or the Combined Authority";

(c) after subsection (12), there were inserted—

"(13) In this section "the Combined Authority" means the West of England Combined Authority established by the West of England Combined Authority Order 2017.".

SCHEDULE 3

Article 14

Modification of the application of Part 8 of the 2011 Act

1.—(1) Part 8 of the 2011 Act (Mayoral development corporations) is modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) is to be read as if—

(a) ""the Mayor" means the Mayor of London" were omitted; and

(b) at the appropriate place there were inserted —

""the Area" means the area of the Combined Authority;";

""the Combined Authority" means the West of England Combined Authority established by the West of England Combined Authority Order 2017;"; and

""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;".

(3) Sections 196 to 222 of the 2011 Act has effect as if for every 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 two occurrences in section 197(3)(e); 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)—

(i) in paragraph (a) for "any one or more of the Greater London Authority's principal purposes" there were substituted "economic development and regeneration in the Area(**a**)";

(ii) in paragraph (d) for "the London Assembly" there were substituted "the Combined Authority" and for "subsection (4)(d), (e), (f) or (g)" there were substituted "subsection (4)(d)"; and

(iii) in subsection (f) for "the London Assembly" there were substituted "the Combined Authority";

(c) in subsection (4)—

(i) in paragraph (a) for "the London Assembly" there were substituted "the Combined Authority";

(ii) paragraph (b) were omitted;

(iii) in paragraph (d) for "each London borough council whose borough" there were substituted a reference to "each district council or county council whose local government area";

(**a**) Article 25 of, and Schedule 5 to, the West of England Combined Authority Order 2017 confer on the Combined Authority functions exercisable for the purpose of economic development and regeneration.

(iv) paragraphs (e), (f) and (g) were omitted;

(d) in subsection (5)—

(i) in paragraph (a) for "the London Assembly" there were substituted "the Combined Authority";

(ii) in paragraph (b)(i) for "the Assembly" there were substituted "the Combined Authority";

(iii) 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";

(e) in subsection (6)(c) for "Mayoral development corporation" there were substituted "Corporation"; and

(f) subsection (7) were omitted.

(5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) shall have 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 in subsection (2) for "the London Assembly" there were substituted "the Combined Authority".

(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 or county 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) paragraphs (f) to (h) were omitted; and

(v) paragraph (k) were omitted;

(b) in subsection (4) paragraph (b) were omitted;

(c) subsection (7) were omitted;

(d) subsection (8) were omitted; and

(e) 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 in subsection (7)—

(a) in paragraph (c) for "the London Assembly" there were substituted "the Combined Authority"; and

(b) 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 for each reference to "a London borough council or the Common Council of the City of London" there were substituted a reference to "a district council or a county council".

(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 words "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)(c) for "the London Assembly or an affected local authority" there were substituted "the Combined Authority or a district council or county council wholly or partly in the Area"; and

(b) 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 or county 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 "the Mayor" there were substituted "the Combined Authority" , except for the reference in paragraph 1(1);

(b) for each reference to "MDC" there were substituted "the Corporation";

(c) in paragraph 1(1)—

(i) for the reference to "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 or county 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 or county council";

(f) in paragraph 2(5)(d) for "a relevant London council" there were substituted "a relevant district council or county council";

(g) in paragraph 4(4) for the reference to "the London Assembly" there were substituted a reference to "the Combined Authority";

(h) in paragraph (9)(c) for "each relevant London council" there were substituted "each relevant district council or county council"; and

(i) in paragraph 10(1)(c) the reference to "and to the London Assembly" were omitted.

SCHEDULE 4

Article 21

Modification of the application of Chapters 1 and 2 of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act are 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, as applied by article 21, has effect as if for every reference to—

(a) "the HCA" there were substituted a reference to "the West of England Combined Authority";

(b) "Part 1" of that Act there were substituted a reference to "Part 6 of the West of England Combined Authority Order 2017";

(c) the HCA's land or land acquired or held by the HCA there were substituted a reference to the West of England Combined Authority's land or land acquired or held by the West of England 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 West of England Combined Authority".

(4) Section 57(1) of the 2008 Act has effect as if the following definition were inserted at the appropriate place—

> ""the West of England Combined Authority" means the body corporate established by the West of England Combined Authority Order 2017."

(5) 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 18 of the West of England Combined Authority Order 2017".

(6) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) has 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 West of England Combined Authority.

(7) 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 West of England Combined Authority under article 18 of the West of England Combined Authority Order 2017.

SCHEDULE 5

Article 25

Economic development and regeneration functions

1. The functions of the constituent councils under section 1 of the 2011 Act (general power of competence) to the extent that those functions are exercisable for the purpose of economic development and regeneration.

2. The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities)(**a**).

(**a**) Section 144 was amended by section 81 of and Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65); and by sections 1 and 102 of and Schedule 17 to the Local Government Act 1985. There are other amendments which are not relevant to this instrument.

3. The duties under sections 15ZA, 15ZB, 15ZC, 17 and 18A(1)(b) of the Education Act 1996 and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age)(**a**).

4. The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the West of England 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 in their area.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This Order has been made following the publication of such a scheme in June 2016 by the constituent councils whose areas together make up the area of the new combined authority. The scheme is available at: http://www.westofenglanddevolution.co.uk/wp-content/uploads/2016/07/Scheme-for-a-Mayoral-Combined-Authority-for-the-Area-of-Bristol-Bath-North-East-Somerset-and-South-Gloucestershire-2016.pdf.

Article 3 of the Order establishes the new authority, to be known as the West of England Combined Authority ("the Combined Authority"). Article 4 of and Schedule 1 to the Order make provision for the constitution of the Combined Authority. This is supplemental to the provision that is made by Part 1A of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

Article 5 of the Order creates the position of Mayor for the area of the Combined Authority and further specifies the term of office for the Mayor, and the dates on which elections for the return of a Mayor shall take place and the intervals between elections.

Article 6 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the Mayor.

Part 3 concerns the transport functions of the Combined Authority. Articles 7 to 9 provide for the delegation of specified transport functions.

Part 4 of and Schedule 2 to the Order confer on the Combined Authority functions corresponding to the spatial development strategy function that the Mayor of London has in relation to Greater London under section 334(1) of the Greater London Authority Act 1999, and functions that the Mayor of London has in relation to Greater London under sections 2A to 2F of the Town and Country Planning Act 1990.

Article 13 of the Order provides that the Combined Authority is to have in relation to its area functions corresponding to the functions that the Mayor of London has in relation to Mayoral development areas and Mayoral development corporations. It also provides that any designation of a Mayoral development area by the Combined Authority requires the consent of a member of the Combined Authority who is an elected member of a constituent council whose council area contains any part of the area to be designated as a mayoral development area.

(**a**) 1996 c. 56. Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by sections 41, 42, 45 to 48 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and by S.I. 2010/1158. Section 15ZA was amended by paragraph 5 of Schedule 3(1) to the Children and Families Act 2014 (c. 6), by paragraph 44 of Schedule 14(2) to the Deregulation Act 2015 and by S.I. 2015/1852. Section 15ZC was amended by S.I. 2015/1852. Section 18A was also amended by the Education Act 2011 (c. 21), sections 30 and 82 and by paragraph 8 of Schedule 3(1) to the Children and Families Act 2014. Section 514A was amended by paragraph 50 of Schedule 3(1) to the Children and Families Act 2014. Section 560A was amended by paragraph 54 of Schedule 3(1) to the Children and Families Act 2014.

Article 14 and Schedule 3 apply Chapter 2 of Part 8 (Mayoral development corporations) of, and Schedule 21 (Mayoral development corporations), Schedule 22 (Mayoral development corporations: consequential and other amendments), and paragraph 9 of Schedule 24 (transfers under scheme under section 200(1) or (4) or 216(1)) to, the Localism Act 2011 in relation to areas designated by the Combined Authority and corporations established as a consequence of such designation.

Articles 15 and 16 apply sections 1 (disqualification and political restriction of certain officers and staff), 2 (politically restricted posts), 3A (grant and supervision of exemptions from political restriction: England) and 5 (designation and reports of monitoring officer) of the Local Government and Housing Act 1989 in relation to a Mayoral development corporation established as a consequence of this Order as if a mayoral development corporation established as a consequence of this Order were a committee of the authority.

Article 17 applies section 32 of the Local Government Act 2003 to ensure that a Minister of the Crown power to pay a grant under section 31(1) of the Local Government Act 2003 may be used towards expenditure incurred or to be incurred by a Corporation.

Part 6 of and Schedule 4 to the Order confer on the Combined Authority functions in relation to housing and regeneration which are exercised concurrently with the Homes and Communities Agency.

Part 7 makes additional provision for the Mayor for the area of the Combined Authority. Article 22 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and article 23 provides for the appointment of a political adviser to the Mayor. Part 8 confers additional functions on the Combined Authority. Article 24 extends to the Combined Authority the general power of competence available to the constituent councils. Article 25 confers functions of the constituent councils relating to economic development and regeneration. These are set out in Schedule 5 to the Order and are to be exercised concurrently with the constituent councils. Articles 26 to 29 make some general, incidental provisions relating to the Combined Authority to enable it to carry out its functions effectively.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business or the voluntary sector.

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