

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Andrea Woodside

Email: andrea.woodside@kirklees.gov.uk

Wednesday 18 November 2020

Notice of Meeting

Dear Member

Cabinet

A Meeting of the **Cabinet** will take place remotely at **10.00 am** on **Thursday 26 November 2020**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Cabinet members are:-

Member

Councillor Shabir Pandor
Councillor Viv Kendrick

Councillor Musarrat Khan
Councillor Naheed Mather
Councillor Peter McBride

Councillor Carole Pattison

Councillor Cathy Scott
Councillor Graham Turner
Councillor Rob Walker

Responsible For:

Leader of the Council
Cabinet Member - Children (Statutory responsibility for Children)

Cabinet Member - Health and Social Care

Cabinet Member - Greener Kirklees

Deputy Leader and Cabinet Member for Regeneration

Cabinet Member for Learning, Aspiration and Communities

Cabinet Member - Housing and Democracy

Cabinet Member - Corporate

Cabinet Member for Culture and Environment

Cllr Shabir Pandor	Leading the immediate response to the pandemic Leading recovery strategy Public Health
Cllr Peter McBride	Immediate support to business Planning the post-pandemic inclusive economy
Cllr Viv Kendrick	Statutory responsibility for children's social care Safeguarding our most vulnerable children throughout the pandemic
Cllr Musarrat Khan	Statutory responsibility for vulnerable adults Responsible for vulnerable adult social care, and safeguarding our most vulnerable adults throughout the pandemic
Cllr Carole Pattison	Working with schools to maintain services Planning for return to school
Cllr Graham Turner	Financial oversight Resources
Cllr Naheed Mather	Council staff, including staff wellbeing
Cllr Cathy Scott	Engaging and supporting voluntary sector capacity for immediate responses to the pandemic Strengthening place-based working for the future (North Kirklees)
Cllr Rob Walker	Engaging and supporting voluntary sector capacity for immediate responses to the pandemic Strengthening place-based working for the future (South Kirklees)

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

To receive apologies for absence from Cabinet Members who are unable to attend this meeting.

2: Interests

1 - 2

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

3: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

4: Deputations/Petitions

The Cabinet will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

5: Questions by Members of the Public

Due to current Covid-19 restrictions, Members of the Public may submit written questions to the Leader, and/or Cabinet Members.

Any questions should be emailed to executive.governance@kirklees.gov.uk no later than 10am on Wednesday 25 November 2020.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions shall not exceed 15 minutes. A maximum of 4 questions per person may be submitted.

6: Questions by Elected Members (Oral Questions)

Cabinet will receive any questions from Elected Members (via remote access).

In accordance with Executive Procedure Rule 2.3 (2.3.1.6) a period of up to 30 minutes will be allocated.

7: West Yorkshire Devolution - Consent to Draft Order

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To consider (i) agreement to consent in principle to the draft Order, to establish a mayoral combined authority and associated changes as set out in the 'minded to' Devolution Deal and (ii) delegation of authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of each Constituent Council and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise.

Contact:

Julie Muscroft, Service Director – Legal, Governance and Commissioning

Nick Howe – Partnerships and Corporate Planning

Karl Larrad – Legal, Governance and Monitoring

8: Covid 19 - Additional Restrictions Grant Scheme

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To consider the approval of the establishment of an Additional Restrictions Grant fund for Kirklees.

Contact: Chris Duffill, Head of Business and Skills

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KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Cabinet
Date: 26th November 2020
Title of report: West Yorkshire Devolution – Consent to Draft Order

Purpose of report:

To seek Member agreement to consent in principle to the draft Order, to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal. To delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of each Constituent Council and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Likely to result in expenditure and savings of greater than £250,000 and affects more than 1 ward
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	No The Chair of Overview & Scrutiny Management Committee has agreed that this be exempt from call-in on the grounds of urgency, for the reasons set out in paragraph 3.6 of this report.
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance IT and Transactional Services? Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Jacqui Gedman 17/11/20 Eammon Croston 17/11/20 Julie Muscroft 17/11/20
Cabinet member portfolio	Cllr Pandor, Leader of the Council

Electoral wards affected: ALL

Ward councillors consulted: YES

Public or private: Public

Has GDPR been considered: YES

1. Summary

- 1.1 The West Yorkshire “minded-to” Devolution Deal was announced as part of the Budget on 11 March 2020. Subject to statutory processes, this will lead to the adoption of a mayoral combined authority model with additional functions.
- 1.2 At their meetings in September, the Combined Authority and each Constituent Council:
 - Considered the outcome of the public consultation on the Scheme, which has been undertaken jointly by the Constituent Councils and the Combined Authority; and
 - Resolved to submit the summary of the consultation responses to the Secretary of State.
- 1.3 Subsequently the consultation summary report, along with representations from Leeds City Council and Kirklees Council were submitted to the Secretary of State. This submission, along with the Scheme have then been used to draft the Order.
- 1.4 Following these approvals this report seeks consent to:
 - Consent in principle to the draft Order, to establish a mayoral combined authority and associated changes as set out in the ‘minded to’ Devolution Deal.
 - Delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of each Constituent Council and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise.

2. Information required to take a decision

Benefits of the Deal

- 2.1 As previously reported, the Deal will devolve a range of powers and responsibilities to West Yorkshire Combined Authority. It will unlock significant long-term funding and give the region greater freedom to decide how best to meet local needs.
- 2.2 The ‘minded to’ devolution deal, the biggest ever of its kind, and establishing a Mayoral Combined Authority will enable more:
 - Funding: to invest in our people, businesses and communities
 - Powers: to shape West Yorkshire and take decisions closer to people
 - Influence: to shape Government policy and access further devolution and funds
- 2.3 The ‘minded to’ devolution deal offers both investment and decision making which are crucial to fulfil West Yorkshire’s potential and meet current challenges. The deal brings:
 - Control of £38m per year allocation of gainshare investment funding over 30 years, to drive growth and take forward our priorities
 - A five-year integrated transport settlement starting in 2022/23, and agreement to explore West Yorkshire Mass Transit
 - New powers relating to transport, including easier access to bus franchising and a regional approach to control of a Key Route Network
 - Devolution of Adult Education powers and the Adult Education Budget to shape local skills provision to respond to local needs
 - £25m Heritage Fund to support the establishing of a potential ‘British Library North’
 - New powers on planning, focusing on zero carbon
 - £3.2m to support development of a pipeline of housing sites across West Yorkshire

- Transport infrastructure development and funding for the Bradford Station Masterplan and the Outline Business Case for Leeds Station redevelopment
- Ongoing partnership with the Environment Agency on identifying and addressing flood risk management requirements with £101m allocated for West Yorkshire flood risk management schemes
- £200,000 for the Yorkshire Leaders Board
- £75,000 West Yorkshire Local Digital Skills Partnership
- Piloting the new National Green Infrastructure Standards with Natural England and DEFRA
- Transfer of Police & Crime Commissioner (PCC) functions to the new Mayor in 2021
- Commitment to working in partnership to explore an “Act Early” Health Institute
- Strengthened collaboration and partnership with Government

2.4 Devolution and Mayoral Combined Authority preparations are already having an impact on access to funding and increased opportunities for the region. These have been sought and secured through:

- £317m Transforming Cities Fund, the largest allocation to any region, to deliver transformational walking and cycling schemes across West Yorkshire and creating jobs
- £67m funding for new homes on Brownfield sites
- A seat at the national table on economic recovery

2.5 The initial gainshare funding for the financial year 2020/2021 will be available prior to the first Mayoral election, but subject to: the establishing legislation being in place; and a revised Assurance Framework being approved.

Process for enacting the deal

2.6 The Local Democracy, Economic Development and Construction Act 2009 sets out statutory processes to be followed before any Order is made. Each aspect has a specific statutory procedure to be followed. In addition, the consent of each Constituent Council and the Combined Authority is required to any Regulations giving the Combined Authority powers to borrow for non-transport functions, however these are to be progressed separately and at a later date to the making of the Order.

2.7 The process to enact the deal is set out in the timetable at appendix 1 to this report. This process addresses all statutory procedural requirements. Stages 1-4 are now complete. The following sections of the report provide a summary of the draft Order. The full document is available as [Appendix 2](#) to this paper.

Devolution Consultation Follow Up

2.8 As previously reported, between 25 May and 19 July 2020, we asked the public and stakeholders for feedback on the devolution deal through a formal public consultation. We published a governance review and the Scheme which gave the detail of the ‘minded-to’ devolution deal signed between West Yorkshire leaders and the Government in March 2020. A total of 4,413 responses were received, making it the largest ever public consultation on English regional devolution, despite the challenges of Covid-19. The feedback received was considered by the Combined Authority and Constituent Councils in September and then submitted to the Secretary of State.

2.9 A wide range of views were offered as part of the consultation responses. The high-level themes were included and responded to in the reports that were considered by the

Combined Authority and Constituent Councils in September. Commitment was also made to reflect on the views expressed in devolution consultation and provide detailed responses. To ensure it is clear how views have been reflected the Combined Authority has responded to the comments raised through 'you said, we did' communications, which have been published on the YourVoice website. The themes covered include:

- General – cost, bureaucracy, decision making
- Governance – decision making, local communities
- Transport – ticketing, climate emergency
- Employment and skills – unemployment, upskilling
- Housing and planning – affordable housing, energy efficiency
- Police and crime – accountability, politicisation
- Finance – taxes, value for money

2.10 In addition, during the process of taking the consultation responses through Constituent Council meetings, although support was received, some issues were raised. The main issues raised were in relation to: scrutiny of the devolution implementation; and local engagement and decision making regarding the agreement of the Spatial Development Strategy.

2.11 These issues were raised in the letter to the Secretary of State, which accompanied the Consultation Summary Report.

2.12 As part of the work that the Combined Authority is undertaking to become a mayoral combined authority, scrutiny arrangements are being reviewed to ensure they are fit for purpose. As part of this work the Combined Authority's Overview and Scrutiny Committee are holding a range of working groups to discuss, review and make recommendations for change. The Chair of this committee has contacted Overview and Scrutiny Chairs from Constituent Councils to offer them an opportunity to comment on this work, particularly any views on the how scrutiny at a West Yorkshire level can engage with local scrutiny in the future.

Draft Order

2.13 The Secretary of State has now formally decided that the statutory tests have been met and that the implementation of the devolution deal should proceed. The Mayoral Order has therefore been drafted. Officers of the Combined Authority have liaised closely with government officials in relation to the intended wording of the Order.

2.14 The Order is a technical document which will ultimately become legislation. It includes details of:

- When the functions will commence
- The election of Mayor
- The Mayor's Political adviser
- Education, skills and training functions
- Housing, regeneration and planning functions
- Mayoral development corporation
- Transport functions
- Mayoral functions
- Funding
- Police and Crime Commissioner functions

- 2.15 The draft Order, which is attached at [Appendix 2](#) to this report, has been reviewed to ensure it reflects the 'minded to' devolution deal and Scheme and includes the expected functions and supporting legislation. Upon review there are two areas of deviation from the 'minded to' devolution deal or the Scheme namely, Spatial Planning and Highways powers.
- 2.16 Functions relating to the Spatial Development Strategy (SDS) and Strategic Infrastructure Tariff (SIT) were a part of the 'minded to' devolution deal and the Scheme. Due to the ongoing national planning reforms that are underway, through the Planning White Paper, Government have decided to remove the SDS and SIT from the draft Order at this time. A letter from the Minister for Regional Growth and Local Government, explaining these changes is included at [Appendix 3](#) to this report.
- 2.17 Government officials have indicated that once the outcome of the planning reform is complete, the relevant equivalent functions will be conferred to West Yorkshire. It is currently unknown what this will look like, or the timescales associated, further correspondence is expected from Government.
- 2.18 Officers will develop proposals, in line with the Scheme, regarding how local collaboration on spatial planning will continue in the interim, particularly with regards to mass transit and the climate emergency, which were planned to be at the heart of any Spatial Development Strategy.
- 2.19 The operational highways functions within the Order are consistent with the 'minded to' devolution deal and Scheme. The highways functions conferred will cover the Combined Authority area of West Yorkshire. The functions can however only be exercised with the unanimous approval of the five Combined Authority members appointed by Constituent Councils.
- 2.20 The KRN and the roads which constitute it, in respect of which the concurrent powers of the Combined Authority will apply, will be defined locally at a subsequent time and agreed with the consent of the Constituent Councils. This model offers flexibility to define and change the KRN locally and over time by agreement.
- 2.21 Once the Order has been made the functions detailed in the Order will be conferred to the Combined Authority in line with the following timescales
- Combined Authority functions will be conferred once the Order has been made in parliament.
 - Mayoral functions, once the mayor is in office.
- 2.22 Following the development of the Order there is still much work to be undertaken to implement and operationalise the Order. The Combined Authority and Constituent Councils will work closely together to develop and agree local protocols before the Order is made. These protocols will:
- Provide further clarity that no functions are taken away from the Constituent Councils.
 - Detail how any functions which are held concurrently between the Combined Authority and the Constituent Councils will be operated
 - Detail how consent functions will work in practice.

Next Steps

- 2.23 As part of the parliamentary process, in parallel to the consents sought through this paper, the draft Order is being considered by Parliament's Joint Committee on Statutory Instruments (JCSI). Their role is to focus on the technical quality of the draft Order as opposed to the policy content and amendments at this point would be those required to ensure that the Order is well drafted. The JCSI process may therefore lead to technical amendments being made to the Order, these will be non-negotiable.
- 2.24 In order to facilitate any technical amendments to the draft Order, following the consent of each Constituent Council and the Combined Authority, it is proposed that authority is delegated to the Managing Director of the Combined Authority, in consultation with the Chief Executive and Leader of each Constituent Council and the Chair of the Combined Authority to finalise and consent to the Order, further to any technical amendments which may arise.
- 2.25 The Order will then be laid in parliament in early December 2020.
- 2.26 Appendix 1 to this report sets out the timeline for implementing the deal.

Police and Crime Commissioner

- 2.27 To support understanding of the degree of work required to transfer the Police and Crime Commissioner functions to the Mayor in May 2021, an external due diligence exercise was commissioned by the Combined Authority through a competitive tender process. The scope of this critical exercise included an understanding of the scale of the transfer, the mechanisms necessary to transfer PCC functions, as well as the instruments and resourcing required to enable this.
- 2.28 An external due diligence exercise and risk assessment on the transferring of PCC functions has concluded that there are no insurmountable barriers to the transfer. Key areas of risks have been identified including resourcing of the transfer work; staff transition; future changes to the funding model; the Parliamentary timetable for agreeing the Order; and future funding and fleet replacement for the National Air Police Service (NPAS), all of which have identified risk mitigation actions assigned. A full project plan for the transfer of functions with appropriate resourcing is now in development.
- 2.29 The arrangements for the Police and Crime Panel (PCP), which provides scrutiny of the work of the PCC, will remain as the per the current arrangements. That is, the PCP will be retained as a joint committee, supported by Wakefield Council as the Support Services Authority to the panel. This could be reviewed at a later date in light of potential changes arising from the Home Office's PCC review and subject to further discussion and agreement.

3. Implications for the Council

3.1 Working with People

There are no staffing implications arising from this report. The establishment of the Mayoral Combined Authority has staffing implications in terms of additional resources to deliver the ambition of the Deal and these will be considered in separate reports at the appropriate point.

3.2 Working with Partners

The "minded-to" Deal will encourage collaboration on systems, structures and procedures to support the area to make decisions, set strategy and manage delivery across a range of

partners in West Yorkshire. Inclusive Growth is a key priority for West Yorkshire Combined Authority and the LEP. Although there are no immediate implications on Inclusive Growth arising as a direct result of the report.

3.3 Place Based Working

The “minded-to” Deal will put in place appropriate governance structures that reflect the needs and opportunities across the West Yorkshire area and the places within it.

3.4 Climate Change

As part of the “minded-to” Deal text, the Government welcomed West Yorkshire’s commitment to becoming a net zero carbon economy by 2038, with significant progress by 2030. There are however, no immediate implications on Clean Growth arising as a direct result of the report.

3.5 Improving outcomes for children

The “minded-to” Deal includes measures around funding and functions focused on skills and education, including careers advice, apprenticeships and Further Education.

3.6 Other (e.g. Legal/Financial or Human Resources)

- The ‘minded to’ Devolution Deal includes a number of flagship funding arrangements including £38m for 30 years into the West Yorkshire Investment Fund, £317m from the Transforming Cities Fund and control over the £63m annual Adult Education budget. The implications of these and the other funding provisions contained within the ‘minded to’ Deal will be subject to future reports.
- It is proposed that this decision is exempt from call-in on the grounds of urgency as any delay caused by the call-in process would prejudice the Combined Authority’s and Constituent Councils’ interests and delay the consent to the draft Order, which would have a significant detrimental impact on the proposed timeline set out in Appendix 1. The Chair of Scrutiny would like it noting the exemption is given very reluctantly and understands this is entirely down to Government timescales. The Chair would also like it to be noted that they believe that there should have been time allowed in the decision-making timeline from government for exceptions not to be required.
- S101(5) Local Government Act 1972 provides that two or more local authorities (defined to include a Combined Authority) may discharge any of their functions jointly and may arrange for the discharge of those functions by an officer of one of the authorities.
- An Equalities Impact Assessments has been undertaken for implementation of the deal. The assessment has taken account of the obligations under section 149 of the Equality Act 2010 (i.e. the public sector equality duty). It is not expected that the proposals described in this report will have any adverse impacts on people with protected characteristics. The Combined Authority will ensure that the equality impact assessments are reviewed throughout the devolution implementation process.

4. Consultees and their opinions

- 4.1 As part of the statutory process, as set out above, public consultation has been undertaken. The summary of the results must be submitted to the Secretary of State before an Order creating the West Yorkshire Mayoral Combined Authority can be made.

- 4.2 The Leader of the Council supports the recommendations.
- 4.3 The consultation was discussed by Overview & Scrutiny Management Committee formally 9th June and informally 10th July. The Committee also considered progress on the devolution deal for West Yorkshire 29th October 2020.
- 4.4 This report was presented at Council 25th November for consideration, comment and endorsement. Any comments made will be considered by Cabinet.

5. Officer recommendations and reasons

- 5.1 To note the contents of this report, along with the draft Order attached as Appendix 2.
- 5.2 To consent in principle to the draft Order attached as Appendix 2, to establish a mayoral combined authority and associated changes as set out in the 'minded to' Devolution Deal.
- 5.3 To delegate authority to the Managing Director of the Combined Authority, in consultation with the Leader and Chief Executive of each Constituent Council and the Chair of the Combined Authority, to finalise and consent to the final draft of the Order further to any technical issues which may arise. Accordingly, to authorise the Kirklees Council Leader and Chief Executive to act as consultee on behalf of the Council for these purposes.
- 5.4 To note the updated timetable set out in Appendix 1 to this report and the next steps which are subject to the consent being given by the Constituent Councils and Combined Authority, to the draft Order that the SoS will lay the Order in parliament in December 2020. Accordingly, to delegate authority to the Service Director Legal, Governance and Commissioning (Monitoring Officer) to make necessary amendments to the Council's Constitution.
- 5.5 To note Corporate Governance and Audit Committee are currently considering proposed governance and reporting arrangements between the proposed Mayoral Authority and the Council.
- 5.6 To note that this decision is exempt and the Chair of Overview and Scrutiny Management Committee has exempted it from call in on urgency grounds as set out in paragraph 3.6 of this report.

Reasons

- 5.7 The draft Order is consistent with principles set out in previous cabinet reports and the Governance Review and Scheme and the outcome of the consultation that no amendments to the Scheme were submitted to the Secretary of State save for comments by Leeds and Kirklees. Not to consent to the draft Order will mean in all practical terms that a Mayoral Combined Authority which was agreed in the "minded to" devolution deal could not be implemented.

6. Cabinet Portfolio Holder's recommendations

- 6.1 The Leader of the Council supports the recommendations at Paragraph 5 above which will support his vision to secure additional investment and opportunities for Kirklees and to take decisions affecting our communities within the region.

6.2 The Leader thanks all Kirklees councillors from across different parties in working together with us on this to deliver such a ground-breaking deal for West Yorkshire.

7. Appendices

[Appendix 1](#) – Timetable for Implementation

[Appendix 2](#) – Draft Order

[Appendix 3](#) – Letter from Minister for Regional Growth and Local Government

8. Contact officer

Julie Muscroft – Service Director, Legal Governance and Commissioning –
julie.muscroft@kirklees.gov.uk – 01484 221000

Nick Howe – Partnerships and Corporate Planning –
nick.howe@kirklees.gov.uk – 01484 221000

Karl Larrad – Legal Governance and Commissioning –
karl.larrad@kirklees.gov.uk - 01484221000

9. Background Papers and History of Decisions

The 'minded to' Devolution Deal is referenced as a background document within this report.

West Yorkshire Devolution Deal – Review of Governance Arrangements: Cabinet 24th March 2020

<https://democracy.kirklees.gov.uk/documents/s35794/West%20Yorkshire%20Devolution%20Deal.pdf>

Devolution Deal for West Yorkshire – Review, Scheme and Consultation: Cabinet May 21st 2020

<https://democracy.kirklees.gov.uk/documents/g5962/Agenda%20frontsheet%2021st-May-2020%2015.00%20Cabinet.pdf?T=0>

Devolution Deal for West Yorkshire – Consultation outcomes: Cabinet 1st September 2020 and Council 9th September 2020

<https://democracy.kirklees.gov.uk/documents/g6485/Public%20reports%20pack%2001st-Sep-2020%2014.00%20Cabinet.pdf?T=10>

MCA Ready Devolution Implementation – Equality Impact Assessment

<https://www.westyorks-ca.gov.uk/consultations/west-yorkshire-devolution-consultation/>

10. Service Director responsible

Jacqui Gedman – Chief Executive –

jacqui.gedman@kirklees.gov.uk – 01484 221000

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APPENDIX 1 - Devolution Implementation Timetable

Step	Action/Decision	When – proposed timescales	Who
1	Carry out statutory Review	April - May 2020	Each Constituent Council and the Combined Authority jointly
	Consider Review outcome and resolve: <ul style="list-style-type: none"> • that an Order would be likely to improve statutory functions • agree Scheme for publication • agree to consult public on the Scheme 	W/c 18 May 2020	Each Constituent Council, and the Combined Authority
2	Publish Scheme	25 May 2020	Constituent Councils and the Combined Authority jointly
3	Consultation	25 May 2020 - 19 July 2020	Constituent Councils and the Combined Authority jointly
4	Consider outcome of consultation and resolve to submit a summary of responses to the Secretary of State	1-8 September 2020	Each Constituent Council and the Combined Authority
5	Secretary of State approves proposals set out in Scheme and decides to lay draft Order/Regulations	November 2020	Secretary of State
5	Consent to draft Order	w/c 23 November 2020	Each Constituent Council and the Combined Authority
	Draft order scrutinised by the JCSI legal advisers	November 2020	Joint Committee on Statutory Instruments
	Final consent to the order sought	30 November	Constituent Councils and the Combined Authority by delegation
6	Order laid	Early December 2020	Secretary of State
	Order made and final deal published	January/February 2021	Secretary of State
-	Notice of Mayoral Election	March 2021	Mayoral Combined Authority
-	Election of Mayor	May 2021	-

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STATUTORY INSTRUMENTS

2020 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

EDUCATION, ENGLAND

POLICE, ENGLAND AND WALES

**The West Yorkshire Combined Authority (Election of Mayor
and Functions) Order 2020**

Made - - - - - ***

Coming into force - - - - - ***

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The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1), 105(1) and (3), 105A(1), (2), (3) and (7), 107A, 107D(1), (5), (7) and (8), 107(E)(1) to (4), 107F(1), (5) and (6), 114(1) and (3), 115, 116, 117(5), paragraph 3 of Schedule 5B and Schedule

5C to the Local Democracy, Economic Development and Construction Act 2009(a) (“the 2009 Act”).

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act(b), considers that—

(a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates, and;

(b) any consultation required by section 113(2) of the 2009 Act(c) has been carried out.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities and the need to secure effective and convenient local government(d).

In accordance with sections 105(3A) and 105B(1) and (2) of the 2009 Act, the West Yorkshire Combined Authority (“the Combined Authority”) and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order(e).

In accordance with sections 107D(9) and 107F(4) of the 2009 Act the Combined Authority, and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

1.—(1) This Order may be cited as the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2020.

(a) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c.1) (“the 2016 Act”). Section 105 was amended by sections 6, 9, and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Sections 107D and 107E were inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act 2011 (c. 20) and Schedule 5 to the 2016 Act.

(b) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.

(c) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.

(d) Section 113(3) of the 2009 Act requires the Secretary of State, when making an order under sections 104, 105, 106 or 107 of the 2009 Act in relation to an existing combined authority, to have regard to these matters.

(e) This Order relates to the West Yorkshire Combined Authority, which was established by the West Yorkshire Combined Authority Order (S.I. 2014/864).

(2) Save as provided in paragraphs (3) and (4) this Order comes into force on the day after the day on which it is made.

(3) Articles 4 and 27 come into force on the fourth day after the day of the election for the return of the Mayor.

(4) Articles 34(1), 35, 36, 37 and 38 come into force on 10th May 2021.

(5) Articles 6 and 7 of this Order only apply in relation to the provision of education or training in an academic year beginning on or after 1st August 2021.

(6) In paragraph (5), “academic year” means a period beginning with 1st August and ending with the next 31st July.

Interpretation

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984(a);

“the 1985 Act” means the Housing Act 1985(b);

“the 1988 Act” means the Road Traffic Act 1988(c);

“the 1989 Act” means the Local Government and Housing Act 1989(d);

“the 1990 Act” means the Town and Country Planning Act 1990(e);

“the 1999 Act” means the Greater London Authority Act 1999(f);

“the 2003 Act” means the Local Government Act 2003(g);

“the 2008 Act” means the Housing and Regeneration Act 2008(h);

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009(i);

“the 2011 Act” except in Part 10 and Schedule 5 means the Localism Act 2011(j),

“the BRS Act” means the Business Rate Supplements Acts 2009(k);

“the 1996 Regulations” mean the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996(l);

“the 2014 Order” means the West Yorkshire Combined Authority Order 2014(m);

“adult detention” has the meaning given by section 121(4) of the Apprenticeships, Skills, Children and Learning Act 2009;

“apprenticeship training” has the meaning given by section 83(5) of the Apprenticeships Skills Children and Learning Act 2009;

“the Area” means the area of the West Yorkshire Combined Authority;

“the Combined Authority” means the West Yorkshire Combined Authority;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3, following the designation of an area of land by the Combined Authority;

(a) 1984 c. 27.

(b) 1985 c. 68.

(c) 1988 c. 52.

(d) 1989 c. 42.

(e) 1990 c. 8.

(f) 1999 c. 29.

(g) 2003 c. 26.

(h) 2008 c. 17.

(i) 2009 c. 20.

(j) 2011 c. 20.

(k) 2009. C.7.

(l) S.I. 1996/2489 amended in relation to England by S.I. 2009/1116.

(m) S.I. 2014/864.

“constituent councils” means the metropolitan district councils for the local government areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield;

“the deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;

“election for the return of the mayor” means an election held pursuant to article 3 of this Order;

“the ordinary day of election”, in relation to any year means the day which is the ordinary day of election in that year of councillors for counties in England and districts as determined in accordance with sections 37 and 37A of the Representation of the People Act 1983.

“Mayor” means the mayor for the Area, except in the term “Mayor of London”;

“non-constituent council” means the council for the local government area of York;

“the police and crime commissioner” means the police and crime commissioner for West Yorkshire;

“the PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992(a) (as modified by the Combined Authorities (Finance) Order 2017)(b) in respect of the mayor’s PCC functions; and

“the PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992 (as modified by the Combined Authorities (Finance) Order 2017) in respect of the mayor’s PCC functions.

PART 2

Election of Mayor

Election of Mayor

- 3.**—(1) There is to be a mayor for the Area.
- (2) The first election for the return of a mayor for the Area is to take place on 6th May 2021.
- (3) Subsequent elections for the return of a mayor for the Area shall take place—
- (a) on the ordinary day of election in 2024, and
 - (b) in every fourth year thereafter on the same day as the ordinary day of election.
- (4) The term of office of the mayor returned at an election for the return of a mayor for the Area—
- (a) begins with the fourth day after the day of the poll at the election for the return of a mayor for the Area, and
 - (b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area.

Political adviser

- 4.**—(1) The Mayor may appoint one person as the Mayor’s political adviser.
- (2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.
- (3) No appointment under paragraph (1) may extend beyond—

(a) 1992 c. 14. Section 42A was inserted by section 75 of the Localism Act 2011 (c. 20) and amended by article 3 of S.I. 2014/389. Section 107G of the Local Government and Devolution Act 2016 (c.1) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

(b) S.I. 2017/611.

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups^(a)), apply in relation to an appointment under paragraph (1) as if—

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
- (b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words “and that the appointment terminates” to the end of that subsection were omitted.

PART 3

Education, skills and training functions

Concurrent exercise of local authority functions

5.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals^(b));
- (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential^(c));
- (c) section 560A of the Education Act 1996 (work experience for persons over compulsory school age)^(d);
- (d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)^(e);
- (e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)^(f);
- (f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)^(g);
- (g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)^(h);

(a) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by S.I. 2001/2237. There are other amendments not relevant to this Order.

(b) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by S.I. 2010/1158.

(c) 1996 c. 56. Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by S.I. 2010/1158.

(d) Section 560A was inserted by section 47 of the Apprenticeships, Skills, Children and Learning Act 2009.

(e) Section 10 was amended by S.I. 2010/1158.

(f) Section 12 was amended by S.I. 2010/1158.

(g) Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by S.I. 2010/1158

(h) Section 70 was amended by section 28 of the Education Act 2011 and by S.I. 2010/1158.

- (h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(a); and
- (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(b).

(3) The functions are exercisable concurrently with the constituent councils.

(4) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

(6) Section 10(c) of the Children Act 2004 (co-operation to ensure well-being) applies to the Combined Authority as it applies to a constituent council for the purposes of the provision of 14–19 education or training in the Area within the meaning of section 85(5) of the Education and Skills Act 2008.

Transfer of functions from the Secretary of State to the Combined Authority in relation to the Area

6.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009(d) are exercisable by the Combined Authority in relation to the Area—

- (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)(e);
- (b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(f); and
- (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(g).

(2) The functions mentioned in paragraph (1) do not include —

- (a) any functions relating to apprenticeship training;
- (b) any functions relating to persons subject to adult detention; or
- (c) any power to make regulations or orders.

(3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

(a) Section 71 was amended by section 28 of the Education Act 2011.

(b) Section 85 was amended by S.I. 2010/1158.

(c) 2004 c. 31. Section 10 was amended by section 39 of and paragraph 4 of Schedule 3 to the Offender Management Act 2007 (c. 21), section 169 of and paragraphs 82 and 83 of Part 2 of Schedule 1 to the Education and Skills Act 2008, section 193 and 266 of and Part 5 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009, sections 99 of and paragraphs 330 and 331 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 67 of and paragraph 23 of Schedule 16 to the Education Act 2011 (c. 21), section 55 of and paragraphs 127 and 128 of Schedule 5 to the Health and Social Care Act 2012 (c. 7), section 82 of and paragraph 80 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6), and by SI 2010/1158.

(d) 2009 c. 22.

(e) Section 86 was amended by paragraphs 1, 2 and 9 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c.20); by paragraphs 88 and 90 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6); and by section 30 of, and paragraphs 1 and 7 of Schedule 18 to, the Education Act 2011 (c.21).

(f) Section 87 was amended by paragraphs 1 and 10 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraph 91 of Part 2 of Schedule 3 to the Children and Families Act 2014.

(g) Subsection (1) is amended by section 114(2) of the Digital Economy Act 2017 (c. 30), on a date to be appointed. Section 88 was amended by paragraph 11 of Part 1 of Schedule 14 to the Deregulation Act 2015 and by section 73 of the Education Act 2011.

Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Area

7.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority in relation to the Area—

- (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention); and
- (b) section 100(1) (provision of financial resources)(a).

(2) The functions mentioned in paragraph (1) do not include—

- (a) any function relating to apprenticeships training; or
- (b) any function relating to persons subject to adult detention.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Area.

Conditions on the exercise of functions mentioned in articles 6 and 7

8.—(1) 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.

(2) In exercising the functions mentioned in articles 6 and 7, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(b).

(3) In subsection (1), “award” has the same meaning as in regulation 2 of the Fees and Awards (England) Regulations 2007(c).

Modification of provisions in the Apprenticeships, Skills, Children and Learning Act 2009

9.—(1) For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 6 and 7 sections 86 to 88, 90, 100, 101, 103, 115 and 121 of the Apprenticeships, Skills, Children and Learning Act 2009 apply in relation to the Combined Authority with the modifications set out in Schedule 1.

PART 4

Housing, regeneration and planning

Conferral of functions corresponding to functions that the HCA has in relation to the Area

10.—(1) The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);

(a) Section 100 was amended by section 27 of the Enterprise Act 2016 (c. 12); by Schedules 1 and 14 to the Deregulation Act 2015; and by paragraphs 1 and 9 of Schedule 18 to the Education Act 2011.

(b) The Secretary of State’s guidance was published on 23rd July 2018 and is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730012/The_exercise_of_devolved_adult_education_functions.pdf. Copies are available on request from the Department for Education, 20 Great Smith Street, London SW1P 3BT.

(c) S.I. 2007/779, as amended by S.I. 2007/2263, S.I. 2010/1172, S.I. 2010/1941, S.I. 2011/87, S.I. 2011/1043, S.I. 2011/1987, S.I. 2012/765, S.I. 2012/956, S.I. 2012/1653, S.I. 2015/971, S.I. 2016/584, S.I. 2017/114, and S.I. 2018/137.

- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(a);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of —

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

Acquisition and appropriation of land for planning and public purposes

11. The functions of the constituent councils specified in the following provisions as applied by article 13(2) to (5) are exercisable by the combined authority in relation to the Area—

- (a) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(b);
- (b) section 227 of the 1990 Act (acquisition of land by agreement);
- (c) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (d) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (e) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (f) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(c);
- (g) section 235 of the 1990 Act (development of land held for planning purposes);
- (h) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(d);
- (i) section 238 of the 1990 Act (use and development of consecrated land);
- (j) section 239 of the 1990 Act (use and development of burial grounds);

(a) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

(b) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.

(c) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(d) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

- (k) section 241 of the 1990 Act (use and development of open spaces);
- (l) section 17 of the 1985 Act (acquisition of land for housing purposes)(a); and
- (m) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes).

(2) The functions are exercisable concurrently with the constituent councils.

Condition on the exercise of the functions conferred by articles 10 and 11

12. The exercise of the functions in section 17 of the 1985 Act (insofar as this function is exercised for the compulsory purchase of land), 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined Authority requires the consent of —

- (a) each member of the Combined Authority appointed under paragraph 1 (2) of Schedule 7 to this Order whose area contains any part of the land subject to the proposed compulsory acquisition, or
- (b) substitute members acting in place of those members,

to be provided at a meeting of the Combined Authority.

Application of provisions of 1985 Act, the 1990 Act and the 2008 Act

13.—(1) This article has effect in consequence of articles 10 and 11.

(2) The provisions set out in section 17 of the 1985 Act (acquisition of land for housing purposes) apply to the Combined Authority as they apply to a constituent council.

(3) For the purposes of article 11(1)(l) and (m) the Combined Authority is to be treated as a local housing authority for the Area(b).

(4) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land which has been vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(5) Chapters 1 and 2 of Part 1 of and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2.

PART 5

Mayoral development corporation

Mayoral development corporation

14.—(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2), that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)(a);

(a) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

(b) In section 1 of the 1985 Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.

- (d) section 202 (functions in relation to town and country planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)(b);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

Application of provisions in the 2011 Act

15.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(4) For the purposes of any transfer scheme relating to a Corporation under any provisions of the 2011 Act applied with modifications by this Order, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, section 235 of the 2011 Act (orders and regulations) applies in relation to—

(a) Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(b) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

- (a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(a);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(b);
- (c) section 38 of the 1999 Act (delegation)(c);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(d);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(e);
- (f) section 73 of the 1999 Act (monitoring office)(f);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TFL for shared purposes)(g);
- (h) section 424 of the 1999 Act (interpretation)(h);
- (i) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(i); and
- (j) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(j).

(7) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

Mayoral development corporation: incidental provisions

16.—(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(a), and

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- (a) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act
 - (b) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by S.I. 2012/1530.
 - (c) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of S.I. 2012/1530.
 - (d) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of S.I. 2008/2038.
 - (e) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (f) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to S.I. 2000/1435.
 - (g) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017
 - (h) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (i) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act
 - (j) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

(b) sections 2 and 3A (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of that section.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(b) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation but as if—

(a) each reference to a functional body were a reference to a Corporation;

(b) each reference to the Greater London Authority were a reference to the Combined Authority;

(c) each reference to the Mayor of London were a reference to the Mayor; and

(4) subsection (7) were omitted.

PART 6

Transport

Power to pay grant

17.—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising functions referred to in paragraphs (1) and (2), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined Authority of the functions specified in paragraphs (1) and (2), section 31 of the 2003 Act has effect as if—

(a) in subsection (1)—

(i) the reference to a Minister of the Crown were a reference to the Combined Authority;

(ii) the reference to a local authority in England were a reference to a constituent council;

(b) subsection (2) were omitted;

(a) Section 1 was amended by section 80 of the Local Government Act 1972, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(b) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(1) and 23(1)(a) to (f) of SI 2001/2237.

- (c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;
- (d) subsection (6) were omitted.

(7) In this article “highway functions” means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

Grants to bus service operators

18.—(1) Subject to paragraphs (2) to (4), the Combined Authority shall have in relation to the Area a function corresponding to the function in section 154(1) of the Transport Act 2000 (grants to bus service operators) which the Secretary of State has in relation to England.

(2) For the purpose of paragraph (1), section 154(1) of the Transport Act 2000 shall have effect as if “with the approval of the Treasury” were omitted.

(3) Grants made under paragraph (1) must be—

- (a) calculated in accordance with such method as may be provided by any regulations made by the Secretary of State by virtue of section 154(2) of the Transport Act 2000; and
- (b) subject to sub-paragraph (a), of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by the Secretary of State by virtue of section 154(3) of the Transport Act 2000 and notified to the Combined Authority.

(4) Grants must not be made under paragraph (1) to the extent that eligible bus services operate outside the Area.

(5) In this article, “eligible bus services” has the meaning given by section 154(5) of the Transport Act 2000.

Agreements between authorities and strategic highways companies

19.—(1) The functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc)(a) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(b) are exercisable by the Combined Authority in relation to the Area.

(3) The functions referred to in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article—

- (a) “the 1980 Act” means the Highways Act 1980(c);
- (b) “local highway authority” has the meaning given by section 329(1) of the 1980 Act(d).

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1 (2) of Schedule 7 to this Order.

(a) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015, and S.I. 1995/1986.

(b) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.

(c) 1980 c. 66.

(d) This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015

Traffic regulation

20.—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 1 (traffic regulation orders outside Greater London)(a);
- (b) section 2(4) (what a traffic regulation order may provide)(b);
- (c) section 9 (experimental traffic schemes)(c);

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) Part 1 of, and Schedule 9 to, the 1984 Act apply in relation to the exercise by the Combined Authority of the functions specified in paragraph (1) as they apply in relation to the exercise by the constituent councils of those functions.

(4) The 1996 Regulations apply in relation to orders made or proposed to be made by the Combined Authority in exercise of the functions specified in paragraph (1) as they apply in relation to orders made or proposed to be made by the constituent councils in exercise of those functions.

(5) For the purposes of paragraph (4), references in the 1996 Regulations to an order making authority are to be read as including references to the Combined Authority.

(6) In this article “local traffic authority” has the meaning given by section 121A(d) of the 1984 Act.

(7) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1 (2) of Schedule 7 to this Order.

Transport functions related to traffic signs and pedestrian crossings

21.—(1) The functions of the constituent councils as local traffic authorities specified in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 23 (pedestrian crossings); and
- (b) section 65 (placing of traffic signs).

(2) The functions specified in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3)) In consequence of subparagraphs (a) and (b) of paragraph (1) the Combined Authority, in the discharge of the functions conferred on it by those provisions—

- (a) is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980(e); and
- (b) is to be treated as a local traffic authority for the roads over which the functions are exercised.

(a) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 36 of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 7 of Schedule 11 to the Transport Act 2000, section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

(b) Subsection (4) was amended by paragraph 18 of Schedule 8 to the New Roads and Street Works Act 1991.

(c) Section 9 was amended by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40), paragraph 4 of the Local Government Act 1985 (c. 51), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015.

(d) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.

(e) 1980 c. 66; section 62 was amended by the Transport Act 1981 (c. 56), Schedule 10, paragraph 1, by the Traffic Calming Act 1992 (c. 30) section 1(1), 3 and by the Local Government Act 1985 (c. 51) Schedule 17; section 278 was substituted by the New Roads and Street Works Act 1991 section 23.

(4) In this article “local traffic authority” has the meaning given by section 121A(a) of the 1984 Act.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to paragraph 1 (2) of Schedule 7 to this Order.

Apparatus affected by highway, bridge or transport works

22.—(1) The functions of the constituent councils as highway authorities specified in the following enactments are exercisable by the Combined Authority in relation to the Area—

- (a) Sections 83, 84 and 85 of the New Roads and Street Works Act 1991(b); and
- (b) the 2000 Regulations.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) The 2000 Regulations apply in relation to the sharing of costs of diversionary works between the Combined Authority and undertakers as they apply in relation to the sharing of costs of diversionary works between a constituent council and undertakers.

(4) For the purposes of paragraph (3), references in the 2000 Regulations to an authority are to be read as including references to the Combined Authority.

(5) In this article—

- (a) “the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) Regulations 2000(c);
- (b) “undertaker” has the same meaning as in sections 48(4) and (5) (streets, street works and undertakers) and 89(4) (public sewers, sewer authorities and related matters) of the 1991 Act(d); and
- (c) “diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations.

(6) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to Article 1(2) of Schedule 7 to this Order.

Permit Schemes

23.—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the 2004 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 33 (preparation of permit schemes)(e);
- (b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(f); and
- (c) section 36 (variation and revocation of permit schemes)(g).

(2) The functions of the constituent councils as permit authorities specified in the 2007 Regulations are exercisable by the Combined Authority in relation to the Area.

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- (a) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). It was subsequently amended by section 271 of the 1999 Act, paragraph 95 of Schedule 1 to the Infrastructure Act 2015, and S.I. 1999/1820 and S.I. 2001/1400.
 - (b) Section 83 was amended by section 40 of, and Schedule 1 to the Traffic Management Act 2004 (c. 18).
 - (c) S.I. 2000/3314.
 - (d) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26) and section 89 was amended by Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 57 of the Traffic Management Act 2004 (c. 18).
 - (e) Section 33 was amended by section 51 of, and Schedule 10 to, the Deregulation Act 2015 (c. 20).
 - (f) Section 33A was inserted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.
 - (g) Section 36 was substituted by section 51 of, and Schedule 10 to, the Deregulation Act 2015.

(3) The functions mentioned in paragraph (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council, subject to the modifications in Schedule 4.

(5) The 2007 Regulations apply in relation to the content, preparation, operation, variation and revocation of permit schemes by the Combined Authority as they apply in relation to the content, preparation, operation, variation and revocation of permit schemes by a constituent council.

(6) For the purposes of paragraph (5), references in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined Authority.

(7) In this article—

- (a) “permit scheme” is to be construed in accordance with section 32 of the 2004 Act; and
- (b) “the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007^(a).

(8) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to Article 1(2) of Schedule 7 to this Order.

Bus lane contraventions

24.—(1) The functions of the constituent councils in relation to each of their civil enforcement areas are exercisable by the Combined Authority in relation to the Enforcement Area.

(2) The functions are exercisable by the Combined Authority (in relation to the Enforcement Area) concurrently with each constituent council (in relation to its civil enforcement area).

(3) For the purposes of this article, the Combined Authority is to be treated as an approved local authority^(b) for the Enforcement Area, and references in the 2005 Regulations to an approved local authority or to the combined area of such an authority are to be construed accordingly.

(4) In this article—

- (a) “the 2005 Regulations” means the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005^(c);
- (b) “civil enforcement area” means an area falling within Schedule 8 to the Traffic Management Act 2004 (civil enforcement areas and enforcement authorities)^(d) and which falls within a constituent council’s area;
- (c) “Enforcement Area” means the area comprising the civil enforcement areas of the constituent councils.

(5) Any exercise of the functions conferred by paragraph (1) requires the consent of each member of the Combined Authority appointed by a constituent council pursuant to Article 1(2) of Schedule 7 to this Order.

(a) S.I. 2007/3372, amended by S.I. 2015/958.

(b) Under section 144(3) of the 2000 Act an authority is an approved local authority if an order has been made designating the whole or any part of its area as a civil enforcement area for parking contraventions, and the Secretary of State has made an order specifying it as an approved local authority

(c) S.I. 2005/2757.

(d) 2004 c. 18.

PART 7

Additional functions

Other functions

25.—(1) The function of the constituent councils described in section 69 of the 2009 Act (duty to prepare an assessment of economic conditions) is exercisable by the Combined Authority in relation the Area.

(2) The function referred to in paragraph (1) is exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

(4) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

Data sharing

26.—(1) The functions of the constituent councils described in section 17A (sharing of information) of the Crime and Disorder Act 1998^(a) are exercisable by the Combined Authority in relation to the Area.

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998^(b).

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

PART 8

Mayoral functions

Functions exercisable only by the Mayor

27.—(1) The functions of the Combined Authority specified in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are the functions of the Combined Authority corresponding to the functions in the following enactments—

- (a) sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 of and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the 2011 Act;
- (b) section 154(1) of the Transport Act 2000 (grants to bus service operators);
- (c) section 17(3) of the 1985 Act;
- (d) section 9 (2) of the 2008 Act;
- (e) Section 31 of the 2003 Act; and
- (f) sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the Transport Act 2000 Act^(a);

(a) Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48)

(b) Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); section 99 of, and paragraphs 231 and 238 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); section s 6 and 9 of and paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017; and by S.I. 2000/90, S.I. 2002/2469, S.I 2007/961, S.I 2008/912, S.I. 2010/866 and S.I. 2013/602.

(3) Any exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of—

- (a) each member of the Combined Authority appointed under article 1 (2) of Schedule 7 to this Order by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or
- (b) substitute members acting in place of those members; and
- (c) the National Park authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of—

- (a) each member of the Combined Authority appointed under paragraph 1 (2) of Schedule 7 to this Order by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or
- (b) substitute members acting in place of those members.

(5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) each member of the Combined Authority appointed under article 1 (2) of Schedule 7 to this Order whose local government area contains any part of the area to be designated as a Mayoral development area; or
- (b) substitute members acting in place of those members; and
- (c) the National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park.

(6) Any exercise by the mayor of the functions corresponding to the functions contained in section 17 (3) of the 1985 Act (acquisition of land for housing purposes) and section 9 (2) of the 2008 Act (acquisition of land) requires the consent of—

- (a) each member of the Combined Authority appointed under article 1 (2) of Schedule 7 to this order whose local government area contains any part of the land to subject to the proposed compulsory acquisition; or
- (b) substitute members acting in place of those members.

(7) For the purposes of the exercise of the general functions mentioned in paragraph (2) the members and officers may assist the Mayor in the exercise of the function.

(8) The members of the Combined Authority can amend the plans made pursuant to article 27 (2) (f) if a majority of members agree.

(9) For the purpose of paragraphs (3), (4), (5)(a), 5(b) and (6) the consent must be given at a meeting of the Combined Authority.

(10) For the purposes of the exercise of the functions mentioned in paragraph (2) 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).

(a) 2000 c .38. Section 108 was amended by section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the 2009 Act. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the 2009 Act. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010

Joint committees

28.—(1) The Mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge general functions of the Combined Authority which are exercisable only by the Mayor pursuant to article 27.

(2) In this article “other council” means the council for a county or district in England.

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 specified 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 to 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 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 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(a).

(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.

Transitional provision

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

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

(a) S.I. 1992/2789.

(b) See section 1(2) of the Local Government Finance Act 1992 for meaning of “billing authority”.

(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(a).

(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(b) the amounts owing in respect of that precept in accordance with the Local Authorities (Funds) (England) Regulations 1992.

Conferral of Business Rate Supplements Functions

31.—(1) The Combined Authority has, in relation to its 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 30 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)(c).

(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.—(1) 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 include references to the Combined Authority.
- (b) references in that Act to a lower-tier authority are, in relation to the Combined Authority, references to a district council whose area forms part of the Combined Authority's area.

PART 10

Police and Crime Commissioner functions

Police and Crime Commissioner functions

34.—(1) The mayor for the Area shall exercise functions of a police and crime commissioner in relation to the Area.

(2) There is to be no police and crime commissioner for the Area from 10th May 2021.

(a) 1992. c.14.

(b) See section 89 of the Local Government Finance Act 1988 (c. 41) for requirement for a billing authority to maintain a collection fund and section 90(2)(a) of that Act for the obligation to make payments out of that fund in respect of a precept issued by a major precepting authority.

(c) 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.

(3) Any election of a police and crime commissioner for the area that would otherwise take place (whether before, on, or after 10th May 2021) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011(a) is not to take place.

(4) The term of office of the police and crime commissioner for West Yorkshire is to continue until 10th May 2021.

(5) Any election to fill a vacancy in the office of police and crime commissioner for West Yorkshire which would otherwise take place under section 51 of the Police Reform and Social Responsibility Act 2011 is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending on 10th May 2021.

(6) For the purpose of this Part “the 2011 Act” means the Police Reform and Social Responsibility Act 2011(b).

Transfer of police and crime commissioner functions

35.—(1) Subject to paragraphs (2) and (3), the mayor is to be treated, in relation to the mayor’s PCC functions, as a police and crime commissioner for the purposes of all police and crime commissioner enactments (whenever passed or made)(c).

(2) In their application to the mayor, the police and crime commissioner enactments set out in Schedule 5 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to those enactments set out in Schedule 6.

Transfer of property, rights and liabilities

36.—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 10th May 2021 were property, rights and liabilities of the police and crime commissioner are to transfer to, and by virtue of this paragraph vest in, the combined authority on 10th May 2021.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the mayor’s PCC functions on or after 10th May 2021—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the mayor;
- (c) any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the police fund kept by the mayor by virtue of section 21 of the 2011 Act.

(3) All monies held in the police fund kept by the police and crime commissioner under section 21 of the 2011 Act immediately before 10th May 2021 are, on that date, to transfer to the police fund kept by the mayor by virtue of that section (as applied in accordance with article 35 above).

(4) Nothing in paragraph (2) prevents the mayor from making arrangements under section 18(d) of the 2011 Act (as applied in accordance with article 35) in relation to the matters mentioned in paragraph (2).

(a) 2011 c. 13.

(b) 2011 c. 13.

(c) The definition of “police and crime commissioner enactment” is at paragraph 12(5) of Schedule 5C to the 2009 Act.

(d) 2011 c. 13. Section 18 makes provision to permit (with certain restrictions) the delegation of functions by a police and crime commissioner to the deputy police and crime commissioner and to other persons. Section 18 has been amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2)

Secondments

37. In the case of a person who, immediately before 10th May 2021 is seconded to the police and crime commissioner, the secondment is to have effect, after that time, as a secondment to the combined authority.

Continuity

38.—(1) The abolition of the police and crime commissioner, the transfer or abolition of the commissioner's functions, and the transfer of the commissioner's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Order from the commissioner to the combined authority.

(3) There may be continued by or in relation to the combined authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is in the process of being done by or in relation to the commissioner immediately before 10th May 2021.

(4) Anything which—

- (a) was made or done by or in relation to the commissioner for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before 10th May 2021;

has effect as if made or done by or in relation to the combined authority.

(5) The combined authority is to be substituted for the commissioner in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and
- (b) are made or commenced before 10th May 2021.

(6) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

Foreign property etc, perfection of vesting

39.—(1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999(a) (foreign property, rights and liabilities: perfection of vesting) apply to the transfer by this Order of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Order; and
- (b) references to the transferor and the transferee are to be construed accordingly.

Transfers: supplementary provision

40.—(1) All property, rights and liabilities transferred by this Order are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become

(a) 1999 c. 29.

exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.

(4) Paragraphs (1) to (3) above have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property, as they have effect in relation to the transfer made by this Order of land or other property.

(5) In this article—

“relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act; or
- (c) any deed or other instrument

Extension of financial year of Police and Crime Commissioner and Chief Constable for West Yorkshire

41.—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014(a) for a relevant authority to prepare a statement of accounts for each financial year ending on 31st March is modified in the case of the police and crime commissioner and chief constable for the financial year which began on 1st April 2020 to require—

- (a) the police and crime commissioner, or after the transfer made by this Order, the combined authority in respect of the police and crime commissioner’s accounts; and
- (b) the chief constable;

to prepare a statement of accounts from that date for the period which ends on 9th May 2021.

(2) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015(b) (“the Regulations”) concerning the commencement of the period for the exercise of public rights under regulation 9(1)(b) of the Regulations, is modified in the case of the police and crime commissioner and the chief constable for the financial year which began on 1st April 2020 so as to require the relevant responsible financial officer to ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of the Regulations begins on 19th July 2021.

(3) In this article—

“the chief constable” means the chief constable of the police force for West Yorkshire;

“the relevant responsible financial officer” means—

- (a) in relation to the police and crime commissioner, the responsible financial officer for the combined authority; and
- (b) in relation to the chief constable, the responsible financial officer for the police force for West Yorkshire;

“responsible financial officer” has the same meaning as in the Regulations (see regulation 2(2))

(a) 2014 c. 2.
(b) S.I. 2015/234

Modifications to the Local Government Act 1972

42.—(1) Section 86 of the Local Government Act 1972(a) applies in relation to the mayor with the following modification.

(2) After section 86(1)(c), insert—

“(d) ceases to be the mayor by virtue of section 63 of the 2011 Act;”

PART 11

Amendment of the 2014 Order

Amendment of the 2014 Order

43. Article 5 of the 2014 Order is omitted.

44. For Schedule 1 to the 2014 Order substitute the Schedule in Schedule 7 to this Order.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Name

Parliamentary Under Secretary of State

Date

Ministry of Housing, Communities and Local Government

SCHEDULE 1

Article 9

Modification of provisions of the Apprenticeships, Skills, Children and Learning Act 2009 in their application to the Combined Authority

1. All references to provisions in this Schedule are to provisions in the Apprenticeships, Skills, Children and Learning Act 2009.

2. Section 86 has effect as if—

- (a) in subsection (1), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”;
- (b) subsection (1)(b) were omitted but not “and” at the end;
- (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted “paragraph (a)”;
- (d) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
- (e) in subsection (6), paragraph (c) in the definition of “training” were omitted; and
- (f) in subsection (7), the words “or (b)” were omitted.

3. Section 87 has effect as if for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.

(a) 1972 c. 70. Section 86(2) was amended by section 59 of, and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments, but none is relevant.

4. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.

5. Section 90 has effect as if—

- (a) in subsection (1), for the first reference to “Secretary of State”, there were substituted a reference to “Combined Authority”;
- (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted “section 86(1)(a)”;
- (c) in subsection (1)(a), (b) and (c) for each reference to “Secretary of State’s remit” there were substituted the words “Combined Authority’s remit”.

6. Section 100 has effect as if—

- (a) in subsection (1), for the reference to “Secretary of State” there were substituted “Combined Authority”;
- (b) in subsection (1)(a), for the reference to “Secretary of State’s remit” there were substituted “Combined Authority’s remit”;
- (c) in subsection (3), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
- (d) in subsection (4), for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”.

7. Section 101(a) has effect as if for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”.

8. Section 103(b) has effect as if—

- (a) for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
- (b) the words “or (1A)” were omitted.

9. Section 115(c) has effect as if—

- (a) for the reference to “Secretary of State”, there were substituted “Combined Authority”;
- (b) in subsection (2)(a), the word “, and” were omitted; and
- (c) in subsection (2), paragraph (b) were omitted.

10. Section 121(d) has effect as if—

- (a) in subsection (1), there were added at the appropriate place—
“Combined Authority” means the West Yorkshire Combined Authority, a body corporate established under the West Yorkshire Combined Authority Order 2014;”;
- (b) in subsection (2)—
 - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
 - (ii) in paragraph (a), the words “or (b)” were omitted; and
- (c) in subsection (3)—

(a) Section 101 was amended by paragraphs 3 and 14 of Part 1 of Schedule 14 to the Deregulation Act 2015.
(b) Section 103 was amended by paragraphs 4 and 16 of Part 1 of Schedule 14 to the Deregulation Act 2015.
(c) Section 115 was amended by paragraph 23 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 88 and 93 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6).
(d) Subsection (1) is amended by paragraphs 1 and 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19) on a date to be appointed. Section 121 was amended by paragraph 22 of Part 1 of Schedule 1 and paragraph 27 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 1 and 12 of Schedule 18 to the Education Act 2011 (c.21).

- (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
- (ii) paragraphs (a) and (aa) were omitted.

SCHEDULE 2

Article 13

PART 1

Modification of the application of Chapter 2 of Part 1 of the 2008

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021]”; and
- (c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined Authority”;

- (4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—
““Combined Authority” means the body corporate established by the West Yorkshire Combined Authority Order 2014;”.

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to article 10 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021]”;

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 10 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021].

Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

“the Area” means the area of the Combined Authority;

“the Combined Authority” means the Combined Authority, established by West Yorkshire Combined Authority Order 2014;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015; and

“National Park authority” means a National Park authority for a National Park.”

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

- (a) “the Greater London Authority” there were substituted “the Combined Authority”;
- (b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and
- (c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

- (a) in subsection (1) for “Greater London” there were substituted “the Area”;
- (b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;
- (c) in subsection (3)(d)—
 - (i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (ii) for “the Mayor” there were substituted “the Mayor for the Area”; and
 - (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;
- (d) in subsection (3)(e)—
 - (i) for “the Mayor” there were substituted “the Mayor for the Area”; and
 - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
- (e) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined Authority”;
- (f) in subsection (4)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council whose local government area”;
 - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park.”;

- (v) paragraphs (f) and (g) were omitted;
 - (g) in subsection (5)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
 - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
 - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
 - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
 - (h) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
 - (i) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
 - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—
- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
 - (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the Area”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
 - (i) in paragraph (a), for “a London borough council” there were substituted a reference to “a district council wholly or partly in the Area”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the Area”;
 - (iv) paragraph (k) were omitted;
 - (b) in subsection (4) paragraph (b) were omitted; and
 - (c) in subsection (10), the definitions of a “functional body” and “public authority” were omitted.
- (8) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (9) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—
- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
 - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
 - (c) in subsection (7), in the definition of “affected authority”, “(f) or (g)” were omitted.

- (10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
 - (b) in sub-sections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (11) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the Area”; and
 - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.
- (12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
 - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) or a district council wholly or partly in the Area”; and
 - (c) in subsection (4) the definition of “an affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
 - (b) in subsection (4)—
 - (i) the definition of “functional body” were omitted; and
 - (ii) in the definition of “permitted recipient”—
 - (aa) paragraph (b) were omitted,
 - (bb) in paragraph (d) for “a London borough council” there were substituted “a district council wholly or partly within the Area”, and
 - (cc) paragraph (e) were omitted.
- (14) Schedule 21 of the 2011 Act (Mayoral development corporations) has effect as if—
- (a) for each reference to—
 - (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
 - (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
 - (b) for each reference to “an MDC” there were substituted “the Corporation”;
 - (c) in paragraph 1(1)—
 - (i) “the Mayoral development corporation (“MDC”)” there were substituted “Corporation”;
 - (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
 - (d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted a reference to “each relevant district council”;
 - (e) in paragraph 1(3)—
 - (i) sub-paragraph (a) were omitted; and
 - (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council”;
 - (f) in paragraph 1(5), for “MDC’s” there were substituted “Corporation’s”;

- (g) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council”;
- (h) in paragraph 3, for “MDC’s” there were substituted “Corporation’s”;
- (i) in paragraph 4(4) for “the London Assembly” there were substituted a reference to “the Combined Authority”;
- (j) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council”; and
- (k) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

SCHEDULE 4

Article 23

Permit schemes: modification of the application of part 3 of the 2004

1.—(1) Part 3 of the 2004 Act is modified as follows.

(2) Section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) has effect as if—

- (a) subsection (1) were omitted;
- (b) for subsection (2) there were substituted—

“(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined Authority shall not have effect in the combined area unless the Combined Authority gives effect to it by order.” And

- (c) subsection (3) were omitted.

(3) Section 36 (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

“(1) The Combined Authority may by order vary or revoke a permit scheme to the extent that it has effect in the combined area by virtue of an order made by the Combined Authority under section 33A(2).

(2) The Secretary of State may direct the Combined Authority to vary or revoke a permit scheme by an order under subsection (1).

(3)) An order made by the Combined Authority under subsection (1) may vary or revoke an order made by the Combined Authority under section 33A(2), or an order previously made by the Combined Authority under subsection (1).”

Modifications of police and crime commissioner enactments in their
application to the mayor

PART 1

Primary Legislation

Police (Property) Act 1897

- 1.—(1) The Police (Property) Act 1897(a) is modified as follows.
(2) In section 2(2A), for the last reference to “relevant body” substitute “combined authority”.

Trustee Investment Act 1961

- 2.—(1) The Trustee Investments Act 1961(b) is modified as follows.
(2) In paragraph 9 of Part 2 of Schedule 1, for “similar officer of the authority” substitute “similar officer of the combined authority deployed wholly or partly in relation to the PCC functions of the mayor”.

Pensions (Increase) Act 1971

- 3.—(1) The Pensions (Increase) Act 1971(c) is modified as follows.
(2) In paragraph 51(aa) of Schedule 2, for “a police and crime commissioner” substitute “the police and crime commissioner for West Yorkshire or of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

Local Government (Miscellaneous Provisions) Act 1976

- 4.—(1) The Local Government (Miscellaneous Provisions) Act 1976(d) is modified as follows.
(2) In section 29(1)(e), for “or transferred to the authority”, substitute “to the mayor, or transferred to the combined authority in relation to the mayor’s PCC functions.”.
(3) In section 30(3)(a)(f), for “maintained by a local authority”, substitute “maintained by the mayor of the combined authority”.
(4) In section 44(1), in paragraph (a)(g) of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “13, 14, 16, 29 and 38”.

Local Government, Planning and Land Act 1980

- 5.—(1) The Local Government, Planning and Land Act 1980(h) is modified as follows.
(2) In section 99—

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- (a) 1897 c. 30. Section 2(2A) was inserted by section 1(2) and (3) of the Police (Property) Act 1997 (c. 30)
(b) 1961 c. 62.
(c) 1971 c. 56. Paragraph 51(aa) was inserted by section 99 of, and paragraph 97 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
(d) 1976 c. 57.
(e) Section 29(1) was amended by section 190 of, and paragraph 14 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).
(f) Section 30(3)(a) was inserted by paragraph 126 of Schedule 16 to the Police Reform and Social Responsibility Act (c. 13).
(g) Section 44(1) was amended by section 119 of, and paragraph 43(a) of Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20); and section 99 of, and paragraph 127 of Schedule 16, to the Police Reform and Social Responsibility Act 2011; there are other amendments to this section, but none is relevant.
(h) 1980 c. 65.

- (a) After subsection (2), insert—
 - “(2A) Where a notice under subsection (1) is received by the combined authority and it relates to land used wholly or partly in relation to the mayor’s PCC functions, the mayor is to make any representations (referred to in subsection (2)) on behalf of the combined authority to the Secretary of State.”;
- (b) in subsection (4)—
 - (i) in paragraph (dbzb) after “that Act”, insert “or (as the case may be) the mayor”(a);
 - (ii) omit paragraph (dc)(b).

Dartford-Thurrock Crossing Act 1988

6.—(1) The Dartford-Thurrock Crossing Act 1988(c) is modified as follows.

(2) In section 19(a)(i), for “a local policing body” substitute “the combined authority for use in relation to the exercise of the mayor’s PCC functions”.

Local Government Finance Act 1988

7.—(1) The Local Government Finance Act 1988(d) is modified as follows.

(2) In section 114(e) —

(a) for subsection (4)(b)(i) substitute—

“(i) a report relating to the mayor’s PCC functions, each member of the combined authority (including the mayor) and each member of the police and crime panel for the mayor’s area;”

(b) in subsection (8A)(b)(f) , for “relevant authority”, substitute “mayor”.

(3) In section 115—

(a) subsection (1B)(g) for “elected local policing body, that body”, substitute “of the combined authority in relation to the mayor’s PCC functions, the mayor (“the body”)”;

(b) in subsection (1F)(b), for “elected local policing body’s” substitute “combined authority’s”;

(c) in subsection (2)(h), for “any authority other than an elected local policing body”, substitute “any report other than one relating to the mayor’s PCC functions”.

(4) For section 116(2B)(i), substitute:

“(2B) In the case of the mayor, the chief finance officer of the combined authority must notify the auditor of the combined authority of any decision taken by the mayor in accordance with section 115”

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- (a) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).
 - (b) Section 99(4)(dc) was substituted by section 99 of, and paragraph 141 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (c) 1988 c. 20; section 19(a)(i) was substituted by section 99 of, and paragraph 177 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to section 19(a) that are not relevant to this Order.
 - (d) 1988 c. 41.
 - (e) Section 114(4)(b) was inserted by section 99 of, and paragraph 188(5) and of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (f) Subsection (8A)(b) was inserted by section 99 of, and paragraph 188(6) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (g) Subsections (1B) to (1F) were inserted by section 99 of, and paragraph 189(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (h) Subsection (2) was amended by section 99 of, and paragraph 189(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (i) Subsection (2B) was amended by section 99 of, and paragraph 190(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

Road Traffic Act 1988

- 8.**—(1) The Road Traffic Act 1988(a) is modified as follows.
- (2) In section 144(2)(b)—
- (a) for “a local policing body” substitute “the combined authority for use in relation to the mayor’s PCC functions”;
 - (b) for “a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions”.

Local Government and Housing Act 1989

- 9.**—(1) The Local Government and Housing Act 1989(b) is modified as follows.
- (2) In section 1—
- (a) in subsection (9)(c), for “an elected local policing body” substitute “the combined authority deployed predominantly in relation to the mayor’s PCC functions”;
 - (b) in subsection (10)(d), for “an elected local policing body does not include a deputy police and crime commissioner” substitute “the combined authority deployed predominantly in relation to the mayor’s PCC functions does not include the deputy mayor for policing and crime.”
- (3) In section 4—
- (a) omit subsections (1) and (1A)(e);
 - (b) for subsection (4)(f) substitute—

“(4) It shall be the duty of the head of the combined authority’s paid service, as soon as practicable after he has prepared a report relating to the mayor’s PCC functions under this section, to arrange for a copy of it to be sent to the members of the combined authority (including the mayor) and to the police and crime panel.”;
 - (c) in subsection (5)(g), omit “(other than an elected local policing body)”;
 - (d) in subsection (5A)(h), for “by the head of the body’s paid service” substitute “that relates to the mayor’s PCC functions”.
- (4) In section 5—
- (a) omit subsection (1C)(i);
 - (b) for subsection (3)(b)(a)(j), substitute—

“(a) in the case of a report relating to the mayor’s PCC functions, to the members of the combined authority (including the mayor) and to the police and crime panel; and”;

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- (a) 1988 c. 52; section 144(2)(b) was amended by section 99 of, and paragraph 197(3)(a) and (b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments the section, but none is relevant.
 - (b) 1989 c. 42.
 - (c) Subsection (9) was inserted by section 99 of, and paragraph 200 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and was amended by section 123 of the Policing and Crime Act 2017 (c. 3).
 - (d) Subsection (10) was inserted by section 123 of the Policing and Crime Act 2017
 - (e) Subsection (1A) was inserted by section 99 of, and paragraph 201(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (f) Subsection (4) was inserted by section 99 of, and paragraph 201(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (g) Subsection (5) was inserted by section 99 of, and paragraph 201(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (h) Subsection (5A) was inserted by section 99 of, and paragraph 201(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (i) Subsection (1C) was inserted by section 99 of, and paragraph 202(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (j) Subsection (3)(b)(a) was inserted by section 99 of, and paragraph 202(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

- (c) in subsection (5)
 - (i) for “a relevant authority” substitute “the mayor”;
 - (ii) in paragraph (a)(a) —
 - (aa) in sub-paragraph (i), omit “in the case of an elected local policing body”;
 - (bb) omit sub-paragraph (ii)
- (d) in subsection (8)(b) , in the definition of “relevant authority” omit “and an elected local policing body”.
- (5) Omit section 7(1)(aa)(c).
- (6) Omit section 13(5ZA)(d).

Police Act 1996

10.—(1) The Police Act 1996(e) Act is modified as follows.

(2) In section 22A(9)(a)(f), for “that body” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

(3) In section 41(g) —

- (a) in subsection (1), for “commissioner’s council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “PCC component council tax requirement”;
- (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government and Finance Act 1992”, substitute “determination by the mayor of the final amount of the PCC component”.

(4) In section 53E(h) —

- (a) in subsection (1)(a), for “a local policing body” substitute “the combined authority and are deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) in subsection (1)(b), for “the body” substitute “the combined authority”;

(5) In section 88(i) —

- (a) in subsection (5A)(j), for the first reference to “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) in subsection (6)(a)(k), for “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

(6) In section 92(1)(a), for “parish or community” substitute “parish, community, or combined authority”.

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- (a) Subsection (5)(a) was inserted by section 99 of, and paragraph 202(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (b) Subsection (8) was amended by section 99 of, and paragraph 202(6)(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to the section, but none is relevant.
 - (c) Section 7(1)(aa) was inserted by section 99 of, and paragraph 203(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (d) Section 13(5ZA) was inserted by section 7 of the Policing and Crime Act 2017 (c. 3).
 - (e) 1996 c.16.
 - (f) Section 22A was inserted by section 89(2) of the Police Reform and Social Responsibility Act 2011 (c. 13).
 - (g) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48); section 22 of the Police Reform and Social Responsibility Act 2011; and by paragraph 33 of Schedule 7 to the Localism Act 2011 (c. 20).
 - (h) Section 53E was inserted by section 125 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
 - (i) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50); sections 102(1) and (4) and 103(1) of the Police Reform Act 2002; paragraph 80(3) of Schedule 4 and paragraph 1 of Schedule 17, to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 42 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; by S.I. 2012/1809, and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).
 - (j) Subsection (5A) was inserted by section 59 of, and paragraph 80(3) of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15); and amended by section 99 of, and paragraph 42(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).
 - (k) Subsection (6)(a) was amended by section 99 of, and paragraph 42(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(7) In section 96(1B)(b), for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “PCC component is determined by the mayor”.

Police Reform Act 2002

11.—(1) The Police Reform Act 2002 Act(c) is modified as follows.

(2) In section 40(7)(d)(d), for “local policing body” substitute “combined authority and are deployed wholly or partly in relation to the mayor’s PCC functions”.

(3) In section 42(7)(e) —

- (a) for the first reference to “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) for the second reference to “local policing body” substitute “combined authority”;
- (c) for “or body” substitute “or authority”.

Proceeds of Crime Act 2002

12.—(1) The Proceeds of Crime Act 2002(f) is modified as follows.

(2) For section 55(8)(aa) substitute—

“(aa) a member of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions;”.

Local Government Act 2003

13.—(1) The Local Government Act 2003(g) is modified as follows.

(2) In section 7—

- (a) in subsection (1)(a), for “its part”, substitute “the part of the combined authority”;
- (b) in subsection (2), for “on the part of the authority”, substitute “on the part of the combined authority”.

Railways and Transport Safety Act 2003

14.—(1) The Railways and Transport Safety Act 2003(h) is modified as follows.

(2) For paragraph 7(2)(c) of Schedule 4, substitute—

“(c) a member of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions.”.

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- (a) Section 92(1) was amended by section 25(4)(a) of the Police Reform and Social Responsibility Act 2011. There are other amendments, but none is relevant.
 - (b) Section 96(1B) was inserted by section 14(3) of the Police Reform and Social Responsibility Act 2011.
 - (c) 2002 c. 30.
 - (d) Section 40(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (e) Section 42(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (f) 2002 c. 29; paragraph (aa) was inserted by section 99 of, and paragraph 305 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (g) 2003 c. 26.
 - (h) 2003 c. 20; paragraph 7(2)(c) was inserted by section 99 of, and paragraph 328 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

Local Government and Public Involvement in Health Act 2007

15.—(1) The Local Government and Public Involvement in Health Act 2007(a) is modified as follows.

(2) For section 15(1)(a), substitute—

“(a) for the transfer of functions, property, rights or liabilities from a local authority, combined authority in relation to the mayor’s PCC functions, or local policing body for any area to another local authority, combined authority in relation to the mayor’s PCC functions, or local policing body whose area consists of or includes the whole or part of that area;”.

Local Democracy, Economic Development and Construction Act 2009

16.—(1) The 2009 Act is modified as follows

(2) In paragraph 9(1)(a) of Schedule 5B(b), for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime”.

Police Reform and Social Responsibility Act 2011

17.—(1) The Police Reform and Social Responsibility Act 2011 is modified as follows.

18. In section 5(c)—

- (a) in subsection (1), for “ordinary election” substitute “election for the return of a mayor”;
- (b) in subsection (13)— (i) in the definition of “financial year”, for “year of the police and crime commissioner” substitute “year of the combined authority”; (ii) omit the definition of “ordinary election”.

19. In section 7(7)(d)—

- (a) in the definition of “financial year”, for “year of the elected local policing body” substitute “year of the combined authority”
- (b) omit the definition of “ordinary election”;
- (c) in the definition of “planning period” for “ordinary election” substitute “election for the return of a mayor”;
- (d) in the definition of “qualifying day” for “ordinary election” substitute “election for the return of a mayor”.

20. In section 16—

(a) for subsection (1), substitute—

“(1) This section applies where the mayor is required or authorised by any Act—

- (a) to appoint a person to a specified post in the combined authority; or
- (b) to designate a person as having a specified duty or responsibilities in connection with the exercise of the mayor’s PCC functions.”;

(b) in subsection (2), for “the body” substitute “the combined authority”.

21. In section 18(a) —

(a) 2007 c. 28; section 15(1)(a) was amended by section 74 of, and paragraph 14(2)(a) of Schedule 10 to, the Police Reform and Social Responsibility Act 2011.

(b) 2009 c. 20; paragraph 9(1) of Schedule 5B was inserted by section 2 of, and paragraph 1 of Schedule 1 to, the Cities and Local Government Devolution Act 2016 (c. 1)

(c) There are amendments to section 5, none of which are relevant to this Order.

(d) Section 7 was amended by section 181 of, and paragraph 97 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

- (a) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
- (b) in subsection (6)—
 - (i) after paragraph (d), insert—
 - “(da) a deputy mayor under section 107C of the 2009 Act.”;
 - (ii) after paragraph (h), insert
 - (i) the combined authority”;
- (c) in subsection (7)—
 - (i) for paragraph (f), substitute—
 - “(f) calculating the PCC component council tax requirement.”
 - (ii) omit paragraphs (g) and (h)(b);
 - (iii) for subsection (10), substitute—
 - “(10) The deputy mayor for policing and crime is a member of staff of the combined authority, unless they are a member of the combined authority.”.

22. In section 21, after subsection (3) insert—

“(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred in or otherwise relates to, the exercise of the mayor’s PCC functions.”.

23. In section 28—

- (a) omit subsections (1A) and (1B)(c);
- (b) in subsection (6)(a), after “police and crime commissioner” insert, “, the deputy mayor for policing and crime and any other person who exercises any function of the mayor pursuant to arrangements made under section 18”.

24. In section 29—

- (a) for subsection (1), substitute—
 - “(1) A police and crime panel may require—
 - (a) the mayor;
 - (b) the deputy mayor for policing and crime;
 - (c) members of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions; and
 - (d) any members of the combined authority who exercise any function of the mayor pursuant to arrangements made under section 18,
 to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”.
- (b) for subsection (2), substitute—
 - “(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given to—
 - (a) the mayor in relation to the mayor’s PCC functions;
 - (b) the deputy mayor for policing and crime; or
 - (c) a member of the combined authority who exercises any function of the mayor pursuant to arrangements made under section 18.”.

(a) Section 18 was amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(b) Paragraphs (7)(g) and (h) were added by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(c) Subsections (1A) and (1B) were added by section 6 of, and paragraph 89 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3).

- (c) for subsection (5), substitute—

“(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;
- (d) in subsection (6), after “commissioner” insert “or “the deputy mayor for policing and crime”.

25. In section 30—

- (a) in subsection (1), for “relevant police and crime commissioner” substitute “the mayor so far as acting in the exercise of PCC functions”;
- (b) for subsection (3), substitute—

“(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the mayor is to be treated as holding that office during that suspension.”.

26. In section 31(3), for paragraphs (b) to (d) substitute—

“(b) deputy mayor for policing and crime.”.

27. In section 62—

- (a) for subsection (1), substitute—

“(1) The police and crime panel must appoint a person to exercise the mayor’s PCC’s functions (the “acting commissioner”) if the mayor is suspended from the exercise of PCC functions in accordance with section 30.”;
- (b) in subsection (2), for “member of the police and crime commissioner’s staff” substitute “member of the staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or the deputy mayor for policing and crime”;
- (c) after subsection (2), insert—

“(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;
- (d) omit subsection (3);
- (e) for subsection (5), substitute—

“(5) Any property or rights vested in the combined authority in relation to the mayor’s PCC functions can be dealt with by the acting commissioner.”;
- (f) omit subsection (6)(c);
- (g) in subsection (7)—
 - (i) omit “incapacitated or”;
 - (ii) omit “(6)(c) or”;
- (h) omit subsection (8).

28. For section 63, substitute—

“(1) Subsection (2) applies where—

- (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the mayor because the mayor is unable to act; and
- (b) the mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting mayor was appointed.

(2) At the end of that 6 month period—

- (a) the mayor ceases to be the mayor, and
- (b) accordingly, the office of mayor becomes vacant.”.

29. For section 64(3) to (4A)(a), substitute—

(3) A person is disqualified from being elected at an election held under this Order if—

(a) the person has been nominated as a candidate for election as police and crime commissioner for an election for any other police area at an ordinary election, and

(b) the ordinary election is held on the same day as the election to return the mayor.

(4) A person is disqualified from being elected as the mayor at an election other than an election held under this Order if—

(a) the person is the police and crime commissioner for any other police area; or

(b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”.

30. In section 65(b)—

(a) in subsection (1)(e), insert after paragraph (ii)—

(iii) the combined authority.”;

(b) for subsection (1A)(c), substitute—

“(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime— (a) from being elected as mayor at an election held under this Order; (b) from being elected at an election held otherwise than under this Order to fill a vacancy in the office of mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”.

31. In section 70—

(a) for subsection (1), substitute—

“(1) A person elected to the office of mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;

(b) omit subsection (2);

(c) in subsection (5), for “office” substitute “the duty of exercising police and crime commissioner functions as mayor”;

(d) for subsection (6), substitute—

“(6) In this section—

“appropriate officer” means the person designated as the head of paid service by the combined authority under section 4(1)(a) of the Local Government Act 1989; “specified declaration” means the following declaration—

I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as West Yorkshire Mayor.

In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:

I will serve all the people of West Yorkshire.

(a) Subsections (3A) and (4A) were inserted into section 64 by article 10 of the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470).

(b) Section 65(1) was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(c) Subsection (1A) was inserted by section 123 of the Policing and Crime Act 2017 (c. 3).

I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.”;

(e) omit subsection (7).

32. In Schedule 1—

(a) for paragraph 1, substitute—

“**1.** This Schedule applies in relation to the mayor in the exercise of PCC functions.”;

(b) for paragraph 4, substitute—

“**4.**—(1) The mayor must make authorised pension payments.

(2) In this paragraph “authorised pension payments” means—

(a) pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire,

which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;

(c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “paragraph”;

(d) in paragraph 8(a)—

(i) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

(ii) for sub-paragraph (3) and (3A), substitute—

“(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person’s term of office ends no later than the third day after the day of the poll at an election for the return of a mayor.

“(3A) The terms and conditions must also provide for the deputy mayor for policing and crime’s appointment to end when, following an election held to fill a vacancy in the office of the appointing mayor, the person elected makes and delivers a declaration under section 70.”.

(e) for paragraph 9(1), substitute—

“(1) The mayor must notify the police and crime panel of each proposed appointment by the mayor of a deputy mayor for policing and crime.”;

(f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “election for the return of the mayor”;

(g) for paragraph 13, substitute—

“**13.**— (1) The mayor may pay —

(a) remuneration, allowances and gratuities to members of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions; and

(a) Paragraph 8 was amended by section 122(2) and (3) of the Policing and Crime Act 2017 (c. 3)

- (b) to the deputy mayor for policing and crime where that person is not a member of staff of the combined authority, allowances and gratuities.
- (2) The mayor may pay—
 - (a) pensions to, or in respect of, persons who have been members of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions; and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions.
- (3) In this paragraph “allowances” —
 - (a) in relation to a member of the combined authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment in relation to such functions; and
 - (b) in relation to a deputy mayor for policing and crime who is not a member of the combined authority’s staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person’s duties as deputy mayor for policing and crime.”;
- (h) for paragraph 15(2), substitute—

“(2) A person who is—

 - (a) a member of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions; or
 - (b) a member of the combined authority exercising the mayor’s PCC functions; has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the mayor’s PCC functions as a member of staff or as a member of the combined authority, unless it is shown to have been done otherwise than in good faith.”;
- (i) for paragraph 16, substitute—

“16. References to the financial year of the mayor are to be read as if they were references to the financial year of the combined authority.”.

33. In Schedule 5—

- (a) in paragraph 1—
 - (i) for sub-paragraph (1), substitute—

“(1) The mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached”;
 - (ii) for sub-paragraph (3), substitute—

“(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;
- (b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;
- (c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;
- (d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;
- (e) in paragraph 5(3)—
 - (i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;

- (ii) in paragraph (b), for “issue a different precept” substitute “determine a different PCC component”;
- (f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “determine that the proposed PCC component is to be the PCC component”;
- (g) in paragraph 8—
 - (i) in sub-paragraph (1), for “issuing of precepts” substitute “determining the amount of the PCC component”;
 - (ii) in sub-paragraph (4), for “precept that may be issued” substitute “amount of the PCC component”.

34. In Schedule 6(a) —

- (a) for paragraph 21, substitute—

“**21.** The mayor, a member of the combined authority appointed by the constituent councils, or substitute members acting in place of those members may not be a member of the police and crime panel for the area.”;
- (b) in paragraph 22(a), for the words “police and crime commissioner for that police area” substitute “combined authority”;
- (c) in paragraph 33, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the elected mayor of that executive is a member of the combined authority appointed by the constituent councils.”.
- (d) in paragraph 34, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the current mayor of that executive is a member of the combined authority appointed by the constituent councils.”.

35. In Schedule 7—

- (a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime (unless the holder of that office is a member of the combined authority)”;
- (b) for paragraph 4, substitute—

“**4.** — (1) This paragraph applies in relation to qualifying complaints which—

 - (a) relate to a holder of the office of—
 - (i) mayor; or
 - (ii) deputy mayor for policing and crime, if the holder of that office is a member of the combined authority, and
 - (b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with the combined authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.”.

36. In Schedule 8—

- (a) for paragraph 4(10), substitute—

“(10) For that purpose, “relevant post-election period” means the period that—

 - (a) begins with the day of the poll at an election for the return of the mayor; and
 - (b) ends with the day on which the person elected as mayor delivers a declaration under section 70.”;
 - (b) for paragraph 15(8), substitute—

(a) There are amendments to Schedule 6, none of which is relevant to this instrument.

- “(8) For that purpose, “relevant post-election period” means the period that—
- (a) begins with the day of the poll at an election for the return of the mayor; and
 - (b) ends with the day on which the person elected as mayor delivers a declaration under section 70.”.

Local Audit and Accountability Act 2014

37.—(1) The Local Audit and Accountability Act 2014(a) is modified as follows.

(2) In Schedule 4—

(a) for paragraph 2(4)(a), substitute—

“(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (the “relevant authority concerned”) is a combined authority where the mayor exercises PCC functions;”;

(b) for paragraph 2(5), substitute—

“(5) Where the relevant authority concerned is a combined authority where the mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

PART 2

Secondary Legislation

Motor Vehicles (Third Party Risks) Regulations 1972

38.—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(b) are modified as follows.

(2) For regulation 7(3), substitute—

“(3) in the case of a motor vehicle owned by the combined authority for use wholly or partly in relation to the mayor’s PCC functions, a certificate in Form F signed by some person authorised in that behalf by the mayor that the motor vehicle is owned by the combined authority for use in relation to the mayor’s PCC functions.”

Official Secrets Act 1989 (Prescription) Order 1990

39.—(1) The Official Secrets Act 1989 (Prescription) Order 1990(c) is modified as follows.

(2) In Schedule 2, for “a Deputy police and crime commissioner”, substitute “a Deputy mayor for policing and crime”.

Police (Disposal of Sound Equipment) Regulations 1995

40.—(1) The Police (Disposal of Sound Equipment) Regulations 1995(d) and modified as follows.

(2) In regulation 4(4), for “local policing body” substitute “combined authority”.

(a) 2014 c. 2.

(b) S.I. 1972/1217; regulation 7(3) was amended by S.I. 2011/3058. There are other amending instruments, but none is relevant.

(c) S.I. 1990/200; amended by S.I. 2012/2900. There are other amending instruments, but none is relevant.

(d) S.I. 1995/722; regulation 4 was amended by S.I. 2000/1549 and S.I. 2011/3058.

Police (Property) Regulations 1997

- 41.**—(1) The Police (Property) Regulations 1997(a) are modified as follows.
- (2) In regulation 6(6), for “relevant authority” substitute “combined authority”.
- (3) In regulation 7(1), for “vest in them” substitute “vest in the combined authority”.

Health and Safety (Enforcing Authority) Regulations 1998

- 42.**—(1) The Health and Safety (Enforcing Authority) Regulations 1998(b) are modified as follows.
- (2) In regulation 4(3)(d), for “a local policing body” substitute “the combined authority in relation to the mayor’s PCC functions”.

Motor Vehicles (Driving Licences) Regulations 1999

- 43.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(c) are modified as follows.
- (2) In regulation 23(1)(c)(ii)(d), for “local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”.
- (3) In regulation 24(1)(d)(ii)(e), for “local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”.
- (4) In regulation 58(2)(c)(ii)(f), for “local policing body” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999

- 44.**—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(g) is modified as follows.
- (2) For paragraph 2 of Section 6 of Schedule 1, substitute—
- “**2.** The combined authority in relation to employees deployed wholly or partly in relation to the mayor’s PCC functions.”.

Motor Vehicles (Access to Driver Licensing Records) Regulations 2001

- 45.**—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(h) are modified as follows.
- (2) In regulation 3(2), for “local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”

Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001

- 46.**—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001(i) are modified as follows.

(a) S.I. 1997/1908; regulations 6 and 7 were amended by S.I. 2002/2313 and S.I. 2013/2318.

(b) S.I. 1998/494; regulation 4(3)(d) was amended by S.I. 2011/3058. There are other amending instruments, but none is relevant.

(c) S.I. 1999/2864.

(d) Regulation 23(1)(c) was substituted by S.I. 2011/3058. There are other amending instruments, but none is relevant.

(e) Regulation 24(1)(d) was inserted by S.I. 2011/3058. There are other amending instruments, but none is relevant.

(f) Regulation 58(2)(c)(ii) was substituted by S.I. 2011/3058.

(g) S.I. 1999/2277; paragraph 2 of Section 6 of Schedule 1 was substituted by S.I. 2012/2733.

(h) S.I. 2001/3343; regulation 3 was amended by S.I. 2011/3058.

(i) S.I. 2001/2645; regulation 2(1)(b) was amended by S.I. 2012/61.

(2) In regulation 2(1)(b), for “a local policing body or” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions or a”.

Police Regulations 2003

47.—(1) The Police Regulations 2003(a) are modified as follows.

(2) In regulation 7(7)(a), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “the deputy mayor for policing and crime”.

(3) In regulation 24(1)(b), for “local policing body” substitute “combined authority deployed wholly or partly in relation to the mayor’s PCC functions”.

Docking of Working Dogs’ Tails (England) Regulations 2007

48.—(1) The Docking of Working Dogs’ Tails (England) Regulations 2007(b) are modified as follows.

(2) In regulation 2, for the definition of “police identification” substitute—

“police identification” means evidence that the person presenting the identification is—

- (a) a police officer;
- (b) employed by the combined authority and deployed wholly or partly in relation to the mayor’s PCC functions;
- (c) contracted to work for the mayor in relation to the mayor’s PCC functions; or
- (d) contracted to work for, or otherwise employed by, the chief officer of police.

REACH Enforcement Regulations 2008

49.—(1) The Reach Enforcement Regulations 2008(c) are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “the combined authority in relation to the mayor’s PCC functions”.

Elected Local Policing Bodies (Specified Information) Order 2011

50.—(1) The Elected Local Policing Bodies (Specified Information) Order 2011(d) is modified as follows.

(2) In article 1(2)—

(a) for the definition of “election” substitute—

““election” means an election for the return of a mayor;”;

(b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”

(c) for the definition of “senior employee”, substitute—

““senior employee” means a member of staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions and whose salary exceeds £50,000;”

and;

(d) for the definition of “staff”, substitute—

(a) S.I. 2003/527; regulation 24(1)(b) was amended by S.I. 2011/3026.

(b) S.I. 2007/1120; regulation 2 was amended by S.I. 2012/61.

(c) S.I. 2008/2852; paragraph 5(c) of Part 3 of Schedule 3 was amended by S.I. 2011/3058. There are other amendments but none is relevant.

(d) S.I. 2011/3050

““staff” means members of staff employed by the combined authority deployed wholly or partly in relation to the mayor’s PCC functions but does not include the deputy mayor for policing and crime.””.

(3) In the Schedule—

(a) in paragraph 2—

- (i) omit the first reference to “of the elected local policing body”;
- (ii) for each of the remaining two references to “elected local policing body” substitute “combined authority”;

(b) in paragraph 3(a) —

- (i) for sub-paragraph (b), substitute—
“(b) the PCC component;”;
- (ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;

(c) in paragraph 4(b) —

- (i) for the first reference to “elected local policing body”, substitute “combined authority in relation to the mayor’s PCC functions”;
- (ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the combined authority in relation to the mayor’s PCC functions, or occupied for the purpose of”;
- (iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;
- (iv) for sub-paragraph (d), substitute—
“(d) a list of every contract with a value not exceeding £5,000 —
 - (i) which the mayor has entered into, or is to enter into, on behalf of the combined authority in relation to the mayor’s PCC functions; or
 - (ii) to which the chief officer of the police force maintained by the mayor is, or is to be, a party,including the value of the contract, the identity of every other party to the contract and the purpose of the contract”.

Policing Protocol Order 2011

51.—(1) The Policing Protocol Order 2011(c) is modified as follows.

(2) In the Schedule—

- (a) in paragraph 5, for “each PCC” substitute “the combined authority deployed wholly or partly in relation to the mayor’s PCC functions”;
- (b) for paragraph 13, substitute—

“**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

13A. The staff of the combined authority deployed wholly or partly in relation to the mayor’s PCC functions are accountable to the directly elected mayor to enable the mayor to exercise their PCC functions.”;

- (c) in paragraph 16, for “precept” substitute “PCC component”;
- (d) in paragraph 17(d), for “precept” substitute “PCC component”;

(a) Paragraph 3 of the Schedule was amended by S.I. 2012/2479 and by S.I. 2013/1816.

(b) Paragraph 4 of the Schedule was amended by S.I. 2012/2479.

(c) S.I. 2011/2744.

- (e) in paragraph 24—
 - (i) in sub-paragraph (a), for “precept” substitute “PCC component”;
 - (ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “suspended from the exercise of PCC functions”;
 - (iii) omit sub-paragraph (i);
- (f) after paragraph 24, insert—

“**24A.** Complaints against the mayor and deputy mayor for policing and crime (if that person is a member of the combined authority) will be dealt with in accordance with the combined authority’s existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

52.—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(a) are modified as follows.

- (2) In regulation 2—
 - (a) after the definition of “document”, insert—
 - “head of paid service” means the head of paid service designated by the combined authority under section 4(1)(a) of the Local Government and Housing Act 1989(b);
 - (b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
 - (c) in the definition of “relevant office”, for paragraph (b) substitute—
 - “(b) deputy mayor for policing and crime;”.
- (3) In regulation 7—
 - (a) for paragraph (1)(a), substitute—
 - “(a) the monitoring officer appointed by the combined authority under section 5(1)(a) of the Local Government and Housing Act 1989;”;
 - (b) in paragraph (2), omit “a chief executive or”;
 - (c) for paragraph (3), substitute—
 - “(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the combined authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.
- (4) In regulation 15(3)(a), for “the office holder’s staff” substitute “staff deployed by the combined authority wholly or partly in relation to the mayor’s PCC functions”
- (5) For regulation 28(1)—
 - (a) omit paragraph (a);
 - (b) for paragraph (b), substitute—
 - “(b) the deputy mayor for policing and crime who is not a member of the combined authority at the time when the complaint is recorded;”.
- (6) For regulation 29, substitute—

(a) S.I. 2012/62, to which there are amendments not relevant to this Order.
 (b) 1989 c. 42.

“29.— Resolution in accordance with the combined authority’s code of conduct.

(1) If a complaint to which this Part applies concerns the conduct of—

- (a) the mayor; or
- (b) the deputy mayor for policing and crime who is a member of the combined authority at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the combined authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the combined authority’s code of conduct adopted under section 27(2) of the Localism Act 2011(a).

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

Police Appeals Tribunals Rules 2012

53.—(1) The Police Appeals Tribunals Rules 2012(b) are modified as follows.

(2) In rule 15(4) for “relevant local policing body” substitute “combined authority”.

Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012

54.—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012(c) are modified as follows.

(2) In regulation 3(2)—

- (a) in sub-paragraph (c), omit “or”;
- (b) in sub-paragraph (d), after “(c).” insert “, or”;
- (c) after sub-paragraph (d) insert—
“e) the combined authority.”.

Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

55.—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012(d) are modified as follows.

(2) In regulation 4(2), for “may issue the proposed precept as the precept” substitute “may determine that the proposed PCC component is the final amount of the PCC component”.

(3) In regulation 5(2), for “precept that he now proposes to issue” substitute “PCC component that he now proposes to determine”.

(4) In regulation 6(2)—

- (a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “finalising the revised precept as the PCC component to be determined”;
- (b) in sub-paragraph (b), for “precept that should be issued” substitute “PCC component that should be determined”.

(4A) In regulation 7 (police and crime commissioner’s consideration of second report), for “1st March” substitute “the penultimate working day in February”

(a) 2011 c. 20.
(b) S.I. 2012/2630, to which there are amendments not relevant to this Order.
(c) S.I. 2012/2087.
(d) S.I. 2012/2271.

- (5) In regulation 8—
- (a) in paragraph (2)—
 - (i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “finalise the revised precept as the PCC component to be determined”;
 - (ii) in sub-paragraph (b), for “issue a different precept” substitute “finalise a different amount of the PCC component”.
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a), for “issue a precept” substitute “finalise the PCC component”;
 - (ii) in sub-paragraph (b), for “issue a precept” substitute “finalise the PCC component”

Local Government Pension Scheme Regulations 2013

- 56.**—(1) The Local Government Pension Scheme Regulations 2013(a) are modified as follows.
- (2) After regulation 64(8), insert—
- “(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the commissioner’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the combined authority by virtue of The West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021].
- (8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”

Local Audit (Auditor Resignation and Removal) Regulations 2014

- 57.**—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014(b) are modified as follows.
- (2) In regulation 2—
- (a) in paragraph (3), for “police and crime commissioner” substitute “combined authority”;
 - (b) in paragraph (4), for “a police and crime commissioner” substitute “the combined authority in relation to the mayor’s PCC functions”.

Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

- 58.**—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(c) is modified as follows.
- (2) In article 4(d)—
- (a) omit “or” at the end of paragraph (ii);
 - (b) insert “or” at the end of paragraph (iii);
 - (c) after paragraph (iii), insert—
 - “(iv) the mayor ceasing to hold office by virtue of section 63 of the 2011 Act.”.

(a) S.I. 2013/2356, to which there are amendments not relevant to this Order.
(b) S.I. 2014/1710, to which there are amendments not relevant to this Order.
(c) S.I. 2017/69.

Exclusion of legislation from application to the combined authority mayor with policing and crime functions

Primary legislation

1. Section 28 of the Leasehold Reform Act 1967(a).
2. The following provisions of the Local Government Act 1972(b) —
 - (a) section 102(6) to (11);
 - (b) section 223(2);
 - (c) paragraph 6ZA of Part 1 of Schedule 12.
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976(c).
4. Section 14(1)(caa) of the Rent Act 1977(d).
5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980(e).
6. Sections 33 and 41 of the Local Government (Miscellaneous Provisions) Act 1982(f).
7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983(g).
8. Section 60 of the County Courts Act 1984(h).
9. Sections 80(1), 157(1), 171(2), 573(1), paragraph 2(1) of Schedule 1, grounds 7 and 12 in Schedule 2, ground 5 in Schedule 3, paragraph 7(1) of Schedule 4 and paragraph 5(1)(b) of Schedule 5 to the Housing Act 1985(i).
10. Section 38 of the Landlord and Tenant Act 1985(j).
11. Section 7 of the Local Government Act 1986(k).
12. Section 58 of the Landlord and Tenant Act 1987(l).
13. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988(m).

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- (a) 1967 c. 88. Section 28(5)(a) was amended by section 99 of, and paragraph 85 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13). There are other amending Acts but none is relevant.
 - (b) 1972 c. 70. Section 102(6) to (11) and paragraphs 6ZA and the quoted words in paragraph 6B of Schedule 12 were inserted by section 7 of the Policing and Crime Act 2017 (c. 3). Section 223 was amended by paragraph 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 and by section 99 of, and paragraph 109 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amending Acts but none is relevant.
 - (c) 1976 c. 80. Section 5(3)(baa) was inserted by section 43 of, and paragraph 52 of Schedule 4 to, the Police and Magistrates' Courts Act 1994 (c. 29), and was amended by section 99 of, and paragraph 134 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (d) 1977 c. 42. Section 14(1)(caa) was inserted by section 43 of, and paragraph 53 of Schedule 4 to, the Police and Magistrates' Courts Act 1994, and was amended by section 99 of, and paragraph 135 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
 - (e) 1980 c. 65.
 - (f) 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34); section 119 of and paragraph 56(2)(a) of Schedule 6, to the Local Democracy, Economic Development and Construction Act 2009; and section 99 of, and paragraph 156 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 59 of, and paragraphs 6(1) and 16(a) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments to section 33, but none is relevant.
 - (g) 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6). Section 13B was substituted by section 8 of, and paragraph 6 of Schedule 1 to, the Representation of the People Act 2000 and amended by section 74 of, and paragraph 3 of Schedule 10 to, the Police Reform and Social Responsibility Act 2011. There are other amendments but none is relevant.
 - (h) 1984 c. 28.
 - (i) 1985 c. 68.
 - (j) 1985 c. 70.
 - (k) 1986 c. 10.
 - (l) 1987 c. 31.
 - (m) 1988 c. 50.

- 14.** Sections 111, 113, 114 and 114A Local Government Finance Act 1988**(a)**.
- 15.** Section 39 of the Local Government Finance Act 1992**(b)**.
- 16.** Section 33 of the Value Added Tax Act 1994**(c)**.
- 17.** Section 94 of the Police Act 1996**(d)**.
- 18.** Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000**(e)**.
- 19.** Sections 21 and 22 of the Local Government Act 2003**(f)**.
- 20.** The following provisions of the Fire and Rescue Services Act 2004**(g)**—
- (a) section 3(7) and (9);
 - (b) section 4A;
 - (c) Schedules A1 and A2.
- 21.** The following provisions of the Police Reform and Social Responsibility Act 2011—
- (a) section 1, subsections (1) to (4)**(h)**;
 - (b) sections 50 to 61**(i)** ;
 - (c) section 69;
 - (d) sections 71 to 75;
 - (e) section 102(3);
 - (f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2) and (4), and 7;
 - (g) Schedule 6, paragraphs 33 to 35;
 - (h) Schedules 9 and 10.
- 22.** Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014**(j)**.
- 23.** Sections 5(7)(a) and (9)(a) of, and paragraph 92 of Schedule 1 to, the Policing and Crime Act 2017**(k)**.

Secondary Legislation

- 24.** The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012**(l)**.
- 25.** Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012**(m)**.
- 26.** Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012**(n)**.
- 27.** Police and Crime Commissioner (Elections) Order 2012**(o)**.

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- (a) 1988 c. 41
 - (b) 1992 c. 14
 - (c) 1994 c. 23.
 - (d) 1996 c. 16.
 - (e) 2000 c. 36.
 - (f) 2003 c. 26.
 - (g) 2004 c. 21
 - (h) 2011 c. 13. Section 1, to which there are amendments not relevant to this Order.
 - (i) Section 42 was amended by section 140(5) and (6) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
 - (j) 2014 c. 2.
 - (k) 2017 c. 3.
 - (l) S.I. 2012/2553.
 - (m) S.I. 2012/1918.
 - (n) S.I. 2012/2088.
 - (o) S.I. 2012/1917.

28. The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013**(a)**—

- (a) Part 1, Paragraph 6;
- (b) and Part 4.

29. Article 7 of the Chancellor of the Duchy of Lancaster Order 2015**(b)**.

30. Police and Crime Commissioner (Elections) Order 2015**(c)**.

31. Transfer of Functions (Police and Crime Commissioner Elections) Order 2015**(d)**.

32. Police and Crime Commissioner (Designation of Police Area Returning Officers) Order 2015**(e)**.

33. Police and Crime Commissioner (Designation of Local Authorities) Order 2015**(f)**.

34. Police and Crime Commissioner (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016**(g)**.

35. The Police and Crime Commissioner Elections (Amendment) Order 2016**(h)**.

36. Police and Crime Commissioner Elections (Returning Officers' Accounts) (Amendment) Regulations 2016**(i)**.

SCHEDULE 7

Article 44

“SCHEDULE 1 Constitution

Membership

1.—(1) Subject to sub-paragraph (3), the Combined Authority shall comprise ten members in addition to the Mayor as provided for in the following sub-paragraphs.

(2) Each of the constituent councils shall appoint one of its elected members as a member of the Combined Authority.

(3) The constituent councils shall agree the appointment of another elected member from three of the constituent councils, so that the constituent council members taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils; in the absence of such agreement no members shall be appointed under this sub-paragraph.

(4) The non-constituent council shall appoint one of its elected members to be a member of the Combined Authority.

(5) Each constituent council and the non-constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the members appointed under sub-paragraphs (2) to (4) (“the substitute member”).

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- (a) S.I. 2013/2356.
 - (b) S.I. 2015/1376.
 - (c) S.I. 2015/665.
 - (d) S.I. 2015/1526.
 - (e) S.I. 2015/2031.
 - (f) S.I. 2015/2028.
 - (g) S.I. 2016/514.
 - (h) S.I. 2016/300.
 - (i) S.I. 2016/488.

(6) The substitute members for members appointed under sub-paragraph (3) must be appointed jointly by the constituent councils.

(7) The Leeds City Region Enterprise Partnership shall nominate one of its members to be a member of the Combined Authority (“Local Enterprise Partnership Member”).

(8) The Leeds City Region Enterprise Partnership shall nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (7) (“the substitute member”).

(9) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member and substitute member.

(10) A person ceases to be a member or substitute member of the Combined Authority if they cease to be—

- (a) a member of the constituent council or non-constituent council that appointed them; or
- (b) a member of the Local Enterprise Partnership that nominated them.

(11) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the council, combined authority or the chair or vice-chair of the Local Enterprise Partnership (as the case may be) of—

- (a) the constituent council or non-constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them,

and the resignation shall take effect on receipt of the notice by the proper officer of the council, combined authority or chair or vice-chair of the Local Enterprise Partnership (as the case may be).

(12) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (10) or (11)—

- (a) the constituent council or the non-constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place;
- (b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person’s place.

(13) The Combined Authority shall appoint a member nominated under sub-paragraph (12)(b) at the next ordinary meeting of the Combined Authority.

(14) A constituent council or the non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another of its elected members in that person’s place.

(15) The appointment of the members and substitute members for members appointed under sub paragraph (3) can only be terminated jointly by the constituent councils.

(16) Where a constituent council or the non-constituent council exercises its power under sub-paragraphs (14) and (15), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(17) The Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person’s place.

(18) Where the Local Enterprise Partnership exercises its power under sub-paragraph (17), it shall give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(19) The Combined Authority shall appoint a member nominated under sub-paragraph (18) and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(20) For the purposes of this paragraph, an elected mayor of a constituent council or non-constituent council is to be treated as a member of the constituent council or non-constituent council.

Chairman and vice-chairman

2.—(1) For the period up until the Mayor begins their term of office in accordance with article 3 (4) (a) of the West Yorkshire Combined Authority (Election of Mayor and Functions) [Order 2020/2021, the Combined Authority must appoint a chairman and a vice chairman from amongst its members.

(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

Proceedings

3.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) For the period up until the Mayor begins their term of office in accordance with article 3 (4) (a) of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021] no business shall be transacted at a meeting of the Combined Authority unless at least three members or substitute members appointed by the constituent councils are present.

(3) Upon the Mayor beginning their term of office in accordance with article 3 (4) (a) the West Yorkshire Combined Authority (Election of Mayor and Functions) [Order 2020/2021], no business shall be transacted at a meeting of the Combined Authority unless the Mayor or the deputy Mayor acting in place of the Mayor and at least three members of the Combined Authority appointed by Constituent Councils under paragraph 1(2) or the substitute member acting in their place are present.

(4) Where the deputy mayor is acting in the place of the Mayor they cannot also act in their capacity as a Combined Authority Member.

(5) The substitute member for the deputy mayor may act in the capacity of a Combined Authority member when the deputy mayor is acting in the place of the mayor.

(6) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(7) If a vote is tied on any matter it shall be deemed not to have been carried.

(8) Members appointed by the non-constituent council, the Local Enterprise Partnership Member and non-constituent council and Local Enterprise Partnership substitute members shall be non-voting members of the Combined Authority.

(9) Proposals for decisions by the Combined Authority may be put forward by the Mayor or any member of the Combined Authority.

(10) Questions relating to functions of the Combined Authority conferred by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order [2020/2021] and not solely exercisable by the Mayor pursuant to Article 27 cannot be carried without the Mayor's vote in favour of the question.

(11) The following decisions of the Combined Authority require those voting in favour to include at least three members appointed under paragraph 1 (2)—

- (a) approving the Combined Authority's budget; and

(b) issuing the levy pursuant to article 29 (5) of the West Yorkshire Combined Authority (Election of Mayor and Functions) [Order 2020/2021].

(12) Reference to a two thirds majority in article 8 (4) of the Combined Authorities (Finance) Order 2017(a) is to be read as reference to a five eights majority.

(13) Any decision of the Mayor which gives rise to a financial liability for a constituent council requires the consent of the member appointed by that constituent council.

(14) The proceedings of the Combined Authority shall not be invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

Committees

4.—(1) The Combined Authority shall appoint one or more committees as an overview and scrutiny committee, or as the case may be committees, of the Combined Authority.

(2) The Combined Authority shall appoint at least one member of each of the constituent councils and the non-constituent council to an overview and scrutiny committee appointed by the Combined Authority.

(3) Members appointed from the non-constituent council to the overview and scrutiny committee of the Combined Authority, and members appointed from the non-constituent council or the Local Enterprise Partnership to any other committee or sub-committee of the Combined Authority, shall be non-voting members of the committee or sub-committee but may be given voting rights by resolution of the Combined Authority.

Records

5.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or subcommittee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

6. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

(a) S.I. 2017/611.

Remuneration

7.—(1) Subject to paragraphs 8 and 9 no remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme approved by the Combined Authority.

8.—(1) The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority regarding the allowances payable to—

- (a) the Mayor; and
- (b) the Deputy Mayor provided that the Deputy Mayor is not a leader or elected mayor of a Constituent or non- Constituent Council or the Chair of the LEP.

(2) An independent remuneration panel must consist of at least three members none of whom—

- (a) is also a member of the Combined Authority or is a member of a committee or sub-committee of the Combined Authority or a member of a constituent council of the Combined Authority; or
- (b) is disqualified from being or becoming a member of the Combined Authority.

(3) The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (2) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

9.—(1) The Combined Authority may only pay an allowance to the Mayor or the Deputy Mayor if—

- (a) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 7 (1) which contains recommendations for such an allowance; and
- (b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.

10. The Combined Authority must consider a report from the independent remuneration panel before approving a scheme under paragraph 7 (1).

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 Yorkshire 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.

Under sections 107A(1) and 107B(3) of the 2009 Act the Secretary of State may provide for there to be a mayor for the area of a combined authority with the consent of the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority. Paragraph 3 of Schedule 5B to the 2009 Act provides that the Secretary of State may make provision for the dates on which and years in

which mayoral elections for the area of a combined authority may or must take place, the intervals between elections for the return of a mayor and the term of office of a mayor.

Article 3 of the Order creates the position of mayor for the area of the West Yorkshire Combined Authority. Article 3 further specifies the term of office for the mayor for the area of the West Yorkshire Combined Authority, and the dates on which elections for the return of a mayor shall take place and the intervals between elections. Article 4 provides for the appointment of a political advisor to the Mayor.

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 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.

Article 10 to 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.

Articles 11 makes provision about the acquisition and appropriation of land for planning and public purposes. Article 12 sets out conditions on the exercise of various functions. Article 13 and Schedule 2 applies and modifies relevant provisions in legislation.

Part 5 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 makes provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of the Order confers transport functions on the Combined Authority. Article 17 applies section 31 of the Local Government Act 2003 to ensure that a Minister of the Crown's power to

pay a grant under section 31(1) of the Local Government Act 2003 is exercisable by the Combined Authority in relation to its area towards expenditure incurred or to be incurred by a constituent council. Article 18 confers on the Combined Authority functions to give grants to bus service operators. Article 19 confers functions to enter into agreements in respect of highways functions. Article 20 confers on the Combined Authority functions in relation to traffic regulation.

Articles 21 to 24 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 7 of the Order confers additional functions to be exercisable by the Combined Authority. The functions are to be exercised concurrently.

Article 27 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor. Article 28 makes provision in relation to Joint Committees.

Article 29 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 is a transitional provision relating to the Police and Crime Commissioner precept.

Article 31 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 BRS Act to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area. Article 32 provides that the functions are exercisable only by the Mayor, that the Mayor may be assisted by members or officers of the authority in the exercise of the functions and that the general power of the Combined Authority under section 113A of the 2009 Act is conferred on the Mayor for the purposes of those functions. Article 33 provides for modification of the Business Rate Supplements Act 2009.

Part 10 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"). Article 35 of this Order provides that, in relation to the mayor's PCC functions, the mayor is to be treated as a PCC for the purposes of all legislation affecting PCCs. This is subject to certain modifications of such in their application to the mayor set out in Schedule 5 to the Order and does not apply in respect of the legislative provisions listed in Schedule 6 to the Order.

Articles 36 to 40 make transitional provision in relation to the transfer of functions, in particular in relation to transfer of property, rights and liabilities. The property, rights and liabilities of the PCC for West Yorkshire are to transfer to the West Yorkshire Combined Authority. In relation to such property, rights and liabilities (and any acquired in relation to the mayor's PCC functions after the transfer) the mayor is to exercise all functions in relation to such property etc, make all decisions relating to it. Any receipts arising from such property, rights and liabilities or from property, rights and liabilities acquired in the future, are to be paid into the police fund.

Article 41 extends the period in which the statement of accounts required by the Local Audit and Accountability Act 2014 in relation to the PCC for West Yorkshire (or, after the transfer, the combined authority in respect of the PCC's accounts), and the chief constable for that area is to be prepared.

Article 42 applies section 86 of the Local Government Act 1972 ("the 1972 Act") in relation to the mayor but with a modification to that section which has the effect that where a mayor ceases to be mayor by virtue of being unable to act for more than six months (see section 63 of the Police Reform and Social Responsibility Act 2011), the combined authority shall declare the office of mayor to be vacant, unless there is a High Court declaration under Part 5 of the 1972 Act.



Ministry of Housing,
Communities &
Local Government

Luke Hall MP

Minister for Regional Growth and Local Government

**Ministry of Housing, Communities and Local
Government**

Fry Building
2 Marsham Street
London
SW1P 4DF

Tel: 0303 444 3440

Email: Luke.Hall@communities.gov.uk

www.gov.uk/mhclg

16 November 2020

Cllr Susan Hinchcliffe
Cllr Shabir Pandor
Cllr Denise Jeffery
Cllr Tim Swift
Cllr Judith Blake

Dear Susan, Shabir, Denise, Tim and Judith,

West Yorkshire Devolution Deal

Following your submission to the Secretary of State of the governance review, scheme and consultation required by statute for the implementation of the West Yorkshire devolution deal which we agreed and announced on 11 March, I am pleased to confirm that the Secretary of State is satisfied the statutory tests to implement the deal are met. We are now finalising the necessary Order and I enclose a copy of a near final draft which may be subject to further minor legal drafting amendments. We intend to lay the Order before Parliament in early December, subject to each of your councils and the combined authority consenting to the Order. Accordingly, I am now inviting you to put in place arrangements enabling your council's formal consent to be confirmed.

As you see, the Order will provide for certain functions of local and public authorities to be exercised by the West Yorkshire Combined Authority (the "WYCA"), and for certain specified functions of the WYCA to be exercisable only by the Mayor of the WYCA. It also amends certain governance arrangements. The provisions in the Order correspond to the proposals published in your Governance Review and Scheme with two exceptions in regard to strategic planning powers and strategic infrastructure tariff. Given our intention to reform the planning system (as set out in the "Planning for the Future" white paper) we are committing that we will seek to confer these powers (or equivalent as established through the ongoing planning reform process) to WYCA when the position is clearer.

My officials will keep closely in touch with your officers as the legal drafting of the Order is finalised and your councils give formal consent to the finalised Order.

Finally, thank you for all your hard work to get to this point. Implementing the West Yorkshire deal will be a significant step for everyone in West Yorkshire providing critical support to the economic recovery of West Yorkshire communities from the impact of Covid-19 and I am delighted we are moving forward.

Yours sincerely,

LUKE HALL MP

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Name of meeting: Cabinet
Date: 26th November 2020
Title of report: COVID-19 Additional Restrictions Grant Fund

Purpose of report:

This report seeks approval for the Council to establish an Additional Restrictions Grant fund for Kirklees. The grant scheme will provide support for certain types of small and micro businesses that have been affected by the Coronavirus but that are ineligible for the other grant schemes that have been established by the Government in response to the national lockdown which commenced on 5th November.

<p>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</p>	<p>Yes</p>
<p>Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?</p>	<p>Key Decision - Yes</p> <p>The Chair of Overview and Scrutiny Management Committee has agreed to the addition of this item to the Agenda for Cabinet having not been previously included on the Forward Plan.</p> <p>Private Report/Private Appendix - No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>No. The Chair of Overview and Scrutiny Management Committee has waived the right to Call In period on this matter due to urgency of implementation.</p> <p>It has been requested that a report be submitted to a future meeting of Economy and Neighbourhoods Scrutiny Panel setting out the detail of the scheme and the availability of grant funding.</p>
<p>Date signed off by Strategic Director & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd – 18 November 2020</p> <p>Eamonn Croston – 18 November 2020</p> <p>Julie Muscroft – 18 November 2020</p>
<p>Cabinet member <u>portfolio</u></p>	<p>Councillor Graham Turner – Portfolio Holder for Corporate Strategy and Asset Strategy</p>

Electoral wards affected: All wards

Ward councillors consulted: Ward councillors have not been consulted as a result of the need to establish the scheme as soon as possible.

Public or private: Public.

Has GDPR been considered? Yes.

1. Summary

- 1.1 The Government has established a programme of financial support for businesses affected by the second national lockdown which commenced on 5th November 2020. The Local Restrictions Support Grant (Closed), (Open) and (Sector) schemes have now been opened for applications. The remaining scheme - the Additional Restrictions Grant Fund – aims to address gaps in the other grant programmes and will operate on a discretionary basis with local eligibility criteria to be agreed by the Council, within the framework of guidance set by Government.
- 1.2 £8,795,740 has been allocated for businesses in Kirklees. This report seeks Cabinet approval to establish the scheme, including the eligibility criteria for applicants and the grant amounts to be awarded.

2. Information required to take a decision

Background

Context

- 2.1 On 5th November 2020 a second national lockdown commenced in England. The lockdown will be in operation until at least 2nd December and, alongside additional public health measures, required closure of a wide range of businesses and other venues including:
- non-essential retail, with the exception of food retailers, off licenses, pharmacies, newsagents, hardware stores, petrol stations, banks/building societies, post offices and laundrettes/dry cleaners
 - hospitality venues including pubs, bars, cafes etc. are required to close for consumption on the premises but can continue to provide a takeaway service and/or on a pre-ordered basis via click and collect or drive through; canteens in hospitals and a limited range of other settings can remain open
 - personal care facilities and close contact services including hairdressers, beauty salons, tattoo parlours etc.
 - holiday accommodation including hotels, bed and breakfast, self-catering apartments, campsites and other settings
 - nightclubs, bingo halls, casinos, amusement arcades, cinemas, theatres and other entertainment venues, leisure centres and other sports/fitness facilities.

- 2.2 Full details of the closures are set out here: <https://www.gov.uk/government/publications/further-businesses-and-premises-to-close/closing-certain-businesses-and-venues-in-england>

Local Restrictions Support Grant programme

- 2.3 The Government has announced a package of grant support to cover businesses required to close or otherwise severely impacted by the national lockdown. The following schemes will be administered by the Council on behalf of the Government on the basis of nationally-mandated eligibility criteria:
- *Local Restrictions Support Grant (LRSG) (Closed)* – this will apply to all businesses mandated to close by Government and that are registered to pay business rates; grant awards will cover each 28 day period that restrictions are in place and are linked to rateable value (RV), ranging from £1,334 per 28 days for businesses with an RV of £15,000 and under to £3,000 per 28 days for those with an RV of £51,000 and over; Government has allocated £7,166,628 to cover this and the LRSG (Sector) scheme (see overleaf) to 2nd December;

- *LRSO (Sector)* – this grant scheme is specifically to cover nightclubs and sexual entertainment venues that Government required to close in March and have never re-opened; the grant will cover the period from 1st-4th November 2020 only, at which point eligible businesses will be included within the LRSO (Closed) scheme;
- *LRSO (Open)* – this scheme will cover the period that Kirklees was subject to Local Covid Alert ‘High’ restrictions (e.g. the 10pm curfew for the hospitality sector, restrictions on meeting other households in indoor settings and the ‘rule of six’) and is backdated to 5 August. The scheme will provide grants to hospitality, accommodation and leisure businesses who have been significantly impacted by these restrictions but not forced to close prior to 5th November, with awards ranging from £934 per 28 days for businesses with an RV of £15,000 or less to £2,100 per 28 days for those with an RV of £51,000 or above; non-rate paying businesses affected in this way will also be eligible to apply but will be required to supply additional evidence of occupation; Government has made £3,970,260 available to the Council to operate the LRSO (Open) Fund.

2.4 The funding allocations have been made based on estimates of eligible businesses provided by the Valuation Office Agency. All three grant schemes were launched by the Council on 17th November.

Additional Restrictions Grant

2.5 The Additional Restrictions Grant (ARG) is the final grant scheme in the package of Government support and aims to complement the other grants by addressing any gaps in support. Government has given Councils the discretion to agree the detailed eligibility criteria and priority sectors for support within the context of broad guidance on the scheme.

2.6 Government guidance notes that:

“Local Authorities can determine how much funding to provide to businesses from the ARG funding provided, and exactly which businesses to target.

However, we encourage Local Authorities to develop discretionary grant schemes to help those businesses which – while not legally forced to close – are nonetheless severely impacted by the restrictions put in place to control the spread of Covid-19. This could include – for example – businesses which supply the retail, hospitality, and leisure sectors, or businesses in the events sector.

Local Authorities may also choose to help businesses outside the business rates system, which are effectively forced to close – for example market traders.

Finally, Local Authorities could use ARG funding to provide additional support to larger local businesses which are important to the local economy, on top of the funding provided to those businesses via the LRSO (Closed) scheme, with due reference to State Aid.”

2.7 In taking decisions about the amount of grant awards, guidance notes that local authorities may wish to take into account *“the level of fixed costs faced by the business in question, the number of employees, whether they are unable to trade online and the consequent scale of coronavirus losses.”*

2.8 Guidance states that both businesses that are ratepayers, and those that are outside the business rates system, may receive support under the scheme. Businesses that are in administration, insolvent or subject to a striking off notice are not eligible for support, or those that have already received grant payments which equal the maximum levels of permitted State Aid.

Kirklees Additional Restrictions Grant scheme – proposed operating model and eligibility criteria

2.9 The ARG scheme will need to operate flexibly in response to the changing national picture in relation to COVID-19 restrictions. As yet it remains unclear whether the national lockdown will be extended beyond 2 December and, if not, how the system of Local COVID Alert restrictions will be operated. As such it is very likely that the ARG scheme, when launched in early December, will continue to operate in tandem with either the LRSO (Closed) or LRSO (Open) schemes.

- 2.10 In this context ensuring that there is parity/fairness (in terms of the amount and frequency of grant awards) between applicants for the LRSG schemes and the ARG will be important. On this basis it is proposed that the ARG scheme will initially operate on the basis of monthly grant payments to eligible businesses, to mirror the LRSG (Closed) and LRSG (Open) grants, with the initial awards covering the period of 28 days from 5th November in line with the other schemes. The principle of monthly payments will be reviewed in January 2021 in relation to the COVID-19 restrictions in place and against the amount of grant defrayed, to ensure ongoing affordability.
- 2.11 Ensuring fairness between business rate payers and non-rate paying businesses is also a key principle that will underpin the Kirklees scheme. Awards under the LRSG (Closed) and (Open) grant schemes are made on the basis of the RV of the business and to ensure parity for non-rate payers it is proposed that awards will be determined through securing evidence of fixed business costs on an equivalent basis (where fixed costs can include rent, business insurance etc. but excluding salaries) – so a business demonstrating fixed costs of £15,000 would receive a grant on the same basis as a rate-paying business with an RV of £15,000.
- 2.12 Building on these principles and within the framework of Government guidance, Council officers have been working with the other West Yorkshire local authorities and WYCA/LEP colleagues to agree a common approach to the ARG scheme. It is proposed that the Kirklees ARG scheme is based on the agreed framework, with the following groups of businesses prioritised for support:
- businesses or voluntary/community organisations that have been legally required to close, but are not in the business rates system – e.g. where the businesses' landlord is the business rate payer
 - businesses or voluntary/community organisations that have not been required to close but have been negatively impacted by restrictions affecting the retail, hospitality and leisure (RHL) sectors, for example manufacturing or other businesses that are part of the RHL supply chain or events businesses
 - self-employed businesses not able to access other Government support, including the Self Employment Income Support Scheme
 - provision of 'top up' funding for larger businesses or voluntary/community organisations that have been forced to close or are severely impacted by restrictions that can evidence a significant reduction in income.
- 2.13 Dealing with the first of these priorities – non-rate paying businesses required to close as a result of the lockdown – it is proposed that the initial grant awards for the period from 5th November-2nd December will operate on the same basis as the LRSG (Closed) grant scheme – e.g. with grant awards ranging from £1,334 per 28 days for businesses with fixed costs of £15,000 and under to £3,000 per 28 days for those with fixed costs of £51,000 and over.
- 2.14 Beyond 2nd December, eligibility for the scheme will be dependent on whether the national lockdown is extended for a further period – in which case grant awards would remain at the level set out in the preceding paragraph – or returns to Local COVID Alert Level 2 or 3. In the event of the latter, eligibility for non-essential retail and other sectors able to re-open will be removed.
- 2.15 Turning to the second priority – businesses severely impacted by restrictions affecting the retail/hospitality/leisure sectors but not required to close – it is proposed that applicants will be required to evidence that they supply a significant proportion of their products or services into those sectors and demonstrate loss of income as a result of COVID-19. Awards will be made at between £934 and £2,100 per month dependent on the level of RV/fixed costs demonstrated).
- 2.16 It is acknowledged that there are some self-employed or freelance workers, including those that have become self-employed after April 2019, who have been unable to access the Government's Self Employment Income Support Scheme. This group will also be prioritised for support through the ARG scheme, with awards of up to £1,000 based on evidence of fixed business costs. The duration of this support is to be agreed. Applicants should be registered for VAT or income tax self-assessment.

- 2.17 It will be important to ensure there is sufficient flexibility to incorporate provision of ‘top up’ payments for strategically important businesses within the overall funding envelope for the scheme, although it is proposed that this element of the scheme is held in abeyance until January 2021 to determine priorities for this strand. To qualify for additional support, businesses are likely to be in a key economic sector (e.g. manufacturing, digital and creative or independent retail/hospitality); have witnessed a substantial loss in turnover but also demonstrate long-term potential for growth/investment and delivery of wider social value benefits (e.g. Apprenticeships, local recruitment or other outcomes).
- 2.18 The grant scheme will be launched as soon as possible, subject to Cabinet approval. Detailed local guidance will be published and applications will be accepted via an online form available on the Council website. Applicants will be expected to provide information including:
- Companies House and/or Charity Commission registration
 - HMRC/PAYE information
 - Business rates account details, if relevant
 - signed lease/licence agreements
 - bank statements and supplier invoices
 - certified accounts/management accounts
 - other information that may be required to establish evidence of ongoing fixed business costs and loss of income due to COVID-19.

Options

- 2.19 The Council could have chosen to make the grant scheme open to a wider range of businesses or with eligibility criteria that are not in accordance with Government guidance. This would generate potential reputational risks for the Council as demand for the grant scheme would be substantially greater than the funding available from Government. Failure to comply with Government guidance would place the Council at risk of financial clawback in the event that the Council awarded funding to ineligible businesses, with related reputational risk.
- 2.20 The proposals will ensure that those businesses in the four priority areas identified in the report, in accord with Government guidance and including strategically important businesses, will gain access to financial support as soon as possible through a locally administered grant scheme. In the event that there are unallocated funds or additional resource is made available by Government, the Council will consider widening the range of organisations that can apply.

Costs

- 2.21 The Government has allocated £8,795,740 for the ARG in Kirklees. This is just under 8% of the funding allocated to the Council in early April 2020 to support the Small Business and Retail, Hospitality and Leisure Grant funds.
- 2.22 Council officers will manage the scheme to ensure that only eligible businesses/charities apply and that appropriate evidence is provided by applicants. The operation of the scheme will be subject to regular review by the Council’s Section 151 Officer.
- 2.23 The Council will undertake proportionate pre-payment checks to confirm eligibility in relation to the criteria set out in this report. The Council will also undertake appropriate pre-and post-payment checks to manage the risk of fraud. Any funding issued by the Council will be subject to clawback, alongside any grants paid in error.

Expected impact/outcome/benefits

- 2.24 The outcomes/benefits of the proposals will include reducing the financial impact on businesses of the lockdown and related impacts of COVID-19. It is acknowledged that there have been some gaps in the provision of financial support, including some self-employed residents and non-rate paying businesses. Implementing this scheme will ensure that businesses can meet their ongoing fixed business costs, strengthen their resilience and be well placed to support the economic recovery.

Risks

2.25 There are a number of risks associated with the scheme, including:

- applicants may seek grant support for ineligible activity
- need/demand may strip the funding available
- reputational risks for the Council in relation to the amount of support available or the sectors eligible for grant funding.

2.26 These risks will be managed and mitigated through the operation of the grant scheme. Council Officers will put in place appropriate mechanisms, to ensure that only eligible activities are funded and suitable evidence of expenditure is provided. The scheme will be open for applications for a defined period to be agreed. It is considered that the positive reputational benefits of providing access to financial support for the affected businesses and charities who are to be targeted by the scheme outweigh the negative reputational impacts of the proposals.

3. Implications for the Council

Working with people

3.1 The proposals will support the Council's efforts to work together with people and communities to find shared solutions. The Council has drawn on learning from the implementation of the various Government grant support schemes and this will inform delivery of the ARG. The operation of the scheme will be kept under regular review in response to business feedback.

Working with Partners

3.2 The proposed package of support has been developed by the Government in response to feedback from business organisations and other groups. The Council will work with local partners including WYCA/Leeds City Region LEP, the Mid Yorkshire Chamber of Commerce and Industry and the Federation of Small Businesses in order to publicise the scheme and target eligible applicants.

Place Based Working

3.3 The scheme will support those businesses and charities that have been unable to secure grant support to date, including those in some of the area's most deprived communities. Ward Councillors will be fully engaged in the process to encourage eligible businesses and charities to apply for support.

Climate Change and Air Quality

3.4 The grant scheme will support those businesses/charities with ongoing costs that have been most affected by COVID-19. There is some evidence to suggest that the changes in behaviour brought about by the lockdown have reversed the decline in air quality and improved emissions during this period. Whilst the implementation of the ARG scheme is unlikely to have a significant impact on climate change, the Council will ensure that the climate emergency and opportunities for low carbon growth are central to the recovery planning process.

Other (legal/financial/human resources)

3.5 Financial matters are addressed in section 2 of the report.

3.6 The scheme will be operated in accord with State Aid guidance. It is anticipated that most applicants will be awarded aid based on the De Minimis rules although it is possible that some awards will be granted under the UK COVID-19 Temporary Framework. The Council will write to all successful applicants advising them of the State Aid compliance route that has been applied and requiring them to certify their eligibility for aid as a condition of receipt of the grant.

- 3.7 The proposed grant scheme will be administered by existing Council Officers. To ensure the scheme can be implemented quickly, significant officer capacity has been re-purposed to support delivery of the scheme.
- 3.8 An Integrated Impact Assessment (IIA) has not been undertaken for the proposals as a result of the short timeframe for implementing the scheme in response to COVID-19 pandemic. An IIA will be undertaken during the first three months of implementation.
- 3.9 The Council will be required to provide regular reports to BEIS on the implementation of the grant scheme.

4. Consultees and their opinions

- 4.1 Engagement with stakeholders including BEIS, Mid Yorkshire Chamber of Commerce and Industry, Federation of Small Businesses and other groups will continue as the scheme is implemented and it will be shaped in response.

5. Next steps and timelines

- 5.1 Subject to approval, the Additional Restrictions Grant scheme will be launched as soon as practicable following the Cabinet meeting on 26 November. The Council will work with key local partners to publicise the scheme and target eligible applicants.
- 5.2 The Council will publish detailed scheme guidance and application forms on its website as soon as the scheme is launched. The Council will put in place a streamlined process to ensure the rapid turnaround of applications for support.
- 5.3 The Council will keep the operation of the scheme under review, including the period during which it will be open for applications.

6. Officer recommendations and reasons

1. Cabinet notes the content of this report and approves the establishment of the Additional Restrictions Grant, including the proposed eligibility criteria for applicants and the grant amounts to be awarded set out in section 2 of the report.
2. Cabinet agrees to receive a further update report considering the implementation of the Government's business grant schemes that have been in operation during the lockdown.
3. Cabinet delegates authority for implementation and monitoring of the Local Authority Discretionary Grant Fund scheme to the Strategic Director Growth and Regeneration and the Service Director Finance, including the authority to make further changes to the scheme to ensure equity and achievement of the objectives noted above.
4. Cabinet delegates authority to the Strategic Director Economy and Infrastructure and the Service Director (Finance), in consultation with the Portfolio Holder for Corporate, to vary the eligibility criteria for the Additional Restrictions Grant scheme.

Reasons

1. To enable Cabinet to approve the ARG fund for Kirklees to extend financial support available to those businesses and charities that are ineligible for other Government COVID-19 grant programmes as soon as practicable.
2. To ensure the grant schemes are being implemented in a coordinated manner.
3. To enable rapid and efficient implementation of the grant scheme in accordance with the scheme of delegations.
4. To enable the identification and implementation of additional measures, where required, to complement the approved grant scheme, in accordance with the scheme of delegations.

7. Cabinet Portfolio Holder's recommendations

The Cabinet Portfolio Holder supports the recommendations, which have been developed as a matter of urgency at the request of Cabinet in order to ensure local businesses and charities can access the grant programme as soon as practicable.

8. Contact officer

Chris Duffill, Head of Business and Skills chris.duffill@kirklees.gov.uk 01484 221000.

9. Background Papers and History of Decisions

Additional Restrictions Grant guidance -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935130/additional-restrictions-grant.pdf

10. Service Director responsible

Angela Blake, Service Director Economy and Skills
Eamonn Croston, Service Director Finance.