

# Part 3

## Section 2.2 - Non-Mayoral Functions Reserved to the Combined Authority<sup>1</sup>

Functions	Relevant Legislation
To amend the Local Transport Plan and related strategies prepared by the Mayor <sup>2</sup>	Sections 108,109 and112 of the Transport Act 2000, and Article 27(8) of the 2021 Order
<p>To approve, amend or revoke any major policy or investment priorities, strategy or plan for the Combined Authority from time to time, including:</p> <ul style="list-style-type: none"><li>• the <b>Adult Education Budget Strategy</b>,</li><li>• the <b>Corporate Plan</b></li><li>• any <b>European funding strategies</b></li><li>• <b>Strategic Economic Framework<sup>3</sup></b>,</li><li>• in respect of the <b>Single Investment Fund</b>,</li><li>• in respect of <b>any fund outside of the Single Investment Fund</b> which relates to Non-Mayoral functions,</li><li>• the <b>Tackling the Climate Emergency Action Plan</b>,</li><li>• the <b>West Yorkshire Investment Strategy</b>, and</li><li>• the <b>West Yorkshire Low Emission Strategy</b></li></ul> <p>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.<sup>4</sup></p>	

<sup>1</sup> 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.

<sup>2</sup> In accordance with the Budget and Policy Procedure Rules in Part 4 of the Constitution.

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

<sup>4</sup> 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 <b>Local Enterprise Partnership Member</b> and substitute member to the Combined Authority.</p> <p>To grant any <b>voting rights</b> 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 <b>committee or officer</b> and to appoint committees.</p>	<p>Sections 101 and Section 102 of the Local Government Act 1972</p>
<p>To appoint one or more <b>overview and scrutiny committees</b> and give any <b>voting rights</b> 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 <b>borrowing, investments or capital expenditure</b>.</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 2003<sup>5</sup></p>
<p>To approve the <b>Combined Authority's budget and the Mayor's budget</b>.</p>	<p>Combined Authorities (Finance) Order 2017</p>
<p>To set a <b>levy</b>.</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>

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

To approve, amend, withdraw or revoke <b>Standing orders</b> . <sup>6</sup>	Schedule 1 of the 2014 Order
To <b>consent to orders</b> relating to the <b>governance and functions of the Combined Authority</b> .	Sections 103 – 113D of the Local Democracy, Economic Development and Construction Act 2009
To <b>consent to regulations</b> relating to a <b>sub-national transport body</b> .	Part 5A of the Local Transport Act 2008
To <b>consent to regulations to levy</b> 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 <b>consent to regulations to borrow</b> .	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 <b>byelaws</b> .	Section 83 of the West Yorkshire Act 1980
To promote or oppose any <b>Bill</b> in Parliament.	Section 239 Local of the Government Act 1972 and s10 of the Transport Act 1968
To make, amend, revoke or replace a <b>Members' Allowances Scheme</b> .	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 <b>Proper Officers</b> .	Section 270(3) of the Local Government Act 1972 (see further Officer Delegation Scheme)

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<sup>6</sup> 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

To designate a <b>Head of Paid Service</b> , and to consider any report of the Head of Paid Service under Section 4 Local Government and Housing Act 1989 <sup>7</sup> .	Section 4 of the Local Government and Housing Act 1989
To designate a <b>Monitoring Officer</b> , and to consider any report of the Monitoring Officer under Section 5 (2) of the Local Government and Housing Act 1989. <sup>8</sup>	Section 5 of the Local Government and Housing Act 1989
To appoint a <b>Chief Finance Officer</b> , 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 <b>appoint, discipline and dismiss</b> any Director <sup>9</sup> .	Section 112 of the Local Government Act 1972
<b>To appoint members of the Combined Authority to outside bodies.</b>	
To adopt, revise or replace a Members' <b>Code of Conduct</b> .	Section 28 of the Localism Act 2011
To appoint at least one <b>independent person</b> .	Section 28(7) of the Localism Act 2011
To <b>make arrangements</b> for investigating and making decisions about <b>allegations of failing to comply with the Members' Code of Conduct</b> .	Section 28(6) of the Localism Act 2011
To adopt, revise or replace the Leeds City Region Assurance Framework <sup>10</sup> .	
The publication of an <b>annual report</b> on the exercise and performance of <b>transport functions</b> .	Section 16 of the Transport Act 1968
Functions relating to <b>road user charging schemes</b> .	Part III Transport Act

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

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

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

<sup>10</sup> Except in so far as specifically delegated to the Head of Legal and Governance Services under this Scheme.

To jointly <sup>11</sup> approve, vary, revoke or postpone <sup>12</sup> an <b>advanced quality partnership scheme</b> .	Part II Transport Act 2000
To jointly <sup>13</sup> make, vary or revoke an <b>enhanced partnership plan</b> and jointly <sup>14</sup> make, postpone or revoke an <b>enhanced partnership scheme</b> .	Part II Transport Act 2000
To jointly <sup>15</sup> approve, vary or revoke an <b>advanced ticketing scheme</b> .	Part II Transport Act 2000
To jointly <sup>16</sup> make, vary or terminate a <b>voluntary partnership agreement</b> .	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 <b>by law</b> be adopted or approved by resolution of the Combined Authority.	

Document version control	
<b>Municipal Year:</b>	2021-22
<b>Version:</b>	1 – 21/22
<b>Document approved by:</b>	The Combined Authority
<b>Date:</b>	24 June 2021
<b>To be of effect from:</b>	24 June 2021

<sup>11</sup> that is, with at least one other local transport authority.

<sup>12</sup> Including postponing any provision of particular facilities, taking of specific measures or provision of particular standards of service.

<sup>13</sup> that is, with at least one other local transport authority.

<sup>14</sup> that is, with at least one other local transport authority.

<sup>15</sup> that is, with at least one other local transport authority.

<sup>16</sup> that is, with at least one other local transport authority.