

# 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 Authority<sup>1</sup>, 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 authorities<sup>2</sup>.

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**.

Section 3.1 sets out an overview of Mayoral Functions.

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<sup>1</sup> Section 101 of the Local Government Act 1972.

<sup>2</sup> In accordance with Section 101(5) of the 1972 Act.

- 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**.<sup>3</sup>
- (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.<sup>4</sup>
- 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**.<sup>5</sup>

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<sup>3</sup> To be approved by the Mayor.

<sup>4</sup> 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).

<sup>5</sup> 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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