
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.

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.