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STATUTORY INSTRUMENTS

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**2016 No. 653**

**LOCAL GOVERNMENT, ENGLAND**  
**TRANSPORT, ENGLAND**

**The West Midlands Combined Authority Order 2016**

*Made - - - - 16th June 2016*

*Coming into force in accordance with article 1*

This Order is made in exercise of the powers conferred by section 85 of the Transport Act 1985<sup>(1)</sup> (“the 1985 Act”), sections 84, 91 and 93 of the Local Transport Act 2008<sup>(2)</sup> (“the 2008 Act”) and sections 103 to 105 and 114 to 117 of, and paragraph 3 of Schedule 5A to, the Local Democracy, Economic Development and Construction Act 2009<sup>(3)</sup> (“the 2009 Act”).

The Secretary of State, having had regard to a scheme prepared and published under section 82 of the 2008 Act considers that the making of this Order is likely to improve—

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates, and
- (b) the effectiveness and efficiency of transport in that area.

The Secretary of State has consulted—

- (a) the councils for the area comprised in the West Midlands integrated transport area,
- (b) the West Midlands Integrated Transport Authority,
- (c) the West Midlands Passenger Transport Executive,
- (d) such other persons as the Secretary of State considered appropriate.

The councils for the metropolitan districts whose areas are comprised in the West Midlands integrated transport area have consented to the making of this order.

The Secretary of State, having regard to a scheme prepared and published under section 109 of the 2009 Act, considers that—

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(1) 1985 c 67. Section 85 was amended by paragraphs 18 and 30 of Schedule 4 to the Local Transport Act 2008 (c. 26) and by S.I. 2009/107.

(2) 2008 c 26. Section 91 was amended by paragraphs 112 and 129 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

(3) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1). Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016. Section 105 was amended by sections 6, 9 and 14 of the Cities and Local Government Devolution Act 2016. Section 114 was amended by Schedule 5 to the Cities and Local Government Devolution Act 2016. Section 116 was amended by Schedule 5 to the Cities and Local Government Devolution Act 2016. Section 117 was amended by section 13 of the Localism Act 2011 (c. 20) and Schedule 5 to the Cities and Local Government Devolution Act 2016. Schedule 5A was inserted by section 8 of and Schedule 3 to the Cities and Local Government Devolution Act 2016.

- (a) the making of this Order is likely to improve the exercise of statutory functions in the area to which this Order relates, and
- (b) any consultation required by section 110(2) of the 2009 Act has been carried out.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the 2009 Act.

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

The councils for the local government areas of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton, whose areas are within the area for which the combined authority is to be established consent to the making of this order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 85 of the 1985 Act, section 94 of the 2008 Act and 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 Midlands Combined Authority Order 2016.
- (2) This article and articles 2 and 6 (1) and (2) shall come into force on either—
  - (a) 1st June 2016, or
  - (b) if the Order is made on or after 1st June 2016, on the day after the day on which the Order is made,

and the other provisions of this Order shall come into force immediately afterwards.

#### **Interpretation**

2. In this Order—
  - “the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;
  - “combined area” means the area consisting of the areas of the constituent councils;
  - “the Combined Authority” means the West Midlands Combined Authority as constituted by article 3;
  - “the commencement date” means the date on which this Order comes into force;
  - “constituent councils” means the councils for the local government areas of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton;
  - “enactment” includes subordinate legislation;
  - “the Executive” has the meaning given by article 6(1);
  - “financial year” means the period of 12 months ending with 31st March in any year;
  - “the ITA” means the West Midlands Integrated Transport Authority;

“Local Enterprise Partnership” means the board of—

- (a) the Black Country Local Enterprise Partnership,
- (b) Greater Birmingham and Solihull Local Enterprise Partnership, or
- (c) Coventry and Warwickshire Local Enterprise Partnership; and

“non-constituent council” means the councils for the local government areas of Cannock Chase, Nuneaton and Bedworth, Redditch, Tamworth and Telford and Wrekin.

## PART 2

### Establishment of a combined authority for West Midlands

#### Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and is to be known as the West Midlands Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

#### Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

#### Funding

5.—(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of the functions mentioned in article 10 (economic development and regeneration).

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Statistics Board<sup>(4)</sup>.

(3) For the purposes of paragraph (2) 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 current financial year.

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(4) Section 25 of the Statistics and Registration Service Act 2007 provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (annual abstract of number of births, deaths and marriages).

## PART 3

### Transport

#### Passenger Transport Executive

6.—(1) In this Order “the Executive” means the West Midlands Passenger Transport Executive established by the West Midlands Passenger Transport Area (Designation) Order 1969<sup>(5)</sup>.

(2) The Executive shall be dissolved and all the functions, property, rights and liabilities of the Executive shall be transferred to the ITA.

(3) Subject to article 8(4) and Schedule 2 and to the following provisions of this article, any reference in any enactment (whenever passed or made) to a passenger transport executive is to be treated, in its application to the combined area, as if it were to the Combined Authority.

(4) Paragraph (3) does not apply to the following enactments—

- (a) paragraph 28 of Schedule 1 to the Freedom of Information Act 2000<sup>(6)</sup>;
- (b) Schedule 2 to the Local Government Act 1988<sup>(7)</sup>;
- (c) section 33 of the Railways Act 2005<sup>(8)</sup>;
- (d) sections 95, 96, 97, 104(2) and (3) and 137(5) of the Transport Act 1985; and
- (e) section 162(4) of the Transport Act 2000<sup>(9)</sup>.

(5) The West Midlands Passenger Transport Area (Designation) Order 1969 is revoked.

#### Abolition and transfer of functions

7.—(1) The West Midlands integrated transport area is dissolved and the ITA is abolished.

(2) On the abolition of the ITA—

- (a) its functions, and
- (b) its property, rights and liabilities,

are transferred to the Combined Authority.

#### Adaptation of enactments

8.—(1) This article has effect in consequence of article 7.

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area, or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport authority, or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the Combined Authority.

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(5) S.I. 1969/97.

(6) 2000 c. 36. Paragraph 8 was substituted by paragraph 64 of Schedule 4 to the Local Transport Act 2008.

(7) 1988 c. 9.

(8) 2005 c. 14.

(9) 2000 c. 38. Section 162 was amended by sections 15(6), 26(9), 27(2), 40(2), 77(5) and 131 of, and paragraphs 41, 46(1), (2) (a) and (2)(c) of Part 3 of Schedule 4 to, and Part 2 of Schedule 7 to, the Local Transport Act 2008.

(4) Paragraphs (2) and (3) do not apply to Part 2 of the Transport Act 1968<sup>(10)</sup> which is amended in accordance with Schedule 2.

### Continuity

9.—(1) Nothing in article 6, 7 or 8 affects the validity of anything done by or in relation to the ITA or the Executive before the commencement date.

(2) 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 to the Combined Authority; and
- (b) is in process of being done by or in relation to the ITA or the Executive immediately before the commencement date.

(3) Anything which—

- (a) was made or done by or in relation to the ITA or the Executive 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 the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(4) The Combined Authority shall be substituted for the ITA or, where appropriate, the Executive, 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 the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA or the Executive includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA or the Executive.

(6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988<sup>(11)</sup> and in accordance with the Transport Levying Bodies Regulations 1992<sup>(12)</sup> to the constituent councils in respect of the financial year beginning 1st April 2016 is to have effect for that year as if it had been so issued by the Combined Authority.

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<sup>(10)</sup> 1968 c. 73.

<sup>(11)</sup> Section 74 was amended by paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); paragraph 21 of Schedule 60 to the Local Government (Wales) Act 1994 (c. 19); Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the Greater London Authority Act 1999 (c. 29); paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 (c. 28); paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); paragraphs 1 and 2 of Schedule 7 to the Police Reform and Social Responsibility Act 2011 (c. 13); paragraph 182(a) of Schedule 16 to the Localism Act 2011 (c. 20); section 9(1) (a), (b) and (2) of, and paragraphs 9 and 10 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1); and by S.I. 1994/2825.

<sup>(12)</sup> S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.

## PART 4

### Additional functions

#### Economic development and regeneration functions

**10.**—(1) The functions of the constituent councils set out in Schedule 3 are exercisable by the Combined Authority in relation to its area.

(2) The functions are 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.

#### Incidental provisions

**11.** The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 142(2) of the Local Government Act 1972(**13**) (power to arrange for publication of information etc. relating to the functions of the authority); and
- (b) section 222 of the Local Government Act 1972(**14**) (power to prosecute and defend legal proceedings).

**12.**—(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(**15**) (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to “that area” were a reference to the combined area.

**13.** Section 13 of the Local Government and Housing Act 1989(**16**) (voting rights of members of certain committees) has effect as if—

- (a) in subsection (4) after paragraph (h) there were inserted—
  - “(ha) subject to subsection (4ZA), a committee appointed by the West Midlands Combined Authority;”;
- (b) after subsection (4) there were inserted—
  - “(4ZA) A person who is a member of a committee falling within paragraph (ha) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person—

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**(13)** Section 142 was amended by the Local Government Act 1986 (c. 10), section 3(1)(a); there are other amendments which are not relevant to this instrument.

**(14)** To which there are amendments not relevant to this instrument.

**(15)** 1985 c. 51.

**(16)** 1989 c. 42. Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates’ Courts Act 1994 (c. 29); by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; and by S.I. 2010/1158. by the Public Service Pensions Act 2013 (c. 25) Schedule 8 paragraph 15; by S.I. 2001/1517; and by S.I. 2010/1158.

- (a) is a member of one of the constituent councils as defined by article 2 of the West Midlands Combined Authority Order 2016; or
- (b) is given voting rights by resolution of the West Midlands Combined Authority in accordance with paragraph 4(4) of Schedule 1 to that Order.”.

**14.** Regulation 64 of the Local Government Pension Scheme Regulations 2013<sup>(17)</sup> (special circumstances where revised actuarial valuations and certificates must be obtained) shall have effect as if after paragraph (8) there were inserted—

“(8A) Paragraph (8B) applies where the existing employer is the West Midlands Integrated Transport Authority (“the ITA”) and the liabilities of the fund in respect of benefits due to the ITA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the West Midlands Combined Authority as a result of the establishment of the combined authority by article 3(1) of the West Midlands Combined Authority Order 2016.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

**15.—**(1) The Local Government Pension Scheme Regulations 2013 is amended as follows.

(2) In paragraph 1(z) of Part 1 of Schedule 3 (pension funds) for “West Midlands Integrated Transport Authority” substitute “West Midlands Combined Authority”.

(3) In Part 2 of Schedule 3 in the table insert at the end—

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“An employee of the West Midlands Combined Authority established by the West Midlands  
Wolverhampton City Council”  
Authority established by the West Midlands  
Combined Authority Order 2016

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Signed by the Secretary of State for Communities and Local Government

*Greg Clark*  
Secretary of State  
Department for Communities and Local  
Government

16th June 2016

SCHEDULE 1

Article 4

Constitution

**Membership**

1.—(1) The Combined Authority shall comprise twenty two members as provided for in the following sub-paragraphs.

(2) Each constituent council must appoint two of its elected members to be members of the Combined Authority.

(3) Each non-constituent council must appoint one of its elected members to be a member of the Combined Authority.

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

(5) Each non-constituent council must appoint another one of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (3) (“the substitute member”).

(6) Each Local Enterprise Partnership must nominate one of its members to be a member of the Combined Authority.

(7) Each Local Enterprise Partnership must nominate one of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (6) (“the substitute member”).

(8) The Combined Authority must appoint the members nominated by the Local Enterprise Partnerships under sub-paragraph (6) as members of the Combined Authority.

(9) The Combined Authority must appoint the other member nominated by each Local Enterprise Partnership under sub-paragraph (7) to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (8).

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

- (a) the constituent council or non-constituent council that appointed them; or
- (b) 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 that appointed them or, as the case may be, the chairman or vice-chairman of the Local Enterprise Partnership that nominated them, and the resignation takes effect on receipt of the notice by the proper officer of the council or chairman or a vice-chairman 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 must, 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 that made the nomination 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 must appoint a member nominated under sub-paragraph (12)(b) at the next ordinary meeting of the Combined Authority.



(14) A constituent council or 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 one of its elected members in that person's place.

(15) Where a constituent council or non-constituent council exercises its power under sub-paragraph (14), it must 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.

(16) A 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.

(17) Where a Local Enterprise Partnership exercises its power under sub-paragraph (16), it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(18) The Combined Authority must appoint a member nominated under sub-paragraph (17) 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.

(19) 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) The Combined Authority must in each year appoint a chairman and one or more vice-chairmen from among its members and the appointments are to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.

(2) A person ceases to be chairman or a 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, a decision on a question relating to any matter to be decided by the Combined Authority requires both—

- (a) a majority of at least two-thirds of the members appointed by the constituent councils and substitute members, acting in place of those members, present and voting on that question at a meeting of the Combined Authority, and
- (b) where members appointed by the non-constituent councils or appointed from the Local Enterprise Partnerships have been given voting rights by resolution of the Combined Authority, a simple majority of all members entitled to vote on the question to be decided (including substitute members acting in place of those members) present and voting on that question at a meeting of the Combined Authority.

(2) No business is to be transacted at a meeting of the Combined Authority unless at least five members, or substitute members, appointed by at least five of the constituent councils are present at the meeting.

(3) 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.

(4) Members appointed by the non-constituent councils or appointed from the Local Enterprise Partnerships shall be non-voting members of the Combined Authority but may be given voting rights by resolution of the Combined Authority.

(5) A decision on a question relating to any of the matters specified in sub-paragraph (6) requires both—

- (a) a unanimous vote in favour by all members appointed by the constituent councils, or substitute members, acting in place of those members, present and voting on that question to be carried at a meeting of the Combined Authority, and
- (b) where members appointed by the non-constituent councils or appointed from the Local Enterprise Partnerships have been given voting rights by resolution of the Combined Authority, a simple majority of all members of the combined authority who are entitled to vote on the question to be decided (including substitute members, acting in place of those members) present and voting on that question at a meeting of the Combined Authority.

(6) The matters referred to in paragraph (5) are—

- (a) approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority;
- (b) the conferral of further functions on the Combined Authority by the Secretary of State under sections 105 or 105A of the 2009 Act;
- (c) voting rights for members of the Combined Authority appointed otherwise than from among the elected members of the constituent councils;
- (d) the exercise of its functions in accordance with section 113A of the 2009 Act<sup>(18)</sup>;
- (e) amendments to the standing orders of the Combined Authority; and
- (f) such other plans and strategies as may be determined by the Combined Authority and set out in its standing orders.

(7) For the purposes of sub-paragraphs (1)(b) and (5)(b), if a vote is tied on any matter it is deemed not to have been carried.

(8) The proceedings of the Combined Authority are not 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 must appoint at least one member from each of the constituent councils and the non-constituent councils to the overview and scrutiny committee appointed by the Combined Authority.

(2) No business is to be transacted at a meeting of the overview and scrutiny committee unless at least five members appointed from at least five of the constituent councils, or substitute members acting in place of those members, are present at the meeting.

(3) Each member of the overview and scrutiny committee appointed from the constituent councils is to have one vote and no member is to have a casting vote.

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

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<sup>(18)</sup> Section 113A was inserted by section 13 of the Localism Act 2011.

(5) The Combined Authority must appoint an appropriate person<sup>(19)</sup> who is a member of one of the constituent councils to be the chairman of the overview and scrutiny committee appointed by the Combined Authority

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

(7) Where an overview and scrutiny committee appointed by the Combined Authority makes a report or recommendation under paragraph 1(2)(b) of Schedule 5A of the 2009 Act the committee may—

- (a) publish the report or recommendations;
- (b) by notice in writing require the Combined Authority to—
  - (i) consider the report or recommendations;
  - (ii) respond to the overview and scrutiny committee indicating what (if any) action the Combined Authority proposes to take; and
  - (iii) if the overview and scrutiny committee has published the report or recommendations under paragraph (a), publish the response.

(8) A notice served under sub-paragraph (7)(b) must require the Combined Authority to comply with it within two months beginning with the date on which the Combined Authority received the reports or recommendations or (if later) the notice.

(9) The Combined Authority must comply with a notice given under sub-paragraph (7)(b).

(10) Sub-paragraphs (7)(a) and (9) are subject to section 9FG of the Local Government Act 2000<sup>(20)</sup> and to any provision made under section 9GA(8) and the Combined Authority is to be treated as a local authority for these purposes.

(11) An overview and scrutiny committee appointed under this article must consist of a majority of members from the combined authority's constituent councils

## 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) is to be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, 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.

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<sup>(19)</sup> See paragraph 3(5) of Schedule 5A to the Local Democracy, Economic Development and Construction 2009 Act for the meaning of "appropriate person".

<sup>(20)</sup> 2000 c. 22. Sections 9FG and 9GA were inserted by section 21 of and Schedule 2 to the Localism Act 2011 (c. 20).

## 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.

## Remuneration

7. No remuneration is payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

## SCHEDULE 2

Article 8(4)

### Amendment of Part 2 of the Transport Act 1968

1. The Transport Act 1968 is amended as follows.
  - 2.—(1) Section 9(21) (areas, authorities and executives) is amended as follows.
    - (2) In subsection (1)(c), after sub-paragraph (ia) insert—
 

“(iaa) in relation to the area of the West Midlands Combined Authority, that Authority;”.
    - (3) In subsection (6A), for “the West Yorkshire Combined Authority” substitute “each of the authorities within subsection (6B)”.
    - (4) After subsection (6A) insert—
 

“(6B) The authorities referred to in subsection (6A) are—

      - (a) the West Yorkshire Combined Authority;
      - (b) the West Midlands Combined Authority.”.
  - 3.—(1) Section 9A(22) (general functions of Authorities and Executives) is amended as follows.
    - (2) In subsection (12) for “the West Yorkshire Combined Authority” substitute “each of the authorities within subsection (13)”.
    - (3) After subsection (12) insert—
 

“(13) The authorities referred to in subsection (12) are—

      - (a) the West Yorkshire Combined Authority;
      - (b) the West Midlands Combined Authority.”.
  - 4.—(1) Section 10(23) (general powers of the Executive) is amended as follows.

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(21) Section 9 was amended by paragraph 1 of Schedule 18 to the Local Government (Scotland) Act 1973 (c. 65); by sections 57 and 58 of, paragraph 3 of Schedule 3 to and Schedule 8 to the Transport Act 1985; by paragraph 80 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39); by section 49 and Schedule 8 to the Deregulation Act 2015 (c. 20) and in relation to England and Wales only by section 98 of, paragraph 2 of Schedule 4 to and Part 4 of Schedule 7 to the Local Transport Act 2008 (c. 26) and by S.I. 2011/908, S.I. 2014/864 and by S.I. 2014/866.

(22) Section 9A was inserted by section 57 of the Transport Act 1985 and amended by sections 161 and 274 of and paragraph 3 of Schedule 11 to and paragraph 1 of Schedule 31 to the Transport Act 2000 (c. 38), sections 10, 67, 77 and 131 of and paragraph 3 of Schedule 4 and paragraph 1 of Schedule 7 to the Local Transport Act 2008 and by S.I. 2014/866.

(23) Section 10 was amended by section 34 of and paragraph 18 of Schedule 4 to the Acquisition of Land Act 1981 (c. 67), sections 57 and 139 of and paragraphs 2 and 4 of Schedule 3 to and paragraph 7 of Schedule 7 to the Transport Act 1985, section 252 of and paragraph 3 of Schedule 27 to the Local Transport Act 2000, section 59 of and paragraph 1 of Schedule 13 to the Railways Act 2005 (c. 14), sections 77 and 131 of and paragraph 4 of Schedule 4 to and paragraph 1 of Schedule 7 to the Local Transport Act 2008, section 12 of the Localism Act 2011 (c. 20) and by section 49 of and paragraphs 2 and 3 of Schedule 8 to the Deregulation Act 2015 and by S.I. 2014/864 and by S.I. 2014/866

(2) In subsection (10) for “the West Yorkshire Combined Authority” substitute “each of the authorities within subsection (11)”.

(3) After subsection (10) insert—

“(11) The authorities referred to in subsection (10) are—

- (a) the West Yorkshire Combined Authority;
- (b) the West Midlands Combined Authority.”

**5.—(1)** Section 11(**24**) (financial duty of Executive) is amended as follows.

(2) In subsection (3B) for “the West Yorkshire Combined Authority” substitute “each of the authorities within subsection (3C)”.

(3) After subsection (3B) insert—

“(3C) The authorities referred to in subsection (3B) are—

- (a) the West Yorkshire Combined Authority;
- (b) the West Midlands Combined Authority.”

**6.** In section 12(**25**) (borrowing powers of Executive), for subsection (8) substitute—

“(8) This section does not apply to—

- (a) the West Yorkshire Combined Authority, or
- (b) the West Midlands Combined Authority.”

**7.** In section 13(**26**) (power to make grants) for subsection (2) substitute—

“(2) This section does not apply to—

- (a) the West Yorkshire Combined Authority, or
- (b) the West Midlands Combined Authority.”

**8.** In section 14(**27**) (accounts of Executive), for subsection (4) substitute—

“(4) This section does not apply to—

- (a) the West Yorkshire Combined Authority, or
- (b) the West Midlands Combined Authority.”

**9.** In section 15(**28**) (further functions of Authority), for subsection (8) substitute—

“(8) This section does not apply to—

- (a) the West Yorkshire Combined Authority, or
- (b) the West Midlands Combined Authority.”

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(24) Section 11 was amended by section 202 of and paragraph 2 of Schedule 24 to the Local Government Act 1972 (c. 70), sections 57 and 139 of and paragraph 5 of Schedule 3 to and paragraph 5 of Schedule 8 to the Transport Act 1985 and by S.I. 2014/864.

(25) Section 12 was amended by sections 57 and 139 of and paragraphs 2 and 6 of Schedule 3 to and paragraph 6 of Schedule 8 to the Transport Act 1985, section 194 of and paragraph 16 of Schedule 11 to and Part 1 of Schedule 12 to the Local Government and Housing Act 1989 (c. 42), section 4 of and Part 1 of Schedule 2 to the Government Trading Act 1990 (c. 30), section 77 of and paragraph 5 of Schedule 4 to the Local Transport Act 2008 and by S.I. 1991/761, S.I. 2014/864 and by S.I. 2014/866.

(26) Section 13 was amended by section 57 of and paragraph 7 of Schedule 3 to the Transport Act 1985 and by S.I. 2014/864.

(27) Section 14 was amended by section 38 of and Part 4 of Schedule 6 to the Local Government Finance Act 1982 (c. 32), section 57 of and paragraph 2 of Schedule 3 to the Transport Act 1985, section 77 of and paragraph 6 of Schedule 4 to the Local Transport Act 2008, section 45 of and paragraph 3 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2) and by S.I. 1991/1997, S.I. 2008/948, S.I. 2014/864 and S.I. 2014/866.

(28) Section 15 was amended by section 202 of and paragraph 5 of Schedule 24 to the Local Government Act 1972, section 42 of and Schedule 8 to the Local Government Act 1974 (c. 7), sections 57 and 139 of and paragraph 2 of Schedule 3 to, paragraph 8 of Schedule 7 to and paragraph 10 of Schedule 8 to the Transport Act 1985, section 252 of and paragraph 4 of Schedule 27 to the Transport Act 2000 (c. 38), section 59 of and paragraph 1 of Schedule 13 to the Railways Act 2005, section 77 of and paragraph 7 of Schedule 4 to the Local Transport Act 2008 and by S.I. 2014/864 and S.I. 2014/866.

**10.** In section 15A(29) (additional provisions as to control of Executive by Authority), for subsection (4) substitute—

- “(4) This section does not apply to—
- (a) the West Yorkshire Combined Authority, or
  - (b) the West Midlands Combined Authority.”.

**11.—**(1) Section 16(30) (publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities) is amended as follows.

(2) In subsection (2A)—

- (a) for “the West Yorkshire Combined Authority” substitute “each of the authorities within subsection (2B)”, and
- (b) for “subsection (2)” substitute “subsection (1)”.

(3) After subsection (2A) insert—

- “(2B) The authorities referred to in subsection (2A) are—
- (a) the West Yorkshire Combined Authority, and
  - (b) the West Midlands Combined Authority.”.

### SCHEDULE 3

Article 10

#### Economic development and regeneration functions

**1.** The functions of the constituent councils under section 1 of the Localism Act 2011(31) to the extent that those functions are exercisable for the purpose of economic development and regeneration.

**2.** The power under section 144 of the Local Government Act 1972(32) (the power to encourage visitors and provide conference and other facilities).

**3.** The duties under sections 15ZA, 15ZB, 15ZC, 17A and 18A(1)(b) of the Education Act 1996(33) and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).

**4.** The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

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(29) Section 15A was inserted by section 202 of and paragraph 4 of Schedule 24 to the Local Government Act 1972 and amended by sections 57 and 139 of and paragraph 11 of Schedule 3 to and Schedule 8 to the Transport Act 1985 and by [S.I. 2014/864](#).

(30) Section 16 was amended by section 202 of and paragraph 6 of Schedule 24 to the Local Government Act 1972, section 42 of and Schedule 8 to the Local Government Act 1974, sections 57 and 139 of and paragraph 12 of Schedule 3 to and paragraph 9 of Schedule 7 to the Transport Act 1985, section 77 of and paragraph 8 of Schedule 4 to the Local Transport Act 2008, section 49 of and paragraph 9 of Schedule 8 to the Deregulation Act 2015 and by [S.I. 2014/864](#) and [S.I. 2014/866](#).

(31) [2011 c.20](#).

(32) Section 144 was amended by section 81 of and Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 ([c. 57](#)); by section 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 ([c. 65](#)); and by sections 1 and 102 of and Schedule 17 to the Local Government Act 1985 ([c. 51](#)). There are other amendments which are not relevant to this instrument.

(33) [1996 c.56](#). Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by the Apprenticeships, Skills, Children and Learning Act 2009 ([c. 22](#)), sections 41, 42, 45 to 48 and by [S.I. 2010/1158](#). Section 15ZA was amended by paragraph 5 of Schedule 3(1) to the Children and Families Act 2014 ([c. 6](#)), by paragraph 44 of Schedule 14(2) to the Deregulation Act ([c. 20](#)) and by [S.I. 2015/1852](#). Section 15ZC was amended by [S.I. 2015/1852](#). Section 18A was also amended by the Education Act 2011 ([c. 21](#)), sections 30 and 82 and by paragraph 8 of Schedule 3(1) to the Children and Families Act 2014. Section 514A was amended by paragraph 50 of Schedule 3(1) to the Children and Families Act 2014. Section 560A was amended by paragraph 54 of Schedule 3(1) to the Children and Families Act 2014.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order establishes the West Midlands 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.

The Secretary of State may establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This Order has been made following the publication of such a scheme on 26th October 2015 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at: <https://westmidlandscombinedauthority.org.uk/media/1047/26-october-2015-appendix-1-west-midlands-combined-authority-scheme.pdf>.

Part 2 of the Order establishes the new authority, to be known as the West Midlands Combined Authority, and makes provision for its constitution and funding.

Article 4 of and Schedule 1 to the Order make provision for the constitution of the West Midlands Combined Authority. This is supplemental to the provision that is made by Part 1A of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

Article 5 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority.

Part 3 concerns the transport functions of the Combined Authority. Article 6 provides for the dissolution of the West Midlands Passenger Transport Executive and its merger into the West Midlands Integrated Transport Authority. Article 7 abolishes the West Midlands integrated transport area and its integrated transport authority and transfers all functions, rights and liabilities to the Combined Authority. Article 8 and Schedule 2 make consequential adaptations to enactments. Article 8 also makes general modifications to Acts referring to passenger transport executives and disapplies specified Acts. Article 9 provides for continuity in the exercise of functions as between the abolished Integrated Transport Authority and Passenger Transport Executive and the Combined Authority.

Part 4 confers additional functions on the West Midlands Combined Authority.

Article 10 confers functions of the constituent councils relating to economic development and regeneration. These are set out in Schedule 3 to the Order and are to be exercised concurrently with the constituent councils.

Articles 11 to 15 make some general, incidental provisions relating to the West Midlands Combined Authority to enable it to carry out its functions effectively.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business or the voluntary sector.