
EXPLANATORY NOTE

(This note is not part of the Order)

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

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under sections 104 and 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.

Part 2 of the Order concerns the transport functions of the Combined Authority. Article 3 confers on the Combined Authority the functions of a Minister of the Crown under section 31 of the Local Government Act 2003, enabling it to pay grant to the constituent councils. Articles 4 to 9 provide for certain transport functions of the constituent councils to be exercisable by the Combined Authority in relation to the Combined Authority’s area.

Part 3 of and Schedule 3 to the Order confer on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency.

Part 4 of and Schedule 4 to the Order confer on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 4 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which makes provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 5 of the Order confers on the Combined Authority functions in relation to air quality; smoke-free premises, places and vehicles; culture and anti-social behaviour which are exercisable in relation to the Combined Authority’s area by the constituent councils. The functions are to be exercisable concurrently with the Combined Authority.

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

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 of the Order amends the West Midlands Combined Authority Order 2016, which established the Combined Authority. Article 24 makes some general and incidental provisions relating to the Combined Authority, enabling the Combined Authority to carry out its functions effectively and pay allowances to its members. Article 25 modifies the application of section 85 of the Local Transport Act 2008 (provision that may be made in an order under section 84: membership of ITA), which provides that an order which includes provision about the number and appointment of members of the Combined Authority must provide for a majority of the members of the Authority to be appointed by the Authority’s constituent councils. The modification provides for section 85 of the Transport Act 2008 to be applied without including the Mayor in any calculation of whether a majority of the members of the Combined Authority have been appointed by the constituent councils.

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