

Part 3

Section 1 – Introduction

1.1 Part 3 sets out the responsibility for the functions of the Combined Authority.

Section 2 - Non-Mayoral Functions

1.2 Non-Mayoral Functions are functions of the Combined Authority which are not exercisable by the Mayor. Section 2.1 sets out an overview of the Non-Mayoral Functions, including those conferred by the 2014 and 2021 Orders.

1.3 Non-Mayoral Functions are exercised by the Combined Authority at a meeting of the Combined Authority or in accordance with arrangements agreed by the Combined Authority¹, as follows:

- by a **committee or sub-committee** of the Combined Authority,
- by an **officer** with delegated authority,
- by **another local authority**, or
- under **joint arrangements** with one or more other local authorities².

1.4 Arrangements for Non-Mayoral Functions agreed by the Combined Authority are set out in Section 2, as follows:

- Section 2.2 sets out the Non-Mayoral functions which have been **reserved to the Combined Authority**, that is, are not delegated and must be taken at a meeting of the Combined Authority, and
- Section 2.3 sets out the **Terms of Reference** of committees appointed by the Combined Authority.

(See also Section 4 below, the Officer Delegation Scheme which sets out how the Combined Authority has delegated Non-Mayoral Functions to officers).

1.5 Where a Non-Mayoral Function has been delegated under arrangements, this does not prevent the Combined Authority exercising the function.

Section 3 - Mayoral Functions

1.6 Mayoral Functions are functions of the Combined Authority exercisable only by the Mayor. They are:

- **Mayoral General Functions**, and
- **PCC Functions**.

¹ Section 101 of the Local Government Act 1972

² In accordance with Section 101(5) of the 1972 Act

Section 3.1 sets out an overview of Mayoral Functions.

- 1.7 **Mayoral General Functions** of the Combined Authority are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor. Section 3.1.1 sets out the **Mayoral General Functions** conferred by the 2021 Order.
- 1.8 The Mayor may arrange for any of the following to exercise any Mayoral General Function, except those reserved by law to the Mayor:
- the Deputy Mayor,
 - another Combined Authority member, or
 - an officer of the Combined Authority.
- 1.9 The Mayor may enter into arrangements jointly with the Combined Authority, the Constituent Councils and other councils for the discharge of the Mayoral General Functions.
- 1.10 Arrangements for Mayoral General Functions made by the Mayor are set out in Section 3 as follows:
- Section 3.1.2 is the Mayor's **Mayoral General Functions Scheme of Delegations to Combined Authority Members**.³
- (See also Section 4 below, the **Officer Delegation Scheme** which sets out any delegations of Mayoral General Functions by the Mayor to officers).
- 1.11 Where a Mayoral General Function has been delegated under arrangements, this does not prevent the Mayor exercising the function.
- 1.12 The Mayor may amend their arrangements at any time – see further Article 4 (the Mayor).
- 1.13 Any **PCC Function** exercisable by the Mayor of the Combined Authority is to be taken as a function of the Combined Authority exercisable
- by the Mayor acting individually, or
 - by a person acting under arrangements with the Mayor.⁴
- 1.14 Article 5 (PCC Functions) sets out the arrangements which the Mayor may make.
- 1.15 Arrangements for PCC Functions made by the Mayor are set out in Section 3 as follows:
- Section 3.2 sets out the Mayor's **Arrangements for PCC Functions**⁵.

³ To be approved by the Mayor

⁴ made in accordance with provision made under Schedule 5C of the Local Democracy, Economic Development and Construction Act 2009 - see further Article 5 (PCC Functions)

⁵ To be approved by the Mayor

1.16 Where a PCC Function has been delegated under arrangements, this does not prevent the Mayor exercising the function.

Section 4 – Officer Delegation Scheme

1.17 Section 4 is the **Officer Delegation Scheme** (Non-Mayoral and Mayoral General Functions).

Section 5 – Concurrent Functions Protocol

1.18 Section 5 is a Protocol for the exercise of Concurrent Functions and associated Statutory Consents.

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Section 2.1 - Non-Mayoral Functions - Overview

The Combined Authority exercises the Non-Mayoral functions. These are:

- **Transport functions** of the Combined Authority¹, including in its role as
 - local transport authority,
 - travel concession authority, or
 - transport authority

subject to the exception of any function which is exercisable only by the Mayor (see further Mayoral General Functions)².

- **Functions conferred by the 2014 Order** – see further Table A below.
- **Functions conferred by the 2021 Order** – see further Table B below. The exercise of specified functions conferred by the 2021 Order requires the **Statutory Consent** of a Constituent Council Member (or their substitute) to be provided at a meeting of the Combined Authority.
- **Functions related to governance and finance matters** – see further Part 2 of the Constitution.
- A **general ancillary power** in addition to (and not limited by) the Combined Authority's other powers.³

¹ Functions of the West Yorkshire Integrated Transport Authority transferred to the Combined Authority by Article 7 of the West Yorkshire Combined Authority Order 2014; functions transferred from the West Yorkshire Integrated Transport Authority included functions of the West Yorkshire Passenger Transport Executive (Article 8 of the 2014 Order).

² Sections 108, 109, 112 of the Transport Act 2000 (local transport plans and supplementary provisions) are functions exercisable by the Mayor, although the Combined Authority may amend these plans – see further Budget and Policy Procedure Rules in Part 4 of the Constitution.

³ Under Section 113A of the Local Democracy, Economic Development and Construction Act 2009, subject to limitations set out in Section 113B of the 2009 Act. This is **not** a general power of competence, but allows the Combined Authority to do anything it considers appropriate for the purposes of carrying out any of its functions, or for purposes incidental or indirectly incidental, or connected with its functions or anything the Section allows it to do including for a commercial purpose.

Table A – Non-Mayoral Functions Conferred by the 2014 Order (In Addition to Transport Functions)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	2014 Order Reference
Section 1 of the Localism Act 2011	The functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence.	Y*	N	Article 10 and Schedule 3
Section 142(2) of the Local Government Act 1972	Power to arrange for publication of information etc. relating to the functions of the authority.	This provision shall have effect as if the Combined Authority were a local authority.	N	Article 11
Section 222 of the Local Government Act 1972	Power to prosecute and defend legal proceedings.	This provision shall have effect as if the Combined Authority were a local authority.	N	Article 11
Section 88(1)(a) and (b) of the Local Government Act 1985	Research and collection of information, whether or not a scheme is made under that section.	N	N	Article 12

* 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.

Table B – Non-Mayoral Functions Conferred by the 2021 Order

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Education, Skills and Training Functions				
Section 51A of the Further and Higher Education Act 1992	Power to give a notice to the governing body of an FE institution requiring them to provide specified individuals 16-19 with appropriate education.	Y*	N	Article 5(2)(a)
Section 13A of the Education Act 1996	Duty to promote high standards and fulfilment of potential in exercising relevant education and training functions.	Y*	N	Article 5(2)(b)
Section 560A of the Education Act 1996	Power to secure work experience / Duty to encourage participation in work experience/ encourage employers to participate in providing.	Y*	N	Article 5(2)(c)
Section 10 of the Education and Skills Act 2008	Duty to exercise functions so as to promote participation by persons under Section 2.	Y*	N	Article 5(2)(d)
Section 12 of the Education and Skills Act 2008	Duty to identify people in their area who are failing to fulfil their duty under Section 2 to participate in education or training.	Y*	N	Article 5(2)(e)

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 68 of the Education and Skills Act 2008	Duty to provide services enabling, encouraging and assisting young people and relevant young adults to participate in education and training.	Y*	N	Article 5(2)(f)
Section 70 of the Education and Skills Act 2008	Power to provide services enabling, encouraging or assisting young people and relevant young adults to participate in education and training.	Y*	N	Article 5(2)(g)
Section 71 of the Education and Skills Act 2008	Power to provide support given to young people conditional on specified action.	Y*	N	Article 5(2)(h)
Section 85 of the Education and Skills Act 2008	Duty placing further requirements on arrangements made by a children's services authority in England under Section 10 of the Children Act 2004 (which requires authorities to co-operate with each other).	Y*	N	Article 5(2)(i)
Section 86 of the Apprenticeships, Skills Children and Learning Act 2009	Duty to provide education and training for over 19 years and others subject to adult detention.	N	N	Article 6(1)(a)

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 87 of the Apprenticeships, Skills Children and Learning Act 2009	Duty - Learning aims over 19 years - provision of facilities.	N	N	Article 6(1)(b)
Section 88 of the Apprenticeships, Skills Children and Learning Act 2009	Duty - Learning aims over 19 years - payment of tuition fees.	N	N	Article 6(1)(c)
Section 90 of the Apprenticeships, Skills Children and Learning Act 2009	Duty - Encouragement of education and training over 19 years.	N	N	Article 7(1)(a)
Section 100(1) of the Apprenticeships, Skills Children and Learning Act 2009	Provision of financial resources.	N	N	Article 7(1)(b)
Housing, Regeneration and Planning Functions				
Section 5 of the Housing and Regeneration Act 2008	Power to provide housing or other land.	N	N	Article 10(1)(a)
Section 6 of the Housing and Regeneration Act 2008	Power to regeneration development or effective use of land.	N	N	Article 10(1)(b)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 7 of the Housing and Regeneration Act 2008	Power to provide Infrastructure.	N	N	Article 10(1)(c)
Section 8 of the Housing and Regeneration Act 2008	Power to deal with land.	N	N	Article 10(1)(d)
Section 10 of the Housing and Regeneration Act 2008	Restrictions on land disposal.	N	N	Article 10(1)(f)
Section 11 of the Housing and Regeneration Act 2008	Power to acquire land.	N	N	Article 10(1)(g)
Section 12 of the Housing and Regeneration Act 2008 (as above)	Power - Statutory undertakers.	N	N	Article 10(1)(h)
Para 19 & 20 of Sch 3 Housing and Regeneration Act 2008	Power - Burial grounds and consecrated land.	N	N	Article 10(1)(i)
Para 1 – 4, 6, 10 & 20 Sch 4 Housing and Regeneration Act 2008	Power - Removal of powers HCA.	N	N	Article 10(1)(j)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 226 of the Town and Country Planning Act 1990	Power to compulsorily acquire land development/planning.	Y	Consent of each Constituent Council Combined Authority Member whose area contains any part of the land, or substitute Member.	Article 11(1)(a)
Section 227 of the Town and Country Planning Act 1990	Power to acquire land by agreement.	Y	N	Article 11(1)(b)
Section 229 of the Town and Country Planning Act 1990	Power to appropriate land.	Y	N	Article 11(1)(c)
Section 230(1)a of the Town and Country Planning Act 1990	Power to acquire land for exchange.	Y	N	Article 11(1)(d)
Section 232 of the Town and Country Planning Act 1990	Power to appropriate land held for planning purposes.	Y	N	Article 11(1)(e)
Section 233 of the Town and Country Planning Act 1990	Power to dispose of land held for planning purposes.	Y	N	Article 11(1)(f)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 235 of the Town and Country Planning Act 1990	Power to develop land held for planning purposes.	Y	N	Article 11(1)(g)
Section 236 of the Town and Country Planning Act 1990	Power to extinguish rights over land.	Y	N	Article 11(1)(h)
Section 238 of the Town and Country Planning Act 1990	Power to use and develop consecrated land.	Y	N	Article 11(1)(i)
Section 239 of the Town and Country Planning Act 1990	Power to use and develop burial grounds.	Y	N	Article 11(1)(j)
Section 241 of the Town and Country Planning Act 1990	Power to use and develop open spaces.	Y	N	Article 11(1)(k)
Section 17 of the Housing Act 1985 with the exception of Section 17(3) (compulsory purchase) which is a Mayoral Function	Power to acquire land for housing development.	Y	Consent of each Constituent Council Combined Authority Member whose area contains any part of the land, or substitute Member.	Article 11(1)(l)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 18 of the Housing Act 1985	Duty to secure buildings where land acquired under S17.	Y	N/A	Article 11(1)(m)
Transport				
Section 6 of the Highways Act 1980	Be an authority to whom functions may be delegated by the Secretary of State or Highways England or agreements entered into re construct, improve or maintain trunk roads.	Applies to local authorities as local highway authorities.	Consent of each Constituent Council Combined Authority Member.	Article 19(1)
Section 8 of the Highways Act 1980	Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Applies to local authorities as local highway authorities.	N	Article 19(2)
Sections 1 and 2(4) of the Road Traffic Regulation Act 1984	Power to make a traffic order re routes for heavy commercial vehicles.	Y ⁱ	Consent of each Constituent Council Combined Authority Member.	Article 20(1)(a) Article 20(1)(b)
Section 9 of the Road Traffic Regulation Act 1984	Power to make an experimental traffic order.	Y	Consent of each	Article 20(1)(c)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
			Constituent Council Combined Authority Member.	
Section 23 of the Road Traffic Regulation Act 1984	Power to place pedestrian crossings.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)
Section 65 of the Road Traffic Regulation Act 1984	Power to place traffic signs.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(b)
Section 83 of the New Roads and Street Works Act 1991	Duty - works likely to affect apparatus in street – duty to notify.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)
Section 84 of the New Roads and Street Works Act 1991	Measures where apparatus affected by major works.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)
Section 85 of the New Roads and Street Works Act 1991	Sharing of costs of necessary measures.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)
Street Works (Sharing of Costs of Works) (England)	Sharing the costs of diversionary works between CA and undertakers.	Y	Consent of each	Article 21(3)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Regulations 2000			Constituent Council Combined Authority Member.	
Section 33 of the Traffic Management Act 2004	Preparation of permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(1)(a)
Section 33A of the Traffic Management Act 2004	Implementing permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(1)(b)
Section 36 of the Traffic Management Act 2004	Varying/revoking permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(1)(c)
Part 3 of 2004 Act		Y	N	Article 23(4)
Traffic Management Permit Scheme (England) Regs 2007	Permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(5)
Bus Lane Contraventions (Penalty charges,	Enforce bus lane contravention.	Y	Consent of each	Article 24(3)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Adjudication and Enforcement (England) Regs 2005			Constituent Council Combined Authority Member.	
Additional Functions				
Section 69 of the Local Democracy, Economic Development and Construction Act 2009	Duty to prepare economic condition assessment.	Y [*]	N	Article 25(1)
Sections 17A and 115 of the Crime and Disorder Act 1998	Information sharing (crime and disorder).	Y ⁴	N	Article 26(1) Article 26(2)

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

⁴ The Combined Authority is a relevant authority for the purposes of Section 115 (disclosure of information).

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Section 2.2 – Non-Mayoral Functions reserved to the Combined Authority¹

Functions	Relevant legislation
To amend the Local Transport Plan and related strategies prepared by the Mayor ²	Sections 108,109 and112 of the Transport Act 2000, and Article 27(8) of the 2021 Order
To approve, amend or revoke any major policy or investment priorities, strategy or plan for the Combined Authority from time to time, including: <ul style="list-style-type: none">• the Adult Education Budget Strategy,• the Corporate Plan• any European funding strategies• Strategic Economic Framework³,• in respect of the Single Investment Fund,• in respect of any fund outside of the Single Investment Fund which relates to Non-Mayoral functions,• the Tackling the Climate Emergency Action Plan,• the West Yorkshire Investment Strategy, and• the West Yorkshire Low Emission Strategy with the exception of any policy, investment priorities, strategy or plan which the Combined Authority has authorised a committee or officer to approve, amend, withdraw or revoke. ⁴	

¹ These comprise:

- functions which the Combined Authority cannot lawfully delegate, and
- functions which are reserved to the Combined Authority for the purposes of this Scheme, subject to any exceptions set out in this Scheme, or any delegations which the Combined Authority may specifically make outside this Scheme

² In accordance with the Budget and Policy Procedure Rules in Part 4 of the Constitution

³ This is comprised of the policies, plans and strategies which may be accessed [here](#)

⁴ Approving any new policy, investment priorities, strategy or plan outside of those reserved to the Combined Authority falls within the terms of reference of any relevant committee, subject to a direction by the Mayor that it should be determined by the Combined Authority. The Combined Authority may in addition authorise any committee or officer to approve, amend, withdraw or revoke any of the above.

<p>To appoint the Local Enterprise Partnership Member and substitute member to the Combined Authority.</p> <p>To grant any voting rights to the Local Enterprise Partnership and non-constituent Council member.</p>	<p>The 2014 Order</p> <p>Section 85(5) of the Local Transport Act 1985 and Schedule 1 of the 2014 Order</p>
<p>To make arrangements for the discharge of functions by a committee or officer and to appoint committees.</p>	<p>Sections 101 and Section 102 of the Local Government Act 1972</p>
<p>To appoint one or more overview and scrutiny committees and give any voting rights to any member of any such committee appointed by the non-constituent Council.</p>	<p>The 2014 Order</p>
<p>To appoint an Independent member to an Audit Committee.</p>	<p>Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017</p>
<p>To approve, amend, withdraw or revoke any plan or strategy for the control of the Combined Authority's borrowing, investments or capital expenditure.</p>	<p>Part 1 of the Local Government Act 2003</p>
<p>To determine and keep under review how much money the Combined Authority can afford to borrow.</p>	<p>Section 3 of the Local Government Act 2003⁵</p>
<p>To approve the Combined Authority's budget and the Mayor's budget</p>	<p>Combined Authorities (Finance) Order 2017</p>
<p>To set a levy.</p>	<p>Local Government Finance Act 1988, Transport Levying Bodies Regulations 1992 and Section 101(6), Local Government Act 1972, and Schedule 1 Article 3 of the 2021 Order</p>

⁵ Section 3(8) of the 2003 Act requires this function to be discharged only by the Combined Authority

To approve, amend, withdraw or revoke Standing orders . ⁶	Schedule 1 of the 2014 Order
To consent to orders relating to the governance and functions of the Combined Authority .	Sections 103 – 113D of the Local Democracy, Economic Development and Construction Act 2009
To consent to regulations relating to a sub-national transport body .	Part 5A of the Local Transport Act 2008
To consent to regulations to levy in relation to expenses reasonably attributable to the exercise of functions other than transport functions.	Section 74(11) of the Local Finance Act 1988
To consent to regulations to borrow .	Section 23 of the Local Government Act 2003(6)
To appoint a Local Auditor to audit its accounts, and accept an invitation, decide or request to become an opted-in authority in relation to local audit arrangements.	Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015/192
To make, amend revoke or re-enact byelaws .	Section 83 of the West Yorkshire Act 1980
To promote or oppose any Bill in Parliament.	Section 239 Local of the Government Act 1972 and s10 of the Transport Act 1968
To make, amend, revoke or replace a Members' Allowances Scheme .	The 2014 Order
To authorise a person to exercise a function pursuant to an Order, or to revoke any such authorisation.	Section 70 of the Deregulation and Contracting Out Act 1974
To appoint Proper Officers .	Section 270(3) of the Local Government Act 1972 (see further Officer Delegation Scheme)
To designate a Head of Paid Service , and to consider any report of the Head of Paid Service under Section 4 Local Government and Housing Act 1989 ⁷ .	Section 4 of the Local Government and Housing Act 1989

⁶ Except in so far as this function is specifically delegated to the **Director, of Corporate and Commercial Services** and the Head of Legal and Governance Services under the Officer Delegation Scheme

⁷ Considering a report of the Head of Paid Service cannot by law be delegated – Section 4(5) of the 1989 Act

To designate a Monitoring Officer , and to consider any report of the Monitoring Officer under Section 5 (2) of the Local Government and Housing Act 1989. ⁸	Section 5 of the Local Government and Housing Act 1989
To appoint a Chief Finance Officer , and to consider any report of the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988.	Section 73 of the Local Government Act 1985 and Section 114 Local Government Finance Act 1988
To appoint, discipline and dismiss any Director ⁹ .	Section 112 of the Local Government Act 1972
To appoint members of the Combined Authority to outside bodies.	
To adopt, revise or replace a Members' Code of Conduct .	Section 28 of the Localism Act 2011
To appoint at least one independent person .	Section 28(7) of the Localism Act 2011
To make arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct .	Section 28(6) of the Localism Act 2011
To adopt, revise or replace the Leeds City Region Assurance Framework ¹⁰ .	
The publication of an annual report on the exercise and performance of transport functions .	Section 16 of the Transport Act 1968
Functions relating to road user charging schemes .	Part III Transport Act
To jointly ¹¹ approve, vary, revoke or postpone ¹² an advanced quality partnership scheme .	Part II Transport Act 2000

⁸ Considering a report of the Monitoring Officer cannot by law be delegated – Section 5(5)(b) of the 1989 Act

⁹ The Head of Legal and Governance Services in their capacity as Monitoring Officer is a Director for this purpose

¹⁰ Except in so far as specifically delegated to the Head of Legal and Governance Services under this Scheme

¹¹ that is, with at least one other local transport authority

¹² Including postponing any provision of particular facilities, taking of specific measures or provision of particular standards of service

To jointly ¹³ make, vary or revoke an enhanced partnership plan and jointly ¹⁴ make, postpone or revoke an enhanced partnership scheme .	Part II Transport Act 2000
To jointly ¹⁵ approve, vary or revoke an advanced ticketing scheme .	Part II Transport Act 2000
To jointly ¹⁶ make, vary or terminate a voluntary partnership agreement	Part II Transport Act 2000
To agree a Key Route Network with Constituent Councils, in respect of exercising Concurrent Transport-related Functions	The 2021 Order – provisions relating to Statutory Consents
To discharge any other function which, by virtue of any enactment, may be discharged only by the Combined Authority, including the approval any other plan or strategy which must by law be adopted or approved by resolution of the Combined Authority.	

¹³ that is, with at least one other local transport authority

¹⁴ that is, with at least one other local transport authority

¹⁵ that is, with at least one other local transport authority

¹⁶ that is, with at least one other local transport authority

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Section 3.1 - Responsibility for Mayoral Functions - Overview

1.1. Mayoral Functions are the functions of the Combined Authority exercisable only by the Mayor. They comprise:

- **Mayoral General Functions** are functions of the Combined Authority which are exercisable only by the Mayor other than PCC Functions. These are conferred by the 2021 Order see further **Table D** in section 3.1.1 below¹, or other legislation.

1.2. A Statutory Consent is required in relation to the exercise of specified Mayoral General Functions as follows:

- the exercise of specified **Concurrent Functions** conferred by the 2021 Order requires the Statutory Consent of a Constituent Council Combined Authority Member (or Substitute Member) to be provided at a meeting of the Combined Authority, as indicated in Table D, and
- any decision of the Mayor which gives rise to a **financial liability for a Constituent Council** requires the Statutory Consent of the Constituent Council Combined Authority Member appointed by that Constituent Council (or Substitute Member).

- see further the Mayoral Procedure Rules in Part 4 of the Constitution.

- **PCC Functions** – see further Part 3, section 3.2.1
- **Functions relating to governance and finance matters** – see further Part 2 of the Constitution.

¹ Functions conferred under the 2021 Order include a **general ancillary power** in addition to (and not limited by) the Mayor's other powers - Section 113A of the Local Democracy, Economic Development and Construction Act 2009, subject to limitations set out in Section 113B of the 2009 Act. This is **not** a general power of competence, but allows the Mayor to do anything the Mayor considers appropriate for the purposes of carrying out any of the Mayoral General Functions, or for purposes incidental or indirectly incidental, or connected with those functions or anything the Section allows the Mayor to do including for a commercial purpose.

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Section 3.1.1

Table D - Mayoral General Functions conferred by the 2021 Order

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
Housing, Regeneration and Planning Functions				
Section 9(2) of the Housing and Regeneration Act 2008	Power to Acquire land	N	Consent of each Constituent Council Combined Authority Member whose local government area contains any part of the land, or Substitute Member.	Article 10(1)(e) and Article 27(6)
Section 17(3) of the Housing Act 1985 - compulsory purchase	Power to acquire land for housing development	Y	Consent of each Constituent Council Combined Authority Member whose area contains any part of the land, or Substitute Member.	Article 11(1)(l)
Mayoral Development Corporation				
Section 197 of the Localism Act 2011	Mayoral Development Area - designation	N	Consent of each Constituent Council Combined Authority Member whose local government area contains any part of the area to be designated as a Mayoral development area, or Substitute Member; and the National Park Authority if the Mayor proposes to exercise the function in respect of	Article 14(2)(a)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
			the whole or any part of the area of the Peak District National Park.	
Section 199 of the Localism Act 2011	Mayoral Development Area - exclusion of land	N	Consent of each Constituent Council Combined Authority Member whose local government area contains any part of the area to be excluded from a Mayoral development area; or Substitute Member.	Article 14(2)(b)
Section 200 of the Localism Act 2011	Transfers of proposed to a Mayoral Development Area	N		Article 14(2)(c)
Section 202(2) to (4) of the Localism Act 2011	Planning functions in relation to Mayoral Development Area	N	Consent of each Constituent Council Combined Authority Member whose local government area contains any part of the area to be designated as a Mayoral Development Area, or Substitute Member; and the National Park Authority if the Mayor proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.	Article 14(2)(d)
Section 204 of the Localism Act 2011	Removal or restrict planning powers	N	N	Article 14(2)(e)
Section 214 of the Localism Act 2011	Discretionary relief from ND rates	N	N	Article 14(2)(f)
Section 215 of the Localism Act 2011	Review	N	N	Article 14(2)(g)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
Section 216 of the Localism Act 2011	Transfers of property rights and liabilities	N	N	Article 14(2)(h)
Section 217 of the Localism Act 2011	Dissolution – final steps	N	N	Article 14(2)(i)
Section 219 of the Localism Act 2011	Guidance by Mayor	N	N	Article 14(2)(j)
Section 220 of the Localism Act 2011	Directions by Mayor	N	N	Article 14(2)(k)
Section 221 of the Localism Act 2011	Consents	N	N	Article 14(2)(l)
Para 1 Sch 21 of the Localism Act 2011	Membership	N	N	Article 14(2)(m)
Para 2 Sch 21 of the Localism Act 2011	Terms of members' appointments	N	N	Article 14(2)(n)
Para 3 Sch 21 of the Localism Act 2011	Staff	N	N	Article 14(2)(o)
Para 4 Sch 21 of the Localism Act 2011	Remuneration of members and staff	N	N	Article 14(2)(p)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
Para 6 Sch 21 of the Localism Act 2011	committees	N	N	Article 14(2)(q)
Para 8 Sch 21 of the Localism Act 2011	Proceedings and meetings	N	N	Article 14(2)(r)
Transport				
Section 31 of the Local Government Act 2003	Power to pay grants for exercising highways functions	N	N	Article 17(a)
Section 154(1) of the Transport Act 2000	Power to pay grants to bus operators	N	N	Article 18(1)
Mayoral Functions				
Section 108 of the Transport Act 2000	Duty to prepare Local transport plans	N	N	Article 27(1)(b)
Section 109 of the Transport Act 2000	Duty and Power - Further provision about plans (keep under review/replace/consultation/publication requirements)	N	N	Article 27(1)(b)
Section 112 of the Transport Act 2000	Duty - Plans and strategies – supplementary:	N	N	Article 27(1)(b)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
	Regard to guidance and transport needs of disabled persons			
Section 113A of the LCEDC Act 2009	Power - Ancillary general power	N	N	Article 27(1)(b)
Funding				
Business Rate Supplement Act 2009	Power - Business Rate Supplement	N	N	Article 31(1)

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Part 3

Section 5 – Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

This Protocol is dated 2021

Parties

1. **WEST YORKSHIRE COMBINED AUTHORITY** of Wellington House, 40-50 Wellington Street, Leeds, LS1 2DE (“Combined Authority”).
2. **CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL** of City Hall, Centenary Square, Bradford, West Yorkshire BD1 1HY.
3. **BOROUGH COUNCIL OF CALDERDALE**, of the Town Hall, Crossley Street, Halifax, West Yorkshire, HX1 1UJ.
4. **THE COUNCIL OF THE BOROUGH OF KIRKLEES**, of the Town Hall, Ramsden Street, Huddersfield, West Yorkshire, HD1 2TA.
5. **LEEDS CITY COUNCIL** of Civic Hall, Calverley Street, Leeds, LS1 1UR.
6. **THE COUNCIL OF THE CITY OF WAKEFIELD**, Town Hall, Wood Street, Wakefield, West Yorkshire, WF1 2HQ.

Each a **party** together the **parties**, and the parties (2) to (6) above collectively the “**Constituent Councils**” of the Combined Authority.

1. Background and Introduction

1.1. The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 SI 2021/112 made on 29 January 2021 (“2021 Order”) provides for:

- the election of a mayor for the area of the Combined Authority (“Mayor”) from May 2021,
- the Mayor to exercise the functions of a Police and Crime Commissioner, and
- the following functions to be conferred on the Combined Authority:
 - adult education functions of the Secretary of State (to be exercised instead of or concurrently with the Secretary of State),
 - functions of Homes England relating to housing and regeneration (to be exercised concurrently with Homes England),

- functions relating to grants to bus operators,
- functions in relation to the designation of a Mayoral Development Area (MDA) and establishing a Mayoral Development Corporation (to be exercised by the Mayor)
- functions in relation to Business Rates Supplements (to be exercised by the Mayor),
- functions of the Constituent Councils to be exercised concurrently by the Combined Authority relating to
 - education, skills and training,
 - housing, regeneration and planning, and
 - transport (including in relation to highways, traffic orders, traffic signs, pedestrian crossings, street works, permit schemes and bus lane contraventions).

Concurrent Functions

- 1.2. Appendix A to this protocol sets out each function (that is, power or duty) of the Combined Authority (including a function exercisable by the Mayor) conferred by the 2021 Order which is exercisable concurrently with the Constituent Councils (a “**Concurrent Function**”).
- 1.3. Under the 2021 Order, there is:
 - no transfer of any Concurrent Function to the Combined Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
 - no requirement for the joint exercise of any Concurrent Function by the Combined Authority with Constituent Councils – that is, that they are not required to act together, and
 - no requirement for a Constituent Council to involve, consult or seek the consent of the Combined Authority in relation to the exercise of any Concurrent Function by a Constituent Council.
- 1.4. That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2021 Order.

Statutory Consents

- 1.5. The 2021 Order provides that the Combined Authority’s exercise of specified functions is subject to a consent provision, (“**Statutory Consent**”), to safeguard the Constituent Councils’ role in local decision-making and delivery. These are detailed in Appendix A to this protocol.

Aim of this Protocol

- 1.6. The aim of this protocol is to promote:
- **co-operation** and **collaboration** between the Combined Authority and the Constituent Councils in a spirit of partnership,
 - **transparency** of roles and processes to engender mutual trust and confidence, and
 - the **best use of resources** through co-ordination and reducing duplication between the parties.
- 1.7. The Combined Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.
- 1.8. The Combined Authority is committed to on-going engagement with Constituent Councils about all aspects of its work. This includes engagement about how the Combined Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

Miscellaneous

- 1.9. For some Concurrent Functions, (as indicated in Appendix A), the 2021 Order provides that a Constituent Council's duty to exercise the Concurrent Function is met when the Combined Authority carries it out. This means that provided the Combined Authority performs the duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.
- 1.10. The 2021 Order provides for a Statutory Consent in relation to some functions of the Combined Authority which are to be exercised by the Mayor, (as indicated in Appendix A), including the power to acquire land for housing development under section 17(3) of the Housing Act 1985, which is a Concurrent Function. It is intended this protocol shall extend to the Mayor once they are in office in relation to the exercise of these functions.
- 1.11. Where the Combined Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Combined Authority and Constituent Council may agree a **bespoke protocol** to govern the way the Combined Authority exercises that Concurrent Function¹.

¹ The Combined Authority will send a copy of any bespoke protocol to any Constituent Council which is not a party to it, for information.

- 1.12. This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
- 1.13. This protocol does not address the **scrutiny** of the Combined Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

2. Concurrent Functions – Underlying Principles

- 2.1. This protocol sets out how the Combined Authority and each Constituent Council intend to **work together** to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their mutual benefit, although the Combined Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Combined Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).
- 2.2. The Combined Authority will **consult** Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 2.3. The Combined Authority will exercise any Concurrent Function **reasonably** and after **taking all relevant factors or considerations into account**, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010².
- 2.4. The Combined Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be **compatible** with and **complementary to** the exercise of the Concurrent Function by any Constituent Council.
- 2.5. Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Combined Authority and each Constituent Council agree to **share any information** as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.
- 2.6. The parties will consult with each other before **approving, varying or revoking any strategy or plan** which is likely to determine or significantly affect how any Concurrent Function is exercised by the Combined Authority.

² That is, will have due regard to those matters specified in S149 Equality Act 2010.

- 2.7. The Combined Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any **monitoring arrangements** relating to any Concurrent Function exercised by the Combined Authority.
- 2.8. The Combined Authority will so far as reasonably practicable seek to develop and share **best practice** with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Combined Authority.

3. Concurrent Functions: Consultation with Constituent Councils

- 3.1. The Combined Authority will consult the Constituent Councils about any proposal by the Combined Authority to exercise any Concurrent Function, except where the Constituent Councils have agreed that no consultation is required.
- 3.2. The Managing Director will also notify the relevant Chief Executive (or their nominee) of any proposal to exercise a Concurrent Function which would require a Key Decision by the Combined Authority as soon as practicable, and in any event before any Key Decision notice is published by the Combined Authority in relation to exercising the Concurrent Function, and unless the Chief Executive (or their nominee) agrees that no consultation is required, the Combined Authority will then proceed to consult the relevant Constituent Council in the manner set out in 3.3 and 3.4 below about such proposal.
- 3.3. The Managing Director will consult the Chief Executive (or their nominee) of any relevant Constituent Council as soon as reasonably practicable about the proposed exercise of any Concurrent Function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 3.4. Such consultation must be fair and carried out with adequate notice for responses which must be conscientiously considered by the Combined Authority with a view to reaching agreement on the exercise of the Concurrent Function.

4 Statutory Consents: Procedure

- 4.1. The 2021 Order provides for any **Statutory Consent to be given at a meeting of the Combined Authority**³. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined Authority, and any consent will be duly recorded in the minutes of the meeting.
- 4.2. The Combined Authority will seek any Statutory Consent **in a timely way**. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined Authority's Forward Plan at least 28 clear days before the

³ See further the Combined Authority's Procedure Standing Orders.

Combined Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.

- 4.3. To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Combined Authority who may provide a Statutory Consent, the Combined Authority's Managing Director will **notify the Chief Executive** of each relevant Constituent Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 4.4. In relation to any transport-related function in respect of which a Statutory Consent is required, the Combined Authority agrees that this is subject to the Combined Authority and the Constituent Councils agreeing a **Key Route Network** in respect of which the function is to be exercised.

5. Dispute Resolution

- 5.1. The Combined Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 5.2. Any dispute between the Combined Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Managing Director of the Combined Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.
- 5.3. In default of successful resolution between the parties, any dispute will be referred to the Mayor of the Combined Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required in their absolute discretion.

6. Review

- 6.1. The Combined Authority and the Constituent Councils agree to review this protocol **annually** and before any additional concurrent functions which may be conferred on the Combined Authority in future by any other Order are exercisable by the Combined Authority.
- 6.2. The Combined Authority and the Constituent Councils may revise this protocol from time to time, provided such **revisions** are **agreed in writing** by the Managing Director of the Combined Authority and the Chief Executive of each Constituent Council.

7. Signature

Signed for and on behalf of the West Yorkshire Combined Authority

Name

Date.....

Signed for and on behalf of the City of Bradford Metropolitan District Council

Name

Date.....

Signed for and on behalf of the Borough Council of Calderdale

Name

Date.....

Signed for and on behalf of the Council of the Borough of Kirklees

Name

Date.....

Signed for and on behalf of Leeds City Council

Name.....

Date.....

Signed for and on behalf of the Council of the City of Wakefield

Name

Date

Appendix

Concurrent Functions and Statutory Consents requirements

Appendix A: Functions of the Combined Authority conferred by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

Non-Mayoral functions

Note: Questions relating to the Non-Mayoral functions conferred by the 2021 Order (that is, those which are not solely exercisable by the Mayor), cannot be carried without the Mayor's vote in favour of the question.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent
Education, Skills and Training Functions				
Power to give a notice to the governing body of an FE institution requiring them to provide specified individuals 16-19 with appropriate education.	Section 51A Further and Higher Education Act 1992	Article 5(2)(a)	Y*	N
Duty to promote high standards and fulfilment of potential in exercising relevant education and training functions.	Section 13A Education Act 1996	Article 5(2)(b)	Y*	N
Power to secure work experience / Duty to encourage participation in work experience / encourage employers to participate in providing.	Section 560A Education Act 1996	Article 5(2)(c)	Y*	N
Duty to exercise functions so as to promote participation by persons under section 2.	Section 10 Education and Skills Act 2008	Article 5(2)(d)	Y*	N

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent
Duty to identify people in their area who are failing to fulfil their duty under section 2 to participate in education or training.	Section 12 Education and Skills Act 2008	Article 5(2)(e)	Y*	N
Duty to provide services enabling, encouraging and assisting young people and relevant young adults to participate in education and training.	Section 68 Education and Skills Act 2008	Article 5(2)(f)	Y*	N
Power to provide services enabling, encouraging or assisting young people and relevant young adults to participate in education and training.	Section 70 Education and Skills Act 2008	Article 5(2)(g)	Y*	N
Power to provide support given to young people conditional on specified action (e.g. learning support agreement).	Section 71 Education and Skills Act 2008	Article 5(2)(h)	Y*	N
Duty - this places further requirements on arrangements made by a children's services authority in England under section 10 of the Children Act 2004 (which requires authorities to co-operate with each other).	Section 85 Education and Skills Act 2008	Article 5(2)(i)	Y*	N
Housing, Regeneration and Planning Functions				
Power to compulsorily acquire land development/planning	Section 226 Town and Country Planning Act 1990	Article 11(1)(a)	Y	Requires the consent of each member of the Combined Authority whose area contains any part of the land, or

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent
				substitute members acting in place of those members.
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Article 11(1)(b)	Y	
Power to appropriate land	Section 229 Town and Country Planning Act 1990	Article 11(1)(c)	Y	
Power to acquire land for exchange	Section 230(1)a Town and Country Planning Act 1990	Article 11(1)(d)	Y	
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Article 11(1)(e)	Y	
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Article 11(1)(f)	Y	
Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Article 11(1)(g)	Y	
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Article 11(1)(h)	Y	
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Article 11(1)(i)	Y	
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Article 11(1)(j)	Y	

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent
Power to use and develop open spaces	Section 241 Town and Country Planning Act 1990	Article 11(1)(k)	Y	
Power to acquire land for housing development	Section 17 Housing Act 1985 except for <i>S17(3) (compulsory purchase) which is a Mayoral function (see below)</i>	Article 11(1)(l)	Y	Requires the consent of each member of the Combined Authority whose area contains any part of the land, or substitute members acting in place of those members.
Duty to secure buildings where land acquired under section 17	Section 18 Housing Act 1985	Article 11(10)(m)	Y	
Transport-related functions				
Power to be an authority to whom functions may be delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads . <i>(Enabling power of SoS/HE)</i>	Section 6 Highways Act 1980	Article 19(1)	Applies to LAs as local highway authorities	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Section 8 Highways Act 1980	Article 19(2)	Applies to LAs as local highway authorities	
Power to make a traffic order re routes for heavy commercial vehicles	Road Traffic Regulation Act 1984 Section 1 And 2(4)	Article 20(1)(a) Article 20(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent
Power to make an experimental traffic order	Road Traffic Regulation Act 1984 Section 9	Article 20(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council
Power to place Pedestrian crossings	Road Traffic Regulation Act 1984 Section 23	Article 21(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to place traffic signs <i>(Power of SoS to direct local authority traffic)</i>	Road Traffic Regulation Act 1984 Section 65	Article 21(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to notify of works likely to affect apparatus in street	Section 83 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to take measures where apparatus affected by major works	Section 84 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Sharing of costs of necessary measures	Section 85 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Sharing the costs of diversionary works between Combined Authority and undertakers	Street Works (Sharing of Costs of Works) (England)	Article 22(1)(b)	Y	Requires the consent of each member of the

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent
	Regulations 2000			Combined Authority appointed by a constituent council.
Preparation of Permit schemes	Section 33 Traffic Management Act 2004	Article 23(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Implementing Permit schemes	Section 33A Traffic Management Act 2004	Article 23(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Varying/ Revoking Permit schemes	Section 36 Traffic Management Act 2004	Article 23(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Permit schemes	Traffic Management Permit Scheme (England) Regs 2007	Article 23(2)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
	Part 3 of 2004 Act	Article 23(4)	Y	N
Enforce bus lane contravention	Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement (England) Regulations 2005	Article 24(3)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Assessments of Economic Conditions				

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent
Duty to prepare economic condition assessment	Section 69 Local Democracy, Economic Development and Construction Act 2009	Article 25(1)	Y*	N
Information Sharing				
Information sharing (crime and disorder)	Section 17A Crime and Disorder Act 1998 ⁴	Articles 26(1) and 26(2)	Y	N

Mayoral Functions

Function	Legislation	Order Reference	Concurrent with LAs	Relevant CA member(s) to consent
Housing, Regeneration and Planning functions				
Power to acquire land	Section 9(2) Housing and Regeneration Act 2008	Article 27(2)(d)	N	<i>Requires the consent of each member of the Combined Authority whose local government area contains any part of the land, or substitute members acting in place of those members.</i>
Power to acquire land for housing development	Section 17(3) Housing Act 1985 - compulsory purchase	Article 27(6)	Y	<i>Requires the consent of each member of the Combined Authority whose local government area contains any part of the land, or substitute members</i>

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

⁴ The Combined Authority is also a relevant authority for the purposes of Section 115 of the Crime and Disorder Act 1998 (disclosure of information).

<i>Function</i>	<i>Legislation</i>	<i>Order Reference</i>	<i>Concurrent with LAs</i>	<i>Relevant CA member(s) to consent</i>
				<i>acting in place of those members.</i>

Mayoral Development Area (MDA) functions				
MDA - designation	Section 197 Localism Act 2011	Article 27(2)(a)	N	Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be designated as a Mayoral development area, or substitute members acting in place of those members; and 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.
MDA - exclusion of land	Section 199 Localism Act 2011	Article 27(2)(a)	N	Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be excluded from a Mayoral development area; or substitute members acting in place of those members.
Planning functions in relation to MDA	Section 202 Localism Act 2011	Article 27(2)(a)	N	Requires consent of each member of the Combined Authority whose local government area contains any part of the area

			<p>to be designated as a Mayoral development area, or substitute members acting in place of those members; and 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.</p>
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