
DRAFT STATUTORY INSTRUMENTS

2021 No.

The West Yorkshire Combined Authority
(Election of Mayor and Functions) Order 2021

PART 9

Funding

Funding

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

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

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

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

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

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and

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

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992(1) is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of a levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992(2).

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

(1) 1992, c. 14.

(2) S.I. 1992/2789.

Transitional provision

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

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

(2) The costs of the Mayor that are incurred in, or in connection with, the exercise of mayoral functions in the relevant year shall be met in the case of the Mayor’s PCC functions, from precepts issued by the Police and Crime Commissioner for West Yorkshire under section 40 (issue of precepts by major precepting authorities) of the Local Government Finance Act 1992⁽³⁾.

(3) A billing authority that has been issued with a precept by the Police and Crime Commissioner for West Yorkshire in respect of the relevant year must, on and after 10th May 2021, pay to the Mayor out of its collection fund the amounts owing in respect of that precept in accordance with the Local Authorities (Funds) (England) Regulations 1992⁽⁴⁾.

(4) In this article—

“billing authority” has the same meaning as in section 1(2) of the Local Government Finance Act 1992⁽⁵⁾; and

“collection fund” means the fund required to be established and maintained by a billing authority in accordance with section 89(1) of the Local Government Finance Act 1988⁽⁶⁾.

Conferral of Business Rate Supplements functions

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

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

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

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

(3) For the purposes of the exercise of the functions specified in article 31 the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)⁽⁷⁾.

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

Adaptation of BRS in consequence of article 31

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

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

(3) 1992 c. 14.

(4) S.I. 1992/2428.

(5) 1992 c. 14.

(6) 1988 c. 41.

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

