

Part 3

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)

* 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 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)
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	Y*	N	Article 5(2)(i)

* 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
	10 of the Children Act 2004 (which requires authorities to co-operate with each other).			
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)
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)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
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)
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)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
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)
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)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
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)
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)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
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)
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)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
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 Constituent Council Combined Authority Member.	Article 20(1)(c)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
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) Regulations 2000	Sharing the costs of diversionary works between CA and undertakers.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(3)
Section 33 of the Traffic Management Act 2004	Preparation of permit schemes.	Y	Consent of each	Article 23(1)(a)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
			Constituent Council Combined Authority Member.	
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, Adjudication and Enforcement (England) Regs 2005	Enforce bus lane contravention.	Y	Consent of each Constituent Council Combined Authority Member.	Article 24(3)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
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)

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* 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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