
EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the York and North Yorkshire Combined Authority (“the Combined Authority”), provides for the election of a Mayor and the conferral of functions of local authorities and other public authorities on 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 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 on 21st October 2022 by the constituent councils whose areas together make up the area of the new combined authority.

Part 2 of the Order provides for the creation of the Combined Authority, the election of a Mayor, appointment of a political advisor and makes constitutional provision.

Part 3 of the Order confers on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency. It also makes provision about the acquisition and appropriation of land for planning and public purposes. Article 9 and Schedule 2 apply and modify relevant provisions in legislation.

Part 4 of the Order confers on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 3 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which make 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 relating to transport. It transfers functions relating to local transport planning and public transport from the local authorities to the Combined Authority and makes provision for specified highways and traffic powers held by the local authorities to be exercised concurrently by the Combined Authority. It confers powers for the Mayor to pay grants, including to bus service operators.

Part 6 confers a number of additional functions (data sharing and assessment of economic conditions) to be exercisable by the Combined Authority. The conferred functions are to be exercised concurrently with the constituent councils. It also makes incidental provision.

Part 7 of the Order sets out the functions of the Combined Authority which are to be only exercisable by the Mayor and makes provision in relation to Joint Committees.

Part 8 of the Order 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 30 provides that the Combined Authority is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the Business Rate Supplements Act 2009 to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area.

Part 9 of the Order makes provision for the Mayor for the area of the Combined Authority to exercise functions of a Police and Crime Commissioner (“PCC”). The role of PCC for North Yorkshire is abolished. Article 33 provides that, in relation to the Mayor’s PCC functions, the Mayor is to be

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treated as a PCC for the purposes of all legislation affecting PCCs. Schedule 5 sets out certain modifications to legislation in its application to the Mayor and Schedule 6 sets out legislation which does not apply. Provision is also made in connection with the transfer of functions, in particular in relation to transfer of property, rights and liabilities.

Part 10 of the Order provides for the transfer of fire and rescue functions to the Combined Authority, to be exercised by the Mayor. The Combined Authority becomes the fire and rescue authority for the area for the purposes of the Fire and Rescue Services Act 2004. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority is abolished. Articles 43 to 49 set out the arrangements which the Mayor may make for the exercise of the fire and rescue functions by the deputy mayor for policing and crime or a committee of the Combined Authority, and for oversight by the police and crime panel. Schedule 7 makes connected modifications to legislation.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sector. The impact on the public sector is that conferring functions on the Combined Authority should lead to operational efficiencies that could lead to reduced costs.

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