
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 Barnsley, Doncaster, Rotherham and Sheffield 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 section 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 4 provides for the Combined Authority to pay a grant under section 31 of the Local Government Act 2003 to constituent councils in respect of any of their functions, which is exercisable concurrently with a Minister of the Crown.

Article 5 of the Order confers on the Combined Authority functions of the constituent councils in relation to education, skills and training to be exercisable by the Combined Authority in the Combined Authority’s area concurrently with the constituent councils. Article 6 of the Order provides for the transfer to the Combined Authority of adult education functions under section 86 to 88 of the Apprenticeships, Skills, Children and Learning Act 2009, with the exception of such functions relating to apprenticeships training, persons subject to adult detention or any power to make regulations or orders. The transferred functions will be exercisable by the Combined Authority instead of by the Secretary of State in relation to the area of the Combined Authority.

Article 7 also provides for the functions of the Secretary of State under section 90 of the Apprenticeships, Skills, Children and Learning Act 2009, which relate to the encouragement of education and training for persons aged 19 or over, and under section 100(1) of that Act, which relate to the provision of financial resources, to be exercisable by the Combined Authority in relation to the area. The functions will be exercisable by the Combined Authority concurrently with the Secretary of State.

Article 8 sets conditions on the exercise of the functions mentioned in Articles 6 and 7. The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State. In addition, in exercising the transferred functions, the Combined Authority must have regard to guidance issued by the Secretary of State (as amended from time to time or replaced by a subsequent document).

Article 9 and Schedule 1 to the Order apply certain provisions of the Apprenticeships, Skills, Children and Learning Act 2009 with modifications to the Combined Authority for the purpose of the Combined Authority exercising the functions conferred on it by articles 6 and 7.

Part 4 of and Schedule 2 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 5 of and Schedule 3 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 2 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.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Part 6 of the Order makes additional provision for the Mayor for the area of the Combined Authority and funding. Article 14 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and article 15 provides for the appointment of a political adviser to the Mayor. Article 16 makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its functions. Article 17 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the Mayor.

Part 7 of the Order extends to the Combined Authority the general power of competence available to the constituent councils.

Part 8 of the Order provides for amendments to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 which establishes the Combined Authority. Article 18 removes the funding provision for the Combined Authority's economic and development and regeneration functions, which is replaced by article 16 of this Order. Article 19 makes provision in the Combined Authority's constitution relating to the Combined Authority's voting arrangements and remuneration.

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.